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4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
5 PALM BEACH COUNTY, FLORIDA, REPEALING THE UNIFIED LAND
6 DEVELOPMENT CODE, ORDINANCE 92-20, AS AMENDED, EXCEPT
7 FOR ARTICLES 10 AND 16; ADOPTING A NEW UNIFIED LAND
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10 THE CODE; CHAPTER C – RULES OF CONSTRUCTION &
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WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code, Ordinance 92-20, as amended from time to time; and

WHEREAS, the BCC desires to further amend, consolidate, reorganize, and recodify the Unified Land Development Code and to replace it with a newly codified Unified Land Development Code; and

WHEREAS, the Unified Land Development Code as amended, consolidated, reordered and recodified has been found consistent with the Palm Beach County Comprehensive Plan by the Land Development Regulation Commission; and

WHEREAS, the County has received extensive public participation and input regarding the Code through the Citizen's Task Force; and

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

1 **WHEREAS**, public hearings have been held by the Board of Palm Beach
2 County Commissioners consistent with the requirements set forth in Section 125.66,
3 Florida Statutes.

4 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
5 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:**

6 **Part I. Adoption of the Unified Land Development Code**

7 The original Unified Land Development Code of Palm Beach County, as
8 adopted in Ordinance 92-20 and amended from time to time, is hereby repealed,
9 except for Article 10, Impact Fees, and Article 16, Health Regulations; and the new
10 Unified Land Development Code, consisting of eighteen (18) articles, which
11 amends, consolidates, reorders and recodifies provisions of the original Unified
12 Land Development Code, including changes made to the adoption draft of this
13 Ordinance at the Public Hearing, is hereby adopted as set forth in Exhibit 1,
14 attached hereto and made a part hereof.

15 **Part II. Providing for Repeal of Laws in Conflict**

16 All local laws and ordinances in conflict with any provisions of this Ordinance
17 are hereby repealed to the extent of such conflict, except for Article 10, Impact
18 Fees, and Article 16, Health Regulations, as adopted in Ordinance 92-20, and
19 amended from time to time.

20 **Part III. Severability**

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

25 **Part IV. Providing for a Savings Clause**

26 All development orders, permits, enforcement orders, ongoing enforcement
27 actions, and all other actions of the Board of County Commissioners, the Zoning
28 Commission, the Development Review Committee, Enforcement Boards, all other
29 County decision-making and advisory boards, Special Masters, Hearing Officers,
30 and all other County Officials, issued pursuant to the procedures established by
31 prior Palm Beach County land development regulations, shall remain in full force
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1 and effect. Each individual appointed to a decision-making body, or as a Special
2 Master, pursuant to the procedures set forth in prior Palm Beach County land
3 development regulations, and now codified in Article 17.C. (Exhibit 1) by operation
4 of this Ordinance, shall serve for the remainder of his or her term; except for
5 members of the Citizens Task Force and the Impact Fee Review Committee, whose
6 terms will conclude upon the effective date of this Ordinance.

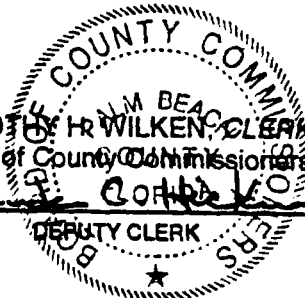
7 **Part V. Captions**

8
9 All headings of articles, sections, paragraphs, and sub-paragraphs used in
10 this Ordinance are intended for the convenience of usage only and have no effect
11 on the interpretations of the provisions of this Ordinance and may be renumbered or
12 relettered to effectuate the codification of this Ordinance.

13 **Part VI. Providing for an Effective Date**

14 The provisions of this Ordinance shall become effective upon filing with the
15 Department of State.

16
17 APPROVED and ADOPTED by the Board of County Commissioners of Palm
18 Beach County, Florida, on this the 4 day of December, 2003.

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21  DOROTHY H. WILKEN, CLERK
22 Board of County Commissioners
23 By [Signature]
24 DEPUTY CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
By: [Signature]
Karen T. Marcus, Chair

26
27 APPROVED AS TO FORM AND
28 LEGAL SUFFICIENCY

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31 By: [Signature]
32 County Attorney

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36 EFFECTIVE DATE: Filed with the Department of State on the 12 day of
37 December, 2003.

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GENERAL PROVISIONS

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ARTICLE 1

GENERAL PROVISIONS

CHAPTER A AUTHORITY

Section 1 General

A. Title and Citation

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

1. Amendments

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

B. Authority

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

C. Intent

1. Implementation of the Plan

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

2. Consistent Regulations

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

3. Efficient and Effective Regulations

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

4. Preserve and Enhance

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

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

1. Issuance

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

a. Exceptions

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

2. Revocation

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

3. Suspension

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

Section 2 Applicability

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

Section 3 Definitions

In addition to the definitions set forth under [Article 18, DEFINITIONS](#), the following definitions shall apply to this Article:

Abandon - Art. 18, Definitions.

Building, Principal - Art. 18, Definitions.

Conforming - Art. 18, Definitions.

Eminent Domain Proceeding - A formal court initiated civil action to acquire fee simple, easement, or R-O-W interest in land for governmental purposes, or a voluntary conveyance of such in lieu of formal court initiated action.

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

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

Non-Conforming Use, Major - Art. 18, Definitions.

Non-Conforming Use, Minor - Art. 18, Definitions.

Non-Conformities - uses of land, structures, lots and property development regulations and site development standards that were lawfully established before this Code was adopted or amended, that are not in conformity with the terms and requirements of this Code.

Restoration - return to a former, normal or unimpaired condition. A reconstruction of the original form or structure.

Structure, Principal- Art. 18, Definitions.

Value- the most recent PBC Property Appraiser's assessed value of the structure.

CHAPTER B INTERPRETATION OF THE CODE

Section 1 Interpretations

A. Authority

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

B. Initiation

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

C. Procedures

1. Submission of Request for Interpretation

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

2. Determination of Sufficiency

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

a. Insufficient

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

b. Sufficient

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

3. Rendering of Interpretation

Within 15 working days after the Request for Interpretation has been determined sufficient, the PBC official responsible for rendering the interpretation shall review and evaluate the request in light of the Plan, this Code, the Official Zoning Map, and consultation with the County Attorney, and render an interpretation.

D. Form

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

E. Appeal

1. Initiation

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

2. Public Hearing

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

3. Standard of Review

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

F. Official Record

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

Section 2 Assistance by Staff

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

CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

Section 1 Rules of Construction

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

A. General

1. The rules and definitions set out in this Section shall not be applied to any express provision, which are specifically excluded. This Code shall be liberally construed in order that the intent of the Plan may be fully carried out. In cases of conflict, the Plan shall prevail to the extent of the conflict. Terms used in this Code, unless otherwise stated, shall have the meanings prescribed by the statutes of the State of Florida for the same terms.
2. The interpretation and application of any provision in this Code shall be the minimum required to promote the public health, safety, comfort, convenience and general welfare. Where interpretation and application of any provision in this Code imposes greater restrictions upon the subject matter than a general provision imposed by the Plan or other provision in this Code, the provision imposing the greater restriction shall control.

Affected Area

Use of the term "affected area" shall refer to that portion of a project which is the subject of a development permit, development order, or a modification, including all aspects and peripheral areas.

And

All cases apply.

Building or Structure

Use of terms "building" or "structure" shall refer to the classification of the subject building or structure in the Florida Building Code.

Common Words and Punctuation

Common words, phrases and punctuation shall be construed and understood according to the common and approved use of the English language. Common words shall have the meaning assigned to them in the latest edition of an English dictionary unless otherwise defined in this Code.

Computation of Time

The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by PBC, that day shall also be excluded.

Day

A working weekday unless otherwise stated or used in reference to a violation.

Violations shall be calculated on calendar days.

Delegation of Authority

If the head of a Department, Division or other PBC official or employee is required to do some act or perform some duty, it shall be construed to authorize the head of the Department, Division, or other official or employee to designate, delegate and authorize professional-level subordinates to perform the required act or duty on their behalf, unless the terms of the Provision or Section specify otherwise.

Gender

Words implying the masculine gender shall be construed to include the feminine and neuter genders.

Headings

Headings of Articles, Chapters, Sections, and Subsections shall not be construed as the sole meaning or intent of the underlying regulation or standards.

Include/Such As

Use of the word "include", "includes", or "including" or terms "such as" shall not limit a term to the specified examples, but shall extend its meaning to all other instances or circumstances of like kind or character.

May

Permissive.

Month

A calendar month.

Must

Mandatory.

Number

A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing. The use of a plural number shall be deemed to include any single person or thing.

Or

Either or both cases apply.

Project

Use of the term "project" shall refer to the entire development referenced or implied in the regulation, standard or definition.

References

Reference to the F.S., the F.A.C., and the Code of Federal Regulations refer to citations published in 2003 as may be amended.

Shall

Mandatory.

Technical Words and Undefined Terms

Technical words and undefined terms, phrases, terms of art, vernacular, and the use of words which have acquired a peculiar and appropriate meaning and which are not defined in this Code shall be construed and understood according to such meaning.

Tense

Words used in the past or present tense shall also include the future tense and conversely.

Terms Found in the Plan

Terms not found in this Code, but found in the Plan, shall have the meaning given in the Plan.

Text

In case of any difference of meaning between the text of this Code and any figure, graphic or table, the text shall control.

Use Type

Use of the term "use type" shall refer to the general classification of uses indicated in Table 4.A.3.A-1, Standard Zoning Use Matrix, Table 3.E.1.B-10, PDD Use Matrix, and Table 3.F.1.I-32, Traditional Development Permitted Use Schedule. Uses listed in Table 4.A.3.A-1, Standard Zoning Use Matrix, and Table 3.E.1.B-10, PDD Use Matrix, shall be considered distinct and separate uses from one another, unless otherwise stated.

Week

Seven calendar days.

Written

Any representation of words, letters or figures whether by printing or other form of writing.

Year

A calendar year, unless otherwise indicated.

Section 2 District Boundaries

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

A. Bisecting Lines

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

B. Center Lines

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

C. Excluded Areas

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

D. Lot, Section and Tract Lines

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

E. Parallel Lines

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

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

2. On Parallel Lots, Acreage or Tracts.

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

F. Political Boundaries

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

G. Railroad Lines

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

H. Shorelines

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

I. Street Abandonment

Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the land to which it reverted shall apply.

Section 3 Special Provisions for Lots Divided by District Boundaries

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

A. Use Regulations

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

B. Property Development Regulations (PDRs)

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

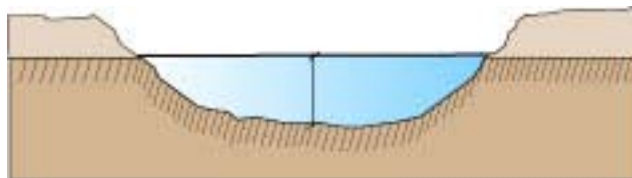
Section 4 Measurement

Distance requirements between a proposed use and another use shall require the spatial separation to be measured between the proposed and the other use within the unincorporated PBC and, if applicable, other jurisdictions, including municipalities and other counties. If a conflict exists between this Section and another Section, the definition in Art. 18, Definitions, shall apply.

A. Depth

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

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



B. Distance

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

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

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

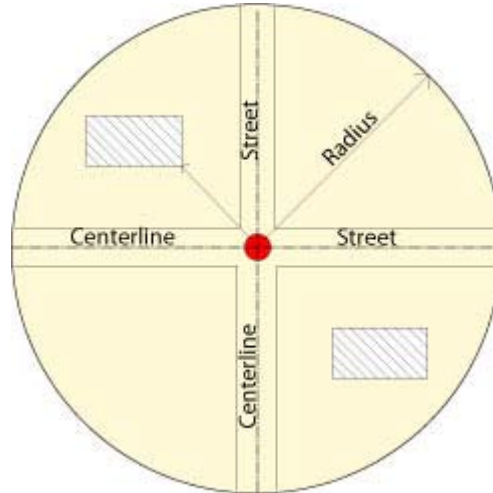
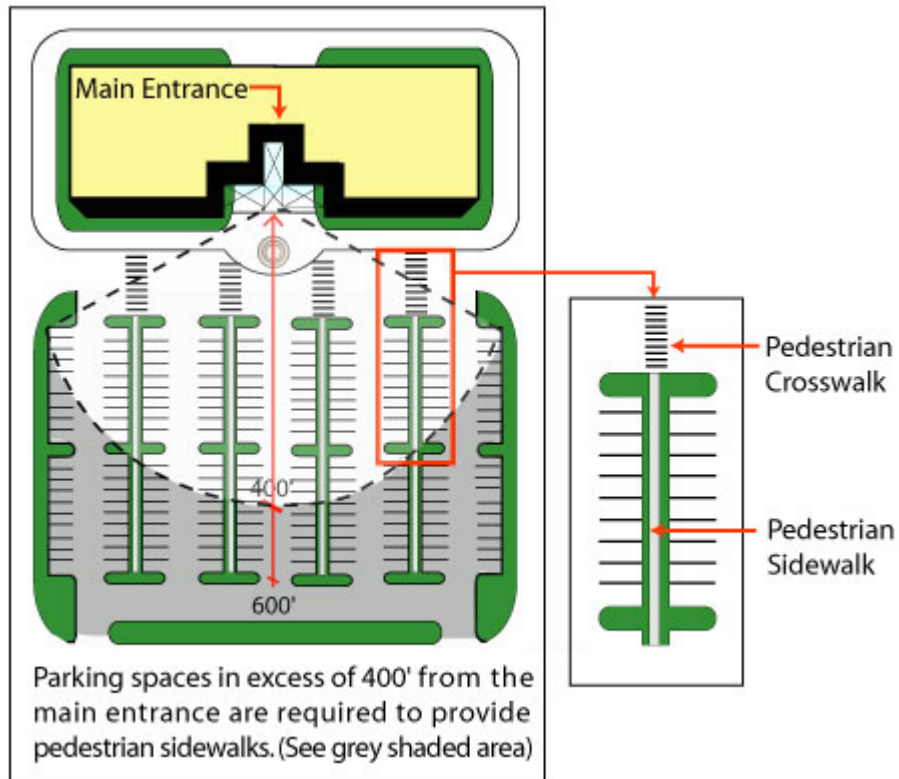


Figure 1.C.4.A-3-Typical Example of Measurement of Distance to a Specific Site Element (Parking Space),



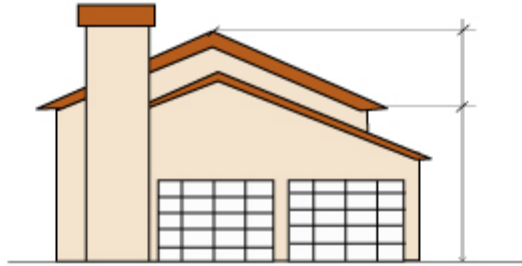
C. Height

From finished grade to highest point or peak of roof.

1. Building Height

Refer to definitions of building height in Art. 18.A.2, Definitions.

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

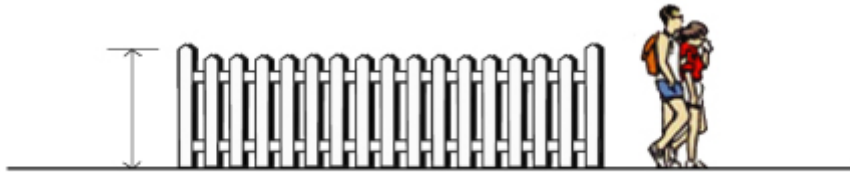


Building Height varies on type of roof as defined in Art. 18.A.2, Definitions.

2. Fence/Wall Height

Refer to Art. 5.B.1.A.2.a, Height

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



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

3. Hedge Height

Refer to Art. 7.D.3.B, Hedges

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



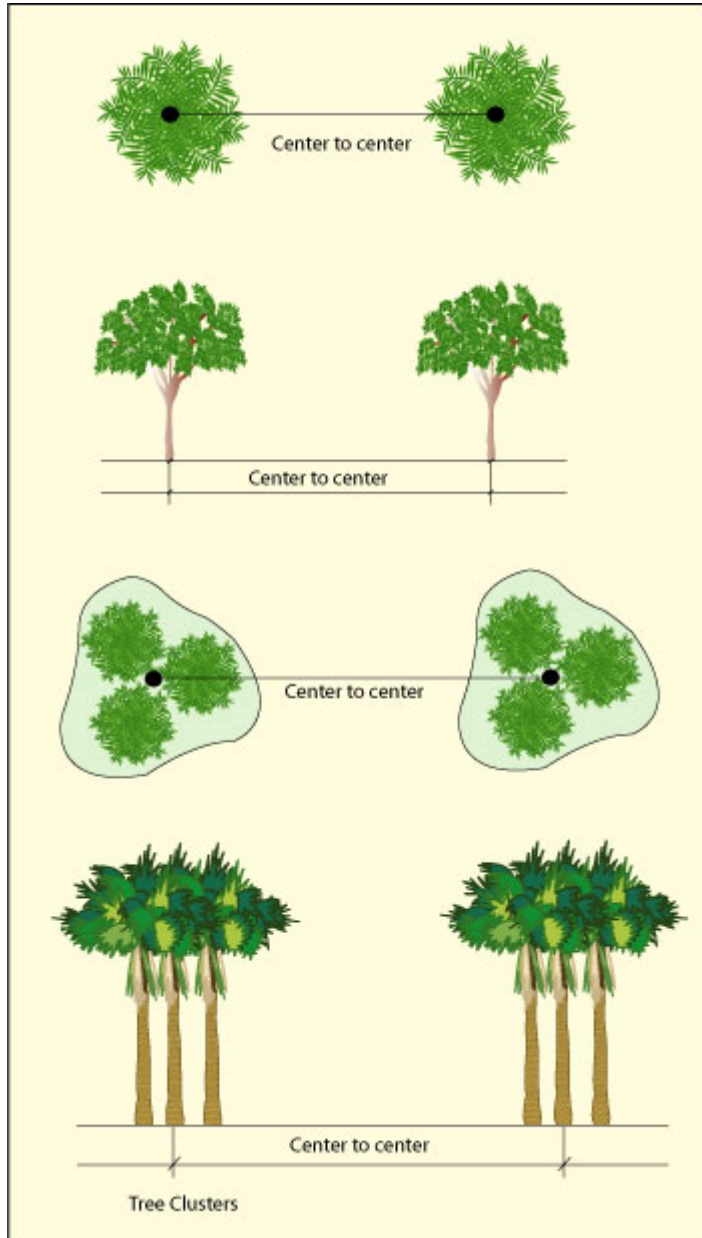
The height of a hedge shall be measured in accordance with Art. 7. D.3.B, Hedges.

D. On Center

By drawing a straight line between:

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

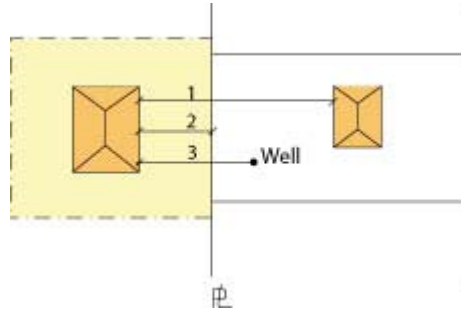
Figure 1.C.4.A-7- Typical Example of Measurement from Centerline



E. Separation from A Structure

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

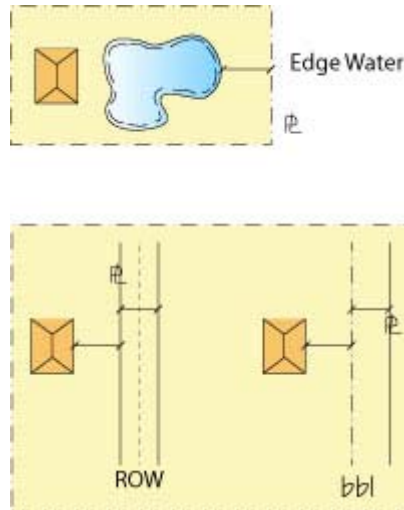
Figure 1.C.4.A-8-Typical Example of Measurement of Separation from Structure



F. Separation from A Property Line

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

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



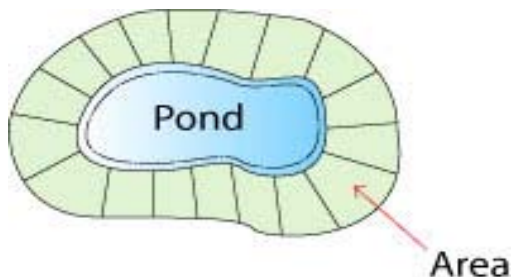
G. Sound

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

H. Surface Area

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

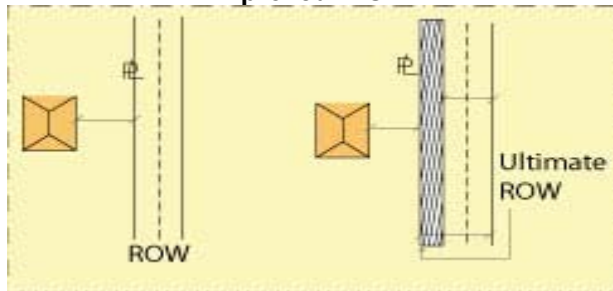
Figure 1.C.4.A-10-Typical Examples of Measurement for Surface Area



I. R-O-W, Improved

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

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



J. R-O-W Unimproved

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

CHAPTER D IMPLEMENTATION

Section 1 Minimum Requirements

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

Section 2 Effective Date

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

CHAPTER E PRIOR APPROVALS

Section 1 General

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

A. Invalid Approvals

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

B. Applications Filed Prior to Effective Date

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

C. Previous Approvals

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

1. Modifications to Previous Approvals

Modifications to previous approvals shall comply with this Code to the extent possible for the affected area. All other requirements of this Code shall apply.

a. Unbuilt Projects

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

b. Built Projects

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

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

2. Structural Renovations

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

3. Parking Lot Alterations or Additions

Alterations or additions to vehicular use areas shall comply with Art. 6, Parking, Art. 7, Landscaping, and Art. 8.G.2.A, Freestanding Signs, for the affected area.

4. Sign Renovations or Additions

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

5. Landscaping

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

D. Standards No Longer Applicable

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

CHAPTER F NONCONFORMITIES

Section 1 Purpose and Intent

To regulate and limit the continued existence of uses, structures and lots, which do not conform to the provisions of this Code, and, where possible, bring them into conformance with this Code.

Section 2 Nonconforming Use

A. Major and Minor Use

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

1. Major

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

2. Minor

- a. Legally established.
- b. Located in a district in which it is now prohibited, or is inconsistent with physical or permit

requirements.

c. Does not create incompatibilities injurious to public welfare.

3. Nonconforming to Airport Regulations

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

a. A major nonconforming use shall comply with the major nonconforming use provisions.

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

B. Change in Use

A nonconforming use shall not be changed to any other use, unless the new use conforms to this Code.

A nonconforming use physically replaced by a permitted use shall not be re-established.

C. Discontinuance or Cessation

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

D. Expansion

Shall be permitted in conformance with the following:

1. Major Nonconforming Use

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

2. Minor Nonconforming Use

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

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

b. The expansion will result in a reduction of nonconforming features to the greatest extent possible.

E. Maintenance

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

1. Major

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

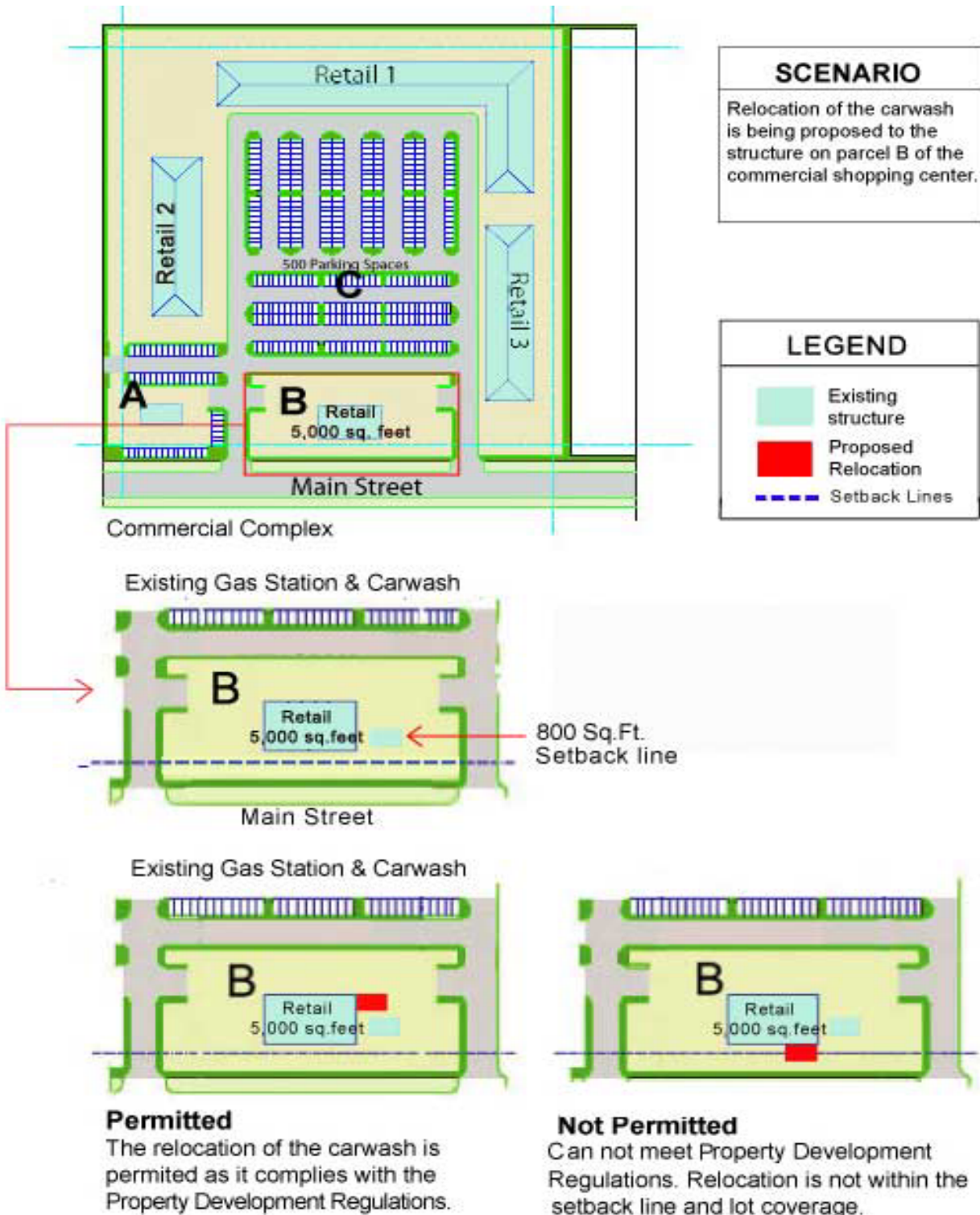
2. Minor

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

F. Relocation

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

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



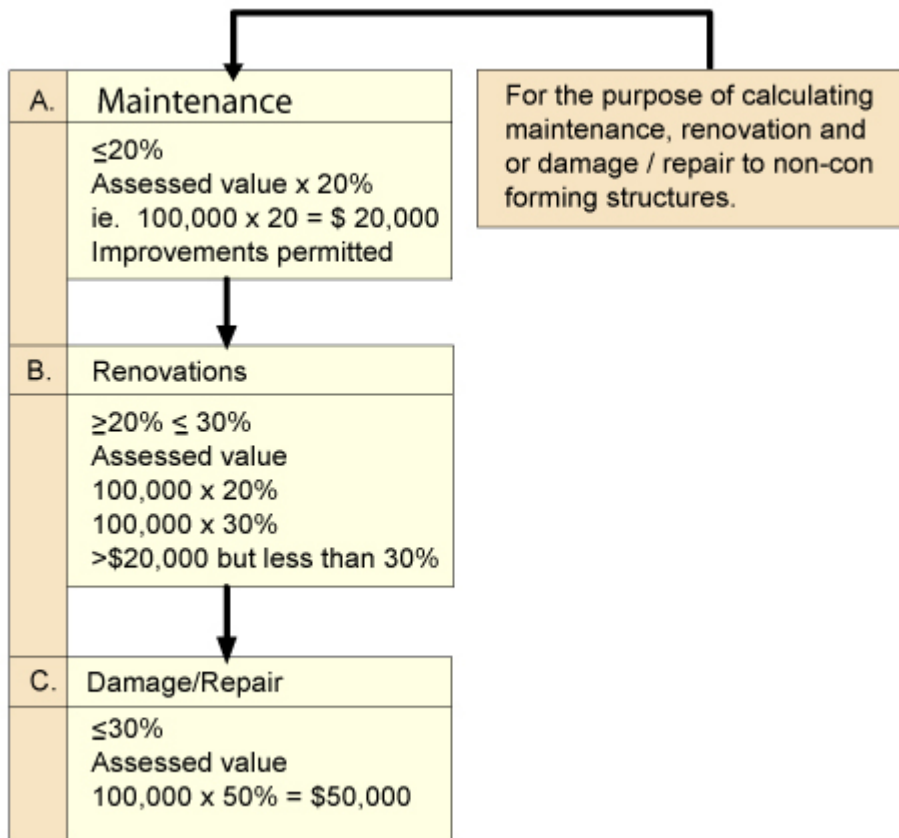
Section 3 Nonconforming Structure

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

The value of a nonconforming structure shall be determined by taking 125 percent of the most recent assessed value of the structure, as determined by the PBC Property Appraiser. This Section shall apply to the cumulative changes in total value as a nonconforming structure is renovated and repaired over the previous seven years.

In determining the value of an improvement necessary to reconstruct a damaged structure, the "aggregate cost approach" as outlined in the most current building valuation data in "Southern Building" published by the Southern Building Code Congress International or other comparable guidelines adopted in law or accepted in practice by the Building Director, shall be used as the sole basis for calculation.

Figure 1.F.3-13-Nonconforming Structures



A. Maintenance

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

B. Renovation

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

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

C. Damage

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

D. Expansion

A nonconforming structure may be expanded as follows:

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

E. Relocation

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

F. Uses and Structures within an Airport Zone

1. Applicability

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

a. Exemptions

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

2. Existing Uses and Occupancy

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

a. Change in Use and Occupancy

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

3. Abandonment of A Use

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

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

a. Height Restrictions

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

b. Use Regulations

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

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

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

5. Relocated Buildings

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

6. Obstruction and Marking Requirements

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

Section 4 Nonconforming Lot

A. Development

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

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

B. Residential Development Regulations

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

1. Minimum Setback Requirements:
 - a. If the minimum depth dimension is nonconforming:

| | |
|--------|--------------------------|
| Front: | 30 percent of lot depth. |
| Rear: | 20 percent of lot depth. |
 - b. If the minimum width dimension is nonconforming:

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

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

AERIAL MAP



SCENARIO

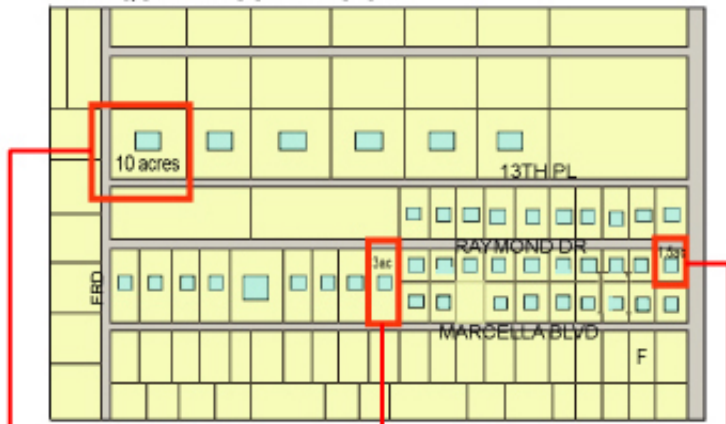
Application of setbacks for Residential Lots

For the purpose of calculating setbacks for residential lots, the AR zoning district has been selected for this explanation.

1. Conforming Lots:
See Diagram A. Lot complies with minimum acreage and lot dimensions:
 Minimum acreage = 10 ac
 Front setback (F) = 100'
 Rear setback (R) = 100'
 Side Interior (SI) = 50'
 Side Corner (SC) = 80'

2. Non-Conforming Lots:
See Diagrams B & C.
 Lots do not comply with minimum lot dimensions.

ANTIQUATED SUBDIVISION



LEGEND

Road

Building

F = Front
 SC = Side Corner
 SI = Side Interior
 R = Rear

LOT SETBACKS

| CONFORMING LOT | NON CONFORMING LOTS | |
|---|---|---|
| <p>A</p> <p>Minimum setbacks: F = 100' SC = 80' SI = 50' R = 100'</p> | <p>B</p> <p>Minimum 100 ft. wide</p> | <p>C</p> <p>Minimum 100 ft. depth 100 ft. wide or less</p> <p>Building setbacks for a lot 100 feet or less in width or depth may apply.</p> |

C. Non-Residential Development & Residential Development Other Than Single Family
 Non-residential development and residential development other than single family may be developed, subject to the following:

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

CHAPTER G EMINENT DOMAIN

Section 1 Properties Affected by Eminent Domain Proceedings

A. Applicability

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

B. Development Standards

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

1. General

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

a. Access

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

b. Direction

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

2. Enlargement or Change In Use

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

a. Parking

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

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

3. Redesign of Sites

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

a. Variance Required for New Deviation From Regulations

A variance shall be obtained for any additional deviation from required property development regulations or site design standards proposed by the redesign. Any redesign or expansion which reduces an existing deviation from required property development regulations or site design standards shall not require a variance. When applying the variance standards in Art. 2.B.3, Variances, the eminent domain action shall be presumed to be sufficient evidence to demonstrate a hardship. To encourage site redesign, in cases when a DRO site plan approval and a variance would both be required, only a variance shall be required.

b. Modification of Zoning Commissions ZC or BCC Approved Plans

Where a proposed redesign is located on property that is the subject of a plan approved by the ZC or BCC, redesign shall be approved by the DRO even if the redesign is in excess of the

limitations in Art. 2.D.1.G.3, Amendments to BCC/ZC Approvals. Conditions imposed by the ZC or BCC shall not be amended without ZC or BCC approval, whichever is applicable.

c. Parking Area Reduction

If site redesign involves either a lot combination, vehicular use area, or alteration required by Art. 1.G.1, Eminent Domain, a reduction of up to 35 percent of the required spaces shall be permitted provided:

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

4. Damage and Restoration of Structures

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

5. Signs

Any existing, legally established point of purchase or freestanding sign located on the property included in the eminent domain action may be relocated on site subject to the standards of this Section provided any sign(s) to be relocated shall comply with the requirements of this Code.

6. Vacant Lots

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

7. Lot Combination

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

a. Parking Credit

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

b. Razed Lots

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

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

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

8. Density and Intensity

Property conveyed without compensation may be utilized in calculating allowed density or intensity subject to the restriction in the Plan.

C. Certificates of Conformity

A Certificate of Conformity issued pursuant to either Ordinance 73-2, as amended, or Ordinance 92-20, as amended through June 1993, shall be honored provided the Certificate of Conformity was issued to the property owner, or a notice of intent to issue a certificate of conformity was signed by the property owner before June 30, 1994 and is presently on file at the Zoning Division.

CHAPTER H LOT OF RECORD

Section 1 Potentially Buildable Lot

A. Applicability

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

B. Standards

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

1. Creation prior to February 2, 1973.
 - a. The lot existed prior to February 2, 1973 in its current configuration as evidenced by a chain of title; and
 - b. The lot has access as follows:
 - 1) In accordance with Art.11, Subdivision Table 11.E.2.A-1, Chart of Access Hierarchy; or
 - 2) From a recorded exclusive easement, a minimum of 20 feet in width, granting the owner, its successors and assigns a perpetual right of useable access across all properties lying between said lot and a street.
2. Creation after February 2, 1973 and before June 16, 1992:
 - a. The lot was created after February 2, 1973 and existed prior to June 16, 1992 in its current configuration as evidenced by a chain of title; and
 - b. The lot complied with the density requirements of the Plan in effect at the time the lot was created.
 - c. The lot complies with the following:
 - 1) Art. 3.D, Property Development Regulations, Table 3.D.1.A-5, Property Development Regulations, or
 - 2) Art.11.A.4.B, Building Permits and Other Approvals; and
 - d. The lot has access as follows:
 - 1) In accordance with Art. 11, Subdivision Table 11.E.2.A-1, Chart of Access Hierarchy; or
 - 2) From a recorded easement exclusively for the purposes of ingress and egress access, a minimum of 20 feet in width, granting the owner, its successors and assigns a perpetual right of useable access across all properties lying between said lot and a street.

ARTICLE 2

DEVELOPMENT REVIEW PROCEDURES

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ARTICLE 2

DEVELOPMENT REVIEW PROCEDURES

CHAPTER A GENERAL

Section 1 Applicability

A. Applicability

The provisions of this Article shall apply to all development order applications unless otherwise specified. Development Orders run with the land and may be transferred to new owners unless otherwise stipulated.

B. Definitions

In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to Chapter F, Concurrency in this Article:

Chapter F: Concurrency

Acreage, gross – Art. 18, Definitions.

Adequate Public Facilities Determination (APF) - a determination approved by the Zoning Director, based upon the present public facility capacity, that adequate public facilities are available to serve the development at the time of the approval of the Adequate Public Facilities Determination.

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

Agreement - the interlocal agreement between the BCC, the municipalities of PBC, and the PBC School Board effective January 25, 2001, and recorded in the Official Records Book 12272, Page 973, Public Records, PBC, Florida.

Applicant – Art. 18, Definitions.

Building Permit - Art. 18, Definitions.

Capital Improvement Element- the Capital Improvement Element of the Plan.

Concurrency, Affidavit of Waiver - a document evidencing the grant of an exception to the platting requirement or the required improvements installation requirement.

Concurrency, 80 Percent Built Out - 80 percent built out means the evaluation of the entire project.

Concurrency Exemption Certificate- a properly issued order of the Hearing Officer pursuant to the Code of Laws and Ordinances of PBC, Florida, as amended, by which a parcel or lot is exempt from the concurrency requirements of the Plan.

Concurrency Exemption Determination - a determination that the land in the unincorporated area is exempt from the concurrency standards of the Plan and this Code.

Concurrency Exemption (Exemption) - an order approved by the Zoning Director that the development is exempt from the concurrency standards of the Plan pursuant to meeting the requirements of Art. 2.E, Monitoring.

Concurrency Exemption Extension - an order issued by the Zoning Director extending a Concurrency Exemption for a two-year period.

Concurrency, Equivalency Determination - a determination approved by the Zoning Director that the proposed development or uses would require equal or lesser public facility capacity than the valid concurrency reservation or existing use(s) require(s). Approval of an equivalency determination results in either (1) amending an existing reservation or exemption or (2) the issuance of a new reservation.

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

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

Concurrency, Public Facilities Agreement - an agreement entered into by PBC or a service provider and a developer or landowner for the purpose of ensuring public facility capacity is reserved for a proposed development.

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

Concurrency Reservation - a certificate approved by the Zoning Director with or without conditions, which may be considered in conjunction with a Development Agreement, public facility agreement, or other binding agreement and pursuant to the terms of Art. 2.F.1, General. Adequate Public Facility Standards, that constitutes proof of adequate public facilities to serve the proposed development.

Concurrency Service Area (CSA) - the specific geographic unit within a school district in which school concurrency is applied and measured.

Concurrency, Service Provider - any agency that is responsible for the provision of public facilities to development in PBC.

Development Agreement – Art. 18, Definitions.

Equivalency Determination – means a determination approved by the Zoning Director that the proposed development r uses will require equal or lesser public facility capacity than the valid Concurrency Reservation or existing use(s) require(s). Approval of an Equivalency Determination results in either (1) amending an existing Reservation or Exemption or (2) the issuance of a new Reservation.

Florida Inventory of School Houses (FISH) - the report of the capacity of existing facilities. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on using a percentage of the number of existing satisfactory student stations and a designated size for each program. In PBC, permanent capacity does not include the use of relocatables unless they meet the standards for long-term use pursuant to F.S. §235.061.

Intensity Entitlement – the amount of intensity granted by PBC if a parcel couldn't satisfy concurrency as stated in the FLUE of the Plan, as amended.

Level of Service (LOS) – the measure of the utilization, expressed as a percentage, which is the result of comparing the number of students enrolled in any school with the satisfactory student stations (FISH capacity) at a given location or within a designated area (i.e., a CSA), e.g., a facility with 1,000 students and a FISH capacity of 970, has a LOS of 103 percent. Also referred to as the utilization of a facility.

Municipalities - all municipalities in PBC, except those that are exempt from participating in the school concurrency program, pursuant to F.S. §163.3180.

Proposed New Residential Development – any application for residential development or amendment to a previously approved residential development that increases the number of housing units. This shall include any request for any approval of the type that establishes a density of development and which approves a site-specific development order on a specific parcel of property.

Public School Concurrency – Definitions for the purposes of Art. 2.F.7, Public School Concurrency.

Residential Development - any development that is comprised in whole, or part, of dwelling units; for permanent human habitation.

School District - the school district for PBC created and existing pursuant to Section 4, Article IX of the State Constitution.

School District Five Year Capital Facilities Plan - the School District of PBC Five Year Work Plan and Capital Budget as authorized by F.S. §235.185.

Service Provider – means any agency that is responsible for the provision of public facilities to development in PBC.

C. Established Dates and Fees

1. The Zoning Director shall publish an Annual Zoning Calendar, as may be amended, providing application dates and deadlines consistent with the specifications of this Code. This calendar shall govern all dates in the development review process.

2. A development order application shall be accompanied by a fee established by the BCC. Any request for a refund of fees shall be in writing, based on the current PZB refund policy, and subject to approval by the Zoning Director.

D. Authority

1. Processes

For the purposes of this Article, the authority of the BCC, ZC, BA, DRO and Zoning Director shall be limited to the development order applications specified below.

a. Board of County Commissioners (BCC)

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

- 1) Official Zoning Map Amendment (Rezoning);
- 2) Class A conditional use;
- 3) Requested use;
- 4) Development Order Amendment (DOA);
- 5) Abandonment; and
- 6) Status Report.

b. Zoning Commission (ZC)

The ZC shall consider the following types of development order applications:

- 1) Class B conditional use;
- 2) DOA
- 3) Abandonment; and
- 4) Status Report

c. Board of Adjustment (BA)

The BA shall consider applications for appeals and variances. The BA is granted the authority to hear and take action and decide variances from only the following:

- 1) Art. 3, Overlays & Zoning Districts, excluding: Art. 3.B.3, COZ, Conditional Overlay Zone and Table 4.A.3.A-1 Use Matrix; Art. 4, Use Regulations, excluding Art. 4.A, Use Classification; and Art. 4.D, Excavation; Art. 5, Supplementary Standards excluding Art. 5.F, Legal Documents, Art. 5.G, Density Bonus Programs and Art. 5. D, Parks and Recreation-Rules and Recreation Standards.
- 2) Art. 6, Parking; Art. 7, Landscaping (excluding provisions in Art.14, Environmental Standards, which are regulated by ERM);
- 3) Art. 11, Subdivision;
- 4) Art.16, Airport Regulations.

d. Development Review Officer (DRO)

The DRO, in accordance with the procedures, standards and limitations of this Article and Art. 2.D, Administrative Processes, shall consider the following types of development order applications:

- 1) Master Plan;
- 2) Site Plan;
- 3) Subdivision Plan; and
- 4) Uses indicated as "D" in Table 4.A.3.A-1, Use Matrix.

e. Zoning Director

The Zoning Director, in accordance with the procedures, standards and limitations of this Article, shall approve, approve with conditions, withdraw, deny or revoke the following types of development order applications:

- 1) Special Permit;
- 2) Alternative Landscape Plan (ALP);
- 3) Administrative Variance;
- 4) Alternative Sign Plan (ASP); and
- 5) Administrative Development Order Abandonment.

E. Pre-Application Conference

The purpose of the pre-application conference is to provide the applicant with an opportunity to submit a preliminary application and conceptual site plan for review by the Zoning Division. The preliminary application and conceptual site plan will be reviewed for compliance with applicable Codes, and to determine the appropriate review processes required for the proposed development.

1. Site Plan Review

The applicant shall specify in the application whether the pre-application conference is requested for a conceptual site plan review. The applicant shall specify in the application whether the pre-application conference is requested for a conceptual site plan review.

2. Sufficiency and Insufficiency

The application shall follow the procedures as provided in Art. 2.A.1.G, Application Procedures.

3. Review Summary

Within five days of the pre-application conference, the DRO shall provide the applicant with a written summary of the preliminary issues, findings, and necessary approvals required for the application.

F. Initiation of Development Review Process

An application for any development order may be submitted by the following authority: PBC official, owner, agent who is authorized in writing to act on the owner's behalf, or person having a written contractual interest in the land for which the amendment or development permit is proposed.

G. Application Procedures

1. General

An application shall be submitted for all development orders regulated by this Code. Applications require sufficiency review prior to being placed on the agenda for a public hearing or meeting, or proceeding to the subsequent step in the development review process, unless otherwise specified in this Code. An application shall be submitted for all development orders regulated by this Code. Applications require sufficiency review prior to being placed on the agenda for a public hearing or meeting, or proceeding to the subsequent step in the development review process, unless otherwise specified in this Code.

2. Application Form

The application for a development order shall be in a form specified by the PBC official responsible for reviewing the application.

3. Sufficiency Review

The PBC official responsible for reviewing the application shall determine whether or not the application is complete by reviewing the information required in the application and any additional data necessary to evaluate the application.

a. Sufficiency

If the application is determined to be sufficient, within ten days of submittal it shall be reviewed by the appropriate PBC official pursuant to the procedures and standards of this Article. The application shall then be placed on the next available agenda consistent with the annual Zoning calendar, or proceed to the subsequent step in the development review process. The agenda shall be made available to the public no less than five days prior to the applicable hearing or review date.

b. Insufficiency

If an application is determined to be insufficient, staff shall provide a written notice to the applicant specifying the deficiencies. The notice shall be mailed within ten days of receipt of the application.

- 1) No further action shall be taken on the application until the deficiencies are remedied. If the deficiencies are not remedied within 20 days the application shall be considered withdrawn.

H. Consolidated Applications

1. Small Scale, TMD and MLU Amendments

If a land use amendment requires a rezoning, conditional use, requested use, development order amendment or abandonment application, the applications shall be reviewed and considered by the BCC concurrently. The applicant shall submit a master plan and/or site plan as part of the zoning application. The zoning application shall be submitted within 45 days of receipt of the land use amendment application. If a complete zoning application is not submitted, the land use amendment shall be administratively withdrawn.

2. Zoning Applications

Applications for development orders may be consolidated for review, subject to approval by the Zoning Director. When applications for development orders are consolidated the review period shall not be less than the time frame established for the application with the longest review period.

I. Review and Certification

1. Review

All rezoning, conditional use, requested use and development order amendment applications, shall be reviewed and certified by the DRO.

2. Certification

The application shall meet all minimum Code requirements and standards pursuant to this Code and other applicable standards prior to certification by the DRO. An application shall not be certified until it meets all certification standards. The DRO shall prepare a list of certification issues and make it available to the applicant at least five days prior to the DRO review date meeting. An applicant shall be given three days following the DRO review date to satisfy any outstanding certification issues. Certified applications shall be scheduled for the first hearing, or a subsequent hearing in accordance with the annual Zoning Calendar or as is mutually agreed upon by the applicant and the DRO.

3. Non-certification

If the application is not certified, the applicant shall receive a letter outlining outstanding certification issues. The letter shall be made available no less than five days after review by the DRO. If the issues are not satisfied within that time period, the application will be rescheduled for the next scheduled DRO review date.

a. Resubmittal Requirements

The applicant shall provide a written response addressing all outstanding certification issues in a manner and form acceptable to the Zoning Division. The revised documents shall be submitted a minimum of 15 working days prior to the next scheduled review date.

4. Application Modification after Certification

Applications shall not be significantly modified after certification, unless requested or agreed to by PBC. Significant modifications to proposed site or master plans within ten days of a scheduled public hearing date shall result in a postponement. For the purposes of this Article, a modification shall be considered significant if it exceeds 30 percent or more change from the original application or plan.

J. Notification

Notice for any required public hearing shall be provided by publication of an advertisement, mailed notice and posting of property in accordance with this Section.

1. Publication

Public notice shall be published in a newspaper of general circulation in PBC in accordance with the following standards:

a. ZC and BCC

Notice shall be required in accordance with F.S. §125.66 and Chapter 163.

b. BA

The public hearing for BA shall be held not less than 15 days after the advertisement is published.

2. Courtesy Mailing

a. A notice shall be mailed to all property owners within 300 feet for BA applications, and within 500 feet or greater for all other public hearings, as required by the Zoning Director. This distance shall be measured from the property line of the affected area and shall include:

- 1) All owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser;
- 2) Condominium associations and all real property owners when real property consists of a condominium;
- 3) All property owners associations (POAs), homeowners associations (HOAs) and cooperatives within the affected area; and
- 4) All counties and municipalities within one mile of the request.

b. An extended 300-500 foot notice notification boundary areas that a municipality has identified as a future annexation area within one mile of the request;

c. If the area within 300 or 500 feet is owned by the applicant or a related entity, the 300 or 500-foot notification boundary shall be extended from these parcels;

d. A larger notification boundary may be required by the Zoning Director for properties located in the Exurban or Rural tiers.

e. The notice shall:

- 1) State the substance of the proposal;
- 2) Include a date, time and place for the public hearing;
- 3) Include a general location map of the subject property; and
- 4) Include a statement that interested parties may appear at the public hearing and be heard regarding the request.

- f. No Notice
The failure to receive a courtesy notice by any property owner shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the approving authority.

3. Posting

The land subject to the application shall be posted by the applicant with a notice of the public hearing on a sign provided by the PBC at least 15 days in advance of any public hearing. One sign shall be posted for each 100 feet of frontage along a street up to a maximum of ten signs. All signs shall be evenly spaced along the street or in a location acceptable to the Zoning Director. All signs shall be setback no more than 25 feet from the property line. All signs shall be erected in full view of the public. Where land does not have significant frontage on a street, signs shall be in a location acceptable to the Zoning Director. The failure of any such posted notice to remain in place after it 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 approving authority.

a. Exceptions

Signs posted by a public agency or the BCC may be posted on the nearest street or at major intersections leading to and within the subject property.

K. Public Hearing Procedures

1. Scheduling

If an application has been certified by the DRO and a public hearing is required, the responsible PBC official shall schedule a public hearing in accordance with the dates established in the annual Zoning Calendar.

a. Number of hearings

Both the ZC and the BCC shall hold at least one public hearing on a proposed amendment to the boundaries of the Official Zoning Map for non-PBC initiated applications and PBC initiated applications for properties consisting of less than ten contiguous acres of land.

b. Exception

The ZC shall hold at least one public hearing and the BCC shall hold two public hearings on a proposed amendment to the boundaries of the Official Zoning Map for PBC initiated applications consisting of ten or more contiguous acres of land.

2. Staff Report and Recommendation

a. Report

The PBC official responsible for reviewing the application shall prepare a report for each application which incorporates the comments of the agencies responsible for reviewing the application, and a recommendation of approval, approval with conditions, or denial based on the applicable standards. The report shall be made available to the public at least five days prior to the hearing date.

3. Board Action

a. Action by ZC

The ZC shall conduct a public hearing on the application pursuant to the procedures in Art. 2.B, Public Hearing Procedures.

1) Scheduling

After DRO certification, the application shall be considered at the next available regularly scheduled public hearing by the ZC, or such time as is mutually agreed upon between the applicant and the Zoning Director. The scheduling of the application for public hearing shall ensure the public notice requirements are satisfied.

2) Rezoning; Class A Conditional Use; Requested Use; DOA

The ZC shall consider the application, the staff report, the relevant support materials, the DRO certification and public testimony given at the hearing. After close of the public hearing, the ZC shall recommend to the BCC that the application be approved, approved with conditions, modified, continued, postponed or denied based upon the standards in Art. 2.B.1.B, Standards, and Art. 2.B.2.B, Standards, applicable to all Conditional and Requested Uses.

3) Class B Conditional Use

The ZC shall consider the application, staff report the relevant support materials, the DRO certification, and the public testimony, and evidence for the public record and given at the hearing. An application for a development permit for a Class B conditional use, which does

not receive the required rezoning, shall be decertified. At the close of the public hearing, the ZC shall by not less than a majority of a quorum present approve, approve with conditions, modify, postpone, or deny the application based on the standards in Art. 2.B.2.B, Standards, applicable to all Conditional and Requested Uses, and any standards specifically applicable to the use as required in Art. 4.B, Supplementary Use Standards, thereby adopting a resolution approving, approving with conditions, or denying the proposed use. The resolution shall be filed with the Clerk of the Circuit Court.

b. Action by BCC

1) Scheduling

After the review and recommendation of the ZC, the application shall be considered at the next available regularly scheduled public hearing by the BCC, or such time as is mutually agreed upon between the applicant and the Zoning Director. The scheduling of the application for public hearing shall ensure the public notice requirements are satisfied.

2) Public Hearing(s)

At the public hearing(s), the BCC shall consider the application, all relevant support materials, the recommendation of the ZC, the testimony given and the evidence introduced into the record at the public hearing(s).

3) Decision

At the conclusion of the final public hearing, the BCC shall approve, approve with conditions, modify, postpone, withdraw, or deny the proposed development order based on the standards in Art. 2.B.1.B, Standards, and Art. 2.B.2.B, Standards, applicable to all Conditional and Requested Uses thereby adopting a resolution approving, approving with conditions, or denying a proposed request by not less than a majority of a quorum present. The resolution shall be filed with the Clerk of the Circuit Court.

4) Remand

If at any time during the public hearing, the ZC or BCC determines that the application is based upon incomplete, inaccurate information or misstatements of fact, it may refer the application back to the ZC or DRO for further review and a revised staff report.

c. Action by BA

At the public hearing(s), the BA shall consider the application, all relevant support materials, staff report, testimony given, and evidence introduced into the record at the public hearing(s) and decide to approve, approve with conditions, deny, continue, postpone, modify or withdraw the request.

4. Conduct of Hearing

a. Oath or Affirmation

All 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 his/her 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. Order of Proceedings

Robert's Rules of Order shall be observed during the proceeding in accordance with Art. 17.B, General Provisions. The governing body may adopt bylaws stipulating the manner in which the proceedings will be conducted. The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious formal rules of evidence. Formal Rules of evidence shall not apply but fundamental due process shall be observed. The order of the proceedings shall be as follows:

- 1) The PBC official responsible for reviewing the application shall present a written and or oral recommendation, including any report prepared. This recommendation shall address each standard required to be considered by this Code prior to approval of the application.
- 2) The applicant shall present any information the applicant deems appropriate.
- 3) Public testimony shall be heard.
- 4) The PBC official responsible for reviewing the application may respond to any statement made by the applicant or any public comment.

- 5) The applicant may respond to any testimony or evidence presented by the PBC staff or public at the discretion of the Chair.
- 6) The governing body may direct questions to staff and the applicant specific to the request.
- 7) The governing body shall discuss the facts of the petition and make a recommendation.

L. Actions by Decision Making Bodies or Persons

1. General

All decision making persons and bodies shall act in accordance with the time limits established in this Code.

2. Administrative Processes

a. Action by DRO

The DRO, in accordance with the procedures, standards and limitations of this Code and Art. 2.D, Administrative Process, shall approve, approve with conditions, revoke, deny or administratively withdraw an application based upon the recommendation of the reviewing agencies.

b. Action by Zoning Director

The Zoning Director, in accordance with the procedures, standards and limitations of this Code, shall approve, approve with conditions, withdraw, deny or revoke an application for a development permit.

3. Conditions

Conditions may be imposed to ensure the uses or site plan of development approved by the decision-making body or person is implemented accordingly.

4. Findings

All decisions shall be in writing and shall include the following elements:

- a. A statement of specific findings of fact; and
- b. A statement of approval, approval with conditions, or denial with or without prejudice. If there is a decision for denial, it shall be with prejudice unless determined otherwise by the decision making body or person.

5. Continuance or Postponement

a. BCC, ZC, BA

The body conducting the public hearing may, on its own motion or at the request of an applicant, continue the public hearing to a fixed date, time and place. An applicant shall be granted one postponement to the next regularly scheduled hearing if requested in writing five working days prior to the hearing. The body conducting the hearing shall determine if an application shall be postponed when an applicant fails to submit a request for postponement five days prior to the hearing. All subsequent request for continuance or postponement shall be granted at the discretion of the decision making body.

b. DRO

Applications for a development order continued or postponed for more than six months by the DRO must obtain approval from the Zoning Director. All applications that have been postponed for more than six months without approval from the Zoning Director, shall be administratively withdrawn.

6. Notification of Decision

Notification to the applicant of the final action by a decision making body or person shall be provided by the PBC official responsible for reviewing the application within five days of the final decision. A copy of the decision shall be made available to the public.

M. Withdrawal

The applicant shall have the right to withdraw an application for a development order at any time prior to the final action on the application by the decision making body or person. Requests for withdrawal received by the PBC official responsible for reviewing the application five days prior to a hearing or review date shall be granted without prejudice. Thereafter, the governing body may make a motion on the application for withdrawal with or without prejudice.

N. Denial of Application

1. Denial

When an application is denied with prejudice, an application for a development order for all or a part of the same land shall not be considered for a period of one year after the date of denial. Withdrawal with prejudice prohibits the filing of a successive application, which is not materially different, as defined in this Section, for one calendar year.

2. Exceptions

- a. The subsequent application involves a development proposal that is materially different from the prior proposal. For the purposes of this Section, an application for a development permit shall be considered materially different if it involves a change in intensity or density of 25 percent or more.
- b. A majority of the members on the prevailing side 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.

O. Suspension of Development Review Proceedings

An application for a development order may be suspended during the pendency of a Code Enforcement proceeding pursuant to Art.10, Enforcement, or for any Code violation involving all or a portion of the land proposed for development, unless it is demonstrated in writing by the applicant that suspension of development review processing could be adverse to the public interest.

P. Violation of Condition of Development Order

A violation of any condition in a development order shall be considered a violation of this Code.

- 1. The violation shall be rectified prior to any public hearing or meeting on the issuance of any subsequent development order for that project, unless the subsequent application seeks to amend the condition that has been violated. Unless otherwise specified in the development order, an approved use must comply with all conditions prior to implementing the approval.
- 2. The violation shall be subject to any and all enforcement procedures available as provided by Art.10, Enforcement, and by all applicable laws and ordinances.

Q. Development Order Abandonment

1. General

A development order for a conditional use or similar development order granted under Ordinance 57-3, 73-2 or 92.2 may be abandoned according to the procedures in this Section.

2. Development Orders Not Implemented

All development orders which are never implemented shall be either:

a. Abandoned

Abandoned simultaneously with issuance of a subsequent development order;

b. Administratively Abandoned

Administratively abandoned upon demonstration to the Zoning Director that the development order was not implemented; or

c. Reviewed for Revocation

Reviewed for revocation pursuant to Art. 2.E, Monitoring.

3. Implemented Development Orders

Certain implemented development orders qualify for administrative abandonment. Other implemented development orders require legislative abandonment by the BCC.

a. Administrative Abandonment

A development order, which was used, implemented or benefited from, may be administratively abandoned by filing an application with the Zoning Director demonstrating that the following criteria are met;

- 1) All conditions of approval have been met;
- 2) There is no reliance by other parties on additional performance; and
- 3) Consent of all property owners has been received.

b. Legislative Abandonment

A development order, which was used, implemented or benefited from, may be abandoned simultaneously with the issuance of a subsequent development order issued by the BCC or the property owner may elect to petition the BCC to abandon the development order through expedited application review process, pursuant to Art. 2.B.2.G.2, Expedited Application Consideration.

c. Unpaid Status Fees

A development order shall not be abandoned, either administratively or by approval of a subsequent development order, until all unpaid status report fees imposed by action pursuant to Art. 2.E, Monitoring, have been paid.

4. Additional Guidelines

In determining whether a development was used, implemented or benefited from, consideration shall be given to the following factors:

- a. Whether any construction or additional construction authorized in the development order has commenced.

- b. Whether a physical or economic use of the development order has occurred, including physical or economic expansion.

R. 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, PBC shall initiate a rehearing to reconsider the development order. PBC shall approve, approve with new conditions, or deny the development order at the rehearing based on the applicable standards. If evidence of misrepresentation, fraud, deceit, or a deliberate error of omission is discovered during the application review and approval process, the application shall be decertified and remanded to sufficiency review.

S. Appeal

1. Non-Judicial Relief

a. Class B Conditional Use

An appeal of any ZC decision shall be made to the BCC within ten working days after the notice, indicating the decision, is mailed to the applicant. A Person with a contractual interest or is directly affected by the proposal may contest the decision by filing an appeal to the BCC using the established procedures.

1) Procedure

The BCC shall consider the appeal petition within 45 days of its filing. The Zoning Director shall notify the petitioner, the applicant (if the petitioner is not the applicant), a Person with a contractual interest or is directly affected by the proposal. At the hearing, the BCC shall provide the petitioner, the applicant (if the applicant is not the petitioner), any person who appeared before the ZC and PBC staff an opportunity to present arguments and testimony. In making its decision, the BCC shall consider only the record before the ZC at the time of the decision, and the correctness of the findings of fact or any specific condition of approval imposed by the ZC. The notice and hearing provisions for a Class A conditional use shall govern the appeal.

2) Standards

The BCC shall reverse the decision of the ZC only if there is substantial competent evidence in the record before the ZC that the decision failed to comply with the standards of Art. 2.B.2.B, Standards.

b. DRO Approval

Appeal of any DRO decision shall be made to the to DRAB within ten days after the notice indicating the decision is mailed to the applicant. DRAB review shall be in accordance with rules and procedures in Art. 17.A. Board of County Commissions.

c. Special Permit

Any person aggrieved by a decision of the Zoning Director on an application for a special permit shall appeal to the BA within ten days from the date of the decision using the application and procedure established by the Zoning Director.

d. Interpretations and Decisions

The BA shall hear and decide appeals from interpretation or decisions of the Zoning Director, County Engineer, or Airport Director pursuant to the procedures and standards in Art. 2, Development Review Process. Within ten days of an interpretation or decision, the set time or applicant contest the decision by filing an appeal to the BA using the applicable forms and procedures.

- 1) The BA may reverse or affirm, wholly or partly, or may modify the interpretation or decision made by the applicable authority pursuant to this Code.
- 2) The interpretation or decision of the applicable authority shall be presumed to be correct and the applicant shall have the burden to demonstrate the error.
- 3) When an appeal from an interpretation or decision of the Zoning Director has been filed with the BA all proceedings and work on the premises shall be stayed unless the Zoning Director certifies to the BA that a stay would cause imminent peril to life or property.

2. Judicial Relief

a. Appeal of a BCC Decision

Any person aggrieved by a decision of the BCC on an application for a development order or Status Report 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 PBC, Florida, within 30 calendar days of the date the zoning resolution is filed with the Clerk of the Circuit Court.

b. Appeal of a BA Variance

An applicant may appeal a final decision of the BA within 30 calendar days of the decision by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC.

T. Outstanding Liens or Fines

1. General

Development order applications for properties that have outstanding liens or fines owed to PBC shall be restricted as follows:

a. Rezoning, Conditional Use, Development Order Amendment and Variances

The approving body shall impose a condition of approval or voluntary commitment requiring the payment of any outstanding liens or fines by a date certain or prior to a specific event;

b. Applications for uses designated as a “D” in Table 4.A.3.A-1, Use Matrix

The DRO shall not approve the application until the payment of any outstanding liens or fines; and

c. Time extension approved by the ZC or BCC

The “Notice of Intent to Withhold Development Permits” required by Art. 2.E, Monitoring, shall not be released until payment of any outstanding liens or fines.

2. Contest by the Applicant

In the event litigation contesting the validity of the lien or fine is initiated prior to the application for the development order, the time for payment shall be established only after the conclusion of litigation. In this case, a condition shall be in place that requires the owner/developer to notify the County Attorney at Final Order, and if the lien is upheld, payment of the lien shall occur 35 days after the Final Order.

CHAPTER B PUBLIC HEARING PROCEDURES

Section 1 Official Zoning Map Amendment (Rezoning)

A. Purpose

The purpose of this Section is to provide a means for changing the boundaries of the Official Zoning Map. 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 an amendment, the BCC shall consider, the consistency of the proposed amendment with the intent of the Plan set forth in this Section.

B. Standards

When considering a development order application for a proposed amendment, the BCC or ZC shall consider the following standards indicated below. An amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. Consistent with Plan

Whether the proposed amendment is consistent with the Plan.

2. Consistent with 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.

3. Compatible with Surrounding Uses

Whether and the extent to which the proposed amendment is compatible, 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 BCC may apply an alternative zoning district.

4. Changed Conditions

Whether and the extent to which there are any changed conditions or circumstances that require an amendment.

5. 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.

6. Development Patterns

Whether and the extent to which the proposed amendment would result in a logical, orderly, and timely development pattern.

7. Consistency with Neighborhood Plan

Whether and to what extent the proposed district is consistent with applicable neighborhood plans in accordance with Board policy; and

8. Adequate Public Facilities

The extent to which the proposed rezoning complies with Art. 2.F, Concurrency.

C. Effect of a Map Amendment

1. General

Approval of a rezoning shall be deemed to authorize only the particular zoning district for which it is approved.

2. Time Limitations

A rezoning shall be reviewed two years after approval of the map amendment, pursuant to Art. 2.E, Monitoring, if a subsequent development order has not been issued.

Section 2 Conditional and Requested Uses

A. Purpose

Conditional and requested uses are generally compatible with the other uses permitted in a district, but require individual review of their location, design, configuration, intensity and/or density and may require the imposition of conditions to ensure the appropriateness and compatibility of the use at a particular location.

B. Standards

When considering a development order application for a conditional or requested use, the BCC and ZC shall consider the following standards indicated below. A conditional or requested use which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. Consistent with Plan

The proposed use is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.

2. Supplementary Use Standards

The proposed use complies with all applicable portions of Art 4.B, Supplementary Use Standards.

3. Compatibility

The proposed use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

4. Design Minimizes Adverse Impact

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

5. Adequate Public Facilities

The extent to which the proposed use complies with Art. 2.F, Concurrency.

6. Design Minimizes Environmental Impact

The proposed use minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

7. Development Patterns

Whether and to what the extent to which the proposed development will result in a logical, orderly and timely development pattern.

8. Other Standards

The proposed use complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics.

9. Consistency with Neighborhood Plans

Whether and to what extent the proposed development is consistent with applicable neighborhood plans.

10. Changed Circumstances

Whether and the extent it can be demonstrated that there are any changed circumstances that require a modification.

C. Class A Conditional Use

1. Authorized Class A Conditional Uses

Only those uses that are authorized as Class A conditional uses in Table 4.A.3.A-1, Use Matrix, may be approved as Class A conditional uses. The designation of a use as a Class A conditional use in a

district does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

D. Requested Use

1. Authorized Requested User

Only those uses that are authorized as requested uses in Table 3.E.1.B-10, PDD Use Matrix, may be approved as requested uses. The designation of a use as a requested use in a planned development does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

E. Class B Conditional Use

1. Authorized Class B Conditional Uses

Only those uses that are authorized as Class B conditional uses in Table 4.A.3.A-1, Use Matrix, may be approved as Class B conditional uses. The designation of a use as a Class B conditional use in a standard district does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

F. Conditions of Approval

1. Class A Conditional/Requested Use

The DRO and ZC may recommend, and the BCC may impose, such conditions in a development order for a Class A conditional use or requested use that are necessary to accomplish the purposes of the Plan and this Code; to prevent or minimize adverse effects upon the public, the environment and neighborhoods; and to ensure compatibility, including, but not limited to, limitations on function, size, bulk, location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration and hours of operation. Conditions shall be included if conventional standards are inadequate to protect the public interest and surrounding land uses or if additional improvements are needed to facilitate a transition between different uses. Conditions are not intended to restate Code provisions. Any Code provision which is expressly restated as a condition of approval shall not be eligible for a variance unless otherwise specified in the condition. Fixed time periods may be set for compliance with conditions and shall be governed by Art. 2.E, Monitoring.

2. Class B Conditional Use

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

G. Development Order Amendment

1. General

A development order for a Class A conditional use, requested use or 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. Before any conditional/requested use is amended, extended, varied or altered, the applicant shall demonstrate and the ZC/BCC shall find that a change of circumstances or conditions has occurred which make it necessary to amend, extend, vary or alter the conditional/requested use.

2. Expedited Application Consideration (EAC)

Certain minor development order amendments may be eligible for expedited consideration and review.

a. Criteria

The application shall meet all of the following criteria in order to be reviewed, in an EAC process;

- 1) Approval of the Zoning Director and the County Engineer shall be obtained prior to submission. The Zoning Director and the County Engineer shall consult with any other department responsible for the conditions of approval. They shall approve or deny the request to obtain expedited consideration based on compatibility of the request with the surrounding area. The magnitude of the requested modification shall also be considered. The County Engineer and the Zoning Director shall only permit expedited consideration for proposals which have minimal site design impact, 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) Proof of compliance with all previous conditions of development approval;
- 4) No change to the threshold certificate, except alteration of legal description, shall occur;
- 5) The proposed amendment does not affect uses or intensities/densities within a DRI (Development of Regional Impact); and
- 6) All impacts shall be internal to the project.

3. Procedures

After approval by the County Engineer and the Zoning Director to participate in an EAC process, the application shall be submitted and reviewed pursuant to the applicable development approval procedure, except that:

- a. After the application is certified by the DRO, the proposed modification may proceed directly to the next BCC hearing for which advertising requirements can be met.

H. Effect of Issuance of a Development Order

1. General

Issuance of a development order for a conditional use, requested use, or DOA shall be deemed to authorize only the particular site configuration, layout and level of impacts which were approved pursuant to this Code, unless the approval is abandoned. Permitted uses may occur in conjunction with or in place of a conditional or requested use.

2. Site Plan Compliance / Initiation of Use

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

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

Section 3 Variances

A. Purpose

To allow a deviation from certain standards of this Code when special circumstances or conditions peculiar to the property exist and the literal enforcement of this Code would result in undue and unnecessary hardship.

B. Application Procedure

1. Subdivision Variance

A variance from Art. 11, Subdivision, shall be submitted to the County Engineer and shall comply with the application procedures and requirements of this Chapter. The County Engineer shall review the application and forward a copy to the applicable agencies for review and comment within 15 days after the application is determined sufficient.

2. Airport Variance

A variance from Art.16.B.1, Airports Height Regulation, shall require the applicant to submit a copy of the application by certified mail to the FDOT Aviation Office, and the FAA. The FDOT shall have 45 days from receipt of the application to provide comments to the applicant and the BA, after which the right to comment is waived. The BA may proceed with consideration of an application only upon receipt of FDOT comments or upon the applicant's filing a copy of a certified mail return receipt showing the 45 days have elapsed, demonstrating FDOT's intent to waive the right to comment.

- a. Application for a variance from the Airport Zoning regulations shall comply with the review procedures in Art.16.C.F.2, Variances.

3. Noise Variances

See Art. 5.E. Performance Standards.

4. Sequence of Submittal

An application for a variance shall comply with the following:

- a. Approval of a variance shall be obtained prior to master plan, site plan or subdivision plan approval by the DRO, plat recordation, or issuance of a building permit, whichever occurs first.
- b. If an application for a development order is contingent upon approval of a variance, then the variance shall be obtained prior to certification by the DRO.
- c. Application for a variance from the Airport Zoning regulations shall comply with the review procedures in Art. 16, Airport Regulations.

C. Application Requirements

1. Description

All properties described in one application must be contiguous. The Zoning Director may require more than one application if the property concerned contains more than 40 acres, or the fee paid for one application would not equal the cost of processing multiple applications.

D. Review and Recommendation

1. Zoning and Subdivision Variances

The applicable PBC Departments shall review the application and forward a report to the Zoning Director within 15 working days after the application is determined sufficient. The staff report shall contain recommended findings of fact and conclusions of law, and a recommendation of approval, approval with conditions, or denial with or without prejudice based on the standards in Art. 2.A.1.L, Actions by Decision Making Bodies or persons.

2. Airport Zoning Variances

An application for a variance from the requirements of Art. 16, Airport Regulations, shall not be considered until a copy of the application has been furnished by the Department of Airports to the County Attorney and FDOT Aviation Section at least 50 working days prior to the BA public hearing.

a. Airport Variances

When reviewing variances from the Art. 16, Airport Regulations, the BA may approve, approve with conditions, postpone, or deny with or without prejudice a variance for the erection, alteration, or modification of any structure which would cause the structure to exceed the Federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29. The variance may not always be evaluated or granted solely on the basis that the proposed will not exceed Federal obstruction standards. If applicable, the standards in Art. 2.B.3.E, Standards, shall be used to evaluate the variance application.

E. Standards

The BA shall consider and find that all seven criteria listed below have been satisfied by the applicant prior to making a motion for approval, of a zoning or subdivision variance:

1. 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;
2. Special circumstances and conditions do not result from the actions of the applicant;
3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;
4. 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;
5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;
6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and
7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

F. Conditions

The Zoning Director, County Engineer, or Airport Director, whichever is appropriate, may recommend, and the BA may impose, such conditions in a development order for a variance as are necessary to accomplish the goals, objectives and policies of the Plan and this Code, including limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. Any violation of the variance or a condition shall be a violation of this Code.

1. Request for Time Limitation Waiver

If a variance is requested for property that does not require a building permit to implement the use, then the applicant may request a waiver from Art. 2.B.3.F.1, Request for Time Limitation Waiver, of this Chapter. If a waiver from the time limitation is requested, the applicant shall specifically request the waiver simultaneous with submittal of the application and provide a written justification for the request. The BA shall review the justification and if sufficient make a finding, as a condition of approval, that the variance is not subject to the time limitations of this Section or may require compliance with the variance approval by a specified time, as deemed appropriate.

G. Effect of Development Order

1. General

Issuance of a development order for a variance shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific condition of approval limits the specific use 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 or a condition of approval, construction shall be commenced pursuant to Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, within 12 months of the variance approval date, otherwise it shall become null and void. If more than one variance was granted, the use of one of the variances shall vest the other variances. 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 for a maximum of 24 months. No request for an extension shall be considered unless a written application requesting the extension is submitted to the appropriate Department prior to the date the development order or condition 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. Conforming

Approval of a variance by the BA for a parcel of land, building or structure shall render the structure to be conforming. Use of the variance shall be limited to the exact dimensions and configuration of the parcel of land, building or structure as indicated on the site plan as submitted in the application. The parcel of land, building or structure may not be further expanded, except in accordance with the standards of the Code.

CHAPTER C FLU PLAN AMENDMENTS

Section 1 General

A. Purpose

The purpose of this Section is to provide a means for changing the boundaries or designations of the FLUA by means of site specific amendments to the Plan. 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 BCC shall consider, in addition to the factors set forth in this section, the consistency of the proposed amendment with the intent of the Plan, Treasure Coast Regional Policy Plan, State of Florida Comprehensive Growth Management Plan, F.S Chapter 163, and Rules 9J-5 and 9J-11, F.A.C.

B. Authority

The BCC may amend the boundaries or designations of the FLUA upon compliance with the provisions of this Section.

C. Initiation

Amendments may be proposed by the BCC, the Local Planning Agency (LPA), or the owner of the land to be affected by a proposed amendment.

D. Procedure

1. Pre-Application Conference

A potential applicant for a site-specific amendment may request in writing an optional pre-application conference with the Planning Director. Prior to the optional pre-application 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 pre-application conference is to acquaint the potential applicant with the requirements for a site-specific amendment. The substance of the optional pre-application conference shall be recorded in a summary prepared by the Planning Director. The summary shall be mailed to the applicant by the Planning Director within seven working days after the optional pre-application conference. The summary shall set forth the subjects discussed at the pre-application conference and PBCs position in regard to the subject matters discussed as well as the review procedures and timelines that generally apply to the proposed development.

2. Timing

An application by a property owner for a site-specific amendment shall be accepted for review and processing twice each year. That date shall be announced four months in advance by the BCC. There shall be two exceptions to this timing requirement. An amendment shall be considered at any time if it is directly related to a DRI, including a substantial deviation for a DRI. Small-scale amendments will be processed on a quarterly basis with the closing deadlines in February, May, August, and October. Nothing in this Section shall be deemed to require favorable consideration of the amendment solely because it is related to a DRI or because it is a small-scale development amendment.

3. Submission of Application

An application for a site specific amendment shall be submitted to the Planning Director along with a nonrefundable application fee that is established by the BCC.

a. Small Scale Amendments

If a small scale land use amendment requires a rezoning, conditional use, development order amendment or abandonment application(s), the two applications shall be reviewed and considered by the BCC concurrently. The applicant shall submit a site plan or conceptual site plan as part of the zoning application(s). The complete zoning application must be submitted within 45 calendar days of receipt of the small scale land use amendment application. If a complete zoning application is not submitted, the small scale land use amendment shall be administratively withdrawn.

4. Contents of Application

a. General

The application shall be submitted in a form established by the Planning Director. The application must contain justification for the proposed amendment citing at least one of the standards contained in Art. 2.C.1.D.10, Standards, and a demonstration of need. The application must contain applicable data and analysis to substantiate any claims made within the application. Failure of an applicant to disclose relevant information shall serve as grounds for postponement by the board holding the public hearing.

b. Amendments to the Application

Any information provided by an applicant following the distribution of the staff report to the LUAB shall serve as grounds for postponement, as appropriate, of the public hearings by the board holding the public hearing.

5. Determination of Sufficiency

The Planning Director shall determine whether the application is sufficient and includes data necessary to evaluate the application. The determination of sufficiency shall apply to the submission and shall be based upon whether or not the application responds to all the requested information, as provided in the application checklist.

a. If it is determined that the application is not sufficient, written notice shall be delivered to the applicant specifying the deficiencies within ten working days of the receipt of the application. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the deficiencies are not remedied within ten working days of the notice of insufficiency, the application shall be considered withdrawn.

b. If or when the application is determined sufficient, the Planning Director will proceed to review the application pursuant to the procedures and standards of this Section.

6. Review, Report and Recommendation by Planning Director

When the application is determined sufficient, the Planning Director shall review the application, consult with other agencies, prepare a staff report (which incorporates the comments of the other agencies), and make a recommendation of approval, approval with conditions, or disapproval based on the standards in Art. 2.C.1.D.10, Standards. The Planning Director shall send a copy of the staff report to the applicant by mail on the day the staff report is completed which shall be at least five working days prior to the LUAB public hearing, along with written notification of the time and place the application will be considered by the LUAB.

7. 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. The Planning Director shall notify the Intergovernmental Plan Amendment Review Clearinghouse (IPARC) of proposed land use amendments pursuant to the Plan Amendment Coordinated Review Interlocal Agreement.

a. Advertisement

The required advertisements shall meet the requirements of F.S. §163.3184(15)(e) and F.S. §125.66(4) (b) 2, as amended from time to time.

b. Courtesy Mailing

A courtesy "notice" of a proposed plan amendment shall be mailed to all owners of real property located within 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 PBC Property Appraiser, except that when real property consists of a condominium, the

courtesy notice shall be given to the condominium association and all real property owners living within 500 feet. If the area within 500 feet is owned by the applicant or a related entity, the 500-foot notification boundary shall be extended from these parcels. All POAs and cooperatives within the area as well as all counties and municipalities within one mile of the area shall be notified. Areas that a municipality has identified as a future annexation area shall also give notice to the municipality. The notice shall state the substance of the proposal and shall set a date, time and place for the public hearing. The notice shall contain a location map clearly indicating the area covered by the proposal including major streets, and a statement that interested parties may appear at the public hearing and be heard regarding transmittal or adoption of the amendment. Such notice shall be given approximately 15 to 30 calendar days prior to the date set for the first public hearing by depositing such notice in the mail by certified or first class mail, 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 PZB. If the property is undergoing a simultaneous land use change and rezoning, the notice for the rezoning may be included in the notice required for the land use change.

c. Posting

The land subject to the application shall be posted with a notice of the public hearing on a sign provided by PBC at least 15 calendar days in advance of any public hearing. One sign shall be posted for each 100 feet of frontage along a street up to a maximum of ten signs. All signs shall be evenly spaced along the street or in a location acceptable to the Planning Director. All signs shall be setback no more than 25 feet from the street. All signs shall be erected in full view of the public. Signs shall be posted in a location acceptable to the Planning Director, where the land does not have significant frontage on a street. The signs shall be removed by the applicant after the BCC transmittal hearing date (adoption hearing date for small scale development amendments). 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 BCC.

d. Other Courtesy Notice

A courtesy notice of all public hearings may be mailed upon request to all organizations, associations, and other interested persons or groups known to the Planning Director. An annual fee may be assessed to defray the cost of such mailings.

e. Exceptions to Mailing and Posting

The mailing and posting notice requirements shall not apply to actions by the BCC initiating any of the following:

- 1) A site specific land use change subsequent to a land use action resulting from the Art. 5.G.1, Voluntary Density Bonus or Art. 5.G.2, Transfer of Development Rights- Special Density Program;
- 2) A land use change to a Conservation (CON) designation following acquisition by a public agency;
- 3) A site-specific land use change initiated by the BCC, to reflect existing conditions;
- 4) A site-specific land use change initiated by the BCC, to comply with previous approved projects; and
- 5) A site-specific land use change as deemed appropriate by the BCC.

At the time the land use change is initiated by the BCC, the Planning Director shall make a recommendation as to the level of notification for the specific change. The BCC shall direct the Planning Director to notice the land use change, as deemed appropriate, by advertisement, mail or posting in accordance with the terms herein.

8. Action by the LUAB sitting as the Local Planning Agency (LPA)

The LPA public hearing shall be advertised in a newspaper of general circulation in accordance with requirements set forth in F.S. § 163.3164(18), as amended from time to time. The LPA shall conduct a public hearing on the application pursuant to the procedures in Art. 2.C.1.11, Conduct of Hearing, and make recommendations regarding the proposed amendments to the BCC. At the public hearing, the LPA 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 LPA shall vote on its recommendations (approval, approval with conditions or denial) and findings based on the standards in Art. 2.C.1.D.10, Standards.

9. Action by BCC

a. Transmittal Public Hearing

The transmittal public hearing shall be held on a weekday at least seven calendar days after notice is published pursuant to F.S. § 163.3184(15)(b) 1, as amended from time to time. Prior to transmittal to DCA, the BCC shall conduct one transmittal public hearing on the application pursuant to the procedures in Art. 2.C.1.D.11, Conduct of Hearing. At the public hearing, the BCC shall consider the application, the staff report, the relevant support materials, the recommendations of the LPA, and the public testimony given at the public hearing, and based on the standards in Art. 2.C.1.D.10, Standards, and by an affirmative vote of a majority of the members of the BCC present at the hearing, vote to approve, approve with conditions, or deny for transmittal the application. Failure of the BCC to approve the transmittal of an application for a site-specific amendment shall be deemed a denial of the proposed site-specific amendment.

b. Adoption Public Hearing

The adoption public hearing shall be on a weekday at least five calendar days after the day the notice for the public hearing is published pursuant to F.S. §163.3184(15)(b)(2), as amended. Pursuant to the time frames in F.S. §163.3184(15)(b)(2), the BCC shall conduct at least one adoption public hearing on the application pursuant to the procedures in Art. 2.C.1.D.11, Conduct of Hearing. At the public hearing, the BCC 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 Art. 2.C.1.D.10, Standards, vote to adopt, adopt with conditions, or not to adopt an ordinance making a site-specific amendment. A decision to adopt an ordinance making a site specific amendment shall require a majority vote of the members of the BCC present at the hearing.

c. Small Scale Development Amendments

Small-scale development amendments shall require only one public hearing before the BCC, which shall be an adoption public hearing, pursuant to F.S. §163.3187(1)(c)(3), and notice provisions of F.S. §125.66(4)(a), as amended from time to time.

d. Actions by the BCC

Actions approving site-specific Plan amendments shall be by Ordinances pursuant to F.S. §163.3187, as amended from time to time.

10. Standards

The adoption of an Ordinance to make a site-specific amendment shall be based on one or more of the following factors, and a demonstrated need to amend the FLUA, as long as the Plan maintains its internal consistency. A demonstration of need may be based upon market conditions indicating that there is a demand for the proposed land use designation or a demonstration that the current land use designation is no longer appropriate. Appropriate data and analysis to demonstrate a need for the amendment must be provided within the application. Additionally, all amendments shall be reviewed at the maximum intensity or density permitted under the requested future land use designation. Data and analysis must be provided within the application to substantiate at least one of the following:

- a. Changed projections (e.g., regarding public service needs) in the Plan, including but not limited to amendments that would ensure provision of public facilities;
- b. Changed assumptions (e.g., regarding demographic trends or land availability) in the 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, including errors in mapping, vegetative types and natural features in the Plan;
- d. New issues that have risen since adoption of the Plan;
- e. Recognition of a need for additional detail or comprehensiveness in the Plan; or
- f. Data updates.

11. Conduct of Hearing

a. 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.

b. Due Order of Proceedings

The order of the proceedings shall be as follows:

- 1) The Planning Director shall present a narrative and graphic description of the application, a written and oral recommendation, and the staff report. The recommendation shall address each factor required to be considered by this Code prior to approval of the application for a site-specific Plan amendment. The recommendation of the Planning Director shall be made available to the applicant at least five working days prior to the public hearing, unless extended by mutual agreement;
- 2) The applicant shall present any information the applicant deems appropriate;
- 3) Public testimony shall be heard;
- 4) The Planning Director, the County Attorney and any other PBC staff may respond to any statement made by the applicant or any public comment; then
- 5) The applicant may respond to any testimony or evidence presented by PBC staff or the public.

c. Continuance or Postponement of Public Hearing for Small Scale Amendments

1) Entitlement Continuances

An applicant shall have the right to request and be granted one entitlement continuance, of no more than 60 days, of the LPA public hearing without an additional fee; provided that the request is made in writing at least 20 working days prior to the hearing. Additionally, an applicant shall have the right to request and be granted one entitlement continuance, of no more than 60 days, of the BCC Adoption public hearing; provided that the request is made in writing at least 20 working days prior to the hearing and is submitted along with an additional set of the required 500 foot public notice envelopes Art. 2.A.1.J.2, Courtesy Mailing. The Planning Division will honor entitlement continuances administratively.

2) Non-Entitlement Continuances

The body conducting the public hearing may on its own motion, or at the request of any applicant or the Planning Director, continue the public hearing or meeting to a fixed date, time and place. All non-entitlement continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. The applicant shall be subject to a fee as established by the BCC upon the second non-entitlement continuance. The applicant shall be required to provide an additional set of the required 500-foot public notice envelopes.

3) Concurrent Rezoning Petitions

Delays in zoning applications being certified by the DRO shall result in an administrative postponement of the BCC public hearing until such time that the item is certified.

d. Continuance or Postponement of Large Scale Amendments

1) Entitlement Continuances

An applicant shall have the right to request and be granted one entitlement continuance, to subsequent amendment round and will be subject to a fee as established by the BCC; provided that the request is made in writing at least 20 working days prior to the LPA public hearing. In order to provide most current data, the applicant of an amendment postponed to the next round shall be required to submit a revised application with new traffic and market analysis upon the next window closing date.

2) Non-entitlement Continuances

Only one non-entitlement continuance into the next amendment round shall be permitted and will be subject to a fee as established by the BCC. The body conducting the public hearing may on its own motion, or at the request of any applicant or the Planning Director, postpone the amendment to the next round. All non-entitlement continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. In order to provide the most current data, the applicant of an amendment postponed to the next round shall be required to submit a revised application with new traffic and market analysis upon the window closing date.

3) Administrative Withdrawal

Any application not heard by the BCC in the following amendment round will be administratively withdrawn by the Planning Director, unless otherwise determined by the BCC.

e. Withdrawal of Applications

An applicant shall have the right to withdraw an application for a site-specific amendment at any time prior to the adoption public hearing by the BCC. Applicants shall not be entitled to the return of application fees. Additionally, applicants shall not be entitled to the return of application materials.

CHAPTER D ADMINISTRATIVE PROCESSES

Section 1 Development Review Officer

A. Purpose

The purpose of this Section is to establish a review process for all development requiring approval by the DRO based upon comments and recommendations from appropriate PBC Departments, PBC Divisions, and other local government agencies; to establish standards for review, standards for approval; to set limits on the administrative authority of the DRO to modify BCC or ZC approvals; and an appeal process.

B. Application Types

1. The following types of development shall require approval of a master plan, site plan or subdivision plan by the DRO prior to the issuance of a building permit, commencement of any related land development activity, utilization of any use or approval granted by the BCC or ZC, or utilization of any use requiring approval by the DRO:
 - a. Conditional Use/Requested Use;
 - b. All development in a PDD or TDD;
 - c. "D" uses in Table 4.A.3.A-1, Use Matrix;
 - d. New commercial, industrial and residential development of more than two dwelling units in the WCRA;
 - e. All new construction that creates, meets or exceeds the thresholds in Table 4.A.3.A-2, Threshold for Project Requiring DRO Approval;
 - f. Amendments or changes to any previously approved special exception, conditional use or other development which required approval of a site plan or subdivision by Ord. 57-3, Ord. 73-2, or Ord. 92-20 as amended;D
 - g. Any use governed by Art. 1.F.2, Nonconforming Use;
 - h. Any amendment to a previously approved site plan; and
 - i. All subdivision of land, unless exempt.
2. If any of these development types do not require construction of additional square feet, complete implementation of the DRO approval prior to utilization of any of the development types shall occur.

C. Review Procedures

1. Staff Review

At least five days prior to the DRO review date, each applicant shall be provided a written list of issues, if any, which must be addressed prior approval of the application.

a. Expedited DRO Application (EDA - Signature Only)

Expedited Applications will not receive written comments from the DRO. Previously postponed items will receive updated comment letters only.

2. Action by the DRO

On the review date established by the DRO, the DRO shall inform each applicant of the revisions necessary for the application to receive approval. Each applicant shall be provided a maximum of three working days to revise the application or a plan of development. Within five working days after the review date the DRO shall approve, approve with conditions, not approve, deny, withdraw or postpone each application on the agenda after reviewing the recommendations and comments provided by the agency officers. The DRO shall not approve a plan of development until the plan meets all applicable Code requirements, standards, policies, and conditions of approval.

3. Resubmittal Requirements

The applicant shall provide a written response addressing all outstanding issues for applications which were not approved in a manner and form acceptable to the Zoning Division. The revised documents shall be submitted a minimum of seven working days prior to the next scheduled review date.

D. Application Requirements

All applications to the DRO shall contain a plan of development, which graphically and in tabular form provides sufficient information for a decision to be rendered in accordance with the standards in Section.

1. Plan Requirements

At a minimum, all site plans and subdivision plans submitted to the DRO shall:

- a. Comply with the Technical Manual Requirements published by the Zoning Division;
- b. Comply with the Land Design Manual published by the Land Development Division; and
- c. Comply with all applicable requirements in this Code.

2. Subdivision Plan

All subdivision of land shall receive approval of a subdivision plan by the DRO prior to submission of a plat or other approval required by Art. 11, Subdivision.

a. Exception

A minor subdivision may be exempt from this Section, subject to approval of a Plat Waiver pursuant to Art. 11, Subdivision.

3. Effect of a Development Order Approved by the DRO

A development order approved by the DRO shall have the following effect and authority:

- a. Any permitted uses may occur in conjunction with or in place of the approved use;
- b. A development order for a site plan or a subdivision plan shall apply to only the land legally described in the application submitted to, and found sufficient by, the DRO and shall run with the land for the life of the development order;
- c. A development order for a site plan or subdivision plan shall authorize only the particular site configuration, layout, design, level of impacts, and intensity/density which were approved by the DRO pursuant to the standards of this Code; and
- d. A development order for a site plan or subdivision plan may only be amended pursuant to the procedures and standards in this Section.

E. Standards

Prior to approval by the DRO, a site plan or subdivision plan shall comply with the following standards:

1. Consistent with the Plan

Shall be consistent with the purposes, goals, objectives, and policies in the Plan;

2. Consistent with Neighborhood Plans

The plan of development shall be consistent with applicable neighborhood plans; and

3. Other Relevant Codes

The site plan or final subdivision plan shall comply with PBC's health, fire and building standards and all other relevant and applicable provisions of this Code.

F. Conditions

1. DRO Authority

The DRO shall have the authority to impose conditions on a development order which:

a. Code Compliance

Ensure compliance with Code requirements;

b. Minimize Impacts

Ensure compatibility of the proposed development or use with surrounding land uses, address the location of uses on the site to minimize potential adverse off-site impacts, and ensure on-site safety;

c. Legal Documents

Require the execution of a unity of title, unity of control, shared parking and other legal documentation necessary to satisfy requirements of this Code;

d. Traffic Performance Standards

Require road construction necessary for the project to meet TPS including drainage, turn lanes, sidewalks, and signalization;

e. Agricultural Uses in the Urban Services Area (USA)

Reduce negative impacts on surrounding properties including but not limited to: controlling objectionable odors, fencing, sound limitations; inspections, reporting or monitoring preservation areas, mitigation, and/or limits of operation; and

f. Waiver

Allow specific requirements of the Code to be waived, provided the proposed development meets the specific requirements for the waiver.

2. Condition Limitations

- a. Conditions imposed by the DRO shall be reasonable, not be contrary to law, limited to on-site improvements, except for off-site road improvements or conveyances specifically attributable to the project's impact.

- b. Conditions shall not amend BCC, ZC or BA imposed conditions or affect previously approved conditions.
- c. For modifications or additions to previously approved development orders, conditions shall only be imposed to address the specific impacts of the new use or development.
- d. Conditions shall not restrict land uses otherwise permitted by the Code, unless necessary for parking or concurrency purposes, or require payment of any fees not otherwise required.

G. Plan Amendments

The DRO may approve minor amendments to site plans and subdivision plans in accordance with the following procedures:

1. Expedited DRO Applications (EDA - Signature Only)

Amendments to a site plan or subdivision plan which require recommendation and comment by five or fewer agencies, as determined by the DRO, may be submitted in accordance with the annual Zoning Calendar and placed on the next available DRO agenda, subject to approval by the Zoning Director. An EDA application shall be submitted in accordance with Art. 2.A.1, Applicability, and reviewed in accordance with the standards in Art. 2.D.1.C, Review Procedures.

In addition to the standards in Art. 2.A.1, Applicability, the applicant shall be responsible for obtaining the recommendations from the affected PBC Departments or other agencies, in a form and manner acceptable to the Zoning Division, a minimum of two working days before the scheduled DRO review date.

2. Administrative Amendments

Minor corrections, additions and amendments to an approved site plan or subdivision plan, which do not require recommendation and comment from an agency other than the Zoning Division, may be approved administratively by the DRO. Administrative Amendments permitted include, but are not limited to, a change in sign location, minor modifications to parking areas (such as the relocation of handicapped parking spaces), relocation of terminal islands to accommodate trees or utility lines, addition of phase lines reduction in building size, addition of canopies, removal of excess parking, minor revisions to lot lines to be consistent with a plat, temporary sales trailers, and other minor structures. An application for an administrative amendment shall be submitted in accordance with Art. 2.A.1, Applicability, and reviewed in accordance with the standards in Art. 2.D.1.C, Review Procedures.

3. Amendments to BCC/ZC Approvals

The DRO shall have the authority to approve minor modifications to a plan of development approved by the BCC or ZC. An application for a modification shall be submitted in accordance with Art. 2.A.1, Applicability, and reviewed in accordance with the standards in Art. 2.D.1.C, Review Procedures, and the additional standards below. The authority of the DRO to modify a BCC or ZC approved plan shall be limited to the following:

- a. The relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered.
 - 1) Relocated square footage shall not be used to create additional freestanding buildings or structures; and
 - 2) Buildings and structures shall not be relocated closer to perimeter property lines than shown on the plan approved by the BCC or ZC.
- b. An increase of no more than five percent in the total floor area of any building or structure, provided that no increase shall exceed 1,000 square feet whichever is less;
- c. An overall increase of not more than ten percent of the height of any structure;
- d. Relocation of access points;
- e. Relocation of open space or recreation areas, provided that such changes do not result in a substantial change in the amount, configuration, or character of open space or recreation approved by the BCC or ZC;
- f. The redesignation of phasing provided the redesignation meets the intent of the development order;
- g. The modification shall not substantially change or increase the impacts of the development originally anticipated;
- h. The modification shall not result in any substantial increase in traffic or access, as determined by the PBC; and
- i. Requested uses in a PDD shall remain in the location approved by the BCC.

Section 2 Special Permit

A. Purpose

To create standards and an approval process for certain uses, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. These uses shall require approval of a special permit by the Zoning Division prior to issuance of a CO, occupational license, building permit, or commencement of activity.

B. Authorized Special Permits

Only the uses identified in Table 4.A.3.A-1, Use Matrix, or Art. 4.B, Supplementary Use Standards, by an "S" shall require a special permit. This designation in Table 4.A.3.A-1, Use Matrix, does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Each proposed special permit application shall be evaluated by the Zoning Director for compliance with the standards and conditions set forth in this Section, and the applicable district.

C. Procedure

1. Contents of Application

The application shall be submitted in a form established by the Zoning Director and made available to the public. An occupational license must be obtained and all permits must be posted on the site prior to commencement of operation. If a survey is required, the survey shall indicate:

- a. Location of existing and proposed signage;
- b. Square footage of the designated area;
- c. Location, setback, and footprint of tent, if applicable;
- d. Required setbacks for products (trees, etc.); and
- e. Location where permit will be posted.

D. Standards

The following standards shall apply to all special permits:

1. Compliance with the goals policies and objectives in the Plan;
2. Compliance with the applicable property development regulations of the zoning district in which the use is located;
3. Compliance with all applicable portions of this Code, including, but not limited, concurrency, parking, and landscaping; and
4. Utilization of the location, design, layout, access, and duration of the use to minimize potential adverse impacts on surrounding land uses.

E. Conditions

The Zoning Division shall have the authority to apply conditions to the special permit which ensure compliance with Code requirements, time limitations, and the standards above. If a special permit is found in violation of any condition or Code requirement, the Zoning Division may withhold future special permits from the applicant for a period of 24 months.

F. Renewal

Certain special permits are required to be renewed annually.

1. Special permits requiring annual renewal shall be subject to the following:
 - a. Renewal shall occur on or prior to the date the original permit was issued, or a new permit shall be applied for;
 - b. Renewal permits shall be subject to the regulations in effect at the time of renewal; and
 - c. Renewal fee as provided in the fee schedule.
2. Failure to renew a special permit shall result in the permit becoming null and void. The use or activity permitted by the special permit shall cease immediately and the affected area returned to its pre-permit state.

G. Expiration

Failure to utilize a special permit within one year of issuance, or by the date specified in a condition of approval, shall result in the permit becoming null and void.

H. Discontinuance

A special permit shall expire if the use or activity is discontinued for more than 90 days.

I. Revocation

A special permit may be revoked at any time by the Zoning Director if it is determined that the recipient is in violation of this Code, a related standard, or a condition of approval. Revocation of a special permit shall result in the permit becoming null and void. The use or activity permitted by the special permit shall cease immediately and the affected area returned to its pre-permit state.

Section 3 Administrative Variance

A. Purpose

To allow minor deviations from certain standards of this Code when special circumstances or conditions peculiar to the property exist, and the literal enforcement of this Code would result in undue and unnecessary hardship; and to provide the Zoning Director the authority to review, approve, deny, and render conditions to an administrative variance as necessary to accomplish the goals, objectives and policies of the 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. This Section may not be combined with any other Section that allows variations from the same PDRs.

B. Types of Administrative Variances

The Zoning Director may issue the following types of administrative variances:

1. Structural Encroachments into Setbacks

A variance of up to five percent of a required setback.

2. Preservation of Vegetation

To accommodate the preservation of existing native tree(s) pursuant to Art. 14.C, Vegetation Preservation and Protection, variance may be granted for:

- a. Up to five percent of a required setback; and,
- b. Up to five percent of the required number of parking spaces.

3. Native Ecosystem Overlay (NEO)

A variance may be issued from off-street parking, off-street loading, density-intensity, heights and setbacks provided the criteria are met pursuant to Art. 3.B.8, NEO, Native Ecosystem Overlay.

a. Procedure

- 1) A NEO variance application shall be submitted in a form and established by the Zoning Director and made available to the public.
- 2) The application shall be reviewed by ERM to ensure the property is located in an established NEO district. ERM may conduct a site visit to verify the NEO and impact of the proposed development. A written determination by ERM shall be sent to the Zoning Division regarding the proposed preservation.

b. Restrictive Covenant

A restrictive covenant shall be recorded in order to preserve the native vegetation identified in the application prior to issuance of an administrative variance. A restrictive covenant shall be recorded in the PBC Public Records on a form established by the County Attorney, to ensure the preservation of native vegetation in perpetuity. The NEO administrative variance shall not be issued until a copy of the recorded restrictive covenant is submitted to the Zoning Division.

4. Vacant Lots

The owner of a lot that is subject to this Section may apply to the Zoning Director for an administrative variance from the time frames, landscaping, and amount of coverage required based on consideration of the following criteria:

- a. The length of time the lot has been maintained as a vacant lot;
- b. Whether the applicant intends to redevelop the lot within one year of the demolition of the home;
- c. Whether literal interpretation of the terms of the requirements would create an unnecessary and undue hardship, and the applicant can demonstrate that the demolition does not significantly diminish the residential character of the neighborhood;
- d. The existence of special conditions that mitigate the detrimental effect of the vacant lot on the character of the residential neighborhood; and
- e. Whether granting the variance will be consistent with the purposes goals, objectives, and policies of the Plan and this Code.

C. Limitations

This Section may not be combined with any other Section that allows variations from the same PDRs.

D. Conditions

The Zoning Director may recommend conditions in a development order for an administrative variance as necessary to accomplish the goals, objectives and policies of the 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.

E. Time Limitation

Unless otherwise specified in the development order or a condition of approval, failure to utilize an administrative variance within one year of issuance, or by date specified in a condition of approval, shall result in the variance becoming null and void. If more than one variance was granted in the application, the use of one variance shall vest all other variances. Permitted time frames do not change with successive owners. No request for an extension shall be considered unless submitted 30 days prior to expiration.

F. Standards

The Zoning Director shall consider and find that all criteria listed below have been satisfied by the applicant prior to making a final decision regarding an application for a administrative variance.

1. 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;
2. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;
3. 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;
4. All viable options to address the situation have been exhausted prior to this application; and
5. The request is the minimum variance necessary to make a reasonable use of the land.

CHAPTER E MONITORING

Section 1 General

A. Purpose and Intent

1. It is the intent of the BCC to provide for the public health, safety and welfare by establishing procedures for mandatory review of certain development orders. F.S. Chapter 163, part II, entitled "Local Government Comprehensive Planning and Land Development Regulations Act" provides that all development regulations shall be consistent with the adopted Plan. F.S. Chapter 163 further provides that public facilities and services shall be available concurrent with the impacts of development. Pursuant to F.S. Chapter 163, the 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 availability 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 orders will help implement the goals within the 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 PBC by identifying and providing a system to eliminate obsolete approvals which distort the official land use inventory;
 - d. Requiring compliance with improved performance and site design standards by providing a system whereby approved, but unbuilt, developments are subject to periodic review;
 - e. Ensuring that development orders are timely performed and complied with at all times; and
 - f. Ensuring that outstanding debts due to the PBC are paid in a timely manner.
2. To protect the public welfare, it is the intent of the BCC to ensure compliance with the conditions of development orders and with specific time requirements for the completion of activities associated with said approvals or with this Code. The BCC recognizes that unforeseen factors may interfere with the established schedule. This Article creates an administrative program to monitor and provide extensions for activities which must be completed within a certain time period pursuant to a development order or pursuant to this Code, and to ensure that conditions are met and not violated.
3. The BCC 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. The review procedure created in this Article establishes a system for administrative review and approval of time extensions.

4. To meet the intent of this Article, the BCC may review development orders 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 BCC 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 compliance.

B. Applicability

1. This Article shall apply to:
 - a. All development orders with a time requirement for completing one or more actions as identified in Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, or in the development process as required by specific Article of this Code; and
 - b. All development orders identified in Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, with conditions of approval.
2. The following are exempt from this Article:
 - a. Any development order for rezoning to the Public Ownership District (PO) which does not have an approved conditional use;
 - b. Any development order initiated by staff at the direction of the BCC after a review pursuant to this Article; and
 - c. Any development order for a rezoning of a single lot to a residential zoning district that corresponds to the minimum density permitted in the Plan Future Land Use designation for that lot, provided there is no concurrency reservation or concurrency exemption for the property.
3. For development orders which are subject to the requirements of this Article, the time limitations shall apply to those approved prior to or subsequent to the effective date of this amendment.

Section 2 Procedures

A. Suspension of Development Orders

1. Upon expiration of any time period established by this Code or for any failure to comply with, or continued violation of a condition of development approval, except for a condition imposed by the DRO or a condition for which a complete administrative time extension application has been submitted, no new development orders affecting the property shall be issued by PBC, and no action which might tend to vest the development order shall be permitted, except as permitted by Art. 2.E.2.A.5, Procedures for Rezoning, until a final determination is made by the Executive Director, or BCC or ZC pursuant to Art. 2.E.2.B, Administrative Extension of Time, and Art. 2.E.2.D, Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval, herein. This suspension of development rights shall not preclude the property owner from filing a new petition for the subject property to amend or supersede an existing development order, or the BCC or ZC from approving this petition. This suspension of development orders shall also apply to any failure to comply with, or continued violation of, a condition of development approval, if a status report public hearing is scheduled pursuant to Art. 2.E.2.D, Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval.
2. This suspension of development rights shall have the following effect on new petitions and Code enforcement actions:
 - a. If the property owner files a new petition, no new development orders shall be issued until the completion of the zoning process except the development order which approves the petition.
 - b. If the BCC or ZC directs staff to cite the property owner for violating the provisions of the development order, no new development orders shall be issued until the alleged violation has been ruled upon by the Code Enforcement Special Masters, and any enforcement action is completed, or penalty is satisfied. This shall not, however, preclude compliance with the specific condition cited in the status report after the BCC or ZC has directed the Code Enforcement Division to cite the property owner for noncompliance with that condition.
3. Upon the expiration of any time period except for a time period to comply with a condition of approval imposed by the DRO, or when a complete administrative time extension application has been submitted, or upon reasonable cause to believe that a property owner has not complied with a condition or 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 Art. 2.E.2.A, Suspension of Development Orders, herein. This document may apply only

to that portion of the property related to the expired time period, or any condition violated. The document shall give record notice that:

- a. A condition of development has been violated or a time certain activity has not proceeded as required;
 - b. A review of the project will be conducted pursuant to terms of this Section;
 - c. Until the review is completed, no new development orders shall be issued by PBC; and no action which might tend to vest the development order shall be permitted; and
 - d. 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.
4. If the BCC, ZC, or the Executive Director of PZB approves further development pursuant to Art. 2.E.2.B, Administrative Extension of Time, and Art. 2.E.2.D, Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval, 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:
- a. That the rights to develop have been restored; and
 - b. 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;
 - c. This document shall only be recorded upon 1) payment of all status report fees as established from time to time by the BCC; 2) payment of any outstanding liens or debts owed on the subject property to PBC; and 3) reinstatement of an expired standard development agreement if required to comply with adequate public facility standards.
The status report fee may be waived if:
 - 1) the property owner is a government agency;
 - 2) the property owner is prevented from complying by a government-caused delay or by litigation that would prevent action by the property owner to bring the approval into compliance.
 - a) In the event litigation contesting the validity of lien or fine is initiated or pending prior to the time this payment is due, the document shall be recorded and payment of the lien or fine, if upheld by the court, shall be deferred until 35 days after Final Order. If the lien or fine is upheld by the court but the fine is not paid on or before the 35th day, a new notice of intent to withhold development permits shall be filed.
5. There will be no suspension of development rights if the only recommendation in the status report to the BCC or ZC is to delete a condition of approval.

B. Administrative Extension of Time

1. The owner of record, the current agent, or mortgagor demonstrating a secured interest in the property which is not being protected by the owner may file an application with the Executive Director of PZB 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 PZB.
2. Upon the filing of an application for an administrative extension of time, the Executive Director of PZB, 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:

a. Development Order

Table 2.E.3.B-1, Time Limitations of Development Order for each phase, provides the maximum length of each administrative time extension for each development order governed by this Code except when there is a government caused delay. When such a delay is documented, the Executive Director of PZB shall grant such extensions as necessary to offset government caused delays, not necessarily equal to the time of the delay, and each extension shall be based only on a delay that has already occurred. It is the responsibility of the property owner to notify staff in writing of the delay, and document the cause of the delay, however, no application or fee will be required.

b. Conditions of Approval not requiring the posting of Performance Security pursuant to Art. 12.C.2, Conditions

An administrative extension shall not exceed 12 months. Subsequent applications may be filed, however, the total administrative extensions approved shall not exceed 24 months except when government-caused delays can be documented as the reason for failure to meet required deadlines. The Executive Director of PZB shall grant such extensions as necessary to offset

government-caused delays, not necessarily equal to the time of delay, and each extension shall be based only on a delay that has already occurred. It is the responsibility of the property owner to notify staff in writing of the delay, and document the cause of the delay, however, no application or fee will be required. If the BCC has previously approved a time extension, any administrative extensions of time shall not extend more than 24 months from the original date for compliance except when there have been government-caused delays. If government caused delay has prevented compliance with a condition of approval which is due prior to the issuance of a building permit or certificate of completion, the compliance deadline may be extended to a specific date. The condition will then be subject to the review requirements of this Section for time certain conditions of approval.

c. Conditions of approval requiring the posting of Performance Security pursuant to Art. 12.C.2, Conditions

A one-time administrative time extension not to exceed six months shall be the maximum.

3. In reviewing applications for administrative time extensions for requirements other than conditions of approval, the Executive Director of PZB shall approve a time extension provided there are no current Code violations or outstanding liens or fines and the development order:
 - a. Is consistent with the Plan;
 - b. Is consistent with the Code; and
4. In reviewing applications for administrative time extensions for compliance with conditions of approval, the Executive Director of PZB shall consider the following:
 - a. Attempts by the applicant to complete the unfulfilled condition;
 - b. The reliance by other parties on the timely performance of activity;
 - c. Any changed circumstances, which may have interfered with the ability of the property owner to meet the time certain requirement;
 - d. Actions of other parties that may have precluded compliance;
 - e. The existence of extraordinary mitigating factors; and
 - f. Compliance with the review criteria in Art. 2.F.3.D.6.b, Performance Security Required, and Art. 2.E.2.B, Administrative Extension of Time, for posting of performance security for a concurrency reservation.
5. When the extension of time is for the payment of fees, the amount due shall increase by an interest payment equal to the rate established by F.S. § 55.03, The interest rate established at the time an extension is approved shall remain the same until the fee is paid. If the extension covers a period less than a year, then the interest shall be prorated.
6. When the Executive Director of PZB 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.

C. Appeal

An appeal of a denial of an administrative time extension may be made to the BCC for development orders approved by the BCC or ZC, and to the DRAB for conditions imposed by the DRO. An appeal shall be made upon forms prescribed by the department within 30 days of the mailing of the notice that the request for an administrative extension has been denied.

1. The appeal shall be set on the BCC agenda within 60 days of receipt by the department. The BCC shall either affirm the decision of the department or grant an extension of time. This decision shall be made within 65 days of the date the appeal first appears on an agenda of the BCC unless a longer postponement is requested by the property owner. An extension of time may be granted only upon a finding by the BCC that the requirements of Art. 2.E.2.B, Administrative Extension of Time.
2. An appeal to the DRAB shall be made pursuant to Art. 2.D.1.G.2, Administrative Amendments.

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

1. Scheduling of Status Reports

If a property owner fails to comply with a time requirement and has not received a time extension, staff shall advertise a status report public hearing for the agenda of the body which approved the subject development order (BCC or ZC). If a property owner violates a condition of approval, staff may advertise a status report public hearing for the agenda of the body which approved the subject development order (BCC or ZC). The hearing shall be held within 90 days of the filing of the notice required by Art. 2.E.2.A, Suspension of Development Order. 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 order which may affect the time requirement or any

condition being violated. 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 BCC or ZC agenda within 65 days.

Staff will not delay scheduling of staff report when there has been a failure to comply with concurrency reservation or development order conditions which are required for the Development Order to comply with Art. 12.C, Traffic Impact Study.

2. Status Report Review Criteria

The status report shall contain:

- a. a description of the development order;
- b. a summary of the background and current status of the development including any documentation provided to staff 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;
- c. a description of any Code violations;
- d. a description of any uncompleted conditions or time certain requirements;
- e. a review of criteria set forth in Art. 2.E.2.B, Administrative Extension of Time, for status reports prepared for failure to comply with a condition of approval;
- f. a description of any violation of a condition of approval and circumstances related to the violation; and
- g. a determination of whether the development order is consistent with the Plan and is consistent with the Code.

3. Status Report – Additional Criteria

After the expiration of time extensions totaling four or more years approved by the BCC or ZC, the BCC or ZC may consider changed circumstances and compatibility issues.

Based on 2 and 3 above factors, staff shall make a recommendation for one or more of the actions identified in Art. 2.E.2.D.6, Procedure for Rezoning.

4. Procedures

Consideration of all actions permitted by Art. 2.E.2.D.6, Procedure for Rezoning, except a rezoning, shall occur in the following manner:

a. Public Hearing

At least one public hearing shall be held by the ZC or by the BCC, as applicable.

b. Mail Notice

The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC or ZC. Written notice shall consist of a letter sent at least 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 PBC 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:

- 1) 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;
- 2) The Executive Director's recommendation to the BCC or ZC;
- 3) A statement that review may result in one or more of the actions identified in Art. 2.E.2.D.6, Procedure for Rezoning;
- 4) Notice of the date, time, and place of the hearing before the BCC or ZC, during which the report and recommendation of the Executive Director of PZB will be heard;
- 5) 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 of PZB; and
- 6) Such other information as may be necessary and appropriate to accomplish the goals of this Section.

c. Newspaper Publication

Notice of the hearing shall be published in a newspaper of general circulation in accordance with F.S. §125.66(2)(a). Notice shall be published at least ten days prior to the hearing.

5. Procedures for Rezoning Less than Ten Acres

Consideration of all rezonings on properties less than ten contiguous acres, by the BCC, shall occur in the following manner:

a. Public Hearing

The BCC shall hold at least one public hearing on a proposed amendment to the boundaries of the Official Zoning Map.

b. Mail Notice

The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC. Written notice shall consist of a letter sent at least 30 calendar days prior to the hearing by certified mail, return receipt requested, in accordance with F.S. §125.66(4)(a). 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. In addition to the requirements of F.S. §125.66(4)(a), written notice shall include the items as stated in Art. 2.E.2.D.3, Approved Extensions.

c. Newspaper Publication

In addition to the notice mailed to the owner of record, notice of the hearing shall be published in a newspaper of general circulation in accordance with F.S. §125.66(2). Notice shall be published at least ten days prior to the hearing.

6. Procedure for Rezoning Ten or more Acres

Prior to consideration of all rezonings on properties of ten or more contiguous acres by the BCC, notice to the owner of record and advertisement of the proceedings shall occur in the following manner:

a. Public Hearing

The BCC shall hold two public hearings on a proposed amendment to the boundaries of the Official Zoning Map when the amendment would affect ten or more contiguous acres of total unincorporated land area. The second public hearing shall be held at least ten calendar days after the first public hearing in accordance with F.S. §125.66(4)(b)1.

b. Mail Notice

The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC and shall be noticed in accordance with F.S. §125.66(4)(b)3. Written notice shall consist of a letter sent at least 30 calendar days prior to both the first and second 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 PBC Property Appraisers Office. 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 the items as stated in Art. 2.E.2.D.3.b.1)-6) above.

c. Newspaper Publication

In addition to the notice mailed to the owner of record, notice shall be published in a newspaper of general circulation in the PBC. Notice shall be published once for each hearing; the first publication shall be at least seven calendar days prior to the date of the first hearing and the second publication shall be at least five calendar days prior to the second hearing. The notice shall state the date, time, and place of the hearing; the proposed action; and the place within the PBC where the status report and recommendation may be inspected by the public. The notice shall advise that interested parties may appear at the hearing and be heard with respect to the report and recommendation. A copy of such notice shall be kept available for public inspection at the PZB during regular business hours.

7. Decision of the BCC or ZC for failure to comply with the following:

Time requirements to commence development, utilize a conditional or requested use or record a plat; or Non-performance security conditions (those not required by Art. 12.C.2, Conditions).

a. The BCC or ZC shall consider the factors enumerated in Art. 2.E.2.D.2, Status Report, above, and the recommendation of PZB.

b. After deliberation, the BCC or ZC shall take one or more of the following actions:

1) Grant a time extension:

a) To commence development, utilize a conditional or requested use, or record a plat for a period not to exceed 24 months. The term of the time extension shall commence upon the expiration of the date to complete the time certain activity, or the expiration of the last extension, whichever is applicable. A time extension shall only be granted if the development order is consistent with the Plan and the Code. When an inconsistency has been identified, conditions of approval shall be amended or added to cause the development order to be consistent.

- b) To comply with a condition of approval for a period not to exceed 24 months. The term of the time extension shall commence upon the expiration of the date to complete the time certain activity, or the expiration of the last extension, whichever is applicable. When the BCC or ZC approves an extension of time for the payment of fees, the amount due shall increase by an interest payment equal to the rate established by F.S. §55.03. The interest rate established at the time an extension is approved shall remain the same until the fee is paid. If the extension covers a period less than a year, the interest shall be prorated.
 - 2) Adopt a resolution which will rezone the property to an appropriate zoning district;
 - 3) Adopt a resolution which will revoke or amend the approval for all or a portion of the conditional or requested use, special exception or development order amendment;
 - 4) Adopt a resolution which will impose a limit such that no development order shall be issued permitting construction which exceeds entitlement density or entitlement intensity as established by the FLU Atlas of the Plan;
 - 5) Adopt a resolution, which will impose additional or modified conditions, voluntary commitments, or permit the property owner to initiate a petition to add or modify conditions or voluntary commitments, as directed by the BCC or ZC. New or modified conditions or voluntary commitments, shall include bringing the development into conformity with current Codes and regulations;
 - 6) Direct staff to cite the property owner for violating the provisions of this Code;
 - 7) Adopt a resolution to amend or revoke the development order or map amendment for the undeveloped or unplatted portion of the project;
 - 8) Exempt from further review of any development order which rezoned property to a district which does not exceed the density or intensity permitted by the Plan Future Land Use designation, provided there is no concurrency reservation or exemption for the property. This exemption may be applied to any advertised status report after adoption of this amendment; and/or
 - 9) Deny or revoke a building permit; issue a stop work order; deny or revoke a CO on any building or structure; revoke any concurrency; deny or revoke any permit, license or approval for any developer, owner, lessee, or user of the subject property.
 - c. If the BCC or ZC fails to act on staff recommendations within the prescribed time period, or if the Executive Director of PZB grants an administrative time extension, the issuance of new development orders shall immediately resume.
 - d. The decision of the BCC or ZC shall be rendered within 65 days of the originally advertised 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 12 months from the due date for compliance.
 - e. If a developer's agreement for the commitment of utility services has expired prior to the expiration of any deadline to commence development or record a plat, the notice required by Art. 2.E.2.A, Suspension of Development Orders, shall not be recorded until a new developer's agreement has been executed.
- 8. Decision of the BCC or ZC for failure to comply with a condition of approval which requires the posting of performance security pursuant to Art. 12.C.2, Conditions.**
- The BCC or ZC shall take one or more of the following actions:
- a. Approve a time extension not to exceed six months based on the criteria of Art. 2.F.3.D.6, Receipt of A Concurrency Reservation with Conditions, and Art. 2.E.2.B, Administrative Extension of Time, if an administrative time extension was not approved. The term of the time extension shall commence upon the expiration of the date to post performance security. In no case shall the total time to post performance security exceed 12 months from the date of the development order, which imposed the condition to post performance security;
 - b. Adopt a resolution to revoke any special exception or conditional use;
 - c. Adopt a resolution to rezone the property to the lowest zoning district consistent with the property's FLU designation if the concurrency reservation applied to a development order which rezoned the property; and/or
 - d. Adopt a resolution to amend the condition in compliance with Art. 12.C.2, Conditions.

E. Failure to Comply with Conditions of Approval Imposed by the DRO

1. If a property owner has not received an administrative time extension prior to the deadline to comply with a condition, or has exhausted all administrative time extensions, a time extension application may be submitted to the DRO. The application must be received by the DRO prior to the compliance deadline. The DRO shall consider the criteria set forth in Art. 2.E.2.B, Administrative Extension of Time based on these criteria, the DRO shall:
 - a. Revoke the certification of the site plan or subdivision plan;
 - b. Amend or delete the condition; or
 - c. Direct staff of the Code Enforcement Division to cite the property owner for failure to comply with the condition.
2. If a property owner fails to submit an application pursuant to Art. 2.E.2.E, Failure to Comply with Conditions of Approval Imposed by the DRO, shall direct staff of the Code Enforcement Division to cite the property owner for failure to comply with the condition.
3. Decisions of the DRO made pursuant to this Section may be appealed to DRAB pursuant to Art. 17.C, Appointed Bodies.

F. Expiration of Time Extensions Granted by the BCC

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 order shall be subject to the requirements of Art. 2.E.2.B, Administrative Extension of Time, Art. 2.E.2.D, Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval, and Art. 2.E.2.E, Failure to Comply with Conditions of Approval Imposed by the DRO, herein, as appropriate.

G. Fees

Fees to implement this Section shall be established by the BCC.

Section 3 Supplementary Regulations for Classes of Development Orders

A. Classes of Development Approvals

Unless otherwise established in the development order, the time frames provided in Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, apply. Permitted time frames do not change with successive owners.

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

1. Residential District (Non-PDD or TDD) PUD and TND Districts

The development order and master plan or final subdivision plan for the Residential District (Non-PDD or TDD) PUD, or TND Districts, may provide for phasing. Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, provides time requirements for recording plats.

2. Conditional and Requested Uses, Planned Development Districts (PDD) other than Planned Unit Developments and Traditional Marketplace and Traditional Town Development Districts

The Final site plan/Final Subdivision plan for the conditional and requested uses, PDDs other than PUDs, traditional marketplace, or TTD, may provide for phasing. Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, provides the maximum number of phases permitted for each type of development order. If there are multiple phases, each of the first two phases shall contain a minimum of 20 percent of the land area unless otherwise approved in the development order approved by the BCC or ZC. Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, also provides time requirements for commencement of development.

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

a. PDD or Conditional Use

- 1) Administrative modification of site plan does not alter original time certain requirement.
- 2) BCC or ZC modification to development orders may include a condition of approval which provides a new time for commencement of development or to record a plat (up to the maximum time permitted for a new development order) if the modification and all undeveloped areas of the project are determined to meet all requirements for approval of a development order for a new project.

b. Final Site Plan or Final Subdivision Plan

A modification to a site plan or subdivision plan shall only establish a new time to commence development or record a plat as provided in Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, if the site plan or subdivision plan is certified based on a determination of compliance with all current Code requirements, including concurrency.

Table 2.E.3.B-1 - Time Limitation of Development Order for Each Phase

| TYPE OF DEVELOPMENT ORDER | MAXIMUM NUMBER OF PHASES | NEXT REQUIRED ACTION OR DEVELOPMENT ORDER | MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT | MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴ | ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION |
|---|--------------------------|--|--|--|--|
| REZONING – RESIDENTIAL-NON-PLANNED DEV. DIST. (PDD) or TRADITIONAL DEV. DIST. (TDD) | 2 | Record plat or affidavit of plat waiver or commence development ¹ | Three years ^{2,7} | no extensions permitted | BCC review pursuant to subsections Art.2.E.2.A and Art.2.E.2.D herein |
| REZONING - NONRESIDENTIAL-Non-PDD or TDD | 2 | Commence development ¹ | Three years ^{2,7} | 12 months | BCC review pursuant to subsections Art.2.E.2.A and Art.2.E.2.D herein |
| CONDITIONAL USES CLASS A AND CLASS B, REQUESTED USES INCLUDING THOSE IN PDDs, and TDDs | 2 ⁵ | Commence development or utilize Conditional Use or Requested Use if no construction is required ¹ | Three years ^{2,7} | 12 months | Pursuant to subsections Art.2.E.2.A and Art.2.E.2.D herein: Class A - BCC review; Class B - Zoning Commission review |
| PDD: NON PLANNED UNIT DEV. (PUD) | 4 | Commence development ¹ | Three years ^{2,7} | 12 months | BCC review pursuant to subsections Art.2.E.2.A and Art.2.E.2.D herein |
| PDD: PUD; TDD:TRADITIONAL NEIGHBORHOOD DEV. (TND) | no maximum | Record plat ⁶ | Three years ^{2,7} | no extensions permitted | BCC review pursuant to subsections Art.2.E.2.A and Art.2.E.2.D herein |
| TDD:TRADITIONAL MARKETPLACE DEV. (TMD) IN THE AGR. RESERVE TIER | 1 | Commence development ¹ | Three years ^{2,7} | 12 months | BCC review pursuant to subsections Art.2.E.2.A and Art.2.E.2.D herein |
| TDD: TMD IN ALL OTHER TIERS; TRADITIONAL TOWN DEV. (TTD) | No maximum | Commence development ¹ | Three years ^{2,7} | 12 months | BCC review pursuant to subsections Art.2.E.2.A and Art.2.E.2.D herein |

Table 2.E.3.B-1 - Time Limitation of Development Order for Each Phase

| TYPE OF DEVELOPMENT ORDER | | MAXIMUM NUMBER OF PHASES | NEXT REQUIRED ACTION OR DEVELOPMENT ORDER | MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT | MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴ | ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION |
|--|---|--------------------------|---|--|--|---|
| DEVELOPMENT ORDERS WHICH AT THE TIME OF CERTIFICATION ARE NOT ASSOCIATED WITH ANY OTHER DEVELOPMENT ORDER WHICH IS SUBJECT TO THE REQUIREMENTS OF Art. 2.E (THOSE LISTED ABOVE): | SITE PLAN | 2 | Commence development ¹ | Four years ^{3,7} | no extensions permitted | Plan null and void for the undeveloped phases of a site plan, and unplatted phases of a subdivision plan. |
| | FINAL SUBDIVISION PLAN: NON-RESIDENTIAL | 2 | Commence development ¹ | Four years ^{3,7} | | |
| | FINAL SUBDIVISION PLAN: RESIDENTIAL | no maximum | Record plat | three years ^{3,7} | | |

Notes for Table 2.E.3.B

Time Limitation of Development Order for Each Phase:

¹Commencement of development shall consist of:

- a. Receipt of a building permit and first inspection approval of first component of the primary structure(s) for a) the entire development, as defined by the certified site plan or certificate of concurrency for those development orders which do not require the certification of a site plan or b) all of the next phase if phasing is provided by the development order and final Master Plan pursuant to Art. 2.E.3.B.3.b, Final Site Plan or Final Subdivision Plan, herein; or
- b. The installation of significant site improvements such that the improvements would only permit the development of the approved project, and any other pattern of development would require extensive changes to the installed improvements.

²Commencement of development shall not consist of:

- a. The dividing of land into parcels, unless the determination of commencement is to be made for property in a residential zoning district which is not a PDD and for which there is no conditional use/special exception and this division is accomplished through the recordation of a plat or plat waiver; or
- b. Demolition of a structure; or
- c. Deposit of refuse, solid or liquid waste, or fill on the parcel unless the development order is exclusively and specifically for such; or
- d. Clearing of land.

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

⁴From plan certification date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases.

⁵All administrative time extensions listed in this table are to be approved or denied by the Executive Director of PZB.

⁶The maximum number of phases and duration of each phase for a Type III excavation shall be established by a condition of approval.

⁷The recordation of a plat for the preservation area of an AGR-PUD shall not qualify as meeting this requirement.

⁸An additional 90 days will be provided if prior to the expiration of any time period established by this Code, staff is notified by the property owner that either a complete building permit application has been submitted, or technical compliance for a plat has been received, as appropriate, and development will commence, or the plat will be recorded, within 90 days of the deadline. If the required action does not occur within the ninety days, the requirements of Art.2.E.2, Procedures, shall apply. This provision shall not be utilized when there has been a failure to comply with concurrency reservation or development order conditions which are required for the Development Order to comply with Art.12.C.2, Conditions.

CHAPTER F CONCURRENCY (Adequate Public Facility Standards)

Section 1 General

A. Purpose and Intent

The purpose and intent of this Section is to ensure that adequate potable water, sanitary sewer, solid waste, drainage, public school, park, road and mass transit public facilities and fire-rescue are available to accommodate development concurrent with the impact of development on such public facilities, consistent with the LOS standards for those public facilities adopted in the Plan. This objective is accomplished by (1) establishing a management and monitoring system to evaluate and coordinate the timing and provision of the necessary public facilities to service development, and (2) by establishing a regulatory program that ensures that each public facility is available to serve development concurrent with the impacts of development on public facilities.

B. Authority

The BCC has the authority to adopt this article pursuant to Art. VIII, Sec. 1, Fla. Const., the PBC Charter, F.S. §,125.01, et al seq., F.S. §163.3161(8), F.S. §163.3177(10)(h) and F.S. §163.3202(2)(g).

C. Applicability

1. General

Concurrency shall be obtained for all development orders and subsequent development orders unless the project is exempt from the requirements of this Article.

D. Exemptions

The following shall be exempt from the requirements of this article:

1. All development orders that have received a concurrency exemption certificate or concurrency exemption extension certificate, pursuant to the “Concurrency Exemption Ordinance of PBC” and the “Concurrency Exemption Extension Ordinance”;
2. A lot of record which (a) meets the density requirements of the Plan, as amended, or (b) qualifies for an administrative order exempting it from the density requirement of the Plan;
3. An alteration or expansion of a development that does not create additional impact on public facilities;
4. The construction of accessory buildings and structures that does not create additional impact on public facilities;
5. The replacement of a dwelling unit within one year of its removal; and
6. The official list of additional specific permit types as established by the Zoning Director which are deemed to have no impact on public facilities.

E. Unified Planning Area

1. If a unified planning area is adopted and implemented by the BCC, through resolution, such unified planning area shall be considered concurrent through the date specified in the resolution, provided:
 - a. The terms of the resolution adopting and implementing the unified planning area are being met in good faith; and
 - b. The impacts of the unified planning area on the public facilities have been addressed.
2. Adequate public facility standards for the unified planning area shall be maintained providing Art. 2.F.1.E.1.a, Unified Planning Area, Art. 2.F.1.E, Unified Planning Area, have been met, regardless of the impact of subsequently approved or background traffic that may generate traffic in the unified planning area, on affected roadways or other public facilities.

Section 2 LOS Standards

The LOS standards for public facilities are contained in the Plan and shall apply in the review of development pursuant to the procedures and standards of this Article.

Section 3 Review for Adequate Public Facilities

A. General

To ensure that adequate potable water, sanitary sewer, solid waste, drainage, public school, parks and recreation, road, mass transit, and fire-rescue public facilities are available concurrent with the impacts of development on each public facility, PBC shall establish the following development review procedures. To ensure public schools are available concurrent with the impacts of development, PBC has adopted the “Public School Concurrency Ordinance of PBC” which is codified in Art. 2.F.7, Public School Concurrency.

B. Procedure for Review of Application for a Concurrency Reservation

1. Submission of Application

An application for a concurrency reservation shall be submitted jointly with an application for a development order (joint review), to the Zoning Director in a form established by the Zoning Director and made available to the public. If the proposed development does not require site plan approval, the application shall be submitted at scheduled intake times (separate review) as specified on the annual Zoning Division calendar. The application shall be accompanied by a fee established by the BCC for the filing and processing of each application. The fee shall be non-refundable.

2. Determination of Sufficiency

a. Separate Review

Upon receipt of the application, the Zoning Director shall initiate a review and within ten days determine whether the application is sufficient. 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 unless the deficiencies are remedied. If the deficiencies are not remedied within 20 days of written notification, the application shall be considered withdrawn.

b. Joint Review

Sufficiency determination is subject to the regulations for the specific development order requested as outlined in Art. 2.B.2.G, Development Order Amendment. Insufficiency of any portion of an application submitted under joint review shall result in the insufficiency of the concurrency application.

3. Determination of Review

The Zoning Director shall also determine whether all service providers are required to review the application. If the Director determines that two or less public facilities are impacted by the proposed development, the application may be eligible for a reduced concurrency review fee. The Zoning Director, where appropriate, shall consult with the service providers in making such determination.

4. Review and Recommendation

a. Separate Review

Within ten days of submittal or re-submittal, the application shall be forwarded to the PBC Departments and service providers for review. Within 15 working days of its receipt, the appropriate PBC Departments and service providers shall file a statement with the Zoning Director as to whether or not adequate public facilities are available, pursuant to the standards of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation.

b. Joint Review

The application shall be distributed to the PBC Departments and service providers for review together with application for development order.

5. 90 Day Negotiation

a. Separate Review

If the Zoning Director determines that an application fails to meet any one of the public facility component standards of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation, the applicant shall be notified of such deficiency(s) in writing. If the applicant does not notify the Zoning Director in writing that he/she wishes to withdraw the application, the application shall be entered into 90 day negotiation period with the service provider.

1) If during the 90-calendar day negotiation period, the applicant addresses the deficiencies, the application shall be reconsidered by the Zoning Director and approved or denied consistent with the standards of this Chapter.

2) If the deficiencies are not resolved within 90 calendar days, the application shall be denied.

b. Joint Review

The timing and review of an application shall be consistent with the timing and review procedures outlined in Art. 2, Development Review Procedures, for the requested Development Permit/Order. Approval of the development permit/order shall not be granted until Concurrency is approved.

c. Extension of 90 Day Negotiation Period

Prior to expiration of a reservation, if it is documented that a government-caused delay the failure of a development order to be issued, the Zoning Director shall grant such extensions as necessary to offset government-caused delays, not necessarily equal to the time of the delay. Each extension shall be based only on a delay that has already occurred.

6. Approval

a. Separate Review

If it is determined by the service providers that adequate public facilities are available, the Zoning Director shall review the statements and the application for compliance with all the public facility component standards of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation, and the density requirements of the Plan, and shall issue a certificate for concurrency reservation.

b. Joint Review

Concurrency approval shall be indicated directly on the certified plan pursuant to the DRO technical standards for projects that require site plan approval. For projects that do not require site plan approval, a reservation shall be issued.

C. Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation

The following standards for each facility shall be used in deciding whether to approve or deny a concurrency reservation:

1. Potable Water, Sanitary Sewer, Solid Waste and Park and Recreation and Linked Open Space and Fire Rescue Facilities

Facilities to provide the proposed development sufficient services based on the LOS for facilities are in place, or under construction and bonded; or the subject of a binding and executed contract; or are included in PBCs Capital Improvement Annual Budget or the service provider's annual budget; or the PBCHD has verified and approved that capacity is available.

2. Drainage Facilities

The drainage component shall be approved if the proposed development has a legal right to convey stormwater to a point of legal positive outfall or meets the exemption provisions of Art. 5.C, Design Standards.

3. Traffic Facilities

The roads component shall be approved if the proposed development complies with Art. 12, Traffic Performance Standards. In determining whether the road component meets the requirements of this Subsection, the Six Year Capital Improvement Schedule in the Capital Improvements Element may be considered only if the development proposed in the application is phased so that the impacts of the proposed development and the capacity provided by the road projects in the Six Year Road Improvement Schedule will occur concurrently. The phasing of development and transportation improvements to ensure the LOS for road facilities is met may be addressed through a development or road agreement.

4. Mass Transit Facilities

The mass transit component shall be approved if the travel demand of the proposed development does not deteriorate the LOS for mass transit facilities below the adopted LOS for mass transit facilities.

5. Public School Facilities

The public school component for the proposed development shall be subject to the application and review procedures set forth in the Public School Concurrency Ordinance of PBC, which is codified in Art. 2.F.7, Public School Concurrency.

D. Rules of General Applicability for a Concurrency Reservation

1. Expiration

Unless revoked by the BCC or the ZC reservation is valid for the life of a specific development order pursuant to Art. 2.F, Concurrency, or shall expire one year from the date of issuance of the reservation, whichever is applicable. If the required development order is a building permit, then the application for the building permit must be submitted prior to the expiration date of the reservation. In such cases, the building permit must be issued within six months from the date of intake of the building permit application, or the reservation shall expire. If a reservation either expires or becomes invalid, the public facility capacity reserved by the reservation expires, and becomes additional available public facility capacity. An applicant cannot apply for a new reservation until the previous reservation has expired. The expiration or revocation of a development order shall result in the automatic expiration or revocation of the reservation. A reservation shall not expire if an application for a specific development order is pending. All Concurrency reservations shall be issued for the number of units or square footage shown on the approved site plan or master plan most recently certified by the DRO. For any Master Plan or Site Plan, which was approved for acreage only, the capacity for the approved use shall be calculated by the applicant and affirmed by the Zoning Division

and each service provider. Any concurrency reservation shall be adjusted accordingly. Any increase in units or square footage above that shown on the current site plan/master plan shall be subject to concurrency review.

2. Effect

Reservation will remain valid provided:

- a) the development order for which the certificate was approved has not expired or been revoked or abandoned;
- b) all annual fees necessary to maintain the reservation are paid each year;
- c) the development is not altered to increase the impact of the development on public facilities;
- d) The reservation is not revoked by the BCC or the ZC.

3. Assignability and Transferability

A reservation may be assignable or transferable, within the same approved development or to successors in interest for the same property.

4. Extension of a Reservation

Prior to expiration of a reservation, it is documented that a government-caused the failure of a development order to be issued, the Zoning Director shall grant such extensions as necessary to offset government-caused delays, not necessarily equal to the time of the delay. Each extension shall be based only on a delay that has already occurred.

5. Phasing of a Reservation

In determining whether an application for a reservation complies with the requirements of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation, the Zoning Director may consider the phasing of development and its coordination with public facility capital improvements for a period of up to five years, or some other period consistent with the terms of an agreement.

6. Receipt of a Concurrency Reservation with Conditions

If the appropriate service provider can ensure there will be adequate public facilities with condition(s) or an agreement approved by the Zoning Director, the concurrency reservation shall be approved. The issuance of a building permit shall be based upon compliance with the conditions contained on certified site plan or the concurrency reservation.

a. Consideration in Conjunction with an Agreement

- 1) If an agreement is to be part of an application for a development order, then prior to the proposed development order application being considered for consistency, the agreement shall be:
 - a) found to be in sufficient form and contain sufficient information by the County Attorney and the Zoning Director; and,
 - b) accompanied by applicable fee, as set forth in the adopted fee schedule.
- 2) If the Zoning Director determines that the standards of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation, are met if the agreement is approved, a concurrency reservation shall be issued, conditioned on the approval of the agreement with the express terms related to the provision of the public facilities for the proposed development.
- 3) Upon approval of the agreement by the BCC, the concurrency reservation shall become final. If the agreement is denied, then the concurrency reservation shall expire.

b. Performance Security Required

- 1) In accordance with Art. 12.C.2, Conditions, a concurrency reservation with conditions may be granted to ensure compliance with the TPS. Performance security to install improvements resulting from the impact of the project may be required to be posted within six months from the date the development order is approved. The performance security shall be in a form acceptable to the DEPW.
- 2) A one time six month administrative time extension in accordance with Art. 2.E.2.B, Administrative Extension of Time, or a six month BCC time extension in accordance with Art. 2.F.2, LOS Standards, of this Code, may be permitted, provided the following standards are met:
 - a) The project is located on a roadway, which did not meet the TPS prior to a concurrency reservation being issued for the project;
 - b) The traffic approval was based solely on the posting of security for roadway improvements; and

- c) The project approval does not delay any other property owner from development since no capacity was available for the project; therefore, no trips had been reserved for the project.
- 3) If an administrative time extension is not requested and granted, or a previously approved time extension expires without security being posted, the development order shall be subject to the review requirements of Art. 2.F.2, LOS Standards, and Art. 2.F.3, Review of Adequate Public Facilities. If the BCC revokes the development order, the concurrency reservation shall immediately expire. The development order shall be revoked if security is not posted within 12 months of approval of the development order.

c. Extension of Date Certain Conditions Prior to Issuance of Development Order

Prior to the expiration of a date certain condition, one extension of the condition up to nine months may be provided by the service provider imposing the condition, if it is determined that a valid public governmental purpose will be achieved by granting the extension. In no other case may an extension be granted.

7. Amendment to Concurrency Reservation

An amendment to a concurrency reservation shall be required prior to the approval of any amendment to a development order which results in a change to the impact on public facilities addressed by this Chapter. The amendment of a concurrency reservation shall only require reservation of the additional public facility capacity demanded by the proposed development or modification of the reservation of the public facility capacity if the demand is decreased.

8. Revision of a Concurrency Reservation

A revision to a concurrency reservation shall be required prior to the approval of any reduction in approved square footage on the certified plan.

9. Effect of Agreement in Conjunction With a Concurrency Reservation

A developer may enter into an agreement with PBC and relevant service providers, for those public facilities specifying that an agreement is acceptable, in conjunction with the approval of a development order and a concurrency reservation, to ensure adequate public facilities are available concurrent with the impacts of development on the public facility. The effect of the agreement shall be to bind PBC and the developer pursuant to the terms and duration of the agreement to its determination pursuant to Art. 2.F.4, Entitlement Density and Entitlement Intensity, that adequate public facilities are available to serve the proposed development concurrent with the impacts of the development on the public facilities. Any public facility capital improvement in the Six Year Capital Improvement Schedule in the CIE on which such a concurrency reservation is made in conjunction with the approval of a development order and an agreement, shall not be delayed, deferred, or removed from the Six Year Capital Improvement Schedule in the CIE, except that any capital improvement may be deferred by one year if the deferral is identified pursuant to the terms of an agreement.

E. Procedure for Equivalency Determination

1. Submission of Application

An application for an equivalency determination shall be submitted jointly with an application for a specific development permit. If the equivalency is for a use or uses that do not require site plan approval, it may be submitted separately at scheduled intake times as specified in the annual Zoning Division calendar. The applicant shall complete the equivalency matrix in the concurrency supplemental application itemizing the following in the appropriate column:

- a. All approved and existing uses for the development shall be listed;
- b. All proposed uses including those uses that are not changing; and
- c. The amount of change for those uses that did change.

2. Review and Recommendation

a. Separate Review

Within ten days of submittal or re-submittal, the application shall be forwarded to the PBC Departments and service providers for review. Within 15 working days of its receipt, the PBC Departments and Service Providers shall file a statement with the Zoning Director as to whether or not adequate public facilities are available, pursuant to the standards of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation.

b. Joint Review

The application is distributed to the PBC Departments and service providers for review with the distribution of the application for development permit.

3. Approval of Equivalency

a. Separate Review

If it is determined by the providers that the approved existing uses are equivalent to the proposed uses, the concurrency section will either:

- 1) Amend and re-issue the existing reservation or exemption to include the new uses, or;
- 2) Issue an administrative exemption if the development exists and there is no valid reservation or exemption.

b. Joint Review

Concurrency approval shall be indicated directly on the certified plan pursuant to the DRO technical standards for projects that require site plan approval. For projects that do not require site plan approval, a reservation shall be issued.

4. Denial of Equivalency

If it is determined by the one or more of the providers that the proposed uses are not equivalent to the approved/existing uses, the applicant shall apply for a reservation for those proposed uses, which will require additional capacity.

Section 4 Entitlement Density And Entitlement Intensity

A. General

If after an appeal on an application for a concurrency reservation is denied by the Zoning Director and that decision is affirmed by the DRAB, the applicant may submit an application for entitlement density or entitlement intensity pursuant to the procedural and substantive requirements of this Section.

B. Submission of Application

An application for entitlement density or entitlement intensity shall be submitted to the Zoning Director on a form established by the Zoning Director and made available to the public. The application shall be accompanied by a Zoning fee established by the BCC from time to time for the filing and processing of each application. The fee shall be non-refundable.

C. Determination of Sufficiency

The Zoning Director shall initiate review of an application for entitlement density or entitlement intensity upon receipt of the application, and within 15 working days, determine whether the application is sufficient and includes data necessary to evaluate the application.

1. 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 unless the deficiencies are remedied.
2. If 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.

D. Decision by Zoning Director

Within 30 working days after the Zoning Director determines the application is sufficient, the Zoning Director shall review the application and shall approve, approve with conditions, or deny the application based upon whether it complies with the standards in Art. 2.F.5.C, Procedure.

E. Standards for Entitlement Density

An entitlement density for the proposed development must be consistent with the entitlement densities permitted in the FLUE of the Plan or a minimum of one dwelling unit, provided that the maximum density (dwelling unit per gross acre) as depicted on Figure 2 of the FLUA of the Plan is not exceeded.

An entitlement intensity for the proposed development must be consistent with the entitlement intensities permitted in the FLUE of the Plan provided the square footage does not exceed two one-half percent of the maximum square footage allowed under this Code.

If the above conditions are met, an entitlement density or entitlement intensity for the proposed development shall be granted if;

1. A concurrency reservation has been denied for the proposed development pursuant to the requirements of Art. 2.F.3.C, Standards for Review of Application for Concurrency Reservation, and an appeal to the DRAB has affirmed that decision;

2. The LOS for drainage facilities for the development proposed in the application is met pursuant to the requirements of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation;
3. A plan demonstrates how the proposed development will be designed (a) at its entitlement density or entitlement intensity and (b) at its allowable density or entitlement intensity under the Plan and this Code at the time the necessary public facilities are available to adequately serve the development. Any development order issued for an application for development permit for which entitlement density or entitlement intensity has been approved shall be consistent with the plans for development in this Subsection. The review of a plan for development at the allowable density or intensity under this Section shall in no way reserve capacity for public facilities;
4. Approval of the entitlement density or entitlement intensity is conditioned on the initiation of development of the proposed project at its allowable density or intensity subject to receipt of a concurrency reservation within two years of the time the necessary public facilities are available to serve the proposed development at its allowable density or intensity; and
5. In the USA, development orders for development proceeding at entitlement densities or entitlement intensities may be permitted at rural LOS for potable water and sanitary sewage while the development is at its entitlement density or entitlement intensity.

Section 5 Administrative Appeal Process

A. General

An applicant may appeal a decision of the Zoning Director denying an application for a concurrency reservation, entitlement density, or a concurrency exemption extension by filing a petition with the Zoning Director appealing the decision to the DRAB within ten days of the rendition of the decision by the Zoning Director.

B. DRAB Membership

The DRAB shall consist of the Executive Director of PZB, the County Attorney and the County Engineer.

C. Procedure

The DRAB shall consider the appeal petition within 60 calendar days of filing. In considering the appeal, the DRAB shall consider only the record before the Zoning Director at the time of the decision, testimony of the petitioner and the petitioners' agents and testimony of PBC staff.

D. Standard

The DRAB shall reverse the decision of the Zoning Director only if there is competent substantial evidence in the record that the application complies with the standards of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation.

E. Written Order

The decision of the DRAB shall be in writing and a copy of the decision shall be forwarded to the appealing party.

F. Appeal to Circuit Court

An applicant may appeal a final decision of the DRAB within 30 calendar days of the rendition of the decision by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC.

Section 6 Monitoring Program

A. General

To ensure that adequate potable water, sanitary sewer, solid waste, drainage, public school, park and recreation and linked open space, traffic, mass transit, and fire-rescue public facilities are available concurrent with the impacts of development on public facilities, PBC shall establish the following management and monitoring practices. Their purpose is to evaluate and coordinate the timing, provision, and funding of the public facilities so that:

1. they are being adequately planned for and funded to maintain the LOS for public facilities and
2. to evaluate the capacity of the public facilities for use in the regulatory program to ensure
 - a. there are no development orders issued unless there are adequate public facilities available to serve the development concurrent with the impacts of development on the public facilities, or
 - b. no development orders are issued unless they are conditioned on the availability of public facilities to serve the development concurrent with the impacts of development on public facilities.

B. Annual Public Facilities Update Report (AUR)

By March 1 of each year, the Executive Director of PZB shall submit to the Office of Management and Budget (OFMB) an AUR. The AUR shall (a) determine the existing conditions of all potable water, sanitary sewer, solid waste, drainage, public school, park, road, mass transit, and fire-rescue public facilities, (b) determine and summarize the available capacity of these public facilities based on their LOS, and (c) forecast the capacity of existing and planned capital improvements identified in the five year capital improvement schedule for each of the five succeeding years. The forecasts shall be based on the most recently updated schedule of capital improvements for each public facility. The AUR shall also revise relevant population projections. Specifically, the AUR shall include:

1. A summary of development exempted pursuant to Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation.
2. A summary of development activity.
3. An evaluation of public facilities (potable water, sanitary sewer, solid waste, drainage, public school, park and recreation, road, mass transit, and fire-rescue facilities) indicating:
 - a. The capacity available for each at the beginning of the reporting period and the end of the reporting period;
 - b. An evaluation of the LOS for each public facility; and
 - c. A forecast of the capacity for each public facility based upon the most recent updated schedule of capital improvements in the CIE.

C. Amendments

Based upon analysis of the AUR, OFMB shall propose to the BCC each year, any necessary amendments to the CIE, and any proposed amendments to the PBC's annual budget for public facilities.

Section 7 Public School Concurrency

A. Short Title

This Section shall be known as, and may be cited as, "the Public School Concurrency Ordinance of PBC, Florida".

B. Authority

The BCC has the authority to adopt this Ordinance pursuant to the PBC Charter; F.S. Chapter 125 and F.S. Chapter 163, and the Agreement.

C. Definitions

See Art. 2.A.1.B, Definitions, for Public School Concurrency definition specific to Art. 2.F.7, Public School Concurrency.

D. Applicability

1. Area of Jurisdiction

- a. This Section shall apply in the unincorporated area of PBC.
- b. This Section shall also apply within those Municipalities that have opted into this Section by not adopting an implementing ordinance within the time frame specified in the agreement. Any such Municipality may opt out of this Section at any time by adopting its own implementing ordinance consistent with the agreement. Once a Municipality has opted out of this Section, this Section shall not apply within that Municipality.

2. Time of Application of Ordinance

- a. This Section shall not apply to Proposed New Residential Development until the commencement of the school concurrency program as specified in Art. V, Section A, of the Agreement.
- b. This Section shall not apply to Proposed New Residential Development whenever and wherever the school concurrency program is suspended pursuant to the terms of the Agreement.
- c. This Section shall terminate, or its effect shall be suspended; in the event termination or suspension of the school concurrency program occurs as set forth in the Agreement.

3. Applications Requiring Concurrency Review

Unless otherwise provided herein, this Section shall apply to all Site Specific development orders for Proposed New Residential Development.

4. Exemptions

The following are exempt from the school concurrency requirements contained in this Section:

- a. Single family lots of record, existing as such at the time this Section is adopted.
- b. Any Residential Development that received final approval of a Site Specific development order prior to the commencement of the school concurrency program, as specified in Art. V, Section A, of the Agreement, is considered vested for that which was previously approved and shall not be

considered as Proposed New Residential Development for purposes of school concurrency. Any Residential Development which is exempt from school concurrency under Local Government's concurrency regulations shall not be considered as Proposed New Residential Development for purposes of school concurrency.

- c. Any Proposed New Residential Development that has filed a complete application prior to the commencement of the school concurrency program, as specified in Art. V, Section A of the Agreement.
- d. Any amendment to any previously approved Residential Development which does not increase the density of the development.
- e. Any previously approved Residential Development or any other previously approved Development with a residential component located within any existing "Transportation Concurrency Exception Area," as defined in F.S. § 163.3180(5).

E. Standard

1. LOS

The PBC Public School Facilities Element, the Municipalities' Plans, and the agreement establish the adopted LOS set forth below. The actual LOS (utilization) for all schools of each type of school in each CSA and each individual school shall be established each year by the first student count of the second semester.

- a. Tiered LOS shall be in force pursuant to the Tiered LOS Table in the public school facilities element until August 1, 2004. Individual schools of each type may exceed the tiered LOS during the period in which tiered LOS are in effect, provided that the CSA's tiered LOS is not exceeded. However, each individual school's LOS which exceeds the tiered LOS, during the time that the tiered LOS is in effect, shall not exceed the utilization standards for that school type as shown in the maximum utilization table of the public school facilities element. During the time that the tiered LOS standard is in effect, the School District shall initiate necessary program and/or boundary adjustments so that the tiered LOS is not exceeded in each CSA.
- b. After August 1, 2004, the following LOS standards shall be established for all schools of each type within each CSA and each individual school:
 - 1) Ten percent of capacity (utilization) as determined by the (FISH); or
 - 2) A higher LOS up to 120 percent of FISH capacity (utilization/LOS) for individual schools if a school capacity study (SCS) undertaken pursuant to the agreement determines that the school can operate at the higher LOS.

2. Concurrency Service Areas

School concurrency shall be measured and applied on the basis of 21 CSA's as described in the public school facilities element.

3. Three Year Rule

In determining whether capacity is available, the School District shall consider any new capacity which will be in place or under actual construction in the first three years of the School District 5 Year Capital Facilities Plan.

4. Adjacent CSA Capacity

In determining whether capacity is available, the School District shall consider adjacent CSA capacity as specified in the agreement.

F. Review of Residential Development Proposals

1. Application

At the time of and in conjunction with the application for an adequate public facilities review in accordance with the Code, or in the case of a Municipality, in accordance with its public facilities review process, the applicant for a Proposed New Residential Development shall submit to the appropriate Local Government a request for a school concurrency determination.

- a. The request for school concurrency determination shall contain the following information: location of the development; the build out time frame of the development; and the number, type and size of all the residential units anticipated to be occupied each calendar year. The applicant shall include with its request for school concurrency determination, a non-refundable fee established by the School District. PBC, or any Municipality that provides initial review, shall review the request for completeness and shall in addition determine whether the project is exempt from school concurrency as set forth in Art. 2.F.1.D, Exemptions. Notwithstanding the foregoing, this fee shall be returned to the applicant if PBC, or any Municipality that provides initial review, determines that the applicant is exempt and that no further review is required by the School District.

- b. If the project is in the unincorporated area and found not exempt PBC, PBC shall review the request for completeness and submit the request to the School District within ten days of finding the request complete. The PBC shall collect the required fees submitted with all requests for school concurrency determination and shall transmit these fees, less two percent for administrative costs, to the School District on a monthly basis. For projects located within a Municipality, the Municipality may follow the same process set forth in the sentence above. In the alternative, the Municipality may, after reviewing the request for completeness and determining that the project is not exempt, instruct the applicant to submit the request and the required fee directly to the School District.
- c. The School District shall review the application in accordance with the provisions of Art. V, Section A of the Agreement.
- d. Within the times set forth in Art. V, Section F, of the Agreement, the School District shall review the application and notify the applicant and the local Government of its determination. For projects located in the unincorporated area, notice by the School District determining the development to be in compliance shall specify that the date of issuance of the letter of determination of school concurrency shall be the same as the date of issuance of PBCs concurrency reservation, adequate public facilities agreement, or equivalency determination, as appropriate. Letter of determination of school concurrency determining the development to be in compliance shall be valid for one year from the date of issuance. Once the local Government site-specific development order is issued, the concurrency determination shall run with the development order.

G. Development Order Approval

- 1. No development order for a Proposed New Residential Development shall be approved unless there is a valid letter of determination of concurrency from the School District finding the Development in compliance.
- 2. If the letter of determination of concurrency requires conditions or mitigation to be placed on the development, the development order issued by PBC or the Municipality shall incorporate those conditions.
- 3. If the letter of determination of concurrency requires the development to be phased to mitigation, the conditions of approval of the development order shall implement the phasing requirements by specifying that Building Permits will be withheld if the conditions are not fulfilled.

H. Appeals

Applicants seeking relief from School District decisions shall appeal such decisions as provided for by law.

ARTICLE 3

OVERLAYS & ZONING DISTRICTS

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ARTICLE 3

OVERLAYS & ZONING DISTRICTS

CHAPTER A GENERAL

Section 1 Districts

A. Intent

In order to ensure that all development in unincorporated PBC is consistent with the Plan, it is necessary to establish a series of districts and overlays to ensure that each use is compatible with surrounding uses, served by adequate public facilities, and sensitive to natural resources. Each district has its own purpose and permitted uses, conditional uses, special uses and other regulations that control the use of land. All development within each district shall be consistent with the purposes stated in this Article.

B. Overlays and Zoning Districts

In order to carry out and implement the Plan, the following 14 overlays, 18 standard zoning districts, six Planned Development Districts (PDDs), and three Traditional Development Districts (TDDs) are hereby established.

1. Overlays

- AZO, Airport Zone Overlay
- COZ, Conditional Overlay Zone
- GAO, Glades Area Overlay
- IOZ, Indiantown Road Overlay
- LOSTO, Lake Okeechobee Scenic Trail Overlay
- LWRCCO, Lake Worth Road Commercial Corridor Overlay
- NBOZ, Northlake Boulevard Overlay Zoning
- NEO, Native Ecosystem Overlay
- PBIAO, Palm Beach International Airport Overlay
- RTO, Research and Technology Overlay
- SCO, Sugar Cane Overlay
- SR80 Non-residential Overlay
- TAPO, Turnpike Aquifer Protection Overlay
- WCRAO, Westgate Community Redevelopment Agency Overlay

2. Standard Districts

- AP, Agricultural Production
- AGR, Agricultural Reserve
- PC, Preservation Conservation
- AR, Agriculture Residential
- RE, Residential Estate
- RT, Residential Transitional
- RS, Residential Single family
- RM, Residential Multifamily
- CLO, Commercial Low Office
- CHO, Commercial High Office
- CN, Neighborhood Commercial
- CC, Commercial Community
- CG, Commercial General
- CRE, Commercial Recreation
- IL, Industrial Light
- IG, General Industrial
- PO, Public Ownership
- IPF, Institutional and Public Facilities

3. Planned Development Districts (PDD)

- PUD, Planned Unit Development
- MXPD, Mixed-Use Planned Development
- MUPD, Multiple Use Planned Development

PIPD, Planned Industrial Park Development
MHPD, Mobile Home Planned Development
RVPD, Recreational Vehicle Planned Development

4. Traditional Development Districts (TDD)

TND, Traditional Neighborhood Development
TMD, Traditional Marketplace Development
TTD, Traditional Town Development

Section 2 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 which is hereby incorporated by reference. A copy of the Official Zoning Map shall be located for inspection at all times by the general public during regular business hours in the office of PZB.

B. Amendment to the Official Zoning Map

If amendments are made to the boundaries of the Official Zoning Map, the Zoning Director shall update the Official Zoning Map within 30 days after the amendment.

C. Replacement of the Official Zoning Map

1. Damage or Destruction

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to changes and additions, the BCC shall adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map.

2. Map Errors

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.

CHAPTER B OVERLAYS

Section 1 General

A. Boundaries

The boundaries of each overlay shall be depicted on the Official Zoning Map.

B. Applicability

The provisions of each overlay shall apply to all proposed development and expansion of existing uses within the overlay unless otherwise noted below.

C. Relationship to Other Regulations in this Code

The provisions of an overlay are intended to supplement the other regulations in this Code.

D. Conflict with Other Applicable Regulations

If a conflict exists between provisions of an overlay and other Articles in this Code, the provisions of the overlay shall prevail except where superseded by state or federal laws.

Section 2 AZO, Airport Zoning Overlay

A. The purpose and intent of the Airport zoning regulations is to promote the maximum safety of aircraft using publicly-owned airports, the safety of residents and property in areas surrounding the airports, and the full utility of the airports. The provisions of Airport zoning regulations create zones, based on the approach and departure pattern of aircraft, and regulate the height of structures and the use of land within these zones. The Airport zoning regulations are contained in Art. 16, Airport Regulations.

Section 3 COZ, Conditional Overlay Zone

A. Purpose and Intent

A COZ district is to modify or restrict the use and site development standards authorized in the underlying standard zoning district to prevent, minimize or mitigate adverse impacts upon the surrounding land uses. Conditions shall be included if the applicable standards are inadequate to protect the surrounding land uses. Requirements of the COZ district are in addition to and supplement other applicable requirements of this Code.

B. Applicability

The provisions of the COZ district shall apply to lands in unincorporated PBC pursuant to BCC approval. In application of the COZ district, the BCC shall find that the proposed rezoning is appropriate only if the applicable regulations are modified. The BCC shall find one or more of the following reasons for the COZ district:

- 1. potential impact to surrounding land uses requires mitigation;
- 2. compatibility will be furthered between the requested zoning district and adjacent zones if uses and property development regulations (PDRs) are modified; and/or
- 3. intensity limits reflect available capacity of public facilities.

C. District Regulations

Restrictions which may be imposed in the COZ district include: limitations on uses, size, height, bulk, mass, scale and location of improvements, standards for landscaping, buffering, lighting, adequate ingress and egress, on-site or off-site improvements; hours of operation; and any other specific site development regulations required or authorized by this Code.

D. Procedure

The property owner or agent of the property being considered for rezoning shall either (1) apply for a COZ overlay and the restrictions imposed by the overlay; or (2) voluntarily agree to a COZ overlay during the zoning process. The resolution rezoning the 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.

Section 4 GAO, Glades Area Overlay

A. Purpose and Intent

A GAO district is to provide flexibility in the range of uses and PDRs allowed in the underlying districts in the Glades Tier and to accommodate uses which, if deemed appropriate, will increase job opportunities and improve the economic vitality of the area. In addition, the GAO district will provide a set of regulations that recognize the character of the area.

B. Applicability

All development orders within the GAO district shall also comply with all applicable Joint Planning Area Agreements, pursuant to Florida Statutes.

C. Use Regulations

In the GAO district, use shall be permitted as follows:

1. Permitted Uses

Uses permitted as of right in the underlying district are permitted as of right in the GAO.

2. Special Uses

Uses allowed as special uses in the underlying district shall be permitted in the GAO district after compliance with the special use standards. In addition:

a. Single family Dwelling Unit

Any single family dwelling unit required to relocate because of an eminent domain proceeding may relocate to lands in the AP district subject to special use approval; and

b. Nonconforming Use

Any nonconforming use may be expanded subject to a special use approval.

3. Conditional Uses

Uses allowed as conditional uses in the non-residential district shall be permitted by the DRO in the GAO district after compliance with the conditional use regulations. Uses not otherwise permitted in the non-residential may be permitted as Class A conditional uses in the GAO district after compliance with the conditional use regulations and after the BCC determines that the proposed use meets the following criteria:

- a. increases the number of jobs or provides needed housing;
- b. does not adversely affect adjacent land uses;
- c. is consistent with the goals, objectives and policies of the Plan; and
- d. helps to support existing or encourage additional Glades Area economic development.

4. Property Development Regulations (PDRs)

a. General

All development within the GAO district shall be subject to the (PDRs) of the underlying district, except as otherwise provided below.

b. Minimum Density

The BCC 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 applicable Joint Planning Area Agreement, and;
- 2) An analysis is completed that addresses:
 - a) the impact of a reduced density development on the overall infrastructure system;
 - b) the compatibility of the proposed development with adjacent land uses; and
 - c) the effect of the reduced density development on the ability of PBC 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 GAO district may be allowed to exceed those imposed by the underlying district and shall be determined by the BCC during the conditional use review process.

d. Location of Structures

Building permits in the GAO district may be permitted between the 120 foot and 220 foot R-O-W line within the R-O-W 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.

Section 5 IOZ, Indiantown Road Overlay

A. Purpose and Intent

The IOZ is intended to implement the site development regulations of uses within the established Indiantown Road Corridor Study Area pursuant to the interlocal agreement that has been adopted between PBC and the Town of Jupiter. The Town has adopted the IOZ pursuant to the recommendation of the Indiantown Road Corridor Study (IRCS) and F.S. Chapter 163, Part II.

The purpose of the IOZ is to protect residential neighborhoods, limit uses, improve the overall aesthetics of the Indiantown Road Corridor Study Area, and establish development incentives to accomplish the various objective of the corridor study.

Through the interlocal agreement the Town and PBC 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 F.S. Chapter 163, Part IV. The Town and PBC 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.

B. Applicability

The provisions of the IOZ district and the Indiantown Road Corridor Study Area, incorporated by reference, shall apply to all proposed development order applications within the boundaries of the IOZ district, except for applications for variances.

C. 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 unincorporated portions of the Indiantown Road corridor east of I-95. Unincorporated portions of the Indiantown Road corridor include portions of Section 3, Township 41, Range 42 as indicated on the Official Zoning Map.

D. Additional Regulations

The IOZ district regulations are contained in the interlocal agreement.

E. Joint Review Process

Development approval submitted to the PZB 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 PBC 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.

Section 6 LOSTO, Lake Okeechobee Scenic Trail Overlay

A. Purpose and Intent

The LOSTO is to encourage nature and heritage based tourist related uses, such as lodging, restaurants, and trail outfitters, around the Herbert Hoover Dike to facilitate development of the Lake Okeechobee Scenic Trail. The LOSTO is also intended to provide flexibility in the range of uses and land development regulations allowed in the underlying districts within its boundaries.

B. Boundaries

The LOSTO includes the area located between the Herbert Hoover Dike and 250 feet South of U.S. 27, or between the Herbert Hoover Dike and 250 feet East of Connors Highway as depicted on the Official Zoning Map.

C. Use Regulations

Uses permitted as of right in the underlying district are permitted as of right in the LOSTO. In addition, the following uses shall be permitted subject to Art. 4.B, Supplementary Use Standards:

1. Bed & breakfast
2. Camping cabin
3. Catering service
4. Offices, business or professional
5. Restaurant, specialty
6. Retail sales, general
7. Stable, commercial

Section 7 LWRCCO, Lake Worth Road Commercial Corridor Overlay

A. Purpose and Intent

The LWRCCO is to provide incentives to encourage infill development and redevelopment along Lake Worth Road, improve the neighborhood characteristics of the area, and improve the overall quality of the surrounding community. The LWRCCO is to implement the community's vision for the area and to address the unique land development constraints along Lake Worth Road.

The standards below will ensure that new development is compatible with and enhances the appearance of the surrounding area. Redevelopment of existing buildings or projects will be required to comply with the applicable standards within the affected area only.

B. Boundaries

The LWRCCO consists of those lands within unincorporated PBC bounded as follows: on the south by the LWDD Lateral 12 (L-12) Canal, on the west by the center line of Military Trail, on the north by the center line of 2nd Avenue North for a distance of 2,250 feet and its westerly prolongation, lying 700 feet north of the centerline of Lake Worth Road, for a distance of 5,850, and on the east by the center line of Congress Avenue.

C. Use Regulations

In the LWRCCO, the use regulations shall be the same as the underlying zoning district.

D. Property Development Regulations (PDRs)

Development shall comply with the (PDRs) of the underlying zoning districts, except as permitted in Art. 4, Use Regulations.

Table 3.B.7.D-1, LWRCCO Infill Property Developments Regulations

| Property Development Regulations | LWRCCO | Infill/Redevelopment Deviations | Standards for Deviations (3) |
|----------------------------------|---|---|--|
| Setbacks (1) (2) | Front = 20 Side = 10 Side Street = 20 Rear = 50 | 25 percent reduction for: Front = 15 Side = 7.5 Side Street = 15 Rear = N/A | Increase quality of landscape. Improve facade. 1. Additional canopies 2. Callonade 3. Reliefs 4. Molding |
| Floor Area Ratio (1) | 1. Outdoor seating areas 2. Service Roads 3. Mixed Use projects | N/A | N/A |
| Building Coverage | 1. Outdoor seating areas 2. Service Roads | N/A | N/A |
| Minimum Acreage (1) | PDD at 3 acres | No minimum | Encourage mixed use. |
| Parking (1) | 1. Location = Rear or Side 2. Shared: reduced by 20 percent 3. Rear Service Road reduced by 20 percent 4. Mixed Use Development: 50 percent vertical integration no parking for residential. | N/A | N/A |
| Landscaping (1) | Street trees: 1. Planting requirements: 1= 40' w/max 60' 2. Location 3. Alternative Landscape Plan (ALP) | ALP may be used when applicant demonstrated exemplary landscape design. | 1. Increase quality of material. 2. Increase size of material by 20 percent. 3. Increase foundation planting. 4. Ensure parking lot coverage. |

Notes for Table 3.B.7.D-1, LWRCCO Infill Property Developments Regulations:

1. Regulations permitted to deviate pursuant to infill/redevelopment standards.
2. See Art. 1.F.3, Non-Conforming Structure for expansion to 50 percent.
3. Standards for Deviation must be satisfied in order to qualify for Infill/ Redevelopment Deviation.

1. Setback Reductions

Refer to Table 3.B.7.D-1, LWRCCO Infill Property Development Regulations

2. Rear Setbacks

The minimum rear setback shall be 50 feet.

3. Floor Area Ratio (FAR)

a. Outdoor Seating Areas

For the purpose of Table 3.B.7.D-1, LWRCCO Infill Property Development Regulations, 50 percent of the outdoor seating area for restaurants shall not be included in FAR calculations.

b. Service Roads

Parcels accessed through a service road may be permitted to develop at a FAR of .50.

- c. **Mixed Use Projects**
For the purpose of Table 3.B.7.D-1, LWRCCO Infill Property Development Regulations, 50 percent of the residential square footage provided within a vertically integrated mixed use project shall not be included in FAR calculations.
- 4. **Building Coverage**
 - a. **Outdoor Seating Areas**
For the purpose of Table 3.B.7.D-1, LWRCCO Infill Property Development Regulations, 50 percent of the outdoor seating area for restaurants shall not be included in building coverage calculations.
 - b. **Service Roads**
Parcels accessing through a service road shall be permitted to develop at a maximum building coverage of .50.
- 5. **Planned Development District (PDD)**
The PDD minimum acreage requirements may be reduced to three acres when two or more smaller lots are combined through a unity of control.
- 6. **Parking**
 - a. **Location**
All required parking spaces for the principal use shall be located on the rear or side of the principal building. No parking spaces shall be located within the front setback.
 - b. **Shared Parking**
Parcels with cross access may be permitted a 20 percent reduction in the number of required parking spaces. A shared parking study shall be required and approved by the Zoning Division, Engineering Department, and the County Attorney. Additional reductions may be requested subject to the provisions of Art. 6.A.1.D.10, Shared Parking.
 - c. **Rear Service Road**
Parcels providing access through a rear service road shall be permitted a 20 percent reduction in the required number of parking spaces required. The rear service road shall be a minimum 20 feet wide access and utility easement and be subject to approval by the County Engineer and the Fire Marshall. The road shall be unencumbered, built to PBC standards, and not used for any other purposes.
 - d. **Mixed Use Development**
Project providing a minimum of 50 percent of vertical integration shall not be required to provide parking spaces for residential units located above commercial uses.
- 7. **Landscaping**
 - a. **Street Trees**
Street trees shall be provided as follows:
 - 1) **Planting Requirements**
One shade tree or palm shall be required for every 40 linear feet of frontage with a maximum spacing of 60 linear feet between trees. Trees may be grouped or clustered.
 - 2) **Location**
Street trees may be planted between the roadway and the sidewalk. If there is not sufficient land area to install street trees between the sidewalk and the curb, the trees shall be installed along the front property line in addition to the required landscaping.
 - 3) **Alternative Landscape Plan (ALP)**
Alternative landscaping or spacing may be provided, subject to approval of an ALP, Art. 7.B.3, Alternative Landscape Plan.
 - b. Any landscaping requirements request may be modified pursuant to an ALP.
 - 1) ALP may be requested for exemplary landscape design.
 - 2) ALP shall clearly exceed Code requirements in at least two or more of the following areas of overall site:
 - a) R-O-W buffers;
 - b) Perimeter compatibility buffers;
 - c) Parking lot; and
 - d) Foundation.
 - 3) Plan design and plant material shall clearly enhance the overall site and meet the general intent of Art. 7, Landscaping, in terms of visual continuity along the street, buffer, incompatible uses, shade cover, water conservation, plant selection variation for interest and account.

8. Signage

The maximum number, height, and area, and the location of freestanding signs shall be governed by Art. 8, Signage, unless specified in Table 3.B.7.D-2, LWRCCO Sign Standards.

Table 3.B.7.D-2 - LWRCCO Sign Standards

| Standard | Lake Worth Road | Other Roads | Outparcels* |
|---|-----------------|-------------|-------------|
| Maximum Number of Signs Per Linear Feet of Frontage | 1 per 100 | 1 per 100 | N/A |
| Maximum Number of Signs | 3 | 2 | 1 |
| Maximum Height in Feet | 10 | 6 | 5 |
| Maximum Single Face Area in Square Feet (s.f.) | 100 | 60 | 20 |
| Minimum Separation in Linear Feet | 50 | 50 | 20 |

* Outparcels are permitted in PDDs only

Notes related to Table 3.B.7.D-2 - LWRCCO Sign Standards:

1. Maximum number of sides: Two.
2. Styles: Monument, front-lit signs and project identification signs only.
3. Prohibited signs: Neon signs, neon colors, back-lit signs, and gang signs.
4. Height is measured from finished grade to highest point.

E. Supplemental Regulations

1. Pedestrian Circulation

- a. A paved walkway shall be provided from all adjacent public sidewalks to all entrances used by the general public.
- b. Landscaping shall be provided along the walkway as follows: One canopy tree every 50 feet on alternating sides of the walkway. Trees shall be spaced 25 feet on center. Buffer trees may be used to satisfy the requirement if the sidewalk is adjacent to a required landscape buffer.
- c. Benches and trash receptacles shall be provided as follows: One bench and trash receptacle every 200 feet with a minimum one bench and trash receptacle per building.
- d. Walkways traversing vehicular use areas shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment (other than paint or striping) to indicate the pathway is intended for pedestrians.

2. Quality Development Standards

a. Public Amenities

Uses requiring approval by the BCC or ZC shall provide a minimum of one of the following public amenities:

- 1) public art;
- 2) clock tower;
- 3) outdoor seating or outdoor furniture with umbrellas for open air eating;
- 4) outdoor patio, courtyard or plaza;
- 5) water feature/fountain/use of retention area as a focal point; or
- 6) parks, squares or other public open spaces. Public open spaces shall be at least 100 feet by 50 feet and are encouraged at intersections.

b. Architectural Design Guidelines

The following architectural design guidelines shall apply:

1) Color

Pastels or earth tone colors shall be encouraged for the base building color. The same base building color shall be used for the entire structure.

2) Entries

All entries used by the general public shall be easily identifiable and integrated into the building architecture.

3) Awnings/Canopies

Weather protection, such as awnings or canopies, shall be provided over the pedestrian walkway within 30 feet of all primary public entrances. Awnings/canopies shall be provided over all entrances. The following types shall be prohibited: high gloss vinyl; plastic; horizontal ribbing; flowered and multi-color (four or more) designs.

- 4) **Windows**
Clear or low reflective glass shall be used for display windows and doors. Windows shall be defined with elements such as frames, sills, muntins, and headers.
 - 5) **Roofs**
All roof materials and colors shall compliment the base building materials and color. Roof design shall include a minimum of one distinctive architectural focal point or feature (e.g., cupola, dormer, widows walk, weather vane, clock tower, dome).
 - 6) **Rooftop Screening**
All rooftop equipment, such as, but not limited to, mechanical, electrical, communication and air-conditioning equipment, shall be screened from view from adjacent properties and public streets. Screening material and method shall be consistent with the architecture of the building. Equipment shall be screened by use of a parapet, copula, dormer, or a similar enclosure.
 - 7) **Loading and Service Areas Screening**
Loading docks, dumpsters, outdoor storage areas, compactors, and similar areas shall be screened from view from adjacent properties and public streets. Screening material and method shall be consistent with the architecture of the building or equivalent landscaping.
 - 8) **Lighting**
All freestanding poles and wall mounted exterior light fixtures shall be decorative and limited to a maximum height of 30 feet.
 - 9) **Prohibitions**
The following elements shall be prohibited: neon lights and colors, high intensity, metallic or fluorescent colors, mirror or solar glass with a reflectivity or opacity greater than 60 percent.
- c. **Crime Prevention Through Environmental Design (CPTED)**
A minimum of one CPTED principle from each designations below shall be incorporated into site design for all development.
- 1) **Reduce Opportunities**
Criminal opportunities can be reduced by creating an atmosphere that does not encourage or invite unlawful activity. Strategies include:
 - a) well lit public outdoor areas and pedestrian walkways;
 - b) well lit parking areas;
 - c) direct general public access from all parking areas;
 - d) signs directing general public to entrances for general public;
 - e) easily identifiable store entrances;
 - f) difficult roof accessibility; and
 - g) "call-out" only pay phones under surveillance.
 - 2) **Increase Visibility**
Visibility in and around the business area will help to reduce crime. Methods include:
 - a) store windows facing all parking areas;
 - b) interior shelves and displays not exceeding five feet in height;
 - c) well lit interior/exterior spaces;
 - d) building-mounted lighting installed on all exterior walls, especially at delivery/service and entrances for general public;
 - e) clear visibility maintained from the store to the street, parking areas, pedestrian walkways, and passing vehicles;
 - f) all entrances and exits under visual or electronic surveillance; and
 - g) landscaping, buildings, walls and fences which do not create hiding places or hinder visibility.
 - 3) **Territorial Reinforcement**
Physical features can be used to distinguish private areas from public spaces. Residential areas should be designed to indicate they are off-limits to the general public. Methods to differentiate private areas from public spaces include:
 - (a) landscaping, special pavement, and low fences;
 - (b) public spaces identified by welcome, directional, marque, or similar signs; and
 - (c) wrought iron, aluminum picket or similar non-opaque decorative gates used to identify entrances into private residential areas.

Section 8 NEO, Native Ecosystem Overlay

A. Purpose and Intent

A NEO is to ensure the protection of environmentally sensitive lands in unincorporated PBC, while ensuring development options by permitting flexibility in development regulations.

B. Boundaries

The NEO shall include the following lands within its boundaries.

1. Environmentally Sensitive Lands (ESL)

Lands as defined in Art. 14.C, Vegetation Preservation & Protection.

2. Other "A" Quality Ecosystems

Lands identified as "A" Quality Ecosystems in the Plan, Conservation Element, Policy 2-a and LU Element, Policy 1-d.

3. 25 Percent Set Aside Areas

Areas required to be set aside by Art. 14.C, Vegetation Preservation & Protection.

4. 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.

C. Use Regulations

In the NEO district, the use regulations shall be the same as the underlying district.

D. Property Development Regulations (PDRs)

The development of lands within the NEO shall be subject to the PDRs of the underlying district, except that the following PDRs may be modified by the Zoning Director upon a written request up to the maximum allowed deviations below.

1. Off-Street Parking

Off-street parking standards may be reduced by up to a maximum of 30 percent if:

a. Environmentally Sensitive Lands (ESL)

A development permitted by the underlying district cannot be feasibly designed with the required off-street parking spaces, because of the location of ESL, the 25 percent set aside on the subject property, or water resource protection areas.

b. Alternative Plan

An alternative plan of development is prepared for the property that provides the maximum number of off-street parking spaces that are feasible, with a total impervious surface area design that does not exceed 50 percent of the lot coverage requirement, while ensuring the proposed development is not disruptive to ESL, lands set aside pursuant to the 25 percent set aside requirement, or The alternative plan of development shall be consistent with the purpose and intent of the NEO district water resource protection areas.

2. Density and Intensity

The calculation of maximum density or lot coverage shall be based on gross lot area.

3. Setbacks and Off-street Loading

Setbacks and off-street loading requirements may be modified providing the following standards are met:

a. ESL

A development permitted by the underlying district cannot be feasibly designed with the required setbacks and off-street loading space because of the location of ESL, the 25 percent set aside on the subject property, or water resource protection areas; and

b. Alternative Plan

1) Off-Street Loading

An alternative plan of development is prepared for the property with a total impervious surface area not exceeding 65 percent of the maximum building coverage requirements, while ensuring that the proposed development is not disruptive to ESL, the 25 percent set aside requirement, or water resource protection areas; and

2) Setbacks

An alternative plan of development is prepared for the property that complies to the greatest extent practicable, as determined by staff, with the setback requirements, while ensuring the proposed development is not disruptive to ESL, lands set aside pursuant to the 25 percent set aside requirement, or water resource protection areas. The alternative plan of development shall be consistent with the purpose and intent of the NEO district.

4. Height

Height restrictions may be modified to implement the permitted FAR or building coverage if the building coverage does not exceed 60 percent of that otherwise allowed by the underlying district, and the total impervious surface area does not exceed 65 percent of the maximum building coverage requirement.

5. Lighting

All exterior lighting shall be shielded and directed away from native vegetation.

Section 9 NBOZ, Northlake Boulevard Overlay Zone

A. Purpose and Intent

The purpose and intent of the NBOZ is to encourage improvement, enhancement, renovation, and/or redevelopment of the Northlake Boulevard Corridor and to provide criteria by which to review development /redevelopment within the Overlay Zoning District. The criteria outlined in “Design Guidelines: Northlake Boulevard Overlay Zoning District (NBOZ)” will serve to unify commercial development along the corridor and provide a positive collective identity for the corridor.

These regulations were prepared under the guidance of the Northlake Boulevard Corridor Task Force (NBCTF) – an intergovernmental task force created by interlocal agreement composed of two representatives each from PBC, the Town of Lake Park, the Village of North Palm Beach and the City of Palm Beach Gardens.

B. Applicability

The provisions of the NBOZ, as outlined in “Design Guidelines: Northlake Boulevard Overlay Zoning District (NBOZ)” prepared by Michael Redd & Associates, and dated March 11, 2002, which are incorporated herein by reference, shall apply to all proposed development order applications within the boundaries of the NBOZ, as described in Art. 3.B.9.C, Boundaries.

C. Boundaries

The NBOZ includes the public R-O-W for Northlake Boulevard and all properties along Northlake Boulevard from Military Trail to U.S. Highway One for one property depth north and south of Northlake Boulevard, including the street intersection properties at U.S. Highway One and at Military Trail. Unincorporated portions of the NBOZ include portions of Section 18, Township 42, Range 43; Section 17, Township 42, Range 43; Section 24, Township 42, Range 42; and Section 19, Township 42, Range 43, as indicated in the Official Zoning Map.

D. Conflict

In the event of a conflict between the NBOZ and other applicable regulations, the more restrictive regulation shall prevail.

Section 10 PBIAO, Palm Beach International Airport Overlay

A. Purpose and Intent

The PBIAO recognizes that some airplane noise-affected lands surrounding the PBIA are most suitable for campus-style industrial development, and other quality non-residential land uses, as described in Art. 16, Airport Regulations. The purposes of the PBIAO district, therefore, are as follows:

1. to protect neighborhoods surrounding the PBIA 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.

B. Applicability

Nothing herein shall require modification of an existing use, except as provided below.

C. Boundaries

The PBIAO district consists of those lands in unincorporated PBC bounded by Belvedere Road on the north, Southern Boulevard on the south, PBIA on the east, and the Florida Turnpike on the west, except for incorporated municipal areas.

D. Uses

All development within the PBIAO district shall be compatible with Airport Operations, as determined by the BCC, using the standards established in the Plan and Art. 16, Airport Regulations.

1. Permitted Uses

All residential, commercial, and industrial uses permitted by right in the underlying district shall be permitted in the PBIAO district.

2. Prohibited Uses

Adult entertainment establishments, bulk storage of gas and oil, and outdoor retail sales (other than greenhouses, shadehouses or nurseries) shall be prohibited in the PBAIO district.

3. Conditional Uses

All uses allowed as conditional uses in the underlying district, shall be permitted in the PBAIO district after compliance with the conditional use regulations.

4. Special Permits

All uses allowed by a special permits in the underlying district shall be permitted in the PBAIO district after compliance with the special use regulations.

5. Nonconforming Uses

a. Permitted Uses

All applications fro a permitted use in the PBAIO shall be reviewed in accordance with Table 4.A.3.A-1, Use Matrix, and Art. 16, Airport Regulations.

b. Existing Residential Uses

All residential uses that existed within the PBAIO on the date that the PBAIO provisions were adopted shall be considered conforming uses.

c. Existing Nonresidential Uses

Commercial uses that existed within the PBAIO on the date that the PBAIO were adopted and that meet the provisions of this section shall be classified as conforming uses. Commercial uses that existed within the PBAIO on the date that the PBAIO provisions were adopted, but do not meet the provisions of this Section, shall be classified as nonconforming uses.

E. Review Procedures

All development requests within the PBAIO shall comply with the following:

1. Site Specific

All Site Specific FLUA amendments shall be reviewed by the PBAIO Committee. The PBAIO Committee's recommendations shall be presented to the Local Planning Agency (LPA).

2. Conditional Uses

All conditional use applications for development permits shall be reviewed by the PBAIO Committee. The PBAIO Committee's recommendations shall be presented to the Zoning Commission (ZC).

3. Industrial Rezoning in Residential FLUA Designations

Land shall be eligible for rezoning to the IL district or PIPD district, regardless of FLUA designation, except in non-conversion areas described below. Industrial development using either zoning district shall be in the form of a PIPD or campus-like industrial development. Notwithstanding the provisions of Art. 2.B., Public Hearing Procedures, every application for industrial rezoning within the boundaries of the PBAIO district, shall comply with the following:

a. Non-Conversion Areas

- 1) Areas designated as Parks and Recreation on the FLUA shall remain as such.
- 2) The following areas shall be limited to the uses permitted in the residential FLU designation and the applicable residential zoning district:
 - a) Timber Run subdivision;
 - b) Lake Belvedere Estates subdivision;
 - c) Overbrook subdivision; and
 - d) The area defined by the following boundaries beginning at Wallis and Jog Roads.
 - (1) Western boundary: Jog Road between Wallis Road and Belvedere Road;
 - (2) Northern boundary: Belvedere Road between Jog Road and the Timber Run subdivision;
 - (3) Eastern boundary: The western limits of the Timber Run subdivision and the Royal Palm Estates subdivision;
 - (4) Southern boundary: Southern Blvd. extending to the western side of Sunbeam Ave.;
 - (5) Southwestern boundary: Sunbeam Ave. between Southern Blvd. and Wallis Road.

b. Rezoning Criteria

Lands may be rezoned to the IL district, except for those areas described as non-conversion areas, provided one of the following conditions are met:

- 1) Lands that support existing residential development or that have a valid development order for residential development may be rezoned to the IL or PIPD district, if they:
 - a) are at least five acres; and,
 - b) abut a R-O-W identified on the County's Thoroughfare Identification Map; or
 - c) are at least ten acres; and,
 - d) do not abut a R-O-W identified on the County's Thoroughfare Identification Map; or

- 2) Lands that are currently vacant or do not have a valid development order may be rezoned to the IL or PIPD district provided the parcel is contiguous on no more than two sides to existing residential development and they
 - a) are at least five acres, and,
 - b) abut a R-O-W identified on the County's Thoroughfare Identification Map; or
 - c) are at least ten acres, and,
 - d) do not abut a R-O-W identified on the County's Thoroughfare Identification Map, or
- 3) Lands within the PBIAO that are bounded by Southern Boulevard on the south, the L-4 Canal on the north, Military Trail on the east, and the western boundary of the Royal Palm Estates subdivision on the west, shall only be allowed to have residential uses converted to industrial uses subject to the following:
 - a) All new industrial uses shall be developed as a PIPD; and
 - b) All new PIPDs shall be a minimum size of 25 acres; and
 - c) The following uses shall be prohibited: salvage junk yards, machine or welding shops, hazardous waste facilities, solid waste facilities, bulk storage facilities, transportation and multi-modal facilities, large-scale repair and heavy equipment repair and service facilities, petroleum and coal-derivations-manufacturing and storage facilities, heliports, helipads, airstrips, hangers and accessory facilities, and Type III excavation.
- 4) Lands located in the transitional area on the west side of Jog Road and continuing along and adjacent to the north and south sides of Alexander and Bishoff Roads shall require a minimum lot size of one acre to be rezoned.

4. Commercial Rezoning

An application for commercial zoning of land within the overlay cannot be submitted unless the land is designated Commercial on the FLUA.

F. Property Development Regulations (PDRs)

Applications shall comply with the PDRs of the underlying districts except as follows.

1. Lot Dimensions, Yard Setbacks and Building Height

Setbacks and lot dimensions for commercial and industrial development shall comply with the PDRs in Art. 3.B, Property Development Regulations, unless modified herein.

a. Lot Size

The minimum lot size shall be one acre.

b. Setbacks

The minimum building setbacks shall be as follows:

- 1) No rear setbacks shall be required where an industrial lot abuts an existing or proposed railroad R-O-W or spur.
- 2) Setbacks from all other property lines shall be required according to Table 3.B.10.F-3, PBIAO Setbacks.

Table 3.B.10.F-3 PBIAO Setbacks

| Yard | Minimum Setback |
|----------------|-----------------------|
| Front | 25 feet/50 feet in CG |
| Side, interior | 15 feet |
| Side, street | 25 feet |
| Rear | 50 feet |

c. Height

1) Maximum Height for Industrial and Commercial Development

When adjacent to an existing residential use, building height shall be limited to a maximum of 35 feet. The building height may be increased provided that two feet is added to all setbacks for each foot of building height above 35 feet.

2. Commercial Vehicle Parking and Loading

No truck, or tractor-trailer parking or loading shall be permitted closer than 75 feet to the lot lines abutting a residential district (inclusive of the buffer), unless the area is designated as display parking as permitted by Art 4.B, Supplementary Use Standards

3. Landscaping

In addition to the provisions of Art. 7, Landscaping, the following provisions shall be met where a use is proposed that is incompatible with an adjacent development or district.

a. Minimum Dimensions of Landscape Buffer

1) Minimum Width

Ten feet.

2) Minimum Length

The length of the property line between the commercial or industrial lot and the abutting lot or district.

b. 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 feet. The exterior side of the masonry wall shall be given a finished architectural treatment that is compatible with the existing development.

c. Planting Instructions

Trees shall be planted on alternating sides of the wall at intervals of 20 feet. Trees shall have a minimum height of ten feet. An 18 inch high hedge shall be planted on the exterior side of the wall, between the trees and wall, and running the length of the wall.

d. Lighting

In addition to the standards of Art. 5.E.3.E, Outdoor Lighting, and Art. 16, Airport Regulations, within the PBIAO shall comply with the following:

- 1) Roof top lighting shall be permitted;
- 2) Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and building; and
- 3) Lighting shall be scaled to pedestrians for sites or buildings adjacent to residential uses.

G. Supplemental Regulations

1. Noise Compatibility and Abatement Requirements

a. Noise Abatement

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 25 Ldn, for reception, lounge, and office areas.

b. Speakers

No outdoor speakers shall be allowed that are audible at the property line.

2. Unified Control

Any development within PBIAO district shall be developed under common ownership or unity of control as provided in Art. 3.E, Planned Development Districts.

3. Enclosed Activities

In addition to standards in Art. 5.B.1.A.3, Outdoor Storage, all activities except storage and sales of landscape material, shall be operated within enclosed buildings.

4. Renovation and Expansion of Non-residential Uses

When a structure used for industrial or commercial uses, lying in a residential district or adjacent to a residential district, is renovated or expanded by more than 20 percent of GFA, in any one or more expansions or the cumulative total of previous expansions, the PDR's of the PBIAO district shall apply.

Section 11 RTO, Research and Technology Overlay

A. Purpose and Intent

The purpose and intent of the RTO 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 PBC's manufacturing and industrial base. The RTO is specifically included in this Code to meet the Plan provisions related to the Pratt-Whitney Overlay.

Additionally, all development within the RTO 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 PBC's manufacturing and industrial base.

B. Boundaries

The RTO consists generally, of those lands in unincorporated PBC 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.

C. Use Regulations

Development in the RTO shall comply with the use regulations of the underlying district.

1. Prohibited Uses:

- a. Residential (excluding caretaker quarters);
- b. Hotels, motels;
- c. Medical and dental offices; and
- d. Hospitals, medical centers.

2. Accessory Uses

Uses not listed above, which generally would not be allowed within the RTO may be permitted as accessory uses to a permitted principal use.

D. Property Development Regulations (PDRs)

All development within the RTO shall be subject to the property development regulations of the underlying district. However, development proposed in the NEO shall be subject to the development regulations of the NEO district.

E. Performance Standards

All development within the RTO shall comply with the rules and regulations of all governmental agencies having appropriate jurisdiction, and with all applicable requirements of this Code.

Section 12 SCO, Sugar Cane Overlay

A. Purpose and Intent

The purpose and intent of the SCO is to maintain the integrity of bona fide agricultural operations related to the cultivation and processing of sugar cane, by prohibiting the encroachment of incompatible land uses or activities. It will also provide opportunities for the inclusion of related accessory and supporting uses and/or activities in close proximity to the existing mill.

B. Boundaries

The SCO includes all of Sections 21 and 28, the eastern half of Sections 20 and 29, Township 43 Range 37, excluding completely the western half of Section 20 and 29.

C. Use Regulations

The following uses shall be permitted in the SCGCF, subject to Art. 4.A, Use Classification.

Permitted Uses:

Agriculture, bona fide
Agriculture light manufacturing
Agriculture research/development
Agriculture, Storage
Agriculture, transshipment
Livestock raising (five or fewer animals per acre)
Machine or welding shop
Nursery, wholesale
Park, passive
Shadehouse, accessory (2,000 sq. ft. or less)
Warehouse

Class A Conditional Uses:

Electrical power facility
Livestock raising (more than five animals per acre)
Sugar mill or refinery

DRO Uses:

Agriculture, Packing plant
Agriculture, sales and service
Chipping and mulching
Communication tower, commercial
Composting facility
Government services
Heavy industry
Park, public
Potting soil manufacturing
Shadehouse (greater than 2,000 sq. ft.)
Utility, minor
Vocational school
Water or treatment plant

Special Permit:

Produce stand, Temporary
Recycling drop off bin
Security/caretaker quarters

D. Property Development Regulations (PDRs)

All development within the SCGCFO shall be subject to the PDRs for the Light Industrial (IL) zoning district, pursuant to Table 3.D.1.A-5, Property Development Regulations.

Section 13 SR 80 Nonresidential Overlay

A. Purpose and Intent

To maintain the character of the Rural Tier, and to implement the goals and objectives in the Plan, the ZC and BCC may impose conditions of approval on non-residential uses in the Rural Tier along SR 80 as follows.

B. Conditions

Conditions may exceed Code requirements by up to 500 percent based on the size, depth, and width of the site, compatibility with surrounding land uses, and impact of the proposed use on the surrounding area. Conditions may include, but are not limited to: additional setbacks, landscaping, buffering, screening; a requirement to provide equestrian trails; and more restrictive signage, lighting, access, and hours of operation.

C. Retention/Detention Areas

If a condition requires a landscape buffer which is twice as large as a required buffer, dry retention/detention areas may overlap the buffer provided up to 50 percent of the width. Wet retention/detention areas, water management tracts, and easements may overlap up to 25 percent of the additional width provided.

Section 14 TAPO, Turnpike Aquifer Protection Overlay

A. Purpose and Intent

The purpose and intent TAPO District is to: (1) protect and safeguard the public health, safety and welfare by enhancing the functions of natural groundwater recharge areas; (2) minimize any potential adverse impacts on the surficial aquifer system, known locally as the "Turnpike" aquifer by limiting or restricting certain incompatible uses and developments; and (3) prevent the continuing loss of prime public water supply sites by requiring certain developments and uses to identify and/or dedicate public water supply sites.

B. Applicability

1. The provisions of the TAPO shall apply to all new development, new uses or expansions of existing uses within its boundaries.
2. All new development, new uses or expansion of existing uses located within the TAPO shall be designed and constructed to protect and preserve the identified groundwater resources of the area. For the purposes of this Section, all improvements shall be designed and constructed in accordance with the public supply water well site location criteria contained within this Section.

C. Exemption

All development and uses which existed within the revised TAPO boundaries, as described in Art. 3.B.14.D, Boundaries, around Water Treatment Plant (WTP) 3 on June 16, 1992, and around WTP 8 on the effective date of this Code shall be exempt from the requirements of this Section.

D. Boundaries

The TAPO boundaries shall generally be described as two areas around Water Treatments Plants (WTP) 3 and 8.

1. The TAPO around WTP-3 includes portions of the area north of Woolbright Road, south of Boynton Beach Boulevard, east of Hagen Ranch Road, and west of Jog Road.
2. The TAPO around WTP-8 includes portions of the water plant property; the area north of Belvedere, west of Jog Road and south of the Turnpike; and the area north of Southern Boulevard, south of Belvedere, east of the turnpike and west of Drexel Road.

The specific boundaries are depicted on maps and legal descriptions incorporated herein and made a part of this Code. See Appendix 1, Legal Description Water Treatment Plant No. 3, and Appendix 2, Legal Description Water Treatment Plant No. 8.

E. Conflict with Other Applicable Regulations

The requirements of this Section, unless superseded by Art. 14.B, Wellfield Protection, of this Code or applicable state or federal law, shall apply to all new development, new uses or expansion of existing uses within the TAPO.

F. General Provisions

1. All new development, new uses or expansion of existing uses within the TAPO which occur following the effective date of this Section shall comply, at a minimum, with the Zone 3 requirements of Art. 14.B, Wellfield Protection, of this Code for the storage, handling, use, or production of regulated substances.
2. All new development, new uses or expansion of existing uses within the TAPO shall comply with the public supply water well location criteria as provided herein.
3. All requests for development approval for new uses or expansion of existing uses within the TAPO submitted after the effective date of this Section shall comply with the provisions of this Section.

G. Mandatory Identification and Dedication of Public Supply Water Well Sites

Development approvals for new development, new uses or expansion of existing uses within the TAPO submitted after the effective date of this Section shall identify public supply water well sites. Dedication of public supply water well sites shall be required when there is rough proportionality between the required dedication and the needs of the community because of the development. The amount of well sites to be identified or identified and dedicated shall be based upon the total size of the proposed project as provided below:

1. Developments consisting of at least 25 acres, but less than 100 acres, shall be required to identify or identify and dedicate one public supply water well site;
2. Developments consisting of at least 100 acres, but less than 200 acres, shall be required to identify or identify and dedicate two public supply water well sites; and,
3. Developments consisting of more than 200 acres shall be required to identify or identify and dedicate one public supply water well site for each 100 acres or part thereof.

H. Public Supply Water Well Site Compatibility and Location Criteria

1. Public supply water well sites shall be located to be compatible with the groundwater resources of the area. To ensure compatibility, public supply water well sites shall be designed to achieve the following:
 - a. maximize natural groundwater recharge;
 - b. minimize potential drawdown impacts to surrounding natural resources, environmental resources, and artificial surface water management systems; and
 - c. minimize adverse impacts to surrounding nonresidential land uses as outlined in Art.14.B, Wellfield Protection, of this Code.
2. The following criteria shall be used in locating public supply water well sites in all new development, new uses or expanded uses located within the TAPO:
 - a. Public supply water well sites shall be located along the perimeter of the affected property in a manner acceptable to the PBCWUD;
 - b. Public supply water well sites shall be located, in a manner acceptable to the PBCWUD, to facilitate connection to any existing or proposed raw water line located along the R-O-W of Jog Road or Hagen Ranch Road;

- c. Public supply water well sites, to the extent possible and in a manner acceptable to the PBCWUD, shall be evenly spaced, with a minimum separation distance of 500 feet between such sites;
- d. Public supply water well sites shall be located in accordance with setbacks required by the FDEP and by Art. 15.B, Environmental Control Rule II – Drinking Water Supply Systems;
- e. Public supply water well sites shall be located within new or expanded land uses in a manner acceptable to the PBCWUD to minimize drawdown impacts to natural water bodies, surface water management systems with planted littoral shelves, and wetlands;
- f. Public supply water well sites to be dedicated, unless other dimensions are approved by the PBCWUD, shall be a minimum size of 60 feet by 40 feet; and
- g. Public supply water well sites, to the maximum extent possible, shall be located on properties acquired, dedicated, or reserved for public or common purposes such as parks, open space or easements.

I. Dedication of Well Site Within Required Open Space

For the purposes of this Code, well sites dedicated to the PBCWUD shall be included in any calculation to determine required open space.

J. Access Easement to Dedicated Public Supply Water Well Site

- 1. A permanent access easement from each dedicated public supply water well site to the closest public R-O-W shall be provided in a manner acceptable to the PBCWUD for such purposes as maintenance of equipment and installation of water pipes.
- 2. If a public R-O-W does not exist adjacent to a public supply water well site, a permanent access easement shall be provided in a manner acceptable to the PBCWUD.

K. Temporary Construction Access Easement

A temporary construction access easement shall be provided from each dedicated public supply water well site to the closest public R-O-W or other R-O-W acceptable to the PBCWUD.

L. Hold Harmless Agreements

Each dedication of a public supply water well site shall include a hold harmless agreement to relieve PBC from liability for impacts to on-site irrigation wells, aesthetic lakes, and surface water management systems. The agreement shall be in a form acceptable to the County Attorney's Office.

M. Dedication of Public Water Supply Sites

- 1. Upon approval of each future well site or sites by the PBCWUD, a conditional letter of acceptance will be issued. Prior to application for building permits, each public supply water well site shall be identified or identified and dedicated as provided below:
 - a. If a new development, a new use or an expanded use does not require recording of a plat then each public supply water well site to be dedicated shall be conveyed within 90 days following final site plan certification by the DRO. The conveyance shall be in a form approved by the County Attorney's Office.
 - b. If a new development, a new use or expanded use requires recording a plat, the location and recordation information of each public supply water well site shall be shown on such plat.
 - c. If a new development, a new use or expanded use does not require a recorded plat or final DRO site plan or subdivision certification, then each public supply water well site to be dedicated shall be conveyed prior to issuance of the first required development permit, including a vegetation removal permit other than a prohibited species removal permit, excavation permit, or building permit. However, the PBCWUD may stipulate an alternate time when the public supply water well site dedication shall occur. The conveyance shall be in a form approved by the County Attorney's office.
- 2. The location of each well site to be dedicated shall be approved by the PBCWUD.

N. Developer's Agreements

The PBCWUD may require, as part of a developer's agreement to provide water or sewer service to a new or expanded land use, dedication of public supply water well sites consistent with the provisions of this Section.

Section 15 WCRAO, Westgate Community Redevelopment Agency

A. Purpose and Intent

The Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) was created pursuant to F. S. §163.330, et seq., to remove blighted conditions, enhance the PBC's tax base, improve living conditions, and preserve areas of low and moderate cost housing in the Westgate/Belvedere Homes area of unincorporated PBC.

The use of community redevelopment powers enables the BCC and the WCRA to make public improvements that encourage and enhance investment while providing 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.

The WCRAO 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 and protecting existing, viable affordable housing; providing opportunity for the future development of affordable housing; implementing the WCRA Master Plan; and providing for increased residential densities and commercial intensities without amendment to the Plan.

1. Boundaries

The WCRAO consists of those lands within unincorporated PBC bounded by Okeechobee Boulevard on the north, Belvedere Road on the south, Florida Mango Road on the east, and Military Trail on the west.

B. Conflict with Other Applicable Regulations

Where the provisions of the WCRAO are in conflict with other regulations applicable to this district, the provisions of this Section shall prevail. Where provisions of the WCRAO district are not in conflict with other applicable regulations, the most restrictive regulations shall prevail.

C. Procedures

Applicants shall obtain a recommendation from the WCRA, prior to initial DRO certification of all requests for Official Zoning Map Amendments, Conditional Uses, and DRO only items; and, prior to the approval of all requests for Plan Amendments, Density Bonuses, Variances or WCRA Master Plan Amendments.

D. Development Review Officer (DRO)

All new commercial and industrial developments, and residential developments consisting of more than two dwelling units shall be subject to DRO Art. 4.D.1, DRO, approval.

E. Official Zoning Map Amendments

All Official Zoning Map Amendment requests shall comply with the following standards;

1. Industrial Districts

Any request to rezone parcels located in the flight path of the PBI to an industrial district shall not require a Plan Amendment.

2. Commercial Districts

Any request to rezone parcels to a commercial district or PDD shall not require an amendment to the FLUA of the Plan, provided the following criteria are met:

a. 20 Percent Limitation

The rezoning request shall not cause the total amount of acreage in the WCRAO shown as Commercial on the FLUA as of the August 31, 1989 adoption of the Plan to be increased by more than 20 percent. Any increase in Commercial designated acreage in the WCRAO above 20 percent must be through the FLUA amendment process. The areas in the WCRAO with commercial FLU designations shall be identified on the Plan's FLUA.

b. Purpose

The rezoning request advances the purpose and intent of the WCRA Plan, and does not have a negative impact on surrounding uses.

c. WCRA Recommendation

The rezoning request receives a recommendation of approval from the WCRA in accordance with the standards established in the WCRA Master Plan.

F. Uses Regulations

The following uses shall be permitted in the WCRAO subject to the appropriate review process:

1. Permitted Uses

Uses permitted by right in the underlying zoning district shall be permitted by right in the WCRAO.

a. Office/Warehouse Uses

Requests for office/warehouses shall be subject to Class A conditional use approval. In addition, the following supplementary requirements shall apply:

1) Office

Accessory office space, supporting the warehouse use, shall occupy a minimum of 25 percent of the GFA.

2) Bay Doors

Bay doors shall be located and oriented away from residential property. Bay doors shall not face public streets, unless an ALP has been submitted.

3) Separation

There shall be a minimum ten foot separation between individual office-warehouse buildings.

b. Special Land Use Developments

The following special land use developments may be permitted in the CG and IL districts pursuant to the following standards. Residential uses shall be permitted in the commercial land use subdesignations as described in the Plan.

1) Mixed-use Commercial

The purpose of this special land use development is to encourage lower intensity, mixed-use development along the south side of Westgate Avenue. Developers shall be permitted to request an increase in the residential density by drawing from the pool of 300 bonus residential units assigned to the area pursuant to the Plan. The use of the bonus units shall be subject to approval by the BCC and the WCRA. The minimum lot size for this special land use shall be one half acre. All other applicable provisions of this Code shall apply. In addition, developers shall comply with the design requirements of the MXPD section to the greatest extent possible.

2) Soft-edged Industrial

The purpose of this special land use development is to ensure that adequate screening and buffering is provided in areas adjacent to existing residential development. The increased landscaping and buffering requirements, and the provision for "cleaner" and compatible light industrial development shall only be required for areas with an Industrial land use designation. In addition, all applicable provisions for the IL zoning district shall apply. The property frontage of developments within this land use designation shall comply with the R-O-W buffer requirements pursuant to Art. 7.D.10, R-O-W Landscaping.

2. Special Permit Uses

All uses permitted in the underlying zoning district subject to special permit regulations shall be permitted by special permit in the WCRAO. Adult entertainment and day labor employment centers uses shall be prohibited.

3. Class A and Class B Conditional Uses

Conditional uses in the underlying zoning district shall be permitted pursuant to the use regulations of the underlying zoning district. In addition, the following shall apply:

a. Parcels Two Acres or Less

Uses on parcels two acres or less in size that, pursuant to Table 4.A.3.A-1, Use Matrix, require Class A conditional use approval, may be approved through the Class B conditional use process. This process may also be followed by a DOA request.

G. Property Development Regulations (PDRs)

The development of lands within the WCRAO shall be subject to the PDRs of the underlying district, except for the following:

1. Residential Density Bonus

Residential densities permitted by the Plan may be increased by the BCC pursuant to the Class A Conditional Use approval, provided that:

a. Purpose

The proposed residential development advances the purpose and intent of the WCRAO; the goals, objectives, and policies of the Plan; the WCRA Master Plan; and does not have a negative impact on any surrounding uses;

b. Criteria

The request is consistent with the criteria established in the WCRA Plan for the increase of residential densities;

c. Number of Units

The additional residential units permitted do not exceed a cumulative total of 300, pursuant to the Plan. These units shall be exempt from PBC's Voluntary Density Bonus (VDB) Program application process and procedures. Following exhaustion of the housing pool, requests for density increases may be approved by the BCC through PBC's VDB Program application process, provided the proposed residential density bonus is initially recommended by the WCRA; and

d. Dispersal

In order to encourage an equitable geographic distribution of development, the VDB criteria may not be applicable when increased densities are requested. Pursuant to Objective 1.5 of the Housing Element of the Plan, low-income households shall not be concentrated in one area. The VDB criteria may not be applicable when increased densities are requested.

2. 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 WCRAO, at or before the time of construction or as deemed appropriate by PBC:

a. Awnings/Canopies

Awnings or canopies, attached to walls, shall not project more than five feet into a required setback. In addition, they shall not be supported by any means other than the wall or its integral parts.

b. Flexible Regulations

Requests for flexible regulations, pursuant to Art. 5.G.3, Property Development Regulations for Density Bonus Program Development, and Art. 3.D.1.B.3, Density Bonus Program Development, of this Code shall be encouraged as an incentive to promote affordable owner occupied infill housing within the WCRA, and shall be authorized for an affordable housing subdivision, provided such dwelling units meet the United States Department of Housing and Urban Development (HUD) definition of affordable for PBC and that such deviations are recommended by the WCRA.

c. Minimum Frontage

Parcels accommodating single family houses shall have a minimum frontage of 50 feet on a public R-O-W.

d. Open Space for Multi-family Development

45 percent of the total site for multifamily development shall be designated as open space. 60 percent of that total on-site open space shall be designated as usable open space. Open space requirements may be reduced subject to BCC and WCRA approval on a case-by-case basis.

3. Nonresidential Development Standards

In addition to the development standards contained in this Code, the following special development standards shall be required of all nonresidential development within the WCRAO at or before the time of construction as deemed appropriate by PBC.

a. Awnings/Canopies

Awnings or canopies, attached to walls, shall not project more than five feet into the required setback. In addition, they shall not be supported by any means other than the wall or its integral parts.

b. Buffers

1) Residentially Zoned Parcels with Residential Land Use

All proposed commercial or industrial uses shall provide upgraded buffer areas, a minimum of ten feet in width along all property boundaries that are contiguous to existing residential uses or land designated as residential by the FLUA of the Plan. These buffer areas shall also be required for nonresidential land uses abutting Nokomis Avenue and Cherokee Avenue, and on any parcel indicated as part of the Bonus Commercial Receiving Area on the land use map of the WCRA Master Plan. The upgraded buffer shall include:

a) Six Foot Wall or Fence

A six foot high opaque concrete block wall shall be permitted, or a decorative fence approved by the WCRA Board. Barbed wire shall be prohibited;

b) Bonus Commercial Receiving Area

A six foot high chain link or other decorative fence, approved by the WCRA, may be permitted with the consent of the immediately abutting property owners and/or property owner(s) directly across the R-O-W. Hedge material, maintained at a height of 60 inches, and native canopy trees spaced pursuant to Art. 7, Landscaping, of this Code shall be required. Barbed wire shall be prohibited;

c) Hedge

A hedge of native vegetation 24 inches in height, spaced 24 inches on center at planting; and

d) Native Canopy Trees

Native canopy trees, a minimum of 12 feet in height with a minimum six foot spread, spaced 20 feet on center, shall be planted. For Nokomis Avenue and Cherokee Avenue, required canopy trees shall be placed on alternating sides of the wall, and spaced 20 feet on center.

2) Residentially Zoned Parcels with Commercial Land Use

Commercial uses adjacent to residential districts with commercial land use designation, and commercial uses adjacent to residential uses in commercial districts shall provide a minimum five foot wide landscape buffer along shared residential property lines. This buffer shall include:

a) Six Foot Wall or Fence

A six foot high opaque concrete block or wall, chain link fence, or a decorative fence approved by the WCRA Board.

b) Hedge

A hedge a minimum of 48 inches in height, spaced 36 inches on center at planting, to be maintained a height of 60 inches and planted on the outside of the fence or wall; and

c) Native Canopy Trees

Trees shall be a minimum 12 feet in height, with a minimum six foot spread, spaced 20 feet on center at planting.

d) Alternative Landscape Plan (ALP)

An ALP pursuant to Art. 7.B.3, Alternative Landscape Plan, approved by the WCRA and meeting minimum standards of this Code, may be substituted for the above.

c. Exterior Speaker Systems Prohibited

Outdoor audio speaker systems that are audible from adjoining residential property lines shall be prohibited.

d. Streetscape and Landscape

Development with frontage on Wabasso Drive, Congress Avenue, Seminole Boulevard and Westgate Avenue or any development within any area designated as Soft-Edged Industrial on the land use map of the WCRA Master Plan shall comply with the Streetscape Design Guidelines of the Westgate/Belvedere Homes Community Re-development Area Plan.

e. Signage

Notwithstanding the requirements of Art. 8, Signage, the following standards shall apply:

1) Sign Face

Signs shall be limited to one square foot per two linear feet of frontage up to a 100 square foot maximum. One sign shall be permitted for every 200 feet of frontage. Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue, Westgate Avenue and Belvedere Road shall be exempt from these regulations.

2) Tenant Identification Sign

All tenant identification signs shall be unified in design. Those not attached to the building shall be located within a single cabinet or frame. Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road shall be exempt from these requirements.

3) Setbacks

Signs shall be setback a minimum of five feet from any sidewalk. No portion of any sign may overhang the public R-O-W. Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road shall be exempt from these requirements.

4) Pole Signs

Pole signs shall not exceed 15 feet in height. Monument signs shall be encouraged to the maximum extent possible. Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road shall be exempt from these requirements.

5) Commercial Uses Along Cherokee and Nokomis

Parcels with frontage on Cherokee Avenue and Nokomis Avenue shall be prohibited from installing pole signs. Sign face shall be limited to 16 square feet per side and shall not be illuminated.

f. Prohibited Signs

In addition to the signs prohibited by Art. 8, Signage, the following shall also be prohibited in the WCRAO:

- 1) any flag where its longest side is greater in length than 20 percent of the length of the flagpole or standard;
- 2) balloons;
- 3) electronic message boards; and
- 4) billboard signs.

g. Lighting

All development shall comply with the following lighting standards, in addition to those requirements in Art. 5.E.3.E, Outdoor Lighting.

- 1) Illumination shall be downcast and shall not overflow to adjacent property;
- 2) Attached wall fixtures shall be mounted no higher than five feet above the first story, and shall not be located on building roofs;
- 3) Parking lot lighting shall not exceed 25 feet in height, and shall be located a minimum of 40 feet apart;
- 4) Roof top lighting shall be prohibited; and
- 5) Lighting fixtures shall be scaled to pedestrians, and shall be compatible with the building and site.

h. Building Design

All development shall comply with the following building design standards:

- 1) The use of imitation rock, imitation wood, corrugated metal, fiberglass siding or other such materials shall be prohibited;
- 2) Earth or neutral tones shall be encouraged as the dominant background color of a structure;
- 3) Roof, trim, and awnings and canopy accent colors shall be compatible with building colors;
- 4) Materials similar to that of the primary structure shall be used to screen mechanical equipment, utility structures, and trash receptacles;
- 5) Additional entries to the building from side or rear parking lots are encouraged.
- 6) Detailing of the building facade should be appropriate to the building size; and
- 7) Commercial buildings with frontage on Cherokee Avenue and Nokomis Avenue shall be limited to one story and shall not exceed 20 feet in height including a pitched roof.

i. Nonresidential Fences

For nonresidential development, fences shall, by January 1, 1995, be located on the interior of any required front yard landscape buffer.

j. Commercial Land Use

A two lot tier commercial land use strip, pursuant to the FLUA 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 Sec. 25, T43S, R42E and Sec. 30, T43S, R43E on the west. Commercial development within this area shall comply with the following standards.

1) Minimum Frontage

A minimum frontage of 50 feet shall be established along Westgate Avenue, Nokomis Avenue, Cherokee Avenue, Wabasso Drive, Tallahassee Drive, Seminole Boulevard, Osceola Drive, Loxahatchee Drive and Suwanee Drive.

2) Access

Primary access for all CG uses and conditional uses shall be permitted only from Westgate Avenue, Wabasso Drive, Tallahassee Drive, Seminole Boulevard, Osceola Drive, Loxahatchee Drive and Suwanee. Access to Cherokee Avenue may be permitted if it is paved in a manner acceptable to the County Engineer. Primary access on Nokomis Avenue and Cherokee Avenue shall be permitted for professional office use only.

3) Integrated Site Plan

The owner of a lot that does not front on Westgate Avenue, shall be allowed to rezone to a commercial use if it is combined in an integrated site plan with frontage on Westgate Avenue. The BCC may permit emergency access from Nokomis Avenue. Secondary access may be permitted from Nokomis Avenue pursuant to Art. 3.B.15.F, Uses.

k. Base Building Line

The 40 feet wide visual buffer requirement of Art. 3.D.1.D.1, Base Building Line, shall not apply to those lots abutting Westgate Avenue between Congress Avenue and Military Trail. The base building line for said lots shall be the existing R-O-W line of Westgate Avenue.

l. Parking

Required and display parking shall be permitted pursuant to WCRAO structure setback standards. Notwithstanding the provisions in Art. 6, Parking, off-site parking for restaurant uses shall be permitted subject to DRO approval.

m. Loading Zones

Loading zones on sites under two acres shall be allowed inside of parking areas after business hours.

n. Setback Reductions

Front setback from all commercial roads may be reduced to ten feet, and when the adjacent parcel has an underlying commercial zoning district, the side setbacks may be reduced to five feet.

H. Local Residential Streets

1. Construction in Existing R-O-W

The County Engineer may approve alternatives to PBC 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. The eligible R-O-Ws shall have a width of less than 50 feet and shall be maintained by PBC. The alternative design(s) shall provide for paved travelway widths, structural sections, drainage, pedestrian access, dead-end turnarounds, and safe sight corners as prescribed by PBC 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 R-O-W, permitted and constructed in accordance with applicable regulations of all agencies having jurisdiction over the receiving waters at the point of legal positive outfall.

2. Access to Residential Subdivision Lots

In lieu of minimum legal access requirements pursuant to Art. 11, E.1.A.1, Access and Circulation Systems, a local street improved pursuant to Art. 3.B.15.H.1, Construction in Existing R-O-Ws, and having continuous paved access to at least one public street on the perimeter of the WCRAO, shall be deemed by the County Engineer to meet the requirement of local street access for residential lots created by subdivision of abutting property. 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.

I. Stormwater Discharge Control

For subdivision of land within the WCRAO where stormwater discharge from such land is regulated by a secondary stormwater system under a Surface Water Management Permit issued by SFWMD, the requirements for control of discharge pursuant to Art. 11.E.4.F, Secondary Stormwater System Design and Performance, shall be deemed waived.

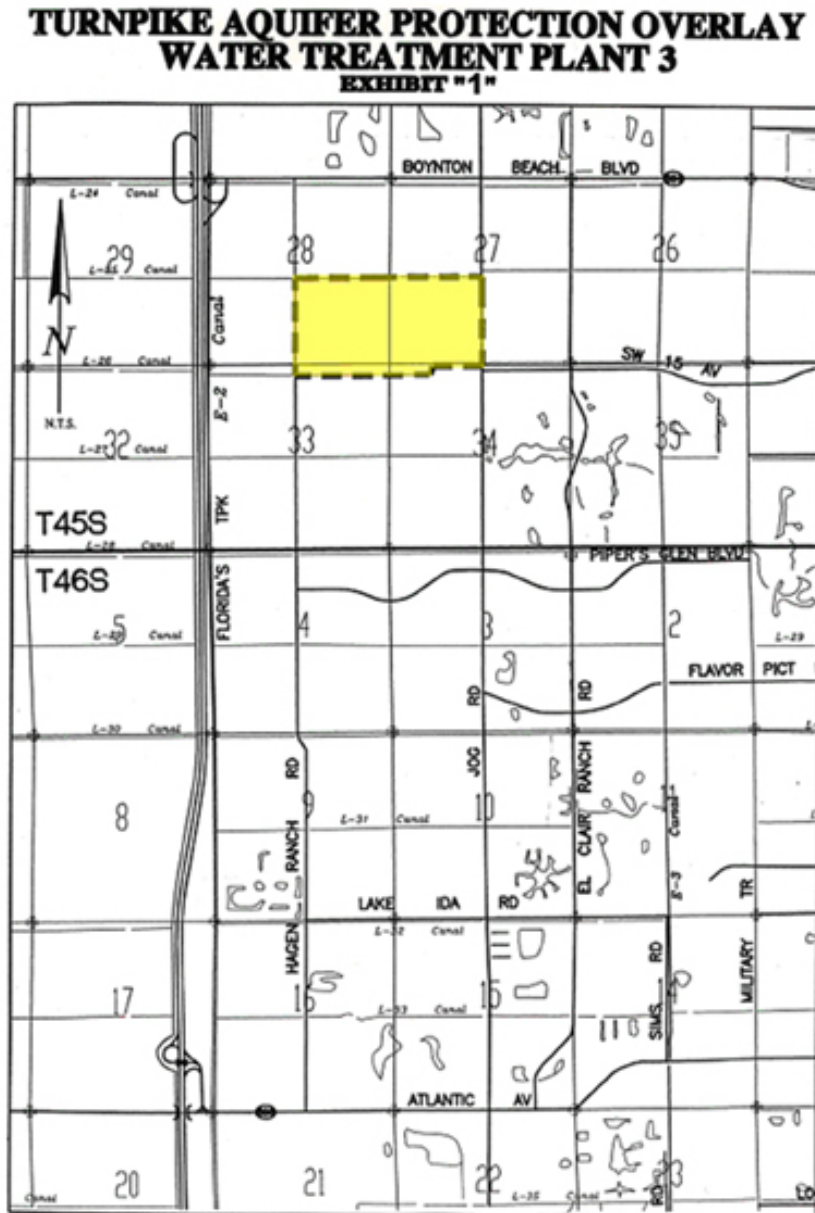
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APPENDIX 1 LEGAL DESCRIPTION WATER TREATMENT PLANT NO. 3

To Accompany Sketch of Turnpike Aquifer Protection Overlay District

Those tracts of land lying in sections 27 and 28 Township 45 south, Range 42 East, Palm Beach PBC, Florida, being more particularly described as follows:

The South East ¼ of section 28 and the South West ¼ of section 27.

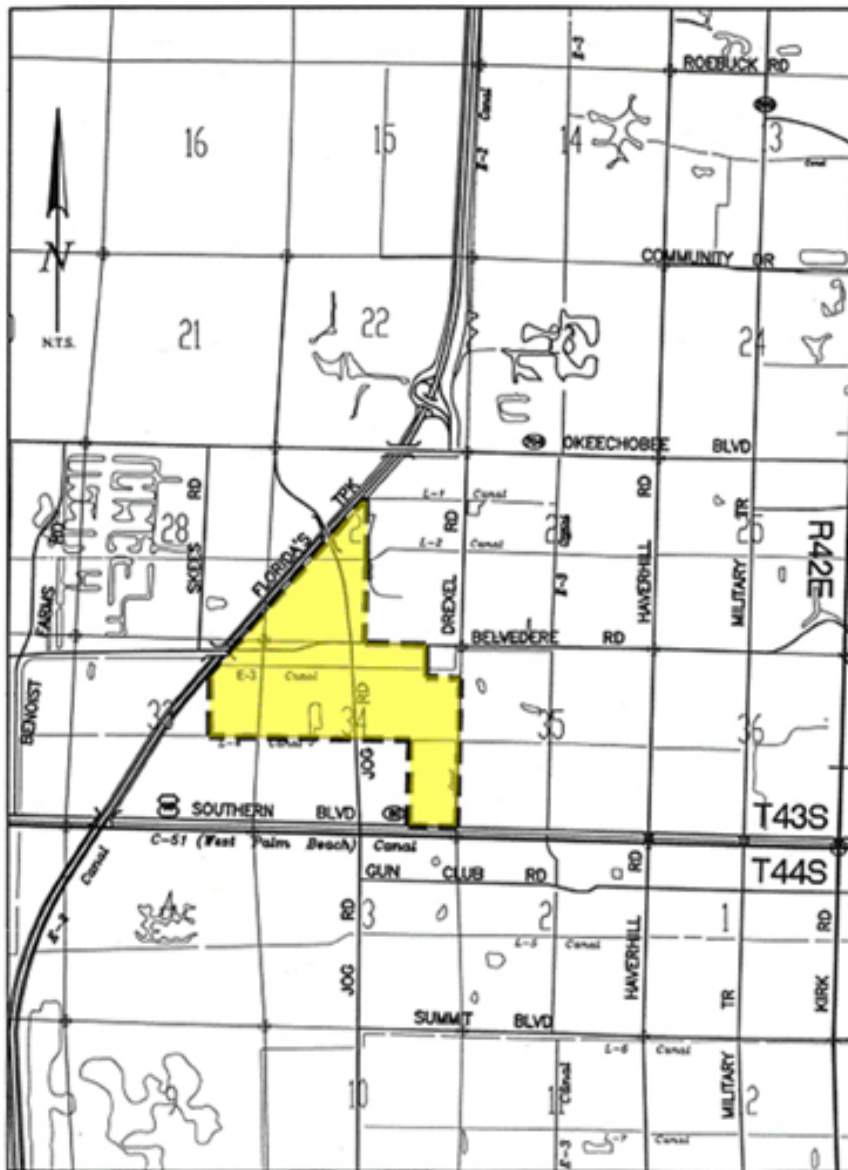


APPENDIX 2 WATER TREATMENT PLANT NO. 8

Those tracts lying in sections 27, 33, & 34 Township 43 South, Range 42 East, Palm Beach PBC, Florida being more particularly described as follows:

- The part of the west 1/2 of section 27 laying east of the turnpike.
- The North 1/2 of section 34 less the Northeast 1/4 of the Northeast 1/4 section.
- The East 1/2 of the Southeast 1/4 of section 34
- The part of the East 1/2 of the Northeast 1/4 of section 33 laying east of the turnpike.

**TURNPIKE AQUIFER PROTECTION OVERLAY
WATER TREATMENT PLANT 8
EXHIBIT "2"**



CHAPTER C STANDARD DISTRICTS

Section 1 Districts

A. Future Land Use (FLU) and Corresponding Districts

Existing development having a zoning district corresponding to the FLU designation indicated in Table 3.C.1.A-4, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, shall be considered consistent with the Plan.

Table 3.C.1.A-4 Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts

| FLU Designation | | | | | | |
|---------------------------------|-----------------|------------------|------------------|-----------------|-----------------|-----|
| Agriculture/Conservation | | | | | | |
| AP | AP | | | | | |
| AGR | AGR | | | | | |
| CON | PC | | | | | |
| SA | AR ² | AGR ³ | | | | |
| Residential | | | | | | |
| RR-20 | AR | | | | | |
| RR-10 | AR | CRE ⁴ | | | | |
| RR-5 | AR | | | | | |
| RR-2.5 | AR | RE | | | | |
| LR-1 | AR | RE | RT | AP ⁵ | | |
| LR-2 | AR | RE | RT | | | |
| LR-3 | AR | RE | RT | | | |
| MR-5 | AR | RE | RT | RS | RM ⁶ | |
| HR-8 | AR | RE | RT | RS | RM | |
| HR-12 | AR | RE | RT | RS | RM | |
| HR-18 | AR | RE | RT | RS | RM | |
| Commercial | | | | | | |
| CL-O | CLO | | | | | |
| CL | CN | CC | CLO | | | |
| CH-O | CLO | CHO | | | | |
| CH | CN | CC | CLO | CHO | CG | |
| CR | CRE | | | | | |
| Industrial | | | | | | |
| IND | IL | IG | CRE ⁷ | | | |
| Institutional/Civic | | | | | | |
| INST | AR | RE | RT | RS | RM | IPF |
| PARK | IPF | PO | | | | |
| U/T | PO | | | | | |

Key: Any application for a conditional use and/or subdivision of property shall require the subject site be rezoned to a highlighted district.

1. The PO District is consistent with all FLU designations.
2. The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.
3. The AGR District is consistent with the SA FLU designation in AGR Tier only.
4. The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan
5. The AP District is consistent with the LR-1 designation in the Glades Tier only.
6. The RM District is consistent with the MR-5 designation only for those areas already zoned RM.
7. Curtain use in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards.

B. Previous Zoning Districts

1. The following previously established zoning districts correspond to the current districts:
 - a. The Specialized Agriculture (SA) District shall correspond to the AP District in the Glades Tier, the AGR District in the AGR Tier, and the AR District in the Rural Tier.
 - b. Rural Services (RSER) District shall correspond to the AR District.
 - c. Residential Transitional Suburban (RTS) District shall correspond to the RT District.
 - d. Residential Transitional Urban (RTU) District shall correspond to the RS District.
 - e. Multifamily Residential High Density (RH) District shall correspond to the RM District.

- f. Specialized Commercial High (CSH) and Specialized Commercial (CS) District shall correspond to the Commercial High Office District (CHO) District.

C. Agricultural Districts

1. AP, Agricultural Production District

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. 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 PBC.

2. AGR, Agricultural Reserve District

The AGR district is a portion of PBC lying between Hypoluxo Road on the north, Clint Moore Road on the south, the Ronald Reagan Turnpike on the east, and the Arthur R. Marshall Loxahatchee National Wildlife Refuge on the west. The district encompasses unique farmland, regional water management and wetlands areas. It is designated as an area to be preserved primarily for agricultural, environmental and water resources and open space related activities west of SR 7, agricultural and regional water management use if possible, Residential development is restricted to low-densities and commercial development is limited to those uses serving farm workers and other residents of the district. Gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes shall be prohibited.

a. Exempted Residential Uses

Residential subdivisions and PUDs approved by the BCC prior to January 1, 1990 shall be exempt from the provisions of the AGR district to the minimum extent required to allow for continued development pursuant to their original development order and the intent of the provisions of the AGR district.

The exemption applies to the following residential developments that may continue to exist, however, they may not subdivide nor expand the boundaries of the property:

- Willis Glider Port
- Delray Lakes Estates
- Tierra de Rey
- Tierra de Rey South
- Rio Poco
- Snow Ranch Estates, a.k.a. Horseshoe Acres
- Delray Training Center

b. Previously Approved and Nonconforming Uses

All uses that are existing and were legally established or requested before the effective date of Ord. 2001-061, but are not permitted by the provisions of the AGR district, shall be considered exempted uses or non-conforming uses as set forth below:

1) Exempted Uses

The following non-residential developments, may continue to exist and are to be accommodated as part of the continuation of the AG Reserve Tier:

- Eternal Light Cemetery, 11520 SR-7, Boynton Beach
- Faith Farm Ministry, 9538 Hwy 441, Boynton Beach
- Our Lady Queen of Peace Church and service complex, W. Atlantic Ave
- Caridad Clinic, West Boynton Beach Blvd
- Soup Kitchen, 9850 Boynton Beach Blvd
- 4 Points Market
- 3 Amigos Convenience Store
- Fina Gas Station-Hey 4 U trucking
- Sunshine Meadows

2) Existing Nonconforming Uses

Replacement, relocation or expansion of nonconforming uses shall be subject to Class A conditional use approval and the following:

- a) Existing uses eliminated due to R-O-W acquisition by eminent domain, and relocation of the use on site is not feasible, may be relocated to an adjacent site.
- b) Existing Nonconforming uses may expand up to 50 percent of the building square footage. If a use is on less than one acre of property, the land area is permitted to be expanded up to a total of one acre.
- c) PDRs:
 - (1) Maximum FAR: .35

- (2) Maximum Building Coverage: 25 percent
- (3) Minimum Building setbacks: 30 feet on all sides

3) Right to Farm

All land in the AGR and AP districts are located in areas where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring property may be subjected to inconvenience and discomfort arising from generally accepted agricultural management practices, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of properties in these areas are hereby put on official notice that: (1) the state Right-to-Farm Act, F.S. § 823.14, may bar them from obtaining a legal judgment against such as a public or private nuisance; and (2) farm operations that conform to generally accepted agricultural and management practices in the AGR and AP districts are exempt from the following miscellaneous standards contained in Art. 5.E, Performance Standards of this Code for noise, vibration, smoke, emissions and particulate matters and outdoor lighting.

D. Conservation District

1. PC, Preservation/Conservation District

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.

E. Residential Districts

1. AR, Agriculture Residential District

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.

a. Non-residential Uses

Limited non-residential uses intended to serve predominantly rural residential communities shall only be allowed if they meet the criteria below:

1) Location

Within one-half mile of the intersection of two existing arterials, or one-half mile of the intersection of an existing arterial and an existing collector street. The arterials and collectors must be streets that are indicated on the official Federal Functional Classification Map.

- a) The proposed use shall have legal frontage.
- b) The maximum depth of the lot shall be 800 feet, measured from the arterial.
- c) Surrounding residential neighborhoods are protected from adverse impacts of non-residential development.
- d) The density or intensity is comparable to and compatible with the density of surrounding residential development.

b. Special Agriculture Uses

Additional non-residential uses may be allowed in the AR/Rural/Exurban district with a SA FLU.

c. Agricultural Uses in the U/S Tier

1) Applicability

Agricultural uses existing at the time of adoption of this Code permitting agricultural uses in the U/S Tier shall be considered conforming. Any expansion of existing agricultural uses shall be consistent with all applicable requirements and subject to review and/or approval by the appropriate staff or review board as identified in this Code.

2) New Agricultural Uses

Agricultural uses not listed as permitted in the U/S Tier shall only be permitted as an interim use subject to Class A conditional use approval. The AR Zoning District shall be considered consistent with all FLUA designations in the U/S Tier for the purpose of permitting agricultural uses.

2. RE, Residential Estate District

The RE district is to provide a transition between the agricultural and conservation areas and more urban residential communities and to create a residential environment wherein natural constraints applicable to development are recognized and protected in a manner compatible with the needs of residents.

3. RT, Residential Transitional District

The RT district is to provide a transition between a suburban single family atmosphere and estate development, which promotes active recreational facilities within the privacy of an individual lot.

4. RS, Single Family Residential District

The RS district is to provide areas for moderate density single family dwelling units.

5. RM, Multifamily Residential District

The RM district is intended primarily for the development of multiple family dwelling units.

F. Commercial Districts

1. CLO, Commercial Low Office District

The CLO district is to encourage development of low-intensity offices and the integration of complementary uses on a local, collector, or an arterial street. The CLO district may serve as a transition between residential areas and more intense commercial development.

2. CHO, Commercial High Office District

The CHO district is to encourage development of business and professional office parks and complementary uses.

3. CN, Neighborhood Commercial District

The CN district is to provide a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a local, collector or arterial street.

4. CC, Community Commercial District

The CC district is to provide a commercial facility of a community nature that services residential neighborhoods within a three to five mile radius, located on a collector or higher classification street.

5. CG, General Commercial District

The CG district is to encourage the development of intensive commercial uses providing a wide range of goods and services, with access from a collector or arterial street and services a consumer market of at least a three mile radius.

6. CRE, Commercial Recreation District

The CRE district is to provide lands for major commercial recreation uses that are either publicly or privately operated and require large amounts of land and have major effects on adjacent uses.

G. Industrial Districts

1. IL, Light Industrial District

The IL district is to provide sufficient land in appropriate locations for certain types of businesses, light manufacturing, or processing uses likely to cause undesirable effects upon residential or commercial uses.

2. IG, General Industrial District

The IG district is to provide land in appropriate locations for those uses with one or more of the following characteristics: industrial processes that involve significant amounts of noise, heat, mechanical and chemical processing; large amounts of material transfer; outdoor activities and large structures. The IG district provides for industrial uses located with convenient access to transportation facilities.

H. Public and Institutional Districts

1. IPF, Institutional and Public Facilities District

The IPF district is to provide land in appropriate locations for a variety of regional and community uses that are either publicly or privately operated.

2. PO, Public Ownership District

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 intended for, although not limited to, public parks and recreation areas, public buildings and facilities, and other capital improvements of a significant nature.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 1 PDRs for Standard Zoning Districts

A. PDRs

The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each standard zoning district are indicated in Table 3.D.1.A-5, Property Development Regulations unless otherwise stated.

Table 3.D.1.A-5 - Property Development Regulations

| Zoning District | Lot Dimensions | | | Density (6) (7) | | FAR | Building Coverage | Setbacks ⁸ | | | |
|---------------------------------|----------------|--------------------|-------|-----------------|--------|-----|-------------------|-----------------------|------|-------------|------------------|
| | Size | Width and Frontage | Depth | Min | Max | | | Front | Side | Side Street | Rear |
| Agriculture/Conservation | | | | | | | | | | | |
| PC | 1 ac. | - | - | - | - | - | - | 50 | 50 | 50 | 50 |
| AP | 10 ac. | 300 | 300 | - | .1 (1) | .10 | 10% | 100 | 50 | 80 | 100 |
| AGR | 5 ac. | 300 | 300 | - | .2 | .15 | 15% | 100 | 50 | 80 | 100 |
| Residential | | | | | | | | | | | |
| AR | (2) (3) | 300 | 300 | - | (4) | .15 | 15% | 100 | 50 | 80 | 100 |
| RE | 2.5 ac. | 200 | 200 | - | 0.4 | - | 20% | 50 | 40 | 50 | 50 |
| RT | 14,000 | 100 | 125 | - | 2.0 | - | 30% | 25 | 15 | 25 | 25 |
| RS | 6,000 | 65 | 75 | - | 5.0 | - | 40% | 25 | 7.5 | 15 | 15 |
| RM | (5) | 65 | 75 | - | 5.0 | - | 40% | 25 | 15 | 25 | 15 ¹⁰ |
| Commercial | | | | | | | | | | | |
| CN | 0.5 ac. | 100 | 100 | - | - | .25 | 25% | 30 | 30 | (8) | 30 |
| CC | 1 ac. | 100 | 200 | - | - | .35 | 25% | 30 | 30 | (8) | 30 |
| CG | 1 ac. | 100 | 200 | - | - | .35 | 25% | 50 | 15 | (8) | 20 |
| CLO | 1 ac. | 100 | 200 | - | - | .25 | 25% | 30 | 15 | (8) | 20 |
| CHO | 1 ac. | 100 | 200 | - | - | .35 | 25% | 40 | 15 | (8) | 20 |
| CRE | 3 ac. | 200 | 300 | - | - | .50 | 40% | 80 | 50 | 80 | 50 |
| Industrial | | | | | | | | | | | |
| IL | 1 ac. | 100 | 200 | - | - | .45 | 45% | 40 | 15 | 25 | 20 |
| IG | 2 ac. | 200 | 200 | - | - | .45 | 45% | 45 | 20 | 45 | 20 |
| Institutional/Civic | | | | | | | | | | | |
| IPF | 1 ac. | 100 | 200 | - | - | .35 | 25% | 50 | 15 | 25 | 20 |
| PO | - | - | - | - | - | - | - | - | - | - | - |

Notes for Table 3.D.1.A-5:

- The maximum density in the AP district is allowed in the LR-1 FLU category in the Glades Tier only.
The minimum lot size in the AR district corresponds to the FLU category as follows: RR20 – 20 acres; RR10 – 10 acres; RR5 – 5 acres; RR2.5 – 2.5 acres; U/S Tier – 5 acres.
- Nonconforming lots in the AR district may use the setback provisions in Art.1.F.4, Nonconforming Lots.
The maximum density in the AR district corresponds to the FLU category as follows: RR20 – 1 unit/20 acres; RR10 – 1 unit/10 acres; RR5 – 1 unit/5 acres; RR2.5 – 1 unit/2.5 acres; U/S Tier - 1 unit/5 acres.
- Density is determined by the FLU designation on each parcel of land in the Plan. The number of units permitted on a parcel of land which complies with the applicable property development regulations and design standards, therefore, is an acceptable minimum lot size.
- The minimum allowable density may be less if a project is granted a minimum density exception pursuant to the Plan.
- The maximum allowable density may be greater if the project is granted the right to develop above the standard density pursuant to a special density program in the Plan or this Code, such as VDB, TDR, or a provision in an Overlay.
- Setback equal to width of R-O-W buffer pursuant to Art. 7, Landscaping.
- Buildings over 35 feet in height shall be setback in accordance with Table 3.D.1.A-5, Property Development Regulations.
- Properly previously zoned RH with a rear setback of 12' shall be considered conforming and subject to Art. 1.E, Prior Approvals.

B. General Exceptions

1. Single Family Housing Type in Multifamily Districts

The property development regulations for single family housing in the RM district shall be in accordance with the RS district PDRs in Table 3.D.1.A-5, Property Development Regulations.

2. Infill Subdivisions

Single family dwelling units in projects which meet the criteria in Policy 1.2.2.a of the Plan or utilize the TDR Program may develop according to the Residential Single Family RS PDRs in the Code.

3. Density Bonus Programs

Special density programs for affordable housing are available through the use of VDBs, TNDs, and in the Westgate CRAO and may use regulations below.

a. Density Bonus Program Development

1) Purpose and Intent

The purpose of this Section is to provide flexibility from traditional PDRs in order to allow greater opportunities for cost effective development for housing approved in conjunction with a density bonus program. The regulations represent the minimum regulations acceptable without compromising minimum health and safety standards.

2) Applicability

The provisions of this Section may be applied to all residential development which receives a density bonus for workforce housing, as defined in the Plan.

3) Threshold

100 percent of the units subject to the density bonus, or a minimum of 50 percent of the total number of units in the project, whichever is greater, shall be set aside for workforce housing in accordance with the applicable density bonus program in the Plan.

4) Lot Dimensions

The lot dimensions for all housing types may be reduced by 20 percent.

5) Building Intensity

The maximum building coverage and FAR for all housing types may be increased by 20 percent.

6) Setbacks

The minimum building setbacks/separations for all housing types may be reduced by 20 percent, except for the front setback in the RS and RM districts, which may be reduced by 40 percent.

C. Lot Dimensions

1. Frontage Reduction

On curving streets, such as cul-de-sacs, the required frontage for lots between the points of curvature may be reduced by 40 percent, provided the centerline radius of the contiguous street is 125 feet or less.

a. Access and Circulation

1) PDDs shall have a minimum of 200 linear feet along an arterial or collector street.

a) Infill Development

The BCC may reduce the frontage requirement in the U/S Tier upon demonstration by the applicant that the standards cannot be satisfied by any other means and:

- (1) the reduction is the minimum necessary to provide safe and adequate access to the project;
- (2) the reduction will not result in any undue hardship or adverse impact on adjacent property owners;
- (3) the reduction will not adversely effect the development of adjacent land in accordance with the Plan and this Code;
- (4) the reduction is supported by the County Engineer and PZB.

2. PUD Minimum

The BCC shall not reduce the frontage requirements below the following thresholds:

- a. 1500 trips or less: 50' of frontage.
- b. More than 1500 trips: 80' of frontage

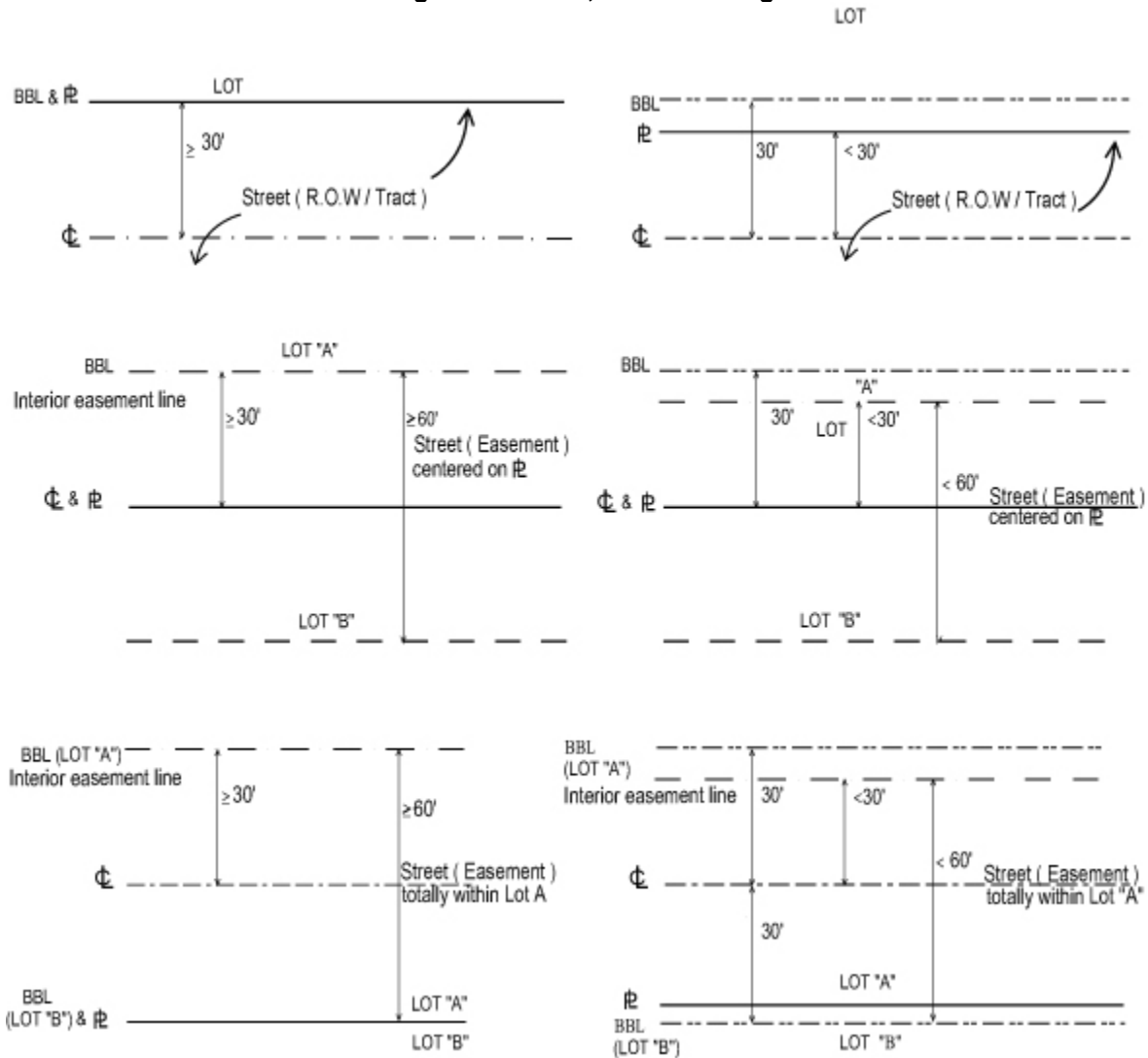
Further reductions from the frontage requirements shall only be allowed by the BA as a variance in accordance with Art. 2.B.3, Variances.

D. Setbacks

1. Base Building Line

Pursuant to County Engineering standards the front, side street, and rear setback (when the rear property line abuts a street), shall be measured from the base building line.

Figure 3.D.1.D-1, Base Building Line



a. Major Street

The base building line for any lot abutting a major street shall be 40 feet from the existing R-O-W.

b. Minor Street

The base building line for any lot adjacent to a minor street shall be 30 feet from the centerline of the existing street unless subject to the following:

1) Minor Street Over 60 Feet Wide

The base building line for any lot adjacent to a minor street over 60 feet in width shall be the property line, or, if the street was created by a recorded easement, from the easement line.

2) Platted Subdivisions

The base building line for any lot abutting a minor street within a subdivision platted and recorded after February 5, 1973 shall be the property line abutting the minor street shown on the plat.

c. Waiver

The County Engineer may waive this requirement and establish the base building line at a lesser distance. If the base building line is waived on a street created by a recorded easement, the setback shall be measured from the easement line.

d. Permitted Encroachments

Pursuant to approval by the County Engineer, temporary, removable, and non-habitable structures such as signs, fences, and auto display areas, may be located between a street and the base building line. Approval shall be subject to a removal agreement with the DEPW.

Setbacks shall be measured from the existing street boundaries and the affected area shall be landscaped in accordance with Art. 7, Landscaping.

e. Landscaping and Parking

Required landscaping and parking shall not be located in the area between a street and the base building line.

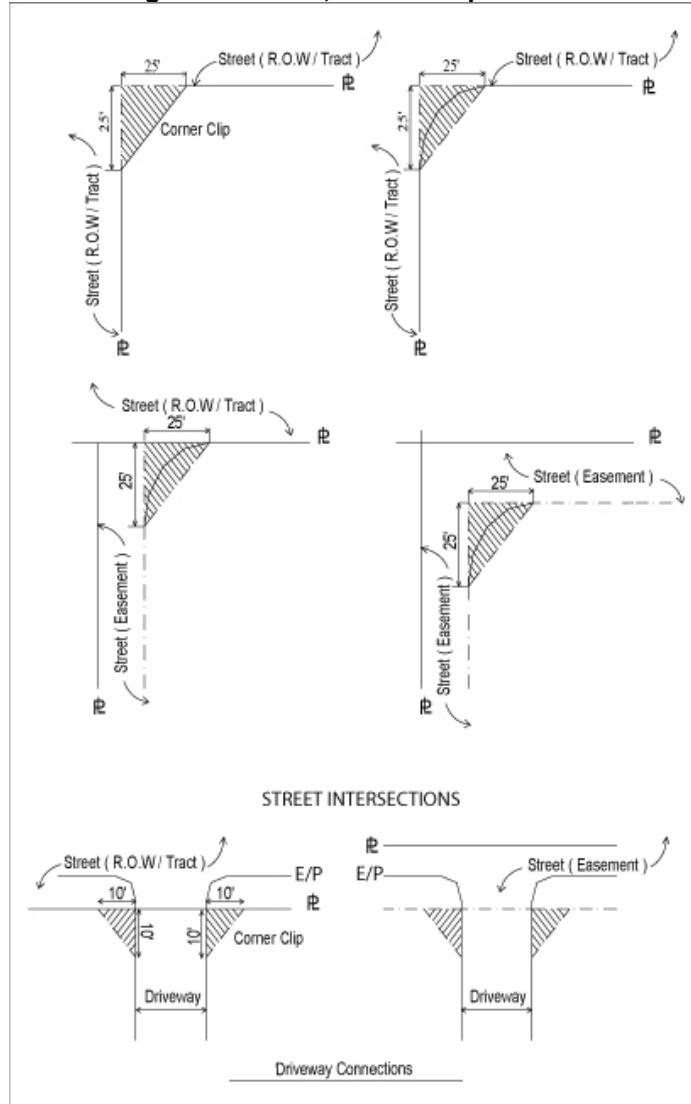
2. Multifamily Separations

The minimum separation for multifamily structures in the RM district shall correspond to the setback regulations in Art. 3.D.1.A-5, Property Development Regulations.

3. Corner Clip Setback

The minimum setback from a corner clip shall be ten feet. The setback shall be measured perpendicular from the midpoint of the interior line of the corner clip.

Figure 3.D.1.D-2, Corner Clip Setback



4. Setback Reductions

No setback reduction shall be used in combination with any other setback reduction allowed by this Code.

a. Open Space

In residential zoning districts located in the U/S Tier, the rear and side setbacks along the length of a property line adjacent to dedicated open space defined by a minimum of 50 feet in width may be reduced by 25 percent.

b. Alleys

In commercial and industrial districts, the rear and side setbacks from an alley may be reduced by 50 percent.

c. Railroad R-O-W

In industrial districts, the setback from a railroad R-O-W may be reduced to the width of the required landscape buffer.

5. Setback Exceptions

The following structures, projections, and improvements shall be allowed within required setbacks:

a. Structures Projections and Improvements Permitted in Setbacks

- 1) Arbors and trellises less than ten feet in height, subject to a minimum three foot setback;
- 2) Permanent/retractable awnings or canopies projecting a maximum of three feet into a setback, and having no support other than provided by the wall or structure to which it is attached;
- 3) Bay windows projecting a maximum of three feet into a setback;
- 4) Chimneys projecting a maximum of three feet into a setback;
- 5) Clothes poles or clothes lines in rear yard setbacks;
- 6) Driveways, subject to a minimum two-and-one-half-foot setback from the side and side street property lines;
- 7) Fire escapes projecting a maximum of three feet into a setback, provided the riser is retractable and at least 50 percent open;
- 8) Flagpoles, subject to Art. 8, Signage;
- 9) Fountains;
- 10) Heating, ventilation and air conditioning units (including compressors and condensers);
- 11) Mailboxes;
- 12) Open terraces and patios, including walkways and ground level decks;
- 13) Open, uncovered stoops;
- 14) Recreational equipment and structures in the rear setback of residential districts;
- 15) Roof overhangs projecting into the required setback a maximum of two-and-one-half feet;
- 16) Sculpture and other similar objects of art;
- 17) Signs, subject to Art. 8, Signage;
- 18) Off-street parking areas, unless otherwise specifically prohibited;
- Art. 5.B.1.A.2, Fences and Walls;
- 20) Landscaping planted in the ground or in planters;
- 21) Wells;
- 22) Utility transmission lines and associated structures;
- 23) Basketball goals, provided there is a minimum three foot setback from the rear and side property lines and a minimum 15 foot setback from the front and side street property lines;
- 24) Light poles having only one structural ground member;
- 25) An accessory residential dock, shared by abutting residential parcels only, subject to the submittal of an executed construction and maintenance agreement, prepared in a manner and form acceptable to the County Attorney and the Zoning Director;
- 26) Bus shelters and bus benches; and
- 27) Fire hydrants and other government service/utility structures required to be in certain locations by applicable Codes and ordinances.

E. Building Height

The maximum height for buildings and structures in all districts shall be 35 feet, unless otherwise stated. Buildings over 35 feet in height shall be setback in accordance with Table 3.D.1.A-5, Property Development Regulations.

1. Airport Zones

Structures in airport zones are subject to the height restrictions in Art.16.B.1 Airspace Height Regulations.

2. Multifamily, Nonresidential Districts and PDDs

In the RM, CLO, CHO, CG, IL, IG, and PDDs districts, buildings may exceed 35 feet in height as follows: one additional foot of setback shall be provided in addition to the required setback for each one foot in height, or fraction thereof, over 35 feet.

3. Accessory Agricultural Structures

In the AGR, AP, and AR districts, structures accessory to a bona fide agricultural use may exceed 35 feet in height as follows: one additional foot of setback shall be provided in addition to the required setback for each one foot in height, or fraction thereof, over 35 feet to a maximum of 100 feet.

4. Height Exceptions

The following structures shall be exempt from the height restrictions in this Section, unless otherwise stated:

a. Uses Exempted from Height Restrictions

- 1) Church spires, religious domes, and religious ornamentation attached to a place of worship;
- 2) Belfries;
- 3) Monuments;
- 4) Tanks;
- 5) Water towers;
- 6) Fire towers;
- 7) Stage towers or scenery lofts;
- 8) Cooling towers;
- 9) Ornamental towers and spires;
- 10) Chimneys;
- 11) Elevator bulkheads;
- 12) Smoke stacks;
- 13) Oil derricks;
- 14) Conveyors;
- 15) Flag poles, subject to Art. 8, Signage, except for Art. 4.C, Communication Tower, Commercial;
- 16) Aircraft control towers;
- 17) Aircraft navigation aids;
- 18) Accessory radio towers, subject to Art. 5.B.1.A.12, RadioTower;
- 19) Art. 5.B.1.A.13, Amateur Radio and Television Antennas;
- 20) Art. 4.C, Communication Towers, Commercial; and
- 21) Parapet screening of mechanical equipment.

Section 2 PDRs for Specific Housing Types

A. Townhouse

The minimum lot dimensions, maximum height, maximum FAR, maximum building coverage, and minimum setbacks and separations for townhouses in all districts where they are permitted shall be as follows:

1. General

- a. Townhouse developments in the RS zoning district that lie within the MR5 FLU designations shall require a Class A conditional use approval.
- b. Townhouse development in the RM or RS zoning district shall require DRO approval.

2. Ownership

a. Common Area

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, in a form and manner acceptable to the County Attorney:

- 1) 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
- 2) A property owners association (POA).

b. Individual Lot

The minimum area to be conveyed to the lot owner shall be no less than 100 percent of the total ground floor building area of the dwelling unit. 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.

3. Height

No building or structure shall exceed 35 feet in height.

4. 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 feet in width.

5. Access and Parking

Townhouse lots may be arranged in groups fronting on residential access streets (if located within a PDD) or fronting on parking tracts as allowed in Art. 11.E.2, Access and Circulation Systems. Minimum parking requirements shall be in accordance with Art. 6, Parking.

6. Replacement of Similar Structure

In the event a townhouse 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.

7. Issuance of Certificate of Occupancy (CO)

An attached townhouse building shall be developed as a whole, and no CO for a townhouse unit shall be issued until completion of one or more adjacent units and the entire attached building exterior, parking and landscaping.

8. Townhouse Attachment

A townhouse unit shall be attached to another townhouse unit along a minimum of 50 percent of the maximum depth of the unit. This minimum attached length between townhouses is limited to the portion of a building supporting an air conditioned living area, a garage or a storage area and shall share a continuous foundation with the townhouse building.

Table 3.D.2.A-6 – Townhouse Regulations

| Lot Dimensions | | | Max Height | Building Coverage | Setbacks and Separations (1)(2) | | | |
|----------------|--------------------|-------|------------|-------------------|--|------------------------------------|---------------|------|
| Size | Width and Frontage | Depth | | | Front | Side | Side Street | Rear |
| 800 SF | 16 | 50 | 35 | 100% | 15 – unit 25 – front loading garage 15 – side loading garage 10 – parking tract | 0 – interior unit 15 – end unit | 25 – end unit | 25 |

Notes for Table 3.D.2.A-6, Townhouse Regulations:

1. Front and side street setbacks measured from street or parking tract. Side and rear setbacks measured from plat, parcel, or pod boundary; lake maintenance easement, canal easement, or canal R-O-W; or required landscape buffer.
2. Separations apply to the proximity of one townhouse group to another. Separation between two townhouse buildings shall be by drawing a centerline between the two adjacent buildings and measuring a minimum distance equal to one-half of the required separation from the centerline to ensure an equidistant separation between structures. For the purpose of this Section, a townhouse buildings shall mean two or more attached townhomes.
3. Recreation buildings and other structures which are not accessory structures shall comply with the setback requirements in this Section.

B. Zero Lot Line (ZLL)

The minimum lot dimensions, maximum height, maximum building coverage, and minimum setbacks for ZLL homes in all districts where they are permitted shall be as follows.

Table 3.D.2.A-7 - ZLL Property Development Regulations

| Lot Dimensions | | | Max Height | Building Coverage | Setbacks | | | | |
|----------------|--|-------|------------|-------------------|--|----------|------|-------------|------|
| Size | Width and Frontage | Depth | | | Front | ZLL Side | Side | Side Street | Rear |
| 4500 sf | 45 – interior 50 – corner 55 - floater | 75 | 35 | 50% | 10 – unit 25 – front loading garage 10 – side loading garage | 0 | 10 | 10 | 10 |

Notes for Table 3.D.2.A-7, ZLL Property Development Regulations:

1. Lot frontage may be measured from the required front building setback.
The driveway of a front loading or side loading garage shall intersect the street at or near a 90 degree angle to the road center line. The driveway of a ZLL home shall intersect the street R-O-W at a 90 degree angle for a minimum length of five feet on both sides.
2. Mechanical equipment shall be screened and oriented away from the front door and private outdoor space of the adjacent lot.

C. Design Standards

A ZLL home shall be located on a minimum of one, but not more than two, property lines and shall comply with the following standards:

1. Approval

- a. ZLL development in the RS zoning district that lie within the MR5 FLU designations shall require a Class A conditional use approval.
- b. ZLL development in the RM and RS zoning districts within the HR-8, HR-12, HR-18 FLU designations shall require a DRO approval.

2. Access

ZLL homes and side street homes within a planned development may front on a residential access street subject to Table 11.E.2.A-1, Chart of Access of Hierarchy. Residential subdivisions located outside of a planned development shall provide access to lots as required by Art. 11.E.2.A.25, Guardhouses.

3. Parking

Each ZLL and side street home shall have a minimum of two parking spaces and shall comply with the requirements of Art. 6, Parking.

4. Replacement

In the event that any home built under this Section is destroyed or removed by or for any cause, the 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.

5. Zero Setback

A minimum of 20 feet of the length of the home under air or occupied by a totally enclosed area under roof which is attached to and directly accessible from an air conditioned living area, such as a garage or storage area, shall be located on one lot line and shall have a zero foot setback from the lot line. If a home is located on two lot lines, the minimum length shall be the sum of the length on both lot lines.

6. Remaining Setback

The remaining portion of the home along the ZLL side shall be setback a minimum of four feet from the zero property line.

7. Prohibited Openings and Attachments

Openings and attachments shall not be allowed to penetrate and/or be attached to any portion of the home on the ZLL side. Examples of prohibited openings and attachments include, but are not limited to, the following:

- a. A/C condensate drain;
- b. A/C emergency overflow drain;
- c. Exhaust ducts, such as, but not limited to, kitchens, bathrooms, clothes dryers, etc.;
- d. Garage vents;
- e. Temperature or pressure relief line;
- f. Doors;
- g. Windows (other than glass block or other translucent material pursuant to Art. 3.D.2.C.8.b, Glass Block);
- h. Electric meters;
- i. Hose bibs; and
- j. Satellite dishes.

8. Permitted Openings

a. Openings/Attachments

The following openings and attachments shall be allowed to penetrate and/or be attached to the portion of the home on the ZLL side;

- 1) Clean out fittings;
- 2) Soffit vents;
- 3) Glass block or other translucent material pursuant to Art. 3.D.2.C.8.b, Glass Blocks;
- 4) Atrium/courtyard exit pursuant to Art. 3.D.2.C.8.d, Atrium/Courtyard; and
- 5) Windows and doors facing an atrium/courtyard.

b. Glass Blocks

Glass block or other translucent material may be used along the portion of the home on the zero lot line side, as follows:

- 1) **Light Transmission**
Only building material which allows a maximum 60 percent of exterior light transmission according to the manufacturer's specifications shall be used. A notarized affidavit shall be submitted with the building permit which verifies the degree of light transmission and the translucency of the material to be used.
 - 2) **Exception**
Transparent windows may be permitted on the ZLL wall if the wall abuts a dedicated open space or landscape buffer a minimum of 50 feet in width.
 - 3) **Surface Area**
Use shall be limited to a maximum of 50 percent of the surface area of the wall along the portion of the home on the ZLL side.
 - 4) **Limitation**
Use shall be limited to new construction only, unless consent from the HOA is submitted with the building permit.
- c. **Maintenance and Roof Overhang Easement**
The subdivision plan and plat shall indicate a maintenance and roof eave encroachment easement along the ZLL for each ZLL lot for the purpose of allowing maintenance of the portion of the home with a zero setback and to accommodate any overhang of the roof eave and gutter.
- 1) **Easement Width**
This easement shall have a minimum width of two feet.
 - 2) **Roof Overhang**
Roof eaves, soffits and gutters may encroach the easement up to a maximum of 24 inches. Gutters shall be installed along the entire length of the ZLL side to prevent water runoff onto the adjacent property.
 - 3) **Drainage**
This easement shall not overlap a drainage easement.
 - 4) **Plat**
The following language shall be on the plat for each ZLL subdivision: Maintenance and roof overhang easements are hereby reserved in perpetuity to the owner of the lot abutting the easement and the HOA for the purpose of access to and maintenance of improvements, the roof overhang, eave, gutters, drainage and utility services within and adjacent to said easement without recourse to PBC. Should a fence or wall traverse or be located within said easement, written permission from the HOA will be required prior to the issuance of a permit by PBC. A gate for access and maintenance purposes will be required. Access for the owner of the lot abutting the easement and the HOA shall be provided after advanced notification and during reasonable hours. No construction, landscaping, mechanical equipment, fence or wall shall prevent perpetual access to said easement by the owner of the lot abutting the easement and the HOA.
- d. **Atrium/Courtyard**
An atrium/courtyard may be constructed along the ZLL side. An atrium/courtyard along the ZLL side shall be limited to the ground floor only. The minimum depth shall be four feet. A gate may be installed on the ZLL for emergency exit purposes provided the gate is a minimum of 36 inches in width, six feet eight inches in height, opaque, and operable only from the inside with the gate opening inward.
- e. **Privacy Walls or Fences**
- 1) **ZLL Wall**
A minimum five foot high opaque wall or fence shall be provided along the ZLL beginning at the end of the home with a zero setback and extending a minimum distance of ten feet beyond the rear of the home toward the rear property line.
 - a) **Exception**
A wall or fence shall not be required if the ZLL side is adjacent to dedicated open space a minimum of 50 feet in width.
 - 2) **Rear Lot Line**
A minimum five foot high opaque wall or fence shall be provided along the rear lot line between lots with abutting rear lot lines and between lots with abutting side and rear property lines.

3) Design Requirements

If a wall is constructed, the required wall, including any extension, shall be constructed of the same material used to construct the adjoining ZLL wall of the home (e.g. brick home with a brick privacy wall) or any structurally sound, opaque, and permanent material with an exterior finish that matches the style, color, and surface texture of the exterior of the adjoining ZLL wall (e.g. CBS home with stucco finished wood frame wall painted to match the home).

4) Roof Enclosures

When a screened or solid roof enclosure is attached to the ZLL wall, the length and height of the wall shall comply with Art. 5.B.1.A.11, Screen Enclosures.

5) Height Limitation

Lots with a ZLL side which abut the rear property line of an adjacent lot shall be limited to one story in height.

f. Side Street Home

A side street home (aka floater) may be located on a lot having a street, a minimum of 50 feet of open space, or combination along two sides. A side street home shall comply with the minimum setback requirements in Table 3.D.2.A-7, ZLL Property Development Regulations. A side street home shall be exempt from the design standards in Art. 3.C.2.C, Design Standards

g. Additional Requirements

The application of a provision in this Section which was not allowed prior to the effective date of this Code shall require:

- 1) consent from the HOA;
- 2) submittal of a site plan amendment application to the DRO;
- 3) the amendment to apply to an entire pod; and
- 4) the pod to be brought into conformance with the remainder of this Code, to the extent possible.

Section 3 District Specific Regulations

A. District Specific Regulations

Additional PDRs shall apply in certain districts as follows:

1. RM District

a. RM Zoning with MR5 FLU

Multifamily units shall be permitted in the RM zoning district with an MR5 FLU designation subject to the following:

1) Planning Determination

A written determination from the Planning Director that the property meets the criteria for a Non-Planned Development District Density Exemption in the Plan; and

2) Existing RM Zoning

The property was zoned RM prior to the adoption of the Plan (rezoning property with MR5 land use to the RM district shall be prohibited).

3) Approval Process

The approval process shall be as follows:

Table 3.D.3.A-8 – Approval Process

| Units | Process |
|---------|-------------------------|
| 0-4 | Building Permit Only |
| 5-8 | DRO Site Plan Approval |
| 9-24 | Class B Conditional Use |
| Over 24 | Class A Conditional Use |

4) Multifamily Units

Legally permitted multifamily units in the RM zoning district with MR5 FLU may be redeveloped, reconstructed, or expanded in accordance with the RM zoning district PDRs.

- 5) **Limestone Creek**
Multifamily units in the RM zoning district shall be prohibited in the area bounded on the north by 184 Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street).
- b. **Buildings Over 100 Feet in Height**
In the RM district, multifamily buildings over 100 feet in height shall require approval of a Class B conditional use.
- 2. **All Commercial Districts**
 - a. **Hours of Operation**
Commercial uses adjacent to a residential district shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor continue business activities later than 11:00 PM daily.
 - b. **Enclosed Uses**
All commercial uses shall be operated entirely within enclosed buildings or structures, other than those uses or activities typically conducted outdoors, required to be conducted outdoors by law, or recognized by this Code to be conducted outdoors.
- 3. **CN District**
 - a. **Floor Area**
Uses shall be limited to a maximum of 3,000 square feet of GFA, unless approved as a Class A conditional use.
 - b. **Hours of Operation**
Commercial uses shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor continue business activities later than 11:00 PM daily.
- 4. **CLO District**
 - a. **Enclosed Uses**
All uses shall be operated entirely within enclosed buildings, with the following exceptions:
 - 1) Air curtain incinerator, temporary;
 - 2) 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.
- 5. **CC District**
 - a. **Floor Area**
The maximum floor area permitted on any lot or within any project in the CC district shall be 30,000 square feet of GFA, unless approved as a Class A conditional use.
 - b. **Hours of Operation**
Commercial uses requiring outdoor activity shall not commence business activities, including delivery and stocking operations, prior to 6:00 AM nor continue outdoor activities later than 11:00 PM daily.
- 6. **IL and IG Districts**
 - a. **Outdoor Activities**
All outdoor activities, including outdoor storage and outdoor operations, shall be completely screened from view from all property lines to a height of six feet.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

A. General

1. Purpose and Intent

The purpose of (PDDs) is to provide opportunities for development patterns which exceed the expectations of the standard zoning districts, allow for the creative use of land, and which result in quality development. The types of development addressed in this Chapter include those encouraged by the Managed Growth Tier System (MGTS) in the Plan. The intent of this Chapter is to encourage

ingenuity, and imagination on the part of, architects, landscape architects, engineers, planners, developers, and builders to create development that promotes sustainable living, addresses traffic impacts, encourages alternative modes of transportation, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, provides housing choices, provides services to the community, encourages economic growth, encourages infill development and redevelopment, and minimizes impacts on surrounding areas through the use of flexible and innovative land development techniques.

2. Applicability

In addition to the other Articles in this Code, the requirements of this Chapter shall apply to all PDDs, modifications to previously approved PDDs, and modifications to previously approved special exceptions for planned developments, unless otherwise stated.

3. Conflicts

If a conflict exists between this Chapter and other Articles in this Code, the provisions of this Chapter shall apply to the extent of the conflict.

4. Nonconforming Standards

Previously approved planned developments with a valid development order that does not conform to provisions in this Code shall be considered conforming. Nonconforming uses shall comply with Art. 1.E, Prior Approvals, and any other applicable requirements.

5. Thresholds

PDDs approved after the effective date of this Code shall meet or exceed the minimum threshold requirements of the applicable PDD. The minimum thresholds shall not apply to previously approved planned developments.

6. Development Order

Issuance of a development order for a PDD shall be deemed to authorize an amendment to the Official Zoning Map.

a. Zoning Map Amendment

Before any land is designated as a PDD on the Official Zoning Map, it shall receive approval pursuant to the standards and procedures in Art. 2.B.1, Official Zoning Map Amendment (Rezoning).

1) Exception

Previously approved special exceptions for planned developments are hereby zoned to the corresponding PDD. The Official Zoning Map shall be administratively amended to reflect the corresponding PDD designation on land with previously approved special exceptions for planned developments. In cases of uncertainty, the Zoning Director shall decide which PDD designation to apply.

b. Conditions

The BCC may impose conditions of approval in a development order for a PDD to protect the public health, welfare, and safety; to ensure compliance with the Plan and the requirements of this Code; to ensure off-site road improvements are provided to address the traffic impacts associated with the project; to ensure compatibility between land uses; to prevent or minimize any potential for adverse impacts on the public, adjacent properties, and surrounding communities; and to ensure quality development. The property owner shall be responsible for compliance with conditions of approval imposed by the BCC.

c. Successive Owners

Conditions imposed by the BCC shall run with the land and shall be binding on all successors with interest in the DRO approval property.

d. Development Permits

A development permit shall not be issued for any land development in a PDD, nor shall any land development activity commence within a PDD, prior to approval of a site plan or subdivision by the DRO for the affected area.

e. Property Development Regulations (PDRs)

Land development shall be governed by the PDRs in this Code, the development order, and the regulations indicated on the most recent approved master plan, site plan, or subdivision plan.

B. Future Land Uses and Density

1. Future Land Use (FLU) Designation

The FLU designation which correspond to each PDD are indicated in Table 3.E.1.B-9, PDD Corresponding Land Use.

Table 3.E.1.B-9 - PDD Corresponding Land Use

| | AGR | RR | LR1 | LR2 | LR3 | MR5 | HR8 | HR12 | HR18 | MLU | EDC |
|------|-----|----|-----|-----|-----|-----|-----|------|------|-----|-----|
| PUD | √ | √ | √ | √ | √ | √ | √ | √ | √ | √ | |
| MHPD | | √ | √ | √ | √ | √ | √ | √ | √ | | |
| | AGR | RR | CL | CH | CLO | CHO | IND | INST | CRE | MLU | EDC |
| MUPD | | | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| MXPD | | | √ | √ | √ | √ | | | | √ | √ |
| PIPD | | | | | | | √ | | | √ | √ |
| RVPD | | √ | | | | | | | √ | | |

Legend: Check (√) indicates the PDD corresponds to the FLU designations.

2. PDDs Split by FLU Designations

a. Residential

Uses allowed, PDRs, and density shall be determined by the land use designation on the affected area. Density may be transferred from one portion of the project to another based on the gross acreage of the project.

b. Nonresidential

Uses allowed, PDRs, and intensity for the entire PDD shall be governed by the less intense land use designation.

3. Uses Allowed

Uses allowed in a PDD shall be pursuant to Table 3.E.1.B-10, PDD Use Matrix. Previously approved planned developments shall be governed by the underlying FLU designation in the Plan or pod designation on the most recent approved master plan for purpose of determining the uses allowed and applicability of this Code.

4. Use Regulations

Uses permitted in a PDD shall be according to the pod designation on the master plan approved by the DRO, or the land use designation of the PDD, whichever is applicable. Uses may be further limited by the development order, concurrency reservation, or other applicable requirement.

a. Use Designations

Uses permitted in a PDD are classified as: permitted, special, DRO, or requested, as indicated in Table 3.E.1.B-10, PDD Use Matrix.

1) Permitted Uses (P)

These uses are allowed by right and are identified by a P in the matrix.

2) Special Uses (S)

These uses require approval of a special permit and are identified by a S in the matrix.

3) DRO Uses (D)

These uses require approval by the Development Review Officer (DRO) and are identified by a D in the matrix.

4) Requested Uses (R)

These uses require approval by the BCC in accordance with the standards and procedures in Art. 2.B, Public Hearing Procedures, and are identified by a R in the matrix.

a) Location

Requested uses shall be shown on the master plan or site plan approved by the BCC and shall remain in the location shown.

b. Supplementary Use Standards

A number in the "Note" column of Table 3.E.1.B-10, PDD Use Matrix, refers to supplementary land use standards in Art. 4.B, Supplementary Use Standards, which are applicable to the use.

Table 3.E.1.B-10 - PDD Use Matrix

| Use Type | PUD | | | | | MUPD | | | | | | MXPD | | | | PIPD | | | | | | |
|------------------------------------|-------------|-------------|-------------|-------------|-----------------------|-----------------------|--------|-------------|-------------|--------|-------------|-----------------------|--------|--------|-------------|-------------|-----------------------|-----------------------|-----------------------|------------------|------------------|------------------|
| | Pods | | | | | Land Use Designations | | | | | | Land Use Designations | | | | Use Zone | | | | | | |
| | R E S | C O M | R E C | C I V | A G R / P | C L | C H | C L O | C H O | C R | I N D | I N S T | C L | C H | C L O | C H O | I N D / L | C O M / G | I N D / G | M H P D | R V P D | N O T E |
| Residential Uses | | | | | | | | | | | | | | | | | | | | | | |
| Single Family | P | | | | | | | | | | | | | | | | | | | | | 122 |
| Zero Lot Line Home | P | | | | | | | | | | | P | P | P | P | | | | | | | 142 |
| Townhouse | P | | | | | | | | | | | P | P | P | P | | | | | | | 132 |
| Multi-Family | P | | | | | | | | | | | P | P | P | P | | | | | | | 87 |
| Mobile Home Dwelling | | | | S | | | | | | | | | | | | | | | P | | | 85 |
| Accessory Dwelling | S | | | S | | | | | | | | | | | | | | | | | | 1 |
| Congregate Living Facility, Type 1 | P | | | | | | | | | | | | | | | | | | | | | 34 |
| Congregate Living Facility, Type 2 | R | | | S | | | | | | | | S | S | | | | S | | | | | 34 |
| Congregate Living Facility, Type 3 | R | R | | R | | R | R | R | R | | R | R | R | R | R | | | | | | | 34 |
| Estate Kitchen | P | | | | | | | | | | | | | | | | | | | | | 48 |
| Farm Residence | | | | P | | | | | | | | | | | | | | | | | | 50 |
| Farm Worker Quarters | | | | P | | | | | | | | | | | | | | | | | | 51 |
| Garage Sale | P | | | P | | | | | | | P | P | P | P | P | | | | P | | | 60 |
| Guest Cottage | P | | | | | | | | | | | | | | | | | | | | | 66 |
| Home Occupation | P | | | P | | | | | | | | P | P | P | P | | | | P | | | 70 |
| Nursing Or Convalescent Facility | | R | | R | | R | R | | | | D | R | R | | | | | | | | | 90 |
| Security Or Caretaker Quarters | | S | | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | | 119 |

Notes to Table 3.E.1.B-10, PDD Use Matrix:

P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

Table 3.E.1.B-10 - PDD Use Matrix

| Use Type | PUD | | | | | MUPD | | | | | | MXPD | | | | PIPD | | | | | | |
|---|-------------|-------------|-------------|-------------|-----------------------|-----------------------|--------|--------|--------|--------|-------------|-----------------------|--------|--------|--------|----------|-------------|------------------|-------------|------------------|------------------|------------------|
| | Pods | | | | | Land Use Designations | | | | | | Land Use Designations | | | | Use Zone | | | | | | |
| | R E S | C O M | R E C | C I V | A G R / P | C L | C H | C L | C H | C R | I N D | I N S T | C L | C H | C L | C H | C O O | I N D / | C O M | I N D / | M H P D | R V P D |
| Commercial Uses | | | | | | | | | | | | | | | | | | | | | | |
| Adult Entertainment | | | | | | | | | | | | | | | | | S | S | | | | 2 |
| Auction, Enclosed | R | | | | | | P | | | P | | | | | | | | P | | | | 16 |
| Auction, Outdoor | | | | | | | R | | | R | R | | | | | | P | P | P | | | 16 |
| Auto Paint Or Body Shop | R | | | | | | R | | | | R | | | | | | P | P | P | | | 17 |
| Auto Service Station | R | | | | | R | R | | | | R | R | R | | | | P | P | P | | | 18 |
| Bed And Breakfast | D | D | | | | S | S | S | S | S | | S | S | S | S | | | S | | | | 20 |
| Broadcast Studio | R | | | | | R | P | R | P | P | P | R | R | R | R | | P | P | | | | 21 |
| Building Supplies | R | | | | | | R | | | | | | R | | | | | P | | | | 22 |
| Butcher Shop, Wholesale | | | | | | | R | | | | | | R | | | | P | P | P | | | 23 |
| Car Wash | R | | | | | | R | | | | P | | R | | | | P | P | P | | | 25 |
| Catering Service | | | | | | | | | | | | | | | | | | | | | | 26 |
| Contractor Storage Yard | | | | | | | | | | | P | | | | | | P | | P | | | 35 |
| Convenience Store | P | | | | | P | P | | | | | P | P | P | P | | | P | | P | P | 36 |
| Convenience Store With Gas Sales | | | | | | | R | | | | R | | R | | | | R | P | | | | 37 |
| Day Labor Employment Service | R | | | | | | R | | | | R | | | | | | | P | | | | 41 |
| Dispatching Office | | | | | | | R | | | | | | R | | | | P | P | P | | | 42 |
| Dog Day Care | | | | | | | R | | | | | | R | | | | P | R | | | | 43 |
| Financial Institution | R | | | | | R | P | R | P | | | R | P | R | P | | | P | | | | 55 |
| Flea Market, Enclosed | P | | | | | | R | | | | | | R | | | | | P | | | | 57 |
| Flea Market, Open | | | | | | | R | | | | | | | | | | | R | | | | 58 |
| Funeral Home or Crematory | P | | | | | R | R | | | | R | | R | | | | | P | | | | 59 |
| Green Market | | | | | | | | | | | | | | | | | | | | | | 64 |
| Hotel, Motel, SRO, Rooming And Boarding | | | | | | | R | | R | R | | | R | | R | | | P | | | | 72 |
| Kiosk | | | | | | P | P | P | P | P | | P | P | P | P | | P | P | P | | | 75 |
| Landscape Service | R | | | | | | R | | | | P | | R | | | | P | P | P | | | 77 |
| Laundry Services | R | | | | | P | P | P | P | | | P | P | P | P | | P | P | | P | P | 78 |

Notes to Table 3.E.1.B-10, PDD Use Matrix:

P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

Table 3.E.1.B-10 - PDD Use Matrix

| Use Type | PUD | | | | | MUPD | | | | | | MXPD | | | | PIPD | | | M | R | N | |
|-------------------------------------|------|---|---|---|---|-----------------------|---|---|---|---|---|-----------------------|---|---|---|----------|---|---|---|---|---|-----|
| | Pods | | | | | Land Use Designations | | | | | | Land Use Designations | | | | Use Zone | | | | | | |
| | R | C | R | C | A | C | C | C | C | C | I | I | C | C | | C | I | C | | | | I |
| E | O | E | I | G | L | H | L | H | R | N | N | L | H | L | H | N | O | N | P | P | T | |
| S | M | C | V | R | | | O | O | | D | S | | | O | O | D | M | D | D | D | E | |
| | | | | P | | | | | | | | | | | | L | | G | | | | |
| Commercial Uses | | | | | | | | | | | | | | | | | | | | | | |
| Lounge, Cocktail | | P | | | | R | P | | P | P | | | R | P | | R | | P | | | | 79 |
| Medical Or Dental Office | | R | | | | P | P | P | P | | | | P | P | P | P | | P | | | | 83 |
| Monument Sales, Retail | | | | | | P | P | | | | | | P | P | | | | P | | | | 86 |
| Office, Business Or Professional | | P | | | | P | P | P | P | | | | P | P | P | P | | P | | | | 91 |
| Parking Garage, Commercial | | P | | | | | R | | R | R | | | | | | | | P | | | | 95 |
| Parking Lot, Commercial | | R | | | | | R | | R | P | | | | | | | | | | | | 96 |
| Pawnshop | | | | | | | R | | | | | | | | | | | | | | | 97 |
| Personal Services | | P | | | | P | P | P | P | | | | P | P | P | P | | P | | P | | 98 |
| Printing And Copying Services | | P | | | | P | P | P | P | | | | P | P | P | P | | P | | | | 100 |
| Repair And Maintenance, General | | R | | | | | R | | | | P | | | | | | P | P | P | | | 107 |
| Repair Services, Limited | | P | | | | P | P | P | P | | P | | P | P | P | P | | P | | | | 108 |
| Restaurant, Fast Food | | R | | | | | R | | R | | | | | R | | R | | P | | | | 109 |
| Restaurant, High Turnover, Sit-down | | D | | | | D | D | D | D | D | | | D | D | D | D | | D | | | | 110 |
| Restaurant, Quality | | P | | | | P | P | R | P | P | | | P | P | R | P | | P | | P | P | 111 |
| Restaurant, Specialty | | P | P | | | P | P | P | P | P | | P | P | P | P | P | | P | | P | P | 112 |
| Retail Sales, Auto | | P | | | | P | P | | | | | | P | P | P | P | | P | | | | 113 |
| Retail Sales, General | | P | | | | P | P | | | | | | P | P | P | P | | P | | | | 114 |
| Retail Sales, Mobile Or Temporary | | S | | | | | | | | | | | S | S | | | | S | | | | 115 |
| Self-Service Storage | | | | | | R | R | | | | P | | | | | | P | R | P | | | 120 |
| Theater, Drive-In | | | | | | | R | | | R | | | | | | | | R | | | | 128 |
| Theater, Indoor | | R | | | | | R | | | P | | | | R | | | | | | | | 129 |
| Towing Service And Storage | | | | | | | | | | | P | | | | | | P | | | | | 130 |
| Vehicle Sales And Rental | | R | | | | R | R | | | | | | R | R | | | | R | | | | 135 |
| Veterinary Clinic | | R | | | | R | P | R | P | | | | R | R | R | R | | P | | | | 136 |
| Vocational School | | R | | | | R | P | | P | | P | D | R | R | | R | | P | | | | 137 |
| Work/Live Space | | P | | | | P | P | P | P | | | | P | P | P | P | | P | | | | 141 |

Notes to Table 3.E.1.B-10, PDD Use Matrix: P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

Table 3.E.1.B-10 - PDD Use Matrix

| Use Type | PUD | | | | | MUPD | | | | | | MXPD | | | | PIPD | | | M | R | N | | |
|-----------------------------------|-------------|-------------|-------------|-------------|--------------------|-----------------------|--------|--------|--------|--------|-------------|-----------------------|--------|--------|--------|----------|--------------------|--------------------|---|---|---|--------------------|-------------|
| | Pods | | | | | Land Use Designations | | | | | | Land Use Designations | | | | Use Zone | | | | | | | |
| | R E S | C O M | R E C | C I V | A G R / P | C L | C H | C L | C H | C R | I N D | I N S T | C L | C H | C L | C H | I N D / L | C O M / G | | | | I N D / G | H P D |
| Public and Civic Uses | | | | | | | | | | | | | | | | | | | | | | | |
| Airport, Helipad & Landing Strip | | | | | | | | | | R | R | | | | | | | R | | R | | | 10 |
| Assembly, Nonprofit Institutional | | P | | R | | R | P | | | P | P | P | | R | P | R | P | | P | P | | | 14 |
| Assembly, Nonprofit Membership | | | | R | | R | P | | | P | P | P | | R | P | R | P | | P | P | | | 15 |
| Cemetery | | | | R | | | | | | | | | | | | | | | | | | | 27 |
| Church Or Place Of Worship | | R | | R | | R | R | | | R | | R | | R | R | | | | R | | R | | 29 |
| College Or University | | | | R | | R | R | R | R | R | R | R | | R | R | | | | R | | | | 30 |
| Day Camp | | | P | P | | | R | | | P | | P | | | R | | | | | | | | 39 |
| Day Care, General | | R | | R | | R | R | R | R | R | | R | | R | R | R | R | R | R | R | R | R | 40 |
| Day Care, Limited | | P | | P | | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | 40 |
| Government Services | | P | | P | | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | 63 |
| Hospital Or Medical Center | | R | | | | R | R | | R | | | R | | R | R | | R | | R | | | | 71 |
| School, Elementary Or Secondary | | | | R | | R | R | R | R | | | D | | R | R | | R | | R | | | | 118 |
| Recreation Uses | | | | | | | | | | | | | | | | | | | | | | | |
| Arena, Auditorium Or Stadium | | R | | | | | R | | | R | | | | | R | | | | | | | | 12 |
| Campground | | | | | | | | | | P | | | | | | | | | | | P | | 24 |
| Entertainment, Indoor | | R | | | | R | R | | | P | | | | R | R | | | | P | | | | 45 |
| Entertainment, Outdoor | | R | | | | R | R | | | P | | | | R | R | | | | P | | | | 46 |
| Fitness Center | | R | P | R | | R | R | | R | P | | | | R | P | | P | | P | | | | 56 |
| Golf Course | | | R | | | R | R | R | R | R | R | | | R | R | R | R | P | | P | P | R | 62 |
| Gun Club, Enclosed | | | | | | | R | | | R | R | | | | | | | P | R | P | | | 67 |
| Gun Club, Open | | | | | | | | | | R | | | | | | | | | | | | | 67 |
| Gun Range, Private | | | | | | | | | | | | | | | | | | P | R | P | | | 68 |
| Marine Facility | | R | R | | | | R | | R | R | | | | | R | | R | | P | | | | 82 |
| Park, Passive | P | P | P | P | R | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | 93 | |
| Park, Public | | | P | P | | R | P | | | P | P | P | R | P | R | P | | P | | R | R | 94 | |
| Special Event | | S | S | S | | S | S | | | S | S | S | S | S | | | | S | S | | | 124 | |
| Zoo | | | | | | | R | | | R | | | | | | | | | | | | 143 | |

Notes to Table 3.E.1.B-10, PDD Use Matrix: P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

Table 3.E.1.B-10 - PDD Use Matrix

| Use Type | PUD | | | | | MUPD | | | | | | | MXPD | | | | PIPD | | | M | R | N |
|-----------------------------------|------|---|---|---|---|-----------------------|---|---|---|---|---|---|-----------------------|---|---|---|----------|---|---|---|-----|---|
| | Pods | | | | | Land Use Designations | | | | | | | Land Use Designations | | | | Use Zone | | | | | |
| | R | C | R | C | A | C | C | C | C | C | I | I | C | C | C | C | I | C | I | | | |
| E | O | E | I | G | L | H | L | H | R | N | N | L | H | L | H | N | | N | H | V | O | |
| S | M | C | V | R | | | O | O | | D | S | | | O | O | D | M | D | P | P | T | |
| | | | | P | | | | | | | | | | | | / | | / | D | D | E | |
| Agricultural Uses | | | | | | | | | | | | | | | | | | | | | | |
| Agriculture, Bona Fide | | | | P | | | | | | | | | | | | | | | | | 3 | |
| Agriculture, Light Manufacturing | | | | | | | | | | | | | | | | | | | | | 4 | |
| Agriculture, Packing Plant | | | | | | | | | | | | | | | | | | | | | 5 | |
| Agriculture, Research/Development | | | | | P | P | P | P | P | P | P | | | | | P | | P | | | 3.1 | |
| Agriculture, Sales And Service | | | | | | P | | | | | | | | | | | P | | | | 6 | |
| Agriculture, Storage | | | | | | | | | | | | | | | | | | | | | 7 | |
| Agriculture, Transshipment | | | | | | | | | | P | | | | | | P | | P | | | 8 | |
| Aviculture | | | | P | | | | | | | | | | | | | | | | | 19 | |
| Community Vegetable Garden | | | | | | | | | | | | | | | | | | | | | 32 | |
| Equestrian Arena, Commercial | | | R | | | | | | P | | | | | | | | | | | | 47 | |
| Farmers Market | | | | | | P | | | P | | | P | | | | P | P | P | | | 52 | |
| Farrier | | | | | | | | | | | | | | | | | | | | | 53 | |
| Groom's Quarters | P | | | P | | | | | | | | | | | | | | | | | 65 | |
| Kennel, Commercial | | R | | | | R | | | | | | R | | | | | P | | | | 73 | |
| Kennel, Private | P | | | | | | | | | | | | | | | | | | | | 74 | |
| Nursery, Retail | | P | | P | | P | | | | | | P | | | | | P | | | | 88 | |
| Nursery, Wholesale | | | | P | | | | | | | | | | | | P | | P | | | 89 | |
| Potting Soil Manufacturing | | | | | | | | | | | | | | | | | | | | | 99 | |
| Produce Stand | | | | | | | | | | | | | | | | | | | | | 101 | |
| Shadehouse | | | | P | | | | | | | | | | | | | | | | | 121 | |
| Stable, Commercial | | | | P | | | | | P | | | | | | | | | | | | 125 | |
| Stable, Private | P | | | P | | | | | | | | | | | | | | | | | 126 | |
| Sugar Mill Or Refinery | | | | | | | | | | | | | | | | | | P | | | 127 | |

Notes to Table 3.E.1.B-10, PDD Use Matrix:

P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

Table 3.E.1.B-10 - PDD Use Matrix

| Use Type | PUD | | | | | MUPD | | | | | | MXPD | | | | PIPD | | | M | R | N | |
|--|------|---|---|---|---|-----------------------|---|---|---|---|---|-----------------------|---|---|---|----------|---|---|---|---|-----|-----|
| | Pods | | | | | Land Use Designations | | | | | | Land Use Designations | | | | Use Zone | | | | | | |
| | R | C | R | C | A | C | C | C | C | C | I | I | C | C | C | C | I | C | | | | I |
| E | O | E | I | G | L | H | L | H | R | N | N | L | H | L | H | N | O | N | P | P | T | |
| S | M | C | V | R | | | O | O | | D | S | | | O | O | D | M | D | D | D | E | |
| | | | | P | | | | | | | | | | | | L | G | | | | | |
| Utilities and Excavation Uses | | | | | | | | | | | | | | | | | | | | | | |
| Air Curtain Incinerator | | | | | | | | | | | | | | | | | | | | | 9 | |
| Air Stripper, Remedial | | | | | | | | | | | | | | | | | | | | | 11 | |
| Chipping And Mulching | | | | | | | | | | P | | | | | | P | | P | | | 28 | |
| Communication Cell Sites On Wheels (COW) Tower, Mobile | | | | | | | | | | | | | | | | | | | | | 31 | |
| Communication Panels, Or Antennas, Commercial | B | D | D | D | | D | D | D | D | D | P | D | D | D | D | D | P | P | P | | | 31 |
| Communication Tower, Commercial | | | | | | | D | | | | R | R | | R | | | P | P | P | | | 31 |
| Composting Facility | | | | | | | | | | | P | | | | | | P | | P | | | 33 |
| Electric Power Facility | | R | | | | | R | | R | R | R | | | | | P | R | P | | | 44 | |
| Excavation, Agricultural | | | | | P | | | | | | | | | | | | | | | | 49 | |
| Excavation, Type I | | | | | | | | | | | | | | | | | | | | | 49 | |
| Excavation, Type II | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | 49 |
| Excavation, Type III | | | | | | | | | | | | | | | | | | R | | | 49 | |
| Excavation, Type III A | | | | | | | | | | | | | | | | | | | | | 49 | |
| Excavation, Type III B | | | | | | | | | | | | | | | | | | | | | 49 | |
| Recycling Center | | | | | | | P | | | | P | | P | | | P | P | P | | | 103 | |
| Recycling Collection Station | | S | | S | | S | S | S | S | S | S | S | S | S | S | S | S | S | S | | | 106 |
| Recycling Drop-Off Bin | | S | S | S | | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | | 104 |
| Recycling Plant | | | | | | | | | | | P | | | | | P | P | P | | | 105 | |
| Sanitary Landfill Or Incinerator | | | | | | | | | | | | | | | | | | | | | 117 | |
| Solid Waste Transfer Station | | | | | | | R | | R | R | R | R | | | | | P | R | P | | | 123 |
| Utility, Minor | P | P | | P | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | 134 |
| Water Or Treatment Plant | | | | R | | | R | | R | R | R | | R | | R | P | | P | R | R | 139 | |

Notes to Table 3.E.1.B-10, PDD Use Matrix:

P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

Table 3.E.1.B-10 - PDD Use Matrix

| Use Type | PUD | | | | | MUPD | | | | | | MXPD | | | | PIPD | | | M | R | N |
|------------------------------|------|---|---|---|---|-----------------------|---|---|---|---|---|-----------------------|---|---|---|----------|---|---|---|---|-----|
| | Pods | | | | | Land Use Designations | | | | | | Land Use Designations | | | | Use Zone | | | | | |
| | R | C | R | C | A | C | C | C | C | C | I | I | C | C | C | C | I | C | | | |
| E | O | E | I | G | L | H | L | H | R | N | N | L | H | L | H | N | O | N | D | P | D |
| S | M | C | V | R | | | O | O | | D | S | | | O | O | D | M | D | D | D | E |
| | | | | / | | | | | | T | | | | | / | / | | | | | |
| | | | | P | | | | | | | | | | | L | G | | | | | |
| Industrial Uses | | | | | | | | | | | | | | | | | | | | | |
| Asphalt Or Concrete Plant | | | | | | | | | | R | | | | | | | | P | | | 13 |
| Data Information Processing | | | | | P | P | | P | | P | | P | P | | P | P | P | P | | | 54 |
| Film Production Studio | | | | | | P | | P | R | P | | | | | | P | P | P | | | |
| Gas And Fuel, Wholesale | | | | | | | | | | R | | | | | | | | P | | | 61 |
| Heavy Industry | | | | | | | | | | R | | | | | | R | | P | | | 69 |
| Laboratory, Resarch | | | | | R | R | R | R | R | P | R | | | | | P | | P | | | 76 |
| Machine Or Welding Shop | | | | | | | | | | P | | | | | | P | | P | | | 80 |
| Manufacturing And Processing | | | | | R | R | R | R | R | P | | | | | | P | | P | | | 81 |
| Medical Or Dental Laboratory | | P | | | P | P | P | P | | | | | | | | P | | | | | 84 |
| Salvage Or Junk Yard | | | | | | | | | | R | | | | | | | | R | | | 116 |
| Transportation Facility | | | | | | | | | | | | | | | | P | | P | | | 133 |
| Truck Stop | | | | | | | | | | R | | | | | | R | | R | | | 131 |
| Warehouse | | | | | | | | | | P | | | | | | P | | P | | | 138 |
| Wholesaling, General | | | | | | | | | | P | | | | | | P | | P | | | 140 |

Notes to Table 3.E.1.B-10, PDD Use Matrix:

P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

5. Density

a. Computation

Density shall be based on the gross acreage of the planned development, unless otherwise indicated. Fractions shall be rounded down to the nearest whole number.

b. Minimum Density

The minimum density which may be imposed by the BCC in a PUD is indicated in Table 3.E.1.B-11, PUD Density. An applicant may voluntarily agree to a lesser density. The Planning Director may waive the minimum density requirement in the HR FLU designations by up to 25 percent.

Table 3.E.1.B-11 - PUD Density

| | AGR | RR | LR1 | LR2 | LR3 | MR5 | HR8 | HR12 | HR18 |
|-----|-----------|-----|-----------|---------|---------|---------|---------|---------|---------|
| MIN | 0.5 du/ac | (1) | 0.5 du/ac | 1 du/ac | 2 du/ac | 3 du/ac | 5 du/ac | 5 du/ac | 5 du/ac |
| MAX | 1 du/ac | (2) | 1 du/ac | 2 du/ac | 3 du/ac | 5 du/ac | 8 du/ac | 8 du/ac | 8 du/ac |

Notes for Table 3.E.1.B-11, PUD Density:

- The minimum density in the RR FLU designation for a PUD are as follows: RR20 – 0.5 unit/20 acres; RR10 0.5 unit/10 acres; RR5 – 0.5 unit/5 acres; RR2.5 – 0.5 unit/2.5acres.
- The maximum density in the RR FLU designations for a PUD are as follows: RR20 – 1 unit/20 acres; RR10 – 1 unit/10 acres; RR5 – 1 unit/5 acres; RR2.5 - 1 unit/2.5acres.

c. Maximum Density

The maximum density shall only be awarded to a PUD meeting the goals, policies and objectives in the Plan. The maximum density allowed in a PUD is indicated in Table 3.E.1.B-11, PUD Density. The actual density granted by the BCC to a planned development may be less than the maximum density allowed.

1) Density Bonus Programs

A PDD may qualify for additional units over the maximum density pursuant to Art. 5.G.1, Voluntary Density Bonus, Art. 5.G.2, Transfer of Development Rights, or other density bonus program allowed by the Plan.

d. MXPDP/PIPD

Density in a MXPDP or PIPD shall be determined by the underlying FLU designation and correspond to Table 3.E.1.B-11, PUD Density. Land with a commercial or industrial land use designation without an underlying residential land use designation shall be assigned a compatible residential density by the Planning Director in accordance with the Plan.

e. MLU

Density in a MLU land use designation shall be determined by the underlying FLU designations and correspond to Table 3.E.1.B-11, PUD Density. Land without an underlying residential land use designations shall be assigned a compatible residential density by the Planning Director in accordance with the Plan.

C. Objectives and Standards

1. Design Objectives

Planned developments shall comply with the following objectives:

- a. Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoughtfare Identification Map to adequately accommodate the proposed use(s) and design;
- b. Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;
- c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;
- d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;
- e. Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;
- f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties; and
- g. Minimize parking through shared parking and mix of uses.

2. Performance Standards

Planned developments shall comply with the following standards:

a. Access and Circulation

- 1) PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street;
- 2) PDDs shall have legal access on an arterial or collector street;
- 3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;
- 4) Traffic improvements shall be provided to accommodate the projected traffic impact;
- 5) No more than 25 percent of the local streets in a PDD shall terminate in a cul-de-sac or a dead-end. This standard may be waived by the BCC;
- 6) Nonresidential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;
- 7) Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project; and
- 8) Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.

b. Street Lighting

Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Art. 5.E, Performance Standards.

c. Median Landscaping

Refer to the most recent Land Development Regulation Manual, available from the PBC Engineering Department.

d. Street Trees

Canopy trees meeting the requirements of Art. 7, Landscaping, shall be spaced an average of 50 feet on center along both sides of all streets 50 feet in width or greater.

- 1) Street trees shall be planted between the edge of pavement and sidewalk using appropriate root barrier techniques.
- 2) Street trees shall be setback a maximum of 25 feet from the edge of pavement if no sidewalk is provided.
- 3) Palms meeting the requirements of Art. 7, Landscaping, may be used as street trees if spaced an average of 40 feet on center.
- 4) This requirement may be waived or modified by the County Engineer.

e. Bike Lanes

Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with Art. 11, Subdivision, Platting and Required Improvements.

f. Mass Transit

All nonresidential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:

- 1) The location of a Bus Stop, Boarding and Alighting Area shall be shown on the master plan and/or final site plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;
- 2) Prior to the issuance of the first building permit, the property owner shall convey to PBC an easement for a Bus Stop, Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the property owner shall record an easement for a Bus Stop, Boarding and Alighting Area in a manner and form approved by Palm Tran. The property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and
- 3) All PDDs with more than 100 units shall comply with the following requirement:

Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

g. Utilities

All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

1) Exceptions

- a) Primary facilities and high voltage wires.
- b) Lift stations, transformers, and other above ground structures necessary for the function of utility services. Such above ground structures shall be screened from view from adjacent R-O-W by landscaping, fences, walls, or combination.

h. Parking

1) Residential Uses

Parking for residential uses shall comply with Art. 6, Parking. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

2) Nonresidential Uses

Parking for nonresidential uses shall comply with the following requirements:

a) Minimum/Maximum

- (1) Minimum: one space per 250 square feet of GFA (4/1000).
- (2) Maximum: one space per 166.66 square feet of GFA (6/1000)

b) Exceptions

(1) Requested Uses

Parking for requested uses may comply with Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements. The DRO may require a covenant to be recorded limiting the affected parking area to a specific use or uses.

(2) MLU/EDC

Parking for large scale and regional facilities in excess of 500,000 gross square feet may be reduced to one space per 333.33 square feet of GFA (3/1000).

(3) Shared Parking

The minimum number of parking spaces required may be reduced in accordance with Art. 6.A.1.D.10, Shared Parking.

3) Design

Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

4) Cross Access

Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

5) Location-Non-residential PDDs

A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

6) Distance

All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

a) Remote Parking Areas

Paved pedestrian pathways shall be provided to all parking areas in excess of 400 feet from a public entrance. Pathways shall be unobstructed grade separated and/or protected by curbs, except when traversing a vehicular uses area, and clearly marked.

i. Way Finding Signs

Off-site directional signs, consistent with the on-site directional sign standards in Art. 8, Signage, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

D. Application Requirements

In addition to the requirements in Art. 2.B.1, Official Zoning Map Amendment (Rezoning), an applicant shall submit the following information for certification by the DRO:

1. Master Plan

The BCC shall approve a master plan for the following PDDs: PUD, RVPD, MHPD, PIPD, and any planned development or combination of PDDs, in a MLU or EDC. The master plan shall be designed in accordance with the objectives and standards in this Section and the requirements for each PDD.

a. General

The master plan shall be the controlling document for the PDD. All development, access, density, and intensity in the PDD shall be consistent with the master plan. All site plans, subdivisions and plats shall be consistent with the master plan. In cases of conflict between plans, the most recent approved master plan by the DRO shall control to the extent of the conflict. Preliminary development plans approved in accordance with Ord. 92-7 shall be considered master plans.

b. Effect of BCC Approval

Approval of a master plan by the BCC shall be binding upon the landowners 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, access, configuration, and all other elements and conditions set forth on the master and in the Development Order. Administrative modifications to a master plan may only be allowed in accordance with Art. 2.D.1, Development Review Officer. In granting an approval, the BCC relies on the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be reviewed by the BCC as a DOA.

c. Pods

All land within the boundaries of a Master Plan shall be designated one of the use types indicated in Table 3.E.1.B-10, PDD Use Matrix.

1) Exceptions

Perimeter landscape buffers, water management tracts not located in pods, canals, primary streets, open space, and similar areas allowed by the DRO.

d. Tabular Data

Each pod shall clearly indicate the acreage and proposed density/intensity. Tabular data for the entire project shall be provided in a form acceptable to the DRO.

e. Site Plan/Subdivision Approval Required

All land shown on a master plan shall receive approval of a site plan and/or subdivision plan by the DRO, in accordance with Art. 2.D.1, Development Review Officer.

1) The applicant may, submit a conceptual site plan with the application for a PUD. The conceptual site plan may be preliminary in nature and reflect the general layout and design of the PUD. A conceptual site plan is not required to meet the technical requirements of the DRO and is intended as a graphic representation of the project only for presentation purposes.

f. Density

The number of units shown on a site plan or subdivision plan shall correspond to the master plan.

g. Intensity

The intensity (e.g. square feet, beds, seats, no. of children/occupants/rooms, etc.) shown on a site plan or subdivision plan shall correspond to the master plan.

2. Site Plan

The BCC shall approve a site plan for the following PDDs: MXP, MUP, equivalent previously approved planned developments, Optional Residential pods in a PUD, and requested uses. The site plan shall be designed in accordance with the objectives and standards in this Chapter, the requirements for each planned development, the standards adopted by the DRO, and this Code.

a. General

The site plan shall be the controlling document for the PDD. All development, access, density, and intensity in the PDD shall be consistent with the site plan. All subdivisions and plats shall be consistent with the site plan.

3. Regulating Plan

All planned developments, and the effected area of modifications to previously approved planned developments, shall submit a regulating plan, consistent with the PBC Zoning Division Technical Manual, consisting of a comprehensive graphic and written description of the project. At a minimum, the regulating plan shall consist of the following information, drawn to scale or labeled with dimensions:

- a. street cross sections, including sidewalks, bike lanes, street trees, on street parking and lighting;
- b. typical lot layouts for each housing type, including building envelope, screen enclosure/pool setbacks, and driveway access;
- c. focal point details;
- d. landscape buffer details (plan view and cross section);
- e. median landscape detail, if applicable;
- f. bus shelter detail, if applicable;
- g. master sign plan;
- h. elevations, if submitted pursuant to Art. 5.C, Design Standards;
- i. pedestrian circulation plan in accordance with Art. 3.E, Planned Development Districts (PDDs);
- j. phasing plan in accordance with Art. 2.D.1, Development Review Process,
- k. screening details;
- l. exemplary features;
- m. public amenities;
- n. details of entry features; and
- o. neighborhood parks;

E. Modifications

Modifications to a planned development with a valid development order shall comply with Art. 2.D.1, Development Review Officer.

1. Modifications by the DRO to a Master Plan, Site Plan or Regulating Plan

In addition to Art. 2.D.1, Development Review Officer, the DRO shall have the authority to approve modifications to a master plan, site plan or regulating plan approved by the BCC, subject to the following limitations. In the case of a conflict with Art. 2, Development Review Procedures, the following standards shall apply. Modifications which do not comply with Art. 2, Development Review Procedures, or this Section shall require approval by the BCC.

a. Consistency

Modifications shall be consistent with the representations regarding the original approval, the conditions of approval, and the development order. Modifications which change the original goals or intent of the project, such as reduce internal trip capture, reduce non-vehicular circulation or cross access, reduce the amount of affordable housing without a corresponding decrease in density, or reduce the amount of land allocated to the preservation of agriculture, farmland, or wetlands, shall require approval by the BCC.

b. Pods

The re-designation of a pod from one type to another shall require approval by the BCC. The reconfiguration of pods may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

c. Housing Classification and Type

Housing classification may only be changed from attached to detached. Housing type may only be changed as follows:

Table 3.E.1.E-12 – Housing Classification and Type

| From | To |
|-----------|--|
| MF | Townhouse, zero lot line, or single family |
| Townhouse | Zero lot line, single family, or MF maximum of 35' in height |
| ZLL | Single family |

d. Recreation

The amount of recreation and useable open space shown on a plan approved by the BCC shall not be reduced. Alternative locations may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

e. Traffic

There shall be no substantial increase in traffic impact above that approved by the BCC, as determined by the County Engineer.

f. Access

Access shall not be added to roads external to the project, internal roads indicated on the Thoroughfare Identification Map, or to roads external to a pod, except for a residential pod. Access to roads external to a residential pod, but internal to the project, may be added in accordance with Art. 11, Subdivision, Platting and Required Improvements.

g. Non-Vehicular Circulation

Pathways, sidewalks and bike lanes may be relocated, however, the resulting design shall maintain a continuous non-vehicular circulation system within the project.

h. Density Transfer

The DRO may transfer a maximum of 30 percent of the un-built units from one pod to another pod in the same PDD. The maximum number of units transferred to a pod shall not exceed 30 percent above the number of units approved by the BCC for that pod.

i. Density Decrease

The DRO may decrease the number of un-built units in a PDD, provided the resulting gross density of the project is consistent with the Plan.

j. Intensity Increase

The GFA of each building shown on a site plan approved by the BCC may be increased by five percent provided the increase does not exceed 1,000 gross square feet and complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).

2. Modifications by the BCC

Modifications which exceed the thresholds in Art. 2.D.1, Development Review Officer, shall require a DOA in accordance with Art. 2.B.1, Public Hearing Procedures.

F. Controlling Plan(s)

1. Plan

The most recent approved master plan, site plan, or subdivision by the DRO shall be the controlling plan for the PDD. All land development shall be consistent with the controlling plan. The controlling plan shall supercede any previously approved master plan, site plan, or subdivision.

2. Maximum Units/Square Feet

The number of units and total gross square feet shown on the most recent master plan, site plan or subdivision approved by the DRO shall constitute the maximum number of units or square footage which can be constructed in the PDD and shall supersede the density or intensity approved by the BCC and the density or intensity shown on any previously approved master plan, site plan, or subdivision. In case of a conflict between plans, an approved master plan shall control to the extent of the conflict.

G. Sales Office and Models

1. General

a. Permits

Building permits for real estate sales offices, sales models, gatehouses, entry features, and utilities may be issued prior to recording a final plat, but not before approval of a site plan/final subdivision plan by the DRO.

b. Permanent

A permanent real estate sales office is permitted in a commercial pod only.

c. Definitions

1) Real Estate Sales Office, Planned Development

An office for the sale and resale of new and existing residential units in a planned development.

a) Temporary, Pod

A temporary real estate sales office for the sale of new units only shall be permitted in a residential pod or other temporary location approved by the DRO. Sales shall be limited to only new units in the pod. A temporary sales office in a mobile home shall be subject to Art. 5.B.1.B, Temporary Structures. Sanitary facilities shall be available in the office. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the pod. Temporary access to the sales office may be permitted, subject to approval by the DRO. The temporary access shall be limited to one year, unless extended by the DRO.

b) Temporary, Project

A temporary real estate sales office for the sale and resale of units in the entire project, or phase of a project, shall be permitted in a residential pod, private civic pod, commercial pod, or recreation pod, subject to approval by the BCC. A temporary sales office in a mobile home shall be subject to Art. 5.B.1.B, Temporary Structures. Sanitary facilities shall be available in the office. A temporary real estate sales office serving an entire project shall only be permitted within a planned development and/or phase approved for 300 or more units. Sales and resales shall be limited to only units within the planned development. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the project or phase, as applicable. Temporary access to the sales office may be permitted, subject to approval by the BCC.

2) Planned Development, Sales Model

A residential unit used for the sale of only new units within a residential pod of a planned development.

2. Sales Office

a. Resale

Resale of existing units from a temporary real estate sales office for a project shall cease when the remaining number of units without a CO in the project, or phase, as applicable, reaches the following:

Table 3.E.1.G-13 – Sales Office

| No. Units in Project or Phase | Units Remaining w/out a CO |
|-------------------------------|----------------------------|
| 1000 or more | 20 |
| 500-999 | 16 |
| 300-499 | 12 |

3. Sales Models

a. General

A maximum of eight sales models per pod may be constructed prior to platting. Subdivision approval of the sales model lots by the DRO shall be required prior to issuance of a building

permit. Sales models shall comply with all applicable PDRs prior to issuance of a CO. A sales model may be used as a temporary real estate sales office.

1) Parking

A minimum of two parking spaces per model shall be provided. The parking area shall comply with Art. 6.A.1.D, Off-Street Parking.

2) Duration

The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod.

b. Residential Pod

A maximum of eight, or 20 percent of the number of units in the pod, whichever is less, shall be permitted as sales models.

c. Model Rows

Planned developments approved for a total of 300 or more units may construct a model row for the project.

1) Number

A maximum of 16 sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three pods under development, consisting of a minimum of 60 units each.

2) Location

A model row shall be located in a residential pod. The location of the model row shall be designated on the preliminary development plan at the time of BCC approval. Access to the model row shall be from a location approved by the BCC or allowed by this Code.

3) Use

A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited.

H. Accessory Structures

1. Standards

The following accessory uses and structures in permanent or temporary structures shall comply with the following standards:

a. Gatehouses

Gatehouses for security of the project may be permitted, subject to approval by the DRO.

b. Utilities

Public or private utilities, accessory buildings/structures, and related infrastructure shall be permitted, subject to compliance with all applicable rules and regulations governing such facilities.

c. Temporary Structures

Temporary structures, such as construction trailers, shall be permitted in accordance with Art. 5.B.1.B, Temporary Structures.

d. Permits

Building Permits for temporary and accessory structures may be issued in accordance with Art. 3.E.1.G.1.a, Sales Office and Models.

I. Unified Control

All land in a PDD shall be contiguous, unless otherwise stated, and owned or under the control of the applicant or subject to unified control. Unified control shall be in a form acceptable to the County Attorney and shall provide for the perpetual operation and maintenance of all shared/common facilities and improvements, which are not provided, operated or maintained at the public's expense.

1. Exception

Public civic uses and AGR Preservation Areas shall not be subject to unified control, unless required by a condition of approval.

2. Approval

Unified control shall be approved by the County Attorney and recorded by the applicant prior to approval by the DRO of the initial master plan, site plan, or subdivision, whichever occurs first.

3. Control

Unified control for a PDD shall be approved by the County Attorney and recorded by the applicant prior to approval of the first plat.

4. Architectural Guidelines

All buildings and signage shall maintain architectural consistency between all building, signage and project identification. Consistency shall include, a minimum, on overall unified image and character created by the use of common elements such as building and roofing materials, rooflines, muted colors, fenestration, architectural features, and architectural elements.

5. Successive Owners

The unified control shall run with the land and shall be binding on all successors in interest to the property.

6. Amendments

Prior to approval of a modification to a master plan, site plan, or subdivision by the DRO, the unified control shall be amended to include/exclude all land added to/deleted from the PDD.

J. Phasing and Platting

1. Phasing

PDDs shall be subject to the phasing and time limitations in Art. 2.E, Monitoring, and any conditions of approval. If there are multiple phases, each of the first two phases shall contain a minimum of 20 percent of the land area unless otherwise approved in the development order approved by the BCC.

2. Platting

All land in a PDD shall be platted in accordance with Art. 11, Subdivision, Platting and Required Improvements.

Section 2 Planned Unit Development (PUD)

A. General

1. Purpose and Intent

The purpose of a PUD district is to offer a residential development alternative, which provides a living environment consisting of a range of living opportunities, recreation and civic uses and a limited amount of commercial uses. Residential PUDs shall correspond to a range of land uses in the Plan.

The intent of a PUD is to promote imaginative design approaches to the residential living environments. These approaches include but are not limited to:

- a. the preservation of the natural environment;
- 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 private civic and/or public civic and recreation area to serve the PUD;
- e. provide for a limited amount of commercial uses to serve the residents of the PUD;
- f. provide for efficient use of land and public resources by co-locating harmonious uses to share civic uses and public facilities and services for the residents of PBC;
- g. the reduction of land consumption by roads and other impervious surface areas; and
- h. the provision for flexible PDRs to promote innovative and quality site design.

2. Applicability

The requirements of this Section shall apply to all PUDs, modifications to previously approved PUDs, and modifications to previously approved special exceptions for PUDs, unless otherwise stated.

3. Conflicts

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict.

4. Exemplary

A rezoning to the PUD district shall only be granted to a project exceeding the goals, policies and objectives in the Plan, the minimum requirements of this Code, and the design objectives and performance standards in this Article which include, but are not limited to, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing. For examples see PBC Zoning Division Technical Manual.

B. Objectives and Standards

1. Design Objectives

A PUD shall comply with the following objectives;

- a. Designed as a predominantly residential district;
- b. Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;

- c. Provide perimeter landscape areas to connect or buffer land uses within and outside the perimeter of the PUD;
- d. May offer limited commercial uses for the population of the PUD;
- e. Establish neighborhood character and identity;
- f. Preserve the natural environment to the greatest extent possible; and
- g. Provide incentives for civic uses to reduce public capital improvements and expenditures by encouraging joint acquisition, development and operation of publicly owned and operated facilities to serve the residents of the PUD and PBC.

2. Performance Standards

A PUD shall comply with the following standards:

a. Landscape Buffers

The required canopy trees in the ROW buffer shall have a minimum 50 percent height of 14 feet. No overlap or easement encroachment shall be permitted in R-O-W buffer of utility easements.

b. Proximity to Other Uses

All residential pods with five or more units per acre shall be located within 1,320 feet of a neighborhood park, recreation pod, private civic pod, commercial pod, or a public recreational facility.

c. Street Lights

All streets lights shall include decorative elements. Decorative elements shall not be included in the height limitation in Art. 3.E.1.C.2.b, Street Lighting.

d. Focal Points

A focal point shall be provided at the terminus of 25 percent of the streets in the project. The focal point may be in the form of a plaza, fountain, landscaping, or similar amenity deemed acceptable to the DRO. The focal point shall not be located on a private residential lot.

e. Neighborhood Park

Neighborhood parks should have a direct connection to the pedestrian system and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity. Neighborhood parks shall not be located within areas designated for drainage, stormwater management or other utility purposes.

f. Drainage

Drainage easements shall not be permitted in the minimum required rear setback for residential structures.

g. Zero Lot Line (ZLL)

ZLL units with a ZLL side that abuts the rear property line of two or more lots shall be restricted to one story in height.

h. T-Intersection

Lots fronting a T-intersection in ZLL pods with three or more units per acre shall be limited to one of the following options:

- 1) unit with a side-loading garage;
- 2) easement or flip tract, a minimum 25 feet in width;
- 3) neighborhood park; or
- 4) focal point or alternative features acceptable to the DRO.

C. Thresholds

1. Thresholds

A PUD shall meet the minimum acreage indicated in Table 3.E.2.C-14, PUD Minimum Acres.

Table 3.E.2.C-14 -PUD Minimum Acres

| | AGR | RR | LR1 | LR2 | LR3 | MR5 | HR8 | HR12 | HR18 |
|------------|----------------|-----|-----|-----|-----|-----|-----|------|------|
| MIN | 40 (80/20) | 100 | 12 | 12 | 12 | 12 | 10 | 10 | 10 |
| | 250 (60/40) | | | | | | | | |

2. Land Use Mix

Table 3.E.2.C.15, PDD Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in a PUD.

Table 3.E.2.C-15 - PUD Land Use Mix

| | Res. | Civic | Comm. | Rec. | OS ¹ | Preserve Area | Dev. Area |
|------------|------|-------|-------|--------------|-----------------|------------------|-----------------------------|
| MIN | 60% | 2% | - | .006 sf/unit | 40% | 80/20 AGR – 80% | - |
| | | | | | | 60//40 AGR – 60% | |
| MAX | - | 65% | 1% | - | - | - | 80/20 AGR –25% ² |
| | | | | | | | 60/40 AGR – 40% |

Notes for Table 3.E.2.C-15, PDD Land Use Mix

¹ Calculation of open space may include recreation pods and open space areas within residential and civic pods

² See 80/20 option exception.

3. Land Use Calculation

The calculation for the mix of land uses shall be based on the gross acreage of the PUD. Neighborhood parks, water management tracts and local roads, which are internal to a residential pod rather than a separate pod or tract may be credited toward the minimum residential land area requirement in Table 3.E.2.C-15, PUD Land Use Mix.

a. Exceptions

1) AGR

In the AGR FLU designations, the required land use mix shall be based on the gross acreage of the development portion of the PUD only.

4. Other Land Uses

The acreage for open space tracts, water management tracts, R-O-W, shall be provided on the master plan.

D. Property Development Regulations (PDRs)

The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.2.D-16, PUD Property Development Regulations, unless otherwise stated.

1. Setbacks

For residential development, building setbacks shall be measured from the inside edge of the perimeter landscape buffers. For non-residential development, building setbacks shall be measured from the property line. Rear or side setbacks may be reduced pursuant to Art. 3.D.1.D.4, Setback Reductions.

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Table 3.E.2.D-16 - PUD Property Development Regulations

| POD | Lot Dimensions | | | Density | | FAR | Building Coverage | Setbacks | | | |
|-------------------------|---|--------------------|-------|---------|------|------|-------------------|----------|------|-------------|------|
| | Size | Width and Frontage | Depth | Min. | Max. | | | Front | Side | Side Street | Rear |
| Residential | | | | | | | | | | | |
| SF | Apply the RS district regulations in Table 3.D.1.A-5, Property Development Regulations. | | | | | | | | | | |
| ZLL | Refer to Art. 3.D.2.B, Zero Lot Line. | | | | | | | | | | |
| TH | Refer to Art. 3.D.2.A, Townhouse. | | | | | | | | | | |
| MF | Apply the RM district regulations in Table 3.D.1.A-5, Property Development Regulations. | | | | | | | | | | |
| Civic | | | | | | | | | | | |
| Private | 0.5 ac | 100 | 100 | - | - | 0.35 | 30 percent | 25 | 20 | 25 | 20 |
| Public | 1 ac. | 100 | 200 | - | - | | | | | | |
| Commercial | | | | | | | | | | | |
| Commercial | Apply CC district regulations in Table 3.D.1.A-5, Property Development Regulations One acre minimum. | | | | | | | | | | |
| Recreation | | | | | | | | | | | |
| Recreation Pod | - | 65 | 75 | - | - | 0.35 | 30 percent | 25 | 15 | 25 | 15 |
| Neighborhood Park | 0.1 | 45 | 75 | | - | 0.15 | 15 percent | | 15 | 15 | 15 |
| Preservation (1) | | | | | | | | | | | |
| Preservation | Apply the AGR district regulations in Table 3.D.1.A-5, Property Development Regulations | | | | | | | | | | |

Notes for Table 3.E.2.D-16, PUD Property Development Regulations.

1. Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.

E. Pods

1. Residential Pod

A residential pod shall be designated on the Master Plan as follows:

a. Range of Housing

A PUD in excess of 100 acres and 300 dwelling units shall provide a minimum of two residential use types. A minimum of ten percent of the residential dwellings in a PUD in excess of this threshold shall be of a second use type.

b. Optional Residential (OR) Pod

An OR pod is intended to encourage and allow innovative residential development techniques which have not been contemplated by this Code but which provide adequate setbacks, open space around dwelling units, privacy, parking, recreation opportunities, and access. An OR pod is not intended as an alternative to a variance. The OR designation, therefore, shall not be applied as a corrective measure to existing development which does not conform to this Code. An OR pod may be designated on the master plan as follows:

1) Site Plan

The application for a PUD proposing an OR pod shall contain a site plan for the OR pod meeting the minimum technical information requirements of the DRO. The site plan and deviation from typical PDRs shall be justified in the Justification Statement submitted with the application and clearly indicated on the site plan. The OR pod designation shall only be applied to an undeveloped residential pod.

2) Graphics

The application shall contain graphic representations, which illustrate the provision of adequate setbacks, open space, privacy, parking, recreation, and access for each housing type in the pod.

3) Flexibility

The PDRs for the proposed housing type may be modified by a maximum of 50 percent. No other PDR reduction allowed by this Code shall be permitted.

a) Exceptions

The front setback may only be reduced for a garage or carport with the entrance parallel to a side property line. The minimum separation between detached units shall be ten feet.

4) Other Codes

All other requirements in applicable Codes shall apply.

5) BCC Approval

The OR designation shall be subject to approval by the BCC and reflected in the legal advertisement for the DO. The flexibility approved by the BCC may be applied in whole or in part to the pod. Lots or dwelling units in the pod, which do not utilize the flexibility, shall be developed in accordance with this Code.

c. Side Loading Garage

A side loading garage is permitted in a SF pod, subject to a minimum front setback of 15 feet.

2. Commercial Pod

A commercial pod is intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD. A commercial pod shall be designated on the master plan as follows:

a. Location

A commercial pod shall comply with the following location and design criteria:

1) Frontage

A commercial pod shall not have frontage on a public arterial or collector street traversing or bordering the PUD. Access shall be limited to an arterial or collector street internal to the PUD only.

a) Exception

A private arterial or collector street traversing the PUD is exempt from this requirement.

2) Setback

a) A commercial pod shall be setback a minimum of 1000 feet from the perimeter of the PUD.

b) A commercial pod shall be setback a minimum of 1000 feet from a public arterial or collector street traversing the PUD.

b. Design

1) Any single use exceeding 10,000 square feet of GFA shall obtain approval as a Requested Use.

2) A Type 3 Incompatibility landscape buffer, including a six foot high opaque concrete wall, shall be required adjacent to a residential pod.

3) In addition to the landscape requirements in Art .7.F, Perimeter Buffer Landscape Requirements, R-O-W Buffers shall include a two to three foot high continuous or undulating berm.

4) Freestanding point of purchase signs shall be monument style only and shall be limited to a maximum of ten feet in height with a maximum sign face area of 80 square feet per side. A maximum of one freestanding point of purchase sign shall be allowed per frontage.

5) Outdoor lighting shall not exceed 30 feet in height, and shall be shielded, oriented and directed away from residential uses.

6) Dumpsters, compactors and loading areas shall be setback a minimum of 50 feet from the property line and oriented away from residential uses.

7) Outdoor storage of any merchandise, equipment, refuse or similar material shall be prohibited.

8) A continuous non-vehicular circulation system shall provide access to commercial uses from adjacent residential pods.

c. Architecture

Proposed buildings shall be subject to Art. 5.C, Design Standards.

d. Property Development Regulations (PDRs)

The PDRs for a commercial pod are in Table 3.E.2.D-16, PUD Property Development Regulations.

- 1) **Multiple Uses**
A commercial pod meeting the requirements for a MUPD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.3.D-20, MUPD Property Development Regulations.
- 2) **Mixed Use**
A commercial pod meeting the requirements for a MXPDP with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.4.D-24, MXPDP Property Development Regulations.
- 3) **Market Place**
A commercial pod meeting the requirements for TMD or a TMD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.D.1.A-5, Property Development Regulations.
- e. **Hours of Operation**
Commercial uses within 300 feet of a residential unit shall not commence business activities, including delivery and stocking operations, prior to 6:00 a.m. nor continue activities later than 11:00 p.m. daily. Commercial lots greater than 300 feet from residential use may be exempt from this requirement, unless required by a BCC condition.
- f. **Accessory Commercial Areas**
Ten percent of the floor area in a recreation or civic pod may be utilized for commercial uses permitted by right in the CC zoning district.
- g. **Nonconforming Commercial Pods**
In addition to the criteria in Art. 3.E.2.E.2.b, Design, above, the following standards shall apply to a commercial pod in a PUD approved prior to June 16, 1992, but which has not received site plan approval by the DRO:
 - 1) A single use shall not exceed 15,000 square feet GFA; and
 - 2) Auto repair and gasoline sales shall be prohibited.
3. **Recreation Pod**
Recreation areas shall be designated on the master plan as recreation pods and in accordance with Art. 5.D, Parks and Recreation Standards.
 - a. **Installation**
Site improvements shall be provided in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards.
 - b. **Parking**
Parking shall not be required for recreation pods less than one acre.
4. **Civic Pod**
A civic pod is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned civic, institutional, educational, and additional recreational uses for the community.
 - a. **Threshold**
A PUD over 50 acres in gross land area (the development area of a PUD with an AGR FLU designation) shall designate a civic pod on the master plan. PBC may require civic sites to be labeled as “Public” and conveyed to PBC when the site is one acre or more.
 - b. **Frontage**
A civic pod shall have frontage on a collector or arterial street.
 - c. **Public Civic**
PBC may require all or a portion of a civic pod to be dedicated to PBC for public purposes. Such pods shall be collocated with adjacent publicly owned, or anticipated to be owned, lands. In the event of co-location with property outside the boundary of the PUD, the required landscape buffer along the common boundary may be waived by the DRO. The location of, and access to, a public civic pod shall be acceptable to Facilities, Development & Operations Department (FD&O) prior to certification of the master plan by the DRO.
 - 1) **Conveyance**
Conveyance of a civic pod to PBC shall be in a form and manner acceptable to FD&O as outlined in the FD&O Property Acquisition Policy and Procedures, and by the County Attorney. Documentation, such as a deed, survey, environmental assessment, and evidence of a clear title shall be required to be provided by the applicant prior to acceptance by PBC. Site shall also be conveyed with:
 - a) concurrency;

- b) drainage accommodated within and allowed to discharge into the storm water management system of the PUD;
- c) filled and stabilized;
- d) sufficient sized water sewer and other associated utilities stubbed to the site; and
- e) direct access to a utility easement for phone, electric and cable.

d. Underlying FLU

A civic pod may have an underlying pod designation on the master plan approved by the BCC. The underlying FLU designation may only be utilized if the civic pod is removed from the master plan by the DRO.

e. PDRs

The PDRs for a civic pod shall be in accordance with Table 3.E.2.D-16, PUD Property Development Regulations.

1) Exception

Public civic pods may be exempt from Table 3.E.2.D-16, PUD Property Development Regulations, by the DRO if the PDRs hinder the proper functioning of the intended civic use.

2) Special Provision for Civic Pods

The BCC may permit the land area allocated to public civic uses or private civic uses to be deleted from the gross acreage of the PUD when determining the residential land use percentage. Such reduction may occur if an explicit public benefit is demonstrated meeting the criteria in this Subsection. The applicant may include with a submittal of a rezoning application a request to exclude the public civic or private civic acreage from the gross acreage of the PUD. The justification statement, required in accordance with Art. 2.D, Administrative Processes, shall clearly demonstrate an explicit public benefit and meet the criteria herein. Prior to certification of an application, the Zoning Director may obtain confirmation from the BCC that the justification and proposed mix of land uses meets the applicable criteria. The BCC shall make a finding of fact supported by substantial competent evidence that the criteria has been satisfied.

3) Evaluation Criteria

Public civic sites shall meet all criteria outlined in Art. 3.E.2.E.4.e.3).a)-e), below. Private civic sites shall meet all criteria outlined in Art. 3.e.2.E.4.e.3).a)-g).

- a) Provide reduced cost to the public for site acquisition, development or operation of civic uses.
- b) Provide services to meet recreational, fire rescue or mass transit concurrency requirements in accordance with F.S. Chapter 163, or accommodate impacts of development on educational facilities such as schools or regional libraries.
- c) Fulfill a direct service and immediate need, as projected in the PBC's capital improvement element or, if applicable, further the PBC's goal to provide adequate primary and secondary education facilities.
- d) Land uses within the PUD shall be located and designed to be compatible with surrounding land uses both internal and external to the PUD.
- e) The resulting mix of land uses further the goals to integrate and share facilities, thereby encouraging efficient use of land and reduction in sue of public funding sources.
- f) The location and layout of the civic use shall be easily accessible to the residents of the PUD. The civic uses shall satisfy the design objective in Art. 3.E.2.B, Objectives and Standards.
- g) Provide education in accordance with F.S. Chapter 623.

F. AGR PUD

1. General

The following regulations have been created to fulfill goals, polices and objectives in the AGR FLU designations.

a. Purpose and Intent

In addition to provision in Art. 3.E.2.A.1, Purpose and Intent, a PUD is permitted in the AGR FLU designations in order to accommodate low density residential development in conjunction with the preservation of agriculture, wetlands or other significant open space areas. It is the intent of a PUD in this land use designations to provide for the residential development of land in a manner compatible with agriculture, wetlands or other significant open space and which does not detract from the protection and perpetuation of such uses in the area.

b. Applicability

This Section shall apply to PUDs in the AGR FLU designations.

c. Conflicts

If this Section conflicts with another Section of the Code, the provisions of this Section shall apply to the extent of the conflict.

2. Development Options.

a. Options

The following two options are allowed in the AGR FLU designations: 80/20 and 60/40.

1) Minimum Land Area

The minimum gross land area (GLA) for the 80/20 option is 40 acres and 250 acres for the 60/40 option.

2) Areas

Each PUD shall consist of two areas, the Preservation Area and the Development Area. Both areas shall be rezoned to the PUD district.

b. Density

The maximum density for both options shall be based on the total GLA of the PUD calculated at 1 du/ac. The residential density in the Development Area is not restricted, except as necessary to meet applicable development standards and to assure compatibility with adjacent land uses.

c. Land Use Mix

The land area allocated for the Preservation Area and the Development Area shall be based on the ratio specified for each development option as described below.

1) 80/20 Option

A minimum of 80 percent of the GLA of the PUD shall be designated as Preservation Area on the master plan. The remaining land area (20 percent) may be designated on the master plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C-15, PUD Land Use Mix.

a) Exception

Up to an additional five percent of the GLA of the PUD may be allocated to the Development Area where the allocation can be accounted for as R-O-W for streets or water retention areas. In no event shall the Development Area, including R-O-W and water retention areas, exceed 25 percent of the GLA.

2) 60/40 Option

A minimum of 60 percent of the gross land area of the PUD shall be designated as a Preservation Area on the master plan. The remaining land area (40 percent) may be designated on the master plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C-15, PUD Land Use Mix.

3) Both Options

Credit shall not be given that would reduce the size of the Preservation Area for encroachment of R-O-W, water retention, open space, landscape buffers, or natural habitats preserved in the Development Area. Native vegetation required to be set-aside in a Development Area by Art. 14.C, Vegetation Preservation and Protection, shall not be credited toward satisfying the minimum Preservation Area requirement.

3. Preservation Area

A Preservation Area or a pod designated as a Preservation Area is intended to support bona fide agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preservation Area and shall not detract from its operation or function.

a. Location and Access

Preservation Areas which are not contiguous to Development Areas may be situated anywhere in the AGR FLU designations, provided they are accessible by a street.

b. Adjacency

Preservation Areas shall be located, to the greatest extent practical, adjacent to existing, planned, or projected Preservation Areas.

c. Uses

Uses allowed in a Preservation Area are indicated in Table 3.E.1.B-10, PDD Use Matrix.

d. Configuration

1) General

Preservation Areas shall be arranged in a unified whole so as to maximize the purpose, function, and perpetuation of the preservation use. This shall be accomplished, in part, through the following:

- a) **Agriculture**
Agricultural areas shall have boundaries which allow for efficient agricultural operation, and shall not be encroached upon by a Development Area.
- b) **Wetlands**
The boundary of preserved wetlands shall be determined by the ecological function of the viable area, as determined by the BCC upon recommendations from ERM and/or the SFWMD. Wetland areas shall be preserved in the following order of priority: adjacent to off-site wetlands; open space; fallow land; or, agricultural land. Primary consideration shall be given to preserved wetland areas adjacent to off-site wetlands.
- c) **Buffer**
A buffer shall be provided between a Preservation Area and residential, commercial, or civic pods in the Development Area to ensure mutual compatibility. The Development Area shall not adversely affect the Preservation Area, including the perpetuation of agriculture uses. This buffer shall be located in the Development Area and adhere to the provisions of Art. 7, Landscaping, and Art. 14.C, Vegetation Preservation and Protection. Required buffers shall not be counted toward meeting the minimum Preservation Area required in Table 3.E.2.C-15, PUD Land Use Mix.
- d) **Width**
The minimum width of a Preservation Area, in order to be counted toward the minimum preservations requirement, shall be 100 feet.
- e. **Contiguity**
 - 1) **80/20 Option**
The Preservation Area in the 80/20 option shall be located contiguous to the Development Area.
 - 2) **60/40 Option**
The Preservation Area for the 60/40 option shall be a minimum 150 acres and contiguous to, but not intrusive into, the Development Area with the following exceptions:
 - a) Equestrian communities may have pastures designated as Preservation Area, which meander, in a contiguous fashion, throughout the PUD;
 - b) The minimum width of a Preservation Area, in order to be considered contiguous, shall be 50 feet; and
 - c) A Preservation Area in the 60/40 option may be located remote from its associated Development Area provided that at least one of the following conditions are met:
 - (1) the Preservation Area contains at least 150 acres and meets the requirements in Art. 3.E.2.F.3.d, Configuration; or
 - (2) the Preservation Area shares at least one common boundary with an existing Preservation Area, an agricultural area preserved under the PACE program, or a designated wetland which is in public ownership, and which, when combined with the adjacent existing area, has a land area equal to or greater than 150 acres.
- f. **Plans**
Plans submitted to the DRO shall depict the Preservation Area as specified below.
 - 1) **Contiguous Area**
When the Preservation Area is contiguous to the Development Area, the Preservation Area shall be shown and designated on the master plan and all applicable subdivision plans at the same scale and in the same detail as the Development Area.
 - 2) **Non-contiguous Area**
When the Preservation Area is not contiguous to the Development Area, the Preservation Area shall be referenced by a location sketch and notes on the master plan.
- g. **Boundary Plat**
All Preservation Areas shall be platted. The plat(s) shall be recorded simultaneously with the first plat in the Development area. The plat shall limit the land to the intended preservation use(s).
- h. **Perpetual Preservation**
Prior to recording the plat for a Preservation Area, the Preservation Area shall be established in perpetuity in one of the following manners and in a form acceptable to the County Attorney.
 - 1) **Dedication and Acceptance**
Dedication of the Preservation Area to the BCC and acceptance of the dedication by the BCC;

- 2) **Conservation Easement**
Recordation of a Agricultural Conservation Easement; or
 - 3) **Restrictive Covenant**
Recordation of a restrictive covenant, made in favor of PBC, stating the basis for and limiting the land to the intended use(s).
4. **Development Area**
The Development Area shall contain the development related pods, residential commercial, civic and recreational as described in Table 3.E.2.D-16, PUD Property Development Regulations, allowed in a Development Area are based on the pod designation indicated in Table 3.E.1.B-10, PDD Use Matrix.
- a. **Location**
The Development Area for the 60/40 option shall not be located west of S.R.7 (U.S. 441).
 - 1) **Frontage**
All Development Areas shall have frontage on SR-7, SR-806 (Atlantic Ave.), SR-804 (Boynton Beach Boulevard), Clint Moore Road or Lyons Road.
 - 2) **Adjacency**
Development areas shall be located, to the greatest extent practical, adjacent to existing, planned or projected Development Areas.
 - 3) **Connectivity**
Development Areas adjacent to potential or existing TMD locations shall have at least one paved pedestrian and vehicular connection
 - b. **Configuration**
 - 1) **General**
The Development Area shall be a single, compact, contiguous area, which possesses the characteristics listed below. An equestrian community may deviate from these characteristics only to the extent that contiguous pasture land may meander throughout the Development Area:
 - a) at least two sides of the Development Area shall share a common border with the perimeter of the PUD;
 - b) the Development Area shall be designed as a single unified whole within a tightly compact area with continuous common boundaries with other pods in the PUD;
 - c) isolated Development Areas and Preservation Areas shall not be created within a contiguous PUD; and
 - d) lakes, water retention areas, golf courses, and other similar amenities shall be located within the Development Area to provide a buffer from adjacent Preservation Areas or off-site agricultural uses.
 - c. **Contiguity**
A Development Area shall be situated in only one location and shall be contiguous within itself.
 - d. **Landscape Buffer**
A Type 3 incompatibility buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR. The buffer shall be a minimum of 50 feet in width and installed in accordance with Art. 7, Landscaping.
 - 1) **Reduction**
A buffer required along the perimeter of a Development Area may be reduced by 50 percent if:
 - a) the buffer is within a nonresidential pod and adjacent to a R-O-W greater than 50 feet in width;
 - b) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or
 - c) the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width.
5. **Special Provisions**
- a. **Water and Sewer Service**
All Development Areas shall utilize central water and wastewater service provided by WUD. The use of package treatment facilities shall not be permitted.

G. RR PUD

1. Rural Residential

The following additional regulations apply to the PUDs in the RR FLU Designation.

a. Purpose and Intent

A PUD is permitted in the RR FLU designations to accommodate low density residential development in conjunction with the protection and maintenance of rural, equestrian, and agricultural communities. It is the intent of a PUD in these land use designations to provide for

the residential development of land in a manner compatible with agriculture, wetlands or other significant open space and which does not detract from the protection and perpetuation of such uses in the area. The areas in which this development alternative is offered are characterized by agriculture, small farming operations, equestrian activities, and open spaces where residents are attracted to low-density lifestyles.

b. Conflicts

If a conflict exists between this Section and other Sections of this Code, the provisions of this Section shall apply to the extent of the conflict.

c. General

The following additional standards apply to PUDs in the Rural and Exurban tiers except in the Central Western Communities Sector Plan area (Plan Map Series: Map LU3.1, Special Planning Areas Map), if governed by a Sector Plan pursuant provisions in the Plan.

1) Density

The density in a PUD with a rural residential FLU designation shall be based on the gross land area of the PUD and the FLU assignment in the Plan. No additional density shall be assigned as a bonus or through a transfer of development rights.

d. Option 1 – Rural Cluster

1) Land Area

A minimum of 100 acres.

2) Open Space

A minimum of 60 percent of the land area shall be designated on the master plan as contiguous and compact open space, unless otherwise determined by the Existing Resources and Site Analysis. Open space satisfying this requirement shall have a minimum width of 150 feet and be designated as common area on the master plan or dedication in perpetuity as a preserve, in accordance with Art. 3.E.2.F.3.h, Perpetual Preservation.

a) Exception

Existing environmental, geological and historic resources identified in the site analysis required by Art. 3.E.2.G.4, Existing Resources and Site Analysis, and having a minimum area of five acres are not required to be contiguous.

b) Common Area

If designated as common area, maintenance of the open space shall be the perpetual responsibility of the HOA.

c) Separate Tract

All areas designated as open space on the Master Plan shall be platted and maintained as a separate tract of land. No area designated as open space on the Master Plan shall be platted with, nor made part of, a lot or land in the development area.

d) Plat

All open space shall be platted simultaneously with the first plat in the development area.

3) Development Area

A maximum of 40 percent of the land area shall be designated on the master plan as the development area. All residential, civic, and recreation pods shall be limited to the development area. All improvements, including streets, water management tracts for on-site and street drainage (including R-O-W), excavation, and accessory structures shall be limited to the development area.

a) Exception

Mitigation projects, excavation with jurisdictional wetlands, and excavation by public agencies, as defined as exempt in Art. 4.D, Excavation, and regional water management facilities certified by the SFWMD, shall be permitted in open space areas.

4) Design

The Development Area shall be designed to emphasize the open space areas identified in the site analysis in accordance with Art. 3.E.2.G.4, Existing Resources and Site Analysis. The development areas shall be designed so as to not interfere with the continued or future function of any designated open spaces preserves or areas, identified as environmentally, geologically, or historically significant in the site analysis required by Art. 3.E.2.G.4, Existing Resources and Site Analysis. Pods should be located and designed to ensure compatibility with open space and preserves areas. All streets shall terminate in a vista or focal point such as trail head, passive park, waterviews, open space, or an alternative acceptable to the BCC.

e. Option 2 – Variable Lot Size

1) Minimum Land Area

A minimum of 100 acres

2) Open Space

No minimum percentage of open space shall be required in a PUD with a RR land use designation utilizing the variable lot size option (Option #2).

3) Development Areas

The development area shall be required to have an equestrian lifestyle. Development shall be designed so as to not interfere with the continued or future function of any area identified as environmentally, geologically, or historically significant in the site analysis required in Art. 3.E.2.G.4, Existing Resources and Site Analysis. Residential pods should be located and designed to ensure compatibility with non-residential pods and open space areas. All streets shall terminate in a vista or focal point, such as a trail head, passive park, waterview, agricultural structure, or an alternative acceptable to the BCC.

a) Exception

All drainage improvements, such as water management tracts, street drainage, and excavation for water management purposes, shall be developed as common areas and platted as separate tracts of land. Type 1 excavation, for the purposes of building a single family residence, shall not be permitted on individual lots.

4) Design

A PUD with a RR land use designation utilizing the variable lot size option (Option #2) may subdivide parcels into a range of lot sizes as accepted by the BCC. The minimum lot size shall not be less than indicated in Table 3.E.2.G-17, RR-PUD Property Development Regulations. The gross density of the PUD shall not exceed the density assigned to the project by the Plan.

2. Pods

a. Residential Pod

Housing type and classification shall be limited to single family detached only, typical residential accessory uses/structures and accessory agricultural or equestrian uses/structures.

b. Commercial Pod

A commercial pod is prohibited.

c. Civic Pod

Civic and institutional uses shall be limited to government services only. No private civic uses shall be permitted

d. Recreation Pod

Active recreation uses, such as golf courses and common outdoor recreation areas shall be limited to the development area only. Equestrian uses shall be allowed in accordance with the AGR/P pod provisions in Table 3.E.1.B-10, PDD Use Matrix.

3. Property Development Regulations (PDRs)

The PDRs for residential lots are in Table 3.E.2.G-17, RR-PUD Property Development Regulations. Accessory residential uses/structures may use with the nonconforming lot provisions in the AR district.

Table 3.E.2.G-17 - RR-PUD Property Development Regulations

| Pod | Lot Dimensions | | | Density | | FAR | Building Coverage | Setbacks | | | |
|----------------------|----------------|---------------------------------|-------|---------|-----|-----|-------------------|----------|------|-------------|------|
| | Size | Width and Frontage | Depth | Min | Max | | | Front | Side | Side Street | Rear |
| Residential Option 1 | 1.25 ac | 100 | 125 | | - | .20 | 20% | 50 | 20 | 25 | 25 |
| Residential Option 2 | 2.5 ac | 200 | 200 | - | - | .20 | 20% | 50 | 40 | 50 | 50 |
| Public Civic | 1% | Apply PUD public civic pod PDRs | | | | | | | | | |
| | | Apply PUD recreation pod PDRs | | | | | | | | | |

a. Design Standards

The rural design standards in Art. 5.C, Design Standards, shall apply to all development not located on a single family lot (e.g. entry features, recreation and public civic pods).

4. Existing Resources and Site Analysis

The application shall include an analysis and maps of existing environmental, geological, and historic conditions on the proposed site. At a minimum, the analysis shall contain the following information and be subject to review and approval by the DRO prior to certification of the project.

a. Natural Resources and Environmentally Sensitive Areas

Location and identification of environmentally sensitive lands, habitats of endangered species, significant areas of native vegetation, wetlands, canals, ditches, and natural drainage.

b. Historic Resources

Location and identification of all historically and archaeologically significant features, sites and structures.

c. Preservation

Significant environmental, geological, and historic conditions identified in the site analysis shall be incorporated and preserved in open space areas on the master plan or as required by ERM and/or the SFWMD.

d. Open Space Management Plan

The applicant shall submit an Open Space Management Plan for review and approval by the DRO, which ensures that all areas designated as open space on the master plan are maintained in perpetuity. The Open Space Management Plan shall include a bond, or the funding mechanism, in an amount necessary to ensure maintenance of the preserve area on a permanent basis. Bona fide agricultural land shall remain in agricultural production or returned to a natural state acceptable to ERM. Fallow land shall remain free of prohibited species and maintained to prevent the creation of a nuisance on adjacent properties. Wetlands shall remain viable and subject to the permitting and maintenance requirements of the SFWMD.

1) Plat

All open space shall be platted simultaneously with the first plat in the developments area.

5. Landscape Buffer

A landscape buffer shall only be required around the development area, adjacent to the perimeter of the project. The buffer shall be a minimum of 150 feet in width and consist of 100 percent native vegetation. Landscape buffers providing continuity between open space areas to be preserved may be counted toward meeting the minimum open space requirement.

a. Landscape Requirements

Portions of the buffer which are not adjacent to a street shall comply with the compatibility landscape requirements in Art. 7, Landscaping. All landscape material shall be planted in groups and/or a naturalistic pattern.

b. Trails

A continuous equestrian trail, fitness trail, bike path, walking path, or similar trail system shall be incorporated into the internal street R-O-W sections, around lakes, and/or within the buffers in the development area. Trails and paths in open space areas shall only be paved with pervious materials.

H. Supplemental Standards

1. HOA

Concurrent with the first recorded plat a POA shall be formed to manage the common areas and govern the operations of the HOA. The preservation area of an RR-PUD is not required to be governed by a POA.

2. Declaration of Covenants and Restrictions

All properties included in the legal description of a PUD shall be subject to a Declaration of Covenants and Restrictions acceptable to the County Attorney's office which shall, among other things, provide for formation of a single "master" HOA , automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended if additional units or land area are added to the PUD.

3. Incompatible Uses

The petitioner shall include in the homeowners documents, as well as written sales brochures and sales contracts, a disclosure statement identifying and notifying of the existence of agricultural, equestrian, or cellular communication towers in the vicinity of the development.

I. Phasing and Platting

A PUD shall be subject to the time limitation and review requirements of Art. 2.E, Monitoring with Time Limitations and Conditions, and Art. 3.E.1.J, Phasing and Platting, and shall proceed in a reasonably continuous and timely manner complying with these phasing requirements and the requirements listed below.

1. Plat Requirements

All land within the PUD, including golf courses, shall be platted. All golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or civic site plat.

Section 3 Multiple Use Planned Development (MUPD)

A. General

1. Purpose and Intent

The purpose of an MUPD is to provide for the efficient use of land by the integration of multiple uses, or large single uses, within a unified development.

The intent of an MUPD is to provide opportunities for enlightened and imaginative approaches to community planning by:

- a. allowing flexibility from standard PDRs;
- b. applying PDRs to the entire project rather than individual lots, such as: access, parking, lot dimensions, lot frontage, and landscaping; and
- c. encouraging the creation of a unified image between buildings and signage through architecture and linkages between land uses.

2. Applicability

The requirements of this Section shall apply to all MUPDs, modifications to previously approved MUPDs, and modifications to previously approved special exceptions for Planned Commercial Development (PCDs), Planned Neighborhood Commercial Development (PNCDs), Planned General Commercial Development (PGCDs), Planned Office Business Park (POBPs) and Planned Industrial Development (PIDs), unless otherwise stated.

a. Previous Approvals

Modifications to previously approved special exceptions for a PNCD, PCD, PGCD, large-scale community or regional shopping center (30,000 square feet or 50,000 square feet of total floor area or more), POBP, or PID shall comply with this Section.

3. Conflicts

If a conflict exists between this Section and other Sections of this Code, the provisions of this Section shall apply to the extent of the conflict.

B. Objectives and Standards

1. Design Objectives

A MUPD shall comply with the following objectives:

- a. Designed as a predominantly non-residential district;
- b. Provide innovative building location and orientation;
- c. Protect adjacent residential uses from potential adverse impacts;
- d. Provide interconnection between uses in and adjacent to the project;
- e. Allow for landscape design that enhances the appearance of the project;

2. Performance Standards

A MUPD shall comply with the following standards:

a. Freestanding Buildings

The maximum number of freestanding buildings in a MUPD with continuous vehicular circulation on all four sides is indicated in Table 3.C.3.B-18, Freestanding Buildings. For the purpose of this Section, circulation shall mean any portion of a driveway, drive aisle, or other means of vehicular access located within 50 feet of a building, excluding one-way drive through lanes, dedicated bypass lanes, and one primary building.

Table 3.E.3.B-18 – Freestanding Buildings

| FLU Designations | CL | CH | CLO | CHO | IND | CR | INST |
|----------------------------|----|----|-----|-----|-----|----|------|
| Number of buildings | 1 | 3 | 1 | 3 | 3 | 3 | 3 |

b. Non-vehicular Circulation

A MUPD shall be designed to provide for pedestrian and bicycle oriented circulation system throughout the development.

1) Sidewalks

Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment.

c. Landscape Buffers

A Type 3 incompatibility buffer shall be provided in any area of an MUPD adjacent to a residential use type or undeveloped land with a residential FLU designation. The BCC may allow an alternative buffer as a condition of approval.

- 1) No overlap or easement encroachment shall be permitted in R-O-W buffers.

d. Cross Access

Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between a MUPD and adjacent land with a non-residential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.

e. Parking and Loading

Off street parking areas shall comply with Art. 6, Parking, Art. 7, Landscaping, and the following:

1) Parking Areas

- a) Groundcover or small shrubs 18 to 24 inches in height at installation, and maintained to achieve a maximum of 30 inches in height shall be planted in all terminal islands and divider medians.
- b) Where pedestrian access ways cross terminal islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar paving treatment.

2) Loading Area Screening

Internally oriented loading areas shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.

C. Thresholds

Projects which exceed the square footage threshold indicated in Table 3.E.3.C-19, MUPD Thresholds, shall be submitted and reviewed as a MUPD.

Table 3.D.3.C-19 - MUPD Thresholds

| | | | | | | | |
|--------------------|--------|--------|--------|--------|---------|---------|--------|
| | CL | CH | CLO | CHO | IND | CR | INST |
| Square Feet | 30,000 | 50,000 | 30,000 | 50,000 | 100,000 | 100,000 | 50,000 |

1. Underlying Land Use

A MUPD with an underlying nonresidential FLU designation may utilize either land use, or a combination of land uses, to satisfy the requirements of Table 3.E.3.D-20, MUPD Property Development Regulations. Uses allowed shall correspond to the FLU designation in Table 3.E.1.B-10, PDD Use Matrix.

D. Property Development Regulations

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in the MUPD district are indicted in Table 3.E.3.D-20, MUPD Property Development Regulations, unless otherwise stated.

Table 3.E.3.D-20 – MUPD Property Development Regulations

| FLU Designations | Lot Dimensions | | | FAR ² | Maximum Building Coverage | Setbacks ¹ | | | |
|------------------|----------------|-----------------|-------|------------------|---------------------------|-----------------------|--------------|-------------|--------------|
| | Size | Width & Footage | Depth | | | Front | Side | Side Street | Rear |
| CL | 3 ac | | 200 | .25 | 25 percent | 25 | C-15 R-30 | 25 | C-20 R-30 |
| CH | 5 ac | 300 | 300 | .50 | 30 percent | 30 | C-15 R-30 | 30 | C-20 R-30 |
| CLO | 3 ac | 200 | 250 | .35 | 25 percent | 25 | C-15 R-30 | 25 | C-20 R-30 |
| CHO | 5 ac | 200 | 200 | .50 | 25 percent | 30 | C-15 R-30 | 30 | C-20 R-30 |
| IND | 5 ac | 300 | 300 | .45 | 45 percent | 30 | C-15 R-40 | 30 | C-20 R-40 |
| CR | 5 ac | 300 | 300 | .50 | 30 percent | 30 | C-15 R-40 | 30 | C-20 R-40 |
| INST | 5 ac | 300 | 300 | .50 | 30 percent | 30 | C-15 R-30 | 30 | C-20 R-30 |

Notes to Table 3.E.3.D-20, MUPD Property Development Regulations:

C – Indicates the building setback if the lot abuts a non-residentially zoned or designated lot.

R - Indicates the setback from an adjacent parcel with a residential zoning designation.

¹Setbacks are measured in linear feet from the boundary of the MUPD.

²The maximum FAR may be increased to .50 as allowed by the Future Land Use Element (FLUE) of the Plan.

1. Work/Live Space

A space within a mixed use building that is used jointly for residential and commercial purposes, where the residential space is accessory to the primary use as a place of work. Work/Live spaces shall comply with the following supplemental use standards:

Accessory work/live units may be permitted in a MUPD, MXPD, commercial pod of a PUD, commercial pod of a PIPD, or a TMD as follows:

- 1) Accessory work/live units shall not exceed 1000 square feet of living area;
- 2) A minimum of 10 percent of the living area of a work/live unit shall be designated as office space;
- 3) Work/live space in a TMD shall be counted as non-residential square footage;
- 4) The maximum number of units allowed in a PDD are indicated in Table 3.E.3.D-21, Work/Live PDD;
- 5) The maximum number of units allowed by the DRO in a PDD are indicated in the Table 3.E.3.D-21, Work/Live Units PDD. The maximum number of units allowed by the DRO in a TMD are indicated in the Table 3.E.3.D-21.a, Work/Live Units TMD; and
- 6) Units in excess of the maximum number allowed by the DRO shall be a Requested Use.

Table 3.E.3.D-21 - Work/Live Units PDD

| FLU Designation | CL/Commercial Pod in a PUD | CH | CLO | CHO | IND (1) |
|-----------------|----------------------------|--------|--------|--------|---------|
| Number of Units | 1/acre | 5/acre | 3/acre | 3/acre | 3/acre |
| DRO | 8 | 24 | 24 | 24 | 24 |

(1) Limited to a commercial pod in a PIPD only.

(1) Limited to a commercial pod in a PIPD only.

Table 3.E.3.D-21.a Work/Live Units TMD

| TIER | U/S | AGR/GLADES | RURAL/EXURBAN |
|------|-----|------------|---------------|
| DRO | 100 | 100 | 75 |

Section 4 Mixed Use Planned Development (MXPD)

A. General

1. Purpose and Intent

The purpose of the MXPD district is to provide for the compatible integration of residential and non-residential uses into a unified development.

The intent of an MXPD is to provide for the compatible development and integration of residential and nonresidential uses with enlightened and imaginative approaches to community planning, including:

- a. the use of vertical or horizontal integration with residential and non-residential uses;
- b. the selection of land uses which allows for internal automobile trip capture and compatibility with residential uses;
- c. the design of a site plan which provides for the integration of residential and non-residential uses;
- d. the design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles; and
- e. the utilization of multiple family homes to provide a transition area between non-residential uses and adjacent residential development.

2. Applicability

The requirements of this Section shall apply to all MXPDs, whether new or amended.

3. Conflict

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict.

B. Objectives and Standards

1. Design Objectives

An MXPD shall comply with the following objectives:

- a. Provide for the vertical and/or horizontal integration of residential and non-residential uses;
- b. Provide a continuous non-vehicular circulation system for pedestrians;
- c. Allow for innovative building design and orientation;
- d. Provide for interconnection between all uses in and adjacent to the project;
- e. Demonstrate the ability to achieve an internal trip capture concurrent with the build-out of the project, see Art. 3.E.4.B.2.e, Transportation Program; and
- f. Provide recreational opportunities for the residential population the MXPD.

2. Performance Standards

An MXPD shall comply with the following standards:

a. Proximity of Uses

All dwelling units shall be located within 1,320 linear feet of a non-residential and/or recreation use.

b. Non-vehicular Circulation

1) Sidewalks

Internal sidewalks shall connect to sidewalks located along adjacent streets. Where sidewalks pass over vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar paving treatment.

c. Compatibility

An MXPDP shall be designed to create a transition between non-residential and residential land uses within the project and between less intensive residential housing located outside the MXPDP. These transitional areas may vary in width based on the adjacent housing type or residential land use designations.

1) Detached Housing

Buildings within an MXPDP adjacent to existing detached housing types, or property with a FLU designation of MR-5 or less, shall not exceed three stories or 35 feet in height within 40 feet of the common boundary.

d. Landscape Buffers

1) Interior Open Space

A minimum ten foot wide compatible buffer is required between land uses within the interior of the MXPDP.

e. Transportation Program

The applicant shall provide a traffic study demonstrating the ability of the MXPDP to achieve a significant (ten percent) internal trip capture rate concurrent with the build-out of the project.

f. Neighborhood Parks

In addition to the requirements of Art. 5.D, Parks and Recreation Rules and Recreation Standards, an MXPDP may provide neighborhood parks which are passive in nature.

C. Thresholds

1. Thresholds

Projects which exceed the square footage thresholds indicated in Table 3.E.4.C-22, MXPDP Thresholds shall be submitted and reviewed as an MXPDP.

Table 3.E.4.C-22 - MXPDP Thresholds

| | CL | CH | CLO | CHO |
|-------------|--------|--------|--------|--------|
| Square Feet | 20,000 | 50,000 | 20,000 | 50,000 |

2. Land Use Mix

Table 3.E.4.C-23, MXPDP, Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in an MXPDP.

Table 3.E.4.C-23 - MXPDP Land Use Mix

| Use Type | Minimum | Maximum |
|----------------|---------|---------|
| Residential | 50 % | 75 % |
| Nonresidential | 25 % | 50 % |

Notes for Table 3.E.4.C-23, MXPDP Land Use Mix:

1. Minimum and maximum land use percentages for residential and commercial uses are calculated by dividing the total GFA of the specific land use type (either residential or non-residential) by the total GFA (residential and non-residential) of the MXPDP.

3. Density

The maximum density for an MXPDP shall be as indicated by the FLU in the Plan. In cases where an underlying residential density is not indicated, the Planning Director shall assign a density based on the residential densities surrounding the proposed MXPDP.

D. Property Development Regulations (PDRs)

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in an MXPDP are indicated in Table 3.E.4.D-24, MXPDP Property Development Regulations unless otherwise stated.

Table 3.E.4.D-24 - MXPD Property Development Regulations

| FLU | Lot Dimensions | | | FAR | Maximum Building Coverage | Setbacks | | | |
|-------------------|---|-------|-------|-----|---------------------------|----------|---------------|-------------|--------------|
| | Acres | Width | Depth | | | Front | Side | Side Street | Rear |
| CL | 3 | 200 | 200 | .45 | 30% | 25 | C-15 R-40 | 25 | C-20 R-40 |
| CH | 5 | 300 | 300 | .85 | 40% | 25 | C-15 R-40' | 25 | C-20 R-40 |
| CLO | 3 | 200 | 200 | .45 | 30% | 25 | C-15 R-40 | 25 | C-20 R-40 |
| CHO | 5 | 300 | 300 | .85 | 40% | 25 | C-15 R-40 | 25 | C-20 R-40 |
| RESIDENTIAL | Apply RM district regulations | | | | | | | | |
| RECREATION POD | Apply PUD Recreation Pod regulations | | | | | | | | |
| NEIGHBORHOOD PARK | Apply PUD Neighborhood Park regulations | | | | | | | | |

Notes for Table 3.E.4.D-24, MXPD Property Development Regulations:

- C** – Indicates the setback from an adjacent commercial zoned parcel.
- R** – Indicates the setback from an adjacent residential zoned parcel.

1. Setbacks

Setbacks shall be measured in linear feet from the inside of the perimeter buffer.

a. Commercial Districts

The front and side street setbacks in Table 3.E.4.D-24, MXPD Property Development Regulations, may be reduced to zero in a mixed use development which provides vertically integrated live/work or residential uses in the structure. At least 50 percent of the square feet in the structure shall be provided on the second or higher floors as live/work or multifamily dwelling units. The required landscape buffer may be relocated subject to approval of an ALP in accordance with Art. 7.B.3, Alternative Landscape Plan (ALP).

2. FAR

Maximum FAR shall include the GFA of all residential and commercial buildings within the MXPD.

3. Integration

Horizontally integrated residential land uses shall comply with Table 3.D.1.A-5, Property Development Regulations, for the RM-Residential Multiple Family District, Art. 4.B, Supplemental Use Regulations, Art. 3.B, Overlays, and Art. 18, Definitions, for the applicable housing type.

4. Parking

Within a MXPD, parking shall meet the following:

- a. 20 percent of the required parking shall be located on the side or rear of non-residential uses; and
- b. All required parking shall be located within 400 feet of a public entrance to a non-residential building.

E. Use Regulations

1. Residential Use

Residential uses in an MXPD shall be regulated by maximum density and maximum residential GFA.

2. Commercial Uses

a. Hours of Operation

Non-residential uses shall not commence business activities, including delivery and stocking operations prior to 6:00 a.m. nor continue activities later than 11:00 p.m. within 300 feet of a dwelling unit.

b. Open Storage

No open storage or placement of any material, refuse equipment or debris shall be permitted in the rear of any structure.

c. Outdoor Speakers

No outdoor loudspeaker systems shall be permitted.

d. Rooftop Screening

All roof-top mounted 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 inches above the height of the object intended for screening.

Section 5 Planned Industrial Park Development (PIPD)

A. General

1. Purpose and Intent

The purpose of the PIPD district is to create an industrial development alternative which provides employment opportunities and encourages internal trip capture by offering commercial services and residential uses.

2. Applicability

The requirements of this Section shall apply to all PIPDs, modifications to previously approved PIPDs, and modifications to previously approved special exceptions for PIPDs, unless otherwise stated.

3. Conflicts

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict.

B. Objectives and Standards

1. Design Objectives

The intent of a PIPD is to promote creative design approaches to community planning and site design for planned industrial developments. A PIPD shall comply with the following objectives:

- a. Provide a balanced mix of land uses to provide for the needs of the residential population (if proposed) and the projected work force;
- b. Be designed as a predominantly industrial development;
- c. Preserve natural features, scenic areas and native vegetation to the extent possible;
- d. Encourage the co-location of industrial processes, products, and services;
- e. Provide on-site essential services for industries, employees, and clients;
- f. Protect nearby existing and future non-industrial land uses and activities;
- g. Arrange buildings and land use intensities to minimize and mitigate negative impacts;
- h. Be located near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping and/or railroad lines; and
- i. Encourage the expansion to PBC's economic base through new industrial investment.

2. Performance Standards

A PIPD shall comply with the following standards:

a. Perimeter Buffers

Industrial pods adjacent to the boundary of a PIPD shall provide a minimum 25 foot wide Type 3 incompatibility landscape buffer along the perimeter.

b. Proximity to Other Uses

A PIPD with a residential pod shall be limited in size and design to allow residents to walk from residential to commercial service uses within 1,320 feet. This requirement shall be met by 100 percent of the housing units in a PIPD.

c. Internal Trip Capture

A PIPD with commercial or residential pod shall demonstrate the ability to achieve a ten percent internal trip capture concurrent with the build-out of the PIPD.

C. Thresholds

1. General

A PIPD shall comply with the following thresholds:

a. Lot Size

The minimum gross land area for a PIPD shall be 40 acres.

b. Land Use Mix

Land uses shall be grouped into pods which limit and define the types of uses within a specific area of a PIPD. Table 3.E.5.C-25, PIPD Land Use Mix, indicates the range of each pod required for a PIPD.

Table 3.E.5.C-25 - PIPD Land Use Mix

| Pods | Minimum | Maximum |
|---------------|--------------|----------------------------------|
| Industrial | 60% | 100% |
| Light General | 20% | 100% |
| | - | 50% |
| Commercial | - | 20% (max. 15 ac) ¹ |
| Residential | - | 20% |
| Recreation | .006 sf/unit | 20% |

Notes for Table 3.E.5.C-25, PIPD Land Use Mix:

¹The maximum commercial acreage shall not apply to an Economic Center (EDC).

c. Land Use Calculation

The calculation for the mix of land uses shall be based on the gross acreage of the PIPD. Neighborhood parks, water management tracts and local roads which are internal to a residential pod rather than a separate pod or tract shall be credited toward the maximum residential land area requirement in Table 3.E.5.C-25, PIPD Land Use Mix.

D. Property Development Regulations (PDRs)

The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.5.D-26, PIPD Property Development Regulations:

Table 3.E.5.D-26 - PIPD Property Development Regulations

| Pods | Lot Dimensions | | | Max. FAR | Maximum Building Coverage | | | | |
|--------------------|--|--------------------|-------|----------|---------------------------|-------|------------------|--------|------------------|
| | Size | Width and Frontage | Depth | | | Front | Side | Street | Rear |
| Light Industrial | 1 ac | 100 | 200 | .45 | 30% | 25 | C – 15 R – 40 | 25 | C – 15 R – 40 |
| General Industrial | 2 ac | 200 | 200 | .45 | 30% | 25 | C – 20 R – 40 | 25 | C – 20 R – 40 |
| Commercial | Apply MUPD, MXPDP or TMD regulations | | | | | | | | |
| Residential | Apply PUD regulations | | | | | | | | |
| Recreation | Apply PUD Recreation Pod and Neighborhood Park regulations | | | | | | | | |

Notes to Table 3.E.5.D-26, PIPD Property Development Regulations:

- C - Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod, or a recreation area.
- R - Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.

1. Setbacks

Land uses which abut open space 40 feet in width may substitute a 20 foot side or rear setback if a 40 foot setback is required.

E. Pods

1. Industrial

Intended to provide areas an industrial pod is for light and general industrial uses. Uses shall be pursuant to Use Regulation Schedule Table 3.E.1.B-10, PDD Use Matrix.

2. Commercial Pod

A commercial pod is intended to provide commercial service, retail and professional office uses to serve the needs of the population and workforce within a PIPD. Commercial uses within a PIPD shall comply with the following additional use regulations:

a. Outdoor Storage

Outdoor storage of any merchandise, equipment, refuse or similar material shall be prohibited.

b. Outdoor Speakers

No outdoor loudspeaker systems shall be permitted.

c. Mixed-use

Mixed-use development is intended to provide residential and commercial land uses integrated vertically into one building or horizontally into groups of buildings. A PIPD with a BCC approval for a commercial pod may apply to the DRO to re-designate the pod as a mixed-use pod on the master plan. A mixed-use development in a PIPD shall comply with the following:

1) Thresholds

A mixed-use development shall have a minimum land area equal to or larger than five acres or a minimum GFA of 50,000 square feet.

2) Development Regulations

A mixed-use pod shall comply with the requirements for a MXPDP or TMD.

3. Residential Pod

A residential pod is intended to provide areas for residential housing to aid in accommodating the work force of a PIPD. A residential pod shall comply with the regulations indicated in Table 3.E.2.D-16, PUD Property Development Regulations.

a. 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.

4. Recreation Pod

A PIPD with a residential pod shall provide recreation uses based on the number of units provided. Site improvements shall be provided in accordance with Art. 5.D, Parks and Recreation Rules and Recreation Standards.

a. Location

A recreation pod shall not have vehicular access from an arterial or collector that is not part of the interior circulation system of the PIPD. No recreation facility shall maintain direct physical access to any arterial or collector bordering or traversing the PIPD.

b. Recreation Area

In residential pods, recreation areas shall be provided in accordance with Art. 5.D, Parks and Recreation Rules and Regulations Standards, for use by the residents of the pod and their guests.

c. Neighborhood Park

Neighborhood parks shall be provided in residential pods developed in accordance with Table 3.E.2.D-16, PUD Property Development Regulations.

Section 6 Mobile Home Planned Development District (MHPD)

A. General

1. Purpose and Intent

The purpose of MHPD district is to offer a mobile home residential development alternative which allows a limited amount of commercial uses and corresponds to a range of residential FLU designations in the Plan. The intent of the MHPD is to promote the efficient design of mobile home communities, provide imaginative design approaches to community planning and, accommodate the housing needs of those residents who prefer mobile home living and those who desire an economic alternative to conventional dwellings.

2. Applicability

The requirements of this Section shall apply to all MHPDs, modifications to previously approved MHPDs, and modifications to previously approved special exceptions for MHPDs, unless otherwise stated.

3. Conflicts

If a conflict exists between this Section and other Sections in this Code, the provisions in this Section shall apply to the extent of the conflict.

B. Objectives and Standards

1. Design Objectives

A MHPD shall comply with the following objectives:

- a. Provide sufficient separation between units to ensure privacy;
- b. Provide creative and safe circulation systems;
- c. Provide sufficient parking and storage areas;
- d. Provide accessible recreation and civic opportunities; and
- e. Offer limited commercial opportunities.

2. Performance Standards

An MHPD shall comply with the following additional standards.

a. Separation

The minimum separation between units shall be ten feet.

b. Traffic Calming

Streets shall be designed to include traffic calming measures, such as chicanes, landscaped medians, speed humps, roundabouts, etc., if required by the County Engineer.

c. Parking

A minimum of one visitor space shall be provided for every five mobile homes.

d. Storage

The site plan shall contain an area for outdoor storage of boats, trailers, RV's, etc., if required by the DRO.

e. Proximity to Other Uses

Each residential lot shall be located within 600 feet of a neighborhood park, or civic, commercial or recreation pod.

C. Thresholds

1. Thresholds

The minimum gross land area for a MHPD is ten acres.

2. Density

The multiplier for mobile home units in a MHPD shall be two times the maximum number of units allowed by Table 3.E.1.B-11, PUD Density.

3. Land Use Mix

A mix of land uses shall be provided in an MHPD by designating pods on the master plan as residential, civic, commercial, or recreation. The mix of uses shall be calculated based on the gross acreage of the MHPD and Table 3.E.6.C-27, MHPD Land Use Mix

Table 3.E.6.C-27-MHPD Land Use Mix

| Pod | Minimum | Maximum |
|-------------|--------------------------------------|---------|
| Residential | 60 % | 100 % |
| Civic | 2 % | - |
| Commercial | - | 1 % |
| Recreation | Apply PUD Recreation Pod regulations | - |

a. Neighborhood parks internal to a residential pod may be credited toward the minimum residential land area requirement.

D. Property Development Regulations (PDRs)

The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.6.D-28, MHPD Property Development Regulations, unless otherwise stated

Table 3.E.5.D-26 - PIPD Property Development Regulations

| Pods | Lot Dimensions | | | Max. FAR | Maximum Building Coverage | Setbacks | | | |
|--------------------|--|--------------------|-------|----------|---------------------------|----------|------------------|--------|------------------|
| | Size | Width and Frontage | Depth | | | Front | Side | Street | Rear |
| Light Industrial | 1 ac | 100 | 200 | .45 | 30% | 25 | C – 15 R – 40 | 25 | C – 15 R – 40 |
| General Industrial | 2 ac | 200 | 200 | .45 | 30% | 25 | C – 20 R – 40 | 25 | C – 20 R – 40 |
| Commercial | Apply MUPD, MXPD or TMD regulations | | | | | | | | |
| Residential | Apply PUD regulations | | | | | | | | |
| Recreation | Apply PUD Recreation Pod and Neighborhood Park regulations | | | | | | | | |

Notes to Table 3.E.5.D-26, PIPD Property Development Regulations:

C - Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod, or a recreation area.

R - Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.

E. Pods

1. General

The MHPD allows a limited amount of flexibility in establishing the proper amounts of pods. Land uses shall be grouped into pods which define the types of uses within a specific area of a MHPD, (see Art. 3.E.6.C.3, Land Use Mix). Percentages of pods may vary as outlined in Table 3.E.6.C-27, MHPD Land Use Mix, and the requirements listed below.

- a. A MHPD shall comply with the required site improvements for a single family subdivision in Art. 11, Subdivision, Platting and Required Improvements.
- b. The County Engineer shall approve a site improvement implementation schedule and all construction plans prior to construction.
- c. The construction plans shall coincide with the approved site plans/subdivision plans.
- d. The following improvements shall be provided, as required by Art. 11, Subdivision, Platting and Required Improvements: bridges, grading, drainage, fire hydrants, monuments, potable water system, sanitary sewer system, streets, street markers, street lighting, and traffic controls.

2. Residential Pod

The site design and layout for each residential pod shall be indicated on a site plan and/or subdivision plan approved by the DRO. The site design shall include the fee simple, rental, lease, or condominium lot configuration and circulation systems. The layout shall indicate compliance with Table 3.E.6.D-28, MHPD Property Development Regulations, and the setbacks for accessory structures such as storage buildings, covered parking areas, screen enclosures, and pools.

a. OR Pod

An optional residential pod may be provided in accordance with the standards for an OR pod in a PUD.

3. Civic Pod

The civic pod is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned land uses to serve the community.

a. Threshold

An MHPD with a gross land area equal to or larger than 50 acres shall designate a minimum of two percent of the gross area of the MHPD as civic.

b. Public/Private Dedication

A civic pod in a MHPD shall comply with the standards for a civic pod in a PUD.

4. Commercial Pod

A limited amount of neighborhood oriented commercial development may be provided in a MHPD for the convenience of the residents.

a. Location

A commercial pod in a MHPD shall comply with the standards for a commercial pod in a PUD.

b. Architecture

A commercial pod shall be subject to Art. 5.C, Design Standards.

c. Building Permits

Building permits for commercial structures shall not be issued until tie down permits have been finalized for a minimum of 20 percent of the total number of units.

5. Recreation Pod

a. Parking

Parking is not required for neighborhood parks or recreation pods less than one acre.

F. Supplementary Standards

1. Emergency Shelter

A permanent hurricane evacuation and emergency shelter shall be provided prior to the issuance of tie down permits for 20 percent of the total number of units. The shelter shall be designed to accommodate the population of the MHPD based on a minimum of 40 square feet/person.

2. Temporary Structures

Temporary structures, such as construction trailers and security quarters, may be allowed, subject to Art. 5.B, Accessory and Temporary Uses. A mobile home may be used as a rental office.

Section 7 Recreational Vehicle Planned Development District (RVPD)

A. General

1. Purpose and Intent

The purpose of the RVPD district is to promote the design of recreation oriented development for land which has a commercial, industrial, commercial recreation, or rural residential FLU designations. The intent of a RVPD is to provide tourist oriented uses in a park-like environment for temporary residents.

2. Applicability

The requirements of this Section shall apply to all RVPDs, modifications to previously approved RVPDs, and modifications to previously approved special exceptions for RVPDs, unless otherwise stated.

3. Conflicts

If a conflict exists between this Section and other Sections in this Code, the provisions in this Section shall apply to the extent of the conflict.

B. Threshold

1. Acreage

The minimum gross land area required is ten acres.

2. Sites

The multiplier for RV sites is 12/acre. The multiplier for camp sites is 40/acre. Camp sites may be allowed in addition to RV sites.

3. Land Use Mix

A mix of land uses shall be provided by designating pods on the master plan as recreation or commercial. The mix of uses shall be calculated based on the gross acreage of the RVPD and Table 3.E.7.B-29, RVPD Land Use Mix.

Table 3.E.7.B-29 - RVPD Land Use Mix

| Pod | Minimum | Maximum |
|------------|---------|---------|
| Recreation | 98 % | 100 % |
| Commercial | - | 2 % |

C. Pods

1. Recreation

A minimum of ten percent of the land area in a recreation pod shall be devoted exclusively to recreation uses.

2. Commercial

No commercial use, building or structure shall front or have direct legal access on any arterial or collector street bordering or traversing the RVPD. Commercial uses shall be intended for the use of temporary residents in the RVPD only.

D. Time Limitations

1. Residence

No person, other than the caretakers, shall reside or be permitted to reside in a RVPD for more than 180 days per calendar year.

2. Record Keeping

The RVPD owner or operator shall keep the following records:

- a. the make, model, and year of each RV;
- b. the lot on which each RV is/was located;
- c. the dates of occupancy for each RV; and
- d. the name and permanent address of each RV owner.

3. Mobility

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

E. Property Development Regulations (PDR's)

The PDR's for a RVPD are indicated in Table 3.E.7.E-30, RVPD Property Development Regulations.

Table 3.E.7.E-30 - RVPD Property Development Regulations

| POD | Minimum Lot Dimensions | | | Maximum FAR | Max Height | Minimum Setbacks | | | |
|------------------------|------------------------|--------------------|-------|-------------|------------|------------------|------|-------------|------|
| | Size | Width And Frontage | Depth | | | Front | Side | Side Street | Rear |
| Recreation – RV space | 1000 sf | 20 | 40 | - | 25 | 25 | | | |
| Recreation – All Other | - | 100 | 100 | .35 | 35 | 50 | | | |
| Commercial | 1 acre max | 100 | 100 | .25 | 35 | 100 | | | |

Notes for Table 3.E.7.E-30, RVPD Property Development Regulations:

1. Setbacks shall be measured from the inside edge of the required landscape buffer.
2. All other recreation buildings include the clubhouse and accessory structures.
3. Lot dimensions are the minimum, except where noted.

F. Landscape Buffer

Perimeter landscape areas shall comply with the following:

1. R-O-W Buffer

The R-O-W buffer shall include a minimum six foot high opaque landscape barrier in the form of a berm, wall, fence, hedge, or combination.

2. Perimeter Buffer

A Type 3 incompatibility buffer shall be provided around the perimeter of a RVPD. This requirement may be modified by an ALP, pursuant to Art. 7.B.3, Alternative Landscaping Plan (ALP).

G. Supplemental Standards

1. Permanent Structures or Additions

Permanent structures or additions attached to an RV, such as screen rooms, carports, or utility sheds, shall be prohibited.

2. Parking

Parking or storage of vehicles in areas not designed or designated for parking or storage is prohibited.

3. Temporary Structures

Temporary structures, such as construction trailers and security quarters, may be allowed, subject to Art. 5.B.1.B, Temporary Structures. A mobile home may be used as a caretakers quarters, security quarters, watchmans trailer, or temporary structure.

4. Storage

The site plan shall contain an area for outdoor storage of boats, trailers, RV's, etc. if required by the DRO.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

Section 1 General Provisions for TDDs

A. Purpose and Intent

The purpose and intent of the TDD's is to implement the Traditional Town Development (TTD), the Traditional Marketplace Development (TMD), and the Traditional Neighborhood Development (TND) provisions of the Plan and to:

1. Encourage mixed-use, compact development that is pedestrian in scale and sensitive to environmental characteristics of the land, and facilitates the efficient use of services within PBC;
2. Have residences, shopping, employment, and recreational uses located within close proximity with each other and efficiently organized to provide for the daily needs of the residents;
3. Provide for a range of housing types within pedestrian-oriented, human-scale neighborhoods;
4. Provide efficient circulation systems for pedestrians, non-motorized vehicles, and motorists that serve to functionally and physically integrate the various land use activities; and
5. Allow for a cohesive neighborhood identity and focus.

B. Applicability and Definitions

1. Applicability

The requirements of this Chapter shall apply to all TDDs, whether new or amended, within unincorporated PBC, in accordance with Art. 1, General Provisions and Art.1.E, Prior Approval. To

the extent this Section conflicts with other Sections of this Code, the provisions of this Section shall apply.

2. Definitions

AGR-PUD Gross Site Area - the land area of the PUD less land dedicated per the Thoroughfare Identification Map. The gross site area includes land to be used for other R-O-W, streets, preservation areas, development areas, water retention, open space, commercial, recreation and civic uses.

AGR-PUD Preservation Area - land contained in the preservation pod preserved in perpetuity to bona-fide agriculture, fallow land, water preserve areas, wetlands or uplands.

AGR-PUD 80/20 Development Area - that portion of the PUD which contains the residential, recreational, civic, and commercial pods.

AGR-PUD 60/40 Development Area - that portion of the PUD which contains the residential, recreational, civic, and commercial pods with support facilities such as streets, internal open space, and stormwater retention areas.

Arcaded Sidewalk - a covered pedestrian walkway contiguous to a street, plaza or square that is open to the public.

Block - an area of land entirely bounded by streets.

Build-to line - an alignment established a certain distance away from the curb line along which the front elevation of a building must be built for TMD.

Corner Store - small store located in a multi-story mixed use building devoted to the retail sale of a limited line of food and household items with a corner entrance.

Encumber - Art. 18, Definitions.

Front Façade - the wall of a building parallel with and facing a frontage line.

Open Space – Art. 18, Definitions.

Overlay Zoning District - a set of zoning regulations for a defined area which are required either in addition to the standard zoning district's regulations or in lieu of those regulations. Overlay zoning is used to protect the character of an area of special concern or to encourage new development subject to additional controls.

Planned Development - a planned development district or a previously approved planned development. A regulation containing the term "planned development" that the regulation applies to a planned development district and a previously approved planned development.

Preliminary Development Plan - a generalized depiction of use designations presented to the appropriate review body for planned development districts, previously approved planned developments (master plans and site plans), and Class A and B conditional use approvals.

Planned Development, previously approved - a Planned Development approved by rezoning, special exception or conditional use prior to the effective date of this Code. Previously Approved Planned Developments include: Planned Unit Developments (PUD); Traditional Neighborhood District (TND) Developments; Mixed-Use Developments; Planned Neighborhood Commercial Developments (PNCD); Planned General Commercial Developments (PGCD); Large Scale Community and Regional Shopping Center Developments 30,000 square feet and 50,000 square feet; Planned Office Business Park Developments (POBPD); Planned Industrial Park Developments (PIPD); Mobile Home Rental Park, Condominium, and Conditional Use Developments; Recreational Vehicle Park Developments (RVPD); Sanitary Landfill, Resource Recovery Facility, Volume Reduction Plant and Incinerator Developments; and other special exceptions, or conditional uses approved prior to the effective date of this Code which support land uses regulated by Art. 3.E, Planned Development Districts (PDDs).

Store Front - the front of a retail establishment facing a street where the main building entrance is located.

TMD, frontage, primary - a type of building frontage that is primarily located along Main Streets and is characterized by zero front setbacks and limitations on the physical separation between buildings.

TMD, frontage, secondary - a type of building frontage that allows for variable front setbacks and more frequent physical separation between buildings than allowed on Primary Frontages.

TMD, street, main - a street connecting adjacent land uses and local streets with parks, plazas and squares in a TMD.

TMD, street wall - a wall, fence or hedge installed along the frontage line to fill in building frontage.

TND, accessory structure – a detached accessory building constructed on a residential lot housing a garage, accessory apartment or handicapped or elderly apartment.

TND, colonnade - a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns. Awnings are not considered colonnades.

TND, enfront - to face across a street.

TND, meeting hall - a building designed for public assembly.

TND, neighborhood center - Neighborhood Center is intended to accommodate neighborhood-oriented retail and commercial services. It may include professional offices, community facilities, and civic uses to serve the population of the TND and adjacent neighborhoods.

TND, porch - a roofed platform attached to the front of a dwelling unit. The structure is un-airconditioned, and may not be more than 75 percent enclosed by walls.

TND, raised basement - a semi-underground story of a building.

TND, regulating plan - a graphic and written representation of the detailed land use and development regulations applicable to a particular TND.

TND/TTD - Uses allowed, property development regulations and density shall be determined by the land use designation on the affected area. Density may be transferred from one portion of the project to another based on the gross acreage of the project.

TMD - Uses allowed, property development regulations and intensity for the entire TMD shall be governed by the less intense land use designation.

C. Review and Approval Process

All development within TDDs are subject to the review and approval procedures that apply to planned developments; see Art. 3.E, Planned Development Districts (PDDs).

D. Types of TDDs

TDDs include the following:

1. Traditional Neighborhood Development (TND)

TNDs are primarily residential areas with neighborhood-scale commercial, civic, and open-space uses.

2. Traditional Marketplace Development (TMD)

TMDs are mixed-use commercial, residential, and office areas that function as town activity centers serving residents in the vicinity.

3. Traditional Town Development (TTD)

TTDs are intended for the coordinated development of larger sites that include a combination of traditional development districts. Standards focus on connections between these districts.

E. Residential Density and Plan Land Uses Designations and Density

The Plan land use designations which correspond to the various TDDs shall be determined by Table 3.F.1.E-31, TDD Corresponding Land Use.

1. Land Use Categories

The Land use categories in the Plan which corresponds to each TDD are indicated in Table 3.F.1.E-31, TDD Corresponding Land Use.

2. TDDs Split by Land Use

a. Exception

A TMD with more than one underlying non-residential FLU designation may utilize either land use, or combination, to satisfy the minimum required land use mix for a TMD.

Table 3.F1.E-31 - TDD CORRESPONDING LAND USE

| | AGR | RR | LR1 | LR2 | LR3 | MR5 | HR8 | HR12 | HR18 | MLU | EDC |
|------------|-----|----|-----|-----|-----|-----|-----|------|------|-----|-----|
| TND | | | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| TTD | | | √ | √ | √ | √ | √ | √ | √ | √ | |
| | AGR | RR | CL | CH | CLO | CHO | IND | INST | CRE | MLU | EDC |
| TMD | | | √ | √ | √ | √ | | | √ | √ | √ |

Legend: Check (√) indicates the TDD corresponds to the FLU category.

1) TND Density Bonus

TNDs in the U/S Tier only, may qualify for a density bonus of up to two additional units per acre above the maximum density allowed for a planned development, provided that the TND is consistent with the standards and requirements of this Article.

F. Uses Allowed

Land uses allowed within a TND, TMD, or TTD are governed by Table 3.F.1.I-32, Traditional Development Permitted Use Schedule.

1. The permitted use schedule in Table 3.F.1.I-32, Traditional Development Permitted Use Schedule, includes four designations: "P" Permitted Use, "R" Requested Use, "S" Special Use, and "D" Development Review Officer.
2. A number in the "Note" column of Table 3.F.1.I-32, Traditional Development Permitted Use Schedule refers to the supplementary land use standards located in Art. 4.B, Supplementary Use Standards.
3. Blank cell in Table 3.F.1.I-32, Traditional Development Permitted Use Schedule, means the use is not permitted.

G. Design Objectives

TDDs shall comply with the following design guidelines:

1. Neighborhoods

- a. A mix of residential uses to provide a variety of housing opportunities, that could include:
 - 1) Single family dwellings;
 - 2) Zero lot line (ZLL) dwellings;
 - 3) Townhouses;
 - 4) Multifamily dwellings;
 - 5) Accessory dwellings; or
 - 6) Congregate living facilities;

Figure 3.F.1.G-1 - TDD Mixed Housing Types



Residential neighborhoods include a mixture of housing types from multi family buildings integrated with commercial and office uses, to single family detached houses.

- b. Centrally-located community focal points for the formal and informal interaction of neighborhood residents, such as a neighborhood square, community meeting hall, or neighborhood commercial center. These uses are within walking distance (approximately one-fourth mile) of all neighborhood residents.
- c. A variety of open spaces and recreation areas to allow for both passive and active recreation. Small neighborhood parks and playgrounds should be located throughout the neighborhood, so all residents are closely located to a neighborhood park. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than in central locations.

Figure 3.F.1.G-2 - TDD Focal Points



Centrally located focal points and parks located throughout neighborhoods provide formal and informal gathering spaces for local residents.

- d. An interconnected network of streets, bike lanes, and sidewalks throughout the neighborhood, providing multiple routes for vehicle, bicycle, and pedestrian travel, diffusing traffic and shortening walking distances. Streets are designed for slower speeds to encourage pedestrian safety. Alleys and lanes provide vehicular access to garages and open spaces in the rear of buildings.

Figure 3.F.1.G-3 - TDD Interconnected Street Grid



An interconnected street grid disperses traffic throughout the neighborhood, removing the need for high-capacity thoroughfares, and allowing streets to be designed with narrower widths for slower speeds and greater pedestrian convenience and safety.

- e. A safe and attractive pedestrian environment enhanced by the design of buildings which provide windows and entrances to reduce the amount of blank walls. Sidewalks include pedestrian amenities such as shade trees and street furniture.
- 2. Commercial Districts**
- a. Public spaces, such as plazas and squares, integrated within commercial development providing places for people to gather or rest. Walkways provide pedestrian connections throughout the development. Lighting and landscaping accent public spaces and provide for security and shading.
 - b. Parking is provided on-street, behind buildings, and in shared parking lots. Parking lots in front of buildings, create barriers between pedestrians and storefronts.

Figure 3.F.1.G-4 TDD On-Street Parking



Parking is provided on-street and behind buildings. Parking lots in front of buildings, which create barriers to pedestrians and distract from an attractive streetscape, are not allowed.

- c. Buildings are human-scaled in design with a range of architectural features which create an attractive and varied streetscape. Building frontages are set near the sidewalk and building sizes are consistent, providing a sense of enclosure for the street. Architectural detailing and applied decoration enliven facades and add texture. Building entrances and windows are located along street frontages to break up blank walls and enhance the pedestrian environment.

H. Development Standards

All traditional developments are subject to the standards and requirements of Art. 3.F.3, TND, Art. 3.F.4, Traditional Market Development (TMD), and Art. 3.F.5, Traditional Town Development (TTD), in addition to the applicable standards of Art. 3.F, Traditional Development Districts (TDDs) applicable to all TDDs. All TDDs are further subject to the standards and requirements of Art. 3.E.1, General, and all other applicable standards.

I. Development Phasing

Phasing of TDD developments in the U/S Tier shall be limited to a maximum of four phases of up to three years each. The first phase of the project shall include a minimum of 25 percent of the total project, unless otherwise approved by the BCC.

(This space intentionally left blank.)

Table 3.F.1.I-32 - Traditional Development Permitted Use Schedule

| District Tier ² Land Use Zone ³ | TND ¹ | | | | | | TMD ¹ | | | | NOTES |
|---|------------------|-----|--------|----------|-----|--------|------------------|----------|------|----------|-------|
| | U/S | | | Ex/Rural | | | U/S | Ex/Rural | AGR | | |
| | Res | N/C | OS/Rec | Res | N/C | OS/Rec | | | Dev. | Preserve | |
| Residential Uses | | | | | | | | | | | |
| Single family | P | | | P | | | | | | | 122 |
| Zero lot line | P | | | - | | | | | | | 142 |
| Town house | P | | | R | | | P | | | | 132 |
| Multi-family | P | | | P | | | P | P | P | | 87 |
| Accessory dwelling | P | | | P | | | | | | | 1 |
| Congregate living facility, Type 1 | P | | | P | | | P | P | P | | 34 |
| Congregate living facility, Type 2 | P | D | | R | | | P | R | R | | 34 |
| Congregate living facility, Type 3 | R | R | | R | R | | R | | | | 34 |
| Farm residence | | | | | | | | | | | 50 |
| Home occupation | P | | | P | | | P | P | P | | 70 |
| Security or caretaker quarters | P | | | R | | | | | | R | 119 |
| Agricultural Uses | | | | | | | | | | | |
| Agriculture, bona fide | | | | | | | | | | P | 3 |
| Agriculture sales and service | | | | | | | | | P | | 6 |
| Produce stand | | P | | | P | | S | S | S | S | 32 |
| Community vegetable garden | | | P | | | P | | | | P | 32 |
| Equestrian arena, private | | | | | | | | | | P | 47 |
| Groom's quarters | | | | | | | | | | S | 65 |
| Nursery, retail | | P | | | P | | P | P | P | | 88 |
| Nursery, wholesale | | | | | | | | | | S | 89 |
| Stable, commercial | | | | | | P | | | | D | 125 |
| Stable, private | P | | | P | | | | | | P | 126 |

Notes Table 3.F.1.I-32, Traditional Development Permitted Use Schedule:

P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

Table 3.F.1.I-32 - Traditional Development Permitted Use Schedule

| District | TND ¹ | | | | | | TMD ¹ | | | | NOTES |
|--|------------------|-----|--------|----------|-----|--------|------------------|----------|-----|----------|-------|
| | U/S | | | Ex/Rural | | | U/S | Ex/Rural | AGR | | |
| | Res | N/C | OS/Rec | Res | N/C | OS/Rec | | | Dev | Preserve | |
| Public and Civic Uses | | | | | | | | | | | |
| Assembly, nonprofit institutional | | P | | | P | | P | P | P | | 14 |
| Assembly, nonprofit membership | | P | | | P | | P | P | P | | 15 |
| Day care center, general | | P | | | P | | P | P | P | | 40 |
| Day care center, limited | | P | | | P | | P | P | P | | 40 |
| Government services | | P | | | P | | P | P | P | | 63 |
| Hospital or medical center | | | | | | | R | R | | | 71 |
| Church or place of worship | | R | | | R | | R | R | R | R | 29 |
| School, elementary or secondary | | R | | | R | | R | R | R | R | 118 |
| Recreation Uses | | | | | | | | | | | |
| Amusements, temporary or special event | | S | | | S | | S | S | S | | 12 |
| Entertainment, indoor | | R | | | R | | R | R | R | | 45 |
| Fitness center | | P | | | P | | P | P | P | | 56 |
| Park, passive | | | P | | | P | P | P | P | P | 93 |
| Park, public | | | P | | | P | P | P | P | P | 94 |

Notes Table 3.F.1.I-32, Traditional Development Permitted Use Schedule:

P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

Table 3.F.1.I-32 - Traditional Development Permitted Use Schedule

| District | TND ¹ | | | | | | | | | | |
|---|------------------|-----|--------|----------------------------|-----|--------|-----|----------|-----|----------|-------|
| | U/S | | | Ex/Rural Tier ² | | | U/S | Ex/Rural | AGR | | NOTES |
| Tier ² | Res | N/C | OS/Rec | Res | N/C | OS/Rec | Res | N/C | Dev | Preserve | |
| Land Use Zone ³ | | | | | | | | | | | |
| Commercial Uses | | | | | | | | | | | |
| Auction, enclosed | | | | | | | P | | | D | 16 |
| Automotive service station | | | | | | | R | D | D | | 18 |
| Bed and breakfast | S | | | S | | | S | S | S | | 20 |
| Convenience store | | P | | | P | | P | D | D | | 36 |
| Convenience store with gas sales | | | | | | | P | R | R | | 37 |
| Financial institution | | P | | | P | | P | P | P | | 55 |
| Flea market, enclosed | | | | | | | R | R | R | | 57 |
| Green market | | P | | | P | | P | P | P | | 64 |
| Kiosk | | P | | | P | | P | P | P | | 75 |
| Laundry services | | P | | | P | | P | P | P | | 78 |
| Lounge, cocktail | | | | | | | R | | | | 79 |
| Medical or dental office or clinic | | P | | | P | | P | P | P | | 83 |
| Medical or dental laboratory | | | | | | | P | P | P | | 79 |
| Office, business or professional | | P | | | P | | P | P | P | | 91 |
| Personal services | | P | | | P | | P | P | P | | 98 |

Notes Table 3.F.1.I-32, Traditional Development Permitted Use Schedule:

P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

Table 3.F.1.I-32 - Traditional Development Permitted Use Schedule

| District | TND ¹ | | | | | | | | | | NOTES |
|-------------------------------------|------------------|-----|--------|----------|-----|--------|-----|----------|-----|----------|-------|
| | U/S | | | Ex/Rural | | | U/S | Ex/Rural | AGR | | |
| | Res | N/C | OS/Rec | Res | N/C | OS/Rec | | | Dev | Preserve | |
| Land Use Zone ³ | | | | | | | | | | | |
| Commercial Uses Continued | | | | | | | | | | | |
| Printing and copying services | | P | | | | | P | P | P | | 100 |
| Repair services, limited | | P | | | P | | P | P | P | | 108 |
| Restaurant, fast food | | | | | | | D | D | D | | 109 |
| Restaurant, high turnover, sit down | | | | | | | D | D | D | | 110 |
| Restaurant, quality | | P | | | P | | P | P | P | | 111 |
| Restaurant, specialty | | P | | | P | | P | P | P | | 112 |
| Retail sales, general | P | P | | | P | | P | P | P | | 114 |
| Retail sales, mobile or temporary | | S | | | S | | S | S | S | | 115 |
| Theater, indoor | | | | | | | P | P | P | | 129 |
| Veterinary clinic | | P | | | P | | P | P | P | | 136 |
| Work/Live Space | | | | | | | P | R | P | | 141 |

Notes Table 3.F.1.I-32, Traditional Development Permitted Use Schedule:
P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

Table 3.F.1.I-32 - Traditional Development Permitted Use Schedule

| District Tier ² Land Use Zone ³ | TND ¹ | | | | | | TMD ¹ | | | | NOTES |
|---|------------------|-----|--------|----------|-----|--------|------------------|----------|-----|----------|-------|
| | U/S | | | Ex/Rural | | | U/S | Ex/Rural | AGR | | |
| | Res | N/C | OS/Rec | Res | N/C | OS/Rec | | | | Preserve | |
| Utilities & Excavation | | | | | | | | | | | |
| Communication panel, antennas, commercial | S | | | | | | D | D | D | | 31 |
| Communication tower, commercial | | | | | | | D | D | D | | 31 |
| Communication cell sites on wheels (COW) | | | | | | | | | | | 33 |
| Recycling collection station | | | | | | | S | S | S | | 106 |
| Recycling drop-off bin | P | P | | P | P | | P | P | P | | 104 |
| Utility, minor | P | P | P | P | P | P | P | P | P | P | 134 |
| Type II Excavation | P | | | P | | | P | P | P | | 49 |

Notes Table 3.F.1.I-32, Traditional Development Permitted Use Schedule:

P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

1. These use regulations also apply to land use zones within a TTD
2. U/S – U/S; Ex-Exurban; AGR
3. Res – Residential; NC – Neighborhood Center, OS/Rec – Open Space/Recreation.

Section 2 General Standards

A. Applicability

The following standards shall apply to all TDDs:

1. Streets, Sidewalks, and Alleys

The circulation system within a traditional development shall allow for different modes of travel within the TDD and between adjacent uses, based upon a hierarchy of transportation methods. The street and sidewalk network shall be designed around a series of blocks which provide visual and functional links within and between residential, commercial, office, civic, and open space areas, and shall be connected to existing and proposed external development.

a. Definition

For the purposes of the Section, the term streets shall include private access ways and driveways.

b. Block Structure

To ensure compact, contiguous development and to facilitate connectivity and pedestrian accessibility, the layout of streets and alleys shall conform to the following standards.

1) Minimum Length of a Block

160 feet

2) Maximum Length of a Block

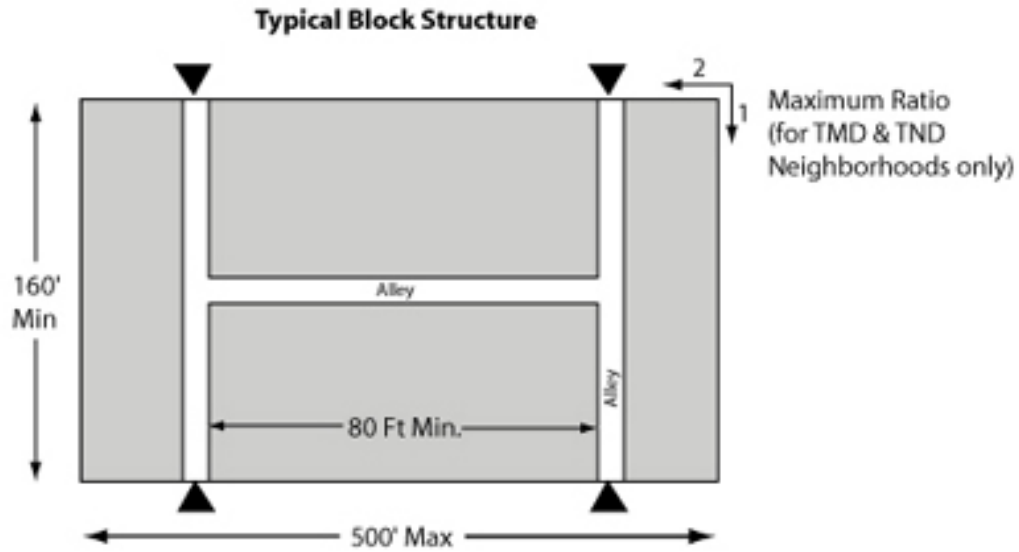
a) Single family Residential

660 feet. Up to 750 feet with pedestrian pass-thru.

b) All Others

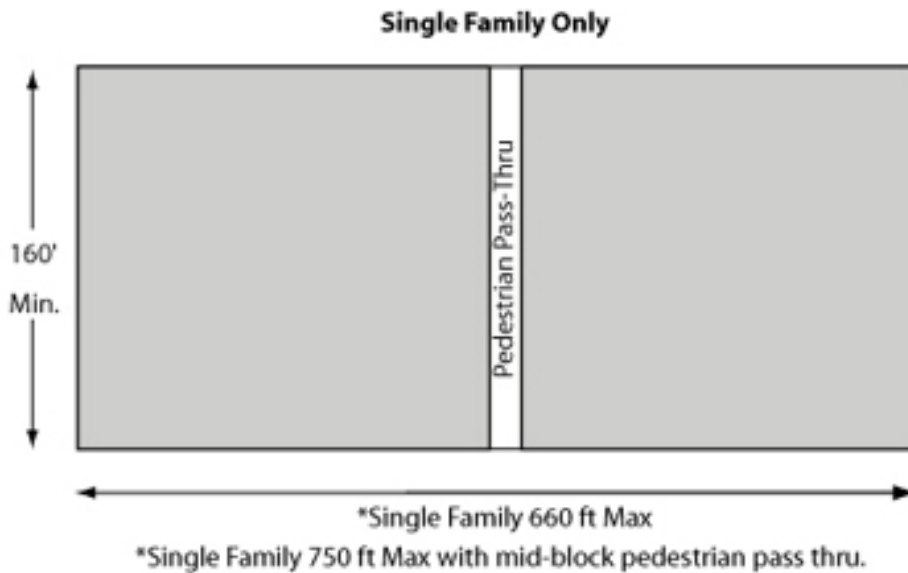
500 feet.

Figure 3.F.2.A-5 TDD Block Structure



*Max 4 alley cuts, 2 per side

*Max Ratio of Block length to width 2:1



3) Maximum Number of Alley Curb Cuts

Four per block and two per side.

4) Minimum Spacing Between Alley Curb Cuts

80 feet.

c. Streets

1) Street Design

Public streets shall conform to the standards in Table 3.F.2.A.-33, TDD Street Design Standards by Tier.

Table 3.F.2.A-33 – TTD Street Design Standards by Tier

| Type of Street | Street R-O-W Width | Travel Lanes | | Gutter | Parking Lane (1) | Bicycle Lane | Utility Corridor | Sidewalk Pathway | Private Utility Easement (2) |
|--|--------------------|--------------|--------|----------------------------------|--------------------|--------------------|------------------|-------------------------------|------------------------------|
| | | Number | Width | | | | | | |
| Exurban/Rural/Agricultural Reserve Tier | | | | | | | | | |
| Collector: without on-street parking | 64 ft. | 2 | 11 ft. | 2 ft. | No | 5 ft. (both sides) | 24 ft. | 6 ft. | 10 ft. |
| Collector: with on-street parking | 74 ft. | 2 | 11 ft. | 2 ft. | 8 ft. (both sides) | 5 ft. (both sides) | 27 ft. | 6 ft. | 10 ft. |
| Commercial Street | 42 ft. | 2 | 11 ft. | 2 ft. | 8 ft. (both sides) | No | 27 ft. | 15 ft. | No |
| Local Residential Street | 62-66 ft. | 2 | 10 ft. | 2 ft. | 8 ft. | No | 25 ft. | 5 ft. (multi-purpose pathway) | 10 ft. |
| Exurban/Rural/Agricultural Reserve Tier | | | | | | | | | |
| Plan Roadway Collector | 104 ft. | 2 | 11 ft. | 4 ft. shoulder. No Curb & Gutter | No | No | 27 ft. | 8 ft. (multi-purpose pathway) | 10 ft. |
| Non-Plan Roadway Collector | 100 ft. | 2 | 11 ft. | 2 ft. shoulder. No Curb & Gutter | No | No | 27 ft. | 8 ft. (multi-purpose pathway) | 10 ft. |

Notes for Table 3.F.2.A-33, TDD Street Design Standards by Tier:

1. Parking lane dimensions include the curb and gutter dimensions.
2. Easements may be collocated with alleys.

Figure 3.F.2.A-6 - TDD Commercial Street

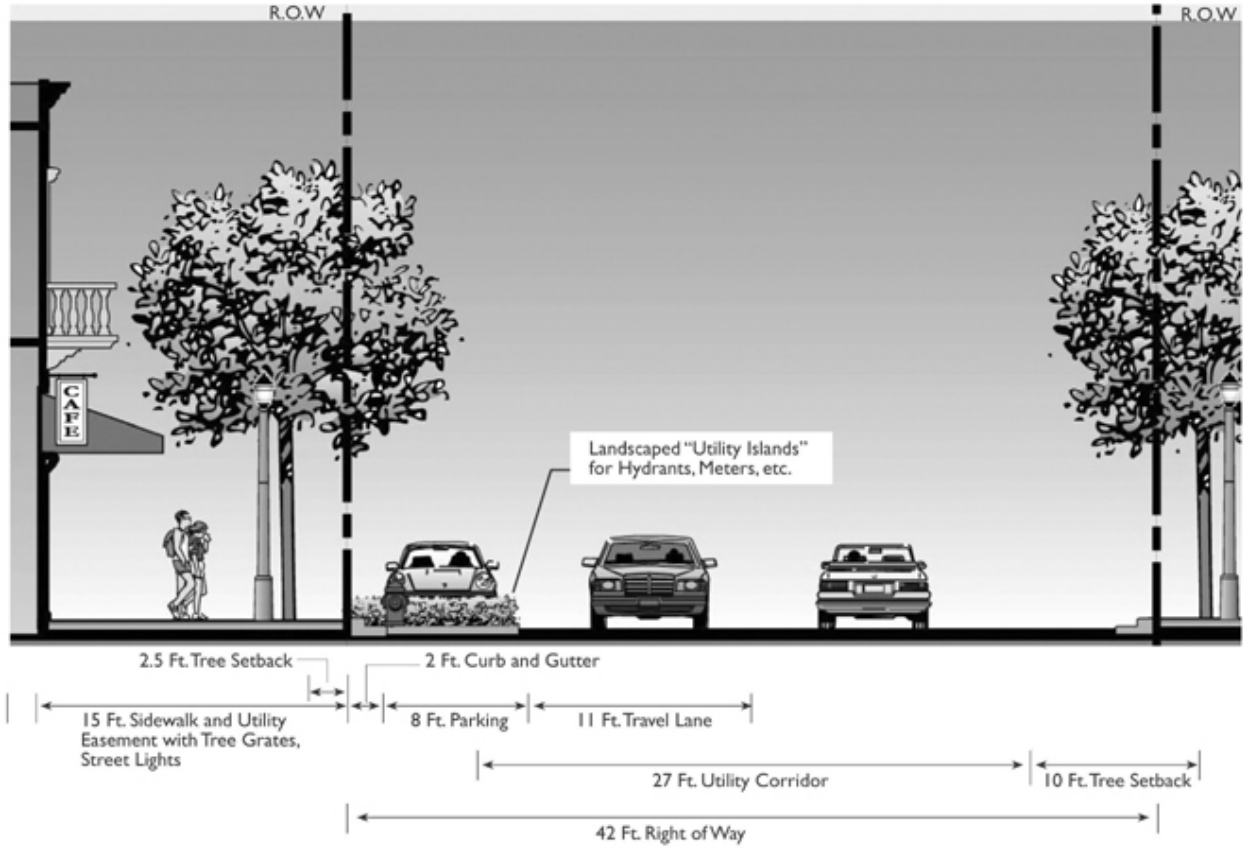


Figure 3.F.2.A-7 - TDD U/S (Local Residential Street)

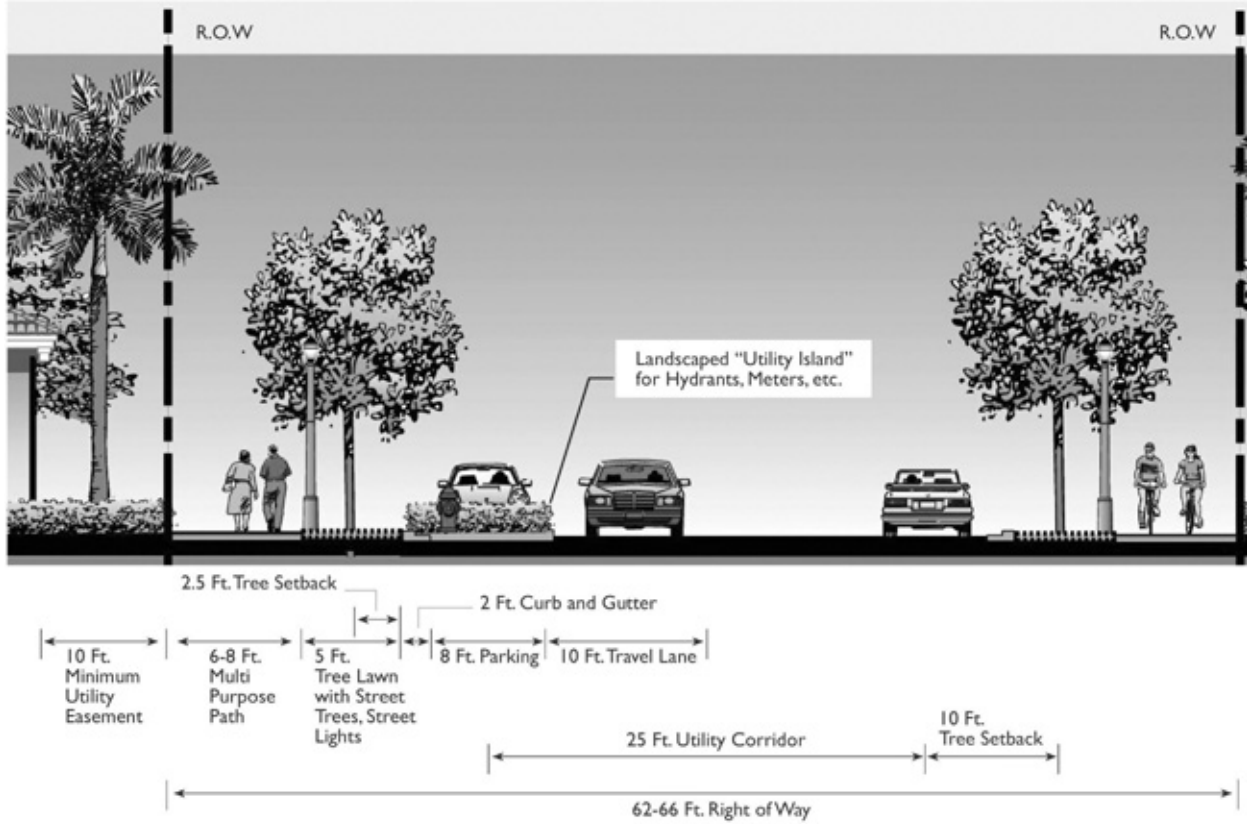


Figure 3.F.2.A-8 - TDD U/S (Collector: With On-Street Parking)

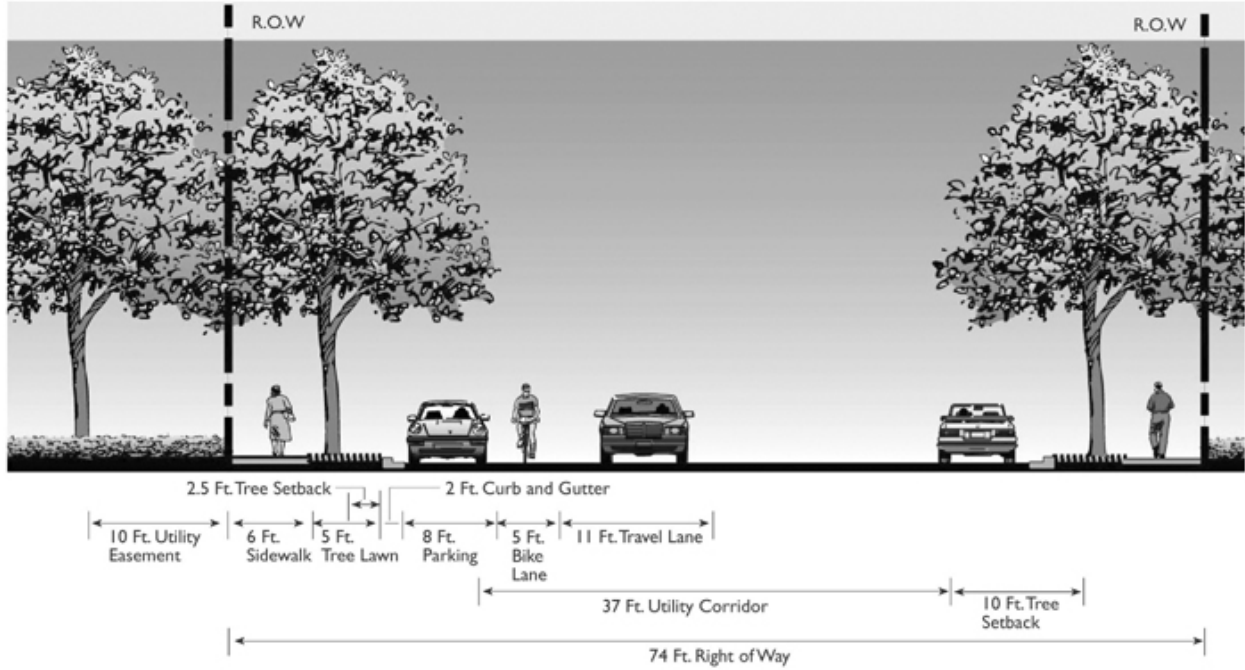


Figure 3.F.2.A-9 - TDD U/S (Collector: Without On-Street Parking)

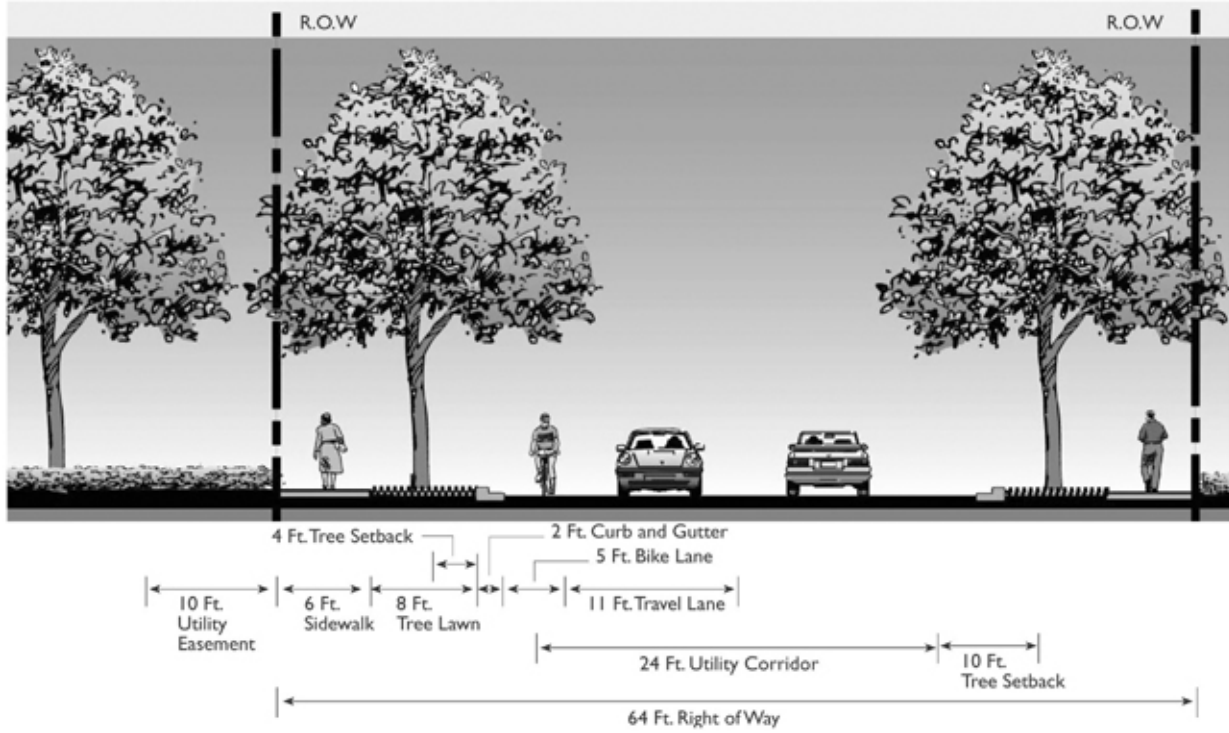


Figure 3.F.2.A-10 TDD Exurban/Rural/AGR (Non-Plan Roadway - Collector)

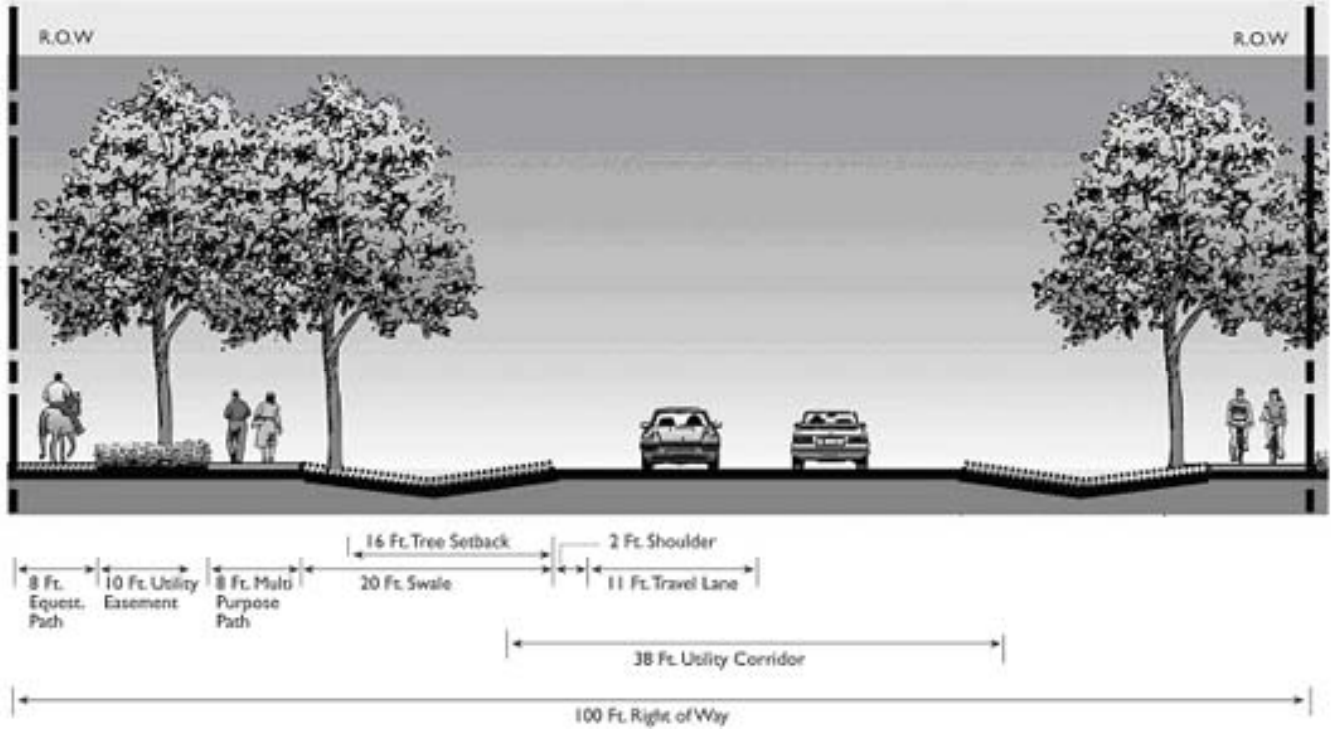
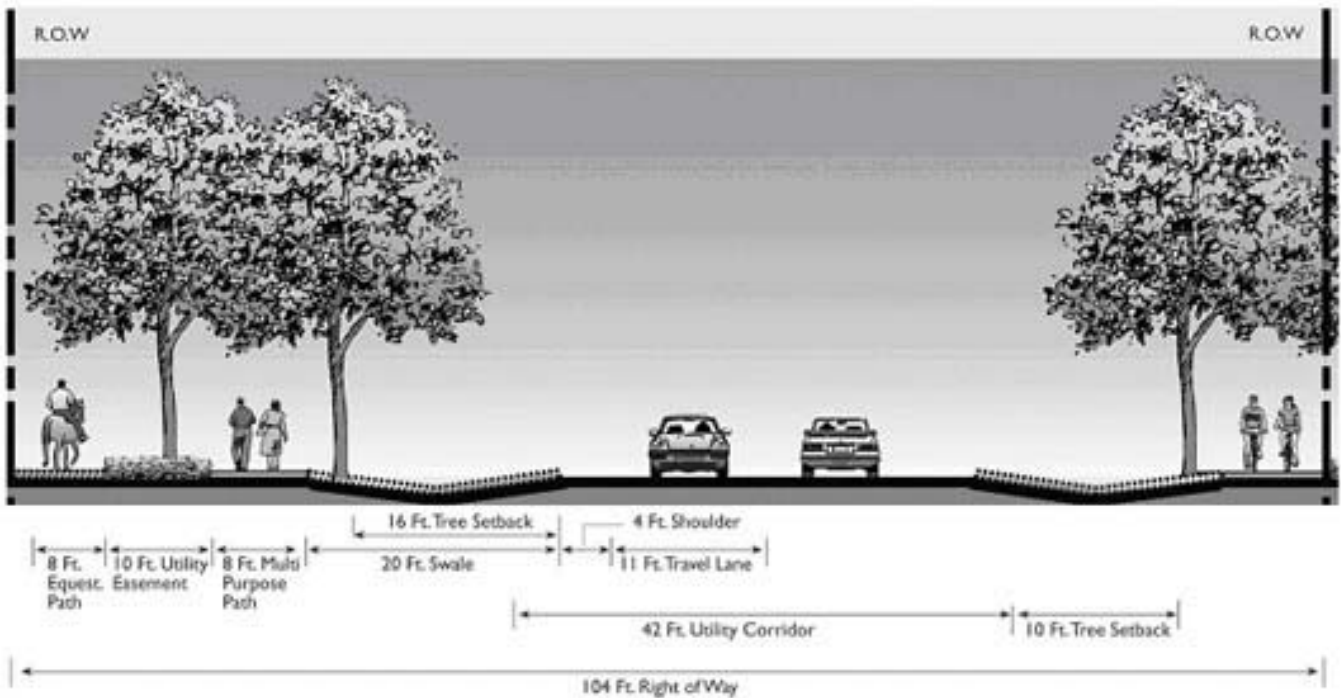


Figure 3.F.2.A-11 - TDD Exurban/Rural/AGR (Plan Roadway - Collector)



2) Connectivity

All street and alleys shall connect to other streets and alleys to form a continuous vehicular and pedestrian network within the district and to adjacent development. The use of gates or other preventative barriers shall not be permitted on collector streets.

a) Dead-End Streets

No more than 20 percent of all streets may be dead-end streets, such as cul-de-sacs, T-turnarounds, and closes. The maximum length for dead-end streets shall be 660 feet and up to 750 feet, with a mid-block pedestrian pass-thru. The maximum length for dead-end streets shall be:

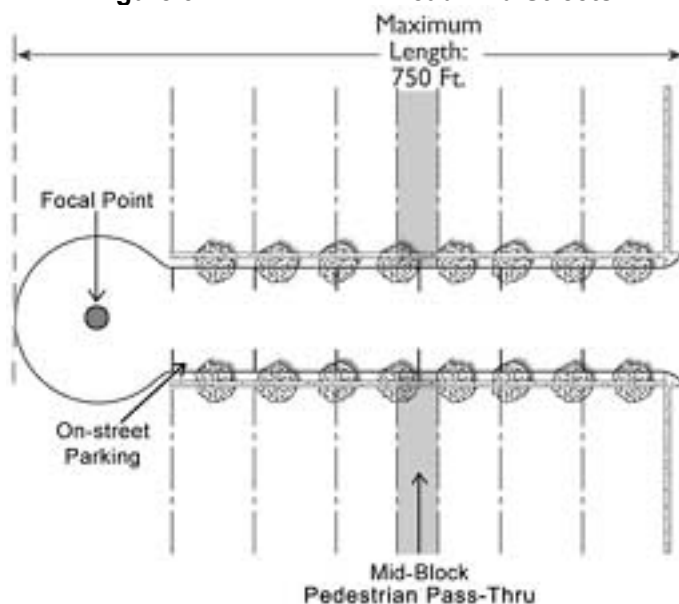
(1) Single Family Residential

660 feet. Up to 750 feet with a mid-block pedestrian pass-thru.

(2) All Others

500 feet.

Figure 3.F.2.A - 12 TDD Dead-End Streets



d. Sidewalks and Pathways

Sidewalks and/or pedestrian pathways shall connect to one another to form a continuous pedestrian network within the TDD and between all adjacent uses to a TDD. Unless otherwise indicated, sidewalks shall be provided along both sides of the street and shall conform to the standards in Table 3.F.2.A-34, Sidewalk, Pathway Design Standards.

1) Master Pedestrian Circulation Plan

A Master Pedestrian Circulation Plan, prepared in accordance with the requirements of Art. 11.E.2, Access and Circulation Systems shall be submitted with the Regulating Plan.

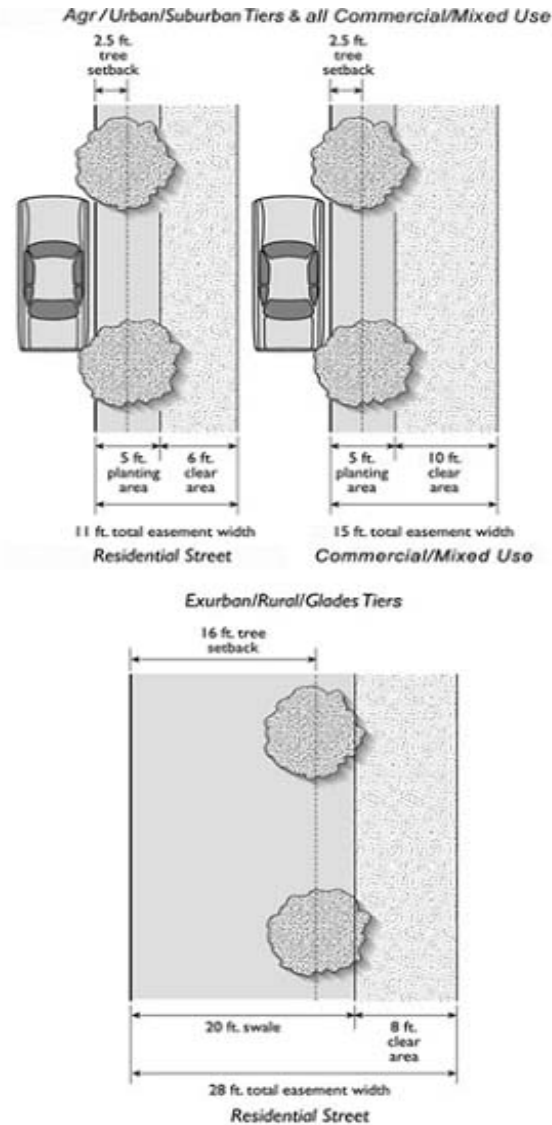
2) Accessibility

Sidewalks at street intersections and pedestrian crossings shall be grade accessible, with the use of curbcuts and/or ramps.

Table 3.F.2.A-34: Sidewalk/Pathway Design Standards

| | Minimum Clear Area for Pedestrian Travel | Minimum Planting Area (including lighting fixtures and furniture) or Swale | Minimum Required Tree Setback from Curb or Edge of Roadway | Minimum Total Easement Width |
|-------------------------------------|--|--|--|------------------------------|
| AGR and Urban/Suburban Tiers | | | | |
| Residential Street | 6 ft. | 5 ft. | 2.5 ft. | 11 ft. |
| Commercial Mixed -Use | 10 ft. | 5 ft. | 2.5 ft. | 15 ft. |
| Exurban/Rural Tiers | | | | |
| Residential Street | 8 ft. | 20 ft. | 16 ft. | 28 ft. |
| Commercial Mixed-Use | 10 ft. | 5 ft. | 2.5 ft. | 15 ft. |

Figure 3.F.2.A-13 – TDD - Sidewalk/Pathway Design Standards



e. Alleys

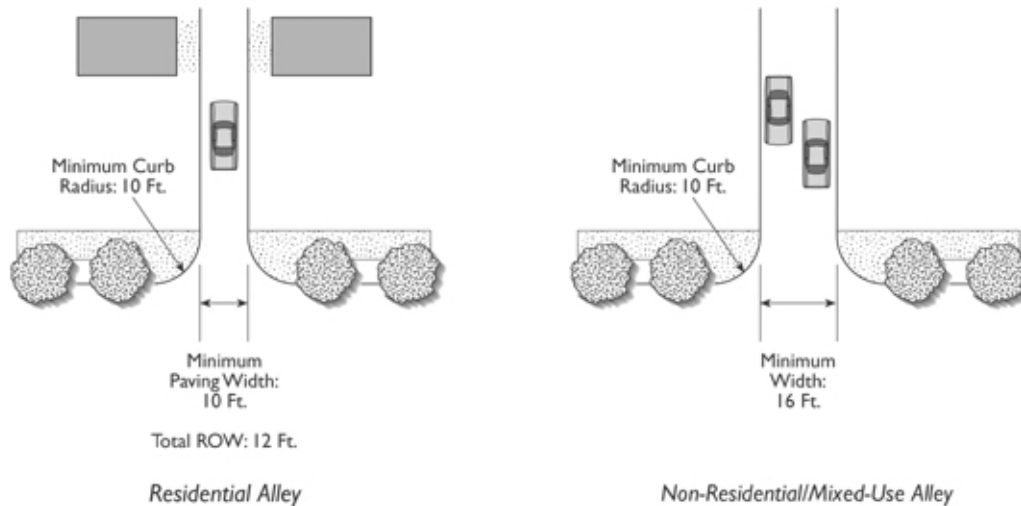
A minimum of one alley shall be required in all blocks, except blocks of single family and ZLL residential uses. Alleys shall conform to the standards in Art. 11, Subdivision, Platting and Required Improvements, and the following:

- 1) Alleys shall conform to the design standards in Table 3.F.2.A-35, TDD Alley Design Standards. Alleys providing access to residential buildings shall be built to residential alley standards. Alleys providing access to commercial or office buildings shall be built to commercial alley standards. Where an alley provides access to a block with both residential and commercial uses, the alley shall be built to the commercial alley standards.

Table 3.F.2.A-35 – TDD Alley Design Standards

| Alley Type | Minimum R-O-W | Minimum Paving Width | Min. Curb Radius |
|------------|---------------|----------------------|------------------|
| One-way | 12 ft. | 10 ft. | 10 ft. |
| Two-way | 16 ft. | 16 ft. | 10 ft. |

Figure 3.F.2.A-14 – TDD Alley Design Standards



f. Utilities and Lighting

1) Utilities

Public utilities and lighting shall be installed in accordance with the standards of Art.11.E.7, Utilities.

2) Lighting

a) Street Lighting

Street lighting shall be provided along all streets and alleys, subject to Art. 5.E.3.E, Outdoor Lighting, and the standards in Table 3.F.2.A-36, TDD Street Lighting Standards. A minimum of one light fixture shall be located at every crosswalk.

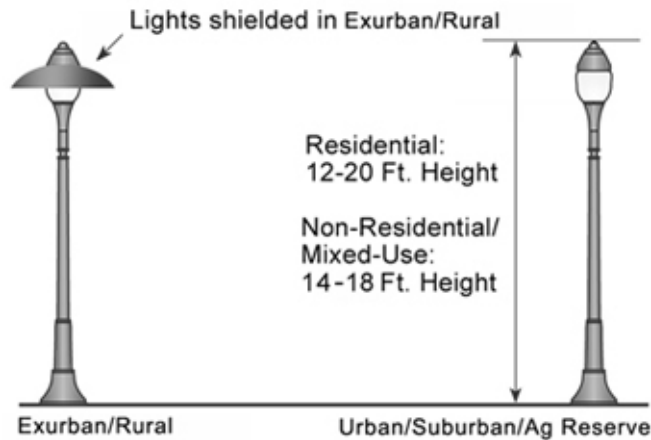
(1) Exurban-Rural Tiers

- (a) Lights are optional for residential streets.
- (b) All lights must be fully shielded.

Table 3.F.2.A-36 – TDD Street Lighting Standards

| Street Light Fixture Height | Residential | Non-residential Mixed-Use |
|-----------------------------|-------------|---------------------------|
| Maximum | 20 ft. | 18 ft. |
| Minimum | 12 ft. | 14 ft. |

Figure 3.F.2.A-15 – TDD Street Lighting Standards



b) Parking Lot Lighting

All parking lot lighting shall be fully shielded. All lighting fixtures shall be a maximum of 35 feet in height.

2. Parking and Access

a. Number of Spaces

Parking shall be provided as follows. On-street spaces may be used to meet these parking requirements.

1) Residential

Parking shall be provided in accordance with Art. 6, Parking.

2) Non-residential

a) Minimum Number of Parking Spaces

One parking space per 400 square feet of GFA.

b) Maximum Number of Parking Spaces (Exurban, Rural, and AGR Tiers)

One space per 250 square feet of GFA.

b. Reduction in Requirement

The number of required spaces may be reduced by either of the following methods:

1) The shared parking requirements of Art. 6, Parking; or

2) A parking demand study prepared by a traffic engineer licensed by the State of Florida demonstrating that the parking demand for the project will be less than the requirements of this Section.

c. Location

Off-street parking is prohibited in required front or side street setbacks. No parking space shall be located further than 750 feet from a building entrance.

d. Parking Structures

1) U/S Tier

Structured parking is required for any spaces in excess of one space per 250 gross square feet of non-residential floor area.

2) Exurban, Rural, and AGR Agricultural Reserve Tiers

Structured parking is prohibited.

e. Minimum Pervious Surface

1) U/S Tier

20 percent of the project site.

2) Exurban, Rural, and AGR Agricultural Reserve Tiers

30 percent of the project site.

f. Bicycle Parking

One parking area shall be provided for every five units in multi-family housing and for every 20 vehicle parking spaces serving non-residential uses. Bicycle parking spaces shall be indicated on the site plan in visible, well-illuminated areas. For each bicycle parking space required, a

stationary object shall be provided to which a user can secure the bicycle. The stationary object may either be a freestanding bicycle rack or a DRO approved alternative.

3. Landscaping and Buffering

In addition to the requirements in Art. 7, Landscaping, the following standards apply:

a. Buffer Around Districts

No buffers are required where one TDD abuts another TDD.

b. Compatibility and Incompatibility Buffers

Buffers are not required within TDDs, except that a solid six-foot high wall or five-foot wide landscape planting area providing a visual screen at least six feet in height is required along an interior property line where a non-residential use abuts a residential use. The height of the wall or landscape screen shall not exceed three feet within required front setback areas.

c. Off-street Parking Areas

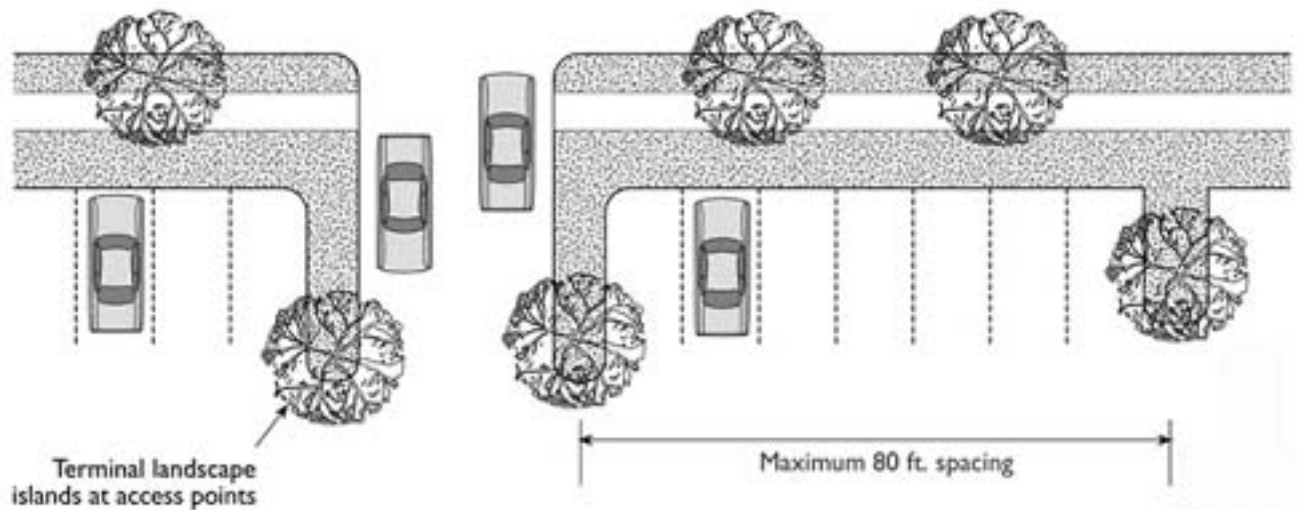
1) Trees

One canopy tree shall be planted for every eight parking spaces. In a neighborhood center, one canopy tree shall be planted for every six parking spaces. Trees shall not be spaced more than 80 feet apart.

2) Terminal Islands

Terminal landscape islands, subject to the requirements of Art. 7.G, Off-Street Parking Requirements. Terminal and interior landscape islands shall be provided on both sides of all vehicular access points.

Figure 3.F.2.A-16 – TDD Off-Street Parking Landscaping Standards



d. Street Trees

Street trees shall be provided along all sidewalks, subject to the following standards:

1) Number

One canopy tree shall be planted for every 30 lineal feet of street frontage. Palm trees may be substituted for a canopy tree on a 1:1 basis along a frontage with a covered walkway.

2) Minimum Height

14 feet.

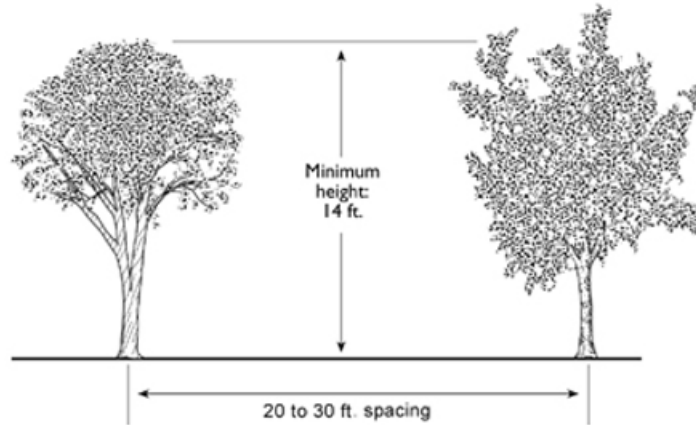
3) Minimum Diameter

2.5 inches, measured 4.5 feet above grade.

4) Spacing

Trees shall be spaced between 20 to 30 feet on center.

Figure 3.F.2.A-17 – TDD Street Tree Standards



4. Fencing and Walls

Fences and walls shall be subject to the standards of Art. 5.B.1.A.2, Fences and Walls. Fences shall be made of wood, wrought iron, reinforced concrete with stucco, brick, vinyl-covered chain link, plastic composite or a combination of these materials. Fences in the Exurban, Rural, and AGR tiers shall be made of wood or other materials consistent with the rural design standards that demonstrate a vernacular or rural character.

5. Signage

In addition to the regulations in Art. 8, Signage, the following sign regulations apply:

a. Building-Mounted Signs

Building-mounted signs, including wall signs, awning and canopy signs, and projecting signs are allowed, subject to the standards of Art. 8, Signage, and the following additional requirements:

1) Maximum Size

0.75 square foot for every linear foot of tenant frontage is permitted, up to a maximum of 64 square feet.

2) Maximum Height

15 feet high. Signs fronting on an arterial or collector street are not subject to this height limit.

3) Maximum Projection

30 inches from any building face.

b. Freestanding Signs

Unless otherwise provided herein, all freestanding signs shall be prohibited.

1) Exceptions

Temporary freestanding A-type frame signs are allowed in arcades and covered walkways.

c. Entrance Wall Signs

Entrance wall signs are permitted for the purpose of identification, subject to the standards in Art. 8, Signage. Sign copy and graphics shall identify only the name of the development and the address.

Section 3 Traditional Neighborhood Development (TND)

A. Specific Purposes

The purpose of the TND district is to:

1. Establish a specific neighborhood identity and focus with a pedestrian-oriented design consistent with the tier in which the development is located;
2. Provide a range of residential, commercial, civic, and open space land uses in close proximity to one another within the neighborhood;
3. Encourage walking and bicycling to reduce the need for local automobile trips;
4. Offer a range of housing opportunities;
5. Preserve natural features and scenic areas; and
6. Provide a safe and efficient circulation system for pedestrians, non-motorized vehicles, and automobiles, and emphasize connectivity within and to adjacent uses.

B. Uses

Uses allowed in a TND district are listed in Table 3.F.1.I-32, Traditional Development Permitted Use Schedule.

C. Minimum Size

A TND must contain a minimum of 40 contiguous acres. Within the U/S Tier, the minimum size may be reduced to 25 acres for infill projects that are adjacent to existing residential, civic, or commercial development on at least two sides.

D. General Standards

The following standards apply to all TND development:

1. Neighborhoods

The basic component of a TND is the neighborhood, organized in blocks around a neighborhood center. Each neighborhood within a TND shall not exceed 80 acres. No TND shall include more than four neighborhoods unless the TND is included within a TTD Refer to Art. 3.F.2, TTD.

2. Land Use Mix

TNDs shall provide residential, recreational, civic, and neighborhood commercial land uses, as provided in Table 3.F.3.D-37, TND Land Use. A TND developed as part of a TTD is subject to the minimum land use allocations provided in Table 3.F.3.D-40, Traditional Town Development Land Use Allocations.

Table 3.F.3.D-37 – TND Land Use

| Land Use Mixes | Percent of Total Gross Area | |
|------------------------|-----------------------------|---------|
| | Minimum | Maximum |
| Residential | | |
| Single Family | 25 | 70 |
| Zero Lot Line (ZLL) | - | 50 |
| Multi-Family/Townhouse | 20 | 50 |
| Neighborhood Centers | 2 | 10 |
| Civic ¹ | 2 | 25 |
| Open Space/ Recreation | 5 | - |

Notes for Table 3.F.3.D-37, TND Land Use:

1. Civic uses may be collocated with the Neighborhood Centers.
2. Not required in the Rural and Exurban Tiers unless mandated by a sector plan pursuant to the provisions of the Plan.

3. Connections

All uses in a TND shall be connected by sidewalks or pedestrian paths, bicycle paths or bicycle lanes, and vehicular streets. A minimum of 80 percent of all streets shall connect at both ends to other streets at an intersection. All paths or trails, including bicycle paths or lanes, shall interconnect to form a continuous network throughout the TND and to paths or trails linked adjacent neighborhoods. Vehicular gates are prohibited on all streets, except alleys serving residential uses. Vehicular gates are not allowed on alleys serving commercial uses.

4. Minimum Development Threshold

Any TND or single project of TNDs with more than 320 acres shall be developed as a TTD.

E. Land Use Zones

1. Neighborhood Center

A Neighborhood Center is intended to accommodate neighborhood-oriented retail and commercial services. It may include professional offices, community facilities, and civic uses to serve the population of the TND and adjacent neighborhoods.

a. General Standards

1) Location

Each Neighborhood Center shall be centrally located in its neighborhood and shall be adjacent to a minimum of one side of a neighborhood square. A non-central location is permitted on an infill site, provided it is within 1320 linear feet of 100 percent of the units in the TND and also can serve the local shopping needs of an adjacent neighborhood.

2) Maximum and Minimum Site Area

Each individual Neighborhood Center shall be a minimum 0.5 acre and a maximum of 2.5 acres in size.

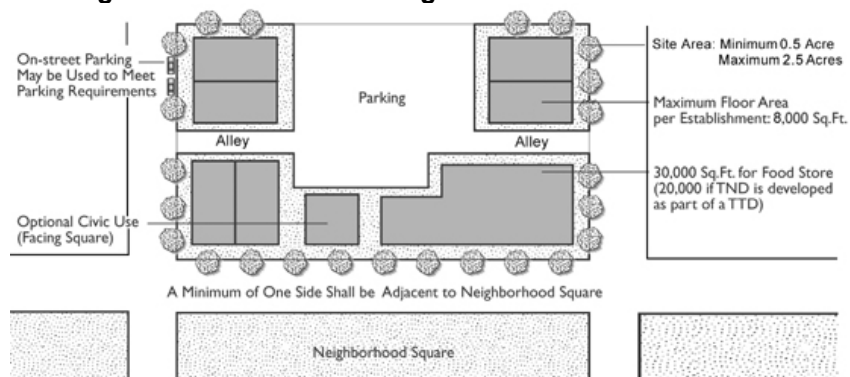
- 3) **Parking**
Parking shall be provided in accordance with Art. 3.F.2.A.2, Parking and Access.
 - 4) **Maximum Floor Area Ratio (FAR)**
1.0.
 - 5) **Maximum building coverage**
50 percent.
 - 6) **Maximum Total Floor Area**
40,000 square feet of GFA.
- b. Building Standards**
- 1) **Maximum Floor Area per Tenant**
8,000 square feet.
 - a) **Exception**
Up to 30,000 square feet is allowed for a food store. If a TND is developed as part of a TTD, the maximum allowed for a food store in a Neighborhood Center shall be 20,000 square feet.
 - 2) **Setbacks**
Minimum and maximum building setbacks shall conform to the standards in Table 3.F.3.E-38, TND Non-Residential Setback Regulations.

Table 3.F.3.E-38 – TND Non-Residential Setback Regulations

| Regulation | Neighborhood Center and Civic | Open Space/Recreation |
|---------------|---|-----------------------|
| Front Setback | 0 ft. min. 10 ft. max. | 20 ft. |
| Side Setback | 0 ft. for attached buildings 5 ft. min. for detached buildings 10 ft. adjacent to residential | 20 ft. |
| Rear Setback | 10 ft. min. | 20 ft. |

- c. **Maximum Building Height**
45 feet – U/S Tier, 25 feet – Rural/Exurban Tiers.
- d. **Building Orientation**
Buildings shall front a street. All principal buildings shall have their entrance facing the street or an intersection.
- e. **Build-to Lines**
A minimum of 50 percent of a commercial building shall have a zero setback. The remaining 50 percent may be set back a maximum of ten feet.
- f. **Covered Walkways**
A minimum of 50 percent of all first floor building frontages shall be constructed as storefronts and be adjacent to a covered sidewalk, with features such as awnings, colonnades, or arcades. Colonnades and arcades shall be a minimum of ten feet in width, including any support column intrusions. All covered walkways shall have a minimum interior height clearance of 12 feet from ground to ceiling.

Figure 3.F.3.E-18 – TND Neighborhood Center Standards



2. Civic

The civic designation is intended to accommodate publicly and privately owned institutional land uses intended to serve the neighborhood.

a. Location

Civic parcels used for community buildings shall be located adjacent to a neighborhood square or park, or on a lot terminating a street vista.

b. Public Land Dedication

Based on the proportional impacts of development on the demand for public services and facilities, a portion of a TND may be required to be conveyed or voluntarily committed in simple fee title to the PBC for civic purposes. These conveyances shall be in a form approved by the County Attorney or in the form of a development agreement.

3. Open Space/Recreation

Areas designated for open space/recreation include neighborhood parks, neighborhood squares, and active or passive recreation uses.

4. Neighborhood Square

a. Each neighborhood within a TND shall include a centrally located neighborhood square or "commons." The square and abutting neighborhood commercial and civic uses should serve as a focal point for the surrounding residential neighborhoods.

1) Size

The square shall have a minimum lot size of 20,000 to 140,000 square feet, see Figure 3.F.3.E-19, TND Neighborhood Park and Square.

2) Street Access

A minimum of 75 percent of a square perimeter shall abut a street.

3) Minimum Pervious Area

The minimum required area of a neighborhood park that must be pervious surface is:

a) U/S Tier

25 percent.

b) Exurban and Rural Tiers

50 percent.

b. Neighborhood Parks

1) Minimum Area

A minimum of 25 percent of the open space/recreation area required by Table 3.F.3.D-37, TND Land Use, must be common open space or park accessible to the public. Each neighborhood park shall have a minimum area of 20,000 square feet.

2) Location

Neighborhood parks shall be located within each neighborhood of a TND and shall be distributed so that 100 percent of all dwelling units are located within 1320 linear feet from a park or other recreation area.

3) Minimum Pervious Area

The minimum required area of a neighborhood park that must be pervious surface is:

a) U/S Tier

50 percent.

b) Exurban and Rural Tiers

66 percent.

4) Pedestrian Access

A minimum of 50 percent of a neighborhood park perimeter shall abut a street.

5) Active Recreation Areas

Common active recreation uses, such as playing fields and swimming pools, shall be buffered by a perimeter landscape area that complies with the compatibility buffers in Art. 7, Landscaping. The neighborhood square shall be exempt from this requirement.

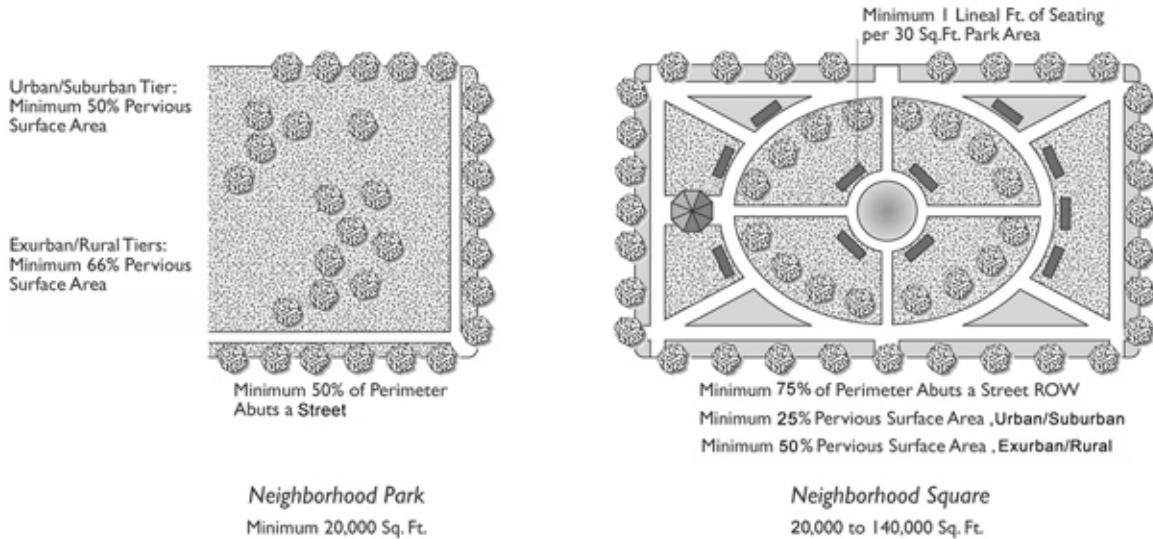
a) Active Recreation Areas in Residential Buildings

Penthouse and rooftop active and passive recreation shall not be counted towards the minimum open space/recreation area requirement.

6) Required Amenities

Neighborhood squares shall include street furniture for outdoor seating and other amenities such as gazebos, fountains, statuary, flag poles, kiosks, and benches. At least one lineal foot of seating area shall be provided for each 30 square feet of park area. Seating area may include wooden benches, seating walls, and retaining walls where the seating area is between 16 inches and 30 inches above grade.

Figure 3.F.3.E-19 TND Neighborhood Park and Square



5. Residential Uses

a. Lot Size and Setbacks

Minimum and maximum lot sizes and building setbacks shall conform to the standards in Table 3.F.3.E-39, TND Residential Lot Size and Setback Regulations.

b. Maximum Building Height

35 feet.

1) U/S Tier

One foot of additional height may be allowed for multi-family residential buildings for each additional foot of front and side setback, or upper story setback, provided beyond the minimum required setback, up to a total building height of 45 feet.

c. Building Orientation

Residential buildings shall front a street, neighborhood square, or neighborhood park and be directly accessible from a street.

d. Accessory Buildings

Accessory buildings shall not exceed 25 feet in height and may be used as a garage or accessory dwelling.

1) Calculation of Density

Accessory dwellings are not considered "dwelling units" for the purposes of calculating the maximum allowable density in a TND.

2) Maximum Number

Up to one accessory dwelling unit per principal dwelling unit is permitted.

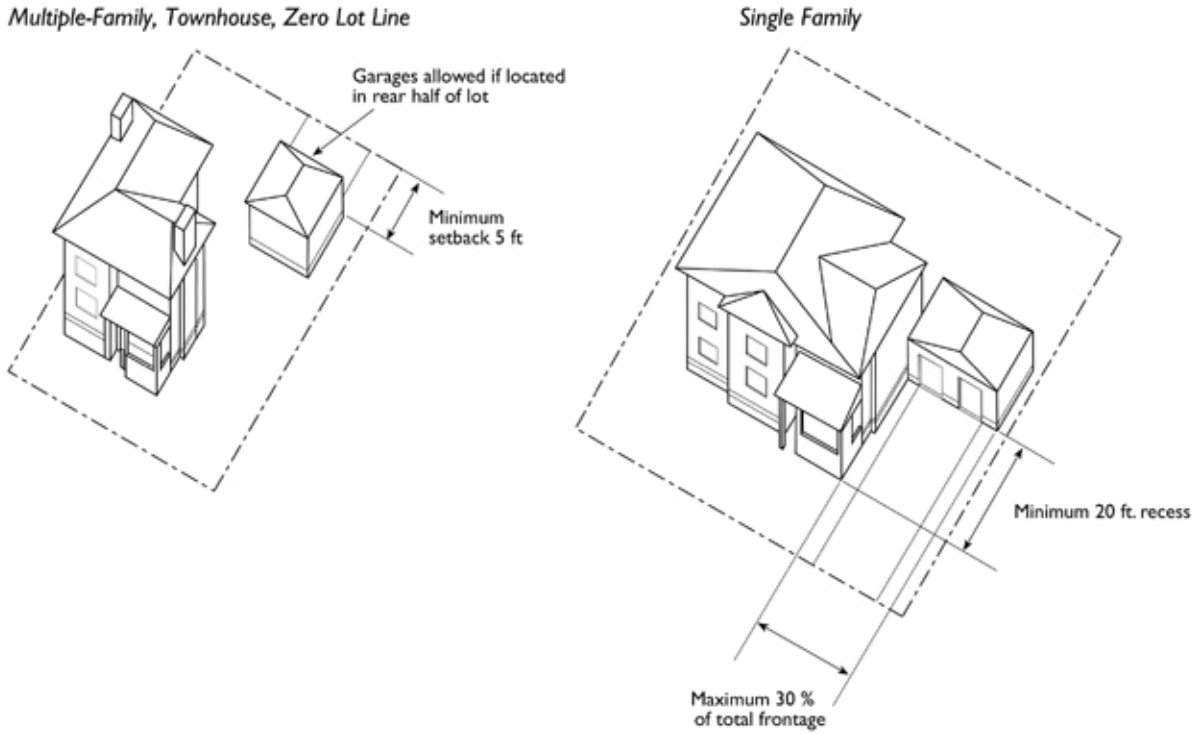
3) Required Parking

One additional parking space per accessory dwelling is required.

e. Garages

Garages are permitted in the rear half of the lot only. Garages accessible from an alley shall be setback a minimum of five feet from the rear property lot line.

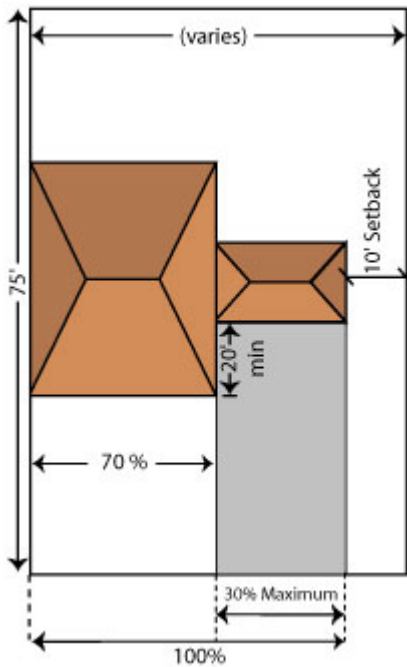
Figure 3.F.3.E-20 – TND Garages



1) Exception for Single family or ZLL

Garages may be attached to a single family house or ZLL if recessed a minimum of 20 feet from the front facade of the house. Attached garages shall occupy a maximum of 30 percent of the total frontage of the house, as determined by the total length between the two main exterior walls nearest to the interior property lines, including the garage but excluding any attached structures, such as a porch, deck or patio.

Figure 3.F.3.E-20.1 – ZLL Garages



f. Main Entrances

All residential structures shall have their main entrance fronting a street or an intersection. Corner entries at street intersections are preferred for multi-family structures.

g. Porches

All single family and ZLL dwellings shall have a front porch, raised a minimum of 18 inches from the finished grade.

1) Size

Porches shall have a minimum depth of six feet and a minimum width of 12 feet.

2) Enclosure

Porches shall comply with the definition of TND, porch in Art. 3.F.1.B.2, Definitions.

h. Balconies and Patios

A minimum of 20 percent of the total number of dwelling units on each floor in a multi-family structure shall have individual balconies and/or patios.

1) Setback Encroachment

A balcony may encroach a maximum of six feet into a front or side street setback.

Table 3.F.3.E-39 – TND Residential Lot Size and Setback Regulations

| Regulation | Single family | ZLL | Townhouse | Multi-Family |
|---------------------|--|---|---|--|
| Minimum Lot Size | 5,000 sq. ft. | 3,000 sq. ft. | 1,000 sq. ft. | 5,000 sq. ft. |
| Maximum Lot Size | 40,000 sq. ft. | 15,000 sq. ft. | 8,000 sq. ft. | 50,000 sq. ft. |
| Minimum Lot Width | 50 ft. | 40 ft. | 16 ft. | 50 ft. |
| Minimum Lot Depth | 75 ft. | 75 ft. | 75 ft. | 75 ft. |
| Front Setback | 10 ft. min. | 10 ft. min. | 5 ft. min. | no min. |
| | 20 ft. max. | 20 ft. max. | 10 ft. max. | 30 ft. max. |
| Side Setback | 5 ft. min. | 0 ft. on zero lot line ZLL side and 10 ft. on other | no minimum 15 ft. separation | 5 ft. min. 15 ft. separation |
| | | | 10 ft. adjacent to Single family or ZLL Houses | 20 ft. adjacent to Single family or ZLL Houses |
| Side Street Setback | 10 ft. min. | 10 ft. min. | 10 ft. min. | 10 ft. min. |
| Rear Setback | 10 ft. | 10 ft. min. | 15 ft. min. | 15 ft. min. |
| | 5 ft. min. for accessory Structure | 5 ft. min. for accessory Structure or alley | 5 ft. min. for accessory Structure or alley | |
| | | 5 ft. min. on alleys | | |

Section 4 Traditional Marketplace Development (TMD)

This section reserved for future development of the TMD Regulations.

Section 5 Traditional Town Development (TTD)

A. Specific Purpose

The purpose of the TTD district is to:

1. Provide a framework for the coordinated development of compact, walkable neighborhoods with a well-developed traditional marketplace center and a mixture of office, open space and recreation, and civic uses serving local residents;
2. Ensure an interconnected street and pedestrian circulation network that serves the needs of pedestrian, vehicles, and other non-motorized forms of transportation and that functionally and physically integrates the various land use activities;
3. Provide for larger-scale community development that retains a strong neighborhood identity through a compatible scale of development, an identifiable center and edge, and well-defined public spaces for recreation and civic activities;

4. Accommodate optional development districts to provide additional employment opportunities and housing choices interconnected with traditional neighborhoods and within close proximity to the commercial, civic, and recreation and open space amenities of the traditional town; and
5. Make traditional towns compatible with the overall design objectives of the Plan and its MGTS.

B. Organization and Applicability

The requirements of this Section, Art. 3.F.1, General Provisions for TDDs, and Art. 3.F.2, General Standards, shall apply to all TTDs. In addition, the components of a TTD shall be subject to the following requirements:

1. Traditional Neighborhood Development (TND)

The requirements of Art. 3.F.3, Traditional Neighborhood Development (TND) shall apply to residential pods in a TTD.

2. Traditional Marketplace Development (TMD)

The requirements of Art. 3.F.4, Traditional Marketplace Development (TMD) shall apply to commercial pods in a TTD.

3. Residential Planned Unit Development (PUD)

A residential Planned Unit Development (PUD) may be included within a TTD, subject to the requirements of Art. 3.E.2, Planned Unit Development (PUD) district.

4. Office Multiple Use Planned Development (MUPD)

A MUPD may be included within a TTD with a minimum of 320 acres, provided it has a CH-O FLU designation, subject to the requirements of Art. 3.E.3, Multiple Use Planned Development (MUPD).

C. Uses

Uses allowed in a TTD district are listed in Table 3.F.1.I-33, Traditional Development Permitted Use Schedule, of this Article.

D. General Requirements

1. Minimum Site Area

200 acres.

2. Land Use Mix

TTDs shall consist of a balanced mix of land uses subject to the minimum land use allocations in Table 3.F.5.D-40, Traditional Town Development (TTD) Land Use Allocations.

Table 3.F.3.D-40 – Traditional Town Development Land Use Allocations

| | Allowable Gross Acreage(Percent of Total) | |
|----------------------------------|---|---------|
| | Minimum | Maximum |
| Traditional Neighborhoods (TND) | 60 | 90 |
| Traditional Marketplace (TMD) | 10 | 25 |
| Civic/Institutional ¹ | - | 20 |
| Recreation & Open Space | - | 25 |
| Residential PUD | - | 10 |
| MUPD ² | - | 5 |

Notes for Table 3.F.3.D-40, Traditional Town Development Land Use Allocations:

1. Regional-serving civic and institutional uses may be located outside a TND but may not be used to fulfill the Civic/Institutional requirements of a TND as established by Table 3.F.3.E-37, TND Land Use.
2. Requires a TTD with a minimum of 320 acres.

3. Connectivity

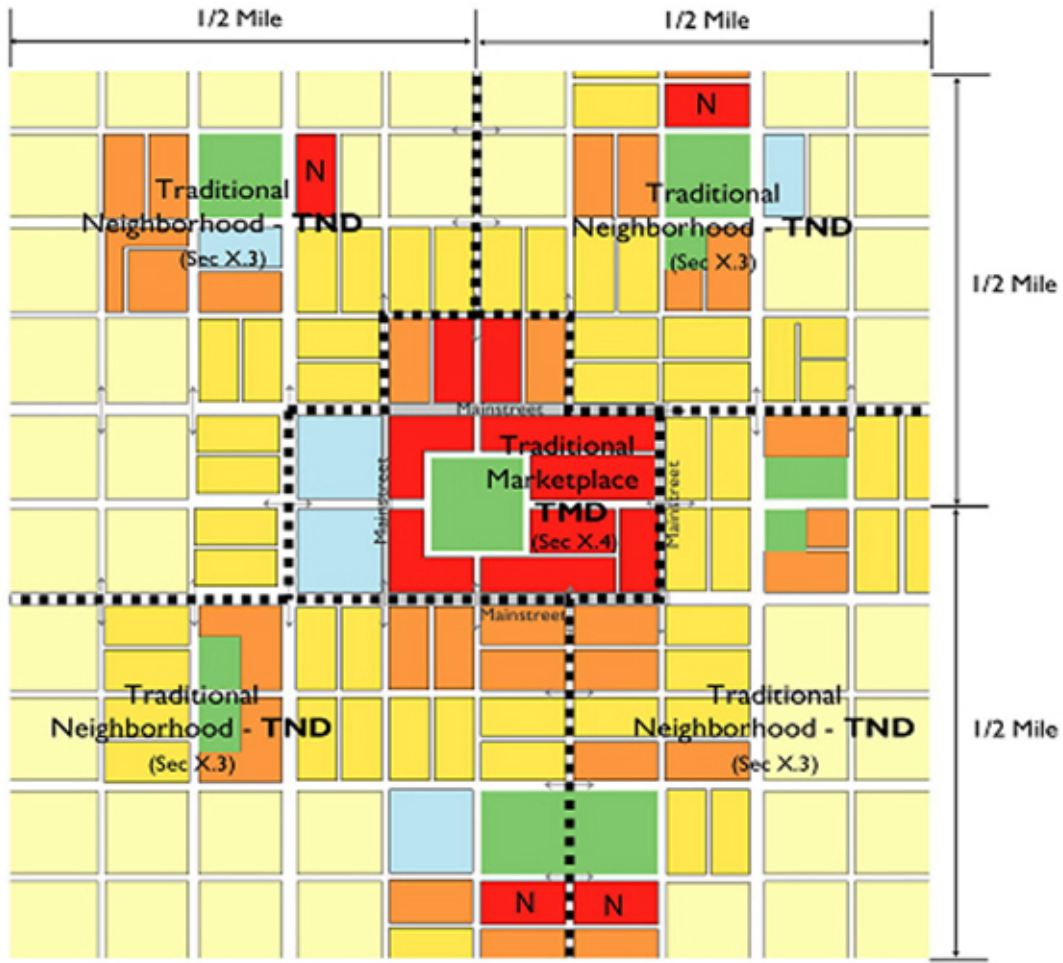
An interconnected network of streets, and sidewalks or pathways shall be provided that connects all pods within the TTD and to any adjacent thoroughfare roads.

4. Landscape Buffer

A minimum 50 foot wide Type 3 incompatibility buffer shall be provided around the perimeter of a TTD.

APPENDIX 3 – TRADITIONAL DEVELOPMENT PROTOTYPES EXAMPLE OF LAY OUT

MARKETPLACE, NEIGHBORHOODS, AND STREET NETWORK



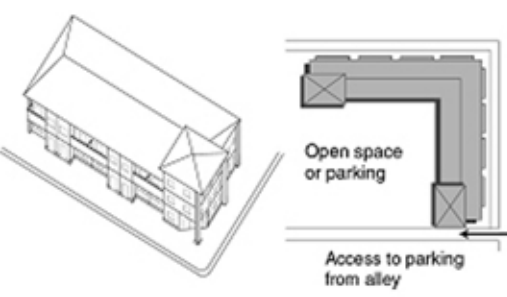
Traditional Town Development (Sec X.5)

- Residential (Primarily Single Family and Zero Lot Line)
- Residential (Mixed Building Types)
- Residential (Primarily Town Houses + Multi-Family Buildings)
- N Neighborhood Center
- Traditional Marketplace
- Civic / Institutional
- Plaza / Recreation / Open Space

APPENDIX 4 – TRADITIONAL NEIGHBORHOODS


EXAMPLE OF RESIDENTIAL DEVELOPMENTS

Multi-Family




Open space or parking

Access to parking from alley




Two to three story Multi-Family buildings with parking garages or structured parking facing an alley

Zero Lot Line




Access to parking from alley or streets




Zero Lot Line homes with garage along back alley

Town House



Access to parking from alley



Two story town houses with parking along back alleys

Single - Family




Single-family detached houses with garage at side or rear

ARTICLE 4

USE REGULATIONS

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ARTICLE 4 USE REGULATION

CHAPTER A USE CLASSIFICATION

Section 1 General

A. Use Matrix

Uses permitted by right, permitted subject to a Special Permit permitted by the DRO, or subject to conditional use approval in each standard district shall be determined in Table 4.A.3.A-1, Standard Use Matrix.

B. PDDs and TDDs

The use regulations for the Planned Development Districts, (PDDs) and Traditional Development Districts (TDDs) are specified in Art. 3.E, PDD and Art. 3.F, TDD.

C. Overlays

The use regulations within overlays shall be determined by the uses allowed in the underlying district and Art. 3.B, Overlays.

D. Airport Zones

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

E. District Specific Regulations

Special standards apply within certain districts as specified in this Article.

Section 2 Definitions

A. Terms

Definitions are provided for each specific use in Art.4.B, Supplementary Use Standards. Art. 4.C provides definitions specific to Commercial Communication Towers. For all other definitions, see Art. 18, Definitions.

Section 3 Use Matrix

The list of uses in Table 4.A.3.A-1, Standard Use Matrix, is intended to classify uses on the basis of common functional characteristics and land use compatibility. Uses not specifically listed, but consistent with the definition of a listed use, may be so classified by the Executive Director of PZB pursuant to Art. 1.B, Interpretation of the Code.

A. Standard Use Matrix

Table 4.A.3.A-1, Use Matrix, applies as follows:

1. Permitted

Uses identified with a "P" are permitted by right in the district, subject to the supplementary use standards indicated in the "Note" column and the other requirements of this Code.

2. DRO

Uses identified with a "D" are permitted subject to approval by the DRO in accordance with Art. 2.D, Administrative Processes.

3. General Requirement

All site improvements shown on the site plan or subdivision plan shall be completed in accordance with the permit required by the affected regulatory agency and a CO obtained (if required), prior to utilization of the development order approved by the DRO.

4. Special Permit

Uses identified with an "S" are permitted in the district only if approved by the Zoning Director in accordance with Art. 2.D.2, Special Permit.

5. Class B Conditional Use

Uses identified with a "B" are permitted in the district only if approved by the ZC in accordance with Art. 2.B, Public Hearing Procedures - Class B conditional uses.

6. Class A Conditional Use

Uses identified with an "A" are permitted in the district only if approved by the BCC in accordance with Art. 2.B, Public Hearing Procedures - Class A conditional uses.

7. Prohibited Uses

Uses not identified in a district column as permitted by right, by a Special Permit, or as a Conditional Use are not allowed in the District, unless otherwise expressly permitted by this Code.

8. Supplementary Use Standards

A number in the "Note" column refers to supplementary use standards applicable to the use. The referenced standards appear in Art. 4.B, Supplementary Use Standards, for example, note 53 refers to Art. 4.B.1.A.53.

(This space intentionally left blank.)

Table 4.A.3.A-1 – Use Matrix

| Use Type | Zoning District/Overlay | | | | | | | | | | | | | | | | N O T E |
|------------------------------------|---|-------------|--------|-------------|---|------------------|-------------|------------|--------|-------------|------------------|------------------|------------------|--------|--------|-------------|------------------|
| | Agriculture/ Conservation | | | Residential | | | | Commercial | | | | | Industry/ Public | | | | |
| | P C | A G R | A P | AR | | R E S A | R T S | R M | C N | C L O | C C H O | C G R E | I L | I G | P O | I P F | |
| | | | | R | U | | | | | | | | | | | | |
| Residential Uses | | | | | | | | | | | | | | | | | |
| Single Family | | P | P | P | P | P | P | P | | | | | | | | A | 122 |
| Zero Lot Line Home | | | | | | | | D | D | | | | | | | A | 142 |
| Townhouse | | | | | | | | D | D | | | | | | | A | 132 |
| Multi-Family | | | | | | | | | P | | | | | | | A | 87 |
| Mobile Home Dwelling | | S | S | S | | | | | | | | | | | | | 85 |
| Accessory Dwelling | | S | S | S | S | S | S | S | S | | | | | | | | 1 |
| Congregate Living Facility, Type 1 | | | | P | P | P | P | P | P | | | | | | | P | 34 |
| Congregate Living Facility, Type 2 | | | | A | A | | | A | B | B | | | | | | B | 34 |
| Congregate Living Facility, Type 3 | | | | | | | | A | A | A | | A | | | | A | 34 |
| Estate Kitchen | | P | P | P | P | P | P | P | P | | | | | | | | 48 |
| Farm Residence | | P | P | | | | | | | | | | | | | | 50 |
| Farm Workers Quarters | | S | S | | | | | | | | | | | | | | 51 |
| Garage Sale | | P | P | P | P | P | P | P | P | | | | | | | | 60 |
| Guest Cottage | | P | P | P | P | P | P | P | P | | | | | | | | 66 |
| Home Occupation | | P | P | P | P | P | P | P | P | | | | | | | | 70 |
| Nursing Convalescent Facility | | | | | | | | A | A | A | | A | | | | B | 90 |
| Security or Caretaker Quarters | | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | 119 |
| Key: | | | | | | | | | | | | | | | | | |
| P | Permitted by right | | | | | | | | | | | | | | | | |
| D | Permitted subject to approval by the DRO | | | | | | | | | | | | | | | | |
| S | Permitted in the district only if approved by Special Permit | | | | | | | | | | | | | | | | |
| B | Permitted in the district only if approved by the Zoning Commission (ZC) | | | | | | | | | | | | | | | | |
| A | Permitted in the district only if approved by the Board of County Commissioners (BCC) | | | | | | | | | | | | | | | | |

Table 4.A.3.A-1 – Use Matrix Continued

| Use Type | Zoning District/Overlay | | | | | | | | | | | | | | | | N O T E | | | |
|---|---|-------------|--------|-------------|-------------|--------|--------|--------|------------|--------|-------------|--------|-------------|------------------|-------------|--------|------------------|--------|--------|-------------|
| | Conservation | | | Residential | | | | | Commercial | | | | | Industry/ Public | | | | | | |
| | P C | A G R | A P | AR | | R E | R T | R S | R M | C N | C L O | C C | C H O | C G | C R E | I L | | I G | P O | I P F |
| | | | | R S A | U S A | | | | | | | | | | | | | | | |
| Commercial Uses | | | | | | | | | | | | | | | | | | | | |
| Adult Entertainment | | | | | | | | | | | | | S | | S | S | | | 2 | |
| Auction, Enclosed | | P | | | | | | | | | | B | D | D | | | | | 16 | |
| Auction, Outdoor | | P | | | | | | | | | | | A | A | A | B | | | 16 | |
| Auto Paint or Body Shop | | | | | | | | | | | | | A | | P | P | | | 17 | |
| Auto Service Station | | | | | | | | | | | | A | | A | | B | D | | 18 | |
| Bed and Breakfast | | | S | S | S | S | S | S | | | | | | | S | | | | 20 | |
| Broadcast Studio | | | | | | | | | | | | B | D | D | | P | | | 21 | |
| Building Supplies | | | | | | | | | | | | A | | B | | D | P | | 22 | |
| Butcher Shop, Wholesale | | | | | | | | | | | | | | A | | P | P | | 23 | |
| Car Wash | | | | | | | | | | | | A | | B | | D | | | 25 | |
| Catering Service | | | | | | | | | P | P | P | P | P | P | P | P | P | | 26 | |
| Contractor Storage Yard | | | | | | | | | | | | | | | | D | P | | 35 | |
| Convenience Store | | | | | | | | | A | | | B | | P | | | | | 36 | |
| Convenience Store with Gas Sales | | | | | | | | | | | | A | | A | | B | D | | 37 | |
| Day Labor | | | | | | | | | | | | | | A | | D | P | | 41 | |
| Employment Service | | | | | | | | | | | | | | A | | D | P | | 41 | |
| Dispatching Office | | | | | | | | | | | | | | B | | P | P | | 42 | |
| Dog Daycare | | | | | | | | | | | | | | A | | P | | | 43 | |
| Financial Institution | | | | | | | | | D | D | A | A | A | | | | | | 55 | |
| Flea Market, Enclosed | | | | | | | | | | | | | | B | | | | | 57 | |
| Flea Market, Open | | | | | | | | | | | | | | A | A | B | | | 58 | |
| Funeral Home or Crematory | | | | | | | | | | | | A | | A | | D | | | 59 | |
| Green Market | | P | | | | | | | S | | S | | S | | | | | | 64 | |
| Hotel, Motel, SRO, Rooming and Boarding | | | | | | | | A | | | | A | B | B | D | | | | 72 | |
| Kiosk | | | | | | | | | P | P | P | P | P | P | P | P | P | | 75 | |
| Landscape Service | | | D | | A | | | | | | | B | | B | | P | P | | 77 | |
| Key: | | | | | | | | | | | | | | | | | | | | |
| P | Permitted by right | | | | | | | | | | | | | | | | | | | |
| D | Permitted subject to approval by the DRO | | | | | | | | | | | | | | | | | | | |
| S | Permitted in the district only if approved by Special Permit | | | | | | | | | | | | | | | | | | | |
| B | Permitted in the district only if approved by the Zoning Commission (ZC) | | | | | | | | | | | | | | | | | | | |
| A | Permitted in the district only if approved by the Board of County Commissioners (BCC) | | | | | | | | | | | | | | | | | | | |

Table 4.A.3.A-1 – Use Matrix Continued

| Use Type | Zoning District/Overlay | | | | | | | | | | | | | | | | N O T E | | | |
|------------------------------------|---|-------------|--------|-------------|-------------|--------|--------|--------|------------|--------|-------------|-------------|-------------|------------------|--------|--------|------------------|--------|-------------|-----|
| | Agriculture/ Conservation | | | Residential | | | | | Commercial | | | | | Industry/ Public | | | | | | |
| | P C | A G R | A P | AR | | R E | R T | R S | R M | C N | C L O | C C O | C H O | C G R E | I L | I G | | P O | I P F | |
| | | | | R S A | U S A | | | | | | | | | | | | | | | |
| Commercial Uses | | | | | | | | | | | | | | | | | | | | |
| Laundry Services | | | | | | | | | | P | P | P | P | P | | P | P | | | 78 |
| Lounge, Cocktail | | | | | | | | | | A | A | A | A | P | A | | | | | 79 |
| Medical or Dental Office | | P | B | A | | | | | | D | A | P | D | P | | P | | P | D | 83 |
| Monument Sales Retail | | | | | | | | | | | | A | | P | | P | | | | 86 |
| Office, Business or Professional | | | S | | | | | | | P | P | P | P | P | | P | P | | | 91 |
| Parking Garage, Commercial | | | | | | | | | | | | | | A | | P | | | | 95 |
| Parking Lot, Commercial | | | | | | | | | | | | B | B | D | P | P | | P | | 96 |
| Pawnshop | | | | | | | | | | | | | | A | | | | | | 97 |
| Personal Services | | | | | | | | | | P | P | P | P | P | P | | | | | 98 |
| Printing and Copying Services | | | | | | | | | | P | P | P | P | P | | P | | | | 100 |
| Real Estates Sales Model, Non-PDD | | | | | | | | | | | | | | | | | | | | 102 |
| Repair and Maintenance, General | | | | | | | | | | | | A | | A | | P | P | P | | 107 |
| Repair Services, Limited | | | | | | | | | | P | P | P | P | P | | P | P | P | | 108 |
| Restaurant, Fast Food | | | | | | | | | | | | A | A | A | A | A | | | | 109 |
| Restaurant, High Turnover Sit-Down | | | | | | | | | | | A | D | A | D | A | D | | | | 110 |
| Restaurant, Quality | | | | | | | | | | D | B | P | B | P | P | P | | | | 111 |
| Restaurant, Specialty | | | S | | | | | | | P | P | P | P | P | P | P | | | | 112 |
| Retail Sales, Auto | | | | | | | | | | P | | P | | P | | | | | | 113 |
| Retail Sales, General | | | S | | | | | | | P | | P | | P | | | | | | 114 |
| Retail Sales, Mobile or Temporary | | S | | | | | | | | S | S | S | S | S | S | S | S | S | | 115 |
| Self-Service Storage | | | | | | | | | | | | A | | A | | D | D | | | 120 |
| Theater, Drive-In | | | | | | | | | | | | | | A | D | | | | | 128 |
| Theater, Indoor | | | | | | | | | | A | | B | | D | P | | | | | 129 |
| Towing Service and Storage | | | | | | | | | | | | | | | | P | P | | | 130 |
| Vehicle Sales and Rental | | | | | | | | | | | | A | | A | | A | | | | 135 |
| Veterinary Clinic | | D | P | B | B | | | | | A | A | B | B | P | | P | | | | 136 |
| Vocational School | | | | | | | | | | | | A | P | P | | P | P | P | A | 137 |
| Work/Live Space | | | | | | | | | | | | | | | | | | | | 141 |
| Key: | | | | | | | | | | | | | | | | | | | | |
| P | Permitted by right | | | | | | | | | | | | | | | | | | | |
| D | Permitted subject to approval by the DRO | | | | | | | | | | | | | | | | | | | |
| S | Permitted in the district only if approved by Special Permit | | | | | | | | | | | | | | | | | | | |
| B | Permitted in the district only if approved by the Zoning Commission (ZC) | | | | | | | | | | | | | | | | | | | |
| A | Permitted in the district only if approved by the Board of County Commissioners (BCC) | | | | | | | | | | | | | | | | | | | |

Table 4.A.3.A-1 – Use Matrix Continued

| Use Type | Zoning District/Overlay | | | | | | | | | | | | | | | | N O T E | | | |
|-----------------------------------|------------------------------|---|---|-------------|---|---|---|------------|---|---|---|---|------------------|---|---|---|------------------|---|---|-----|
| | Agriculture/ Conservation | | | Residential | | | | Commercial | | | | | Industry/ Public | | | | | | | |
| | P | A | A | AR | | R | R | R | R | C | C | C | C | C | C | I | | I | P | I |
| | C | G | P | R | U | E | T | S | M | N | L | C | H | G | R | L | | G | O | P |
| Public and Civic Uses | | | | | | | | | | | | | | | | | | | | |
| Airport | | | | | | | | | | | | | | | A | | A | A | A | 10 |
| Assembly, Nonprofit Institutional | | D | D | A | | | | A | A | A | | B | | P | | P | | P | B | 14 |
| Assembly, Nonprofit Membership | | | | | A | | | | | | | B | | P | | P | | | B | 15 |
| Cemetery | | | | A | A | A | A | A | A | | | B | | B | | | | B | A | 27 |
| Church Or Place Of Worship | | A | B | A | A | A | A | A | A | A | A | A | B | B | B | | | | B | 29 |
| College Or University | | | | | | | | | | | | A | A | A | | | | P | A | 30 |
| Day Camp | | | | | | | | | | | | A | | A | D | | | P | D | 39 |
| Day Care, General | | B | | A | A | A | A | A | A | A | A | A | B | B | D | B | B | D | B | 40 |
| Day Care, Limited | | D | D | A | A | A | A | A | B | B | B | D | D | D | D | D | D | D | D | 40 |
| Government Services | | D | P | A | A | A | A | A | A | D | D | D | D | D | D | P | P | P | D | 63 |
| Helipad | | B | B | A | A | A | | | A | | | | B | B | D | D | D | P | D | 10 |
| Hospital Or Medical Center | | | | | | | | | | | | A | A | A | | | | P | A | 71 |
| Landing Strip | | B | B | B | | | | | | | | | | | B | | B | | B | 10 |
| School, Elementary Or Secondary | | A | | A | A | A | A | A | A | A | A | A | A | A | | A | | P | A | 118 |
| Recreation Uses | | | | | | | | | | | | | | | | | | | | |
| Arena, Auditorium Or Stadium | | | | | | | | | | | | | | A | A | | | D | A | 12 |
| Campground | D | | D | | | | | | | | | | | | D | | | P | D | 24 |
| Entertainment, Indoor | | | | | | | | | | A | | A | | B | D | D | | P | D | 45 |
| Entertainment, Outdoor | | | | | | | | | | | | A | | A | D | D | | P | | 46 |
| Fitness Center | | | | | | | | | A | B | | A | A | A | P | P | | P | | 56 |
| Golf Course | | | | | | A | A | A | A | | | A | | B | D | D | | B | B | 62 |
| Gun Club, Enclosed | | | | | | | | | | | | | | B | P | D | P | D | | 67 |
| Gun Club, Open | | | | | | | | | | | | | | | A | | | B | | 67 |
| Gun Range, Private | | | D | A | | | | | | | | | | | | | | P | | 68 |
| Marine Facility | | | | | | | | | | | | | B | B | B | P | P | D | | 82 |
| Park, Passive | P | P | P | D | D | D | D | D | D | D | P | P | P | P | P | P | P | P | P | 93 |
| Park, Public | D | | | B | B | A | A | A | B | B | | D | | D | D | D | D | P | D | 94 |
| Park, Neighborhood | P | | | P | P | P | P | P | P | P | | P | | P | P | P | P | P | P | 92 |
| Special Event | | | S | S | S | | | | | S | S | S | S | S | S | S | | S | S | 124 |
| Zoo | | | | A | | | | | | | | | | B | D | | | P | B | 143 |
| Key: | | | | | | | | | | | | | | | | | | | | |
| | P | Permitted by right | | | | | | | | | | | | | | | | | | |
| | D | Permitted subject to approval by the DRO | | | | | | | | | | | | | | | | | | |
| | S | Permitted in the district only if approved by Special Permit | | | | | | | | | | | | | | | | | | |
| | B | Permitted in the district only if approved by the Zoning Commission (ZC) | | | | | | | | | | | | | | | | | | |
| | A | Permitted in the district only if approved by the Board of County Commissioners (BCC) | | | | | | | | | | | | | | | | | | |

Table 4.A.3.A-1 – Use Matrix Continued

| Use Type | Zoning District/Overlay | | | | | | | | | | | | | | | | | NOTE | | |
|-----------------------------------|--------------------------|-------------|--------|-------------|-------------|--------|--------|--------|------------|--------|--------|--------|--------|------------------|--------|--------|--------|------|--------|--------|
| | Agriculture/Conservation | | | Residential | | | | | Commercial | | | | | Industry/ Public | | | | | | |
| | P C | A G R | A P | AR | | R E | R T | R S | R M | C N | C L | C C | C H | C G | C R | I L | I G | | P O | I P |
| | | | | R S A | U S A | | | | | | | | | | | | | | | |
| Agricultural Uses | | | | | | | | | | | | | | | | | | | | |
| Agriculture, Bona Fide | | P | P | P | A | A | A | A | A | A | A | A | A | A | A | A | A | P | A | 3 |
| Agriculture, Light Manufacturing | | D | D | A | | | | | | | | | | | | | P | P | | 4 |
| Agriculture, Packing Plant | | D | D | A | | | | | | | | | A | | | D | D | | | 5 |
| Agriculture, Research/Development | | D | D | | | | | | | | | | | | | P | P | P | B | 3.1 |
| Agriculture, Sales And Service | | B | | | | | | | | | A | | P | | | | | | | 6 |
| Agriculture, Storage | | P | P | P | P | D | D | D | D | P | | P | | P | | P | P | P | P | 7 |
| Agriculture, Transshipment | | D | D | | | | | | | | | | | | | D | P | | | 8 |
| Aviculture | | P | P | P | A | | | | | | | | | | | | | | | 19 |
| Community Vegetable Garden | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | 32 |
| Equestrian Arena, Commercial | | D | | B | B | B | | | | A | A | B | B | B | P | B | B | D | D | 47 |
| Farmers Market | | D | | D | | | | | | P | | P | | P | | P | P | P | D | 52 |
| Farrier | | P | P | P | P | | | | | P | | P | | P | | | | | | 53 |
| Groom's Quarters | | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 65 |
| Kennel, Commercial | | B | | | | | | | | | | | | B | | B | D | | | 73 |
| Kennel, Private | | P | P | P | P | P | D | D | D | | | | | | | | | | | 74 |
| Nursery, Retail | | P | | B | A | A | A | A | A | P | | P | | P | | B | B | | | 88 |
| Nursery, Wholesale | | P | P | D | B | B | B | B | B | B | | P | | P | P | P | P | P | | 89 |
| Potting Soil Manufacturing | | D | D | | | | | | | | | | | | | B | D | P | | 99 |
| Produce Stand | | S | S | S | S | A | A | A | A | S | S | S | S | S | S | S | S | S | S | 101 |
| Shadehouse | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | 121 |
| Stable, Commercial | | D | D | D | D | A | A | A | A | B | B | D | D | D | P | D | D | D | D | 125 |
| Stable, Private | | P | P | P | P | P | B | B | B | | | | | | | | | | | 126 |
| Sugar Mill Or Refinery | | | P | | | | | | | | | | | | | | A | | | 127 |

| | |
|-------------|---|
| Key: | |
| P | Permitted by right |
| D | Permitted subject to approval by the DRO |
| S | Permitted in the district only if approved by Special Permit |
| B | Permitted in the district only if approved by the Zoning Commission (ZC) |
| A | Permitted in the district only if approved by the Board of County Commissioners (BCC) |

Table 4.A.3.A-1 – Use Matrix Continued

| Use Type | Zoning District/Overlay | | | | | | | | | | | | | | | | | NOTE | | |
|--|---|-------------|--------|-------------|-------------|--------|--------|--------|--------|------------|-------------|--------|-------------|------------------|--------|------------------|--------|------|--------|-----|
| | Agriculture/Conservation | | | Residential | | | | | | Commercial | | | | | | Industry/ Public | | | | |
| | P C | A G R | A P | AR | | R E | R T | R S | R M | C N | C L O | C C | C H O | C G R E | I L | I G | P O | | I P | |
| | | | | R S A | U S A | | | | | | | | | | | | | | | |
| Utilities & Excavation | | | | | | | | | | | | | | | | | | | | |
| Air Curtain Incinerator | | A | A | A | A | A | A | A | A | A | A | A | A | B | B | B | D | B | 9 | |
| Air Stripper, Remedial | | P | P | | | | | | | P | P | P | P | P | P | P | P | P | 11 | |
| Chipping And Mulching | | D | B | | | | | | | | | | | | | B | D | D | 28 | |
| Communication Cell Sites On Wheels (COW) Tower, Mobile | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | 31 | |
| Communication Panels, Or Antennas, Commercial | | D | P | B | B | B | B | B | D | D | D | D | D | D | P | P | P | B | 31 | |
| Communication Tower, Commercial | A | A | D | A | A | A | A | A | A | A | A | B | B | B | B | D | D | D | A | 31 |
| Composting Facility | | D | D | | | | | | | | | | | | | D | D | D | 33 | |
| Electric Power Facility | | | A | | | | | | | A | A | A | A | A | A | A | A | P | A | 44 |
| Excavation, Agriculture | | D | D | D | D | D | D | D | D | D | D | D | D | D | D | D | D | P | D | 49 |
| Excavation, Type I | | P | P | P | P | P | P | P | P | | | | | | | | | | P | 49 |
| Excavation, Type II | | D | D | D | D | D | D | D | D | D | D | D | D | D | D | D | D | D | D | 49 |
| Excavation, Type III A | | | A | A | | | | | | | | | A | A | A | A | A | | 49 | |
| Excavation, Type III B | | | A | A | | | | | | | | | A | A | A | A | A | | 49 | |
| Recycling Center | | | | | | | | | | A | | B | | D | | P | P | P | 103 | |
| Recycling Collection Station | | | | | | | | | | B | S | S | S | S | | S | S | S | S | 106 |
| Recycling Drop Off Bin | | | S | | | | | | | S | S | S | S | S | S | S | S | S | S | 104 |
| Recycling Plant | | | | | | | | | | | | | | | | B | D | P | | 105 |
| Sanitary Landfill Or Incinerator | | | | | | | | | | | | | | | | | | P | | 117 |
| Solid Waste Transfer Station | | | A | A | A | | | | | | | | A | | A | B | P | A | 123 | |
| Utility, Minor | | D | D | D | D | D | D | D | D | D | D | D | D | D | D | D | D | P | D | 134 |
| Water Or Treatment Plant | | | A | A | A | A | A | A | A | A | A | A | A | A | D | D | P | A | 139 | |
| Key: | | | | | | | | | | | | | | | | | | | | |
| P | Permitted by right | | | | | | | | | | | | | | | | | | | |
| D | Permitted subject to approval by the DRO | | | | | | | | | | | | | | | | | | | |
| S | Permitted in the district only if approved by Special Permit | | | | | | | | | | | | | | | | | | | |
| B | Permitted in the district only if approved by the Zoning Commission (ZC) | | | | | | | | | | | | | | | | | | | |
| A | Permitted in the district only if approved by the Board of County Commissioners (BCC) | | | | | | | | | | | | | | | | | | | |

Table 4.A.3.A-1 – Use Matrix Continued

| Use Type | Zoning District/Overlay | | | | | | | | | | | | | | | N O T E | | | |
|---------------------------------|---|-------------|--------|-------------|-------------|--------|--------|--------|------------|--------|-------------|--------|-------------|------------------|--------|------------------|--------|--------|-------------|
| | Agriculture/ Conservation | | | Residential | | | | | Commercial | | | | | Industry/ Public | | | | | |
| | P C | A G R | A P | AR | | R E | R T | R S | R M | C N | C L O | C C | C H O | C G R E | I L | | I G | P O | I P F |
| | | | | R S A | U S A | | | | | | | | | | | | | | |
| Industrial Uses | | | | | | | | | | | | | | | | | | | |
| Asphalt Or Concrete Plant | | | | | | | | | | | | | | | A | B | | | 13 |
| Data Information Processing | | | | | | | | | | D | D | P | P | | P | P | | | 38 |
| Film Production Studio | | | | | | | | | | | | D | D | A | P | P | P | A | 54 |
| Gas And Fuel, Wholesale | | | | | | | | | | | | | | | A | B | P | | 61 |
| Heavy Industry | | | | | | | | | | | | | | | A | D | | | 69 |
| Laboratory, Industrial Research | | | | | | | | | | | | | | | B | P | | | 76 |
| Machine Or Welding Shop | | | | | | | | | | | | | | | P | P | | | 80 |
| Manufacturing And Processing | | | | | | | | | | | | | | | P | P | | | 81 |
| Medical Or Dental Laboratory | | | | | | | | | | | | B | P | | P | | | | 84 |
| Salvage Or Junk Yard | | | | | | | | | | | | | | | | A | | | 116 |
| Transportation Facility | | | | | | | | | | | | | B | | D | D | P | B | 133 |
| Truck Stop | | | | | | | | | | | | | | | A | A | | | 131 |
| Warehouse | | | | | | | | | | | | | | | P | P | | | 138 |
| Wholesaling, General | | | | | | | | | | | | | | | P | P | | | 140 |
| Key: | | | | | | | | | | | | | | | | | | | |
| P | Permitted by right | | | | | | | | | | | | | | | | | | |
| D | Permitted subject to approval by the DRO | | | | | | | | | | | | | | | | | | |
| S | Permitted in the district only if approved Special Permit | | | | | | | | | | | | | | | | | | |
| B | Permitted in the district only if approved by the Zoning Commission (ZC) | | | | | | | | | | | | | | | | | | |
| A | Permitted in the district only if approved by the Board of County Commissioners (BCC) | | | | | | | | | | | | | | | | | | |

Table 4.A.3.A-2 - Thresholds for Projects Requiring DRO Approval

| Zoning District | Number of Units of Square Feet |
|-----------------|---|
| RM | 16 du |
| CN | 3,000 square feet |
| CLO | 3,000 square feet |
| CC | 8,000 square feet |
| CHO | 8,000 square feet |
| CG | 10,000 square feet |
| CRE | 15,000 square feet |
| IL | 20,000 square feet |
| IG | 20,000 square feet |
| IPF | 20,000 square feet 16 du |
| WCRAO | All commercial or industrial development and residential development of more than two dwelling units. |

Notes

1. Approval of a subdivision plan is required for all subdivision of land for which a plat or plat waiver has not been granted pursuant to Art. 11, Subdivision, Platting and Required Improvements or which exceeds the threshold above.
2. Projects exceeding the thresholds above shall comply with Art. 5.C, Design Standards.

CHAPTER B SUPPLEMENTARY USE STANDARDS

This Section contains supplementary standards for specific uses. In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated.

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

1. Accessory Dwelling

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

a. Number of Units

A maximum of one accessory dwelling may be permitted as an accessory use to a principal single family dwelling unit which is owner occupied. The accessory dwelling may be attached to the principal dwelling or freestanding.

b. Maximum Floor Area

On less than one acre: 800 square feet.

On one acre or more: 1000 square feet.

The floor area calculation shall include only the living area of the accessory dwelling under a solid roof.

c. Additional Floor Area

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

d. Maximum Number of Bedrooms/Baths

One bedroom and one bathroom.

e. Compatibility

The accessory dwelling shall be architecturally compatible in character and materials with the principal dwelling.

f. Property Development Regulations (PDRs)

The accessory dwelling shall comply with the PDRs applicable to the principal dwelling.

g. No Separate Ownership

The accessory dwelling shall remain accessory to and under the same ownership as the principal dwelling and shall not be subdivided or sold as a condominium.

h. Kitchen Removal

An agreement to remove all kitchen equipment shall be executed for the dwelling unit prior to the issuance of a Special Permit. The agreement shall require the kitchen to be removed if the principal dwelling is no longer owner occupied.

2. Adult Entertainment

a. Establishment

Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. §480, tanning salon, modeling studio, or lingerie studio.

b. Definitions, Adult Entertainment Establishment

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

1) Adult Arcade

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

2) Adult Bookstore/Adult Video Store

An establishment which sells, offers for sale or rents adult material for commercial gain; 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 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 percent of the individual items, as stock in trade, publicly displayed in the establishment and which is not accessible to minors at the establishment.

3) Adult Booth

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

4) Adult Dancing Establishment

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

5) Adult Entertainment

a) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. Chapter 480, tanning salon, modeling studio, or lingerie studio.

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

c) An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment.

6) Adult Material

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

- a) Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices; which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or;
 - b) instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- 7) Adult Motel**
A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public streets which advertises the availability of this adult type of photographic reproductions.
- 8) Adult Theater**
An establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof or an open-air area used for viewing of adult material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture theater" are included within the definition of "adult theater". An establishment which has "adult booths" is considered to be an "adult theater".
- 9) Adult Video Store**
See Adult Bookstore.
- 10) Commercial Gain**
Operated for pecuniary gain, which shall be presumed for any establishment which has received an occupational license. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss.
- 11) Educational Institution**
Premises or site within a municipality or within the unincorporated area of PBC upon which there is a governmentally licensed child care facility for six or more children or elementary or secondary (K-12) school, attended in whole or in part by persons under 18 years of age.
- 12) Employee**
Any person who works, performs, or exposes his/her specified anatomical areas in an establishment, irrespective of whether said person is paid a salary or wages by the owner or manager of the business, establishment, or premises. "Employee" shall include any person who pays any form of consideration to an owner or manager of an establishment, for the privilege to work performing or exposing his/her specified anatomical areas within the establishment.
- 13) Person**
Includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and all other or any other similar entity.
- 14) Religious Activities**
Any daily, weekly, or periodic activity associated with or that occurs at a religious institution.
- 15) Religious Institution**
A premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat, site, camp or similar facilities owned or operated by a bona fide religious group for religious activities shall be considered a religious institution.
- 16) Residential Zoning District**
Includes the following zoning districts which have not been designated in the comprehensive plan as commercial or industrial:
- a) AR-Agricultural Residential.
 - b) RE-Residential Estate.
 - c) RT-Residential Transitional.
 - d) RS-Single Family Residential.
 - e) RM-Multiple-Family Residential (Medium Density).
 - f) TND-Traditional Neighborhood Development.
 - g) PUD-Planned Unit Development.

17) Specified Anatomical Areas

Less than completely and opaquely covered:

- a) Human genitals and pubic region; or
- b) the opening between the human buttocks, i.e., the anal cleft; or
- c) that portion of the human female breasts 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.

18) Specified Sexual Activities

- 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 of Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities.

c. Exclusions

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

d. License

An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment. 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 21 days of a determination of application sufficiency pursuant to the standards and procedures in Art. 2.D.2, Special Permit, 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 Appellate Procedure.

e. 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 PBC 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, unlighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public.

f. Findings of Fact

Based on the evidence and testimony presented at the public hearings before the BCC 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 BCC hereby finds the following:

- 1) Commercial uses exist or may exist within unincorporated PBC where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and/or other devices that

depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold.

- 2) Commercial uses exist or may exist within unincorporated PBC:
 - a) Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded, and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;
 - b) Where dancers, entertainers, performers, or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical area; or
 - c) Where lap dancing occurs.
- 3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce, and the community environment in PBC.
 - a) When the activities described in Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, are presented in commercial uses, other activities that are illegal, immoral, or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution, and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and land.
 - b) When the activities described in Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, are present in commercial uses within PBC, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, promote crime, and ultimately lead residents and businesses to move to other locations.
 - c) There is a direct relationship between the display and depiction of specified anatomical areas as described in Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community, and the occurrence of these activities are hazardous to the health and safety of those persons in attendance and tend to depreciate the value of adjoining land and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, the tone of commerce and the community environment in PBC.
- 4) Based upon these findings, it is in the interest of the health, safety, morals, and general welfare of the citizens of PBC that adult entertainment uses are regulated pursuant to the following standards.

g. Location

1) General

An adult entertainment use shall be located in the following minimum distances from the following uses. There shall be no variance to the locational standards in this Section.

a) Other Adult Entertainment Use

2,000 feet.

b) A Church or Place of Worship

1,000 feet.

c) An Educational Institution

1,000 feet.

d) A Public Park

500 feet.

e) A Residential Zoning District

(Which is Designated as Residential by any Local Comprehensive Plan)

500 feet.

f) A Cocktail Lounge

750 feet.

2) Measurement of Distance

The distance set forth 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, also see Art. 1.C, Rules of Measurement, between adult entertainment uses, the distance shall be measured by drawing a straight line between the

nearest point on the perimeter of the exterior wall or bay of the proposed or existing adult entertainment establishment and the nearest point on the exterior wall or bay of another adult entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects.

h. 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.

i. Landscaping

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

j. Lighting

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

k. 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) Location

Was in operation as an adult entertainment use, generally known and held out in the neighborhood and community as an adult entertainment establishment, and was open to the public as an adult entertainment establishment use; and

b) Occupational License

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; and

c) Adult Entertainment License

Applied for an adult entertainment use under the terms of this Code, shall submit an application for an adult entertainment license pursuant to the PBC Adult Entertainment Code, Chapter 17, Article V of the PBC Code, as may be amended, with appropriate filing fees by August 15, 1992.

2) Standards for Nonconformance

A nonconforming adult entertainment use as determined in Art. 4.B.1.A.2.k, Nonconformity, above shall be subject to the following supplementary standards, in addition to Art. 1.F, Non-conformities.

a) Location

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) Landscape Buffer

The adult entertainment use shall construct and install a Type 2 incompatibility buffer, as defined in Art. 7.F, Perimeter Buffer Landscape Requirements, with canopy trees spaced a maximum of 20 feet on center along any property line that abuts a residential district, within 90 days of the date of issuance of the adult entertainment license by the occupational licensing department.

c) Building Permit

If a building permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the adult entertainment use, the requirements of Art. 7, Landscaping, shall apply to the entire site of the adult entertainment use.

3. Agriculture, Bona Fide

Any plot of land where the principal use consists of the raising of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the production of animal products such as eggs, honey or dairy products; or the raising of plant material, inclusive of a retail or wholesale nursery.

a. Determination

A determination as to whether the use of the land for agriculture is bona fide shall only be made where both Art. 4.B.1.A.3.a.1), Designation, and Art. 4.B.1.A.3.a.2), Productivity Standards, below

are met. Criteria listed in item Art. 4.B.1.A.3), Additional Guidelines, below shall be used as guidelines in the determination.

1) Designation Criteria

The property complies with the following standards:

a) Continuous Use

The use has been continuous; and

b) Farming Procedures

Farming procedures have been demonstrated by past action or documented plans 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; and

c) Agricultural Classification

The property has received a qualified agricultural classification pursuant to F.S. §93.461.

2) Productivity Standards

The productivity or proposed net return or production of the farm operation based on net or yield for the type of agricultural production on the site is comparable to the average net or yield for the type of agriculture in the State of Florida. In making this determination at least four of the following standards shall be met:

a) Amount of Land

The amount of land under cultivation or in agricultural use (including canal or drainage features) is greater than 60 percent of the total parcel;

b) Investment

Demonstration is made that there has been on-going investment in and maintenance of the agricultural land use or documented plans for investment in agricultural use of the land;

c) Employees

There are typical seasonal or full-time employees for the agricultural operation;

d) No Nonagricultural Development

There is no nonagricultural development (except accessory agricultural uses as defined in this Article, or farm residences or farm workers quarters) on site; and

e) Demonstration

Demonstration is made that the land will be used for agricultural production for more than five years.

3) Additional Guidelines

a) Lot Size

Whether the size of the land area as it relates to a specific agricultural use, is appropriate.

b) Lease

Whether such land is under lease, and, if so, the effective length, terms and conditions of the lease.

c) Intent

The intent of the landowner to sell or convert the land for nonagricultural purposes.

d) Proximity

The proximity of the property to existing urban metropolitan development.

e) Productivity

The productivity of land in its present use.

e) Plan Designation

Must be consistent with Plan designation.

b. Agricultural Uses in the U/S Tier

1) Applicability

Uses legally established prior to the effecting date of this code in the U/S Tier shall be considered conforming. Any expansion of existing agricultural uses shall be consistent with all applicable requirements and subject to the review procedure identified in this Code.

2) Uses Not Listed

Agricultural uses not listed in Table 4.A.3.A-1, Standard Use Matrix, as permitted in the U/S Tier shall only be permitted as an interim use, subject to Class A conditional use approval.

- 3) **AR District**
The AR district shall be considered consistent with all FLU designations in the U/S Tier for the purposes of permitting interim agricultural uses only.
 - 4) **Temporary Agricultural Uses**
Property which has an existing development order may also receive an additional development order for a temporary agricultural use in the U/S Tier in accordance with the standards for the specific agricultural use, however, the agricultural use shall not be eligible for an agricultural tax exemption.
- c. **Groves and Row Crops**
The cultivation of fruits and vegetables as groves and row crops shall be subject to the following additional standards in all districts:
- 1) **Lot Size**
A minimum of five acres.
 - 2) **Setback**
Structures and accessory activities shall be setback a minimum of 50 feet.
 - 3) **Hours of Operation**
Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 p.m. is prohibited.
 - 4) **Loading**
All loading and unloading of trucks shall be restricted to the site and shall not be permitted in any setbacks.
 - 5) **Spraying**
No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.
- d. **Dipping Vats**
Dipping vats shall not be allowed in the AR district, unless approved as a Class B conditional use.
- e. **Pens and Cages**
In the AR and AGR districts, pens, cages or structures shall meet the district setbacks for a principal use, or be setback a minimum of 50 feet from any property line, whichever is greater.
- f. **Game and Exotic Animals**
The Florida Game and Fresh Water Fish Commission (FGFWC) shall regulate game farms or game animal care for private or commercial purposes.
- 1) **Exotic Animals**
Care for exotic animals (imported or non-native animal species) for private or commercial breeding purposes shall have a minimum lot size of five acres
 - 2) **Dangerous or Class I and II Animals**
Ownership, care, or keeping of dangerous or Class I and II animals, as defined by the FG&FWFC, shall require Class A conditional use approval and shall have a minimum lot size of five acres.
- g. **Livestock Raising**
The breeding, raising and caring for domestic animals including horses.
- 1) **Urban Service Area (USA)**
In the Urban Service Area, livestock raising shall comply with the following standards:
 - a) **Lot Size**
A minimum of five acres.
 - b) **Setback**
All accessory uses and structure, such as troughs, feed mechanisms and storage, shall be setback a minimum of 100 feet.
 - c) **Large Animals**
The maximum number of large animals permitted for each acre shall not exceed five. Large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure with one stall for each large animal is required when the total number of large animals exceeds three per acre. In addition, the following limitation on the number of specific large animals per acre shall apply: horses: five; swine: one; cattle: two; goats: two; sheep: two.
 - d) **Small Animals**
The maximum number of small animals permitted for each acre shall not exceed 100. Small animals shall include rabbits and fowl, excluding peafowl. Small animals shall be permitted in addition to large animals.

e) Palm Beach County Animal Control Department (PBCACD)

The property owner shall notify PBCACD as to the type of livestock and details of animal care to be provided.

f) Processing and Slaughtering

Processing and slaughtering shall be prohibited.

g) Loading

All loading and unloading of trucks shall be restricted to the site and shall not encroach any setback.

h) Waste

A plan outlining a method of waste removal shall be submitted to and approved by PBC Health Department.

i) Compatibility

The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.

h. Accessory Agricultural Uses

These uses include "U-Pick-Em" operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing and packing of farm products in the field, and outdoor storage of equipment.

i. Agriculture, Food Processing

A facility for the canning, dehydration and basic preparation of raw food products, such as the washing and cutting prior to shipment.

j. Landscape Curbing

A bona fide agricultural use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Art. 7.G., Off Street Parking Requirements.

3.1 Agriculture, Research and Development

The use of land or buildings for agriculture research and the cultivation of new agricultural products.

a. AR/Rural/Exurban

May be permitted in the AR/Rural/Exurban District with a SA FLU subject to DRO approval.

b. Outdoor Activities

Outdoor research, testing or development of agricultural products shall be limited to industrial districts only.

4. Agriculture, Light Manufacturing

An accessory agricultural use for the manufacturing of products related to agricultural operations, such as fencing, pallets, crates, or containers. Product components are predominantly assembled from previously prepared materials or finished parts. Manufacturing includes processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage and distribution, but excludes heavy industrial processing or manufacturing.

a. Setbacks

A minimum 100 foot setback shall be required adjacent to a residential district.

b. Accessory Use

Light agricultural manufacturing operations may be allowed as an accessory use to a related bona fide agriculture use on the same property provided it does not exceed 25,000 square feet.

c. Landscaping

An incompatibility buffer may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to agriculture.

5. Agriculture, Packing Plant

A facility for the packing, canning, dehydration, or basic preparation or packing of raw produce, such as washing and cutting, prior to shipment.

a. Accessory Use

A packing plant in the AP and AGR districts may be allowed as an accessory use to a related bona fide agriculture use on the same property, provided it does not exceed 25,000 square feet.

b. Setbacks

A minimum of 100 feet along all property lines which are adjacent to a residential district.

- c. **Landscaping**
An incompatibility buffer as required by Art. 7.F, Perimeter Buffer Landscape Requirements, may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to a bona fide agriculture use.
 - d. **Storage**
Only equipment directly related to the facility shall be stored on the site. All stored equipment shall be screened from view from adjacent properties and streets.
- 6. Agriculture, Sales and Service**
An establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, farm supplies, and the like:
- a. **Storage**
All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view. A maximum of five tractor-trailers used for the transport of bona fide agricultural products may be stored outside if they are completely screened from view from adjacent properties and streets.
 - b. **Grocery Sales**
Five percent or 1000 square feet, whichever is less, of the merchandise sales area use may be devoted to retail grocery sales. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale.
 - c. **Repair Service**
Service of small implements only shall be permitted in an enclosed area that is completely screened from view from adjacent properties and setback a minimum of 25 feet from any side or rear property line. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m.
 - d. **AR/Rural/Exurban Tier**
Agriculture, Sales and Service may be with a SA FLU and subject to a Class A conditional use approval.
- 7. Agriculture, Storage**
The storage of equipment or products accessory or incidental to a principal agricultural use.
- a. **General**
Storage of hazardous waste or regulated substances shall comply with local, state and federal regulations.
 - b. **Outdoor Storage**
Outdoor agricultural storage shall comply with the following standards:
 - 1) **Urban Service Area**
 - a) **Setbacks**
Outdoor agricultural storage shall meet the principal use setbacks of the district in which it is located.
 - b) **Screening**
Outdoor agricultural storage shall be screened from view by a solid fence, wall or building.
 - 2) **Outdoor Agriculture Storage**
Outdoor agriculture storage is only permitted in the RE, RT, RS, RM, CN, CC and CG districts as a Class B conditional use.
 - a) **Exception**
Outdoor agriculture storage is not permitted in a PDD with a commercial FLU designation.
 - c. **Indoor Storage**
Indoor agricultural storage shall be permitted in conjunction with a bona fide agricultural use with or without a principal structure. Indoor storage shall be contained within a permanent structure. Agricultural storage in a mobile home shall not be permitted. Agricultural storage in a shipping container shall only be permitted in conjunction with a bona fide agricultural use.
 - 1) **AR district in Urban Service Area (USA)**
An enclosed structure shall be setback 100 feet from the front and side street and 50 feet from the side and rear property lines.
 - 2) **All Other Districts in Urban Service Area (USA)**
An enclosed structure shall meet the principal use setbacks of the district in which it is located.

8. Agriculture, Transshipment

A facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.

a. AGR and AP Districts

1) Accessory Use

Agricultural transshipment facilities not exceeding 25,000 square feet shall be permitted as an accessory use.

2) Setback

A minimum 100 foot setback shall be required along all property lines which are adjacent to an existing residential use, district or FLU as of the effective date of this Code excluding farm worker quarters and mobile homes accessory to agriculture.

9. Air Curtain Incinerator

A combustion device used to burn trees and brush.

a. Standards

1) Storage

Except in the AP district, on site outdoor storage of unprocessed material shall be limited to 45 days. Pile height shall be limited to 15 feet. Outdoor storage shall be setback a minimum of 25 feet from any property line or 50 feet from any property line adjacent to a residential district or use. Storage areas shall be screened from view pursuant to Art. 5.B, Accessory and Temporary Uses.

2) Hours of Operation

Hours of operation are limited to 8:00 a.m. to 5:00 p.m., Monday through Friday within 1000 feet of a residentially zoned property.

3) Setback

The incinerator shall be set back a minimum of 500 feet from any property line abutting a residential district or use.

4) Lot Size

A minimum of five acres.

5) Access

An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local street is prohibited. Access shall be restricted to specific entrances with gates that can be locked and that carry a notice that only authorized persons are allowed on the site.

b. Supplemental Application Requirements

1) Site Plan

A site plan illustrating how the operation functions, circulation routes, square footage, height and location of buildings, incinerator and storage piles.

2) Waste

An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day.

3) Dust Control

A plan which addresses dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator and watering or enclosing storage piles. If facility with an air curtain incinerator also includes chipping, mulching or composting, adherence to the supplementary use standards applicable to such use shall also be required.

c. Permanent Incinerator

A permanent air curtain incinerator shall be permitted only in the AP, IL, IG and PO zoning districts subject to a Class A conditional use.

d. Temporary Incinerator

1) Duration

The use shall be permitted as a temporary accessory use for a maximum period of six months.

2) Setback

All PDRs, including setbacks, shall be met. If the applicant is unable to meet the PDRs, the Zoning Division shall be authorized to determine the location of the incinerator and set necessary conditions for landscaping and screening in lieu of a variance.

10. Airport, Landing Strip or Helipad

Any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft. All private airports, landing strips, and helipads not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards:

a. Accessory Landing Strip

Defined as any private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners, farm operators, or commercial operations.

b. AGR and AR Tiers

Only landing strips, hangers and helipads accessory to a bona fide agricultural use shall be permitted.

c. CRE District

An airport, landing strip, or helipad shall not be located in an RR FLU designation.

d. Airspace Analysis

A helipad shall demonstrate that the FAA has conducted an airspace analysis 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).

e. Landing Area

Private airports, landing strips, and helipads shall comply with the minimum dimensions required by FDOT. Helipads shall comply with Heliport Design Guide as required by the FAA.

f. Lot Size

Helipads accessory to a farm residence shall be located on parcels containing a minimum of ten acres. Landing strips and hangars accessory to agricultural uses shall be located on parcels containing a minimum of 20 acres.

g. Hangers

Storage buildings for aircraft shall be allowed as principal structures.

h. Setback

No structure or navigation aid shall be located within 50 feet of any property line. In addition, there shall be a 100-foot setback between the edge of the landing area, as defined by the FDOT, and the property line.

i. Building Height

A variance shall not be required for a structure to exceed the height limit for the district in which the use is located, if the additional height is required by Federal law or F.S.

11. Air Stripper

A temporary remedial system which treats contaminated groundwater.

a. Duration

The length of time a remedial system may remain on a site shall be determined by ERM.

b. Setback

If the applicant is unable to meet the property development regulations, in lieu of a variance, the Zoning Division shall be authorized to determine the location of the incinerator and set necessary conditions for landscaping and screening.

12. Arena, Auditorium or Stadium

An open, partially or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, large conference centers, sports arenas, jai alai frontons, amphitheatres and racetracks.

a. CRE District

An arena, auditorium or stadium use shall not be located in an RR FLU designation.

b. Lot Size

A minimum of five acres.

c. Frontage

A minimum of 200 feet of frontage on a public street providing the primary access is required. All vehicular access shall be from an arterial street.

d. AGR District or FLU Designation

Paramutal betting is not permitted.

13. Asphalt or Concrete Plant

An establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.

14. Assembly, Nonprofit Institutional

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

a. Frontage

The use shall front a collector, arterial, or local commercial street.

b. Redevelopment and Revitalization Overlay

The use may be located on a local residential street, subject to the following criteria:

- 1) Approval of a Special Permit;
- 2) Limited to a maximum of 3,000 square feet of GFA, unless approved as a Class A conditional use;
- 3) A maximum of two acres, unless approved as a Class A conditional use;
- 4) Landscaping in accordance with Art. 7, Landscaping;
- 5) A minimum of one parking space per employee and two visitor parking spaces shall be provided;
- 6) No outdoor activities after 10:00 pm.;
- 7) PBC or a CCRT approved neighborhood group shall own or operate the property and facility;
- 8) Prior to the issuance of an occupational license, the building shall comply with all applicable Health and Building Code requirements; and
- 9) The following accessory uses shall be permitted: limited day care, day camp, neighborhood association office, police and fire rescue substations, and special events.

c. TND District

Maximum floor area is 10,000 square feet.

d. AR District

A Type 3 incompatibility buffer shall be provided adjacent to residentially occupied or zoned property.

e. AGR District

The use shall be limited to that which supports the agriculture industry or provides service to farm workers and shall not be located west of SR7.

15. Assembly, Nonprofit Membership

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

a. Frontage

The use shall front on a collector, arterial, or local commercial street.

b. AR/Rural/Exurban Tier

May be permitted with a SA FLU and subject to a Class A conditional use approval.

16. Auction

An establishment engaged in the public sale of goods to the highest bidder.

a. Temporary

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

b. Outdoors

An auction with all or a portion of the activity and display of merchandise occurring outside of an enclosed building shall require approval of a Class A conditional use provided the site meets the non-residential use location criteria of the AR district.

c. AR/Rural/Exurban Tier

May be permitted and subject to a Class A conditional use approval provided the site meets the non-residential use location criteria of the AR district.

d. TMD District

Auctions are permitted only within enclosed buildings in the U/S tier.

17. Auto Paint and Body Shop

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

a. Enclosed Structure

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

b. Architecture

Freestanding auto paint and body shops contiguous to a public street or residential zoning district shall comply with Art. 5.C, Design Standards.

18. Auto Service Station

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

a. Approval Criteria

Prior to approving a conditional or requested use for an auto service station, the BCC shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the BCC shall consider whether or not:

- 1) Adequate ingress and egress has been provided.
- 2) Adequate buffering and setbacks from residential areas has been provided.
- 3) Sufficient vehicle stacking, circulation, access, and area for turning movements has been provided.
- 4) The number of fueling stations proposed is excessive.
- 5) There is an excess of similar stations in the vicinity.

b. Location Criteria

1) Intersection

A maximum of two auto service stations shall be permitted within 1,000 feet of any intersection, measured from the intersection of the centerline of each street.

2) Number of Service Stations

An auto service station shall not be located within 1,000 feet of an existing or approved auto service station or convenience store with gas sales, measured by drawing a straight line between the nearest point on the perimeter of the exterior wall of the proposed auto service station to the nearest point on the existing or approved auto service station or convenience store with gas sales. An auto service station within 1,000 feet of an intersection in accordance with the location criteria in paragraph above shall be exempt from this requirement.

3) U/S Tier

An auto service station in the CL FLU designation also shall comply with the Major Intersection Criteria in Art. 5.E.1, Major Intersection Criteria, unless located in a PDD.

4) Rural, Exurban, Glades Tier

An auto service station shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table.

5) Existing Auto Service Stations

The location criteria in this section shall have no affect on an auto service station that is a conforming use as of the effective date of this Code.

c. Accessory Restaurant

An accessory restaurant shall be limited to 30 percent of the total GFA of the principal use and may be permitted subject to the following:

1) With a Drive-thru

Subject to approval of a Class A conditional use or requested use.

2) Without a Drive-thru

Subject to approval by the DRO.

d. Parking

Parking for each use shall be calculated separately to determine the total amount of required parking. Parking for an accessory car wash may be exempt from this parking requirement.

e. Standards

1) Enclosed Repair

All accessory repair activities shall be conducted within an enclosed structure. No outdoor storage of disassembled vehicles, or parts thereof, shall be permitted on site.

2) Delivery Vehicles

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

3) Vehicle Testing

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

4) Loudspeakers

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

f. TMD District

Automotive service stations shall be permitted only on sites that are within 500 feet of the perimeter of a TMD district but shall not be located on a Main Street. The maximum site area is 10,000 square feet. A maximum of two gasoline pumps or four fueling positions shall be permitted.

19. Aviculture

The raising and care of birds in captivity.

a. Minimum Lot Size

- 1) Two acres: 40-200 birds.
- 2) Five acres: 201 or more birds

b. Hobby Breeder

1) General

The raising of birds as a hobby shall be allowed as a use by right in the AR district subject to the following:

- a) The hobby breeder shall not engage in the sale of more than 24 birds to the public during any consecutive 12 month period;
- b) The hobby breeder shall not provide care for more than 40 birds on a parcel of land at any time;
- c) The minimum lot size of two acres;
- d) Shelters, cages, and accessory structure shall be setback a minimum of 50 feet from all property lines;
- e) Outdoor shelters and cages shall be contained to specific areas on the site and screened from view on all sides by a minimum six foot high opaque fence or wall. The fence or wall shall be located within 20 feet of the containment area;
- f) The hobby breeder shall locate birds which excessively screech, chirp, crow, or make loud noises away from residential properties to the maximum extent possible. Birds considered a nuisance by the Sheriff's Office shall be removed from the site; and
- g) Care, licensing, registration, and inspections shall be as required by the Animal Care and Control Ordinance and other applicable statutes.

20. Bed and Breakfast

An owner-occupied single family dwelling that offers lodging and breakfast only to paying guests.

a. Adverse Effect

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

b. Existing Structures

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.

c. Guest Register

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

d. Health Department and Building Code

Prior to the issuance of an occupational license, the dwelling shall be modified to comply with all applicable Health Department and Building Code requirements.

e. Signage

One sign, a maximum of eight square feet, a listing name and contact information only.

f. LOSTO Overlay

A bed and breakfast shall be allowed pursuant to the Special Permit use standards.

21. Broadcast Studio

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

22. Building Supplies

a. Retail

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

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

b. Wholesale

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

- 1) Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.

23. Butcher Shop, Wholesale

An establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.

a. Frontage

A wholesale butcher shop shall front on and access from an arterial street.

b. Deliveries

If adjacent to a residential use, deliveries shall be limited to 6:00 a.m. to 5:00 p.m., Monday through Saturday. Truck engines, including refrigeration units, shall not be operated between 5:00 p.m. and 6:00 a.m.

c. Storage and Disposal

No outdoor storage, disposal of waste, or by product shall be permitted.

d. Slaughtering

Slaughtering, rendering and dressing shall be prohibited.

24. Campground

A parcel of land used for a temporary camping and recreational uses and not as permanent living quarters.

a. Lot Size

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

b. Setback for Campsites

A minimum of 50 feet from any property line.

c. Camping Cabin

A rental cabin used for temporary occupancy.

1) Use

A camping cabin shall be permitted as an accessory use to a RVPD or campground.

2) Structure

The cabin shall comply with all structural requirements of the Building Code.

3) Duration

Time limitations for occupancy shall be in accordance with Art. 3.E.3.7.D, RVPD Time Limitations.

4) Setback

Camping cabins shall meet the setbacks required for a recreational vehicle.

5) Location

A camping cabin may be located on a recreational vehicle lot or campsite in lieu of a recreational vehicle or campsite.

6) Floor Area

A camping cabin shall not exceed 800 square feet of GFA.

7) Additional Floor Area

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

8) Amenities

A camping cabin may contain electrical outlets, heating, lighting, air conditioning, fans, cooking facilities and plumbing.

9) Number

A maximum of 30 percent of the total approved RV lots or campsites may be converted to cabin use.

10) Camping Cabin Lots

At no time shall the number of camping cabins exceed 49 percent of the developed lots or campsites.

d. LOSTO Overlay

A camping cabin shall be allowed as a principal use, or as an accessory use to a single family dwelling, subject to approval as a special use and the following:

1) Density

A maximum of ten camping cabins per acre.

2) Setback

A minimum of 25 feet from all property lines.

3) Occupants

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

e. AR/Rural/Exurban Tier

A campground may be permitted with a SA FLU and subject to a DRO approval.

25. Car Wash

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

a. Location Criteria

1) A car wash or detailing use in the CC district shall be subject to the same location criteria as an Auto Service Station Art. 4.B.1.A, Supplementary Use Standards.

2) Auto detailing limited to hand washing/waxing shall be subject to approval by the DRO in the CG, IL districts or a PDD with a CH FLU designation.

b. Accessory Use

An automatic car wash shall be allowed as an accessory use to an auto service station or convenience store with gas sales when it is located on the same lot.

c. Loudspeakers

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

26. Catering Service

An establishment where food and beverages are prepared and delivered for consumption off the premises. A catering service may also provide personnel, serving equipment, and decorations.

a. Restaurant

Catering shall be allowed as an accessory use to a restaurant. The use of more than three delivery vehicles shall be subject to approval by the DRO.

27. Cemetery

Land used or intended to be used for human or animal burial. A cemetery may include an office, chapel, mausoleum, columbarium or crematory.

a. Frontage

In all residential districts, a cemetery shall have frontage on and access from an arterial or a collector street.

b. Lot Size

In accordance with F.S. §497.027, a cemetery for human burial shall be located on a site with a minimum contiguous area of 15 acres.

c. RM

In the RM district, a cemetery may include an accessory funeral home subject to approval as a Class A conditional use.

d. Pet Cemetery

A pet cemetery shall be permitted only in the CG district as a Class A conditional use and may include an accessory crematory.

28. Chipping and Mulching

An establishment using equipment designed to cut tree limbs, brush or wood construction debris into small pieces for use as mulch.

a. Lot Size

A minimum of five acres.

b. Setback

A minimum of 500 feet from any property line abutting a residential district.

c. Accessory Uses

Potting soil manufacturing may be allowed as an accessory use to chipping and mulching.

d. Access

An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local street shall be prohibited. 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

Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Art. 5.B, Accessory and Temporary Uses.

f. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1000 feet of a residential zoning district.

g. Supplemental Application Requirements

1) Site Plan

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.

2) Waste Volume

An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

3) Dust Control

A plan to address 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.

h. AR/Rural/Exurban Tier

May be permitted with a SA FLU and subject to a Class A conditional use approval.

29. Church or Place of Worship

A premise or site owned, operated, or leased by a tax-exempt religious group which is used periodically, primarily or exclusively for religious worship, activities and related services. A church or place of worship may include collocated facilities. Collocated facilities which require additional approval, except as provided below by F.S., include a day care, school, cemetery, CLF, or other bed based use such as a convent, seminary, dormitory, or retreat.

a. Frontage

A place of worship with accessory facilities such as a day care, school, CLF, cemetery, community center, rectory, convent or seminary, shall front on and access from a collector or an arterial street.

1) Access

A church or place of worship in excess of 15,000 square feet of GFA or 350 seats, including collocated facilities and accessory uses, shall have legal access to a collector or arterial street. The County Engineer or PZB may, as a condition of approval, recommend that a church or place of worship below this threshold have access to a collector or arterial street.

2) AGR

A church or place of worship in the AGR district shall not be located west of SR 7/US 441.

b. Use Limitations

1) Permitted Use

A church or place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted in the CN, CC, TMD districts, and a commercial pod in a PDD or TDD subject to DRO approval.

2) Accessory Use

A church or place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted as an accessory use to an assembly, civic, educational or recreational use in any non-residential district, except IL, IG or a PDD with an IND FLU designation, subject to approval by the DRO.

3) Temporary Sales

Temporary sales, such as rummage, bake, or seasonal sales, shall be permitted as an accessory use. Temporary sales greater than three consecutive days shall obtain a Special Permit for Temporary Retail Sales.

4) Limited Day Care

A limited day care shall be permitted as an accessory use to a church or place of worship with a minimum of 3,0000 square feet of GFA or 150 seats subject to approval by the DRO.

5) INST

In the INST FLU designation, affordable housing shall be permitted as an accessory use to a church or place of worship, subject to approval of a Class A conditional use. Such housing shall be requested and under the direct supervision of a sponsoring nonprofit organization or community based group, provided at below market rental rates, and not for resale. The number of units allowed shall be determined by the Planning Director based on a land use compatibility analysis of the surrounding area.

30. College or University

An institution of higher learning offering undergraduate or graduate degrees, and including the buildings required for educational or support services, such as classrooms, laboratories, dormitories and the like.

31. Communication Towers, Commercial

Any tower whose principal use is to facilitate transmissions for AM/FM radio, television, microwave and cellular telephone transmission towers, antennae and accessory equipment and buildings. All tower and antennae types are subject to standards in Art 4.C, Communication Towers.

a. Communication Panel Antennas, Commercial

Standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards.

b. Communication Cell Sites on Wheels (COWs)

A temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.

32. Community Vegetable Garden

A plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.

a. Accessory Structures

Accessory structures shall be limited to 400 square feet.

b. Setbacks

Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential districts. Accessory structures shall meet the setbacks of the district.

c. Spraying

Aerial application of fertilizer or pesticides shall be prohibited.

d. Parking

Overnight parking shall be prohibited.

e. Loading

All loading and unloading activities shall be restricted to the site and shall not encroach into any setbacks.

f. Storage

Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall be contained within an accessory structure.

33. Composting Facility

A facility designed and used for transforming food, yard waste and other organic material into soil or fertilizer through biological decomposition. This use does not include backyard-composting bins serving individual families.

a. Lot Size

A minimum of five acres.

b. Setbacks

A minimum of 500 feet from residential districts and uses.

c. Access

An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local street shall be prohibited. 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.

d. Storage

Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential zoning district or use. Storage areas shall be screened from view, pursuant to Art. 5.B, Accessory and Temporary Uses.

e. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential zoning district.

f. Supplemental Application Requirements

1) Site Plan

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) Waste Volume

An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day.

3) Dust Control

A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator and watering or enclosing storage piles.

g. AR/Rural/Exurban Tier

May be permitted with a SA FLU and subject to Class B conditional use approval.

34. Congregate Living Facility

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

a. Maximum Occupancy

1) Type 1

Six persons, excluding staff.

2) Type 2

14 persons, excluding staff.

3) Type 3

Determined by Table 4.B.1.A-3, Maximum Permissible Occupancy in Type Congregate Living Facilities, below.

| Table 4.B.1.A-3 - Maximum Permissible Occupancy in Type 3 Congregate Living Facilities | | | |
|---|------------------------|---|--|
| FLU Category | Zoning District | Maximum Occupancy (Residents per Acre) | |
| | | Standard District | Planned Development¹ |
| AGR | AGR | PROHIBITED | 0.24 |
| RR | AR | PROHIBITED | 0.24 |
| RR20 | AR | PROHIBITED | 0.12 |
| LR1 | RE, RT | PROHIBITED | 2.40 |
| LR2 | RT | PROHIBITED | 4.80 |
| LR3 | RT | PROHIBITED | 7.20 |
| MR5 | RS | PROHIBITED | 12.0 |
| HR8 | RS, RM | 14.3 | 19.1 |
| HR12 | RM | 19.12 | 28.7 |
| HR18 | RM | 19.12 | 28.7 |

Notes

¹ For the purpose of this Section, the required minimum acreage for a PDD consisting exclusive of a CLF may be reduced by 50 percent.

- 4) **PDD Occupancy Bonus**
 - a) **No Double Counting Density**

The gross area of a pod supporting a CLF in a planned development shall be deducted from the gross area of the planned development for the purpose of calculating the maximum density allowed in the PDD
 - b. **Separation**

For the purpose of required separations, 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 shall be measured from structure to district boundary.

 - 1) **Location of Type 1**

A Type 1 CLF shall not be located within 1,000 feet of another CLF.
 - 2) **Location of Type 2 and Type 3**
 - a) **RM District**

A Type 2 CLF shall be allowed as a permitted use, provided that it is not located within a radius of 1,200 feet of another CLF, and 500 feet from a single-family dwelling unit.
 - b) **Frontage**

A Type 3 CLF shall front on and access from a collector or an arterial street. A Type 3 facility having 25 residents or less may front on a local street.
 - (1) **Planned Development Districts (PDDs)**

A Type 3 facility having 250 residents or fewer may be located in a pod with access to a local street or a parking tract in a PDD. These facilities shall only be permitted in a multi-family, commercial, or civic pod, subject to the following criteria:

 - (a) **Compatibility**

The CLF shall be compatible with the surrounding area, including the height and mass of surrounding building(s).
 - (b) **Height**

The CLF shall not be more than one story higher than existing, or proposed development within a 150-foot radius of the facility. The measurement shall be made from structure to structure.
 - c) **Fire Rescue**

A Type 2 or 3 CLF shall be located within five miles of a full service fire-rescue station.
 - c. **Design and Compatibility**

Types 2 and 3 CLF shall comply with Art. 5.C, Design Standards.
 - d. **Lot Size**

The minimum lot dimensions of the district in which a CLF is located shall apply, except that in no case shall the lot size be less than 8,000 square feet for a Type 2 CLF, or one acre for a Type 3 CLF.
 - e. **Height**

The maximum height of a CLF shall comply with the regulations of the district in which it is located.
 - f. **Reserve Parking, for Type 2 and Type 3 CLFs**

Adequate provisions shall be made to reserve sufficient lot area to meet future parking standards if the facility is converted to other uses. The boundaries of the reserve parking area shall be identified on the site plan and shall not be within any lake, drainage or open space tract used to meet exemplary design criteria.
 - g. **Drop-off Area, for Type 2 and Type 3, CLFs**

A drop-off area shall be provided for group transportation, such as vans or similar vehicles.
 - h. **Cooking Facilities**

A CLF shall provide and continuously maintain a central dining facility. Food preparation shall be prohibited in sleeping areas or in individual quarters in Types 1 and 2 CLFs. Individual kitchen facilities may be provided in the living quarters of a Type 3 CLF.
 - i. **Signage**
 - 1) **Type 1 and 2 CLFs**

Shall be limited to one freestanding identification sign no more than four square feet in sign face area and six feet in height.
 - 2) **Type 3 CLF**

Shall be limited to one freestanding identification sign no more than 32 square feet in face area and eight feet in height.

- j. **Accessory Uses**
 - 1) **Type 1 and 2 CLFs**
May have accessory uses customarily incidental to a single-family dwelling.
 - 2) **Type 3 CLF**
 - a) **Accessory Use**
Those accessory uses customarily incidental to a multi-family dwelling unit; and
 - b) **Non-Commercial Uses**
Noncommercial uses customarily incidental to a CLF, such as a common dining room, a central kitchen, nursing station, medical examination room, chapel, library, and on-site management offices.
 - k. **Accessory Commercial Uses**
A limited amount of commercial uses may be developed as permitted accessory uses in a Type 3 CLF. Such uses shall be limited to retail and personal service uses designed exclusively to serve the residents of the facility, such as a barber or beauty shop, convenience retail sales, and banking services. No more than ten percent of the GFA of the facility shall be used for accessory commercial uses. There shall be no exterior signage or other indication of the existence of these uses in the facility that may attract nonresidents.
 - l. **Conversion to Conventional Units**
 - 1) **Structure**
Prior to conversion to conventional dwelling units, a structure designed to accommodate a CLF shall, if necessary, be structurally modified to comply with the standards of this Code.
 - 2) **Restrictions**
The DRO shall not approve the site plan for a Type 3 CLF, until a declaration of restrictions in a form approved by the County Attorney has been recorded with the Clerk of the Circuit Court for PBC. This declaration shall expressly provide that:
 - a) the conversion of the facility to conventional dwelling units is prohibited, except in compliance with this Section; and
 - b) if permitted, conversion will not result in an increase in the number of units permitted on the site, unless the converted development has obtained the appropriate development order. If that development order has not been granted, the converted development must comply with the density permitted by the Plan;
 - c) the CLF will be maintained and operated in compliance with the Section at all times. Noncompliance shall result in a violation of this Code in accordance with Art. 10.E, Remedies.
 - m. **Conversion to Other Uses**
CLFs that are converted to other uses, including other residential uses, shall comply with all standards in effect at the time of application for permits for the new use.
 - n. **Congregate Living, Personal Services**
Assistance with or supervision of essential activities of daily living such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication and such other similar services as may be defined by the Florida Department of Health and Rehabilitative Services.
- 35. Contractor Storage Yard**
A lot used for the storage of construction material, equipment, or three or more commercial vehicles used by building trades and services, other than construction sites.
- a. **Construction Equipment**
Mechanical implement principally used in construction activity. Such equipment shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.
 - b. **Office Permitted**
An accessory office shall be permitted subject to Art. 5.B, Accessory and Temporary Uses.
 - c. **Screening**
Outdoor storage shall be screened from view in accordance with Art. 5.B, Accessory and Temporary Uses. For a storage yard contiguous to property in a residential district, an opaque fence/wall a minimum of eight feet in height shall be installed along the inside edge of the required landscape buffer.

d. AR/Rural/Exurban Tier

May be permitted with a SA FLU and subject to a DRO approval, provided the site meets the non-residential use criteria of the AR district.

36. Convenience Store

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

a. Floor Area

A maximum of 5,000 square feet.

b. CN and CC District

Shall comply with Art. 5.E.1, Major Intersection Criteria.

37. Convenience Store with Gas Sales

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

a. Floor Area

A maximum of 5,000 square feet.

b. Approval Criteria

- 1) Shall be subject to the same location criteria as an Auto Service Station, Art. 4.B.1.A, Supplementary Standards.
- 2) The location criteria required above shall not affect an existing convenience store with gas sales that is a conforming use as of the effective date of this Code.

c. U/S Tier

In the Commercial Low (CL) FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria, unless located within a PDD.

d. Rural, Exurban, Glades and Agricultural Reserve Tiers (AGR)

Shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the FDOT PBC Federal Functional Classification Table.

e. Water

Evidence of the protection of drinking water sources shall be provided to the Health Department prior to certification by the DRO.

f. Parking

A convenience store with gas sales greater than 3,000 square feet in GFA shall provide one half of the required parking spaces directly adjacent to the store.

g. Accessory Restaurant

A restaurant accessory to a convenience store with gas sales shall be subject to the same criteria as a restaurant accessory to an auto service station Art. 4.B.1.A.18, Auto Service Station, and the following:

1) Drive-thru

A restaurant without a drive-thru may be permitted as an accessory use subject to DRO approval. A restaurant with a drive thru may be permitted subject to Class A conditional use or requested use approval;

2) Floor Area

An accessory restaurant shall not exceed 30 percent of the GFA of the convenience store; and

3) Parking

Parking for the restaurant shall be calculated separately to determine the total amount of required parking.

h. TMD Districts

Islands for gasoline pumps shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street.

38. Data and Information Processing

The use of an establishment for business offices of an industrial nature, including corporate centers, mail processing and telemarketing centers. Such uses are not frequented by the general public.

39. Day Camp

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

a. Duration

Maximum 16 weeks per calendar year.

b. Operation

Shall operate only during those times when local schools are not in session.

c. Accessory Use

A day camp for 200 or fewer children may be permitted as an accessory use to a legally established institutional, civic, recreational, or educational use.

40. Day Care

a. General

An establishment licensed by the Health Department, which provides care, protection and supervision for 21 or more children or adults for a period of less than 24 hours per day on a regular basis.

b. Limited

An establishment licensed by the Health Department, which provides daytime care, protection and supervision for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. Limited day care does not include nighttime or overnight care.

c. Lot Size

A minimum of 6,000 square feet, or the minimum required by the district in which the day care is located, whichever is greater.

d. AGR District

A limited day care may be permitted as an accessory use to a church, place of worship, farm worker quarters, or assembly non-profit institutional use, subject to DRO approval. In the AGR district a day care shall not be located west of SR7.

e. CRE District

A general day care shall not be located in a CRE district with an RR FLU designation.

f. IND FLU or Pod

A day care center located in a project with an IND FLU designation or in an industrial pod of a PDD shall be for exclusive use on-site employees or contiguous employees.

1) Exception

A commercial pod in a MXP or PIPD shall not be subject to this limitation.

g. Floor Area

1) Child Care

For a child day care with 40 children or less, the minimum floor area, exclusive of any area devoted to a kitchen, office, storage and toilet facilities, shall be 1,500 square feet. An additional 35 square feet of floor area or the amount required by the PBCHD shall be provided for each child over 40 children.

2) Adult Care

For an adult day care with 20 persons or less, the minimum floor area, exclusive of any space devoted to a kitchen, office, storage, and toilet facilities, shall be 1,500 square feet. An additional 75 square feet of floor area shall be provided for each person over 20 persons.

h. Outdoor Activity Area

1) General

An outdoor activity area shall be provided on the same lot as the day care. The area shall not be located in the required front setback or adjacent to any outdoor storage area of any existing use.

2) Child Care

a) General

A child day care shall provide a minimum of 1,500 square feet of outdoor activity area or 75 square feet of outdoor activity area for each child (licensed capacity), whichever produces the larger area. The Child Care Facilities Board may approve a reduction in the size of this area where the operator utilizes split shifts. Under no circumstances shall the outdoor activity area be reduced to less than the area required to accommodate one-third of the area required by this standard.

b) Infants

Where a child day care is limited solely to the care of infants (two years of age and younger), the outdoor activity area provided shall be a minimum of 45 square feet per child. The Child Care Facilities Board may approve a reduction in the size of this area where the operator utilizes split shifts. Under no circumstances shall the outdoor activity area be reduced to less than one-half of the area required by this standard.

c) Location of Outdoor Play Equipment

Stationary outdoor play equipment permanently anchored to the ground shall be setback a minimum of 25 feet from any residentially zoned or used property line, and ten feet from any other property line. 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 easement.

3) Shade Trees

A minimum of one 12 foot tall native canopy tree shall be provided or preserved within the interior of the outdoor activity area per 1,500 square feet of area provided.

4) Fence/Wall

A minimum four foot high fence or wall shall surround the outdoor activity area.

i. Drop-off Access

1) Drop-Off

One designated drop off space shall be provided for every ten children or adults. Drop-off spaces shall be a minimum of 12 feet in width.

2) Sidewalk Access

A minimum four-foot wide sidewalk running in front of, or adjacent to the drop-off spaces and connecting to the day care entrance shall be provided.

41. Day Labor

An establishment engaged in providing temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades.

a. Location

A day labor service shall be located within and totally surrounded by property with an industrial zoning designation. The minimum distance of all principal structures, accessory structures and outdoor activity areas shall be as follows:

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

b. Hours of Operation

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

c. Minimum Building Size

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

d. Loitering

No outdoor loitering, waiting, or seating shall be permitted on the site.

e. Loudspeakers

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

f. Records

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

g. Advertising

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

h. Development Standards

All services shall adhere to the non-residential development standards of Art. 3.C, Standard Districts.

42. Dispatching Office

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

a. CG and CH/MUPD Districts

A dispatching office shall be limited to no more than three service or delivery vehicles unless approved as a Class A conditional use or requested use.

43. Dog Daycare

An establishment which provides daytime care and training for domestic dogs.

a. Use Approval

Prior to review by DRO, approval shall be obtained from the Division of Animal Care and Control.

b. Waste Disposal

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

c. Number of Dogs

The number of dogs permitted shall be based on the square footage of the facility pursuant to the PBCACD.

d. Runs and Drop-Off

Facilities shall be subject to the following standards:

- 1) outdoor runs, play areas, yards, etc., shall be prohibited;
- 2) adequate drop-off areas shall be provided; and
- 3) three drop off spaces measuring 12 feet by 20 feet shall be provided for every 50 dogs.

44. Electric Power Facility

A principal use of property for an electrical generation or transmission voltage switching station.

a. Setbacks

- 1) An electric power facility, for electrical generation only, shall not be located within 1,000 feet of a residential zoning district.
- 2) Principal uses and structures (excludes poles) shall be setback a minimum of 500 feet from all property lines.
- 3) Accessory uses and structures (excluding poles) shall be setback a minimum of 50 feet from all property lines.

b. Screening

Screening around the perimeter of an electric power facility shall be provided at the time the facility is constructed or when surrounding development occurs. The standards in Art. 7, Landscaping, shall be waived if the required screening is not visible from adjacent lots or streets.

45. Entertainment, Indoor

An establishment offering entertainment or games of skill to the general public for a fee or charge and wholly enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades.

a. CRE District

An indoor entertainment shall not be located in a CRE district with RR FLU designation.

b. IL District

An indoor entertainment facility exceeding three acres in the IL district, the use shall rezone to the CRE district.

c. CC, CG, and MUPD Districts

- 1) An indoor entertainment use less than 3000 square feet is a permitted use.
- 2) Banquet and reception facilities as a principal use are subject to Class A conditional use or requested use.

46. Entertainment, Outdoor

An establishment offering entertainment or games of skill to the general public where any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses include archery ranges, athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, and go-cart tracks, miniature golf courses, jet skiing, and wind surfing.

a. AR/Rural/Exurban Tier

May be permitted with a SA FLU and subject to a Class A conditional use approval, provided the site meets the non-residential use criteria of the AR district.

b. CRE District

Shall not be located in a CRE district with an RR FLU designation unless owned or operated by a public agency.

c. IL District

The use shall rezone to the CRE district if exceeding three acres in size.

d. CC District

An outdoor entertainment facility shall be limited to uses that are of a community nature and that serve residential neighborhoods within a three to five mile radius.

e. Frontage

Access to an outdoor entertainment use shall be from a paved public collector or arterial street. The minimum required frontage for the primary point of access shall be 200 feet.

f. Setbacks

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

| Table 4.B.1.A-4 – Outdoor Entertainment Setbacks | |
|--|-----------------|
| Adjacent Use | Minimum Setback |
| Nonresidential and streets | 50 feet |
| Residential District or Use | 100 feet |

47. Equestrian Arena, Commercial

An establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes.

a. U/S Tier

1) Lot Size

The minimum lot size shall be five acres.

2) Frontage

The project in which an equestrian arena is located shall front on and access from collector or arterial street.

3) Hours of Operation

Outdoor activity shall be limited from hours of 6:00 a.m. to 10:00 p.m. daily.

4) Loudspeakers

Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.

b. Rural, Exurban, Agricultural Reserve (AGR) and Glades Tiers

1) Location

The project in which an equestrian arena is located shall have frontage on a paved street.

2) Operating Hours

Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily.

3) Loudspeakers

Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.

c. Setbacks

Riding, spectator viewing areas, and show rings shall not be located within 100 feet of any property line.

d. Compatibility

Design of the site shall assure no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.

48. Estate Kitchen

An accessory use which is physically integrated with the main residence.

a. There shall not be the presence of a complete living environment associated with the estate kitchen.

b. The required minimum lot size shall be twice the minimum lot size requirement for the underlying zoning district for a house supporting an estate kitchen.

49. Excavation

Excavation, – see Art.4.D, Excavation.

50. Farm Residence

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

a. Principal Dwelling

One principal dwelling shall be permitted for each bona fide farm operation.

b. AR/Rural/Exurban Tier

Shall be permitted with a SA FLU.

51. Farm Workers Quarters

One or more residential structures occupied by farm workers who provide labor in conjunction with agricultural operations.

- a. **Density**
One dwelling unit limited to a maximum of four beds shall be permitted for each 25 acres. Farm worker quarters shall not be located on property in the AGR Tier in which no residential density is assigned by the FLU designation.
- b. **Clustering**
Ten or more units on any lot shall be clustered and subject to DRO approval.
- c. **AGR/PUD**
AGR/PUD Preserve allowed one dwelling unit per acre provided such units are clustered onto a single compact area of the preserve and are restricted to occupancy by farm workers.
- d. **AR/Rural/Exurban Tier**
May be permitted with a SA FLU and subject to a Special Permit approval.

52. Farmers Market

An establishment for the wholesale sale of farm produce.

- a. **Setback**
- b. **Accessory Use**
A farmers market shall be setback a minimum of 100 feet from property lines adjacent to a residential use existing as of the effective date of this Code, excluding farm worker quarters and mobile homes accessory to agriculture.
A produce stand shall be permitted as an accessory use to a farmers market.
- c. **Frontage**
Shall be located on arterial street.

53. Farrier

One that shoes horses. May be accessory to a blacksmith, farm, equestrian facility, or is mobile and shoes the horses on site.

54. Film Production Studio

The use of a lot or building for the production of films or videotapes for exhibition or sale.

- a. **CHO and CG Districts**
Outdoor activities shall be located a minimum of 300 feet from a residential district.
- b. **Temporary Film Permit**
A temporary film permit to allow locational shooting for a period of less than three weeks may be allowed subject to approval of a Special Permit by the Zoning Division. This permit may be issued in all districts subject to the following requirements:
 - 1) **Coordination**
The Director of the Film Liaison Office shall coordinate with the Zoning Director to schedule the proposed film shooting.
 - 2) **Conditions of Approval**
Reasonable conditions may be imposed which are designed to mitigate any anticipated impacts on surrounding properties.
 - 3) **Renewal**
One additional renewal may be granted for an additional three weeks, for a maximum duration of six weeks.
- c. **Extended Film Permit**
An extended film permit shall be issued by the Director of the Film Liaison Office for a period greater than six weeks. The duration of the permit shall not exceed 24 months. This permit may be issued in all districts.

55. Financial Institution

An establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines and drive-thru only facilities.

- a. **CN and CLO Districts**
A financial institution use shall not consist of more than 5,000 square feet of GFA or have a drive-thru facility.
- b. **CC, CG, CHO Districts and PDDs**
A financial institution of up to 5,000 square feet of GFA without a drive-thru facility shall be a permitted use.
- c. **Floor Area**
A financial institution shall not consist of more than 5,000 square feet of GFA or have more than three drive thru facilities, unless approved as a Class A conditional use or requested use.

d. TMD District

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

56. Fitness Center

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

a. RM and CN Districts

Shall not occupy more than 3,000 square feet of GFA or have outdoor activities.

b. CC, CHO, CG Districts and PDDs

A fitness center in excess of 15,000 square feet of GFA shall be approved as a Class A conditional use or requested use.

c. CRE District

Shall not be located in a CRE district with an RR FLU designation.

57. Flea Market, Enclosed

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

58. Flea Market, Open

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

a. Sanitary Facilities

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

59. Funeral Home

An establishment which arranges and manages funeral and prepares the human deceased for burial.

a. CG, IL and MUPD Districts

A funeral home may include a crematorium located within the principal building.

b. IL District

A funeral home shall be limited to an embalming service. No public observances, sermons or funerals shall be permitted.

60. Garage Sale

The sale of household articles by the occupants of a dwelling unit.

a. Duration

A maximum of 72 hours.

b. Number of Sales

A maximum of two per year per dwelling unit.

61. Gas and Fuel, Wholesale

The use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.

62. Golf Course

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

a. AGR Tier

1) PUD

A golf course is only permitted in the development area of a PUD, subject to the following additional application requirements.

(a) Management Plan

To protect adjacent farmland from golf course maintenance practices, a maintenance plan shall be developed and complied with in perpetuity. Prior to DRO approval of the master plan, a management plan shall be submitted to and approved by ERM. At a minimum, the management plan shall include the following information:

- (1) A Best Management Plan (BMP) detailing procedures for the construction, irrigation, operation, and maintenance of the golf course, designed to prevent contamination of adjacent properties and ground and surface waters;
- (2) A Pest Management Plan (PMP) designed to prevent contamination of ground and surface water from pesticides, herbicides, and fertilizers; and

(3) A Water Quality Monitoring Plan designed to protect adjacent wetlands and surface waters.

b. Clubhouse

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

1) Fencing

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

a) Maximum Height Adjacent To

(1) Residential Use

15 feet.

(2) Street or Easement

30 feet.

(3) Non-Residential Use

30 feet.

63. Government Services

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

a. AGR District

Institutional and public facility uses shall not be located west of SR 7.

b. Prisons

Jails, correctional facilities and prisons shall be permitted in the PO and IPF districts only subject to Class A conditional use approval. Expansion of existing facilities shall be exempt from this requirement.

64. Green Market

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

a. Lot Size

A minimum of one acre.

b. Duration and Approval

Weekends only, subject to approval of a Special Permit.

c. Stands

Each vendor stand shall not exceed 150 square feet. The stand shall remain transportable. Motor vehicles such as vans or small trucks may be permitted provided the vehicle is removed from the site at the close of the market each weekend.

d. Signage

A maximum of two signs with a maximum sign face area of 32 square feet per side. Signs shall be setback a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons and flags shall be prohibited.

65. Groom's Quarters

On-site living quarters for persons responsible for grooming and caring for horses boarded at a stable. Occupancy shall be limited to on-site employees and members of the employees' family only.

a. Number Permitted

1) 20 Acres or Less

One groom's quarters shall be permitted for each four horse stalls.

2) More Than 20 Acres

One groom's quarters shall be permitted for each three horse stalls.

b. Floor Area

1) Each Unit

Each groom's quarters shall not exceed 500 square feet of GFA per unit.

2) 20 Acres or Less

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

c. Bedrooms and Bathrooms

A maximum of one bedroom and one bathroom per groom's quarter.

d. Approval Process

| Table 4.B.1.A-5 - Number of Bedrooms and Bathrooms | |
|---|---|
| Process | Number of groom's quarters permitted |
| Permitted | One |
| Special Permit | Two through four |
| DRO | Five through 20 |
| Class B | 21 through 100 |
| Class A | 101 or more |

e. AGR Tier

For parcels in the AGR Tier with more than 20 groom's quarters, or more than 20 groom's quarters on the preserve area of an AGR-PUD, the allowable density shall be decreased by one unit for each groom's quarter to a maximum reduction of one-half of the number of dwelling unites associated with the property.

f. Kitchen Facilities

Groom's quarters may contain individual cooking facilities and/or one common dining facility. An agreement to remove all kitchen equipment shall be executed prior to approval of the groom's quarter. The agreement shall require the kitchen to be removed if the unit ceases to operate as a groom's quarters.

66. Guest Cottage

Accessory sleeping quarters provided for non-paying guests by the occupant of a single-family or ZLL dwelling unit.

a. Units

A maximum of one guest cottage may be permitted as an accessory use to a principal single-family or ZLL dwelling unit. The guest cottage may be attached to the principal dwelling or freestanding.

b. Floor Area

A guest cottage shall not exceed 800 square feet GFA, except when located on a lot that is at least one acre in size, in which case the cottage shall not exceed 1,000 square feet GFA or 30 percent of the principal dwelling, whichever is greater.

c. Additional Floor Area

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

d. Kitchen or Cooking Facilities

There shall be no kitchen or cooking facilities in a guest cottage.

e. Compatibility

A guest cottage shall be compatible in character and subordinate in size to the principal dwelling unit.

f. Setbacks

A guest cottage shall comply with the minimum setbacks applicable to the principal single-family dwelling unit.

g. No Separate Ownership

A guest cottage shall remain accessory to and under the same ownership as the principal dwelling unit and shall not be subdivided or sold as a condominium.

67. Gun Club

An open or enclosed facility used for the discharge of firearms or projectiles at targets.

a. Setbacks and Buffers

1) Enclosed

An enclosed gun club shall have a 100-foot setback and a 50 foot buffer from a residentially occupied or zoned property. These setbacks are in addition to the minimum required setbacks of the district.

2) Open

An open gun club and its accessory shooting areas shall have a 300 foot setback to a 100 foot buffer from residentially occupied or zoned property. These setbacks are in addition to the minimum required setbacks of the district.

b. Lot Size

Except in the IL district, a gun club shall be located on a minimum of five acres or meet the minimum lot and setback requirements of the district in which it is located, whichever is greater.

c. AR/Rural/Exurban Tier

An open gun club may be permitted in the SA FLU subject to a Class A conditional use approval, and provided the site meets the non-residential use criteria of the AR district.

68. Gun Range, Private

A private facility, open or enclosed, used for the discharge of firearms or projectiles at targets and not to be used for commercial purposes or by the general public.

a. Required Lot Size, Buffer and Approval Process

1) Enclosed

An enclosed private gun range shall be located on a lot of five acres or greater, and shall be subject to Special Permit issued by the Zoning Director. An enclosed shooting gun range shall have a 100 foot setback and an additional 50 foot buffer from residentially occupied property in addition to the required minimum setbacks.

2) Open

Requirements for open private gun ranges vary based on location of proposed range and type of weapons to be fired. An outdoor gun range use for small caliber and rim fire shall have a 100 foot setback and an additional 50 foot buffer from residentially occupied property. An outdoor gun range for large caliber or center-fire shall have a 300 foot setback and an additional 100 foot buffer from residentially occupied property. These setbacks are in addition to the required minimum setbacks. The discharge of firearms shall not occur within 300 yards of a structure. The shooter must have the written permission of the property owner. A bullet trap is required in all locations.

b. Small Caliber and Rim Fire

The open firing of handguns of 22 calibers and less which are rim-fire or the firing of any type of shotgun shall be allowed on lots of two and one-half acres or greater. A private gun range use, which lies east of the L-40 canal, as defined below, shall be subject to DRO approval. A private gun range use, which lies west of the L-40 canal, as defined below, shall require a Special Permit approved by the Zoning Director.

c. Larger Caliber or Center-Fire

The open firing of any center-fire gun or of handguns of more than 22 calibers shall require a minimum lot size of ten acres. A private gun range located east of the L-40 canal, as defined below, shall be subject to Class A Conditional use approval. A private gun range located west of the L-40 canal, as defined below, shall be subject to DRO review and approval.

d. L-40 Canal

For the purpose of this Subsection, 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 1.5 miles west of Canal L-8, which coincides with a private agricultural road heading north from Southern Boulevard at that point where SR 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.

69. Heavy Industry

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

a. Fireworks

The retail sale of fireworks from a permanent fireworks storage facility or establishment shall be limited to an accessory use.

70. Home Occupation

A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation shall not include those businesses which are required by State of Florida agencies to be open to the public, such as gun dealers.

- a. Incidental Nature**
Shall be clearly incidental and subordinate to the residential use of the dwelling property and shall be confined to no more than ten percent of the total floor area of the dwelling.
- b. Location**
With the exception of outdoor instructional services, a home occupation shall be conducted within the principal dwelling or off-site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.
- c. No Change to Character of Dwelling**
The residential character of the dwelling in terms of exterior appearance and interior space shall not be altered or changed to accommodate a home occupation.
- d. Employees**
Shall be conducted by members of the immediate family residing in the dwelling unit only. A maximum of one person who is not a member of the immediate family may assist in the operation of the home occupations at the residence.
- e. Occupational License**
Shall be operated pursuant to a valid occupational license for the use conducted by the resident of the dwelling. More than one home occupation may be permitted on a residential lot.
- f. Advertising**
No external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet requirements mandated by F.S. Chapter 489 or Chapter 67-1876 of the PBC Contractor's Certification Division Manual.
- g. On-Premise Sales**
A home occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services.
- h. Instructional Services**
Instructional services shall meet the following additional regulations:
 - 1) Home Instruction, Inside**
Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.
 - 2) Home Instruction, Outside**
Teaching which takes place outside the dwelling unit, on the property of the instructor. This type of instruction is limited to subject matter which necessitates outside instruction. Typical instruction includes tennis, swimming lessons, dog training and equestrian lessons.
 - 3) Hours of Operation**
Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m. daily.
 - 4) Insurance**
Proof of liability insurance in the amount of at least \$300,000 covering the instructional service shall be submitted prior to the issuance of a Special Permit.
 - 5) Number of Students**
A maximum of three students at a time shall be permitted to receive instruction during a lesson.
 - 6) Parking**
No more than two vehicles associated with the lessons shall be permitted to be parked at the instructor's home at any time.
 - 7) Resident**
The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor shall be permitted to provide instruction. The occupational license shall be issued to the instructor.
- i. Outside Storage**
No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling, including driveways.
- j. Nuisances**
No home occupation shall involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building. There shall be no storage of

hazardous or noxious materials on the site of the home occupation. There shall be no noise of an objectionable nature from the home occupation audible at adjoining property lines.

k. 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.

l. Vehicles

One business related vehicle per dwelling unit not over one ton rated capacity may be parked at the home, provided the vehicle is registered to a resident of the dwelling, commercial vehicles are prohibited.

71. Hospital or Medical Center

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

a. Lot Size

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

b. Frontage

A minimum of 200 feet or the minimum required in the district, whichever is greater.

c. Beds

A maximum of one bed per 1,000 square feet of lot area (43.56 patient rooms per acre).

d. Helipad

An accessory helipad is a permitted use.

e. Incinerator

Biohazardous waste incinerators with an allowable operating capacity equal to or less than 1,000 pounds per hour and biohazardous waste autoclaves are permitted as an accessory use, subject to the following standard.

1) Setbacks

A minimum of 500 feet from any property line abutting a residential district or use. Expansion of existing facilities may be allowed with lesser setbacks, provided the expansion is approved by the DRO.

f. AR/Rural/Exurban Tier

May be permitted with a SA FLU and subject to a Class A conditional use approval.

72. Hotel, Motel

An establishment requiring a license by the State of Florida used, maintained or advertised as a place where furnished sleeping accommodations are supplied for short term rent to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses.

a. CHO, CG, and CRE Districts

A hotel, motel, SRO, or rooming and boarding house are permitted in only the CHO, CG, and CRE districts.

1) Lot Size

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

2) Lot Width

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

3) Sleeping Units

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

b. RM District

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

c. CRE District

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

d. Accessory Uses

Hotels and motels may include typical accessory uses, such as fitness centers, meeting rooms, conference centers, restaurants and lounges.

e. Lounge

An accessory lounge shall not exceed ten percent of the GFA of the hotel or motel.

73. Kennel, Commercial

A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit. A commercial kennel may be operated in conjunction with a residence and shall be subject to the following supplementary use standards.

a. Limitations of Use

A commercial kennel shall be limited to the raising, breeding, boarding, sale, and grooming of domestic animals, (e.g. dogs and cats).

1) Lot Size

A minimum of two acres.

2) Frontage

A minimum of 100 feet fronting on and access from a collector or arterial street.

3) Outdoor Runs

a) Setbacks

Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district.

b) Standards

Outdoor runs or animal exercise area shall be hard surfaced or grassed with drains provided every ten feet and shall be connected to an approved sanitary facility. A minimum six-foot high safety fence shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four feet at installation shall be provided around the outdoor run\area.

74. Kennel, Private

Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, owned by the occupants of the premises.

a. Limitations of Use

A private kennel shall be limited to domestic animals owned by the occupants of the premises only. The care, breeding, boarding, raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or mammal is prohibited, except as permitted by PBCAD. The raising of domestic animals for sale is prohibited. The sale of domestic animals on site is prohibited. Property size and restrictions on the number of animals permitted shall be regulated by the PBCACD.

b. Setbacks

Enclosed structures or runs shall comply with the minimum setbacks applicable to the principal dwelling unit provided that openings do not face adjacent residential uses.

1) Hobby Breeder

A person who breeds and/or raises, on his/her property, purebred dogs or cats capable of registration with the national or international dog or cat registry and does not engage in the sale to the public, during a consecutive 12 month period, of more than two litters or 20 dogs or cats, whichever is greater. The hobby breeder is further defined by the PBCAD pursuant to Ord. 89-2, as amended.

2) Outdoor Runs

Safety fences not to exceed six feet in height shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. Outdoor runs or non-enclosed structures used by a hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district

3) Private Kennel

Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line.

75. Kiosk

A freestanding outdoor unmanned structure which offers products for sale.

a. Uses

Shall be limited to the sale of general retail and convenience items only.

b. Setbacks

Shall comply with the requirements of the district in which it is located.

- c. **Architecture Compatibility**
Shall be architecturally compatible with the principle structure or the closest structure within the development.
- d. **Parking**
Shall not occupy required parking spaces.
- e. **Landscaping and Buffering**
Shall be landscaped consistent with the provisions of Art. 7, Landscape, including foundation planting, terminal islands, interior landscaping, irrigation, and curbing.
- f. **Maximum Number of Freestanding Structures**
 - 1) **Standard Districts**
One kiosk per project.
 - 2) **Planned Development Districts**
Two kiosks per project.
- g. **Size**
A maximum of 100 square feet per kiosk.

76. Laboratory, Research

An establishment engaged in industrial, scientific or medical research, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.

- a. **Research Lab**
A research laboratory shall only be allowed as a requested use in a MUPD with EDC or MLU land use.
 - 1) **Exception**
A research laboratory shall be allowed as a requested use in a MUPD with IND land use.
- b. **Outdoor Activities**
Outdoor manufacturing, processing or testing shall be limited to industrial districts only.
- c. **Accessory Use**
A research laboratory shall be permitted as an accessory use to a college or university.

77. Landscape Service

An establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.

- a. **AR District**
A landscape service as a principal use shall be located on a collector or arterial street. The minimum lot size shall be three acres.
- b. **AGR District**
Shall be permitted only in conjunction with a retail or wholesale nursery.
- c. **Landscape Buffer**
An incompatibility buffer as required by Art. 7.F, Perimeter Buffer Landscape Requirements, may be waived if the use is adjacent to farm worker quarters or mobile home accessory to a bona fide agriculture use.
- d. **Storage**
Outdoor storage of debris shall be prohibited.
- e. **Accessory Use**
May be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.

78. Laundry Service

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

- a. **CN District**
Shall not exceed 3,000 square feet of GFA.
- b. **CC District and Commercial Pod of a PUD**
Shall not exceed 5,000 square feet of GFA.
- c. **TMD District**
A laundry service shall not exceed 3,000 square feet of a GFA.

d. Approval

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

79. Lounge, Cocktail

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

a. Separation

A cocktail lounge shall not be located within 250 feet of a residential district and shall be separated a minimum of 750 feet from another cocktail lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida.

b. CN District

Shall not exceed 1,500 square feet of GFA.

c. CHO District

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

d. CG District and PDDs

Shall meet the separation criteria above, unless approved as a requested or Class A conditional use.

e. Outdoor Areas

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

80. Machine or Welding Shop

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

81. Manufacturing and Processing

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.

a. Manufacturing

Manufacturing and processing shall only be allowed as a requested use in a MUPD with EDC or MLU land use.

1) Exception

Manufacturing and processing shall be allowed as a permitted use in a MUPD with IND land use.

b. Outdoor Activities

Outdoor manufacturing, processing or storage shall be limited to industrial districts only

82. Marine Facility

A commercial facility related to boating. Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels.

a. Boatel Units

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

b. Setbacks

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

83. Medical Dental Office

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

a. CN District

May exceed 3,000 square feet of GFA if approved as a Class A conditional use.

b. AP and AGR Districts

Shall be limited to public health or government owned clinics serving the rural or agricultural community.

84. Medical or Dental Laboratory

A facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.

85. Mobile Home Dwelling

The use of a lot or a unit for one mobile home.

a. Mobile Home

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

b. Mobile Home Subdivision

A subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Art. 11, Subdivision, Platting and Required Improvements.

c. Accessory to Agriculture

One mobile home dwelling shall be permitted as an accessory use to a principal bona fide agricultural use.

1) Lot Size

a) AR and AGR Districts

A minimum of five acres.

b) RR and AP FLU Designation

A minimum of ten acres.

c) RR-20 FLU Designation

A minimum of 20 acres.

2) Separation/Setbacks

a) Multiple Mobile Homes on the Same Property

A minimum of 20 feet.

b) Single Family Dwelling Unit

A minimum of 200 feet.

c) Setbacks

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

3) Documents

A unity of title and notarized removal agreement shall be executed and recorded.

d. Temporary During Construction

In the AR district in the RSA, a mobile home dwelling shall be allowed on a temporary basis subject to approval of a Special Permit and the following standards:

1) Building Permit

A building permit for the single-family dwelling shall have been issued by the Building Director.

2) Removal Agreement

Execution of a notarized removal agreement which requires the mobile home to be removed within 30 days after receipt of a CO, or within two years, whichever occurs first.

3) Proof of Ownership

A current recorded warranty deed for the subject property shall be submitted.

e. Storage

A mobile home shall not be used for storage in any district.

86. Monument Sales, Retail

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.

87. Multi-family

The use of a structure designed for two or more dwelling units which are attached, or the use of a lot for two or more dwelling units excluding mobile homes. Typical uses include apartments and residential condominiums. Multi-family uses are also subject standards in Art. 3, Overlays and Zoning Districts.

a. TMD District

On Main Streets multi-family units are permitted only on upper floors of mixed-use buildings.

88. Nursery, Retail

The cultivation and retail sale of horticultural specialties such as flowers, shrubs, sod, and trees intended for ornamental or landscaping purposes.

a. Frontage

Shall front on and access from a collector or arterial street.

b. Lot Size

A minimum of one acre is required in a residential district.

c. Sod

Retail sale of sod shall be limited to retail nurseries in commercial or industrial districts only.

d. Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 5:00 p.m. to 8:00 a.m. is prohibited.

e. Setbacks

1) All Structures (except shade houses) and Outdoor Storage Areas

A minimum of 50 feet.

2) Container Plants

A minimum of 15 feet.

f. Loading

All loading and unloading of trucks shall occur on the site.

g. Office

An office is permitted as an accessory use, provided it is not a mobile home.

h. Compatibility

The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.

i. Spraying

No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.

j. Buffering

A buffer shall be provided along all property lines that are not screened by plant material.

1) Incompatibility Buffer

A Type 3 incompatibility buffer shall be required adjacent to all retail, office, parking, loading and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.

2) Compatibility Buffer

A compatibility buffer shall be provided around all growing areas less than 50 feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high and the growing area is a minimum of five feet wide.

3) R-O-W Buffer

A R-O-W buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall be required adjacent to all growing areas unless the growing area is at least 50 feet in width, and contains plant materials providing a six foot high visual buffer equivalent in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall be preserved.

4) Barbed Wire

The use of barbed wire shall be prohibited.

k. Outdoor Bulk Storage

Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in Art. 5.B, Accessory and Temporary Uses. In residential districts, outdoor bulk storage shall be setback a minimum of fifty feet or the district setback, whichever is greater.

l. Site Plan

Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed DRO threshold limitations.

89. Nursery, Wholesale

The cultivation and wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes.

a. Limitations of Sales

Sales from a wholesale nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.

b. Approval Process

Table 4.B.1.A-6 - Residential Districts in the U/S Tier

| Residential Districts in the U/S Tier | |
|--|--|
| Special Permit | Five acres or less. |
| DRO | More than five but less than 20 acres. |
| Class B conditional use or Requested Use | 20 or more acres. |

Table 4.B.1.A-7- AR District in RSA

| AR District in RSA | |
|--------------------|---------------------------------------|
| Permitted | Ten acres or less. |
| Special Permit | More than ten but less than 40 acres. |
| DRO | 40 or more acres. |

1) All Other Districts

Permitted.

c. Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

d. Parking and Loading

All parking and loading shall occur on site.

e. AR District

May be operated in conjunction with a residence.

f. Buffering

A buffer shall be provided along all property lines that are not screened by plant material.

1) Incompatibility Buffer

A Type 3 incompatibility buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.

2) Compatibility Buffer

A compatibility buffer shall be provided around all growing areas less than 50 feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high and the growing area is a minimum of five feet wide.

3) R-O-W Buffer

A R-O-W buffer shall be required adjacent to all office, parking, loading, internal roads, and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall be required adjacent to all growing areas unless the growing area is at least 50 feet in width and contains plant materials providing a six foot high visual buffer equivalent in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall be preserved.

4) Barbed Wire

The use of barbed wire shall be prohibited.

g. Office

An office is permitted as an accessory use, provided it is not a mobile home.

h. U/S Tier

In addition to the above standards, a wholesale nursery in the U/S Tier shall comply with the following standards.

- 1) **Lot Size**
A minimum of one acre.
 - 2) **Setbacks**
 - a) **All Structures (except shade houses) and Outdoor Storage Areas**
A minimum of 50 feet.
 - b) **Container Plants**
A minimum of 15 feet.
 - 3) **Compatibility**
The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving conditional DRO or Special Permit approval.
 - 4) **Spraying**
No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.
- i. **Outdoor Bulk Storage**
Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in Art. 5.B, Accessory and Temporary Uses. Outdoor bulk storage in residential zoning districts shall be setback a minimum of 50 feet or the district setback, whichever is greater.
 - j. **Agricultural Reserve (AGR) Tier**
A retail nursery may be permitted as an accessory use to a wholesale nursery.
 - k. **Site Plan**
Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed the DRO limitations contained in Art. 2.D.1, Development Review Officer.
- 90. Nursing or Convalescent Facility**
An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.
- a. **Lot Size**
A minimum of 10,000 square feet or the minimum requirement of the district, whichever is greater.
 - b. **Frontage**
A minimum of 100 feet or the minimum requirement of the district. Access shall be provided from a collector or arterial street.
 - c. **Access**
If located in a residential FLU category, access shall be provided from a collector or arterial street.
 - d. **Maximum Number of Patient Beds**
 - 1) All FLU designations except RR: One bed per 1,000 square feet of lot area.
 - 2) RR FLU designation: 0.25 bed per 1,000 square feet of lot area.
- 91. Office, Business or Professional**
An establishment providing executive, management, administrative, or professional services, but not involving medical or dental services or the sale of merchandise, except as an incidental use. Typical uses include property and financial management firms, employment agencies (other than day labor), travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations.
- a. **Maximum Floor Area**
 - 1) **CN District**
10,000 square feet of GFA per parcel, unless approved as a Class A conditional use.
 - 2) **CLO District**
15,000 square feet of GFA, unless approved as a Class A conditional use.
 - 3) **CC District**
20,000 square feet of GFA per parcel, unless approved as a Class A conditional use.

b. IL an IG Districts

Limited to an accessory use only.

c. LOSTO

Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the sole purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours to natural, agricultural, or historic points of interest of the area, shall be allowed subject to approval of a Special Permit.

d. Use Limitations

1) Accessory Uses

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

e. Office of an Industrial Nature

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

92. Park, Neighborhood Infill

Facilities usually less than two and one half acres located in the Revitalization and Redevelopment Overlay as designated by the BCC or in any residential neighborhood. Infill neighborhood parks include passive and active recreational facilities, are generally few in number due to size constraints and are developed according to the demands and character of the specific neighborhoods that they serve. Access is primarily pedestrian oriented with no support facilities such as parking lots or restrooms provided.

a. Size

A maximum of five acres.

b. Recreational Amenities

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

c. Landscaping

Landscaping shall be subject to the PBC Parks and Recreation Department landscape standards.

d. Minimum Setbacks from Residential Uses

1) Playground Surface Areas

Ten feet.

2) Structures, Park Furniture and Playground Equipment

15 feet.

3) Active Recreation Facilities

25 feet.

e. Setbacks from R-O-Ws and Non-Residential Uses

1) Playground Surface Areas

A minimum of ten feet.

2) Structures Park Furniture and Playground Equipment

A minimum of 15 feet.

f. Hours of Operation

Shall be pursuant to the PBC Parks and Recreation Department.

g. Restrictions

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

93. Park, Passive

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

a. PC District

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

94. Park, Public

A publicly-owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.

Parking Garage/Structure

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

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

96. Parking Lot, Commercial

A lot used for temporary parking or storage for motor vehicles as a principal use for a fee and subject to:

a. Parking

Design standards of Art 6.A, Parking; and

b. Landscaping

Art 7.G, Landscape - Off Street Parking Requirements.

c. Principal Use

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

d. Proximity to Residential

A commercial parking lot shall not be located on a parcel adjacent to a residential district.

e. Storage

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

97. Pawnshop

The location at which a pawnbroker, as defined in F.S. §539.001(2)(i), does business. Consignment activities are excluded from this definition.

a. Separation

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

b. Setbacks

Shall be setback a minimum of 150 feet from any property line abutting a residential use or an area designated as residential by a Local Plan.

c. Hours of Operation

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

98. Personal Services

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

a. CN and CLO Districts

A maximum 3,000 square feet of GFA, unless approved as a Class A conditional use.

99. Potting Soil Manufacturing

An establishment engaged in producing potting soil, including the use of incineration.

a. Setbacks

A minimum of 50 feet from any property line abutting a residential district or use.

b. Frontage

The facility shall front on and access from a collector or arterial street.

c. Storage

Storage of unprocessed material shall be limited to 45 days and pile height of storage material shall be limited to 15 feet. Outdoor storage piles shall be setback a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Art. 5.B, Accessory and Temporary Uses.

d. Supplemental Application Requirements

1) Site Plan

The site plan shall illustrate how the operation functions including circulation routes, square footage, height and location of buildings, equipment and storage piles.

2) Dust Control

A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

e. Use

If a potting soil manufacturing facility includes chipping, mulching, grinding, or air curtain incinerator, adherence to the supplementary use standards applicable to such uses shall also be required.

f. AR/Rural/Exurban Tier

May be permitted with a SA FLU and subject to a Class A conditional use approval.

100. Printing and Copying Services

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

101. Produce Stand

An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products, such as jelly, jam, honey and juice. The sale of grocery or convenience-type foods or products shall not be permitted.

a. Permanent

1) Maximum Floor Area

The square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.

2) Outdoor Display and Storage

Outdoor storage shall be subject to the provisions in Art. 5.B, Accessory and Temporary Uses. Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.

3) Uses

The use shall be limited to those uses identified above. No additional Special Permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Art. 4.B.1.A.115, Retail Sales, Mobile or Temporary. No vending machines or other similar equipment shall be permitted on site.

4) Building Construction

The produce stand shall be contained in either an entirely enclosed or roofed open-air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

5) AR/RSA and AGR Tiers

In addition to the standards above, permanent produce stands shall comply with the following:

a) Locational Criteria

The structure and accessory area shall be:

- (1) Located on an arterial designated on the PBC Thoroughfare Plan; and
- (2) Located at least 500 feet from adjacent existing residential uses.

b) Lot Size

The stand shall be located on a legal lot of record. A minimum of one acre shall be allocated to the exclusive use of the stand and accessory parking area.

c) Setbacks

The structure and accessory area shall be setback at least 50 feet from the front and side corner property lines. The rear and side interior setbacks shall meet the minimum standards of the district.

d) AR and AGR Districts

The area devoted to the permanent produce stand exceeding 3,000 square feet shall be approved subject to a Class A conditional use.

6) Stands Less than 1,500 Square Feet

In addition to the standards stated above, stands less than 1,500 square feet (including both the structure and all accessory areas devoted to display or storage) in all may apply the following development standards:

a) Paving

The surface parking lot may be constructed of shell rock or other similar material. At a minimum, the following areas shall be paved in accordance with Art. 6.A, Parking, of this Code:

- (1) A paved driveway apron area, connecting the streets to the site shall be subject to approval by the County Engineer; and
- (2) Handicap parking spaces and handicap access.

7) Wholesale

Wholesale of produce shall be allowed in the AGR district only.

b. Temporary Stands

A temporary stand used for the retail sale of agricultural products not necessarily grown on the site. A temporary produce stand shall consist exclusively of fresh unprocessed fruit, vegetables, flowers, and containerized interior houseplants.

1) Use Limitations

a) Location Criteria

The stand and accessory area shall be located:

- (1) on an arterial street designated on the PBC Thoroughfare Plan;
- (2) a minimum of 100 feet from an Intersection of an arterial and any other dedicated R-O-W;
- (3) at least 600 feet from any other agricultural stand permitted in accordance with these provisions; if located in a zoning district other than a commercial district;
- (4) at least 500 feet from the property line of an existing primary residential structure, and
- (5) located on a legal lot of record no less than one acre in size.

b) Number

Only one stand shall be permitted on a lot of record.

c) Approval

Subject to Special Permit approval.

d) Setbacks

The stand shall be setback a minimum of 35 feet from the front property line and 50 feet from all other property lines.

e) Size and Configuration

The stand shall not exceed 300 square feet. The accessory area shall be limited to display, storage and cashier purposes and shall be covered by a removable cantilevered canopy or umbrellas. No outdoor display or storage shall occur outside of the stand, umbrella, or canopy area.

2) Uses

No on-site food preparation or processing shall be permitted. No vending machines shall be permitted on site. No additional Special Permits shall be permitted in conjunction with the stand except for seasonal sales.

3) Parking

A minimum of two spaces and additional spaces subject to approval by the Zoning Director.

4) Special Regulations

a) Mobility

The stand shall retain its mobility, and have a frame of sufficient strength to withstand being transported by wheels, skids, or hoist.

b) Building Materials

The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products. Semi-truck trailers, mobile homes, and other permanent or temporary structures shall not be used as a stand. Motor vehicles, including vans and small trucks may be permitted provided the vehicle is removed from site at the end of each business day. These vehicles shall not be used for permanent or temporary residential purposes.

c) Refrigeration

Refrigeration shall be contained within the confines of the stand. . If a motor vehicle is used for the stand, portable refrigeration may be used if contained as part of a motor vehicle and removed from the site daily.

d) Signage

Signs shall be limited to two, with a combined maximum sign face area of 32 square feet per side. Signs shall be setback a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons, or flags shall be prohibited.

e) Existing Stands

All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid occupational license since issuance of the valid permit, shall be considered conforming uses. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of PBC, Florida, and as provided herein:

- (1) the enclosed portion of the stand shall not exceed 300 square feet unless provided for below;
- (2) display of products immediately adjacent to the stand, whether or not displayed under an umbrella or canopy, may continue in the same configuration as existed on July 11, 1995;
- (3) the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand as set forth in this Subsection, as amended;
- (4) portable refrigeration may be permitted if confined within the 300 square foot stand and all required electrical permits have been obtained;
- (5) the use of vending machines shall not continue; and,
- (6) expansion of existing stands shall not be permitted. Any future expansion of an existing stand shall comply with the regulations of this Section. If an existing stand is expanded, repaired, or altered, the affected area shall comply with the regulations herein.

102. Real Estate Sales Model, Non-PDD

A single family residential unit used for real estate marketing, real estate sales, builder's office, and other services directly associated with the sale of a residential unit and limited to the areas referenced below. In a real estate sales model, sales shall be limited to new units built by the company operating the sales model.

a. Approval

The Special Permit and completion agreement obtained from the Zoning Division shall be valid for five years. The terms of the Special Permit and completion agreement may be extended for an additional five years provided that the permit holder:

- 1) executes a five year completion agreement with the Zoning Division; and
- 2) complies with the terms of this Subsection.

b. Fee

A Special Permit fee may be required by the Zoning Division to process and inspect a real estate sales model that is applying for an extension.

c. Location

A real estate sales model shall be located on a paved street.

d. Number

A builder may construct and operate a maximum of two manned and two unmanned models in a platted residential subdivision which is not in a PUD, or in one of the following residential areas:

- 1) Jupiter Farms.
- 2) The Acreage.
- 3) Loxahatchee Groves.
- 4) Palm Beach Country Estates.

e. Office

A builder's office may be permitted provided it is limited to the garage area. Unmanned models shall not have employee office space.

f. Completion Agreement

All sales models, including those in existence prior to January 1, 1998, shall execute a completion agreement in a manner and form acceptable to the County Attorney. The completion agreement shall include any modification(s) necessary to convert the model to a residential use.

1) Existing Models

All sales models existing on January 1, 1998 shall file a completion agreement with PBC by July 1, 1998. This agreement shall specifically identify all improvements, which are not

consistent with the provisions of this Section, such as but not limited to additional parking or location on unpaved roads. At the time of executing the completion agreement, all signage shall comply with the requirements of this Section.

g. Parking

The driveway and required handicap spaces shall be the only paved parking areas. Unmanned models shall not have additional parking.

h. Permitted Signs

The following signs shall be permitted:

1) Temporary

One temporary freestanding sign measuring not more than eight feet in height and 32 square feet per side, or one temporary monument sign measuring not more than six feet in height and 18 square feet per side.

2) Directional

A maximum of two directional signs measuring not more than four feet in height and two square feet in face area per side.

3) Flags

A maximum of three roadside flags shall be permitted per lot between the hours of 9:00 a.m. and 6:00 p.m.

i. Prohibited Signs

Banners, sign lighting, snipe signs, or other means of drawing attention to the model shall be prohibited.

j. Modifications

Non-residential interior modifications shall not be permitted. The following improvements may be permitted only within the garage of the model:

- 1) room divider partitions;
- 2) electrical improvements; and
- 3) a temporary facade in lieu of a garage door.

k. Outdoor Storage

Outdoor storage of construction material, supplies, or equipment shall not be permitted.

103. Recycling Center

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

a. Screening

Storage areas shall not be visible from residential uses or residential districts. Mobile containers shall not be visible from public streets.

b. Size

A maximum of 500 square feet of GFA.

c. Manning

A recycling collection station containing 40 cubic yards or more shall be monitored by a person.

d. Location

A recycling collection station shall be located in or adjacent to an off-street parking area and shall not be located within required parking space.

e. Containers

Recyclable materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse.

f. Processing

Only limited sorting, separation or other processing of deposited materials shall be allowed on the site. The unit shall employ no mechanical sorting or processing equipment.

g. Type of Materials

There shall be no collection or storage of hazardous or non-biodegradable wastes on the site or mulching or receiving of construction debris.

h. Signage

The name and phone number of a responsible party shall be clearly posted on the collection station. The name of the organization that is collecting the recyclable materials, if different than the responsible party, shall also be posted on the collection station.

i. Maintenance

The container and adjacent area shall be maintained in good appearance and free from litter, debris, and residue on a daily basis. Failure to maintain a good appearance shall result in the revocation of the Special Permit.

j. Number

Only one mobile container per development, including outparcels, shall be permitted.

k. Hours of Operation

Collection activities shall be limited to 7:00 a.m. to 8:00 p.m. daily.

104. Recycling Drop-Off Bin

A totally enclosed mobile structure, containing no more than four cubic yards, within which pre-sorted, non-biodegradable recovered materials are collected for redistribution or sale for the purpose of reuse.

a. Mobility

The mobility of a drop-off bin shall be maintained at all times.

b. Location

The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking space.

c. Maintenance

The bin and adjacent area shall be maintained in good appearance and free from litter, debris, and residue on a daily basis. Failure to maintain a good appearance shall result in the revocation of the special use permit.

d. Processing

Only limited sorting, separation, or processing of deposited materials shall be allowed on the site. The unit shall employ no mechanical sorting or processing equipment.

e. Type of Materials

Collection and storage of deposited materials shall be limited to pre-sorted, recyclable glass, plastic, aluminum and steel containers, paper, newsprint and cardboard.

f. Signage

The name and phone number of a responsible party shall be clearly posted on the drop-off bin. The name of the organization that is collecting the recyclable materials, if different than the owner, shall also be posted on the drop-off bin.

g. Number

Only one bin per material type per development, including out parcels, shall be permitted.

h. Recycling Bin

Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse.

i. AR/Rural/Exurban Tier

May be permitted a SA FLU and subject to a Special Permit approval.

105. Recycling Plant

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.

a. Compatibility, Screening, Buffering

To ensure compatibility with surrounding uses, adequate setbacks, 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 streets.

1) Lot Size

The minimum lot size for recycling plants in all industrial districts shall be five acres. However, the minimum lot size or greater for the underlying district shall apply for recycling plants that operate completely in enclosed buildings.

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 50 feet of any property line.

a) IL District

If the facility is in an industrial district and is contiguous to land in an industrial district or IND FLU designation the setback shall be 25 feet from that contiguous property line.

b) Civic and Residential Uses

No part of a recycling plant, its accessory ramps, on site circulation system or storage areas shall be sited within 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.

c) CC, CG, IG, IL Districts

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 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 street or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas, exceed 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 feet in height shall be placed along the inside border of the required landscape buffer.

4) Buffers

When the property line is contiguous to a residential district, the incompatibility buffer shall be 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 from a local 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 or Mulching

If a recycling plant facility includes chipping or mulching, adherence standards of Art. 4.B.3.A-28, Chipping and Mulching, is required.

f. Supplemental Application Requirements

Application for recycling plants shall include the following:

1) Access

Graphic illustration and narrative analysis of year round access routes to the site.

2) Type of Facility

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) Quantity of Waste

An estimate of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

4) Hours of Operation

A statement specifying the hours of operation.

5) Dust Control

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) SWA Permit

Verification that the applicant has obtained a permit from and posted a bond with the SWA before Site plan approval.

7) Fire Protection

A recycling plant shall be located within a ten mile radius of a full-service fire station or have and maintain on-site fire fighting equipment acceptable to the PBC Fire Marshall.

- 106. Recycling Collection Station**
 A totally enclosed structure or mobile container, containing more than four cubic yards, within which pre-sorted, recyclable and recovered materials are collected for redistribution or sale for the purpose of reuse.
- a. TMD District**
 Shall not be located on a Main Street.
- 107. Repair and Maintenance, General**
 An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops.
- a. CC District**
 A maximum of 5,000 square feet of GFA, unless approved as a Class A conditional use.
- 1) Use Limitations**
 Limited to minor repairs and services including alignment and balancing, brake repair, air conditioning recharging and repair, automatic car wash (tunnel), washing, waxing, upholstery shops, and detailing shops may be permitted. General engine type repair including rebuilding or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, and steam cleaning, auto paint and body shops, and transmission shops shall not be permitted.
- b. Enclosed Repair Activities**
 Except in the district, all repair and maintenance activities shall be conducted within an enclosed structure.
- c. Storage**
 Except in industrial IG districts, there shall be no outdoor storage of disassembled vehicles or parts.
- d. Setbacks**
 No repair or maintenance building, structure or activity shall be conducted within 100 feet of any property line adjacent to a residential district, except in the WCRAO. In the WCRAO, no service bay door shall be located within 100 feet of any residential structure.
- e. Bay Door Orientation**
 Service bay doors shall not face any residential district, FLU designation, or use unless separated by an arterial or collector street.
- 1) Buffer Requirements**
 Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer.
- 2) Bay Doors Facing a Residential District or Use**
 Bay doors facing a residential district or use separated by an arterial or collector street shall require a Type 3 incompatibility buffer.
- f. No Loudspeakers**
 No outdoor speaker or public address system that is audible off-site shall be permitted.
- g. Vehicle Testing on Residential Streets**
 Vehicles shall not be tested off-site on residential streets.
- h. Architecture**
 Stand alone or freestanding general repair and maintenance facilities contiguous to a public street or residential district shall comply with Art. 5.C, Design Standards.
- 108. Repair Services, Limited**
 An establishment engaged in the repair of personal apparel or household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.
- a. AR/Rural/Exurban Tier**
 May be permitted with a SA FLU and subject to a Class B conditional use approval, provided the site meets the non-residential use criteria of the AR district.
- b. CC District and Districts with a CL FLU Designation**
 A maximum of 10,000 square feet of GFA unless approved as Class A conditional or requested use.
- c. CN District**
 A maximum of 3,000 square feet of GFA.

d. Enclosed Repair Activities

All repair activities shall be conducted within an enclosed structure, except in the IL and IG districts or PDDs with an IND FLU designation.

e. Industrial

In the IL, IG districts and PDDs with IND FLU designation, outdoor storage and outdoor repair activities shall be screened from view in accordance with Art. 5.B, Accessory and Temporary Uses.

109. Restaurant, Fast Food

An establishment where food and beverages are primarily pre-cooked, prepackaged, served in disposable wrapping and containers and where orders are taken at a counter or drive-thru. Traffic generation rates are normally in the range of 600 to 800 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering.

a. CG, CH/MUPD, CC, CL/MUPD and Commercial Pod in PUD

A fast food restaurant located in these zoning districts shall comply with the same locational criteria as in Art. 4.B.1.A.18, Auto Service Station.

b. CN District

Shall comply with Art. 5.E.1, Major Intersection Criteria.

c. MUPD and MXPD Districts

A fast food restaurant less than 3,000 square feet or GFA shall require DRO approval and shall not:

- 1) be located in an out parcel of free standing building; or
- 2) have a drive-thru.

d. TMD District

A DRO approval is not required for a fast food restaurant and shall not:

- 1) exceed 3,000 square feet of GFA;
- 2) be located in an outparcel or freestanding building; or
- 3) have a drive-thru, unless it is located in the rear of a building, with an access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building.

e. Outdoor Dining

Shall comply with the principal structure setbacks.

110. Restaurant, High Turnover Sit-Down

An establishment where food and beverages are prepared, served, and consumed primarily on the premises. The restaurant may be open 24 hours and serve food cafeteria or buffet style and orders may be taken at a drive-thru. Traffic generation rates are normally in the range of 200-300 trips per day per 1,000 square feet of floor area, or as otherwise identified by the Institute of Traffic and Engineering.

a. TMD District

DRO approval is required and the restaurant shall not exceed 5,000 square feet of GFA.

b. Outdoor Dining Areas

Outdoor dining areas under a solid roof shall be considered the GFA; and comply with principal structure setbacks.

111. Restaurant, Quality

An establishment where food and beverages are prepared, served and consumed primarily on the premises. Traffic generation rates are normally in the range of 90 to 100 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering.

a. Alcohol Sales

A quality restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. A quality restaurant with less than 150 seats that does not qualify for a 4COP/SRX license shall obtain a Special Permit prior to obtaining an alcoholic beverage license. The Special Permit shall be subject to the following restrictions:

1) Accessory Use

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

2) Kitchen

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

- 3) **Floor Area**
A maximum of 30 percent of the floor area of the restaurant or number of seats, whichever is less, shall be devoted solely to alcohol sales.
 - 4) **Special Permit Renewal**
The Special Permit shall be renewed annually.
 - b. **Use Limitation**
 - 1) **CN and CLO Districts and CLO/PDDs**
Shall not occupy more than 3,000 square feet of GFA per establishment unless approved as a requested or Class A conditional use.
 - 2) **CHO District and CHO/PDDs**
Shall be contained in an office, hotel or motel structure and shall not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, unless approved as a requested or Class A conditional use.
 - 3) **TMD Service**
Shall not exceed 5,000 square feet of GFA per establishment.
 - 4) **Catering Service**
Catering may be permitted as an accessory use to a restaurant. Except in the IL district, the use of three or more delivery or service vehicles shall require DRO approval.
 - c. **Outdoor Dining Areas**
Outdoor dining areas under a solid roof shall be considered GFA, and comply with the principal structure setbacks.
- 112. Restaurant, Specialty**
An establishment where a limited variety of food and beverages such as baked goods, coffee, or ice cream may be prepared and consumed on or off the site. Traffic generation rates are normally below 100 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering.
- a. **CN, CLO and CHO Districts and CLO or CHO PDDs**
Shall be limited to a maximum of 3,000 square feet of GFA.
 - b. **CC District and CL/PDDs**
Shall not exceed 5,000 square feet, unless approved as a requested or Class B conditional use.
 - c. **MUPD District with IND FLU Designation**
Shall not exceed 3,000 square feet of GFA.
 - d. **TMD District**
Shall not exceed 3,000 square feet of GFA per establishment.
 - e. **Outdoor Dining Areas**
Outdoor dining areas under a solid roof shall be considered GFA, and comply with the principal structure setbacks.
 - f. **LOSTO**
Shall be limited to a maximum of 3,000 square feet of total floor area and subject to approval of a Special Permit.
- 113. Retail Sales, Auto Accessories and Parts**
An establishment providing retail sales of auto accessories and parts.
- a. **Architecture**
Stand alone or freestanding auto accessory and parts stores contiguous to a public street or residential zoning district shall comply with Art. 5.C, Design Standards.
 - b. **Disposal of Motor Oil**
Auto part stores shall provide an oil recycling drum or other device for the disposal of motor oil, as prescribed by the U.S. Environmental Protection Agency (EPA).
- 114. Retail Sales, General**
An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, and marine supply sales (excluding boat sales). Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services.

a. TND District

In a Neighborhood Center, general retail sales shall not exceed 5,000 square feet of GFA per establishment (40,000 square feet for a food store or 20,000 square feet for a food store when the TND is developed as part of a TTD). In a multi-family building with more than 50 units, a "corner store" is allowed, provided it does not exceed 1,000 square feet and is integrated into the building and at a corner location.

b. TMD District

Shall not exceed 100,000 square feet of GFA per establishment in the U/S tier and 50,000 square feet of GFA per establishment in the Exurban, Rural, and AGR. A drive-thru facility for a drug store is allowed if located in the rear of a building. Access shall be from an alley, an interior parking area, or a street not designated as a Main Street. The drive-thru facility shall be covered by a canopy or the second story of a building.

c. CN District

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

d. LOSTO

Shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to approval of a Special Permit.

e. Fireworks

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

1) Exception

Temporary sale of sparklers, subject to a special permit.

115. Retail Sales, Mobile or Temporary

General retail sales without a fixed or permanent location.

a. General Requirements

1) Frontage

Mobile or temporary retail sales shall front an arterial street.

2) Setbacks

Mobile or temporary retail sales shall comply with the setbacks of the district. The minimum setback from streets is 20 feet. Setbacks shall not be located in any safe sight triangle.

3) Insurance

Proof of liability insurance shall be submitted listing the BCC as additionally insured or certificate holder, paid in full covering the period for which the permit is issued, in the minimum amount of \$500,000 per occurrence.

4) Landscape

Mobile or temporary sales shall not be located in any landscape buffer.

5) Location Plan

An application for mobile or temporary sales shall submit a plan delineating location, parking and signage.

6) Warranty Deed

Submit a copy of the recorded warranty deed for the property.

b. Temporary Sales

Temporary sales shall be conducted without a fixed or permanent location. Typical uses include sparklers, as defined in F.S. §791.01, or special event sales, such as the sale of furniture, and seasonal sales regulating (e.g. Christmas trees, pumpkins) that may require a tent or temporary structure.

1) Districts

Limited to the CN, CC, CG, IPF, AGR, MUPD, or MXPD districts.

2) AGR District

Temporary sales in the AGR district shall be limited to plants, pumpkins and Christmas trees.

3) Duration

Temporary sales shall not exceed 30 days in duration. Issuance of a Special Permit shall be limited to four times a year per parcel.

4) Tent

A maximum of one temporary tent or structure shall be allowed per parcel.

- 5) **Sign**
One on-site, non-illuminated freestanding sign shall be permitted. This sign shall not exceed 32 square feet in sign area, shall not exceed six feet in height from finished grade, and shall be located at least five feet from all base building lines. The sign may remain on the site only for the approved duration of the temporary sale.
 - 6) **Debris**
All debris shall be removed within 48 hours of expiration of the Special Permit and the property returned to its original condition.
 - 7) **Storage**
Temporary storage trailers may be permitted in conjunction with temporary sales. Trailers shall not obstruct primary circulation routes and shall be parked the maximum extent possible from all buildings on or surrounding the site.
- c. **Special Provisions for Sparklers**
Sale of sparklers shall comply with the following additional requirements:
- 1) **Seasonal Limitations**
Seasonal sales shall be limited to June 20 through July 5 and December 10 through January 2 of each year.
 - 2) **CG and IL Districts**
Limited to the sale of sparklers only.
 - 3) **Hours of Operation**
Hours of operation shall be limited from 7 a.m. to 11 p.m. daily.
 - 4) **Electrical Service**
All electrical uses shall meet the requirements established by the PBC Chief Electrical Inspector and PBC Fire-Rescue Department.
 - 5) **Supplemental Application Requirements**
The Special Permit application shall include the following information:
 - a) **Liability**
A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation.
 - b) **Certification**
A certification of registration from the State Fire Marshal authorizing the sale of sparklers.
 - c) **Affidavit of Compliance**
A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshal. The affidavit shall be submitted affirming that only products on the State Fire Marshall's approved List of Sparklers and Novelty Items will be sold and that violation of the affidavit may result in an injunction.
 - 6) **Documentation**
The applicant shall submit copies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and driver's licenses for the applicant's authorized agents.
- d. **Mobile Sales**
Mobile sales shall be conducted from a portable stand, structure, or trailer which is removed each night. Mobile sales operations shall be limited to flowers and food products and shall:
- 1) **District**
Mobile sales shall be limited to the CC, CG, IL, PO, and MUPD Districts.
 - 2) **Location**
Mobile sales shall not be located in any required parking spaces nor 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 of Florida for the purpose of regulating, moving or guiding traffic. Mobile sales shall not be located in any driveway aisles or loading areas or interfere with on-site circulation.
 - 3) **Adjacent Residential District**
Mobile sales shall be located a minimum of 300 feet from the property line of any existing residential use.
 - 4) **Number**
Only one mobile sales vendor shall be permitted per parcel of land.
 - 5) **Electric Service**
Electric service shall not be permitted.

- 6) **Duration**
Mobile sales may operate between the hours of 6:00 a.m. and 8:00 p.m. daily.
 - 7) **Renewal**
The Special Permit for mobile sales shall be renewed annually.
 - 8) **Signage**
Shall comply with Art. 8, Signage, subject to special standards and requiring no permit.
 - e. **AR/Rural/Exurban Tier**
Mobile or temporary retail sales may be permitted with a SA FLU and subject to a Special Permit approval.
- 116. Salvage or Junk Yard**
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.
- 117. Sanitary Landfill or Incinerator**
A facility employing an engineered method of disposing of solid waste in a manner which minimizes environmental hazards by spreading solid waste in layers, providing a sand clean fill or similar cover.
- a. **PO District**
A sanitary landfill or incinerator shall only be located in the PO district.
 - b. **Accessory Incinerator**
An incinerator may be an accessory use to a hospital.
- 118. School, Elementary or Secondary**
An institution of learning, whether public, private or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.
- a. **General**
The following standards shall apply to all schools:
 - 1) **Pedestrian Access/Bike Path**
Pedestrian access, bike paths and crosswalks showing access to the school site from surrounding neighborhoods shall be shown on the site plan.
 - 2) **Vehicular Circulation**
Designated bus and parental drop off/pick up areas, shall be provided. Pathways which cross-vehicular use areas shall be defined by special paving, brick, striping, or other methods acceptable to the DRO.
 - 3) **Dumpsters**
Dumpster and trash receptacles shall be located a minimum of 75 feet from residential property and screened in accordance with Art. 5.B, Accessory and Temporary Uses.
 - 4) **Signalization**
Signalization, in the form of a mast arm, shall be installed at the primary entrance to the school site if warranted, as determined by the County Engineer. Should signalization not be warranted within 12 months of the final certificate of occupancy for private or charter schools, or school opening for public schools, the property owner/ School Board shall be relieved of this requirement.
 - 5) **Setbacks**
 - a) **Residential Districts**
Setbacks for schools in all residential districts shall be consistent with Table 4B.1.A-7, AR District in the RSA, or the following, whichever is more restrictive.

Table 4.B.1.A-8 - Minimum Building Setbacks

| Front | Side | Corner | Rear |
|-------|------|--------|------|
| 25 | 25 | 25 | 25 |

- b) **Nonresidential Districts**
Setbacks for schools in all nonresidential zoning districts shall be consistent with the district standards.
- 6) **Maximum Building Height**
Structures higher than 35 feet shall be subject to approval on a Class A conditional use, unless otherwise stated in this Section.
- 7) **Outdoor Activity Areas**
Outdoor activity areas shall comply with Art. 5.B, Accessory and Temporary Uses.

- 8) Lighting**
Security and recreation lighting (i.e. outdoor activity areas, ball fields, tennis courts, etc.) shall comply with Art. 5.E, Performance Standards.
- 9) South Florida Water Management District (SFWMD)**
Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.
- a) Preservation**
Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with Art. 9, Archeological and Historic Preservation.
- b) Wetlands Permits**
On site wetlands required by the SFWMD shall be preserved. Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.
- c) Construction Documents**
Prior to site plan approval by the DRO review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM.
- 10) Airport Zoning Overlay**
New schools shall not be located within five miles of either end of a runway, pursuant to Art. 16, Airports, and F.S.
- 11) Agricultural Reserve Tier**
A school shall not be located west of SR 7/US 441.
- b. Charter Schools**
Charter schools with 200 or fewer students in a commercial, industrial, or nonresidential planned development district shall be subject to DRO approval and the standards in Art. 4.B.1.A.118.a, General, and Art. 2.D, Administrative Process.
- c. Public Schools**
A use and attendant buildings operated by the PBC 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.
- 1) Applicability**
- a) General**
This Section shall apply only to public schools built and operated by the PBC School Board. Other types of School Board development, such as administrative offices, warehouse buildings, etc., shall comply with the regulations of the applicable zoning district.
- b) Previous Approvals and Future Amendments**
Public schools approved prior to June 16, 1992 shall be considered conforming uses. These schools shall be subject to the requirements of this Section and Art. 2D.1, Development Review Process and Art. 2.D.1, DRO.
- 2) Approval Process**
- a) Concurrency**
Prior to site plan approval by the DRO, the School Board shall provide signed documentation from the applicable Concurrency service providers verifying receipt of a Reservation of Adequate Public Facilities in accordance with Art. 2.F, Concurrency. The documentation shall specify the square footage of each use, maximum number of students and employees, amounts of development, capacity reserved, and length of the Reservation.
- b) Conditional Use Approval**
School applications which do not comply or are unable to comply with the requirements of this Section, or Art. 2.D.1, DRO, shall receive approval as a Class A conditional use.
- c) Development Review Officer**
Applications for site plan approval shall include the following:

- (1) **DRO Application**
A completed application, which meets the standards of this Section and Art. 2.D.1, DRO.
 - (2) **School Site Acquisition**
Proof of compliance with the School Site Acquisition Review procedures required by Intergovernmental Agreement R-93-1600D adopted on 12-7-93.
 - (3) **DRO**
All items shall be submitted in accordance with the Zoning Division calendar. Agency comment shall be provided to the School District at the next scheduled DRO meeting.
 - (4) **Standards**
Applications submitted pursuant to this Section shall be reviewed and approved by the DRO after a finding that the procedures and standards of this Section and Art. 2.D, Administrative Process – DRO, are satisfied.
- 3) Accessory Uses**
The following uses, subject to special regulations, shall be allowed as customarily incidental and subordinate to a public school:
- a) Non-Commercial Communication Towers**
 - (1) **Height**
Towers shall have a maximum height of 70 feet or less measured from the finished grade at the base of the tower. Towers over 70 feet in height and commercial communication towers shall comply with Art. 4.C, Communication Towers.
 - (2) **Setbacks**
Towers shall meet the following minimum setbacks:
 - (a) **Front, Side and Rear**
25 feet.
 - (b) **Street Setback**
50 feet.
 - (c) **Residential Setback**
50 feet from residentially zoned property.
 - (d) **Agricultural Setback**
50 feet from agriculturally zoned property.
 - (3) **Anchors**
All tower supports and peripheral anchors shall be located entirely within the boundaries of the school site and in no case less than 20 feet from a property line.
 - (4) **Fencing**
Security fencing or a security wall shall be installed around the base of each tower, each anchor base and each tower accessory building to limit access.
 - (5) **Sign-Off**
The School Board shall provide a written sign-off from the County Department of Airports stating the tower will not encroach into any public or private airport approach space as established by the Federal Aviation Administration.
 - (6) **Removal**
Obsolete or abandoned towers shall be removed within 12 months of cessation of use.
 - b) Water or Waste Water Treatment**
A water or wastewater treatment facility may be installed in accordance with all applicable federal, state and local utility standards.
 - (1) **Location/Buffering**
The facility shall be located and buffered to ensure compatibility with surrounding land use.
 - (2) **Duration**
The use of the facility shall only be permitted until such time as central water or waste water service is available from the appropriate utility.
- 4) Property Development Regulations (PDRs)**
If a conflict exists between this Section and regulations found elsewhere in this Code, the regulations of this Section shall apply.
- (a) **Maximum Building Height**
Structures higher than 35 feet shall provide one additional foot setback for each one foot in height exceeding 35 feet.

(b) Lot Size

The minimum lot size shall be governed by the most recent standards adopted by the School Board and only to new public schools.

5) Supplemental Design Standards

The following design standards shall apply to new school sites and any improvement to previously approved school sites.

(a) Parking

The site plan shall indicate the student capacity, number of employees the amount of required and provided parking spaces, and comply with the minimum parking required by applicable State Statutes.

(b) Landscape Buffer

The DRO shall require R-O-W buffers and interior parking area landscaping consistent with Art. 7, Landscaping, Adjacent properties with existing residential use or FLU designation shall be protected from the school's loading, utility, and outdoor active recreation areas by incompatibility buffers. All other landscaping shall comply with the applicable F.S.

(c) Accessory Recreation

Accessory Outdoor recreation areas shall be subject to Art. 5.B, Accessory and Temporary Uses, recreation, or provide a Type 3 Incompatibility Buffer, as defined in Art. 7, Landscaping, with a minimum width of 25 feet.

(d) R-O-W Dedication

Within six months of site plan approval by the DRO, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, plus turn lanes and corner clips, as determined by the County Engineer for any affected road on the County Thoroughfare Map. The conveyance shall include documentation acceptable to the County Engineer that the land is free of all encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney.

(e) Road Improvements

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

119. Security or Caretaker Quarters

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

a. Number

- 1) A maximum of one security quarters shall be permitted on the same lot as a bona fide agricultural, commercial, industrial, or institutional use.
- 2) A maximum of one security quarters shall be permitted within the area governed by the site plan of an approved conditional use, requested use, or planned development.

b. Occupancy

A security or caretaker quarters shall be for the exclusive use of the site on which it is located and shall be occupied only by the custodian, caretaker, or owner of the principal use and their family.

c. Accessory Use

A security or caretaker quarters shall be allowed as an accessory use to a public or civic use in all districts.

d. Temporary Use

Unless stated otherwise, a security or caretaker quarters use shall not be permitted in association with a temporary use.

e. Mobile Home

A mobile home may be used for a security or caretaker quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. If a mobile home is used, the Special Permit shall be renewed annually.

f. Discontinuation of Use

A security or caretaker quarter's use shall continue only as long as the principal use that it serves remains active. Upon termination of the principal use, the right to have the quarters shall end and the use shall be immediately discontinued. Once discontinued, such quarters shall not be reestablished except in conformity with this Section.

120. Self-Service Storage

A facility consisting of individual, self-contained units that are leased for the storage of business or personal goods.

a. Types Permitted

- 1) Limited-access, which is a multi-storied self-service storage facility with limited access points from the exterior of the building to interior halls that serve individual bays.
- 2) Multi-access, storage which is a one story self-service storage facility with multi-access points from the exterior of the building to individual bays.

b. General

All self-service storage uses shall comply with the following:

1) Frontage

A self-service storage facility shall have a minimum of 100 feet of frontage on an arterial collector street. A self service storage facility located in a CL FLU designation shall not be located within 1,000 feet of another self-service storage facility.

2) Limitations

A maximum of 1,000 square feet of the rental office may be devoted to the rental and sale of retail items used for moving and storage, such as hand trucks, cartons, tape, and packing materials.

3) Storage Units

Use of storage units shall be limited to the storage of goods only. Storage of hazardous goods shall be prohibited. A business may not be conducted from a storage unit. A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation.

4) Vehicle Rental

Vehicle rental may be permitted subject to a Class A conditional use and shall be limited to the rental of trucks and trailers used for moving and accessory uses such as the installation of hitch and towing packages, and wash facility.

5) Security Quarters

A security or caretaker quarters use may be allowed on the site of a self-storage facility pursuant to Art. 4.B, Supplementary Use Standards.

6) Outside Storage

Except as provided in this Section, all goods shall be stored entirely within enclosed buildings. Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained for personal use shall be permitted within a self service storage facility provided the following standards are met:

a) Location

The storage shall occur only within a designated area.

b) Storage Area

The storage area shall not exceed 50 percent of the lot area.

c) Screening

The storage area shall be entirely screened from view from adjacent residential areas and public streets.

d) Boats

Boats stored on the site shall be on wheeled trailers.

e) Repair

Vehicle repair shall be prohibited.

7) Landscaping and Buffering

a) Wall Option

A perimeter wall in the landscape buffer may be waived if all of the following standards are met.

(1) Facades

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

(2) Wall

Separate storage structures are connected by a solid opaque wall to give the appearance of structural continuity.

(3) Access Isles

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

(4) Buffering

The area between the building and the adjacent property line is planted as a landscape buffer with a berm or maintained as a vegetation preserve.

8) Loudspeakers

Exterior loudspeakers, public address, or paging equipment shall be prohibited.

9) Door Orientation

Bay doors shall not face in a residential district nor shall bay doors be visible from a public street.

10) Barbed Wire

Barbed or similar wire shall not be visible from any residential district or public street.

c. Supplemental Standards for Multi-Access Facilities.

1) Lot Size

A minimum of two acres.

2) Separation

A minimum of ten feet between buildings.

3) Bay Size

A maximum of 500 square feet.

4) Height

A maximum of 35 feet.

5) Circulation

a) Interior

The minimum width of aisle ways between storage structure shall be 20 feet for one-way traffic, and 30 feet if two-way traffic between storage structure.

b) Flow

Traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist at a minimum of standard directional signage and painted lane markings with arrows.

6) Door Orientation and Access

Bay doors and access points located on the second story or above shall be oriented toward the interior of the site.

7) CLO, CHO, CLO/MUPD, and CHO/MUPD

a) Outdoor Storage Area

A maximum of 30 percent of overall square footage.

b) Door Orientation

All bay doors shall be oriented toward the interior of the site.

c) Height

A maximum of one story.

d) Multi-Access Storage

Multi-access storage shall not be permitted on parcels in the CLO, and CHO districts and MUPD districts with a CLO or CHO FLU designation when adjacent to a residential district.

d. Supplemental Standards for Limited Access Facilities

1) Lot Size

A minimum of one acre.

2) Loading

A minimum of two off-street loading spaces shall be provided at each entry into the building.

e. CLO, CHO, and MUPD Districts

Limited access self-service storage facilities in the CLO and CHO districts, and MUPD district with a CLO or CHO FLU designation, shall comply with the following regulations:

1) Lot Size

A minimum of three acres and a maximum of ten acres.

2) Height

A maximum of 25 feet. The portion of a facility including a security or caretaker's quarters shall be limited to two stories and shall not exceed 30 feet in height to the highest point.

3) Signage

One freestanding or one wall sign.

4) Frontage

The facility shall front on and access from an arterial or collector street.

f. Multi-Access and Limited-Access Combinations

A combination of multi-access and limited-access storage uses may be permitted within the same building or on the same site pursuant to the supplemental standards for both uses.

121. Shade House

A temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.

a. Permits

A shade house used for bona fide agricultural purposes less than 12 feet in height shall not be required to obtain a building permit.

| Table 4.B.1.A-9 - Minimum Setbacks 12 feet or Less In Height | |
|---|----------|
| Front and Street | 15 feet |
| Side and Rear | 7.5 feet |

| Table 4.B.1.A-10 - Minimum Setbacks Over 12 feet in height | |
|---|----------|
| Front and Street | 25 feet. |
| Side and Rear | 15 feet |

122. Single-family

The use of a lot or a structure for one detached dwelling unit, excluding a mobile home but including a manufactured building.

123. Solid Waste Transfer Station

A facility where solid waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at a transfer station.

a. Frontage

The facility shall front on and access from an arterial or collector street.

b. Setbacks

All portions of a transfer station, including structures, ramps, parking and on site circulation areas, shall be setback a minimum of 25 feet from all property lines, lakes, canals, water management tracts, retention/detention areas, drainage swales, and other water bodies.

c. Screening

All storage areas shall be 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 streets or adjacent lots. In no event shall the height of solid waste stored outdoors exceed 25 feet.

d. Buffer

A minimum width of 50 feet municipality buffer shall be provided adjacent to an existing residential use, district or FLU designation: The DRO may waive required landscaping not visible from adjacent lots or streets.

e. Storage Areas

All solid waste stored outdoors shall be in leak-proof containers or located on a paved surface designed to capture all run-off. Run-off shall be treated in a manner that is in conformance with local, State and Federal regulations

f. Supplemental Application Requirements

1) Access

A graphic and written analysis of access routes to the site.

2) Type

An explanation of the type of facility requested including a description of the materials to be handled, methods of operation, handling procedures, whether sorting will occur, and runoff treatment plans.

3) Waste

The quantity of waste to be received, expressed in cubic yards per day or tons per day.

4) Hours of Operation

A statement specifying the hours of operation.

5) SWA Permit

Prior to approval by the DRO, the applicant shall obtain a permit from, and post a bond with the SWA.

124. Special Event

A temporary activity which includes rides, amusements, food, games, crafts, performances, or services. Typical uses include carnivals, circuses, auctions, and revivals.

a. Duration

A maximum of 14 consecutive calendar days. Special events exceeding 14 days shall require approval of a Class A conditional use.

b. Setbacks

All buildings, trailers, vehicles, tents, mechanical devices, rides or animals related to an amusement or special event shall comply with the minimum setbacks of the district and shall be locked at a minimum of 50 feet from a street and 200 feet from any property line adjacent to a residential use.

c. Frontage

The minimum frontage on a public street shall be 200 feet. A special event shall not be permitted if the frontage abuts a street under construction.

1) U/S Tier

Primary access shall be from a paved arterial or collector street.

2) Rural Tier

In the Rural, Exurban, AGR and Glades Tiers, primary access shall be from a paved street. Access shall minimize traffic through nearby residential areas. Back-out parking directly onto a public street shall be prohibited.

d. Parking

Off-site parking may be and allowed subject to a Special Permit and conditions for temporary special events.

e. Events Per Year

There shall be no more than three special events permitted in any one calendar year per parcel of land.

f. Attendance

DRO approval shall be required for any event projected to attract more than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application.

g. Separation

A Special Permit shall not be issued for the same dates for two or more special events within one-half mile from each other.

h. AR/Rural/Exurban Tier

A special event use may be permitted in the AGR with a SA FLU and subject to a Special Permit approval.

125. Stable, Commercial

An establishment for boarding, breeding, training or raising of horses not necessarily owned by the owners or operators of the establishment; rental of horses for riding or other equestrian activities, excluding uses classified as an equestrian arena. A commercial stable may be operated in conjunction with a residence and shall comply with the PBACD.

a. Use Limitations

A commercial stable shall be limited to raising, breeding, training, boarding, and grooming of horses, or rental (livery) of horses for riding and instruction.

b. Lot Size

A minimum of five acres.

c. Frontage

The minimum required frontage on a public street to be used from the primary point of access shall be 100 feet, or the minimum standard of the Tier in which the stable is located, whichever is greater.

d. Setbacks

A minimum of 25 feet from any property line, or the minimum setback of the district, whichever is greater.

e. LOSTO

A commercial stable with 20 or fewer stalls shall be allowed as a Special Permit.

126. Stable, Private

The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A private stable shall comply with the PBACD.

- a. **Boarding**
On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted.
 - b. **Setbacks**
 - 1) **Accessory Structure**
A private stable with twelve stalls or fewer located on a parcel with a single family residence shall be considered an accessory structure and shall meet the setback requirements for an accessory structure, or 25 feet, whichever is greater.
 - 2) **Principal Structure**
A private stable with more than twelve stalls located on a parcel with a single family residence, or a vacant parcel, shall be considered a principal structure and shall meet the applicable setback requirements for a principal structure.
- 127. Sugar Mill or Refinery**
An establishment for the extraction and refining of sugar from agricultural products.
- a. **Setback**
Shall be setback 300 feet from off-site residentially occupied or zoned property. In the AR district, a sugar mill or refinery shall be permitted on land in a RR FLU designation as a Class A conditional use.
 - b. **AR/Rural/Exurban Tier**
May be permitted with a SA FLU and subject to a Class A conditional use approval.
- 128. Theater, Drive-In**
An establishment for the outdoor viewing of motion pictures by patrons while in their vehicles.
- a. **CRE District**
Shall not be allowed in a RR FLU designation.
- 129. Theater, Indoor**
An establishment for showing motion pictures or live performances in an enclosed building.
- a. **CRE District**
Shall not be allowed in a CRE district with an RR FLU designation.
 - b. **CC, CG and MUPD Districts**
Indoor theaters not exceeding 15,000 square feet are a permitted use.
 - c. **IL District**
An indoor theater exceeding three acres in the IL district shall rezone to the CRE district.
- 130. Towing Service and Storage**
The use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot and subject to the following standards:
- a. Outdoor storage standards and screening requirements of Art. 5.B, Accessory and Temporary Uses.
 - b. Towtruck and towing and storage regulations of Towtruck Ord. No. 2002-007 as amended.
- 131. Truck Stop**
A facility which provides fueling, parking, washing, repair and maintenance services, food service, overnight accommodations, and incidental retail sales for transient commercial vehicles.
- a. **Frontage**
A minimum of 200 feet on an arterial street only.
 - b. **Lot Size**
 - 1) **Ten Acres or Less**
Shall be permitted as a Class A conditional use in the IL and IG districts.
 - 2) **Greater than Ten Acres**
Shall require approval as a MUPD or PIPD. The proposed site shall have an IND FLU designation.
 - c. **Setbacks**
Parking shall be setback a minimum of 200 feet from any existing residential use, district or FLU designation.
 - d. **Buffer**
Perimeter landscape buffers adjacent to an existing residential district, use or FLU designation shall include a six foot high berm topped by a six foot high opaque wall or fence.
 - e. **Security**
24 hour on site security shall be provided.

f. Accessory Uses

The following uses may be allowed in conjunction with a truck stop, subject to the requirements of the underlying zoning district: convenience store with gas sales, general repair and maintenance, restaurant, car wash, security or caretakers quarters, personal services, and business office. Use permitted based on the zoning designation of the site: general repair and maintenance; truck wash facilities; convenience stores; general or specialty restaurants; hotel/motel accommodations; and general office services.

132. Townhouse

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

133. Transportation Facility

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.

a. Transportation Transfer Facility (distribution)

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.

- 1) Permitted only in districts with an industrial zoning designation. The facility shall be subject to the same approval requirements indicated in the use matrix as a transportation facility except for commercial districts.

134. Utility, Minor

Mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission voltage facilities. Typical uses include gas and water regulators, electrical distribution substations, sewage lift stations, telephone exchange buildings, and communication substations.

a. Floor Area

A maximum of 3,000 square feet of gross enclosed floor area.

b. Buffer

A minor utility shall be located and buffered to ensure compatibility with surrounding land uses. Adequate setbacks, screening, and buffering around the utility may be required to ensure compatibility.

c. Lift Station

1) New Subdivisions

Facilities located in new subdivisions shall be subject to DRO approval concurrent with the subdivision approval.

2) Streets

Facilities located within streets or utility easements shall not be subject to DRO approval.

135. Vehicle Sales and Rental

An establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental.

a. Development Standards

1) Lot Size

A minimum of three acres.

2) IL District

A minimum of one acre.

3) Accessory Uses

Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located a minimum of 100 feet from any residential district.

4) Bay Doors

Service bay doors shall not be oriented toward any adjacent property in a residential district or toward any adjacent public street.

- 5) **Outdoor Activities**
There shall be no outdoor repair of vehicles or outdoor storage of disassembled vehicles or parts.
 - 6) **Sales Office**
No mobile home, recreational vehicle, or other vehicle shall be used as a sales office, storage space or as a dwelling unit.
 - 7) **Car Wash**
Car wash facilities shall use a water recycling system.
 - 8) **Loudspeakers**
No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.
 - 9) **Loading Space**
Loading space shall be setback a minimum of 100 feet from an existing residential district, use or FLU designation.
 - 10) **Parking**
Vehicles otherwise stated in this Section, all vehicular use areas for display, sale, rent, or storage shall comply with Art. 6, Parking.
- b. **Display**
Outdoor area storage and display areas shall be permitted, subject to the following requirements:
- 1) **Bull Pen Storage**
Vehicle may be stored outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops. Outdoor sales and display parking shall conform to Art. 6, Parking, except for space striping. Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees. Vehicles shall not be stored or temporarily parked in a required parking space, handicap parking space, driveway, queuing area, fire lane, or other vehicle circulation area.
 - 2) **Parking**
A barrier shall be provided between vehicles or display and customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.
 - 3) **Display**
No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part.
 - 4) **Operating Conditions**
No vehicles shall be stored or displayed on-site except those which are intended for sale, rental or lease, and are in safe operating and running condition.
- c. **District Limitations**
- 1) **CC, CG IL, and MUPD Districts**
 - a) **Truck and Trailer Rental**
Truck and trailer rental, limited to a maximum of five vehicles per lot, shall be permitted as an accessory use to an auto service station or convenience store with gas sales subject to DRO approval. Truck and trailer rental exceeding five vehicles shall be permitted subject to requested or Class B conditional use approval. Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping. No truck or trailer shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.
 - 2) **CG and MUPD Districts**
A vehicle sales and rental facility consisting of an indoor vehicle showroom only shall be allowed subject to DRO approval and the following criteria.
 - a) **Floor Area**
A maximum of 30,000 square feet and 15 display vehicles.
 - b) **New Vehicles**
Display shall be limited to new vehicles only.
 - c) **Test Drives**
Test drives shall not be permitted from the indoor vehicle showroom or on-site.

d) Parking

Vehicles for sale or lease shall not be parked or displayed outside of the showroom. Trucks used to transport vehicles to and from the showroom shall not be parked in required loading spaces and shall not be stored on-site.

e) Vehicle Operations

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

f) Maintenance and Repair

Maintenance, repair, painting or detailing shall not occur on-site.

3) IL District

In the district vehicle sales and rental uses shall be limited to the following:

a) Accessory Use

In the IL districts limited vehicle sales may be permitted as an accessory use to general repair and maintenance facilities, subject to DRO approval. The vehicle sales use shall be limited to a maximum of five vehicles per lot. Designated storage spaces for each vehicle shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of walls, fences or landscaping. No vehicle shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.

(1) Display

Vehicles on display shall be located within 100 feet of a repair bay.

b) Automobile Rental

Automobile rental shall be subject to Class A conditional use approval.

c) Mobile Home, RV, and Heavy Equipment Sales or Rental

The sale or rental of mobile homes, recreational vehicles or heavy equipment shall be permitted subject to Class B conditional use approval.

d) Rental Equipment

Construction equipment, moving trailer, farm equipment, and farm implement and machinery sales and rental uses shall require DRO approval.

d. Temporary Sale

The temporary sale of vehicles shall be allowed as a Special Permit, and subject to the following additional standards.

1) CG, IL, and MUPD Districts

Temporary sale of vehicles shall be permitted.

2) Lot Size

A minimum of ten acres.

3) Separation

A minimum of 50 feet from all buildings.

4) Duration

Temporary sales shall be limited to five consecutive calendar days and shall be prohibited during the months of November and December.

5) Parking

A maximum of 50 required off-street parking spaces may be utilized. No activities shall extend beyond the permitted area.

6) Signage

Signage shall be permitted only in the designated event area.

7) Hours of Operation

Hours of operation shall be from 8:00 a.m. to 9:00 p.m.

8) Location

There shall be suitable access to the event area, subject to Zoning Division approval.

136. Veterinary Clinic

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

a. AR and AGR Districts

Shall be limited to livestock only and located on a minimum of five acres.

b. CN District

Shall not have outdoor facilities nor occupy more than 3,000 square feet of GFA.

c. Outdoor Runs

A veterinary clinic with outdoor runs or boarding facilities shall comply with the following standards:

1) Lot Size

A minimum of one acre.

2) Setbacks

Outdoor runs and boarding facilities shall not be located within 50 feet of any property line adjacent to an existing residential use, district or FLU; or 25 feet from any property line adjacent to a non-residential zoning district, use, or FLU.

3) WCRAO

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

4) Design Runs

Outdoor runs shall have a hard surface or grass with drains every ten feet, and shall be connected to an approved sanitary facility. A six foot high fence shall be required around the runs. If the fence is not opaque, a continuous opaque hedge, a minimum of four feet at installation, shall be provided around the run.

137. Vocational School

An establishment offering regularly scheduled instruction in technical, commercial, or trade skills such as business, real estate, building and construction trades, electronics, computer programming and technology, automotive or aircraft mechanics and technology, or other type of vocational instruction.

a. AGR, CC and CG Districts

A vocational school shall not involve heavy equipment or machinery, motor vehicle engines, or aircraft unless approved as a Class A conditional use.

b. AGR-PUD

A Vocational School is not permitted.

138. Warehouse

A building used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

a. Accessory Office

The maximum percentage of office space in each warehouse bay shall be 30 percent of the GFA, unless approved as a Class A conditional use.

b. Sales

General retail sales shall be prohibited.

c. Manufacturing

Manufacturing, assembly or processing shall be prohibited in a warehouse.

139. Water or Treatment Plant

A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

a. Location

In the AGR district, a water or wastewater treatment plant shall not be located west of SR 7/ US 441.

b. Odor

Facilities shall be designed and operated to minimize objectionable odors.

c. Compatibility

For purpose of this Section, the AR district is not considered a residential district. Required setbacks, screening and buffering are as follows:

Table 4.B.1.A-11 - Wastewater Treatment Facility Setbacks

| Type/Capacity | Type of Facility | Setback from Residential and Commercial District | Setback From Non-Residential and Non-Commercial District |
|---|---|--|--|
| 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 ² | 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 |

Notes of Table 4.B.1.A-11, Wastewater for Treatment Facility Setbacks:

1. Minimum lot dimensions shall be governed by the regulations above or the most recent standards adopted by the District and shall apply only to new schools. The District shall forward any changes in the standards to the Department within 20 days of School Board adoption. Minimum lot dimensions shall include, if applicable, sufficient room for any onsite retention.
2. Tertiary filters do not require odor control

Table 4.B.1.A-12 - 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 cause airborne sulfides | 500 feet ¹ |
| | 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 cause airborne sulfides | 250 feet ² |
| | Accessory units | 100 feet |

Notes for Table 4.B.1.A-12, Water Treatment Facility Setbacks:

- ¹ Odor Control. Unless treatment for removal of sulfides for odor control is included.
- ² Maximum building height. Structures higher than 35 feet are allowed provided the following setbacks are met:
 - a. The minimum yard setback of this section; and
 - b. An additional one foot setback for each one foot in height exceeding 35 feet.

- 1) **Buffer**
Perimeter landscape buffers shall have a minimum width of 25 feet
 - 2) **Trees**
A double row of trees shall be planted all landscape buffers at a ratio of one 12 foot tall tree for each 30 linear feet.
 - 3) **Screening**
Screening consisting of a hedge, berm, fence or wall which will present a solid visual screen at least six feet in height upon installation shall be provided around the perimeter of the site.
- d. **Package Treatment Facility**
Package water or wastewater treatment facilities shall comply with the following additional standards:
- 1) **USA**
If a package treatment facility is proposed to be developed in the designated Urban Service Area (USA) confirmation shall be provided from the appropriate 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 unavailable within four years of that date.
 - 2) **LSA**
If a package treatment facility is proposed to be developed in the Limited Service Area (LSA), confirmation shall be provided from the PBCHD that use of a package treatment plant is necessary to protect water quality. The PBCHD shall certify that the uses proposed can be adequately served with a package treatment plant.
 - 3) **RSA**
If a package treatment facility is proposed to be developed in the Rural Service Area (RSA), 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, or other uses when found to be consistent with the Plan by the Planning Director and upon approval of the Director of the PBCHD. The PBHD may impose conditions or restrictions necessary to protect public health and prevent the creation of a nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in Chapter 17-602, F.A.C., the BCC, may require a higher level of operator coverage.
- e. **Effect on Previously Approved Facilities**
Water and wastewater treatment facilities approved prior to the effective date of this Code shall be considered conforming uses. Expansion of existing facilities may be allowed with setbacks lower than those listed in this Section provided the expansion is reviewed and approved by the DRO and odor control is provided.
- f. **Dewatered Domestic Wastewater Residual Land Application**
Class A or B Dewatered Domestic Wastewater Residuals (DDWR), as defined by Chapter 17-640, F.A.C., may be applied to land in bona fide agricultural operation in the AP, AGR and AR districts. Class AA DDWR, as defined by Chapter 17-640, F.A.C., has unlimited distribution pursuant to Chapter 17-640, F.A.C. Nothing herein shall preclude disposal of DDWR at a landfill or at a wastewater treatment facility in compliance with applicable Federal, State and local regulations nor effect any DDWR operation approved prior to the effective date of this Code.
- 1) **AP and AGR Districts**
A Class A or B DDWR shall be permitted on the site of a bona fide agricultural operation as a matter of right in the AP and AGR districts in compliance with FDEP standards in Chapter 17-640, F.A.C., as verified by the PBCHD. Following verification, the PBCHD shall be notified of the proposed first date of the land application no fewer than thirty days prior to land application.
 - 2) **AR District**
Land application for a Class A or B DDWR shall be permitted in the AR district on the site of a bona fide agricultural operation following approval by the DRO. An applicant shall demonstrate compliance with FDEP standards except that the required separation from buildings and other property lines shall be as specified below. In the case of several adjacent properties which apply for a DDWR the properties may be combined for the purpose of measuring the required separation and the separation may be measured from the boundary of the most exterior property.

a) External Separation

There shall be a minimum separation of 500 feet from any off-site structure occupied on a daily or frequent basis by people. This distance shall be measured from the perimeter of the DDWR application area outward toward the structure.

b) Internal Separation

Internal to the site, there shall be a minimum 200 foot separation from the perimeter of the DDWR application area to the property line of the parcel.

c) Setbacks

These setbacks may be reduced or increased by the Director of the PBCHD.

140. Wholesaling, General

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.

141. Work/Live Space

A space within a mixed use building that is used jointly for residential and commercial purposes, where the residential space is accessory to the primary use as a place of work.

a. Floor Area

Shall not exceed 1000 square feet of living area.

b. Office Space

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

c. TMD

Shall be counted as non-residential square footage.

142. Zero Lot Line Home

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

143. Zoo

Means a place where animals are kept in captivity for the public to view or for educational or animal rehabilitative purposes.

a. AR District

A zoo shall be located on a minimum of ten acres and shall provide a 500 foot buffer adjacent to existing residential uses, districts or FLU designated property.

b. Accessory Uses

A veterinary clinic, gift shop, and food service may be permitted as accessory uses to a zoo.

c. Setbacks

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

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Commercial communication tower use shall comply with the following supplementary use standards. If this Section prohibits a government-owned tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria of this Section may be waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the modification.

Section 1 Definitions

In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to this Article:

Abandoned Tower - any commercial communication tower whose principal use has been discontinued for a period in excess of three months.

Antenna - a transmitting and/or receiving device used for AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communications. This excludes amateur radio antennas and satellite dishes.

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

Antenna Support Structure - any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennas.

Camouflage Tower - a tower or structure, which is incorporated into and is compatible with existing or proposed uses on site (i.e., antenna incorporated into site lighting at a park or incorporated into an electrical distribution center).

Collocation - the placement of more than one service providers' antenna on a commercial communication tower.

Combined Transmission/Communication Structure - any combination of communication tower and electrical transmission line constructed within an electrical transmission line streets created pursuant to the "Transmission Line Sitting Act" in F.S. §403.52.

Communication Tower, Commercial - any tower whose principal use is to facilitate transmissions for AM/FM radio, television, microwave, cellular, digital, personal communication services, enhanced specialized radio, and related communication services. Towers located on school sites and utilized for educational purposes only, pursuant to F.S. Chapter 235, shall not be considered commercial communication towers.

Electrical Transmission Line - street means the area necessary for construction and maintenance of a 230 kilovolt or greater electrical transmission line, as provided in F.S. §403.52.

Existing Residential Use - Art. 18, Definitions.

Guyed Tower - a structure that is supported either partially or completely by guy wires and ground anchors.

Jersey Barrier - a device installed around the base of towers, guy anchors, or supports to protect structural integrity from vehicular impact.

Monopole Tower - a structure that consists of a single pole supported by a permanent foundation.

Propagation Study - a method utilized by radio-frequency (RF) engineers for site placement. The study indicates signal strength as it relates to adjacent sites to ensure quality calls and handoffs, including the potential for towers or tall structures within the study area to be utilized for collocation and the avoidance of additional towers.

Public Civic Sites - any property in any zoning district which accommodates a use under the ownership of or leased by a public agency as defined in Art. 3, Overlays and Zoning Districts, of the Code.

Residential - property possessing either a residential designation by the FLUA of the Plan or a residential zoning designation consistent with the underlying FLU designation.

Self Support/Lattice Tower - a structure that is constructed without guy wires or ground anchors.

Stealth Facility - a structure, which is not readily identifiable as a tower and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function (i.e., bell tower, spire, flagpole, etc.).

Tower Hierarchy - for the purpose of determining impact the following hierarchy has been established.

LEAST IMPACT
Stealth
Camouflage
Monopole
Self Support/Lattice
Guyed
MOST IMPACT

Vacant Residential Parcel - Art. 18, Definitions.

Whip Antenna - a cylindrical or similarly shaped omni directional antenna utilized for transmission or receiving of electronic communications.

Section 2 **Sitting Requirements**

A. Stealth Towers

1. Permitted Districts

Stealth facilities may be permitted and shall be reviewed as provided in Table 4.C.2.I-13, Residential Districts, Tower Location and Type of Review, and Table 4.C.2.I-14, Non-Residential Districts, Tower Location, and Type of Review, and as provided herein.

2. Separation and Setbacks

Separation or setbacks for stealth facilities shall be established as provided in Table 4.C.2.I-15, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.2.I-16, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback.

3. Criteria

Stealth structures shall comply with the following criteria:

- a. The structure shall be compatible with the architectural style of the existing buildings/structures on site and with the character of the surrounding area. A determination of architectural compatibility shall include, but not be limited to, color, type of building material, and architectural style;
- b. The structure shall be consistent with the character of existing uses on site;
- c. Communications equipment or devices shall not be readily identifiable;
- d. The structure shall be related to and integrated into the existing natural and/or man-made environment to the greatest extent possible; and
- e. The maximum height of the structure shall not exceed 200 feet.

4. Stealth Towers in Certain Residential Zoning Districts

Subject to the limitations provided in this subsection, stealth towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, public or private civic pods only.

a. Approval

Stealth towers shall be permitted and reviewed as provided in Table 4.C.2.I-13.

b. Separation and Setback from Existing Residential Structures

The minimum separation from any existing residential structure shall be 150 percent in tower height. In addition, the tower shall be setback a distance of at least 100 percent of tower height from any property line adjacent to an existing residential use.

c. Setback from Vacant Residential Property

The minimum setback from any adjacent vacant residential property shall be at least 100 percent of tower height from any such property line.

d. Setbacks from Nonresidential Zoning Districts of Public R-O-W

The minimum setback from any adjacent nonresidential zoning district or public streets shall be the greater of the required district setback or 20 percent of tower height.

e. Associated Uses

The stealth towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility, excluding electrical transmission line streets as provided herein; government services; park, passive; park, public; school, elementary or secondary; solid waste transfer station; utility minor; or water or wastewater treatment plant; commercial, office or industrial development. Stealth towers in the form of flagpoles shall be exempt from Art. 8.G.3.C, Flags and Freestanding Flagpoles.

5. Waivers from Required Dimensional Criteria

A waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Art. 4.C.2.K, Waiver from Required Dimensional Criteria.

6. Mandatory Collocation

A stealth tower shall be required to accommodate a minimum of two providers. However, an applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures of this Section indicate no other service provider wishes to collocate on the structure.

7. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and stealth towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent nonresidential zoning district or public streets.

B. Camouflage Towers

1. Permitted Districts

Camouflage towers shall be permitted and reviewed as provided in Table 4.C.2.I-13, Residential District Tower Location and Type of Review, and Table 4.C.2.I-14, Non-Residential District Tower Location and Type of Review and as provided herein.

2. Separation and Setback

Separation and setbacks for camouflage facilities shall be established as provided in Table 4.C.2.I-15, Distances for Towers Located in and adjacent to Residential Districts Separations and Setback and Table 4.C.2.I-16, Distances for Towers Located in and adjacent to Non-Residential Districts Separations and Setback.

3. Criteria

Camouflage towers shall comply with the following criteria;

a. The structure shall have an additional function other than antenna support.

b. The maximum height of the structure shall not exceed:

- 1) 100 feet for a single provider;
- 2) 125 feet for a minimum of two providers; or
- 3) 150 feet for a minimum of three providers.

Prior to the issuance of a building permit for a structure with two or more providers, the applicant shall provide proof of collocation in a form acceptable to the County Attorney and Zoning Director.

4. Camouflage Towers in Certain Residential Zoning Districts

Subject to the limitations provided in this subsection, camouflage towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, public or private civic pods only.

a. Approval

Camouflage towers shall be permitted and reviewed as provided in Table 4.C.2.I-13, Residential District Tower Location and Type of Review.

b. Separation and Setback from Existing Residential Structures

The minimum separation from any existing residential structure shall be 150 percent of tower height. In addition, the tower shall be setback a distance of at least 100 percent of tower height from any property line adjacent to an existing residential use.

c. Setback from Vacant Residential Property

The minimum setback from any adjacent vacant residential property shall be at least 100 percent of tower height from any such property line.

d. Setbacks from Nonresidential Zoning Districts on Public Streets

The minimum setback from any adjacent nonresidential zoning district or public streets shall be the greater of the required district setback or 20 percent of tower height.

e. Associated Uses

The camouflage towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility, excluding electrical transmission line streets as provided herein; government services; park, passive; park, public; school, elementary or secondary; solid waste transfer station; utility, minor; or water or wastewater treatment plant; commercial, office or industrial development.

5. Waivers

A waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Art. 4.C.2.K, Waiver from Required Dimensional

6. Additional Submission Requirements

Applications for approval to install a camouflage tower shall include the following information:

- a. A colorized illustration or representation of the proposed tower.
- b. The height, diameter, and coloration of the proposed facility.

- c. A statement of compatibility to indicate the nature and character of the surrounding area, and how the proposed facility will be consistent with the overall characteristics of the area.

7. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and camouflage towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-OW.

C. Electrical Transmission Line Streets

Communication towers, antennas, and related facilities may be located in such streets as provided herein.

1. Transmission Poles

Antennas attached to existing electrical transmission poles shall not be required to obtain building permits. Building permits are required for accessory structures, such as equipment cabinets, constructed to support such antennas or panels. Height increases to transmission poles to allow antenna attachment shall be subject to the provisions of this Section.

2. Combined Transmission/Communication Structures

Combined transmission/communication structures may be installed in an electrical transmission streets as provided in Table 4.C.2.I-13, Residential District Tower Location and Type of Review, and Table 4.C.2.I-14, Non-Residential District Tower Location and Type of Review, and subject to the following requirements.

- a. Structures installed in transmission line streets with a residential Plan and Zoning designation shall:

- 1) be located in streets a minimum of 250 feet in width;
- 2) be limited to combination structures which are similar to monopole towers;
- 3) not exceed 100 feet in height, however the height may be increased to a maximum of 125 feet if an additional provider is accommodated, and proof of collocation is provided in a form acceptable to the County Attorney and the Zoning Director;
- 4) be setback a minimum 150 feet from any property line possessing a residential designation;
- 5) not be located within a PUD unless approved by the BCC as a Class A conditional use; and
- 6) require review as provided in Table 4.C.2.I-13, Residential District Tower Location and Type of Review, and Table 4.C.2.I-14, Non-Residential District Tower Location and Type of Review.

- b. Transmission lines streets in areas with a nonresidential Plan and Zoning designation shall:

- 1) be located in streets a minimum of 250 feet in width;
- 2) be limited to combination structures which are similar to monopole towers or self support towers; not exceed 300 feet in height;
- 3) be setback a minimum of 200 feet from any property line possessing a residential designation;
- 4) be setback a minimum of 100 feet from any property line possessing a nonresidential designation; and
- 5) require review as provided in Table 4.C.2.I-13, Residential District Tower Location and Type of Review, and Table 4.C.2.I.14, Non-Residential District Tower Location and Type of Review.

3. Separation of New Combined Transmission/Communication Structures

New combined transmission communication structures shall be subject to the as provided in Table 4.C.3.D-17, Separations/Distances between Towers.

D. Florida Department of Transportation (FDOT) Streets

Within the streets for I-95 and the Florida Turnpike owned or controlled by the FDOT, towers, antennas, or panels may be installed as follows.

1. Installation of Antennas and Panels

Antennas and panels may be attached to existing communication towers, light standards, or other structures or facilities subject only to building permit review.

2. Construction of New Towers

New towers constructed within streets shall comply with the following requirements;

- a. Towers installed in those portions of streets immediately adjacent to any property possessing a residential designation shall:
 - 1) be located in a street at least 250 feet in width;
 - 2) be only a monopole or lattice tower;

- 3) not exceed 150 feet in height;
 - 4) be setback a minimum of 150 feet from the nearest property line; and
 - 5) require review as provided in Table 4.C.2.I-13, Residential District Tower Location and Type of Review, and Table 4.C.2.I-14, Non-Residential District Tower Location and Type of Review.
- b. Towers installed in those portions of streets immediately adjacent to any property possessing a nonresidential designation shall:
- 1) be located in a street at least 200 feet in width;
 - 2) be only a monopole or lattice tower;
 - 3) not exceed 200 feet in height;
 - 4) be setback a minimum of 75 feet from the nearest nonresidential property line and 50 feet from any residential property line; and
 - 5) require review as provided in Table 4.C.2.I-13, Residential District Tower Location and Type of Review, and Table 4.C.2.I-14, Non-Residential District Tower Location and Type of Review.

3. Separation of New Towers

New towers shall be subject to the separation distances as provided in Table 4.C.3.D-17, Separation/Distances Between Towers, of this Section.

E. Monopole Towers

1. Permitted Districts

Monopole towers may be permitted and shall be reviewed as provided in Table 4.C.2.I-13, Residential Districts, Tower Location, and Type of Review, and Table 4.C.2.I-14, Non-Residential Districts, Tower Location, and Type of Review.

2. Separations and Setbacks

Monopole towers shall provide the separations and setbacks as established in Table 4.C.2.I-15, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.2.I-16, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback.

3. Increase in Height

The height of a monopole tower may be increased as provided herein.

a. Percentage of Increase

The height of a proposed monopole tower may be increased by 20 percent, one time only, without regard to required separation or setback requirements, for all applications which provide proof of the collocation of an additional personal wireless service provider. Additional increases are subject to setbacks and separations of this Code.

b. Proof of Collocation

Proof of collocation shall be provided in a form acceptable to the County Attorney and the Zoning Director. Proof of collocation shall include an executed contract or lease providing for use of the facility for a period of at least ten years.

F. Self Support/Lattice Towers

1. Permitted Districts

Self-support or lattice towers may be permitted and shall be reviewed as provided in Table 4.C.2.I-13, Residential District Tower Location and Type of Review and Table 4.C.2.I-14, Non-Residential District Tower Location and Type of Review.

2. Separations and Setbacks

Lattice towers shall provide the separations and setbacks as established in Table 4.C.2.I-15, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.2.I-16, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback.

G. Guyed Towers

1. Permitted Districts

Guyed towers may be permitted and shall be reviewed as provided in Table 4.C.2.I-13, Residential District Tower Location and Type of Review and Table 4.C.2.C-14, Non-Residential District Tower Location and Type of Review

2. Separations and Setbacks

Guyed towers shall provide the separations and setbacks as established in Table 4.C.2.I-15, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.2.I-16, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback.

3. Setbacks

Breakpoint calculations may be provided to demonstrate a tower will collapse within the minimum required district setbacks. Breakpoint calculations shall be certified by a professional engineer, licensed in the State of Florida.

4. Anchors

Peripheral supports and guy anchors may be located within required setbacks provided they shall be located entirely within the boundaries of the property on which the communication tower is located. Peripheral supports and guy anchors shall be located at least ten feet from all property lines.

H. Compatibility

To assist in ensuring compatibility between a proposed communication tower and surrounding land uses, the information listed below shall be included with all applications for development approval, development order amendments, etc.

1. Site and Tower Location

The proposed site of a tower and the proposed location of the tower within that site, indicated on an official PBC zoning quad sheet.

2. Aerial Photography

The proposed location of a tower, indicated on an aerial map possessing a scale of not more than one inch equals 300 feet (1" = 300'). The aerial photograph shall indicate all adjacent land uses within a radius of 2,000 feet from the site of the proposed tower.

3. Visual Impact Analysis

A visual impact analysis, consistent with the requirements of Art. 4.C.3.P, Visual Impact Analysis Standards.

4. Buffering

Buffering and landscaping as required by this Section.

I. Tower Appearance

The style, height, and overall appearance of any tower or communications facility constructed pursuant to this Section shall be consistent with plans and elevations submitted as part of an application for development approval. The DRO shall have the authority to approve additions or minor modifications, which do not materially modify the appearance of a tower as approved by the ZC or BCC. Modification which cannot be approved by the DRO shall be subject to a development order amendment as provided in this Code.

Table 4.C.2.I-13 - Residential District Tower Location and Type Of Review

| TOWER TYPE | AGR | RSA | AR/USA | RE | RT | RS | RM | PUD (1) | RVPD | MHPD | TND |
|-----------------------------------|-----|-----|--------|----|----|----|----|---------|------|------|-----|
| Stealth Towers ≤ 100' | DE | DE | DE | DE | D | D | D | D | * | * | D |
| Stealth Towers >100' ≤125' | D | D | D | D | B | B | B | D | * | * | D |
| Stealth Towers > 125' | B | B | B | B | A | A | A | B | * | * | B |
| Camouflage Towers | BP | BP | BP | BP | D | D | D | D | * | * | D |
| Monopole Towers ≤ 60' | BP | D | D | D | * | * | * | D | * | * | D |
| Monopole Towers > 60' and ≤ 100' | D | B | B | B | * | * | * | B | * | * | B |
| Monopole Towers > 100' and ≤ 150' | B | B | B | B | * | * | * | B | * | * | B |
| Monopole Towers > 150' and ≤ 200' | B | B | B | B | * | * | * | * | * | * | * |
| Monopole Towers > 200' and ≤ 250' | A | A | A | * | * | | * | | * | | * |
| Monopole Towers > 250' | | A | A | * | | * | * | * | * | * | * |
| Self Support Towers ≤ 60' | BP | D | D | | * | | * | D | * | * | D |

Table 4.C.2.I-13 - Residential District Tower Location and Type Of Review Continued

| TOWER TYPE | AGR | RSA | AR/USA | RE | RT | RS | RM | PUD (1) | RVPD | MHPD | TND |
|---------------------------------------|-----|-----|--------|----|----|----|----|---------|------|------|-----|
| Self Support Towers > 60' and ≤ 100' | D | B | B | A | * | * | * | B | * | * | B |
| Self Support Towers > 100' and ≤ 150' | B | A | A | A | * | * | * | A | * | * | A |
| Self Support Towers > 150' and ≤ 200' | A | A | A | * | * | * | * | * | * | * | * |
| Self Support Towers >200' and ≤ 250' | A | A | A | * | * | * | * | * | * | * | * |
| Self Support Towers > 250' | A | A | A | * | * | * | * | * | * | * | * |

Table 4.C.2.I-13 - Residential Districts, Tower Location, and Type Of Review – Cont.

| TOWER TYPE | AGR | RSA | AR/USA | RE | RT | RS | RM | PUD (1) | RVPD | MHPD | TND |
|--------------------------------|------|------|--------|------|-------|-------|-------|---------|------|------|------|
| Guyed Towers ≤ 60' | BP | D | D | B | * | * | * | D | * | * | D |
| Guyed Towers > 60' and ≤ 100' | D | B | B | A | * | * | * | B | * | * | B |
| Guyed Towers > 100' and ≤ 150' | B | A | A | * | * | * | * | * | * | * | * |
| Guyed Towers > 150' and ≤ 200' | A | A | A | * | * | * | * | * | * | * | * |
| Guyed Towers > 200' and ≤ 250' | A | A | A | * | * | * | * | * | * | * | * |
| Guyed Towers > 250' | A | A | A | * | * | * | * | * | * | * | * |
| FDOT | D(2) | D(2) | D(2) | D(2) | D (2) | D (2) | D (2) | D (2) | D(2) | D(2) | D(2) |
| FPL (3) | D(3) | D(3) | D(3) | D(3) | D(3) | D(3) | D(3) | D(3) | D(3) | D(3) | D(3) |

Notes

D = Development Review Officer (No Public Hearing)

DE= Expedited Review

BP= Building Permit Review (No Public Hearing)

B = Conditional use Review by ZC (1 Public Hearing)

A = Conditional use Review by BCC (2 Public Hearings)

(1) = Public or Private, Civic and Commercial pods only

(2) = I-95 and Florida Turnpike streets at least 250 feet in width

(3) = Electrical transmission streets at least 250 feet in width

* = Not permitted in zoning district, unless otherwise allowed in association with non-residential uses as provided in this Section.

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Table 4.C.2.I-14 - Non-Residential Districts, Tower Location, and Type of Review

| TOWER TYPE | AP | PO | CN | CLO | CC | CG | CHO | CRE | IL | IG | MUPD (1) | MXPD | PIPD | PC |
|--------------------------------------|----|----|----|-----|----|----|-----|-----|----|----|----------|-------|------|----|
| Stealth Towers ≤ 100' | BP | BP | BP | BP | BP | BP | BP | BP | BP | BP | BP | BP | BP | BP |
| Stealth Towers >100' ≤ 125' | D | D | D | D | D | D | D | D | D | D | D | D(2) | D | D |
| Stealth Towers > 125' | B | B | B | B | B | B | B | B | B | B | B | B | B | B |
| Camouflage Towers | BP | BP | BP | BP | BP | BP | BP | BP | BP | BP | BP | BP(2) | BP | BP |
| Monopole Towers ≤ 60' | D | D | B | B | D | D | B | B | D | D | B | B(2) | D | B |
| Monopole Towers > 60' and ≤ 100' | D | D | B | B | D | D | B | B | D | D | B | B(2) | D | B |
| Monopole Towers >100' and ≤ 150' | D | D | B | B | D | D | B | B | D | D | B | B(2) | D | B |
| Monopole Towers > 150 and ≤ 200' | D | D | B | B | D | D | B | B | D | D | B | B(2) | D | B |
| Monopole Towers >200' and ≤ 250' | D | A | A | A | B | B | A | A | D | D | A | A(2) | D | A |
| Monopole Towers >250' | B | A | A | A | A | A | A | A | B | B | A | A(2) | B | A |
| Self Support Towers ≤ 60' | BP | BP | * | * | * | BP | * | * | BP | BP | * | BP(3) | BP | BP |
| Self Support Towers > 60' and ≤ 100' | D | D | * | * | * | D | * | * | D | D | * | D(3) | D | D |
| Self Support Towers >100' and ≤ 150' | D | D | * | * | * | D | * | * | D | D | * | D(3) | D | D |

Table 4.C.2.I-14 - Non-Residential Districts, Tower Location, and Type Of Review – Cont.

| TOWER TYPE | AP | PO | CN | CLO | CC | CG | CHO | CRE | IL | IG | MUPD (1) | MXPD | PIPD | PC |
|---------------------------------------|----|----|----|-----|----|----|-----|-----|----|----|----------|-------|------|----|
| Self Support Towers > 150' and ≤ 200' | D | B | * | * | * | B | * | * | D | D | * | D(3) | D | D |
| Self Support Towers > 200' and ≤ 250' | B | B | * | * | * | B | * | * | B | B | * | B(3) | B | B |
| Self Support Towers > 250' | B | A | * | * | * | A | * | * | B | B | * | B | A | A |
| Guyed Towers ≤ 60' | BP | BP | * | * | * | BP | * | * | BP | BP | BP | BP(3) | BP | BP |
| Guyed Towers > 60' and ≤ 100' | D | D | * | * | * | D | * | * | D | | D | D(3) | D | D |
| Guyed Towers > 100' & ≤ 150' | D | D | * | * | * | D | * | * | D | D | D | D(3) | D | D |
| Guyed Towers > 150' & ≤ 200' | D | B | * | * | * | B | | * | D | D | B | D(3) | D | B |
| Guyed Towers > 200' & ≤ 250' | B | B | * | * | * | B | * | * | B | B | B | B(3) | B | B |
| Guyed Towers > 250' | B | A | * | * | * | A | * | * | B | B | A | B(3) | B | A |
| FDOT (4) | D | D | D | D | D | D | D | D | D | D | D | D | D | D |
| FPL (5) | D | D | D | D | D | D | D | D | D | D | D | D | D | D |

Notes

- D = Development Review Officer (No Public Hearing).
- BP= Building Permit Review (No Public Hearing).
- B = Conditional use Review by ZC (1 Public Hearings).
- A = Conditional use Review by BCC (2 Public Hearings).
- (1) = Permitted in CH of CL FLU Designation over five acres.
- (2) = CH and IND FLU Designation
- (3) = Limited to IND FLU Designation
- (4) = I- 95 and Florida Turnpike streets at least 250 feet in width
- (5) = Electrical transmission line streets at least 250 feet in width
- * = Not permitted in zoning district

Table 4.C.2.I-15 - Distances for Towers located in and Adjacent to Residential Districts Separation and Setback

| TOWER TYPE | | AGR | RSA | AR/ USA | RE | RT | RS | RM | PUD (1) | RVPD | MHPD | TND |
|-----------------------------|----------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Stealth Towers ≤ 100' | residential existing (2) | 150% NLT 100% from PL | 150% NLT 100% from PL | 150% NLT 100% from PL | 150% NLT 100% from PL | 150% NLT 100% from PL | 150% NLT 100% from PL | 150% NLT 100% from PL | 150% NLT 100% from PL | 150% NLT 100% from PL | 150% NLT 100% from PL | 150% NLT 100% from PL |
| | residential vacant (3) | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL |
| | Non-residential vacant (3) | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL |
| Stealth Towers >100' ≤ 125' | residential existing (2) | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL |
| | residential vacant (3) | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL |
| | Non-residential vacant (3) | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL |

Table 4.C.2.I-15 - Distances for Towers located in and Adjacent to Residential Districts Separation and Setback – Cont.

| TOWER TYPE | AGR | RSA | AR/ USA | RE | RT | RS | RM | PUD (1) | RVPD | MHPD | TND |
|-----------------------|----------------------------|---|---|---|---|---|---|---|--|---|---|
| Stealth Towers > 125' | residential existing (2) | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL |
| | residential vacant (3) | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL |
| | Non-residential Public ROW | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater |

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**Table 4.C.2.I-15 - Distances for Towers located in and Adjacent to Residential Districts
Separation and Setback – Cont.**

| TOWER TYPE | AGR | RSA | AR/ USA | RE | RT | RS | RM | PUD (1) | RVPD | MHPD | TND |
|-------------------|----------------------------|---|---|---|---|---|---|---|---|---|--|
| Camouflage Towers | residential existing (2) | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL |
| | residential vacant (3) | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL |
| Camouflage | Non-residential Public ROW | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setback whichever is greater |

Notes

- (1) = Permitted in public or private civic and commercial pods only.
- (2) = Percent measured as a separation between lower and adjacent residential structures
- (3) = Measured as a setback from property lines of lower location
- (4) = Height tower type and setbacks limited as provided in this section

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**Table 4.C.2.I-15 - Distances for Towers located in and Adjacent to Residential Districts
Separation and Setback – Cont.**

| TOWER TYPE | AGR | RSA | AR/ USA | RE | RT | RS | RM | PUD (1) | RVPD | MHPD | TND |
|--------------------------------------|--------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Monopole Towers ≤ 60' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| Monopole Towers > 60' and ≤ 100' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| Monopole Towers > 100' and ≤ 150' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| Monopole Towers > 150' and ≤ 200' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| Monopole Towers > 200' and ≤ 250' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| Monopole Towers > 250' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |

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**Table 4.C.2.I-15 - Distances for Towers located in and Adjacent to Residential Districts
Separation and Setback – Cont.**

| TOWER TYPE | | AGR | RSA | AR/ USA | RE | RT | RS | PUD (1) | RVPD | MHPD | TND |
|--|-----------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Self Support Towers ≤ 60' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | 600%, NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| Self Support Towers > 60' and ≤ 100' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | 600%, NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| Self Support Towers > 100' and ≤ 150' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | 600%, NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| Self Support Towers > 150' and ≤ 200' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |

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**Table 4.C.2.I-15 - Distances for Towers located in and Adjacent to Residential Districts
Separation and Setback – Cont.**

| TOWER TYPE | | AGR | RSA | AR/ USA | RE | RT | RS | RM | PUD (1) | RVP D | MHP D | TND |
|---|-----------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--|-------------------------------------|--|
| Self Support Towers >200' and ≤250' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600 %, NLT 150 % from PL | 600% , NLT 150% from PL | 600 %, NLT 150 % from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150 % from PL | NLT 150% from PL | NLT 150 % from PL |
| Self Support Towers > 250' | residential existing (2) | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600%, NLT 150% from PL | 600 %, NLT 150 % from PL | 600% , NLT 150% from PL | 600 %, NLT 150 % from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150 % from PL | NLT 150% from PL | NLT 150 % from PL |

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**Table 4.C.2.I-15 - Distances for Towers located in and Adjacent to Residential Districts
Separation and Setback – Cont.**

| TOWER TYPE | | AGR | RSA | AR/ USA | RE | RT | RS | RM | PUD (1) | RVPD | MHPD | TND |
|---------------------------------------|-----------------------------|--|--|--|--|--|--|--|--|--|--|--|
| Guyed Towers ≤ 60' | residential existing (2) | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| Guyed Towers >60' and ≤ 100' | residential existing (2) | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| FDOT (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) |
| FPL (5) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) |

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**Table 4.C.2.I-15 - Distances for Towers located in and Adjacent to Residential Districts
Separation and Setback – Cont.**

| TOWER TYPE | | AGR | RSA | AR/ USA | RE | RS | RT | PUD (1) | RVPD | MHPD | TND |
|--------------------------------------|--------------------------------|--|--|--|--|--|--|--|--|--|--|
| Guyed Towers > 100' and ≤ 150' | residential existing (2) | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| Guyed Towers > 150' and ≤ 200' | residential existing (2) | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| Guyed Towers > 200 and ≤ 250' | residential existing (2) | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |

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**Table 4.C.2.I-15 - Distances for Towers located in and Adjacent to Residential Districts
Separation and Setback – Cont.**

| TOWER TYPE | TND | AGR | RSA | AR/ USA | RE | RS | RT | PUD (1) | RVPD | MHPD | TND |
|------------------------|--------------------------------|--|--|---|---|---|---|---|---|---|--|
| Guyed Towers > 250' | residential existing (2) | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL | < of 600% or 1,500', NLT 150% from PL |
| | residential vacant (3) | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL | NLT 150% from PL |
| FDOT | | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) |
| FPL | | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) |

Notes

- < = Less than
- (1) = Limited to public civic site locations
- (2) = Percent measured as a separation between tower and adjacent residential structures
- (3) = Measured as a setback from property line of tower location
- (4) = Height, tower type, and setbacks limited as provided in this section
- %= Separation or setback measured as a percentage
of tower height.
- > = More than
- NMT = Not more than
- NLT= Not less than
- PL = Property line

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**Table 4.C.2.I-16 - Distance for Towers located in Non-Residential Districts
Separation and Setback**

| TOWER TYPE | | AGR | AR/ RR | AR/ USA | RE | RT | RS | RM | PUD (1) | RVPD | MHPD | TND |
|----------------------|--------------------------------------|---|---|---|---|---|---|---|---|---|---|---|
| Stealth Towers | residential existing (3) | 150% but NLT 100% from PL | 150% but NLT 100% from PL | 150% but NLT 100% from PL | 150% but NLT 100% from PL | 150% but NLT 100% from PL | 150% but NLT 100% from PL | 150% but NLT 100% from PL | 150% but NLT 100% from PL | 150% but NLT 100% from PL | 150% but NLT 100% from PL | 150% but NLT 100% from PL |
| | residential vacant | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL |
| | Non- residential Public ROW | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater |
| Camouflage Towers | residential existing (3) | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, NLT 100% from PL | 150%, but NLT 100% from PL | 150%, NLT 100% from PL |
| | residential vacant | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL | NLT 100% from PL |
| | Non- residential Public ROW | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater | 20% of tower height or district setbacks whichever is greater |

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**Table 4.C.2.I-16 - Distance for Towers located in Non-Residential Districts
Separation and Setback – Cont.**

| TOWER TYPE | | AP | CN | CLO | CC | CHO | CG | CRE | IL | IG | PO | MUPD | MXPD | PIPD | PC |
|---------------------------------------|-----------------|----|----|-----|----|-----|----|-----|----|----|----|------|------|------|----|
| Self Support Towers ≤ 60' | residential | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| | non-residential | D | D | D | D | D | D | D | D | D | D | D | D | D | D |
| Self Support Towers > 60' and ≤ 100' | residential | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| | non-residential | D | D | D | D | D | D | D | D | D | D | D | D | D | D |
| Self Support Towers > 100' and ≤ 150' | residential | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| | non-residential | D | D | D | D | D | D | D | D | D | D | D | D | D | D |
| Self Support Towers > 150' and ≤ 200' | residential | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| | non-residential | D | D | D | D | D | D | D | D | D | D | D | D | D | D |
| Self Support Towers > 200' and ≤ 250' | residential | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| | non-residential | D | D | D | D | D | D | D | D | D | D | D | D | D | D |
| Self Support Towers > 250' | residential | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| | non-residential | D | D | D | D | D | D | D | D | D | D | D | D | D | D |

**Table 4.C.2.I-16 - Distance for Towers located in Non-Residential Districts
Separation and Setback – Cont.**

| Tower Type | AGR | AR/RR | AR/USA | RE | RT | RS | RM | PUD (1) | RVPD | MHPD | TND |
|-----------------------------------|-----------------|-------|--------|----|----|----|----|---------|------|------|-----|
| Monopole Towers ≥ 60' and < 100' | residential | B | B | B | B | B | B | B | B | B | B |
| | non-residential | A | A | A | A | A | A | A | A | A | A |
| | non-residential | A | A | A | A | A | A | A | A | A | A |
| Monopole Towers > 150' and ≤ 200' | residential | B | B | B | B | B | B | B | B | B | B |
| | non-residential | A | A | A | A | A | A | A | A | A | A |
| Monopole Towers > 200' and ≤ 250' | residential | B | B | B | B | B | B | B | B | B | B |
| | non-residential | A | A | A | A | A | A | A | A | A | A |

**Table 4.C.2.I-16 - Distance for Towers located in Non-Residential Districts
Separation and Setback – Cont.**

| TOWER TYPE | | AP | CN | CLO | CC | CHO | CG | CRE | IL | IG | PO | MUPD | MXPD | PIPD | PC |
|--------------------------------------|-----------------|----|----|-----|----|-----|----|-----|----|----|----|------|------|------|----|
| Guyed Towers ≤ 60' | residential | E | E | E | E | E | E | E | E | E | E | E | E | E | E |
| | non-residential | D | D | D | D | D | D | D | D | D | D | D | D | D | D |
| Guyed Towers >60' and ≤ 100' | residential | E | E | E | E | E | E | E | E | E | E | E | E | E | E |
| | non-residential | D | D | D | D | D | D | D | D | D | D | D | D | D | D |
| Guyed Towers > 100' and ≤ 150' | residential | E | E | E | E | E | E | E | E | E | E | E | E | E | E |
| | non-residential | D | D | D | D | D | D | D | D | D | D | D | D | D | D |
| Guyed Towers > 150' and ≤ 200' | residential | E | E | E | E | E | E | E | E | E | E | E | E | E | E |
| | non-residential | D | D | D | D | D | D | D | D | D | D | D | D | D | D |
| Guyed Towers > 200' and ≤ 250' | residential | E | E | E | E | E | E | E | E | E | E | E | E | E | E |
| | non-residential | D | D | D | D | D | D | D | D | D | D | D | D | D | D |
| Guyed Towers > 250' | residential | E | E | E | | E | | E | | E | E | E | | E | E |
| | non-residential | D | D | D | D | D | D | D | D | D | | D | | D | D |
| FDOT | residential | | F | F | F | F | F | F | F | F | F | F | F | F | F |
| | non-residential | G | G | G | G | G | G | G | G | G | G | G | G | G | G |
| FPL | residential | F | F | F | F | F | F | F | F | F | F | F | F | F | F |
| | non-residential | H | H | H | H | H | H | H | H | H | H | H | H | H | H |

Notes

- A = Greater of district setback or 20% of tower height
- B = See Table 4.C.2.C-15 for required separations and setbacks distances for Towers located in adjacent to residential districts.
- C = See Table 4.C.2.C-15 for required separations and setbacks distances for Towers located in adjacent to residential districts.
- D = Lesser of 100% of tower height or minimum district setbacks substantiated by breakpoint calculations.
- E = See Table 4.C.2.C-15 for required separations and setbacks from distances for Towers located in adjacent to residential districts.
- F = Minimum of 150 feet from abutting residential property line
- G = Minimum of 75 feet from abutting nonresidential property line
- H = Minimum of 100 feet from any nonresidential property line
- (1) = MUPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories
- (2) = MXPD: Limited to Commercial High (CH) and Industrial (IND)FLU Categories
- (3) = Percent measured as a separation between tower and adjacent residential structures
- (4) = Limited to Industrial (IND) FLU Designation
- % = Separation or setback as a percentage of tower height
- < = Less than
- > = More than
- > = More than
- NMT = Not more than

J. Exemptions for Existing Television Broadcast Towers

Guyed towers existing as of December 31, 1997 with a principal use as a television broadcasting tower shall be exempt from the provisions of this Section as provided below.

1. Separation and Setback Distances

Television towers as provided herein shall be exempt from the separation and setback distances of Table 4.C.2.I-15, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.2.I-16, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback.

2. Distance Between Towers

Television towers as provided herein shall be exempt from the distance between tower requirements of Table 4.C.3.D-17, Separations/Distances Between Towers, of this Subsection.

3. Visual Impact Analysis

Existing or replacement television towers as provided herein shall be exempt from the visual impact analysis requirements of Art. 4.C.3.P, Visual Impact Analysis Standards.

4. Replacement or Reconstruction of Existing Towers

Television towers exempted by the operation of this subsection may be replaced or reconstructed on the same parcel as provided below.

a. Approval

Television towers to be replaced or reconstructed shall be reviewed as provided in Table 4.C.2.I-13, Residential District Tower Location and Type of Review or Table 4.C.2.I-14, Non-Residential District Tower Location and Type of Review.

b. Tower Height

The height of a replacement for or reconstruction of an existing tower may be increased subject to approval as provided in Table 4.C.2.I-13, Residential District Tower Location and Type of Review or Table 4.C.2.I-14, Non-Residential District Tower Location and Type of Review.

c. Required Setbacks from Property Lines

Setbacks from property lines shall be provided as indicated below.

1) Structures of Equal or Lesser Height

Television towers to be replaced or reconstructed with a structure of equal or lesser height shall provide a setback substantially the same as the existing setbacks, taking into account the continued location of the tower being replaced during construction.

2) Structures of Greater Height

Television towers to be replaced or reconstructed with a structure of greater height shall provide a minimum setback of 110 percent of tower height from any adjacent street and a minimum setback of 100 percent of tower height from all adjacent property lines.

3) Breakpoint Calculations

All setbacks shall be substantiated by certified breakpoint calculations. The breakpoint calculations shall demonstrate that should tower failure occur, the entire height of the tower shall fall within with property lines of the tower site.

4) Nonconformity Not Created

Replacement or reconstruction of a television broadcast tower shall not result in creation of a nonconforming structure or nonconforming use. The television broadcast tower resulting from the replacement or reconstruction as provided herein shall be deemed a conforming structure and use.

K. Waiver from Required Dimensional Criteria

A waiver from the separation, setback, distance between towers, height, and similar dimensional criteria applicable to communication towers may be allowed as provided in this Section.

1. Towers approved as a Class A or Class B Conditional Use

The dimensional criteria required by this Section may be reduced by the BCC for Class A conditional uses and Class B conditional uses subject to the criteria contained herein.

2. Towers Approved on an Administrative Basis

The dimensional criteria required by this Section may be reduced by the BCC for towers subject to review by the DRO or the building permit process subject to the criteria contained herein.

3. Requests for a Waiver

When considering a request to allow a waiver from one or more required dimensional criteria, the BCC must determine that: the request complies with the intent of this Section and, the request is consistent with the criteria listed below.

4. Criteria for Granting a Waiver

The following criteria shall be utilized by the BCC when considering requests for waivers. Each request for a waiver must be consistent with the following criteria listed below: Art. 4.C.2.K.4.a - 4.C.2.K.4.h. In addition, each request for a waiver must be consistent with one or more of the following criteria: Art. 4.C.2.K.4.h - Art. 4.C.2.K.4.r.

a. Protection of Public Welfare

The waiver, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare.

b. Economics

The waiver is not granted based solely upon or in large measure due to costs associated with complying with all requirements of this Section.

c. Incompatibility Not Created

The waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.

d. Exhaustion of Other Remedies

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted. Alternatives to a waiver shall include but not be limited to such techniques as collocation, use of stealth or camouflage structures, and use of building mounted equipment and facilities.

e. Minimum Waiver

Grant of the waiver is the minimum waiver that will make possible the reasonable use of the parcel of land, building, or structure.

f. Consistent with the Plan

Grant of the waiver will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

g. Not Detrimental

The grant of the waiver will not be injurious to the area involved or otherwise detrimental to the public welfare.

h. Prohibition of Service

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted.

i. FAA Limitations

The waiver is required to comply with locational standards established by the FAA.

j. Lack of Technical Capacity

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service.

k. Height of Existing Structures

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service.

l. Lack of Structural Capacity

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area.

m. Interference

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature of other communications equipment or signals, or other technical problems that would result in interference between providers.

n. Unreasonable Costs

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as the fees, costs or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable.

o. More Appropriate Site

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large scale non-residential area.

p. Avoid Certain Locations

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following:

- 1) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
- 2) officially designated vegetation and wildlife preserves;
- 3) habitats of threatened/endangered species, historical sites;
- 4) Indian religious sites;
- 5) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
- 6) night use of high intensity lights in residential areas;
- 7) environmentally sensitive lands acquired or leased by PBC; or
- 8) linked open space corridors as set forth in the Plan.

q. Reduce Residential Impact

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses.

r. Effect of Governmental Regulation or Restrictive Covenant

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of a tower.

5. Simultaneous Consideration

A request for a waiver from one or more required dimensional criteria may be considered at the same time a related request for tower approval is considered. However, final BCC, ZC, or administrative approval shall not be granted until a final decision is rendered by the BCC.

Section 3 Standards

A. Additional Uses Permitted on Lot

Communication towers may be permitted on a lot with another principal use as provided herein.

1. Lease Parcel

Communication towers may be located on lots containing another principal use, including another communication tower. Separation between communication towers and other uses on the lot may be required to ensure compatibility. Towers may occupy a leased parcel on a lot that meets the minimum lot size requirement of the district in which it is located. PBC may require execution of a unity of title, or other documentation as determined appropriate by the County Attorney, for lease parcels that do not meet the minimum lot size requirement for the district in which they are located.

2. Accessory Structures

Any structure accessory to communication towers, other than peripheral supports and guy anchors, shall conform to the setback requirements for the district in which it is located.

B. Measurement of Height

All antennas, panels, and other attachments shall be included in the height measurement of the tower structure, and shall not extend beyond its maximum permitted height. Lightning rods and whip antennas, less than six inches in diameter, shall be excluded from this requirement.

C. Separation and Setback from Residential Uses

1. Measurement of Separations and Setbacks

a. Existing Residential Use

Separations from existing residential structures shall be measured from the wall of the closest principal residential structure to the base of the tower (See Figure 4.C.3.C-1, Measurement of Separation).

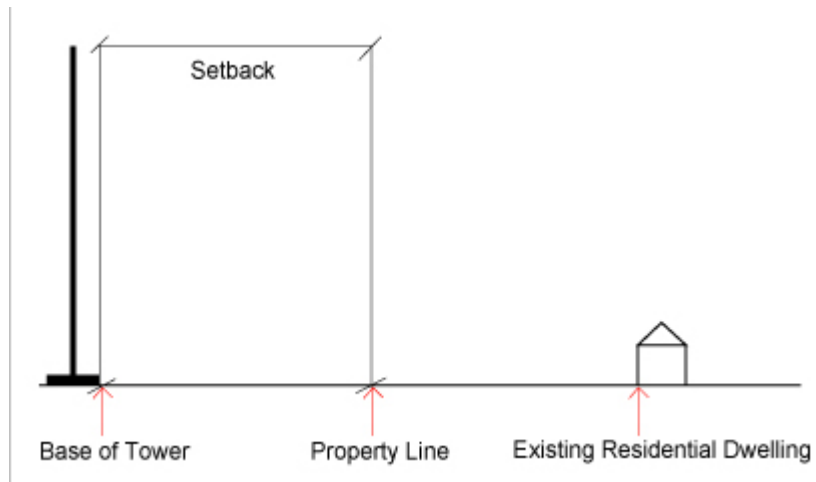
b. Vacant Residential Parcel

Setbacks from vacant residential parcels shall be measured from adjacent property lines to the base of the tower (See Figure 4.C.3.C-2, Measurement of Setback).

Figure 4.C.3.C-1 – Measurement of Separation



Figure 4.C.3.C-2 – Measurement of Setback



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D. Distances/Separation Between Towers

Towers shall be subject to the following minimum distances between towers:

Table 4.C.3.D-17 - Separations/Distances between Towers

| ZONING DISTRICT | AGR, AR less than 10 acres, PC | CC, CHO, CLO, CN, RE, RM, RS, RT | CG, CRE, MUPD | AP, IG, IL, PIPD parcels less than 10 acres | AP, AR, IG, IL, PIPD parcels 10 or more acres | PO | Public Civic Sites IPF | FPL Trans. R-O-Ws and FDOT R-O-Ws |
|----------------------------------|--------------------------------|----------------------------------|---------------|---|---|------------|------------------------|-----------------------------------|
| Stealth | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Camouflage | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monopole | | | | | | | | |
| 60' or less in height | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| >60' and 100' or less in height | 500 feet | 660 feet | 500 feet | 0 | 0 | 0 | 300 feet | 0 |
| >100' and 150' or less in height | 660 feet | 660 feet | 660 feet | 0 | 0 | 0 | 600 feet | 0 |
| >150' and 200' or less in height | 1,320 feet | 1,320 feet | 1,320 feet | 1,320 feet | 660 feet | 660 feet | 660 feet | 660 feet |
| >200' and 250' or less in height | 2,640 feet | 2,640 feet | 2,640 feet | 2,640 feet | 1,320 feet | 1,320 feet | 1,320 feet | 1,320 feet |
| >250' in height | 3,960 feet | 5,280 feet | 5,280 feet | 2,640 feet | 1,320 feet | 2,640 feet | 2,640 feet | 2,640 feet |
| Self Support/ Lattice | 5,280 feet | Not permitted | 5,280 feet | 1,320 feet | 0 | 0 | 5,280 feet | 5,280 feet |
| Guyed | 5,280 feet | Not permitted | 5,280 feet | 2,640 feet | 0 | 0 | 5,280 feet | 5,280 feet |

1. Waiver of Distance Between Towers

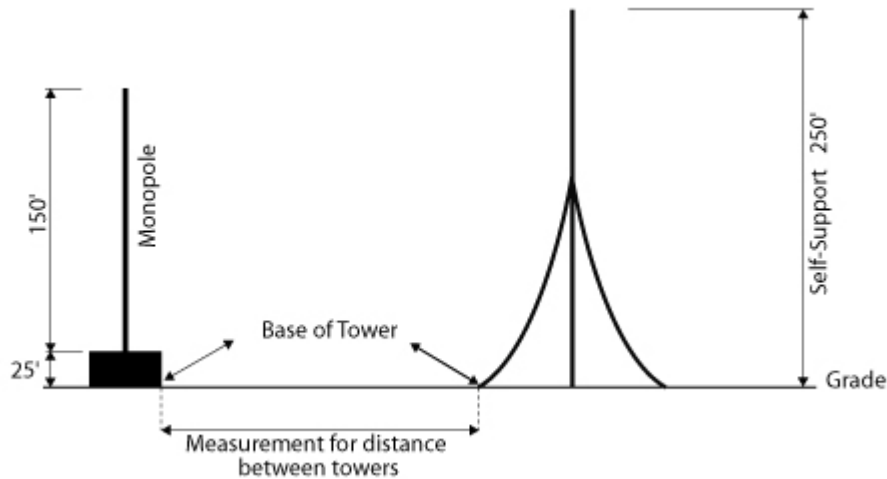
A waiver to reduce the distance between towers may be granted subject to the requirements of Art. 4.C.2.K.

2. Measurement

The distance between an existing and a proposed tower shall be measured at grade in a direct lineal fashion between the closest points of the base of the existing and the base of proposed towers (see Figure 4.C.3.D-2).

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Figure 4.C.3.D-3 Distance between Existing and Proposed Towers



Separations between towers located in different zoning districts shall be measured as follows:

a. Residential and Residential

The greater of the distance between towers requirements shall apply between residentially zoned parcels.

b. Residential and Non-Residential

The greater of the distance between towers requirements shall apply between residentially and non-residentially zoned parcels.

c. Non-Residential and Non-Residential

The lesser of the distance between towers requirements shall apply between non-residentially zoned parcels.

d. Certification of Distance

The distance between towers shall be certified by a professional engineer or a professional land surveyor, each of whom shall be licensed by the State of Florida.

E. Perimeter Buffering

1. Fence/Wall

A fence or wall, a minimum of eight feet in height measured from finished grade, shall be constructed around the base of each communication tower and accessory equipment structure, and around each guy anchor. Access to the communication tower shall be through a locked gate. Barbed wire along the top of the fence or wall may be used in any zoning district to preclude unauthorized tower access.

2. Landscaping

The landscape and buffer standards provided below shall be required around the perimeter of the tower, accessory structures, and guy anchors, unless waived as provided herein. These standards shall be waived by the Zoning Director, unless otherwise required by the BCC or ZC when the proposed landscaping would not be visible from adjacent lots or streets.

Landscaping shall be installed along the exterior side of the required fence, unless the Zoning Director determines that the viability, survivability, or utility of the plant material is enhanced when located along the interior side of the fence or wall.

a. Leased Parcels

Landscaping shall be maintained pursuant to Art. 7.F, Perimeter Buffer Landscape Requirements. The applicant shall execute a perpetual maintenance agreement with the property owner to ensure the maintenance of the landscape buffer if the buffer is installed outside of the leased parcel footprint.

b. Adjacent to Residential Uses or Districts

1) Towers Less than 50 feet from Existing Residential

A Type 3 landscape buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to Art. 7.F, Perimeter Buffer Landscape Requirements.

2) Towers More than 50 feet from Existing Residential

A Type 1 landscape buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to Art. 7.F, Perimeter Buffer Landscape Requirements.

c. Adjacent to Non-Residential Uses or Districts

Towers shall comply with the standards for landscape buffers between compatible uses of Art. 7.F, Perimeter Buffer.

3. Accessory Equipment and Structures

All accessory equipment and structures shall be located within the required perimeter buffering.

F. 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, warning signs shall be permanently attached to the exterior side of the perimeter fence and located every 20 feet. The signs shall display in bold letters at least eight inches high the following: "HIGH VOLTAGE-DANGER".

G. Tower Removal

1. Form of Agreement

All obsolete or abandoned communication towers shall be removed within three months following cessation of use. Prior to the issuance of a building permit or site plan approval, whichever occurs first, the property owners or tower operators shall submit an executed removal agreement to ensure compliance with this requirement. The removal agreement shall be in a form acceptable to the County Attorney.

2. Surety for Removal

Prior to the issuance of a building permit, surety shall be submitted by the property owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the Executive Director of PZB and the County Attorney. The required surety shall be irrevocable, unless released by the BCC. The surety shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:

- a. submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
- b. a surety equivalent to 50 percent of the estimated cost to remove and dispose of the tower;
- c. an agreement to pool multiple sureties of the tower owner or property owner required by this Section to allow pooled surety to be used to remove abandoned towers; and,
- d. an agreement by the tower owner or property owner to replenish surety pool upon utilization of surety by PBC.

3. Alternative Surety for Removal

The Zoning Director, subject to review by the County Attorney, may accept documentation from a tower owner that adequate resources or irrevocable contractual obligations are available to remove obsolete or abandoned communication towers.

4. Form of Surety

Surety shall be provided in a form consistent with the requirements of Art. 11.B.7, Construction of Required Improvements.

5. Surety Required

Surety required pursuant to this Section shall be provided only for towers constructed after the effective date of this Code.

H. Building Permits

In addition to the review processes required in this Section, a building permit shall be required for all towers, support and accessory structures, and antenna attachments, except as otherwise provided by State of Florida or local law.

I. Parking

Communication towers shall be exempt from the parking requirements of Art. 6, Parking, unless otherwise required by the Zoning Director.

J. Signs and Advertising

The placement on a monopole, self-support, or guyed tower, of any signs, flags or appurtenances for advertising purposes, including company name, shall be prohibited. Signs or advertising may be permitted when in conjunction with a stealth tower when that structure is an integral element of a principal building or structure.

K. Identification Tags

Identification tags or signs shall be posted on all communication towers and facilities in accordance with FCC and OSHA requirements. The tags shall include the FCC tower registration number, or television or radio call numbers; the latitude and longitude of the tower; and, the name, address, and telephone number of the tower owner. The identification tags shall be visible from the perimeter fence, and shall be constructed of durable materials. The Zoning Director shall prescribe the size of the sign and the materials to be used.

L. Location of Existing Towers

At the time of any tower application submittal to the appropriate reviewing body, the applicant shall comply with the following:

1. Provide or update previously submitted data indicating the location of their towers; latitude and longitude; tower height; and tower type.
2. Submit a search ring a minimum of one mile around the proposed site. The ring shall include the location of all existing towers located within the search area. Search rings shall not be required for television towers.

M. Propagation Study

At the time of application submittal to the appropriate reviewing body, the provider shall submit a propagation study prepared by a professional engineer, licensed in the State of Florida, to justify the need to construct a new tower. Propagation studies shall not be required for television towers.

1. Required Information

Propagation studies shall include the following information:

- a. the location of other sites considered, including potential options for collocation and alternative sites or properties;
- b. desired signal strength in the area to be served;
- c. current RF coverage and predicted RF coverage following installation and use of the new tower facility; and
- d. the number of existing users within the area to be served denied access due to lack of capacity.

N. Violation of Standards

The property owners, as well as the tower owners, shall be responsible for violations of applicable standards.

O. Generators

All permanently installed generators used on site shall use propane fuel. However, generators 125 kilowatts or greater may utilize diesel fuel.

P. Visual Impact Analysis Standards

The requirements of this subsection shall be required for any application to construct a monopole tower greater than 150 feet in height or any guyed or self-support/lattice tower greater than 150 feet in height. The applicant shall be advised of the requirement to submit a visual impact analysis by the Zoning Director within ten working days following the application submittal deadline date.

1. Visual Analysis

To assess the compatibility with and impact of a proposed tower site on adjacent properties, an applicant seeking to construct a tower subject to the requirements of this Section may be required to submit a visual impact analysis. The applicant may request review of a proposed tower location, prior to application submittal to the appropriate zoning process, to determine whether or not a visual impact analysis will be required. A visual impact analysis may be required under the circumstances listed below.

- a. Existing residential uses are located along 50 percent or more of the entire perimeter of the proposed tower site.
- b. When the proposed site is located adjacent to:
 - 1) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
 - 2) officially designated vegetation and wildlife preserves;
 - 3) habitats of threatened/endangered species;
 - 4) historical sites;
 - 5) Indian religious sites;

- 6) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
 - 7) residential areas when night use of high intensity lights is required;
 - 8) environmentally sensitive lands acquired or leased by PBC; or
 - 9) linked open space corridors as set forth in the Plan.
- c. The proposed site does not meet the distance between towers requirements of this Section. The applicant may utilize digital imaging technology to prepare the analysis, in a manner acceptable to the Zoning Director. For non-digital methods, the visual impact analysis shall, at minimum, provide the information listed below.
- 1) The location of the proposed communication tower illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1"=300'). All adjacent zoning districts within a 3,000 foot radius from all property lines of the proposed communication tower site shall be indicated.
 - 2) A line of site analysis, which shall include the following information:
 - a) identification of all significant existing natural and manmade features adjacent to the proposed tower site and identification of features which may provide buffering and screening for adjacent properties and public streets;
 - b) identification of at least three specific points within a 2,000 foot radius of the proposed tower location, subject to approval by the Zoning Director, for conducting the visual impact analysis;
 - c) certification by the professional that the proposed communication tower meets or exceeds the standards contained in this subsection of this Code;
 - d) copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
 - e) graphic illustration of the visual impact of the proposed communication tower, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points;
 - f) identification of all screening and buffering materials under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis.);
 - g) identification of all screening and buffering materials that are not under the permanent control of the applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, etc.;
 - h) screening and buffering materials considered in the visual impact analysis shall not be removed by future development on the site;
 - i) screening and buffering materials considered in the visual impact analysis shall be replaced if they die;
 - j) prohibited plant species, pursuant to Art. 7.F, Perimeter Buffer Landscape Requirements, shall not be considered in the visual impact analysis; and
 - k) any additional information that may be required by the Zoning Director to fully review and evaluate the potential impact of the proposed communication tower.
- d. In addition to all other applicable standards of the Code, the following visual impact standards may be applied when a visual impact analysis is required for any application to construct a tower.
- 1) At least 25 percent of the tower is screened from all streets other than expressways, or arterials and planned collector streets with five lanes or more.
 - 2) at least three specific points from adjacent streets, shall be identified, subject to approval by the Zoning Director, for conducting the visual impact analysis.
 - 3) The results of the line of site analysis performed as part of the visual impact analysis.
 - 4) The distance a proposed communication tower, including anchors for guy wires, and guy wires are proposed to be setback from surrounding properties such that its height, bulk and scale is compatible with surrounding residential and nonresidential uses.
 - 5) At least 25 percent of the tower is screened from view from a majority of the points selected by the Zoning Director for the visual impact analysis.
 - 6) The degree or amount of buffering or screening materials permanently included as part of the application.

- e. The visual impact analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor registered in the State of Florida. PBC, at the expense of the applicant and at its own discretion, may employ such consultants as are necessary to review and evaluate the visual impact analysis.

Q. Additional Standards and Requirements

1. Aircraft Hazard

- a. Towers shall not be a hazard to air navigation as determined by the FAA.
- b. Prior to the issuance of a building permit for a tower, proof of compliance with applicable requirements of the FAA and Art. 16, Airport Regulations; of the Code, shall be provided in a manner acceptable to the Zoning Director.

2. Lighting

The least intensive nighttime method of illumination acceptable to the FAA shall be utilized. To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All required lighting shall be maintained on an as needed basis by the owner of the tower.

3. Inspections

All towers shall be inspected in compliance with FCC regulations or as required by the Building Division.

4. Interference

As provided by the FCC, towers shall not interfere with the normal operation of electrical or mechanical equipment located within surrounding properties.

5. Windload Standards

All antennas, panels and other tower attachments shall meet the required windload standards pursuant to Building Division review. Documentation indicating compliance with the windload standards shall be certified by a professional engineer, licensed in the State of Florida, and submitted to the Building Division at the time of building permit application.

6. Airborne Spraying

Towers or guy wires shall not impede the aerial mosquito control activities performed by PBC, as determined by the BCC, for the health, safety, and welfare of its residents.

7. Accessory Structures

Building permits shall be required for all accessory structures related to an antenna.

8. Public Utilities

For the purposes of this Section, wireless communications, communication towers, and associated facilities shall not be considered public utilities.

9. Consultant Services

A qualified telecommunication consultant shall be selected and retained by the Zoning Director, and paid for by an applicant, to review technical documents related to the siting of communication towers and facilities. The consultant may review technical documents, propagation studies and other related documents to determine the following:

- a. need for additional towers;
- b. existence of incompatibilities between providers that may hinder collocation;
- c. necessity of waiver relief to deviate from established dimensional criteria;
- d. compliance with the general requirements of this Section; and
- e. the applicant shall reimburse PBC for the consultant fees prior to the issuance of the final development order.

R. Creation of Nonconforming Use or Structure

Construction of any lawful residential or nonresidential structure within the required separation distance shall not create a nonconforming use or structure when an existing communication tower is established pursuant to the provisions of this Section.

S. Nonconforming Lots of Record

Towers may be located on nonconforming lots of record provided the structure will comply with all siting requirements of this Section without a waiver from any dimensional criteria as provided herein.

Section 4 Tower Replacement and Height Increases

A. Replacement

1. Conforming Towers

An existing conforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement tower shall comply with the sitting requirements of this Section.

- a. The replacement tower shall accommodate a minimum of two providers.
- b. The replacement tower shall be of the same or lesser impact than the existing structure pursuant to the defined tower hierarchy.
- c. The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- d. The replacement tower shall be subject to review by the Zoning Division through the DRO, Art. 2.D.1, Development Review Approval, administrative amendment process.

2. Nonconforming Towers

An existing nonconforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement shall comply with the sitting requirements of this Section.

- a. The replacement tower shall accommodate a minimum of two providers.
- b. The replacement tower shall be of the same or lesser impact than the existing structure pursuant to the defined tower hierarchy.
- c. The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- d. The replacement tower shall be subject to review by the DRO.

B. Tower Height Increases

1. Conforming and Nonconforming Towers

Unless otherwise provided herein, the height of a conforming or nonconforming tower may be increased on one occasion subject to the requirements of Table 4.C.4.B-18, Tower Height Increases.

Table 4.C.4.B-18 - Tower Height Increases

| Review Process | Conforming Towers | Nonconforming Towers |
|--|-------------------|----------------------|
| Development Review Officer Administrative Amendment | X(1) | N/A |
| Development Review Officer | X(2) | X(1) |
| Class B Conditional use | X(3) | X(2) |
| Class A Conditional use | X(4) | X(3,4) |

Notes to Table 4.C.4.B-18:

- 1. Increases of 25' or less.
- 2. Increases greater than 25' and 45' or less.
- 3. Increases greater than 45' and 65' or less.
- 4. Increases greater than 65'.

2. Monopoles

The height of an existing monopole may be increased by a maximum of 20 percent to accommodate a second user subject to standard building permit review. An additional increase of up to 20 percent may be approved to accommodate an additional user, subject to standard building permit review. Increases shall be based upon the original approved tower height.

C. Accessory Structures

The size of an accessory structure or structures may be increased to accommodate collocation. The expansion shall be subject to Zoning Division review through the DRO administrative amendment process.

Section 5 Shared Use/Collocation

This Section is designed to foster shared use of communication towers and their accessory support facilities.

A. Collocation

All communication towers, except stealth and camouflage structures, shall be constructed to accommodate a minimum of two providers.

1. Site area

The site or leased footprint shall contain sufficient square footage to accommodate the equipment/mechanical facilities for all proposed providers based upon the structural capacity of the tower.

B. Setbacks

If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collocation of at least one additional service provider, minimum setback requirements may be reduced by a maximum of 15 feet, except from residential property lines.

C. Review Procedures

Prior to submittal of an application for approval of a proposed tower for Conditional use, development order amendment, original DRO, or building permit review, all applicants for communication towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one year of the notice mailing date.

1. List

The Zoning Division shall secure a list of known communication tower users annually by advertisement in a newspaper of general circulation. The Zoning Division may add known communication tower users to this list. This list shall remain valid for one calendar year.

2. Notification

All communication tower applicants shall provide notice by certified mail to all users on the list. The following information shall be included in the notice: description of the proposed tower; general location; longitude and latitude; general rate structure for leasing space, which shall be based on reasonable local charges; proposed height; a phone number to locate the applicant or agent for the communication tower; and a shared use application 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. Shared Use Application

Potential communication tower users shall respond to the notice within 20 days of receipt of certified mailing. Response shall be submitted utilizing a shared use application form. A completed shared use application form shall be sent to the owner of the proposed communication tower or authorized agent. The tower applicant shall not be responsible for a lack of response or responses received after the 20 day period. The Zoning Division shall provide the shared use application form.

4. Feasibility

The feasibility of each shared use request shall be evaluated by the applicant. The 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: structural capacity, RF interference, geographic service area requirements, mechanical or electrical incompatibilities, inability or ability to locate equipment on approved and unbuilt communication towers, cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a 25 year period), FCC limitations that would preclude shared use, and other applicable Code requirements.

5. Rejection or Dispute

If the applicant rejects one or more request(s) for shared use and if potential tower lessees dispute the rejection(s) for shared use, the following procedure shall occur within ten working days after the shared use response deadline.

a. Submittal

Applicant shall submit two copies of the following to the Zoning Division: a brief evaluation of each rejected response; all design data for the proposed communication tower; and, an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations, paid for by the tower space lessee.

b. Consultant

The Zoning Division shall forward copies of all applications for shared use and the applicant's evaluation of each rejected request to a qualified communications consultant. The consultant shall be selected by and retained at the discretion of the Zoning Division and paid by applicant who is refusing to allow collocation from an interested service provider.

c. Evaluation

Within ten 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 prepare an evaluation. Two copies of the consultant's evaluations shall be sent to the Zoning

Division. One copy of the evaluation shall be made an official part of the communication tower application and one copy of the evaluation shall be forwarded to the applicant by the Zoning Division. The consultant's report shall be advisory, and made part of the staff report, and considered in reviewing the communication tower application.

6. Acceptance with No Dispute

If the applicant did not reject any requests for shared use or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary.

Section 6 Communication Panel Antennas, Commercial

These standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards.

A. Permitted Districts

Communication panels and antennas, excluding whip antennas not exceeding eight feet in height and six inches in diameter, may be permitted and shall be reviewed as follows in Table 4.C.6.A-19, Panel Antenna Regulations.

Table 4.C.6.A-19 - Panel Antenna Regulations

| Zoning District or Use | Single Family Residential | Multi-Family Residential | Non Residential | IG, IL, PO Districts |
|---|----------------------------|----------------------------|----------------------------|------------------------|
| Structures 25' or less in height | | Not Permitted | Not Permitted | Building Permit Review |
| Structures greater than 25' and 45' or less in height | Development Review Officer | Development Review Officer | Development Review Officer | Building Permit Review |
| Structures greater than 45' in height | Class B Conditional use | Building Permit Review | Building Permit Review | Building Permit Review |

1. Applicability and Review Process

A building permit shall be required for the installation of all communication panels and antennas in addition to any other review process.

B. Communication Panel Antennas

1. Architectural Compatibility

Demonstrate architectural compatibility (color and/or texture) with the structure on which it is located.

2. Screening

If the panel is attached to a pole support structure, the pole shall be concealed by an opaque screen.

3. Size Limitations

Each communication panel shall not exceed a maximum height of eight feet; maximum depth of four feet; and maximum width of four feet.

4. Supplemental Application Requirements

In addition to the requirements indicated above, plans depicting cross Sections or elevations of the panel attached to the structure shall be provided at the time of submittal of the application package.

C. Setbacks

1. Accessory Structures

Unmanned roof mounted accessory structures shall meet a minimum 25-foot setback from the edge of the roof or comply with the architectural compatibility standards pursuant to Art. 4.C.6.B.1, Architectural Compatibility.

2. Communication Panels and Antennas

There shall be no minimum setback required for panels or antennas.

D. Whip Antennas

Whip antennas not exceeding eight feet in height and six inches in diameter shall be permitted in any zoning district. Whip antennas may be attached to residential structures, utility poles, etc. Whip antennas, unless attached to a residential structure, shall be installed at least 50 feet from any existing residential structure.

E. Intergovernmental Activities

1. Mapping

PBC shall participate in any countywide mapping program to identify proposed and existing tower sites.

2. Notification

- a. PBC shall participate in an intergovernmental notification program by continuously providing information regarding tower construction applications to the PBC Intergovernmental Coordination Program Clearinghouse.
- b. All jurisdictions within a two-mile radius of a proposed tower site located in unincorporated PBC shall be notified at the time of application submittal.

Section 7 Communication Cell Sites on Wheels (COWs)

COWs shall comply with the following supplementary use standards. COWs means a temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.

A. States of Emergency

The requirements of this Section may be waived in the case of a declared state of emergency, as provided by law.

B. Special Permit

A Special Permit must be obtained from the Zoning Division prior to the placement of the facility.

C. Use limitations

COWs shall be permitted only in association with recognized large-scale special events with a minimum projected daily attendance of 30,000 or greater.

1. Exception

The Zoning Director shall seek BCC direction, and approval, through an Administrative Inquiry (AI) for any event not meeting the minimum projected attendance standards listed above.

D. Time Limitations

The Special Permit shall be valid for seven days, including installation and removal.

1. Time Extensions

The Special Permit may be extended up to an additional ten days by the Zoning Director based upon individual circumstances and demonstration of need by the applicant.

E. Fencing

The COW shall be enclosed by a temporary fence a minimum of six feet in height, or other barrier approved by the Zoning Division.

F. Non-Residential Districts

1. COWs Greater than 50 Feet in Height

COWs greater than 50 feet in height located on parcels with non-residential zoning designations shall be subject to the following:

a. Setback

The structure shall meet the greater of the setback requirements of the applicable zoning district or a distance equal to 110 percent of its height.

b. Separation

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

2. COWs 50 Feet in Height or Less

COWs 50 feet in height or less, located on parcels with non-residential zoning designations are subject to the following:

a. Setback

The structure shall meet the setback requirements of the applicable zoning district, provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).

b. Separation

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

c. Other

COWs not utilizing a commercial power source shall be subject to the setback requirements of Art. 4.C.6.F.1, COWs Greater than 50 Feet in Height.

G. Residential Districts

1. COWs Greater than 50 Feet in Height

COWs greater than 50 feet in height located on parcels with residential zoning designations shall be subject to the following:

a. Setback

The structure shall meet a setback from the property lines equal to 150 percent of its height.

b. Separation

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

2. COWs 50 Feet in Height or Less

COWs 50 feet in height or less, located on parcels with residential zoning designations are subject to the following:

a. Setback

The structure shall meet a setback from the property lines equal to 75 percent of its height; provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).

b. Separation

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

c. Other

COWs not utilizing a commercial power source shall be subject to the setback requirements of Art. 4.C.7.G.1, Setback, above.

H. Removal Bond and Agreement

The applicant shall execute a removal agreement and post a \$50,000.00 removal bond, subject to approval by the County Attorney.

CHAPTER D EXCAVATION

Section 1 Purpose and Intent

The purpose of this Chapter is to provide for the health, safety, and welfare of the residents of PBC by ensuring beneficial and sound land management practices associated with excavation and mining activities. To prevent a cumulative negative impact on PBCs natural resources and to achieve these goals, it is the intent of this Section to:

- A. ensure that mining and excavation activities do not adversely impact the health, safety, and welfare of the citizens of PBC;
- B. prevent immediate and long-term negative environmental and economic impacts of poor land development practices;
- C. encourage the use of economically feasible and environmentally sound mining and excavation practices;
- D. preserve land values by ensuring that alteration of a parcel by non-commercial land excavation does not result in conditions that would prevent that parcel from meeting minimum land development requirements for other valid uses;
- E. encourage the rehabilitation of commercially mined sites to other beneficial uses by promoting economical, effective and timely site reclamation;
- F. protect existing and future beneficial use of surrounding properties from the negative effects of excavation and mining;
- G. provide for the off-site disposal of excess extractive material provided that the excavation site is incorporated into the approval of a bona fide site development plan;
- H. establish a regulatory framework of clear, reasonable, effective, and enforceable standards and requirements for the regulation of excavation, mining, and related activities; and
- I. ensure that excavation and mining activities and resulting mined lakes are not allowed to become public safety hazards, or sources of water resource degradation or pollution.

Section 2 Applicability

All mining and excavation activities that create a temporary or permanent body of water within unincorporated PBC shall comply with the regulations established in the Code and other State and Local requirements, as applicable.

A. Conflicting Provisions

To the extent provisions of this Section conflict with regulations of other applicable regulatory agencies, the more restrictive regulations shall apply. Other permitting agencies include but are not limited to SFWMD, Florida Game and Fresh Water Fish Commission, DEP, and ERM.

B. Previously Approved Development Orders

Applications for excavation and mining projects approved prior to September 25, 1996, may amend the certified site (excavation) plan pursuant to Art. 2.D, Administrative Processes, to comply with the standards enumerated below provided the standards do not conflict with development order conditions. All standards of each Section shall apply. Selective choice of standards shall not be permitted. The DRO may review and approve the excavation plan, pursuant to Art. 2.D.1, Development Review Officer, provided the subject site complies with the compatibility criteria in Art. 4.D.5.F, Type III Excavations, and the technical standards in Art. 4.D.8, Technical Standards, and provided there is no increase in the land area, excavated surface area, quantity of excavated material, or intensity as approved by the BCC in the original development order. Any increase shall require approval of a development order amendment by the BCC pursuant to Art. 2.B, Public Hearing Procedures. Applicable standards include:

Technical standards include: 1) Art. 4.D.8.A, Operational Standards and Developments; 2) Art. 4.D.8.B, Construction Standards, excluding depth; 3) Art. 4.D.8.C, Reclamation Standards; 4) Art. 4.D.5.F.7.b, Buffer; and 5) Art. 4.D.8.E, Maintenance and Monitoring Requirements.

Section 3 Excavation Types

Excavation or mining activities shall not be conducted unless such activities are deemed exempt or an approval has been issued in accordance with this Section. The types of excavation that are allowed are as follows:

A. Agricultural Excavation

Approval process for agricultural excavation is administered by ERM and PZB. Agricultural excavation in the WCAA are administered by ERM. Application procedures and requirements are in Art. 4.D.5.A, Agricultural Excavations.

B. Type I

Two approval processes (Types 1A and 1B) are administered by PZB for excavations on single-family lots. Application procedures and requirements are in Art. 4.D.6.A, Content of Application, and Art. 4.D.6.B, Additional Application Requests for Type II, Type IIIA and Type IIIB.

C. Type II

The approval process for Type II excavation is administered by PZB and ERM. Application procedures and requirements are in Art. 4.D.6.B, Additional Application Request for Type II, Type IIIA and type IIIB.

D. Type III

Two approval processes for commercial mining excavation activities (Type III A and Type III B) are administered by PZB and ERM. Application procedures and requirements are in Art. 4.D.6, Supplemental Application Requirements.

Section 4 Prohibitions and Exemptions

A. Prohibitions

Excavation and mining activities shall be prohibited in the following areas:

1. RR20 FLU Designation.
2. The Pleistocene Sand Ridge.
3. An archeological site, unless approved and requested as a Class A conditional use.
4. Publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands.
5. Areas otherwise prohibited by this Section.

B. Exemptions

The following excavation activities shall be exempt from the requirements of this Section:

1. Existing Lakes

Existing mined lakes approved prior to June 16, 1992 that have a valid development order which complies with the criteria below shall be exempt from the requirements of this Section. If an amendment is proposed that deviates from the original approval, then a development order amendment shall be requested pursuant to Art. 2.B, Public Hearing - Procedures, and shall comply with the provisions in Art. 1.F, Nonconformities.

- a. Regulated by a National Pollutant Discharge Elimination System Permit; or
 - b. Regulated by a Florida Department of Environmental Protection (DEP) industrial wastewater operation permit; or
 - c. Located within an approved residential, commercial, industrial or mixed-use development and function as a stormwater management facility pursuant to:
 - 1) A surface water management construction permit issued by the SFWMD; or,
 - 2) A conceptual permit issued by the SFWMD that delineates proposed littoral slopes of the excavated lake(s) conducive for planting; or
 - 3) An applicable County land development permit depicting proposed littoral and upland slopes of a mined lake. As long as the existing excavated lake continues to meet the water quality standards contained in Chapter 62-302, F.A.C.
- 2. Pools**
Swimming pools, pursuant to Art. 5.B, Accessory and Temporary Uses.
- 3. Small Ponds**
Ponds accessory to a principal use, such as lily ponds, goldfish ponds, reflecting ponds, and other small ornamental water features with a maximum depth of four feet OWL and not exceeding 500 square feet in surface area.
- 4. Cemeteries**
Burial plots in approved cemeteries.
- 5. R-O-W**
Excavation in a road R-O-W, when the road is under construction. To qualify for this exemption, excavation shall be performed by PBC, the FDOT or any Water Control District created by special act to operate under F.S. Ch. 298.(95) Excavation activity located outside the R-O-W boundary, performed to accommodate roadway drainage, and which creates a permanent open body of water for a period of 180 days or more, shall comply with the standards of a Type II excavation in Art. 4.D.5.E, Type II Excavation.
- 6. Utilities**
Excavations necessary for the installation of utilities, including septic systems.
- 7. Man-made Drainage Structures**
The repair, reconstruction and maintenance of existing non-tidal man-made canals, channels, control structures with associated riprap, erosion controls, intake structures, and discharge structures, provided:
- a. All spoil material is deposited directly to a self-contained upland site, which will prevent the release of material and drainage from the spoil site into surface waters of the State;
 - b. No more dredging is performed than is necessary to restore the canal, channels, and intake, and discharge structures to original design specifications or as amended by the applicable permitting agency; and
 - c. Control devices in use at the dredge site that prevent the release of turbidity, toxic, or deleterious substances into adjacent waters during the dredging operation.
- 8. WCAA Canals**
Canals of conveyance located in the WCAA which require permits from SFWMD or DEP, provided the permitted project does not exceed 15 feet in depth from OWL.
- 9. Mitigation Projects**
Mitigation projects permitted by SFWMD, DEP, or ERM, pursuant to F.S. Chapters 403 and 373, and Chapter 62-312, F.A.C., as amended, and Art. 14, Environmental Standards, including projects approved to implement an adopted Surface Water Improvement & Management (SWIM) plan, provided the permitted project depth does not exceed 20 feet from OWL or 15 feet from OWL in the WCAA. Projects proposed to exceed these depths shall comply with Art. 4.D.6, Supplemental Application Requirements, the administrative waiver requirements of Art. 4.D.9, Administration and Enforcement, and the technical standards of Art. 4.D.8.A, Operational Standards and Requirements, Art. 4.D.8.B.1, Separation, Art. 4.D.8.B.2, Slopes, Art. 4.D.8.C, Reclamation Standards, and Art. 4.D.8.D, Performance Guarantee Requirements.
- 10. Wetlands**
Excavation activities within jurisdictional wetlands that have been issued permits pursuant to Wetlands Protection requirements or have been issued a permit for wetland impacts through the Environmental Resource Permit (ERP) process by DEP, SFWMD, or any other agency with ERP delegation for PBC.

11. Agricultural Ditches

Agricultural ditches supporting vegetation production which meet the standards of bona fide agriculture (i.e. groves, row crops, hay, and tree farming) constructed solely in uplands that are less than six feet in depth from OWL. These ditches shall not connect to canals of conveyance or waters of the State without the appropriate Federal, State, and Local approvals and permits.

12. De Minimis Impact

Those projects for which ERM and PZB approval is necessary and both departments determine that there will be no significant adverse environmental or land use impacts. A de minimis determination from one agency does not constitute approval by the other.

13. Canals of Conveyance

Canals of conveyance that require permits from SFWMD, DEP, or ERM pursuant to Wetlands Protection requirements.

14. Excavation by Public Agencies

Excavation performed by public agencies, including PBC, SFWMD, water control districts created pursuant to F.S. Chapter 298, or special districts created by special legislative act, provided such excavation complies with the standards listed below:

- a. solely under the jurisdiction, authority, and control of PBC, SFWMD, or the applicable district.
- b. completed, operated, and maintained in perpetuity by PBC, SFWMD, water control district, or special district,
- c. an official part of the operation and function of PBC, SFWMD, or a water control district, or a special district.
- d. In order to be exempt under this provision, the public agency shall:
 - 1) schedule and conduct a public hearing; the notice of the public hearing shall be published at least seven days prior to the hearing, in a newspaper of general circulation,
 - 2) provide written notice of the intent to engage in excavation activities subject to a permit issued by the SFWMD to the Executive Director of PZB and the Director of ERM at least 30 days prior to the commencement of construction activity, and
 - 3) provide written notification of the public hearing required by this subsection to the Executive Director of PZB and the Director of ERM at least 30 days prior to the public hearing.

15. Excavations, Canals, Impoundments

Excavations, canals, impoundments, stormwater treatment areas, and related projects to enhance water quality, water supply, environmental quality, and natural resources operated by the SFWMD within PBC.

Section 5 Excavation Standards

Before commencement of any excavation, approval shall be obtained pursuant to the procedures and standards defined in this Section.

A. Agricultural Excavations

1. Separation and Setbacks

In addition to the separation requirements in Art. 4.D.5.A, Agricultural Excavations, shall maintain a minimum setback of 100 feet, measured from the inside edge of the lake maintenance easement to any adjacent property line.

2. Maximum Depth

Excavation activity shall not exceed 20 feet from OWL. This maximum depth may be exceeded if approved by ERM in accordance with Art. 4.D.9, Administration and Enforcement, provided the applicant adequately ensures that (1) chloride levels shall not exceed 250 parts per million (PPM) and TDS does not exceed 500 PPM in the excavated lake based on ground water sampling prior to construction, or the applicant may provide reasonable assurance that the ambient off-site chloride levels will not be degraded based upon background levels. Additional sampling may be required by ERM during and after construction.

3. Sediment Sump

A sediment sump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. A sump shall not exceed five percent of the mined lake area.

4. Reclamation, Maintenance and Monitoring

Agricultural excavations shall comply with the excavated area, and littoral zone reclamation requirements of Art. 4.D.8.C, Reclamation Standards, and Art. 4.D.8.C.2, Excavated Area Reclamation Standard, Art. 4.D.8.C.3, Littoral Planting Reclamation Standard, Art. 4.D.8.C.5, Area of Record, and the Maintenance and Monitoring requirements of Art. 4.D.9.E, Additional Remedies, unless waived by ERM.

5. Use Approval

All applications for agricultural excavation shall include a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and satisfy the definition requirements of bona fide agriculture pursuant to Art. 18, Definitions. The excavation shall be the minimum necessary to implement the proposed bona fide agricultural use.

a. Two Acres or Less

Unless exempt, DRO review and approval shall be required for AG excavation consisting of two acres or less in surface area pursuant to Art. 2.D.1, Development Review Officer, The DRO shall review for compliance with the standards of this Section and may approve the application with or without conditions.

b. Greater Than Two Acres

Agriculture excavation activity greater than two acres in surface area shall be subject to approval as a Class A Conditional use pursuant to Art. 2.B, Public Hearing Procedures Conditional uses, and this Section. The BCC may permit offsite removal and apply the appropriate compatibility standards of Art. 4.D.5.F, Type III Excavations.

6. Guarantee Requirements

Agricultural excavation shall comply with the Guarantee requirements pursuant to Art. 4.D.8.D, Performance Guarantee Requirements

7. Notice of Intent to Construct

In accordance with Art. 4.D.7, Notice of Intent to Construct shall be required.

B. WCAA Excavations

1. Operational and Construction Standards

An application for WCAA excavation shall comply with the standards in Art. 4.D.8.A, Operational Standards and Requirements, and Art. 4.D.9.B, Violations, Enforcement, and except for hours of operation.

2. Separations and Setbacks

In addition to the separation requirements in Art. 4.D.8.B.1, Separation, a WCAA excavation shall maintain a minimum setback of 50 feet measured from the inside edge of the lake maintenance easement to any adjacent property lines.

3. Depth

The maximum depth for the excavated lake or pond shall not exceed 15 feet from OWL due to chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM in accordance with Art. 4.D.9, Administration and Enforcement, provided the applicant adequately ensures that chloride levels shall not exceed 250 parts per million (PPM) and TDS does not exceed 500 PPM within the excavated lake or pond based on ground water sampling prior to construction. Additional sampling may be required during and after construction.

4. Sediment Sump

A sediment pump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. However, this sump shall not exceed five percent of the mined lake area.

5. Use Approval

All applications for WCAA excavation shall include a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Art. 18, Definitions. Excavation shall be the minimum necessary to implement the bona fide agricultural use.

6. Notice of Intent to Construct

In accordance with Art. 4.D.7, Notice of Intent to Construct shall be required.

C. Type I A Excavation

1. Lot Size

A minimum of one acre.

2. Excavated Surface Area

The maximum surface area of all excavation on the premises shall be less than two-tenths acre or (8,712 square feet).

3. Off-site Removal

Off-site removal of extracted material is prohibited.

4. Separation and Setbacks

In addition to the separation requirements in Art. 4.D.8.B.1, Separation, Type I A Excavation shall maintain the following minimum setbacks, measured from the inside edge of the lake maintenance easement.

- a. 15 feet at the time of construction from any adjacent property line. The top of bank shall be a minimum of five feet.
- b. 50 feet from any potable water well.
- c. 100 feet from any septic system pursuant to Art. 15.A, Environmental Control Rules I – On-Site Sewage Treatment and Disposal Systems.

5. Slope

If a lake excavated prior to June 16, 1992, does not comply with the minimum slope requirements of Art. 4.D.8.B.2, Slopes 201, a minimum four foot high gated fence completely enclosing the excavated area may be substituted for the required slopes.

6. Depth

Excavation activity shall not exceed ten feet in depth below OWL.

7. Reclamation

The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

- a. Compliance with the slope and drainage and reclamation standards of Art. 4.D.8.B, Construction Standards, shall be required.
- b. The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the Building Division depicting:
 - 1) an as-built survey showing the location, size, and depth of the excavated area; and,
 - 2) in cases where no permanent water body is created, the site plan submitted with the building permit shall serve as the reclamation plan.

8. Procedures

The request shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling.

a. Application Requirements and Procedures

The building permit plans shall be supplemented with the following information:

1) Site Plan

A general site plan complying with the standards of this Section;

2) Statement

A statement estimating the amount of excavated material, in cubic yards; and

3) Notarized Authorization

Notarized authorization from the property owner to excavate.

b. Determination of Sufficiency, Review and Decision

A building permit shall be issued by PZB, with or without conditions of approval, after the application has been determined complete and in compliance with this Section.

D. Type I B Excavation

1. Lot Size

A minimum of two and one-half acres.

2. Excavated Surface Area

The maximum surface area of all excavation on the premises shall be less than 25 percent of the gross lot area and shall not exceed two acres.

3. Off-site Removal

Off-site removal of extracted material is prohibited.

4. Separations and Setbacks

In addition to the separation requirements of Art. 4.D.8.B, Type I B excavations shall maintain the following minimum setbacks:

- a. 30 feet at the time of construction from any adjacent property line.
- b. 50 feet from any potable water well.

- c. 100 feet from any septic system pursuant to Art. 15.A, Environmental Control Rules I – On-Site Sewage Treatment and Disposal Systems.

5. Maximum Depth

Excavation activity shall not exceed 15 feet in depth below OWL.

6. Reclamation

The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

- a. Compliance with the slope angle, drainage, and reclamation standards Art. 4.D.8.B, Construction Standards.
- b. The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the DRO depicting:
 - 1) An as-built survey showing the location, size, and depth of the excavation.
 - 2) In cases where no permanent water body is created, the building permit site plan shall serve as the reclamation plan.

7. Use Approval

The request shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single-family dwelling.

a. DRO Approval

Pursuant to Art. 2.D, Administrative Processes: DRO Approval shall be required. The DRO shall review for compliance with this Section and may approve the application with or without conditions.

b. Duration

A Type I B excavation permit shall expire 120 days from the date authorization is received to begin excavation activity. The DRO may grant one 90 day extension.

E. Type II Excavation

1. Location

A Type II excavation may be permitted to implement a site development plan for a principal use as permitted in the Use Regulation Schedule Table 4.A.3.A-1, Use Matrix, and to implement a Master Plan, site plan, or final subdivision plan approved by the DRO.

2. Standards

An application for a Type II excavation shall comply with the following requirements:

- a. Art. 4.D.8.A, Operational Standards and Requirements, and Art. 4.D.8.B, Construction Standards;
- b. Excavated area, Littoral zone and general upland reclamation requirements pursuant to Art. 4.D.8.C, Reclamation Standards;
- c. Art. 4.D.8.D, Performance Guarantee Requirements;
- d. Art. 4.D.8.E, Maintenance and Monitoring; and
- e. Art. 4.D.7, Notice of Intent to Construct.

3. Separations and Setbacks

In addition to the separation requirements in Art. 4.D.8.B.1, Separation, Type II Excavation shall maintain a minimum setback of 30 feet, measured from the top of bank to the perimeter boundary of the master planned development, subdivision, overall final site plan, streets 80 feet in width or greater, and canal R-O-W. For the purpose of this Section. The top of bank is considered the waterward edge of the lake maintenance easement.

4. Depth

The maximum depth of a Type II excavation shall be in accordance with Art. 4.D.5.A.2, Maximum Depth.

5. Use Approval

Prior to initiating excavation activity, approval shall be required in accordance with this Section.

a. DRO Approval

Prior to initiating Type II excavation activities, DRO review and approval shall be required. Application shall be made in accordance with Art. 2.D, Administrative Processes, and this Section. DRO shall review the final site development plan for compliance with the standards of this Section and may approve with or without conditions.

b. Removal of Excess Fill from the Site

DRO may approve removal of more than ten percent of the extracted material from the site if:

- 1) The applicant demonstrates that the make up of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock or muck; or

- 2) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and
- 3) The impact of hauling the material off-site will not cause adverse affects to adjacent property owners or streets.

c. Off-site Removal

A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If the applicant must remove more than ten percent of the fill from the site, then use approval shall be required as follows:

d. Excavation Necessary to Implement a Final Development Order

If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Art. 4.D.5.E, Type II Excavation, then the excavation shall be considered a Type IIIA mining operation. This exception applies only to sites located within the Urban Service Area or a site in the rural service area which has a valid development order approved prior to the effective date of this ordinance. The applicant shall apply for a Class A Conditional use approval for a Type III A excavation pursuant to the standards of Art. 2.B.2, Conditional and Requested Uses, and shall comply with the following standards: 1) Art. 4.D.8.A., Operational Standards and Requirements, 2) Littoral; 3) Upland Reclamation Standards in Art. 4.D.8.E, Maintenance and Monitoring; 4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in Art. 4.D.8.E, Maintenance and Monitoring; 5) Buffer requirements in Art. 4.D.5.F, Type III Excavation; and 6) Setbacks shall be provided pursuant to Type II setback requirements in Art. 4.D.5.E.3, Separations and Setbacks.

1) Frontage

The development shall have direct frontage on and access to a collector or arterial street depicted on the County's Thoroughfare Identification Map.

2) Location

The following standards shall apply, unless required by the BCC after a finding of fact that waiver of these standards will not violate the compatibility standards, Separation from other land uses; and minimum acreage requirement pursuant to Art. 4.D.5.F.7, Compatibility Standards.

e. Excavation, Performed by Public Agency, To Provide Drainage For A Public Street

1) Excavation activity located outside the street boundary, conducted solely to accommodate drainage for a public streets and performed or caused to be performed by contract with a public agency, as defined herein, shall comply with the standards below. The excavation activity shall:

- a) be on land owned by PBC, the State, or a Water Control District created by special act to operate under F.S. Chapter 298 (1996); or
- b) be on land granted by easement to and accepted by PBC, the State, or a Water Control District; and
- c) be the absolute minimum necessary to comply with the surface water drainage requirements for the public streets.

2) For the purpose of this Section, authorization by PBC, FDOT or a Water Control District to construct a public streets shall constitute a valid development order. The excavation activity shall comply with the standards below.

- a) Notice of Intent to Construct pursuant to Art. 4.D.7, Notice of Intent to Construct;
- b) Operational and Construction standards pursuant to Art. 4.D.8.A, Operational Standards and Requirements, Art. 4.D.8.B, Construction Standards, and Art. 4.D.8.A.10, Hauling Standards;
- c) Littoral zone and general upland reclamation requirements pursuant to Art. 4.D.8.C, Reclamation Standards; and
- d) Maintenance and Monitoring requirements pursuant to Art. 4.D.8.E, Maintenance and Monitoring

F. Type III Excavations

1. Classification of Types

Excavation that meet the definition of mining are considered commercial operations. Type II, or Agricultural excavations that exceed established criteria, as defined in this Section, are to be considered a Type III excavation. Two classes of Type III excavations (Type IIIA and Type IIIB) are established to distinguish between the types of mining operations.

a. Type III A

Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require limited on-site processing by using temporary or portable crushers, sifters and conveyor systems. A Type IIIA excavation activity may use dragline, dredging or earthmoving equipment to perform the mining operation provided the operation complies with the standards of this Section. The use of explosive devices or permanent structures or equipment used to crush or sift material shall be prohibited.

b. Type III B

Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require extensive processing of the material on site. Type IIIB excavations may use dragline, dredging, earthmoving equipment to perform the mining operation. The use of explosives and heavy industrial equipment to crush, sift and transport the material on site may be permitted subject to compliance with the standards of this Section.

2. Standards

An application for A Type III excavation shall comply with the following requirements:

- a. Operational and construction standards pursuant to Art. 4.D.8 A, Operational Standards and Requirements, and Art. 4.D.8.B, Construction Standards.
- b. Excavated area, Littoral zone and upland reclamation requirements pursuant to Art. 4.D.8.C, Reclamation Standards.
- c. Art. 4.D.8.D, Performance Guarantee Requirements.
- d. Art. 4.D.8.E, Maintenance and Monitoring.

3. Location

A Type III excavation may be permitted in accordance with Table 4.A.3.A-1, Use Matrix. Mining may be permitted with limitations in the districts identified below.

a. AP District in the AP FLU Designation

The use of material mined in the AP zoning district shall be limited to public road construction projects only and shall demonstrate compliance with the in Art. 4.D.5.F.7, Compatibility Standards.

4. Depth

The maximum depth of a Type III excavation shall be in accordance with Art. 4.D.5.A.2, Maximum Depth of Agricultural Excavation.

5. Accessory Use

An asphalt batch concrete plant shall be permitted as an accessory use to a Type III B excavation, subject to DRO approval and provided that:

- a. the site is a minimum of 500 acres;
- b. the use is separated at least one-half mile from any residential use or district; and
- c. direct access to the plat is provided from an arterial street.

6. Use Approval

A Class A conditional use approval is required for a Type III excavation, in accordance with Art. 2.B.2, Conditional and Requested Uses, and this Section. Simultaneously with submittal of the Class A conditional use application to the Zoning Division, the applicant shall submit a duplicate copy to the Water Control District that has jurisdiction to maintain roads and drainage in the area. The Water Control District may provide comments to the DRO to be included in the staff report for presentation to the BCC.

a. Approval of Final Plan

Prior to starting any activity associated with the excavation project, the applicant shall submit an excavation plan to the DRO for review and approval in accordance with Art. 2.D, Administrative Processes.

- 1) The applicant shall submit a phasing plan complying with the requirements of Art. 4.D.6, Supplemental Application Requirements, and Art. 4.D.7, Notice of Intent to Construct.
- 2) Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all guarantees, required by Art. 4.D.8.E, Maintenance and Monitoring, and written authorization by the DRO.

b. Haul Permit

The BCC may require, as a condition of approval, for a haul permit for unpaved collector or arterial streets. If required, a haul permit application shall be submitted to and approved by the Land Development Division in accordance with Art. 4.D.8, Technical Standards, prior to issuance of the Notice of Intent to Construct by ERM.

c. Notice of Intent to Construct

Notice of Intent to Construct shall be submitted to and receive approval from ERM in accordance with Art. 4.D.7, Notice of Intent to Construct, prior to initiating any on-site excavation activities.

d. Reclamation Plan Approval and Release of Performance Guarantees

Prior to the release of any performance guarantee. The DRO shall approve an "as built" reclamation plan. The plan shall include certified as-built drawings and written certification, bearing the seal of an engineer registered in the State of Florida, certifying compliance with Art. 4.D.8, Technical Standards, (excluding littoral and upland planting requirements), and that all construction related development order conditions and guarantees have been satisfied. Performance guarantees for planting areas shall be released in accordance with Art. 4.D.8.E, Maintenance and Monitoring.

7. Compatibility Standards

A Type III excavation shall be reviewed to assure the proposed excavation is compatible with surrounding land uses and complies with the applicable separation and setback standards and to ensure there are no negative impacts as defined herein. The BCC shall not approve the application if a finding is made that the use will be incompatible with surrounding land uses. For the purposes of this Section, incompatible means negative impacts caused to surrounding land uses because of proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including, but not limited to, the impacts of noise, vibration, dust, traffic, smoke, odors, toxic matter, radiation, and similar environmental conditions.

a. General

The following standards shall apply to both Type III A and Type III B mining activities.

1) Location and Access

Local residential streets shall not be used for access or as a haul route. The site shall front on and have direct access to an arterial or collector street designated on the County's Future Thoroughfare Identification Map. In cases when the street on the Thoroughfare Identification Map is not paved, the BCC may allow an Excavation Type III to locate and have access to the street provided the BCC makes a finding of fact that the use of the street will not cause an incompatible affect on surrounding residential uses, and may condition the project to obtain a haul permit in accordance with Art. 4.D.8.A.9, Hauling Standards.

a) Restrictions in the RR FLU Designation

Commercial excavation shall be prohibited in neighborhoods which support developed single-family residences on 60 percent of the valid lots of record. For the purposes of this Section, neighborhoods shall be defined as an area contained within a platted subdivision, a rural unrecorded subdivision an approved affidavit of exemption, an area which has prepared a neighborhood plan in accordance with the Plan, or is in an area with lots of similar size. Commercial excavation located in an area with a rural residential land use designation that do not satisfy the definition of neighborhood above, shall have a minimum of 100 acres and 500 feet of frontage with direct access to an arterial or collector street as specified herein.

2) Separation from Other Land Uses

Minimum separations from protected land uses are defined in Art. 4.D.5.F, Compatibility Standards. Unless otherwise specified, separation shall be measured from the outermost edge of the excavated area (top of bank), equipment, stockpiles, buildings, or structures, to the closest structure of a protected land use. The BCC may reduce the required separation distance based on the compatibility of the use with the adjacent area, and the remoteness or proximity of adjacent incompatible uses, provided the reduction complies with the intent of the compatibility standards in Art. 4.D.5.F, Compatibility Standards. The BCC shall state the basis for the reduced separation and make a finding of fact that the reduction should not negatively impact adjacent uses. If the separation is reduced, the BCC may require increased setbacks, buffering and other restrictions as necessary to protect surrounding land uses.

a) Residential Uses

For the purposes of this Section, existing residential uses shall be defined as a residential lot supporting a residence in a platted subdivision, a rural unrecorded subdivision, an approved affidavit of exemption, a plat waiver, or other recorded instrument and is not located within the boundary of the excavation project.

3) Setbacks

Setbacks shall be measured from the outermost edge of the excavated area (top of bank), structure, building, equipment, or stockpile to the boundary of the excavation project.

4) Fence

If mining activity is conducted within one-half mile of a residential use, the mining operation shall be completely enclosed by a minimum six foot high fence, wall, or natural barrier and shall have signage posted to prohibit trespassing.

5) Noise

Airborne noise produced from the excavation activity shall comply with the noise provisions in Art. 5.E, Performance Standards, as measured at the nearest inhabited structure. The sound level limits are allowed to increase for a limited duration. For this limited period, noise generated by excavation projects may increase up to ten DB more than permitted by Table 5.E.1.F-1, Maximum Sound Levels. In addition, the noise level may increase to a maximum of 120 dB once each weekday (Monday - Friday) for a maximum of ten seconds.

b. Type III A Excavations

1) Restrictions in the RR FLU Designation

a) Lot Size

A minimum of 40 acres.

b) Minimum Surface Area

The maximum excavated surface area shall not exceed 30 percent of the gross area contained within the boundary of the excavation project.

2) General

The following standards shall apply to a Type III A excavation:

a) Minimum Separations and Setbacks

In addition to the separation requirements in Art. 4.D.8.B, Construction Standards, a Type III A excavation shall maintain the following separations and setbacks from adjacent uses as provided below.

(1) Separations from Residential Land Uses

Separation from an existing residence shall be a minimum of one-quarter mile, measured from the property line of the excavation project to the inhabited structure.

(2) Setbacks

Table 4.D.5.F-21 - Setbacks

| | Residential | Commercial | Agricultural | Streets |
|------------------------------------|-------------|------------|--------------|---------|
| Excavated lake edge | 100' | 50' | 50' | 50' |
| Processing equipment | 600' | 200' | 200' | 200' |
| Stockpiles | 300' | 200' | 100' | 200' |
| Accessory buildings and structures | 100' | 100' | 100' | 100' |

b) Stockpile Height

Stockpile height shall be limited to 30 feet.

c) Buffer

A buffer shall be preserved or installed along a property lines in accordance with the provisions below. The buffer shall be planted and maintained in accordance with the standards of Art. 7.F, Landscape, as applicable.

(1) Existing Vegetative Buffer

If a substantial native or non-native, non-invasive vegetative buffer exists, then the vegetation shall be utilized as an incompatibility buffer and preserved along the entire perimeter of the site, except for an approved access area. To be considered substantial, the buffer shall provide an opaque screen and be a minimum depth of one 100 feet. If the 100 foot buffer is not opaque, then native vegetation complying with the standards of a Type 3 incompatibility buffer shall be required to be planted to supplement the existing vegetation and shall form a solid visual buffer within two years. All native vegetative buffers shall be protected during the duration of the excavation activity in accordance with the standards in Art. 7.F, Perimeter Buffer Landscape Requirements, and in Art. 14.C, Vegetation Preservation and Protection.

(2) Existing Prohibited Vegetative Buffer

To provide an instant buffer the BCC, by condition of approval, may permit existing prohibited species to be maintained within the setbacks for a Type IIIA excavation

until completion of the excavation activity. In such cases the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Art. 7.F, Perimeter Buffer Landscape Requirements, shall be installed in conjunction with subsequent development.

(3) No Existing Vegetative Buffer

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 incompatibility Buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

- a) all streets;
- b) all residential zoning districts;
- c) lots supporting existing or proposed residential uses in the AR zoning district. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP, or SA zoning districts nor in the AR zoning district if the land is used solely for bona fide agricultural purposes; and
- d) commercial zoning districts.

c. Type III B Excavation

1) Restrictions in the RR FLU Designation

a) Lot Size

A minimum of 100 acres.

b) Maximum Surface Area

The maximum excavated surface area shall be determined by the BCC.

2) General

A Type III B excavation shall comply with the following criteria:

a) Minimum Separations and Setbacks

In addition to the separation requirements in Art. 4.D.8.B, Construction Standards, a Type III B Excavation, except those that lie in the area defined as the WCAA, shall comply with the separation and setback regulations below. Excavation projects in the WCAA shall be evaluated on a case by case basis in accordance with the compatibility criteria Art. 4.D.5.F.7, Compatibility Standards, and shall have separation requirements set by the BCC.

(1) Separation from Residential Uses

Separations from residential uses, shall be a minimum of one-eighth of a mile, in all directions measured in accordance with Art. 4.D.5.F.7.a-d, Separation from other Land Uses, above.

(2) Separation from Commercial and Industrial Uses

Commercial: 1/2 mile
 Industrial: 1/8 mile

(3) Setbacks

Minimum setbacks shall be provided based on separations from uses as indicated below.

Table 4.D.5.F-22- Setbacks Based On Separation From Residential Uses

| Uses | Separations | | | |
|----------------------------------|-------------|--------|----------|----------|
| | 1 mile | 2 mile | 1/4 mile | 1/8 mile |
| Mined lake edge | 50' | 100' | 500' | 1200' |
| Processing equipment | 100' | 300' | 800' | 1400' |
| Stockpiles | 100' | 300' | 700' | 1300' |
| Accessory buildings & structures | 100' | 100' | 100' | 100' |

**Table 4.C.5.F-23 - Setbacks Based On Separation
From Commercial And Industrial Land Uses**

| Commercial/Ind Uses | Setback |
|----------------------------------|---------|
| Mined lake edge | 100' |
| Processing equipment | 200' |
| Stockpiles | 200' |
| Accessory buildings & structures | 100' |

b) Mining Impact Study

A Mining Impact Study shall be submitted for a Type III B excavation in the WCAA and for projects which the applicant requests a reduction in the required separations. The study shall detail all methods and procedures for material extraction, processing, storage and hauling operations. At a minimum the study shall include the time of day blasting will occur, the maximum number of holes to be shot each occurrence, including the type of explosive agent, maximum pounds per delay, method of packing and type of initiation device to be used for each hole. The study shall include a blasting schedule and establish noise and vibration standards complying with Art. 4.D.5.F.7, Compatibility Standards. The study shall also demonstrate how these operations will impact surrounding land uses.

(1) Prior to certification of an application for inclusion on a public hearing agenda, the DRO may retain a technical consultant to advise the PBC of the adequacy of the standards established in conjunction with the Mining Impact Study. The cost of PBCs consultant shall be borne by the applicant.

c) Noise and Vibration Monitoring Report

The applicant shall monitor all blasting and other mining activities and record resultant noise and vibrations. PZB may, at any time, require the property owner to submit monthly monitoring reports, indicating the number, time, peak over pressure (noise) and vibration caused by each activity. If requested, the property owner shall provide the noise and vibration monitoring report within two working days from the date of the request.

d) Buffer

A buffer shall be installed along all property lines as specified below. The buffer shall be planted and maintained in accordance with the standards of Art. 7.F, Perimeter Buffer Landscape Requirements.

(1) Existing Native Vegetative Buffer

Existing native vegetation within 100 feet of the property line shall be preserved along the entire perimeter of the site, except for an approved access area.

(2) Existing Prohibited Vegetative Buffer

To provide an instant buffer along the entire perimeter of the site, the BCC, by condition of approval, may permit existing prohibited species to be maintained in the setbacks until completion of the excavation activity. In such cases, the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Art. 7.F, Perimeter Buffer Landscape Requirements, shall be installed in conjunction with subsequent development.

(3) Type 3 Incompatibility Buffer

Sites within a one-quarter mile of a public or private streets, which does not support an existing opaque native or non-native, non-invasive vegetative buffer shall install a Type 3 incompatibility buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof.

(4) No Existing Vegetative Buffer

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of an Type 3 incompatibility buffer. The buffer shall be supplemented with a planted earthen berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

- (a) All residential zoning districts and;
 - (b) Lots supporting existing or proposed residential uses in the AR zoning district. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP or AR district if the land is used solely for bona-fide agricultural purposes.
- 3) Hours of Operation**
Excavation and hauling activity shall occur only between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday, unless otherwise determined by the BCC. Blasting activity shall be limited to 10:00 a.m. to 5:00 p.m., Monday through Friday.
- 4) Notice of Intent to Construct**
Compliance with Art. 4.D.7 , Notice of Intent to Construct.

Section 6 Supplemental Application Requirements

A. Content of Application

All Type I B, Type II, Type III A and Type III B excavations shall supplement the applicable application requirements with the material and information listed below.

1. Statement

Application listing the nature of the excavation operation, including but not limited to the:

- a. amount and type of materials to be excavated;
- b. duration of the excavation activity and reclamation activity;
- c. the proposed method of excavation;
- d. the amount of fill to remain on site;
- e. if permitted, the amount of fill to be removed from site; and
- f. intent to comply with Art. 9.A, Archeological Resources Protection.

2. Site Plan

A site plan depicting:

- a. Boundaries, dimensions and acreage of the site and excavated surface area(s);
- b. All existing and proposed improvements including easements, streets, weigh stations, and other structures;
- c. Setbacks and separations;
- d. Preservation areas;
- e. Water table elevations, including Ordinary Water Level.

3. Vegetation Permit

A vegetation permit application pursuant to Art. 14.C, Vegetation Preservation and Protection

4. Aerial

An aerial at a scale of 1:200 or better, clearly depicting the site and phase lines.

B. Additional Application Requests for Type II, Type III A and Type III B

All applications for Type II, Type III A and Type III B excavations shall require the additional information listed below.

1. Soil Statement

A statement certified by an engineer indicating the type of soils to be excavated and that the soils are suitable for road or structural fill construction or the soil contains excessive amounts of silt, rock, or muck.

2. Site Plan

A site plan depicting:

- a. Art. 4.D.8.A. Operational Standards and Requirements, as applicable; and
- b. Equipment storage, and stockpile areas, including sizes and heights.

3. Landscape Plan

A landscape plan indicating the buffers and reclamation planting required.

4. Cross Sections

Cross Sections delineating compliance with the following requirements, as applicable:

- a. Art. 4.D.8.B, Construction Standards;
- b. Art. 4.D.8.C, Reclamation Standards; and
- c. Buffer details.

5. Operations Plan

An operations plan shall be submitted in the form of a statement and include the methods of material extraction, on site processing, including erosion and sediment control methods, and particulate matter control. The plan shall also delineate how impacts from hauling operations will be controlled.

6. Haul Route Plan

A map indicating all possible proposed haul routes within the radius of impacts as defined in Art. 4.D.5.F.6, Use Approval.

C. Additional Application Requests for Type III A and Type III B

All applications for Type III A and Type III B Excavation shall require the additional information listed below.

1. Site Plan

A site plan depicting:

- a. Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of excavated material.

2. Additional Information

a. Report Schedule

Report Schedule, pursuant to Art. 4.D.8.E, Maintenance and Monitoring.

b. Location Map

Surrounding uses map depicting the location of the outer boundary of area to be excavated and distances to surrounding land uses; including all residences within the applicable specified distance in the separation standards in Art. 4.D.5.F.7, Compatibility Standards.

c. Phasing Plan

A phasing plan and tabular data depicting acreage, location, sequence of operations and schedule of reclamation requirements.

d. Tree Survey

A tree survey, as required by Art. 4.D.8.C.4.d, Calculating Planting Requirements.

Section 7 Notice of Intent to Construct

All applications for Agricultural, WCAA, Type II excavation, and Type III mining activities shall submit a Notice of Intent to Construct in accordance with the provisions below.

A. Notice of Intent

Prior to commencement of any on-site excavation or mining activities, a Notice of Intent to Construct shall be submitted to and receive written approval from ERM.

B. Contents of Notice of Intent to Construct

The following information shall be included with the completed Notice of Intent to Construct form:

1. paving and Drainage plans, if applicable;
2. preliminary plat, if applicable, and restrictive covenant, pursuant to Art. 4.D.8.C.5, Area of Record;
3. Art. 4.D.8.C.3, Littoral Planting; and,
4. master Plan, showing all phases of development, if applicable.

Items 1 and 2 (preliminary plat) shall be signed and sealed by a certified engineer or surveyor as applicable, recognized and approved by the Florida Department of Professional Regulation (FDPR).

C. Agriculture Excavation

All Agricultural and WCAA excavation shall submit a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Art. 18, Definitions.

D. Type III Exceptions

A Type III application shall include documentation of an approved for Class A conditional use pursuant to Art. 2.B, Public Hearing Procedures.

E. Written Approval

ERM shall issue a written approval to the applicant within 30 days upon receipt of a Notice of Intent to Construct and appropriate fee with all information necessary to demonstrate that the provisions of this Section will be met, and confirmation by The Land Development Division that all necessary haul permits have been issued.

Section 8 Technical Standards

A. Operational Standards and Requirements

All excavation types shall comply with the following operational standards, unless specifically exempt or prohibited pursuant to this Section.

1. Hours of Operation

All excavation and hauling activity, except dewatering, shall only occur between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday, unless otherwise specified in this Section.

2. Objectionable Odors

The excavation activity shall be conducted in such a manner as to prevent the occurrence of odors which can be detected off the premises.

3. Emission of Fugitive Particulate Matter

Excavation operations, including hauling activity, shall be conducted to prevent the emission of dust or other solid matter into the air or onto adjacent properties pursuant to the smoke, emissions and particulate matter provisions in Art. 5.E, Performance Standards, and Rule 62-296, F.A.C.

4. Existing Topsoil

Where feasible, existing topsoil shall be stored and redistributed on site to provide adequate growing conditions for the revegetation of plant species. Where such storage is not feasible, the area shall be restored with soil of an equal or better quality than that of the excavated topsoil and be redistributed to provide adequate growing conditions.

5. Equipment Storage, Maintenance and Service Areas

Equipment storage, maintenance and service areas shall be setback a minimum 200 feet from all property lines abutting a residential district or use. The equipment storage area shall be designed such that noise generated by the equipment is muffled in order to comply with the noise performance standards in Art. 5.E, Performance Standards.

6. Regulated Substances

All storage and use of regulated substances shall comply with local, state, and federal regulations. All regulated substance dispensing areas shall comply with Best Management Practices. Any spill of any regulated substance shall be reported to the PBCHD within one hour and to ERM within one hour or at the beginning of the next business day.

7. Dewatering

Dewatering shall not be allowed unless permitted by a State or Federal permitting agency, or the SFWMD, pursuant to Sec. 40E-20.302(4). If dewatering is permitted, pumps shall be located, submerged, buried, or encased in an insulated structure in order to comply with the noise standards in Art. 5.E, Performance Standards.

8. Access to Public Prohibited

Signs shall be posted prohibiting access to the general public while excavation and reclamation activity is being conducted.

9. Retail Sale of Material

The retail sale of excavated material shall not be permitted on site.

10. Hauling Standards

a. General

- 1) All trucks hauling material from sites that permit off-site removal shall be covered to prevent debris and fill from spilling onto the roadway.
- 2) The hauler shall employ measures acceptable to the PBCHD, and any applicable road maintenance authority, to ensure that roads are properly maintained and kept free of fugitive particulate matter.
- 3) The BCC may require special conditions, including, but not limited to:
 - a) construction of turn lanes and other roadway improvements necessary to provide safe traffic movement;
 - b) requirement to obtain a haul permit from the DEPW in accordance with the procedures herein.
- 4) All vehicles used to haul excavated material shall use the approved haul routes. Vehicles shall not use local residential streets to access arterial or collector streets.

b. Permit Required

The BCC may require that the petitioner obtain a haul permit for all streets within the radius of impact, except for arterial or collector streets. For the purpose of this Section, radius of impact is

defined as the primary street system commencing at the access point of the excavation site and extending out along all streets in all directions to the closest arterial or plan collector street.

c. Contents of Application

A haul permit application shall include, but not be limited to, the following:

- 1) the name and address of the applicant and owners of the property;
- 2) the legal description of the property;
- 3) a map showing all haul routes from the excavation site to the nearest major non-residential streets; and
- 4) any other material as required by the Director of Land Development as deemed reasonable and necessary to evaluate the application.

d. Guarantee Required

A guarantee for road maintenance and repair shall be required and shall be released as set forth in Art. 4.D.8.D, Performance Guarantee Requirements, for all affected streets as required herein.

e. Street Condition Assessment

The haul permit application shall include an executed agreement between the applicant and the County Engineer and other applicable road maintenance authorities documenting and assessing the existing conditions of the streets within the radius of impact. The assessment shall include a description of the hauling operations including but not limited to the number of trips (as approved in the original development order), duration of excavation and hauling activity, truck size and weights and the existing conditions of all possible streets designated as haul routes.

f. Designation of Haul Routes

Proposed haul routes shall have adequate structural strength to accommodate level of proposed trucking activity. Construction of turn lanes and improvements to the roadways may be required to accommodate the level of proposed truck activity. The proposed route and hours of travel shall be approved based on the size and nature of the excavation operation and the type of trucks involved.

g. Issuance of a Haul Permit

A haul permit with designated haul routes shall be obtained from the Land Development Division prior to issuance of written approval by ERM of the applicant's Notice of Intent to Construct.

h. Periodic Inspections

Every six months, for the duration of the project, commencing on the date that original agreement was executed, the applicant shall schedule an inspection with the County Engineer and/or all applicable road maintenance authorities to evaluate and document road deterioration and needed repairs. The County Engineer or applicable road maintenance authority may request a periodic inspection at any time, if deemed necessary to assess the condition of the street or if repairs are needed to ensure the safety of the public.

i. Responsibility of Applicant

It shall be the applicant's responsibility to maintain all minor non-residential streets in a safe, operable condition, as determined by the County Engineer, for the duration of the project. In addition, when the excavation activity is completed, the applicant shall restore the streets to its original condition or to a better condition, which existed at the time excavation activity commenced.

11. Phasing

In the event the excavation activity is conducted in phases, the phasing plan required by Art. 4.D.8.A, Operational Standards and Requirements, shall be subject to Art. 2.E, Monitoring, Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, and the requirements in Art. 4.D.8.C, Reclamation Standards. All excavation types, except Type IIIA and Type IIIB shall comply with Art. 2.E, Monitoring, which limits the project to two primary phases for the purposes of monitoring commencement of the development order. Additional sub-phases may be permitted for each primary phase for the purposes of conducting the excavation activity in accordance with this Section. For Type III A and Type III B excavations, the number of phases and the duration of each phase shall be established as a condition of approval. When establishing the condition of approval for the number and duration of each phase, the BCC shall consider the size of the proposed excavation project, existing and proposed surrounding land uses, surrounding FLU designations, and other pertinent information.

12. Sound Insulation

All machinery, heavy equipment and vehicles utilized for excavation and hauling purposes shall be equipped with double mufflers to reduce airborne noise caused by excavation operations.

B. Construction Standards

All excavation types shall comply with the following construction standards, unless exempt.

1. Separation

Separations shall be measured from the top of bank of the nearest excavated area to the property line or designated area in any given direction as defined below: Excavation shall not be constructed within:

- a. wellfield Zone 1 or 300 feet from a public water supply well, whichever is more restrictive;
- b. 200 feet from a wetland or in a wetland, unless approved by ERM;
- c. 300 feet from a Class I or Class II Landfill;
- d. 300 feet from a site with known contamination;
- e. 100 feet from a septic system or sanitary hazard;
- f. 100 feet from a potable water well, except for Type I A and Type I B excavations; or
- g. 200 feet from publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands, unless approved by ERM.

2. Slopes

a. Slope Angle

Slopes for all excavation types with unplanted littoral zone areas shall be no steeper than four feet horizontal to one foot vertical to a minimum depth of minus two feet OWL. Slopes below the minus two feet depth shall not exceed two feet horizontal to one foot vertical or the natural angle of repose for the specific conditions encountered. Grades and slopes shall be constructed in such a manner as to minimize soil erosion and to make the land surface suitable for revegetation. The slopes shall be adequately vegetated with appropriate ground cover from top of bank to edge of water within 30 days of final grading and thereafter maintained to prevent wind and water erosion.

b. Slope for Planted Littoral Zones

The slope for excavation with planted littoral zone areas shall be no steeper than ten feet horizontal to one foot vertical to a distance of five feet waterward of the designated planted littoral zone area. Shallower slopes are encouraged to promote greater success of the littoral zone plantings. A copy of the record drawings certified by a surveyor or engineer recognized and approved by FDPR shall be submitted to ERM within 30 days following completion of slope construction.

1) Inspection

Within 48 hours prior to completion of construction of the required slopes for the planted littoral zones, notification to ERM is required in order to schedule a slope inspection.

c. Drainage

Overland sheet flow directly into an excavated area shall be minimized. Those areas within a maximum of 50 feet of the excavated lake may discharge run-off to the lake. This restriction shall not apply to any catchment area discharging runoff to a lake designated as a water management tract and incorporated in an approved stormwater management plan for treatment and control of runoff from a development site, where the boundaries of said catchment are delineated on an approved plan.

3. Final Site Conditions

No sharp declivities, pits, depressions, or debris accumulation shall remain after reclamation. Final grading shall conform to the contour lines and grades on the approved reclamation plan.

C. Reclamation Standards

1. General

a. Types of Reclamation

Four types of reclamation standards are defined below. Reclamation standards vary based on the type of excavation activity as set forth in Art. 4.D, Excavation.

1) Excavated Area

This area includes the depth of a lake and all slopes waterward of the top of bank, excluding littoral plantings.

2) Littoral Planting

This area includes all plantings waterward from edge of OWL or plus one (+1) OWLs.

3) Upland

This area includes the land area landward of the top of bank and requires that a minimum area of land be maintained or created around the perimeter of an excavated area to preserve future use of the land.

4) Upland Planting

This area includes all plantings landward of the top of bank and requires stabilization of soil and re-establishment of native upland vegetation.

2. Excavated Area Reclamation Standard

All slopes shall be reclaimed in accordance with Art. 4.D.8.B, Construction Standards, and in Art. 4.D.8.C, Reclamation Standards. Areas not required to be stabilized with littoral plantings shall be stabilized and planted with appropriate ground cover from top of bank to the edge of the water. If seeding is used, a minimum of 50 percent coverage shall be required. The depth of the lake and side slopes shall be comply with Art. 4.D.8.B, Construction Standards.

3. Littoral Planting Reclamation Standard

All Agricultural (excluding WCAA), Type II and Type III Excavations, excluding ponds, shall comply with the following littoral zone standards.

a. Planted Littoral Zones

Planted littoral zones shall be provided which comprise, at a minimum, an area equivalent to eight square feet per linear foot of shoreline. For multi-lake systems, each separate lake shall be treated individually for planting purposes. Creativity in design in the placement of the planted littoral zone is strongly encouraged, such as extended areas in one portion of the lake or at the discharge point or islands within the lake. The planted littoral zone area shall be limited to the area between one foot above OWL and two feet below OWL. If the applicant demonstrates to ERM that the planted littoral area elevations should differ from this requirement based on site specific conditions and based on fluctuations around the OWL, ERM may approve planted littoral area elevations other than those elevations stated above.

b. Vertical Walls

Vertical walls, bulkheads or other means of hardening the shoreline may be allowed, however, for each linear foot of vertical wall, an additional eight square feet of planted littoral zone shall be required. Thus every linear foot of vertical wall shall require 16 square feet of planted littoral zone to be planted.

c. Planting Requirements

The littoral zone shall be provided with a minimum of six inches of a sand topsoil mix to promote vegetative growth for those areas that do not have adequate soil conditions to ensure plant survivorship. The littoral zone shall be planted with at least five species of appropriate native wetland vegetation, with an average spacing of two feet on center or as approved by ERM. The design and species used shall be such that the plants have an anticipated minimal 80 percent coverage. This criterion shall be met from the 180-day monitoring period, and in perpetuity. The Director of ERM shall maintain a list of acceptable plant species for use in their appropriate elevations within the littoral zones. The list may be amended for general application as more information becomes available. The list shall be open for public inspection and distribution.

d. Timing of Planting

Planting of the excavated lake or pond shall occur no later than immediately prior to the issuance of the first certification of occupancy for any lot adjacent to or abutting the bank of that lake. ERM may approve in writing a phasing plan for planting large single lake systems or interconnected multi-lake systems that would allow lake planting to be phased. At all times, applicant is responsible for minimizing erosion of the littoral shelves until the planting is completed. ERM shall be notified within 48 hours prior to completion of the littoral zone planting.

e. Littoral Planting Plans

The plans shall detail the species and numbers of plants to be used, the location and dimensions of the littoral areas, including any compensatory littoral areas, if applicable; typical cross Section of planted littoral zones from lake maintenance easements to the maximum depth of the lake; the location and dimensions of any structure for which a compensatory littoral area is required; the methods for planting and ensuring survival of the plants; and other reasonable information required by the Director of ERM.

Projects which are proposed to be conducted in phases, shall include plans which delineate the phases of excavation and shall include guarantees for each phase.

The signatory of the plans and specifications shall have a personal familiarity with the site and soil conditions based upon a field review.

4. Upland Reclamation Standards

Upland reclamation standards apply to Type II and all Type III excavations only.

a. Reclamation Plan

1) General

A site reclamation plan shall be submitted as an integral part of the application for a Type II or Type III excavation and shall be approved by DRO prior to commencement of work. Reclamation is required to ensure a viable end use for the excavation site. The plan shall demonstrate compliance with the requirements in Art. 4.D.8, Technical Standards, except for the littoral planting plan which has its own application submittal requirements. However, the reclamation plan submitted to DRO shall indicate the littoral planting areas.

2) Type II Excavation

The certified final site development plan shall function as the standards required for the final development plan.

3) Type II Excavations Exceeding Off-site Removal Limitations

As set forth in Art. 4.D.5.E, Type II Excavation, shall be classified as a Type III A Excavation when the applicant proposes to remove more than ten percent of the fill offsite. Notwithstanding final site plan certification, the final site development plan shall function as the reclamation plan and planting requirements shall be met in accordance with the landscape requirements for the final site development plan. In such cases, the BCC may waive all or modify a portion of the explicit upland reclamation planting requirements defined below based on the ultimate use of the site. The BCC may require that the upland reclamation plantings defined below be incorporated into the open space pedestrian system as defined on the final site development plan.

4) Type III Excavations

The reclamation plan for a Type III excavation shall comply with the upland reclamation standards in this Section.

b. Perimeter Reclamation

At a minimum, 75 percent of the perimeter of the excavated area shall have a width of 180 feet; and the remaining 25 percent shall have a width of 100 feet. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to provide adequate growing conditions for reclamation planting requirements and to prevent the establishment of prohibited plant species.

c. Timing of Upland Reclamation

Reclamation shall occur immediately following the end of excavation or immediately following each phase of excavation, whichever occurs first. Upon commencement of reclamation and rehabilitation of the initial phase of this excavation, the next phase of excavation may commence upon written authorization by DRO. The applicable guarantee must be on file prior to authorization for the commencement of excavation on any subsequent phase.

1) Timing of Planting

If excavation activity is phased, planting shall occur at the completion of each phase. Planting of the reclaimed upland area should occur during the rainy season (June-October), within six months after completion of the excavated area or phase thereof, as applicable. The property owner shall ensure that proper watering and maintenance occurs in order to ensure a successful survival rate. If planting does not occur during the rainy season, then the property owner shall provide irrigation to establish the new plantings. PZB shall be notified 48 hours prior to completion of the upland plantings.

d. Calculating Planting Requirements

In addition to the buffer requirements in Art. 4.D.5.F, Type III Excavations, the following upland planting requirements shall apply.

1) Sites Supporting Native Vegetation

Calculations to determine the reclamation planting requirements for sites supporting native vegetation shall be based on the existing tree cover. Controlled or prohibited species shall be exempt from this calculation. In addition, any tree species located within the required perimeter buffer area shall also be exempt. If no vegetation exists, the applicant shall demonstrate that the site was cleared before 1986 or has been issued and has complied with a vegetation removal permit.

A certified tree survey shall be submitted by either a landscape architect, forester, land surveyor, or engineer who is registered in the State of Florida. This count shall include all existing on-site native trees with a trunk diameter three inches or greater to be measured at four and one-half feet above the ground. The number of existing trees meeting this criterion shall then be divided by the total number of acres to obtain a tree-per-acre figure. The number of replacement trees to be planted at the time of final site reclamation shall be determined by multiplying the trees-per-acre figure by the number of required reclaimed land acres remaining at the time of final site reclamation. Credit shall be given by PZB for existing trees greater than three inches in diameter which are relocated and/or adequately protected during excavation. Any trees relocated and/or protected shall be deducted from the replacement tree count requirement. The trees to be replanted shall be native and a minimum eight feet high. In addition, two understory 18 inch high seedlings shall be planted for each tree required to be planted.

e. Upland Planting Reclamation Standards

The upland reclamation plantings may be clustered in one area of the reclaimed upland area or dispersed throughout the reclaimed upland area. No minimum or maximum area is required, except as a condition of approval, as long as the vegetation is planted in accordance with standards set forth in Art. 7.F, Perimeter Buffer and Landscape Requirements, and Art. 14.C, Vegetation Preservation and Protection. A minimum of five native plant species shall be used to fulfill the planting requirements. The design and species used shall be such that the plants have an anticipated minimal survival rate of at least 80 percent at the end of each monitoring period.

f. Plan Requirements

The upland reclamation planting plan shall be submitted to the DRO simultaneously with the application for the final site plan.

- 1) The signatory of the plans and specifications shall have personal familiarity with the site and soil conditions based upon a field review. The plans shall be signed and sealed by a professional Landscape Architect certified by the Florida Department of Professional Regulation.
- 2) At a minimum, the plans shall detail the location, species and numbers of plants to be used, and the methods for planting and ensuring survival of the plants, and other reasonable information required by ERM.

g. Phased Projects

In the event that upland reclamation is to be conducted in phases, the following additional requirements shall apply:

- 1) A phasing plan shall be submitted indicating:
 - a) exact acreage of each phase;
 - b) proposed duration of excavation and reclamation of each phase; and
 - c) number of trees to be planted.

5. Area of Record

All reclaimed littoral and upland planting areas shall be identified graphically and in writing on a separate restrictive covenant. The graphic shall be signed and sealed by a Certified engineer or surveyor as applicable, recognized and approved by the FDPR. If a plat is required, pursuant to Art. 11, Subdivision, all planted littoral zones and upland reclamation planting areas shall be identified by reference to the restrictive covenant. The plat and restrictive covenant shall be reviewed and approved by the Zoning Division, ERM, and the County Attorney's office prior to recordation. A copy of the plat, if applicable, and recorded restrictive covenant shall be provided to ERM and PZB, prior to issuance of written approval of the Notice of Intent to Construct. Within 30 days following plat recordation, a copy of the recorded plat shall be provided to ERM and Zoning Division.

The littoral area and reclaimed upland planting area shall be specifically and separately reserved to the owner, or if applicable, to the property owners' association as its perpetual maintenance responsibility, without recourse to PBC or any other governmental entity or agency. The plat, if applicable, restrictive covenant and property owners' association documents, shall contain the following statement:

It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations and approvals to alter the approved slopes, contours, or cross Sections or to chemically, mechanically, or manually remove, damage or destroy any plants in the reclaimed areas and planted littoral zone except upon the written approval from the Director of ERM or Zoning, as applicable. It is the responsibility of the owner or property owners association, its successors or assigns, to maintain the required survivorship and

coverage of the reclaimed upland and planted littoral areas and to ensure on-going removal of prohibited and invasive non-native plant species from these areas.

D. Performance Guarantee Requirements

1. General

ERM shall administer guarantee requirements for the excavated area and littoral plantings. The Zoning Division shall administer guarantee requirements for reclaimed upland area, and upland plantings. The Land Development Division shall administer guarantee requirements associated with road maintenance and repair of haul routes.

2. Guarantees Required

The guarantees for phased projects may be bonded separately with approval by the DRO.

a. Agricultural and Type II Excavations

Agricultural and Type II excavations shall be required to provide a guarantee for the littoral zones. If approved as a Class A conditional use, guarantees shall also be required for the excavated area, upland reclamation (excluding upland plantings) and roadway maintenance and repair.

b. Type III

Approval of at least five guarantees shall be required for Type III excavations:

- 1) excavated areas;
- 2) reclaimed upland areas;
- 3) upland planting areas;
- 4) littoral zones; and,
- 5) road maintenance and repair when a haul permit is required in accordance with Art. 4.D.8.A, Operational Standards and Requirements.

3. Execution

The performance guarantee shall be executed by a person or entity with a legal or financial interest in the property. Transfer of title to the subject property shall not relieve the need for the performance guarantee. The seller shall maintain, in full force and effect, the original performance guarantee until it is replaced by the purchaser.

4. Form of Guarantee

The guarantee shall assure the project performs as approved by the BCC and in accordance with the standards of this Code. The guarantee shall take the form of:

- a. A cash deposit or certificate of deposit assigned to PBC;
- b. An escrow agreement for the benefit of PBC;
- c. A performance bond issued by a Florida registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations. Said bond may be canceled only upon a 60 day written advance notice and acceptance of cancellation by ERM, PZB or Land Development Division, as applicable;
- d. An unencumbered, clean, irrevocable letter of credit which must be executed on a form provided by PBC; or
- e. Unless otherwise approved in writing by ERM, PZB or Land Development Division, as applicable, performance bonds or letters of credit shall be on forms provided by PBC.

5. Amount of Guarantee

a. General

The amount of the guarantees shall be adjusted in accordance with the Consumer Price Index, as provided by the Congressional Budget Office and as approved by the County Attorney's Office.

b. Excavated Area

Guarantee shall be a minimum of 1,000 dollars per acre of permitted excavation area.

c. Littoral Zones

The guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for planting, maintaining, and monitoring the required littoral shelves. ERM retains the option for requesting a second cost estimate for which the performance guarantee is based.

d. Reclaimed Upland and Upland Planting Areas

Guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for reclaiming, planting, maintaining, and monitoring the upland area and required upland planting areas. PZB retains the option for requesting a second cost estimate for which the guarantee is based.

e. Roadway Maintenance and Repair

Streets which require a haul permit in order to be used as a haul route shall be required to post a minimum guarantee in the amount of 50,000 dollars per mile of affected streets within the radius of impact.

6. Submittal and Approval of Guarantee

Except in the case of an application by a political subdivision or agency of the State, all applicants shall submit the guarantee instruments and obtain approval of the guarantee as provided below.

a. Reclaimed Upland Area and Upland Planting Areas

Guarantees for the reclaimed upland area and upland planting areas shall be submitted with the DRO application and approved prior to DRO certification of the final excavation plan.

b. Excavated Area and Littoral Zones

Guarantees for the excavated area and littoral zones shall be approved by ERM prior to issuance of written approval of the Notice of Intent to Construct.

c. Road Maintenance and Repair

Guarantees for road maintenance and repair shall be approved by the Land Development Division prior to issuance by ERM of the applicants Notice of Intent to Construct.

7. Duration and Release

The guarantee for the excavated area and upland reclamation area of Type III excavations may be reduced once the "as-built" plan is approved. However, the guarantee shall continue to cover the upland planting and littoral planting areas until released in accordance with this subsection.

a. Excavated Areas for Type III Excavations

At the request of the applicant, the guarantees shall be released by ERM, after DRO certification of the final as-built reclamation plan, in accordance with Art. 4.D.5.F.6, Use Approval.

b. Upland Reclamation Area

At the request of the applicant, the guarantees shall be released by PZB, after DRO certification of the final as-built reclamation plan, in accordance with Art. 4.D.8.C.5, Area of Record.

c. Littoral and Upland Planting Reclamation Areas

The guarantees shall remain in effect a minimum of 730 days (two years) after reclamation is completed in accordance with all requirements of this Section. Guarantees shall not be released until approved plats or separate instruments are recorded and proof of recordation is provided to ERM and PZB, pursuant to Art. 4.D.8.D, Performance Guarantee Requirements. Following verification of successful completion of reclamation through approval of the submitted as-builts, area of record, monitoring reports, and site inspection(s) by ERM and PZB, as applicable, guarantees shall be released.

d. Road Maintenance and Repair

The guarantee shall be released by the County Engineer and any applicable road maintenance authority after certification of the final phase of the as-built plan and upon final inspection and acceptance of the repair, maintenance and condition of the streets within the radius of impact.

8. PBC Use of Guarantee

Should PBC find it necessary to use the performance guarantee for corrective work or to fulfill the applicant's reclamation, reconstruction or maintenance obligations as set forth herein, the applicant shall be financially responsible for all legal fees and associated costs incurred by PBC in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.

E. Maintenance and Monitoring

The following maintenance and monitoring program is required for all planted littoral zones and reclaimed planted upland areas.

1. Excavation Activity

The applicant shall submit an annual report to the DRO indicating the status of the excavation activity. The report shall include, but not be limited to, the status of:

- a. the current phase(s) of excavation;
- b. all phases of excavation and reclamation activities (including date(s) of completion and anticipated dates of completion);
- c. amount of material extracted and amount of material removed from the site;
- d. condition of perimeter buffers and landscaping; and
- e. status of compliance with conditions of approval and applicable requirements in this Section.

2. Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas

The planted littoral zones and planted upland areas shall be inspected and monitored for at least one year after planting. Equipment storage, maintenance and service areas shall be monitored until

completion of the excavation activity for contamination by regulated substances. The maintenance and monitoring program shall comply with the following requirements:

a. Maintenance

Inspections, monitoring, exotic plant species removal and replanting during each monitoring period shall be required to maintain the minimum:

- 1) 80 percent coverage criterion for the planted littoral zone from the 180 day monitoring period; and,
- 2) 80 percent survivorship for the planted upland area from the 180 day monitoring period;

b. Exotic Plant Species

Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:

- 1) prohibited and invasive non-native plant species as defined by Art. 14.C, Vegetation Preservation and Protection; and
- 2) invasive species, such as cattails, primrose willows and water hyacinth.

c. Regulated Substances

Inspections and monitoring of all equipment storage, maintenance and service areas shall be required to ensure the site has not been contaminated by regulated substances. Construction areas shall be maintained in accordance with the "Regulated Substance Best Management Practices for the Construction Industry."

d. Submittals for Monitoring Programs

Submittal of monitoring reports for each monitoring period shall be required. The planted littoral zone reports shall be submitted to ERM and the reclaimed upland planting reports shall be submitted to the Zoning Division. These monitoring reports shall represent the monitoring periods commencing with a time zero report, 90 day, 180 day and 360 day reports.

The time zero monitoring report shall be submitted within 30 days of the initial planting. Each subsequent report shall be submitted within 30 days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, PBC finds the planted littoral or reclaimed planted upland areas to be in non-compliance with the provisions herein, the land owner or entity having maintenance responsibility may be required by PBC to extend their maintenance and monitoring period, until compliance with the maintenance and monitoring requirements is met.

e. Content of Monitoring Reports

Each monitoring report, including the time zero report, shall assess the species, numbers, and locations of planted littoral zones and reclaimed upland planting areas. The report shall also depict the equipment maintenance, storage and service areas and assess the condition of the ground as a result of possible leakage or spillage of regulated substances. The report shall include multiple photographs (panoramas are preferred) of the site clearly showing these areas. Photographs must be taken at approximately the same location(s) each time.

In addition, the report shall detail the species, numbers and locations of additional plantings that were made to attain the 80 percent survivorship/coverage criteria, if such plantings were necessary.

3. Long-Term Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas

After the first year, the land owner or entity having maintenance responsibility for the planted littoral zone and planted upland reclamation area, shall maintain these areas in the following manner.

- a. The reclaimed upland areas shall maintain a minimum survivorship of 80 percent, and the planted littoral zone shall maintain a minimum coverage of 80 percent.
- b. Exotic and invasive non-native plant species as defined by Art. 14.C, Vegetation Preservation and Protection and invasive species, such as cattails, primrose willows and water hyacinth, shall be restricted to a coverage of less than ten percent of the required planted littoral zone. No exotic or invasive non-native plant species shall be permitted in the upland areas.

4. Repair, Reconstruction Modification

DRO approval shall be obtained prior to any reconfiguration of the approved lake or reclaimed upland area. Written approval from the Director of ERM shall be obtained prior to modification of the planted littoral zones.

Section 9 Administration and Enforcement

A. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type II and Type III Excavations

1. Authority and Criteria

Administrative waivers from the slope, depth, or littoral zone standards contained in Art. 4.D.8, Technical Standards, for Agricultural, WCAA, Type II, and Type III Excavations may be granted by ERM in accordance with the standards of this Section. ERM may grant the waivers to an applicant upon demonstration by a preponderance of evidence, that such administrative waivers will not be injurious to the area involved or otherwise detrimental to the public welfare, and that special or unique circumstances exist to justify the administrative waivers based on one or more of the following conditions:

- a. That the literal application of these standards will create an unreasonable hardship and that the special and unique circumstances do not result from the actions of the applicant;
- b. That appropriate technology and methods will be used to ensure consistency with the intent of the Code; or
- c. The proposed administrative waiver will not be adverse to the general intent and purpose of this Section.

2. Limitations

No administrative waiver shall be approved for those separation items in Art. 4.D.8.B, Construction Standards, unless the item specifically allows approval by ERM; nor for any mining or excavation operation location which will reduce hydraulic recharge distances to a public water supply well in excess of two percent; nor within 200 feet of a publicly-owned conservation area, environmentally sensitive land area, or publicly-owned preservation area. An administrative waiver may be granted for littoral areas within a lake supporting bona-fide agricultural operations. If the land use changes from bona-fide agricultural use, the littoral requirements for the new land use shall be required.

3. Review Process

The request shall be included with the Notice of Intent to Construct, unless a Notice of Intent to Construct has been previously approved. An appropriate fee and drawings of sufficient detail shall be required in order to provide the information needed to determine if granting approval of the waiver is appropriate. The application and drawings, excluding littoral planting plans, shall be signed and sealed by a professional recognized and approved by the Florida Department of Professional Regulation for this type of project.

- a. Upon receipt of a request to deviate from the Construction Criteria, ERM shall have 30 days to request any additional information.
- b. Within 30 days of receipt of the requested additional information, ERM may only request information needed to clarify the additional information supplied or to answer new questions raised by or directly related to the additional information.
- c. If ERM does not ask for additional information within thirty 30 days of receipt of the request, the request shall be deemed complete upon date of receipt.
- d. If an applicant fails to respond to a request for the fee or any additional information within 60 days, the request may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information. ERM action shall be approval or denial, and shall be included with the issued written approval of the Notice of Intent to Construct.

B. Violations, Enforcement, and Penalties

1. Violations

For each day or portion thereof, it shall be a violation of this Section to:

- a. fail to comply with a requirement of this Section, a condition of an approval or an authorized exemption granted hereunder;
- b. fail to comply with the design specifications or littoral planting plan submitted with the Notice of Intent to Construct for which a written approval was issued by ERM;
- c. alter or destroy the approved depths, slopes, contours, or cross-sections;
- d. chemically, mechanically, or manually remove, damage, destroy, cut, or trim any plants in the littoral zones, except upon written approval by the Director of ERM;
- e. dredge, excavate, or mine the lake or littoral zones without prior receipt of approval(s) from ERM and/or PZB;

- f. cause water quality violations in excess of the standards contained in F.A.C. Chapter 62-302; or
- g. dewater in Type 1(A) Type 1(B); and Agricultural excavations unless otherwise permitted by a State or Federal permitting agency.

C. Enforcement

Violation of each subsection of this Section, any conditions of approval, or any of those violations listed in Art. 4.D.9.B.1, Violations, Enforcement and Penalties, above, shall be deemed a separate violation and may be subject to fines not to exceed 250 dollars per day per violation. In order to enforce compliance with the provisions of this Section, ERM, PZB and the County Engineer may issue a cease and desist order or require that future DRO certifications be denied or a building permit or C.O. be withheld. Violations of the provisions of this Section shall be punishable by one or more of the following:

- 1. Quadruple permit fees shall be assessed if permits were not obtained for violations involving activities which would otherwise have been permissible, as determined by ERM, PZB, or the Land Development Division.
- 2. This Section shall be enforced through the remedies as outlined in Art. 10, Enforcement. However, PBC is not prevented from enforcing the provisions of this Section by any other measures allowable by law, including but not limited to, F.S. Chapters 125 and 162, as may be amended.
- 3. If the applicant has violated the provisions of this Section, or a condition of approval, staff may place the subject development order back on a BCC agenda for re-consideration in accordance with the provisions of Art. 2.E, Monitoring, and Art. 10, Enforcement.

D. Restoration

Damage to upland reclamation areas, planted littoral shelves, littoral plants and/or streets may result in an order to restore to the approved conditions. Excavation operations that have occurred without approval and receipt of written approval from ERM, PZB or the County Engineer, as applicable may result in an order to restore the site or streets in the radius of impact to preexisting conditions.

E. Additional Remedies

In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions, to enforce the provisions of this Section.

F. Use of Collected Monies

All monies collected by ERM as civil penalties for violations of this Section shall be deposited in the PBC Pollution Recovery Trust Fund.

G. Appeals

An applicant may appeal a final determination made by:

1. Director of ERM

Appeal shall be made to the Environmental Ordinance Appeals Board (EOAB) pursuant to this Section. The applicant shall comply with the following appeal procedures.

a. Submittal

An appeal must be made within 20 days of the applicant's receipt of the final action.

b. Hearing

Each hearing shall be held within 60 days of submittal of all documents which the EOAB deems necessary to evaluate the appeal. At the conclusion of the hearing, the EOAB shall orally render its decision (order), based on the evidence entered into record, the decision shall be stated in a written order and mailed to the applicant not later than ten days after the hearing. Written order of the EOAB shall be final.

2. Director of Zoning or Director of Land Development

Appeal shall be made to the appropriate appeals board as provided in Art. 2.D.1, Development Review Officer or Art. 2.B.3, Variances, as applicable.

3. Judicial Relief

An applicant or ERM may appeal a final written order of the EOAB within 30 days of the rendition of the written order by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida.

ARTICLE 5

SUPPLEMENTARY STANDARDS

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ARTICLE 5

SUPPLEMENTARY STANDARDS

CHAPTER A GENERAL

Section 1 Purpose and Intent

The purpose and intent of this Article is to establish minimum standards for accessory and temporary uses, design standards, parks and recreation, performance standards, legal documents, and density bonus programs.

Section 2 Definitions

In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to the corresponding Chapters in this Article:

Chapter B:

Complaining Land - that land which is included in a residential district receiving sound levels above those permitted by Art. 5.E, Performance Standards.

Foot Candle - a unit of illumination that is equal to one lumen distributed evenly over a one square foot area.

Chapter C:

Architectural Composition - the scale, height, mass, proportion, color, form, style, detail, treatment, texture, construction material, and roof design of a project or building.

Articulated Parapet - a parapet with a height variation proportional to the building height.

Compatible/Compatibility - design, which utilizes accepted site planning (e.g. building placement, orientation and siting) and the elements of architectural composition within the context of the surrounding area. Similar adjacent land uses or square footage shall not necessarily constitute architectural compatibility.

Complement/Complementary - having similar architectural composition.

Design Professional - an architect, landscape architect, or engineer licensed in the State of Florida with good standing.

Substantial Renovation - any expansion, alteration, renovation, addition, redevelopment, or similar improvement to an existing building that exceeds 75 percent of the assessed value of the building, as indicated in the latest official PBC Property Appraiser's records.

Third Party - Art. 18, Definitions.

Visual Impact Analysis - a written and graphic assessment which determines the appropriate contextual relationship of a proposed building with respect to architectural composition and compatibility.

Chapter D:

Beach - 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 - 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 Fill - sand placed on the beach.

Park, Beach - facilities that front the Atlantic Ocean or its inlets and provide public beach access. Recreational facilities include those necessary to support beach access, swimming, surfing, fishing, and snorkeling as well as play areas, picnic areas, and adequate parking areas to serve those utilizing the facility.

Park, Community - facilities generally more than five but less than 40 acres in size that provide active, and to a lesser degree passive, recreational facilities to population areas within three miles or less of the facility. Recreational facilities include play areas, small groups of lighted fields or courts suitable for programmed youth activities, community centers, and adequate bicycle and automobile parking areas and pedestrian paths to serve the facility.

Park, Countywide Level - those large scale recreational facilities for which Countywide Park Impact Fees are assessed on new residential development and that include a system of public parks generally classified as Regional, District or, Beach, and that are designed to meet the general active and passive recreational needs of the countywide populace.

Park, District - facilities generally greater than 40 acres in size that primarily provide active recreational facilities, and to a lesser degree some passive recreational facilities, to population areas within five miles or less of the facility if within the USA, or within ten miles or less of the facility if outside the USA. Recreational facilities typically include groups of lighted fields or courts suitable for scheduled athletic league activities, exercise trails and support facilities such as restrooms and concessions with bicycle and automobile parking areas and pedestrian path systems to accommodate park users. Special facilities such as recreation centers, aquatic centers, golf courses, and boat ramps and docks may also be included.

Park, Local Level - those relatively small scale recreational facilities that include both public parks generally classified as community, neighborhood, or infill neighborhood, and required private recreation areas that are designed to meet the recreational needs for specific population areas or for planned developments.

Park, Neighborhood - facilities generally less than five acres in size. Neighborhood parks include passive and active recreational facilities, are generally few in number due to size constraints and are developed according to the demands and character of the specific neighborhoods that they serve. In addition to the above-mentioned characteristics, for the purposes of Art. 3.E.3, Multiple Use Planned Development (MUPD) Art. 3.E.4, Mixed Used Planned Development (MXPDP), and Art. 3.F.3, Traditional Neighborhood Development (TND), neighborhood parks shall consist of usable open space within walking distance of housing.

Park, Open Space, Usable - an area such as a park, square, plaza, or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings.

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

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

Park, Regional - facilities generally more than 200 acres in size that also provides access to a substantial natural or manmade resource base. Regional parks primarily provide passive recreational facilities, and to a lesser degree, active recreational facilities where no adverse impact on the resource base results. Recreational facilities in regional parks are primarily passive or resource based with picnicking, camping, hiking, fishing, and boating as the main activities. Special facilities such as museums, nature centers, special event areas, golf courses, or water skiing facilities may also be included, as well as some of those active facilities often found in district parks.

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

Chapter E:

A-Weighted Sound Pressure Level - the sound pressure level as measured with a sound level meter using the A-Weighting network. The standard notation is dB.

Construction Work - The use of mechanical or manual equipment to build or improve a lot or structure such as but not limited to: shovels, saws, drills, hammers that creates noise.

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

Decibel - a unit of sound pressure level abbreviated as dB.

Excessive Noise – noise that disturbs a reasonable person of normal sensitivity.

Glare - 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.

Inhabited Residential - regularly occupied by the complainant and occupied at the time of the complaint.

Light Cutoff - a luminary with elements such as shields, reflectors, or refractor panels which direct light and eliminate light spillover and glare.

Luminary - a body that gives light, consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Nuisance - interference with the enjoyment and use of property.

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

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

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

Weighted Sound Pressure Level - the sound pressure level as measured with a sound level meter using the A-Weighting Network. The standard notation is dB(A) or dBA.

Chapter G:

TDR, Agricultural Conservation Easement - an interest in land, which interest represents the right to retain land in bona fide agriculture, fallow land, and uses permitted in the Conservation WRA future land use category, created pursuant to F.S. §704.06.

TDR, Bank - accounting and monitoring system authorized by this Code empowering PBC to purchase and sell development rights. The TDR Bank offers an alternative to TDRs being transferred via the private market. The bank consists of development rights from lands designated for preservation as provided for in this Section and purchased by PBC. These rights may then be sold to developers for use in qualified receiving areas or held in reserve for future release.

TDR, Conservation Easement - an interest in land which represents the right to restrict or prevent the development or improvement of the land for purposes other than water preserve areas, wetlands, or uplands, created pursuant to F.S. §704.06.

TDR, Community Commercial Facility - a commercial facility constructed on ten or more acres supporting at least 100,000 square feet of GFA. The community commercial facility shall not be construed to mean the community commercial zoning district described in this Code.

TDR, Contract for Sale and Purchase of Development Rights - a valid contract which must be in writing pursuant to the State of Florida law, for the sale of development rights for the purpose of increasing density on a receiving area parcel.

TDR, Deed of Transfer of Development Rights - a legal document which transfers the ownership of specified development rights from one parcel of land to another, and which is recorded in the Public Records of PBC.

TDR, Development Right - the ability to develop a residential dwelling unit on a parcel of land. The landowner may sell, donate, or transfer the development rights and retain title to the land and

the right to use the surface of the land on a limited basis. For the purpose of this Section, one development right shall equal one residential dwelling unit.

TDR, Development Rights Certificate - a legal document presented to a property owner who deeds to PBC, without compensation, environmentally sensitive, Rural Residential 20 (RR-20) land or land designated CON on the FLUA within a sending area, or records an agricultural conservation easement for a sending area designated AGR on the FLUA. The certificate shall specify the number of development rights the property owner is entitled to sell or trade, and the certificate shall remain valid until the development rights are permanently transferred to a property within a receiving area.

TDR, Escrow Agreement - a legal document which holds money in trust by a third party to be turned over to PBC upon the fulfillment of a condition.

TDR, Major Department Store - a nationally or regionally recognized retail store which anchors a regional commercial facility and contains at least 100,000 square feet of GFA.

TDR, Major Industrial Facility - an industrial facility constructed on more than 35 acres supporting at least 700,000 square feet of GFA.

TDR, Priority Acquisition Site - a parcel of land designated by the ESLASC or CLASC as such and approved for acquisition by the BCC.

TDR, Receiving Area - parcel of land within the USA, which are permitted to increased density, as specified herein, and receive development rights purchased from the owners of land in a sending area. The transfer capacity of these development rights is based on the number of transferable development rights which a specified area can accommodate, subject to Art. 5.G.2.H, Receiving Areas, and Art. 5.G.2.J, TDR: Receiving Area Procedure.

TDR, Regional Commercial Facility - a commercial facility constructed on 40 or more acres supporting at least one major department store and 350,000 square feet of GFA.

TDR, Sending Area - an area which the TDR Program is designed to protect, as specified herein, and from which development rights are transferred pursuant to the provisions of this Section.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

1. General

The following standards in this Section shall apply to all development in standard PDD or TDD zoning districts, unless otherwise stated:

a. Standards

An accessory use or structure shall be subject to the same regulations that apply to the principal use or structure, except as otherwise stated.

b. Location

All accessory uses, buildings and structures except for approved off-site parking, shall be located on the same lot as the principal use. No accessory structure shall be located in the front or side street yard.

c. Floor Area

1) Nonresidential Districts

Accessory uses and structures shall not exceed 30 percent of the GFA and or business receipts of the principal use or uses, whichever is more restrictive.

2) Residential Districts

Accessory uses and structures in the U/S Tier shall not exceed the square footage of the principal use.

d. Setbacks, Accessory Structure

1) Residential Districts, Except AR

Accessory structures may be setback a distance of five feet from the side and rear property lines provided it is not located in an established easement or required landscape buffer.

a) Townhouse

Accessory structures shall meet the setback and separation requirements in Table 3.D.2.A-6, Townhouse Regulations. No detached accessory building or structure other than permitted fences or walls shall be permitted on any lot less than 30 feet in width.

b) ZLL

Accessory structures shall meet the setback requirements of Table 3.D.2.A-6, Townhouse Regulations.

c) Exceptions

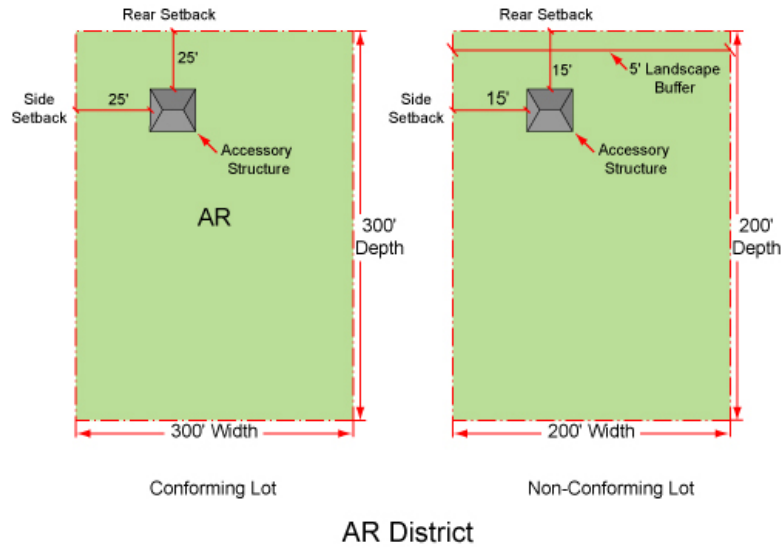
- (1) All structures used as dwellings, such as guest cottages, grooms quarters, and accessory dwellings, shall meet the minimum setback in Table 3.D.1.A-5, Property Development Regulations.
- (2) All structures over ten feet in height shall meet the minimum setbacks in Table 3.D.1.A-5, Property Development Regulations.
- (3) Encroachment into easements shall be in accordance with Art. 5.F.2.A, Easement Encroachment.

2) AR District

a) Conforming Lot Dimensions

Accessory structures may be setback a distance of 25 feet from the side and rear property lines on lots with conforming width and depth lot dimensions.

Figure 5.B.1.A-1- Accessory Structure Setbacks



b) Nonconforming Lot Dimensions

Accessory structures on lots with nonconforming width and depth may be setback a distance of 15 feet from the side and rear property lines.

c) Accessory Structure

Must be five feet from all established easements and may not be located within the required landscape buffer or within the required front or side street setback.

3) Nonresidential Districts

Accessory structures shall meet the setback requirements in Table 3.D.1.A-5, Property Development Regulations.

4) Dimensions

In the U/S Tier, an accessory structure in a residential district shall not occupy more than 25 percent of the distance between property lines.

2. Fences, Walls and Hedges

a. Height

The height of a fence or wall shall be measured in accordance with Art. 7.F, Perimeter Buffer Landscape Requirements. Hedges may be planted and maintained along or adjacent to a lot line to a height not exceeding eight feet in the required side (to the required front setback) and rear yards and not exceeding a height of four feet in the required front yards. The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge.

b. Appearance

The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.

c. Dangerous Materials

Fences or walls in, or adjacent to, a residential district, shall not be electrified or contain any substance such as broken glass, spikes, nails, or razors designed to inflict discomfort, pain or injury to a person or animal. In the AR district only, barbed wire shall be permitted around any bona fide agricultural uses, other than nurseries, provided it is setback a minimum of 25 feet from any property line. In nonresidential districts, barbed wire shall not be permitted within the required setback.

d. Sight Distance

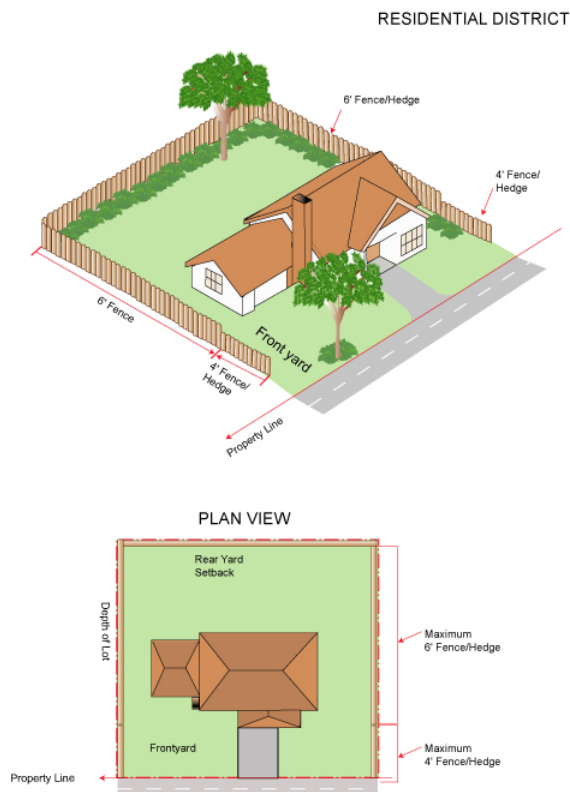
Walls and fences shall comply with Art.11.E.9.E, Minimum Safe Sight Distance and Corner Clips at Intersections.

e. Residential Districts

The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:

- 1) Within required front setback: four feet.
- 2) Within required side, side street, and rear setback: six feet.

Figure 5-B.1.A-2- Fence & Wall Height



f. Nonresidential Districts

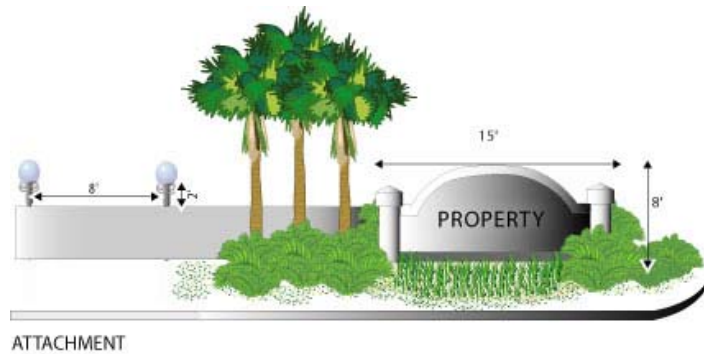
The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:

- 1) Within the required front setback: six feet.
- 2) Within the required side, side street, and rear setback: eight feet.

g. Attachments

Gates, gateposts, decorative features, and lights attached to a fence or wall in the front setback shall not exceed three feet in any horizontal distance or two feet in height above the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet apart.

Figure 5.B.1.A-3- Attachments to Walls



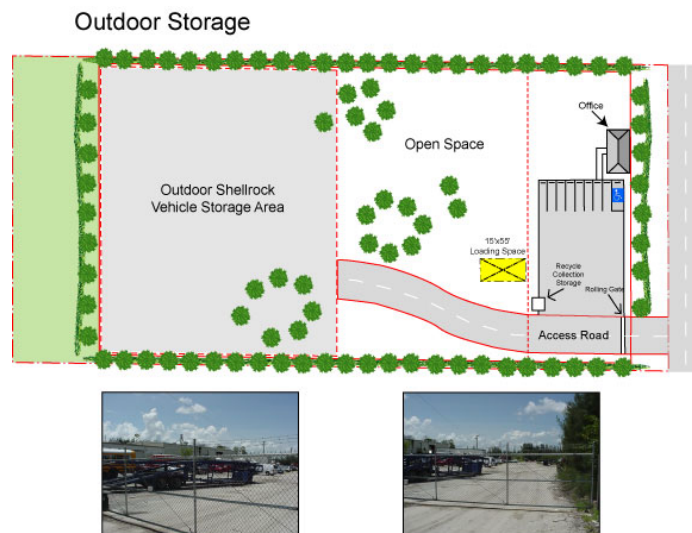
h. Exceptions

- 1) Fences and walls up to eight feet in height shall be permitted within a street buffer adjacent to a golf course.
- 2) Fences around tennis courts may exceed six feet in height, subject to the setback requirements in Table 5.B.1.A-2, Tennis Court Setbacks.
- 3) The ZC and BCC may require increased heights in order to ensure adequate screening and buffering between incompatible uses.

3. Outdoor Storage

Outdoor storage of merchandise, inventory, equipment, refuse, or similar material in all nonresidential districts shall be subject to the following standards.

Figure 5.B.1.A-4 - Outdoor Storage



- a. **General**
Outdoor storage may only be allowed when incidental to the use located on the premises.
- b. **Location**
Outdoor storage areas shall not be located in any of the required setbacks.
- c. **Nonresidential Districts, Except Industrial**
Outdoor storage areas shall be completely screened from view by landscaping, fences, walls, or buildings.
- d. **Industrial Districts**
Outdoor storage areas shall be completely screened from view from all streets and adjacent residential districts by landscaping, fences, walls, or buildings up to a height of 12 feet.
- e. **Exceptions**
The following uses or material are exempt from this Section:
 - 1) Storage and sales of landscape plant material.
 - 2) Storage of material used for road construction on a lot directly adjacent to the roadway under construction.
 - 3) Uses which allow outdoor storage by definition or in another Section.

4. Outdoor Display

- a. Merchandise must be mobile and stored indoors overnight daily.
- b. Merchandise must be accessory to a principal use located on the same property.
- c. Merchandise shall not be located in any required setback, parking space, loading space, loading area, vehicular use area, fire lane, landscape buffer, or required sidewalk, ADA accessibility route, or drainage easements.

Figure 5.B.1.A-5 - Outdoor Display



5. Docks

a. Accessory Docks

Accessory docks located on the same lot as a residence shall meet a five foot setback from the side property lines. Accessory docks not located on the same lot as a residence shall comply with the following setbacks:

1) Dock in Publicly Owned Waterway

A minimum five-foot side setback measured from the extension of the property lines into the waterway. The property lines shall be extended into the waterway in the same direction and bearing as the side lot lines.

2) Dock in Privately Owned Waterway

The setback shall be determined by the Person asserting ownership in interest or jurisdiction over the waterway. Signed consent by this Person must be in place prior to permit being issued. Owner sign off and consent shall be required. The dock shall be located directly adjacent to, and abutting, the lot on which the residence is located.

6. Entry Features

Unless exempt in Art. 3.D.1.D.5, Setback Exceptions, entry features shall comply with the following setbacks:

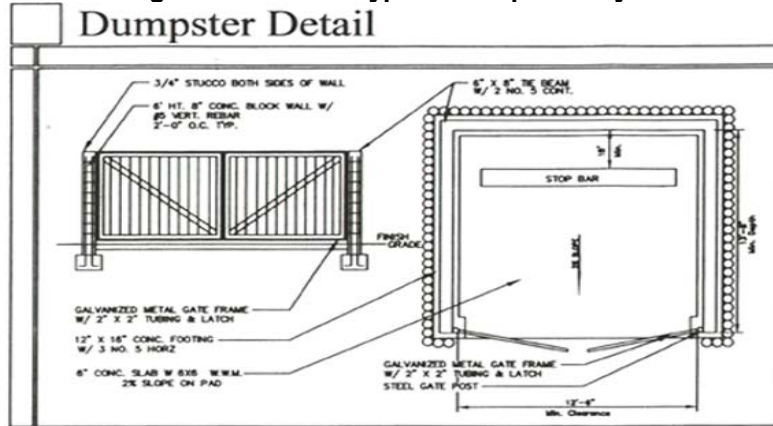
Table 5.B.1.A-1 – Entry Feature Setbacks

| | |
|-----------------------|---------|
| Front | 25 feet |
| Side, Street and Rear | 15 feet |

7. Fuel, Gas, or Chemical Storage Tanks

Above ground accessory fuel, gas, or chemical storage tanks, shall be setback a minimum of 20 feet and shall be completely screened from view by a continuous solid opaque hedge a minimum of four feet in height around the perimeter of the tank enclosure.

Figure 5.B.1.A-6 - Typical Dumpster Layout



8. Dumpsters

Each use shall provide a method for the removal of refuse when individual collection, from a licensed solid waste hauler is not provided. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable material, such as dumpsters, trash compactors, and recycling containers, shall meet the following standards:

a. Storage Area

A minimum of one refuse container and one recycling container shall be provided per multi-family project with 16 units or more and each nonresidential project. All refuse containers shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet.

b. Location

Containers shall be located to minimize turning and back up movements by pick-up and removal vehicles.

c. Setback

Containers shall be setback a minimum of 25 feet from adjacent residential districts and uses.

d. Screening

Containers shall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch high shrub planted 24 inches on center.

e. Retrofitting of Existing Developments

The retrofitting of existing developments to comply with the standards of this Section is permitted at a ratio of deletion of one parking space for each outdoor receptacle, not to exceed ten percent of the total required parking spaces.

9. Recreation Facility

Recreation facilities shall be subject to the following standards:

a. Common Area

- 1) Setbacks from residential uses shall be consistent with the requirements of Table 3.C.1.A-4, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts.
- 2) Swimming pools and spas shall be setback in accordance with Table 5.B.1.A-3, Pool/Spa Setbacks.
- 3) Golf course structures and clubhouses shall be setback in accordance with Table 3.E.2.D-16, PUD Property Development Regulations.
- 4) If deemed necessary to ensure compatibility with surrounding uses, the DRO shall require an incompatibility buffer in accordance with Art. 7.F.9, Incompatibility Buffer.

b. Residential Lot

- 1) The following setbacks shall apply to tennis courts:

Table 5.B.1.A-2 – Tennis Court Setbacks

| | |
|-------------|----------|
| Front | 25 feet |
| Side | 7.5 feet |
| Side Street | 15 feet |
| Rear | 7.5 feet |

10. Swimming Pools and Spas

a. Principal and Accessory Use

1) Principal Use

Any swimming pool or spa owned and operated as a commercial enterprise or in combination with other commercial recreation uses on the same property shall be considered a principal use subject to the PDRs of the applicable district.

2) Accessory Use

Any swimming pool or spa operated by a non-profit assembly, social, civic organization, homeowners association (HOA), or resident of a dwelling unit shall be considered an accessory use. The accessory use shall be located on the same lot as the principal use except if operated by a residential HOA. If operated by a HOA, the accessory use shall be located within the boundaries of the development.

b. Setbacks for Pools or Spas

1) Setbacks

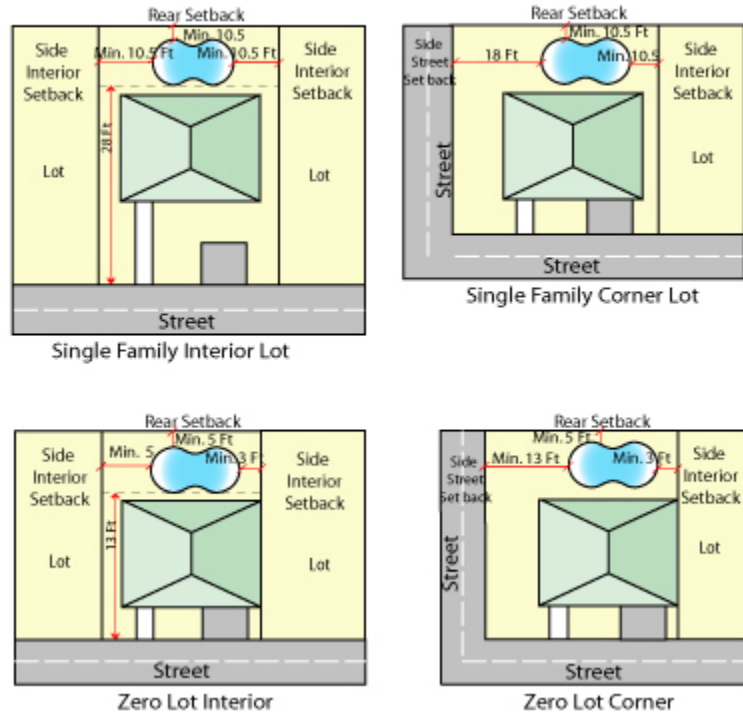
The following setbacks shall apply to pool and spas, and shall be measured to the water's edge:

Table 5.B.1.A-3- Pool/Spa Setbacks

| Setbacks | Front | Side | Side Street | Rear |
|---|--|--------------------------------|-------------|-----------|
| Single family | 28 feet | 10.5 feet | 18 feet | 10.5 feet |
| ZLL | 13 feet | ZLL: 3 feet Non-ZLL: 5 feet | 13 feet | 5 feet |
| Townhouse | Parking Tract: 13 feet Street: 28 feet | 3 feet | 18 feet | 5 feet |
| MF | 28 feet | 18 feet | 28 feet | 15 feet |
| Recreation Facility less than 1 acre | 25 foot setback or separation to the nearest residential lot line | | | |
| Recreation Facility 1 acre or more | 50 foot setback or separation to the nearest residential lot line | | | |

Figure 5.B.1.A-7 - Pool Setbacks

Examples of Pool Setbacks



2) Exceptions

a) Single Family Design Clusters

Single family design clusters are a type of single-family dwellings no longer permitted. Swimming pools and spas for projects with previously approved single-family design clusters shall comply with the setbacks indicated on the PBC site plan. If setbacks are not indicated on site plan, setbacks for ZLL homes shall be applied.

b) Single Family and ZLL Homes

Swimming pools or spas may be constructed with a three-foot rear or side interior setback if adjacent to open space 50 feet in width or greater.

c) Recreation Facilities

Swimming pools or spas may be constructed with a ten-foot rear or side interior setback if adjacent to permanent open space 50 feet in width or greater.

Figure 5.B.1.A-8 - Typical Recreational Facilities



c. Building Coverage

Swimming pools and spas shall not be included in the building coverage calculation unless enclosed within a building or a screen enclosure with a solid roof.

d. Fencing, Screening, and Access

Swimming pools and spas shall be enclosed by a safety barrier, wall, fence, or other structure in accordance with the PBC Swimming Pool and Spa Code, as amended.

e. Common Area

The construction of private swimming pools and spas for individual dwelling units within a common area is prohibited, unless the swimming pools and spas were legally constructed prior to April 21, 1995. If 30 percent of the existing dwelling units in a pod or subdivision have existing legally constructed swimming pools or spas in the common area, the remaining dwelling units within the same pod or subdivision may construct a swimming pool or spa as shown on the final subdivision plan or final site plan.

If the final subdivision plan or final site plan does not graphically depict the placement of swimming pools or spas in common area, application shall be made to DRO to amend the final subdivision plan or final site plan to depict the placement of the swimming pool or spa if in compliance with the following criteria:

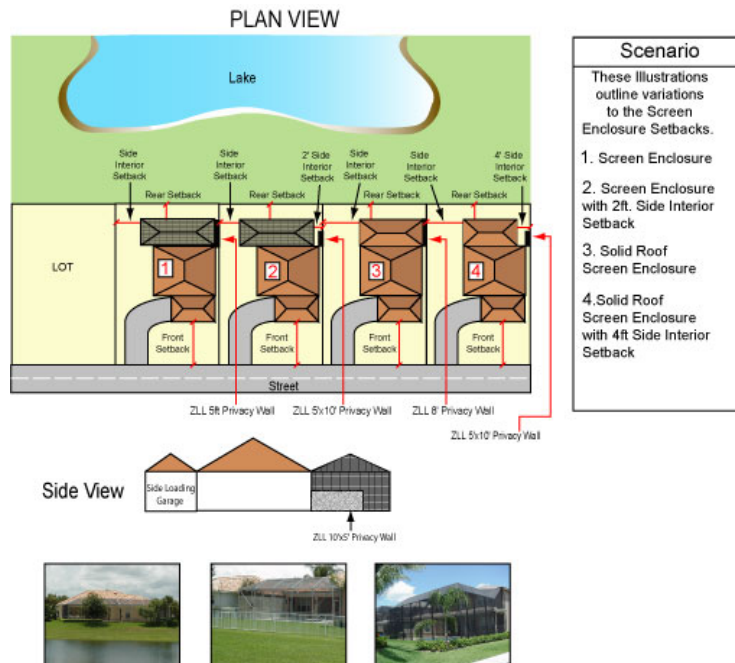
- 1) **Legally Permitted**
The applicant demonstrates that existing swimming pools and spas were legally permitted and constructed in common areas;
- 2) **Joint Applicant**
The HOA must be a joint applicant on the building permit application;
- 3) **Setbacks**
The swimming pool or spa must comply with all setback requirements measured from the outer boundary of the common area or have a 15-foot separation from primary structures, whichever is greater;
- 4) **Perimeter Landscape Area**
Accessory structures and improvements shall not be permitted in a required perimeter landscape area;
- 5) **Open space**
The entire development must continue to meet open space requirements;
- 6) **Documents**
The homeowners' documents shall be amended to include provisions that allow private use of the common area upon association approval; and
- 7) **Prohibitions**
Swimming pools or spas shall not be permitted in a common area that is designed as a water management tract.

11. Screen Enclosures

a. General

Screen enclosures may be covered with a screened or solid roof, as follows.

Figure 5.B.1.A-9 - Typical Screen Enclosure Setbacks



b. Setbacks for Screen Enclosures with Screened Roofs

Setbacks for screen enclosures with screen roofs shall be measured as specified in the table below:

Table 5.B.1.A-4- Screen Enclosed Setbacks

| Setback | Front | Side Interior | Side Street | Rear |
|---|----------------------------------|-----------------------------------|--|----------------------------------|
| Single family | 25 feet | 7.5 feet | 15 feet | 7.5 feet |
| Multi-family | 25 feet | 15 feet | 25 feet | 12 feet |
| ZLL | | | | |
| Interior lot | <u>Parking Tract:</u> 10 feet | Non ZLL: 2 feet ZLL: 0 feet | N/A | 2 feet |
| Corner lot | | 0 feet | 10 feet | |
| Side street home | | R-O-W: 25 feet | 2 feet | |
| Townhouse | Front (Setback) | Side (Setback/ Separation) | Side Street (Setback) | Rear (Setback/Separation) |
| Property line | <u>Parking Tract:</u> 10 feet | 0 feet | Property line: 3 feet Street - 15 feet | 0 feet |
| From Inside edge of landscape buffer or PUD-or tract boundary | R-O-W: 25 feet | 15 feet | 15 feet | 15 feet |
| Separation between groups | 25 feet | 15 feet | N/A | 15 feet |
| Recreation Parcels | Front | Side | Side Street | Rear |
| Property Line | 25 feet | 20 feet | 20 feet | 20 feet |

1) Exceptions

a) Single Family Design Clusters

Single-family design clusters are a type of single-family dwelling no longer permitted. Screen enclosures with screen roofs for projects with previously approved single-family design clusters shall comply with the setback indicated on the approved site plan. If setbacks are not indicated on an approved plan, setbacks for ZLL homes shall be applied.

b) Single Family and ZLL Homes

Screen enclosures with a screen roof may be constructed with zero foot rear or side setbacks if adjacent to dedicated open space 50 feet in width or greater in accordance with the setback reductions of Art. 3.D, Property Development Regulations (PDRs).

c) Recreation Facilities

Screen enclosures may be constructed with a minimum of seven foot rear or side setback if adjacent to dedicated open space 50 feet in width or greater.

2) Townhouses

a) Setbacks are required to be in compliance with the townhouse standards of Art. 3.D.2.A, Townhouse;

- b) Screen enclosure shall maintain a minimum separation between other screen enclosures or the principal structure of townhouse groups, as specified in Table 5.B.1.A-4, Screen Enclosed Setbacks;
- c) Separations between two townhouse groups shall be measured by drawing a centerline between the two adjacent groups and measuring a minimum distance of equal to one-half of the required separation from the centerline between structures to ensure an equidistant separation; and
- d) Screen enclosures for townhouses may cover 100 percent of the total lot area provided minimum separations between townhouse groups are met.

3) ZLL Developments

A minimum five-foot high opaque privacy fence or wall shall be provided on the zero side of ZLL extending from the rear of the structure to the rear corner of the screen enclosure. The screen enclosure may be attached to the fence or wall. The wall shall be constructed of materials consistent with Art. 3.D.2.C.8.e, Privacy Walls or Fences. A screen enclosure which is not attached to the privacy wall shall be setback a minimum of two feet from the ZLL side.

4) Building Coverage

Screen enclosures with screen roofs shall not be included in the building coverage calculation.

5) Maximum Allowable Size

Screen enclosures shall be permitted to cover a maximum of 30 percent of the total lot area, except for townhouses.

6) Height

The height of the screen enclosure shall not exceed the height of the home to which it is attached.

7) Screen Enclosures Within Common Areas of a Residential Development

See procedures under Art. 5.B.1.A.10.e, Common Area.

c. Screen Enclosures with Solid Roofs

1) Setbacks

Screen enclosures with a solid roof shall meet the minimum setbacks of the principal use of the lot.

2) Special Townhouse Provisions

If the roof of the enclosure is solid, there shall be a minimum eight-foot high wall on the shared lot line extending from the dwelling to the rear corner of the portion of the enclosure that is roofed. The wall shall be fire-rated in accordance with applicable Building Codes. The screen enclosure may be attached to the masonry wall.

3) Height

The height of the screen enclosure with a solid roof shall not exceed the height of the dwelling unit to which it is attached.

4) Screen Enclosures with Solid Roofs Within Common Areas of Residential Developments

See procedures under Art. 5.B.1.A.10.e, Common Area.

5) ZLL Setback

A screen enclosure which is not attached to the privacy wall shall be setback a minimum of four feet from the ZLL side.

12. Accessory Radio Tower

A radio tower for noncommercial electronic communication purposes may be permitted as an accessory structure to civic, institutional, recreational, and agricultural uses subject to the following standards:

a. Height

The radio tower shall not exceed 100 feet in height from ground level; and

b. Setbacks

An accessory radio tower shall be setback equal a distance equal to the height of the tower. The radio tower shall be located in such a manner that it will not fall on any power line.

13. 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, satellite, or other 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 PBC's legitimate interest of protecting and promoting the health, safety, welfare, neighborhood aesthetics, and morals of its citizens.

b. Applicability

All amateur and citizens band radio and television transmission and receiving antennas, including satellite dish antennas, shall be governed by the standards of this Section.

c. Antennas and Antenna Support Structures

All antenna support structures and the beam, satellite, or other antenna installed on those antenna support structures, shall be considered accessory uses, allowed only in conjunction with a single family dwelling, and shall comply with this Section and Art. 16, Airport Zoning Regulations.

d. Use Approval

1) Existing Uses

All antennas support structures and the beam, satellite, or other 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 which are vested.

2) New Uses

Antenna support structures and their antennas shall be permitted as accessory uses to residential uses and be reviewed and approved as provided below:

a) All Lots

A maximum of two antenna support structures and their antennas, 40 feet or less in height, shall be permitted on any lot. Two additional antenna support structures and their antennas shall be allowed, one to a maximum of 75 feet in height, and the second to a maximum of 100 feet in height. Additional support structures or structures that exceed these height limitations shall require a Class B conditional use approval.

b) Permits

All applicable permits shall be obtained.

e. Standards

1) Base Size

The base dimension for each antennas support structure shall be limited to a maximum five feet in overall width at grade. The foundation for each antenna support structure shall be no more than one foot above grade.

2) Setbacks

a) Antenna Support Structure

(1) Location

Antenna support structures shall not be located in the front setback.

(2) Lots Less than One Acre

Antenna support structures shall be located to comply with the district setback standards or a minimum of 25 feet, as measured from the center of the support structure, whichever is greater.

(3) Lots on One Acre or More

Antennas support structures shall be located to comply with the greater of the following:

- (a) The minimum district setback standards as measured from the center of the support structure;
- (b) 25 foot setback for support structures and their antennas less than 75 feet in height; or

- (c) A setback of 50 percent of the height of the support structure and its antenna equal to or greater than 75 feet in height.

(4) All Lots

Antenna support structures shall be located on the property so as to provide adequate setbacks from above-ground utility power lines other than applicant's service lines as follows:

- (a) Setback a minimum distance equal to 50 percent of the height as calculated from grade to the highest point of the antennas support structure and its antenna; or
- (b) The owner shall submit a break point calculation certified by a professional engineer, or the owner shall submit the manufacturer's specifications that demonstrate a clear fall radius.

f. Antennas

In addition to complying with the setback standards, beam array, satellite, or other antennas shall be mounted so as to provide for removal at approach of hurricanes, if necessary, or provide for the lowering of such beam. The antenna or any element thereof shall be set back a minimum of ten feet from all R-O-Ws, easements, or property under different ownership.

g. Anchors

All peripheral anchors shall be located entirely within the boundaries of the property. If said supports and anchors are closer than five feet to property under different ownership, and if such support or anchor extends greater than three feet above the ground, it shall be effectively screened against direct view from abutting properties and shall extend no greater than six feet above ground.

14. Satellite Dish Antennas

a. Applicability

All satellite dish antennas shall be governed by the standards of this Section unless exempted below or regulated as part of an amateur radio antenna.

1) Exemptions

a) Residential Uses

Satellite dish antennas 40 inches or less in diameter shall be exempt from these requirements.

b) Non-Residential Uses

Satellite dish antennas under 80 inches in diameter shall be exempt from these requirements.

b. Standards

1) Residential Uses

a) Number

A maximum of one satellite dish antenna over 40 inches in diameter shall be allowed on a residential lot.

b) Location and Setbacks

Satellite dish antennas shall be mounted on the wall, ground, or a support structure in the side or rear yard and shall not be located on a wall facing the front property line or within an easement.

(1) Setbacks

Satellite dish antennas shall meet setback requirements of the district as measured from the outermost point of the dish on the side closest to the applicable setback or property line.

c) Screening

Satellite dish antennas, if located in the side or rear yard, shall be screened by an opaque fence or hedge.

d) Height

Satellite dish antennas shall not exceed the height limitations of the district.

2) Non-residential Uses

a) Number

No limitation.

b) Location and Setbacks

Satellite dish antennas shall be wall, roof, or ground mounted, and shall not be located in the front or side corner yard.

(1) Setbacks

Satellite dish antennas shall meet setback requirements of the district as measured from the outermost point of the dish on the side closest to the applicable setback or property line.

c) Screening

Satellite dish antennas shall be completely screened from adjacent residential districts by an opaque wall (including parapet walls), fence, or hedge, or combination thereof, pursuant to Art. 5.B.1.A.2, Fences and Walls.

15. Seaplanes

a. Location

If the seaplane facility use is limited to the adjacent property owners who jointly own and maintain the aircraft facility, it may be located in a residential district and not be of a commercial nature, provided that the facility is not within 400 feet of a residential use. If the facility is a commercial venture, it shall not be located within 1,000 feet of a residential district.

b. Minimum Land Area

The minimum required land area for any type of seaplane operation shall be two acres.

c. Water Area

All seaplane operations shall comply with the following minimum standards for water landing area:

Table 5.B.1.A-5- Seaplane Landing Area Standards

| | |
|--------|------------|
| 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 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 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. Parking

Shore facilities shall provide one automobile parking space for each 2,000 square feet of hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities shall provide a minimum of five parking spaces.

16. Neighborhood Commercial Development (NCD)

a. General

It is the purpose of this Section to allow a limited amount of commercial uses in certain residential developments which developed prior to the establishment of planned development regulations in Ordinance 73-2 (1973). Residential developments which meet the criteria in this Section will be allowed a limited amount of commercial area within the project without rezoning to a planned development district. It is the purpose of this Section to allow limited neighborhood serving commercial uses in residential areas

under the control of a HOA without a commercial FLU designation or rezoning to a commercial district.

b. Procedure

Residential developments which meet the criteria in this Section may create a Master Plan showing existing development and the proposed commercial area. The area shall be subject to approval as a Class A conditional use.

c. Criteria

1) Property Owners Association (POA)

The application for a NCD shall be submitted by an HOA under the control of the residents.

2) Minimum Threshold

The HOA must contain a minimum of 500 units.

3) Location

The NCD shall meet the location criteria for a commercial pod in a PUD Art. 3.E.2, Planned Unit Development.

4) Number

A maximum of one NCD shall be permitted for each HOA.

5) Size

A NCD shall not exceed three acres in area.

6) Limitation

Uses shall be limited to the regulations of the CN district.

17. Bike Racks

a. Number of Bikes

Each bike rack shall accommodate a minimum of five bikes.

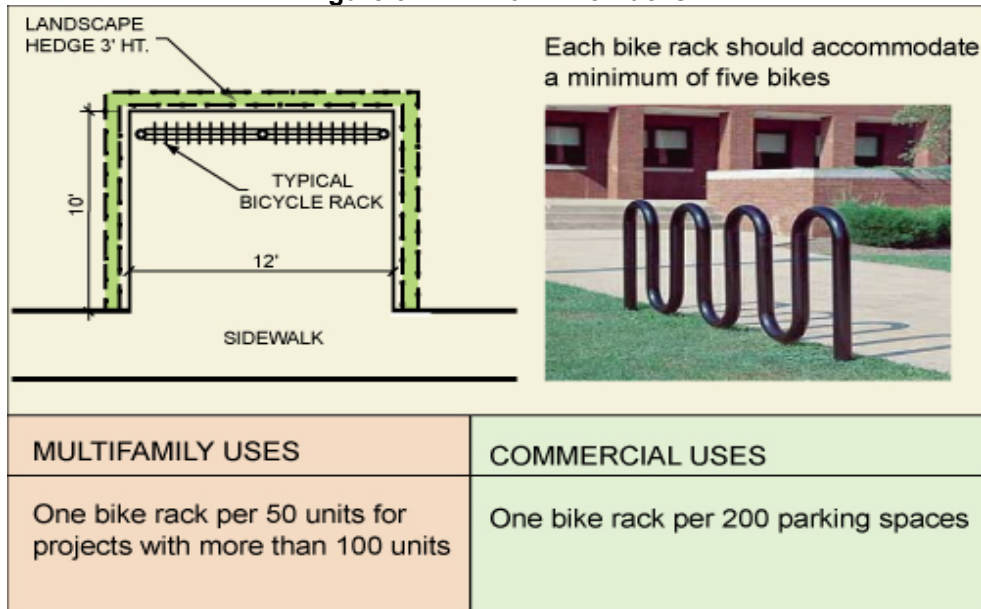
b. Multifamily Uses

Multifamily projects with more than 100 units shall provide one bike rack per 50 units.

c. Commercial Uses

All commercial projects subject to site plan approval by the DRO shall provide one bike rack per 200 parking spaces.

Figure 5.B.1.A-10 - Bike Racks



B. Temporary Structures

1. Emergency Structures

This Section is intended to allow placement or erection of temporary government service or infrastructure improvements that address immediate public needs while permanent solutions are being pursued, including temporary fire stations, hurricane shelters, or utility facilities.

a. Determination of Public Emergency

The Executive Director of PZB may authorize 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 permit shall be approved for a period of up to six months, with one three month extension, or until the emergency is determined to have ceased. The BCC may extend this timeframe under extenuating circumstances at any time.

2. Tents

A tent may be used as a temporary structure subject to approval as a special permit and the standards of this Section. Tents used for retail purposes are also subject to Art. 4.B.1.A.115, Retail Sales, Mobile or Temporary.

a. Frequency

Three times per lot per year.

b. Maximum Duration

The tent may be used for a maximum period of 90 days, provided that an additional 30-day administrative extension may be approved subject to a finding by the Zoning Division that the tent and use continue to meet all the applicable requirements of this Code and the Building Code.

c. Setbacks

All principal use setback requirements of the underlying district shall be met.

d. 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

Access shall be from an arterial street.

f. Lighting

Lighting shall be extinguished no later than 12:00 midnight.

g. Parking

Parking shall be provided in accordance with Art. 6, Parking.

3. Temporary Structures During Development Activity

Temporary structures may be allowed as follows:

a. Construction Trailer

1) Use

A construction trailer shall be limited to an office used by the businesses of professions actively involved in the construction of a building or structure authorized by a valid building permit issued for the site on which the trailers are located. Use of the office shall be limited to on site activities only. A construction trailer shall not be used as a dwelling.

2) Number

A maximum of one trailer per construction business or profession shall be allowed.

3) Duration

The construction trailer shall remain on site only for the length of time necessary to construct a building or structure which has been issued a building permit.

4) Location

The construction trailer and related parking shall be located on site so as not to interfere with access to developed areas or areas under construction.

5) Removal

A construction trailer shall be removed from the site no later than 30 days after the final CO has been issued. The trailer shall be removed if construction ceases for more than 180 consecutive days. An abandoned trailer shall be considered an

unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC.

b. Watchman Trailer

1) Use

A watchman trailer may be allowed on the site of an active construction project which has been authorized by a building permit. Use of the trailer shall be limited to on site security purposes only. A watchman trailer may be used as a dwelling.

2) Number

A maximum of one watchman trailer per construction project shall be allowed.

3) Location

A watchman trailer, and required parking, shall be located in areas under construction only.

4) Parking

A minimum of two parking spaces shall be provided.

5) Duration

A watchman trailer shall remain on site only for the length of time necessary to construct a building or structure which has been issued a building permit.

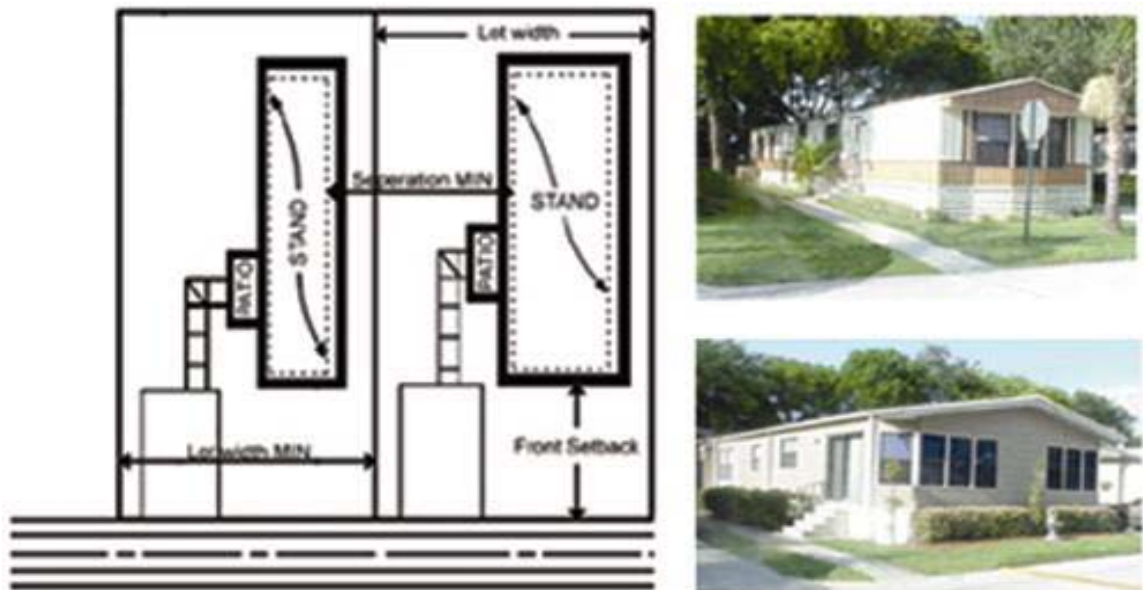
6) Removal

A watchman trailer shall be removed from the site no later than 30 days after the final CO has been issued. The trailer shall be removed if construction ceases for more than 180 consecutive days. An abandoned trailer shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC.

7) Mobile Home

A mobile home used as a watchman quarters shall be subject to the following additional requirements:

Figure 5.B.1.B-11 - Typical Mobile Home Lot Layout



a) Special Permit

A special permit shall be required. The special permit shall be renewed annually, for a maximum of two years; and

b) Removal Agreement

A notarized removal agreement shall be executed and submitted with the application for a special permit.

c. Real Estate Sales And Management Office

1) Use

A temporary structure for real estate sales and sales management offices may be allowed on the site of an active construction project which has been authorized by a building permit. Use of the structure shall be limited to on site real estate sales and related activities only. A temporary structure used for real estate sales may not be used as a dwelling, as defined in Art. 3.E.1.G, Sales Office and Models.

2) PDD

Real estate sales offices in PDDs shall be in accordance with Art. 3.E.1.G, Sales Office and Models.

3) Number

A maximum of one sales office per construction project shall be allowed.

4) Location

The sales office, and required parking, shall be shown on the master plan, site plan, or subdivision plan approved by the DRO. A sales office shall comply with the setback requirements in Table 3.D.1.A-5, Property Development Regulations, and shall be located so as not to interfere with on site construction operations and access.

5) Parking

A minimum of six parking spaces, plus one for each employee on the shift of greatest employment, shall be provided. All parking areas, with the exception of handicap spaces and access, shall be provided on a hard surface of pavement, asphalt, shell rock, or mulch, provided the sub-grade is compacted. Handicap spaces and access shall be provided in accordance with F.S. §316.1955, F.S. §316.1956, and F.S. §553.48.

6) Duration

A sales office shall remain on site only for the length of time necessary to construct a building or structure which has been issued a permit.

7) Removal

A sales office shall be removed from the site no later than 30 days after the final CO has been issued. The office shall be removed if construction ceases for more than 180 days. An abandoned office shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC.

8) Mobile Home

A mobile home used as a sales office shall be subject to the following additional requirements:

a) Special Permit

A special permit shall be required. The special permit shall be renewed annually, for a maximum of two years; and

b) Removal Agreement

A notarized removal agreement shall be executed and submitted with the application for a special permit.

d. Mobile Home While Constructing SFD

1) Temporary Dwelling During Home Construction

In the AR-Rural district, placement of a mobile home dwelling shall be permitted on a temporary basis subject to the following standards:

a) Agency Approval

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;

b) Building Permit

A valid building permit for a single-family dwelling unit on the land shall have been approved by the Building Director;

c) Special Permit

A special permit valid for two years shall be obtained. In no case shall the total time exceed the permitted maximum of two years; and

d) Removal Agreement

Execution of a notarized Mobile Home Removal Agreement, which establishes that the mobile home shall be removed within 30 days after the final CO or at the end of the maximum two year timeframe. Additionally, the building permit shall be stamped with the requirement to remove the mobile home within 30 days after the final CO is issued.

2) Additions

No additions shall be permitted to the mobile home, except awnings and demountable screen panels, stairs, decks and trellises.

3) Proof of Ownership

A current recorded warranty deed for the subject property shall be submitted.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

A. Purpose and Intent

The purpose of these guidelines is to encourage development to contribute to PBC as a unique place by enhancing the built environment. These guidelines are intended to ensure that new development and redevelopment will be compatible with the surrounding area and enhance the appearance of the local community.

B. Threshold

This Chapter shall apply to the following projects, buildings and related signs:

1. All nonresidential projects or buildings requiring approval by the BCC or ZC;
2. All nonresidential projects or buildings requiring approval by the DRO in accordance with Table 4.A.3.A-1, Use Matrix, and Table 3.D.1.A-5, Property Development Regulations, or those exceeding the thresholds in Table 4.A.3.A-2, Thresholds for Projects Requiring DRO Approval;
3. Multi-family buildings with more than 16 units;
4. Substantial renovations of existing built projects or buildings meeting the threshold of this Chapter; and
5. The following uses, regardless of building size:
 - a. Automotive paint or body shop;
 - b. Repair and maintenance, general; and
 - c. Retail sales, automotive parts and accessories.

C. Exemptions

1. Agricultural or industrial buildings not visible from a public street or residential zoning district.
2. Buildings which are exempt from local building permits or government review pursuant to State of Florida or Federal Statutes.
3. Recreational buildings and accessory structures within a PUD.

D. Effect

1. Effect on Prior BCC and ZC Approvals

These guidelines shall apply to all previously approved projects as a BCC or ZC condition of approval as part of a DOA or Status Report. Previously approved architectural conditions of approval shall remain in full effect unless amended by the BCC or ZC. Non-residential projects previously approved by the BCC or ZC shall comply with Art. 1.E.1, General.

2. Effect on Prior DRO Approvals

These guidelines shall not apply to projects or buildings which have a previously approved site plan by the DRO, unless within a PDD or for any use specifically identified within Art. 4.B, Supplementary Use Standards. Non-residential projects previously approved by the DRO or ZC shall comply with Art. 1.E.1, General.

3. Effect on Other Regulations

These guidelines shall supplement architectural requirements of an Overlay District, Neighborhood Plan, or other applicable regulations. In case of a conflict, the more strict regulation shall apply.

E. Review Process

PZB shall review all applicable buildings for compliance with this Chapter during the building permit or zoning review process, and provide a written determination of compliance with the requirements of this Chapter.

1. Methods

An applicant or PBC may request review for compliance with this Chapter in accordance with one of the following methods:

a. Method I - Projects Requiring Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the application. A written determination of compliance with this Chapter shall be made in the staff report containing the recommendation for the development order. The request for a determination shall be submitted no less than 30 days prior to the public hearing.

b. Method II - Projects Requiring ZC Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the ZC application. A written determination of compliance with this Chapter shall be made in the staff report containing the recommendation for the development order. The request for a determination shall be submitted no less than 30 days prior to the ZC public hearing.

c. Method III - Projects Requiring DRO or Site Plan Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the original DRO or site plan approval application. A written determination of compliance with this Chapter shall be made in the comment letter regarding the development order for the project. The request for a determination shall be included in the initial DRO application.

d. Method IV - Projects Requiring Building Permit Approval

Buildings requiring a building permit only shall be reviewed for compliance through the standard building permit review process. The request for a determination shall be submitted prior to or concurrent with the building permit application.

2. Unique Structure

Deviation from any requirement in this Chapter may be approved by the ZC or BCC. Deviations for projects or buildings only requiring DRO approval or a building permit may be granted by the ZC. The ZC and BCC shall consider the following standards when considering the architectural composition of a unique project or building. Failure to comply with any of the following standards shall be deemed adverse to the public interest:

a. Consistency with the Plan

The proposed architectural composition is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities.

b. Complies with Other Standards of Code

The proposed architectural composition complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics.

c. Compatibility

The proposed architectural composition 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 Environmental Impact

The proposed architectural composition minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

e. Circumstances

Whether and to what the extent it can be demonstrated that there are any circumstances that warrant a deviation.

3. Peer Review

The applicant may select an architect licensed in the State of Florida to certify to PZB that the proposed project or building is in compliance with this Chapter. PZB shall provide a Peer Review Certification Form (PRCF) for this purpose. Certification shall substitute for a staff determination of consistency with this Chapter.

4. Administrative Changes

Minor changes to BCC or ZC approved architectural elevations may be approved by the Zoning Director provided the changes do not reduce compatibility with surrounding properties. Changes shall be limited to the following:

- a. A maximum increase of 25 percent or ten feet in overall building height, from finished grade to highest point, whichever is less;
- b. Modifications to the architectural composition which are equal to or enhance the approved elevation; and,
- c. Modifications to ensure consistency with this Chapter.

F. Application Contents

Applicable PZB applications shall be supplemented with the following requirements:

1. color elevations, including all architectural features and building height;
2. screening for mechanical, air conditioning, electrical, and satellite dish equipment;
3. architectural finishes (e.g. manufacturer or material specifications for roof, color chips or paint samples, etc.);
4. types of building materials;
5. roof types, pitch, and material;
6. details of all public entries;
7. screening of loading bays, garage doors, overhead doors, outdoor storage, dumpster, garbage disposal, and recycling areas;
8. detail and orientation of all facade-mounted and site lighting fixtures;
9. structural/architectural focal point details (e.g. fountains, gazebos, porte-cochere, etc.); and
10. details of all sign types, including color elevations, architectural finishes, building material, illumination tint, letter size, letter height, logos, amplification, address, and sign are calculations.

G. Visual Impact Analysis

A visual impact analysis shall be submitted with the chosen method of review only for projects or buildings which are contiguous to a public street or to a residentially zoned property. The visual impact analysis shall be prepared and certified by a design professional and include:

1. Environmental Assessment

An assessment of the natural and man made environments surrounding the proposed building utilizing a minimum of four views taken from the subject property of all contiguous public streets and/or residentially zoned properties and one aerial photograph with the proposed building superimposed on the site.

2. Line of Sight Analysis

A line of sight analysis of the proposed building in relation to the surrounding area. This may be accomplished by submitting a two-dimensional cross section(s) of the site showing the proposed building elevations in relation to contiguous public R-O-W's and residentially zoned properties.

3. Prevalent Theme

A written description by the design professional of the prevalent architectural character of the surrounding area, or desirable architectural character, if no prevalent architectural character exists. If a prevalent architectural character does not exist, the use of architectural styles such as Spanish Eclectic, Mediterranean Revival, Florida Vernacular, or Bermuda/Island is encouraged.

4. Architectural Compliance Statement

A written description by the qualified design professional that the visual impact analysis indicates that the architectural composition of the proposed project or building creates focal points in scale with the pedestrian environment, and complements or enhances existing structures in the surrounding area.

H. Guidelines

1. Nonresidential Design Elements

The following guidelines shall apply to all nonresidential projects or buildings:

a. General

An overall unified architectural character and image shall be created by the use of common elements such as consistent forms, colors, materials, and details. Similar, but not identical, architectural treatment between pods within a multi-pod project may be permitted to allow diversity within the project.

- 1) Similar architectural composition and treatment shall be provided on all sides of each building contiguous to a public street or residential zoning district.
- 2) Out parcels and accessory buildings within a project shall be constructed of compatible materials, color, and character as the principal building.
- 3) All electrical, air conditioning, and fixed mechanical equipment, such as satellite dishes, shall be screened from view on all sides by an opaque barrier constructed of compatible materials, color, and character the building or equivalent landscaping.

b. Roofline

The roofline along each elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H-6, Primary Roof Design Element, and Table 5.A.1.H-7, Secondary Roof Treatment, below. The same features are not required on each elevation:

Table 5.C.1.H-6 - Primary Roof Design Element

| | |
|----|---|
| a. | Articulated parapet along 30 percent of the roof line for each elevation ^{1,2} |
| b. | Pitched roof with minimum 12 inch overhanging eaves |
| c. | Two or more plane breaks or slopes per facade elevation |
| d. | Any combination of the above |

Notes for Table 5.C.1.H-6, Primary Roof Design Element:

- 1 Parapet length used as part of wall signage shall not be counted as articulation.
- 2 Maximum spacing between articulation = 100 feet. Spacing may vary for recognized architectural styles such as Art Deco which cannot comply with this requirement.

Table 5.C.1.H-7 - Secondary Roof Treatment

| | |
|----|--|
| a. | Decorative roof details, such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams |
| b. | Cornices with decorative moldings |
| c. | Pediments, porticos, architectural features at entryways, or decorative towers |

c. Facade

The front, side, and rear facades, if contiguous to a public street or residential zoning district of every building, shall incorporate recesses, projections, and architectural elements such as columns, arches, etc., as provided below:

1) Required Design Elements

All applicable facades, unless exempted above, shall meet the following standards:

a) Recesses/Projections

Facades greater than 50 feet in length shall incorporate recesses and projections a minimum of 12 inches in depth along a minimum of 20 percent of the total length of the facade. The recesses or projections shall be distributed along the facade with a maximum spacing of 100 feet between each recess or projection. Facades with four or more bay doors may exclude the combined length of the bay doors from the total facade length.

b) Walls

Blank walls shall not exceed ten feet in height or 20 feet in length. Control and expansion joints shall constitute a blank wall, unless used in a decorative pattern with varied materials or textures and spaced a maximum of ten feet on center. Relief and reveal depth shall be a minimum of three quarters of an inch.

c) Storefronts

Individual ground-level retail uses with exterior public access that are part of a larger freestanding building, other than regional commercial facilities, shall have display windows along a minimum of 20 percent of the facade length. Windows shall be defined with details such as frames, sills, shutters, planters, relief trims, or lintels. Storefront design, relief features, and decorative treatments shall complement contiguous storefronts.

2) Additional Design Elements

In addition to Art. 5.C.1.H.1.c.1), Required Design Elements, the front and side facades shall include a minimum of one of the following design elements:

a) Exterior Treatment

The exterior treatment of the front elevation shall consist of a minimum of two different building materials, textures, or finishes at a ratio of a maximum of 80 percent for the primary treatment and a minimum of 20 percent for the secondary treatment. Exterior finishes such as stucco, brick, wood, coquina, or cut stone are encouraged. The surfaces of multiple exterior storefronts within a building, except regional commercial facilities, shall compliment contiguous storefronts.

b) Fenestration Details

Architectural features or details such as, windows, awnings, covered arcades, sills, shutters, reliefs, trims, columns, pilasters, quoins, reveals, cornices, horizontal banding, arches, decorative vents, and/or accent tile, shall be integrated into the facade to avoid the appearance of a blank wall and shall be provided along a minimum of 60 percent of the facade length of the front, side and rear facades if contiguous to a public street or residential zoning district.

d. Entries

All public entries shall be easily identifiable and integrated into the building architecture. Each freestanding principal structure shall have a minimum of one clearly defined primary public entrance feature. The primary entrance shall incorporate a minimum of one design element each from Table 5.C.1.H-8, Primary Entry Feature Design Element, and Table 5.C.1.H-9, Secondary Decorative Treatment, below:

Table 5.C.1.H-8 - Primary Entry Feature Design Element

| | |
|----|---|
| a. | Canopies, porte-cochere, or porticos |
| b. | Wall recess or projection a minimum of 12 inches in depth |
| c. | Covered arcades, a minimum of eight feet clear in width |
| d. | Peaked roof forms |
| e. | Arches, columns or pilasters |

Table 5.C.1.H-9 - Secondary Decorative Treatment

| | |
|----|---|
| a. | Overhangs, cornices, and eaves |
| b. | Decorative moldings or trims around windows and doors |
| c. | Covered public outdoor patio or plaza incorporated with entry area which are not part of a tenant space |
| d. | Special pavers, bricks, decorative concrete, or other similar pavement treatment |
| e. | Architectural details, such as tile work or moldings |

e. Color

Color shall be used to achieve compatibility with the surrounding area and to complement the project.

f. Pedestrian Amenities

For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:

- 1) public art;
- 2) clock tower;
- 3) water feature/fountain;
- 4) outdoor patio, courtyard or plaza; and

- 5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture.

g. Walkways

A continuous internal pedestrian walkway shall be provided from each adjacent perimeter public sidewalk to all customer entrances. The design of the walkway shall include all of the following:

- 1) one native canopy tree for each 25 linear feet with a maximum spacing of 50 feet between trees;
- 2) one bench every 200 feet between the public sidewalk and building; and
- 3) walkways traversing vehicular use areas shall be accented with special pavers, bricks, decorative concrete, stamped concrete, or similar decorative pavement treatment.

h. Design Elements Subject to ZC or BCC Approval

The following elements are prohibited, unless approved by the ZC or BCC pursuant to the review process of this Chapter:

- 1) structures which are of symbolic design for the purpose of advertising;
- 2) high intensity, metallic, neon, or fluorescent colors;
- 3) neon tubing, fiber optics or similar lighting, excluding those used for signage;
- 4) high gloss vinyl and plastic awnings;
- 5) awnings with horizontal ribbing, flowered or similarly patterned designs;
- 6) unpainted or plain/unfinished exterior facades, excluding galvalume and galvanized steel roof; and
- 7) smooth-faced, painted, concrete masonry block.

i. Rural Design Elements

The following standards shall also apply to nonresidential projects, buildings, and signs in the Rural and Exurban Tiers.

1) Roof

The roofline along each applicable elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H-10, Roof Design Element, and Table 5.C.1.H-11, Decorative Roof Treatment, below:

Table 5.C.1.H-10 - Roof Design Element

| | |
|----|---|
| 1. | Articulated parapet for each 200 linear feet with an attached hip roof (e.g. hip-on-deck), two or more plane breaks or slopes, and, minimum 12 inch overhanging eave; |
| 2. | Full pitched roof (e.g. hip, gable, mansard, gambrel, etc.) with two or more plane breaks or slopes; or |
| 3. | Combination of items 1 and 2 above. |

Table 5.C.1.H-11 - Decorative Roof Treatment

| | |
|----|--|
| 1. | Decorative roof details such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams; |
| 2. | Cornices with decorative moldings; or |
| 3. | Pediments, porticos, or architectural features at entryways, or decorative towers. |

a) Material

Roof materials shall be limited to standing seam metal, corrugated, or 5V crimp made of copper, terne-coated stainless steel, galvalume or galvanized steel, slate, dimensional or architectural wood shingles, or metal shingles.

2) Exterior Building Finishes

Exterior building and sign finishes shall be limited to:

- a) vinyl, lap cedar or hard textured concrete siding with rough or smooth horizontal planks, six inch lap siding, shingles or vertical board and batten;
- b) brick or brick veneer;
- c) stone;
- d) textured stucco; and
- e) split face, pre-formed, or textured masonry block.

3) Facades

a) Single Story Buildings

A minimum of three of the following architectural details or other similar treatment shall be integrated into all applicable single story building facades to avoid the appearance of a blank wall:

- (1) columns or pilasters;
- (2) decorative cornices;
- (3) horizontal banding;
- (4) arches;
- (5) decorative vents or louvers;
- (6) moldings and trims;
- (7) decorative shutters; and
- (8) bay windows.

b) Multi-Story Buildings

In addition to the required architectural details above, multi-story buildings shall also have breaks such as a canopy, balcony, overhang, or other horizontal projections.

4) Porches and Entryways

All buildings shall have prominent entryways with well-defined porches and railings. Porches shall be provided along the entire front facades, and 50 percent of the rear facades if contiguous to a public street or residential zoning district. The design of a porch may be interrupted by required exits, paved pedestrian entrances, loading areas, and shall include the following:

a) Width

Porches shall have a minimum clear, unobstructed width of eight feet.

b) Railings and Posts

Porches shall incorporate decorative railings with posts at a maximum of 12 feet on center along the entire length, excluding pedestrian access points.

5) Windows and Doors

All windows and doors shall have architectural details such as panels, transoms, crossbucks, shutters, decorative trims, or moldings. All glass areas shall appear to be multi-paned.

2. Multi-Family Design Elements

In addition to the guidelines for non-residential projects, multi-family projects shall adhere to the following guidelines:

a. Master Elevations

Master elevation approvals may be reused within a project, provided the master elevation complies with Art. 5.C.1.G, Visual Impact Analysis, for each location in which that elevation is used.

b. Balconies and Patios

Individual balconies and/or patios shall be provided for a minimum of 20 percent of the total number of units within each building.

I. Non-Judicial Remedies

Any applicant aggrieved by an administrative interpretation or decision regarding this Chapter who wishes to appeal the interpretation or decision shall file an appeal to the ZC within 30 calendar days from the date a written interpretation or decision is rendered. The appeal shall be heard on the next available ZC agenda.

J. Exhaustion of Non-Judicial Remedies

Any applicant, the Executive Director of PZB, the BCC member representing the district in which the project or building is to be located, aggrieved by a decision of the ZC regarding an interpretation or decision regarding this shall, within 30 calendar days from the date a decision by the ZC is rendered, file an appeal to the BCC. The appeal shall be heard on the next available agenda as an Administrative Inquiry.

K. Appeals

An appeal shall be pursuant to the judicial relief standards in Art. 2.A.1.S, Appeal.

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 1 General

The Director of Parks and Recreations shall be responsible for implementing, applying, interpreting, and modifying the standards of Art. 5.D, Parks & Recreation - Rules and Recreation Standards.

A. Purpose and Intent

The purpose and intent of this Chapter is to ensure the provision of parks, on-site recreation areas, and facilities in proportion to the demand created by development. By requiring such facilities, it is the intent of this Section to ensure the provision of functionally adequate, aesthetically pleasing and safe park and recreation areas. The specific objectives of this Chapter are as follows:

1. Establish recreational standards for the development of land within unincorporated PBC;
2. Aid in the coordination of land development in PBC in accordance with orderly physical patterns;
3. Provide public and private park and recreation areas in accordance with the objectives of the Recreation Open Space Element of the Plan; and
4. Ensure that necessary recreational improvements will be provided for residents concurrent with residential development.

B. Applicability

The standards of this Chapter shall apply to all development in unincorporated PBC, or existing development that is modified to the extent that it includes residential uses or site design changes or features that were not specifically shown on the previously approved plans. All recreation areas established by this Chapter shall be continuously maintained according to the standards of this Chapter.

Section 2 Types of Parks

A. Countywide Parks and Preservation/Conservation Areas

1. Countywide Parks

The PBC Parks and Recreation Department supplies a countywide system of public park and recreational facilities for which Level of Service (LOS) standards are established in the Recreation and Open Space Element of the Plan. For purposes of park concurrency, Regional, Beach and District Park LOS are established and Park Impact Fees assessed on new residential development to maintain the countywide park systems LOS concurrent with growth.

2. Countywide Park Impact Fees

Park impact fees shall be assessed according to the provisions of Art. 13.B, County, District, Regional and Beach Parks Impact Fee, as amended, to meet Countywide LOS needs for public regional beach, and district parks.

3. Reservations

Where a planned countywide Beach, Regional, District park, or Preservation/Conservation area is shown in the Plan, and a proposed development application is located in whole or part within the planned beach, regional, district park, or preservation/conservation area, such area shall be reserved for a period not to exceed two years during which time PBC shall either

acquire the land or release the reservation. The time period initiating the reservation shall commence with the filing of an application for development order.

B. Community and Neighborhood Park Recreation Standards

1. Required Recreational Areas

All proposed residential development shall make adequate provisions 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 parcel of land that includes recreational facilities of a type consistent with the needs of the residents. The recreation parcel shall be located so as to provide convenient and safe pedestrian access for the residents of the development. The recreation area shall be reserved by the developer for the perpetual use of 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.

2. Calculation of Required Recreation

The required recreation area shall be the equivalent of two and one-half acres of developed land per 1,000 people population, based on 2.32 people per unit. Development of recreational facilities shall be of a type suitable for general neighborhood or community park use. The dollar amount to be spent on recreational improvements per acre shall be no less than 75 percent of PBC's average cost per acre for developing community and neighborhood park type facilities as calculated by the Park and Recreation Department based on the current PBC cost per acre to develop Community or Neighborhood park facilities. The minimum dollar amount to be spent on recreation facilities shall be determined by the Parks and Recreation Department at the time of final site plan submission.

3. Approval

Prior to DRO certification, projects proceeding to the public hearing process shall indicate the character and location of the proposed recreation in the application for review and approval by the Park and Recreation Department. For projects requiring final site plan approval, the proposed location and configuration of the recreation area(s) and the recreational improvements shall be indicated on the plan for review and approval by the Parks and Recreation Department.

4. Reduction In Recreation Area Land Requirement

The Parks and Recreation Department may allow reduction of the recreation land area requirement by up to 25 percent when the combined value of the recreation facilities to be constructed and the resulting reduced land area exceeds the total value of the recreation land area and facilities requirement of Art. 5.D.2.B.2, Calculation of Required Recreation, by a minimum of 25 percent.

5. Cash-Out Option

At the option of the Parks and Recreation Department, the developer may, in lieu of or in combination with Art. 5.D.2.B.2, Calculation of Required Recreation, contribute the dollar value of the total recreational area requirement of this Chapter including land and improvements of this Chapter for the entire development at the time the first plat is submitted for recording. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, or on a PBC approved certified MSA appraisal of the average value of the land in the development at the time of first plat. All such funds collected shall be held in a non-lapsing Park and Recreation Trust Fund for the acquisition and improvement of community or neighborhood parks according to the provisions of Art. 5.D.2.B.6, Park and Recreation Trust Fund.

6. Park and Recreation Trust Fund

Monies deposited by a developer pursuant to this Chapter shall be expended within a reasonable period of time for the purpose of acquiring and/or developing land necessary to meet the need for neighborhood or community type recreational facilities created by the development in order to provide a system of parks which will be available to and sufficiently benefit the residents of the development. Monies deposited by a developer pursuant to this Chapter shall be expended to acquire and/or develop land for park purposes not farther than five miles from the perimeter of the development.

7. Other

The BCC shall establish an effective program for the acquisition of lands for the development of public parks in order to meet, within a reasonable period of time, the existing need for public parks. The annual budget and capital improvement program of PBC shall provide for appropriation of funds as may be necessary to carry out PBC's program for the acquisition and/or development of land for public parks. The funds necessary to acquire lands to meet the existing need for PBC parks must be provided from a source of revenue other than from the amount deposited in the Trust Fund.

8. Open Space Credit

Where developed recreational facilities are provided within lands required or credited for other open space purposes pursuant to this Code, (i.e., buffer areas, natural preserves, utility easements, R-O-W, drainage, or water management tracts), only credit for the cost of approved facilities may be applied towards the recreation area requirement of Art. 5.D.2.B.2, Calculation of Required Recreation, and only if the facilities are reserved for the use of the residents of the development.

9. Other Credits

Where private or equity membership clubs, golf courses, and other recreational related facilities exclusive of a property owners association are provided in conjunction with the development, credit of 50 percent of the requirement of Art. 5.D.2.B.2, Calculation of Required Recreation, for recreation areas on a plat-by-plat basis for the entire development may be applied for those facilities which are available in perpetuity for the use of the residents of the development.

C. Passive Park – See Article 4.B, Use Regulations

D. Public Park – See Article 4.B, Use Regulations

E. Infill Neighborhood Park – See Article 4.B, Use Regulations

F. Minimum Recreation Area Parcel Dimensions

Any parcel used to satisfy Park and Recreation Standards shall meet the following requirements:

1. Minimum Parcel Size

Minimum parcel size shall be 7,500 square feet exclusive of easements.

2. Minimum Parcel Width

Minimum parcel width shall average 75 feet with no dimension less than 50 feet.

3. Minimum Parcel Depth

Minimum parcel depth shall average 100 feet with no dimension less than 75 feet.

4. Waiver Of Minimum Parcel Dimensions

The Park and Recreation Department may waive the minimum recreation parcel dimensions when considering location, abutting land uses, accessibility, recreation facilities to be offered and the parcels function in the overall recreation and open space network of the development.

G. Phasing

Any development required to provide recreation shall follow one of the following phasing plans:

1. Single Phasing

When the development is to be constructed in a single phase, or where each phase will provide recreational facilities specifically for the residents of that phase, then the recreational site(s) for that phase shall be site planned, or platted, concurrent with that phase of construction. No more than 40 percent of the building permits for residential units shall be issued for the phase until the recreational improvements have been completed in their entirety.

2. Multiple Phasing

When the development is to be constructed in multiple phases or plats and one or more required recreational site(s) is/are intended to serve the residents of two or more phases of the development, then the following sequence shall be adhered to:

- a. The recreation site(s) shall be site planned concurrent with the site plan for the first phase of residential development for which the recreational site will serve.

- b. The recreation site(s) shall be platted concurrent with the plat for the residential development phase they will serve. No more than 40 percent of the building permits for residential units shall be issued for any phase until the recreational improvements have been completed in their entirety or unless otherwise agreed to by the Parks Department.

CHAPTER E PERFORMANCE STANDARDS

Section 1 Major Intersection Criteria

As specified in this Code, certain specific uses shall be located at major intersections or internal to a PDD that is located at a major intersection. For the purpose of this Chapter, to be considered a major intersection each roadway at the intersection, shall meet at least one of the following standards:

A. Four Lanes

The roadway currently exists at four lanes or more, link to link, and is shown on the Thoroughfare R-O-W Protection Map. Dedication of R-O-W or construction of additional lanes solely in front of a property shall not satisfy this standard;

B. Five Year Road Plan

The roadway appears in the Five Year Road Plan to be constructed as a major arterial of at least four lanes;

C. Traffic Volume

The average traffic volume on the roadway is greater than ten thousand trips per day as shown on the Metropolitan Planning Organization (MPO) Traffic Volume Map;

D. R-O-W

The roadway is shown on the Thoroughfare Plan as 120-foot R-O-W or greater; or

E. Upgrade Agreement

The applicant agrees to improve the roadway system to meet the standards in this Chapter as a condition of approval.

Section 2 Drainage

For all development in all districts, drainage shall be designed and constructed in accordance with the drainage and storm water management standards of Art. 11, Subdivisions, Platting and Required Improvements, except that the requirements for legal positive outfall, pursuant to Art. 11.E.1.A.3, Stormwater Management System, shall not apply to:

A. Development That Meets Both of the Following Criteria

1. The primary use is a parking lot, open storage, open sided structure with no utilities, or similar use as determined by the County Engineer.
2. The property is not located adjacent or contiguous to a drainage facility which provides access to a point of legal positive outfall.

B. Industrial Designations

Individual lots designated as Industrial on the FLUA which have a zoning designation of IL, IG, MUPD, PIPD, or SWPD are limited to industrial uses, are located 300 hundred feet or more away from connecting to legal positive outfall, and which provide either:

1. Adequate on-site lake area to store the 100 year, three day rainfall event within the limits of the lake; or
2. Store a 100 year, three day rainfall event on this site in a combination of lake and surface storage conditioned upon providing a hydrological study showing that inundation of the parking lot areas and driveways does not persist for more than 72 hours following cessation of the 100 year, three day rainfall event.

C. Security Trailers Or Caretakers' Quarters Allowed In Conjunction With An Exempted Use

Any parcel meeting the above listed exemptions from the provisions of legal positive outfall shall connect to a central sewer system and shall not utilize a septic tank system.

Section 3 Nuisances

A. General

1. Purpose and Intent

The purpose and intent of this Chapter is to regulate possible nuisances, such as excessive noise, vibration, odors, and outdoor lighting which could interfere with the peaceful enjoyment of land.

2. Applicability

This Chapter shall apply to all land in the unincorporated area of PBC, unless exempt pursuant to Art. 5.E.1.E, Upgrade Agreement.

3. Conflicts

Any conflict between this Chapter and any other provision in this Code or any other Ordinance adopted by the BCC, or provision, regulation, standard, or law adopted by Statute, the more stringent shall apply.

4. Definitions

For the purpose of this Chapter, inhabited residential shall mean regularly occupied by the complainant and occupied at the time of complaint.

5. Exemptions

The following are exempt from this Chapter:

a. Transportation

Sound generated from motor vehicles legally operating on any public R-O-W regulated by F.S. Chapter 316 (Uniform Traffic Control Law). Sound generated by interstate rail carriers operating on any railroad R-O-W. Sound generated by an airport, including all airport related operations. All other uses of land preempted by applicable State of Florida or Federal laws or regulations.

b. Sanctioned Activities

Sound generated by a government sanctioned activity conducted on public land or in a public R-O-W (e.g. parades).

c. Crowd Noise

Non-amplified sound generated by a crowd noises at sporting events.

d. Research and Technology Overlay (RTO)

Sound generated from a source located within the RTO.

e. Farm Operation

Bona fide agricultural operations conforming to generally accepted agricultural and best management practices.

f. AGR District

Noise, vibration, smoke, emissions, particulate matter, odors, and outdoor lighting by farm operations conforming to generally accepted agricultural and management practices in the AGR district.

B. Noise Limitations and Prohibitions

In addition to the maximum sound levels set forth in Table 5.E.3.C-12, Maximum Sound Levels, the following activities shall be limited or prohibited as follows:

1. Prohibitions

a. Horns

Sounding a horn or other audible signal device, except as required by law or as a warning of imminent danger. The sounding of any device for an unnecessary reason or unreasonable period of time is prohibited.

b. Parks

Operating or playing any radio, television, phonograph, musical instrument, or similar device on public land or in a public R-O-W at a distance of 100 feet from the source which generates excessive noise.

c. Amplified Sound

Operating, playing or using any loud speaker, loud speaker system, sound amplifier, radio, television, phonograph, musical instrument, or similar device which generates excessive noise at the property line of inhabited residential land. This provision shall not apply to special events but shall apply to lounges, restaurants, or nightclubs.

d. Advertising

Operating, playing, or using any device which generates excessive noise at the property line that is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public.

e. Machinery and Construction Work

The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tool, equipment of semi-mechanical device, or undertaking construction work which generates excessive noise at the property line of inhabited residential land between the hours of 10:00 PM and 7:00 AM. Construction work other than minor repairs by a homeowner and work permitted to an owner builder shall be prohibited on Sunday. This restriction shall not prohibit the use of pumps or machinery which, because of their nature and purpose, are required to be in operation 24 hours a day.

f. Lawn equipment

The operation of lawn or garden maintenance equipment or machinery which generates Excessive Noise at the property line of inhabited residential land between the hours of 10:00 PM and 7:00 AM.

C. Maximum Sound Levels

1. No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table 5.E.3.C-12, Maximum Sound Levels, for more than ten percent of any measurement period, which period shall not be less than ten minutes. Sound Level Measurement Compliance shall be determined with a Type 2 or equivalent sound level meter using the A-Weighting Scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at or within the boundary of the complaining landowner within the property lines of the receiving land.

Table 5.E.3.C-12- Maximum Sound Levels

| Receiving Land Use Type | Sound Source | Time of Day | Maximum Sound Level | |
|---------------------------|----------------------------|---------------|---------------------|-------|
| | | | USA | RSA |
| Residential | Fixed mechanical equipment | Any time | 60 dB | 60 dB |
| Residential | All other sources | 7 AM to 8 PM | 60 dB | 55 dB |
| | | 8 PM to 10 PM | 55 dB | 50 dB |
| | | 10 PM to 7 AM | 50 dB | 50 dB |
| Commercial Nonresidential | All sources | Any time | 70 dB | 70 dB |

D. Public Nuisance

1. Injunctive Relief

Any emission of noise the generation of sound from any source in excess of the limitations established in, or pursuant to, this Chapter shall be deemed and is hereby declared to be a public nuisance. Upon receipt of written complaint of violation of this Chapter, the Code Enforcement Officer may investigate and request the County Attorney to file injunctive proceedings to abate the nuisance. Such proceedings shall be cumulative and in addition to the penalties provided herein.

2. Civil Action

The generation of sound from any source not limited by this Code shall be considered a civil issue and addressed accordingly by law.

E. Vibration

1. Non-Industrial Districts

In all districts, except with an Industrial (IND) FLU designation, no use shall operate so as to produce ground vibration noticeable by a person of reasonable sensitivity at the property line.

F. Outdoor Lighting

1. Applicability

In addition to the standards in this Article, outdoor lighting shall be consistent with the PBC Security Code and Art. 14, Environmental Standards.

a. Exemption

Street lights required to meet the standards of a public utility, decorative landscape lighting, and externally lit monument signs in the Rural, Exurban and AGR Tiers, are exempt from this Chapter.

b. Conflict

In the case of a conflict between this Article and other provisions of this Code, or other applicable codes, the more strict regulation shall apply.

2. Prohibited Lights

The following types of lights are prohibited in unincorporated PBC:

- a. Any unshielded light source in a luminary with no light cutoff that is visible within the normal range of vision from any residential property;
- b. Any light that creates glare observable within the normal range of vision onto a street or creates a safety hazard;
- c. Any light that resembles an authorized traffic sign, signal, or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the Zoning Director; and
- d. Beacon or searchlights, except for temporary grand openings and special events, as required limited by State of Florida or Federal law.

3. Confinement

All outdoor lights shall confine emitted light to the property on which the light is located to the greatest extent possible. In the U/S Tier, light fixtures in unprotected areas shall not be directed upward. In the Rural, Exurban Tiers, no light fixture shall be directed upward.

CHAPTER F LEGAL DOCUMENTS

Any legal documents requiring PBC approval shall be reviewed prior to submission by a licensed attorney. This shall include documents required by Code or as a condition of any land use approval. For the purposes of the provisions, "legal documents" shall include, but not be limited to, the following types of documents: restrictive covenants, easements, agreements, access agreements, removal agreements, unity of control, and unity of title. Any document that follows exactly the language of a PBC-approved form is exempt from this requirement.

Section 1 Maintenance and Use Documents

A. Purpose and Intent

This Chapter is established to ensure that adequate ownership and maintenance measures will be provided in residential and other developments to protect and perpetually maintain all common areas or other required areas (including improvements located upon or within the common areas) required pursuant to this Code or other applicable PBC ordinances or regulations. This Chapter is also established to ensure the continued availability and utility of the common areas for the residents or occupants of the development and to prevent such facilities or the need for such facilities from becoming an unnecessary burden or nuisance to the PBC or surrounding property. Nothing in this Chapter shall be construed as creating any obligation upon the PBC to maintain such common areas or their improvements or to otherwise ensure their availability and condition.

B. Applicability

This Chapter shall apply to all developments subject to review by the DRO as delineated elsewhere in this Code. Developments for which waivers of platting are administratively obtained shall also comply with the requirements of this Chapter.

C. Exception

Generally, the maintenance and use documents requirement shall not apply to lands or improvements to be owned and maintained under a condominium or cooperative. The developer of any lands to be owned and maintained under a condominium or cooperative shall establish and regulate those in accordance with the requirements set forth by The State of Florida. If the condominium or cooperative is located within a PUD, though, additional PBC document requirements may apply.

D. General Requirements

A developer shall submit documents establishing maintenance and use of the common areas of a proposed development and other required areas at the point in the development process set forth in Art. 11.D, Platting, or as required as a condition of approval by any decision making or administrative body of PBC. All documents shall be reviewed and approved by the County Attorney's office prior to recording in the public records. The recording of the documents and all associated fees shall be the responsibility of the developer. All documents shall be recorded as approved by the County Attorney's office, and copies of the recorded documents shall be submitted to the PBC when requested.

E. Documents Establishing Maintenance and Use

The type of document required to establish use rights and responsibility for maintenance of the common areas and private preserve areas of a development depends upon the nature of the development.

1. Developments Including a Subdivision of Five or More Lots

A POA shall be required. Developer shall submit a Declaration of Covenants and Restrictions, Articles of Incorporation, and By-Laws. If there are to be party walls within the development, the Declaration of Covenants and Restrictions shall include a Declaration of Party Wall. This requirement applies to both residential and non-residential developments.

2. Subdivisions of a Maximum of Four lots

A POA may or may not be required depending upon the individual subdivision. The determination shall be made by the County Attorney's Office. If a POA is required, then the submittal requirement shall be as listed above. If a POA is not required, then the developer shall submit a Unity of Control. If there are to be party walls within the development, a Declaration of Party Wall shall be included in the submission.

3. Rental Projects

A Unity of Title shall be submitted for a development that will be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on a Lot or Parcel.

F. Content Requirement for Documents

The following shall be the minimal content requirements for documents. Provisions which do not conflict with any PBC requirements may also be included.

1. Property Owner's Association (POA) Documents

a. Declaration of Covenants and Restrictions

1) Legal Description

a) For Master Associations

All property included within the Master Plan for a development (no matter how many phases in which it shall be developed) shall be subjected to the terms of the declaration at the time the first plat of the development is recorded. Property shall not be withdrawn from the terms of the declaration unless it is also withdrawn from the Master Plan.

b) For Sub-Associations

All property included within a plat in which a sub-association is named in a dedication/reservation shall be subjected to the terms of the declaration for that sub-association at the time the plat is recorded.

2) Definition

There shall be a declaration in which, minimally, the following terms (or similar terms) are defined: association, common areas, member, properties, declarant/developer, unit/lot/parcel.

The definition of association shall include the name of the POA responsible for maintaining the common areas of the development. The association named here must be the same association that accepts the dedications/reservations on any plat of the development. The association shall be a State of Florida corporation not for profit. The definition of common areas shall include the phrase "any area dedicated to or reserved for the association on any recorded plat or replat of the Properties".

The definition of member shall reflect the requirement that all persons or entities holding title to any portion of the properties shall be voting members of the association. In the case of a master association, this may be accomplished either by direct membership by all owners or by the owners' sub-association membership with the sub-association(s) being the voting member(s) of the master association. The definition must specifically allow direct membership for any owner who is not a member of a represented sub-association.

The definition of properties shall include all the property subject to the terms of the declaration including any added by amendment to the declaration. The definition of declarant/developer shall include successors and assigns. The definition of unit/lot/parcel shall identify the division of property by which membership in the association is defined and shall be consistent with the terms used to define member in the declaration.

3) Association Structure and Responsibilities

There shall be provisions for the following:

- a) All persons or entities owning any portion of the development shall automatically become members of the association;
- b) All members of the association shall be entitled to vote on association matters;
- c) The association shall have the authority to assess all members for association expenses including, but not limited to, the cost of maintaining the common areas;
- d) All members of the association, except any governmental entity, which may own property in the development, shall be subject to assessments by the association. The developer shall either pay assessments or fund the deficit in the association's operating budget until he has turned over control of the association. After he has turned over control of the association, he shall pay assessments for any lot(s) he may still own;
- e) The association shall have the authority to place a lien on a member's property for any unpaid assessment;
- f) The developer may control the association while development is ongoing. He must, however, establish in the declaration a definite time by which he will turn over control of the association to the owners; and
- g) The declaration shall provide that the association shall be responsible for the maintenance of the common areas and private preserve areas. Maintenance responsibility may be delegated to a sub-association or to an individual lot owner (in the case of certain limited use areas), but the delegating association shall be responsible in the event the sub-association or the lot owner fails to maintain any portion of the common area or other required areas.

4) Common Areas

The common areas shall be defined to include any area dedicated to or reserved for the association on any recorded plat of the properties. The developer shall state at what point he will deed the common areas to the association.

5) Easements

The following easements shall be granted or confirmed if already established by recorded plat or grant of easement:

- a) Ingress/egress easements for members, their guests, and licensees;

- b) Utility easements for installation, maintenance, and repair by any utility company, including cable, servicing the development;
- c) Drainage easements;
- d) Maintenance easements for maintenance of the common areas. If the association will need access to an owner's property to fulfill its maintenance obligation, the easement should be granted here;
- e) Encroachment easements for accidental encroachment onto the common area;
- f) Common area easement for use by all members of the association and their guests;
- g) Developer's easement to allow developer access as needed to complete construction of development;
- h) Public service for police protection, fire protection, emergency services, postal service, and meter reading;
- i) Zero-lot line (ZLL) easement, if applicable. A three-foot easement contiguous to the ZLL boundary shall be established for the purpose of incidental encroachment, access and maintenance; or
- j) All easements, with the exception of the developer's easement, shall be perpetual.

6) Architectural Control

Any provisions included in the declaration regarding architectural control should be consistent with PBC regulations. It should be noted in the declaration that nothing in the declaration should be interpreted as an exemption from compliance with PBC regulations.

7) General Provisions

There shall be provisions for the following:

a) Duration

The declaration shall run with the land for a minimum of 20 years with provision for automatic renewal;

b) Enforcement

The association, the individual members, and the developer shall all have the ability to enforce the terms of the declaration;

c) Amendment

The method by which the declaration may be amended shall be established. If the developer is given a separate right for amending the declaration, his right shall not survive the turnover of control. No amendment that withdraws property from the terms of the declaration shall be recorded unless approved in writing by the County Attorney's office. No amendment inconsistent with the requirements of this Chapter shall be recorded unless approved in writing by the County Attorney's office. Nothing contained herein shall create an obligation on the part of the County Attorney's office to approve any amendment.

d) Dissolution

Any owner may petition the Circuit Court for the appointment of a receiver to manage the affairs of the association in the event of dissolution of the association.

b. Articles of Incorporation

- 1) All terms shall be consistent with the terms of the Declaration and By-Laws.
- 2) The POA shall be a State of Florida corporation not-for-profit with, minimally, the authority to maintain common areas or other required areas, assess members for operating costs, place liens on members' property for failure to pay assessments, and enter into agreements with governmental entities.

c. By-Laws

All terms shall be consistent with the terms of the declaration and articles of incorporation.

2. Declaration of Party Wall

A declaration of party wall shall be recorded whenever there are shared walls in a development. The declaration may be a part of a declaration of covenants and restrictions or it may be recorded as a separate instrument. It should address the following:

- a. Repair of the wall is a joint obligation and expense unless damage is caused by the negligence of one party. In that case the cost of repair is the obligation of that party alone;
- b. Repair or replacement of the wall shall be to its original construction;
- c. Each party shall have the right to file a lien for the cost of repairs;
- d. The mortgagee shall have the same rights as the mortgagor;
- e. Structural changes in the wall are prohibited;
- f. If there is a common roof, the same provisions shall apply;
- g. If access and/or parking are to be shared, there should be an easement granted to accommodate that; and
- h. This shall be a covenant running with the land.

3. Unity of Control

A unity of control shall be recorded against a subdivision of a maximum of four lots if the County Attorney's Office has exempted the subdivision from the requirements for a POA. The unity of control shall contain the following:

- a. Legal description of the property subject to the terms of the unity of control. This shall include all property included in the master plan for the development;
- b. Creation of perpetual cross-access, parking, drainage, and utility easements for the benefit of all owners of the development;
- c. Maintenance responsibilities for all common areas of the development and method by which maintenance costs shall be shared; and
- d. Establishment of these provisions as covenants running with the land.

4. Unity of Title

The owner of a rental project shall record against his property a unity of title. The unity of title, which shall be a covenant running with the land, shall provide that the property shall be considered one plot and parcel and that no portion of the property may be conveyed to another owner. The County Attorney's office, after consulting with the Zoning and Land Development Divisions, may agree to release the unity of title provided that covenants establishing maintenance and use are recorded in its place. The cost of recording the unity of title and/or a release shall be the responsibility of the owner.

Section 2 Easements

A. Easement Encroachment

1. Minor Encroachments

Minor encroachments of buildings and structures may be allowed within an easement in accordance with this Chapter.

2. Prohibition

No portion of any building or structure designed for human occupancy, screen enclosure, pool, or spa shall be permitted within any easement.

3. Incompatible Uses

No construction shall be permitted within any easement where such construction is incompatible with the use for which the easement was established. If the terms of the easement, statute, law, ordinance, rule, regulation, or approval pursuant to which the easement was established prohibits or excludes the use, such use shall be considered incompatible. The burden shall be on the applicant to demonstrate that the proposed construction is or will not become incompatible with the purpose for which the easement was established, or impair the rights of the easement holders and beneficiaries. The determination of whether a use is incompatible with the purpose for which an easement was established shall be made by the appropriate regulating agency(s) in accordance with this Chapter.

4. Application Process

Buildings and structures, which are not prohibited pursuant to Art. 5.F.2.A.2, Prohibition, shall be subject to the following:

- a. If an application for a building permit includes construction in an easement, the application shall include consent from all easement holders and beneficiaries. The consent shall be specific to the proposed construction and in a form acceptable to PZB; and
- b. Prior to the issuance of the building permit, the applicant shall record an executed removal and indemnification declaration. The removal and indemnification declaration shall inure to the benefit of the easement holders and beneficiaries.

5. Additional Requirements for Drainage Easements

- a. All construction in a drainage easement shall be subject to approval by the Department of Engineering and Public Works (DEPW).
- b. If a building permit is required, the applicant shall obtain approval from the DEPW prior to submitting the building permit application to PZB.
- c. The applicant shall submit a request to encroach a drainage easement in or on a form established by the DEPW and include a copy of the recorded deed to the parcel on which the easement is located; the document creating the easement; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction in relation to the location of existing drainage improvements in the easement; and such other documentation as the DEPW reasonably deems appropriate.
- d. The DEPW may deny, approve, or approve with conditions the construction.
- e. 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 PBC when PBC is the easement holder or beneficiary of a drainage easement. The DEPW may require that consent be in or on a form established by the DEPW.
- f. 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 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 aforesaid person(s) shall indemnify and hold PBC, 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 to PZB with the application for a building permit.

6. All Other Approvals Required

- a. All other government permits, approvals, or consents necessary for the construction shall be obtained prior to commencement of the construction.
- b. Compliance with this Chapter shall not be construed to relieve the applicant from obtaining any required approvals, if applicable, for encroaching into the affected easement.
- c. Nothing herein shall be construed as affecting any right to construct except to the limited and strict extent of any approval granted hereunder. An approval granted in accordance with this Chapter is for the limited purpose of complying with this Chapter only.

7. Accountability

The applicant is responsible for providing and representing true, accurate and correct information. Except as specifically set forth herein, no PBC official, employee, or agent shall have the duty of 1) searching the Official Records of the Clerk of the Circuit Court, or 2) conducting any other investigation to determine whether a permit application or request for PBC approval is inconsistent with the use for which an easement was established; whether

an easement exists shall inure to the benefit of the easement holders and beneficiaries and provide that all direct and indirect costs related to removal of the construction shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforesaid person(s) shall indemnify and hold PBC, 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 the construction approved hereunder. The removal declaration shall contain such other terms and covenants as PZB or the County Attorney reasonably deem appropriate.

8. Modifications

- a. If, upon inspection, the construction is found to be materially different than that which was approved by PBC, then the approval shall be of no force and effect and the construction shall be removed immediately, unless the modification is approved by the department having jurisdiction pursuant to this Chapter.

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Voluntary Density Bonus (VDB)

A. Purpose and Intent

1. The VDB accommodates provisions for the development of housing affordable to very low and low-income households in fulfillment of Policy 1.5-b of the Housing Element of the Plan. For the purposes of this Chapter, Affordable Housing is defined as Group A: households with incomes of 50 percent or less of the median adjusted gross income for households within PBC; and Group B: households with incomes greater than 50 percent but less than or equal to 80 percent of the median adjusted gross income for households within PBC. The development of affordable housing is accomplished by providing for an increase in permitted density (a density bonus) in exchange for the construction of affordable housing on site or off-site; or a payment in-lieu-of construction of Group A units into the Housing Trust Fund; or a combination of construction and an in-lieu payment.
2. The VDB addresses an equitable geographic distribution of affordable housing in accordance with Policy 1.5-b of the Housing Element of the Plan.
3. The VDB addresses the preservation of affordability of units, designated under the program, for Group A and Group B households in accordance with Policy 1.1-o of the Housing Element of the Plan.
4. The VDB provides for the implementation of Land Use Element Policy 1.2-e.

B. Authority

Authority to adopt this Chapter is pursuant to Article VIII, Sec. 1, Fla Const., the PBC Charter, and F.S. §125.01, et seq. and F.S. §163.3161, et seq.

C. Applicability

In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Section shall prevail.

1. Location

This may be applied to any residential development proposed within the U/S Tier of unincorporated PBC.

2. Discretionary Program

The VDB Program is a discretionary program in which additional density may be granted if the granting of such additional density will further PBCs objective of providing housing opportunities for Group A and Group B households. Nothing stated herein is intended to, and specifically is intended not to, create any property right(s) for the owner of any property.

3. Concurrent Processing

The VDB shall be considered and applied concurrently with an associated development order application. Such a development order shall be either a rezoning to a PDD, an amendment to a planned development, or a conditional use, all of which require duly noticed public hearings before the BCC. Such hearings are necessary due to the accommodation of a land use intensity greater than that shown on the FLU map.

D. General

A development may exceed its permitted density, up to 100 percent, without prior approval of a Site Specific FLUA. In exchange, the development must provide for affordable housing units by complying with the provisions of this Art. 5.G, Density Bonus Programs.

1. Manner of Providing Units

The affordable housing shall be provided through construction of units on site, or on another site approved concurrent with the project approval, or through payment of an in-lieu-of construction fee, for Group A units only, into the Housing Trust Fund, or a combination of the above.

2. Minimum Number of Units to be Provided

The minimum number of affordable housing units to be accommodated shall be as follows:

- a. For rental projects, 40 percent of the "bonus" units shall be designated for Group B and Group A households. Of those units, 50 percent shall be for Group A households except as provided in Art. 5.G.1.D.2.b below.
- b. In circumstances where land value and development cost make the full accommodation of on-site Group A units infeasible, the number of such units may be reduced to a minimum of six percent of the bonus units provided the following requirements are met.
 - 1) For each unit of Group A housing which is reduced, 1.2 units of Group B housing shall be provided.
 - 2) The VDB petition shall state that this option is being requested. The application shall contain appropriate data upon which the LUAB/LPA and the BCC may base their determination that the pre-requisite circumstance, as stated in Art. 5.G.1.D.2.b above, is applicable.
- c. For ownership projects, 40 percent of the bonus units shall be designated for Group B households. There shall be no obligation to provide housing for Group A households.
- d. The required unit count shall be established by rounding down to the nearest whole number, with a minimum of one unit.
- e. In applying the VDB, only the number of units required pursuant to this Art. 5.G.1.D.2, Minimum Number of Units to be Provided, shall be subject to qualifications, assurances, and restrictions as set forth below.

3. Assurances of Affordability

The developer shall provide guarantees which, for a minimum period of 20 years for rental units and ten years for ownership units, maintain the affordability for units that are required to be for Group A and or Group B households. During this period of time, no unit shall be rented except to a qualified household. The guarantee must be recorded in the public record. The proposed method and provisions regarding such assurance must be reviewed by the LUAB/LPA who shall make a recommendation to the BCC as to acceptability. The BCC shall make a final determination of acceptability at the time of consideration of the attendant development order application.

Sufficient information must be provided, as part of the VDB petition, to allow the LUAB/LPA and to make a reasonable assessment of the proposal. Items which may be considered include, but are not limited to:

- a. For projects where there are other participating agencies which have affordability restrictions e.g. State of Florida, Federal, a subordinated mortgage is generally acceptable;
- b. A subordinated mortgage to private institutions may be allowed when it is determined that there are significant provisions to mitigate the potential of default;
- c. The placement in escrow of 50 percent of the corresponding in-lieu payment with an arrangement where the balance decreases over time, e.g. 1/10 (sale) 1/20 (rental) per year;
- d. A stipulated resale agreement where certain increases in value are remitted to the Housing Trust Fund;
- e. Restrictions on rental rate escalation;
- f. Restrictions on conversion to nonresidential use; and,
- g. Other arrangements which are previously reviewed and approved by the County Attorney.

4. Income Qualifications

For units required to be Group A and/or Group B, a developer shall record in the public record a guarantee that the household, upon entry to the unit, shall meet the definition of a Group A or Group B household. The definition of very low (Group A) or low income (Group B) households is as provided in Ord. 93-8, as amended. The manner of guarantee must be reviewed by the LUAB who shall make a recommendation to the BCC as to acceptability. The BCC shall make a final determination of acceptability at the time of consideration of the attendant development order. The form of the guarantee shall be approved by the County Attorney prior to certification of the final site plan.

5. Limitations on Restrictions

No affordable housing units, which are required pursuant to this program, or units above the density of eight units per acre shall be subject to restrictions beyond the income qualifications set forth herein. This provision may be waived by the BCC upon consideration of the following:

- a. The need for the restriction in terms of providing housing for a specific target group, e.g. disabled populations, and the assurances that the target group will, indeed, have access to the new housing;
- b. Whether the restriction is in line with the objective of providing housing opportunities for Group A and Group B households; and,
- c. The impact, upon the immediate geographic area.

6. Dispersal-Internal

Units for Group A and Group B households shall be distributed throughout a development so that there is not a concentration of the VDB units.

- a. Affordable housing units must be distributed throughout the development.
- b. Developments that offer varied bedroom and floor area options shall include similar variation in the required affordable housing units.
- c. When specific percentages of Group A and Group B households are stated in an application, the manner in which the percentages are to be maintained shall be described.
- d. When the VDB is used in conjunction with other programs (e.g. HTF, SHIP, Tax Credits) which require a minimum amount of affordable housing that is in excess of the minimum required for the VDB, the VDB petition shall address all such units. If such minimums are imposed subsequent to approval of the VDB, it will be necessary to formally apply for a modification to the VDB development order.
- e. In addition to the above, when the percentage of units targeted for affordable housing is at, or exceeds, 50 percent of the total development, a management plan shall be a part of the application. Items to be addressed in a management plan include, but are not limited to: types and quantity of recreation facilities, tenant and/or ownership education services, accessibility to social service information and/or programs; on-site management, on-site day care facilities, on-site security, and, special crime prevention and crime reduction design considerations, and, assurances that the management plan shall be implemented and maintained.
- f. The manner in which the requirements of this Art. 5.G.1.D.6, Dispersal-Internal, shall be maintained must also be provided in the VDB petition. Such manner must be reviewed by the LUAB who shall make a recommendation as to acceptability. The BCC shall make a final determination of acceptability at the time of consideration of the attendant development order. The form of the assurance shall be approved by the County Attorney prior to certification of the final site plan.

7. Dispersal – External

Units for Group A and Group B households shall be distributed equitably throughout PBC so that there is no undue concentration associated with the implementation of the VDB. The baseline for an acceptable concentration of Group A and Group B housing shall be 40 percent of the occupied households in the sector. Study sectors which have a concentration of 40 percent or less shall be considered as, generally, acceptable for receiving additional Group A and Group B households. Study sectors which have a concentration of greater than 40 percent should generally be considered as having an undue concentration of Group A and

Group B households. In either case, the 40 percent baseline is a guideline to be considered along with other information in making the assessment of equitable dispersal and undue concentrations. The assessment of equitable distribution shall involve the following:

- a. Analysis of housing and demographic data within a “study sector” which shall be delineated relative to the size and character of the proposed development and shall include such features as schools, shopping areas, street system, civic uses, and employment opportunities. For data purposes, the sector shall be adjusted to accommodate census tracts or census block groups;
- b. Household income characteristics for the study sector shall be derived from census data, as amended by the Census Bureau. The income level of a “family of four” shall be used for the determination of households within the Group A and Group B household categories;
- c. The ranking of the sector, as identified in the PBC Affordable Housing Study, with respect to Tables indicating the Distribution of Households by Income Groups, shall be considered along with other information in making the assessment of equitable dispersal and undue concentrations; and
- d. The above information, along with other relevant information from the PBC Affordable Housing Study, and developer supplied information, shall be considered by staff and the LUAB/LPA in making recommendations regarding equitable geographic distribution of affordable housing for compliance with Housing Element Policy 1.5-b of the Plan.

8. Allowable Density

The density of the development shall not exceed a 100 percent increase above the permitted density. However, in no event shall the density exceed a maximum of 16 dwelling units per acre. "Permitted density" shall be determined by either: (a) the unit count allowed by density designation on the FLUA and as applied through provisions of Art. 3.C, Standard Districts, or, (b) the allowable density of a previously approved development order, for the same property, pursuant to Art. 3.D, Property Development Regulations (PDRs), and Art. 3.F, Traditional Development Districts (TDDs).

9. Provisions of Basic Services

For developments which have a density greater than eight units per acre or which seek a density bonus equal to, or greater than, 70 percent, there must be a demonstration of proximity to public transportation and employment opportunities so that residents will be able to access employment or other destinations appropriate for the type of housing without exclusive reliance on the automobile.

10. Payment In-Lieu of Construction

A developer may elect to make a payment into the Housing Trust Fund in-lieu-of construction of Group A housing units.

a. Basis of the Payment

The payment shall be on a per unit basis of an amount equal to 1.2 times the unit's production cost. For the purpose of this Art. 5.G, Density Bonus Programs, unit production cost shall be the base construction cost of the unit based upon gross floor area and construction cost per the latest edition of SBCCI, Building Valuation Data. The provisions of Art. 5.G.1.D.6, Dispersal-Internal (varied floor plans), shall be considered in the calculation.

b. Establishing Amount of Payment

The proposed amount of the in-lieu-of payment shall be included in the VDB petition. Establishment of the amount shall be a part of the development order. It shall be subject to reconsideration when consideration is given to an extension of time under this Code Art. 2.E, Monitoring.

c. Payment

Payment shall be due prior to the issuance of the first building permit.

11. Combination of Construction of Units and the Payment In-Lieu-Of Construction

The developer may elect to construct a portion of the required Group A units in conjunction with a payment in-lieu-of construction to account for the remaining Group A units.

12. Use of In-Lieu of Payments

All in-lieu fees collected under this VDB shall be deposited in the Housing Trust Fund established by Ord. No. 93-8, as amended, and used for purposes contained therein.

13. Displacement

Any tenant displaced as a result of development of the VDB project, shall be the subject of a relocation program which will, at a minimum, describe efforts to relocate or make aware of comparable housing opportunities including the availability of housing at the subject site.

E. Standards for Approval

An application submitted under this Art. 5.G.1, Voluntary Density Bonus (VDB), shall be reviewed for compliance with the following standards. Recommendations as to compliance shall be made by staff and the LUAB, as appropriate, with the final determinations being made by the BCC. Each of these standards must be met in order for a VDB award to be made:

1. The development must be located within the U/S Tier;
2. The resulting development shall be deemed compatible with surrounding land uses. The determination of compatibility shall include:
 - a. A standard assessment of FLU designations, zoning designations, and actual use of the surrounding lands;
 - b. The impact of the proposed development upon surrounding land uses, both current and future; and,
 - c. The impact of the external environment upon the suitability and success of the proposed VDB development.
3. The development shall meet all concurrency requirements at the level of impact calculated at the bonus density;
4. The resulting affordable housing units will not result in an inappropriate concentration, pursuant to Art. 5.G.1.D.6, Dispersal-Internal, of such housing within the proposed development;
5. The resulting affordable housing units will not result in an inappropriate concentration, pursuant to Art. 5.G.1.D.7, Dispersal-External, of such housing within a given geographic area;
6. Adequate assurances as required in Art. 5.G.1.D.3, Assurances of Affordability, Art. 5.G.1.D.4, Income Qualifications, and Art. 5.G.1.D.5, Limitations on Restrictions;
7. Adequate provisions for displaced tenants pursuant to Art. 5.G.1.D.13, Displacement; and
8. The resulting development shall be consistent with the goals, objectives, and policies of the Plan and the provisions of this Art. 5.G.1, Voluntary Density Bonus (VDB).

F. Review and Approval Process

1. Presubmittal Conference

Prior to submittal of a petition requesting a density bonus, the applicant must attend a presubmittal conference with the Planning Director to establish the geographic area (sector) within which the dispersal analysis is to be made. A failure to establish the area in this manner may result in the rejection of the development application.

2. Submission of Petition

A petition for the VDB shall be submitted to the Planning Division concurrent with submission of a general application for a Class A conditional use, a rezoning to a PDD or TDD, or an amendment to a previously approved PDD or TDD to the Zoning Division. The general application shall be in accordance with the procedures of Art. 2.B, Public Hearing Procedures, or Art. 2.D, Administrative Processes, as applicable. The VDB application form and required submittal materials shall be established by the Planning Director. A site plan which shows the location of roadways, parking areas, buffer areas, recreation and amenity areas, and building areas along with typical building footprints shall be a part of the petition.

The petition must identify any Flexible Property Development Regulations which are being sought pursuant to this Code in Art. 5.G.3, Property Development Regulations for Density Bonus Program Development, or Optional Residential Standards pursuant to Art. 3.E.2.E.1.b Optional Residential (OR) Pod.

3. Determination of Sufficiency

The Planning Director shall determine the sufficiency of the petition within ten days from its receipt. If it is determined that it is not sufficient, written notice shall be sent to the applicant specifying the deficiencies within ten days of the determination. The Planning Director and Zoning Director shall take no further action unless the deficiencies are remedied. If the deficiencies are not remedied within 20 days, the petition shall be considered withdrawn. If the petition is determined sufficient, the Planning Director will process it pursuant to the procedures and standards of this Art. 5.G.1.E, Standards for Approval.

4. Review of CAH Staff

The petition shall be reviewed by the staff of the CAH after a determination of sufficiency but prior to consideration by the LUAB.

5. Review of LUAB

The petition shall be reviewed by the LUAB after a determination of sufficiency but prior to consideration by the ZC of the associated development order. The Director of Planning shall present a report to the LUAB which describes how the proposed development complies with General Provisions as set forth in Art. 5.G.1.D, General, and with respect to compliance with each of the Standards set forth in Art. 5.G.1.E, Standards of Approval.

The LUAB shall make a determination of compliance with each of the General Provisions. The LUAB shall recommend approval, approval with conditions or denial of the requested increase in density based on the Standards. The LUAB may recommend conditions in order to assure compliance with said General Provisions or the Standards.

The LUAB's recommendation shall be forwarded to the BCC who shall have the final authority with regard to compliance with Art. 5.G, Density Bonus Program.

6. Review by the Zoning Commission (ZC)

Consideration of the VDB petition and its standards pursuant to this Art. 5.G.1, Voluntary Density Bonus (VDB), shall be separate from the ZC's action on the development application. However, when applicable, the ZC shall take concurrent action with regard to the increased density, compatibility with the increased density on surrounding land uses, and the Property Development Regulations, as allowed by this Code Art. 5.G.3, Property Development Regulations for Density Bonus Program Development, or the Optional Residential Standards of Art. 3.E.2.E, Pods.

7. Action by the BCC

All VDB petitions shall be approved, approved with conditions or denied by the BCC. The BCC shall act on the increased density allowable, through the VDB, by a motion separate from the associated development order. The BCC may rely upon the findings made by the LUAB\LPA in rendering its action. However, the actions of the LUAB shall be deemed advisory for the purpose of taking final action on a VDB petition. The BCC shall then act on the associated development order and may approve it at the requested density or at a lesser density.

G. Effect

Approval of a VDB, by the BCC, shall grant the right to increase density consistent with the terms approved in the development order. The density bonus shall run with the development order.

1. Amendments to VDB

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 Chapter.

2. Map Designation of a Density Bonus Development

A development which receives an approved density bonus shall be designated by a symbol on the FLUA and the Official Zoning Map until the development is built-out. At that time, the FLUA shall be changed, by action of PBC, to reflect the total density of the development.

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 all the terms of the agreement made by the original owner. Density gained through the VDB shall not be eligible for use in the TDR Program.

4. Subject to Art. 2.E, Monitoring

The increase in density allowed by an approved VDB is subject to provisions of Art. 2.E, Monitoring. During such review the VDB shall be re-evaluated pursuant to the standards of Art. 5.G.1.E, Standards for Approval, and the provision of Art. 5.G.1.D, General.

5. Review

This Art. 5.G.1, Voluntary Density Bonus (VDB), shall be reviewed on an annual basis commencing in January 1997 in order to ascertain its effectiveness and determine if changes are warranted. The review shall occur by a written report, prepared by the Planning Division, to the BCC. The report shall address, at a minimum, the number of applications received, the role of the LUAB/LPA in the review process, the number of units approved, the number of units constructed, and the identification of any problems or concerns associated with the implementation and administration of this Art. 5.G, Density Bonus Programs.

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

A. Purpose and Intent

The purpose of this Chapter is to provide for a TDR Program, including the establishment of a TDR Bank, to facilitate both the protection of environmentally sensitive lands, the preservation of agriculture on lands designated as AGR on the FLUA, and to promote orderly growth in PBC. This is accomplished by allowing development rights to be severed from environmentally sensitive lands and lands designated as AGR and transferred to sites where additional development can be accommodated. The TDR program is designed to redistribute population densities, or development potential, to encourage the most appropriate and efficient use of resources, services and facilities.

Further, it is the purpose and intent of this Chapter to provide an alternative to the development of environmentally sensitive lands and lands designated as AGR on the FLUA by establishing a mechanism to seek economic relief from the limitation of development imposed on these lands. TDR 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.

The TDR Program allows a property owner to achieve a density bonus by purchasing the increase in density from the PBC 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 Chapter. After development rights have been transferred from the sending area to the receiving area, an appropriate conservation easement or an agricultural conservation easement shall be attached to the sending area and recorded in the public records of PBC, restricting future development potential.

The TDR Program is the required method for increasing density above the maximum density permitted by a property's FLUA designation within unincorporated, unless an applicant can both justify and demonstrate a need for a Site Specific Plan Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in Art. 2.C, FLU Amendments, or the applicant is using the VDB as outlined in Art. 5.G, Density Bonus Programs.

B. Authority

The BCC has the authority to adopt this pursuant to Article VIII, Sec. 1, Fla. Const., the PBC Charter, F.S. §125.01, et seq. and F.S. §163.3161, et seq.

C. Applicability

This Chapter shall apply to property in unincorporated PBC which is located within designated sending areas, as defined in Art. 5.G.2.F, Sending Areas. Development rights may be transferred from sending areas pursuant to the procedures contained in this Chapter, to property which meets the qualifications to receive such density according to Art. 5.G, Density Bonus Programs, and the standards contained herein.

The use of TDR shall be allowed in all residential zoning districts within the U/S Tier and shall be approved pursuant to this Chapter. TDR units may be utilized for all housing types. Additionally,

TDR units may be converted to CLF beds subject to the provisions of Art. 4.B.1.A.34, Congregate Living Facility, whereby the total approved density, including TDR units, is utilized when calculating permissible CLF occupants per Table 4.B.1.A-3, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities.

D. Previous Approvals

All previously approved transfers of development rights, as long as they remain in force, shall remain valid and shall not be affected nor changed by subsequent revisions to the TDR Program.

E. Administration

1. General

Except as otherwise specified, the TDR Program shall be administered by the Executive Director of PZB.

2. Responsibilities

The Executive Director of PZB shall be responsible for:

- a. Establishing, administering and promoting PBCs TDR Program;
- b. Establishing and administering the TDR Bank;
- c. Ensuring the orderly and expeditious processing of TDR applications under this Chapter;
- d. Ensuring the contracts for sale and purchase of development rights are executed and all deeds and conservation easements are filed in the public records of PBC;
- e. Ensuring that the Property Appraisers Office is notified of all TDRs;
- f. Ensuring that the densities approved through the TDR Program are placed on the FLUA as notations following approval of the TDR receiving area;
- g. Ensuring that the FLUA is amended by a staff initiated Site Specific Plan amendment to reflect an appropriate FLU designation for the sending areas following recordation of the deed of transfer;
- h. Ensuring that the FLUA is amended by a staff initiated Site Specific Plan amendment to reflect an appropriate land use designation for land acquired by PBC whose units are placed in the TDR bank; and
- i. Coordination with municipalities in the administration of the TDR provisions.

F. Sending Areas

1. General

Sending areas represent those areas of PBC that are designated by the 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 Chapter.

2. Eligible Sending Areas

- a. Lands designated RR-20 on the FLUA;
- b. Lands designated as priority acquisition sites by the Environmentally Sensitive Lands Acquisition Selection Committee (ESLASC) or the Conservation Land Acquisition Selection Committee (CLASC) that meet the criteria listed below:
 - 1) Rarity in PBC of native ecosystems present on the environmentally sensitive lands site;
 - 2) Diversity of the native ecosystems present on the environmentally sensitive lands site; or
 - 3) Presence of species listed as endangered, threatened, rare or of special concern by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals, or the Florida Department of Agriculture.
- c. Lands designated AGR on the FLUA;
- d. Privately owned lands designated CON on the FLUA; and
- e. Other sites determined by the BCC to be worthy of protection, provided that the sites:
 - 1) Further the purpose of the TDR Program in keeping with the criteria listed above; or
 - 2) Further other PBC Goals, Objectives, and Policies. 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 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 priority acquisition site and designated RR-20 or AGR on the FLUA, all provisions in this Chapter pertaining to the priority acquisition 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 Chapter. Development rights may be transferred from sending areas according to the following schedule. For the purposes of this Subsection, acres means gross acreage.

- a. Development rights may be transferred from property designated RR-20 on the FLUA at the rate of one development right per five acres. The minimum land area eligible for the TDR as a sending area shall be ten acres.
- b. Development rights may be transferred from property designated AGR on the FLUA at the rate of one development right per one acre. The minimum land area eligible for the transfer of development rights as a sending area shall be 20 acres unless the sending area parcel is located adjacent to other preserved properties, in which case the minimum land area shall be five acres.
- c. Development rights may be transferred from priority acquisitions sites (both residential and non-residential) located outside of the U/S Tier at a transfer rate of one development right per five acres. The minimum land area eligible for the TDR as a sending area shall be five acres.
- d. Development rights may be transferred from privately owned lands designated CON on the FLUA at a rate of one development right per ten acres. The minimum land area eligible for the transfer of development rights as a sending area shall be ten acres.
- e. Development rights may be transferred from all environmentally sensitive sites described in Art. 5.G.2.F.2, Eligible Sending Areas, at a rate which equals the maximum density permitted by the future land use designation for the property. The minimum land area eligible for the transfer of development rights as a sending area shall be determined by the BCC, upon a recommendation from PZB and ERM.

5. Computation of Development Rights

The number of development rights assigned to a sending area parcel of land shall be determined by the Executive Director of PZB pursuant to Art. 5.G.2.F.2, Eligible Sending Areas, and Art. 5.G.2.I, TDR: Sending Area Procedure, 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.

6. Restriction on Future Use

Upon BCC or DRO approval of the TDR transfer, a conservation easement or agricultural conservation easement shall be recorded in the public records of PBC. The BCC or DRO shall determine which easement is appropriate for the sending area as part of the approval of the TDR transfer. Prior to recordation of the easement, a legally enforceable maintenance plan providing for perpetual maintenance of the sending area shall be established by the property owner and approved by ERM. No further development permit or development order for the designated receiving area shall be issued by PBC until the applicable easement is recorded in the public records of PBC. The easement shall restrict the use of the sending area in perpetuity. In particular, a conservation easement shall require that the sending area be maintained in its natural state while an agricultural conservation easement shall restrict the use of the sending area to bona fide agriculture, fallow land, or uses permitted in the Conservation Water Resources Area (WRA) future land use category; all other development rights of the subject property shall be considered transferred in perpetuity.

7. Existing Uses

Conforming residential dwelling units which existed prior to making application to transfer development rights shall be permitted to remain as legal conforming uses. All other existing uses on the sending area shall cease.

8. 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 accordance with this Code and in a manner which is compatible with the surrounding area. This provision shall not apply to sending areas designated AGR on the FLUA; these parcels are required to transfer all development rights off the site.

If the owner of land in a sending area only transfers a portion of the development rights available for the property, PBC, upon a recommendation from PZB and ERM, reserves the right to determine which portion of the land is subject to the applicable conservation easement. The intent is to link environmentally sensitive land, to link agricultural land, and to link open space areas, when feasible, and allow compatible development to occur on the remainder of such sites

G. Transfer of Development Rights (TDRs) Bank

1. General

The purpose of this Chapter is to authorize the establishment of a TDR 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 PBC.

2. Establishment of Development Rights for the Bank

Development rights for the TDR Bank shall be generated from environmentally sensitive lands purchased by PBC, including the priority acquisition sites meeting the criteria in Art. 5.G.2.F.2., Eligible Sending Areas, through August 30, 1999. Priority acquisition sites in the unincorporated area of PBC which are not purchased as part of the acquisition program shall maintain the opportunity to transfer development rights on the private market. The TDR Bank shall be maintained by the Executive Director of PZB and shall be reviewed in accordance with the FLUE of the Plan to determine the need for additional units.

Development rights in the TDR Bank generated under the TDR Program shall remain in the TDR Bank until sold by PBC, the TDR Bank is dissolved, or the units are otherwise disposed of.

3. Transfer Rate From the Purchase of Environmentally Sensitive Lands

a. Land Purchased Inside the U/S Tier

The number of development rights within the bank shall equal the maximum density allowed by the FLU designation as established by the applicable PBC or municipal Comprehensive Plan.

b. Land Purchased Outside the US Tier

The number of development rights severed, or generated for the bank, shall equal the TDR transfer rate established in Art. 5.G.2.F, Sending Areas.

4. The Application, Sale, and Value of Development Rights

PBC may sell development rights to property owners who meet the receiving area criteria pursuant to this Chapter.

a. A property owner seeking an increase in density must apply to become a receiving area and submit a draft Contract for Sale and Purchase of Development Rights as part of the application described in Art. 5.G.2.J, TDR: Receiving Area Procedure.

b. The value and price of a development right shall be set by the BCC. The BCC may utilize the following to set the price:

1) The current market value; or

2) A recommendation from the LUAB and the Planning Division. The BCC may discount the price of development right as provided in the Plan; or

3) TDR applications not subject to approval by the BCC requesting TDR units from PBC's TDR Bank shall utilize the price set by the BCC.

5. Annual Report

The Executive Director of PZB shall present an annual report to the BCC 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 from the TDR Bank shall be allocated to the Natural Areas Fund administered by ERM for acquisition and management of environmentally sensitive lands and wetlands.

H. Receiving Areas

Development rights shall only be transferred to those parcels which meet the qualifications for designation as receiving areas.

1. Eligible Receiving Areas

- a. PDDs and TDDs. The total density of the project, including the TDR units, shall be utilized for calculating the minimum PDD or TDD acreage threshold; and
- b. Residential Subdivisions which are not within a PDD or TDD.

2. Qualify as a Receiving Area

- a. Be located within the U/S Tier;
- b. Be compatible with surrounding land uses and consistent with the Plan;
- c. Meet all concurrency requirements;
- d. Meet all requirements as outlined in this Code; and
- e. Be compatible with adjacent Environmentally Sensitive Lands.

3. Compatibility with Adjacent Environmentally Sensitive Lands

A receiving area shall not degrade adjacent environmentally sensitive lands. Receiving areas, therefore, shall reduce the intensity/density of that portion of the development which is contiguous to any regionally significant natural resource as defined by the Treasure Coast Regional Planning Council, environmentally sensitive land as defined by the ESLASC or CLASC, or sites designated as preserve areas according to Art. 14.C, Vegetation Preservation & Protection, so that the development is compatible with, and does not negatively impact the environmentally sensitive area, by providing a buffer zone of native vegetation according to the following table.

Table 5.G.2.H-13 - Required Buffer Zone

| Density of Adjacent Pod/ Development Area | Required Buffer Zone of Native Vegetation |
|--|---|
| Net density less than or equal to three units per acre | 50 foot buffer |
| Net density greater than three and less than or equal to five units per acre | 100 foot buffer |
| Net density greater than five units per acre | 200 foot buffer |

4. TDR Buffer

Notwithstanding the requirements of Art. 7, Landscaping, a landscaping buffer shall be provided around the TDR receiving area or pod as follows:

Table 5.G.2.H-14 - Required Buffer Width Around Receiving Area

| Range of Units Transferred to Receiving Area | Buffer Width |
|--|--------------|
| 0-2 du/ac | 25' |
| 2.01-3 du/ac | 30' |
| 3.01-4 du/ac | 40' |

a. Location

The required buffer shall be located along the perimeter of the receiving area or pod.

b. Exception

A receiving area consisting of 12 acres or less shall not be subject to the TDR buffer requirements.

5. Residential Density Bonus

The maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with Art. 5.G.2.H, Receiving Areas, and Art. 5.G.2.J, TDR Receiving Area Procedure. The following density increases may apply to properties which meet the receiving area criteria:

a. Approved receiving areas may receive a bonus density as follows:

- 1) Receiving areas in the U/S Tier west of the Florida Turnpike: up to two du/acre additional; and
- 2) Receiving areas in the U/S Tier east of the Florida Turnpike, but not in a Countywide Community Revitalization Team (CCRT) revitalization and redevelopment area: up to three du/acre additional; and
- 3) Receiving areas in the Revitalization and Redevelopment Overlay: up to four du/acre additional.

b. Receiving areas meeting one or both of the following criteria shall be eligible for an additional one du/acre density bonus above the density bonus described in Art. 5.G.2.H.5, Residential Density Bonus.

- 1) Receiving areas within ¼ mile radius of a public park, community commercial facility or mass transit facility within the U/S Tier; and
- 2) Receiving areas within ¼ mile radius of a regional commercial facility or a major industrial facility within the U/S Tier.

In order to be eligible for the additional one du/acre density bonus, at least 25 percent of the receiving area must be located within the required radius. The density bonus shall apply to the entire receiving area.

6. Prohibitions

Under no circumstances shall a receiving area contain a sending area as defined in Art. 5.G.2.F.2, Eligible Sending Areas.

I. TDR: Sending Area Procedure

1. Sending Parcel Application

The property owner of lands which are designated sending areas as defined under Art. 5.G.2.F.2, Eligible Sending Areas, must make application to PZB 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; and,
- c. Contract, or option, for the purchase and sale of development rights (unless requesting a TDR Certificate, as outlined in Art. 5.G.2.I.6, Development Rights Certificates).

The application shall be submitted to the Executive Director of PZB. Applications for a sending area designation may be accepted for review and processing at any time.

2. Review Process

a. Environmentally Sensitive Lands and Lands Designated RR-20 or CON on the FLUA

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall notify ERM of the application and request that a site check be conducted.

ERM shall complete a site check to ensure that the site has not been altered and the site meets the criteria provided in Art. 5.G.2.F.2, Eligible Sending Areas, ERM shall complete a written recommendation to the Executive Director of PZB regarding the site.

b. Land Designated AGR on the FLUA

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall complete a site check to ensure that the site is suitable for bona fide agricultural or other open space purposes consistent with the AGR provisions in the Plan.

Sending area applications which are not submitted in conjunction with a receiving area application shall be reviewed and acted upon within 25 days.

3. Written Determination

The property owner shall receive a written determination from the Executive Director of PZB indicating how many development rights can be transferred from the property. The number of development rights for the site shall be documented and be kept on file in the PZB Department.

The written document shall be valid for a period of 12 months. If any modifications or alterations are made to the property during the 12 month period, the property owner shall not be permitted to participate in the TDR Program.

4. Easement Agreement/Restriction

Prior to site plan certification, the applicable conservation easement, in a form and content acceptable to the County Attorney shall be recorded in the public records of PBC. The easement shall restrict future use of the land consistent with the requirements in Art. 5.G.2.F.6, Restriction on Future Use. Prior to recordation of the easement, a legally enforceable Maintenance Plan providing for perpetual maintenance of the sending area shall be established by the property owner and approved by ERM.

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

Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA must be deeded to, and accepted by PBC, subject to the discretion of the BCC, before the Certificate can be issued. Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA deeded to, and accepted by PBC, shall be managed by PBC or its designee. AGR lands shall be managed by the property owner in perpetuity as provided in the Maintenance Plan.

a. Eligibility

Development Rights Certificates shall only be issued to property owners of ESL or RR-20 land that deed without compensation environmentally sensitive land to PBC or property owners of AGR land that record an agricultural conservation easement, and follow the procedures in this Chapter. The development rights certificate shall require that restrictions be placed on the sending area prior to the sale of those development rights. A minimum transfer 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 PBC, or recordation of the agricultural conservation easement and approval by ERM of a legally enforceable maintenance plan providing for perpetual maintenance of the sending area, 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 TDR receiving area in accordance with provisions of this Chapter.

c. Unused Certificates

A property owner of AGR land, with an agricultural conservation easement recorded, may reassociate development rights to the original sending parcel provided that no development rights have been sold. A written request to reassociate the development rights shall be submitted to the Executive Director of PZB along with proof of ownership and a legal description of the property. Prior to approval of a request to the reassociate

development rights, the applicant must petition and receive BCC approval to release the easement recorded against the sending area parcel.

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.

J. TDR: Receiving Area Procedure

1. General

Receiving areas shall be approved concurrent with issuance of a Development Order for a PDD, TDD or a residential subdivision. The following procedures shall be followed in order to become a receiving area to 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 Art. 2.A, General, to review the proposed development, and the requirements and procedures of the TDR Program.

3. Review Process

The review process for TDR applications is based upon the density and type of residential development proposed.

- a. The transfer of two units per acre or less to a residential subdivision is reviewed by the DRO and shall be subject to the provisions of Art. 2.D.1.C, Review Procedures, except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD shall not utilize this Chapter option;
- b. The transfer of more than two units per acre to a residential subdivision is reviewed as a Class A conditional use and shall be subject to the provisions of Art. 2.B, Public Hearing Procedures, except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD are allowed to utilize the option contained in this paragraph, provided the parcel meets the PDDs PDRs contained in Art. 3.E, Planned Development Districts (PDDs), or contained in Art. 3.F, Traditional Development Districts (TDDs);
- c. The transfer of any density to a planned development is reviewed as a requested use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs), except as provided below. A general application by a property owner for receiving area status and a density bonus shall be accepted for review and processing pursuant to Art. 2, Development Review Process.

4. Contents of Application

In conjunction with the general application for a residential subdivision, a rezoning to a PDD or TDD, or an amendment to a previously approved PDD, TDD or residential subdivision submitted to the Zoning Division pursuant to Art. 2, Development Review Process, or Art. 2.D.1, Development Review Officer, as applicable, an applicant for receiving area status and a density bonus must submit a supplemental TDR Application.

The application shall be submitted in a form established by the Executive Director of PZB and made available to the public. A site plan which shows the location of roadways, parking areas, buffer areas, recreation and open space areas, and building areas shall be a part of the application. Additionally, the applicant shall include typical building footprints and elevations as a part of the application.

5. Standards

In addition to fulfilling the requirements of Art. 5.G.2.H, Receiving Areas, to qualify as a receiving area and be eligible for an increase in density, all applications requesting receiving area designation shall comply with these standards:

- a. The transfer of development rights is by deed, and the deed shall be recorded before final site plan approval;
- b. The transfer is to a parcel of land which 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 TDR density;

- d. If the transfer is between two private parties, at the time the transfer is approved, the sending area from which the transfer 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 or receiving area;
- e. If the transfer of rights is from the PBC 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; and
- g. The proposed development and density do not negatively impact adjacent environmentally sensitive lands.

6. Contract for Sale and Purchase of Development Rights

A contract for sale and purchase of development rights, an escrow agreement and a deed of TDR shall be required as part of the approval of a TDR transfer. The contract shall be recorded prior to certification of the site plan for a TDR receiving area. Prior to issuance of the first building permit, the funds from the escrow agreement shall be released to PBC or evidence of payment to a private party shall be provided, the deed shall be recorded and a copy of the recorded deed shall be provided to PZB. Building permits for sales models and/or temporary real estate sales and management offices permitted pursuant to this Code shall be exempted from this requirement regarding the release of escrow funds.

K. Notification to Property Appraisers Office

Upon recordation of the deed of transfer, the Executive Director of PZB shall notify, within 20 days, the Property Appraiser’s Office in writing that development rights have been transferred from the sending area or TDR Bank to the receiving area in perpetuity.

L. County Initiated Land Use Amendment

Following recording of the deed, the Planning Division, upon direction from the BCC, shall initiate a Site Specific Plan Amendment to designate the property with a CON designation or place a notation which reflects the use of the property as an Agricultural Reserve Preservation Area (AGR/P). Densities obtained through the TDR Program shall be placed on the FLUA as notations following approval of the TDR receiving area.

M. Overall Accounting System for TDR Density

PZB shall maintain an overall accounting system for monitoring density availability and density transfers in the TDR Program. The accounting system shall include both private development rights and development rights in PBC’s TDR Bank.

Density needed for the TDR Program may be derived from different sources including, but not limited to:

1. Density Reduction

Approved Site Specific Plan Amendments since 1990 which resulted in a density reduction; and,

2. PUD Unused Density

At such a time that the TDR Program, any subsequent density bonus programs, or amendments to the Plan requesting an increase in density, deplete the number of units available from previous amendments, PZB shall begin to monitor the PUD units which have been approved through the zoning process, but which have remained unused. The later units may at that time be considered as a source for density for the TDR Program

Section 3 Property Development Regulations (PDRs) for Density Bonus Program Development

A. Purpose and Intent

The purpose and intent of this Chapter is to provide flexibility from traditional PDRs in order to provide greater opportunity for cost effective development for housing approved in conjunction with a density bonus program. The regulations represent the minimum regulations acceptable without compromising minimum health and safety standards.

B. Applicability

The provisions of this Chapter may be applied to all residential development which receives a density bonus for workforce housing, as defined in the Plan.

C. Threshold

100 percent of the units subject to the density bonus, or a minimum of 50 percent of the total number of units in the project, whichever is greater, shall be set aside for workforce housing in accordance with the applicable density bonus program in the Plan.

1. Lot Dimensions

The lot dimensions in all residential districts for all housing types may be reduced by 20 percent.

2. Building Intensity

The maximum building coverage and floor area ratio for all residential districts for all housing types may be increased by 20 percent.

3. Setbacks

The minimum building setbacks/separations for all residential districts for all housing types may be reduced by 20 percent, except for the front setback in the RS and RM districts, which may be reduced by 40 percent.

ARTICLE 6

PARKING

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ARTICLE 6

PARKING

CHAPTER A PARKING

Section 1 General

A. Purpose and Intent

The purpose of this Article is to ensure the provision of off-street parking, loading, queuing, on-site circulation, driveways, and access are in proportion to the demand created by each use. By requiring such facilities, it is the intent of this Article to ensure the provision of functionally adequate, aesthetically pleasing and safe off-street parking, loading, queuing, on-site circulation, driveways and access.

B. Applicability

The standards of this Article shall apply to all development in unincorporated PBC, or existing development that is modified to the extent that it includes uses or site design features that were not specifically shown on previously approved plans. All off-street parking areas established by this Article shall be continuously maintained in accordance with this Article.

1. New Buildings and Uses

Off-street parking and loading shall be provided for any new building constructed and for any new use established.

2. Additions, Enlargements and Changes of Occupancy

Off-street parking and loading shall be provided for any addition to or enlargement of an existing building or use, or any change of occupancy or manner of operation that would result in additional parking and loading spaces being required. The additional parking and loading spaces shall be required only in proportionate amount to the extent of the addition, enlargement, or change, not for the entire building or use.

3. Off-Street Parking and Loading Requirements

Off-street parking and loading spaces shall be provided in accordance with Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements.

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Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements

| Use Type: Residential | Parking¹ | Loading² |
|---|---|----------------------------|
| Single-family, Zero lot line home, Townhouse, or Mobile home dwelling | 2 spaces per unit | N/A |
| Multi-family | 1 space per efficiency unit; 2 spaces per unit (one bedroom or more); plus 1 guest parking space per 4 units with common parking areas. | N/A |
| Accessory dwelling | 1 space per unit | N/A |
| Congregate living facility, Type 1, Type 2, Type 3 | 1 space per unit or 2 beds whichever is greater; plus 1 space per 200 sq. ft. of office space | D |
| Farm residence | 2 spaces per unit | N/A |
| Farm worker quarters | 1 space per 4 units or | N/A |
| Garage sale | N/A | N/A |
| Guest cottage | 1 space per cottage | N/A |
| Home occupation | N/A | N/A |
| Nursing or convalescent facility | 1 space per three beds; plus 1 space per 200 sq. ft. of office space | D |
| Security or caretaker quarters | 1 space per unit | N/A |
| Loading Key: | | |
| Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA. | | |
| Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA. | | |
| Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA. | | |
| Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds. | | |
| Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading. | | |

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Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements – Con't.

| Use Type: Commercial | Parking¹ | Loading² |
|---|--|----------------------------|
| Adult entertainment | 1 space per 200 sq. ft. | N/A |
| Auction, enclosed | 1 space per 200 sq. ft. | C |
| Auction, outdoor | 1 space per 250 sq. ft. of enclosed or indoor space | N/A |
| Auto paint or body shop | 1 space per 200 sq. ft. | E |
| Auto service station | 1 space per 250 sq. ft., excluding bays; plus 2 spaces per repair bay | E |
| Bed and breakfast | 1 additional space for each guest room | N/A |
| Broadcast studio | 1 space per 1,000 sq. ft. | N/A |
| Building supplies | 1 space per 200 sq. ft. | B |
| Butcher shop, wholesale | 1 space per 1,000 sq. ft. | A |
| Car wash Automatic Self Service | 1 space per 200 sq. ft. | N/A |
| Catering service | 1 space per 200 sq. ft. | E |
| Contractor storage yard | 1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area | A |
| Convenience store, w/ or w/o gas | 1 space per 200 sq. ft. | C |
| Day labor employment service | 1 space per 250 sq. ft. | C |
| Dispatching office | 1 space per 250 sq. ft. | N/A |
| Dog day-care | 3 - 12' x 20' transient spaces for 50 dogs; 1 space per 500 sq. ft. of cage and retail area | E |
| Financial institution | 1 space per 200 sq. ft. | E |
| Flea market, enclosed | 2 spaces per 200 sq. ft. | C |
| Flea market, open | 1 space per 250 sq. ft. of affected land area | N/A |
| Funeral home | 1 space per 4 seats | C |
| Green market | N/A | N/A |
| Hotel, motel, SRO, rooming and boarding | 1.25 spaces per room; (convention areas, restaurants, etc. over 2,000 sq. ft. to be calculated separately) | C |
| Kiosk | N/A | N/A |
| Loading Key: | | |
| Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA. | | |
| Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA. | | |
| Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA. | | |
| Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds. | | |
| Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading. | | |

(This space intentionally left blank)

Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements – Con't.

| Use Type: Commercial | Parking ¹ | Loading ² |
|---|---|----------------------|
| Landscape service | 1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area | A |
| Laundry services | 1 space per 200 sq. ft. | N/A |
| Lounge, cocktail | 1 space per 3 seats | C |
| Medical or dental office | 1 space per 200 sq. ft. | C |
| Monument sales, retail | 1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area | E |
| Office, business or professional | 1 space per 200 sq. ft. | C |
| Pawn Shop | 1 space per 200 sq. ft. | C |
| Personal services | 1 space per 200 sq. ft. | N/A |
| Printing and copying services | 1 space per 250 sq. ft. | B |
| Repair and maintenance, general | 1 space per 250 sq. ft. | B |
| Repair services, limited | 1 space per 250 sq. ft. | N/A |
| Restaurant, fast food | 1 space per 3 seats including outdoor seating area | C |
| Restaurant, high turnover sit-down | | C |
| Restaurant, quality | | C |
| Restaurant, specialty | | C |
| Retail sales, auto parts | 1 space per 200 sq. ft. | C |
| Retail sales, general | 1 space per 200 sq. ft. | C |
| Retail sales, mobile or temporary | Enclosed: 1 space per 200 sq. ft. Open: 50 spaces total or 10 spaces per acre, whichever is greater | N/A |
| Self-service storage | 1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately | N/A |
| Shopping centers | 5 spaces per 1,000 sq. ft. GFA (centers up to 500,000 sq. ft.); 5 spaces per 1,000 sq. ft. of GLA (centers over 500,000 sq. ft.) | B |
| Theater, drive-in | 1 space per 250 sq. ft. | N/A |
| Theater, indoor | 1 space per 3 seats | B |
| Theater, indoor, in-line | 1 space per 3 seats; plus 1 space per employee | B |
| Theater, indoor, stand alone | 1 space per 4 seats; plus 1 space per employee | B |
| Loading Key: | | |
| Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA. | | |
| Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA. | | |
| Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA. | | |
| Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds. | | |
| Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading. | | |

Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements – Con't.

| Use Type: Public/Civic | Parking¹ | Loading² |
|---|---|----------------------------|
| Airport, Landing strip or helipad | 1 space per tie-down and hangar space, minimum of 5 spaces | C |
| Assembly, nonprofit institutional membership | 1 space per 3 seats or 1/200 whichever is greater | A |
| Cemetery | 1 space per 200 sq. ft. of office space; plus 1 space per 500 sq. ft. of maintenance area; plus a minimum of 5 public spaces | N/A |
| Church or place of worship | 1 space per 3 seats (schools, auditoriums, day care centers, and other principal uses calculated separately) | N/A |
| College or university | 1 space per 2 students; plus 1 space per 4 seats in gymnasiums and auditoriums; plus 1 space per 200 sq. ft. of administrative and educational office space | C |
| Day camp | <100 licensed capacity: 1 space per 5 persons; plus 1 drop off stall per 20 persons >100 licensed capacity: 1 space per 10 persons; plus 1 drop off stall per 20 persons | E |
| Day care, general | <100 licensed capacity: 1 space per 5 persons; plus 1 drop off stall per 20 persons >100 licensed capacity: 1 space per 10 persons; plus 1 drop off stall per 20 persons | E |
| Day care, limited | 1 space per 250 sq. ft.; plus drop off stall | E |
| Government services ³ | 1 space per 500 sq. ft.; or 1 space per 3 seats, whichever is greater | N/A |
| Hospital or medical center | 1 space per 2 beds; plus 1 space per 200 sq. ft. of outpatient treatment area | D |
| School, private and charter | 1 space per employee, 1 visitor space for every 50 students, 1 space for every 5.5 students in 11th and 12th grade; Auditorium or stadium- 1/3 seats | C |
| School, public | In accordance with the State Department of Education requirements for educational facilities | C |
| Towing service and storage | 1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area | A |
| Vehicle sales and rental | 1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area; plus 2 spaces per service bay | A |
| Veterinary clinic | 1 space per 200 sq. ft., excluding animal exercise areas | N/A |
| Vocational school | 1 space per classroom; plus 1 space per 4 students; plus 1 space per 200 sq. ft. of administration, and assembly areas | N/A |
| Loading Key: | | |
| Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA. | | |
| Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA. | | |
| Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA. | | |
| Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds. | | |
| Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading. | | |

Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements – Con't.

| Use Type: Recreational | Parking ¹ | Loading ² |
|---|---|----------------------|
| Arena, auditorium or stadium | 1 space per 3 seats | B |
| Bowling alley | 3 spaces per lane | N/A |
| Campground | 1 space per campsite | N/A |
| Entertainment, indoor (except bowling alley) | 1 space per 200 sq. ft. or 1/3 seats, whichever is greater | N/A |
| Entertainment, outdoor | 1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater | N/A |
| Fitness center | 1 space per 200 sq. ft. | N/A |
| Golf course | 4 spaces per hole; plus 1 space per 250 sq. ft. of clubhouse | N/A |
| Gun club, enclosed and open, or Gun range, private | 1 space per target area | N/A |
| Marine facility | 1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips | A |
| Park, passive | 2 spaces for the first acre; plus 1 space for each additional 2 acres; additional parking shall be provided for each additional facility or land use constructed in the park as herein provided | N/A |
| Special event | 1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater | N/A |
| Swimming pool | 1 space per 50 sq. ft. of pool area; and 1 bicycle parking rack shall be provided | N/A |
| Tennis Courts | 1.5 spaces per court; and 1 bicycle parking rack shall be provided | N/A |
| Zoo | 1 space per 2,000 sq. ft. of land area | N/A |
| Loading Key: | | |
| Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA. | | |
| Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA. | | |
| Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA. | | |
| Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds. | | |
| Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading. | | |

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Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements – Con't.

| Use Type: Agriculture | Parking ¹ | Loading ² |
|---|---|----------------------|
| Agriculture, bona fide | 1 space per 1,000 sq. ft. | B |
| Agriculture, light manufacturing | 1 space per 1,000 sq. ft. | B |
| Agriculture, research/development | 1 space per 1,000 sq. ft. | B |
| Agriculture, sales and service | 1 space per 250 sq. ft. | A |
| Agriculture, storage | 1 space per 1,000 sq. ft. | A |
| Agriculture use, accessory | 5 spaces or 1 space per employee, whichever is greater | N/A |
| Agriculture, transshipment | 1 space per 2,000 sq. ft. | A |
| Aviculture | 1 space per 200 sq. ft. | E |
| Community vegetable garden | 4 spaces per garden | N/A |
| Equestrian arena, commercial | 1 space per 3 seats | N/A |
| Grooms Quarters | 1 space per unit | N/A |
| Farrier | 1 space per 1,000 sq. ft. | N/A |
| Kennel, commercial or private | 1 space per 500 sq. ft. of cage and retail area | N/A |
| Nursery, retail | 1 space per 500 sq. ft. of indoor or covered retail and office areas plus 1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres. | B |
| Nursery, wholesale | 1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres. ^{4,5} | B |
| Packing plant | 1 space per 2,000 sq. ft. | A |
| Potting soil manufacturing | 2 spaces per acre; minimum of 5 spaces | A |
| Produce stand, permanent | 1 space per 200 sq. ft. including outdoor sales display area | N/A |
| Produce stand, temporary | 2 spaces per 200 sq. ft. including outdoor sales display area | N/A |
| Shadehouse | N/A | N/A |
| Stable, commercial or private | 1 space per 500 sq. ft.; plus 1 space per 4 animal stalls | N/A |
| Sugar mill or refinery | 1 space per 2,000 sq. ft.; plus 1 space per 200 sq. ft. of office space | N/A |
| Loading Key: | | |
| Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA. | | |
| Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA. | | |
| Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA. | | |
| Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds. | | |
| Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading. | | |

Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements – Con't.

| Use Type: Utilities and Excavation | Parking ¹ | Loading ² |
|---|--|----------------------|
| Air curtain incinerator | 2 spaces per acre; minimum of 5 spaces | N/A |
| Air stripper, remedial | N/A | N/A |
| Chipping and mulching | 2 spaces per acre; minimum of 5 spaces | N/A |
| Cell site on wheels (COW) mobile | Exempt from parking regulations unless otherwise required by Zoning Director | N/A |
| Communication panels, or antennas, commercial | Exempt from parking regulations unless otherwise required by Zoning Director | N/A |
| Communication tower, commercial | Exempt from parking regulations unless otherwise required by Zoning Director | N/A |
| Composting facility | 2 spaces per acre; minimum of 5 spaces | N/A |
| Electric power facility | 1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft. | N/A |
| Excavation, agriculture | N/A | N/A |
| Excavation | N/A | N/A |
| Incinerator | 1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft. | N/A |
| Recycling center | 1 space per 200 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft. | N/A |
| Recycling collection station | 2 spaces per station | N/A |
| Recycling drop off bin | 1 space per bin | N/A |
| Recycling plant | 1 space per 200 sq. ft. of office space; plus 1 space per employee | N/A |
| Sanitary landfill | 1 space per 200 sq. ft. of office space; plus 1 space per employee | N/A |
| Solid waste transfer station | 1 space per 1,000 sq. ft. | N/A |
| Utility, minor | 1 space per minor utility | N/A |
| Water or wastewater treatment plant | 1 space per 200 sq. ft. of office space; plus 1 space per employee | N/A |
| Loading Key: | | |
| Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA. | | |
| Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA. | | |
| Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA. | | |
| Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds. | | |
| Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading. | | |

Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements – Con't.

| Use Type: Industrial | Parking¹ | Loading² |
|---|--|----------------------------|
| Asphalt or concrete plant | 1 space per 1,000 sq. ft. | N/A |
| Data information processing | 1 space per 100 sq. ft. | A |
| Gas and fuel, wholesale | 1 space per 250 sq. ft. | N/A |
| Heavy industry | 2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft. | A |
| Laboratory, industrial research | 2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft. | A |
| Machine or welding shop | 1 space per 200 sq. ft. | C |
| Manufacturing and processing | 2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft. | A |
| Medical or dental laboratory | 1 space per 200 sq. ft. | C |
| Motion picture production studio | 2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft. | A |
| Salvage or junk yard | 1 space per 200 sq. ft. of office space; plus 1 space per employee | A |
| Transportation facility | 1 space per 200 sq. ft. of office space | N/A |
| Truck stop | 1 truck space per 80 sq. ft. | N/A |
| Warehouse | 1 space per 1,000 sq. ft.; plus 1 space per 200 sq. ft. of office space | A |
| Wholesaling, general | 1 space per 1,000 sq. ft. | A |
| Loading Key: | | |
| Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA. | | |
| Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA. | | |
| Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA. | | |
| Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds. | | |
| Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading. | | |

Notes for Table 6.A.1.B-1

- 1 In addition to the parking requirements of Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements, uses with company vehicles shall provide one space per company vehicle.
- 2 Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.A.1.C.1.h, Government Services.
- 3 Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking, except for the required handicapped parking space(s).
- 4 Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking.
- 5 Assembly, nonprofit, institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee.

C. Definitions

1. Terms

In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to this Article:

Boat Trailer – any non-powered car coupled to, and drawn by, a motorcar in front of it for the carrying of boats.

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

Grass Parking - off-street turf parking spaces on an improved subbase.

Handicap Space - a parking space designed, marked and reserved for exclusive use by persons registered as handicapped.

Loading Space - the space within which vehicles are temporarily parked during loading and unloading operations.

Parking Lot - an off-street, area constructed at grade that is used for the temporary parking of automobiles, motorcycles and trucks. Parking lots include access aisles, ramps, maneuvering and all related vehicle use areas.

Parking Lot, Shared or Common - an off-street parking lot that serves more than one lot building use or dwelling.

Parking, Off-Street - the minimum number of parking spaces on the same lot or parcel of the facility that it serves.

Parking, Shared – the development and use of parking areas for joint use by separate businesses in one or more properties. Typically, sharing of parking space during off-peak hours and confirmed by a traffic analysis allows for a shared parking agreement.

Parking Space - a paved enclosed or unenclosed grass area, meeting the dimensional and access requirements of this Article, and approved to temporarily park or store one motor vehicle.

Parking Tract - a parking lot delineated on a plat or otherwise created by an instrument of record for the purpose of providing common off-street parking and legal access for owners of adjacent lots.

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

Recreational Vehicle - a truck, bus, trailer, pickup camper, pop-up camper, fifth wheel or other vehicle with or without motor power which has been converted or equipped with living or sleeping quarters and is designed and constructed to travel on public thoroughfares without a special permit in accordance with the provisions of the Vehicle Code of the State of Florida.

Sports Vehicle – any wheeled or tracked motorized vehicle designed or adapted to travel on public thoroughfares, public waterways, on unpaved thoroughfares, etc. without a special permit in accordance with the provisions of the Vehicle Code of the State of Florida.

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

D. Off-Street Parking

1. Computing Parking Standards

a. Multiple Uses

On lots containing more than one use, the total number of required off-street parking spaces shall be equal to the sum of the required parking for each use as if provided separately, unless a shared parking is approved pursuant to Art. 6.A.1.D.10, Shared Parking.

b. Fractions

When calculation of the number of required off-street parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number.

c. Floor Area

Off-street parking requirements that are based on square footage shall be computed using gross floor area (GFA), unless another measurement is specifically called for in this Section.

- d. Occupants**

When the calculation of required parking spaces is based on the number of occupants, the calculation shall be based on the maximum number of persons legally residing on the premises at any one time.
 - e. Bench Seating**

When the calculation of required parking spaces is based on the number of seats, each 22 linear inches of bench, pew, or similar bench seating facility shall be considered one seat.
 - f. Gross Lot Area**

When the calculation of required parking spaces is based on gross lot area (GLA), the amount of lot area dedicated to off-street parking shall not be included in the calculation.
 - g. Unlisted Land Uses**

In the event that off-street parking requirements for a particular use are not listed in this Section, the requirements for the most similar use shall be applied. In making the determination, any evidence of actual parking demand for similar uses shall be considered as well as other reliable traffic engineering and planning information that is available.
 - h. Government Services**

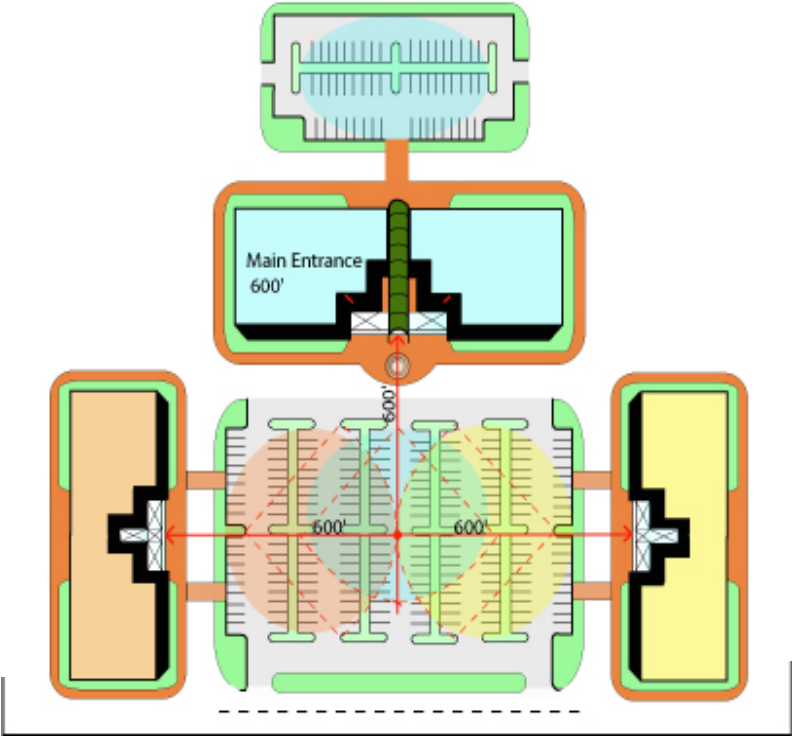
Government services may request alternative calculations based on evidence of actual parking demand for similar uses or reliable traffic engineering and planning information.
 - i. Landscaping**

The landscape requirements for off-street parking and interior vehicular use areas shall be calculated in accordance with Art. 7, Landscaping.
- 2. Location of Required Parking**
- All required off-street parking, shall be provided on the same lot as the principal use, except fee simple developments with common parking lots and as provided in Art. 6.A.1.D.10, Shared Parking, and Art. 6.A.1.D.12, Grass Parking. The location of required off-street parking spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas. Loading areas shall not obstruct pedestrian pathways.
- a. Distance from Building or Use**

Unless otherwise provided in this Section, all required off-street parking spaces shall not be located more than 600 linear feet from the nearest building or use it is intended to serve. This standard shall not apply to parking spaces provided for auditoriums, stadiums, assembly halls, gymnasiums, and other places of assembly, nor shall it apply to hospitals, large-scale retail, wholesale, and consumer services uses over 500,000 square feet or industrial, wholesaling or manufacturing establishments.

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Figure 6.A.1.D-2- Distance from Building or Use



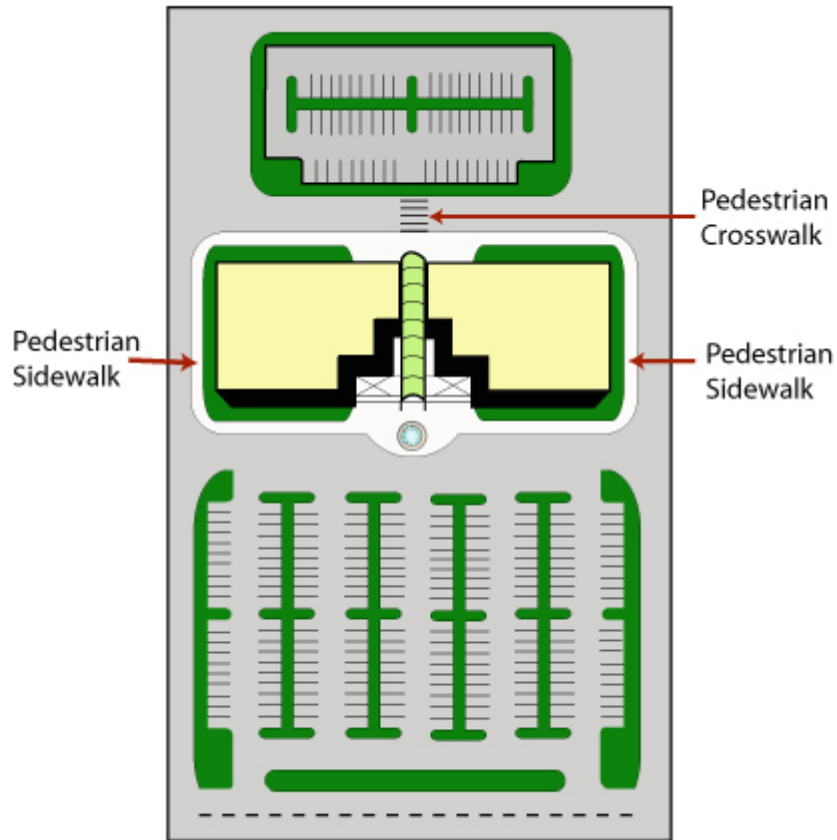
- b. Buffers and R-O-W**
Parking vehicles in a landscape buffer or the existing/ultimate R-O-W of an abutting street is prohibited.

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c. Rear Parking

A minimum of ten percent of the required parking spaces shall be located at the rear or side of each building it is intended to serve. A public pedestrian walk shall connect the parking areas to a store entrance. Such pedestrian access way shall be a minimum of four feet in width, clearly marked, well lighted and unobstructed.

Figure 6.A.1.D-3- Sidewalk Access for Rear Parking



d. Garages and Carports

Space within a carport or garage may be used to satisfy residential off-street parking requirements, provided that no building permit shall be issued to convert a carport or garage to a living area without a provision to provide the required off-street parking spaces in the driveway or in a common parking lot.

3. Use of Required Off-Street Parking

Off-street parking spaces shall be provided for the use of residents, customers, patrons and employees. Required parking spaces shall not be used for the storage, sale or display of goods or materials or for the sale, repair, or servicing of vehicles. All vehicles parked within off-street parking areas shall be registered and capable of moving under their own power. Required off-street parking spaces shall be free from building encroachments, except that a portion of the required parking area may be used for the following purposes:

a. Temporary Events

Required off-street parking areas may be used on a temporary basis pursuant to a Special Permit issued by the Zoning Director for a temporary event.

b. Recyclable Materials Collection Bins

Required off-street parking areas may be occupied by recyclable materials collection bins which have been issued a Special Permit. The bin shall retain its mobility and shall not occupy more than one parking space. The bin and adjacent area shall be maintained in good appearance, free from trash.

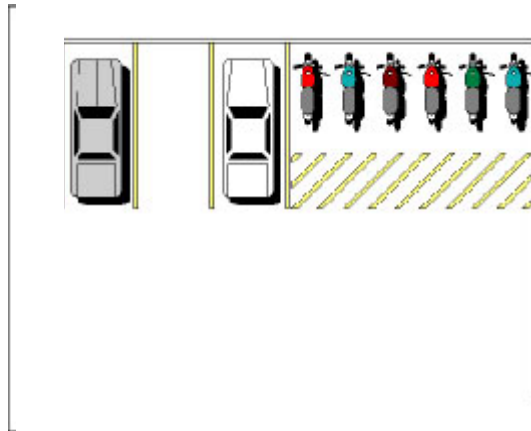
4. Parking Fees

Except as provided in Art. 6.A.1.D.13, Valet Parking, a fee or other form of compensation shall not be charged for the use of required off-street parking spaces. Fees may be charged for the use of parking spaces that have been provided in excess of minimum standards.

5. Motorcycle Parking

For any nonresidential use providing 50 or more spaces, a maximum of three required off-street parking spaces per 50 spaces may be reduced in size and redesigned to accommodate parking of motorcycles. When provided, motorcycle parking shall be identified by a sign.

Figure 6.A.1.D-4- Motorcycle Parking



6. Handicap Parking

The provision of handicap parking and passenger loading areas shall be governed by F.S. §316.1955, F.S. §316.1956, and F.S. §563.48. These Sections shall govern the signage, identification and reservation of spaces for the handicapped. The minimum number of handicap parking spaces shall comply with the following table.

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Table 6.A.1.D-2 – Handicap Parking Spaces

| Total Spaces | Required Number to be Reserved for Handicapped |
|--------------|--|
| up to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1000 | 2 percent of total |
| over 1000 | 20 plus 1 for each 100 over 1000 |

7. Golf Cart Parking

A maximum of 25 percent of the required parking in a recreation pods of a residential PDD may be reduced in size and redesigned to accommodate golf carts.

8. Guest Parking

Guest parking spaces shall be located within 300 feet of the use they are intended to serve. Guest parking may be grassed, as provided in Art. 6.A.1.D.12, Grass Parking. All guest parking shall be prominently identified with an above-grade sign or marking on the wheelstop or curb.

9. PDD Parking Increase

The Development Review Officer (DRO) may authorize an increase in the maximum allowed number of parking spaces in a PDD.

a. Supplemental Application Requirements

The applicant shall submit a parking study and any additional documentation justifying the need for additional parking. The parking study shall include the following:

- 1) the location of the use(s) on the site requiring the additional parking;
- 2) the size and type of use(s) and/or activitie(s) requiring the additional parking; and
- 3) the rate of turnover and the anticipated peak parking demands.

b. Maximum Increase

1) Lots Less than Ten Acres

Lots less than ten acres in size may apply for a 20 percent increase.

2) Lots Ten Acres or Greater

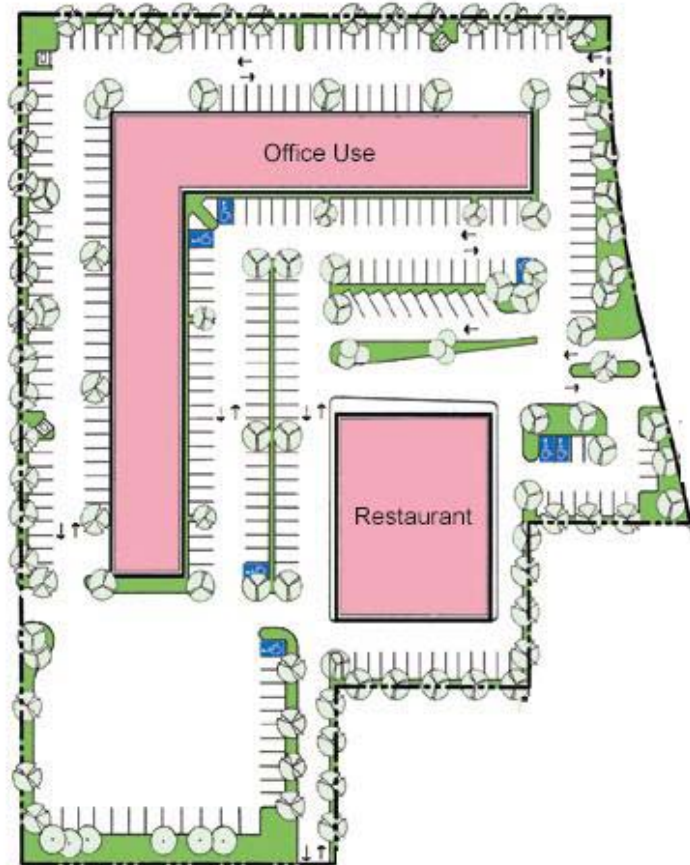
Lots ten acres or greater in size may apply for a ten percent increase.

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10. Shared Parking

The DRO may authorize a reduction in the number of required parking spaces for multiple and mixed use projects, traditional development districts, and for uses that are in close proximity to one another and which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:

Figure 6.A.1.D-5 -Shared Parking



a. Application

A shared parking study shall be submitted in a form established by the Zoning Director.

b. Location

All uses which participate in a shared parking plan shall be located on the same lot or on contiguous lots. The shared parking lot shall have access as though the uses were a single project.

c. Shared Parking Study

The shared parking study, shall clearly establish the uses that will use the shared spaces at different times of the day, week, month or year. The study shall:

- 1) be based on the Urban Land Institute's (ULI) methodology for determining shared parking, or other generally accepted methodology;
- 2) address the size and type of activities, the composition of tenants, the rate of turnover for proposed shared spaces, and the anticipated peak parking and traffic demands;
- 3) provide for no reduction in the number of required handicapped spaces;
- 4) provide a plan to convert reserved space to required parking spaces; and

- 5) be approved by the County Engineer prior to submittal, based on the feasibility of the uses to share parking due to their particular peak parking and trip generation characteristics.

d. Reserved Space

The applicant shall account for 100 percent of the reduction granted through one of the following alternatives: reserved open space; a future parking garage; future rooftop parking; off-site parking; limitation of uses to adhere to parking regulations; or shared parking.

e. Shared Parking Agreement

A shared parking plan shall be enforced through written agreement or through a unity of control. A copy of the agreement between the property owner and PBC shall be submitted to the DRO and reviewed and subject to approval by the County Attorney. The agreement shall be recorded with the Clerk of the Circuit Courts of PBC by the owner prior to issuance of a Certificate of Occupancy (CO). Proof of recordation of the agreement shall be submitted prior to approval by the DRO. The agreement shall:

- 1) list the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
- 2) provide a legal description of the land;
- 3) include a site plan showing the area of the parking parcel and open space reserved area which would provide for future parking;
- 4) describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
- 5) agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
- 6) assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;
- 7) describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;
- 8) incorporate the shared parking study by reference;
- 9) be made part of the Site Plan/Final Subdivision Plan; and
- 10) describe the method by which the covenant shall, if necessary, be revised.

f. Change in Use

Should any of the uses in the shared parking study change, or should the Zoning Director or County Engineer find that any of the conditions described in the approved shared parking study or agreement no longer exist, the owner of record shall have the option of submitting a revised shared parking study in accordance with the standards of this Section or of providing the number of spaces required for each use as if computed separately.

11. Off-Site Parking

The DRO may permit all or a portion of the required parking spaces to be located on a lot separate from the lot on which the principal use is located. Off-site parking shall be subject to the following standards:

a. Necessity

The applicant shall demonstrate that it is not feasible to locate all of the required parking on the same lot as the principal use.

b. Ineligible Activities

Off-site parking shall not be used to satisfy the off-street parking requirements for restaurants, lounges, convenience stores and other high turnover-oriented uses. Required handicap parking spaces shall not be located off-site.

c. Location

Off-site parking shall not be located more than 600 linear feet from the building of use it is intended to serve. Off-site parking shall not be separated from the principal use by a street with a width of more than 80 feet.

d. Zoning

Off-site parking areas shall require the same or a more intensive zoning classification than that required for the building or use served.

e. Signs

One sign shall be located at the off-site parking lot indicating the use that it serves, and one sign shall be located on the site of the use served, indicating the location of the off-site parking lot.

f. Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement or unity of control shall be required. Copy of the agreement among the owners of record shall be submitted to the DRO and review and approved by the County Attorney. The agreement shall be filed in the deed records of PBC by the owner of record. Proof of recordation of the agreement shall be presented to the DRO prior to approval. The agreement shall:

- 1) list the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
- 2) provide a legal description of the land;
- 3) include a site plan showing the area of the use and parking parcel;
- 4) expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
- 5) assure the continued availability of the spaces and provide assurance that all spaces will be usable without charge;
- 6) describe the obligations of each party, including the maintenance responsibility;
- 7) require that the Zoning Director be notified prior to the expiration or termination of an off-site parking area lease agreement;
- 8) be made part of the Site Plan/Final Subdivision Plan; and
- 9) describe the method by which the covenant shall, if necessary, be revised.

12. Grass Parking

Grass parking is permitted, subject to approval by the DRO, pursuant to the following procedures and standards:

a. Application

In addition to the application requirements for a site plan/final subdivision plan, the applicant shall submit the following:

- 1) a site plan showing the area proposed for grassed parking;
- 2) the proposed method of traffic control to direct vehicular flow and parking;
- 3) description of the method to ensure that the grassed parking surface will be maintained in its entirety with a viable turf cover; and
- 4) a conceptual drainage plan for the entire parking area.

b. Standards

The following standards shall apply to grass parking:

- 1) only parking spaces provided for peak demand may be allowed as grass parking. Paved parking shall be provided for average daily traffic, including weekday employees and visitors;
- 2) a grass parking area shall not include any existing or proposed landscaped area, surface water management area or easement, other than a utility easement;
- 3) handicap parking shall not be located in a grass parking area;
- 4) grass parking areas shall meet the landscape requirements in Art.7, Landscaping. No grass parking area shall be counted toward meeting minimum landscape or open space standards; and
- 5) all access aisles shall either:
 - (a) be paved and meet the same substructural and surface standards required for paved parking surfaces; or
 - (b) be surfaced with paver block or other semi-pervious coverage approved by the DRO and County Engineer.

c. Permit

If at any time it is determined that a grass parking area does not meet the standards established in this Section, the Zoning Director shall require the restoration of the grass surface or the paving of the grass for parking.

13. Valet Parking

Valet parking may be used to satisfy off-street parking. Valet parking shall not cause customers or patrons who do not use the valet service to park off site or in the R-O-W or cause queuing in a street, driveway, or drive aisle. The following additional standards shall apply to valet parking:

a. Maximum Number

The maximum number of spaces reserved for valet parking shall not exceed 25 percent of the minimum number of required off-street parking spaces for commercial uses over 20,000 square feet and 50 percent for all other uses.

b. Location

Valet parking for commercial uses shall not be located within 200 feet of a public entrance to a building. Areas designated for valet parking shall not interfere with vehicular circulation or emergency access.

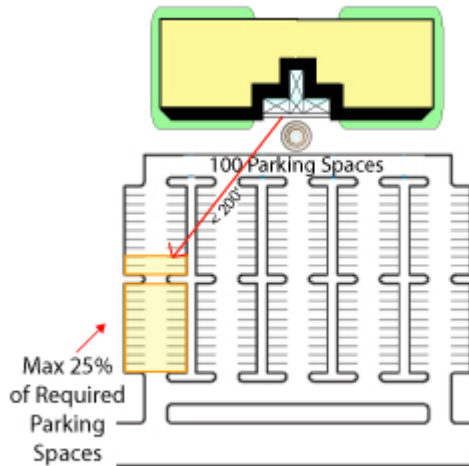
c. Off-site

Off-site parking areas may be utilized for valet parking.

d. Approval

Valet parking for commercial uses over 20,000 square feet shall be subject to approval of a Special Permit.

Figure 6.A.1.D-6 - Valet Parking Illustration



14. Design and Construction Standards

a. Dimensions

The dimensions and geometrics of off-street parking areas shall conform to the following minimum standards:

1) Residential

a) Individual Parking Space

Each parking space for dwelling units that do not share a common parking lot shall be a minimum of eight feet wide and 20 feet long. Parking spaces may be side to side, end to end or not contiguous to each other.

b) Common Parking Lots

For dwelling units that share a common parking lot, parking spaces and aisles shall be subject to Table 6.A.1.D-3, Minimum Parking Dimensions.

2) Nonresidential

All nonresidential uses and residential uses with shared parking lots shall provide parking spaces that comply with Table 6.A.1.D-3, Minimum Parking Dimensions, and Figure 6.A.1.D-10, General Parking Schematic. Parking angles that are not illustrated in Table 6.A.1.D-3, Minimum Parking Dimensions, or Figure 6.A.1.D-10, General Parking Schematic shall be interpolated from the tables and approved by the DRO. For the purpose of applying the "Use" column in Table 6.A.1.D-3, Minimum Parking Dimensions, the following rules shall apply:

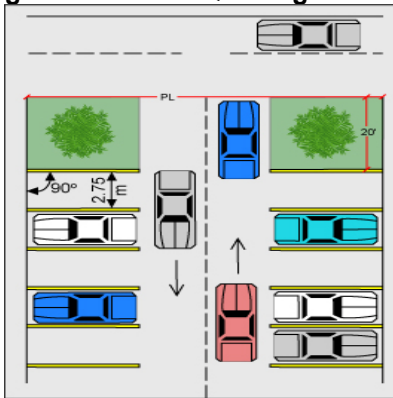
a) General

The term "general" applies to parking spaces designated to serve all commercial uses except retail and residential uses with shared parking lots. Spaces reserved for use by disabled persons shall be governed by the rows labeled "handicapped";

b) Queuing Distance

In a parking lot a minimum queuing distance of 25 feet is required between the property line and the first parking space, unless otherwise approved by the Development Department.

Figure 6.A.1.D-7- Queuing Distance



3) Parallel Parking

Parallel parking spaces shall have a minimum length of 23 feet and a minimum width of ten feet (see Figure 6.A.1.D-8 - Parallel Parking)

Figure 6.A.1.D-8 - Parallel Parking

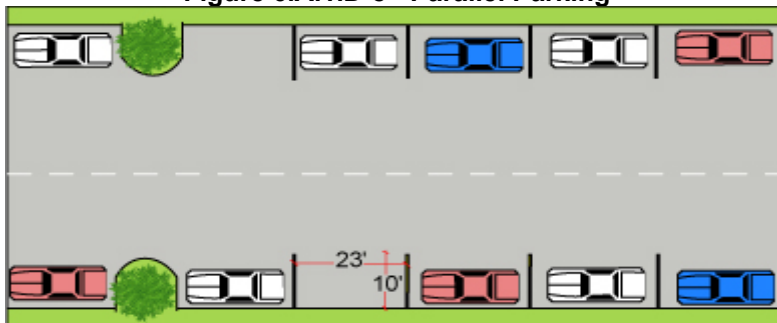
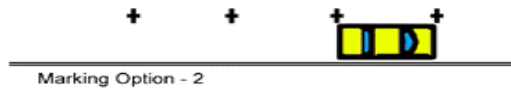
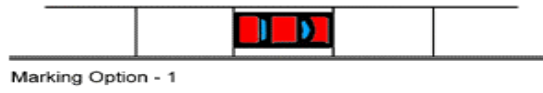
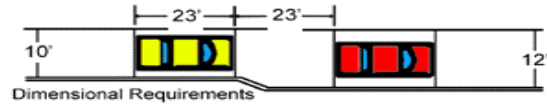


Figure 6.A.1.D-9 - Parallel Parking Dimensional Standard



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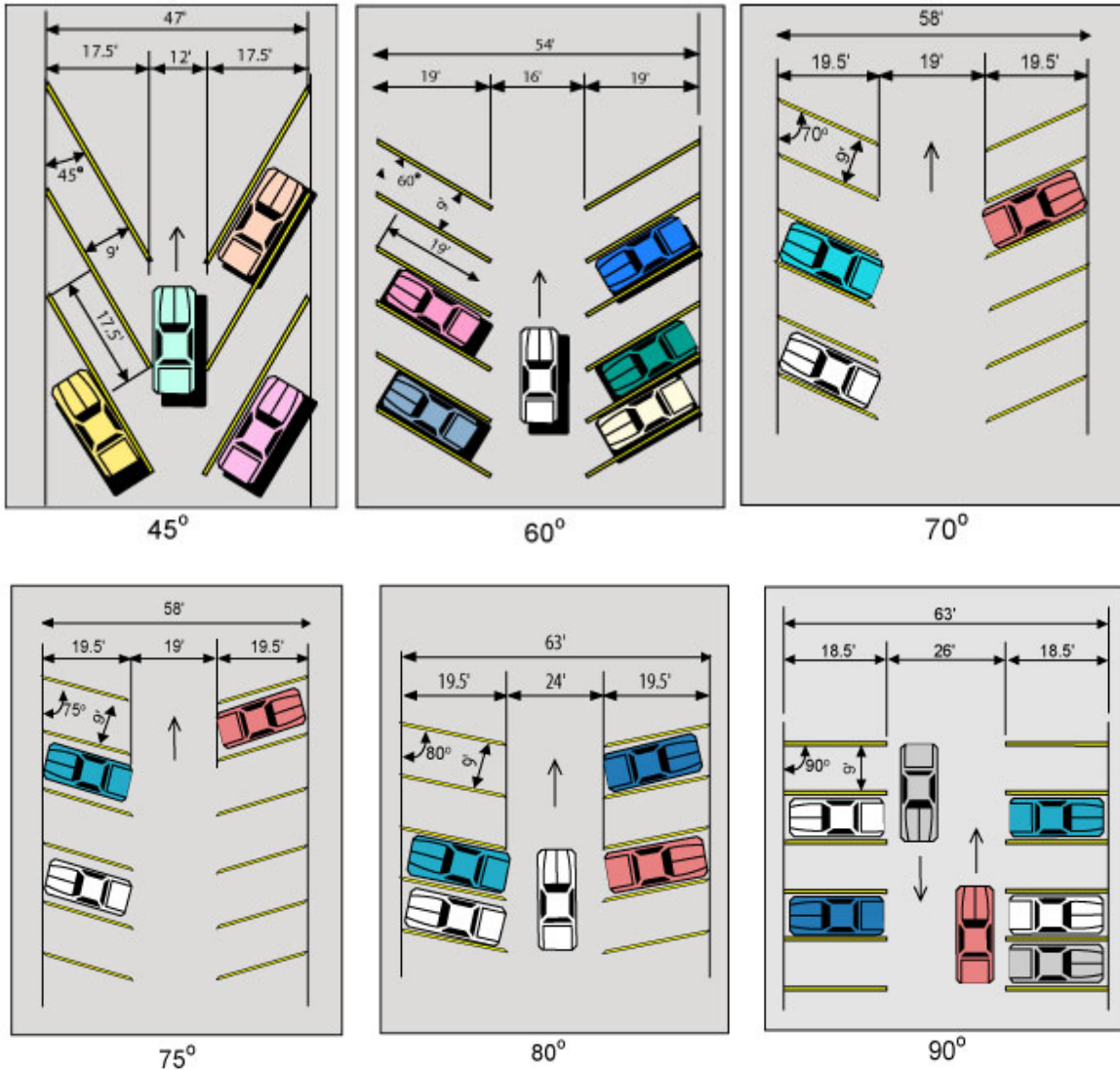
**Table 6.A.1.D-3- Minimum Parking Dimensions
For Nonresidential Uses and Residential Uses with Shared Parking Lots**

| A Angle | Use¹ | B Space Width (feet) | C Space Depth (feet) | D Aisle Width (feet) | E Curb Length (feet) | F Wall-to-Wall Width (feet) | G Interlock-to- Interlock Width (feet) | H Space Depth to Interlock (feet) |
|--------------------|------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--|---|--|
| 45 | General | 9.0 | 17.5 | 12.0 | 12.5 | 47.0 | 43.0 | 15.5 |
| | Retail | 9.5 | 17.5 | 12.0 | 13.5 | 47.0 | 43.0 | 15.5 |
| | Handicapped | 12.0 | 17.5 | 12.0 | 17.0 | 47.0 | 43.0 | 15.5 |
| 60 | General | 9.0 | 19.0 | 16.0 | 10.5 | 55.0 | 51.0 | 17.5 |
| | Retail | 9.5 | 19.0 | 15.0 | 11.0 | 54.0 | 50.0 | 17.5 |
| | Handicapped | 12.0 | 19.0 | 14.0 | 14.0 | 53.0 | 49.0 | 17.5 |
| 70 | General | 9.0 | 19.5 | 19.0 | 9.5 | 58.0 | 56.0 | 18.5 |
| | Retail | 9.5 | 19.5 | 18.0 | 10.0 | 57.0 | 55.0 | 18.5 |
| | Handicapped | 12.0 | 19.5 | 17.0 | 12.5 | 56.0 | 54.0 | 18.5 |
| 75 | General | 9.0 | 19.5 | 23.0 | 9.5 | 62.0 | 60.0 | 18.5 |
| | Retail | 9.5 | 19.5 | 22.0 | 10.0 | 61.0 | 59.0 | 18.5 |
| | Handicapped | 12.0 | 19.5 | 21.0 | 12.5 | 60.0 | 58.0 | 18.5 |
| 80 | General | 9.0 | 19.5 | 24.0 | 9.0 | 63.0 | 62.0 | 19.0 |
| | Retail | 9.5 | 19.5 | 23.0 | 9.5 | 62.0 | 61.0 | 19.0 |
| | Handicapped | 12.0 | 19.5 | 22.0 | 12.0 | 61.0 | 60.0 | 19.0 |
| 90 | General | 9.0 | 18.5 | 26.0 | 9.0 | 63.0 | 63.0 | 18.5 |
| | Retail | 9.5 | 18.5 | 25.0 | 9.5 | 62.0 | 62.0 | 18.5 |
| | Handicapped | 12.0 | 18.5 | 24.0 | 12.0 | 61.0 | 61.0 | 18.5 |

Note for Table 6.A.1.D-3 – Minimum Parking Dimensions:
1. Use – See Art. 6.D.14, Design and Construction Standards.

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Figure 6.A.1.D-10-General Parking Schematic



b. Construction

1) Circulation Standards

- a) There shall be safe, adequate, and convenient arrangement of pedestrian pathways, bikeways, roads, driveways, and off-street parking and loading spaces within parking areas.
- b) Streets, pedestrian walks, parking areas, and open space shall be designed as integral parts of an overall site design which shall be properly related to existing and proposed buildings, adjacent uses and landscaped areas.
- c) The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be constructed from durable materials that are easily maintained.
- d) Parking lots shall be maintained in accordance with the paving and drainage permit issued authorizing construction.

2) Pedestrian Circulation

- a) Structures, vehicular circulation lanes, parking spaces, driveways, and open spaces shall be designed to provide logical, impediment free pedestrian movement. The site shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- b) Paved, landscaped or comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings.
- c) Where off-street parking spaces directly face a structure, and are not separated by an access aisle from the structure, a paved pedestrian walkway shall be provided between the front of the parking space and the structure. The walkway shall be a minimum of four feet wide, exclusive of vehicle overhang, and shall be separated from the parking space by concrete wheel stops or continuous curbing. Single-family residential uses are exempt from this requirement.

3) Paving and Drainage

a) Review and Approval by County Engineer

The drainage design for all parking areas shall be reviewed and approved by the County Engineer pursuant to Art. 11, Subdivision, Platting, and Required Improvements, prior to the issue of a development permit.

b) Materials

Unless otherwise provided in this Article, all parking lots shall be improved with either: (a) a minimum of a six inch shellrock or limerock base with a one inch hotplant mix asphaltic concrete surface; or (b) a base and surface material of equivalent durability, as certified by an engineer.

c) Impervious Surface

All surface parking areas, grassed or otherwise, shall be considered an impervious paved surface for the purpose of determining tertiary drainage system flow capacity and secondary stormwater management system runoff treatment/control requirements.

d) Runoff

Runoff from vehicular use areas shall be controlled and treated in accordance with all applicable agency standards in effect at the time an application is submitted.

4) Maintenance

All parking lots shall be maintained in good condition to prevent any hazards, such as cracked asphalt or potholes.

a) Shellrock

The uses listed below may construct surface parking lots with shellrock or similar material approved by the County Engineer. Parking areas connected to a public street, shall be paved.

- (1) Agricultural uses requiring less than 20 spaces.
- (2) Communication towers.
- (3) Accessory uses to a bona fide agricultural use, such as farm workers quarters.
- (4) Nurseries.
- (5) Driveways in the RSA serving residential uses on unpaved roads.
- (6) Uses in the C-51 Catch Basin when approved by the DRO.

b) Wheelstops and Curbing

Wheel stops or continuous curbing shall be placed two and one half feet back from walls, poles, structures, pedestrian walkways and landscaped areas.

5) Stripes

Except for parallel parking spaces, parking lots containing spaces for three or more vehicles shall delineate each space by single or double stripes on each side of the space. All stripes shall be painted in white paint except for handicapped spaces which shall have blue stripes. The width of the painted stripe shall be four inches. Double striping separation from inside edge of stripe to inside edge of stripe shall be

no less than eight inches and no more than 16 inches. The effective width of the double stripes shall range from 16 inches to 24 inches, measured from outside edge of stripe to outside edge of stripe.

6) Parking Space Width

Striping shall be measured as follows:

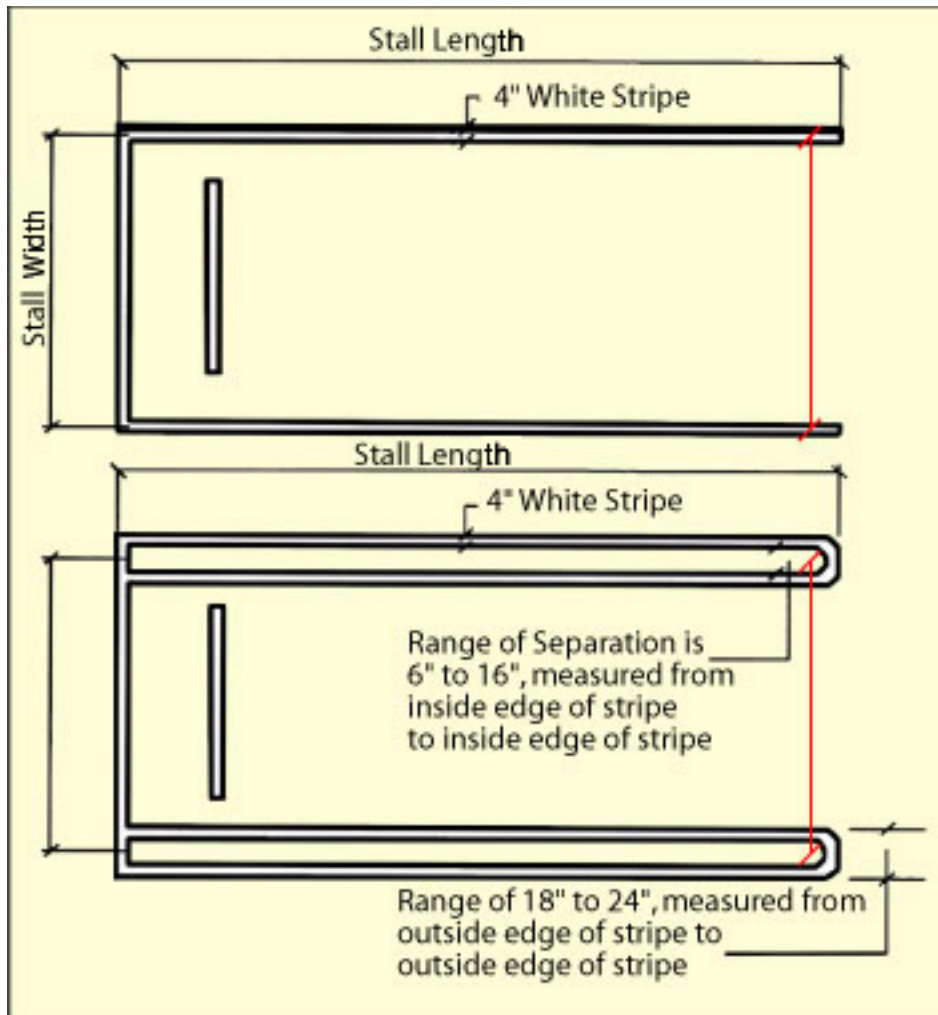
a) Single Striping

Parking space width shall be measured from the centerline of the strip.

b) Double Striping

Parking space width shall be measured from the centerline of the set of stripes.

Figure 6.A.1.D-11- Striping Standards



7) Signs

Traffic control signs and other pavement markings shall be installed and maintained as necessary to insure safe and efficient traffic operation in all vehicular use areas. Such signage and markings shall conform with the Manual on Uniform Traffic Control Devices, Federal Highway Administration, U.S. Department of Transportation, as adopted by the FDOT.

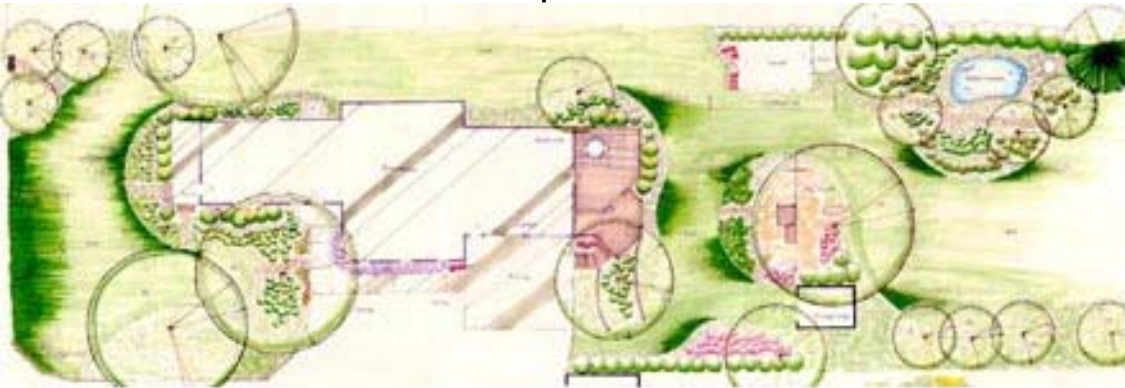
8) Landscaping

- a) All new parking lots shall be landscaped in accordance with Art. 7, Landscaping.

Figure 6.A.1.D-12- Landscaping



Landscape Elevation



Landscape Plan

- b) Renovations to existing parking lots shall be landscaped in accordance with Art. 7, Landscaping.
- (1) Exception. Normal maintenance and repair, such as resurfacing, restriping, or the addition of curbing and wheel stops, to existing parking lots shall require landscaping in accordance with the original permit.

Figure 6.A.1.D-13 - Preservation



15. Access

a. Ingress and Egress

Each parking space shall have appropriate access to a street or alley. Only dwelling units with no more than two units shall be allowed backward egress from a driveway onto a street. In all other cases, maneuvering and access aisle area shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion.

b. Access Dimensions

Access ways, except those associated with a single-family residential use, shall be subject to the following dimensional standards.

Table 6.A.1.D-4- Dimensions of Access Ways

| Minimum Width at Street | Feet ¹ |
|--------------------------------------|-------------------|
| One-Way | 15 |
| Two-Way | 25 |
| Two-way with median | 40 ² |
| Two-way without median | 35 |
| Right Turn Radius³ | |
| Minimum | 25 |
| Maximum | 30 |

Notes

¹ Widths exceeding these standards may be approved by the Zoning Director or the County Engineer, depending on the use.

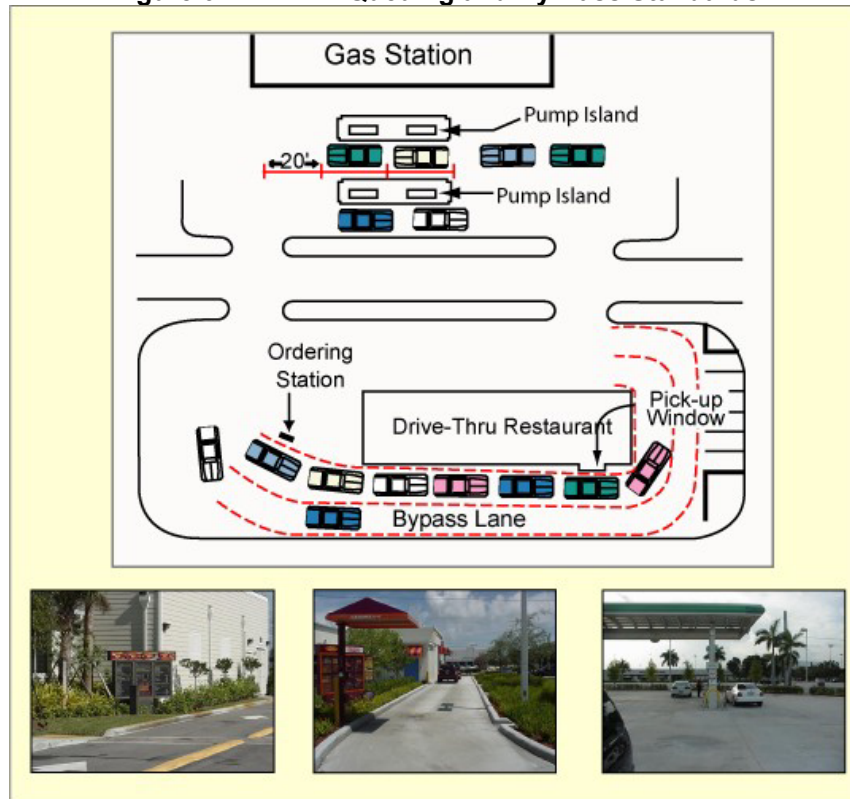
² Width excludes median. 20 foot unobstructed pavement required on both sides of median, excluding guard houses and landscape islands.

³ Measured on side of driveway exposed to entry or exit by right turning vehicles.

16. Queuing Standards

In addition to meeting the minimum off-street parking and loading standards of this Article, all drive thru establishments shall meet the following standards.

Figure 6.A.1.D-14- Queuing and By-Pass Standards



- a. Queuing shall be provided for all drive-thru establishments. Each queuing space shall be a minimum of ten feet by 20 feet, clearly defined and designed so as not to conflict or interfere with other traffic using the site. Unless otherwise indicated below, queuing shall be measured from the front of the stopped vehicle located at the point of service to the rear of the queuing lane. One additional queuing space shall also be provided after the point of service for all uses.
- b. A by pass lane a minimum of ten feet wide shall be provided before or around the point of service. Subject to the Zoning Director's approval, a by-pass lane may not be required if the queuing lane is adjacent to a vehicular use area which functions as a by-pass lane. The by-pass lane shall be clearly designated and distinct from the queuing area.

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Table 6.A.1.D-5- Minimum Queuing Standards

| Use | Number of Spaces | Required By-pass ¹ |
|--|--|-------------------------------|
| Drive-Thru Financial Institution Teller Lanes | 5 | Y |
| Automatic Teller Lanes | 3 | N |
| Drive-Thru Restaurant Minimum before Menu Board | 7 4 | Y |
| Drive-Thru Car Wash Automatic | 5 | N |
| Self-Service | 3 | Y |
| Drive-Thru Oil Change | 4 | Y |
| Gasoline Pump Island | 20 feet of queuing at each end of pump island | N |
| Drive-Thru Dry Cleaning or Laundry | 3 | Y |
| Drive-Thru General Retail | 4 | Y |
| Commercial Parking Lot | 3 | N |

Notes

¹ All Uses: a by-pass lane shall be required if more than five queuing spaces are provided.

17. Commercial Parking Lot

a. General

A commercial parking lot shall not be contiguous to lands used or zoned for residential purposes. 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. Review of parking lots and structures shall consider the proposed operation of the lot. The standards of this Article, including signage, maneuvering, and backup distances may be varied, based on the proposed operation.

b. Design

The site plans for a commercial parking lot shall be drawn to a scale no smaller than one inch equals 50 feet and show the layout of the street connection and access ways, drainage provisions, signs, surfacing, curbs or barriers, street connections and access ways of lands located contiguous and directly across the street, and the location and type of landscaping.

c. Access

Ingress and egress shall be located to present the least interference with traffic and the least nuisance on any adjacent street. The location, size and number of entrances and exits shall be subject to approval by the DRO.

18. Parking Structure Standards

a. General

Parking garages may be used to meet off-street parking requirements for any use or combination of uses. Such structures shall be considered accessory to the principal use. Garages shall be designed to meet or exceed the following standards. All parking garages shall comply with the standards for surface parking lots with regard to marking, signage striping and minimum number of spaces to be provided.

b. Site Plan

When parking spaces are provided in an underground garage, a multi storied structure or on the roof of a building, a site plan shall be submitted to the DRO for approval of interior traffic circulation, access use of ramps, parking space and aisle dimensions, traffic control signs and pavement marking, safe and efficient vehicular and pedestrian

operation, location of entrances and exits, approval of sight distances at entrances and exits, and for approval of the effective screening of the cars located in or on the parking structure from adjoining lands and from public streets.

Figure 6.A.1.D-15- Site Plans



Parking Garage Foundation Planting



Parking Garage Landscaping

c. Design Standards

1) Floor Width

The unobstructed distance between columns or walls measured at any point between the ends of the parking aisle shall be as indicated in Table 6.A.1.D-6, Minimum Floor Width.

Table 6.A.1.D-6- Minimum Floor Width

| Angle | Parking on Both Sides of Aisle | Parking on One Side of Aisle |
|-------|------------------------------------|------------------------------|
| 90 | 60 feet one-or two-way aisle | 43 feet one-or two way aisle |
| 75 | 59 feet one-way aisle ¹ | 40 feet one-way aisle |
| 60 | 53 feet one-way aisle ¹ | 34 feet one-way aisle |

Notes

¹ Requests for reductions of unobstructed distances will be considered if aisle and sight parking dimensions are met, and the columns are not located at the rear of the parking spaces, or interfere with the opening of doors.

2) Minimum Space Width

The minimum parking space width shall be nine feet.

19. Parking of Vehicles and Boats in Residential Districts

The following standards shall apply to the parking of vehicles, recreational vehicles, boats and trailers in residential districts. For the purposes of this Article, the AR district in lands designated Rural Residential in the Plan shall not be considered a residential district.

a. General Prohibition

1) On-Street

No person shall park, store, or keep a commercial vehicle, recreational vehicle, sports vehicle such as dune buggy, jet skis, racing vehicle, off-road vehicle, air boat, canoe or paddleboat, boat or trailer, on any public street, or other thoroughfare or any R-O-W within any a residential district for a period exceeding two hours in any 24 hour period, each such period commencing at the time of first stopping or parking.

2) Off-Street

It shall be unlawful for any owner of land in any residential district to park on, cause to be parked on, or allow to be parked on residentially zoned land any unlicensed or unregistered vehicle, or a commercial vehicle, sports vehicle, recreational vehicle, boat or trailer for a period exceeding two hours in any 24 hour period, each such period commencing at the time of first stopping or parking, except that one vehicle

which is unregistered or unlicensed may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots.

b. Exemptions

1) Commercial Vehicle

One commercial vehicle of not over one ton rated capacity may be parked per dwelling unit, providing all of the following conditions are met: vehicle is registered or licensed; used by a resident of the premises; gross weight does not exceed 10,000 pounds, including any load; height does not exceed nine feet, including any load, bed, or box; and total vehicle length does not exceed 26 feet.

2) Construction Vehicles

The general prohibitions above shall not apply to the temporary parking of vehicles on private land in residential districts where construction is underway, for which a current and valid building permit has been issued by the Building Director and the building permit is displayed on the premises.

3) Delivery and Service Vehicles

The two hour parking restriction set out above in Art. 6.A.1.D.19.a, General Prohibition, shall not apply to routine deliveries by tradesmen, or the use of trucks in making service calls, provided that time in excess of two hours is due to business deliveries or servicing.

4) Emergency Repairs

The general prohibitions above shall not apply to a situation where a motor vehicle becomes disabled and, as a result of such emergency, is required to be parked in a residential district longer than two hours. Any prohibited motor vehicle shall be removed from the residential district within 24 hours, regardless of the nature of the emergency.

5) Outdoor Storage

One RV, plus sports vehicles or boat with accompanying trailers, may be parked outdoors on a residential in a residential district provided that the vehicles are:

- a) owned and used by a resident of the premises;
- b) not parked in a required front setback or other area between the structure and the street except for the purpose of loading or unloading during a period not to exceed two hours in any 24 hour period;
- c) located in the side or rear yard and are screened from surrounding property and streets with an opaque wall, fence or hedge a minimum of six feet in height;
- d) not used for living, sleeping or housekeeping purposes;
- e) operative and currently registered or licensed, as required by state or federal law;
- f) vehicles on navigable waterways are exempt; and
- g) one vehicle which does not meet the requirements above may be approved by Special Permit upon demonstration that:

- (1) The property owner, family member or legal tenant has a physical disability which requires a vehicle which cannot meet these requirements.

CHAPTER B LOADING STANDARDS

Section 1 Loading

A. Computing Loading Standards

1. Multiple Uses

On lots containing more than one use, the total floor area shall be used to determine the number of spaces which are required.

2. Fractions

When calculation of the number of required off-street loading spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest full number.

3. Floor Area

Loading standards that are based on square footage shall be computed using GFA.

4. Unlisted Land Uses

In the event that loading requirements for a particular use are not listed in this Section, the requirements for the most similar use shall be applied. In making the determination, any evidence of actual parking demand for similar uses shall be considered as well as other reliable traffic engineering and planning information that is available.

B. Loading Space Ratios

Loading spaces shall be provided in accordance with Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements. The letters shown in the "Loading" column shall correspond to the following ratios:

Figure 6.B.1.B-16- Standard Loading



Loading Bays

1. Standard "A"

One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.

2. Standard "B"

One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.

3. Standard "C"

One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.

4. Standard "D"

One space for each 50 beds for all facilities containing 20 or more beds.

5. Standard "E"

One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.

Figure 6.B.1.B-17- Standard “E” Loading



C. Location

Loading spaces shall be located adjacent to the building which it serves. Loading spaces shall be proportionately distributed throughout the site.

1. Bay Doors

Bay doors shall be located and oriented away from residential property lines or setback a minimum of 50 feet and screened from view.

2. Loading Areas

Loading docks and similar areas shall be screened by an opaque wall architecturally compatible with the adjacent structure. The wall shall be of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.

a. Single tenant users over 50,000 square feet in a PDD or TDD shall provide a roof over loading areas within 100 feet of a residential district, pod, or use.

D. Prohibitions

1. A street or driveway shall not be used for loading or unloading.
2. A loading space shall not be used to satisfy off-street parking requirements,
3. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking lot.

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Figure 6.B.1.D-18- Off-Street Loading Buffering

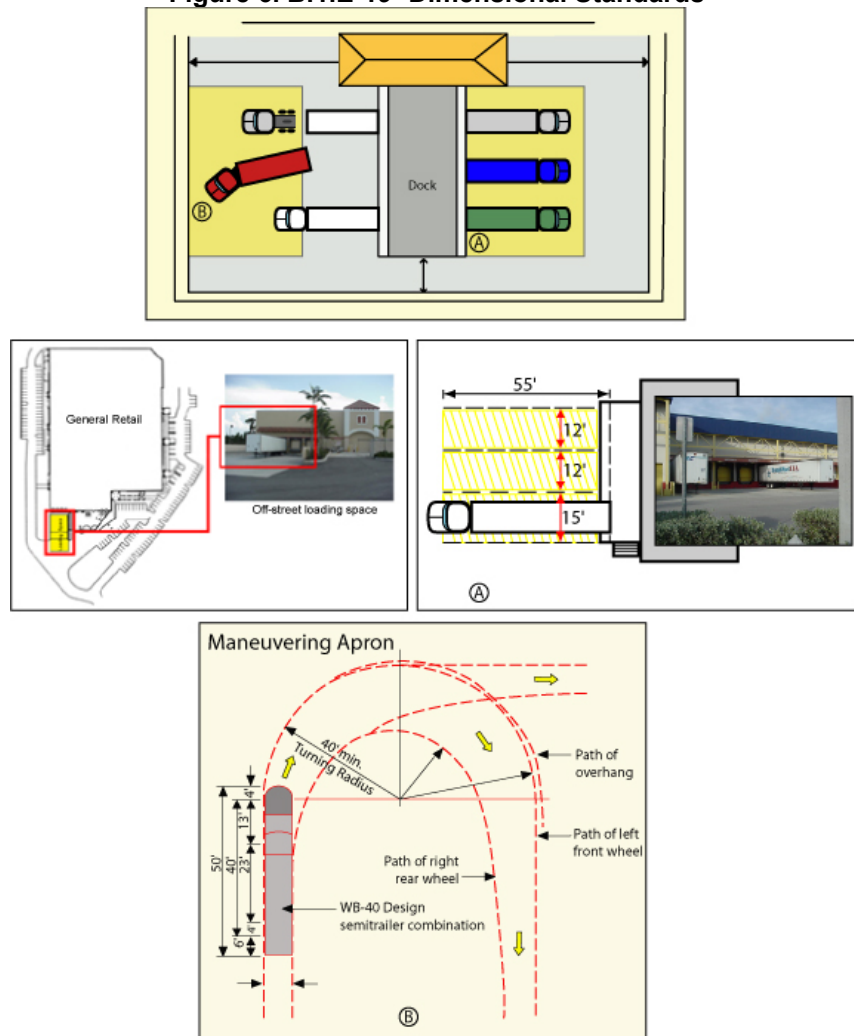


Landscaping Between Loading and R-O-W

E. Dimensional Standards and Design Requirements

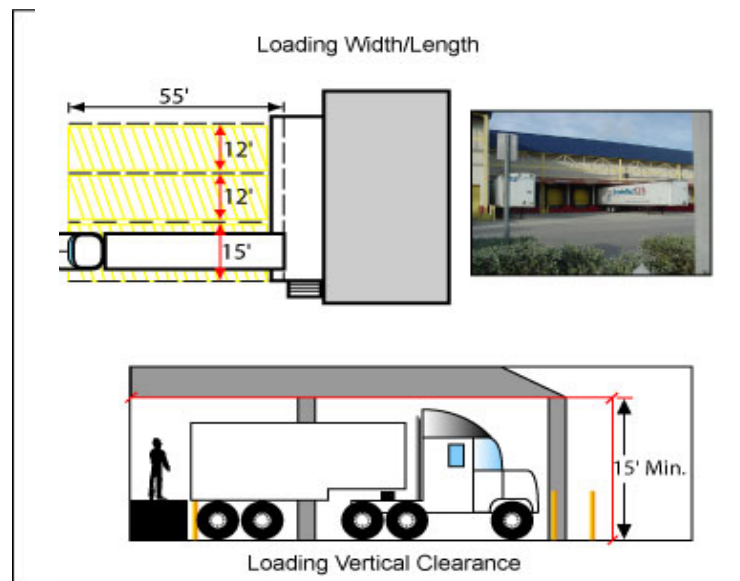
Required loading spaces shall be subject to the following minimum standards:

Figure 6. B.1.E-19- Dimensional Standards



1. **Width**
A loading space shall have a minimum width of 12 feet.
2. **Length**
Loading spaces shall be a minimum of 55 feet in length, unless reduced by the DRO.
3. **Maneuver Area**
An area equal to the width and length of the berth shall be provided for vehicle maneuvering directly behind the loading space it is intended to serve.
4. **Vertical Clearance**
A vertical clearance of at least 15 feet shall be provided over the space and maneuvering apron, unless reduced by the DRO.

Figure 6.B.1.E-20- Vertical Clearance



5. **Distance from Intersection**
 - a. **Distance**
No loading space shall be located within forty feet of the nearest point of the edge of pavement or curb of any two intersecting streets.
 - b. **Setback**
Loading spaces shall be setback at least 20 feet from all front or side street property lines. When located at the rear of a building, a minimum five foot setback from the property line shall be required.
6. **Access Marking**
Each off-street loading space shall be provided with safe and convenient access to a street, without it being necessary to cross or enter any other required loading space. If any loading space is located contiguous to a street, ingress and egress to the street side shall be provided only through driveway openings.
The dimension, location and construction of these driveways shall be designed in accordance with this Article. In addition, off-street loading spaces which have three or more berths shall have individual spaces marked, and spaces shall be so arranged that maneuvering to and from a loading space shall be on the same lot unless approved by the DRO. Maneuvering shall be permitted in an alley upon the approval of the DRO if surrounding uses are compatible with the subject use.

7. Loading Space Reduction

All required off-street loading spaces and their appurtenant aisles and driveways shall be deemed to be required space and shall not be encroached upon or reduced in any manner except upon approval by the DRO in the following circumstances:

a. Reduction in Number of Spaces

1) Change in Use

The number of loading spaces may be proportionately reduced if the space is not needed as a result of a reduction in size or change in use.

2) Administrative Reduction

For uses which contain less than 10,000 square feet of total GFA, the Zoning Director may waive or reduce the loading standards.

b. Collocating Loading and Dumpster

A loading space and dumpster may be co-located provided the minimum dimensional requirements are satisfied to ensure the functionality of each activity.

8. Repair Activities

Only emergency repair service shall be permitted in a loading space.

CHAPTER C DRIVEWAYS AND ACCESS

Section 1 Standards and Access

A. Driveways

Driveways shall be subject to the following standards:

1. Spacing

a. Local or Residential Access Streets

Lots located on local or residential access streets shall have a maximum of two accessways. Driveways for lots located on local or residential access streets shall maintain a minimum set back from a side or rear lot line as follows:

- 1) Single-family or Multi-family 2 feet
- 2) Zero Lot Line 1 foot
- 3) Townhouse 1 foot

b. Arterial and Collector Streets

Driveway locations and spacing shall be in accordance with the PBC standards for street connections along arterial and collector roads. Provided, however, that driveway connections to any street which is part of the State Highway System, as defined in F.S. §334.03, shall meet the permit requirements of FDOT for street connections, pursuant to F.S. Chapter 335.

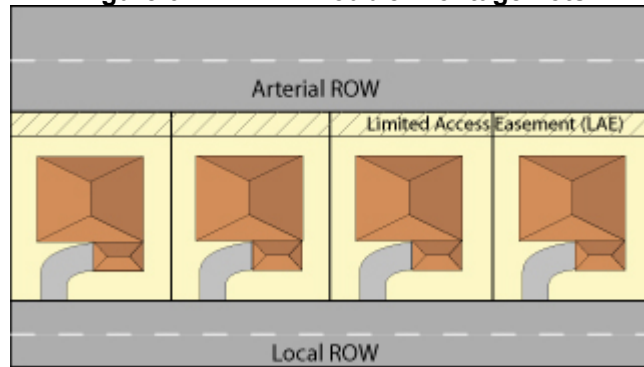
2. Construction

Driveways connections to streets under the jurisdiction of PBC shall be constructed in accordance with the standards DEPW.

B. Double Frontage Lots

When a double frontage residential lot is located adjacent to a collector or an arterial road, it shall also be required to front and have access on a local or residential access street. A limited access easement shall be placed along the property line that abuts either the collector or arterial road.

Figure 6.C.1.B-21- Double Frontage Lots



C. Exceptions

The County Engineer shall have the authority to grant a permit for driveway and access plans with lesser or greater dimensions than designated in this section, giving consideration to the following factors:

1. Lot size;
2. lot configurations;
3. proposed land use;
4. traffic generation or anticipated traffic volume along adjoining R-O-W;
5. driveway locations on contiguous land or land on the opposite side of the street;
6. median opening locations; and
7. safe sight distance.

ARTICLE 7

LANDSCAPING

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ARTICLE 7

LANDSCAPING

CHAPTER A GENERAL

Section 1 Landscape and Buffering

A. Purpose and Intent

The purpose and intent of this Article is to establish minimum standards for the design, layout, installation and continued maintenance of landscaping. The specific objectives of this Article are as follows:

1. Appearance

To improve the aesthetic appearance of development through creative landscaping that helps to enhance the natural and built environment.

2. Environment

To improve the environment by maintaining permeable land area essential to surface water management and aquifer recharge; reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation; promoting energy conservation through the creation of shade; reducing heat gain in or on buildings or paved areas; reducing the temperature of the microclimate through the process of evapotranspiration; and encouraging the limited use of fresh water resources through the use of native and drought tolerant plants.

3. Water Conservation

To promote water conservation by encouraging xeriscaping in appropriate areas, such as medians; requiring the use of native and drought tolerant landscape material; encouraging the use of water conserving irrigation practices; requiring adherence to landscape installation standards and maintenance procedures that promote water conservation; and encouraging the ecologically sound placement of landscape material and incorporation of natural areas and vegetation into landscape plans.

4. Preservation

To encourage the preservation and planting of native trees and vegetation as part of landscape design.

5. Compatibility

To promote efficiency in the development of limited land resources by improving the compatibility of otherwise incompatible land uses in close proximity, particularly residential development that is adjacent to commercial and industrial development, through the use of landscaped buffers.

6. Land Values

To maintain and increase the value of land by requiring minimum landscaping which, when installed and maintained properly, becomes a capital asset.

7. Human Values

To provide physical and psychological benefits to persons and to reduce noise and glare by softening the harsher visual aspects of urban development.

8. Removal of Prohibited Plant Species

To require the initial eradication of and control the ongoing removal of prohibited plant species that have become nuisances because of their tendency to disrupt or destroy native ecosystems.

B. Landscape Design Principles

The standards established in this Article are to be considered the minimum requirements for landscape design. It is the intent of this Article to encourage creativity in landscape design while providing general direction and criteria for the evaluation of landscape plans, planting plans and alternative landscape plans. The following design principles are general standards to be used by County staff and DRO in evaluating whether landscape plans conform to the requirements of this Article:

1. Natural Landscapes

Landscape designs should incorporate and enhance existing natural landscapes and existing specimen trees and native vegetation (including canopy, understory, and ground cover). Particular care should be given to preserve intact natural landscapes. Where previous landscaping has

dramatically altered natural landscapes, new designs should seek to re-establish natural landscape patterns and plantings.

2. Composition

The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials should be arranged in a manner as to provide the following qualities and characteristics:

a. Texture

Landscape designs should provide a textured appearance through the use of a variety of plant material rather than a single species, by contrasting large leaf textures with medium and small leaf textures, and with a variety of plant heights. Spacing of key landscaping components, such as trees and shrubs, should be consistent with the overall design approach of the landscape plan. Formal landscape designs benefit from a uniform spacing of plants, whereas varied spacing and clustering of trees is more compatible with a naturalistic design.

b. Color

Landscape designs shall include a variety of plants to provide contrasting color to other plants in the design. Designs are encouraged to include flowering plants and especially a mix of plants that display colorful flowers throughout the year.

c. Form

Landscape designs should consider the complete three-dimensional form of the landscaping, not simply the form of individual elements. The interrelationship of all landscape elements should be considered so that the final design presents a coherent whole. Trees, shrubs, and hedges, especially those used for screening and buffering, should display a fullness at maturity that is typical of the species.

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Photo 7.A.1.B-1 – Composed Buffer Material



Well Composed Landscape Buffer - planting is tiered and consists of plant materials that display the elements of texture, color, and form.

Photo 7.A.1.B-2 – Rural Tier Landscape



Well Composed Rural Tier Landscaping - good use of tree spacing, hierarchy of plant materials and use of plants of texture, color and form.

3. Buffering and Screening

The placement of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent properties, and for screening the view of any parking or storage area, refuse collection, utility enclosures, or other service area visible from a public street, alley, or pedestrian area. Plants may be used with fences or berms to achieve the desired screening or buffering effect. Plant material should be mature enough at the time of planting to provide an effective buffer or screen, and should be planted in an appropriate location to allow for desired growth within a reasonable period of time.

When used to screen an activity area such as a parking lot, landscaping shall not obstruct the visibility of motorists or pedestrians or interfere with public safety.

Photo 7.A.1.B-3 – Opaque Landscape Buffer



Effective Use of Landscaping as a Buffer - Opaque vertical screen lessens visual impact of commercial and industrial uses.

Photo 7.A.1.B-4 – Landscape Buffer – Visual Screening



Effective Use of Landscaping as a Buffer - Use of trees and shrubs lessens visual impact of parking lots while maintaining visibility for safety.

4. Responsive to Local Context and Character

Landscape designs should build on the site's and area's unique physical characteristics, conserving and complementing existing natural features. Naturalistic design elements such as irregular plant spacing, undulating berm contours, and mixed proportions of plant species should be used to ensure that new landscaping blends in and contributes to the quality of the

surrounding area. Selection and spacing of plant material should be reflective of the surrounding area's character.

Photo 7.A.1.B-7 – Formal Buffer



Uniform spacing and well-maintained grass create a formal aesthetic appropriate for the U/S Tier.

Photo 7.A.1.B-8 – Naturalistic Buffer



Non-uniform spacing, a variety of plant materials, and a less formal grass area appropriate for the Exurban, Rural, AGR, and Glades Tiers.

Photo 7.A.1.B-5 – Naturalistic Design in U/S Setting



Naturalistic Design in U/S Setting – Meandering buffer and clustering of trees creates a naturalistic effect appropriate to the area.

Photo 7.A.1.B-6 – Naturalistic Design in a Rural Setting



Naturalistic Design in a Rural Setting – Landscaping is less formal, using shrubs and trees appropriate to the area.

5. Sensitivity to Tiers

Landscape designs should consider the intent of the MGTS and designs should be compatible with the relevant tier. While all landscaping should incorporate naturalistic design features, landscaping in the U/S Tier is expected to display a more structured aesthetic with clear design intent, with landscape elements used to accent buildings, shade pedestrian areas, and define the edges of properties and land uses. Informal landscaping with increased buffer widths and a higher percentage of native vegetation is required in the Exurban, Rural, AGR, and Glades Tiers, as well as a greater protection of existing vegetation, especially the mature tree canopy on undeveloped portions of the site. Hedges are not appropriate for the Exurban, Rural, AGR, and Glades Tiers, unless they consist of native plants incorporated into a naturalistic landscape design.

6. Use of Native and Drought Resistant Plants

Landscape designs should feature native and/or related plant species, especially in areas adjacent to existing native vegetation, to take advantage of the unique natural character and diversity of the region and the adaptability of native plants to local environmental conditions.

Where feasible, the re-establishment of native habitats should be incorporated into the landscape design.

In the same manner, landscape designs should utilize drought tolerant plant materials to the maximum extent feasible. The use of drought tolerant plants should enrich the existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water.

7. Continuity and Connection

Landscaping should be designed within the context of the surrounding area, provided that the landscaping is also consistent with these design principles. Where the design intent and the surrounding landscape is naturalistic, plant materials should blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Where the design intent and the surrounding landscape is formal, consistent or similar plant material and spacing should be utilized. Exceptions should be made when seeking to create a transition between uses, districts, and tiers.

Photo 7.A.1.B-9- Landscaping Continuity and Connection



Similar landscaping elements used on each lot give a sense of continuity and connection to this suburban residential street.

8. Enhancing Architecture

Landscape designs should be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements should be designed to complement architectural elevations and rooflines through color, texture, density, and form on both vertical and horizontal planes. Landscaping should be in scale with on-site and adjacent buildings. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals.

When foundation planting is required, plantings and window boxes should incorporate artistic elements and be compatible with a building's architectural character.

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Figure 7.A.1.B-1 – Enhancing Architecture



Landscaping is small at maturity and out of scale with the building, not enhancing the architectural design

Mature landscaping is in scale with the building, enhancing the architectural design

9. Energy Conservation and Sustainable Design

Attention should be given to locating landscape elements in a manner that provides energy conservation benefits. Large trees, for example, can provide daytime shading for buildings, reducing energy needed for interior air conditioning. Landscape designs should also consider natural drainage features and the use of pervious surfaces and areas to minimize runoff.

10. Quality Pedestrian Environment

In the U/S Tier, as well as pedestrian-oriented development types such as TDD's, landscape designs should give special attention to ensuring a safe and attractive pedestrian environment. In high activity areas, such as commercial and workplace areas, benches, kiosks, artwork, and other streetscape elements should be incorporated into landscape designs. Pedestrian access to sidewalks or buildings should be considered in all landscape designs. Landscaping shall not obstruct pedestrian sightlines, especially at crosswalks.

Photo 7.A.1.B-10-Visual Interest for Pedestrian and Automobile Traffic



Meandering sidewalks flanked by well composed curvilinear landscaping can add visual interest for pedestrian and automobile traffic.

Photo 7.A.1.B-11-Streetscape Elements



Effective use of landscaping to frame the sidewalk and buffer the pedestrians from the street. Streetscape elements such as benches and potted plants enhance the pedestrian experience.

C. Applicability, Effect on Previously Permitted Projects

The provisions of this Article shall be considered minimum standards and shall apply to all new development except development exempted in Art. 7.A.1.E, Exemptions. For previously approved development orders, refer to Art. 1.F, Nonconformities.

D. Relation to Article 14, Vegetation Preservation and Protection

Landscaping plans required by this Article shall conform to the standards of Art. 14, Environmental Standards. Nothing in this Article shall be applied to contradict the requirements of Art. 14. Within 500 feet of a preserve area required by Art. 14, new landscaping, shall not include

invasive non-native species as outlined in Art. 14.C, Vegetation Preservation and Protection, Appendix F.

E. Exemptions

The following developments are exempt from the standards and requirements of this Article :

1. Enlargement or repair of a single-family dwelling unit, two-unit townhouse, or two-unit multi-family structure on a single lot.
2. Parking areas located within an enclosed parking structure.
3. Bona fide agriculture uses. Except as specified in Art. 4.B, Supplementary Use Standards, Agriculture, bona fide, agricultural activities and accessory agricultural uses shall require a six foot high perimeter buffer along public road R-O-W.
4. Development that does not entail a substantial change in land use as in Article 18, Definitions.
5. Uses such as airports, major utilities, and stockades which have planting requirements regulated by Federal or State law. Off-site planting of required landscaping may be approved in areas where there is a direct public benefit, such as in schools, parks, libraries, streets, and medians.
6. Projects in the Glades Area Economic Development Overlay (GAO) that have provided in-lieu funds to the Glades Thoroughfare Beautification Fund.

Section 2 Definitions

A. Terms contained herein shall have the following meaning:

Alternative Landscape Plan (ALP) - a plan showing the location, quantity, and species of plants to be installed at non-residential, multi-family, or residential planned developments. This plan shall be designed to preserve and incorporate existing native vegetation in excess of minimum standards or demonstrate innovative use of plant material and improve site design.

Berm - man made or natural change in grade not exceeding a 3:1 slope measured from the highest curb or parking area. A berm shall be constructed of clean fill as defined by DEP, excluding block, brick, tile and glass.

Branch - a secondary shoot or stem arising from one of the main axes (i.e., trunk or leader) of a tree.

Buffer, landscape - see Landscape Buffer.

Crown - the main point of branching or foliage of a tree or plant, or the upper portion of a plant or tree.

Diameter at Breast Height (DBH) - the diameter of a tree trunk measured at a point four and one half feet above the ground.

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

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

Ground Cover - plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

Hedge - a landscape barrier consisting of a continuous, dense planting of shrubs. A series of shrubs planted in a manner so as to form a continuous visual screen. Certain species of trees (wax myrtle, sea grape, ficus) can be considered shrubs if maintained to comply with the following criteria:

1. Provides a dense, solid opaque screen for the entire height; and
2. Is planted 24 inches on center.

Interior Area - the entire parcel to be developed exclusive of the required front, rear, or side perimeter landscape areas.

Landscape - any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

Landscape Architect - a person licensed to practice landscape architecture under F.S. Chapter 481, Part II (Landscape Architecture) and includes the term "registered landscape architect".

Landscape Barrier - 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 - a continuous area of land which is required by Art. 7, Landscaping, to be set aside along the perimeter of a lot or parcel in which existing native vegetation, relocated native vegetation, and landscaping is used to provide a transition between and to reduce the negative environmental, aesthetic, compatibility and other impacts of one use upon another.

Landscape Hierarchy - planting creating a ranking of plants from small to large.

Landscape Plan - a plan showing the location, quantity, and variety of plants to be installed on a non-residential, multi-family, or residential planned development. This plan may also show the location of hardscape elements, buffers, or other landscape-related items.

Limb - see Branch.

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

Plan, planting - a plan that is not required to be done by a landscape architect, showing the location, quantity, and variety of plants to be installed on a single family, two-unit townhouse, or two-unit multi-family lot or other use as authorized by this Code.

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

Pruning, hatracking - or tree topping means the cutting back of limbs to a point between branch collars/buds larger than one inch in diameter within the tree's crown.

Pruning, hatracking, Type 1 - trees that are damaged to the extent they will never regrow a natural canopy and must be replaced.

Pruning, hatracking, Type 2 - trees that are damaged to the extent they will not regrow a natural canopy without proper pruning.

Pruning, topping - undesirable pruning practices resulting in internodal cutting back of branches with little regard to the natural shape of the tree.

Pruning, tree shaping - the pruning of a tree beyond its natural growth habit to create a distinct shape or form.

Shrub - a self-supporting woody perennial plant more than 30 inches in height at maturity, characterized by multiple stems and branches continuous from the base.

Third Party - Art. 18, Definitions.

Tree - a woody perennial plant commonly with a single stem and having a minimum diameter at breast height (DBH) of three inches, having a more or less defined crown, that usually grows to at least four meters or 13 feet in height at maturity.

Tree Credits - a numerical representation of the value of a two-inch DBH ten foot high tree, used to assign values to trees of various sizes to calculate either credit against reforestation requirements, as in the case of trees protected during the development process, or to determine the extent of replanting required as in the case of removal of protected trees.

Tree, canopy or shade - a tree that reaches a minimum height of 15 feet at maturity, provides relief from direct sunlight for at least six months each year, and is indicated as a shade tree on the Preferred Species List.

Tree, champion - the largest tree of a species which has been designated by the Florida Department of Agriculture and Consumer Services.

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

Tree, specimen - a tree that substantially contributes to the aesthetics of an area and which is protected through the permitting process, or which attains 33 percent or greater of the champion tree DBH. A specimen tree may be native or non-native and must be in good health.

Tree Survey - a comprehensive survey document or site plan that provides the following information for trees greater than four inches diameter at breast height (DBH), or palm trees with an overall height of eight feet, that delineates the location and identifies the species of trees and vegetation upon a lot, and that meets the tree survey requirements of this Article. The Department shall determine the applicability and the extent of each survey. The survey shall provide the following information:

1. The surveyed location, by a Florida licensed land surveyor, in relation to all proposed development, of all existing trees that are proposed to be destroyed, relocated or preserved.
2. The common and scientific name of each tree.
3. The DBH of each tree, or, if a multiple trunk tree, the sum of the DBH of all trunks.

Vegetation Required to be Preserved by Law - 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.

CHAPTER B TYPES OF PLANS

All development that requires the issuance of a building permit or paving permit requires submittal and approval of one of the following, as applicable. Plans must be submitted in a manner and form established by the Zoning Division.

Section 1 Planting Plan

For all single-family and two-unit dwellings on an individual lot, and uses requiring landscaping that would otherwise be exempt, a planting plan shall be submitted and approved prior to the issuance of a building permit. The planting plan shall, at a minimum, indicate the number, location, height, and species of required trees and shrubs.

Section 2 Landscape Plan

For non-residential development, multi-family development greater than two units, and common areas of a PUD, a landscape plan shall be submitted and approved prior to the issuance of a building permit.

Section 3 Alternative Landscape Plan (ALP)

An applicant who can demonstrate that the intent of this Article can be exceeded, in whole or in part, may submit an ALP prepared in accordance with the following principles and design criteria. The ALP shall include a narrative that clearly details the modifications being requested and explains how they enhance the landscape design principles listed below.

A. Design Principles

To qualify for consideration an ALP shall demonstrate compliance with the following principles:

1. Innovative use of plant materials and design techniques in response to unique characteristics of the specific Tier and site.
2. Preservation or incorporation of existing native vegetation.
3. Use of a variety of plant material, including plants of color, form, and texture, in excess of minimum requirements.
4. Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials (trees, large shrubs) in a manner consistent with existing native vegetation.
5. Integration of landscaping and pedestrian facilities in a manner consistent with the Tier in which the development is located. In U/S Tiers and in TDD's, this may include reduced ground-level planting within the R-O-W buffer if canopy shade trees along sidewalks are provided.
6. Use of additional shade trees to create a greater canopy effect.
7. A greater degree of compatibility with surrounding uses than a standard landscape plan would offer, provided the resulting landscape conforms with the design principles and guidelines of this Article.
8. Use of water-efficient irrigation systems and xeriscaping at appropriate locations.
9. Incorporation of specific environmental attributes such as soil, hydrology, and vegetative communities unique to the site, and which are compatible with environmental features on adjacent properties.

B. Applicability

An ALP may be submitted for any project requiring approval by BCC, ZC, DRO, and BA.

C. Allowable Modifications to Standards

The standards of this Article which may be modified by an ALP are listed in Appendix 4, Checklist of Standards.

D. Approval

ALPs may be submitted in conjunction with a Zoning application, in accordance with Art. 2, Development Review Procedures, or a building permit application, subject to the following requirements.

1. Checklist

The ALP shall include documentation demonstrating compliance with Appendix 4, Checklist of Standards.

2. Optional Preliminary Meeting

Applicants may schedule a preliminary meeting with Zoning staff to identify issues and discuss possible design alternatives.

3. Optional Submittal with a Zoning Application

If submitted with an application for an on-going conditional use, requested use, variance, development order amendment, or DRO approval, an applicant may receive approval of the overall design concept for an ALP by the ZC, BA or BCC.

4. DRO Approval

Prior to issuance of a building permit, an ALP shall be approved by the DRO.

5. Required Findings

An ALP may be approved upon finding that:

- a. There are unique characteristics of the property, site design or use that warrant special consideration to modify or deviate from the requirements of this section and that these characteristics are not self-created.
- b. The ALP meets or exceeds the minimum requirements of this Section, while recognizing the unusual site design or use restraints on the property.
- c. Approval of the ALP will provide for both increased consistency and compatibility with adjacent projects located in the Tier.
- d. The ALP conforms to the requirements of Appendix 4, Checklist of Standards, and no exceptions to the limitations on the standards that may be modified are requested.

6. Appeals

If an application for an ALP is denied by the DRO or Zoning Division, an applicant may appeal the decision through one of the following methods.

a. Peer Review

The applicant may select a third party landscape architect licensed in the State of Florida to certify to PZB that the proposed ALP is in compliance with this Article. PZB shall provide a Peer Review Certification Form for this purpose. Certification shall substitute for a staff determination of consistency with this Article.

b. Board of Adjustment (BA)

An applicant may file an appeal of a determination of compliance with the BA. The appeal must be filed within 30 calendar days from the date the determination is denied.

Section 4 Street Planting Plan

Plans for landscaping within streets shall be provided for new subdivisions in accordance with Art. 11.B.3.B.3, Construction Plans and Supplemental Engineering Reports.

CHAPTER C MGTS TIER COMPLIANCE

Landscape design shall comply with the relevant MGTS characteristics in both plant material selection and overall landscape composition.

Section 1 U/S Tier

Landscaping in the U/S Tier should have a higher level of detail and more structure, such as pedestrian accents, formal arrangements in perimeter landscape and buffers, street tree plantings, and inter-connections between pedestrian and vehicular areas. The Revitalization and Redevelopment Overlay is located with the U/S Tier and recognizes the unique opportunities and restrictions often encountered in development of infill parcels. Greater flexibility and alternative landscape solutions are encouraged to promote development within the boundaries of these areas.

Section 2 AGR and Glades Tiers

The AGR Tiers should promote reduced impervious areas, maintain large green/open spaces, incorporate equestrian and agricultural elements into the design, include an increased percentage of native plant species, and the use of natural stone and/or wood materials in the landscape design.

Section 3 Exurban and Rural Tiers

The Exurban and Rural Tiers consist of larger residential lots, development incorporating rustic architecture and building materials, and should emphasize preservation of native vegetation, dispersed parking and more naturalistic landscaped areas and informal design patterns.

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Table 7.C.3-1 – Minimum Tier Requirements

| Code Requirements | U/S Tier | AGR and Glades Tiers | Exurban and Rural Tiers |
|--|---|--|---|
| Landscape Buffers | | | |
| Design | Linear design, formal arrangement of elements, traversing sidewalks | Meandering, more naturalistic with shrub cluster and varying heights | Increased depth, buffers often adjacent to interior open space, unimproved pathway surfaces |
| Berms | Optional | Optional | No ¹ |
| Fences/Walls | Yes | Yes | Yes ² |
| Layers of Shrubs and Ground Cover ³ | 3 | 4 | 3 |
| Interior Landscaping | | | |
| Minimum Tree Quantities ⁴ – Residential Lot | 1 per 1,250 sq. ft. (max. 15) | 1 per 1,000 sq. ft. (max. 30) | 1 per 800 sq. ft. (max. 30) |
| Minimum Tree Quantities ⁴ – Non-Residential Lot | 1 per 2,000 sq. ft. | 1 per 1,500 sq. ft. | 1 per 1,200 sq. ft. |
| Minimum Medium Shrub Quantities ⁴ – Residential Lot | 3 per 1,250 sq. ft. (max. 45) | 3 per 1,000 sq. ft. (max. 90) | 3 per 800 sq. ft. (max. 90) |
| Minimum Medium Shrub Quantities ⁴ – Non-Residential Lot | 3 per 2,000 sq. ft. | 3 per 1,500 sq. ft. | 3 per 1,200 sq. ft. |
| Plant Standards | | | |
| Minimum Tree Height (Perimeter) | 12 ft. | 12 ft. | 12 ft. |
| Minimum Tree Height (Interior) | 12 ft. | 12 ft. (average) | 12 ft. (average) |
| Palms Substitute (3 palms for 1) | Yes | Yes – Native clusters only | Yes – Native clusters only |
| Foundation Planting | | | |
| Foundation Planting Width | 5 ft. along front façades | 10 ft. all sides | 12 ft. all sides |
| | 8 ft. along side façades | | |
| Façades to be Planted | Front & Sides | Front, Sides & Rear | Front, Sides & Rear |
| Percentage of Façade | 40 percent | 50 percent | 60 percent |
| Pervious Surface Area (Overall Lot) | | | |
| | 30 percent | 40 percent | 50 percent |
| Interior Islands | 1 per 10 spaces | 1 per 8 spaces | 1 per 6 spaces |
| Interior Islands Landscape Width | 8 ft. | 10 ft. | 12 ft. |
| Protective Curbing | Yes | Yes | Optional |

Notes

1. May be allowed with an approved ALP.
2. Walls and fences shall be built from natural materials, such as wood, stone, etc.
3. Refer to Shrub Hierarchy requirements in Table 7.F.7.B-6, R-O-W Buffer Shrub Type. Minimum interior quantities required in addition to perimeter buffer landscape requirements. Shall be calculated based on gross lot area, excluding preservation areas and lake tracts.
4. Traditional Development Districts (TDDs) are exempt from foundation planting requirements.

CHAPTER D GENERAL STANDARDS

The following standards are required for all trees, shrubs, hedges, groundcover and other landscape material.

Section 1 Plant Species

A minimum of 60 percent of required plant material shall be selected from Appendix 1, BCs Preferred Species List, published by the Zoning Division, or the list of native and drought-tolerant species in the most recent edition of the SFWMD's "Xeriscape Plant Guide". A minimum of 60 percent of required plant materials shall be native species.

Section 2 Trees

A. Canopy Trees

Canopy trees are subject to the following standards. All canopy trees shall be container grown or root pruned in accordance with acceptable horticultural practices.

1. Minimum Height

Canopy trees shall meet the height standards in Figure 7.D.2.A.2, Canopy Tree Measurement Standards, at installation. Up to 25 percent of the total number of required interior trees may be reduced in height by 25 percent, provided that an additional tree, at least eight feet in height, is planted for each tree with reduced height.

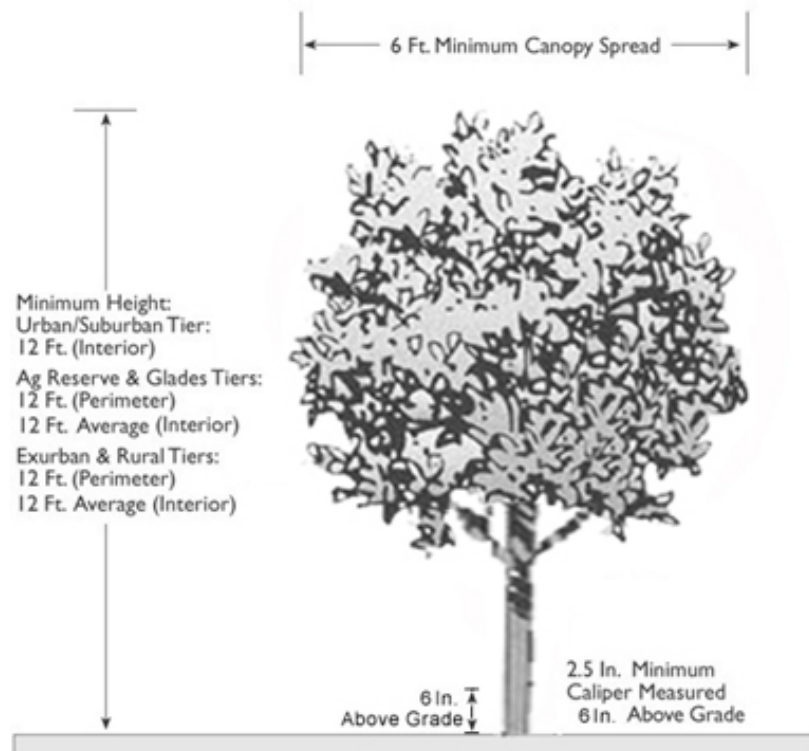
2. Minimum Canopy Spread

Six feet.

3. Minimum Caliper

Two-and-a-half inches.

Figure 7.D.2.A-2 – Canopy Tree Measurement Standards



B. Palms

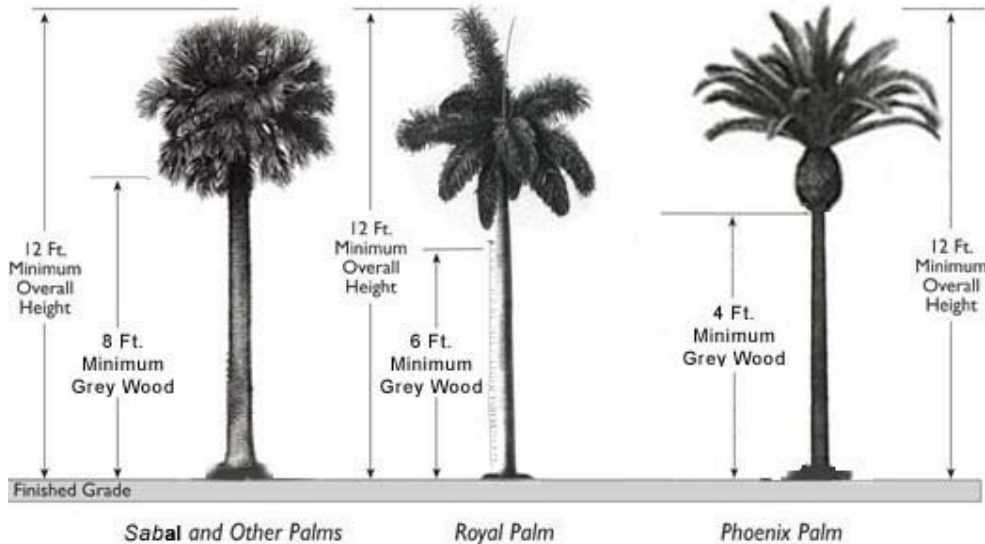
Palms, in clusters of same species, may be used in place of required canopy trees, subject to the standards in Table 7.D.2.B-2, Palm Height Standards, and Figure 7.D.2.B-3, Palm Measurement

Standards. Palms may not be used in excess of 25 percent of the total number of required trees. When using palms in a perimeter buffer, refer to Art. 7.F.2.A.2, Palms.

Table 7.D.2.B-2 – Palm Height Standards

| | |
|------------------|--|
| Minimum Height | 12 feet overall height as noted below; 8 feet clear trunk 6 feet Grey wood for Royals and similar species 4 feet Grey wood for Phoenixes and similar species 4 feet clear trunk for preserved native palms |
| Minimum Diameter | See Florida Standards for specific species |

Figure 7.D.2.B-3 – Palm Measurement Standards



C. Tree Species Mix

When more than 15 trees are required to be planted to meet the standards of this Article, a mix of species is required. The number of species to be planted shall vary according to the overall number of trees that are required to be planted pursuant to Table 7.D.2.C-3, Tree Species Mix. Vegetation preserved in accordance with Art. 14.C, Vegetation Preservation Protections, is exempt from the tree species mix requirement.

Table 7.D.2.C-3 - Tree Species Mix

| Required Number of Trees | Minimum Number of Species |
|--------------------------|---------------------------|
| 16-30 | 2 |
| 31-45 | 3 |
| 46-60 | 4 |
| 61-75 | 5 |
| 76-90 | 6 |
| 91 + | 7 |

D. Tree Credit

A preserved upland or drought-tolerant tree or palm meeting the standards in this Article may be substituted for required trees, subject to the following:

1. Tree Survey

Credit shall be granted for on-site preservation of existing trees or palms when accompanied by a tree inventory or tree survey.

2. Trees Excluded from Credit

Credits shall not be permitted for trees that are:

- a. Required for preservation by Art. 14.C, Vegetation Preservation and Protection, (i.e. located in required preservation areas, heritage or champion trees).
- b. Not properly protected from damage during the construction process, as required in Article 14.C, Vegetation Preservation and Protection.
- c. Classified as prohibited or invasive non-native species as defined in Art.14.C, Vegetation Preservation and Protection.
- d. Dead, dying, diseased, or infested with harmful insects.
- e. Located on a subarea of a planned development that is not intended to be developed for residential, commercial, or industrial use, such as a golf course on an adjacent open space parcel.

3. Tree Credit Formula

Existing trees shall be credited according to the formula in Table 7.D.2.D-4, Tree Credit and Replacement.

Table 7.D.2.D-4 – Tree Credit and Replacement

| Crown Spread of Tree | Or | Diameter at 4.5 Feet Above Grade | = | Credits or Replacements |
|----------------------|----|----------------------------------|---|-------------------------|
| Less than 5 Ft. | or | Less than 2 in. | = | 0 |
| 5-9 Ft. | or | 2-6 in. | = | 1 |
| 10-19 Ft. | or | 7-11 in. | = | 2 |
| 20-29 Ft. | or | 12-16 in. | = | 3 |
| 30-39 Ft. | or | 17-21 in. | = | 4 |
| 40-49 Ft. | or | 22-26 in. | = | 5 |
| 50-59 Ft. | or | 27-31 in. | = | 6 |
| 60-89 Ft. | or | 32-36 in. | = | 7 |
| 90 Ft. or Greater | or | 37 in. or more | = | 8 |

Notes

- 1. Preserved or relocated slash pines: a minimum of 14 feet in height may count as one required tree
- 2. Fractional measurements shall be rounded down.

Section 3 Shrubs and Hedges

A. Shrubs

Required shrubs are subject to the standards in Table 7.C.3-1, Minimum Tier Guidelines, and the dimension standards in Table 7.F.7.B-6, R-O-W Buffer Shrub Types.

B. Hedges

Hedges may be used in place of required shrubs, subject to the following standards and the residential provisions in Art. 5.B.1, Supplementary Regulations.

1. Minimum Height at Installation

24 inches.

2. Minimum Height Within Two Years of Planting

Three feet.

3. Minimum Spacing

24 inches on center.

Section 4 Ground Treatment

The ground within required landscaped areas shall receive appropriate landscaping such as grass, groundcover, mulch or shrubs and present a finished appearance upon planting. Ground cover is not required in preservation areas shown on approved landscape plans. Sand, gravel, shellrock, or pavement are not considered appropriate landscape treatment. The following standards shall apply to the installation of ground treatment:

A. Ground Cover

Live material used as ground cover shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within six months.

B. Mulch

Mulch shall be installed and maintained at a minimum compacted depth of three inches at all times in all planted areas not containing ground cover. All mulch material shall be free of seeds and weeds to prevent tree sprouting and regrowth.

C. Pebble, Egg Rock and Decorative Sand

Pebble, egg rock, or decorative sand may be used up to a maximum of ten percent of ground coverage and only in areas needed to accommodate limited roof water runoff.

D. Lawn and Turf Grass

Grass areas shall be planted with species suitable as permanent lawns and reach 100 percent coverage within six months of planting. Grass areas may be sodded, plugged, sprigged, or seeded, provided that sod shall be required between landscape buffers and swales and in other areas subject to erosion). In areas where grass seed is used, millet or rye shall also be sown for immediate effect, and immediate maintenance shall be provided until coverage is complete. Because of their drought resistant characteristics, it is recommended that Bahia grass species be used. Use of drought-tolerant ground cover instead of lawn and turf grass is encouraged. Undeveloped parcels shall be planted as required in Art. 2.D.3.B.4, Vacant Lots.

Section 5 Existing Native Trees and Vegetation

Existing native trees and vegetation may satisfy the landscape buffer requirements in this Article, in total or in part. Existing native trees and vegetation may be relocated from areas of the site to be used as or in a landscape buffer. In determining whether native trees and vegetation satisfy the requirements of this Article, the following shall be considered:

- A. The effectiveness of the visual screening. If adequate screening is provided, then no additional trees and vegetation will be required.
- B. The quality and kind of the trees and vegetation being preserved.

Section 6 Prohibited Plant Species

The planting or installation of the following plant species is prohibited. Each planting plan, landscape plan or ALP shall include a program to eradicate and prevent the reestablishment of these species.

- A. Prohibited plant species listed in Art. 14.C, Vegetation Preservation and Protection.
- B. Any plant species classified in Art. 14.C, Vegetation Preservation and Protection, as an “invasive non-native species”.

Section 7 Controlled Plant Species

The following species may be planted or maintained under controlled conditions:

A. Black Olives

Black olives shall not be installed within 15 feet of any vehicular use area, sidewalk, paved pathway, or bike lane.

B. Ficus Species

Ficus species may be planted under the following conditions but shall not exceed a maximum of ten percent of the total number of required trees.

1. Planted as individual trees provided they are no closer than 30 feet from any structure or utility;
2. Contained in a planter or root barrier; or
3. Maintained in accordance with the residential restrictions for hedges pursuant to Art. 5.B.1.A.2.a, Height.

Photo 7.D.7.B-12 – Controlled Plant Species



Black Olive Tree - May not be installed within 15 feet of any vehicular use area, sidewalk, pathway, or lane.



Ficus Tree - May be used in landscaping only under controlled conditions.

C. Silk Oak, Rosewood

Silk Oak and Rosewood trees shall not be planted within 500 feet of a preserve area.

D. Citrus Trees

Citrus trees shall not qualify as a required tree, except for single-family lots.

Section 8 Artificial Plants

No artificial plants or vegetation shall be used to meet any standard of this Section.

Section 9 Berms

Berms may be used as non-living landscape barriers only when used in conjunction with plant materials and where existing natural vegetation is not disturbed. Berms may be used in conjunction with fences, walls, hedges and shrubs to meet the total height requirements of incompatibility landscape buffers, as illustrated in Figure 7.D.9.C.4, Berm Elevation and Drainage Requirements, provided that hedges and shrubs are installed at the height necessary to provide the total six foot screen at the time of planting. Berms may be installed in preservation areas only where they will not affect the viability of preserved trees and vegetation. Runoff from berms shall be contained within the property, as illustrated in Figure 7.D.9.C-4, Berm Elevation and Drainage Requirements, or in a manner approved by the County Engineer.

A. Tier Restrictions

Landscape berms are not allowed within the Exurban, Rural, Agricultural Reserve, or Glades Tiers, unless approved as part of an ALP or located along a Rural Parkway.

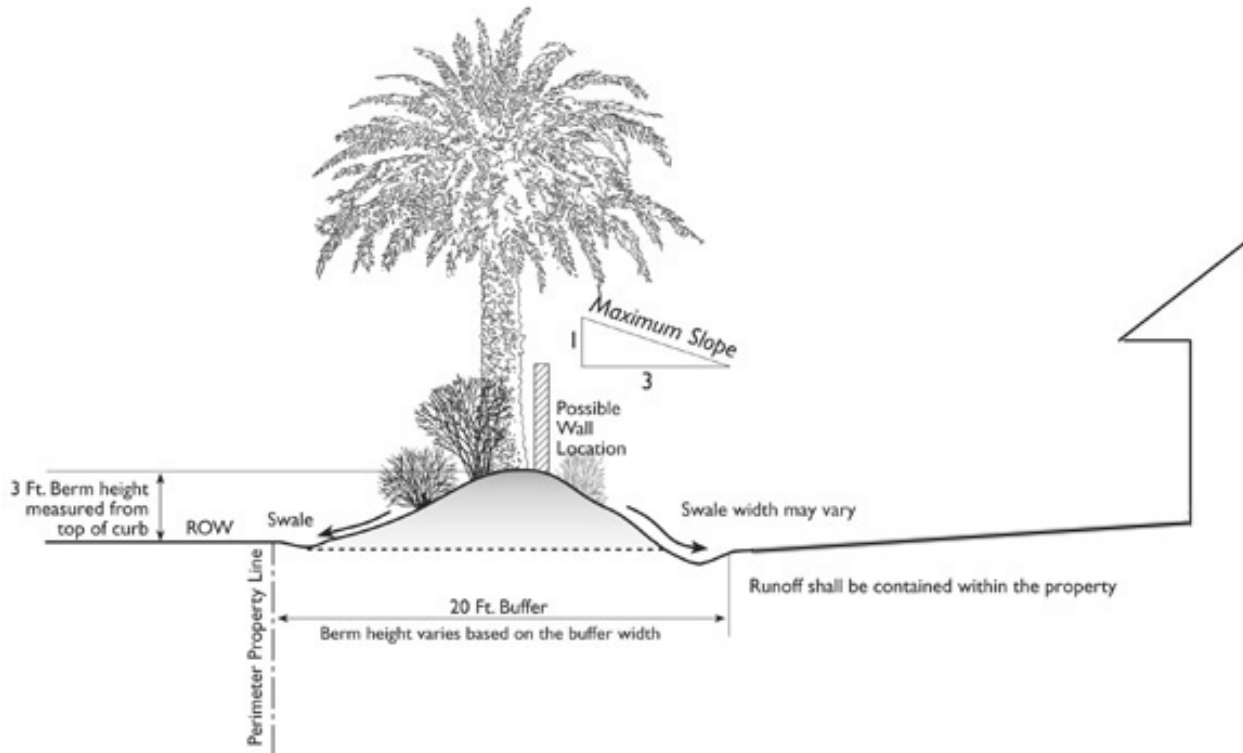
B. Maximum Slope

The slope of a required berm shall not exceed three-to-one.

C. Height Measurement

Berm height shall be measured from the top of the adjacent curb or finished grade, whichever is higher.

Figure 7.D.9.C-4 – Berm Elevation and Drainage Requirements



Section 10 R-O-W Landscaping

Landscaping in the median or swale of streets may be required by the BCC or the County Engineer pursuant to Art. 11.C.1.C.1, Access and Circulation Systems.

Section 11 Foundation Plantings

Foundation plantings shall be provided along façades as required by Table 7.C.3-1, Minimum Tier Guidelines, for non-residential structures unless specifically exempted by this Section. Along front and side façades with drive-through windows, plantings may be located within 30 feet of the foundation or the required plantings may be relocated to an adjacent façade. All required foundation plantings shall be planted with a minimum of one tree or palm for each 20 linear feet of building facade and appropriate shrubs or ground cover. Relocation of required foundation plantings may be approved by the Zoning Division if adjacent to a landscape buffer.

A. Exemptions

1. Agricultural or industrial buildings that are not visible from a public street or residential zoning district.
2. Buildings which are exempt from local building permits or government review pursuant to State or Federal Statutes.
3. Structures within a TDD, where a build-to-line is established along the sidewalk, except where required in Art. 3.F, Traditional Development Districts.
4. Properties where the required planting area would overlap a required buffer.
5. Accessory buildings and structures subject to Zoning approval.

B. Minimum Width

As required by Table 7.C.3-1, Minimum Tier Guidelines.

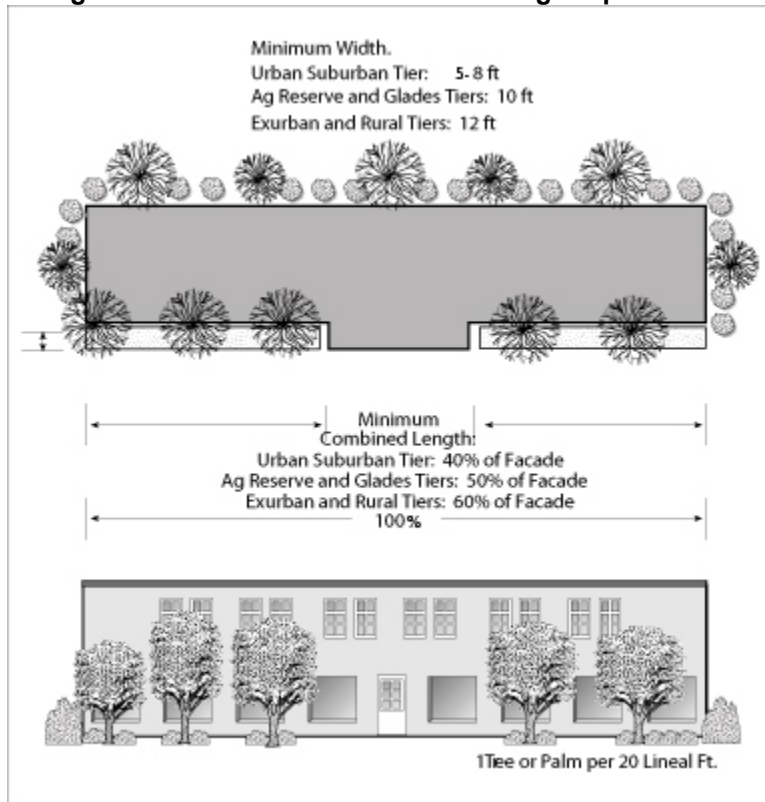
C. Minimum Length

The combined length of the required foundation planting shall be as required by Table 7.C.3-1, Minimum Tier Guidelines. The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays.

D. Planting Around Signs

A three foot wide planting area shall be required around the base of all ground-mounted signs. One shrub for each ten square feet of planting area shall be installed within the planting area and maintained at a minimum height of 18 inches. Monument signs six feet in height or less may be surrounded by ground cover on all sides instead of shrubs. Landscaping and trees that interfere with the visibility of signage may be relocated to the rear of the sign planting area, subject to approval by the Zoning Division.

Figure 7.D.11.D-5 – Foundation Planting Requirements



Section 12 Landscape in Easements

Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting. If a wall with a continuous footer is used, a minimum of ten clear feet for planting is required. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this Article, and Art. 11, Subdivision Platting, and Required Improvements, and other PBC codes. Easements shall be identified prior to the preparation of site or subdivision plans and any proposed overlap shall be approved by the DRO or Zoning Division.

A. Infill Development

Required landscape buffers for infill development may overlap easements by more than five feet, provided that there remains a minimum of five clear feet for planting or ten clear feet if a wall with a continuous footer is used.

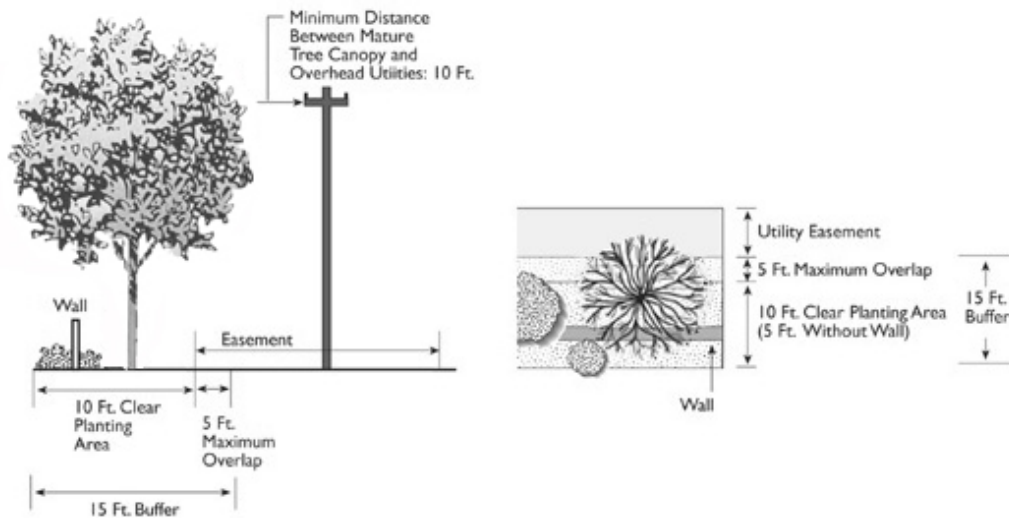
B. Overhead Utilities

Trees planted within any easement with overhead utilities shall comply with the placement and maintenance requirements in the latest edition of FP&L’s publication “Plant the Right Tree in the Right Place,” available from the Zoning Division, and take into consideration the mature height and spread of the species beneath or adjacent to overhead utilities. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from overhead lines. Plants required in the easement area may be planted elsewhere on site, in the vicinity of the required location. In order to maintain tree and plant spacing when a landscape buffer is traversed by a utility easement, a larger overlap may be allowed with the written approval of the relevant utility service company. Where a utility easement crosses a R-O-W buffer, plant material spacing may be adjusted, provided there is no reduction in the amount of required plant material.

C. Detention/Retention Areas, Swales, Drainage Easements, and Lake Maintenance Easements

Detention/retention areas, drainage easements, lake maintenance easements, and sloped, directional swales greater than one foot below finished grade, shall not be located in or overlap required landscape buffers unless otherwise approved in writing by the Land Development Division.

Figure 7.D.12.C-6 – Maximum Allowed Encroachment into Easements

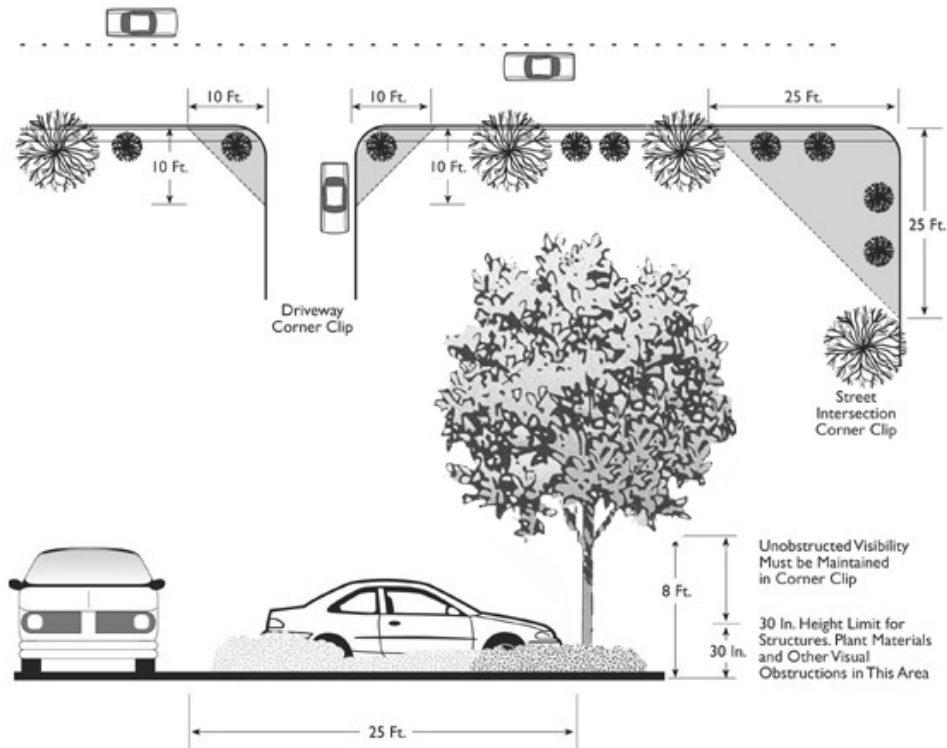


Section 13 Corner Clips

Landscaping within corner clip and visibility triangles required by Art. 11, Subdivision Platting and Required Improvements, shall be subject to the following limitations.

- A. An area of unobstructed visibility shall be maintained between 30 inches and eight feet above the crown of the adjacent roadway.
- B. Vegetation located adjacent to and within corner clip areas shall be trimmed so that limbs or foliage do not extend into the required visibility area.
- C. All landscaping in a corner clip shall be planted and perpetually maintained by the property owner, except where maintained by another entity such as a Homeowner’s Association (HOA).

Figure 7.D.13-7 – Corner Clip Visibility Requirements



Section 14 Grade Changes

A. Grade Changes Equal to or Greater than Four Feet

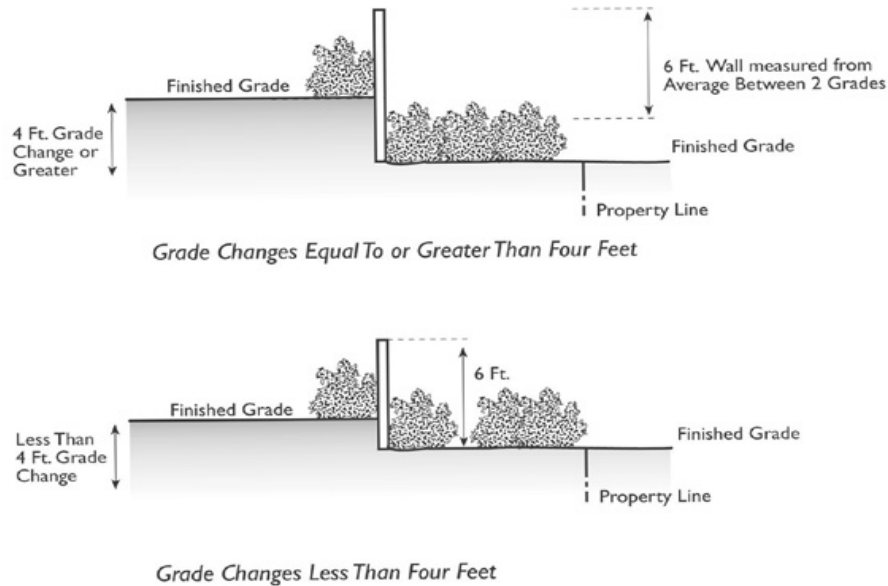
When a landscape barrier separates sites with a finished grade elevation difference of four feet or greater, the height shall be measured from the average finished grade of the two sites.

B. Grade Changes Less than Four Feet

When a landscape barrier separates sites with a finished grade elevation difference of less than four feet, the wall height shall be measured directly adjacent to the wall, on the lowest side.

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Figure 7.D.14.B-8 – Buffers with Grade Changes



CHAPTER E INSTALLATION, MAINTENANCE, PRUNING AND IRRIGATION

The following standards are the minimum for required installation, maintenance, irrigation, and replacement of trees and landscape material.

Section 1 General

Plant material shall:

- A. Be planted in soil and conditions appropriate for their growth habits.
- B. Be appropriate for the USDA plant hardiness zone and ecological setting in which they are to be planted.
- C. Be compatible with existing native plants in the area through similar ornamental properties and physical requirements (e.g. water use, soil conditions).

Section 2 Plant Quality

Plants installed pursuant to this Article shall conform to or exceed the minimum standards for Florida Number 1, as provided in the most current edition of "Grades and Standards for Nursery Plants, Parts I and II", prepared by the State of Florida Department of Agriculture and Consumer Services, see Appendix 2 for Examples of Florida Number 1 Quality Plants, A different minimum standard may be approved for native plants installed in accordance with an approved ALP if an applicant demonstrates that sufficient quantities of commercial stock meeting the Florida Number 1 standard are not available. All plants shall be clean and free of noxious pests and/or diseases.

Section 3 Installation

All landscaping shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. Before planting, a plant or tree's growth characteristics shall be considered to prevent conflicts with views, lighting, infrastructure, utilities, or signage. Proposed infrastructure, lighting, and signage plans shall be submitted concurrent with landscape plans prior to issuance of a building permit.

A. Planting Specifications

Required trees and palms shall be securely guyed, braced, and/or staked at the time of planting until establishment. All plants shall be installed so that the top of the rootball remains even with

the soil grade. The top one-third of burlap shall be removed from the root ball at planting. If used, nylon strapping and wire cages shall be completely removed at installation. All guys and staking material should be removed when the tree is stable and established but in no case more than one year after initial planting of tree. Construction debris shall be kept clear from the planting area.

B. Phasing

Required landscaping may be installed in phases, if designated on the approved site plan, as follows:

1. Planned Developments

The number of trees required to be planted or preserved in a construction phase of a planned development shall be a proportion of the total number of trees required to be planted in the overall planned development. This proportion shall be determined by comparing the area of the phase plan to the area of the entire planned development as shown on the approved plan. Areas of vegetation required to be preserved shall be excluded from this calculation.

2. Other Developments

The entire perimeter landscaping shall be installed prior to the issuance of the first Certificate of Occupancy (CO) or in accordance with a phasing plan approved by the DRO.

3. Suspended Phasing

Required installation may be phased into a project for up to one year from initial occupancy with Zoning Division approval of an installation schedule.

Section 4 Maintenance

PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned property, unless provided for otherwise by DO condition of approval. For all other properties, the property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the following:

- A. Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices.
- B. Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.
- C. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscape and preservation areas.
- D. Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard. All trees and palms shall be allowed to grow to their natural mature height and to full canopy. No canopy tree shall be pruned until it has reached the minimum 20 foot required height and canopy spread, unless required to address damage by natural causes, such as hurricanes.
- E. Landscape areas which are required to be created or preserved by this Article shall not be used for temporary parking or the storage/display of materials or sale of products or services.

Section 5 Pruning After Installation

Pruning is permitted after installation to allow for healthy growth, to promote safety considerations, and enhance the aesthetic value of plant material. Trees that conflict with views, signage, or lighting shall not be pruned more than the maximum allowed. Trees shall not be pruned to reduce the canopy spread to less than 20 feet or pruned in conflict with the maintenance standards above. Pruning practices shall conform to the guidelines in Tree Care Tips – A Guide to Proper Pruning Techniques, published by the Department of Environmental Resources Management (ERM). The Zoning Director may suspend the provisions of this Section upon recommendation from County Landscape Staff that additional pruning is necessary for plant growth, safety, or aesthetics.

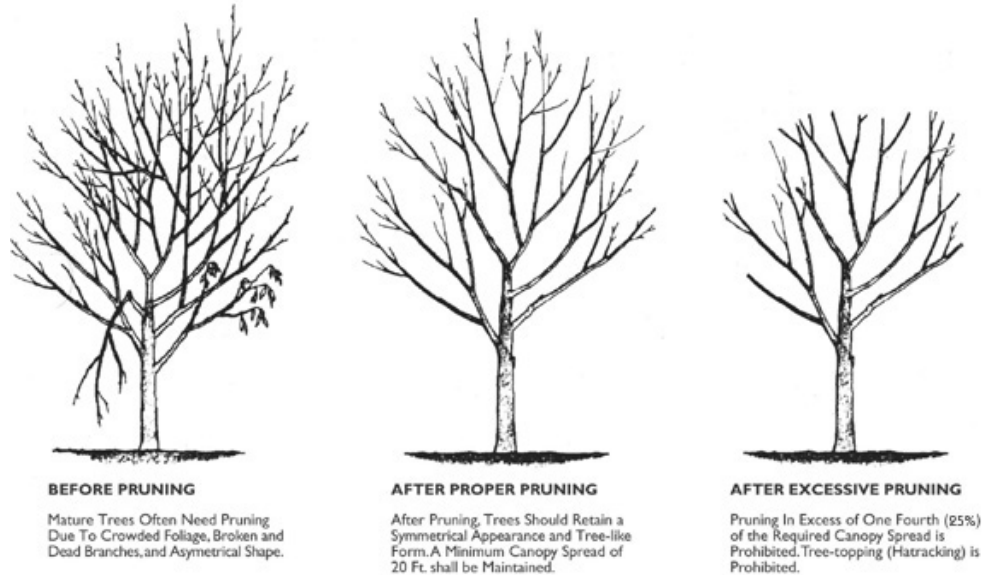
A. General Pruning Requirements

1. A maximum of one-fourth of the tree canopy may be removed from a tree within a one year period, provided that the removal conforms to the standards of crown reduction, crown

cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the American National Standards Institute, ANSI 300-2001 (Tree, Shrub and other Woody Plant Maintenance), as amended. The crown of a tree required by this Code or condition of approval shall not be reduced below the minimum spread or height requirements of Art. 7.D.2.A, Canopy Trees, or specific conditions of approval. A tree which is pruned in excess of these requirements shall be replaced with a tree that meets the minimum requirements of Art. 7.D.2.A, Canopy Trees, and Table 7.D.2.D-4, Tree Credit and Replacement.

2. If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved site plan, planting plan, landscape plan, or ALP. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall landscape design. A maintenance program shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
3. When cutting back trees, care shall be taken to promote the shape and form typical of the tree's species in similar settings in PBC.
4. Tree topping (hatracking) is prohibited.
5. No large or medium canopy trees shall be pruned before it has reached a minimum 20 foot canopy height and spread.

Figure 7.E.5.A-9 – Pruning Guidelines

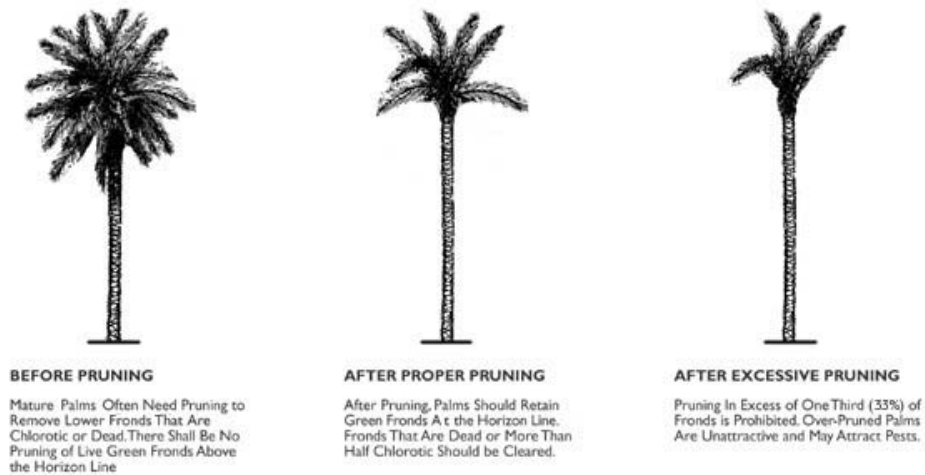


B. Palm Pruning Requirements

1. No more than one-third of fronds shall be removed.
2. No pruning above the horizon line, except for dead or diseased fronds.

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Figure 7.E.5.B-10 – Palm Pruning Guidelines



C. Pruning Exemptions

The following trees and species are exempt from these pruning standards:

1. Trees affected by FAA and airport safety regulations, to the extent required to comply with these regulations.
2. Trees that interfere with corner clips, utility lines, or utility structures, to the extent required to comply with regulations for these areas or structures.
3. Trees that have insect or disease damage, crown dieback, or decay greater than one third of the tree canopy.
4. Trees that have suffered damage due to natural or accidental causes.
5. Trees on single-family lots unless pruned by a commercial tree service business, landscape company, lawn service business, or other related businesses.
6. Trees in botanical gardens, or botanical research centers.
7. Trees under DOT, DEPW, and FPL management.

Section 6 Irrigation

The licensed professional or irrigation contractor responsible for the installation of irrigation shall demonstrate compliance with the following irrigation standards in a form acceptable to the Zoning Division. Landscaped areas shall be irrigated to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards:

- A. The landscape design and final landscape plan shall incorporate acceptable xeriscape industry standards.
- B. All landscaped areas requiring irrigation shall be provided with an automated irrigation system that provides 100 percent coverage. Areas requiring minimal irrigation to establish plants shall use drip irrigation.
- C. Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent schedule than lawn areas. A rain-sensor switch shall be installed on systems with automatic controllers.
- D. Irrigation systems shall be designed as not to overspray water impervious areas. All irrigation systems shall be continuously maintained in working order.
- E. Where feasible, irrigation systems shall not be installed or maintained on areas adjacent to a public street which causes water from the system to spray onto the roadway or strike passing pedestrian or vehicular traffic.
- F. The use of irrigation quality or re-used water is encouraged for parks and recreation facilities:

1. Within the Irrigation Quality (IQ) effluent water service area of the PBCWUD; or
 2. Where irrigation quality or re-used water is available and where such reuse is approved by the regulatory agencies.
- G. Permanent irrigation systems are not required for areas set aside on approved site development plans for preservation of existing native vegetation.
- H. Temporary irrigation systems installed pursuant to acceptable xeriscape practices may be used to meet the standards of this Section, upon approval of the Zoning Division.

Section 7 Restoration and Maintenance

Required or preserved vegetation that becomes damaged or diseased, or is dead shall be immediately replaced with equivalent vegetation to comply with the approved planting plan, landscape plan, or ALP or with the requirements of this Article (if an approved plan is not on file). Preserved trees for which credit was awarded and that are removed or damaged, shall be replaced in accordance with the tree replacement credit standards of Table 7.D.2.D-4, Tree Credit and Replacement. Landscape trees planted or preserved to meet the minimum landscape code requirements may be removed provided a Tree Removal Permit is approved.

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Landscape buffers shall be installed and maintained in accordance with the following standards.

Section 1 Buffer Types

A. R-O-W

R-O-W buffers shall be provided along all street R-O-W, except for alleys.

1. Exceptions

R-O-W buffers are not required for individual single-family residential, ZLL, or townhouse lots.

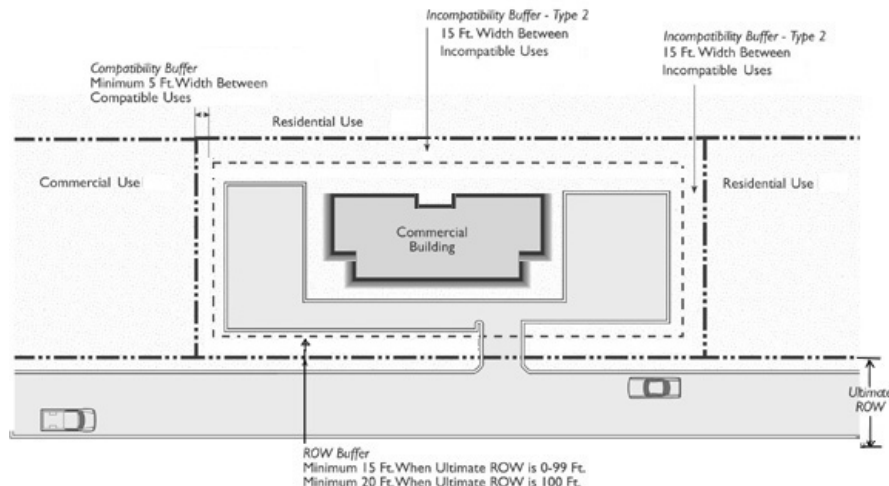
B. Compatibility

Compatibility buffers shall be provided between all compatible use types, excluding single-family residential subdivisions or pods adjacent to single family residential subdivisions or pods, and TDD's.

C. Incompatibility

Incompatibility buffers shall be provided between all incompatible use types or incompatible pods.

Figure 7.F.1.C-11 – Buffer Type Detail



Section 2 Trees, Shrubs, and Hedges

Trees, shrubs, and hedges shall be provided in all perimeter buffers in accordance with the following standards:

A. Trees

1. Minimum Tree Quantities

a. R-O-W Buffers

One canopy tree per 25 lineal feet.

b. Compatibility Buffers

One canopy tree per 25 lineal feet.

c. Incompatibility Buffers

One canopy tree per 20 lineal feet.

2. Palms

Palms planted in groups of three or more may be counted as one required canopy tree, up to a maximum of 25 percent of all trees required in each buffer. In the case of palm species that characteristically grow in clumps, each clump shall be counted as one canopy tree.

a. Exception

In R-O-W buffers only, Royal, Bismarck, Phoenix, Canary, Date or similar palm species determined to be acceptable by the Zoning Division may be counted as one required canopy tree. These palms shall be spaced a maximum of 20 feet on center and have a minimum of 12 feet of clear trunk, except Royals which shall require a six feet minimum Grey Wood.

3. Slash Pines

Slash pines planted in groups of three or more may be counted as one required canopy tree. Each group of slash pines shall be staggered in height and average a minimum of ten feet in height.

B. Shrubs

Shrubs shall be installed according to Table 7.F.7.B-6, R-O-W Buffer Types.

C. Hedges

Hedges may be used in place of required shrubs in compatibility and incompatibility buffers. Hedges, in combination with a berm, shall be installed in a manner that provides the minimum height required for continuous solid opaque screen at time of planting.

Section 3 Walls and Fences

If a wall or fence is used, a minimum of 75 percent of the required trees shall be located between the exterior of the wall or fence along the R-O-W or facing adjacent property. Shrubs or hedges shall be installed on both sides of the wall or fence. If a wall with a continuous footer is used, a minimum of ten clear feet of planting area shall be provided.

A. Conflict with Easements

If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with Art. 3.D, Property Development Regulations.

B. Architectural Treatment

If a wall is used in a compatibility or incompatibility buffer, both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent development.

C. Chain Link Fences

Vinyl coated chain link fences are permitted only if used in the R-O-W buffer, installed behind an opaque six foot high hedge or approved by the BCC, ZC, or BA.

Section 4 Dedications

Required landscape buffers within or around residential pods of Planned Developments shall be platted and dedicated as separate tracts of land.

Section 5 Area Measurement

The width of access ways that traverse required perimeter landscape buffers shall be included in the calculation of linear dimension.

Section 6 Buffer Width Reduction

The required buffer width may be reduced by 50 percent where a project is separated from a R-O-W by a canal, lake, open space, or combination thereof, with a minimum width of 80 feet. The DRO may reduce the required incompatibility buffer width by 50 percent for pods adjacent to a canal, lake, or open space area 100 feet in width or if the same type of buffer exists on the adjacent property. The quantity of required plant material shall not be reduced in proportion to the reduction in the buffer width. A minimum of five clear feet for planting, or ten feet if a wall with a continuous footer is used, shall be maintained.

Section 7 R-O-W Buffer

A. Width

The total width of the buffer along streets, thoroughfares, or other means of vehicular access shall depend on the width of the street's ultimate R-O-W as indicated in Table 7.F.7.A-5, Width of R-O-W Buffer. The width of the ultimate R-O-W shall be determined by reference to the Thoroughfare R-O-W Identification Map in the Plan, or as determined by the County Engineer. R-O-W widths for non-thoroughfare plan streets shall be determined by reference to Art. 11.C.1.C.1, Access and Circulation Systems.

Table 7.F.7.A-5 - Width of R-O-W Buffer (Feet)

| Width of Ultimate R-O-W (Feet) | Minimum Width of Buffer (Feet) |
|--------------------------------|--------------------------------|
| 100+ | 20 |
| 0-99 | 15 |

B. Shrub Hierarchy

R-O-W buffers shall include each of the shrub types listed in Table 7.F.7.B-6, R-O-W Buffer Shrub Types.

Table 7.F.7.B-6 - R-O-W Buffer Shrub Types

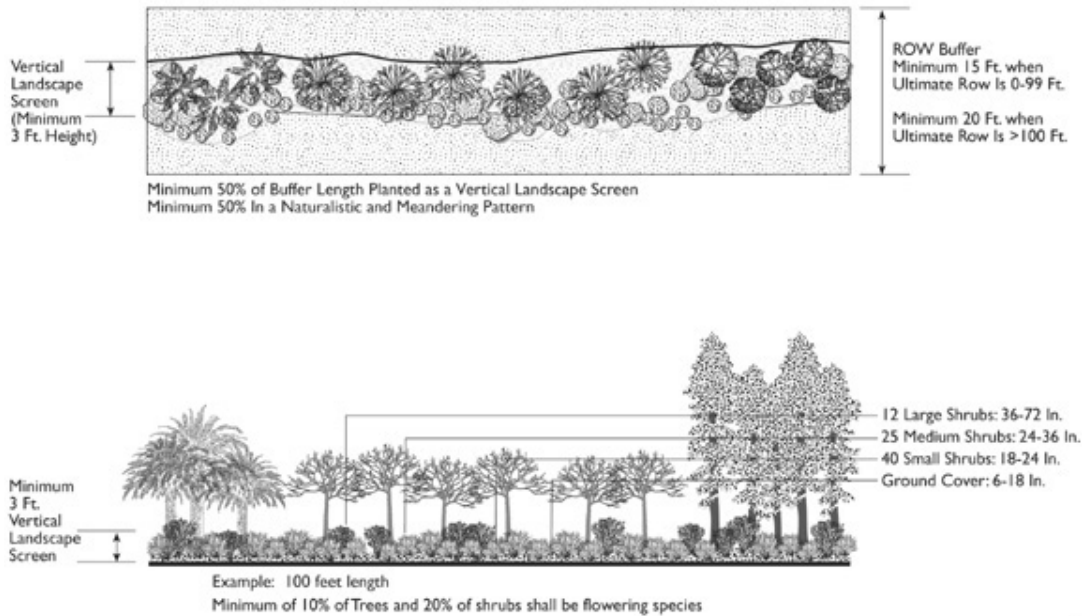
| Shrub Type | Minimum Spacing at Installation | Minimum Height at Installation | Minimum Percentage of Buffer Length | Minimum Height at Maturity |
|---------------|---------------------------------|--------------------------------|-------------------------------------|----------------------------|
| Ground Cover | 6 inches | 6 inches | 100 percent | n/a |
| Small Shrubs | 24 inches | 18 inches ¹ | 50 percent | 24 inches |
| Medium Shrubs | 30 inches | 24 inches ¹ | 25 percent | 36 inches |
| Large Shrubs | 48 inches | 36 inches ¹ | 25 percent | 48 inches |

Notes

1. May be reduced by six inches for use of native plant material.
2. Refers to area planted, not including spread of the shrubs.

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Figure 7.F.7.B-12 – R-O-W Buffer Required Width and Shrub Hierarchy



C. Planting Pattern

A minimum of 50 percent of the buffer width shall be composed of a continuous opaque vertical landscape screen at least three feet in height, planted in a meandering pattern as illustrated in Figure 7.F.7.B-12, R-O-W Buffer Required Width and Shrub Hierarchy, and composed of the shrub types listed in Table 7.F.7.B-6, R-O-W Buffer Shrub Types. The area of the R-O-W buffer not planted with trees and shrubs shall be landscaped with ground cover.

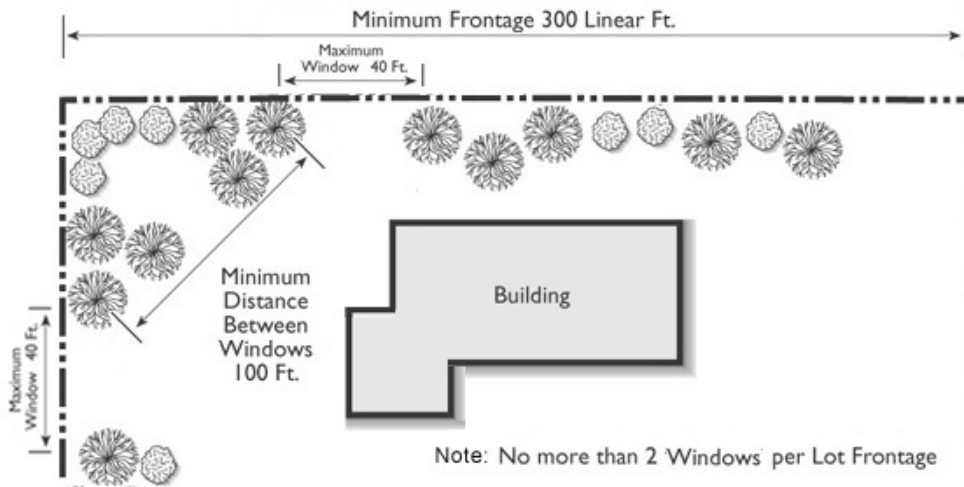
D. Clustering

Canopy trees and same species palms may be clustered in R-O-W buffers for non-residential development, subject to the following standards:

1. Clusters shall be spaced no more than 40 feet on center.
2. Clusters shall consist of trees of varied height, which when averaged, equal the minimum tree height requirements of Art. 7.D.2.A, Canopy Trees.
3. Created windows shall only be permitted on properties with a minimum of 300 feet of lot frontage.
4. A maximum of two windows are allowed per lot frontage.
5. The minimum distance between open window areas created by clusters shall be 100 feet.

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Figure 7.F.7.D-13 – Clustering in R-O-W Buffer



E. Walls and Fences

Walls or fences shall be setback a minimum of ten feet from the edge of the ultimate R-O-W, unless waived or reduced by the County Engineer, provided there remains a minimum of five clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten clear feet for planting.

Section 8 Compatibility Buffer

The minimum width of a compatibility buffer is five feet. Compatibility buffers shall provide a continuous solid opaque visual screen at least three feet in height composed of hedges or shrubs, either alone or in combination with a wall, fence or berm. Hedges and shrubs shall reach the required height within two years of installation.

A. Walls

Walls used in combination with hedges or shrubs shall not be CBS type with a continuous footer unless a minimum of ten clear feet is provided for landscaping.

Section 9 Incompatibility Buffer

An incompatibility buffer shall be required between all incompatible use types or incompatible pods in a Planned Development, in accordance with the requirements of Table 7.F.9.A-7, Incompatibility Buffer Standards, shall provide a minimum six foot high continuous solid opaque visual screen composed of hedges or shrubs, either alone or in combination with a wall, fence, or berm.

A. Type

Incompatibility buffers shall be one of the types listed in Table 7.F.9.B-8.

Table 7.F.9.A-7 - Incompatibility Buffer Standards

| Buffer Type | Width (in feet) | Walls Required or Fence | Minimum Screen Height (in feet) | Maximum Tree Spacing (in feet, on center) |
|-------------|-----------------|-------------------------|---------------------------------|---|
| Type 1 | 10 | No | 6 | 20 |
| Type 2 | 15 | No | 6 | 20 |
| Type 3 | 20 | Yes | 6 | 20 |

B. Determining Incompatibility Buffer Type

The type of incompatibility buffer required shall be the highest buffer type based on the height or use difference between adjacent uses, in accordance with Table 7.F.9.B-8, Required Incompatibility Buffer Types. In the case of a conflict, the most restrictive buffer type shall be required.

Table 7.F.9.B-8 – Required Incompatibility Buffer Types

| Building Height Difference Between Adjacent Uses | | Required Buffer Type |
|--|--------------|----------------------|
| 14 to 28 ft. | | Type 1 |
| 28 to 35 ft. | | Type 2 |
| Greater than 35 ft. | | Type 3 |
| Use Type Difference Between Adjacent Uses | | Required Buffer Type |
| Single-Family | Multi-Family | Type 1 |
| Residential | Commercial | Type 2 |
| Residential | Recreational | Type 2 |
| Residential | Civic | Type 2 |
| Residential | Agricultural | Type 3 |
| Residential | Industrial | Type 3 |
| Residential | Utility | Type 3 |

Notes

1. Buffer for minor utilities shall be determined by the DRO.
2. If the height and use differences in Table 7.F.7.B-6 are not applicable, then a compatibility buffer shall be required. (See Art. 7.F.8)
3. Determination of use types subject to Art. 4.A.3.A-1, Use Matrix.

C. Walls and Fences

Walls used in Type 1 incompatibility buffers shall not be CBS type with a continuous footer unless a minimum of ten clear feet is provided for landscaping.

1. Existing Walls or Fences

Where there is an existing wall or fence, the Zoning Division may waive the wall or fence requirement. The following conditions shall be considered when determining if the wall requirements may be waived:

- a. Condition of existing wall;
- b. Effectiveness of visual screen; and
- c. Type of construction.

D. Berms

Landscape berms may be used in conjunction with shrubs, hedges, walls or fences to meet minimum visual screen height requirements.

E. Special Standards

The DRO may require incompatibility buffers for uses such as recreation and civic areas within a residential subdivision or pod.

CHAPTER G OFF-STREET PARKING REQUIREMENTS

Off-street parking and interior vehicular use areas shall be subject to the following landscaping requirements. Planting within perimeter buffers required by Art. 7.F, Perimeter Buffer Requirements, shall not be used to satisfy these requirements.

Section 1 Trees

A minimum of 75 percent of all trees required in the interior of vehicular use areas shall be canopy trees. Palms may count as one required tree, not to exceed 25 percent of the total required trees.

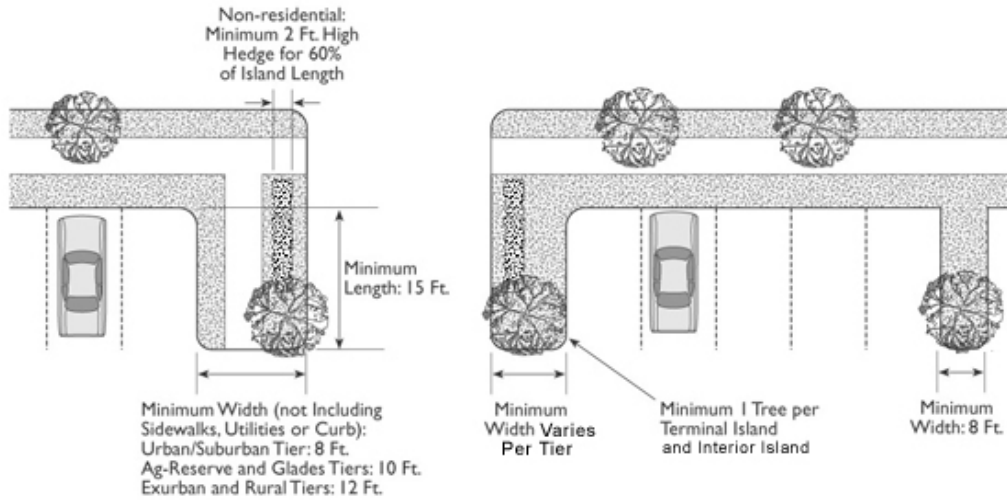
Section 2 Landscape Islands

A. Terminal Islands

Each row of parking spaces in excess of three spaces, or four spaces in industrial zoning districts, shall be terminated by a landscape island. Terminal islands shall have a minimum length of 15 feet and include a minimum of one tree per island. The minimum width of terminal islands,

exclusive of sidewalks or utilities, shall be subject to the standards of Table 7.C.3-1, Minimum Tier Requirements. For non-residential planned development, terminal islands facing major internal driveways shall be landscaped on both sides with a minimum two foot high continuous opaque hedge for a minimum of 60 percent of the island length. Terminal islands shall not overlap perimeter or other required buffers.

Figure 7.G.2.A-14 – Terminal and Interior Landscape Islands



B. Interior Islands

Interior landscape islands shall have a minimum length of 15 feet and a minimum width of eight feet landscape area. If an interior island includes a sidewalk or utilities, the minimum width shall increase by the minimum amount necessary to meet the needs of the utility providers or sidewalk. Interior islands shall contain one tree and appropriate ground coverage.

1. Maximum Spacing

- a. U/S Tier**
One per ten spaces (maximum 100 feet apart).
- b. AGR and Glades Tiers**
One per eight spaces (maximum 80 feet apart).
- c. Rural and Exurban Tiers**
One per six spaces (maximum 60 feet apart).

C. Divider Median

Divider medians with a minimum width of eight feet shall be required keep four parking lots with at least two or more vehicular parking aisles in the U/S, AGR, and Glades Tiers. Divider medians shall be installed between every third row of parking and between all parking/vehicular use areas. Divider medians shall contain a minimum of one canopy tree for every 30 linear feet with a maximum spacing of 30 feet on center, shrubs with a minimum height of three feet and a maximum spacing of 30 inches, and appropriate ground coverage.

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Figure 7.G.2.C-15 – Divider Median Requirements

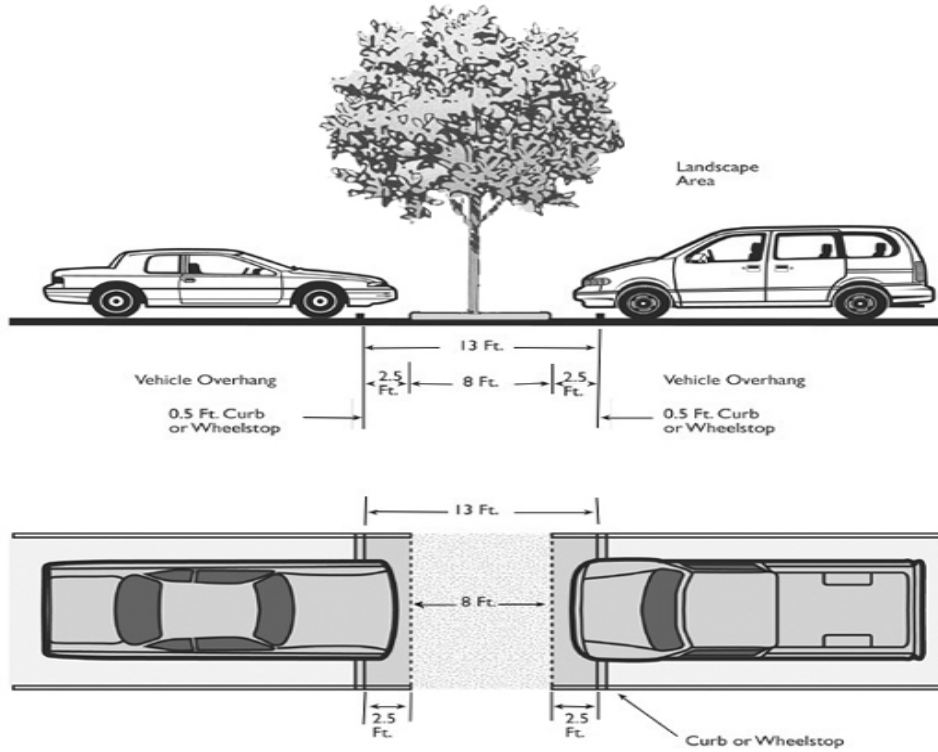
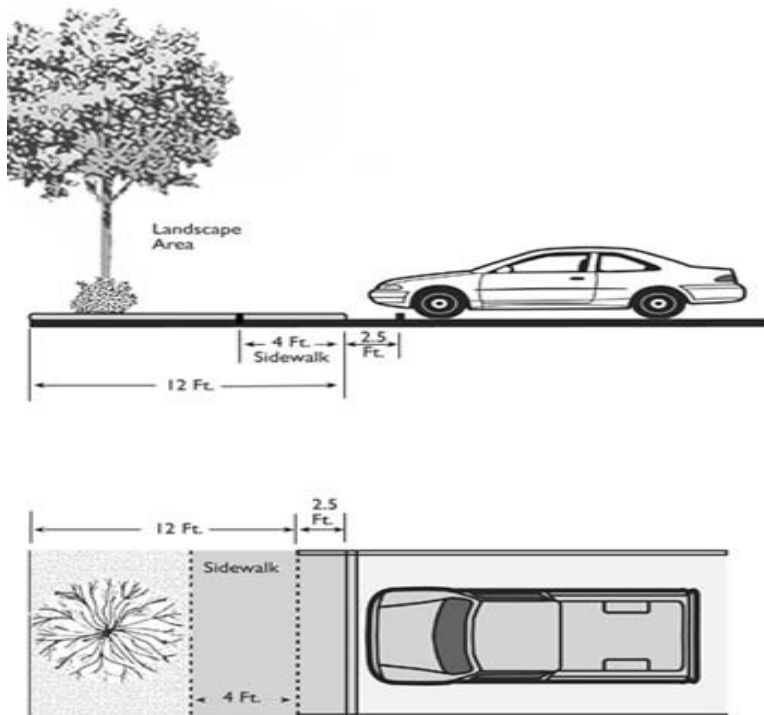


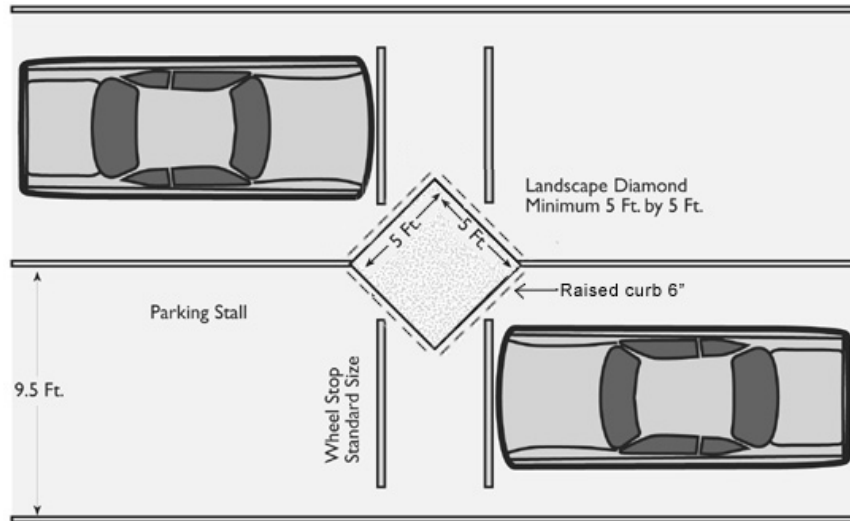
Figure 7.G.2.C-16 – Divider Median Requirements (with Sidewalk)



D. Landscape Diamonds

Landscape diamonds containing one tree and appropriate ground cover may be distributed throughout the interior of an off-street parking area as an alternative to median islands. Grade level tree planting areas shall be located only at the common intersection of four parking spaces and spaced a maximum of four parking spaces apart. The minimum tree planting area shall be 25 square feet with minimum dimension of five feet by five feet.

Figure 7.G.2.D-17 – Landscape Diamond Detail



A raised curb is required around the entire landscape diamond when wheel stops are not used

E. Landscape Protection Measures

The landscape area adjacent to any off-street parking space or vehicular use area shall be protected from vehicular encroachment by the use of wheel stops or continuous concrete curbing. Alternative protection may be allowed in the AGR, Exurban, Glades and Rural Tiers by the Zoning Division.

1. Curbing

All landscape areas subject to vehicular encroachment shall be separated from vehicular use areas by six inch, non-mountable, FDOT-type "D" or FDOT-type "F", concrete curbing. Curbing shall be machine-laid, formed-in-place or integrally installed with the pavement. Landscaped areas adjacent to vehicular use areas shall be surrounded with a continuous raised curb, except for the following:

- Divider medians that abut parking spaces with wheel stops.
- Properties located in the AGR, AP, AR, and PO zoning districts.
- Alternative landscape protection measures approved by the Zoning Division.

2. Wheel Stops

Wheel stops shall have a minimum height of six inches above the finished grade of the parking area, properly anchored, and continuously maintained in good condition. The space between the wheel stop and the front end of the parking space may be paved for anchoring and maintenance purposes. Wheel stop anchor rods shall be set through the wheelstop and the pavement. The bottom of the wheel stop must rest fully on the pavement to prevent rocking.

F. Parking Structures

Perimeter planters shall be provided along the exterior of parking structures located within 500 feet of a public R-O-W or residential zoning district. Planters shall provide a total of one-half square foot of planting area for each linear foot of facade per parking level. Planting areas may be arranged in linear fashion or clustered at intervals or on levels, and shall be provided with permanent irrigation to permit watering of plant materials. The perimeter planter requirement may

be altered if in conflict with the architectural character of the structure, subject to approval of an ALP.

G. Alternative Parking Lot Landscaping

Alternative parking lot landscape designs may be approved under the provisions for an ALP in Art. 7.B.3, Alternative Landscape Plan (LAP), to meet multiple use objectives, such as a parking lot that is also intended to be used as a festival marketplace, provided that the total landscaped area and plant material quantities equal or exceed the requirements of this Article.

CHAPTER H ENFORCEMENT

Section 1 Temporary Suspension of Landscape Standards

The installation of landscaping required by this Article temporarily suspended, in individual cases, by the Executive Director of PZB in certain cases. These cases may include: after a freeze when required landscape materials are not available; during a period of drought in which the use of water is restricted by a governmental authority; or prior to a building CO in response to extenuating circumstances beyond the control of the applicant.

A. Performance Surety

If the landscape standards of this Article suspended pursuant to this Article property owner shall enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of Completion, only if the property owner provides adequate guarantee or surety that the terms of this Article met. The guarantee shall consist of a performance bond or other surety agreement approved by the County Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other costs incidental to the installation of the required landscaping completion agreement. Performance bonds or other guarantees required pursuant to this subsection shall name PBC as a beneficiary and specify the time-frame for the completion of the landscape standards of this Article.

B. Application Requirements

An application for a temporary suspension of landscape standards shall be accompanied by a landscape plan identifying the plantings that have been postponed, the proposed planting schedule, and the costs of the suspended planting. Planting cost estimates may be independently verified by PBC.

Section 2 Administration

A. Field Inspections

Unless otherwise provided in this Article development subject to this Article may be inspected by PZB prior to and after installation of required landscaping. Required landscaping shall be approved by PZB prior to the issuance of a paving permit, CO, or Certificate of Completion, whichever occurs first.

B. Certification of Compliance

In addition to initial field inspection and certification by PZB, the land owner shall submit a Certificate of Compliance, in a form approved by the Zoning Director, to the County Landscape Section as a condition of issuance of a CO or Certificate of Completion. This certificate shall be prepared and signed by a landscape architect licensed by the State of Florida and demonstrate that all of the provisions of this Article have been met. The certification statement, included as Appendix 3, Certification of Compliance, shall appear on the certification report.

1. Field Verification of Certification

PZB may elect to conduct a field inspection to verify the Certificate of Compliance.

2. Acceptance of Certification

If no field verification is conducted by PZB within 30 days, the Certificate of Compliance shall be deemed to have been accepted provided it is complete with all the required information. Upon acceptance, the Certificate of Compliance shall be filed and maintained with the official records of the development.

Section 3 Enforcement

Failure to install or maintain landscaping according to the terms of this Article or any approved plan or permit shall constitute a violation of this Article. PZB may issue a Cease and Desist Order or withhold a CO or Certification of Completion until the provisions of this Article have been met. In the alternative, PZB may refer any violation of this Article to Code Enforcement for corrective action or penalties set forth in Art. 10, Code Enforcement.

A. Fines

Violations of the provisions of this Section shall be subject to the following fines or requirements:

1. Such fines, site improvements and replacement landscaping as may be required by the PBC Code Enforcement Citation Ordinance or this Article;
2. Such fines and imprisonment as provided for in F.S. § 125.69; or
3. A triple permit fee for removal of trees without a valid tree removal and replacement permit.

B. Violations

The following deficiencies shall be considered a separate and continuing violation of this Article:

1. Each tree or shrub that is not properly installed or properly maintained on site as required by this Section;
2. Each day in which landscaping is not properly installed or properly maintained on site as required by this Section; and
3. Each tree removed without a permit.

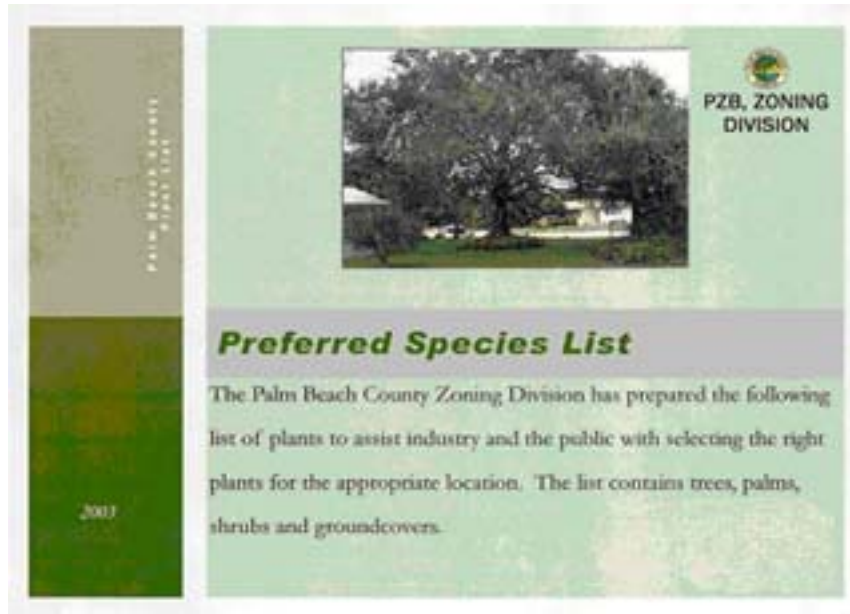
C. Additional Sanctions

PBC may take any appropriate legal action, including, but not limited to, administrative action, requests for temporary and permanent injunctions, and other sanctions to enforce the provisions of this Section.

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APPENDIX A – PBCs PREFERRED SPECIES LIST

PBCs Preferred Species List available at PZB Zoning Division or on-line at PBC PZB Web Page

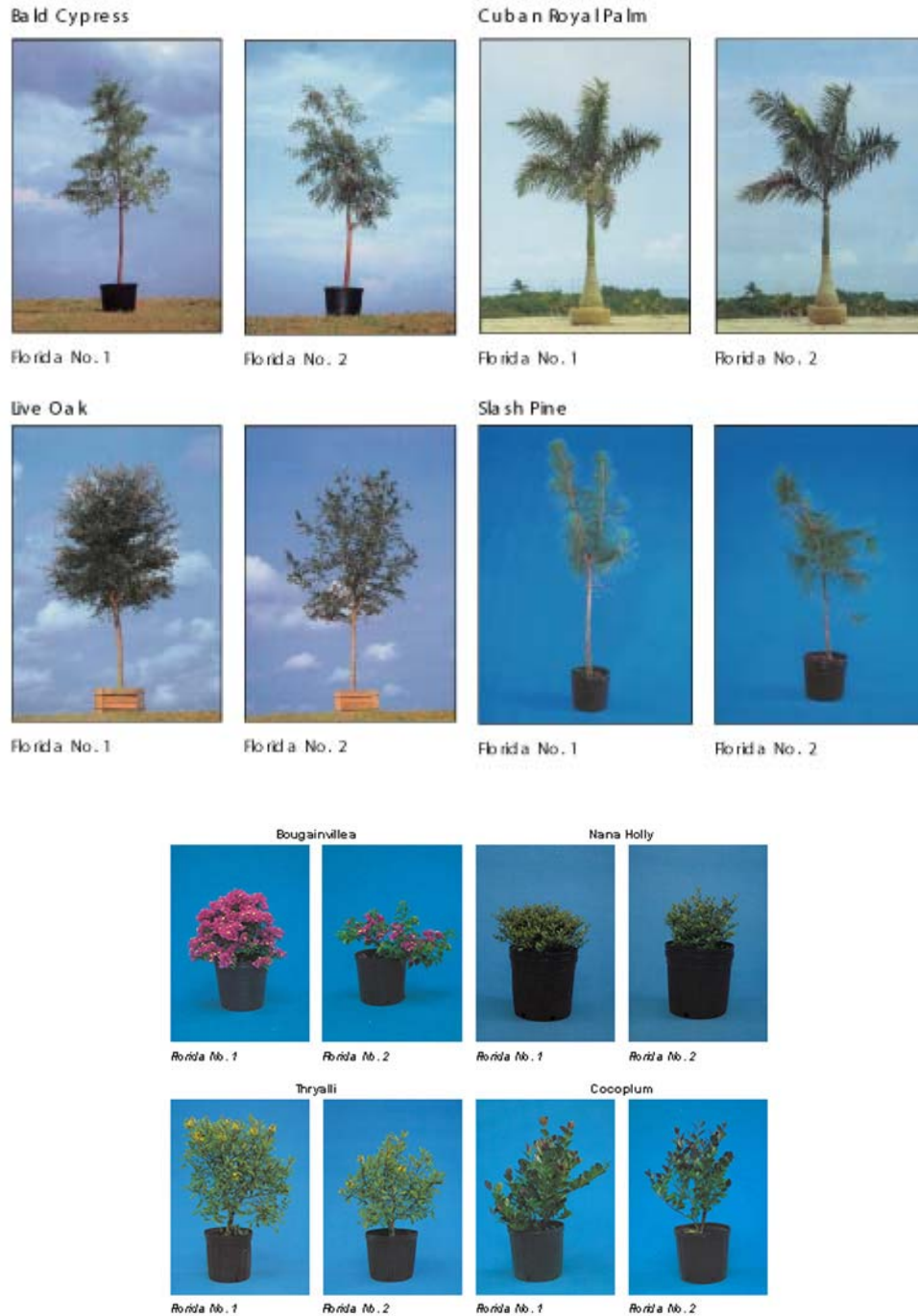


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APPENDIX B – EXAMPLES OF FLORIDA NUMBER 1 QUALITY PLANTS

The following two pages include photographic examples of Florida Number 1 and Florida Number 2 for selected plant types from the 1998 Edition of the "Grades and Standards for Nursery Plants, Parts I and II", prepared by the State of Florida Department of Agriculture and Consumer Services. Plants installed pursuant to this Section shall conform to or exceed the minimum standards for Florida Number 1.

Figure 7.A.1.N – Examples of Florida’s Quality Plants



APPENDIX C – CERTIFICATION OF COMPLIANCE

The following certification statement must appear on the Certification of Compliance required by Art. 7.3.H.2.B, Certification of Compliance.

I HEREBY NOTIFY THE PALM BEACH COUNTY DEPARTMENT OF PLANNING, ZONING, AND BUILDING OF THE COMPLETION OF THE INSTALLATION OF LANDSCAPING FOR THE REFERENCED PROJECT AND CERTIFY THAT THE INSTALLATION OF PLANT MATERIAL AND IRRIGATION COVERAGE ARE IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS PERMITTED BY THE COUNTY. (A COPY OF THE APPROVED PROJECT DRAWINGS IS ATTACHED, WITH DEVIATIONS, IF APPLICABLE). SEAL, THIS DAY OF _____, 20__.

Signature and seal: _____ Date: _____

Name: _____

Registration Number:

(This space intentionally left blank.)

**APPENDIX D – CHECKLIST OF STANDARDS
THAT CAN BE ALTERED WITH AN APPROVED ALP**

This checklist indicates which standards in this Article can be altered with an approved ALP.

Table 7 – Appendix D - Checklist of Standards for ALP

| | Specific Regulation | Standard can be modified with an approved ALP |
|---|--|---|
| Code Requirement | Plant Quality and Quantity | |
| Tree Standards - Canopy Trees | | Yes |
| Minimum Height | U/S Tier: 12 ft. (Perimeter); 12 ft. (Interior) | |
| | AGR and Glades Tiers: 12 ft. (Perimeter); 12 ft. average (Interior) | |
| | Exurban and Rural Tiers: 12 ft. (Perimeter); 12 ft. average (Interior) | |
| Minimum Canopy Spread | 6 ft. | |
| Minimum Caliper | 2.5 in. | |
| <i>Note: 25 percent of required interior trees may be reduced in height by 25 percent for each additional tree (8 ft. min.) that is provided beyond the required number</i> | | |
| <i>Palm Standards</i> | | Yes |
| Minimum Overall Height | 12 ft. | |
| Minimum Clear Trunk Height | 8 ft. | |
| | 6 ft. for Royals and similar species | |
| | 4 ft. for Phoenixes and similar species | |
| | 4 ft. for preserved natives | |
| Minimum Diameter | Based on Florida standards for species | |
| <i>Tree Species Mix</i> | Minimum number of species goes up with total number of required trees, about 1 additional species for every 15 trees up to 7 species for 91 or more trees. | Yes |
| <i>Note: Increased minimums for higher number of required trees</i> | | |
| <i>Plant Quality</i> | Minimum of Florida No. 1 required, except for native plants | No |
| <i>Plant Species</i> | 60 percent from Preferred Plant List or from SFWMD native or drought –tolerant | Yes. For infill locations, minimum 25 percent native if 75 percent from Preferred Plant List |
| <i>Native Species</i> | All Tiers 60 percent | Yes |
| <i>Tree Credit and Replacement</i> | Specific formula established | Yes |
| <i>Hedges and Shrubs</i> | | No |
| Minimum Height for Shrubs (at installation) | 6 in. for ground cover | |
| | 18 in. for small shrubs | |
| | 24 in. for medium shrubs | |
| | 36 in. for large shrubs | |
| Minimum Spacing for Shrubs (at installation) | 6 in. for ground cover | |
| | 24 in. for small shrubs | |
| | 48 in. for medium shrubs | |
| | 60 in. for large shrubs | |
| Minimum Height for Hedges (at installation) | 24 in. | |
| Spacing for Hedges | 24 in. on center | |
| <i>Ground Treatment Standards</i> | | Yes |
| Ground Cover (live material) | 50 percent coverage at planting | |
| | 100 percent coverage in 1 year | |
| Pebble, egg rock, and decorative sand | 10 percent maximum coverage | |

Table 7 – Appendix D - Checklist of Standards for ALP – Con’t.

| | | |
|-----------------------------------|---|-----------|
| Lawn and turf grass | Species suitable as permanent lawn in County. Shall reach 100 percent coverage within 6 months of planting. Maximum 50 percent turf grass area allowed in Rural tier. | |
| Prohibited and Controlled Species | Prohibited species controlled by Art. 14.D | No |
| | Controlled species include black olives (not within 15 ft. of vehicle use area, sidewalk, pathway or bike lane), ficus (no more than 10 percent of required trees and not permitted within 30 ft. of any structure or utility), silk oak and rosewood (not within 500 ft. of a preserve area) or citrus trees (not to qualify as a required tree) | |

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Table 7 – Appendix 4

| | Specific Regulation | Standard can be modified with an approved ALP |
|--|--|--|
| Code Requirement | Plant Quality and Quantity | |
| <i>Plant Quantity Interior Trees (Residential Lots)</i> | U/S Tier : 1 per 1,200 sq. ft. (up to 15) | |
| | Exurban and Rural Tiers: 1 per 800 sq. ft. (up to 30) | |
| General Provisions | | |
| <i>Plant Quantity – Interior Trees (Non-Residential Lots)</i> | U/S Tier: 1 per 2,000 sq. ft. | |
| | AGR and Glades Tiers: 1 per 1,500 sq. ft. | |
| | Exurban and Rural Tiers: 1 per 1,200 sq. ft. | |
| <i>Plant Quantity – Interior Shrubs (Residential Lots)</i> | U/S Tier: 3 per 1,200 sq. ft. (up to 45) | No |
| | AGR and Glades Tiers: 3 per 800 sq. ft. (up to 90) | |
| | Exurban and Rural Tiers: 3 per 800 sq. ft. (up to 90) | |
| <i>Plant Quantity – Interior Shrubs (Non-Residential Lots)</i> | U/S Tier: 3 per 2,000 sq. ft. | |
| | AGR and Glades Tiers: 3 per 1,500 sq. ft. | |
| | Exurban and Rural Tiers: 3 per 1,200 sq. ft. | |
| <i>Note: Overall, different standards have been introduced for the different tiers. For Ex/Rural/AGR/GI tiers, minimum and maximum quantities account for the larger lots.</i> | | |
| <i>Pervious Surface Area (Lot)</i> | U/S Tier: 30 percent min. | Yes |
| | AGR and Glades Tiers: 40 percent min. | |
| | Exurban and Rural Tiers: 50 percent min. | |
| <i>Landscape in Easements</i> | Landscaping may overlap easement by max. 5 ft. A greater overlap may be allowed for infill development | No |
| <i>Corner Clips</i> | Clear area must be maintained between 30 in. and 8 ft. from ground | No |
| <i>Berms</i> | | No |
| Maximum Slope | 3:1 | |
| | | |
| Tier Restrictions | Not allowed outside U/S Tier unless along a Rural Parkway | Yes |
| Drainage | Must be contained on property | No |

Table 7 – Appendix 4 - Checklist of Standards for ALP

| | Specific Regulation | Standard can be modified with an approved ALP |
|---------------------------------|---|---|
| Code requirement | Plant Quality and Quantity | |
| <i>Foundation Planting</i> | Front, Rear & Side Façades (based on tier) | Yes. May waive a portion or all of the requirement along interior and rear facades or allow for relocating portions of the area required (sq. ft.) to other facades or to buffers. |
| Minimum Planting Width | U/S Tier: 5 ft. front with 8 ft. side | |
| | AGR and Glades Tiers: 10 ft. all sides | |
| | Exurban and Rural Tiers: 12 ft. all sides | |
| Minimum Planting Length | U/S Tier: 40 percent of façade | |
| | AGR and Glades Tiers: 50 percent of facade. | |
| | Exurban and Rural Tiers: 60 percent of façade | |
| Tree Quantity | 1 per 20 linear ft. of façade | |
| Landscaping Around Signs | 3 ft. minimum planting width | No |
| | 1 shrub per 10 sq. ft. of planting area | |
| Maintenance | | |
| <i>Pruning</i> | | No |
| Maximum canopy removal | 25% of canopy per year | |
| Tree topping (hatracking) | Prohibited | |
| Minimum Canopy to be maintained | 20 ft. | |
| Maximum Palm Fronds Removal | 33% No live fronds may be removed above the horizon line. | |
| <i>Irrigation</i> | | Yes |
| Minimum Coverage | 100 percent of landscape area requiring irrigation | |

Table 7 – Appendix 4 - Checklist of Standards for ALP

| | Specific Regulation | Standard can be modified with an approved ALP |
|--|--|--|
| | Plant Quality and Quantity | |
| | Perimeter Buffers | |
| Trees | | No |
| Minimum Number of Canopy Trees | 1 tree per 25 lineal ft. | |
| Minimum Shrub Percentage of Buffer Length (R-O-W Buffer) | 100 percent for ground cover | |
| | 50 percent for small | |
| | 25 percent for medium | |
| | 25 percent for large | |
| Spacing for Hedges | 24 in. on center | Yes |
| <i>R-O-W Buffers</i> | | |
| Minimum Width | 20 ft. (100+ ft. R-O-W) | No |
| | 15 ft. (0-99 ft. R-O-W) | |
| Planting Pattern | Minimum 50 percent of buffer width in meandering pattern | No |
| Shrub Hierarchy | U/S Tier: 3 shrub types | No |
| | AGR and Glades Tiers: 4 shrub types. | |
| | Exurban and Rural Tiers: 4 shrub types | |
| Clustering | Allowed if clusters 40 ft. apart; on property with 300 ft. of frontage and have trees of varied height | Yes |
| Walls and Fences | R-O-W Setback: 10 ft. | Yes |
| | 75 percent of landscaping must be on the exterior side | Yes |
| Width reduction | May be reduced 50 percent if separated from street by open space, canal or lake with a min. 80 ft. width | Yes |
| <i>Compatibility Buffers</i> | | No |
| Required Location | Between all compatible use types (except Single Family residential) | |
| Minimum width | 5 ft. | |
| Minimum height | 3 ft. | |
| Incompatibility Buffers | | No |
| Buffer types | 1: 10 ft. wide/6 ft. high | |
| | 2: 15 ft. wide/6 ft. high | |
| | 3: 20 ft. wide/6 ft. high. Wall required | |
| Buffer Type | Based on differences in height and use | |
| Maximum Tree Spacing | 20 ft. on center | |

Table 7 – Appendix 4 - Checklist of Standards for ALP

| | Specific Regulation | Standard can be modified with an approved ALP |
|-----------------------------------|---|--|
| Plant Quality and Quantity | | |
| Walls and Fences | 75 percent of landscaping must be on the exterior side | |
| Berms | May be used with shrubs or hedges | |
| Width Reduction | 50 percent if same type of buffer on adjacent property | |
| Parking Lot Landscaping | | |
| <i>Terminal Islands</i> | | Yes |
| Required Location | End of each row of more than 3 parking spaces or 4 spaces if industrial | |
| Minimum Width | U/S Tier: 8 ft. | |
| | AGR and Glades Tiers: 10 ft. | |
| | Exurban and Rural Tiers: 12 ft. | |
| Minimum Length | 15 ft. | |
| Tree quantity | 1 per island | |
| <i>Interior Islands</i> | | Yes |
| | | May be 150 ft. apart if adjacent to divided median with trees 25 ft. on center |
| Minimum Number/Maximum Spacing | U/S Tier: 1 per 10 spaces or maximum 100 feet apart | |
| | AGR and Glades Tiers: 1 per 8 spaces or maximum 80 feet apart | |
| | Exurban and Rural Tiers: 1 per 6 spaces or maximum 60 feet apart | |
| Minimum Width | 8 ft. | |
| Minimum Length | 15 ft. | |
| <i>Divider Median</i> | | No |
| Required Location | Between every 3 rd row of parking and between all parking/vehicular use areas. | |
| | Optional for Exurban and Rural Tiers. | |
| Minimum Width | 8 ft. | |
| Tree Spacing | 1 per 30 ft. on center | |
| <i>Landscape Diamonds</i> | May be used as an alternative to interior islands | No |
| Required Location | Intersection of 4 spaces | |
| Maximum Spacing | 4 parking spaces | |
| Planting Area | 25 ft. | |
| Plant Quality and Quantity | | |
| Minimum Dimensions | 5 ft. x 5 ft. | |
| <i>Landscape Protection</i> | | Yes |

Table 7 – Appendix 4 - Checklist of Standards for ALP – Con't.

| | | |
|---|--|---|
| Curbing or Wheel Stops | 6 in. high minimum. Alternative protections may be allowed in Exurban, Rural, AGR and Glades Tiers | |
| Parking Structures (within 500 ft. of public R-O-W) | Planters along each level (1/2 sq. ft. of planting area per linear foot of facade) | Parking Structures only Allowed in U/S Tier |

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ARTICLE 8

SIGNAGE

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ARTICLE 8

SIGNAGE

CHAPTER A GENERAL

Section 1 General

A. Purpose and Intent

The purpose of this Section is to establish standards for the placement and use of signs and other advertising consistent with State of Florida and Federal law. These standards are designed to protect the health and safety of PBC and to assist in the promotion of tourism, business and industry. More specifically, this Section is intended to;

1. Identification

Promote and aid in the identification, location, and advertisement of goods and services, and the use of signs for free speech;

2. Aesthetics

Preserve the beauty and the unique character of PBC, protect PBC from visual blight, and provide a pleasing environmental setting and community appearance which is deemed vital to the continued economic development of PBC;

3. Land Values

Protect property values by assuring compatibility with surrounding land uses;

4. Safety

Promote general safety and protect the general public from damage or injury caused by, or partially attributed to, the distractions, hazards, and obstructions that result from improperly designed or located signs; and

5. Compatibility

Make signs compatible with the overall design objectives of the Plan and the Managed Growth Tier System (MGTS); ensure signs are compatible with the character of adjacent architecture and neighborhoods, and to provide the essential identity of, and direction to, facilities in the community.

B. General Design Principles

The following principles are general design guidelines that should be considered in the design of all signs. Signs which enhance a project are encouraged, and signs should make a positive contribution to the aesthetic appearance of the street or commercial area where they are located.

1. Visibility

A sign shall be conspicuous and readily distinguished from its surroundings.

2. Legibility

The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.

3. Readability

A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign. Excessive use of large areas of several colors can create competition for the eye and significantly reduce readability.

4. Architectural Compatibility

A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture, and shall be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign which covers a window, or which spills over "natural" boundaries or architectural features and obliterates parts of upper floor of buildings is detrimental to visual order and may not be permitted.

5. Consistency with Area Character

A sign should be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. In Traditional Development Districts (TDDs) projecting signs are encouraged and should be located and sized to be viewed by people on foot.

Where signs are located in close proximity with a residential area, the sign should be designed and located so they have little or no impact on adjacent residential neighborhoods.

Figure 8.A.1.B-1- Visibility and Legibility



C. Applicability

The provisions of this Section shall apply to all signs in unincorporated PBC, unless exempt by Art. 8.B, Exemptions.

1. Nonconforming Signs

Previously permitted signs that do not meet the current standards of this Code are nonconforming structures, subject to Art. 1.F.3, Nonconforming Structure. A nonconforming sign may not be enlarged, structurally altered, or moved unless the entire sign is brought into compliance with this Section. A sign face on a nonconforming sign may be replaced but not enlarged.

2. Billboards and Off-Site Signs

There shall continue to be a prohibition on billboards and similar off-site signs, however, this prohibition does not restrict the repair, maintenance, relocation, or replacement of billboards constructed consistent with applicable codes and permit procedures prior to November 15, 1988, and included within the billboard stipulated settlement agreement and billboard survey (approved February 6, 1996). The stipulated settlement agreement referred to herein shall be the primary source of information for implementing the intent and purpose of the regulations governing billboards and similar off-site signs.

3. Conflict with Graphics, and Other Provisions

Where there is a conflict between the text and a graphic in this Section, the more restrictive provision shall prevail. Where other sign or outdoor advertising regulations are in effect and are more restrictive than the provisions of this Section, the more restrictive provisions shall prevail.

Table 8.A.1.C-1 – Organizational of Sign Regulations

| | |
|--|---|
| CHAPTER B, Exemptions | Lists types of signs that are exempt from these regulations. Exemptions are made for change of business signs; construction signs; equipment signs; interior signs; mobile vendor signs; official flags; official government signs; parking and directional signs; political campaign signs; public warning signs; real estate for sale, or for rent signs; small signs; transportation-related signs; and window signs. |
| CHAPTER C, Prohibitions | Lists types of prohibitions for sign types, materials, designs, messages, and locations for banners, streamers, or pennants; emissions; mechanical movement; mobile signs; obscenities; obstruction of fire fighting equipment; obstructions to driver visibility; roof signs; signs creating traffic hazards; signs on public bus shelters; signs on water vessels; signs using live animals or humans; snipe signs; and vehicle displays. |
| CHAPTER D, Temporary Signs Requiring Special Permit | Lists provisions for temporary signs that require a special permit including balloon type signs; signs for campaign drive or civic events, grand openings, temporary sales, temporary displays, and temporary residential developments. |
| CHAPTER E, Procedures for Signage | Lists the permit and identification requirements for non-exempt signs and sign structures. Includes the MSP required for developments subject to DRO, ZC, or BCC. Also lists provisions for use of an ASP. |
| CHAPTER F, General Provisions for all Sign Types | Lists standards for computation of sign area; building frontage measurement; materials, illumination, changeable copy, signs that do not reduce allowable sign area; construction and maintenance, abandoned signs, substitution of sign message; encroachment into public street or sidewalk, and for resolving conflict between text and graphics in this Section or with other provisions. |
| CHAPTER G, Standards for Specific Sign Types | Lists specific provisions and standards for building-mounted signs (wall signs, awning and canopy signs, projecting signs, and marquee signs); ground-mounted signs (freestanding and monument signs) entrance wall signs; electronic message center signs; directional signs; flags and freestanding flagpoles; and project identification signs. |
| CHAPTER H, Off-Site Signs | Lists specific provisions and standards for off-site directional signs and outdoor advertising (billboards). |
| CHAPTER I, Administration and Enforcement | Lists the authority and provisions for the administration and enforcement of this Section. Includes provisions for the amortization of non-conforming signs. |

Section 2 Definitions

- A. In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to this Article:

Advertising Structure- 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.

Alter Structurally - in the case of a sign means to make a change in the supporting members of a structure, such as bearing walls, columns, beams, sign poles or posts, or girders, that will prolong the life of the structure.

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

Balloon - an airtight bag that rises above the earth when force filled with hot air.

Billboard - a sign or structure, other than temporary signs as defined in this Article, portraying information or directing attention to a business, activity, commodity service, entertainment, or communication which is not conducted, sold or offered at the parcel on which the sign or structure is located, or which does not pertain to the parcel upon which the sign or structure is located

Billboard, Changeable Copy Sign Face - a sign face containing one or more advertisements or promotions that are changed automatically or mechanically.

Billboard Company - any firm, organization, or individual which owns one or more billboards.

Billboard Demolition Permit - The permit issued by the Building Division which allows demolition of an existing billboard.

Billboard Height - measured from finished grade to the highest point of a billboard face, excluding temporary embellishments.

Billboard Inventory - the official inventory, as updated by the signatories to the billboard stipulated settlement agreement, of billboards existing in unincorporated PBC.

Billboard, lawfully erected - any billboard erected in PBC consistent with applicable zoning code and building permit procedures and described on the official inventory prepared by the PZB in 1988, and as updated pursuant to the billboard stipulated settlement agreement.

Billboard Location - an area within a radius of not more than 100 feet from the location of an existing billboard structure.

Billboard Registration Permit - the annual permit issued by the Zoning Division for existing billboards that can be replaced or relocated.

Billboard Relocation - the removal of an existing billboard structure from a billboard location included in the updated billboard inventory to a different location consistent with the terms of this Code and the billboard stipulated settlement agreement.

Billboard Relocation Permit - the permit issued by the Zoning Division which allows relocation of an existing billboard to another location.

Billboard Replacement - the removal of an existing billboard structure and construction of a new billboard within the permitted billboard location.

Billboard Setback - the required minimum horizontal distance between a billboard structure and all property lines.

Billboard Sign Face - the fixed or changeable portion of the billboard structure upon which one or more advertising messages are displayed.

Billboard Stipulated Settlement Agreement - the agreement between PBC, Ackerley Advertising, 3M National Advertising, and any other affected parties who may agree to the stipulations therein, approved on February 6, 1996 by the BCC to terminate legal proceedings initiated by Case No. 92-8752, Case No. CL92-1187-AO, Case No. 92-1187-AO, and Case No. CL93-7958AH.

Billboard Structure - all structural elements of a billboard, including but not limited to structural framework and supports, and lighting.

Billboard Temporary Embellishment - additional billboard area attached to and extending beyond the side and top of a billboard.

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

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

Conceptual Master - a conceptual plan indicating the total number, location, and sign area of all proposed signs on a site plan or typical building elevation.

Face - the surface(s) used for the display of a sign message as seen from any one direction.

Height, Sign - the vertical distance measured from the lowest ground level directly beneath the sign to the highest point at the top of the sign. The ground level shall be either the natural grade or finished grade, whichever is lowest.

Master Sign Plan - a coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.

Non-Conforming Sign - a sign or advertising structure or parts therein existing within the unincorporated area on the effective date of this Code which, by its height, square foot area, location, use, operating characteristics or structural support does not conform to the requirements of Art. 8, Signage.

Recreational Vehicle Park - any sign erected by the owner, or an agent, advertising the land upon which the sign is located for rent or for sale a land area under unified control designed and intended to accommodate short-term, overnight parking of recreational vehicles and not for permanent residential use.

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

Sign Types:

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

Abandoned - a sign on which is advertised a business that is no longer licensed, no longer has a CO, or is no longer doing business at that location.

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

Awning or Canopy - a type of wall sign which is placed on or integrated into fabric or other material that is an integral part of an awning or canopy.

Building Mounted - any sign mounted or erected on or against any building or façade and includes all wall signs, awning and canopy signs and projecting signs

Bulletin Board - 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.

Changeable Copy - sign copy, including numbers, letters, and illustrations which can be changed manually, for example, on a menu board or theater marquee.

Construction - erected on the parcel on which construction is taking place, or will take place within one year, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supports, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Directional - any sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy. Directional signs intended for residential planned developments may be on or off premise such as model home complex signs.

Directory - a sign intended to show the relative locations of or direction to the several commercial or industrial activities within an outdoor shopping center or multiple use industrial or business park, or multiple building residential complex.

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

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

Entrance Wall - an identification structure located along the main access to a PBC approved subdivision or a development. The only advertising on the structure shall be the subdivision or development name and logo.

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

Flashing - 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.

Freedom of Speech - a sign communicating a message or ideas for non-commercial purposes, including political free speech and which does not constitute, among others, any of the following: construction sign, directional sign, billboard, grand opening sign, holiday sign, on-premises real estate sign, or political campaign sign.

Freestanding - 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.

Grand Opening - a temporary sign for introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business or the changing of ownership. A business may have a grand opening sign when it has been closed to the public and is re-opened.

Ground Mounted - any sign which is permanently erected or standing on the ground and supported from the ground by one or more poles, columns, uprights, braces, or anchors and includes all freestanding signs, monument signs and electronic message center signs.

Holiday - a temporary sign, for non-commercial purposes, communicating only a holiday's name and event.

Identification - 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.

Illegal- any sign erected in violation of this Code.

Illuminated - 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.

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

Marquee - a projecting sign that is part of a permanent entryway or canopy and traditionally associated with theaters. A marquee may include a projecting vertical sign extending above the cornice line of a building.

Menu Board - Art. 18, Definitions.

Monument - a freestanding sign not erected on one or more poles or similar structures but erected to rest on the ground or to rest on a monument base designed as an architectural unit.

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

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

Neon - a sign with tubing that is internally illuminated by neon or other electrically charged gas.

Off-Premises - 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 Directional - a sign offering directional information to a business, location or place located in an area different from where the sign is located.

On-Site - a permanent sign, identifying a business, commodity, service, or product conducted, sold or offered on the same premises as those upon which the sign is located.

Painted Wall - any sign painted on any surface or roof of any building, visible from any public R-O-W.

Permanent - any sign which is intended to be, and is so constructed as to be a lasting and enduring condition remaining unchanged in character, condition beyond normal wear and tear, and in a permanent manner affixed to the ground, wall, or building; provided the sign is permitted by this Code.

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

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

Political Campaign - a temporary sign, which indicates an individual, party or issue that will be placed on the federal, state or local election ballot in the subject calendar year.

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

Project Identification - a sign placed on the perimeter of a recorded subdivision, planned development, shopping center, business office park, industrial park, or mixed use complex at a major street or driveway entrance to identify the name of the project. Project identification signs include entrance signs.

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

Public Service Information - any sign intending to promote items of general interest to the community, such as time, temperature, date, weather, news, or traffic information.

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

Roof - any sign erected, constructed, and maintained wholly upon or over the roof of any building.

Sale, Lease, and Rent - temporary signs, which indicate that a parcel or building is currently for sale, lease or rent.

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

Snipe - 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.

Temporary Balloon Type - a temporary display using a balloon to display a sign message for the introduction, promotion or announcement of a new product or new business.

Vehicular - 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.

Wall - 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.

Surface Area (of a sign) - 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.

Temporary - a single period or an accumulation of periods not exceeding 90 days in any 365-day period unless further restricted.

CHAPTER B EXEMPTIONS

The following signs shall be exempt from this Section and may be constructed or attached without a permit, except as prohibited in Art. 8.C, Prohibitions.

Section 1 Change of Business Signs

A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed no longer than 30 days following the change of ownership or activity for which the sign is intended, or up to 90 days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.

Section 2 Construction Signs

A temporary construction sign that includes information such as the project name, financial arrangements, architect, engineer, landscape architect, planner, or contractor may be erected on a construction site for which a building permit has been issued, provided it is immediately removed after issuance of a Certificate of Occupancy (CO), Certificate of Completion or abandonment of work and the sign complies with the following standards:

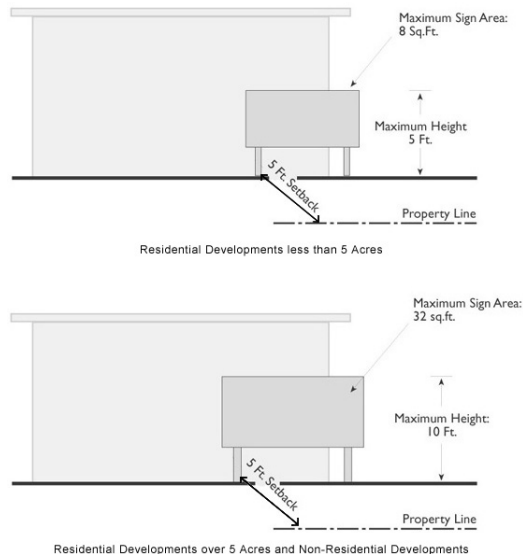
A. Residential Developments Less Than Five Acres

Signs up to eight square feet in sign area per sign and not more than five feet in height.

B. Residential Developments Over Five Acres and Non-Residential Lots

Signs up to 32 square feet in sign area per sign and not more than ten feet in height.

Figure 8.B.2.B-2- Construction Signs

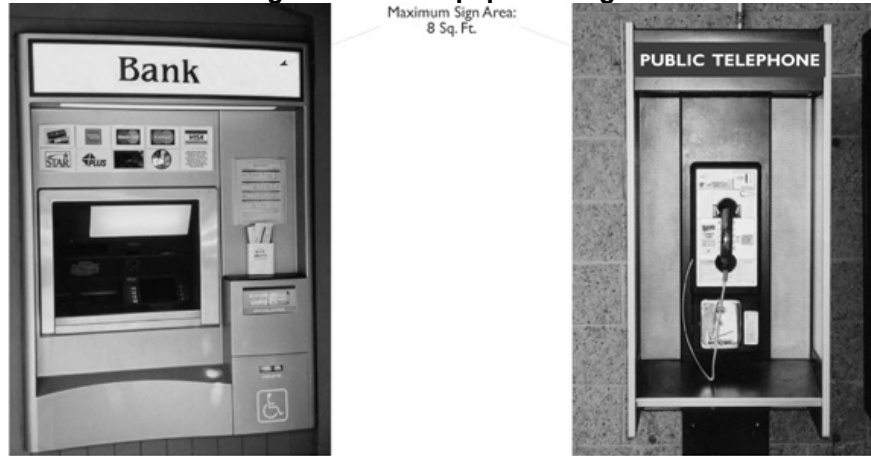


Section 3 Equipment Signs

Signs, not more than eight square feet in sign area, incorporated into displays, machinery, or equipment by a manufacturer, distributor, or vendor that identify or advertise only the product service dispensed by the machine

or equipment, such as signs customarily fixed to automated teller machines (ATMs), pumps, vending machines, menu boards, and umbrellas.

Figure 8.B.3-3-Equipment Signs



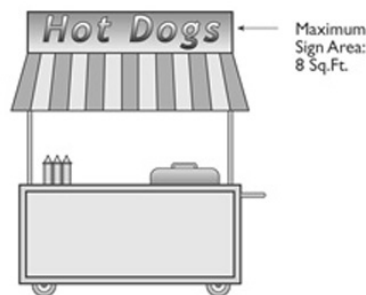
Section 4 Interior Signs

Signs, including electronic message center signs, not visible from public streets or adjacent properties, that are located in interior areas of a building or recreation/entertainment uses such as ball parks, stadiums, and arenas.

Section 5 Mobile Vendor Signs

Signs fixed to mobile vending carts that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart is limited to a maximum sign area of eight square feet.

Figure 8.B.5-4-Mobile Vendor Signs



Section 6 Official Flags

Official flags and other emblems and insignia representing a national, federal, state, or local governmental organization are exempt. Flag poles and related structures designed to display an official flag require a building permit.

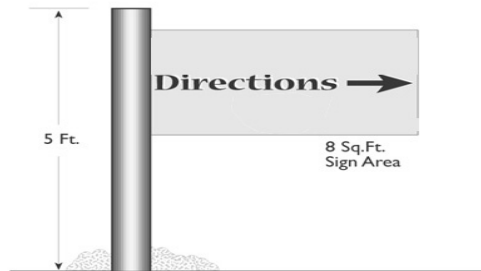
Section 7 Official Government Signs

Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person given due legal notice; historical markers erected by a governmental body; or other signs required or authorized by law.

Section 8 Parking and Directional Signs

On-site parking and directional signs, not exceeding eight square feet in sign area and five feet in height, that do not include any advertising messages or symbols. On-site directional signs internal to a subdivision and all off-site directional signs are subject to the requirements listed in Art. 8.G.3.D, On-site Directional Signs, and Art. 8.H.1, Off-Site Directional Signs.

Figure 8.B.8-5-On-Site Directional Signs



Section 9 Political Campaign Signs

A political sign used in connection with a local, state, or national election campaign, provided it complies with the size standards below and is removed within ten days after the election date.

A. Residential Developments Less Than Five Acres

Signs up to eight square feet in sign area and not more than five feet in height and with a minimum setback of five feet from the property line.

B. Residential Developments Over Five Acres and Non-Residential Developments

Signs up to 32 square feet in sign area and not more than ten feet in height and with a minimum setback of five feet from the property line.

Section 10 Public Warning Signs

Public warning signs such as “No Trespassing”, “No Parking”, “No Swimming” and similar warnings, provided they do not exceed eight square feet in sign area and 15 feet in height, unless specifically provided for by law. These limitations may be waived by the Executive Director of PZB if deemed necessary to protect the public.

Section 11 Real Estate for Sale or for Rent Signs

Real estate signs conveying information about the sale, rental, or lease of a lot, premises, dwelling or structure, on the site, provided they comply with the following standards. Upon completion of the sale, rental or lease transaction, the sign shall be removed. If the sign contains any message not pertaining to the sale or rental of real property, then it is not exempt under this Section.

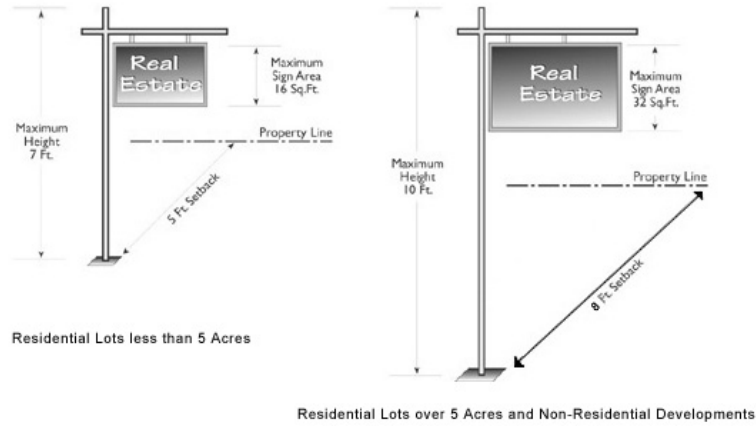
A. Residential Developments Less Than Five Acres

One real estate sign per frontage, not more than eight square feet in sign area and not more than five feet in height.

B. Residential Developments Over Five Acres and Non-Residential Developments

One real estate sign per frontage, not more than 32 square feet in sign area and not more than ten feet in height.

Figure 8.B.11.B-6 - Real Estate Sign



Section 12 Small Signs

Any sign no larger than eight square feet in area and no higher than five feet attached to a freestanding sign structure, a window, or a building wall. This exception may include freedom of speech signs, organization identification signs, and commemorative plaques.

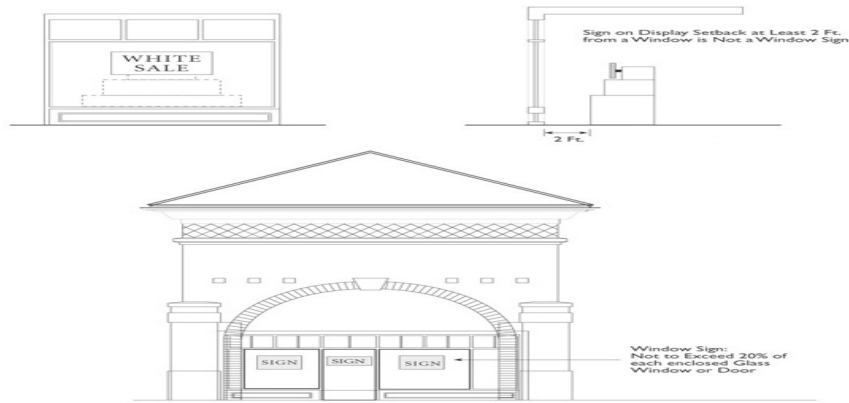
Section 13 Transportation-Related Signs

Signs on public transportation vehicles regulated or licensed by federal, state, PBC or municipal officials or organizations, including public buses and taxicabs; and all off-premises signs incorporated into PBC owned, controlled, or operated bench, bus shelter, or waste receptacle attached to a bench or shelter, pursuant to the PBC contract dated August 22, 1989, as may be amended.

Section 14 Window Signs

Window signs not exceeding 20 percent coverage of each glass window or glass door to which the sign is attached. Any sign either hung within two feet of a window or attached to a display located within two feet of a window is considered a window sign.

Figure 8.B.14-7 - Window Signs



CHAPTER C PROHIBITIONS

The following prohibitions apply to all signs and structures, notwithstanding the provisions in Art. 8.B, Exemptions:

Section 1 Banners, Streamers, or Pennants

Banners, streamers, pennants, and other signs made of lightweight fabric or similar material mounted to a pole or building, except where otherwise stated in this Section;

Section 2 Emissions

Signs that produce noise or sounds capable of being heard, excluding voice units at drive-thru's, and signs that emit visible smoke, vapor, particle, or odor;

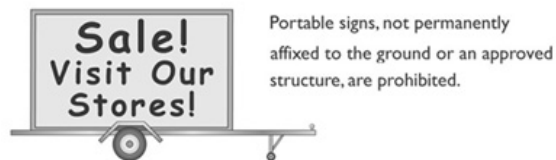
Section 3 Mechanical Movement

Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any kind;

Section 4 Mobile Signs

Any sign not permanently attached to a wall or the ground or any other approved supporting structure, or a sign designed to be transported, such as signs transported by wheels, mobile billboards, "A-frame" or sandwich type, sidewalk or curb signs, blank copy signs, and unanchored signs, except where otherwise stated in this Section;

Figure 8.C.4-8-Mobile Signs



Section 5 Motion Picture or Video

Motion picture and video mechanisms used in such a manner as to permit or allow-images to be visible from any street;

Section 6 Obscenities

Signs that depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" as defined in Art. 18, Definitions;

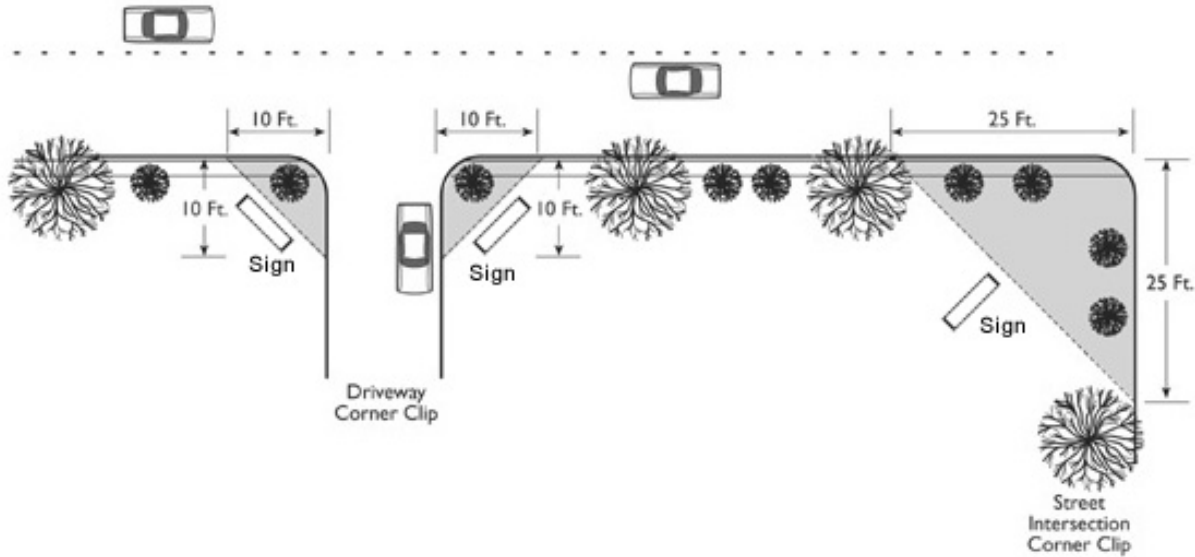
Section 7 Obstruction of Fire Fighting Equipment

Signs erected, constructed, or maintained so as to obstruct any fire fighting equipment; unless approved by the Fire Marshall;

Section 8 Obstructions to Driver Visibility

Signs in corner clips and line of sight in accordance with PBC standards that do not meet the visibility requirements in accordance with PBC standards;

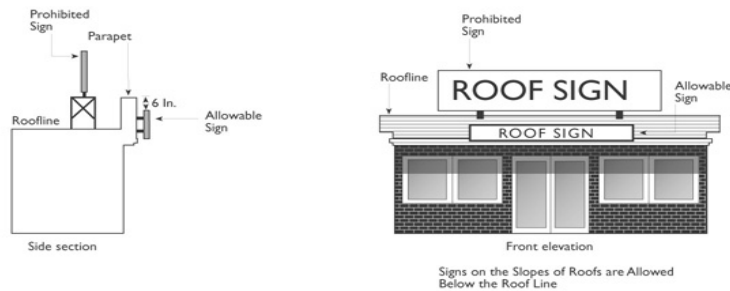
Figure 8.C.8-9-Corner Clip Visibility



Section 9 Roof Signs

Signs erected above the roofline or parapet, and signs on rooftop structures, such as penthouse walls or mechanical enclosures. Signs on a sloped roof, a mansard roof or a parapet located a minimum of six inches below the roof deck or top of the parapet are allowed, subject to the standards for building mounted signs in Art. 8.G.1, Building Mounted Signs.

Figure 8.C.9-10-Roof Signs



Section 10 Signs Creating Traffic Hazards

Signs that may be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop," "look," "danger," or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers;

Section 11 Signs On Public Bus Shelters

Any sign placed upon a bench, bus shelter or any waste receptacle attached to a bench or shelter, except as exempted by Art. 8.B.13, Transportation-Related Signs, and authorized by PBC;

Section 12 Signs On Water Vessels

Any nonexempt sign painted on or attached to a vessel docked or anchored in the coastal waterways of PBC. This restriction does not apply to vessels passing through PBC on the Intracoastal Waterway;

Section 13 Signs Using Live Animals or Humans

Outdoor advertising of any kind where any live animal or human being is used as part of the advertising and is visible from any public street or public place. This restriction shall not include religious displays;

Section 14 Snipe Signs

All off-site signs, tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, trailers, or other supporting structures, except where otherwise stated for in this Article.

Section 15 Vehicle Displays

Unless there is only one row of parking between a building and the street, motor vehicles with business names, business addresses, telephone numbers, contractor certification numbers, logos and similar information painted or embossed on vehicle surfaces shall not park or be stored in the row of parking or any area within 25 feet of the front property line longer than four hours in a 24-hour period. This prohibition does not apply to vehicles with advertising, where the vehicles are making deliveries to that business (e.g. U.S. Postal Service, UPS, Federal Express, DHL, Airborne, etc.) or vehicles used in conjunction with a special promotion with a valid permit, vehicles with advertising signs with letters less than eight inches in heights and eight square feet in area, public transportation vehicles, and vehicles in industrial zones parked in vehicle use area.

CHAPTER D TEMPORARY SIGNS REQUIRING SPECIAL PERMIT

The Zoning Director may approve special permits for the following signs pursuant to Art. 2.D.2, Special Permit. All temporary signs not removed within the time limit indicated on the permit or in this Chapter shall be removed subject to the provisions of Art. 8.1.4, Removal of Signs in Violation of this Article.

Section 1 Balloon Type Signs

Balloon type signs are allowed in the CG-General Commercial, PO-Public Ownership, CRE-Commercial Recreation, IL-Light Industrial, IG-General Industrial or PDD-Planned Development zoning districts, subject to the standards in Table 8.D.1-2, Balloon Type Sign Standards. Only cold air shall be used in the balloon. Balloons shall not be located within any required vehicular use area.

Table 8.D.1-2 – Balloon Type Sign Standards

| | |
|--|--|
| Maximum Width | 30 ft. |
| Maximum Height | 30 ft. 60 ft. for balloons on top of buildings (allowed on 1 or 2 story buildings only) |
| Minimum Separation Between Other Permitted Balloon Type Signs | 1 mile |
| Minimum Setback from Base Building Line | 15 ft. |

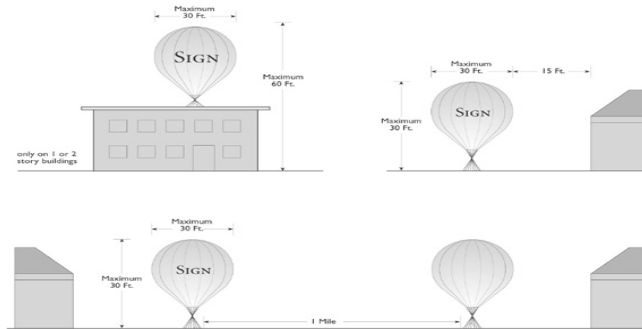
A. Permit Requirements

The following information shall be provided to the Zoning Division with the application for a special permit. No project shall be issued more than two balloon permits in any calendar year. The maximum duration of any permit shall be for ten days. There shall be a minimum of 30 days from the day the first balloon is removed before a second permit for a balloon may be issued.

1. Legal description, property control number (PCN) and address of location;
2. Written permission of property owner or owner's designated agent;
3. Cold air balloon installation occupational license;
4. Evidence of installer's liability and property damage insurance;
5. Site plan or survey showing location of balloon and centerline of adjacent R-O-W demonstrating compliance with these regulations; and

6. A photograph of the balloon.

Figure 8.D.1.A-11 -Temporary Balloon Type Signs



Section 2 Campaign Drives or Civic Events

These signs are allowed 60 days prior to the campaign drive or event; they shall not exceed 32 square feet or ten feet in height. They shall be removed within 30 days following the end of the campaign drive or event.

Section 3 Grand Openings

One temporary sign, per business, per location for a grand opening shall be permitted, and may be displayed for up to 14 days.

A. Projects Less Than Five Acres

Grand opening signs shall not be more than eight square feet in sign area. Freestanding grand opening signs shall be a maximum of five feet in height and have a minimum setback of five feet.

B. Projects Over Five Acres

Grand opening signs shall not be more than 32 square feet in sign area. Freestanding grand opening signs shall be a maximum of ten feet in height and have a minimum setback of five feet.

Section 4 Temporary Sales

One temporary on-site and non-illuminated freestanding sign announcing a temporary sale, prior or in accordance with the Art. 2.D.2, Special Permit, shall be permitted for 30 days, subject to the standards in Table 8.D.4-3, Temporary Sales Sign Standards.

Table 8.D.4-3 – Temporary Sale Sign Standards

| | |
|--------------------------|------------|
| Maximum Sign Area | 20 sq. ft. |
| Maximum Height | 8 ft. |

Section 5 Temporary Residential Development Signs

No more than two temporary residential development signs shall be permitted per frontage for up to three years or until 80 percent of the development has received a CO.

A. Lots Less Than Five Acres

Temporary residential development signs shall be a maximum of eight square feet in sign area and not more than five feet in height.

B. Lots Over Five Acres

Temporary residential development signs shall not be more than 32 square feet in sign area and not more than ten feet in height.

Section 6 Temporary Non-Residential Development Signs

For projects with DRO approval, no more than one temporary development sign shall be permitted, per frontage, for up to two years or until the development has received a CO.

- A. Maximum height: eight feet;
- B. Maximum Sign Area: 32 square feet.

CHAPTER E PROCEDURES FOR SIGNAGE

All signs, except signs exempted by Art. 8.B, Exemptions, shall receive a building permit prior to construction, erection, attachment or placement from PBC. Non-exempt signs not erected or repaired pursuant to a valid permit are considered illegal. No sign shall be structurally altered, enlarged, or relocated except in conformity with this Article. The repair or changing of movable parts, sign copy, display, or graphic material is not deemed an alteration.

Section 1 Required Permits and Approvals

All development requiring DRO, Zoning, or BCC approvals, shall submit an approved MSP pursuant to Art. 8.E, Procedures for Signage.

Section 2 Required Tag

- A. Every sign for which a building permit is required shall be plainly marked with the corresponding permit number issued for the sign. The permit number shall be marked on permanent material with a contrasting color in numbers at least one inch in height.
- B. Tags shall be displayed on signs or sign structures at a visible location between one and three feet above grade.
- C. The absence of the required tag shall be evidence that the sign is in violation of this Article.

Section 3 Master Sign Program and Plan

A. Purpose and Intent

The purpose and intent of a MSP is to provide a unified record of signs and to promote coordinated signage for all development subject to DRO, ZC, BCC approval or architectural review. MSP also may be required as a condition of approval. The MSP shall demonstrate how the intent of this Section is met in whole or in part, in regard to the following objectives:

1. Improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;
2. Provides for sign design or placement appropriate with the MGTS tier in which the signs are located;
3. Incorporates sign design and placement related to architectural and landscape features on site; and
4. Incorporates sign design, scale, and placement oriented to pedestrian traffic.

B. Submittals

1. Master Sign Plan (MSP)

A MSP shall be submitted to the Zoning Division at the time of initial application. The initial MSP shall include the total number of all proposed signs or sign types, the location of sign types on a site plan and general building elevations, drawings, sketches of generic sign types, a computation of the total allowable sign area for each sign and sign type (the sign budget), the height of each sign, and the proposed location of each sign on a site plan or general building elevations. A MSP shall also describe proposed public artwork that would be exempt from sign area calculations.

2. Master Sign Plan

Concurrent with architectural review submittal and approval, in accordance with Art. 5.C, Design Standards, a master sign plan consisting of the following, shall be submitted:

- a. Drawings or sketches indicating the exterior surface details such as font, type size, dimensions, and base planting details for all signs and types;
- b. A written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, placement and the necessity for PBC review; and

- c. A visual representation of unified color, unified graphics, materials and illumination standards for all sign types.

C. Approval Process

A MSP shall be subject to, and part of, the same review and approval process as the development itself. In approving a MSP, the DRO, ZC, or BCC, shall find that:

1. The proposed signs are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site;
2. Future tenants will be provided adequate opportunities to construct, erect or maintain a sign for identification; and
3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.

D. Conditions of Approval

The DRO, ZC or BCC, may impose conditions necessary to carry out the intent of the MSP while still permitting each sign user opportunities for effective identification and communication. These conditions may include reductions in the allowable number of signs, total sign face area, location of signs, and types of signs allowed.

Section 4 Alternative Sign Plan (ASP)

An applicant may demonstrate the intent of this Section provision can be exceeded, in whole or in part, through an ASP. The ASP shall be prepared in accordance with the design principles set forth below and shall clearly detail the modifications being requested from the provisions of this Section and how they enhance the design principles.

A. Design Principles

To qualify for consideration, an ASP shall demonstrate compliance with the following principles:

1. Innovative use of materials and design techniques in response to unique characteristics of the specific MGTS tier and site;
2. Placement of sign preserves or incorporates existing native vegetation;
3. Integrates architectural features and pedestrian facilities in a manner compatible with the tier in which the development is located. In the U/S Tier and in TDDs, this may include pedestrian-oriented signage;
4. Consistency with approved neighborhood plans, studies, area plans or special planning or design studies; and
5. Preservation of historic signs based on the following criteria:
 - a. signs 40 years or older;
 - b. signs which are particular unique in character, design, or history; or
 - c. signs that are part of the historic character of a building, business, or district.

B. Applicability

An ASP may be submitted for any of the following:

1. PDDs;
2. TDDs; or
3. Conditional or requested uses.

C. Allowable Modifications to Standards

Subject to approval, an ASP may provide for the following modifications to the standards of this Section:

1. Transfer up to 20 percent of the total sign area allowed for building mounted signs to another sign type;
2. Decrease the minimum separation required for signs within properties under common ownership;
3. Transfer freestanding sign area to building mounted signs;
4. Adjust the standards of this Section to allow for the preservation of historic signs; and
5. Vary the geometry and rules used in the measurement of sign area to allow for creative and unique sign shapes.

D. Submittals and Approvals

In addition to the requirements of a MSP, an ASP shall be submitted in conjunction with a Zoning application, subject to the following requirements:

1. Submittal Requirements

The ASP shall be submitted with a supplemental application and justification form to include project information, specific code references and proposed alternatives. The ASP shall require approval of

the requested deviations from the requirements of this Section by the ZC or BCC and may be subject to conditions of approval.

CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

This Section establishes the physical standards and requirements applicable to all signs and the districts in which they are located. More detailed standards applicable to specific types of signs follow this Section.

Section 1 Minimum Setbacks

Unless otherwise specified in this Section, signs shall be setback as follows:

A. Temporary Signs

Five feet from the property line.

B. Permanent Signs

Five feet from the base building line. If the County Engineer waives the requirement that the setback be measured from the base building line, the setback shall be measured from the property line.

Section 2 Computation of Maximum Sign Area

The methodology for computing the sign area for all sign types shall be as follows:

A. Single-faced Signs

Single-faced signs shall measure the sign area to include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to: borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as poles, sign bases, decorative elements, details, columns are not included in the sign area calculation provided no lettering or graphics except for addresses or required tags.

1. Channel Letters, Including Neon Channel Letters and Individual Letters

20 percent may be added to the calculation of the maximum area of a sign comprised solely of channel letters, neon channel letters or individual letters.

B. Double-faced Signs

Double-faced signs shall be counted as a single faced sign. Where the faces are not equal in size, the larger sign face shall be used as the bases for calculating sign area.

C. Multi-faced Signs

Signs with three or more sign faces, or signs with two sign faces with a distance greater than three feet apart or an interior angle greater than 45 degrees, shall calculate the sign area as the sum of all the sign faces.

D. Three-dimensional Signs

Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of all areas using the four vertical sides of the smallest cube that will encompass the sign.

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Figure 8.F.2.D-12-Measurement Of Sign Area

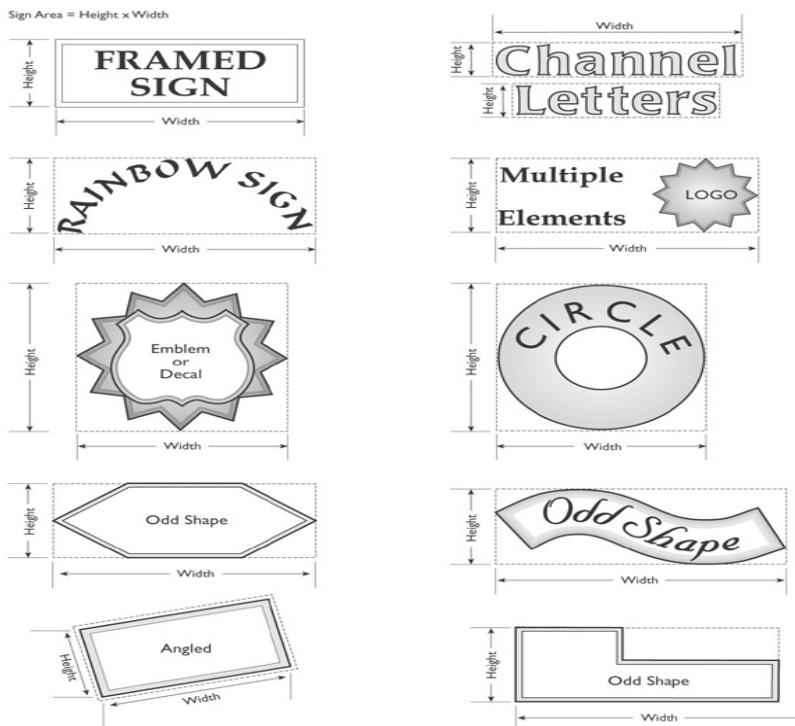


Figure 8.F.2.D-13 -Measurement Of Double-Faced Signs

Total Sign Area = Face A or Face B, whichever is larger

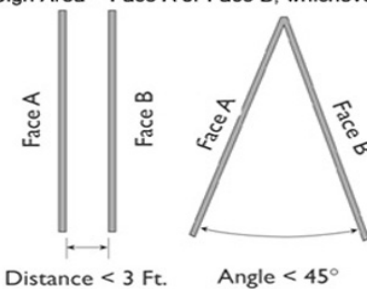


Figure 8.F.2.D-14 -Measurement Of Multi-Faced Signs

Total Sign Area = Sum of All Sign-Faces

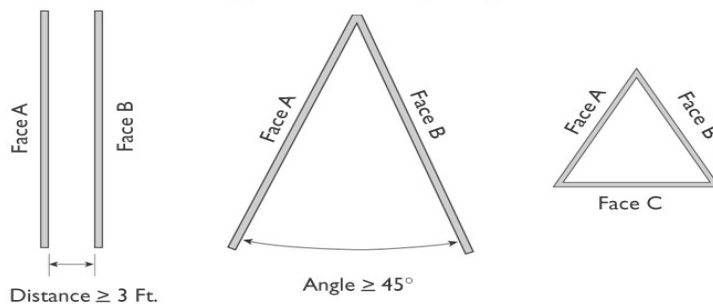
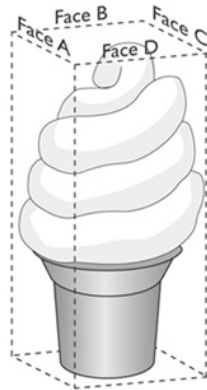


Figure 8.F.2.D-15 -Measurement of Three-Dimensional Signs

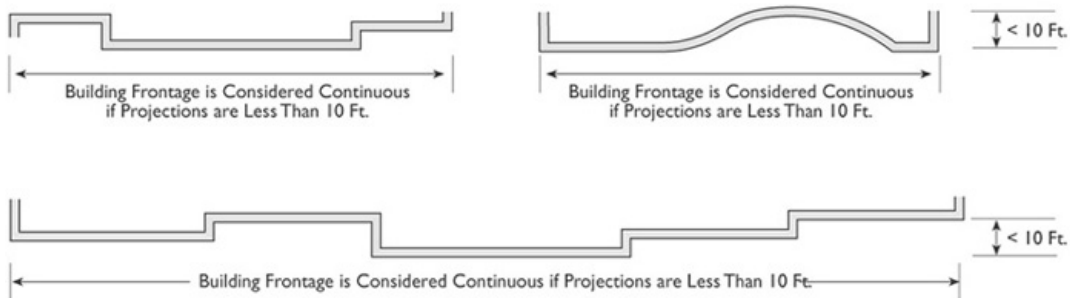
Total Sign Area = Sum of All Sign Faces of Smallest Cube



Section 3 Building Frontage

For the purpose of this Section, a building's frontage is considered continuous if projections or recesses in a building wall do not exceed ten feet in any direction.

Figure 8.F.3-16 -Building Frontage



Section 4 Materials

Paper, cardboard, or other material subject to rapid deterioration shall be limited to signs displayed for no more than 30 days.

Section 5 Illumination

Signs may be illuminated subject to the following standards:

A. General Requirements

1. Ground-mounted and building-mounted signs adjacent to a residential zoning district, a residential use shall be illuminated only during hours when the establishment is open for business;
2. External lighting shall be properly shielded to prevent glare on adjacent streets or properties; and
3. Illumination shall be constant and shall not consist of flashing, animated or changing lights.

a. Exceptions

Electronic message center signs, pursuant to Art. 8.G.3.B, Electronic Message Center Signs.

B. U/S Tier Requirements

1. Signs may be illuminated by silhouette, internal or external lighting; and
2. Neon signs are allowed in the U/S Tier as part of a wall sign or window sign only. The sign area for a neon sign shall not exceed eight square feet.

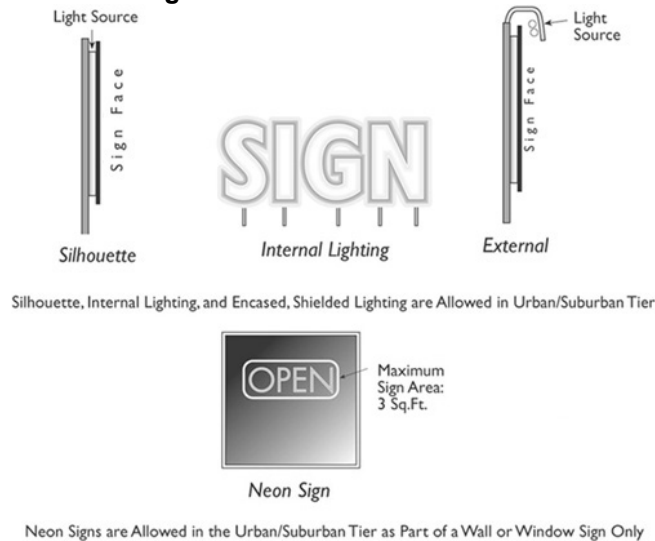
C. AGR Tier Requirements

1. Signs may be illuminated by external or silhouette lighting only.
2. Outparcel identification signs require external lighting only.
3. All sign lighting is restricted to the hours of operation of the entity or establishment with which the sign is associated.
4. Neon signs are allowed as a window sign only. The sign area shall not exceed six square feet.

D. Exurban, Rural, and Glades Tier Requirements.

1. Signs may be illuminated by external lighting only.
2. All sign lighting is restricted to the hours of operation of the entity or establishment with which the sign is associated.

Figure 8.F.5.D-17 –Illumination



Section 6 Changeable Copy

Changeable copy shall cover no more than 20 percent of the total sign area, except for the following uses which are exempt from this restriction: all public and civic uses, indoor theaters, fuel price signs, and signs that flash the time and temperature subject to Art. 8.G.3.B, Electronic Message Center Signs.

- A. Unless exempt, signs and supporting structures shall be installed in accordance with the Building Code;
- B. All signs and supporting structures, shall be maintained in the condition originally permitted; and
- C. If a sign is removed from its supporting structure for longer than 90 days, the supporting structure shall be removed pursuant to the procedures in Art. 8.I.4, Removal of Signs in Violation of this Article.

Section 7 Abandoned Signs

Sign faces with commercial messages shall be removed within 60 days after the activity, product, business, service or other use which was being advertised has ceased or vacated the premises. Any commercial message not removed or replaced with a site-related message within this time may be removed pursuant to the removal procedures set forth in Art. 8.I.4, Removal of Signs in Violation of this Article.

Section 8 Substitution of Sign Message

Any sign authorized by this Section may contain non-commercial copy in lieu of any other copy.

Section 9 Encroachment into Public Street or Sidewalk

Any sign projecting over a public street or sidewalk requires approval of the Department of Engineering and Public Works (DEPW) or other applicable agency.

Section 10 Required Address Signs

One address sign, between six and 12 inches in height, is required for each freestanding building, and at least one freestanding sign if parcel has freestanding signs, subject to the following provisions:

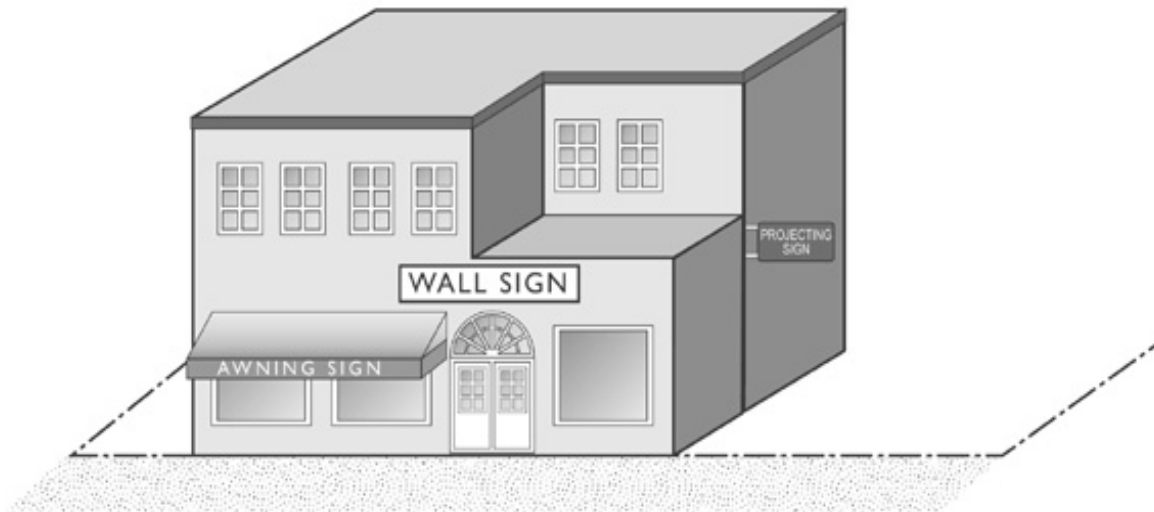
- A. Where a multi-tenant building has a freestanding sign, the building address shall be posted on that sign in a contrasting color with letters of sufficient size to be plainly visible and legible from the roadway;
- B. Where a building has multiple addresses, the address range shall be posted;
- C. Numbers posted on signs shall be in a contrasting color and shall be proportionate to the total sign area. Address numbers shall not be including in the sign face measurement; and
- D. Where multiple address signs are provided in a development, they shall be of uniform size and color.

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 1 Building Mounted Signs

Building mounted signs consist of wall signs, awning and canopy signs, projecting signs, and marquee signs. There is no limit on the maximum number of wall signs and awning and canopy signs provided that the total size of all such signs does not exceed the total maximum signage area permitted for wall signs. Projecting signs over a pedestrian sidewalk and not under a canopy, awning, or arcade, and marquee signs are not included in the maximum sign area calculation for building mounted signs.

Figure 8.G.1-18-Building-Mounted Sign Types



A. Wall Signs

Wall signs, including signs mounted on a mansard roof or parapet, are subject to the standards in Table 8.G.1.A-4, Wall Sign Standards. No wall sign may cover wholly or partially any required wall opening.

Table 8.G.1.A-4-Wall Sign Standards

| | U/S Tier | AG-R Tier | Exurban, Rural, and Glades Tiers |
|--|---|--|---|
| Maximum Sign Area (per lineal ft.) | 1.0 sq. ft. along building frontage, a minimum of 24 square feet ¹ | 0.75 sq. ft. along building frontage, a minimum of 24 square feet ¹ | 0.5 sq. ft. along building frontage, a minimum of 24 square feet ¹ |
| | 0.5 sq. ft. along the side and rear walls | | |
| | 0.25 sq. ft. for walls facing a residential zoning district. | | |
| Allowable Façades | Front, Side, and Rear if facing a street | Front and Side | Front facing a R-O-W only |
| Minimum Horizontal and Vertical Separation Between Signs | 3 ft. | 3 ft. | 3 ft. |
| Maximum Projection from Surface of Building ² | 24 in. | 24 in. | 24 in. |
| Minimum Vertical Separation Between Sign and Roof Line | 6 in. | 6 in. | 6 in. |
| Minimum Horizontal Separation Between Sign and Wall Edge | 6 in. | 6 in. | 6 in. |

Notes for Table 8.G.1.A-4, Wall Sign Standards:

¹ If a retail business is not subject to a MSP approved under Art.8.E.3, Master Sign Program and Plan, the maximum wall sign area for the storefront shall be one and a half times the length of the storefront wall, building bay, or tenant space occupied by the retail business.

² Signs that project more than 24 inches are considered projecting signs, subject to Art.8.G.1.C, Projecting Signs.

B. Awning and Canopy Signs

Awning and canopy signs are included in the maximum allowable signage area for wall signs. Awning and canopy signs are permitted on the ground floor of buildings and shall be made of durable, long-lasting fabric and designed to fit the store front. Awning and canopy signs shall be subject to the standards in Table 8.G.1.B-5, Awning and Canopy Sign Standards.

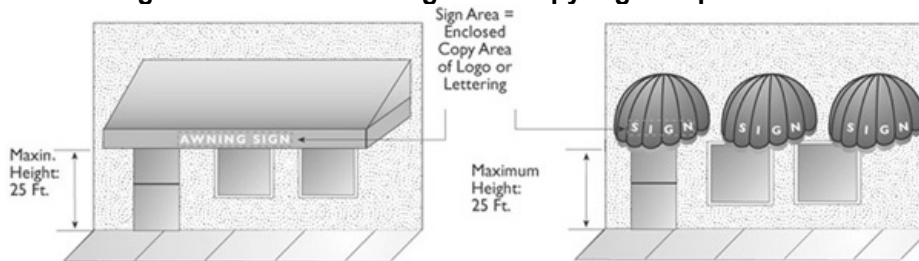
1. Gas Station Canopies

No more than two canopy signs per station may be allowed in addition to the maximum allowable signage area for wall signs. Gas station canopy signs shall not exceed 18 inches in height.

Table 8.G.1.B-5- Awning and Canopy Sign Standards

| | |
|--------------------------|---------------------|
| Maximum Sign Area | 24 sq. ft. |
| Maximum Height | 25 feet above grade |

Figure 8.G.1.B-19-Awning Or Canopy Sign Requirements



C. Projecting Sign

Projecting signs under canopies or covers in conjunction with pedestrian walkways are not included in the maximum allowable signage area for wall signs; however are subject to the standards in Table 8.G.1.C-6. Projecting Signs Standards, shall be placed perpendicular to the building façade and not project above the roof line. Projecting signs over a public sidewalk are included in the maximum allowable signage for wall signs. Projecting signs may include banners provided the sign and sign area conforms to the standards in Table 8.G.1.C-6, Projecting Sign Standards.

Table 8.G.1.C-6- Projecting Sign Standards

| | Under Awnings, Canopies or Arcades | Other Locations |
|--------------------------|------------------------------------|-----------------|
| Maximum Sign Area | 8 sq. ft. | 16 sq. ft. |
| Minimum Height | 8 ft. | 10 ft. |
| Maximum Height | n/a | 20 ft. |
| Minimum Setback | n/a | 5 ft. |

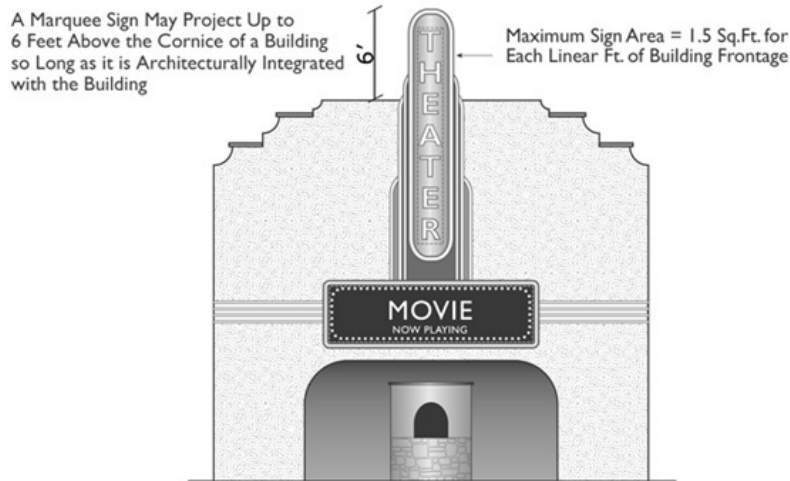
Figure 8.G.1.C-20-Projecting and Under Awning Sign Standards



D. Marquee Signs

Marquee signs are allowed for theaters, stadiums, auditoriums, and similar uses subject to BCC approval. Marquee signs are not subject to wall sign area limits, but the maximum sign area shall not exceed one square foot for each foot of building frontage. Marquee signs may be electronic message center signs, subject to Art. 8.G.3.B, Electronic Message Center Signs, and have changeable copy. A marquee sign may project a maximum of six feet above the cornice of a building provided that it is architecturally integrated with the building.

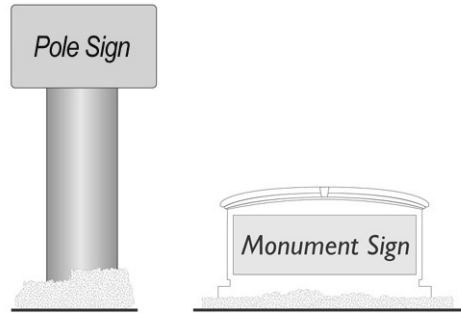
Figure 8.G.1.D-21-Marquee Signs



Section 2 Ground Mounted Signs

Ground mounted signs consist of freestanding signs such as monument signs, outparcel identification signs, and entrance signs.

Figure 8.G.2-22 -Ground-Mounted Sign Types



A. Freestanding Signs

Freestanding signs are subject to the standards in Tables 8.G.2.A-7, Freestanding Sign Standards, and 8.G.2.A-8, Freestanding Signs: Maximum Heights.

1. Minimum Separations

Freestanding signs shall have a minimum separation of 75 feet from a residential zoning district or freestanding signs on abutting parcels. Abutting parcels that are unable to meet the separation requirement of 75 feet are allowed one out-parcel identification sign. Freestanding signs in the same project shall have a minimum separation of 50 feet.

Table 8.G.2.A-7-Freestanding Sign Standards

| | U/S Tier | AG-R Tier | Exurban, Rural, and Glades Tiers |
|--|-------------|--------------|-----------------------------------|
| Maximum Number Per Project Frontage ¹ | 3 | 2 | 1 (with minimum 150 ft. frontage) |
| Maximum Sign Area (per lineal ft. of frontage) | 1.0 sq. ft. | 0.75 sq. ft. | 0.5 sq. ft. |
| Maximum Sign Area (per individual sign) | 200 sq. ft. | 150 sq. ft. | 100 sq. ft. |
| Minimum setback | 5 ft. | 10 ft. | 15 ft. |
| 1. Number per frontage based on the frontage of the entire project or development, (sign per 200 ft or less, signs per 201-300 ft., signs maximum 301 ft or greater U/S Tier only) | | | |

Figure 8.G.2.A-23-Freestanding Sign Minimum Setback And Separation

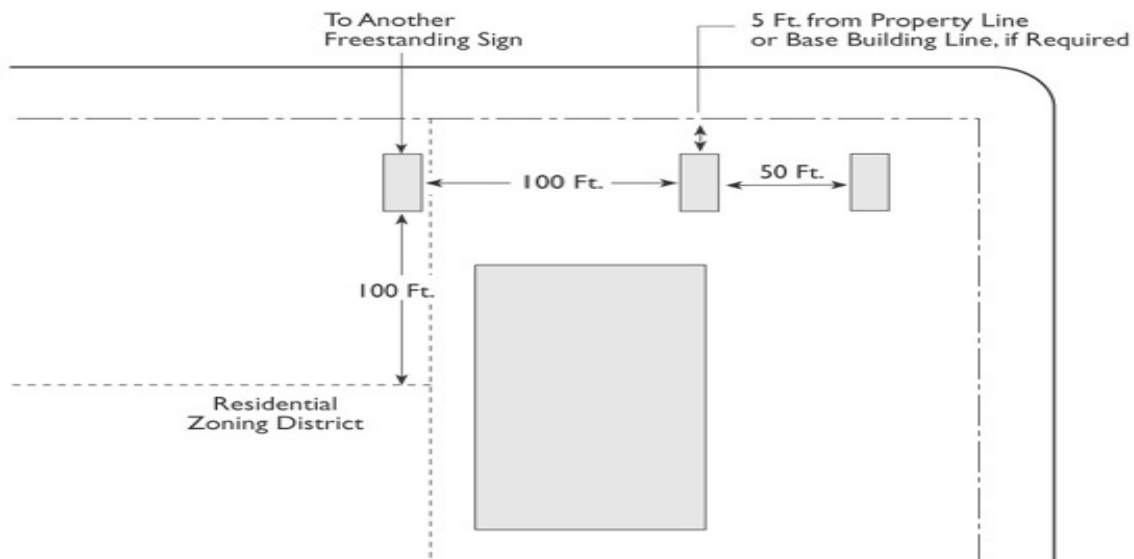


Table 8.G.2.A-8- Freestanding Signs: Maximum Heights

| R-O-W Width | Maximum Height | | | | | |
|--------------------|------------------|------------------|------------------|------------------|----------------|------------------|
| | C/C ¹ | | C/R ² | | R ³ | |
| | S ⁴ | PDD ⁵ | S ⁴ | PDD ⁵ | S ⁴ | PDD ⁵ |
| 110 ft. or greater | 20 | 15 | 15 | 12 | 10 | 10 |
| 80 – 110 ft. | 15 | 10 | 10 | 8 | 8 | 8 |
| 80 ft. or less | 10 | 8 | 8 | 6 | 6 | 6 |

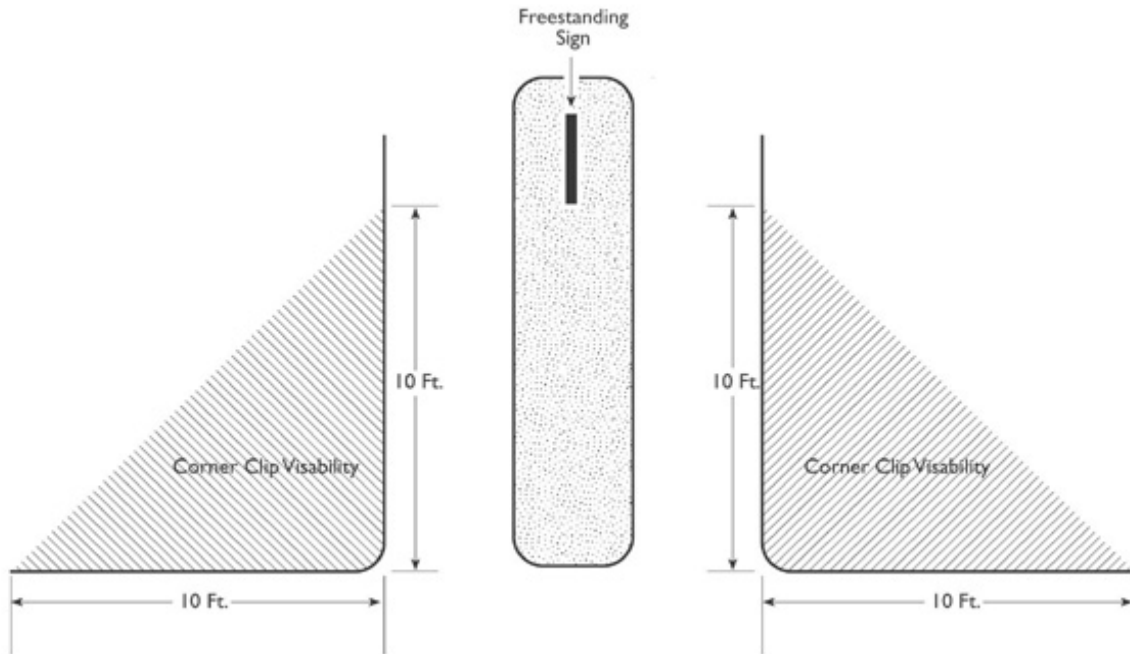
Note for Table 8.G.2.A.8, Freestanding Signs: Maximum Heights:

1. C/C = commercial, industrial, or non-residentially zoned parcels adjacent to commercial, industrial or non-residentially zoned parcels.
2. C/R = commercial industrial or non-residentially zoned parcels adjacent to any residentially zoned parcel
3. R = residentially zoned parcel
4. S = Standard Development
5. PDD = Planned Development

2. Limitations in Median

Freestanding signs erected in a median within a driveway to a development shall not be located in corner clips or visibility areas unless they are less than 30 inches high and shall be set back a minimum of five feet from the face of curb, or from the edge of adjacent pavement where no curb exists. Signs that overhang a driveway shall be a minimum of 13.5 feet above the adjacent pavement.

Figure 8.G.2.A-24-Limitation In Median



3. Relationship of Sign Base to Sign Width

The total width of the sign base for signs shall be at least 30 percent of the width of the sign.

B. Outparcel Identification Signs

One freestanding sign may be allowed for each out parcel, subject to the standards in Table 8.G.2.A-7, Freestanding Sign Standards, in addition to freestanding signs for PDDs and TDDs. This sign is excluded from the standards of Table 8.G.2.B-9, Freestanding Signs: Outparcel Identification Signs.

Table 8.G.2.B-9- Freestanding Signs: Outparcel Identification Signs

| | |
|--------------------|-----------------|
| Maximum Number | 1 per outparcel |
| Maximum Sign Area | 20 sq. ft. |
| Maximum Height | 6 ft. |
| Minimum Separation | 30 ft. |

1. Relationship of Sign Base to Sign Width

The total width of the sign base for signs shall be at least 30 percent of the width of the sign.

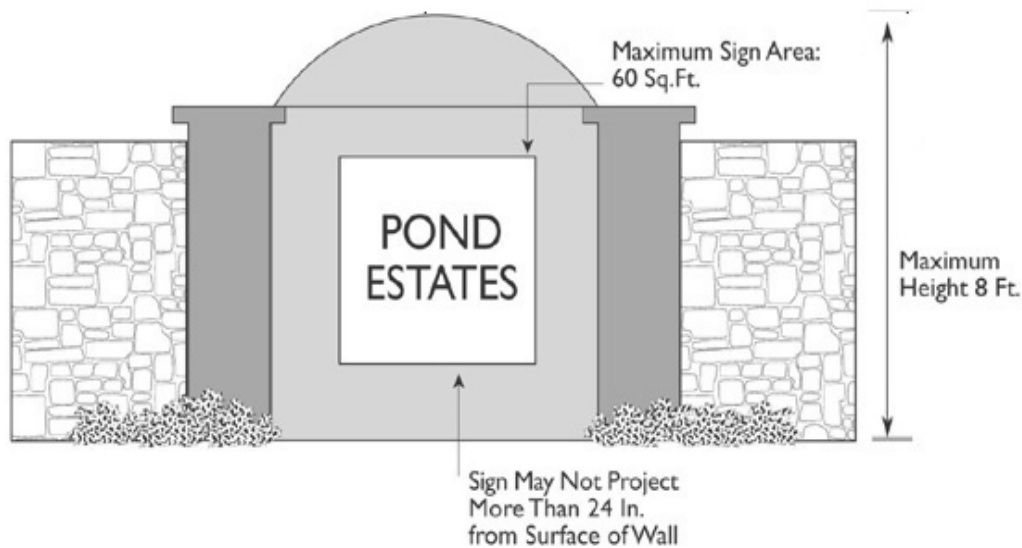
C. Entrance Signs

Entrance signs shall be permitted for the purpose of identifying the development, subject to the standards in Table 8.G.2.C-10, Entrance Sign Standards. Entrance signs shall be permitted on an entrance wall to the development only. Sign copy and graphics shall identify only the name of the development and the address, and shall be attached to a wall or fence.

Table 8.G.2.C-10- Entrance Sign Standards

| | |
|-----------------------------------|--------------------------------|
| Maximum Number | 2 signs per entrance |
| Maximum Sign Area Per Sign | 60 sq. ft. |
| Maximum Height | 8 ft. |
| Maximum Projection | 24 inches from surface of wall |

Figure 8.G.2.C-25-Entrance Signs



Section 3 Other Sign Types

The following signs are permitted subject to their own specific maximum allowable sign area and standards.

A. Mobile Signs

“A” frame type signs are allowed at business entrances on arcaded sidewalks in the U/S tier and in front of commercial or mixed-use buildings in TDDs.

B. Electronic Message Center Signs

Electronic message center signs are allowed only at regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements. These signs require approval as a Class A conditional use/requested use unless exempt under Art. 8.B, Exemptions.

1. Exemption

Electronic message center signs with a message unit less than 20 square feet in area that display the time and temperature only are exempt from the requirements of this Section.

2. Prohibited Elements

The following are prohibited:

- a. Electronic message center signs in windows and externally visible;
- b. Message units that change copy, light, color, intensity, words or graphics more than once per two seconds;
- c. Reflectorized lamps; and
- d. Electronic message center signs with lamps or bulbs over 30 watts.

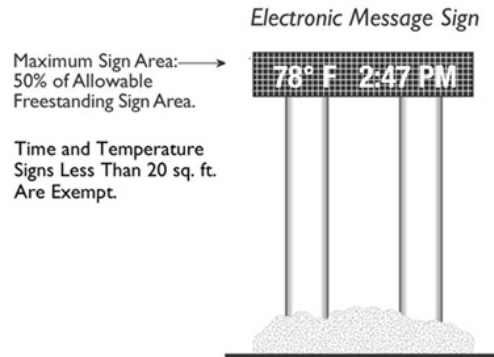
3. Standards

Electronic message center signs are subject to the standards in Table 8.G.3.B-11, Electronic Message Center Sign Standards, and the height standards for freestanding signs in Table 8.G.2.A-8, Freestanding Signs: Maximum Heights.

Table 8.G.3.B-11- Electronic Message Center Sign Standards

| | |
|---------------------------------------|--|
| Maximum Sign Area | 50 percent of allowable freestanding sign area (Table 7.14.-6) |
| Minimum Setback: Front | 15 feet |
| Minimum Setback: Side and Rear | 30 feet |
| Minimum Setback: Side Street | 50 feet |

Figure 8.G.3.B-26-Electronic Message Sign



4. Location

An electronic message center sign may be located in the following areas and subject to the following provision:

- a. In a CG, CRE, PO, or IL zoning district or in a non-residential planned development.
- b. Electronic message center signs may not be located within 100 feet of a residential zoning district or residential use.
- c. Adjacent to roadways classified as arterials or expressways, and a minimum of 1,000 feet from any signalized intersection and/or existing electronic message signs; and
- d. No more than one electronic message center sign shall be permitted per project.

5. Required Findings

The BCC may approve an application for an electronic message center sign upon finding that:

- a. The sign will not create confusion or a significant distraction to passing motorists;
- b. The sign is of the same architectural character as the building's principal use;
- c. The sign will not be a nuisance to occupants of adjacent and surrounding properties; and
- d. The sign is accessory to a use regional in scale and attraction that, by its nature, demonstrates a unique need to communicate more information than is ordinarily needed for a business or attraction.

6. Conditions of Approval

In reviewing an application for an electronic message center sign, the BCC may impose conditions to assure the sign is compatible with and minimizes adverse impacts on the area surrounding the proposed sign.

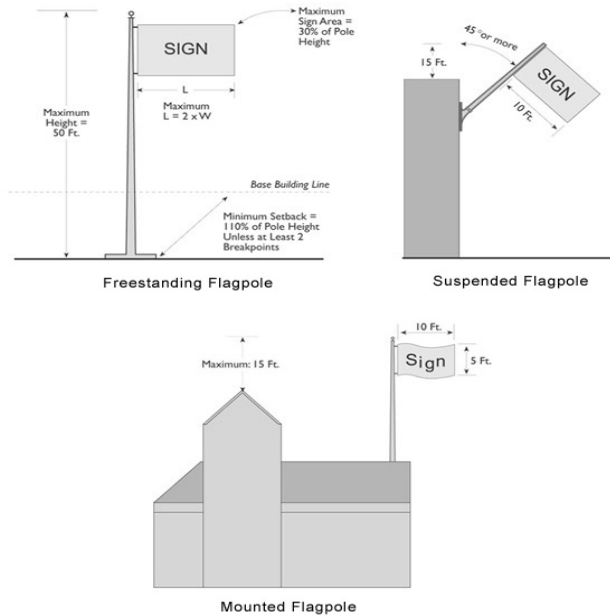
C. Flags and Freestanding Flagpoles

Flags and flagpoles are subject to the standards in Table 8.G.3.C-12, Flag and Flagpole Standards.

Table 8.G.3.C-12- Flag and Flagpole Standards

| | |
|--|--|
| Flags | |
| Maximum Number | 3 flags per parcel |
| Maximum Ratio of Length to Width | 2 to 1 |
| Freestanding Flagpoles | |
| Maximum Height | 50 feet |
| Maximum Flag Size | 30 percent of total flagpole height. |
| Minimum Setback | 110% of pole height. |
| Wall Mounted or Suspended Flagpoles | |
| Maximum Height | 15 feet above the highest point of the building or structure |
| Maximum Flag Size | 5 feet by 10 feet |

Figure 8.G.3.C-27-Flags And Freestanding Flagpoles



D. On-Site Directional Signs

Directional signage within developments and subdivisions shall be for communicating directions and facility information including on-site services. Directional signage shall contain no advertising copy other than the project logos, and shall be of a similar type and style throughout the development. Directional signs shall be subject to the standards in Table 8.G.3.D-13, On-Site Directional Sign Standards.

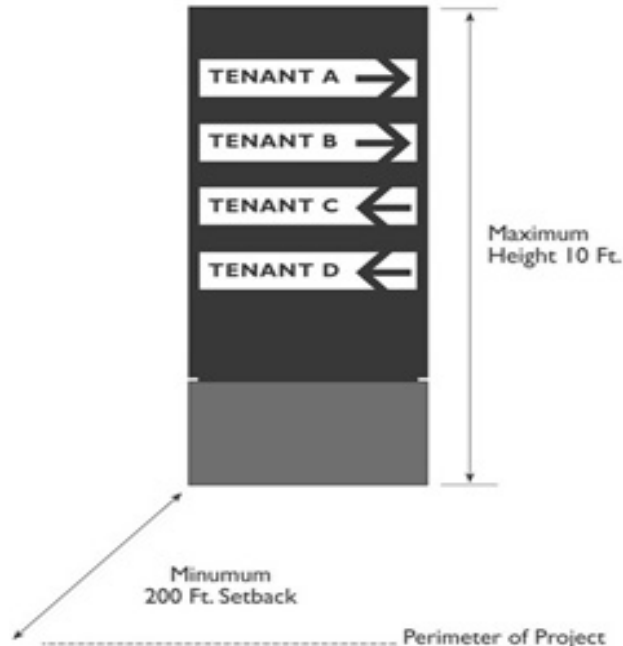
Table 8.G.3.D-13 – On-Site Directional Sign Standards

| | Residential Zoning Districts | Non-Residential Zoning Districts |
|-----------------------------------|-------------------------------------|---|
| Maximum Number | N/A | 4 per parcel |
| Maximum Sign Area Per Sign | 24 sq. ft. | 20 sq. ft. |
| Maximum Height | 7 ft. | 10 ft. |

1. Large Developments

Developments with more than 250,000 square feet, 1,500 dwelling units, 2200 ft frontage or having a combination of these uses that exceed these thresholds on a proportional basis¹, may be allowed an unlimited number of direction signs up to ten feet in height, provided all signs are a minimum of 200 feet from the perimeter of the project.

Figure 8.G.3.D-28-Multiple Direction Signs



E. Project Identification Signs

Project identification signs are allowed for residential projects for the purpose of identifying the limits of the project. Project identification signs shall be subject to the standards in Table 8.G.3.E-14, Project Identification Sign Standards and the following:

1. Project identification signs shall be attached to a buffer wall or project identification feature;
2. Project identification signs shall contain no advertising copy other than the project name or logo; and
3. Project identification signs shall be permitted at the project corners only.

Table 8.G.3.E-14 – Project Identification Sign Standards

| | |
|--|---|
| Maximum Number | 2 signs per road frontage with PUD access |
| Maximum Sign Area Per Sign | 24 sq. ft. |
| Maximum Height | U/S Tier: 8 ft Ag. Reserve Tier: 6 ft Exurban, Rural, & Glades Tiers: 6ft |
| Minimum Setback from Base Building Line | U/S Tier: 5 ft. AG-R Tier: 10 ft. Exurban, Rural, & Glades Tiers: 15 ft. |

CHAPTER H OFF-SITE SIGNS

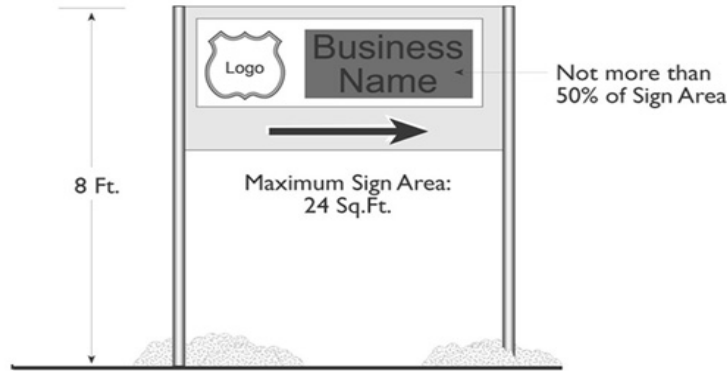
Off-site signs are allowed subject to the following standards:

¹If half of the total floor area in a mixed use development is non-residential, then the proportional threshold is 125,000. Similarly, if half of the total floor area is residential, then the proportional threshold is 750 units.

Section 1 Off-Site Directional Signs

Off-site, freestanding directional signs are allowed to communicate directional information, provided they meet the following requirements and the standards in Table 8.H.1.B-15, Off-site Directional Sign Standards. Off-site directional signs are permitted only for parcels that have access to, but no frontage on arterial or collector streets.

Figure 8.H.1-29- Off-site Directional Signs



A. Structure Type

Off-site directional signs shall be completely independent, freestanding structures and not attached to any other structure, nor shall any structure, including other signs, be attached to an off-site sign.

B. Locations

Off-site directional signs shall be located in the following areas:

1. On a parcel abutting the parcel identified on the directional sign;
2. On a parcel subject to a recorded document insuring ingress and egress to the parcel identified on the directional sign;
3. On a parcel adjacent to an arterial or collector street;
4. Within 50 feet of the point of ingress;
5. A minimum of five feet from all base building lines; and
6. Not in a public R-O-W or public easement.

Table 8.H.1.B-15 – Off-Site Directional Sign Standards

| | |
|-----------------------------------|--|
| Maximum Number | 1 per parcel for each access or frontage. |
| Maximum Sign Area Per Sign | 24 sq. ft. |
| Maximum Height | U/S Tier: 8 ft. AG-R Tier: 6 ft. Exurban, Rural, & Glades Tiers: 4 ft. |

Section 2 Billboards

A. Purpose and Intent

It is the purpose and intent of the BCC to prohibit billboards and similar off-site signs in order to improve the aesthetic appearance of unincorporated PBC. It is also the purpose and intent of the BCC to remove and amortize all billboards and similar large off-site signs in order to cure the visual and aesthetic degradation caused by these structures and to achieve the goal of an aesthetically improved built environment.

B. Billboard Inventory

Each billboard company, by March 30, 1996, shall provide the Zoning Division with a complete inventory of all billboards such company owns or controls. The billboard inventory shall be completed as provided below.

1. Each billboard company shall be provided with a complete copy of the 1988 billboard inventory.
2. The 1988 billboard inventory shall be revised by each billboard company to reflect the current status of billboards it owns or controls.
3. The revised billboard inventory shall include the location, height, size, and number of billboard faces.

C. Billboard Registration Permits

The Zoning Division shall establish a system of billboard registration permits. A registration permit shall be issued for each billboard not to be removed pursuant to the billboard stipulated settlement agreement. Billboard registration permits shall be issued as special permits, as provided in Art. 2.D.2, Special Permit. Billboard registration permits shall be issued as provided below.

1. An application for a billboard registration permit shall include the following information:
 - a. name, address, and telephone number of the billboard company owning or controlling the billboard;
 - b. name of applicant;
 - c. agent's authorization for the applicant to act on behalf of a billboard company;
 - d. location, height, number of sign faces, and size of sign faces; and
 - e. permit number or other acceptable evidence the billboard was lawfully erected.
2. Billboard registration permits shall be issued annually.
3. Applications for initial billboard registration permits shall be submitted no later than January 1, 1998 with the exception of registration permits for lawfully erected billboards located on federal aid primary highways. Applications for permits for the unregistered billboards on federal aid primary highways described above shall be submitted no later than January 10, 2004.
4. Billboard registration permits shall be valid for a period of one year and shall be renewed annually upon compliance with the terms of this Section and the billboard stipulated settlement agreement.
5. Renewals for billboard registration permits shall be submitted at least 60 days prior to expiration date of the existing registration permit.
6. PBC may charge a fee of \$50.00 for the issuance of each billboard registration permit. This fee may be increased by the BCC from time to time.
7. Billboard registration permits shall be transferable if ownership of the billboard changes.
8. This billboard registration system shall not require "tagging" of billboards by the owner of the billboard structure.
9. Violations
 - a. If a permit holder fails to submit fees required by this section prior to or upon the annual expiration date, PZB shall:
 - 1) Immediately issue a notice of violation as specified below; and
 - 2) Suspend acceptance of any new applications for off-premises signs from the same permit holder. No new permit applications shall be accepted from the same permit holder until final resolution of any disputes arising from the PZB's actions.
 - b. In the event that disputes arise regarding the amount of annual license fees charged, the permit holder may establish an escrow account into which he shall pay an amount equal to that portion of fees and other charges assessed by PZB which is in dispute. PZB shall be named as the beneficiary of the escrow account. This escrow account shall be established prior to the annual expiration date and shall remain in effect until final resolution of the dispute. Affected off-premises signs shall continue to be treated as illegal signs; however, as long as the escrow account remains in effect, they shall not be removed as provided in this subsection.
 - c. The notice of violation shall be sent by certified mail, return receipt requested. At a minimum, it shall:
 - 1) Indicate the total amount of annual fees due.
 - 2) Indicate that the permit holder has 30 days from the date of mailing in which to pay the total fee due.
 - 3) Assess an additional delinquency fee equal to 25 percent of the amount due.
 - 4) Inform the permit holder that failure to pay all required fees within the time allowed shall constitute a violation of this chapter and his off-premises signs shall thereupon be considered to be illegal.
 - 5) Inform the permit holder of the process established by this chapter for the removal of illegal signs.
 - 6) Inform the permit holder of his right to appeal the action of PZB, as provided in this subsection.
 - d. A copy of the notice of violation may also be prominently affixed to each off-premises sign.

D. Billboard Owners Not Party to the Stipulated Settlement Agreement

Any firm or individual owning billboards may become eligible to utilize the provisions of this Section provided they execute an agreement consistent with the stipulated billboard settlement agreement. Such firms or individuals shall execute an agreement as approved by the County Attorney's Office.

E. Removal of Billboard Sign Faces

Each billboard company that has signed or agreed to the stipulated billboard settlement agreement, or similar agreement as approved by the County Attorney, shall permanently remove ten percent of the total of sign faces it owns or controls. Billboard companies that have signed the stipulated settlement agreement shall remove the sign faces within one year following adoption of this amendment to the ULDC. Billboard companies that execute an agreement approved by the County Attorney shall remove the sign faces within one year following execution of the agreement.

1. The total amount of sign faces to be removed shall be calculated utilizing the billboard inventory. The sign faces shall be removed utilizing the procedure set forth below.
2. The sign faces to be removed shall be identified in Exhibit "A" of the billboard stipulated settlement agreement or similar agreement. However, the sign faces to be removed as identified in Exhibit "A" may be substituted for reasons established in the stipulated billboard settlement agreement.
3. The Building Division, with the written approval of the Zoning Division, shall issue a demolition permit for each sign face to be removed.
4. The demolition permit shall be in a form prepared by the Zoning Division, and shall include the location, permit number, name of billboard company, and date when such sign face is to be removed.
5. Each billboard company shall provide a statement, in a form approved by the PBC Attorney's Office, certifying the removal of a sign face. Removal of the sign face shall include the entire billboard structure.

F. Relocation of Billboards

Billboards may be relocated subject to the provisions of the billboard stipulated settlement agreement or similar agreement. Billboard relocation shall occur as indicated below:

1. A billboard company shall notify the Zoning Division in writing of its intent to relocate a billboard. The written notification shall be provided at least 30 days prior to the intended date of demolition and relocation, unless otherwise waived by the Zoning Director.
2. Each billboard to be relocated shall be assigned a billboard registration permit. The Zoning Division shall verify the request for relocation, subject to the billboard stipulated settlement agreement. Upon verification of the request for relocation, the Building Division shall issue a demolition permit for removal of the affected billboard.
3. For each billboard demolished, a billboard company shall provide verification of the demolition. The verification shall be provided in a form acceptable to the County Attorney's Office.
4. Each billboard demolished subject to this Section may be relocated. The combination of a demolition permit and assignment of a registration permit shall be deemed to be a billboard relocation permit.
5. A billboard relocation permit shall be valid for a period of four years from the issuance of the demolition permit. A billboard relocation permit shall permanently lapse if relocation does not occur within four years following issuance of the demolition permit. Once a relocation permit has lapsed, the affected billboard shall not be relocated.
6. A billboard relocation permit shall allow construction of a billboard with the same or lesser number of faces as contained on the demolished billboard. Two relocated single face, single billboard structures may be combined into a new two-face billboard structure.
7. A relocated billboard may be constructed only within the following comprehensive plan land use categories: "CH" (Commercial High), "CL" (Commercial Low), or "I" (Industrial).
8. Within the CH, CL, and future land use plan categories, a relocated billboard may only be located within the following zoning districts: CG, CC, IL, IG, MUPD, and PIPD.
9. Any billboard proposed for relocation within a conditional use, planned development, or similar project with an approved signage plan shall obtain approval for the relocation from the BCC, which shall retain the same discretion it exercised when granting the original development approval. If the billboard relocation requires modification of a signage plan that does not require BCC approval, the relocation shall be approved by the DRO, subject to the requirements of this Section and the billboard stipulated settlement agreement.
10. Relocation of a billboard to a PDD shall comply with the height and setback requirements for structures approved in the master plan. If modification of signage located within a PDD does not require BCC approval, such modification of signage shall be approved by the DRO.
11. A relocated billboard shall not be relocated on property assigned a residential, agricultural, or conservation zoning designation. For the purposes of this Section, residential, agricultural, and conservation zoning districts shall be as described in the billboard stipulated settlement agreement.
12. All relocated billboards shall be located within an area containing a front dimension containing at least 500 linear feet. This linear dimension may include property abutting a public R-O-W.

13. The height of any relocated billboard shall not exceed 40 feet above finished grade, excluding temporary embellishments.
14. A relocated billboard shall comply with the setbacks listed below:
 - a. Front: the lesser of 15 feet or the required district setback.
 - b. Side: the lesser of the billboard's previous setback or the required district setback.
 - c. Rear: the lesser of the billboard's previous setback or the required district setback.
 - d. Side corner: the lesser of the billboard's previous setback or the required district setback. If applicable, the required district side corner setback may be reduced to 15 feet when the specific lot configuration makes relocation of the sign structure impossible based on application of the required district setback.
15. A relocated billboard shall not be constructed within a lateral distance of at least 250 feet of any residential zoning district located on the same side of the street. The lateral distance shall be measured along the street R-O-W, and shall include public R-O-W. This requirement shall supersede any other setback requirements established by this Section.
16. When a relocated billboard will be constructed adjacent to a public R-O-W which:
 - a. is designated by PBC for an ultimate width of 120 feet or less, and,
 - b. abuts a residential zoning district across the street, then a residential "clear zone" shall be established.
17. The "clear zone" shall extend at least 170 feet from the front setback of the billboard. The "clear zone" shall the public R-O-W. Any portion of the "clear zone" located within the abutting residential district shall not contain any existing or proposed residential use.
18. When a relocated billboard will be placed on a public R-O-W which:
 - a. is designated by PBC for an ultimate width of more than 120 feet but less than 170 feet, and,
 - b. abuts a residential zoning district across the street,
 - c. then a residential "clear zone" shall be established.
 - d. the "clear zone" shall extend at least 170 feet from the front setback of the billboard. The "clear zone" shall include the public R-O-W. Any portion of the "clear zone" located within the abutting residential district shall not contain any existing or proposed residential use.
19. When a relocated billboard will be placed on a public R-O-W which:
 - a. is designated by PBC for an ultimate width of more than 170 feet, and,
 - b. abuts a residential zoning district across the street, then a residential "clear zone" is not required.
20. For the purposes of this Section, a residential "clear zone" may include such uses as landscaping, perimeter buffers, vegetation preservation areas, drainage facilities, roads, recreational areas, and similar nonresidential uses.
21. A relocated billboard shall not be placed within 120 feet of any residential zoning district located across from, but not directly abutting, a public R-O-W. For the purposes of this Section, the 120 feet distance shall be measured from the rear of the billboard to the nearest point of the residential zoning district.
22. For relocated billboards, the setback shall be measured from the property line.
23. A billboard shall not be relocated to a site on a road with an R-O-W width of less than 80 feet.
24. The number of billboards to be relocated during any 12-month period shall be limited by the stipulated billboard settlement agreement.
25. A minimum separation of at least 500 feet from any other existing or relocated billboard that is not on the same structure shall be maintained.

G. Billboard Replacement

A replacement for an existing billboard may be constructed consistent with the provisions of this Section.

1. shall be located within the permitted billboard location.
2. a replacement billboard shall remain on the same side of the public R-O-W.
3. existing billboard or the setbacks provided by the zoning district.
4. For replacement billboards, the front setback shall be measured from the property line.
5. A replacement billboard may be constructed at the same or lesser height of the existing billboard.
6. The sign face or faces of the replacement billboard shall not exceed the size of the sign face or faces of the existing billboard.
7. A replacement billboard shall contain the same number, or lesser number, of sign faces as the existing billboard.
8. When an existing billboard is located on property that is being or has been acquired for public road R-O-W purposes, the billboard location criteria of this Section may be waived by the Zoning Director.

The Zoning Director may waive the billboard location criteria when the width of the R-O-W to be acquired will not allow billboard replacement consistent with the intent of this Section.

a. Supplemental billboard regulations.

- 1) Roof-mounted billboards are prohibited.
- 2) Billboards shall not be relocated to a site on a road with an R-O-W width of less than 80 feet.
- 3) The number of billboards to be relocated during any 12-month period shall be limited by the stipulated billboard settlement agreement.
- 4) Billboard illumination shall be directed only towards the billboard face.
- 5) Following execution of the stipulated billboard settlement agreement, billboards shall be legal, conforming structures, and may be repaired and maintained as provided by the applicable building codes of PBC. Billboards to be removed by the operation of the stipulated billboard settlement agreement may be repaired and maintained as legal structures. However, any expenses incurred for such repair and maintenance shall be the sole responsibility of the billboard owner, and PBC shall incur no liability for such expenses.
- 6) Billboard registration permits may be sold, transferred, or exchanged without regard to participation in the stipulated billboard settlement agreement.

H. Repair and Maintenance of Billboards

All billboards shall be maintained in good repair. Repair and maintenance of billboards shall be exempt from the limitations of Art. 1.F, Nonconformities. Repair and maintenance of billboards shall not include any improvement which increases the height, size, or number of billboard faces. Temporary embellishments may be included as part of normal maintenance and repair of billboards.

I. Effect of Annexation

1. Any billboard included within the billboard stipulated settlement agreement that is annexed shall not be eligible for relocation into any unincorporated area.
2. The billboard registration permit for any billboard included within the billboard stipulated settlement agreement that is annexed shall be void upon annexation.

J. Appeals

Appeals of any decision by the Zoning Director or Building Director regarding interpretation or implementation of this Section or the billboard stipulated settlement agreement shall be made to the BCC in accordance with Art. 1.B, Interpretation, of the Code.

CHAPTER I ADMINISTRATION AND ENFORCEMENT

Section 1 Zoning Division Review

The Zoning Division shall complete its review of all final approvals required by this Article within 30 days—from the date of a fully completed application for a building permit, as determined by the Zoning Division, that has been submitted for Zoning Division review. For the purposes of this Article, final approval shall mean approval from the Zoning Division issued in conjunction with a building permit for the ultimate placement and construction of a sign. The Zoning Division shall either approve or deny the application within this review period. Upon expiration of this review period, the applicant may demand the required approval and proceed with the building permit approval process as though the Zoning Division approval required under this Article has been granted. If a building permit is issued, the applicant may display the sign until the Zoning Division either grants the required approval, or notifies the applicant of a denial of the application and states the reasons for the denial.

Section 2 Enforcement

PBC may enforce the provisions of this Article by all means available to it including but not limited to enforcement proceedings before the PBC Code Enforcement Special Masters pursuant to Art. 10, Code Enforcement, imposition of fines under the Code Enforcement Citation Ordinance, Section 8.5 of PBC Code, and initiation of any civil or administrative proceeding to prevent, restrain or abate any act prohibited by the Article.

Section 3 Persons Responsible for Compliance

Persons who will be charged with violations of this Article are:

- A. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or exists; and

- B. Any person who knowingly commits, takes part or assists in such violation.

Section 4 Removal of Signs in Violation of this Article

Any sign, banner, or sign structure not constructed or located in conformance with this Code is an illegal sign and is subject to the following procedure for notification, removal, and storage:

A. Tagged Notice

If a sign is erected, constructed or located in violation of this Code, PBC shall attach a notice to the sign stating the violation and any corrective measures needed to bring the sign into compliance with this Article. The notice shall further specify that the sign may be removed after ten days have lapsed from the date the tagged notice was placed on the sign, if the specified corrective measures have not been taken.

B. Storage and Removal

If corrective measures have not been complied with after ten days of placement of the tag on the sign, PZB may remove and store the sign in an appropriate storage facility at the expense of the sign owner. The storage period shall be for at least 30 days.

C. Mailed Notice

Upon removal and storage of the sign by PZB, a Notice of Violation and Removal and Storage shall be sent directly to the named owner of the sign, if the owner's address can be readily ascertained from the sign or the address where the sign was located. The notice shall also provide information as to where the sign is stored, how the sign may be reclaimed, and the owner's right to appeal.

D. Return or Destruction

Any sign which has been removed from private property pursuant to the above provisions may be claimed by and returned to the property owner. Release of any sign shall be by written authorization of the Director of Code Enforcement upon proof of ownership and payment of a sum appropriate to compensate PBC for the expense of locating, tagging, mailing notice, removing, and storing the sign. Any sign that remains unclaimed after 30 days from the date of removal shall become the property of PBC and may be disposed of in any manner deemed appropriate by PBC.

E. Destruction and Unpaid Fees

Destruction of the illegal sign shall not extinguish any claim for payment of unpaid fees. Any cost associated with removal of an illegal sign, including cost of collecting unpaid permit, may also be assessed to the sign owner. No new sign permit application will be accepted from the owner of an illegal sign until all fees and costs associated with removal and storage of any illegal sign(s) are paid.

F. Illegal Signs in Public R-O-W

Illegal signs in the public R-O-W may be immediately removed by the PBC. Such signs need not be stored and may be immediately disposed of in any manner deemed appropriate by PBC. However, if the approximate value of the sign or other structure is determined to be greater than \$300.00 and the sign bears the name of the owner, the sign owner shall be notified and the sign shall be removed, stored, or returned, as the case may be, in accordance with the procedures in this Section.

Section 5 Appeals

An aggrieved person has the right to immediately appeal a denial of an application for a permit or other approval required by this Article, or any notice of intent to remove or destroy a sign in violation of this Article, to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida. Any such appeal to the Circuit Court shall be filed within thirty days of the mailing of the written notice of a denial of a permit or other approval contemplated by this Article, or within 30 days of the mailing of a notice of violation and removal and storage issued pursuant to this Article.

ARTICLE 9
ARCHAEOLOGICAL AND HISTORIC PRESERVATION

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ARTICLE 9

ARCHAEOLOGICAL AND HISTORIC PRESERVATION

CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

Section 1 General

A. Purpose and Intent

It is hereby declared that the protection, enhancement and examination of significant archaeological resources is in the interest of the health, safety and welfare of the people of PBC. It is acknowledged that within PBC there exist sites which are of significant archaeological value as prehistoric, historic and cultural resources. A map identifying known archaeological sites has been prepared by a qualified archaeologist and is adopted as part of this Article.

The purpose of this Article is to:

1. Establish a procedure for review of development proposals on lands which have been identified as containing archaeological resources and which will be applicable to lands identified by the predictive model when added to this Article by amendment;
2. Establish a method to review the potential archaeological value of previously unidentified sites after the discovery of prehistoric and historical artifacts, skeletal or fossilized human remains, or non-human vertebrate fossils during development;
3. Establish a mechanism to protect, when appropriate, resources of significant archaeological value identified pursuant to this Article that are deemed important by a qualified archaeologist to the prehistory or history of PBC, the State or Nation; and,
4. Facilitate protection of resources of significant archaeological value without substantially delaying development.

B. Applicability

This Article is applicable in the unincorporated area of PBC and regarding PBC owned property in municipalities unless otherwise regulated by municipal archaeological protection regulations and shall apply to:

1. All parcels of land which are identified as archaeological sites on the map entitled "Map of Known Archaeological Sites;"
2. A parcel on which a previously unidentified artifact or any human skeletal or fossilized human remain or non-human vertebrate fossils of significant archaeological value is found during site development or during any other activity which may disturb an archeological site; and,
3. All applications for Type III Excavation, pursuant to Art. 4.D, Excavation.

Section 2 Development Subject to Archaeological Review

A. Development Subject to Archaeological Review

Development shall be subject to this Article as follows:

1. Parcels on Identified Sites

Parcels on the map of known archaeological sites and proposals for Type III Excavation. Owners of parcels located on the Map of Known Archaeological Sites or owners of parcels requesting approval for Type III Excavation must receive a Certificate to Dig prior to issuance of a development order.

2. Parcels on Previously Unidentified Sites

Previously unidentified archaeological sites discovered during development. When one or more artifacts or human skeletal or fossilized remains or non-human vertebrate fossils which were previously undiscovered are found on a site during development or during other activity disturbing the site, all development or disruptive activity directly over the find shall cease. Before any further development or disruptive activity continues, the following procedure shall apply:

- a. The area directly over the find shall be staked by the property owner or agent of the property owner, contractor or subcontractor, or other party discovering the potential find;
- b. Within one working day of discovering the potential find, the Department and, if applicable, the property owner shall be notified;

- c. Within three days, the County Archaeologist shall inspect and evaluate the site for the purpose of determining whether artifacts or human skeletal or fossilized remains or non-human vertebrate fossils are located on a site. If the qualified archaeologist determines a significant archaeological resource is on site or likely to be on site, the Director of the PZB shall issue an order suspending construction and define the area where the order suspending construction applies, based upon the archaeologist's assessment. Such order does not have the effect of a stop work order and shall not stop construction activity not directly impacting the defined potential archaeological site;
- d. The County Archaeologist shall evaluate the significance of the archaeological find and send a written Archaeological Evaluation Report to the property owner and Executive Director of the PZB postmarked within seven working days from issuance of the suspension order; and,
- e. In the Archaeological Evaluation Report, the County Archaeologist shall require an application for a Certificate to Dig be prepared if the archaeologist determines the site contains artifacts of significant archaeological value. If the County Archaeologist determines that there is no reasonable possibility that artifacts of significant archaeological value are contained on the site, the archaeologist shall make such a finding to the Department in the Archaeological Evaluation Report and PZB shall immediately lift the suspension order.
- f. In order to encourage individuals to bring potential artifacts to PBC's attention, private citizens engaged in disruptive activity which does not require a development order and uncover a potential artifact, fossil, or remains, may request a waiver of application fees and shall not be subject to the timeframes required in this subsection.

3. Sites Containing Human Skeletal Remains

If human skeletal remains are found, then F.S. § 872.05, (1989), as amended from time to time, controls.

Section 3 Procedures

A. Certificate to Dig

1. Application

Owner of parcels required by Art. 9.A.1, General, and Art. 9.A.2, Development Subject to Archaeological Review, Parcels on the Map of Known Archaeological Sites and Proposals for Type III Excavation, and Previously Unidentified Archaeological Sites Discovered During Development), to make application for a Certificate to Dig to PZB for review by the Historic Resources Review Board (HRRB) shall make such application prior to the issuance of a development order. The application for the Certificate to Dig shall be made on a form available from PZB. Only one Certificate to Dig shall be required to develop a site unless additional resources are found during site development.

2. Report Contents of a Certificate to Dig

The application for a Certificate to Dig shall be subject to a fee established by PZB, governed by Art. 9.A.3, Standards for Issuance of a Certificate to Dig, and include a report prepared by a qualified archaeologist. The report shall at minimum contain a documented search of the Florida Master Site File (FMSF), a brief history of the area, an archaeological survey and field inspection performed in a professionally acceptable manner, an assessment of the archaeological significance of the site, and a proposed plan for management.

All reports submitted to PZB on properties determined to be of archaeological significance shall include the preparation of a FMSF form, which shall be forwarded by PZB to the Division of Historical Resources of the Florida Department of State. Copies of FMSF forms shall be available at PZB.

3. Standards for Issuance of a Certificate to Dig

Within three working days of receiving an application, the Department shall make a determination of the completeness of the application. If the application is determined to be incomplete, the Department shall request additional information by certified mail. When the application is complete, the Department shall forward the application to the HRRB. The HRRB shall hold a public hearing within 30 days of the date of receipt of the application by the HRRB. The Department shall prepare its evaluation of the application and notify the applicant of its findings at least ten working days prior to the public hearing. Evaluation of the application by the Department and the HRRB shall be based upon guidelines in this Section, recommendations included in the archaeologist's report, and the recommendation of the County Archaeologist, if required. The HRRB's evaluation shall do one of the following:

- a. If the property is determined to have no significant archaeological value or insignificant value, the HRRB shall, if applicable, issue the Certificate to Dig, or lift the construction suspension order, if applicable, and the development may proceed; or
- b. If the property is determined to have significant archaeological value, the BCC shall issue a Certificate to Dig with conditions that are deemed necessary to protect or permit the excavation of any part of the site found to be of significance, including conditions regarding site design. In order to protect archaeological resources of significant value, the BCC may require the applicant to do one or more of the following as part of receiving the Certificate to Dig:
 - 1) preserve the archaeological site within open space of the development;
 - 2) redesign the development to accommodate preservation of all or a portion of a site containing the significant archaeological resources;
 - 3) the property owner may voluntarily fund or seek funding for excavation of the resource, if agreed to by PBC.
- c. If the HRRB finds it is impossible to adequately preserve the significant archaeological resource using the standards and procedures in Art. 9.A.3, Procedures, and the proposed development plan would adversely affect any significant archaeological resources found on the site, the HRRB may delay issuance of a Certificate to Dig for up to eight weeks after the submittal of a completed application so that either:
 - 1) Appropriate archaeological excavation may be conducted to properly extract and interpret the significant archaeological resources found on the site; or
 - 2) PBC may approach any recognized historic preservation agency to seek alternate solutions; or
 - 3) A buyer may be found to purchase a site for either site preservation or in order to allow detailed excavation, analysis and interpretation of the site.
- d. The Department shall charge a fee covering the direct and indirect costs associated with reviewing an Application for a Certificate to Dig, issuing the certificate and monitoring compliance with the certificate. Fees for the issuance of a Certificate to Dig shall be added to the Department Fee Schedule by resolution approved by the BCC.

4. Map of Known Archaeological Sites

A Map of Known Archaeological Sites is adopted as part of this Section. The above referenced map may be amended by resolution or ordinance adopted by the BCC pursuant to F.S. § 125.66 after considering a recommendation of the HRRB. The map shall be amended upon determination by PBC that additional sites of significant archaeological value have been discovered. At a minimum, the map and the FMSF shall be reviewed annually for possible map amendment.

5. Appeals

Within 30 days of a written decision by the HRRB regarding an application for a Certificate to Dig, an aggrieved party may appeal the decision by filing a written notice of appeal, and pay a filing fee, established by the BCC, with the Clerk of the BCC. A copy of the notice of appeal shall be filed with the Executive Director of PZB. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 45 days of the filing of the appeal or the first BCC meeting which is scheduled, whichever is later in time, the BCC shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the Department. The applicant shall be notified by certified mail, return receipt requested, of the date, time, and place of such hearing. At this hearing, the party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in this Code; however no new materials or evidence shall be presented to or considered by the BCC. The BCC shall vote to approve, modify or overrule the decision of the HRRB. The decision of the BCC shall be in writing and a copy of the decision shall be forwarded to the appealing party. An applicant may appeal a final decision of the BCC within 30 days of the rendition of the decision by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida.

6. Procedure for Addressing Violations, Hearing and Penalties

Upon detection by PBC that a property owner, agent of property owner, contractor or subcontractor has violated this Section, PBC shall notify the violator(s) and the property owner, if applicable, that a hearing has been set before the Code Enforcement Special Master. The notice, hearing and fines shall occur pursuant to Art. 10.B, Enforcement by Code, Enforcement Special Master. Further, if the Code Enforcement Board finds that a willful violation of this Article has occurred, PBC shall fine the violator a fine of up to \$500.00 per day or impose imprisonment in the PBC jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. §125.69, In addition to the sanctions contained

above, PBC may take any other appropriate legal action, including, but not limited to, requests for temporary and/or permanent injunctions to enforce the provisions of this Section. It is the purpose of this Section to provide additional cumulative remedies.

Section 4 Definitions

In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to the corresponding Chapter in this Article:

Chapter A

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

Archeological Resources - all evidences of past human occupations which can be used to reconstruct the life ways of past peoples and evidence of past animal life in the form of non-human vertebrate fossils. These include sites, artifacts, environmental and all other relevant information and the contexts in which they occur. Archaeological resources are found in prehistoric and historic period sites and areas of occupation and activity.

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

Archaeologist, Qualified - a member of, or is qualified for membership in the Florida Archaeological Council or the Society of Professional Archaeologists.

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

Certificate to Dig - a written document, issued under terms and conditions of this article and 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.

County Archaeologist - staff member of or contracted to PZB who shall be a qualified Archaeologist

Development - archaeological preservation, the definition in F.S. § 380.04, as well as site preparation work consisting of excavation, earth moving, and the like. This definition shall not include the dividing of land into two or more parcels.

Development Order – as defined in F.S. § 163.3164.

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

Map of Known Archaeological Sites - a map adopted as part of this Article and updated as needed identifying known archaeological sites in the unincorporated areas of PBC.

Protection - the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archaeological sites, the protective measure may be temporary or permanent.

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 PBC, the State or Nation.

Unmarked Human Burial - any human skeletal or fossilized remains discovered during any land development activity or archaeological excavation.

Chapter B

Adaptive Use - the process of converting a building to a use other than that which it was originally designed.

Alteration - any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance or structural changes involving changes in form, texture, materials or color or any such changes in appearance in specially designated historic sites, or historic interiors.

Appurtenance - a part, possession, or other incidental part which is generally subordinate to, or adjoins the principal use of structure, i.e. fences, walls, steps, paving, sidewalks, signs and light fixtures.

Architectural Features - architectural features include the architectural style, scale, massing sitting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, type and texture of building material, public access open courtyards, windows, doors, and appurtenances. These features will include interior spaces where the interior has been given historic designation under the procedures listed in Art. 9.B.3.A, Application for Historic Site or District Designation.

Certificate of Appropriateness - a written document, issued under the terms and conditions of this Article, allowing specified alterations, demolition, construction, or other work to a designated historic site, or for a building or structure within a designated historic district.

Contributing Resource - building, site, structure, or object adding to the historic significance of a property or district.

Cultural Resources - districts, sites, structures, and objects and evidence of some importance to a culture, a subculture, or a community for scientific, traditional, religious, and any other reasons. These resources and relevant environmental data are important for describing and reconstructing past life ways, for interpreting human behavior, and for predicting future courses of cultural development.

Demolition - the act or process of wrecking, destroying, or removing any building or any exterior or structural part thereof.

Designation - the act of designating specific historic sites or districts pursuant to the provisions of this Code.

Designated Exterior - all outside surfaces of any improvement, building, or structure as defined in the historic preservation survey and pursuant to Art. 9.B, Historic Preservation Procedures, or an exterior designated under Art. 9.B, Historic Preservation Procedures, as having significant value to the historic character of the building, district, or PBC.

Development Order – as defined in F.S. §163.3164.

Exterior - the outside surfaces of a building.

Historic District - a geographically defined area with a significant concentration, linkage, or continuity of sites, improvements, or landscape features united by historic events or by plan or physical development, and which area has been designated as a historic district, pursuant to Art. 9.B, Historic Preservation Procedures. Any historic district may have within its area contributing and non-contributing buildings or other structures that contribute to the overall visual character of the district.

Historic Resources - all evidences of human occupations that date from historic (i.e., recorded history) periods. These resources include documentary data (i.e., written records, archival material, photographs, maps, etc.) sites, artifacts, buildings, structures and all other cultural resources and relevant information pertaining to them. Historic resources are cultural resources and may be considered archaeological resources when archaeological work is involved in their identification.

Improvement - any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, foundation, sign, work of art, earthworks, sidewalk, or other man-made objects constituting a physical change or betterment of real property, or any part thereof.

Landscape Feature - any improvement or vegetation including, but not limited to: outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture or exterior lighting.

Mitigation - a process designed to ameliorate adverse impact of an activity on a cultural resource by the systematic removal of the prehistoric, historic, or architectural data in order to acquire the fundamental information necessary for understanding the property within its proper historic context.

National Register of Historic Places - official Federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.

Non-Contributing Resource - building, site, structure, or object that does not add to the historic significance of a property or district.

Ordinary Maintenance or Repair - any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any physical deterioration or damage of an improvement, or any part thereof by restoring it, as nearly as practical, to its appearance prior to the occurrence of such deterioration or damage.

PBC Register of Historic Places - official PBC list of archeological sites identified on the Map of Known Archeological Sites, and historic sites and districts designated by the BCC.

Preservation - the identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties.

Rehabilitation - the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historic, architectural and cultural value.

Restoration - the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time, by means of the removal of later work or by replacement of earlier work.

Site, Historic Preservation - any area or location occupied as a residence or utilized by humans for a sufficient length of time to leave physical remains or traces of occupancy. Such localities vary in size, settlements and activity areas, and the transportation networks linking them. A site may consist of secondarily deposited archaeological remains.

Structure - three feet or more in height which is built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices and poster panels.

Substantial Improvement - any combination of repairs, reconstruction or improvement of a structure, where the improvement creates additional enclosed space that contains equipment or utilities relative to the primary structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any development for improvement of a structure to comply with existing State or local health, sanitary, or safety Code specifications that are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Place.

Suspension Order - 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.

Undue Economic Hardship - an exceptional financial burden that might otherwise result in a taking of property without compensation or otherwise denies use of the property in an economically viable manner.

CHAPTER B HISTORIC PRESERVATION PROCEDURES

Section 1 General

The purpose and intent of this Article is to promote the health, safety and welfare of existing and future residents of PBC by protecting, enhancing and examining the historic resources of PBC. It is recognized that there are within unincorporated PBC and on PBC owned property in municipalities historic sites worthy of preservation and concentrations of historic buildings worthy of designation as historic districts. This Article provides mechanisms to promote historic preservation in PBC by the designation of historic sites and districts, and the regulation of construction and demolition of historic sites and within historic districts.

Section 2 Historic Sites

A. Register of Historic Places

1. If the BCC approves the nomination of a property for designation as a historic site or group of properties for designation as a historic district, said site or district shall be listed on the PBC Register of Historic Places and recorded in the official records of PBC. The PBC Register of Historic Places shall be administered by the BCC.
2. The BCC shall issue an official Certificate of Historic Significance to the owner of properties listed individually on the PBC Register of Historic Places or judged as contributing to the character of a historic district listed on the PBC Register of Historic Places. The County Administrator, or his/her appointee, is authorized to issue and place official signs denoting the geographic boundaries of each historic district listed on the PBC Register of Historic Places.

B. Criteria for Designation of Historic Sites and Districts

1. To qualify as a designated historic site or historic district, individual properties, structures, sites or buildings, or groups of properties, structures, sites or buildings, the proposed site or district shall meet one or more of the following criteria:
 - a. is associated in a significant way with the life or activities of a major person important in PBC, the State or National history, (i.e., the homestead of a local founding family); or
 - b. is the site of a historic event with significant effect upon PBC, the State or Nation; or
 - c. is associated in a significant way with a major historic event whether cultural, economic, military, or political; or
 - d. exemplifies the historic, political, cultural, or economic trends of the community in history; or
 - e. is associated in a significant way with a past or continuing institution which has contributed to the life of PBC;
 - f. portrays the environment in an era of history characterized by one or more distinctive architectural styles; or
 - g. embodies those distinguishing characteristics of an architectural style, period or method of construction; or
 - h. is a historic or outstanding work of a prominent architect, designer, landscape architect, or builder; or
 - i. contains elements of design, detail, material or craftsmanship of outstanding quality or which represented, in its time, a significant innovation or adaptation to the South Florida environment.
2. A building, structure, site, or district will be deemed to have historic significance if, in addition to, or in the place of the previously mentioned criteria, the building, structure, site, or district meets the historic development standards as defined by and listed in the regulations of and criteria for the National Register of Historic Places, as prepared by the U.S. Department of the Interior under the Historic Preservation Act of 1966, as amended.
3. Properties not generally considered eligible for designation include cemeteries, birthplaces or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, buildings or sites primarily commemorative in nature, reconstructed historic buildings, and properties that have achieved significance less than 50 years prior to the date the property is proposed for designation. However, such properties will qualify if they are integral parts of districts that do meet the previously described criteria or if they fall within one or more of the following categories.
 - a. A religious property deriving primary significance from architectural or artistic distinction of historic importance.
 - b. A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic event or person.
 - c. A birthplace or grave of a historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.
 - d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
 - e. A property primarily commemorative in nature if design, age, tradition or symbolic value have invested it with its own historic significance.
 - f. A building, structure, site or district achieving significance less than 50 years from the date it is proposed for designation if it is of exceptional historic importance.

Section 3 Procedures

A. Application for Historic Site or District Designation

1. Applications for historic site or district status may only be initiated by the BCC, the HRRB or the property owner of an individual site. A neighborhood or community association may initiate an application for historic district status. Application for historic district or historic site status for public property may also be initiated by any resident of PBC.
2. Upon receipt of an application for historic or district site status, the Department shall conduct a preliminary evaluation of the application to determine whether or not it has sufficient information to process the application. The Department shall make the determination that an application is sufficient within ten working days of receipt of an application. If the application is not sufficient to process, the Department shall specify what additional information is necessary.
3. In the event the application as submitted is sufficient, the Department shall prepare a Designation Report for consideration at the next schedule HRRB meeting which shall contain the following information:
 - a. Proposed legal boundaries of the historic building, archaeological site, structure, or district; and,
 - b. Any proposed waiver of development regulations per Section 4 subsection B - Waiver of the Code Provisions.
 - c. Any conditions beyond the standards contained in the Code or conditions based on the standards of subsection Art. 9.B.4.A, Development Standards for Historic Districts and Sites.
 - d. An analysis of historic significance and character of the nominated property; and,
 - e. An analysis of public historic interiors for those buildings and structures with interior features of exceptional architectural, aesthetic, artistic or historic significance of those buildings which have public access.

B. Public Hearings Required for Historic Site or District Designation

1. After the Department prepares its Designation report, the HRRB shall conduct a public hearing to evaluate and receive comments regarding the application.
2. The Department shall transmit, by certified mail, a copy of the designation report and a notice of public hearing to the property owner(s) of record as of the date of nomination. This notice shall serve as notification of the intent of the HRRB to consider designation and must be mailed at least 30 calendar days prior to the public hearing. In addition, all property owners within a 300 foot radius of the nominated site or district shall be sent courtesy notice of the public hearing. However, failure to receive such courtesy notice shall not invalidate the hearing. Notice shall also be provided by publishing a copy thereof in a newspaper of general circulation in PBC at least ten calendar days prior to the date of the hearing. All interested parties shall be given an opportunity to be heard at the public hearing.
3. After a public hearing, the HRRB shall vote on the designation within 30 calendar days at a public meeting.
4. The BCC shall hold a public hearing at the next available meeting to consider the recommendation of the HRRB regarding the designation of historic sites and districts.
5. At the conclusion of the public hearing the BCC shall consider the application, all relevant support materials, the Designation Report, the recommendations of the HRRB and the standards contained in Art. 9.B.4.A, Development Standards for Historic Districts and Sites, thereby adopting a resolution enacting or denying the historic district or site designation. The resolution designating a historic site shall be approved or denied by not less than a majority of the quorum present unless an affected property owner objects to the designation of a historic site, in which case a majority of the total membership of the BCC is required to approve the designation. The BCC shall take no action upon a proposed district designation if a majority of property owners in the proposed district or the owners of a majority of the land area in the proposed district object in writing filed with the BCC before the hearing. The identity of the property owners shall be determined by PBC property tax roll. The resolution designating the historic site or historic district shall be recorded in the public records of PBC, Florida. The designation shall be noted on the Official Zoning Atlas by placing the designation H on the appropriate atlas page and indicating the boundaries of the historic district or site on the Zoning Atlas.
6. Any agency with authority to issue demolition permits shall be notified of all historic site or district designations. No later than 18 months after the first property or district is designated pursuant to this Code, PBC shall amend the Plan to include an inventory of historic district boundaries and historically

significant structures designated pursuant to this ordinance. Subsequent to the initial inclusion of the historic inventory in the Plan, the inventory shall be updated consistent with provisions for evaluation and appraisal of the Plan as provided in F.S. §163.3191, and submitted to the Florida Department of State for inclusion into the FMSF.

C. Review Guidelines for Certificate of Appropriateness

1. The HRRB shall utilize the most recent U.S. Secretary of the Interior's Standards for Rehabilitation as the standards by which applications for Certificate of Appropriateness are to be evaluated.
2. Applications for Certificates of Appropriateness must be made on forms approved and provided by the HRRB. Applications must be accompanied by appropriate site plans, scaled drawings, architectural drawings, photographs, sketches, descriptions, renderings, surveys, documents or any other pertinent information the HRRB may require to understand the applicant's planned alteration, construction, reconstruction, relocation, restoration, renovation, or demolition.
3. The application shall be submitted to PZB for review by the HRRB with a non-refundable application fee that is established by the BCC from time to time to defray the actual costs of processing the application.
4. An applicant may request a pre-application conference with the HRRB or appropriate PBC staff members to obtain information and guidance regarding the application process. The HRRB may designate subcommittees of at least one member to hold these conferences with potential applicants. The purpose of the pre-application conference will be to discuss and clarify preservation objectives and HRRB regulations and guidelines and any other questions which may arise during the Certificate of Appropriateness process. If at least two HRRB members are present, these conferences shall be public meetings subject to appropriate public meetings laws and notice requirements. However, in no case will any statement or representation made prior to official HRRB review of an application bind the HRRB, the BCC or any PBC departments regarding for the certification process.
5. If or when the application is determined sufficient, the Executive Director of PZB shall place the application on the agenda of the next available meeting of the HRRB. The HRRB shall receive an application at least 30 days prior to the public hearing. If no meeting of the HRRB is scheduled within 60 days of the date an application is determined sufficient, a special meeting shall be scheduled by the chairperson.
6. If it is determined that the application is not sufficient, written notice shall be delivered to the applicant specifying the deficiencies. The Executive Director of PZB shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within 20 working days, the application shall be considered withdrawn.
7. The HRRB shall act upon the application within 60 days of the determination of an application sufficiency. Nothing herein will prohibit a continuation of a hearing on an application which the applicant requests or to which the applicant consents.
8. The HRRB may advise the applicant and make recommendations in regard to the appropriateness of the application. The HRRB may delay final action until its next regularly scheduled meeting, or, if the HRRB so chooses and the applicant agrees, until a special meeting to be held within 14 calendar days of the meeting at which the application was first considered. In no case will the HRRB delay taking action by approving, denying, or deferring any application more than 30 calendar days after such application is formally brought before the HRRB.
9. The HRRB may approve, modify or deny an application for a Certificate of Appropriateness. For purposes of granting a Certificate of Appropriateness, the HRRB shall have access to the designated site. If the HRRB approves the application, a Certificate of Appropriateness shall be issued. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other development permits, orders and approvals required by PBC. A building permit or other development permit, order or approval shall be invalid if it is obtained without the Certificate of Appropriateness required for the work. Construction for which a Certificate of Appropriateness is issued shall commence within 18 months from the date of issuance, and said certificate shall expire if 25 percent of the approved improvements have not been completed within 24 months from the date of issuance. The HRRB may not approve extensions for Certificates of Appropriateness. If the HRRB denies the application, a Certificate of Appropriateness shall not be issued. The HRRB shall state its reasons for denial in writing and present these written reasons to the applicant within ten calendar days of the HRRB's denial.
10. Within 30 days of a written decision by the HRRB regarding an application for a Certificate of Appropriateness, an aggrieved party may appeal the decision by filing a written notice of appeal and pay a filing fee, established by the BCC, with the Clerk of the BCC. A copy of the notice of appeal

shall be filed with the Executive Director of PZB. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 45 days of the filing of the appeal or the first BCC meeting which is scheduled, whichever is later in time, the BCC shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the Department. The applicant shall be notified by certified mail, return receipt requested, of the date, time, and place of such hearing. At this hearing, the appealing party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in this Code; however, no new material or evidence shall be presented to or considered by the BCC. The BCC shall vote to approve, modify or overrule the decision of the HRRB. The decision of the BCC shall be in writing and a copy of the decision shall be forwarded to the appealing party. An applicant may appeal a final decision of the BCC within 30 days of the rendition of the decision by filing a petition for writ of certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida.

Section 4 Regulations Affecting Historic Sites

A. Development Standards For Historic Districts and Sites

1. For the purpose of this Ordinance, exterior architectural features shall include those characteristics as defined in this Article.
2. A historic building, structure, appurtenance, site or district shall only be moved, reconstructed, altered or maintained in accordance with this ordinance in a manner that will preserve the historic and architectural character of the historic building, structure, appurtenance, site or district.
3. In considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.
4. A historic site, building, structure, archaeological site, improvement, or appurtenance either within a historic district or individually designated, shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, as same may be amended from time to time.
5. Relocation of historic buildings and structures to other sites shall not take place unless it is shown that their preservation on their existing or original sites is inconsistent with the purposes of this Ordinance or would cause undue economic hardship to the property owner. Relocation of any structures shall not affect the designation of an underlying archaeological site.
6. Demolition of historic sites, or buildings, structures, improvements and appurtenances within historic districts shall be regulated by the HRRB in the manner described in Art. 9.B.4.D, Demolition of Designated Historic Sites and within Historic Districts, of this Code.
7. The construction of new buildings or structures, or the relocation, alteration, reconstruction, or major repair or maintenance of a non-contributing building or structure within a designated historic district shall meet the same compatibility standards as any material change in the exterior appearance of an existing contributing building. Any material change in the exterior appearance of any existing non-contributing building, structure or appurtenance in a designated historic district shall be generally compatible with the form, proportion, mass, configuration, building material, texture, color and location of historic buildings, structures, or sites adjoining or reasonably proximate to the contributing building, structure or site.
8. All improvements to buildings, structures and appurtenances within a designated historic district shall be visually compatible. Visual compatibility shall be defined in terms of the following criteria:
 - a. **Height**

The height of proposed buildings or modifications should be visually compatible in comparison or relation to the height of existing structures and buildings.
 - b. **Front Facade Proportion**

The front facade of each building or structure should be visually compatible with and in direct relationship to the width of the building and to the height of the front elevation of other adjacent or adjoining buildings within a historic district.
 - c. **Proportion of Openings - Windows and Doors**

The openings of any building within a historic district should be visually compatible with the openings exemplified by the prevailing historic architectural styles within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings within the district should be visually compatible.

d. Rhythm of Solids to Voids - Front Facades

The relationship of solids to voids in the front facade of a building or structure should be visually compatible with the front facades of historic buildings or structures within the district.

e. Rhythm of Buildings on Streets

The relationship of building(s) to open space between it or them and adjoining building(s) should be visually compatible with the relationship between historic sites, buildings or structures within a historic district.

f. Rhythm of Entrance and/or Porch Projections

The relationship of entrances and porch projections to the sidewalks of a building should be visually compatible with the prevalent architectural styles of entrances and porch projections on historic sites, buildings and structures within a historic district.

g. Relationship of Materials, Texture and Color

The relationship of materials, texture and color of the facade of a building should be visually compatible with the predominant materials used in the historic sites, buildings and structures within a historic district.

h. Roof Shapes

The roof shape of a building or structure should be visually compatible with the roof shape(s) of a historic site, building or structure within a historic district.

i. Walls of Continuity

Appearances of a building or structure such as walls, wrought iron, fences, evergreen landscape masses, or building facades, should form cohesive walls of enclosure along a street to insure visual compatibility of the building to historic buildings, structures or sites to which it is visually related.

j. Scale of a Building

The size of a building, the building mass in relation to open spaces, windows, door openings, balconies and porches should be visually compatible with the building size and building mass of historic sites, buildings and structures within a historic district.

k. Directional Expression of Front Elevation

A building should be visually compatible with the buildings, structures and sites in its directional character: vertical, horizontal or non-directional.

B. Waiver of the Code Provisions

1. The HRRB may recommend that the BCC approve a waiver of Code requirements for designated historic resources or contributing properties to a designated historic district. The waiver may occur concurrently with the designation process or may be requested regarding any property subject to the historic site or district designation. Waivers may include setbacks, lot width, depth, area requirements, height limitations, open space requirements, vehicular requirements, design compatibility requirements, and other similar development regulations other than changes in permitted uses, density increases, or waiver of environmental or health standards. Before granting a waiver of Code requirements, the BCC must find:
 - a. that the waiver will be in harmony with the general appearance and character of the community;
 - b. that the waiver will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare;
 - c. that the project is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent properties while affording the owner(s) a reasonable use of their land; and
 - d. the waiver is the minimum necessary to allow reasonable use of the property while preserving the historic attributes of the property.
2. In approving a waiver, the BCC may prescribe any appropriate conditions necessary to protect and further the interests of the area and abutting properties, including but not limited to:
 - a. landscape materials, walls and fences as required buffering;
 - b. modifications of the orientation of any openings; and
 - c. modifications for site arrangements.
3. The waiver shall be incorporated into the resolution designating the historic site or district with conditions and standards applicable to the property or district. If the waiver process occurs separately from the designation process, the notification and public hearings procedures required for historic designation shall be followed and a resolution approving the waiver shall be recorded in the public records of PBC, Florida.

C. Certificate of Appropriateness

1. Activities Requiring Certificate of Appropriateness

- a. No building, structure, appurtenance, improvement or landscape feature within PBC, which has been designated a historic site, pursuant to Art. 9.B.2.B, Criteria for Designation of Historic Sites and District, shall be erected, altered, restored, renovated, excavated, relocated, or demolished until a Certificate of Appropriateness regarding any exterior architectural features, landscape feature, or site improvements has been issued by the HRRB pursuant to the procedures of this Ordinance.
- b. A Certificate of Appropriateness shall be required for the erection, alteration, restoration, renovation, excavation, relocation, or demolition of any building, structure or appurtenance within any historic district established by PBC.
- c. A Certificate of Appropriateness shall be required for any material change in existing walls, fences and sidewalks, change of color, or construction of new walls, fences and sidewalks.
- d. Landscape features. Landscape features and site improvements shall include, subsurface alterations, site regrading, fill deposition, paving, landscaping walls, fences, courtyards, signs, and exterior lighting.
- e. Plan approval required. No Certificate of Appropriateness shall be approved unless the architectural plans for said construction, reconstruction, relocation, alteration, excavation, restoration, renovation, or demolition has been approved by the HRRB.

2. Certificate Not Required

- a. A Certificate of Appropriateness shall not be required for general and occasional maintenance and repair of any historic building, structure or site, or any building or structure within a historic district, except where proscribed or regulated by archaeological considerations.
- b. A Certificate of Appropriateness shall not be required for any interior alteration, construction, reconstruction, restoration or renovation. General and occasional maintenance and repair shall include lawn and landscaping care and minor repairs that restore or maintain the historic site or current character of the building or structure. General and occasional maintenance and repair shall also include any ordinary maintenance which does not require a building permit from the County. General and occasional maintenance and repair shall not include any of the activities described in Art. 9.B.4.C.1, Activities Requiring Certificate of Appropriateness, above, nor shall it include exterior color change, addition or change of awnings, signs, or alterations to porches and steps or other alterations which require excavation or disturbance of subsurface resources.

D. Demolition of Designated Historic Sites and Within Historic Districts

1. Public agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts, pursuant to Art. 9.B., Historic Preservation Procedures. The HRRB shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said public agency regarding demolition of any designated property. The HRRB may make recommendations and suggestions to the public agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.
2. A Certificate of Appropriateness for demolition shall not be required when a building, structure or appurtenance designated as a historic site, or a contributing building, structure or appurtenance within a designated historic district, has been condemned by PBC. A demolition permit shall not be issued unless the HRRB has been notified of the proposed demolition and provided an opportunity to provide input as provided in Art. 9.B.4.D, Demolition of Designated Historic Sites and Within Historic Districts.
3. In the event the HRRB determines that a historic site is in the course of being demolished by neglect, it shall notify the owner of record of such preliminary finding stating the reason therefore and shall give the owner of record 30 calendar days from the date of notice in which to commence work rectifying the evidences of neglect cited by the HRRB. Such notice shall be accomplished in the following manner:
 - a. by certified mailing to the last known address of the owner of record, or
 - b. in the event the procedure outlined in Art. 9.B.4.D, Demolition of Designated Historic Sites and Within Historic Districts above is not successful, then by attaching such notice to the historic site twice within a week.
 - c. upon the owner of record's failing to commence work within 30 calendar days of such notice, the HRRB shall notify the owner of record in the manner provided above to appear at the next public hearing of the HRRB. The HRRB shall cause to be presented at said public hearing the reasons

- for the notice, and the owner of record shall have the right to present any rebuttal thereto. If, thereafter, the HRRB shall determine that the historic site is being demolished by neglect, the HRRB shall forward a complaint to the Code Enforcement Division for action.
4. When an applicant seeks a Certificate of Appropriateness for the purpose of demolition of a non-condemned, contributing building, structure or appurtenance, the applicant must satisfactorily demonstrate to the HRRB the applicant's plans to improve the property.
 5. The HRRB's refusal to grant a Certificate of Appropriateness for the purpose of demolition will be supported within 15 calendar days by a written statement describing the public interest that the HRRB seeks to preserve.
 6. The HRRB may grant a Certificate of Appropriateness for demolition which may provide for a delayed effective date of up to six months from the date of HRRB's action. The effective date of the certificate will be determined by the HRRB based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The HRRB may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six months, while demolition of non-contributing buildings within historic districts may be delayed for up to three months.
 7. During the demolition delay period, the HRRB may take such steps as it deems necessary to preserve the structure concerned. Such steps may include, but not be limited to, consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.
 8. In connection with any Certificate of Appropriateness for demolition of buildings, structures or appurtenances as defined in this Article, the HRRB may request the owner, whether public or private, at the owner's expense, to salvage and preserve specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of other historic properties. The HRRB may require, at the owner's expense, recording of the historic resource's details for archival purposes prior to demolition by an interested, qualified, non-profit group(s) selected by the HRRB. The recording may include, but will not be limited to, photographs, documents, and scaled architectural drawings. The HRRB may also require the owner, at the owner's expense, to excavate, record, and conserve archaeological resources threatened by the alterations so permitted. With the owner's consent, an interested, qualified, non-profit group selected by the HRRB may salvage and preserve building materials, architectural details and ornaments, textures and the like at their expense respectively.
 9. The HRRB shall consider, at a minimum, the guidelines listed below in evaluating applications for a Certificate of Appropriateness for demolition of designated historic sites or buildings, structures or appurtenances within designated historic districts:
 - a. Is the structure of such interest or quality that it would reasonably fulfill criteria for designation for listing on the National Register?
 - b. Is the structure of such design, texture, material, detail, size, scale, or uniqueness of location that it could be reproduced only with great difficulty and/or economically unreasonable expense?
 - c. Is the structure one of the few remaining examples of its kind in the neighborhood, PBC or designated historic district?
 - d. Would retaining the structure promote the general welfare of PBC by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture and heritage?
 - e. Are there definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect will those plans have on the architectural, historic, archaeological, or environmental character of the surrounding area and district?
 - f. Does the building or structure contribute significantly to the historic character of a designated historic district and to the overall ensemble of buildings within the designated historic district?
 - g. Have reasonable measures been taken to save the building from further deterioration, collapse, arson, vandalism or neglect?
 - h. Has demolition of the designated building or structure been ordered by the appropriate public agency due to unsafe conditions?
 10. Notice of application for demolition shall be posted on the premises of the building, structure or appurtenance proposed for demolition in a location and manner clearly visible from the street by the applicant using sign provided by PZB. Such notice shall be posted within three working days of receipt of the application for demolition by the HRRB.

11. Notice of demolition shall also be published in a newspaper of general circulation at least three times prior to demolition, the final notice of which shall not be less than 15 calendar days prior to the date of the issuance of the demolition permit. The first notice shall be published not more than 15 calendar days after the application for a Certificate of Appropriateness for demolition is filed with the HRRB.

E. Relocation of Historic Resources

The HRRB shall consider the following criteria for applications for Certificates of Appropriateness for the relocation of all historic resources and contributing properties or historic resources and contributing properties located within a designated historic district.

1. The historic character of the building or structure contributes to its present setting.
2. The reasons for the proposed move.
3. The proposed new setting and the general environment of the proposed new setting.
4. Whether the building or structure can be moved without significant damage to its physical integrity, or change in or loss of significant characteristics. Elements removed in order to move the building or structure shall be replaced following relocation.
5. Whether the proposed relocation site is compatible with the historical and architectural character of the building or structure.
6. When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.
7. The effect of relocation on subsurface resources.

F. Amendments to Designations

Applications for amendments to existing designated historic sites or designated historic districts shall be processed according to the provisions and procedures of Art. 9.B.3, Procedures, of this Code. Where the HRRB has issued a Certificate of Appropriateness for demolition or relocation, the historic designation classification shall only be changed through the amendment process as described herein.

G. Undue Economic Hardship

No decision of the HRRB shall result in undue economic hardship for the property owner. The HRRB shall have the authority to determine the existence of such hardship in accordance with the criteria for undue economic hardship set forth in this Code. In any instance where there is a claim of undue economic hardship as defined in this Code, the property owner may submit, by affidavit, to the HRRB, at least 15 calendar days prior to the public hearing, the following information.

1. For all property:
 - a. the amount paid for the property, the date of purchase, or other means of acquisition, such as gift or inheritance, and the party from whom purchased;
 - b. the assessed value of the land and improvements thereon, according to the two most recent assessed valuations;
 - c. real estate taxes for the previous two years;
 - d. annual debt service, or mortgage payments, if any, for the previous two years;
 - e. all appraisals, if any, obtained within the previous two years by the owner(s) or applicant(s) in connection with the purchase, financing or ownership of the property; and
 - f. any information that the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
 - 1) any real estate broker or firm engaged to sell or lease the property;
 - 2) reasonableness for the price or rent sought by the applicant; and
 - 3) any advertisements placed for the sale or rent of the property.
 - g. Any information regarding the infeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:
 - 1) a report from a registered professional engineer in the State of Florida or an architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation,
 - 2) an estimate of the cost of construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the HRRB concerning the appropriateness of the proposed alterations,
 - 3) the estimated market value of the property in the current condition, after completion of the demolition, after completion of the proposed construction, and after renovation of the existing property for continued use,

- 4) in the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or use of the existing structure on the property,
 - 5) financial documentation of the ability to complete the replacement project which may include but is not limited to a performance bond, a letter of credit, or letter of commitment from a financial institution, and
 - 6) the current fair market value of the property, as determined by at least two independent certified appraisals.
- h. Any State or Federal income tax returns relating to the property for the past two years.
 - i. Any other information the applicant feels is relevant to show extreme economic hardship.
2. For income property (actual or potential):
 - a. annual gross income from the property for the previous two years, if any;
 - b. depreciation, deduction and annual cash flow, if any, for the previous two years before and after debt service;
 - c. status of leases, rentals or sales for the previous two years;
 - d. itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed; and
 - e. any other information, including the income tax bracket of the owner, applicant, or principal investors in the property, considered necessary by the HRRB to a determination as to whether the property does yield or may yield a reasonable return to the owners.
 3. The applicant shall submit all necessary materials to the HRRB staff by the closing date for the next scheduled HRRB hearing in order that staff may review the documentation. The staff comments shall be forwarded to the HRRB for review and made available to the applicant for consideration prior to the hearing.
 4. In the event that any of the required information is not reasonably available to the property owner and cannot be obtained by the property owner, the property owner shall file with his/her affidavit, a statement of the information which cannot be obtained and the reasons why such information cannot be reasonably obtained. Where such unobtainable information concerns required financial information, the property owner will submit a statement describing estimates which will be as accurate as are feasible.
 5. The HRRB may require that an applicant furnish such additional information as the HRRB believes is relevant to the HRRB's determination of any alleged undue economic hardship. The HRRB may also require, in appropriate circumstances, that information be furnished under oath.

Section 5 Enforcement Penalties

A. Enforcement of Maintenance and Repair Provisions

Where the HRRB determines that any improvements within the exterior of a designated historic site, or within a designated historic district, are endangered by lack of ordinary maintenance and repair, or of deterioration, or that other improvements in visual proximity to a designated site or designated historic district are endangered by lack of ordinary maintenance and repair, or of deterioration, to such an extent that it detracts from the desirable character of the designated historic site or designated historic district, the HRRB shall request appropriate officials or agencies of the PBC government to require correction of such deficiencies under the authority and procedures of applicable ordinances, laws, and regulations.

B. General Enforcement Procedures

Violators of this Article shall be subject to a hearing before the PBC Code Enforcement Special Master. The Code Enforcement Special Master may require any person deemed to be in violation of this Ordinance to repair or cause to be repaired, or otherwise restore, the subject improvement, building, site structure, appurtenance, landscape or design feature to its appearance as it existed prior to the action taken by the violator which caused the violation. Further, if the Code Enforcement Special Master finds that a willful violation of this Code has occurred, PBC shall fine the violator a fine of up to \$500.00 per day or impose imprisonment in the county jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. §125.69. In addition to the sanctions contained above, PBC may take any other appropriate legal action, including, but not limited to, requests for temporary and/or permanent injunctions to enforce the provisions of this ordinance.

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ARTICLE 10

CODE ENFORCEMENT

CHAPTER A GENERAL

The provisions of this Code shall be enforced by: (1) the Code Enforcement Special Master pursuant to the authority granted by F.S. § 162.01 et seq., as may be amended; (2) the Environmental Control Hearing Board (ECHB) pursuant to the PBC Environmental Control Act, Chapter 77-616, Special Acts, Laws of Florida; (3) the Groundwater and Natural Resources Protection Board (GNRPB), an alternate code enforcement board created pursuant to the authority granted by F.S. § 162.03(2) et seq., as may be amended; (4) the Board of County Commissioners (BCC) through its authority to enjoin and restrain any person violating the Code; or (5) PBC through the prosecution of violations in the name of the State of Florida pursuant to the authority granted by F. S. § 125.69 as may be amended. The powers of each are described in Art. 17, Decision Making Bodies.

CHAPTER B ENFORCEMENT BY CODE ENFORCEMENT SPECIAL MASTERS

The Code Enforcement Special Master, (herein after also referred to as Special Masters) shall have the jurisdiction and authority to hear and decide alleged violations of the Codes and Ordinances enacted by PBC including, but not limited to the following codes: building, electrical, fire, gas, landscape, plumbing, sign, zoning and any other similar type codes which may be passed by PBC in the future which regulate aesthetics, construction, safety, or location of any structure on real property in PBC. Further, any violation(s) of this Code may be prosecuted pursuant to the following standards and procedures.

Section 1 Procedure

Alleged violation of any PBC Codes or Ordinances as described herein may be filed with the Code Enforcement Division by citizens or those administrative officials who have the responsibility of enforcing the various Codes or Ordinances.

A. Issuance of Notice of Violation

Except as set forth in Art. 10.B.1.B, Repeat Violation, and Art. 10.B.1.C, Public Health, Safety and Welfare Violations, if a violation(s) of a Code or Ordinance is believed to exist, the Code Enforcement Division shall specify a reasonable time to correct the violation(s). Should the violation(s) continue beyond the time specified for correction, the Code Enforcement Division shall give notice to the alleged violator that a Code Enforcement hearing will be conducted concerning the alleged violation(s) as noticed. The notice shall state the time and place of the hearing, as well as the violation(s) which is alleged to exist. If the violation is corrected and then repeated or if the violation is not corrected by the time specified for correction by the code inspector, the case may be brought for hearing even if the violation has been corrected prior to hearing, and the notice of violation shall so state. If the code enforcement officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the code officer shall make a reasonable effort to notify the violator and may immediately notify the Special Master and request a hearing.

B. Repeat Violation

If a repeat violation is identified, the code inspector shall notify the violator but is not required to give the violator reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, may request a hearing. The Code Enforcement Division shall give notice to the alleged violator as set forth in Art. 10.B.1.A, Issuance of Notice of Violation. The case may be brought for hearing even if the repeat violation has been corrected prior to hearing, and the notice shall so state. For the purposes of this Chapter, the term "repeat violation" shall mean a violation of a provision of a Code or Ordinance by a person who has been found through a Code Enforcement Special Master or any other quasi-judicial or judicial process within the prior five years to have violated or who has admitted violating the same provision notwithstanding the violations occur at different locations.

C. Public Health, Safety and Welfare Violations

If the Code Enforcement Officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or

irreversible in nature, the Code Enforcement Officer shall make reasonable effort to notify the violator and may immediately request a code enforcement hearing.

D. Persons Charged with Violations

Persons charged with such violation(s) may include:

1. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist.
2. Any person who knowingly commits, takes part or assists in such violation.
3. Any person who maintains any land, building, or premises in which such violation shall exist.

E. Transfer of Property

If the owner of the property which is subject to a code enforcement proceeding transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

1. Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
2. Deliver to the prospective transferee a copy of the notices and other materials relating to the code enforcement proceeding received by the transferor.
3. Disclose in writing to the prospective transferee that the new owner will be responsible for compliance with the applicable Code and with orders issued in the code enforcement proceeding.
4. File a notice of the transfer of the property with the Code Enforcement Division with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days of the date of the transfer.

A failure to make the disclosure described in Art. 10.B.1.E, Transfer of Property, before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the hearing shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

Section 2 Hearings

A. Convene Hearing

Upon request of the Code Enforcement Officer, or at such other times as may be necessary, a hearing before the Special Master may be convened. Minutes shall be kept of all Code Enforcement hearings, and all hearings shall be open to the public.

B. Burden of Proof

At the hearing, the burden of proof shall be upon the Code Enforcement Division to show by a preponderance of the evidence that a violation(s) does exist.

C. Absence of Alleged Violator

Where proper notice of the hearing has been provided to the alleged violator as provided for herein, a hearing may proceed even in the absence of the alleged violator. Proper notice shall be assumed where a notice of violation has been mailed to the alleged violator by certified mail and the alleged violator, his or her agent, or other person in the household or business has accepted the notice of violation, or where a Code Enforcement Officer, under oath testifies that he/she did hand deliver the notice to the alleged violator, or as otherwise provided in Art. 10.B.6, Notices.

D. Testimony

All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. Upon determination of the Special Master, irrelevant, immaterial or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form.

E. Witnesses

The Special Master may inquire of or question any witness present at the hearing. The alleged violator (hereinafter also referred to as respondent), his/her attorney, Code Enforcement Officers or attorney representing the Division shall be permitted to inquire of or question any witness present at the hearing. The Special Master may consider testimony presented by Code Enforcement Officers, the respondent or any other witnesses.

F. Decision

At the conclusion of the hearing, the Special Master shall orally render his or her decision (order) based on evidence entered into the record. The decision shall then be transmitted to the respondent in the form of a written order including findings of fact, and conclusions of law consistent with the record. The order

shall be transmitted by mail to the respondent within ten days after the hearing. The order may include a notice that it must be complied with by a specified date and that a fine and costs may be imposed and, under the circumstances set forth in Art. 10.B.1.C, Public Health, Safety and Welfare Violations, the cost of repairs or other corrective action may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of PBC and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this paragraph and the order is complied with by the date specified in the order, the Special Master shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

G. Powers

Special Master shall have the power to:

1. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by a Sheriff or other authorized persons consistent with Rule 1.410(d), Florida Rules of Civil Procedure upon request by the Special Master.
2. Subpoena records, surveys, plats and other documentary materials.
3. Take testimony under oath.
4. Issue orders having the full force and effect of law to command whatever steps are necessary to bring a violation into compliance.
5. Assess fines, Lien Property and assessment costs pursuant to Art. 10.B.3, Administrative Fines; Costs; Liens of this Article, including costs relating to the prosecution of cases before the Special Master in those cases where the governing body prevails.

Section 3 Administrative Fines; Costs; Liens

A. Assessing Fines

The Special Master, upon notification by the code inspector that a Code Enforcement Order has not been complied with within the set time, or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this Section for each day the violation continues past the date for compliance set forth in the order, or in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Enforcement Officer. In addition, if the violation is a violation described in Art. 10.B.1.C, Public Health, Safety and Welfare Violations, the Special Master shall notify the BCC, which may make all reasonable repairs or other corrective actions which are required to bring the property into compliance and charge the violator with the reasonable costs of the repairs or other corrective actions along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local government body for damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine.

B. Recovery of Costs

If PBC prevails in prosecuting a case before the Special Master, it shall be entitled to recover all costs incurred. Whether and to what extent such costs are imposed shall be within the discretion of the Special Master but shall not exceed the costs incurred.

C. Amount of Fines

A fine imposed pursuant to this Section shall not exceed \$1,000 per day for a first violation and shall not exceed \$5,000 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to Art. 10.B.3.A, Assessing Fines. If, after due notice and hearing, the Special Master finds a violation to be irreparable or irreversible in nature, he or she may impose a fine not to exceed \$15,000 per violation or as otherwise authorizes by Florida State Statute. In determining the amount of fine, if any, the Special Master shall consider the following factors:

1. the gravity of the violation;
2. any actions taken by the violator to correct the violation; and
3. any previous violations committed by the violator.

D. Modification of Fines

The Special Master may reduce a fines imposed pursuant to this Section in accordance with the procedures and conditions set forth in a resolution adopted by the BCC. The Special Master may

authorize the Code Enforcement Division to propose a Consent Order which sets forth agreed terms for payment of any fine. The Special Master may in his or her discretion adopt such Consent Order in lieu of execution or foreclosure as set forth in Art. 10.B.3.F, Foreclosure.

E. Lien

A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records in the Office of the Clerk of the Circuit Court in and for PBC, Florida. Once recorded, the certified copy of an order shall constitute a lien against the land on which the violation(s) exists and upon any other real or personal property owned by the violator; and it shall be enforceable in the same manner as a court judgment by the Sheriffs of this State, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this Section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien, filed pursuant to this Section, whichever comes first. Once recorded, the lien shall be superior to any mortgages, liens, or other instruments recorded subsequent to the filing of the code enforcement lien.

F. Foreclosure

After three months from the filing of any such lien which remains unpaid, PBC may foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien shall bear interest at the rate allowable by law from the date of compliance set forth in the recorded order acknowledging compliance. The local government body shall be entitled to collect all costs incurred in recording and satisfying a valid lien. No lien created pursuant to the provisions of this Ordinance may be foreclosed on real property which is a homestead under Art. X, Sec. 4, of the Florida Constitution.

Section 4 Other Legal Remedies

A. Legal Remedies

In addition to the criminal penalties and enforcement procedures provided herein the BCC may institute any lawful civil action or proceeding to prevent, restrain or abate:

1. the unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building or structure; or
2. the occupancy of such building, structure, land or water; or
3. the illegal act, conduct, business, or use of, in or about such premises.

B. Administrative Remedies

1. Cease and Desist Orders

The Executive Director of PZB shall have the authority to issue cease and desist orders in the form of written official notices given to the owner of the subject building, property, or premises, or to his agent, lessee, tenant, contractor, or to any person using the land, building or premises where such violation has been committed or shall exist.

Section 5 Appeal

Any aggrieved party may appeal an order of the Special Master, including PBC, to the Circuit Court of PBC. Such appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Master. Any appeal filed pursuant to this Article shall be considered timely if it was filed within 30 days of the execution of the order to be appealed. PBC may assess a reasonable charge for the preparation of the record to be paid by the petitioner in accordance with F. S. § 119.07.

Section 6 Notices

All notices required by this ordinance shall be by certified mail, return receipt requested, or by hand delivery by a Code Enforcement Officer. Notice may also be provided by publication, posting, or any other method consistent with the provisions of F.S. § 162, as may be amended from time to time. Notice placed shall contain at a minimum, the date, and time of the scheduled meeting of the Special Master during which time the alleged violator is required to appear; the name and address of the alleged violator; the address or legal description of the property wherein the alleged violation(s) has occurred; and those codes or provisions of a code for which the alleged violator has been cited.

CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD

ERM may refer alleged violations of Art. 14, Environmental Standards, or Art. 4.D, Excavation, of this Code to the Groundwater and Natural Resources Protection Board (GNRPB) for prosecution pursuant to the following standards and procedures.

Section 1 Procedures

A. Warning of Violation

If an alleged violation is found, the Director of ERM shall notify the alleged property owner or violator and give the alleged property owner or violator reasonable time to correct the violation.

B. Issuance of Violation Citation

Should the violation continue beyond the time specified for correction, or irreparable or irreversible harm has occurred, or the violation presents a serious threat to the public health, safety, and welfare, the Director of ERM shall make a reasonable effort to notify the violator and may immediately notice the GNRPB and request a hearing.

C. Notice Content

The Notice of Hearing shall contain a statement of the time, place and nature of the hearing before the GNRPB.

1. Notice Delivery

- a. All notices required herein shall be provided to the alleged violator by:
 - 1) Hand delivery; or
 - 2) Certified mail (return receipt requested). If such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to PBC by such owner and is returned as unclaimed or refused, notice may be provided by posting as described below or by first class mail directed to the addresses furnished to PBC with a properly executed proof of mailing or affidavit confirming the first class mailing; or
 - a) Leave the notice at the alleged property owner's or violator's usual place of residence with any person residing therein who is above 15 years of age and informed of the contents of the notice; or
 - b) In case of commercial premises, leaving the notice with the manager or other person in charge.
 - 3) In addition to providing notice as set forth in Art. 10.C.1, Procedures, at the option of the GNRPB, notice may also be served by publication or posting, as follows.
 - a) In lieu of notice as described in Art. 10.C.1, Procedures, notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the front door of the courthouse in PBC.
 - b) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
 - 4) Evidence that an attempt has been made to hand deliver or mail notice as provided in Art. 10.C.1, Procedures, together with proof of posting as provided in Art. 10.C.1, Procedures, shall be sufficient to show that the notice requirements of this Article have been met, without regard to whether or not the alleged violator actually received such notice.

Section 2 Correction of Violation

If the alleged violation is corrected and then recurs, or if the violation is not correct by the time specified for correction, the Director of ERM may issue a Violation Citation and a Notice of Hearing to the alleged property owner or violator and schedule a hearing. The GNRPB may hear the alleged violation in this instance, even if it has been corrected prior to the GNRPB hearing and every notice shall so state.

Section 3 Transfer of Property

If the owner of property which is subject to a code enforcement proceeding transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

- A. Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.

- B. Deliver to the prospective transferee a copy of the notices and other materials relating to the GNRPB proceeding received by the transferor.
- C. Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable Code and with orders issued in the GNRPB proceeding.
- D. File a notice with the Department of ERM of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days of the transfer.

A failure to make the disclosures described in paragraphs above before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the hearing shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

Section 4 Hearings

Alleged violations of any of the Sections described herein may be filed with the GNRPB by citizens or those officials who have the responsibility of enforcing such Sections.

- A. The GNRPB shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. Each case before the GNRPB shall be presented by the Director of ERM. The GNRPB shall take testimony from PBC staff, if relevant, the alleged violator or property owner, and other relevant testimony. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings. Upon determination of the chairperson, irrelevant, immaterial or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. The burden of proof shall be upon the Director of ERM to show by a preponderance of the evidence that a violation does exist.
- B. Any member of the GNRPB, or the attorney representing the GNRPB, may inquire of or question any witness before the GNRPB. Any member of the GNRPB, an alleged violator (hereinafter also referred to as respondent) his/her attorney, or Code Officers shall be permitted to inquire of any witness before the GNRPB. The GNRPB may consider testimony presented by ERM, the respondent or any other witnesses.
- C. At the conclusion of the hearing, the GNRPB shall orally render its decision (order) based on evidence entered into the record. The decision shall be by motion approved by the affirmative vote of those members present and voting, except that at least four members of the GNRPB must vote for the action to be official. The GNRPB's decision shall then be transmitted to the respondent in the form of a written order including finding of facts, and conclusions of law consistent with the record. The order shall be transmitted by certified mail or hand delivery to the respondent within ten days after the hearing. The order may include a notice that it must be complied with by a specified date and that a fine and costs may be imposed and under the circumstances set forth in Art. 10.C.5, Administrative Fines; Costs; Liens. The cost of repairs or other corrective action may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of PBC and shall constitute a notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator, and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this paragraph and the order is complied with by the date specified in the order, the GNRPB shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

If PBC prevails in prosecuting a case before the GNRPB, it shall be entitled to recover all costs incurred. Whether and to what extent such costs are imposed shall be within the discretion of the GNRPB but shall not exceed the costs incurred.

Section 5 Administrative Fines; Costs; Liens

- A. Whenever one of the GNRPB's orders has not been complied with by the time set for compliance, or upon finding that a repeat violation has been committed, the GNRPB may order the violator to pay a fine in an amount specified in this Section for each day the violation continues past the date for

compliance set forth in the order, or in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in Art. 10.C.1.B, Issuance of Violation Citation, the GNRPB shall notify the BCC, which may make all reasonable repairs or other corrective actions which are required to bring the property into compliance and charge the violator with the reasonable costs of the repairs or other corrective actions along with the fine imposed pursuant to this Section. Making such repairs does not create a continuing obligation on the part of PBC to make further repairs or to maintain the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. A repeated violation shall mean a violation of this Ordinance by a person who, within five years prior to the violation, has been previously found by the GNRPB to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occurred at different locations.

Persons charged with such violation(s) may include:

1. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist.
2. Any person who knowingly commits, takes part or assists in such violation.
3. Any person who maintains any land, building, or premises in which such violation shall exist.
- B. A fine, imposed pursuant to this Section, shall not exceed \$1,000 per day for a first violation and shall not exceed \$5,000 per day for a repeat violation, and in addition, may include all costs of repairs pursuant to Section 10.C.5.A, Administrative Fines; costs; Liens. For violations deemed irreparable or irreversible by the GNRPB, the GNRPB may impose a fine not to exceed \$15,000 per violation, pursuant to F. S. §162.09, as may be amended. In determining the amount of a fine, the GNRPB shall consider the following factors: (a) the gravity of the violation(s); (b) any actions taken by the violator to correct the violation(s); and (c) any previous violations committed by the violator.
- C. The Director of ERM may record a certified copy of an order imposing a fine, or a fine plus repair costs, in the public records in the Office of the Clerk of the Circuit Court in and for PBC, Florida. Once recorded the certified copy of an order shall constitute a lien against the land on which the violation(s) exists, and upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment, by the Sheriff, including levy against the personal property of the violator. Once recorded the lien shall be superior to any mortgages, liens, or other instruments recorded subsequent to the filing of the GNRPB lien.
- D. After six months from the filing of any such lien which remains unpaid, PBC may foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien shall be superior to all other liens except liens for taxes, and shall bear interest at the rate of ten percent per annum from the date recorded. No lien created pursuant to the provisions of this ordinance may be foreclosed on real property which is a homestead under Art. X, of the Florida Constitution.

Section 6 Appeal

Any aggrieved party may appeal an order of the GNRPB, including PBC, to the Circuit Court of PBC, Florida. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review of the record created before the GNRPB. Any appeal filed pursuant to this Article shall be considered timely if it was filed within 30 days of the execution of the order to be appealed after the hearing at which the order was announced. The County may assess a reasonable charge for the preparation of the record to be paid by the petition in accordance with F. S. § 119.07.

CHAPTER D ENVIRONMENTAL CONTROL HEARING BOARD

Any alleged violation of Art. 15.A, (Environmental Control Rule 1) – Onsite Treatment and Disposal Systems (OSTDS), or Art. 15.B, (Environmental Control Rule II) Drinking Water Supply Systems, (Health, Sewage Treatment, or Drinking Water) may be prosecuted by the Environmental Control Hearing Board (ECHB). In addition, ERM may refer any alleged violation of Wetlands Protection to ECHB for prosecution.

Section 1 Procedure

A. Warning Violation

If an alleged violation of Art. 15.A, On-site Sewage Treatment, or Art. 15.B, Drinking Water Supply Systems is determined by the PBC Health Department (PBCHD), the PBC Health Director shall issue a

formal notice of violation to the property owner or violator. The notice shall specify the corrective actions and a reasonable period of time to correct the violation.

B. Show Cause

Should the violation continue beyond the specified time for correction or if an activity was conducted without a required permit/approval or if the violation creates a health threat, the PBC Health Director shall refer the matter to the Environmental Control Office for enforcement. The Environmental Control Officer shall request the ECHB to issue a Order to Show Cause to the property owner or violator.

C. Notice of Hearing

If the ECHB issues a show cause order, the subject order along with the notice of hearing, shall be made in the same way as the Florida Rules of Civil Procedure provide for service of process of initial pleadings. Subsequent notices of hearing may be mailed.

Section 2 Hearings

A. Procedure at Hearings

The ECHB shall proceed to hear the cases scheduled for the day. All testimony shall be under oath and shall be recorded. Each case will be presented by the Environmental Control Officer with testimony and evidence from PBCHD staff. The property owner or violator may be represented by an attorney and the formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.

B. Action by ECHB

At the conclusion of the Hearing, the ECHB shall issue findings of fact, based on evidence in the record, and conclusions of law and shall issue an order consistent with powers granted in Chapter 77-616, Special Acts, Laws of Florida. The order may include a notice of corrective action that must be completed by a specified date and the amount of fine to be paid by a specified date. The order shall have the force of law to command whatever steps are necessary to bring a violation into compliance. The findings shall be by motion approved by a majority of those present and voting, except that a quorum of at least three members shall be present for the action to be official.

C. Notification of Action

Notification of the ECHB action including findings of fact and conclusions of law (order) consistent with the record shall be delivered (mailed) to the ECO, petitioner, respondent, and to every person who filed an answer or who appeared as a party at the hearing mailed within 15 days of ECHB action.

Section 3 Administrative Fines and Liens

A. Fine

The ECHB may order the property owner or violator to pay a fine of up to \$500/day for each violation.

B. Fine Constitutes Lien

If the fine imposed by the ECHB is not paid within the time specified in the Board Order, a certified copy of the order may be recorded in the public records of the office of the Clerk of the Circuit Court for PBC, Florida and thereafter shall constitute a lien against the land on which the violation exists.

Section 4 Appeal

Any person aggrieved by any action of the ECHB may seek judicial review as provided by F. S. § 120.68. No action shall be taken to collect fines imposed for violation of this act until judgment becomes final.

CHAPTER E REMEDIES

Section 1 Administrative Remedies for Art. 14 , and Art. 4.D, Excavation

In order to provide an expeditious settlement that would be beneficial to the enforcement of the provisions of Art. 14, Environmental Standards and Art. 4.D, Excavation, and be in the best interest of the citizens of PBC, the Director of ERM is authorized to enter into voluntary consent (settlement) agreements with alleged violators. Any such agreement shall be a formal written agreement between the Director of ERM on behalf of PBC and any such alleged violators, and shall be approved as to form and legal sufficiency by the County Attorney's Office.

A. Conditions

Such consent agreements may be conditioned upon a promise by the alleged violator to:

1. Restore, mitigate, or maintain sites; or

2. Remit payment of a monetary settlement not to exceed the maximum amount allowed per violation, as set forth in the applicable act, delegated authority or Code, such monies to be deposited in the PBC Pollution Recovery Trust Fund; or
3. Remit payment for compensatory damages and nonperformance penalties and costs and expenses of PBC in tracing the source of the 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 PBC to their former conditions; and costs of PBC for investigation, enforcement, testing, monitoring, and litigation; such monies to be deposited in the PBC Pollution Recovery Trust Fund; or
4. Any other remedies or corrective action provided for in the applicable act, delegated authority or Code, deemed necessary and appropriate by the Director of ERM to ensure compliance with such act or Code.

Section 2 Agreements

Such consent agreements shall not serve as evidence of a violation of any applicable act or Code, and shall expressly state that the alleged violator neither admits nor denies culpability for the alleged violations by entering into such agreement. In addition, prior to entering into any such consent agreement, each alleged violator shall be apprised of the right to have the matter heard in accordance with the provisions of the applicable act or Code, and that execution of the agreement is not required.

Section 3 Validity

Such consent agreements shall be valid and enforceable in a court of competent jurisdiction in PBC and shall abate any enforcement proceedings available to the Director of ERM for so long as the terms and conditions of such agreement are complied with. In the event an alleged violator fails to comply with the terms and conditions set forth in the executed agreement, the Director of ERM may either:

- A. Consider the consent agreement void and pursue any remedies available for enforcement of the applicable provisions of the Code; or
- B. Initiate appropriate legal proceedings for specific performance of the consent agreement.

Section 4 Civil Remedies

The BCC or any aggrieved or interested person shall have the right to apply to the Circuit Court of PBC, to enjoin and restrain any person violating the provisions of this Code, and the Court shall, upon proof of the violation of same, have the duty to forthwith issue such temporary and permanent injunctions as are necessary to prevent the violation of same.

Section 5 Criminal Remedies

Pursuant to F. S. §125.69(1), violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Any person violating any of the provisions of this Code or who shall fail to abide by and obey all orders and resolutions promulgated as herein provided, shall, upon conviction, be punished by a fine not to exceed \$500 or imprisonment for not more than 60 days, or both for each violation, and payment of all costs and expenses involved in prosecuting the offense. Each day that a violation continues shall constitute a separate violation.

ARTICLE 11

SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS

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ARTICLE 11

SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS

CHAPTER A GENERAL REQUIREMENTS

Section 1 General Provisions

A. Applicability

The regulations set forth in this Article shall be applicable to all subdivision of land in unincorporated PBC, Florida, or as hereafter established.

B. Purpose and Intent

The specific provisions of this Article shall be applied and interpreted in a manner consistent with PBCs purpose and intent to:

1. Establish procedures and standards for the subdivision of real estate;
2. Ensure proper legal description, identification, monumentation and recording of subdivisions;
3. Aid in the coordination of land development in accordance with orderly physical patterns;
4. Implement the Plan with respect to installation of on-site improvements for new development, which improvements are necessary to meet or maintain the levels of service required under the Concurrency Management System of the Plan;
5. Ensure provision of safe, convenient legal and physical access to and circulation among lots for vehicular and pedestrian traffic;
6. Ensure provision of adequate utilities to support development of each lot;
7. Regulate the subdivision and associated development of lands subject to seasonal or periodic flooding, and provide for adequate stormwater management to minimize adverse impacts of development on water resources while ensuring acceptable levels of protection from inundation for residents and improvements;
8. Ensure provision of public and private parks and recreation areas to accommodate the additional population of new subdivisions in accordance with the objectives of the Recreation Open Space Element of the Plan;
9. Ensure that the citizens and taxpayers of PBC will not have to bear the costs resulting from haphazard subdivision of land or failure by the developer to provide adequate and necessary physical improvements of lasting quality; and
10. Assure the purchaser of land in a subdivision that necessary infrastructure improvements have been provided in accordance with PBC standards for design and construction, and that associated rights and obligations have been established for the use and maintenance of said improvements.

Section 2 Interpretation

A. Minimum Requirements

In their interpretation and application, the requirements of this Article shall be deemed to be the minimum requirements necessary for the promotion of public health, safety and general welfare.

B. Relationship to Other Agency Requirements

The requirements of this Article are intended to complement and expand upon rules, regulations, and permit requirements of other state, regional, and local agencies applicable to the design, construction, and/or operation of facilities for access and circulation of vehicles and pedestrians, construction of streets and related facilities, power and communication services, wastewater and water services, and stormwater management and flood protection in PBC. Compliance with the requirements of this Article shall not relieve the developer from the necessity to comply with all requirements and obtain all permits required by the regulations of such other agencies.

C. Conflicting Requirements

In the event of conflict between a specific requirement of this Article and that of another agency's rule, compliance with this Article shall be interpreted by the County Engineer to avoid the conflict where such avoidance is not inconsistent with the general purposes and intent of this Article and is affirmatively demonstrated as necessary to meet the purposes and intent of the conflicting rule. However, if the difference between said requirements is solely a matter of degree, the more restrictive requirement shall prevail and no conflict will be considered to exist.

Section 3 General Requirements

A. Platting Requirement

Any developer planning to subdivide land shall record a Final Plat in accordance with the requirements of this Article unless such requirement is specifically waived by the County Engineer in accordance with the provisions of Art. 11.A.8.B, Plat Waiver with Certified Survey.

B. Required Improvements Installation Requirement

The adequacy of necessary public or private facilities and services for traffic and pedestrian access and circulation, public schools, solid waste, wastewater disposal, potable water supply, stormwater management, fire-rescue, parks and recreation and similar facilities and services, and potential adverse impacts on adjacent land uses and facilities shall be considered in the review of all development proposals. No Final Plat or certified survey shall be recorded until all required improvements set forth in Art. 11.E.1, Required Improvements, except those specifically waived pursuant to Art. 11.A.8.C, Exceptions to Installation of Improvements Requirement, are either completed in accordance with the requirements of Art. 11.B.7, Construction of Required Improvements, or are guaranteed to be completed by the developer in accordance with the provisions of Art. 11.B.4.A, Land Development Permit Application Submittal.

C. Standards and Responsibility for Required Improvements

All required improvements shall be designed pursuant to the standards and specifications as prescribed in this Article and PBC Standards, or as otherwise required by the County Engineer, in accordance with acceptable standards of engineering principles. All such improvements shall be installed by and at the expense of the developer in conformance with approved construction plans as referenced by the applicable Land Development Permit.

D. Conformity with Land Use, Density, and Concurrency Regulations

Prior to consideration of any subdivision for approval under the terms of this Article, the land proposed to be subdivided shall:

1. Be of sufficient land area to comply with the density and consistency requirements and provisions of the Administration and Land Use Elements of the Plan;
2. Be in the proper zoning district and have the necessary zoning approvals required for the intended use; and
3. Have received a Concurrency Approval, non-expired Concurrency Exemption, or Concurrency Exemption Extension, pursuant to Art. 2.F, Concurrency.

E. Site Suitability

Subdivision of land unsuitable for the proposed type or extent of development shall not be approved unless adequate methods of correction or mitigation are formulated and approved in accordance with the provisions of this Article. The County Engineer may determine that land is unsuitable for subdivision due to unstable or poorly drained soils, frequent inundation, existence of environmentally sensitive or protected areas, inadequate legal or physical access to the proposed subdivision, or conditions or features deemed to be harmful to the health, safety and general welfare of future residents or the public.

Section 4 Application of Ordinance

A. General Application

No person shall create a subdivision or develop any lot within a subdivision in unincorporated PBC except in conformity with this Article. No Final Plat or certified survey of any subdivision shall be recorded unless such subdivision meets all applicable provisions of this Article, the provisions of other applicable PBC ordinances, and the applicable laws of the State of Florida. Provided,

however, that the subdivision of contiguous lands under single ownership where none of the resulting lots are less than 40 acres shall not be subject to compliance with the provisions of this Article, unless such compliance is required as a specific condition of a development order for a conditional use or special use approved pursuant to Art. 2.C, FLU Plan Amendments.

B. Building Permits and Other Approvals

1. Except as provided in this Section, no building permit shall be issued for any structure on any lot created by subdivision of land in violation of this Article unless and until such lot is shown on a plat of record or certified survey, as applicable, recorded in the manner prescribed in this Article.
2. Temporary structures, permanent structures having a temporary use, and ancillary structures such as fences, buffer walls, and guardhouses may receive a building permit prior to recordation of the Final Plat for the property only when the use and location have been approved by the DRO and shown on the approved Final Subdivision Plan. Such approval, however, shall not in any way relieve the developer from the obligation to correct any and all nonconforming setbacks, separations, or encroachments due to inconsistencies between the location of said structures and lot, street, or easement boundaries as established by the applicable record plat.

Section 5 Previously Approved or Platted Subdivisions

A. Active Subdivision Development

All active subdivision developments and all modifications to previously platted subdivisions shall be subject to the requirements of this Article in accordance with the provisions of Art. 1.E, Prior Approvals.

1. Subdivision Developments which are Committed Developments or Deemed Vested

Any development, which constitutes a committed development under the Plan and the concurrency exemption ordinance, Ord. No. 89-35, or which has otherwise been deemed vested under State of Florida law, is hereby deemed an active subdivision plan or preliminary plat, as applicable.

2. Modifications to an Active Subdivision Plan or Preliminary Plat

Modifications to an active subdivision plan or preliminary plat shall subject the development to the requirements of this Article when:

- a. The modification of an active subdivision plan for a planned development cannot be approved by the DRO in accordance with the authority granted to it under Art. 2.D.1, Development Review Officer; or
- b. The modification of an active subdivision plan or preliminary plat constitutes more than a minor deviation such that, in the opinion of the County Engineer, the construction plans for the required improvements require a new submittal and review.

3. Abandonment of Active Subdivision Plan or Preliminary Plat

When the developer fails to seek subsequent approvals and permits within the time frames required by this Article, such failure shall be evidence that the active subdivision plan or preliminary plat has been abandoned and all approvals granted for the subdivision plan, construction plans, or preliminary plat, as applicable, shall be deemed void.

4. Authority of the Development Review Officer (DRO)

The DRO shall have the authority to review any previously approved subdivision development which does not meet the strict requirements of this Article and to declare the preliminary and final subdivision plan, preliminary or final site plan (and accompanying construction plans), site plan, as applicable, to be an active approval when the DRO finds that such declaration would be in accordance with the purpose and intent of this Article and in the best interest of the general public. Such review shall be made upon application by either the developer or the County Engineer, which application shall be on a form prescribed by the DRO.

5. Fees Waived for Applications by the County Engineer

Any fee required for an application made pursuant to this Section is hereby waived for all applications made by the County Engineer.

B. Non-Conforming Subdivisions

The official records of PBC contain plats recorded prior to February 5, 1973. Such plats show areas within PBC which have been platted as subdivisions, but which have either been partially improved or developed or remain unimproved or undeveloped. These areas, if developed or improved further as platted, would not conform to the objectives and policies of the Plan for such areas.

1. Vacate Non-Conforming Plats

The BCC shall have the power, on its own motion, to order the vacation and reversion to acreage of all or any part of a subdivision within unincorporated PBC, including the vacation and abandonment of streets or other parcels of land dedicated for public purposes and the vacating of streets and other parcels of land reserved for the use of the owners, including lands maintained by a property owners association, when:

- a. The subdivision plat was recorded as provided by law prior to February 5, 1973; and
- b. within the subdivision plat or part thereof proposed to be reverted to acreage, not more than ten percent of the total number of platted lots have been sold to individual owners by the original subdivider or his successor in title.

C. Subject to Vacation by the Board

The owner or owners of a subdivision subject to vacation and reversion to acreage by motion of the BCC may either abandon the subdivision or portion thereof in accordance with the procedures of the Board, or may improve undeveloped or partially improved streets and drainage facilities at their cost and expense, provided such improvements shall comply with the provisions of this Article.

1. Public Hearing Required

Prior to ordering such a vacation and reversion to acreage, the BCC shall hold a public hearing relative to the proposed vacation and reversion to acreage, with prior notice thereof being given by publishing in a newspaper of local circulation the date of and the subject matter of the hearing once within 14 calendar days prior to the date of such public hearing. At such public hearing, the vacation and reversion to acreage of subdivided land must be shown to either conform to the Plan or reduce the nonconformity with the Plan.

2. Legal Access to be Maintained

No owner of any parcel of land in a subdivision vacated and returned to acreage or abandoned by the owners shall be deprived, by reversion to acreage or abandonment of any part of the subdivision, of reasonable access to such parcel nor to reasonable access to existing facilities to which such parcel has theretofore had access. Such access remaining or provided after such vacation and reversion or abandonment may not necessarily be the same as theretofore existing, but shall be reasonably equivalent thereto.

D. Not Subject to Vacation

The improvement of non-conforming subdivisions not subject to vacation and reversion to acreage by motion of the BCC shall comply with the requirements of this Article and the following:

1. Streets

The existing R-O-W for a local street shall be considered sufficient provided it is at least 50 feet wide and the improvements conform to the 50 foot typical section or 60 feet wide and the improvements conform to the 60 foot typical section for local street construction as contained in PBC standards. If the existing R-O-W is less than 50 feet wide, additional R-O-W shall be provided to make a total width of not less than 50 feet.

2. Positive Drainage

Positive drainage shall be established or its existence proven, meeting all requirements for connection to a point of legal positive outfall. Easements for proper drainage shall be provided where necessary at a width adequate to accommodate the drainage facilities, but in no case shall said easement width be less than 12 feet. Where canals or ditches are permitted, the easement width shall be adequate to accommodate the full width of drainage facilities plus 20 feet on one side to permit access by equipment for maintenance purposes.

Section 6 Planned Developments

A. General

Any planned development which is to be subdivided shall comply with the requirements of this Article after approval of a Final Subdivision Plan by the DRO pursuant to Art. 2.D, Administrative Processes. For the purpose of this Article, "Planned Development" shall mean any development within a Planned Development district as defined by this Code and regulated pursuant to Art. 3.D, Property Development Regulations.

B. Subdivision of Commercial and Industrial Building Sites

A building site which constitutes all or a portion of a pod designated for commercial or industrial use on the preliminary development plan of a planned development, and for which the detailed development configuration and building permit issuance are subject to prior approval by the DRO of a final site plan, may be exempted by the County Engineer from the subdivision recordation requirement of Art. 11.A.4.B.1 and may be subdivided by fee title conveyance of individual internal lots. Such exemption may be granted by the County Engineer provided that:

1. Legal access to each interior lot is provided by a common parking lot in full compliance with all requirements of Art. 11.E.2.A.2.C;
2. The layout, location, and construction limits of structures within the building site are regulated by required separation distances between structures rather than by setbacks from interior lot lines;
3. Individual interior lots are not subject to requirements for minimum area or dimensions under the property development regulations of Art. 3.D, Property Development Regulations, applicable to the building site;
4. A statement of the developer's intent to subdivide the property pursuant to the platting exemption of this Art. 11.A.6.B, Subdivision of Commercial and Industrial Building Sites, is included on the approved final site plan for the building site, in which case said site plan shall constitute the approved final subdivision plan for purposes of compliance with this Article;
5. All lands within the perimeter of the building site are subject to a common recorded unity of control or other such maintenance and use covenants for access, parking, stormwater management, and other required common areas or facilities, as approved by the County Attorney pursuant to Art. 5.F, Legal Documents; and
6. The building site is delineated on a single boundary plat of record depicting all existing drainage and utility easements of record and all required limited access easements, water management tracts, and common area tracts, and including appropriate dedications or reservations for same.

Section 7 Phased Developments

A. Phasing Plan

The property encompassed by a Final Subdivision Plan may be developed in two or more increments pursuant to the terms of this Section and applicable phasing provisions of Art. 2.E.3, Supplementary Regulations for Classes of Development Orders. A Final Subdivision Plan showing the proposed phasing plan must be approved by the DRO prior to submission of the first plat. Construction plans and preliminary plats shall coincide with their respective phases as shown on the Final Subdivision Plan. Construction plans or a preliminary plat for a partial phase shall not be accepted.

B. Improvements

The improvements of each phase shall be capable of operating independently of any unconstructed phase with respect to drainage, access, utilities, and other required improvements, except as provided herein. A dependent phase may be platted only if the foundation phase plat has been recorded and required improvements have been completed or are under construction pursuant to a land development permit and are secured pursuant to a guaranty posted for completion of required improvements. A dependent phase shall not be acknowledged as completed until the improvements in the foundation phase are acknowledged as completed; provided, however, that such acknowledgment of completion may occur simultaneously and provided that the County Engineer may permit the posting of a guaranty to ensure the installation

at a later time of those required improvements which are not deemed necessary to provide drainage, access, or utilities to such dependent phases.

C. Phasing Controls

The phasing plan and all phased construction shall be completed in accordance with any phasing controls and time frames required by this Code which are applicable to the development.

D. Time Limitation

When the Preliminary Subdivision Plan is approved for development in phases requiring more than one final plat, the duration of said approval shall be as specified by and subject to those provisions of Art. 2.E, Monitoring, applicable to the development or phase thereof.

E. Sequence of Phases

When the Preliminary Subdivision Plan is to be constructed in phases, the following sequence must be adhered to:

1. All required recreation areas and facilities to serve the entire development shall be platted or otherwise provided pursuant to the procedures and phasing provisions of Art. 5.F, Legal Documents;
2. The gross density of an individual plat shall not exceed the maximum density permitted for the entire development unless the total of all previously recorded plats of record and the plat under review produces an average density less than or equal to the approved maximum density for the entire development; and
3. Where all or any portion of a water management tract is required to serve a proposed phase of development, and has not been previously recorded and constructed, said water management tract and its associated lake maintenance easement(s) shall be included and constructed in their entirety as part of the plat and required improvements for that phase.

Section 8 Exceptions to General Requirements

A. Authority

The County Engineer is hereby empowered to make certain exceptions to the platting requirement of Art. 11.A.3.A, Platting Requirements, and required improvements installation requirement of Art. 11.A.3.B, Required Improvements Installation Requirement, in accordance with the standards and procedures set forth in this Section.

B. Plat Waiver with Certified Survey

If, after review of the preliminary subdivision plan, the County Engineer determines that the proposed subdivision meets one of the conditions specified in Art. 11.A.8.B.1, Application for Plat Waiver, the requirement to file a plat may be waived and a certified survey shall be recorded in lieu of a plat along with an affidavit documenting approval of said waiver and restrictive covenants applicable to the subdivision, as prescribed by this Article.

1. Application for Plat Waiver

In order to determine whether platting may be waived, the developer shall submit a preliminary subdivision plan in accordance with the requirements of Art. 11.B.1, Preliminary Subdivision Plan, together with a statement demonstrating that the subdivision meets at least one of the following conditions:

- a. The division is for the purpose of constructing not more than one townhouse building in compliance with applicable use regulations and standards pursuant to Art. 3.C, Standard Districts;
- b. The division is to create no more than three contiguous lots and all of the following circumstances apply:
 - 1) The land concerned is isolated or removed in its relationship to platted lands;
 - 2) Dedications or reservations are not required for the installation or maintenance of the required improvements; and
 - 3) The improvements and dedications existing on the land are substantially in accordance with the requirements of this Article.
- c. The division is of a contiguous land area not exceeding 80 acres into lots of at least ten acres each and which area meets all of the following additional conditions:

- 1) The area to be subdivided has existing legal access via a street of local or higher classification, accepted for maintenance by a local governmental agency, a special district, or a legally incorporated property owners association (POA);
 - 2) legal access to the proposed lots exists or will be established and dedicated to and be maintained by a POA or a special district; and
 - 3) Legal positive outfall exists and the appurtenant drainage easements are dedicated to, maintained and accepted by either by a POA or water control district.
- d. The division consists of a change in lot lines for the purpose of combining lots or portions thereof, shown on a record plat, into no more than three contiguous lots where each of the resulting lots meets the requirements of the Plan and this Code or reduces the degree of non-conformity to the requirements of the Plan and this Code, as applicable, and the establishment of streets or installation of improvements either would not be required pursuant to this Article or would be required and their installation would be guaranteed by the developer pursuant to the provisions of this Article. Provided, however, that any application hereunder for lands shown on a record plat recorded after February 5, 1973, shall be limited to those changes necessary to correct errors in the record plat or to make a lot line adjustment to accommodate an isolated instance of error in construction of a dwelling unit or other building. In such cases, the improvements shall be in compliance with the standards in effect at the time of recording the plat or with any approved variance to such standards;
 - e. The lot or lots were created as part of an antiquated subdivision and the County Engineer finds that the subdivision substantially complies with the intent, purposes and requirements of this Article. In making such determination, the County Engineer shall consider the following factors and any other information he deems appropriate:
 - 1) The total area of land encompassed by the antiquated subdivision;
 - 2) The number of lots created within the antiquated subdivision;
 - 3) The prior and subsequent subdivision of the area encompassed by the antiquated subdivision and whether such subdivision was platted or otherwise surveyed and placed of record;
 - 4) The need for dedications or reservations to ensure installation and continued maintenance of the required improvements;
 - 5) The extent of deviation from the requirements of this Article;
 - 6) The extent of ownership fragmentation, including the number of lots sold and the number of lots developed;
 - 7) The degree of compliance with other PBC land development regulations, including but not limited to the Plan and this Code;
 - 8) The number of lots to be created; and
 - 9) The extent of development in the surrounding area.
 - f. The combination or recombination of lots is required in order for the new lot or lots to meet the density requirements of the Plan.

2. Decision by County Engineer

In determining if platting may be waived, the County Engineer shall distribute each application to, and consider recommendations received from the following agencies regarding conformance with requirements of their respective regulations and program responsibilities:

- a. The Directors of the Land Development and Traffic Divisions, and Survey Section of the Engineering Department;
- b. The Directors of the Planning, Zoning, and Building Divisions;
- c. The Director of Environmental Resources Management;
- d. The County Health Director;
- e. The Director of Water Utilities;
- f. The Chief of Fire-Rescue;
- g. The Director of Parks and Recreation;
- h. The County Attorney; and
- i. The Director of Property and Real Estate Management.

3. Effect of Approval

The approved certified survey shall constitute the approved Final Subdivision Plan for the subdivision when such subdivision is not encompassed by a Final Subdivision Plan approved pursuant to Art. 2.D.1, Development Review Officer. The granting of a plat waiver in no manner reduces or waives the requirements of Art. 11.B.3, Technical Compliance, through Art. 11.B.7, Construction of Required Improvements, governing construction plan approval, land development permit issuance, and installation of the required improvements. Failure by the applicant to submit all documents required for the recordation of the affidavit of waiver within six months of approval by the County Engineer shall void said approval.

C. Exceptions to Installation of Improvements Requirement

If, after review of the preliminary subdivision plan, the County Engineer determines that certain improvements already existing on the proposed subdivision site are adequate to meet the intent of the required improvements requirement of this Article, the installation of those required improvements may be waived.

1. Application for Required Improvement Installation Waiver

The developer shall submit a Preliminary Subdivision Plan in accordance with the requirements of Art. 11.B.1, Preliminary Subdivision Plan, together with a statement demonstrating that the applicable improvement(s) and associated dedications existing on the land and serving the proposed lot(s) are substantially in accordance with the requirements of this Article.

2. Effect of Approval

The granting of a required improvement(s) installation waiver in no manner reduces or waives the requirement of this Article to file a plat and to comply with applicable provisions of Art. 11.B.3, Technical Compliance, through Art. 11.B.7, Construction of Required Improvements, with regard to all required improvements not specifically waived.

D. Contents of Applications

Applications made pursuant to this Article shall be submitted in a form established by the County Engineer, prescribed in the Land Development Forms Manual, and made available to the public. Contents of said applications shall include the submittal requirements for preliminary subdivision plans contained in Art. 11.B.1, Preliminary Subdivision Plan.

E. Administration of Exceptions to General Requirements

The County Engineer shall review and act on applications for exceptions to this Article pursuant to Art. 11.A.8, Exceptions to General Requirements. Such authority shall include the power to:

1. Waive compliance with the procedures of Art. 11.B.3, Technical Compliance, through Art. 11.B.7, Construction of Required Improvements, when the County Engineer finds that compliance with such procedures is unnecessary because:
 - a. The proposed subdivision has been granted both a plat waiver and a waiver for all required improvements for the property; or
 - b. The proposed subdivision has been granted both a plat waiver and a waiver for some of the required improvements and installation of the remaining improvements will be assured by one of the following methods:
 - 1) contribution of cash; or
 - 2) construction of the required improvements will occur at the time of building construction and the installation of such improvements can be monitored as part of the building permit process or other PBC permitting process. Such improvements include, but are not limited to, drainage improvements requiring lot grading only, and installation of well and/or septic tank; or
 - 3) a combination of 1) and 2) above.
2. Review any and all restrictive covenants applicable to a subdivision under review for a plat waiver;
3. Require additional information or reviews deemed necessary for its consideration. Such information may include, but is not limited to, written and oral statements with respect to the nature, condition and maintenance responsibility of the streets, stormwater management facilities, or other required improvements, and reviews by other PBC and State of Florida agencies, and any information necessary to assure that the proposal would conform to the Plan or reduce the degree of non-conformity to the Plan; and

4. Upon determining the facts of each application, determine whether:
 - a. The proposal would be in harmony and compatible with present and future development of the area as contemplated under the Plan, and
 - b. The proposal makes adequate provisions for public requirements, including safe and convenient vehicular and pedestrian circulation, access, stormwater management, utilities, water supply and wastewater disposal.

Section 9 Standard Forms

A. General

The forms and formats contained in the Land Development Forms Manual have been approved as standard by the County Attorney and the County Engineer, as appropriate. All specific agreements, guaranties, certifications, and other legal documents are subject to the approval of the County Attorney. Alternate form(s) may be approved for use pursuant to this Article, provided the County Attorney has first approved such alternate form(s) in writing.

B. Dedications and Reservations

Dedications and reservations shall be specified in accordance with the substantive requirements of Art. 11.D.1.B.15, Certification and Approvals, and shall be subject to approval by the County Attorney prior to plat recordation.

Section 10 Definitions

- A. In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to this Article:

Affidavit of Waiver - a document evidencing the grant of an exception to the platting requirement or the required improvements installation requirement

Bulkheads - 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.

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

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

Developer's Engineer - a single engineering firm or a professional engineer registered in the State of Florida, and engaged by the developer to coordinate the design and monitor the construction of the work required under Art. 11, Subdivision, Platting and Required Improvements.

Land Development Permit - the development permit issued by PBC authorizing construction of required improvements for a subdivision.

Mobile Home Subdivision - a subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Art. 11, Subdivision, Platting and Required Improvements.

Non-Plan Collector Street - see Street, collector, Non-plan.

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

Plat - a map or delineated representation of the subdivision of lands, being a complete, exact representation of the subdivision and other information in compliance with the requirements of all applicable provisions of Art. 11, Subdivision, Platting and Required Improvements, and F.S. Chapter 177, and may include the terms "replat," "amended plat," or "revised plat".

Plat, Boundary - a map or delineated representation for recordation of a single lot for development purposes prepared, approved, and recorded in accordance with requirements and procedures for a plat pursuant to Art. 11, Subdivision, Platting and Required Improvements, and F.S. Chapter 177.

Plat, Final - a finished plat including all signatures required for recordation except those signifying approval by PBC.

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

Plat of Record - a plat which conforms to the requirements of the applicable state laws and Art. 11, Subdivision, Platting and Required Improvements which has received all required PBC approvals for recordation, and which has been placed in the official records of PBC.

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

Rural Subdivision - a division of land within an Agricultural Reserve (AGR), Agriculture Residential (AR), or Agricultural Production (AP) district.

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

Stormwater Management Easement - see Easement, stormwater management as defined in Art. 18, Definitions.

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

Stormwater Management System - 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 - 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 - classified surface waters of the State of Florida which convey stormwater runoff toward the ocean or a major inland water body.

Stormwater System, Secondary - 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 System, Tertiary - 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.

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

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

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

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

Street, Dead-end - a street with only one outlet.

Street Frontage - see Lot Frontage in Art. 18, Definitions.

Street, Limited Access - 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 Commercial - a street designed and maintained primarily to provide legal and vehicular access to abutting commercial or industrial lots. A local commercial street is of limited continuity, is not for through traffic, and is the middle order street of minor streets.

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

Street, Major - 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 - 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 - not classified as a major street, and includes streets providing traffic circulation within the development.

Street, Private:

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 PBC, another local governmental entity, the State of Florida or a special district.

Street, Residential Access - the lowest order of minor street which is intended to carry the least amount of traffic at the lowest speed.

Subdivision - the division of land, whether improved or unimproved, whether previously platted or not, into two or more contiguous lots for the purpose, whether immediate or future, of transfer of ownership. The term shall include any modification of legal boundaries for the purpose of redividing or combining any lot(s) depicted on a record plat, or on a certified survey or other map recorded pursuant to an affidavit of exemption or affidavit of waiver. When appropriate to the text, the term refers to the process of subdividing or the land proposed to be or which has been subdivided.

Thoroughfare Plan, Thoroughfare R-O-W Identification Map or Plan - Art. 18, Definitions.

Ultimate R-O-W - Art. 18, Definitions.

Water Management Tract - 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.

Work - all required construction as shown on approved construction plans and specifications for all facilities and features of any kind which are required, related to the process of subdivision of land under Art. 11, Subdivision, Platting and Required Improvements.

CHAPTER B SUBDIVISION REQUIREMENTS

Section 1 Preliminary Subdivision Plan

A. Purpose of Preliminary Subdivision Plan

The purpose of the preliminary subdivision plan is to provide adequate and necessary descriptive information regarding proposed subdivision layout and improvements for review of applications made under Art. 11.A.8, Exceptions to General Requirements, for plat waivers and for required improvement(s) installation waivers.

B. Professional Services Required

The developer shall retain the services of an engineer or surveyor to prepare the preliminary subdivision plan. The subdivision plan shall be coordinated with the major utility suppliers involved with providing services. Where septic tanks are proposed, a satisfactory subdivision analysis for septic tanks from the PBCHD shall be required.

C. Contents of Application

The developer shall submit a written statement and drawing in the form established by the County Engineer, prescribed in the Land Development Forms Manual, and made available to the public.

Section 2 Final Subdivision Plan

A. Purpose

The purpose of the Final Subdivision Plan is to provide a multi-agency review at a level of detail adequate to identify and resolve basic errors, omissions, and conflicts in the proposed subdivision layout with respect to applicable agency concerns, code requirements, and surrounding land uses, prior to the preparation of the detailed preliminary plat(s) and associated construction plans for required improvements.

B. Applicability

Except as provided in Art. 11.A.8.B, Plat Waiver with Certified Survey, the developer of every proposed subdivision shall be required to obtain approval of a Final Subdivision Plan from the DRO, pursuant to Art. 2.D.1, Development Review Officer prior to submittal of a preliminary plat and construction plans for Technical Compliance approval pursuant to Art. 11.B.3, Technical Compliance.

C. Procedure

1. Application

Application for Final Subdivision Plan approval shall be made in accordance with Art. 2.D.1, Development Review Officer.

2. Threshold Review Requirement

In order to be eligible to submit an application for Final Subdivision Plan review, the development shall have a currently valid certificate of threshold review, issued in accordance with and when required pursuant to Art. 15.C, General Threshold Review. A copy of the currently valid certificate shall be attached to and made part of 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. Contents of said application shall include, but not necessarily be limited to:

- a. A unified drawing describing existing site conditions, proposed streets, proposed lot layout, and other applicable development features in pictorial, note, or tabular form as appropriate;
- b. An internal traffic circulation analysis prepared by a professional engineer, adequate for determining the required classification of streets, the number of lanes, the requirement for traffic lights and other traffic control devices, and the capacity of the street system proposed or affected by the development, as well as the phasing of improvements;
- c. A preliminary stormwater management plan outlining the conceptual tertiary and secondary stormwater management facilities proposed for proper development of the subdivision, and prepared by a registered professional authorized through licensure by the State of Florida to perform such conceptual level of design for said stormwater management system; and
- d. A statement that all applicable utility providers have agreed to serve the subdivision, except that where septic tank systems are proposed, a satisfactory subdivision analysis for septic tanks from the PBCHD shall also be submitted.

4. Resubmittals

Final Subdivision Plan resubmittals required to address corrections or revisions requested by the DRO or for any modification by the developer shall be made in accordance with the applicable requirements of Art. 2.D, Administrative Processes.

D. Development Review Officer (DRO)

The DRO shall inform the developer that the plan and data as submitted do or do not meet the applicable provisions of this Article in accordance with the procedures established pursuant to Art. 2.D, Administrative Processes.

E. Duration of Final Subdivision Plan Approval

The duration of Final Subdivision Plan approval shall be as specified by and subject to those provisions of Art. 2.E, Monitoring, applicable to the development.

Section 3 Technical Compliance

A. Purpose

The purpose of Technical Compliance is to provide a multi-agency review of the proposed subdivision plat and all applicable required improvement construction plans for conformance with technical and legal requirements of this Article, other applicable provisions of this Code, PBC Standards, and the approved Final Subdivision Plan (including any special conditions of approval) prior to application by the developer for issuance of a Land Development Permit and submittal of the Final Plat for recordation.

B. Application

Prior to the expiration of the Final Subdivision Plan approval and prior to commencing construction of required improvements, the developer shall have prepared and shall submit to the County Engineer an application for Technical Compliance review, which shall be accompanied by the required fee and the required number, as established by the County Engineer, of the following documents and information, as applicable to the subdivision or approved phase thereof. Within three days of receipt of an initial application submittal for Technical Compliance, the County Engineer shall review the submittal for completeness and shall send written notification to the applicant if the submittal is determined to be incomplete. Failure by the applicant to complete the application submittal within 60 days of the date of said notification shall be considered an abandonment of the application and any subsequent submittal shall require a new Technical Compliance application.

1. Preliminary Plat

The developer shall submit the preliminary plat meeting the requirements of Art. 11.D.1.A, Preliminary Plat.

2. Certified Survey

The developer of a subdivision for which the requirement to plat has been waived pursuant to Art. 11.A.8.B, Plat Waiver with Certified Survey, shall submit the applicable certified survey meeting the requirements of Art. 11.B.9, Requirements for Certified Survey.

3. Construction Plans and Supplemental Engineering Reports

Except for those required improvements have been specifically waived pursuant to Art.11.A.8.C, Exceptions to Installation of Improvements Requirement, construction plans and supporting design information for all the required improvements shall be submitted for each subdivision. Construction plans and required engineering reports shall comply with the requirements of Art. 11.B.6, Planned Development.

4. Certified Opinion of Cost

The developer's engineer shall prepare and submit a certified opinion of cost, which shall include the cost of installing all required improvements required pursuant to Art. 11.E.1.A, Minimum Required Improvements for All Subdivisions. In the alternative, the County Engineer may, at his sole discretion, accept the contract price received by the developer for the construction of the required improvements.

C. Review of the Technical Compliance Submittal

1. Agency Comments

Within five days of receipt of a complete application, the County Engineer shall forward copies of appropriate submittal documents to the following agencies for written comments regarding conformance with requirements of their respective regulations and program responsibilities:

- a. Director, Land Development Division of DEPW: construction plans and preliminary plat;
- b. Director, Traffic Division of DEPW: construction plans and preliminary plat;
- c. Director, Survey Section of DEPW: preliminary plat;
- d. Director, Zoning Division of PZB: preliminary plat;
- e. Addressing Section, Administration Division of PZB: preliminary plat;
- f. Director, Parks and Recreation Department: preliminary plat;
- g. Director, Roadway Production Division of DEPW: construction plans and preliminary plat for Thoroughfare Plan streets;
- h. Director, Environmental Resources Management: preliminary plat;
- i. Florida Department of Transportation: preliminary plat for lands abutting State roads;
- j. Local water control district: preliminary plat for lands abutting water control district facilities, easements, or R-O-W;
- k. County Attorney: preliminary plat; and
- l. Director of Property and Real Estate Management: preliminary plat.

Said agencies shall be given 20 days to forward comments to the County Engineer. Within five days of the end of this 20-day period, the County Engineer shall forward all comments to the developer in writing, with a copy to the developer's engineer.

2. Submittal Fails to Meet Requirements

When the County Engineer determines that the Technical Compliance application submittal does not meet the provisions of this Article, the written statement shall reference the specific section or standard with which the submittal does not comply. Within 60 days of receipt of the comments letter, the developer shall cause all corrections or revisions referenced in the comments letter to be made, and shall resubmit the required documents and information. Failure to resubmit within the required time shall be deemed an abandonment of the application and any subsequent submittal shall require a new Technical Compliance application.

3. Submittal Meets Requirements

When the County Engineer determines that the Technical Compliance application submittal meets the provisions of this Article, the submittal shall be deemed to technically comply with the provisions of this Article and a written statement of Technical Compliance shall be issued.

D. Technical Compliance Approval

The statement of Technical Compliance shall be in writing and furnished to the developer and the developer's engineer. The statement shall contain the following conditions and information:

1. The name of the documents reviewed;
2. The amount of guaranty for the construction of required improvements, established in accordance with Art. 11.B.4.A.6, Guarantees;
3. The amount of recording fees due for recordation of the final plat or certified survey, which fees are payable to the Clerk of the Circuit Court of PBC;
4. A requirement to submit with the Land Development Permit application a copy of all applicable property owners' association documents; and
5. Requirements for submittal of supplementary documentation deemed necessary by the County Engineer, such as deeds, easements, covenants and other recorded instruments creating rights or obligations for access, drainage, or utility services, which rights or obligations could not be established through dedications or reservations on the plat.

E. Expiration of Technical Compliance

The statement of Technical Compliance shall expire six months after its date of issuance. Failure to make a Land Development Permit application submittal prior to the expiration of the statement of Technical Compliance shall void the Technical Compliance approval and any subsequent submittal shall require a new Technical Compliance application.

F. Effect of Changes to Final Subdivision Plan

Any change to a Final Subdivision Plan, however approved, which would either increase or decrease the number of units in, or would, in the opinion of the County Engineer, cause a substantial change or revision to any preliminary plat or associated construction plans under review or approved for Technical Compliance shall void any approvals issued for same pursuant to this Article and shall require a new submittal and fee for such plat and construction plans. Such determination shall be in writing and forwarded within ten days to the Developer's Engineer, with a copy to the Zoning Director.

Section 4 Land Development Permit

A. Land Development Permit Application Submittal

A Land Development Permit shall be required prior to commencement of construction of any required improvement. The effective date of the Land Development Permit shall be the date the County Engineer signs it. The Land Development Permit shall expire not more than 21 months from the effective date, unless extended pursuant to Art. 11.B.7.B, Time of Completion of Required Improvements. Except when the installation of all required improvements has been waived pursuant to Art. 11.A.8.C, Exceptions to Installation of Improvements Requirement, the Final Plat or certified survey, as applicable, shall not be recorded until the developer has either installed the improvements or has guaranteed the installation of the improvements pursuant to the requirements of Art. 11.B.4.A.6, Guaranties, below. As the final step in the review procedures to obtain development approval under this Article, the developer shall have prepared and shall submit, prior to expiration of the Technical Compliance, an application for Land Development Permit. The application for Land Development Permit shall be accompanied by the required fee and the required number, as determined by the County Engineer, of the following documents applicable to the subdivision or approved phase thereof:

1. Final Plat

The developer of a subdivision for which plat recordation is required shall submit the Final Plat complying with Art. 11.D.1.B, Final Plat, and a check for the plat recordation, payable to the Clerk of the Circuit Court of PBC, in the required amount.

2. Certified Survey

The developer of a subdivision for which the requirement to plat has been waived pursuant to this Article shall submit a check payable to the Clerk of the Circuit Court of PBC for the recordation of the survey. When construction plans are not required, the certified survey may be recorded without further review, provided, however, that the County Engineer shall review any documents submitted in compliance with Art. 11.B.4.A.3, Maintenance and Use Documents and Other Documents.

3. Maintenance and Use Documents and Other Documents

A copy of the maintenance and use covenants and any other documents required by the County Engineer as a condition of Technical Compliance shall be submitted. The maintenance and use covenants shall indicate the maintenance responsibility for all common areas and improvements within the subdivision, and shall comply with all applicable requirements as specified in Art. 5.F, Legal Documents.

4. Construction Plans and Supplemental Engineering Information

Construction plans shall conform to the plans, which received Technical Compliance or, if modified, shall be accompanied by a written statement from the Developer's engineer, which details, explains, and justifies the modifications. Construction plans shall comply with the requirements of Art. 11.B.6, Construction Plans and Supplemental Engineering Information, and, prior to issuance of a Land Development Permit, shall have received all applicable approvals of requisite governmental agencies.

5. Developer's Acknowledgement of Responsibility for Construction of Required Improvements

The application shall indicate whether the required improvements are to be constructed prior to recordation or after recordation of the plat or survey. When the required improvements are to be constructed after recordation, the Developer shall submit a statement acknowledging

responsibility for completion of said required improvements. The statement shall be in the form contained in the latest version of the Land Development Forms Manual and shall be executed by all owners shown on the applicable final plat. The statement shall be accompanied by a guaranty for completion of required improvements, pursuant to Art. 11.E.1.A, Minimum Required Improvements for All Subdivisions. Said guaranty shall meet the applicable requirements of Art. 11.B.4.A.6, Guarantees.

6. Guarantees

All guarantees required pursuant to Art. 11.E.1.A, Minimum Required Improvements for All Subdivisions, shall be in one of the forms prescribed in the Land Development Forms Manual or in an alternate form approved by the County Attorney. The initial guaranty shall be in an amount equal to 110 percent of the construction cost of the required improvements. The guaranty shall be in one of the following types.

a. Cash Bond

Completion of the required improvements may be secured by cash deposited by the developer with PBC or in an account subject to the control of PBC in accordance with an agreement on such deposit or account. The developer shall be entitled to receive any interest earned on such deposit or account.

b. Letter of Credit

Completion of the required improvements may be secured by a clean irrevocable letter of credit issued to PBC in accordance with the PBC Letter of Credit Policy. The expiration date of the letter of credit shall be at least three months after the completion date for construction of required improvements pursuant to the initial Land Development Permit or any subsequent extension thereto.

c. Performance or Surety Bond

Completion of the required improvements may be secured by a performance or surety bond obtained from a company acceptable to PBC in accordance with the PBC policy on performance bonds. It shall guaranty that all work will be completed in full accordance with the approved Land Development Permit.

d. Escrow Deposit

Completion of the required improvements may be secured by an executed escrow agreement, between the Developer, a bank approved by PBC, and PBC as the third party beneficiary. The escrow agreement shall require that release of the funds, or any part thereof, shall be subject to PBC approval.

B. Action by the County Engineer

The County Engineer shall examine the submittal for completeness in compliance with this Article. Within 30 days of receipt of a complete submittal, the County Engineer shall review the submittal for conformity with this Article and shall advise the developer of his findings in writing, with a copy to the developer's engineer.

1. Submittal Fails to Meet Ordinance

When deficiencies exist, the County Engineer shall reference in writing the specific section or standard with which the Land Development Permit submittal does not comply. The developer shall correct such deficiencies within 30 days of receipt of the written report. Failure to respond within the given time shall deem the submittal abandoned and any subsequent submittal shall require a new application and submittal for a Land Development Permit.

2. Submittal Meets Ordinance

When the submittal meets the provisions of this Article, the County Engineer shall sign the Land Development Permit and, if applicable, shall sign and seal the final plat and submit said approved plat to the Clerk of the Circuit Court for recordation.

Section 5 Substitution of Developers

A. Voluntary Substitution of Developers

When there is a voluntary substitution of developers after the Land Development Permit has been issued but before PBC has acknowledged completion of the required improvements, it shall be the responsibility of both developers to transfer the rights and responsibilities from the original developer to the succeeding developer. The original and succeeding developers shall make a

joint application to the County Engineer for a transfer of the original developer's Land Development Permit. If the original developer posted a guarantee with PBC for completion of required improvements, the succeeding developer must post a substitute guarantee in the current amount of the original developer's guarantee and in a form acceptable to PBC. The application for transfer shall include the executed acknowledgment of responsibility for completion of required improvements pursuant to Art. 11.B.4.A.5, Developer's Acknowledgement of Responsibility for Construction of Required Improvements.

B. Involuntary Substitution of Developers

When a developer becomes the succeeding developer through foreclosure or some similar action and it is not possible to obtain the original developer's signature on a joint application for transfer of the Land Development Permit, the succeeding developer must comply with all provisions of Art. 11.B.5.A, Voluntary Substitution of Developers, except that, in lieu of said original developer's signature, the succeeding developer shall submit a current certification of title, foreclosure judgment, or other proof of ownership of the lands encompassed by the plat referred to in the Land Development Permit.

Section 6 Construction Plans and Supplemental Engineering Information

A. Duties of Developer's Engineer

When the development is to be engineered by more than one firm, the developer shall appoint a single engineering firm or engineer to coordinate submission of the construction plans and construction of the required improvements.

B. Submittal Requirements

Construction plans and supplemental engineering information shall be submitted under separate cover for each of the categories of improvements listed in this Section. Plan sets shall be submitted in the number required by the County Engineer, as prescribed in the Land Development Forms Manual.

1. Required Improvements

The following construction plans, signed and sealed by the preparing engineer, shall be submitted for the required improvements set forth in Art. 11.E.1, Required Improvements, when applicable:

- a. paving, grading and drainage;
- b. bridges;
- c. water and sewer systems:
 - 1) for technical compliance submittal: the proposed plans submitted for PBC Health Department approval;
 - 2) for land development permit submittal: construction plans stamped with PBC Health Department approval.

2. Submittals for Other Improvements

Construction plans shall be submitted for the following additional improvements, which the developer may be required to install or otherwise elect to provide:

- a. Landscaping within streets;
- b. Guardhouse, gates, or other structures within streets;
- c. Landscaping or structures in lake maintenance easements: See Art. 11.B.8.A, Construction and Landscaping in Lake Maintenance Easements and Water Management Tracts.

C. Completeness of Construction Plans

All construction plan submittals shall be so complete as to be suitable for contracting and construction purposes. Design data, calculations and analyses shall be submitted to address important features affecting design and construction and shall include, but not be limited to, those for design high water, drainage facilities of all kinds, subsurface soil data, alternate pavement and subgrade types, and any proposed deviation from PBC standard design requirements.

D. Format and Content of Construction Plans

All construction plan submittals for the installation of required improvements shall consist of and contain, but shall not be limited to:

1. A cover sheet showing the applicable plat name, sheet index, category of improvements, and, vicinity sketch;
2. Typical sections;
3. Construction details showing compliance with PBC standards, or with any alternate design approved by the County Engineer pursuant to Art. 11.B.8.C, Alternative Design, Construction Standards, and Types of Materials;
4. Special profile sheets as required to show special or unique situations;
5. Bench mark, based on NGVD (1929); and
6. Notes regarding special conditions and specifications applicable to the construction, addressing:
 - a. required compliance with construction requirements of this Article and PBC standards;
 - b. required compliance with State standards applicable to the work;
 - c. minimum standards for materials;
 - d. test requirements for compaction or stabilization of subgrade, base, and backfill;
 - e. required installation of underground utilities and storm drainage located within the streets prior to construction of subgrade for street pavement;
 - f. special construction or earthwork requirements for site work in areas of impervious or unstable soils, or to cope with unsuitable soil conditions.

E. Final Stormwater Management Plan

The Technical Compliance application shall include the final stormwater management plan, based upon and consistent with the preliminary stormwater management plan, in separate report form detailing the design of all secondary and tertiary stormwater management facilities, including, as a minimum, the following design data and information:

1. Pre-development and post-development drainage basin maps showing site topography, drainage basins, catchment areas, and stormwater inflow/outflow locations for the site;
2. Pre-development and post-development site characteristics affecting runoff such as ground cover, soil profile, wet season mean high water table elevations and recurring high water elevations in receiving watercourses or waterbodies;
3. Individual catchment area characteristics used for design, including area, times-of-concentration, runoff factors, and quantitative breakdown of pervious/impervious areas;
4. A statement of applicable design and/or performance assumptions and criteria for each part of the system providing drainage, treatment, or discharge control;
5. Evidence of existing access to legal positive outfall(s);
6. Complete hydrologic and hydraulic calculations for design of storm sewers, retention/detention area, and discharge structures;
7. Identification of standard methods and/or proprietary models used for hydrologic and hydraulic analysis, noting that methods or models other than those of the Department of Transportation, SFWMD, SCS, the rational method, the SBUH method, the Puls method or common modifications of such methods, may require additional documentation;
8. A listing of specific PBC and SFWMD requirements used as the design basis for street drainage, lot grading, finished floor elevations, floodplain storage compensation, retention/detention volumes, and discharge limits; and
9. Requirements for construction and maintenance of any temporary or phased stormwater management facilities necessary to ensure proper stormwater control and treatment during site development.

F. Soils Report

The Technical Compliance application shall include a soils report describing soil profiles of the work site to such depth and extent necessary to determine special design or construction needs. In lieu of Art. 11.B.6.F.4 and Art. 11.B.6.F.5 the Developer may submit as part of the report a certified statement from an engineer that he has investigated the subsurface conditions of the site and has determined that such conditions are suitable for the work as shown on the construction plans. The soils report shall include:

1. A map, drawn to stated scale, showing boring, penetrometer, and/or test pit locations;
2. Results of each boring or other soil test, keyed to the map;
3. Soil profiles with horizons described according to the USDA, ASTM, or Unified standard soils classified system;

4. Location and extent of muck, hardpan, marl, or other deleterious materials which may require special consideration in design or construction; and
5. A description of groundwater conditions which may require special consideration in design or construction.

Section 7 Construction of Required Improvements

A. Developer's Duty

Upon issuance of the Land Development Permit, the developer shall coordinate the construction with the County Engineer.

B. Time of Completion of Required Improvements

1. The time of completion of all required improvements shall not exceed 21 months from the date of issuance of the Land Development Permit unless an extension is granted pursuant to this Section.
2. A one-year time extension may be granted by the County Engineer after review of the written application for extension of the developer. The developer should submit the application for extension, including but not limited to a statement of justification and proof that an acceptable guaranty will remain in place for the duration of the extension, not less than two months prior to expiration of the Land Development Permit. Applications submitted after expiration of the Land Development Permit shall not be accepted. The County Engineer shall review and advise the developer in writing of his decision within one month of receipt of the application.

C. Completion Prior to Plat Recordation

When the developer elects to complete required improvements prior to recording of the final plat or certified survey, the following procedures shall apply, as applicable.

1. Upon approval of the final plat and acknowledgment of completion of the required improvements pursuant to Art. 11.B.7.G, Acknowledgement of Completion and Maintenance of Required Improvements, the plat shall be submitted to the Office of the Clerk of the Circuit Court for recordation.
2. When the County Engineer finds that the certified survey and completion of the required improvements are in compliance with all requirements of this Article, he shall cause the certified survey to be recorded in the Office of the Clerk of the Circuit Court.

D. Completion After Plat Recordation

When the developer elects to guaranty the construction of the required improvements in order to complete same after recordation, the County Engineer may approve reductions of the amount of the guaranty and release the guaranty in accordance with the requirements and procedures prescribed in this subsection. All requests for reduction shall be by application to the County Engineer. A complete application shall include, at a minimum, a certified cost estimate from the developer's engineer for both the completed and the remaining required improvements. The County Engineer shall have the right to reduce the amount of any requested reduction based on his review of the application and required improvements. The County Engineer shall also have the right to refuse to approve any requested reduction so long as the developer fails to be in compliance with any of the terms and conditions of this Article, the plat, or the plans and specifications for the required improvements. The County Engineer shall give written notification to the developer and the surety of his decision on the application within one month of the application being deemed complete. Any approval under this Section shall be conditioned upon the surety providing, within one month of receipt of the County Engineer's written notification, written confirmation of the reduction in a form acceptable to the County Attorney.

1. Frequency of Reductions in Amount of Guaranty

Reductions in the amount of the guaranty may be approved by the County Engineer in accordance with the following schedule.

a. Cash Deposits and Escrow Agreements

The deposit or account may be reduced as installations progress at stages of construction established by the County Engineer, but not more frequently than monthly.

b. Letters of Credit and Performance or Surety Bonds

Quarterly during the process of construction and upon request by the developer, the County Engineer may reduce the dollar amount of the guaranty.

2. Amount of Reductions in Guaranty

The County Engineer shall not reduce the amount of any guaranty below 20 percent of the original cost estimate amount. In addition to this limitation, no reduction in the dollar amount of the guaranty shall be made unless sufficient funds will remain to complete the remaining required improvements and the cost of required improvements installed equals or exceeds the amount of the request. To ensure that sufficient funds remain for completion of the remaining required improvements, the County Engineer shall release not more than 90 percent of the dollar amount of required improvements certified as completed during the period for which a reduction is requested.

3. Release of Guaranty

The guaranty shall only be released upon acknowledgment of completion of the required improvements pursuant to Art. 11.B. 7.G, Acknowledgement of Completion and Maintenance of Required Improvements. Two weeks prior to the release of the guaranty, the County Engineer shall notify the appropriate District Commissioner of intent to release.

E. PBC Use of Funds; Failure of Developer to Complete

The County Engineer, as the authorized agent of the Board, shall have the right to any funds available under the guaranty to secure satisfactory completion of the required improvements in the event of default by the developer or failure of the developer to complete such improvements within the time required by Art. 11.B.7.B, Time of Completion of Required Improvements. The County Engineer shall send the developer a courtesy written notice of PBC's intent to expend any drawn funds or demand performance, as applicable. Such notice shall be sent at least 30 calendar days prior to said expenditure or demand, and shall be mailed to the last known address of the developer or his authorized agent according to the Land Development Permit records on file with the County Engineer.

F. Administration of Construction

1. Construction Standards

Construction standards shall be those prescribed in the current PBC Standards.

2. Inspections, Reports, and Stop Work Orders

The County Engineer shall be notified in advance of the date of commencement of construction pursuant to the Land Development Permit, and of such points during the progress of construction for which joint review by the County Engineer and developer's engineer are required.

- a. Construction shall be performed under the surveillance of, and shall at all times be subject to, review by the County Engineer; however, this in no way shall relieve the developer of the responsibility for ensuring close field coordination and final compliance with the approved plans, specifications and the requirements of this Code.
- b. The developer shall require progress reports of the construction of the required improvements from the developer's engineer. The developer's engineer may also be required to submit construction progress reports directly to and at points of progress prescribed by the County Engineer. The developer's engineer shall coordinate joint reviews of the construction with the County Engineer at points specified by the County Engineer.
- c. The County Engineer shall have the right to enter upon the property for the purpose of reviewing the construction of required improvement during the progress of such construction. The County Engineer shall have the authority to stop the work upon failure of the developer or his engineer to coordinate the construction of the required improvements as required by this subsection.

3. Measurements and Tests

During construction, the developer's engineer shall make or cause to be made such measurements, field tests, and laboratory tests necessary to certify that the work and materials conform with the approved development plans and the provisions of this Article. The County Engineer may require, at his discretion, specific types and locations of tests and measurements which he deems necessary to demonstrate conformance with approved plans and specifications.

4. Engineer's Certificate of Completion

The required improvements shall not be considered complete until a certificate of completion, certifying to construction in conformance with the approved plans, and the final project records have been submitted to, reviewed, and approved by the County Engineer. The certificate shall be signed and sealed by the developer's engineer and shall be in a form established by the County Engineer, as prescribed in the Land Development Forms Manual. Said certificate shall make specific reference to, and be accompanied by copies of measurements, tests and reports made on the work and materials during the progress of construction, along with a Record Drawing copy of each of the construction plans on a high quality, time-stable, reproducible mylar, showing the original design in comparison to the actual finished work with all material deviations noted thereon.

G. Acknowledgment of Completion and Maintenance of Required Improvements

1. Developer's Warranty on Workmanship and Material

The developer shall execute and submit a warranty guarantying the required improvements against defect in workmanship and material for a period of one year after acknowledgment of completion pursuant to this Section. Said warranty shall be submitted to the County Engineer along with the completion certificate and project records. The warranty shall be in a form approved by the County Attorney and prescribed in the Land Development Forms Manual.

2. Acknowledgment of Completion by County Engineer; Release of Guaranty

Upon submittal of the documents and records required by Art. 11.B.7.F.4, Engineer's Certificate of Completion, and Art. 11.B.7.G.1, Developer's Warranty on Workmanship and Material, and recorded copies of the approved Maintenance and Use Covenants, the County Engineer shall determine the completeness of the required improvements in accordance with the provisions of this Article and the Land Development Permit. When the County Engineer determines that the required documentation is acceptable and the required improvements have been installed as required by this Article he shall acknowledge completion of the required improvements and, when a guaranty has been posted, release the guaranty in accordance with the following:

a. If the Final Plat Has Been Recorded

When the applicable plat has already been recorded, the County Engineer shall issue a written statement to the Developer acknowledging completion of required improvements and releasing the guaranty.

b. If the Final Plat Has Not Been Recorded

When the final plat has not been recorded, at the time of acknowledgment of completion the County Engineer shall review said final plat for conformance with current certification and approval requirements. Upon determining that the final plat meets said requirements, the County Engineer shall approve the plat and submit it to the Clerk of the Circuit Court for recordation.

c. Effect of Release

Issuance of the statement acknowledging completion and, when applicable, releasing the guaranty shall relieve the developer of his obligations for construction of required improvements but shall not relieve the developer of his obligations under the warranty for required improvements required under Art. 11.B.7.G.1, Developers Warranty on Workmanship and Material.

3. Acceptance of Dedications and Maintenance of Improvements

The acceptance by the Board of any dedication to the Board of public space, parks, R-O-W, easements or the like on a plat shall not in itself constitute an acceptance by PBC of any responsibility to construct or maintain improvements within the dedicated area. Acceptance of dedications and maintenance responsibility for improvements within areas dedicated to the Board shall be made as follows:

a. Acceptance of Dedications

The recordation of a final plat, subsequent to the County Engineer's approval of said final plat for recordation, shall constitute acceptance by the Board of any and all dedications to the Board as stated and shown on the plat.

b. Acceptance of Dedications of Real Property

For those dedications to the Board of real property, including rights-of-way, parks, and other tracts, an executed deed transferring title to such lands, plus such documentation of title and absence of encumbrances as required pursuant to PBC policy for acceptance of deeds, shall be submitted to the County Engineer at the time of submittal of the applicable Final Plat for recordation. Said deed(s) shall be on a form approved by the County Attorney, and shall be recorded by PBC subsequent to recordation of the applicable Final Plat.

c. Acceptance of Improvements for PBC Maintenance

At such time as the County Engineer has issued a statement acknowledging completion of the required improvements and the applicable plat has been recorded, the County Administrator or the County Engineer, on behalf of PBC, shall accept maintenance responsibility for the required improvements to streets and to such other areas dedicated to the Board in accordance with the dedications shown on said record plat, and shall issue a written statement confirming acceptance of said maintenance responsibility.

4. PBC Completion in Recorded Subdivisions

PBC may complete the required improvements, under the guaranty provided by the developer, when the corresponding plat has been recorded and the developer fails to complete the required improvements as required by this Article. In such case, the County Engineer shall call upon the guaranty to secure satisfactory completion of the required improvements. Notice of said call shall be deemed upon posting via certified mail. Upon the completion of such action, the County Engineer shall report to the Board and the Board may accept by resolution the dedication and maintenance responsibility as indicated on the plat. In such cases, the remaining guaranty posted by the developer shall be retained for a period of one year after completion in lieu of the agreement. Any defects occurring during this period shall be repaired using funds remaining in the guaranty.

5. Developer's Failure to Complete Improvements in Unrecorded Subdivisions

Where a developer has elected to install the required improvements prior to recordation of the plat and fails to complete such improvements within the time limits prescribed in Art. 11.B.7.B, Time of Completion of Required Improvements, all previous approvals applicable to the proposed subdivision shall be deemed void.

Section 8 Supplemental Procedures

A. Construction and Landscaping in Lake Maintenance Easements and Water Management Tracts

1. Purpose

It is the purpose of this Subsection to allow for the construction or placement of structures and plants adjacent to, or over, water bodies within water management tracts or areas established for associated maintenance access, while taking measures to ensure that such structures or plants shall not interfere with the proper functioning of the stormwater management system nor be otherwise detrimental to the health, safety, welfare, or convenience of the public or of persons responsible for or affected by a water body within a water management tract.

2. Prohibition

The placement or construction of trees, shrubs, or structures within any water management tract established for purposes of wet detention/retention in an open water body, or easement or berm adjacent thereto established for purposes of access for maintenance of the water body or water management tract or structures and facilities therein is hereby prohibited, except in strict conformance with the provisions of this Subsection.

3. Application Requirements for Bulkheads, Docks, or Piers

Persons desiring to construct bulkheads, docks, or piers over or along a water body contained within a water management tract shall apply to the Director of ERM in accordance with the applicable provisions of Art. 4.D, Excavation.

4. Application Requirements for Structures or Plantings in LME

Persons desiring to place trees or shrubs or construct or place structures within a LME shall apply to the County Engineer. Approval by the County Engineer shall be required prior to installation when said planting or construction is to encroach a lake maintenance easement within a plat for which the associated required improvements have not been acknowledged as complete, pursuant to the applicable land development permit and Art. 11.B.7.G, Acknowledgement of Completion and Maintenance of Required Improvements, or when the County Engineer determines that there is a continuing PBC or public beneficiary interest in said easement. Prior to granting such approval, the County Engineer shall ensure that adequate conditions are imposed, and appropriate documents are executed and, if appropriate, recorded to ensure compliance with the provisions of this Subsection and approvals granted pursuant to this Article.

5. Structures or Plantings

The provisions herein shall be applied to required approvals by the County Engineer for the installation of structures or plantings in, on, or over lake maintenance easements. The following criteria shall apply to the installation of such structures and plantings:

- a. No structure or above grade construction, except that which may be easily removed, shall be permitted in lake maintenance easements. Examples of impermissible structures are houses, garages, screened enclosures, concrete block walls, concrete decks, affixed permanent sheds, and pools. Examples of permissible structures are thatch sheds, wood decks, and non-concrete fences, contingent on said structures not being structurally affixed to the ground;
- b. Trees or shrubs shall not be planted, nor structures placed, in the lake maintenance easement where the planting or placement of such would obstruct access by equipment to outfalls or water control structures;
- c. A removal declaration in a form acceptable to the County Attorney shall be recorded, at the expense of the property owner;
- d. The POA consent to the specific structure(s), tree(s), or shrub(s) shall be required where a POA has responsibility for lake maintenance. If any other entity has a beneficiary interest in the easement or a responsibility for lake maintenance, that entity's consent shall be required; and
- e. Trees or shrubs planted pursuant to this Subsection shall be limited to those species permitted pursuant to Art. 7.D, General Standards, and shall not include any portion of the minimum site landscaping required pursuant to Art. 7.F, Perimeter Buffer Landscape Requirements, or Art. 7.G, Off-Street Parking Requirements.

6. Repair, Replacement, or Modification

Any repair, replacement, or modification, except ordinary maintenance, to any planting or structure approved pursuant to this subsection, shall be done only after being approved as new planting or construction pursuant to this subsection.

B. Dredge, Fill and Construction in Waters of the State

1. Applicability

Subdivision of lands containing or abutting existing or proposed waters of the State, including canals, lakes, streams, and wetlands, shall comply with and conform to the requirements of this subsection.

2. Easements or Rights-of-Way (R-O-W)

Where land within a proposed subdivision abuts existing or proposed waters of the State, there shall be provided a floodway or floodplain easement or a drainage R-O-W conforming substantially with the lines of such watercourse or water body and of such further width or construction or both as will be adequate for the purpose. Additional easement or R-O-W width may be required where necessary for maintenance, safety and convenience. Each required easement and R-O-W shall be deeded or dedicated to an appropriate public agency. Maintenance responsibility and use limitations applicable to said easements and rights-of-way, or any facilities placed therein, shall be in accordance with all applicable permit conditions and shall be stated or referenced by note on the appropriate plat(s).

3. Permits

Where proposed dredging or filling affects waters of the State of Florida or sovereign land, said activities shall be approved by the governing agency having jurisdiction in such matters. Prior to the construction of any seawall, bulkhead, dock or pier, a construction permit shall be obtained from the Building Department in addition to all required permits or expressed exemption from permitting for construction in waters of the State of Florida.

C. Alternate Design, Construction Standards, and Types of Materials

1. Applicability

Alternate designs, construction standards, and types of materials which, in the opinion of the County Engineer, are equal or superior to those specified may be approved in accordance with this Subsection.

2. Contents of Application

The application shall be submitted in a form established by the County Engineer, prescribed in the Land Development Forms Manual, and made available to the public. Said application shall be accompanied by written data, calculations and analyses, and drawings which are necessary to show, by accepted engineering principles, that the proposed alternates are equal or superior to those specified, or are necessary due to environmental considerations. Within 45 days of receipt of such application, the County Engineer shall either approve or deny the application and shall advise the Developer's Engineer and the Developer in writing of the decision.

3. Environmental Considerations

In the interest of the preservation of existing trees and other natural features at the developer's request, or as required by other regulations, the County Engineer may vary the design and construction requirements upon presentation by the developer of substantial evidence that environmental conditions will be enhanced, that proper performance of the approved stormwater management system will not be impaired, and that safety, stability, and design life of structural improvements will not be compromised.

Section 9 Requirements for Certified Survey

A. General

The County Engineer shall adopt and amend, from time to time, the criteria for the certified survey. At a minimum, the certified survey shall meet the requirements for surveys established by the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, F.A.C., pursuant to F.S. §472.027.

B. Alternatives

The County Engineer shall reserve the right to require a certified sketch and legal description in lieu of a certified survey. The certified sketch and legal description shall meet the requirements for certified sketches and descriptions set forth by Chapter 61G17-6, F.A.C., pursuant to F.S. § 472.027, as amended, and the PBC Description Checklist pursuant to policies and procedures established by the County Engineer and made available to the public.

C. Recordation

The certified survey or sketch and legal description shall not require approval of the Board prior to recordation.

CHAPTER C RURAL SUBDIVISIONS

Section 1 Alternate Designs for Rural Subdivisions

A. Applicability

This Section provides for a means of establishing a rural subdivision, as defined by this Code, in harmony with the character of surrounding development while meeting the general purpose and intent of this Article. Due to the rural nature of proposed development, standard requirements for certain required improvements may be deemed inappropriate and alternative standards for such improvements may be approved under this Section.

B. Application Requirements

Upon submission of the subdivision plan, and an application for a rural subdivision designation, the DRO may approve the application for election to comply with this Section. A rural subdivision shall meet the platting requirement of this Article.

C. Exceptions to Requirements

All requirements of this Article shall apply except that the following required improvement design options shall be allowed under this Section.

1. Access and Circulation Systems

Local streets may be developed without a wearing surface but shall otherwise conform to the standards specified by this Article. All other streets of higher classification, as defined in this Article, shall be constructed to meet or exceed PBC standards. Streets constructed without a wearing surface shall be privately maintained and shall not be considered for dedication or acceptance as public streets until paved, reconstructed and tested, as necessary, to meet PBC Standards. Costs of maintenance and further development of the local streets in a rural subdivision shall be borne solely by the owners of the property within the subdivision. Sidewalks and bike paths shall not be required when local streets are constructed without a wearing surface. The developer and any subsequent owner/seller shall fully disclose to the purchaser the method of payment of costs of maintenance and improvements of local streets developed without a wearing surface. The developer shall adequately warrant, by recorded covenant, that PBC will not be liable for cost of maintenance or further development of local streets constructed without a wearing surface. The method and form of said disclosures and covenants shall be subject to approval by the County Attorney, prior to recordation of a final plat for such subdivision.

2. Wastewater System

Rural subdivisions may utilize an individual system in accordance with Art. 11.E.1.A.4, Wastewater System.

3. Potable Water System

Rural subdivisions may utilize an individual system in accordance with Art. 11.E.1.A.5, Potable Water System.

4. Utilities Installation

Utilities may be installed above ground in rural subdivisions.

CHAPTER D PLATTING

Section 1 Requirements for the Preliminary and Final Plat

A. Preliminary Plat

The preliminary plat shall meet the requirements of the Final Plat, except that it shall be submitted without the required signatures and seals. It may also be submitted without maintenance and use covenants, condominium documents, deeds, or other legal documents not related to the survey or engineering design of the project.

B. Final Plat

The plat shall be prepared in accordance with the provisions of F.S. Chapter 177, as amended, and shall conform to the requirements of this Section.

1. Material

The plat shall be drawn or printed on 24-inch by 36-inch linen, chronoflex, mylar or other approved material.

2. Preparation

The plat shall be prepared by a surveyor and mapper, and is to be clearly and legibly drawn with black permanent drawing ink or veritype process to a scale of not smaller than one inch equals 100 feet, or as otherwise determined by the County Engineer.

3. Name of Subdivision

The plat shall have a name acceptable to PBC. When the plat is a new subdivision, the name of the subdivision shall not duplicate or be phonetically similar to the name of any existing subdivision. When the plat is an addition to or replat of a recorded subdivision, it shall carry

the same name as the existing subdivision followed by a suitable phase designation or similar modifier, when applicable.

4. Title

The plat shall have a title printed on each sheet in bold legible letters containing:

- a. The name of the subdivision, printed above and in letters larger than the balance of the title;
- b. The name of the County and State;
- c. The section, township and range as applicable or if in a land grant, so stated;
- d. When the plat is a replat of or addition to an existing plat of record, the words "section", "unit", "replat", etc.; and
- e. When the plat encompasses lands in a planned unit development, the abbreviation "PUD". Likewise, all other planned developments shall contain the appropriate abbreviation for such designation within the title.

5. Description

There shall be lettered or printed upon the plat a full and detailed description of the land embraced in the plat. The description shall show the section, township and range in which the lands are situated or if a land grant, so stated, and must be so complete that from it without reference to the map the starting point can be determined and the boundaries run.

6. Index

If more than one sheet is required for the map, the plat shall contain an index map on the first page, showing the entire subdivision and indexing the area shown on each succeeding map sheet. Each map sheet shall contain an index delineating that portion of the subdivision shown on that sheet in relation to the entire subdivision. When more than one sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines between map segments.

7. Survey Data

The plat shall show the length of all arcs together with central angles, radii, and points of curvature. Centerlines shall include chord and chord bearing to the above mentioned. Sufficient survey data shall be shown to positively describe the boundary of each lot, block, R-O-W, street, easement, and all other areas shown on the plat and all areas shall be within the boundary of the plat as shown in the description. The plat shall also include the following items in the manner described below:

- a. The scale, both stated and graphically illustrated, shall be shown on each sheet;
- b. A prominent north arrow shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend;
- c. The point of beginning shall be boldly shown together with the letters "P.O.B." in bold letters;
- d. All intersecting street lines shall be joined to form required corner clips pursuant to PBC standards, and all dimensions shall be shown;
- e. All adjoining property shall be identified by a subdivision name, plat book and page or, if unplatted, the land shall be so designated;
- f. Permanent reference monuments shall be shown in the manner prescribed by F.S. Chapter 177, as amended. All information pertaining to the location of "P.R.M.s" shall be indicated in note form on the plat. Permanent Control Points, Permanent Reference Monuments, and Monuments shall be designed and set as prescribed by F.S. Chapter 177, as amended, and Sec. 0. It is the responsibility of the surveyor and mapper to furnish the Clerk of the Circuit Court with his certificate that the "P.C.P.s" and all monuments according to F.S. §177.091(9), have been set and the dates said "P.C.P.s" and monuments were set;
- g. There shall be reserved on each sheet of the plat a three inch by five inch space in the upper right hand corner to be used by the Clerk of the Circuit Court for recording information and each sheet shall reserve three inches on the left margin and a half inch margin on all remaining sides;

- h. The map shall mathematically close within 0.01 foot and shall be accurately tied to all PBC township, range and section lines occurring within the subdivision by distance and bearing;
- i. The initial point in the description shall be accurately tied to the nearest quarter section corner or section corner or government corner. Each government corner being used shall be identified. If the subdivision being platted is a re-subdivision of a previously recorded subdivision, then a tie to a Permanent Reference Monument from the parent plat is sufficient. If the subdivision is a re-subdivision of a part of a previously recorded subdivision, sufficient ties to controlling lines appearing on the parent plat must be provided to permit an overlay. The position and orientation of the plat shall conform to the Florida State Plan Coordinate System in the manner established by the County Engineer and prescribed in the Land Development Forms Manual;
- j. The cover sheet or first page of the plat shall show a vicinity sketch, showing the subdivision's location in reference to other areas of PBC;
- k. A complete legend of abbreviations shall be shown;
- l. All lettering on the plat shall be at a minimum 0.10 of an inch in height;
- m. The plat boundary and all parcels shown on subdivision plats intended to be conveyed in fee title shall be delineated by solid lines;
- n. Lines intersecting curves shall be noted as radial or non-radial as the case may be;
- o. A note addressing any abandoned underlying lands or easements, including record information, shall be shown; and
- p. Tabulation of Survey Data:
 - 1) The use of tangent tables is not permitted. However, at the discretion of the County Engineer on a case by case basis, the use of a tangent table to reflect corner clip chords, centerline chords, and chord bearings may be permitted if deemed necessary to meet requirements of neatness and clarity of the plat. Scale factors shall not be considered. Such tables, when permitted, must appear on the map sheet to which they refer and tangents shall be numbered consecutively through the entire presentation.

The possible exception noted above shall be limited to use on plats and shall not be carried into any other survey documents submitted for approval to the County Engineer.

- 2) Curve data may be tabulated subject to the following conditions or exceptions;
 - a) External boundary data may not be tabulated;
 - b) Where data is tabulated, a minimum of the arc length and the curve designation number or letter will be shown on site; and
 - c) Curve tables reflecting the tabulated data will appear on the map sheet on which the curves appear.

8. Lot and Block Identification

Each lot and block shall be numbered or lettered. All lots shall be numbered or lettered by progressive numbers or letters individually throughout the subdivision or progressively numbered or lettered in each block. Blocks in each incremental plat shall be numbered or lettered consecutively throughout a subdivision.

9. Street Names

The plat shall show the name of each street as shown on the Final Subdivision Plan and conforming with Art. 11.E.2.A.20, Street Names.

10. Not Included Parcels

Not included or excepted parcels must be marked "not a part of this plat". Where a not included parcel is completely surrounded by areas included within the plat, sufficient easements or rights-of-way to provide necessary access, utilities, and drainage to the not included parcel shall be provided. No parcel of land shall be reserved by the owner unless the same is sufficient in size and area to be of some particular use or service. The intended use of all reserved areas shall be shown on the plat in note form on the cover sheet.

11. Streets and Easements

All street, R-O-W, and easement widths and dimensions shall be shown on the plat. Easements are to be tied at both ends at intersecting boundary, lot, or R-O-W lines. The plat shall show the name, location and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat, accurately tied to the boundary of the plat by bearings and distances.

12. Maintenance and Use Documents

Maintenance and use covenants, as required by Art. 5.F.1, Maintenance and Use Documents, shall be submitted with the Final Plat and approved by the County Attorney prior to recordation of the Final Plat. All areas of the plat that are not to be sold as individual lots and all easement shall be dedicated or reserved in accordance with the terms of the maintenance and use covenants, and their purposes shall be clearly stated on the plat.

13. Streets

All streets and their related facilities which are designed to serve more than one lot or dwelling unit shall be dedicated to the Board for public use, unless otherwise required or permitted by this paragraph or elsewhere in this Article. Any street which is to be reserved, as a private street shall be identified as a tract for private street purposes. Such street tracts shall be reserved in accordance with Art. 11.D.1.B.15.a, Dedication and Reservation. Private streets may only be permitted when such streets are subject to a recorded declaration of covenants subjecting the streets to the jurisdiction and control of all lot owners deriving access from such streets, their successors and assigns. When parking areas are required to be constructed by Art. 11.E.2, Access and Circulation Systems, they shall be reserved to and shall be the perpetual maintenance responsibility of a POA, which association shall have jurisdiction over the parking area and the lots. Such parking areas shall be clearly identified and reserved as tracts for parking and access purposes.

14. Restriction on Obstruction of Easements

The plat shall contain a statement that no buildings or any kind of construction or trees or shrubs shall be placed on any easement without prior written consent of all easement beneficiaries and all applicable PBC approvals or permits as required for such encroachment.

15. Certification and Approvals

The plat shall contain on the face or first page the following certifications and approvals, acknowledged as required by law, all being in the form set forth below.

a. Dedication and Reservation

All areas dedicated for public use shall be dedicated by the owner of the land at the time the plat is recorded. Such public areas include, but are not limited to: civic sites, parks, R-O-W for streets or alleys, however the same may be designated; easements for utilities; R-O-W and easements for drainage purposes; and any other area, however designated. All areas reserved for use by the residents of the subdivision shall be reserved by the owner of the land at the time the plat is recorded. All dedications and reservations shall be perpetual and shall contain:

- 1) The name of the recipient or beneficiary of the dedication or reservation (including successors and assigns);
- 2) The purpose of the dedicated or reserved area; and
- 3) The name of the entity responsible for the perpetual maintenance of the dedicated or reserved area (including successors and assigns). In the event PBC is not the recipient or beneficiary of the dedication or reservation, the statement of maintenance responsibility shall include the phrase "without recourse to the County."

If so required, certain dedications or reservations shall grant PBC the right but not the obligation to maintain. The dedications and reservations shall be executed by all owners having a record interest in the property being platted. The acceptance on the plat of the dedications or reservations shall be required of any entity to whom a dedication or reservation is made, except the Board. All dedications, reservations, and acceptances shall be executed in the same manner in which deeds are required to be executed according to Florida Statutes.

Although the term "dedication" is meant to imply a public use while the term "reservation" is meant to imply a private use, the terms may inadvertently be used interchangeably. Inadvertent misuse shall not invalidate any PBC requirement or plat dedication or reservation.

b. Mortgagee's Consent and Approval

All mortgages along with the mortgagee's consent and approval of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged in the same manner as mortgages are required to be witnessed and acknowledged. The form for the mortgagee's consent shall be as prescribed in the Land Development Forms Manual.

c. Certification of Surveyor

The Final Plat shall contain the signature, registration number and official seal of the surveyor, certifying that the plat is a true and correct representation of the land surveyed under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all of the requirements of F.S. Chapter 177, as amended, and this Article. If the surveyor is part of a legal entity, the name, address, and certificate of authorization number of said entity shall be shown. The certification shall also state that permanent reference monuments ("P.R.M.s") have been set in compliance with F.S. Chapter 177, as amended, and this Article. When the permanent control points ("P.C.P.s") and monuments according to F.S. §177.091(9), are to be installed after recordation, the certification shall also state that the "P.C.P.s" and said monuments will be set under the direction and supervision of the surveyor under the guaranty posted for required improvements within the plat. When required improvements have been completed prior to the recording of a plat, the certification shall state that "P.C.P.s" and monuments have been set in compliance with the laws of the State of Florida and ordinances of PBC. The form for the surveyor's certificate shall be as prescribed in the Land Development Forms Manual.

d. PBC Approval

Signing and sealing of the final plat by the County Engineer shall constitute PBC approval of the plat for recordation. The plat shall contain the approval and signature block for the County Engineer in the form prescribed in the Land Development Forms Manual. Upon approval of the plat, the County Engineer shall present the plat to the Clerk of the Circuit Court for recording.

e. Certification of Title

The title sheet of the plat shall contain a title certification. The title certification must be an opinion of an attorney at law licensed in State of Florida, or the certification of an abstractor or a title insurance company licensed in State of Florida, and shall state that:

- 1) The lands as described and shown on the plat are in the name, and apparent record title is held by the person, persons or organizations executing the dedication;
- 2) All taxes have been paid on said lands as required by F.S. Chapter 197.192, as amended;
- 3) All mortgages on the land are shown and indicated by their official record book and page number; and
- 4) There are no encumbrances of record on said lands that would prohibit the creation of the proposed subdivision.

The form for the title certification shall be as prescribed in the Land Development Forms Manual.

f. Preparing Surveyor

The name and address of the natural person who prepared the plat shall be shown on the plat in the form prescribed in the Land Development Forms Manual.

C. Mobile Home, Recreational Vehicle, and Manufactured Housing Subdivisions

Areas to be subdivided for the purpose of a mobile home, recreational vehicle or manufactured housing development shall also comply with this subsection. Except as to the lots indicated for other purposes, the dedications and reservations on the plat of a mobile home subdivision shall

include the following additional provisions or wording equal thereto: "Said owner(s) hereby reserve(s) the lots shown on the plat exclusively for mobile home, recreational vehicle, or manufactured housing, parking and uses incidental thereto, and, except as to these lots, mobile home or trailer parking is prohibited elsewhere." Areas indicated as parks or playgrounds are to be reserved for the use of the owners of the lots shown on the plat.

CHAPTER E REQUIRED IMPROVEMENTS

Section 1 Required Improvements

A. Minimum Required Improvements for All Subdivisions

Except when waived pursuant to Art. 11.A.8.C, Exceptions to Installation of Improvements Requirement, the improvements set out herein shall be the minimum required improvements for all subdivisions in order to provide the physical improvements necessary to implement certain performance standards, objectives and policies of the Capital Improvements Element and other elements of the Plan. These required improvements shall be installed prior to recordation of the corresponding plat or certified survey unless the developer furnishes a guarantee assuring their installation in accordance with the provisions of this Article. Except as provided in this Section, the cost of all required improvements shall be guaranteed.

1. Access and Circulation Systems

All streets and required sidewalks, and, when required under Art. 11.E.2, Access and Circulation Systems, parking areas shall be constructed by the developer in accordance with the design and construction requirements of Art. 11.E.2, Access and Circulation. The guaranty for these requirements shall be as follows:

- a. The cost of installing all street improvements shall be guaranteed.
- b. The cost of installing parking areas need not be guaranteed since the plat establishes legal access and such areas are required to be installed prior to issuance of the Certificate of Occupancy (CO).
- c. The cost of installing all sidewalks and paths pursuant to the approved pedestrian circulation system shall be guaranteed, except that the required guarantee may be waived by the County Engineer for portions of local streets abutting residential lots when the paving, grading and drainage plans contain a note, acceptable to the County Engineer, stating that such sidewalks or paths will be constructed concurrent with construction of the dwelling unit for such abutting lot. Installation of sidewalks and paths in streets abutting open space, common areas, recreation areas, water management tracts, and other areas which will not have a dwelling unit constructed thereon shall be guaranteed.

2. Land Preparation

The developer shall grade and fill the land pursuant to Art. 11.E.3, Clearing, Earthwork and Grading.

3. Stormwater Management System

The developer shall install the secondary and tertiary stormwater systems for the development in accordance with Art. 11.E.4, Stormwater Management. On lots intended for building construction, the final grading of each lot, consistent with Art. 11.E.4, Stormwater Management, or the applicable approved grading plan, shall be done in conjunction with and pursuant to the building permit for said construction.

4. Wastewater System

The developer shall install the required wastewater collection and/or disposal system for the development in accordance with Art. 11.E.5, Wastewater Systems.

5. Potable Water System

The developer shall install the required potable water distribution system for the development in accordance with Art. 11.E.6, Potable Water Systems.

6. Utilities

The developer shall satisfy the requirements for underground installation of utility services and for utility site location, when applicable, of Art. 11.E.7, Utilities.

7. Fire-Rescue Services

The developer shall comply with the requirements of Art. 11.E.8, Fire Rescue Services. The cost of installing the required hydrants may be included in the cost for the central water system.

8. Subdivision Design and Survey Requirements

The developer shall install all required permanent control points in accordance with Art. 11.E.9, Subdivision Design and Survey Requirements. When the permanent control points are to be installed after plat recordation, the cost of installing permanent control points shall be guaranteed.

B. General Design Requirements

The design of the required improvements shall be in accordance with acceptable engineering principles. The design and construction of required improvements shall, at a minimum, be in accordance with current PBC standards, including those contained in this Article. Should the developer elect to provide improvements of a type or design proposed to equal or exceed the minimum requirements, standards for design and construction of such improvements shall be evaluated for adequacy on an individual basis. All such alternatives shall be submitted for approval by the County Engineer in accordance with Art. 11.B.8.C, Alternate Design, Construction Standards, and Types of Material.

C. Parks and Recreation

The developer shall satisfy all applicable requirements for provision of parks, recreation areas, and recreational facilities to serve residents of a proposed subdivision in accordance with Art 5.F, Legal Documents. The means of complying with said requirements shall be fully addressed on the Final Subdivision Plan.

Section 2 Access and Circulation Systems

A. Vehicular Circulation Systems

1. Required Improvement to be Constructed by Developer

All streets, required alleys, and related facilities required to serve the proposed development shall be constructed by the developer. Construction shall consist of, but not be limited to, grading, base preparation, surface course, and drainage. All streets, whether intended for dedication to the BCC or reservation for private use and maintenance, shall be constructed to the minimum standards established by this Article and PBC standards. Additionally, the developer shall construct any parking tracts which provide access to any lots that do not have direct, primary access from a local street or residential access street. Construction of such parking tracts shall be completed prior to issuance of any CO for any dwelling unit located on a lot served by such parking tract. Construction of the parking tract may be done in conjunction with building construction on the lot the tract is to serve provided, however, that such construction shall be noted on the approved paving, grading and drainage plans in a form acceptable to the County Engineer. When the parking tract is to be completed in conjunction with building construction, the developer shall execute a certificate of compliance on a form approved by the Building Director prior to issuance of the CO for any dwelling unit or building served by such parking tract. Said certificate of compliance shall state that the parking tract was completed in accordance with the requirements of Art 6.A, Parking.

2. Minimum Legal Access Requirement

There is hereby established a hierarchy of legal access as shown on Table 11.E.2.A-1, Chart of Access Hierarchy. Except as provided below, each lot shall abut a street of suitable classification to provide said lot with legal access consistent with the standards set forth in Table 11.E.2.A-2, Chart of Minor Streets.

- a. When legal access to a lot is permitted by this Code to be by a common parking area which serves more than one lot, it shall be dimensioned and depicted on the construction plans and reserved on the plat as a "parking tract". Said tract shall be reserved for parking and access purposes to the property owners association having jurisdiction over the parking area and the abutting lots.
- b. A common driveway may, with prior approval by the County Engineer, be utilized for legal access to a group of not more than four abutting lots situated adjacent to a curve on a

residential access street where said lots would otherwise have no reasonable means of obtaining direct access to or required frontage on the adjacent residential access street. Said driveway shall be delineated and reserved on the applicable plat for purposes of perpetual access to the lots served.

- c. A common parking lot may be utilized for legal access to individual lots created by subdivision of a shopping center or similar building site developed solely for commercial or industrial uses where all lots within the boundary of such subdivision are served by said access and are subject to recorded shared access, maintenance, and use covenants approved by the County Attorney pursuant to Art. 5.F.1, Maintenance and Use Documents. Where such access is utilized, direct lot access on any street adjacent to the boundary of the subdivision shall be prohibited except at common access points approved for the subdivision as a whole.
- d. Traditional Development Districts shall utilize special access streets as defined in Art. 3.F, Traditional Development Districts.

3. General Design Considerations

The proposed street layout shall be integrated with PBCs traffic circulation network, and shall be coordinated with the street system of the surrounding area. Streets shall be classified and designed in accordance with the Transportation Element of the Plan, Table 11.E.2.A-2, Chart of Minor Streets, as applicable and PBC standards. Consideration shall be given to:

- a. The need for continuity of existing and planned streets;
- b. Barriers imposed by topographical conditions and their effect on public convenience or safety;
- c. The proposed use of the land to be served by such streets;
- d. The need for continuation of existing local streets in adjoining areas not subdivided;
- e. The proper projection of non-plan collector and plan collector streets;
- f. The feasibility of extending the proposed street system to the boundary of the proposed subdivision to promote reasonable development of adjacent lands and to provide continuity of street systems; and
- g. Discouraging through traffic in the design of local and residential access streets.

4. Double Frontage Lots

Where a lot has two frontage lines, legal access to the lot shall be restricted as follows:

a. Residential Lots

Where a lot abuts both a street of non-plan collector or higher classification and a local street, access to said lot shall be by the local street. The lot line(s) abutting any street of higher classification than a local street shall be buffered in accordance with the provisions of Art. 11.E.9.B, Buffering.

b. Non-Residential Lots

Where a lot abuts streets of local or higher classification, access to the lot shall be by the street of lower classification, unless otherwise permitted by this Code; provided, however, that access shall not be permitted on a local residential or residential access street as prescribed on Table 11.E.2.A-2, Chart of Minor Streets or Table 11.E.2.A-3, MGTS Cross Section Streets, as applicable.

5. Construction in Muck or Clay Areas

Construction in muck or clay areas shall be done in accordance with PBC Standards.

6. Street Intersections and Street Jogs

The centerline intersections of local or residential access streets with non-plan or plan collector streets shall be spaced a minimum distance of 200 feet, as measured along the centerline of the collector street. Intersections which warrant traffic signalization shall be spaced a minimum distance of 1320 feet, centerline to centerline. Connection of local streets to arterial streets may be permitted by the County Engineer only where other access is unavailable. Local street jogs with centerline offsets of less than 125 feet are prohibited.

7. Through and Local Traffic

Through traffic shall be directed along non-plan collector streets within the subdivision. Local streets shall be laid out to accommodate local or neighborhood traffic and to discourage their use by through traffic.

8. Railroads in or Abutting Subdivisions

When a subdivision borders on or contains a railroad R-O-W, a street approximately parallel to and on each side of such right of way may be required at a distance suitable for an appropriate use of the intervening land.

9. Alleys

Alleys may be allowed in subdivisions when they are necessary, in the opinion of the County Engineer, for the safe and convenient movement of traffic and pedestrians. Alley intersections and sharp changes in alignment shall be avoided and alleys shall be constructed in accordance with the following:

a. Residential Areas

Alleys shall be paved ten feet wide in a minimum 12 foot R-O-W, with appropriate radii for the intended use.

b. Commercial and Industrial Areas

Alleys shall be paved 18 feet wide in a minimum 20-foot right of way, with appropriate radii for the intended use.

10. Bridges and Culverts

Bridges or culverts shall be provided as necessary to facilitate the proposed vehicle and pedestrian system. The bridge or culvert requirement is subject to approval by the agency having jurisdiction over the facility being crossed. Bridges shall be designed in general accord with the current Department of Transportation practices and shall include planning for utility installation. They shall be reinforced concrete, unless, other low maintenance materials are approved by the County Engineer. Bridges shall have a clear roadway width between curbs two feet in excess of the pavement width in each direction, and shall have sidewalks four feet wide on each side. All bridge structures shall be designed for H-20-S16-44 loading, incorporating adequate corrosion protection for all metal work and erosion protection for associated shorelines and embankments.

11. Street Markers

Street markers shall be provided at each intersection in the type, size and location required by the current PBC Standards. Street name signs shall carry the street name shown on the plat of record and shall be in compliance with the current PBC standards.

12. Traffic Control Devices

The developer shall install traffic control devices and, where warranted, traffic signals on roads within and interfacing with the subdivision. A traffic impact analysis meeting the approval of the County Engineer shall be used to assist in establishing the need for such signals.

a. Pavement Markings or Lane Delineators

Pavement markings and/or lane delineators meeting the requirements of PBC shall be installed on all arterial and collector streets. Pavement markings or delineators may be required on other streets such as project entrances, as determined by the County Engineer.

b. Design

The design of traffic control devices shall be in accordance with the Manual for Uniform Traffic Control Devices and applicable the PBC Standards.

13. Pavement Widths

Pavement widths for streets shall be in accordance with Table 11.E.2.A-2, Chart of Minor Streets or Table 11.E.2.A-3, MGTS Cross Section Streets, as applicable.

14. Dead End Streets

Dead-end streets shall be designed and constructed with an appropriate terminal turnaround in accordance with the PBC Standards. Dead-end streets shall not exceed 1320 feet in length, except where natural geographic barriers exist necessitating a greater length.

15. Materials and Construction

Pavement construction shall consist of, at a minimum, a sub grade, base and wearing surface. All materials and construction shall be in accordance with the current PBC standards.

16. Shoulders

All unpaved shoulders shall be constructed and grassed in accordance with the PBC standards. Grassing, with seed and mulch or with solid sod, as required, shall be completed prior to acknowledgment of completion of the required improvements by the County Engineer. No time extensions to any contract for the construction of required improvement will be granted on the basis of incomplete shoulder treatment.

17. Street Grades

The longitudinal grade of street pavement shall be parallel to the design invert slope of the adjacent roadside drainage swale or gutter. Minimum longitudinal and transverse grades shall be in accordance with PBC standards. Street grades shall be shown on the construction plans by indicating the direction and percent of slope. The horizontal distance along the centerline between, and pavement elevation at all points of vertical intersection shall also be shown.

18. Non-Conforming Streets

Streets which do not meet the design and constructions standards of this Article and the PBC Standards shall not be permitted except where satisfactory assurance is provided for dedication of the remaining part of the street or reconstruction of the street in accordance with current standards. Whenever a tract to be subdivided abuts an existing partial street, the other part of the street may be required to be dedicated and constructed within such tract. A proposed subdivision that includes an existing street which does not conform to the minimum street width requirements of these regulations shall provide for the dedication of additional land for such street along either one or both sides of said street so that the minimum cross section dimension requirements of these regulations can be met. PBC shall not accept non-conforming streets for ownership or maintenance through the procedures established by this Article.

19. Limited Access Easements

Limited access easements shall be required along all non-plan collector streets and all major streets in order to control access to such streets from abutting property. Easements for controlling access to local and residential access streets may be required by the County Engineer in order to ensure continued control of access to such streets from abutting property. All limited access easements shall be conveyed or dedicated to PBC.

20. Street Names

Proposed streets which are in alignment with existing named streets should bear the name of the existing street. All street names shall have a suffix and in no case, except as indicated in the preceding sentence, should the name of the proposed street duplicate or be phonetically similar to existing street names. All proposed street names shall be submitted to the Executive Director of the PZB for approval prior to submittal of the Final Subdivision Plan application.

21. Alignment, Tangent, Deflection, Radii

Streets shall be laid out to intersect as nearly as possible at right angles. Multiple intersections involving the junction of more than two streets shall be prohibited. The point of curvature of any local street or residential access street shall not be closer than 100 feet to any intersection, measured along the centerline from the extension of the intersecting street lines. Reverse curves shall be prohibited. Reversals in alignment shall be connected by straight tangent segment at least 50 feet in length. All intersections shall be designed to provide at least the minimum stopping and turning sight distances, in accordance with criteria prescribed in the most recent edition of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. When the centerline of a local street deflects by more than ten degrees, it shall be curved with a radius adequate to assure safe sight distance and driver comfort. Street pavement return radii shall be a minimum of 30 feet.

22. Street Lighting

If street lighting is installed it shall be maintained by a POA and said association should not be created exclusively for the purpose of maintaining street lighting. Unless street lighting installation conforms to the standards of the requisite utility company, street lights shall be placed outside of R-O-W, road tracts, or any other areas designated for road purposes.

Streets lighting shall be wired for underground service except where aerial service is permitted pursuant to Art. 11.C.1.C, Exceptions to Requirements, or Art. 5.C, Design Standards.

23. Median Strips

Median strips which are part of a public street may not be utilized for any purpose other than by PBC or public utility. However, a developer or property owner may install landscaping in a median strip or within shoulders in accordance with requirements as established by the County Engineer pursuant to the PBC Streetscape Standard Manual. Median strips shall not be developed solely for the purpose of creating decorative entrances to subdivisions served by public streets.

24. Subdivision Entranceways

Subdivision entranceways consisting of walls, fences, gates, rock piles or other entrance features are not permitted within the median strip or other areas in a public street. Decorative entranceways must be constructed upon plots of land adjacent to a public street in compliance with applicable PBC codes and placed so as not to constitute a traffic hazard.

25. Guardhouses

A guardhouse, located so as not to create a traffic hazard, may be constructed in the median of an entrance to a subdivision having only private streets. The minimum setback to a guardhouse shall be 150 feet, measured from the extension of the intersecting street lines, unless waived by the County Engineer. Two lanes shall be required on each side of the median in the area of the guardhouse.

Table 11.E.2.A-1 - Chart of Access Hierarchy

| |
|---|
| MAJOR STREETS: Streets which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category: |
| EXPRESSWAY |
| ARTERIAL |
| PLAN COLLECTOR |
| MINOR STREETS: Streets which constitute the internal circulation network of a development and which are not classified as a MAJOR STREET. Listed from highest to lowest category. |
| NON-PLAN COLLECTOR |
| MARGINAL ACCESS |
| LOCAL |
| RESIDENTIAL ACCESS (private streets only): |
| 40 FOOT |
| 32 FOOT |
| ALLEY (secondary access only) |

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Table 11.E.2.A-2 - Chart of Minor Streets

| CLASSIFICATION | MINIMUM WIDTH (FT.) STREET ^(b) PAVEMENT ^(c) | | MAXIMUM ALLOWABLE ADT ^(d) | ALLOWED AS LEGAL ACCESS FOR ^(a) | |
|-----------------------------------|--|----|--|---|-------------|
| | | | | COMMERCIAL | RESIDENTIAL |
| Non-Plan Collector | 80 | 24 | 13,100 | X | |
| Marginal Access | 50 | 24 | N/A | X | X |
| Local Residential ^(e) | | | | | |
| Gutters | 50 | 20 | 1,500 | | X |
| Swales | 60 | 20 | 1,500 | | X |
| Local Commercial | 80 | 24 | 13,100 | X | X |
| Residential Access ^(f) | | | | | |
| One Sidewalk | 40 | 20 | 800 | | X |
| No Sidewalk | 32 | 20 | 150 | | X |

Notes:

- ^(a) An "x" under the commercial or residential column indicates the corresponding street classification is allowed as legal access.
- ^(b) Street width refers to standard R-O-W or private street tract width.
- ^(c) Pavement width represents two travel lanes of equal width and does not include the additional width of paved shoulder where required.
- ^(d) Dead end streets of all classifications shall not exceed 1,320 feet in length unless otherwise approved by the County Engineer.
- ^(e) Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface.
- ^(f) Use is restricted to private streets providing access to townhouse and zero lot line units within a Planned Development district.

Table 11.E.2.A-3 - MGTS Cross Section Streets

| CLASSIFICATION | MINIMUM WIDTH (FT): ^(e) | | MAXIMUM ALLOWABLE ADT ^(d) | ALLOWED AS LEGAL ACCESS FOR: ^(a) | |
|---|------------------------------------|-------------------------|---|--|-------------|
| | STREET | PAVEMENT ^(c) | | COMMERCIAL | RESIDENTIAL |
| Plan Collector-Urban/Suburban Tier | | | | | |
| Standard | 62 | 22 | 13,100 | X | |
| Variation | 64 | 22 | 13,100 | X | |
| Plan Collector-Exurban/Rural/Ag Reserve Tiers | | | | | |
| Standard | 104 | 24 | 1,500 | X | |
| Non Plan Collector-Urban/Suburban Tier | | | | | |
| Standard | 110 | 24 | 13,100 | X | |
| Non Plan Collector-Exurban/Rural/Ag Reserve Tiers | | | | | |
| Standard | 102 | 24 | 13,100 | X | |
| Local Commercial-All Tiers ^(f) | | | | | |
| Standard | 46 | 22 | 10,000 | X | |
| Local Residential-All Tiers ^(f) | | | | | |
| Standard | 57 | 20 | 1,500 | | X |
| Variation | 63 | 20 | 1,500 | | X |

Notes

- ^(a) An "X" under the commercial or resident column indicates the corresponding street classification is allowed as.
- ^(b) Street width refers to standard R-O-W or private street tract width.
- ^(c) Pavement width and does not include the additional width of paved shoulder, where required, or parking.
- ^(d) Dead end streets of all classifications shall not exceed 1,320 feet in length unless otherwise approved by the County Engineer.
- ^(e) Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface.
- ^(f) Required for all TDD's.

B. Pedestrian Circulation System

1. Requirement for Sidewalks

Except as provided in this Section, sidewalks shall be constructed on both sides of all streets.

For marginal access streets and streets with a width of less than 50 feet and greater than 32 feet, a sidewalk on one side at a minimum dimension of six feet is required. No sidewalk is required in streets with a width of 32 feet or less. Required sidewalks shall be constructed by the Developer except as provided in Art. 11.E.1.A.1, Access and Circulation Systems.

2. Master Pedestrian Circulation Plan; Waiver of Requirement

The DRO may approve a Master Pedestrian Circulation Plan and, upon such approval, may waive, in whole or in part, the requirement for sidewalks within the street of a subdivision, or portion thereof, where it finds that the alternative pedestrian circulation system provides accessibility, convenience, continuity and safety equivalent to or greater than that which would be provided by the required sidewalks. The Master Pedestrian Circulation Plan shall be submitted by the developer for approval concurrently with, and shall be considered part of the approved Final Subdivision Plan.

a. Requirements for Master Pedestrian Circulation Plan

An application, the required fee, and the required number of copies of a Master Pedestrian Circulation Plan shall be submitted in accordance with Art. 2.D.1.D, Application Requirements, for placement on the agenda of the DRO. The Master Pedestrian Circulation Plan shall be a full-sized reproducible copy of the approved Final Subdivision Plan, and shall be modified, when necessary, to show:

- 1) The location of all lots and the number and type of dwelling units on each lot;
- 2) The classification and width of each street;
- 3) The location, width, and type of each pedestrian path, including those sidewalks and bicycle paths to be constructed within the streets; and
- 4) Locations of all connections to pedestrian systems outside the development.

b. Distribution of Approved Plan

Upon approval of a MPCP, a copy of the approved plan shall be forwarded to the County Engineer, Zoning Director, Building Director, and Metropolitan Planning Organization.

3. Maintenance Responsibility of Sidewalks and Paths

The control, jurisdiction and maintenance obligation of paths not located wholly within a street and of sidewalks within private streets shall be placed with a property owners association or an improvement district. Where such control and maintenance obligation is to be placed with an improvement district, the district shall expressly accept said obligation upon the plat or by a separate instrument filed in the Public Records.

C. Reduction of Street Width

When pedestrian circulation is to be accomplished solely by paths constructed outside the streets, the DRO may approve a concurrent request by the developer to reduce local street widths from those required pursuant to Art. 11.E.2.A.2, Minimum Legal Access Requirement, by no more than eight feet if such reduction would neither reduce the vehicular carrying capacity and safety of the streets nor compromise the safety of pedestrians.

D. Crosswalks

When the block length exceeds 660 feet, a pathway between streets may be required where deemed essential by the County Engineer to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Section 3 Clearing, Earthwork, and Grading

A. Minimum Required Improvement

The Developer shall be required to clear all R-O-W and to make all grades for streets, parking tracts, lots, and other areas proposed to be developed, compatible with on-site tertiary drainage patterns established by the approved drainage design.

B. Unsuitable Materials

The Developer shall remove and replace unsuitable materials, as determined pursuant to Art. 11.A.3.E, Site Suitability, and Art. 11.B.6.F, Soils Report. Replacement of unsuitable materials within streets and proposed public areas shall be satisfactory to and meet with the approval of the County Engineer, who shall require such soil tests of the backfill and the underlying strata at the cost of the developer as may be deemed necessary to ascertain the extent of required removal, suitability of replacement material, and acceptability of the proposed method of placement.

Section 4 Stormwater Management

A. Minimum Required Improvement

The following shall be the minimum required improvement for all developments to implement the level of protection under the Utilities Element of the Plan.

1. A complete, fully functional tertiary stormwater drainage system, including necessary lot grading, ditches, canals, swales, storm sewers, drain inlets, manholes, headwalls, endwalls, culverts, and other appurtenances, shall be required for the positive drainage of storm water runoff in conformance with the approved drainage plans.
2. A complete and fully functional secondary stormwater system shall be required in conformance with the approved stormwater management plan.
3. A means to convey all stormwater discharge from the development site to at least one point of legal positive outfall shall be provided as an integral part of the required stormwater management system, including construction of all necessary conveyance facilities and establishment of appropriate easements for operation and maintenance of said off-site facilities.
4. Adequate physical and legal means shall be provided to ensure the continued conveyance of all pre-development flow of surface waters into or through the development site from adjacent lands. Unless otherwise specified by ordinance, regulation, or condition of development approval, such conveyance may be accomplished by incorporating the inflow into the on-site stormwater management system or diverting the inflow to its pre-development location of outflow from the development site, including construction of all necessary conveyance facilities and establishment of appropriate easements to accommodate said inflow.
5. All facilities necessary to meet requirements for stormwater treatment, off-site discharge control, and conveyance of existing inflows applicable to that portion of the site under construction must be in place and operational at the time of commencement of construction of required improvements, and shall be maintained by the developer until such time that all required improvements are acknowledged as complete.

B. General Criteria

Secondary and tertiary stormwater facilities for each subdivision, and for each lot, street, and other development site within the subdivision, shall be designed and constructed so as to:

1. Prevent flooding and inundation to a degree consistent with levels of protection adopted by the Plan for buildings, streets, lots, parking areas, recreational areas, and open space;
2. Maintain stormwater runoff rates at levels compatible with safe conveyance and/or storage capacities of drainage facilities and established legal limits applicable to receiving waters at the point of discharge;
3. Mitigate degradation of water quality and contravention of applicable state water quality standards in surface and groundwaters receiving stormwater runoff;
4. Provide facilities for conveyance to legal positive outfall of all allowable discharges of stormwater runoff from each development site without causing or contributing to inundation of adjacent lands;
5. Provide for continued conveyance of pre-development stormwater runoff and surface waters that flow into or through the development site from adjacent lands;
6. Provide for long-term, low maintenance, low cost operation by normal operating and maintenance methods;
7. Provide for necessary maintenance of the pre-development range of groundwater levels to prevent adverse impacts on land uses and water resources of the development site and adjacent lands; and
8. Promote percolation, recharge, and reuse of stormwater.

C. Hydrologic Design Data

Unless otherwise specified by a particular design or performance standard, or approved by the County Engineer based on justification submitted by the developer's engineer for an individual case, hydraulic and hydrologic data used in design of stormwater management facilities shall be based on:

1. Rainfall intensity-duration-frequency curves for FDOT-Zone 10;
2. Rainfall hyetographs of 24-hour total rainfall as published in SFWMD - Management and Storage of Surface Waters Permit Information Manual -Volume IV;
3. Rainfall quantity (or intensity) vs. time distributions in accordance with those published by SFWMD or FDOT, or the SCS - Type II (South Florida Modified) distribution;
4. Post-development runoff characteristics, such as slopes, available soil storage, runoff coefficients, ground cover, channelization, and overland flow routing, applicable to the development site and contributory off-site areas after complete development has occurred; or
5. Maximum operating tailwater elevations at the outlet of each conveyance or discharge facility, determined as the maximum hourly average receiving water surface elevation resulting from a 24-hour duration rainfall with a return period equal to that of the design storm applicable to the facility, or as otherwise established by the agency having operational jurisdiction over the receiving water elevation.

D. Design Flood Elevation Determination

Unless otherwise specified by a particular design or performance standard, the 100-year flood elevation applicable to a development site shall be determined as the highest of:

1. The base flood elevation specified for the area of development located within zones designated A, AH, or A1-30 as delineated on the appropriate FIRM;
2. The wind or current driven wave elevation specified for the area of development located within zones designated V1-V30 as delineated on the appropriate FIRM;
3. The inundation elevation obtained by adding the depth of shallow flooding to the area-weighted mean pre-development elevation of the area of development located within zones designated A0 as delineated on the appropriate FIRM;
4. The 100-year inundation elevation established by SFWMD within specific sub-areas of the C-51 Canal and C-18 Canal watersheds pursuant to Chapter 40E-41, F.A.C.; or
5. Where not otherwise established by Chapter 40E-41, F.A.C., or by a PBC drainage plan adopted pursuant to the Plan, the maximum inundation elevation resulting from the total on-site storage of runoff produced by the 100-year, 3-day rainfall event assuming fully developed site conditions and no discharge of surface water from the development site.

E. Tertiary Stormwater System Design and Performance

The tertiary system shall consist of all drainage features and facilities such as storm sewerage, swales, gutters, culverts, ditches, erosion protection, and site grading necessary for the immediate drainage and rapid removal of stormwater from building sites, streets, and areas of other land uses subject to damage or disruption by inundation in accordance with acceptable levels of service as established by the Plan.

1. Lot and Building Site Drainage

In order to provide for such levels of service, tertiary drainage for lots and buildings shall meet the following minimum requirements:

- a. The minimum finished floor elevation of the principal building(s) to be constructed on a lot or portion thereof shall be at or above the 100-year flood elevation applicable to the building site.
- b. Site grading immediately adjacent to the perimeter of each building shall be sloped so as to drain away from the structure.
- c. Each single family residential lot shall be graded to drain along or within its property lines to the street or parking area providing immediate access, unless adequate common drainage facilities in expressed drainage easements with an established maintenance entity are provided to accommodate alternative drainage grading.
- d. Each residential lot with gross area of one-quarter acre or less shall have a finished grade not lower than the maximum water surface elevation produced by the three-year, 24-hour rainfall event in any detention or retention facility receiving stormwater runoff from the lot.
- e. Each residential lot with a gross area greater than one-quarter acre shall have a finished grade as specified in Art. 11.E.4.E.1.d within 20 feet of any principal building site. The remainder of the lot shall be graded at sufficient elevation to ensure that inundation does not persist for more than eight hours following cessation of the three-year, 24-hour rainfall

event, unless such area is designated for stormwater management purposes and included in an expressed easement for drainage, floodplain, or the like.

2. Minor Street Drainage

Except as provided in Art. 11.E.4.E.3, Non Plan Collector Street Drainage, minor streets shall have tertiary drainage meeting or exceeding the following minimum requirements.

- a. The minimum edge of pavement elevation of any street segment shall be no lower than two feet above the control elevation of any detention or retention facility receiving runoff from that segment.
- b. Roadside swales shall conform to applicable PBC standards and shall be designed and constructed such that:
 - 1) The flowline gradient is at least 0.30 percent, but not greater than 2.5 percent unless approved erosion protection is provided;
 - 2) The flowline gradient is equal to or slightly exceeds the longitudinal gradient of adjacent pavement;
 - 3) The water surface elevation of swale flow resulting from peak runoff based on the three-year rainfall event shall not exceed the adjacent edge of pavement at any point along the swale run. However, at least one storm sewer inlet or other acceptable discharge facility shall be provided for every 600 linear feet of swale, and no single swale run shall exceed 400 feet to an inlet; and
 - 4) The soil adjacent to each inlet is protected from local scour by installation of a four-foot wide perimeter apron of sod or concrete.
- c. Curb and gutter drainage shall conform to applicable PBC standards and shall be designed and constructed such that:
 - 1) The flowline gradient is at least 0.20 percent;
 - 2) The water surface elevation of flow resulting from peak runoff based on the three-year rainfall event shall not exceed the adjacent centerline elevation of pavement at any point. However, at least one storm sewer inlet or other acceptable discharge facility shall be provided for every 600 linear feet of pavement, and no single gutter run shall exceed 400 feet to an inlet; and
 - 3) Surface flow of runoff across street intersections is prevented by provision of corner inlets and cross drains or by grading of gutters to flow away from the intersection.

3. Non-Plan Collector Street Drainage

Non-Plan collector streets shall have tertiary drainage meeting all appropriate requirements for minor streets except that:

- a. Conveyance capacity of road drainage facilities shall be based on peak runoff resulting from the five-year rainfall event; and
- b. The water surface elevation of gutter flow resulting from peak runoff based on the five-year rainfall event shall not exceed the adjacent centerline elevation of the outermost travel lane at any point.

4. Parking Tract and Parking Area Drainage

Each residential parking area serving three or more dwelling units and all non-residential parking areas shall have a finished grade elevation not lower than the maximum water surface elevation produced by the three-year, 24-hour rainfall event in any retention, detention, or conveyance facility receiving stormwater runoff from the lot. However, where detention or retention is provided by subsurface exfiltration systems the finished grade shall be no lower than the maximum storage elevation produced by the five-year, 24-hour event.

5. Storm Sewerage

Storm sewerage shall be designed and constructed so as to meet or exceed the following requirements:

- a. Where not otherwise specified, all storm sewer system capacity design shall, at a minimum, provide for conveyance of peak inflow from the applicable catchment, based on the three-year rainfall event, such that the hydraulic gradient elevation does not exceed the grate or cover elevation at any inlet or manhole under tailwater conditions pursuant to Art. 11.E.4.C.5, Hydrologic Design Data.
- b. Inlet times assumed for determining required street drainage system capacity shall not exceed ten minutes, unless adequate justification for use of longer times is submitted.

- c. Storm sewer pipe shall have a nominal diameter of not less than 15 inches, or equivalent oval pipe size.
- d. Storm sewerage shall be designed to attain design flow velocities of not less than two and one half feet per second in all pipe runs serving two or more inlets, nor greater than ten feet per second in any pipe run.
- e. A suitable access structure such as a manhole, junction box, or inlet must be installed at each junction or change in pipe size, slope, or direction.
- f. The maximum pipe run between access structures shall be:
 - 1) 300 ft. for 15" and 18" pipe;
 - 2) 400 ft. for 24" - 36" pipe; and
 - 3) 500 ft. for 42" and larger pipe.
- g. All pipe used in the storm sewer system shall be either reinforced concrete or metal, covered by and conforming to current ASTM, AASHTO, or ANSI standard specifications for materials and fabrication of barrel and joints, and shall meet current FDOT standard specifications and policies applicable to the intended use.
- h. Concrete pipe shall have gasket joints.
- i. When metal pipe is used beneath pavement within a street, it shall be designed to provide a joint-free installation or, where joint-free installations are not feasible, shall be jointed with a 12-inch wide band having a mastic or neoprene gasket providing a watertight joint. Other jointing techniques meeting or exceeding these requirements may be used upon submittal to and approval by the County Engineer.
- j. Drainage pipe shall be fitted with headwalls, endwalls, inlets and other appropriate terminating and intermediate structures. Structure design shall meet or exceed PBC standards.

F. Secondary Stormwater System Design and Performance

The secondary system, including all facilities and appurtenant structures for detention, retention, discharge, and conveyance to legal positive outfall, shall be designed and constructed to provide the degree of treatment and control of all stormwater runoff discharged from a development site necessary to meet the requirements of the agency having jurisdiction over receiving waters at each point of legal positive outfall.

1. In addition to requirements expressly stated herein:
 - a. Secondary facilities for development subject to permitting by individual or general permit from South Florida Water Management District pursuant to Chapters 40E-4, 40E-40, or 40E-41, F.A.C., shall meet all requirements for issuance of the applicable permit; and
 - b. Secondary facilities for each residential, commercial, and industrial development exempt from South Florida Water Management District permitting pursuant to Chapter 40E-4, F.A.C., except an individual residential lot containing not more than two dwelling units, shall be designed and constructed on site, or otherwise be provided through authorized connection to off-site secondary facilities, so as to limit the discharge rate at the point of legal positive outfall to not more than the peak runoff rate produced by the site under pre-development conditions for both the three-year, one-hour and the 25-year, 72-hour rainfall events, and either:
 - 1) Detain the greater of the first one inch of runoff or the total runoff from the three-year, one-hour rainfall event; or
 - 2) Retain the initial portion of runoff in an amount equal to one-half of that required to be detained.
2. No discharge of stormwater runoff resulting from rainfall up to and including the 25-year, 72-hour event shall take place from a development site except by means of one or more approved discharge structures, other than those existing inflows from off-site for which separate, approved means of conveyance through the site have been provided.
3. Facilities for conveyance of discharge to each point of legal positive outfall shall be designed and constructed with adequate capacity to accommodate the combined flow from the applicable discharge structure(s) and all inflows from other contributory areas resulting from the 25-year, 72-hour rainfall event without overflow to adjacent lands.

4. Except where bulk heading is approved in accordance with Art. 4.D, Excavation, each wet detention/retention facility designed for storage of stormwater runoff in an open impoundment shall have:
 - a. Side slopes no steeper than four (H): one (V) extending to a depth of at least two feet below the design control elevation;
 - b. Side slopes no steeper than two (H): one (V) from two feet below control elevation to the bottom of the facility; and
 - c. A continuous berm, at least 20 feet wide with a cross-slope no steeper than eight (H): one (V), graded adjacent to the shoreline. Where said berm abuts any residential lot, it shall be graded at an elevation not lower than the maximum design water surface elevation resulting from the three-year, 24-hour rainfall event. Along portions of the impoundment where the design water surface is less than 40 feet wide at control elevation a berm shall be required on only one side, provided that adequate legal and physical access is established from a minor street to each separate segment of the remaining berm.
5. Dry detention/retention facilities designed for storage in open impoundments shall have side slopes no steeper than four (H): one (V).
6. All normally exposed side slopes and maintenance berms of open impoundments shall be fully grassed or otherwise protected from erosion.
7. Each piped inlet to an open impoundment shall have a concrete or sand-cement rip-rap endwall designed and constructed with suitable foundation for installation on the slope or bed of the impoundment as applicable. However, the endwall may be eliminated on inlets to wet detention impoundments where the pipe is installed with the crown at least two feet below the control elevation and with the pipe invert protruding at least two feet beyond the side slope.
8. Stormwater runoff from pavement, roofs, and unpaved areas of compacted soil surfaces with no significant vegetative cover shall be directed over grassed, pervious soil surfaces as diffused flow prior to entering wet detention/retention facilities or dry detention facilities in order to promote infiltration, particulate deposition, nutrient removal, and interception of debris or other undesirable materials which may overload, pass through, cause nuisance conditions in, or increase maintenance needs of said facilities.
9. In order to protect against overdrainage of surrounding lands, no control elevation shall be lower than the pre-development average annual mean water table elevation of the detention facility site.

G. Stormwater Management and Maintenance Access Rights

1. Each secondary system facility for detention or retention of stormwater runoff in an open impoundment shall be placed entirely within a water management tract dedicated or deeded to an acceptable entity responsible for operation and maintenance of the stormwater management system.
2. Except as otherwise provided pursuant to this Article, there is hereby required around each water management tract established for purposes of wet detention or retention in an open impoundment a lake maintenance easement a minimum of 20 feet in width and graded at a slope no steeper than eight (H): one (V), coinciding with the required maintenance berm. The width of the easement shall be measured from the point at which the grade is not steeper than eight (H): one (V). Lake maintenance from an abutting local street may be permitted by the County Engineer in accordance with good engineering practices. Access to a lake maintenance easement from at least one minor street shall be established as part of said easement or, when necessary, by separate express easement or other instrument of record. A lake maintenance easement shall be required on only one side of the water body or water management tract where the water surface at control elevation does not exceed 40 feet in width; provided, however, that elimination of said easement does not isolate any remaining lake maintenance easement from proper access. If the water surface at the control elevation is greater than 40 feet wide, a lake maintenance easement shall be required on both sides. No lake maintenance easement shall be required behind bulkheads; provided, however, an easement not less than ten feet in width shall be provided behind bulkheads where necessary to provide access to outfalls and, further, that elimination of said portion of lake maintenance easement does not result in isolating any remaining lake maintenance

easement from required access. In residential subdivision, lake maintenance easements, including required access, shall be established over common areas only, and shall not encroach residential lots.

3. Easements shall be provided where necessary at a width adequate to accommodate the stormwater management facilities. A minimum width of 12 feet shall be provided for underground storm drainage installations. Where swales are used, the width shall be adequate to accommodate the entire design section between tops of slope. Where canals or ditches are permitted, the width shall be adequate to accommodate drainage facilities plus 20 feet on one side for maintenance purposes. Drainage easements shall be provided to accommodate existing drainage of surface waters from off-site contributory areas. When a subdivision is traversed by existing canals, watercourses, streams, drainage ways or channels, there shall be provided a drainage easement or R-O-W conforming substantially with the lines of such watercourse and of such further width or construction or both as will be adequate for access, maintenance, and floodplain purposes.

H. Certificate of Compliance for Lots

When the finished lot grading required by Art. 11.E.4.E.1, Lot and Building Site Drainage, Art. 11.E.4.E.4, Parking Tract and Parking Area Drainage, is to be completed in conjunction with building construction, prior to issuance of the Certificate of Occupancy the developer shall submit to the Building Director a Certificate of Compliance from a State of Florida registered professional surveyor, engineer, or landscape architect. Such statement shall be in a form approved by the Building Department and shall state that lot grading was done in accordance with either the approved grading plan for the subdivision or, in the absence of such plan, in accordance with the applicable requirements of Art. 11.E.4.E.1, Lot and Building Site Drainage, and Art. 11.E.4.E.4, Parking Tract and Parking Area Drainage.

Section 5 Wastewater Systems

A. General Requirement

Except in rural subdivisions, or where otherwise approved pursuant to Art. 11.E.5.B.2 a sewage collection/transmission system with appropriate service connection to each lot shall be provided for connection to a central sewer system. Such system shall be designed and installed in accordance with the Department of Environmental Protection (DEP) requirements, applicable permits or approvals obtained from the utility responsible for the central sewer system, and the appropriate permits secured from the PBCHD.

B. Individual System

1. In rural subdivisions, a septic tank system is an acceptable method of sewage disposal for each lot, when permitted by the PBCHD as per the standards prescribed in Art. 15.A, Onsite Sewage Treatment and Disposal Systems.
2. In subdivisions other than rural subdivisions, and in which each lot has an area of at least one acre, a septic tank system is an acceptable method of sewage disposal for each lot, conditioned upon the following.
 - a. The subdivisions maximum build-out is 20 acres.
 - b. The applicable central wastewater system Utility Service Provider approving the use of septic tanks, based upon the Utilities determination that provision of central wastewater service to the subdivision would require all of the following:
 - 1) the installation of a wastewater lift station and force main; and
 - 2) the installation of more than half a mile of wastewater force main from an existing available public wastewater collection system to the nearest boundary of the subdivision;
 - c. The PBCHD permitting the use of septic tanks per the standards prescribed in Art. 15.A, Onsite Sewage Treatment and Disposal Systems.

Section 6 Potable Water Systems

A. General Requirement

Except in rural subdivisions, a potable water distribution system with appropriate service connection to each lot shall be provided for connection to a central water system. Such system shall be designed and installed in accordance with the Department of Environmental Protection (DEP) requirements, applicable permits or approvals obtained from the utility responsible for the central water system, and the appropriate permits secured from the PBCHD.

B. Individual System

In rural subdivisions, or where otherwise allowed, an individual well system is an acceptable method of providing potable water for each lot, when permitted by the PBCHD pursuant to the standards prescribed in Art. 15.B, Drinking Water Supply Systems.

Section 7 Utilities

A. Required Improvement

All utilities, including power and light, telephone and telegraph, cable television, wiring to street lights, and gas shall be installed underground, unless such requirement is waived by the County Engineer, as provided in this Section. Utilities shall be constructed in easements as prescribed by this Section. The developer shall make arrangements for utilities installation with each person furnishing utility service involved.

B. Easements

Utility easements 12 feet wide shall be provided where necessary to accommodate all required utilities across lots and shall have convenient access for maintenance. Where possible, easements shall be centered on lot lines. Where possible, utility easements should be provided for underground utilities across the portion(s) of the lot abutting a street or parking area. When a utility easement is to abut a street, the width may be reduced to ten feet. Additional utility easements may be required by PBC when, in the opinion of the County Engineer, such easements are necessary for continuity of utility service between subdivisions or other development and where necessary for maintenance and service. Utility easements and drainage easements shall not be combined. Where crossings occur, drainage easements shall take precedent. Easements shall be coordinated with requisite utility authorities and shall be provided as prescribed by this Article for the installation of underground utilities or relocating existing facilities in conformance with the respective utility authority's rules and regulations.

C. Exceptions to Underground Installation

1. Applicability

This Section shall apply to all cables, conduits, or wires forming parts of an electrical distribution or communications system, including service lines to individual properties and main distribution feeder electrical lines delivering power to local distribution systems. This Section shall not apply to wires, conduits or associated and supporting structures whose exclusive function is to transmit or distribute electricity between subdivisions, generating stations, substations and transmission lines of other utility systems, or perimeter lines located adjacent to a subdivision.

2. Standard Exception for Appurtenant, on the Ground Facilities

Appurtenances such as transformer boxes, pedestal mounted terminal boxes, meter cabinets, service terminals, telephone splice closures, pedestal type telephone terminals or other similar "on the ground" facilities normally used with and as a part of the underground distribution system may be placed above ground, but shall be located so as not to constitute a traffic hazard.

3. Exceptions Requiring Approval of County Engineer

All other proposals for aboveground installation of utilities shall be submitted to the County Engineer at the time of the preliminary submittal. Such request shall be made in writing and noted on the construction plans. The County Engineer shall, at the time of the preliminary review, consider the request and all pertinent information, including but not limited to the construction plans, existing installations, and other information the County Engineer deems

necessary. Any approval or denial pursuant to this Subsection shall be set forth in writing, which may be by separate statement to the developer and the developer's engineer or may be part of the County Engineer's response to the preliminary review.

4. Convertibility

Any new service which, by virtue of an approved waiver granted pursuant to this Section, is allowed to be supplied by overhead utilities shall be connected to a service panel that is convertible for underground utility service at a future date.

D. Installation in Streets

After the subgrade for a street has been completed, and before any material is applied, all underground work for the water mains, sanitary sewers, storm sewers, gas mains, telephone, electrical power conduits and appurtenances and any other utility shall be installed completely through the width of the street to the sidewalk area or provisions made so that the street will not be disturbed for utility installation. All underground improvements installed for the purpose of future service connections shall be properly capped and backfilled.

Section 8 Fire-Rescue Services

A. Required Improvement

Fire hydrants shall be provided where central water systems are provided. Fire hydrants shall be provided in the manner prescribed in this Section.

B. Single Family Developments of Less than Five Units per Acre

Fire hydrants shall be spaced no greater than 600 feet apart and not more than 300 feet to the center of any lot in the subdivision and shall be connected to mains no less than six inches in diameter. The system shall provide capability for fire flow of at least 700 gallons per minute in addition to a maximum day requirement at pressures of not less than 20 pounds per square inch. The system shall have the capability of sufficient storage or emergency pumping facilities to such an extent that the minimum fire flow will be maintained for at least four hours or the current recommendations of the insurance services office, whichever is greater.

C. Multiple Family Developments of Over Five Dwelling Units per Acre, Commercial, Institutional, Industrial or Other High Daytime or Nighttime Population Density Developments

In these areas fire hydrants shall be spaced no greater than 500 feet apart and the remotest part of any structure shall not be more than 300 feet from the hydrant and shall be connected to mains no less than six inches in diameter. Fire flow shall be provided at flows not less than 1200 gallons per minute in addition to a maximum day requirement at pressures of not less than 30 pounds per square inch.

D. Charges for Use

Charges made for the use of the fire hydrant or water consumed there from when a fire protection authority uses the fire hydrant in the performance of its official duty shall be as regulated by the Public Service Commission.

Section 9 Subdivision Design and Survey Requirements

A. Required Improvement

The Developer shall install the required buffering and, when recording a plat, shall comply with Art. 11.E.9.F, Survey Requirements, for setting of "P.R.M.s" and "P.C.P.s."

B. Buffering

Residential developments shall be buffered and protected from adjacent expressways, arterials and railroad rights-of-way with a five foot limited access easement, which shall be shown and dedicated on the plat, except where access is provided by means of a marginal access road or where such expressway, arterial or railroad R-O-W abuts a golf course.

C. Blocks

1. General Considerations

The length, width and shape of blocks shall be determined with due regard to:

- a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;

- b. Zoning requirements as to lot size and dimensions;
 - c. Need for convenient access, circulation, control and safety of vehicular and pedestrian traffic; and
 - d. Limitations and opportunities of topography.
- 2. Maximum Length**
Block lengths shall not exceed 1320 feet between intersecting streets. Provided, however, that greater lengths may be approved by the County Engineer on an individual basis after considering such factors as but not limited to, lot size, the ADT, number of through streets, street layout and other engineering considerations, in accordance with acceptable engineering practices.
- D. Lots**
All lots shall have the area, frontage, width, and depth required by this Code or applicable zoning approval for the prevailing or approved use zone wherein said lots are located.
- 1. Existing Structures**
When a subdivision is proposed upon land with existing structures that are proposed to be retained, lots are to be designed so as not to cause said existing structures to become nonconforming.
 - 2. Lots Abutting Major Streets**
When lots are platted abutting a major street or non-Plan collector street, access shall be provided by and limited to local streets or residential access streets. No access from individual lots shall be permitted directly to a major street.
 - 3. Through Lots**
Double frontage lots or through lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation. Where double frontage lots are developed they shall be buffered as required by this Code.
- E. Minimum Safe Sight Distance and Corner Clips at Intersections**
Street lines at the intersection of two streets shall be connected by a diagonal line in accordance with current PBC standards for corner clips. Corner lots shall be designed to facilitate a safe intersection with respect to minimum stopping and turning sight distances in accordance with criteria prescribed in the most recent edition of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. A restriction shall be placed on the plat prohibiting structures or landscaping over 30 inches high within any additional safe sight area required to be established over an individual lot in order to accommodate unusual conditions in the design of the lot or alignment of adjacent streets, said height being measured from the street crown elevation at the intersection.
- F. Survey Requirements**
- 1. Permanent Reference Monuments (P.R.M.s)**
Where monuments occur within street pavement areas, they shall be installed in a typical water valve cover as prescribed in the current PBC Standards.
 - 2. Permanent Control Points (P.C.P.s) and Monuments**
Permanent control points and monuments according to F.S. § 177.091(9), shall be installed as follows.
 - a. Installation Prior to Plat Recordation**
Where required improvements are constructed prior to recordation, the permanent control points and monuments shall be set prior to submission of the Final Plat and certified by the surveyor in accordance with Art. 11.D.1.B.15.c, Certification of Surveyor.
 - b. Installation After Plat Recordation**
Where required improvements are constructed after recordation, the permanent control points shall be set under the guaranties as required by Art. 11.E.9, Subdivision Design and Survey Requirements. In such case, the surveyor's certificate shall comply with Art. 11.D.1.B.15, Certification and Approvals. The signing surveyor shall provide the County Engineer with a copy of the recorded certification required by Art. 11.D.1.B.7.F as to his placement of the permanent control points and monuments.

CHAPTER F VARIANCES

Section 1 Variances

A variance from the literal or strict enforcement of the provisions of this Article may be granted by the Board of Adjustment in accordance with the provisions set forth in Art 2.B.3, Variances.

ARTICLE 12

TRAFFIC PERFORMANCE STANDARDS

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ARTICLE 12

TRAFFIC PERFORMANCE STANDARD

CHAPTER A GENERAL

Section 1 Intent and Authority

A. Intent

The BCC finds that safe, convenient, and orderly flow of vehicular traffic is necessary for the health, safety, welfare, and convenience of the public. It is the intent of this Article to ensure that roadways are in place and adequate to provide a Level of Service (LOS) that will provide safe, convenient, and orderly traffic flow.

It is the intent of this Article to implement the goals, objectives, policies, and standards of the Plan by amending and readopting the TPS Ordinance No. 90-40.

The BCC finds that the safe, convenient, and orderly flow of traffic will be achieved by the standards set forth herein.

Nothing in this Article shall preclude the BCC or other authority with the responsibility of issuing Development Orders from considering traffic, roadway, or Project conditions not specifically required by this Article or which are peculiar to the location, size, configuration, use, or relationship to the area of the proposed Project or the proposed Project itself; and to impose conditions necessary to serve the public interest.

B. Authority

The BCC has the authority to adopt this Article pursuant to Article VII, Sec. 1(g) and to Article VIII, Sec. 1, Fla. Const., the PBC Charter, F.S. §125.01 et seq., and F.S. §163.3161 and F.S. §163.3202 et seq., and Rule 9-J5, F.A.C.

Section 2 Definitions

A. Other Definitions

1. For purposes of this Article, except as specifically provided herein or unless the context clearly indicates otherwise, the terms defined in the Code of PBC, Florida, and the Plan shall have the meaning therein. In the event of a conflict between the Code and the Plan, the Plan shall prevail. The capitalization of defined terms herein is for the reader's convenience only. Failure to capitalize shall not be construed as an intent not to use the term in its defined meaning.

B. Terms Herein

In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to this Article:

1985 Manual - the Highway Capacity Manual, 1985, as published by the Transportation Research Board.

2000 Manual - the Highway Capacity Manual, 2000, as published by the Transportation Research Board.

Adopted Level of Service - LOS D; except as specifically set forth by the Plan or pursuant to Policies of the Transportation Element. For Test 2 it is LOS E except as set forth by the Plan.

Agreement - a Development Agreement, public facilities agreement, or other binding agreement entered into between the applicant and PBC or other service provider for the purpose of assuring compliance with the adopted LOS standards. The form of the Agreement may include, but not be limited to a Development Agreement pursuant to F.S. § 163.3220.

Applicant - Person seeking a Site Specific Development Order. In the unincorporated area, it consists of those Development Orders for which a Concurrency Certificate or Concurrency Exemption Determination is required.

Assured Construction - Road Construction Improvements scheduled to be made to the Major Thoroughfare System by one or more of the following means:

1. Inclusion in the adopted Five-Year County Road Program for commencement of construction; provided any anticipated non-public funds are secured by Performance Security;
2. Inclusion in the adopted Five-Year State Department of Transportation Work Program for commencement of construction;

3. Major Intersection or Link improvement for which a contract for construction which is secured by Performance Security has been executed and which, by its terms, requires that construction be completed within six years;
4. Major Intersection or Link improvement which will be constructed pursuant to an Agreement; and which, by its terms, requires that construction be completed within six years;
5. Major Intersection or Link improvements which is required to be constructed pursuant to a condition of a Development Order which by its terms requires that it be completed within six years and which has been secured by Performance Security;
6. Specific inclusion in the capital improvements element of a municipal comprehensive plan for commencement of construction within five years provided:
 - a. the improvements are financially feasible, based on currently available public revenue sources adequate to complete the improvement; and
 - b. a comprehensive plan amendment would be required to eliminate, defer, or delay construction; or
7. For purposes of a Concurrency Certificate for a Site Specific Development Order only, a Major Intersection or Link that the Applicant agrees to construct and guarantee through a condition of approval, or Agreement, said construction to be completed prior to issuance of the certificate(s) of occupancy which are phased to the improvement(s) and to be secured by Performance Security within six months of issuance of the Site Specific Development Order. No further Development Order's for the Project shall be issued if Performance Security is not timely posted.

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

Background Traffic - the Projected traffic generation from Previously Approved but incomplete Projects, and other sources of traffic growth, as described in Art. 12.C.1.C.2.e, Pass by Trips.

Building Permit - a Development Order under F.S. §163.3164, issued under the Standard Building Code by the Building Division of PZB in the unincorporated area or similar department in a municipality authorizing the construction of a structure.

Buildout Period - the anticipated time between the issuance of the Specified Development Order and completion of a proposed Project as approved by the County Engineer in accordance with the standards set forth in Art.12.C.1.B.3, Projected Buildout Period, of this Section. Completion of a Project shall mean the issuance of the final certificates of occupancy (CO) for buildings in a Project. In the case of a non-residential Project, final CO for interior tenant improvements for 80 percent of the gross leasable area shall be the completion of the proposed Project for purposes of this Article. In the case of a residential Project, the completion of the proposed Project shall be the issuance of building permits for 80 percent of the units as set forth in the master plan or site plan as applicable.

Complete Application - an application filed with the Local Government which satisfied all application requirements of state law; and the relevant land development regulations, the general rules and policies adopted, and the customary general practices of the Local Government.

Concurrency Certificate - in the unincorporated area, Concurrency Reservation, or Adequate Public Facilities Determination, as defined in Art. 2.F, Concurrency, and Art 18, Definitions; or similar confirmation in a Municipality.

Concurrency Exemption Determination - a determination that the property in the Unincorporated Area is exempt from the concurrency requirements of the Plan pursuant to the Concurrency Exemption Ordinance No. 89-5, as amended.

Constrained Facility - a Link which is widened (or assumed to be widened under Test 2) to its adopted width as determined by the BCC as part of the Thoroughfare R-O-W Identification Map.

CRALLS - constrained roadway at a lower LOS - a Major Thoroughfare on which a lower LOS is set pursuant to Art. 12.I, Constrained Facilities, herein.

Critical Volumes - the sum of all movements in an intersection which conflict with one or more other movements as established pursuant to the Transportation Research Board, Special Report 209, Highway

Capacity Manual (1985), "Planning Analysis", pages 9-21 and 9-22, as amended by the PBC Intersection Analysis by Critical Sum Method. (See LOS D and E definitions).

D Factor - the ratio of peak hour directional traffic to peak hour two-way traffic, as provided in the FDOT Quality/LOS Handbook. Example: Peak Hour Two Way = 1,000 peak hour direction volume = 600, D = .60.

Development - as defined in F. S. § 380.04, except that it shall not include the following items listed therein the: (1) demolition of a structure except as an adjunct of construction; (2) clearing of land except as an adjunct of construction; and (3) deposit of refuse, solid or liquid waste, or fill on a lot unless the Site Specific Development Order is specifically for such as the end use and not as an adjunct to the end use.

Development Order - as defined in F. S. § 163.3164.

Downtown Revitalization - the physical and economic renewal of a central business district of a community as designated by the local government in its Comprehensive Plan, and including both downtown development and redevelopment.

Gross Trips - Project Trips plus internal trips.

Historical Traffic Growth Table - a table prepared by the County Engineer showing the preceding three year's increase or decrease in Average Daily Traffic or two-way Peak Hour Traffic on various Links, based upon traffic counts and which provide the information to be used in Projecting the Background Traffic.

Incorporated Area - those areas of PBC that are incorporated in a Municipality pursuant to Florida law.

Internal Trips - trips from a Proposed Project that do not exit the Project or enter the Major Thoroughfare system.

K Factor- The ratio of peak hour traffic to average daily traffic, as provided in the FDOT Quality/Level of Service Handbook. Example: ADT=10,000, peak hour traffic=1,000, k=0.10.

Level of Service (LOS) - the measure of the functional and operational characteristics of a roadway based upon traffic volume in relation to road capacity or the amount of vehicle delay or average speed.

Level of Service (LOS) D - as to Average Daily Traffic, Peak Hour Traffic two-way and Peak Direction on a Link, the numbers set forth in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, as to Traffic at an intersection, a Critical Volume of 1,400 or average delay of greater than 35 and less than or equal to 55 seconds based on the HCM 2000 operational analysis; as to speed thresholds, the numbers set forth in Table 12.B.2.C-5, 2B: LOS E Intersection Thresholds.

Level of Service (LOS) E - as to Average Daily Traffic, Peak Hour Traffic two-way and Peak Direction on a Link, the numbers set forth in Table 12.B.2.C-4, 2A: LOS E-Link Service Volumes as to Peak Hour Traffic at an intersection, a Critical Volume of one 1,500 or average delay of greater than 55 and less than or equal to 80 seconds based on the HCM 2000 operational analysis, as to speed thresholds, the numbers as set forth in Table 12.B.2.C-6, 2C: LOS E Speed Thresholds.

Link - the portion of a Major Thoroughfare between two Major Intersections.

Local Government - Art. 18, Definitions.

Local Government Plan - the Comprehensive Plan of the Local Government adopted pursuant to Part II of F. S. Chapter 163.

Major Intersection - the juncture of two or more Major Thoroughfares

Major Project - any Project, including those within municipalities, which is:

1. A Development of Regional Impact; or
2. A Project which generates more than seven 700 Net peak hour two-way Trips; or
3. Any Project of any type or size which is contractually or by condition of approval bound to financing or constructing any portion of a Major Thoroughfare which is not site related.

Major Project Table - a table or tables (or map) prepared by the County Engineer indicating the location of all Major Projects in PBC.

Major Thoroughfares - Major Thoroughfares are:

1. All streets as defined in the Thoroughfare R-O-W Identification Map, Map TE 14.1 of the Plan as it may be amended.
2. All existing, proposed or approved roadways that function or would function as major thoroughfares as determined by the County Engineer based on consideration of the following criteria:
 - a. provides continuity of an existing roadway;
 - b. provides connectivity to other Links of the thoroughfare network;
 - c. carries or is projected to carry a volume of at least 1,310 two - way peak hour trips;
 - d. provides an opportunity for decreasing vehicle miles traveled;

- e. provides an alternative to a parallel thoroughfare network roadway such that the demand on the parallel roadway is decreased.
3. All proposed and approved roads that would, if built, function as arterials and major collectors during the Buildout Period of the Proposed Project as determined by the County Engineer in accordance with accepted Traffic Engineering principles.
4. As to restricting the issuance of Site Specific Development Order's, it shall not include roads, which are the responsibility of any Municipality pursuant to functional classification under F. S. Chapter 335.

Model - the Florida Standard Urban Transportation Modeling Structure, using socioeconomic data to assign trips between traffic analysis zones on the Major Thoroughfare system on a daily basis.

Model Plan - the 2025 Transportation System for PBC Highway Component by the Palm Beach MPO, as amended by the County Engineer, to be published twice annually.

Model Radius of Development Influence - the radius of development influence used in the model test as set forth in Table 12.B.2.C-5, 2B: LOS E Intersection Thresholds. The distance shall be measured in road miles from the point at which the Proposed Project's traffic enters the first Link, not as a geometric radius.

Model Table - the table or map of the Major Thoroughfares maintained by the office of the MPO showing Model Traffic.

Model Traffic - the anticipated traffic assigned by the Model on the future Major Thoroughfare system resulting from all approved (both built and unbuilt) Projects, expressed in terms of Average Daily Traffic, as adjusted in accordance with generally accepted traffic engineering principles to more closely match PBC conditions.

Municipal Engineer - a Professional Engineer practicing traffic engineering employed or retained by the Municipality.

Municipal Official - the public official responsible for coordinating the application of this Section in the Municipality, it may be the Municipal Engineer.

Net Trips - Project Trips minus Pass-By Trips and the Previous-Approval Traffic or traffic from the Existing Use established in accordance with Art. 12.A.3.B, Credits Against Project Traffic.

Off –Peak Season - the time from June 1 through August 15, inclusive.

Pass-By-Trips - trips generated by a proposed Project which are trips already on the road Link on which the proposed Project is located.

Peak Hour Traffic - shall mean the one hour of traffic representative of the peak season, as defined in this Section and includes two-way and peak direction volumes. Peak Hour Traffic shall be determined from actual traffic counts conducted by the PBC. The Project may provide actual counts, at the approval of the County Engineer, or at the approval of the County Engineer, the Peak Hour Traffic may be determined by factoring the Average Daily Traffic by an approved "K" factor.

Peak Season - The time from January 1 through March 31, inclusive.

Performance Security - Sufficient funds over which PBC has control irrevocably committed by written instrument to secure complete performance of a contract or condition of a Development Order, or other Agreement in the form set forth by PBC policy of a:

1. Letter of Credit;
2. Escrow Agreement;
3. Surety Bond; or
4. Cash Bond.

Plan - Art. 18, Definitions.

Previous Approval, Previously Issued Development Order, Previously Approved Development Order - a Site Specific Development Order which:

1. in the unincorporated area, received a Concurrency Exemption Determination based on a Development Order for which completed application was made prior to or on May 21, 1987. It does not include an amendment or amendments to a Previous Approval applied for after May 21, 1987; and
2. in the incorporated area is a Valid Site Specific Development Order formally approved by a municipality: (1) for which a complete application was made to, and accepted by, a Municipality, prior to February 1, 1990; or (2) in the case of a Development of Regional Impact, a Development of Regional Impact which received a report and recommendation by the Treasure Coast Regional Planning Council prior to February 1, 1990, all pursuant to formally established procedures pursuant to the Municipality's land development regulations. It does not include applications for

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

Previous Approval-Traffic - Project Traffic resulting from units or square footage of a Previous Approval established pursuant to Art. 12.A.3.B, Credits Against Project Traffic.

Project - a land use or group of land uses, or land development activity or activities, or amendment thereto, which require the issuance of a Development Order(s). All Public Civic Sites dedicated as part of a PUD or otherwise obtained by a governmental agency for public use shall be considered a Project separate from the PUD for the purposes of reviewing the traffic impacts of the Civic Sites under this Article.

Project Accessed Link - the paved Link(s) that serve as the Projects immediate and direct access or means of ingress and egress. If not directly accessed, the first Link reached. Each access point of a Project shall be considered to have access to at least one Link provided that the access points of a Project may be considered to share a common Link.

Project to Provide Affordable Housing - a Project eligible for the special applicability in Art. 12.H, Affordable Housing, pursuant to either:

1. BCC determination, upon the recommendation of the Commission on Affordable Housing, both based upon the criteria developed by the Commission on Affordable Housing and adopted by ordinance of the BCC; or
2. Art. 12.H.1, Applicability, of this Section.

Project Traffic/Project Trips - the number of trips generated by the proposed Project (this includes reductions for internal trips). In the event no specific use, size, or density is proposed, the maximum trips possible under the Site Specific Development Order shall be Project Traffic. Average Daily Project traffic shall be generated using the "Official Daily Trip Generation Rate" Table 10.8-1 of Art. 13, Impact Fees. If the appropriate rate is not provided in this table, then latest edition of Trip Generation published by the Institute of Transportation Engineers (ITE) shall be used to determine the trip generation rate. Peak hour Project traffic volumes shall be generated using the latest edition of the ITE Trip Generation handbook or as approved by the County Engineer pursuant to Art.12.C, Traffic Impact Studies.

Radius of Development of Influence - the area surrounding a proposed Project as set forth in Table 12.B.2.D-7, 3A: Test One - Maximum Radius of Development Influence herein. The distance shall be measured in road miles from the point at which the proposed Project's traffic enters the first Link, or Links, not as a geometric radius.

Segment - a section of roadway containing thoroughfare and non-thoroughfare Links and intersections which comprise a unit of roadway, of sufficient length and characteristics to be defined by the County Engineer, for the HCM operational analysis allowed under Test One – Link Analysis alternative.

Site Specific Development Order - a Development Order issued by a Local Government which establishes the density or intensity, or maximum density or intensity, or use, group of uses, or permitted uses and which approves a specific plan of Development on a lot or lots pursuant to an application by or on behalf of an Owner or contract purchaser, including applications initiated by a Local Government. It may apply to a lot or lots under single ownership or a group of lots under separate ownership. It shall not include general rezoning/district boundary changes initiated by the Local Government which do not involve a particular development concept, except "down zonings" under this Article of the Code. It includes those Development Order's referenced in policies 2-g and 2-h of the Plan in the Capital Improvements Element, including amendments thereto. It shall apply to all parcels or lots in their entirety taken together of any Subdivision. It includes site specific rezonings, special exceptions, conditional uses, special permits, master plan approvals, site plan approvals, plat approvals, and building permits. It may or may not authorize the actual commencement of development. Two or more Development Order's which individually do not constitute a Site Specific Development Order shall be considered a Site Specific Development Order if when taken together they meet the definition of Site Specific Development Order.

Standards of This Section - the requirements that Site Specific Development Orders satisfy the LOS provisions of this Section.

Subdivision - as defined in Art. 11, Subdivision, Platting and Required Improvements of the Code of PBC, Florida as to the unincorporated area, and as defined in the Municipal Land Development Regulations in the Municipality.

Thoroughfare R-O-W Identification Map or Plan - as described in the Transportation Element of the Plan, Support Document, II, Existing Transportation System.

Through-Intersection Continuity - at least one left turn lane at the intersection and the same number of through lanes as on the Link for at least 3,120 feet beyond the Major Intersection, including transition in accordance with FDOT Standards.

Total Traffic - the sum of:

1. Existing Traffic;
2. Net Trips; and
3. Background Traffic.

Traffic Impact Study - a traffic study of Links and intersections within the Radius of Development Influence and Model Radius of Development Influence of a proposed Project; and including the information, and prepared in accordance with requirements, set forth in Art. 12.C.1.C.2, Traffic Generation. For the Transportation Element of the Plan, it is the "LOS Impact Statement" referred to in the Capital Improvement Element of the Plan.

Traffic Performance Standards Appeals Board - the administrative appeals board with the authority and responsibility to hear appeals from the decision of the County Engineer or Municipal Engineer as to traffic engineering issues.

Traffic Volume Maps - the maps of the Major Thoroughfares produced and maintained jointly by the office of the MPO and County Engineer showing Average Daily Traffic, Peak Hour Traffic; two-way and peak directional.

Trip Generation - the attraction or production of trips caused by a given type of land development. The daily generation rates shall be as presented in Table 13.H.4-20, Fair Share Road Impact Fee Schedule. For daily rates not included in the table and all peak hour rates the latest edition of Trip Generation Manual published by the ITE or other trip generation approved by the County Engineer pursuant to Art. 12.C.1.C.2, Traffic Generation, shall be used to determine the trip generation rate.

Urban Infill - the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average non-residential intensity is at least a floor area ratio of 1.0 and vacant developable land does not constitute more than ten percent of the area.

Urban Redevelopment - demolition and reconstruction or substantial improvement of existing buildings or infrastructure within urban infill areas or existing urban service areas.

Urban Service Area, Existing - an area defined and mapped in a local government comprehensive plan that is a built-up area where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas are already in place.

Valid Site Specific Development Order - a Valid Site Specific Development Order which: was issued by a Local Government: (1) in accordance with proper procedure and in compliance with state law, and the land development regulations and codes, administrative rules and procedures, and general policies of Local Governments, and the requirements of all other agencies; (2) not by mistake; and (3) which has not expired, lapsed, or been abandoned, revoked, or canceled by operation of law, or by the Local Government or pursuant to the Local Government land development regulations or codes, rules, or policies.

Volume to Capacity (V/C) Ratio - the ratio of the volume of traffic on a Major Thoroughfare Link to the capacity of that Link as set forth in Table 12.B.2.C-1, LOS D Link Service Volumes.

Section 3 **Applicability**

A. General

1. Unless otherwise provided herein, this Article shall apply to all Site-Specific Development Order's or any other official action of a Local Government having the effect of permitting the Development of land.
2. Applicability to Incorporated Areas. The PBC Charter provides authorization to the BCC to adopt this Article for roads which are "not the responsibility of any municipality." The major thoroughfare system identified in the Plan includes some roads which are the responsibility of a Municipality. The Charter precludes the applicability of this Article to roads that, while being on the Major Thoroughfare system, are the responsibility of a Municipality. Accordingly, in the case of setting the LOS this Article shall not apply so as to restrict the issuance of Development Orders adding traffic to roads which are the responsibility of a Municipality.

B. Credits Against Project Traffic

This Section establishes a method for calculating credits against Project Traffic that may apply when seeking to amend a Previously Approved Development Order, or when applying for a Site Specific Development Order on property, which has an existing use. The burden shall be on the applicant to demonstrate the eligibility and the amount of credit for a proposed Project.

1. Any proposed amendment to a Previously Approved Development Order shall receive a credit for Project Traffic subject to the provisions of this Section. The credit shall be calculated by applying current trip generation rates and pass-by rates to the land use or uses previously approved by the Site Specific Development Order. The credit shall be adjusted as necessary to account for changes in traffic distribution resulting from modifications to the Previously Approved Development Order. The credit shall be reduced as applicable based on any subsequent reduction of square footage or number of units built pursuant to master plan or site plan amendment, and in accordance with any subsequent amendment to applicable municipal rules, policies or land development regulations.
2. Any application for a Site Specific Development Order on property on which there is an existing use shall receive a credit against Project Traffic subject to the provisions of this Section. The credit shall be calculated by applying current trip generation rates and pass-by rates that would be generated by the most recent existing use at the time of application. The credit shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed Project. A proposed Project shall not be eligible for an existing use credit if the structure or land on the property has been discontinued or abandoned for more than five years prior to the time of application.
3. A Project shall be eligible for a 100 percent credit against Project Traffic if the Previously Approved non-residential Project has received CO for interior tenant improvements for at least 80 percent of the gross leasable area for more than five years or a residential Project shall be deemed completely built when 80 percent of the units as set forth in the master plan or site plan as applicable have been issued building permits.
4. An urban redevelopment project located within a defined and mapped existing urban service area shall not be subject to the standards of this Section, for up to 110 percent of the traffic generation of the previously existing development.

C. Non-Applicability

1. Local Government Applications

The standards of this Section shall not apply to Local Government-initiated district boundary changes as part of an area-wide review and district boundary-change program, or any district boundary changes to conform with the Local Government Plan which does not authorize Development.

2. Development Order Time Limit Criteria

This Section shall not apply to PBC initiated petitions to lower density/intensity under Development Order Time Limit Criteria in Art. 2.E, Monitoring, of the Code. Nothing herein shall preclude the review of approvals under Development Order Time Limit Criteria, for consistency with this Section.

3. Entitlement

The standards of this Section shall not apply to Site Specific Development Orders not exceeding entitlement densities/intensities established in the Plan or Art. 12.A.8, Entitlement.

4. Special Events

The standards of this Section shall not apply to Site Specific Development Orders issued for special events as described below:

- a. For purposes of this Section, a special event is an activity which does not exceed three consecutive weeks a year, occurs no more frequently than once a year, and is open to the general public. It includes auto races; Fourth of July activities; parades; and festivals. It does not include recurring events such as baseball games, football games, concerts, races, and the like held in stadiums, amphitheaters, or other permanent facilities even if such facilities are used for special events. Each special event shall constitute a separate special event for purposes of calculating the number of weeks of the event. If the Plan is amended to provide more stringent provisions as to this exception, the Plan shall control.
- b. For the purposes of this Section, a special part time demand event is a development that does not have more than 200 scheduled events during any calendar year and does not put traffic on the roadway system during the 100 highest traffic hours.
 - 1) The 100 highest traffic hours for the area of the special part-time demand shall be determined by the County Engineer based on information from permanent count stations.

- 2) The development shall not be permitted if the daily traffic generated during a scheduled event has an impact that exceeds five percent of the LOS D Standard Volume on a roadway on the Florida Intrastate Roadway System.
- 3) The development shall be restricted to areas identified as urban infill, urban redevelopment, existing urban service, or downtown revitalization areas in the Local Government's Comprehensive Plan.
- 4) A traffic report shall be prepared that identifies the trip generation of the development, the modal split (if any), the location of the development, and the month and time of day of scheduled events. The Development Order for the development shall include monitoring and enforcement provisions restricting the development to the number and timing of the events.

5. Subsequent or Amending Development Orders

a. Subsequent Implementing Development Orders

The standards of this Article shall not apply to Site Specific Development Orders which are subsequent implementing Development Orders to Previously-Approved Site Specific Development Orders which were captured by this Section or Ordinance 90-6 (Traffic Performance Standards Municipal Implementation Ordinance), but which are required by Local Government as part of the Development approved under the captured or Previously-Approved Site Specific Development Order. Examples of these subsequent implementing Site Specific Development Orders are subdivision approvals and building permits issued in a planned unit development (PUD) where the PUD is a Previous Approval or met the requirements of this Article (either directly or through the Traffic Performance Standards Municipal Implementation Ordinance).

b. Amendments to Previously-Captured-Approvals

Amendments to Site Specific Development Orders which were captured by this Article or Ord. 90-6 (Traffic Performance Standards Municipal Implementation Ordinance) which do not increase the captured Site Specific Development Orders Net Trips or Net Peak Hour Trips on any Link or Major Intersection (including increases resulting from redistribution) shall not be subject to the standards of this Article. For purposes of this determination, the generation rates and capture rates of the captured Site Specific Development Order shall be updated to current generation and capture rates, if applicable, and shall be used to calculate whether there is any increase. If there is an increase, Net Trips shall be subject to the Standards of this Article.

6. Vested Rights

Notwithstanding the provisions of this Article to the contrary, the requirements of this Article shall not apply in any manner to impair vested rights established pursuant to Florida law, to the extent that any Project, or portion thereof, is vested as against the requirements of this Article.

7. Exceptions

The standards of this Article shall not apply to Site Specific Development Orders for the Coastal Residential use as set forth in Art. 12.J, Coastal Residential Exception, the small 100 percent very low and low-income housing Project as set forth in Art. 12.H, Affordable Housing and the special events, as set forth in Art. 12.A.3.C.4, Special Events.

8. Requirements

The exceptions to the standards of this Article (LOS Standards) do not obviate the requirement to report the Site Specific Development Order, or provide the Traffic Impact Study (where required), to the County Engineer.

D. Municipal Determination of Previous Approval

1. Validity

Only Valid Site Specific Development Orders which meet the definition of Previous Approval shall be considered Valid Previous Approvals.

2. Procedures

The Municipality shall establish procedures for determining what Previous Approvals have been granted. The procedures shall be at the sole discretion of the Municipality. The Municipality shall send its determination as to each Previous Approval to the Traffic Division of the County Engineer within 15 days of its determination.

3. Timing

The County Engineer shall have ten working days, exclusive of tolled days, from the receipt of the determination of the Municipality to review and determine if additional information is required.

4. Additional Information

If the County Engineer requests additional information, he shall have 30 days, exclusive of tolled days, from the receipt of the additional information to notify the property owner and Municipality as to, and file, an action for judicial review.

5. Period to File

The Municipality's determination shall not be effective, and the period to file an action shall not commence, until either: (1) the County Engineer has not requested additional information within the ten day period or, (2) if additional information is requested, the County Engineer has received all additional information requested.

6. Delivery

The documents sent pursuant to Art. 12.A.3.D.2, Procedures and Art. 12.A.3.D.4, Additional Information shall be sent certified mail, return receipt requested, or hand delivered.

7. Appeals

The appeal or review shall be to a Court of competent jurisdiction and may be filed by any substantially affected person, including any Local Government.

8. Limitation on PBC's Review/Appeal

- a. The time frames set forth in Art. 12.A.3.D.3, Timing, and Art. 12.A.3.D.4, Additional Information, above as to PBC are jurisdictional. Any failure on the part of PBC to timely send the notification shall result in the municipality's determination being conclusive and binding.
- b. Clerical errors in long-standing otherwise Valid Site Specific Development Orders on which development commenced prior to February 1, 1990 shall not be grounds for appeal or review.
- c. Any Municipal determination that there is a Previous Approval on a Lot upon which building construction or infrastructure improvements have been made within the last three years which are consistent with the Development Order considered to be the Previous Approval shall not be appealed by PBC.
- d. Any Municipal determination that a Valid Site Specific Development Order (as determined by PBC) issued prior to February 1, 1990, and within three years prior to February 1, 1990, is a Previous Approval and shall not be appealed by PBC.

9. Completion of Previous Approvals

The Municipality shall complete its review and determination of all properties within its jurisdiction as to Previous Approvals by July 1, 1991.

E. Municipal Concurrency Management System

A Municipality may, with the consent of PBC, enter into an intergovernmental agreement with PBC whereby the Municipality, by a concurrency management ordinance, implements the standards and requirements of this Article at different points in the land development approval process than those set forth in this Article. The agreement and ordinance shall ensure that all Development is subject to the standards and requirements of this Article, and that data is forwarded to PBC for capacity management and review consistent with this Article.

CHAPTER B STANDARD

Section 1 General

There is hereby established a TPS for all Major Thoroughfares within PBC. Except as specifically provided in this Article, no Site Specific Development Order shall be issued for a proposed Project which would violate this standard. This standard consists of two tests. The first test relates to the Buildout Period of the Project and requires that the Project not add Traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Project Buildout Period. Where a CRALLS service volume has been adopted, those volumes shall apply. This Section shall not apply to intersections on CRALLS Links where no intersection CRALLS service volume has been adopted. The second test relates to the modeling of traffic based upon Model Traffic. It requires that the Project address Traffic on any Link within the Model Radius of Development Influence. It requires that Total Model Traffic not exceed the Adopted LOS on any Link.

Section 2 Project Buildout/Model Standard

A. Buildout Test - Test 1- Part One and Two

No Project shall be approved for Site Specific Development Order unless it can be shown to satisfy the requirement of Parts One and Two of Test One as outlined below.

1. Part One – Intersections

This Part requires analysis of Major Intersections, within or beyond the Radius of Development Influence, where a Project's traffic is significant on a Link within the Radius Of Development of Influence. For purposes of this Part One, Major Intersections also includes intersections of a Major Thoroughfare and a non-thoroughfare road or other point of access where: 1) the intersection is signalized or where projected traffic volumes warrant a signal; and 2) the non-thoroughfare approach is projected to carry at least 200 two-way, peak hour trips and, 3) the non-thoroughfare approach represents 20 percent or more of the intersection critical sum volume.

- a. At the intersections in each direction nearest to each Project Accessed Link, analyze the Major Intersections using the Highway Capacity Manual (HCM) 1985 Planning Methodology (CMA). The intersections analyzed shall not exceed two intersections per Project Accessed Link.
- b. At all intersections where the Project Traffic comprises ten percent or more of the Total Traffic on at least one approach, the applicant shall conduct a CMA analysis.
- c. The intersections shall operate below the threshold of 1,400 vehicles per hour as a Critical Volume using CMA, or the Project shall fail Test One. In the event that one or more intersections exceed the 1,400 threshold, the applicant may elect to conduct the intersection analysis of those intersections using the HCM Operational Analysis.
- d. If the HCM Operational Analysis is selected, the analysis will comply with the default input values published by the County Engineer no more frequently than twice per year. Revisions to the input values may be made to reflect actual or projected field conditions where substantial differences from the default values can be demonstrated.

If the intersection average total delay or the Critical Volume is at or below the thresholds identified in Table 12.B.2.C-2 1B, the Project passes Part One of Test One and continues with the Part Two – Link Analysis. If the intersection average total delay or the Critical Volume exceeds the thresholds identified in Table 12.B.2.C-2 1B, the Project fails Part One of Test One.

2. Part Two – Links

The Total Traffic in the peak hour on the Link shall be compared to thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Peak Hour Traffic; two-way volume threshold. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test One. If the Total Traffic is higher than the threshold, then the Project fails Part Two. If the Project fails, the applicant may elect to complete a more detailed analysis as outlined below, to demonstrate compliance with Part Two.

- a. Optional Analysis i., On all Links where the peak hour Total Traffic exceeds the Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Peak Hour Traffic two-way volume thresholds, the Peak Hour directional traffic volumes on each Link shall be compared to the thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Class II. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test One. If the peak hour Total Traffic is higher than the threshold, then the Project fails. If the Project fails, optional analysis ii may be completed as outlined below, to demonstrate compliance with Part Two.
- b. Optional Analysis ii, On all Links where the Total Traffic peak hour directional volumes exceed the thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Class II, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-1 1A: LOS D Link Service Volumes, Class I and the Major Intersections on each end of the failing Link shall be analyzed using the CMA analysis. If these intersections exceed the 1,400 Critical Volume, these intersections must meet LOS D using the HCM Operational analysis. The Project shall pass Part Two of Test One using this Optional Analysis if:
 - 1) the Total Traffic peak hour directional volume on the Link is less than the thresholds in Table 12.B.2.C-1, 1A: LOS D. Link Service Volumes Class I;
 - 2) and the intersections are below the 1,400 Critical Volume or below the Delay Threshold in Table 12.B.2.C-2, 1B: LOS D Intersection Thresholds.If the Project fails Part Two of Test One using optional analysis ii a more detailed analysis as outlined in Optional Analysis iii may be completed to demonstrate compliance with Part Two.
- c. Optional Analysis iii, On all Links where the Total Traffic peak hour; two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, or the intersections at the end of a Link on which the total peak hour thresholds were exceeded, the HCM Arterial Analysis Operational methodology shall be conducted. For these Links, the Project shall demonstrate that the Total Traffic peak hour, directional volumes do not result in an average speed on the

Segment that is lower than the speed thresholds for LOS D as defined in Table 12.B.2.C-3, 1C: LOS D. Speed Thresholds. If the speed is lower than LOS D then the Project fails Part Two of Test One. If the speed is equal to or higher than the LOS D speed threshold, then the Project shall pass Part Two of Test One.

If the number of lanes is different in each direction of a Link both directions shall be evaluated against the applicable standard. If the Peak Season, Peak Hour, Peak Direction Traffic exceeds the Adopted Peak Season, Peak Direction LOS during the Buildout Period of the Project, no Site Specific Development Order shall be issued unless Link improvements are made, including Through-Intersection Continuity such that Test One, is satisfied. The Applicant may make intersection improvements in accordance with PBC or FDOT Design Standards to achieve the Adopted LOS Critical Volume.

B. Model Test/Test 2

1. Except as specifically provided in this Article, no Site Specific Development Order shall be issued which would add Net Trips to any Link within the Project's Model Radius Development Influence if the Total Model Traffic on that Link would result in an Average Traffic volume, as determined by the Model, that exceeds the Adopted LOS. For purposes of this analysis, the construction contemplated in the Model Plan shall be the basis.
2. For proposed Projects generating more than seven 7,000 Net Trips, except as specifically provided in this Article, no Site Specific Development Orders shall be issued which would add Net Trips to any Link within the Project's Model Radius of Development Influence if the Total Model Traffic (by utilization of Model to assign Net Trips) on that Link would result in an Average Traffic volume, as determined by the Model, that exceeds the Adopted LOS. For purposes of this analysis, the construction contemplated in the Model Plan shall be the basis.
3. If Test Two could be technically satisfied by improving the deficient Link(s), the County Engineer may determine that such improvements will not satisfy Test Two where such improvements do not result in additional capacity sufficient to solve the deficiency on the Major Thoroughfare Network or do not provide continuity based upon generally accepted traffic engineering principles.

C. Level of Service Standard

1. The LOS D Standard Service Volumes as to Average Daily Traffic, Peak Hour Traffic two-way and Peak Season, Peak Direction (Test 1 for Links are set forth in Table 12.B.2.C-1, 1A: The LOS D Link Service Volumes. The LOS D thresholds relative to intersections are set forth in Table 12.B.2.C-2 1B: The LOS D Intersection Thresholds. The LOS D threshold associated with the HCM arterial analysis in terms of speed is provided in Table 12.B.2.C-3, 1C: LOS D Speed Thresholds.
2. The LOS E Standard Service Volumes for Average Daily Traffic, Peak Hour Traffic two-way and directional, applied to Link Tests, are set forth in Table 12.B.2.C-4, 2A. LOS E Link Service Volumes, The LOS E thresholds relative to intersections are set forth in Table 12.B.2.C-5 2B, LOS E Intersection Thresholds. The LOS E thresholds associated with the HCM arterial analysis in terms of speed are provided in Table 12.B.2.C-6 2.C, 1C: LOS D Speed Thresholds.
3. For roads on the FIHS, the LOS standard shall be LOS D in Urban Areas and LOS C in Transitioning Urban Areas, Urban Areas, or Communities; and, LOS B in Rural Areas as adopted by the FDOT. This standard must be met for roadways on a peak hour/peak direction basis. Numeric values for this standard, for planning purposes, are shown in Table 5-1 in FDOTs "LOS Manual." For more specific capacity determinations, numeric calculations of this standard shall be in accordance with the methodologies for roadway capacity, (Chapter 11) contained within the Highway Capacity Manual, Special Report 209, Third Edition, as published by the Transportation Research Board or the FDOTs "Level of Service Manual" (1995 or as amended), using "ART-Plan". For Projects with impacts on the FIHS roadways the LOS standard shall be established and met for each Project phase, and at Project completion.
 - a. A Project with traffic impacts on roads on the FIHS, that received a Development Order prior to the implementation of the methodology described above, may readdress its traffic impacts on the FIHS based on the methodology described in Art. 12.B.2.C.3 above using updated traffic information.
4. A different service volume may be adopted for a specific road or intersection as part of the Plan as a CRALLS. A required roadway improvement that is the subject of a development order condition may not be necessary due to the adoption of a CRALLS. An applicant with a Project that has a development order condition for a roadway improvement or is phased to the unnecessary roadway improvement may request the appropriate governing body to remove the applicable roadway phasing condition. The application may be approved provided that the concurrency reservation (for

unincorporated Projects) or determination of the County Engineer (for municipal Projects) has been amended to delete the applicable roadway phasing condition.

Table 12.B.2.C-1 1A: LOS D Link Service Volumes

| FACILITY TYPE | | ADT | Peak Hour Two Way | Peak Season, Peak Hour, Peak Direction | |
|---------------------|------|---------|----------------------|---|------------|
| | | | | (Class I) | (Class II) |
| 2 lanes undivided | 2L | 14,900 | 1,390 | 880 | 790 |
| 2 lanes one-way | 2LO | 19,500 | 1,810 | 2,220 | 2,050 |
| 3 lanes two-way | 3L | 15,600 | 1,460 | 920 | 830 |
| 3 lanes one-way | 3LO | 29,300 | 2,730 | 3,340 | 3,100 |
| 4 lanes undivided | 4L | 24,400 | 2,270 | 1,390 | 1,280 |
| 4 lanes divided | 4LD | 32,500 | 3,020 | 1,850 | 1,710 |
| 5 lanes two-way | 5L | 32,500 | 3,020 | 1,850 | 1,710 |
| 6 lanes divided | 6LD | 48,900 | 4,550 | 2,780 | 2,580 |
| 8 lanes divided | 8LD | 60,100 | 5,590 | 3,400 | 3,180 |
| 4 lanes expressway | 4LX | 66,200 | 5,800 | 3,310 | 3,310 |
| 6 lanes expressway | 6LX | 101,600 | 8,900 | 5,080 | 5,080 |
| 8 lanes expressway | 8LX | 138,600 | 12,200 | 6,930 | 6,930 |
| 10 lanes expressway | 10LX | 173,200 | 15,200 | 8,660 | 8,660 |

Based on the FDOT LOS Manual, 1998 edition.

Table 12.B.2.C-2 1B: LOS D Intersection Thresholds

| LOS | Critical Movement | HCM Operational Analysis |
|-----|-------------------|--|
| D | 1,400 | Greater than 35.0 to 55.0 Seconds of Delay |

Note: The delay identifies seconds of delay greater than 35.0 and less than or equal to 55.0.

Table 12.B.2.C-3 1C: LOS D Speed Thresholds

| Urban Street Class | I | II | III |
|---------------------------------|---------------------------------------|-------------------------|-------------------------|
| Range of Free Flow Speeds (FFS) | 55 TO 45 miles per hour | 45 to 35 miles per hour | 35 to 30 miles per hour |
| Typical FFS | 50 miles per hour | 40 miles per hour | 35 miles per hour |
| LOS | Average Travel Speed (Miles per Hour) | | |
| D | Greater than 21 to 27 | Greater than 17 to 22 | Greater than 14 to 18 |

Note: speed values refer to a "range" of values that will achieve LOS D. For example speeds greater than 21 but less than or equal to 27 miles per hour will all be LOS D for a Class I roadway.

Table 12.B.2.C-4 2A: LOS E- Link Service Volumes

| FACILITY TYPE | | ADT | Peak Hour | Peak Season, Peak Hour, Peak Direction | |
|---------------------|------|---------|-----------|--|----------|
| | | | Two-Way | Class I | Class II |
| 2 lanes undivided | 2L | 16,200 | 1,500 | 880 | 850 |
| 2 lanes one-way | 2LO | 20,600 | 1,910 | 2,220 | 2,170 |
| 3 lanes two-way | 3L | 17,000 | 1,580 | 920 | 890 |
| 3 lanes one-way | 3LO | 31,000 | 2,890 | 3,340 | 3,280 |
| 4 lanes undivided | 4L | 25,700 | 2,390 | 1,390 | 1,360 |
| 4 lanes divided | 4LD | 34,300 | 3,190 | 1,850 | 1,810 |
| 5 lanes two-way | 5L | 34,300 | 3,190 | 1,850 | 1,810 |
| 6 lanes divided | 6LD | 51,700 | 4,810 | 2,780 | 2,730 |
| 8 lanes divided | 8LD | 63,400 | 5,900 | 3,400 | 3,350 |
| 4 lanes expressway | 4LX | 81,700 | 7,200 | 4,090 | 4,090 |
| 6 lanes expressway | 6LX | 125,400 | 11,000 | 6,270 | 6,270 |
| 8 lanes expressway | 8LX | 171,100 | 15,100 | 8,550 | 8,550 |
| 10 lanes expressway | 10LX | 213,800 | 18,800 | 10,690 | 10,690 |

Based on the FDOT LOS Manual, 1998 edition.

Table 12.B.2.C-5 2B: LOS E Intersection Thresholds

| LOS | Critical Movement | HCM Operational Analysis |
|-----|-------------------|---|
| E | 1500 | Greater than 55.0 to 80.0 Seconds of delay |

Note: The delay identifies seconds of delay greater than 55.0 and less than or equal to 80.0.

Table 12.B.2.C-6 2C: LOS E Speed Thresholds

| Urban Street Class | I | II | III |
|---------------------------------|---------------------------------------|-------------------------|-------------------------|
| Range of Free Flow Speeds (FFS) | 55 to 45 miles per hour | 45 to 35 miles per hour | 35 to 30 miles per hour |
| Typical FFS | 50 miles per hour | 40 miles per hour | 35 miles per hour |
| LOS | Average Travel Speed (Miles per Hour) | | |
| E | Greater than 16 to 21 | Greater than 13 to 17 | Greater than 10 to 14 |

Note: speed values refer to a "range" of values that will achieve LOS D. For example speeds greater than 21 but less than or equal to 27 miles per hour will all be LOS D for a Class I roadway.

D. Maximum Radius of Development Influence

Table 12.B.2.D-7 and Table 12.B.2.D-8 represent the maximum Radius of Development Influence (Test One) and Model Maximum Radius of Development Influence (Test Two) for the specific volume of the proposed Project's Net Trips. Where the distribution of the Project's Net Trips on the Major Thoroughfare system results in 95 percent or more of its traffic assigned beyond the Radius of Development Influence on one link, the radius will expand to include the Links of the first Major Intersection beyond the RDI.

Table 12.B.2.D-7 3A: Test One – Maximum Radius Of Development Influence

| Net External Off-Peak Hour | Two-Way Trip Generation | | Distance |
|----------------------------|-------------------------|-------|---|
| 1 | thru | 20 | Directly Accessed Link(s) of First Accessed Major Thoroughfare(s) |
| 21 | thru | 50 | 0.5 miles |
| 51 | thru | 100 | 1 mile |
| 101 | thru | 500 | 2 miles |
| 501 | thru | 1,000 | 3 miles |
| 1,001 | thru | 2,000 | 4 miles |
| 2,001 | thru | Up | 5 miles |

Table 12.B.2.D-8 -3B: – Test One Levels of Significance

| Facility | All Links (except I-95 and the Turnpike) | I-95/Turnpike |
|--------------------|--|--------------------|
| Significance Level | one percent LOS D | five percent LOS D |

Table 12.B.2.D-9 3B: Test 2 – Model Test –Maximum Radius Development Influence

| Net Trip Generation | Distance |
|---------------------|--|
| 1 – 50 | Need not address any Link under Test 2 |
| 51 – 1,000 | Only address Project-Accessed Link on first accessed major thoroughfare. |
| 1,001 – 4,000 | 1 Mi. |
| 4,001 – 8,000 | 2 Mi. |
| 8,001 – 12,000 | 3 Mi. |
| 12,001 – 20,000 | 4 Mi. |
| 20,001 – up | 5 Mi. |

A Project must address only those Links on which its Net Trips are greater than three percent of the LOS E of the Link affected on an ADT basis up to the limits set forth in Table 12.B.2.C-5, 2.B: LOS E Intersection Threshold. Provided, in all cases, I-95 shall be addressed only if Net Trips on I-95 are greater than five percent of the LOS E of the Link affected on an ADT basis up to the limits set forth in Table 12.B.2.C-5: 2.B: LOS E Intersection Threshold.

E. Phasing

Phasing may be utilized by the Applicant to establish compliance with this standard if all of the following conditions are met:

1. The Proposed Project is able to comply with all the other Concurrency Requirements of the Plan in the unincorporated area.
2. The proposed phasing results in the proposed Project complying with the standards set forth in this Chapter.
3. The proposed phasing comports with the extent and timing of the Assured Construction.
4. The County Engineer confirms that construction is in fact Assured Construction.
5. For any Assured Construction which is to be completed by the Applicant as to the Unincorporated Area, the Applicant must agree in writing prior to the application being accepted that a condition of approval must be imposed or an Agreement executed and sufficient Performance Security must be required; and as to the Incorporated Area either an Agreement must be executed by all parties prior to or concurrent with the issuance of the Site Specific Development Order, or the Site Specific Development Order must have as a condition the completion of the Assured Construction and timely posting of Performance Security.
6. Building Permits for that portion of a Project approved with phasing which if standing alone would be the Entitlement phase of the Project may be issued notwithstanding the standards in this Chapter.
7. Conditions of the Development Order are imposed or an Agreement is entered which ensure permits are restricted in accordance with the phasing.
8. Phasing shall be controlled by the non-issuance of building permits. Phasing may not occur by issuing building permits for any of the phased units or square feet and withholding the CO, inspections, or other items subsequent to the issuance of building permits. Local Government may control phasing by a means prior to the issuance of building permits.

F. Reliance on Assured Road Construction

If a Project is approved or phased based on Assured Construction, Building Permits shall be granted for the phase or portion of the Project approved based on the Assured Construction no sooner than the award of a contract by a governmental agency for the construction of the improvement, or commencement of construction, subject to the following:

1. If intersection improvements are required to meet Test one and there is a scheduled road construction Project which would incorporate all or a portion of such intersection improvements, then the County Engineer, in his/her sole and exclusive discretion, may require payment for the cost of such intersection improvement provided all other requirements of the TPS have been satisfied. In that event, upon receipt of the payment, Building Permits shall be granted for a portion of the Project which is phased to such intersection improvements. The payment shall be based on a certified engineering estimate accepted by the County Engineer.
2. If the Assured Construction is in the first three years of PBCs Five Year Road Program Ordinance as construction, or the first three years of the FDOT Adopted Work Program for construction, and was relied upon for the issuance of the Site Specific Development Order and the construction is subsequently deleted from the PBC Five Year Road Program Ordinance, or the FDOTs Adopted Work Program, Building Permits for development that was phased to that Assured construction shall be issued, but not sooner than the end of the fiscal year construction was to commence. For

purposes of this paragraph, "deleted" shall mean the elimination of the construction project, the material reduction in the scope of construction work or funding thereof (as it affects the construction project), the postponement of the construction project for more than two years (one year for projects approved prior to June 16, 1992) beyond the year the construction was originally programmed in the first three years of PBCs Five-Year Road Program or the first three years of the FDOTs Adopted Work Program.

3. Three-Year Grace Period notwithstanding the requirements in this Subsection, a Project may receive a building permit if the required roadway improvements are in the first three years of PBCs Five-Year Road Program, and the Project is one of the following:
 - a. located in the residential exception Area per Transportation Element Policy 1.2-a;
 - b. located in the Glades communities, delineated as the areas in the Urban/Suburban (U/S) Tier immediately east of Lake Okeechobee, and the areas with urban densities in the rural towns of Lake Harbor and Canal Point;
 - c. located in the Redevelopment and Revitalization Overlay; or
 - d. the Project is a facility that is wholly owned and operated by State or local government, or a public or private school as defined in the Introduction and Administration Element of the Plan.

G. Development of Regional Impact (DRI)

Development Orders for a DRI with a Project buildout of more than five years may meet Test One based on Development Order conditions that phase building permits to the commencement of Assured Construction for the first five years of the Project and the construction of identified roadway Links in the 2020 Plan Network beyond the first five years of the Project. Any roadway improvement required beyond the first five years must be Assured Construction not less than three years before the date that the roadway improvement is required. No building permits within the DRI that are phased to a roadway improvement may be issued until the roadway improvement that the building permits are phased to is under construction.

Notwithstanding the provisions above, any Project which is a DRI, located east of I-95, which is phased to any single roadway Project costing in excess of \$15 million, may consider that roadway project to be under construction for the purpose of issuing building permits if the roadway project is in the first three years of an adopted work program. The DRI development order must include a condition that the roadway project must be under construction no more than three years after the CO (or functional equivalent) for the portion of the development that precipitated the need for the roadway project.

CHAPTER C TRAFFIC IMPACT STUDIES

Section 1 Traffic Impact Study

A. Scope

A Traffic Impact Study shall be required for any Proposed Project, except as set forth in Art. 12.E.1.C, No Study Needed. It shall be presented concisely using maps whenever practicable; and shall state all assumptions and sources of information.

B. Criteria

The following criteria shall be addressed.

1. Level of Service (LOS)

The Adopted LOS for Test One and Test Two, as applicable, for all Major Thoroughfares within the applicable Radius of Development Influence shall be used.

2. Radii of Development Influence

The traffic study shall use the Radius Of Development Influence for Test One and Test Two.

3. Projected Buildout Period

The Projected Buildout Period of the Project shall be set forth in the study and shall be subject to the review and approval of the County Engineer, based on the following criteria.

- a. The size, type and location of the proposed Project.
- b. Customary Buildout Periods for Projects of similar size, type, and location.
- c. Any other factors or conditions relevant to the specific Project, including special market conditions and schedules of Assured Construction.

4. Project Phasing

The traffic study may reflect a proposed phasing schedule for the development of the proposed Project. This schedule shall address the time at which each phase will place traffic impacts on the Major Thoroughfares within the Radius of Development Influence and shall include the following:

A. Generation

Project traffic figures and assignments for each proposed phase; and

B. Assured Construction

Where the evaluation of phased traffic impact includes the effect of Assured Construction, sufficient information regarding the proposed construction to ensure that the roadways realistically will be constructed at the times stated.

5. Peak Hours

Generally, the study shall address the AM and PM Peak Hours, Total Peak Hour traffic, unless traffic characteristics dictate that only one of the Peak Hours is analyzed. In some cases, the County Engineer, may still require analysis of other Peak Hours where indicated by accepted traffic engineering principles. The total peak hours analyzed shall not exceed two in number.

- a. The afternoon Peak Hour between four and seven PM during the Peak Season shall be studied in all cases. Generally, the morning Peak Hour between six and nine AM during the Peak Season shall be also studied, unless higher volumes occur outside of the six to nine AM period at the intersection are observed. In that case other Peak Hours outside of the six to nine AM period during the Peak Season shall be used.
- b. Each AM and PM Peak Hour shall be the highest sum of the volume on the approaches to the intersection. It shall be the highest sum of four continuous 15-minute periods.
- c. Once the AM and PM Peak Hours are established, the Peak Hour Net Trips shall be assigned to the Major Intersection and Link for the Peak Hours studied.

6. Off-Peak to Peak Season Factors

Off-peak to peak season factors shall be established by the County Engineer for various areas of PBC based upon the best available data and generally accepted traffic engineering principles. Other factors based on generally accepted traffic engineering principles shall be used to update data where newer data cannot be obtained.

7. Net Trips

For proposed Projects generating more than seven thousand Net daily Trips, for Test Two the analysis shall include information sufficient for the County Engineer to utilize the Model to assign Net Trips to the Model Plan.

8. Compliance

The analysis must demonstrate compliance with the standards contained in Test One and Test Two.

9. Professional Services

The traffic study shall be prepared, sealed and signed by a qualified professional engineer, licensed to practice in the State of Florida and practicing traffic engineering.

10. List

A list of Municipalities within the proposed Project's Radius of Development Influence.

11. Site Related Improvements

In addition to the Link and intersection standards and studies, all peak hour(s) turning movements (including Pass-by trips) shall be shown and analyzed for all points where the Project's traffic meets the Project Accessed Links and other roads where traffic control or geometric changes may be needed, as determined by the County Engineer. Recommendations shall be made concerning signalization, turn lanes, or other improvements. PBC may require such improvements in the unincorporated areas to ensure the safe and orderly flow of traffic.

C. Traffic Volume Components

The traffic impact study shall address the Total Traffic volumes at the Project Buildout Year and the Model Forecast Year as outlined for Test One and Test Two.

1. Existing Traffic - (Peak Season Peak Hour Traffic)

Peak Hour Traffic, two-way and directional shall be counted by PBC during the Peak Season as defined in this Article. Where current data are not available the Project shall conduct counts or upon approval by the County Engineer may establish the Peak Hour Traffic using approved K and D factors.

a. Counts

The Applicant may provide traffic counts in accordance with accepted traffic engineering principles. Counts shall be made during any continuous two hour period on a weekday between

6:00 AM and 9:00 AM for any AM counts and 4:00 PM and 7:00 PM for PM counts. There shall be no counts on Fridays and legal holidays, unless otherwise authorized or required by the County Engineer, in accordance with accepted traffic engineering principles. All data are subject to review and acceptance by the County Engineer based upon accepted traffic engineering principles.

b. Factors

Where a Peak Season, Off-Peak Season or directional traffic count is not readily available, the count which is unavailable may be established using factors established by the County Engineer for various areas of PBC based on the best available data and generally accepted traffic engineering principles.

2. Traffic Generation

Traffic generated by the Project shall be computed in the following manner:

a. Rates

Trip generation rates presented in Table 13.H.4-20, Fair Share Road Impact Fee Schedule shall be used to calculate Average Daily Project trips. For peak hour Project trip generation and where no appropriate daily rates are listed in Table 13.H.4-20, Fair Share Road Impact Fee Schedule the rate equation or tables published in the latest edition of the ITE Trip Generation and Informational Report shall be used unless the County Engineer accepts that other standards provide a more accurate means to evaluate the rates of generation or if documentation is supplied by the Applicant which affirmatively demonstrates more accurate generation rates based on accepted engineering principles.

b. Local Conditions

The County Engineer shall publish, and update from time to time, trip generation rates for local conditions and, if applicable, these rates shall be used instead of the ITE rates.

c. Similar Developments

Actual traffic counts which establish the generation rate at three similar developments located in similar areas as the one proposed may be used if approved by the County Engineer in accordance with accepted traffic engineering principles. These counts shall be made for the weekdays (excluding legal holidays) as set forth in Art. 12.C.1.B.5, Peak Hours, for each site and averaged.

d. Internal Traffic

It is acknowledged that some trips generated by mixed use Projects do not exit the Project or enter the Major Thoroughfare system. Unless approved by the County Engineer, credit against the trip generation of a proposed Project shall not exceed ten percent of the gross trip generation of the Project, not including internalization between Service Station and Convenience Store uses. Additionally, credit for any individual land use within the proposed Project shall not exceed ten percent of the gross trip generation for the land use, except as provided herein. Internalization between Service Station and Convenience Store uses is established at 32 percent of the gross trip generation of the Convenience Store use.

e. Pass by Trips

It is acknowledged that some trips generated by a proposed non-residential Project are from existing traffic passing the proposed Project and are not newly generated trips. Credit against the trip generation of the proposed Project may be taken for these trips up to the percentage shown in Art. 13, Impact Fees, or the ITE manual when approved by the County Engineer. The study must detail: (1) all traffic generated from the Project, and (2) the number of Pass-By Trips subtracted from the traffic generated by the Project during the Buildout Period of the Project. Uses other than those listed in Art. 13, Impact Fees, and any percentage credit proposed to be taken in excess of that shown in Art. 13, Impact Fees, must be justified based on accepted traffic engineering principles to the satisfaction of the County Engineer as part of the required traffic study, based upon the peculiar characteristics and location of the proposed Project. Factors which should be considered in determining a different Pass-by rate include type and size of land use, location with respect to service population, location with respect to competing uses, location with respect to the surrounding Major Thoroughfare system, and existing and projected traffic volumes. In no case shall the number of Pass-By Trips exceed 25 percent of Existing traffic plus Background Traffic on the Link, unless demonstrated otherwise to the satisfaction of the County Engineer based on generally accepted traffic engineering principles.

3. Traffic Assignment

Total Traffic shall be computed, and traffic assignments of the Net Trips made, for each Link and Major Intersection within the Projects Radius of Development Influence and Model Radius of Development Influence in conformity with accepted traffic engineering principles for both Test One, and Test Two. The assignments shall address phasing and cover the Buildout Period of the Project for Test One.

4. Background Traffic

a. General

Existing traffic volumes will likely change during the Buildout Period of the proposed Project. The traffic study must account for this change in traffic based on Background Traffic during the Buildout Period of the proposed Project. The Projection of Background Traffic shall be based upon the information set forth on the Historical Traffic Growth Rate Table and the map of Major Projects, and shall be established in accordance with the requirements set forth in this Article and accepted engineering principles. This change in traffic shall be shown as it relates to the proposed phasing.

The Projection of Background Traffic during the Buildout Period of the proposed Project shall be based upon, and subject to the review and approval of the County Engineer, using the following criteria:

- 1) Historical growth shown on tables of County Engineer
- 2) Characteristics of growth in the Radius of Development Influence
- 3) Extent of existing, approved, and anticipated development in the Radius of Development Influence
- 4) Types and sizes of development in the area
- 5) Traffic circulation in the area
- 6) Major Projects' impact
- 7) New and assured road construction

b. Historical Growth Tables

Using the Historical Traffic Growth Tables of the County Engineer, the study shall forecast the change in traffic volumes based on Background Traffic within the proposed Project's Radius of Development Influence during the Buildout Period of the proposed Project. This change shall be on an average peak hour basis and a Peak Season, Peak Hours-Peak direction basis if optional analyses are selected. The effect of Major Projects shall be considered in projecting the increase or decrease in traffic volumes so as to ensure that there is no double counting or omission in Background Traffic. In using the historical growth tables, engineering judgment shall be used to take into account special circumstances such as the opening of a parallel road or a high traffic generation that may distort the growth trend. For Projects with a lengthy buildout time (five years or more) an area wide growth rate using a number of locations in the tables may be appropriate. No growth rate less than zero percent may be used without approval of the County Engineer when the growth rate is a negative. Zero percent shall be used unless approved by the County Engineer.

c. Major Project Maps

Using the Major Project Maps, all traffic from the unbuilt portion of Major Projects which have received a concurrency reservation prior to the County Engineer's approval of the proposed Project's traffic study which will add more trips than ten percent of the LOS D Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, to any Link within the proposed Project's Radius of Development Influence during the Buildout Period of proposed Project shall be specifically accounted for in projecting Traffic. No double counting of trips shall occur, and the historically derived projections shall be adjusted based upon the impact of Major Projects. Only the traffic generated from the unbuilt portions of the Major Projects as set forth above which are projected to be built during the Buildout Period of the proposed Project shall be considered.

5. Assured Construction

Assured Construction shall be considered completed as scheduled for the purpose of preparation of the study. Whether it is in fact Assured Construction and the timing of the Assured Construction shall be subject to the confirmation of the County Engineer. The Traffic Impact Study shall specifically identify the need for phasing based on Assured Construction.

Section 2 Conditions

The Concurrency Reservation or Site Specific Development Order shall contain such conditions as are necessary to ensure compliance with this Article. The Local Governments, including the legislative and administrative boards, the DRO and officials, issuing Concurrency Reservations or Site Specific Development Orders are authorized to, and shall, impose such conditions. The Local Governments including the legislative and administrative boards, the DRO, and officials shall require where necessary to ensure compliance with this Section that an Agreement be executed prior to the issuance of the Site Specific Development Order. Performance Security shall be required to ensure compliance with the conditions or performance under the Agreement or condition of approval. The Agreement or conditions of approval shall be binding on the owner, its successors, assigns, and heirs; and it, or notice thereof, shall be recorded in the Official Records of the Clerk of the Circuit Court in and for PBC, Florida.

CHAPTER D MODELING OF TRIPS

Section 1 General

The Department of Community Affairs (DCA) in conjunction with the FDOT requires that all Traffic from both approved-built and approved-un built Projects be "loaded" on the Major Thoroughfare system. This loading is done by the Model using the currently adopted long range plan.

Section 2 Relationship to Traffic Impact Studies

A. Intent

The Model is intended to be used as a planning tool to estimate the remaining available capacity on the Major Thoroughfare system. It is a general planning tool which does not lend itself to analyzing specific Traffic Impact Studies. Therefore, Applicants should not assign Project Traffic using the Model. However, Applicants may provide input to the County Engineer or the MPO in updating the data and recalibrating the Model.

B. Utilization

Notwithstanding Art. 12.D.2.A, Intent, above, the Model shall be utilized by the County Engineer to assign Net Trips for Test Two purposes on proposed Projects generating more than 7000 Net daily Trips.

The Model Plan is a long-term plan. Because of its distance in time, many things may change which will result in a different Major Thoroughfare system. Therefore, it is not accurate for purposes of ensuring that road capacity not be "given away" twice.

Section 3 Iterative Model

A. Information in Plan's Table 2

Socio-economic data from all municipally-approved but unbuilt Projects were not included in the model because the data was not available. All approved but unbuilt Projects in the unincorporated area were included. It is anticipated that some of these unincorporated Projects will not receive Concurrency Exemption Determinations under the Concurrency Exemption Ordinance. It is presently believed that this overestimation of PBC approvals and absence of municipal approvals roughly balances, resulting in an acceptable estimation for the determination of Model Traffic for the application of this Section for a relatively short time.

However, it is necessary as a planning tool and a concurrency management tool that PBC establish an estimation that warrants confidence. PBC shall complete its socio-economic data update from its Concurrency Exemption process no later than July 1, 1991. Any units or square footage lost through the application of PBC Code shall be removed from the Model socio-economic data as approved, unbuilt land uses.

B. Municipal Responsibility

1. List

Therefore, by July 1, 1991, the Planning Division, with the cooperation of the municipalities, shall establish a final list of approved but unbuilt Projects and built Development in the municipalities. The list shall include the estimated buildout date for each residential Project containing more than 50

units. The traffic from these approvals shall be "loaded" in the Model no less frequently than every six months as data is gathered and refined.

2. Information

In order to update the socio-economic data used in the Model, the Municipality shall identify and provide PBC with preliminary but complete information as to specific uses approved, their locations, the density or intensity of each use, and the extent of the development already built and yet to be built. This shall be sent to PBC as soon as practical following receipt of the data forms and maps from the PBC Planning Division. These forms and maps shall be used by the municipality.

3. Update

The municipality shall update this information no less frequently than every six months as a result of all new information, including Site Specific Development Orders issued after preliminary submittal referenced in Art. 12.D.3.B, Municipal Responsibility, and units or square footage lost through the application of the Municipal land development regulations. Updates to the socio-economic database which are the result of municipal determinations as to Previous Approvals shall be sent to the County Engineer within 15 days of each determination but in no case no later than July 1, 1991. This updated information shall be used for informational purposes to update the socio-economic database, by TAZ, for the Model.

4. Appeals

Subsequent to the six month update of the Model, appeals by interested persons who provided written input in accordance with Art. 12.D.3.B.2, Information, may be filed with the Appeals Board established in Art. 12.G, Appeals. Appeals shall be filed within 30 days of the County Engineer's publishing of the updated Model information, care of the County Engineer, Traffic Division. The appeals shall state the grounds therefore.

5. Nothing herein shall restrict input on the Model outside of the process of this Art. 12.D.3.B, Municipal Responsibility.

Section 4 Adjustments

A. ADT

The Model reflects Peak Season weekday average daily traffic. All updates of the Model shall include an adjustment to reflect ADT.

B. Phasing/Assured Construction

1. That traffic from the portion of a Project phased to improvements on a Link which are not included in the Model Plan shall not be included in the Model until the Link, as improved, is included in the Model Plan.
2. Assured construction shall be included in the Model Plan System.

CHAPTER E PROCEDURE

Section 1 Required Submission of Impact Study

A. Application Procedure

Prior to acceptance of any application for a Site Specific Development Order in the unincorporated area, or issuance of a Site Specific Development Order in the incorporated area, a non-refundable application fee established by the BCC from time to time to defray the actual cost for processing the application, shall be submitted along with the Traffic Impact Study or documentation sufficient to establish that the application is not subject to the standards of this Article. In order to receive a time extension pursuant to Art. 2.E, Monitoring, the applicant shall be required to submit a new Traffic Impact Study or documentation sufficient to establish that the Project with the additional time provided by the extension meets the standards of this Article in effect at the time the extension is granted.

B. Review by County Engineer

The County Engineer or Municipal Engineer, as applicable, shall review the information submitted pursuant to this Article and determine whether the proposed Project complies with this Article. In the unincorporated area the County Engineer shall coordinate with the Planning Division whether the Site Specific Development Order meets the other Concurrency Requirements of the Plan. The procedures set forth in the Adequate Public Facilities Chapter, shall control; except as to any appeals from this Article, in which case Art. 12.G, Appeals, of this Article shall control. Nothing herein or in the Adequate Public Facilities Chapter shall preclude direct informal communication between the County Engineer and the

Applicant or his agents. In the Unincorporated Area, a statement that an application for a Site Specific Development Order is being considered shall be sent to any Municipality within the proposed Project's Radius of Development Influence 30 days prior to the issuance of the Site Specific Development Order for all proposed Projects generating more than 100 Gross Peak Hour Trips. The statement shall be sent by U.S. Mail, or hand delivered.

C. No Study Needed

1. Residential

New Residential Projects generating fewer than or equal to 20 Gross Peak Hour Trips based on PBCs adopted trip generation rates shall not be required to submit a Traffic Impact Study. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer in accordance with generally accepted traffic engineering principles.

2. Non-Residential

Non-residential Projects generating less than or equal to 20 Gross Peak Hour Trips based on PBCs adopted trip generation's rates shall not be required to submit a Traffic Impact Study. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer or in accordance with generally accepted traffic engineering principles.

3. Amendments

Projects generating less than or equal to 20 Gross Peak Hour Trips based on PBCs adopted trip generations rates shall not be required to submit a Traffic Impact Study for an amendment, provided the total Project, including the amendment, does not exceed 20 Gross Peak Hour Trips. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer in accordance with generally accepted traffic engineering principles.

Section 2 Review of Traffic Impact Study

A. County Engineer Review

On all proposed Projects having more than 100 Gross Peak Hour Trips, the County Engineer shall have sole authority for reviewing Traffic Impact Studies for purposes of determining compliance with this Article.

B. Municipal Review

On all other proposed Projects the Municipality shall perform such review unless the Municipality provides in writing, delivered to the County, that the Municipality elects to require review by the County Engineer. If the Municipality elects to perform the review, it shall be done by a Municipal Engineer. The review shall be in accordance with the requirements of this Article. In the case of Municipal review, 30 days prior to approval of the application for the Site Specific Development Order, the Traffic Impact Study, along with the determination of the reviewing traffic engineer, shall be sent to the County Engineer, c/o Traffic Division, 160 Australian Avenue, West Palm Beach, Florida, 33402. A statement that the Municipality is considering an application for a Site Specific Development Order shall also be sent to any Municipality within the Project's Radius of Development Influence involved 30 days prior to issuance of the Site Specific Development Order for all proposed Projects generating more than one 100 Gross Peak Hour Trips. All documents under this Article shall be sent by U.S. Mail, or hand delivered.

C. Prohibitions

1. In the case of all Site Specific Development Order issued by the DRO, no application shall be certified for inclusion on the DRO agenda if issuance of the Site Specific Development Order would be prohibited by this Article.
2. In the case of all other Site Specific Development Orders in the unincorporated area, no application shall be accepted if issuance of the Site Specific Development Order would be prohibited by this Article.
3. In all cases in the unincorporated area if the Site Specific Development Order does not meet the other Concurrency Requirements of the Plan, no application shall be certified for inclusion on an agenda of a reviewing body or accepted, as the case may be, except as otherwise provided by Art. 2.F, Concurrency.
4. In the case of all Site Specific Development Order in the incorporated area, no Site Specific Development Order shall be issued if such issuance would be prohibited by this Article. In no case shall the Site Specific Development Order be issued prior to 30 days following delivery of the notice in accordance with Art. 12.E.2.B, Municipal Review.

D. Appeals

Determinations of the County Engineer or Municipal Engineer must be in writing and any denial shall state the reasons thereof. Determinations of denial may be appealed pursuant to Art. 12.G, Appeals.

CHAPTER F ENTITLEMENT

Section 1 General

The BCC recognizes that a reasonable and beneficial economic use of property should be afforded a property owner. This Section is intended to implement the provisions in the Plan that allows a reasonable and beneficial economic use of property while minimizing trip generation.

Section 2 Unincorporated Area

As to the Unincorporated Area, a Site Specific Development Order may be issued for a Project not exceeding entitlement density or intensity set forth in the Plan, provided the order is otherwise consistent with the requirements of the Plan and land development regulations of PBC.

Section 3 Incorporated Area

As to the Incorporated Area, a Site Specific Development Order may be issued for a Project not exceeding entitlement density or intensity as set forth in the Plan. As to residential land uses it shall be based on the densities set forth in Figure 2 of the Land Use Element of the Plan, that correspond to the Municipal density in its Comprehensive Plan, with any density exceeding 18 dwelling units per acre receiving the entitlement level set forth in the five to 18 du-per-acre range. As to commercial and industrial, entitlement shall be two and one-half percent of the maximum square footage of floor area allowed under the land use category or zoning district of the Municipality.

Section 4 Discretion of Board

The BCC may exceed the limitations set forth in the Plan upon a determination by the Board that the limitations permitted by the Article would likely constitute a taking of land for public use for which compensation would have to be paid pursuant to law. This Section may only be exercised upon the special petition of the property owner to the BCC which affirmatively demonstrates by substantial competent evidence that no other economically feasible land use which would generate less traffic for the subject property is available because of: (1) this Article; (2) the nature of the land uses in the area; (3) the size and configuration of the property; and (4) other relevant factors. The BCC shall receive the advice of the County Attorney and the County Administrator, and any other person it deems appropriate in exercising its discretion under this Section. If the subject Lot is in the Incorporated Area, the BCC shall consider the advice, if any, of the Municipality in which the Lot is located.

CHAPTER G APPEALS

Section 1 Board

Except as specifically provided in this Article, appeals from the decisions of the County Engineer or Municipal Engineer, and from all traffic engineering decisions, shall be taken to the TPSAB. Appeals may be brought by the Applicant, any Municipality within the Project's Radius of Development Influence, and the County. The TPSAB shall consist of the Director of the MPO, a professional traffic engineer employed by a municipality as a traffic engineer, a professional traffic engineer employed by another Florida County, a professional traffic engineer employed by the FDOT, District IV, and a professional traffic engineer who generally represents developers. Any individual serving on the TPSAB shall not be a person who participated in the decision being appealed, or who works for or is retained by a party to the appeal or a person who would be directly affected by the matter being appealed or the Proposed Project to which the appeal relates.

Section 2 Request/Notice

The appeal shall be requested in writing within 30 days of the decision of the County Engineer or Municipal Engineer, as applicable. The written request for the appeal shall state the grounds for objection. The appellant

shall be given written notice of the date, time and place of the TPSAB's consideration of the appeal. The appeal shall be limited to the issues raised in the objection.

Section 3 Hearing

A. Burden of Proof

The appellant shall present all relevant information to the TPSAB. The appellant shall have the burden of affirmatively demonstrating that the decision of the County Engineer or Municipal Engineer was in error. The County Engineer or Municipal Engineer shall be entitled to present information.

B. Reimbursement

Members shall serve without compensation but shall be reimbursed in accordance with PBC rules and regulations.

C. Quorum

A quorum shall consist of three members and a decision shall be made by affirmative vote of a majority of the members.

D. Decision

The TPSAB shall base its decision on the requirements of this Section and accepted traffic engineering principles. It shall state the reasons for the decision. A decision shall be rendered within 60 days of receipt of the written request for appeal.

Section 4 Appeal from the TPSAB

The decision of the TPSAB may be appealed by petition for writ of certiorari to the Fifteenth Judicial Circuit Court by either the Applicant or a Local Government within 30 days of the decision. Consideration shall be limited to the record established before the TPSAB.

Section 5 No Impairments of Judicial Rights or Remedies

Nothing in this Section shall be construed as a limitation on the rights or remedies of any person. Appeals from decision of persons other than the County Engineer or Municipal Engineer, and traffic engineering decisions, shall be by appropriate action to a court of competent jurisdiction, except as provided otherwise by law, including this Section.

CHAPTER H AFFORDABLE HOUSING

Section 1 Applicability

A. Applicability

This Chapter applies to "Projects to Provide Affordable Housing." Income limits for purposes of this shall be as set forth in the Plan, Housing Element, using the median income as established by the U.S. Department of Housing and Urban Development, Subsection 8 Income Guidelines, West Palm Beach - Boca Raton - Delray Beach, Florida.

B. Definition

Affordable housing shall be that housing where mortgage payments, taxes, insurance, and utilities on owner-occupied housing; and contract-rent and utilities on renter-occupied; is less than or equal to 30 percent of the applicable Adjusted Gross Income as described in the preceding paragraph.

Section 2 Eligibility

In order to be eligible for Traffic Concurrency Relief under this Section, a Project must provide one of the following:

- A. 100 percent Very Low and Low Income Housing; or
- B. Mixed housing which enhances or balances the proportions of very low and low income and market-rate housing within the surrounding area as designated by a sector. A sector is defined in the Supporting Document of Transportation Element of the Plan and is provided here for convenience. A sector is "...a geographic area that shall include and be relative to the size and location of the proposed development. It shall consist of one or more neighborhoods that contain a school, an integrated network of residential and

collector streets bounded by arterial roads, civic uses, and localized shopping and employment opportunities. The sector will include a minimum of one census tract but shall not extend beyond important physical boundaries which may include a major arterial roadway or wildlife refuge."

1. A mixed housing Project shall not exacerbate an existing imbalance of very low/low income housing opportunities within the sector of the proposed development, but shall achieve an economic balance of households, as measured by household income, within a designated sector and shall promote the following ranges of housing opportunities:

| | |
|---|------------------|
| Very low (up to 50 percent of the median) | 10 - 40 percent |
| Low (from 50 percent to 80 percent of the median) | 10 - 40 percent |
| Moderate (from 80 percent to 120 percent of the median) | 20 - 70 percent |
| Middle (from 120 percent to 150 percent of the median) | 10 - 20 percent |
| High (over 150 percent of the median) | -05 - 30 percent |

Section 3 Application Review of Special Methodologies Projects

A. Submittal

An application shall be submitted, in duplicate, to the Planning Division to be considered for traffic concurrency under this Special Methodologies Section. The form of this application shall be prepared by the Planning Division, in coordination with the Commission on Affordable Housing.

1. The application shall be reviewed for sufficiency by the Planning Division, and the applicant shall be notified of any deficiencies within five working days of receipt of the application. Further processing of the application shall be suspended until the required items and information are provided.

B. Review

The complete application shall be reviewed by both the Planning Division and the Commission on Affordable Housing staff who shall determine if a Project qualifies as either a 100 percent very low and low Housing Project or a Mixed Housing Project.

1. When determining whether a Project qualifies as a Mixed Housing Project, the staff shall consider the following factors:
 - a. Whether or not the Project complies with, at least, the minimum standards for a development of its size as identified in the traffic performance standards exemption criteria in the Transportation Element Policy 1.2-b of the Plan. This involves scoring a minimum number of points awarded relative to the Project's size and development characteristics meeting certain performance standards, these standards include affordability, accessibility, quality of design, resource protection, environmental quality, neighborhood compatibility, safety, pedestrian and vehicular circulation, parking, open space, parks and landscaping.
 - b. Whether the Project furthers the balance of housing opportunities within a sector by providing units which meet the minimum required housing in the very low, low and moderate categories determined by the existing percentage of very low, low and moderate income housing in that sector. The following table shows the proportions of households as described by income:

| Income Category | Percent of Affordable Housing Existing Within a Sector and Minimum Very Low and Low Housing Required *,** | | | | |
|--|---|------------------|------------------|------------------|---------------|
| | Very Low And Low | Existing | Under 20 percent | 20-40 percent | 40-50 percent |
| Required | | 40 percent | 30 percent | 20 percent | 10 percent |
| Percent of Moderate Income Housing Existing Within a Sector and Minimum Moderate Housing Required | | | | | |
| Moderate and Above | Existing | Under 20 percent | 20-60 percent | Above 60 percent | |
| | Required | 20 percent | 10 percent | 0 percent | |

*The distribution of very low and/or low required in a Project is 50 percent of each type of housing with the exception of Projects with only owner-occupied units which shall be required only to provide low income units. These Projects may fulfill the minimum requirement of very low and low-income units with the provision of all low income units.

**Minimum percentages as applied to a number of units to be constructed will be rounded down to the nearest whole unit number or one unit, whichever is greater.

Note:The Commission of Affordable Housing, in conjunction with the Planning Division, shall identify and per

Section 4 Approval

- A. If the Project is found to qualify as a 100 percent very low and low income housing development, the Planning Director shall notify the County Traffic Engineer that this Project does not need to meet the LOS Standards so long as the traffic impact from the Project is less than or equal to one percent of the Average Daily Traffic LOS D Standard on any Link; provided however, that the cumulative traffic from 100 percent very low income housing does not cumulatively exceed one percent of Adopted Level at Service D Standard on any Link in any one year.
- B. In the event the Project is found to qualify as a Mixed Housing Project, the Planning Director shall notify the County Traffic Engineer that this Project need not meet the LOS Standards if the Project Traffic is less than or equal to three percent of the Average Daily Traffic LOS D Standard on any Link; provided however, that the cumulative traffic from Mixed Housing Projects on any Link does not exceed three percent of Adopted LOS D Standard.
- C. The relief provided under this special Methodology Section shall be considered in determining whether or not there are adequate road facilities for this Project in accordance with Art. 12.P, Project Aggregation, of this Code. In the event that is a determination of sufficiency, any Concurrency reservation issued by the Zoning Director for the Project must include a condition prohibiting the issuance of a Development Order until a covenant is recorded in the Public Records of PBC as outlined in the paragraph below.
- D. The applicant shall prepare a covenant approved by the Commission on Affordable Housing, determined to be legally sufficient by the County Attorney. The covenant, to be recorded in the public records of PBC, shall guarantee, for a period of at least ten years for single family housing and 15 years for multi-family housing rental units, how the affordability shall be maintained for units required to be very low and/or low income (pursuant to income categories and definitions of the Plan, Housing Element). The period of time these units will remain affordable shall commence from the date of the issuance of the final CO for the first required affordable unit built in the Project. The covenant shall be recorded in the Public Records of the Clerk of the Court for PBC prior to the submittal of an application for development approval.

Section 5 Municipal and Department Coordination

- A. In the event that a Project being proposed is in part or wholly within a municipality, the Planning Director shall provide the appropriate officials of the city with the conditions upon which the Project is to receive traffic concurrency. The Planning Division shall coordinate with the municipal staff to ensure that the issuance of certificates of occupancy for the required housing complies with the covenanted requirements and conditions.
- B. The Traffic Division shall be responsible for monitoring the exempted traffic under the Special Methodologies for the LOS standard for Links impacted by the specific type, i.e. for 100 percent or mixed developments. The respective limits are one percent and three percent for any impacted Link on the PBCs thoroughfare network. The Traffic Engineer shall determine whether the Project traffic, when added to all other existing approved Projects' traffic exempted under the Special Methodologies procedures,

exceeds the limits for exempted volume for the 100 percent or the mixed housing development, whichever is appropriate.

- C. The Traffic Engineer shall inform the Planning Director, prior to the certification of the Project at the DRO, when a Special Methodologies application has been approved for the traffic exemption from the applicable LOS standard. The Planning Director shall include this information in the review of an application for development certification at the DRO for a Project to be built in unincorporated PBC.
- D. The Commission of Affordable Housing shall monitor the Project for compliance with the required covenant.

CHAPTER I CONSTRAINED FACILITIES

Section 1 Purpose and Intent

It is recognized by the BCC that some Links and Major Intersections are not planned to be widened to width, laneage, or geometrics that can accommodate Traffic from the density/intensity and location of land uses at the Generally-Adopted LOS. Links and Major Intersections which are improved (or presumed to be improved under Test 2) to their ultimate width, laneage, and geometrics as contemplated by the Thoroughfare R-O-W Protection Map are, by definition, Constrained Facilities. Which of those Constrained Facilities cannot accommodate future Development at the Generally Adopted LOS, and what should be done to remedy the situation, requires thorough study, comprehensive data, and close scrutiny of the various policies involved. This Section is intended to ensure thorough review of application for a CRALLS. It is declared to be the minimum review and procedure necessary to ensure an appropriate level of review.

Section 2 Procedure

A. General

Constrained Facilities shall not automatically receive a reduced LOS. Determinations of whether a reduced LOS shall be set on a Constrained Facility, and what that LOS should be, shall be made by the BCC.

B. Applications

Applications for a reduced LOS on a Constrained Facility shall be made to the BCC through the Planning Director for initial review by the Land Use Advisory Board (LUAB), containing such information relating to the criteria of this Section as the LUAB requires. The application shall be forwarded to all affected Local Governments, the County Engineer, the FDOT, District IV, in the case of State Highways, and the MPO. The MPO shall review the proposal for technical traffic engineering purposes and consistency with its adopted plan. The advice of the MPO shall be considered by the LUAB and the BCC when considering an application for a reduced LOS. The application shall propose the reduced LOS sought for Test One and Test Two. It need not be an entire range.

The level of data and study needed for existing and Future Land Use to review an application for a CRALLS designation shall be determined in the pre-application conference. The decision shall be made by the County Engineer based upon the Major Thoroughfare Links and Major Intersections involved, (whether they are or will be collectors, minor arterials, or principal arterials), the extent of the proposed lowering of the LOS, the size of the area affected, the extent to which the affected area is built out to its ultimate Future Land Use (FLU), and the amount and quality of existing data and planning.

C. Pre-Application Conference

The applying Local Government shall contact the Planning Director prior to making application, notifying the Director of the Local Government's intent to make application under this Art. 12.1.2.B, Applications. The Director shall set a pre-application conference prior to accepting an application. The conference shall include representatives of the: (1) Local Government making application; (2) County including the Planning Division and County Engineering; (3) FDOT, District IV; (4) Treasure Coast Regional Planning Council; and (5) MPO. The purpose of the pre-application conference shall be to identify the issues for consideration, the likely impact of the proposal, the assumptions and changes made in socio-economic data (including justification for such), the application requirements (including which should be waived, if any), and to coordinate review. The level of data and study needed for existing and Future Land Use (FLU), and the proposed CRALLS, to review the proposed application shall be determined in the pre-application conference. The decision shall be made by the County Engineer based upon the magnitude of the proposed CRALLS, the difference from existing and Future Land Use (FLU), the extent of the

proposed lowering of the LOS, the amount and quality of existing data and planning, the size of the area affected, the extent to which the affected area is built out, and the Major Thoroughfare Links and Major Intersections involved (whether they are or will be collectors, minor arterials, or principal arterials).

D. Sufficiency Review/Recommendation

The review agencies shall have 60 days within which to review the application for sufficiency and the Director shall notify the Local Government as to the specific deficiencies. The Local Government shall have 60 days to provide the additional information or notify the Director that it is electing to withdraw its application. The application shall be reviewed by all agencies within 60 days of the determination that the application is sufficient. The LUAB shall make its recommendation within six weeks of receiving all agencies' reviews. The BCC shall take action on the application in accordance with F. S. Chapter 163 and Rule 9J-5, F.A.C.

Section 3 Determination Criteria

In determining whether a Constrained Facility shall have a reduced LOS and, if so, what that LOS should be, and any conditions that shall be imposed, the applicant, the MPO, LUAB, and the BCC shall consider the following public policy criteria:

- A. Cause of the constraint; e.g., whether the lineage or geometrics are insufficient to accommodate Projected traffic as a result of concerns relating to physical limitations, fiscal limitations, environmental areas, aesthetics, historically significant development, or the character-of-area or neighborhood and the impact of adding lanes or changing the geometrics on such concerns.
- B. When more than one cause is identified, the extent to which each contributes to the constraint shall be considered.
- C. Existence of, or proposed, "reliever" facilities and the proximity and continuity of such, and the extent to which they presently, or are Projected to, relieve the Constrained Link.
- D. The existing and Projected volume-to-capacity ratio given the adopted FLUE of Local Governments' comprehensive plans.
- E. The extent of vested Development Orders, and non-vested land use, zoning district designations, or Development Orders.
- F. The impact on the ability of Local Governments to allow Development consistent with their comprehensive plans; and the interjurisdictional compatibility of the various Local Government comprehensive plans as related to the Constrained Facility.
- G. The practicability of adjusting land uses, zoning districts, and uses therein.
- H. The impact on the ability of the overall Major Thoroughfare system in the area affected to function at the Generally Adopted LOS.
- I. The length of the Constrained Link(s).
- J. The option of modifying the Plan, including the Thoroughfare R-O-W Identification Map, or other regulations to add lanes, improve geometrics or reliever facilities.
- K. Whether modifications can be made that would add capacity, and how much capacity would be added.

Section 4 Determination

The BCC may adopt a reduced LOS and shall specifically establish the LOS on the Constrained Link, if reduced. When the BCC makes a determination that a reduced LOS is appropriate on a Constrained Facility, it shall be designated a CRALLS. The Plan shall be modified to set this LOS. A reduced LOS need not necessarily be a whole range; it may be a portion of a range. Any proposed reduction in the LOS on a State Constrained Facility shall be coordinated with and approved by the State in accordance with Florida law.

It is recognized that detailed and comprehensive transportation planning has not yet been completed for all of PBC. This transportation planning will involve balancing the transportation system to the land use as to density/intensity and location. This balancing will involve, in part, adjusting the levels of service on the Major Thoroughfare system. It will be achieved through the work of the MPO's work in updating the Model, and improving the data. Theoretically, once this balancing is completed, the need for CRALLS would not be necessary, unless amendments to land uses are made, or R-O-W widths or lanes are reduced. Accordingly, once the system is balanced through the work on the Model and data, the criteria shall be revisited to ensure that the criteria take into account this balancing.

Section 5 Application to Modify or Eliminate Adopted Link or Intersection

A. Who May Apply

Only a Local Government may apply to the BCC to amend the adopted width, proposed geometrics, or number of lanes of, or to eliminate a Link or Major Intersection improvements.

B. Contents

The application shall contain a detailed and comprehensive traffic evaluation of all affected Links and Major Intersections, taking into account existing, committed, and FLU development.

C. Criteria

The following criteria shall be considered by the BCC in considering whether a Link's lanes, proposed geometrics, a Major Intersection's proposed geometrics or the R-O-W width adopted in the Plan should be amended or a Link should be eliminated:

1. Whether improvements are proposed to the Link or Major Intersection under consideration.
2. Whether improvements are proposed to reliever Links or Major Intersections and the extent that such a reliever would impact traffic on the Link under consideration.
3. The physical characteristics of the property adjacent to the Link or Major Intersection under consideration.
4. The character of the area businesses or neighborhood adjacent to the Link or Major Intersection under consideration, and the extent of impact on such.
5. The Projected cost of adding additional capacity to the Link or Major Intersection, or reliever facilities and the amount of capacity that would be added.
6. The existing and Projected volume-to-capacity of the Link and the surrounding Major Thoroughfares before and after the proposed modification.
7. The Projected revenue for improving the Major Thoroughfare system and the likely priority of various improvements to the Major Thoroughfare system.
8. Environmental character and the extent of impact on such.
9. Historical significance and the extent of impact on such.
10. Aesthetics and the extent of impact on such.
11. Amount of existing R-O-W, and cost to obtain additional R-O-W.
12. Impact on the provision of other public facilities.

D. Procedure/Extraordinary Vote

1. When an application is made to eliminate a Link, narrow the adopted width of a Link, modify the proposed geometrics of a Link, or Major Intersection, in a manner that would reduce capacity, or reduce the number of lanes in the Plan, and that elimination, narrowing, modification, or reduction would materially impede: (1) the ability to achieve the Adopted LOS on the particular Link or Major Intersection, or the Major Thoroughfare system; or (2) the ability of Local Governments to allow Development consistent with their FLU Elements of their plans; the BCC shall require a review and determination of whether a reduced LOS (CRALLS designation) should be set on the Link or other Links before the BCC's eliminating the Link, narrowing the R-O-W width, modifying the proposed geometrics, or reducing the number of lanes. In such a case, eliminating the Link, narrowing the width or reducing the number of lanes shall require a majority-plus-one vote of the members of the BCC. No elimination of the Link, narrowing of the width, or modifying of the proposed geometrics in a manner that would reduce capacity, or reducing the number of lanes on a Link shall be effected until any necessary adjustments are made to: (1) the Major Thoroughfare system (including capacity improvements or lower the levels of service, as appropriate); (2) or the land uses have been made to accommodate the elimination, narrowing, modification, or reduction.
2. If it is clear that no impediment to: (1) achieving the adopted LOS; or (2) Local Governments' allowing Development consistent with the FLUE of their plans would result, the BCC may, by a majority vote of its members narrow the adopted width, modify the proposed geometrics of a Link, or Major Intersection, or reduce the number of lanes in the Plan without LUAB review. Nothing herein shall require CRALLS review, application to the LUAB, or notice to any Local Government for minor modifications to the proposed Major Thoroughfare system which do not reduce capacity of the Link, Major Intersection, or Major Thoroughfare System. Nothing herein shall require LUAB review for waivers of expanded intersection requirements or R-O-W protection pursuant to Policy 2-d of the Transportation Element of the Plan.

CHAPTER J COASTAL RESIDENTIAL EXCEPTION

Section 1 Intent

The Coastal Residential exception to the LOS requirements of this Article promotes urban infill and deters urban sprawl. It also promotes redevelopment. It provides closer proximity of residential uses to commercial uses and employment bases, thereby reducing the impact on the overall Major Thoroughfare system, pollution, the use of fossil fuels and other resources, and the travel time and needs of the public. Because it applies only to the incorporated area, it also promotes annexation of unincorporated areas. Therefore, the public benefits of an uncrowded and efficient road system promoted by this Article are also promoted generally (but not necessarily on a specific Link or Major Intersection) by the creation of a Coastal Residential exception to the LOS requirements of this Article. The Coastal Residential exception may also result in more integration in the PBC School system.

Section 2 Creation

Because of these public benefits there is hereby established pursuant to Policy 1.2-a of the Transportation Element of the Plan a Coastal Residential exception which shall be within the Incorporated Area east of I-95, north of the Broward County line, west of the Atlantic Ocean (excluding the barrier island), and south and east of a boundary from I-95 along PGA Boulevard to Prosperity Farms Road, then north to the western prolongation of the northern boundary of Juno Isles, then east to a point 600 feet west of U.S. 1, then north to the northern boundary of Juno Beach, then east to the Atlantic Ocean. It shall also be the incorporated area bounded on the south by the north boundary of the Jupiter Hospital, and its eastern and western prolongation between the Atlantic Ocean and Military Trail; bounded on the west by Military Trail and its northern prolongation to the North Fork of the Loxahatchee River, then meandering northwest along the northeast shore of the North Fork of the Loxahatchee River to the Martin County Line; bounded on the north by the Martin County Line; and bounded on the east by the Atlantic Ocean, excluding the barrier island. It shall allow such residential Projects, and the residential portion of mixed use Projects that otherwise meet the standards of this Article, in incorporated areas to receive a Site Specific Development Order notwithstanding the standards of this Article.

Section 3 Traffic Impact Study Information

The Applicant shall submit a traffic study providing Traffic Generation, Assignment throughout the Test One Radius of Development Influence and Projections of future traffic at the site access. Traffic Impact Studies for mixed use Projects must provide separate distributions and assignments for the residential and non-residential components.

Section 4 Municipal Levels of Service

Nothing in this Article shall be construed as derogating the requirement under F. S. Chapter 163, or Rule 9J-5, F.A.C. that Municipalities set the LOS on PBC and State roads consistent with the PBC and State LOS to the maximum extent feasible.

CHAPTER K TRANSPORTATION CONCURRENCY MANAGEMENT AREAS (TCMA)

Section 1 Intent

The purpose and intent of this optional alternative transportation concurrency approach is to promote infill development within selection portions of urban areas in a manner that supports the provision of more efficient mobility alternatives, including public transit. As a coordinated approach to land use and transportation development, the use of an area wide LOS standard and an accommodation and management of traffic congestion may be employed. A TCMA is a compact geographic area within existing or proposed multiple, viable alternative travel paths, or modes for common trips.

Section 2 Area Wide Level of Service

An area wide LOS standard may be established for specific facilities in common corridors within a TCMA. The area wide Level of Service standard must be maintained, as a basis for the issuance of Development Order's and

permits within the TCMA. The area wide LOS standard may only be established for facilities on common corridors with similar functions, serving common origins and destinations.

- A. The designation of a TCMA and the establishment of an area wide LOS standard must be supported by data and analysis which:
 - 1. Demonstrate that the TCMA is compatible with and furthers the various portions and elements of the Plan. When in a municipality, the data and analysis shall also demonstrate that the TCMA is compatible with and furthers the various portions and elements of the local government's Comprehensive Plan.
 - 2. Provide justification for the size and boundary of the TCMA for consistency with the purpose of promoting the stated purpose of a TCMA.
 - 3. Demonstrate that the TCMA contains an integrated and connected network of roads and provides multiple, viable alternative travel paths, or modes for common trips.
 - 4. Demonstrate the basis for establishing the area wide LOS standard and determine the existing and Projected transportation facilities and services requirements that will support the requested area wide LOS standards.
 - 5. Demonstrate that the area wide LOS standard and other transportation services and programs will support infill development and redevelopment.
 - 6. Demonstrate that the planned roadway improvements and other transportation services and programs will accomplish mobility within and through the TCMA. The programs may include, but not be limited to Transportation System Management (TSM), Transportation Demand Management (TDM), and incentives to promote public transit such as parking policies and provisions for intermodal transfer.
 - 7. Identify the impacts on other local governments, if any.
- B. The local government shall establish and maintain an internally consistent transportation, land use, and capital improvement planning program. These programs shall be sufficient to meet and maintain the established area wide LOS standard.

Section 3 Procedure

- A. At least 30 days prior to a local government submitting a Plan Amendment for a TCMA, a pre-application conference shall be held. This pre-application meeting will be coordinated with the Planning Director. It will include representatives from the local government initiating the Plan Amendment, the County Traffic Division and Planning Division, the MPO, the FDOT, District IV, and the Treasure Coast Regional Planning Council.
- B. Another conference shall be held with the representatives identified above within 30 days of receipt by the initiating local government of the state planning agency's Objection, Recommendation and Comments Report.
- C. The TCMA shall not become effective until the following actions are taken:
 - 1. The BCC finds the designation of the TCMA to be consistent with the Plan.
 - 2. The BCC finds the area wide LOS standard to be appropriate, and can be maintained.
 - 3. The BCC adopts an amendment to the Plan establishing the TCMA.
 - 4. A final order is issued by the DCA finding the amendment or amendments in compliance.

CHAPTER L TRANSPORTATION CONCURRENCY EXCEPTION AREAS (TCEA)

Section 1 Intent

The purpose and intent of this flexible transportation concurrency option approach is to reduce the adverse impact transportation concurrency may have on urban infill development and redevelopment and the achievement of other goals and policies of the state comprehensive plan, such as promoting the development of public transportation. Under limited circumstances, it allows exceptions to the standards of this Article in defined urban areas. The exceptions provide flexibility for concurrency management in order to encourage the application of a wide range of planning strategies that correspond with the local circumstances of a specific geographic area. The exceptions apply to all land uses and development and types of facilities within the expressly excepted area.

Section 2 Area Types

A local government must designate a TCEA in its comprehensive plan. A TCEA will be allowed only in one of the following areas:

- A. A specific geographic area delineated in the local government comprehensive plan for urban infill development. Such an area shall meet the following requirements:
 - 1. The area shall contain no more than ten percent developable vacant land. Developable vacant land shall not include water bodies and land designated for conservation use, natural reservations, public road R-O-W, public recreation sites, or other areas or uses designated in the local government's comprehensive plan as unavailable for development.
 - 2. For areas where residential uses are the dominant types of uses, comprising greater than 60 percent of the developed land, the average residential density shall be at least five dwelling units per gross residentially developed acre of land.
 - 3. For areas where nonresidential uses are the dominant types of uses, comprising greater than 60 percent of the developed land, the average nonresidential intensity shall be at least a FAR of 1.0 per gross nonresidentially developed acre of land.
 - 4. If neither residential nor nonresidential uses comprise more than 60 percent of the developed land, then both the existing residential uses and nonresidential uses shall meet the appropriate density and intensity criteria prescribed in Art. 12.L.2.A.2 and Art. 12.L.2.A.3 above. The term "gross developed acre" shall include all uses associated with the predominant land use including roads, parking, drainage, open space, landscaping, and other support facilities.
- B. A specific geographic area delineated in the local government comprehensive plan for urban redevelopment. The urban redevelopment area must be within an urban infill area or within an existing urban service area that does not contain more than 40 percent developable land.
- C. A specific geographic area delineated in the local government Plan for downtown revitalization within the designated central business district.

Section 3 Criteria

- A. The designation of a TCEA must be supported by data and analysis which:
 - 1. Demonstrate that the TCEA is compatible with and furthers the various portions and elements of the Plan. When in a municipality, it shall also demonstrate that the TCEA is compatible with and furthers the various portions and elements of the local government's Plan.
 - 2. Provide justification for the size and boundary of the TCEA for consistency with the purpose of promoting the stated purpose of a TCEA.
 - 3. Identify the impacts on other local governments, if any.
- B. To implement the TCEA, the local government's comprehensive plan must contain guidelines and policies which specify programs to meet the transportation needs of the TCEA. The guidelines may contain a wide range of strategies that include: timing and staging plans, parking control and pricing policies, TSM, TDM, incentives to promote public transit, and the utilization of creative financing tools for the provision of transportation services and facilities.
- C. The guidelines and policies and programs to implement the TCEA must demonstrate by supporting data and analysis, including short and long-range traffic analysis, that consideration has been given to the impacts of the proposed development within the TCEA on the FIHS.

Section 4 Procedure

- A. At least 30 days prior to a local government transmitting a Plan Amendment for a TCEA to the DCA, a pre-application conference shall be held. This pre-application meeting will be coordinated with the Planning Director. It will include representatives from the local government initiating the Plan amendment, PBC Traffic Division and Planning Division, the MPO, the FDOT, District IV, and the Treasure Coast Regional Planning Council.
- B. Another conference shall be held with the representatives identified above within 30 days of receipt by the initiating local government of the state planning agency's Objection, Recommendation and Comments Report.
- C. The TCEA shall not become effective until the following actions are taken:
 - 1. The BCC finds the designation of the TCEA to be consistent with the Plan.

2. The BCC adopts an amendment to the Plan establishing the TCEA.
3. A final order is issued by the DCA finding the amendment or amendments in compliance.

Section 5 Traffic Impact Study Information

A traffic study providing Traffic Generation, Assignment throughout the Test One Radius of Development Influence and Projections of future traffic at the site access must be submitted to PBC for proposed Project within the limits of a TCEA.

CHAPTER M TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION

Section 1 Intent

The purpose and intent of this Chapter is to allow a local government to grant an exception from the concurrency requirements for transportation facilities for Projects which promote public transportation. F. S. § 163.3164(28) defines Projects that promote public transportation as those that “directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or Projects that include fixed-rail or transit terminals as part of the building, and Projects which are transit-oriented and designed to complement reasonably proximate planned or existing public facilities”. Under limited circumstances, it allows exceptions to the standards of this Article in defined urban areas. The exception requires that Projects establish meaningful facilities and programs that promote public transportation.

Section 2 Project Types

This exception is limited to Projects that meet the requirements of Art. 12.M.2.A and Art. 12.M.2.B, below:

- A. The Project must be determined to be a Project which promote economic development through job creation. At a minimum, the Project shall be 200 acres in size, and create, at Project build-out, not less than 5,000 jobs at the Project site.
 1. For a Project located in the unincorporated area, the BCC shall make a determination that the jobs created shall be of a type and within a salary range that promote economic development.
 2. For a Project located in the incorporated area, the BCC and the municipal Commission shall make determinations that the jobs created shall be of a type and within a salary range that promote economic development.
- B. The Project must be developed, owned, and operated by a not-for-profit agency. The Project and agency shall provide essential public services. At a minimum, the Project shall be 20 acres in size, and create, at build-out, not less than 2,000 jobs at the Project site.
 1. For a Project located in the unincorporated area, the BCC shall make a determination that the Project and agency provide essential public services.
 2. For a Project located in the incorporated area, the BCC and the municipal Commission shall make determinations that the Project and agency provide essential public services.
- C. A Project that meets the requirements of Art. 12.M.2.A or Art. 12.M.2.B above may be a mixed-use Project, incorporating residential and/or commercial components. However, in no event shall residential and/or commercial retail uses combine to comprise more than 45 percent of the square footage of the GFA.

Section 3 Project Location

This exception is limited to Project that meet the following location criteria:

- A. The Project shall not be located within the Coastal High Hazard Area.
- B. All Projects must be located within the County’s U/S Tier and be adjacent to (i.e., abutting or separated only by other public or governmental R-O-W) the Tri-County Commuter Rail Authority line, or be adjacent to a street which is served by Palm Tran.

Section 4 Required Provisions to Promote Public Transportation

All Projects shall, at a minimum, provide all of the following transportation amenities:

- A. The Project shall provide a site to Tri-Rail at the Project site, adjacent to the Tri-Rail tracks, for a station platform, ticket booth, and parking for at least 400 automobiles. When a Project is not adjacent to Tri-Rail, it shall provide a bus stop facility capable of handling two or more Palm Tran buses at a time with a covered waiting area of sufficient size to accommodate at least two percent of its employees.
- B. The Project shall provide a financial incentive in the form of a subsidy of at least 50 percent of the annual ticket cost to at least five percent of the persons employed at the Project site for riding Tri-Rail and/or Palm Tran to and from the Project site for a minimum of 200 working days per year. As an alternative, the development may provide equivalent funds directly to Palm Tran to subsidize this service.
- C. The Project shall provide a ride-sharing information service to persons employed at the Project site.
- D. The Project shall provide emergency transportation to those employees using mass transit, ride sharing, or other alternative modes of transportation (i.e. bicycles or pedestrian).
- E. The Project shall apply access management techniques along all roadways fronting the Project.
- F. The Project shall provide external pedestrian access to the Project, as well as an internal pedestrian system, accommodating persons with disabilities, as well as persons using alternative modes of transportation to the automobile.
- G. The Project shall enter into an agreement with PBC to provide the provisions to promote public transportation detailed in Art. 12.M.4.A, Art. 12.M.4.B., Art. 12.M.4.C and Art. 12.M.4.D above, in perpetuity. The Project will submit an annual monitoring report to the Palm Beach Planning Director that demonstrates that the requirements in Art. 12.M.4.A, Art. 12.M.4.B., Art. 12.M.4.C and Art. 12.M.4.D above are being met. Each annual report shall be due on the anniversary of the first CO.

Section 5 Required Traffic Study

Projects utilizing this exemption will submit a traffic study that is consistent with all of the provisions of this Article. They shall also provide a transportation analysis that illustrates their impact on the FIHS to ensure that those impacts are considered in the approval process.

Section 6 Required Roadway Improvements

Projects utilizing this exemption may be required to provide roadway, intersection, and/or signalization improvements to minimize their impact on the road network. These improvement will be determined by the County Engineer.

Section 7 Parking

Projects meeting the above requirements may apply for parking reductions pursuant to applicable codes.

CHAPTER N FIVE-YEAR ROAD PROGRAM

Section 1 Intent

The BCC of PBC Florida finds that the 1990 Traffic Performance Code adopted by Art. 12.A, General, through Art. 12.M, Transportation Concurrency Exemption for Projects that Promote Public Transportation is premised on PBCs commitment to adhere to and implement the adopted PBC Five-Year Program Ordinance, referred to as "Five-Year Road Program" in this Article and the 1989 PBC Plan, as amended, (referred to as "Plan in this Section"). PBCs failure to maintain its commitment to adhere to and implement its adopted Five-Year Road program as set forth in this Art. 12.N.1, Intent, shall result in a review and reconsideration of the adopted LOS contained in Art. 12, Traffic Performance Standards, and in the Plan.

Section 2 Description of Five-Year Road Program

The Five-Year Road Program was adopted by the BCC of PBC by Ordinance No. 85-40. In that ordinance, as amended, and in the Plan, PBC adopted a reasonably attainable program of roadway construction for a five-year period and matched the construction of Projects with Projected funding. Ordinance No. 85-40, as amended,

further provides that prior to December of each year, the BCC shall consider the Ordinance to modify the list of Projects to create a viable list of funded Projects for the succeeding five years.

The modification to the Five-Year Road Program shall continue to include, at a minimum, a description of the Road Project, the type of road construction required, and the amount of money to be spent each fiscal year for plan preparation, R-O-W acquisition, and actual construction.

Section 3 Monitoring of County's Adherence to and Implementation of the Adopted Five-Year Road Program

A. General

PBCs adherence to and the effectiveness of its implementation of the adopted Five-Year Road Program shall be monitored by the Independent Five-Year Road Program Oversight and Advisory Council. (Referred to as "Oversight and Advisory Council").

B. Independent Five-Year Road Program Oversight and Advisory Council

1. Council

An Oversight and Advisory Council is hereby created and established, consisting of nine members. One member shall be selected from each of the six disciplines listed below so that all the disciplines are represented, and appointed by the BCC of PBC:

- a. construction management;
- b. civil engineering;
- c. operations research/systems analysis;
- d. finance/certified public accounting;
- e. economist; and
- f. legal or general business.

Three members shall be selected from the general public; one from each of the following geographic areas:

- 1) North PBC - bounded on the west by State Road 7 and a line being the Projection north of the centerline of State Road 7; bounded on the south by Southern Boulevard.
- 2) South PBC - bounded on the west by State Road 7 and on the north by Southern Boulevard.
- 3) West PBC - bounded on the east by State Road 7.

The members shall be appointed at large by a majority vote of the BCC, and shall be PBC residents. They shall serve two year terms; provided that the initial term only of the members from construction management, civil engineering, operations research/systems analysis, finance/certified public accounting, and North PBC shall be one year. Any member missing three consecutive meetings may be replaced by the BCC, with the new appointment filling the unexpired term of the member replaced.

2. Purpose and Functions

The purpose of the Oversight and Advisory Council is to function both as a resource for both the County Engineer and the BCC in matters of the Five-Year Road Program implementation; to detect potential problems with PBC road building programs; to recommend to the BCC suggested corrective actions relating to any such problems so identified; to strengthen the confidence of the public and industry of PBC in the road transportation improvement program; to generally monitor whether there is adherence to the adopted LOS standards and the Five-Year Road Program schedule.

3. Activities

To implement the functions stated in Art. 12.N.3.B.2, Purposes and Functions, the members of the Oversight and Advisory Council are directed:

- a. To aid in the review of the policies, procedures, and programs for use by the County Engineer for implementation of the Five-Year Road Program.
- b. To monitor whether the preparation of plans for road and bridge construction is on schedule.
- c. To monitor whether the preparation of plans for R-O-W acquisitions and abandonments is on schedule.
- d. To monitor the progress of road construction.
- e. To monitor the collection and expenditure of all road reviews, including impact fees.
- f. To monitor whether there is adherence to the adopted LOS for the major thoroughfare system and the Five-Year Road Program Schedule.

- g. To monitor the impact of this Ordinance on the level of development activity by comparison to other communities.
- h. To review and recommend funding sources, mechanisms, and mixes of funding to improve the major thoroughfare system.
- i. To perform such other duties as the BCC shall direct; provided that the Oversight and Advisory Council shall not be involved in recommending changes to, or the adoption of, the annual Five Year Road Program or the management of the Engineering Department.

4. Administration

- a. The Office of the County Administrator shall provide such administrative staff and assistance as is required for the Oversight Advisory Council to perform its duties and functions.
- b. All PBC departmental directors shall cooperate with the Oversight Advisory Council to the fullest extent.

5. Reports

- a. The County Engineer shall submit a report by April 30 and October 30 each year to the Oversight and Advisory Council detailing the status of the PBCs implementation of its adopted Five-Year Road Program. This report shall contain a detailed report on the status of each Project in the Five-Year Road Program, including the proposed commencement and completion dates of all programmed activities within each quarter of each fiscal year and the likelihood of meeting those dates.
- b. The Oversight and Advisory Council shall meet at least quarterly and shall submit an annual report by January 31 of each year to the BCC detailing its findings on PBCs implementation of the adopted Five-Year Road Program, the general effectiveness of PBCs road building efforts, and the other tasks contained in Art. 12.N.3.B.3, Activities. The Oversight and Advisory Council may submit other reports to the BCC regarding actual as opposed to planned performance and shall respond to other requests from the BCC.

C. Review of the Oversight and Advisory Council

The need for, and tasks of, the Oversight and Advisory Council shall be reviewed approximately June 1, 1992 and every two years thereafter.

Section 4 Modification of Five-Year Road Program

A. Semi-annual Modification of Five-Year Road Program

The deletion of construction Projects from the Five-Year Road Program may be done no more frequently than twice a year. For purposes of this Section "deletion of a construction Project" shall mean the elimination of the construction Project, the failure to let a road construction contract, the removal of or failure to establish funding of the construction Project, the material reduction in the scope of work or funding (as it affects the construction Project), or the postponement of the construction Project in the Five-Year Road Program for more than two years beyond the year the construction was originally programmed in the 1988-92 Five-Year Road Program or in the Five-Year Road Program in which the construction was first added after 1987. It does not include delays associated with R-O-W acquisition as a result of judicial decision, redesign after the contract has been let, construction, or other delays not under the control of PBC.

B. Findings Required Prior to Deletion in the Adopted Five-Year Road Program

Prior to approving the deletion of any construction Project from the County's Five-Year Road Program, the BCC must find; 1) that the deletion of the construction Project will not result in any Link or intersection on the road network operating at greater than the Adopted LOS as defined in this Article if such Link would not have operated at greater than the Adopted LOS as defined in this Article had the Project been constructed as originally programmed in the adopted Five-Year Road Program; and 2) that no Project which was approved and phased based upon such Assured Construction would be denied Building Permits because of the deletion of the construction. If both findings can be made, then the construction Project may be eliminated by a majority vote except, if the Project is in the current fiscal year, in which case a majority plus one vote is required. If only the second finding can be made, then a Project not in the current fiscal year could be deleted by a majority plus one vote. However, in no case may a Project be deleted when the second finding cannot be made.

Notwithstanding the above, a Project may be deleted if an equivalent substitute Project replaces the original Project, in the same fiscal year. An equivalent substitute Project is a roadway Project in the same

area that will serve substantially the same trips as the original Project. This substitution may be made by a majority plus one vote.

Section 5 Standards Five-Year Road Program

Concurrent with the adoption of the annual Five-Year Road Program, the BCC shall determine whether PBC has adhered to and implemented its Five-Year Road Program. In order to make the determination that PBC had adhered to and implemented its adopted Five-Year Road Program, the BCC must find the following based upon substantial competent evidence:

A. Funding

The amount of funding of the current fiscal year of the Five-Year Road Program is, at a minimum, as contemplated in the Plan and the Five-Year Road Program.

B. New Fifth Year

The new fifth year being added to the Five-Year Road Program with Projects added to the Five-Year Road Program at a rate contemplated in the Plan.

C. Projects on Schedule

Fewer than 20 percent of the programmed road construction Projects (on a line item basis) from the preceding fiscal year over which PBC has control are more than 12 months behind schedule.

Section 6 Effect of Failure of County to Adhere Implement it's Adopted Five-Year Road Program

If the BCC does not continue to fund the Five-Year Road Program in accordance with the Plan, or does not continue to add Projects to the Five-Year Road Program at a rate contemplated in the Plan, as corrected, updated, or modified as permissible in F.S. § 163.3177(3)(b); or construction Projects consisting of 20 percent or more of the programmed construction Projects (on a line item basis) from the preceding fiscal year over which PBC has control are more than 12 months behind schedule as determined after the effective date of this Section, above, the BCC shall review the adopted LOS to determine whether it is realistic, adequate, and financially feasible.

CHAPTER O METHOD OF PRIORITIZING THOROUGHFARE IMPROVEMENTS

PBC shall undertake data collection and review of such regarding Major Intersection capacity and Peak Hour Link capacity, along with ADT capacity. It shall use this information in programming Major Thoroughfare system improvements in the Five-Year Road Program.

The objective shall be to effectively spend available funds so as to maximize capacity, balancing the amount of capacity added, the cost of improvements, the time the improvements will be utilized, and the "expandability" of those improvements to the ultimate section of road. Volume to ADT capacity ratios shall be the preliminary criterion for prioritizing funding of improvements. Due consideration shall be given to the amount of area opened up for development as a result of the various improvements. Deferral or elimination of Link improvements made unnecessary as a result of: (1) other Major Thoroughfare system improvements, such as intersection improvements; or (2) refined capacity analysis, shall not be considered the deletion of a road improvement, unless the deletion is of a Project scheduled for construction of the first year of the Five-Year Road Program or was scheduled for construction in the first year of a previous Five-Year Road Program. When evaluating whether a particular improvement should be deleted from the Five-Year Road Improvement Program, due consideration shall be given to previous reliance of improvements scheduled in the Five-Year Road Program.

In addition, the analysis shall identify improvements to relieve traffic demands on all deficient facilities which are not included in the Five-Year Road Program. PBC shall estimate traffic volumes to be on the roadway network at the end of the last year in the Five-Year Road Program and determine what additional improvements will be needed to meet those future traffic demands. These plans will be developed initially in 1991 and presented to the BCC annually in conjunction with the review and approval of the Five-Year Road Program, beginning in 1992. Consideration will be given to staging improvements by constructing intersection improvements or other spot roadway improvements such that maximum roadway system and funding efficiency are achieved. These improvements shall be included in the analysis but will not be required to be identified for construction in a certain year.

CHAPTER P PROJECT AGGREGATION

Section 1 Applicability

This Chapter concerning Project aggregation shall apply only to a Lot in existence on or after March 31, 2003 or to a Project with a Development Order, an Agreement, or both, approved after March 31, 2003 that is subject to a condition of approval that expressly provides for Project aggregation. This subsection shall not apply to Developments located within a designated Community Redevelopment Area (CRA) or "urban infill" area as defined in F.S. § 163.3164.

Section 2 Aggregation Criteria

Two or more land uses, or group of land uses, or land development activity or activities, or amendment(s) thereto (hereafter "Developments"), which require a Development Order(s), represented by their owners or developers to be separate Developments, shall be aggregated and treated as a single Project when each of the following criteria in paragraphs (1) through (3) is met.

- A. The Developments generate more than 500 peak hour, two-way trips when aggregated.
- B. The same Person owns or has a significant legal or equitable interest or an option to obtain significant legal or equitable interest in each Development. A "significant legal or equitable interest" means that the same Person has an interest or an option to obtain an interest of more than 25 percent in each Development for the following types of interests: (1) a fee simple estate; (2) a leasehold estate of more than 30 years duration; (3) a life estate, or (4) similar equitable, beneficial or real property interests in the Developments. A lessor's interest in a lease of more than 30 years is not a significant legal or equitable interest
- C. The Developments are part of a unified plan of development as evidenced by meeting at least two of the following:
 1. There is a period of two years or less between the issuance of the first building permit, or issuance of a Development Order if the first building permit has not been issued, for one Development and subsequent traffic concurrency application for another Development. This subparagraph shall apply only if any portion of the parcels that contain the Developments: a) presently share a common boundary; or b) previously shared a common boundary or existed as a single parcel within two years from the date the earliest of the Developments received traffic concurrency approval.
 2. The Developments are physically proximate to one other. Two or more Developments shall be considered "physically proximate" when any portion of two or more Developments is contiguous or separated by a road R-O-W or public canal easement of 140 feet or less.
 3. A master plan or series of plans or drawings exists covering the Developments sought to be aggregated which have been submitted to a local general-purpose government, SFWMD, local drainage or improvement special district, the Army Corps of Engineers, the FDEP, or the Division of Florida Land Sales, Condominiums, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan which aggregates Developments; or
 4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the Developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government, SFWMD, local drainage or improvement special district, the Army Corps of Engineers, the FDEP, the Division of Florida Land Sales, Condominiums, and Mobile Homes, or the Public Service Commission. "Sharing of infrastructure" means the voluntary joint use by two or more Developments of internal roadways, internal recreational facilities or parks, amenities, or water, sewage or drainage facilities specifically constructed to accommodate the Developments sought to be aggregated. Shared infrastructure does not include:
 - a. Any joint or shared use of private or public infrastructure specifically required under an established policy of general applicability as set forth under a comprehensive plan adopted pursuant to F.S. Chapter 163, an adopted local government ordinance or resolution, state statute or by adopted rule of regional or state regulatory agencies;

- b. Any joint or shared use of public recreational facilities or parks so long as they were not conveyed by a person with a significant legal or equitable interest in the Developments sought to be aggregated;
 - c. Any joint or shared use of publicly financed drainage or stormwater management facilities, roadways or water or sewer facilities which were not constructed or financed specifically to accommodate the Developments considered for aggregation; or
 - d. Design features, financial arrangements, donations, or construction that is specified in and required by an Agreement between PBC and two or more Developments;
 - e. Cross access or shared driveways
5. There is a common advertising scheme or promotional plan in effect for the Developments sought to be aggregated. "Common advertising scheme or promotional plan" means any depiction, illustration, or announcement which indicates a shared commercial promotion of two or more Developments as components of a single Development and is designed to encourage sales or leases of property.

Section 3 Exceptions

This Chapter concerning Project Aggregation is intended to prevent the division of one large Project into several smaller Projects in order to circumvent the purpose of this Article, not to aggregate separate and discrete Projects. Certain activities and circumstances, including the following, shall not be used by the County Engineer to aggregate two or more Developments:

- A. Activities undertaken leading to the adoption or amendment of any Plan element described in part II of F. S. Chapter 163.
- B. The sale of unimproved parcels of land, where the seller does not retain significant legal or equitable interest in the future development of the parcels.
- C. The fact that the same lender has a financial interest, including one acquired through foreclosure, in two or more parcels, so long as the lender is not an active participant in the planning, management, or development of the parcels in which it has an interest.
- D. Drainage improvements that are not designed to specifically accommodate the Developments sought to be aggregated.
- E. Use of the same real estate broker to market and sell two or more Developments.
- F. Agreements to authorize owners or developers to pool impact fees or impact-fee credits, or to enter into front-end agreements or other financing arrangements by which they collectively agree to design, finance, donate, or build such public infrastructure, facilities, or services.
- G. Nothing herein shall prevent the development of a portion of a parcel owned by one Person where no unified plan of development for the remainder of the parcel, or portion thereof, is evidenced.

Section 4 Procedure

- A. In order to aggregate two or more Developments pursuant to this Chapter, the County Engineer shall provide written notice of intent to aggregate. This notice shall be delivered by certified mail to all affected applicants seeking traffic concurrency approval. The notice of intent to aggregate shall: identify the Developments sought to be aggregated; explain the effect of aggregation on the Developments in the event a final determination has been made by PBC to aggregate the Developments; and indicate that an affected current owner may appeal the decision of the County Engineer pursuant to Art. 12.E, Procedure, of this Article.
- B. If the County Engineer's notice of intent to aggregate is not appealed, or if the TPSAB, or a court of competent jurisdiction, ultimately affirms the decision of the County Engineer to aggregate, the Developments shall be considered a single Project for the purposes of traffic concurrency. Once aggregated, the applicant or applicants seeking traffic concurrency approval shall prepare and submit to the County Engineer a single Traffic Impact Study that analyzes the aggregated Developments as a single Project. The Traffic Impact Study shall be subject to the review and procedural standards set forth in Art. 12.A.1.A, Intent, of this Code. Such review and procedural standards shall not affect the terms and conditions of an already approved Development Order, a prior Agreement, or both, related to traffic concurrency approval of an aggregated Development.

Section 5 Traffic Impacts

This Chapter shall be applied only for the purpose of evaluating the traffic impacts of a Project pursuant to the requirements of this Art. 12, Traffic Performance Standards.

Section 6 Traffic Concurrency

The application materials used for Traffic Concurrency approval shall be amended to require an applicant to state whether or not the Project is subject to aggregation as set forth in this Chapter.

Section 7 Aggregation

Portions of this Chapter concerning aggregation are based on the aggregation regulations for DRI, codified in F.S. § 380.0651, and Rule 9J-2, F.A.C. Unless the context clearly indicates otherwise, the terms used in this Chapter shall have the same meaning and application as those terms that are provided for in the state regulation.

ARTICLE 14

ENVIRONMENTAL STANDARDS

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ARTICLE 14

ENVIRONMENTAL STANDARDS

CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

Section 1 Purpose and Intent

The purpose of this Chapter is to reduce impacts of coastal lighting on sea turtles. This Chapter is also intended to maintain the volume and quality of sand presently existing within the beach/dune system. The unique characteristics of sediments contained in the existing beaches and dunes of PBC require the preservation of these materials within the beach/dune system.

Section 2 Definitions

- A. In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to this Chapter:

Alteration or Materially Alter - The removal of sand from the Sand Preservation Zone (SPZ).

Artificial Light Source(s) - Any exterior source of light emanating from a man-made device, including but not limited to, incandescent, fluorescent, mercury vapor, low voltage, metal halide or sodium lamps, spotlights, flood lights, landscaping lights, street lights, vehicular lights, construction or security lights.

Beach - The zone of unconsolidated material that extends landward from the mean high water line of the Atlantic Ocean and inlets to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. Beach is alternately termed shore.

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

Beachfront Lighting - All lighting within or causing illumination within the jurisdictional boundaries of this Chapter. For the purpose of this Chapter, Coastal Lighting is synonymous with Beachfront Lighting.

Crest of Dune - The highest point in elevation of the dune.

Day - Calendar day unless otherwise stated.

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

Dune Crest - The highest point in elevation of the dune

Dune Profile - The cross-sectional configuration of the dune.

ERM - PBC Department of Environmental Resources Management.

Ground-Level Barrier - Any natural or artificial structure rising above the ground which prevents beachfront lighting from shining directly onto the beach-dune system.

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

Illumination - Any artificial light source directly or indirectly cast within the jurisdictional boundaries of this Chapter and visible from the beach.

Line of Sight of Beach - Any position that is visible from any portion of the nesting beach at sand level and is not limited to a shore perpendicular direction.

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

Nesting Season - The period from March 1 through October 31 of each year.

Permitted Agent of the State - Any qualified individual, group or organization possessing a permit from the Florida Fish and Wildlife Conservation Commission (FFWCC) to conduct activities related to sea turtle protection and conservation.

Sand - Sediments having a distribution of particle diameters between 0.074 and 4.76 millimeters, as defined in the Unified Soils Classification System. Sand grain analyses shall follow the methodology described in Folk, Robert L. 1980, *Petrology of Sedimentary Rocks* to determine grain size distribution.

Sand Preservation Zone (SPZ) - An area of jurisdiction, established by this Chapter, for the purpose of maintaining the volume of beach sand within the beach/dune system. This zone extends from the mean high water line of the Atlantic Ocean to a line 600 feet landward.

Sea Turtle(s) - Any specimen belonging to the species *Caretta caretta* (loggerhead turtle), *Chelonia mydas* (green turtle), *Dermochelys coriacea* (leatherback turtle) or any other marine turtle using PBC beaches as a nesting habitat or natal beach.

Sea Turtle Lighting Plan (STLP) - A plan showing elevations and locations of structures, vegetation and proposed lighting fixtures and meets the requirements of Art. 14.A.8.F, Sea Turtle Protection Lighting Plan, for the purpose of ensuring no adverse impacts to sea turtles, their nests, or habitat.

Sea Turtle Protection Zone (STPZ) - An area of jurisdiction, established by this Chapter, for the purpose of regulating coastal lighting. This zone extends from three miles offshore of the Atlantic Ocean and along inlet shorelines to a line 600 feet landward of the mean high waterline.

Tinted Glass - Any window or door glass which has: (a) a visible light transmittance value of 45 percent or less; and (b) a minimum of five year warranty; and (c) performance claims which are supported by approved testing procedures and documentation. For the purpose of this Chapter Window Tint shall be synonymous with Tinted Glass.

Section 3 STPZ/STPO – Sea Turtle Protection Ordinance

This Chapter shall be known as the PBC Sea Turtle Protection and Sand Preservation Standards. It repeals and replaces PBC Ordinances 72-12, 78-20, 87-13 and 90-2.

Section 4 Applicability

- A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas of PBC, and shall set restrictions, constraints and requirements to preserve and protect sea turtles, sea turtle habitat and beach/dune sediments.
- B. PBC funds for dune restoration or shore protection projects in municipalities shall be contingent upon this Chapter being fully enforced or the adoption and enforcement of an equally stringent or more stringent ordinance by a municipality. Funding determinations shall be based on ERM's review and acceptance or rejection of a municipality's replacement ordinance, as well as a review of permits and variances and enforcement notices issued pursuant to the municipal ordinance.
- C. This Chapter shall apply to any coastal lighting activity that has the potential to adversely impact sea turtles in PBC within the limits of jurisdiction. This Chapter shall also apply to any sand removal or degradation that has the potential to adversely impact the unique sediments which comprise the coastal beach/dune system in PBC within the limits of jurisdiction.

Section 5 Authority

This Chapter is adopted under the authority of F. S. §125.01 et seq.

Section 6 Jurisdiction

- A. ERM shall have regulatory authority over coastal lighting and alterations to the beach/dune system. This Chapter establishes two zones of jurisdiction: the Sea Turtle Protection Zone (STPZ) and the Sand Preservation Zone (SPZ). The STPZ extends from three miles offshore of the Atlantic Ocean and along inlet shorelines to a line 600 feet landward of the mean high water line. The SPZ extends from the mean high water line of the Atlantic Ocean to 600 feet landward.
- B. The STPZ is established for the purpose of minimizing and controlling coastal lighting. Incorporated areas of PBC which have a Sea Turtle Protection Ordinance (STPO) in effect shall not be subject to the provisions of this Chapter which pertain to coastal lighting.

- C. The SPZ is established for the purposes of maintaining the volume and quality of beach sand presently existing within the beach/dune system. The unique characteristics of the sediments contained in the existing beaches and dunes of PBC require the preservation of these materials within the beach/dune system. Incorporated areas of PBC which have provisions in effect to preserve beach/dune sediments shall not be subject to the provisions of this Chapter which pertain to Sand Preservation.
- D. Within the limits of jurisdiction of the STPZ as defined in this Chapter, no person, firm, corporation, municipality, special district or public agency shall install any artificial lighting without first having obtained an approved Sea Turtle Protection Lighting Plan (STLP) from ERM as provided for in this Chapter. Existing beachfront lighting located within or causing illumination within the STPZ as defined herein shall comply with Art. 14.A.11, Standards for Existing Beachfront Lighting.
- E. Within the limits of jurisdiction of the SPZ as defined in this Chapter, no person, firm, corporation, municipality, special district or public agency shall remove any beach or dune sediments from their property or from the SPZ without first complying with Art. 14.A.13, Standards for SPZ.

Section 7 De Minimis

Those project for which ERM provides a written determination that there will be no significant adverse environmental impacts. Approvals may include but are not limited to: removal of a light source whether approved or not approved; reduction in light intensity of a light source; installation of a light source within the STPZ which is not directly or indirectly visible from the beach.

Section 8 Sea Turtle Protection Lighting Plan

- A. A STLP approval is required for all new building construction and new artificial lighting proposed within the STPZ. A STLP shall be approved by ERM prior to the issuance of a building permit by the PZB or the local building department.
- B. Applications shall be made on a form approved by ERM. ERM may make use of forms already in use by the State of Florida and/or federal agencies.
- C. ERM may attach conditions to any STLP approval where such conditions are deemed reasonably necessary to protect sea turtles.
- D. Any application received that is substantially the same as a previous application that has been denied by ERM shall also be denied without further processing.
- E. Any site or property owner that is subject to or recipient of a notice of violation or notice of noncompliance that remains unresolved shall not be issued an ERM STLP approval.
- F. STLP approval shall not be issued or processed until the application fee and any and all information necessary to fully understand the extent, nature, and potential impacts of a proposed lighting plan are received by ERM. Such information may include, but is not limited to:
 - 1. A completed application form;
 - 2. An explanation of the necessity and purpose of the proposed lighting;
 - 3. Photographs of existing conditions which may include aerial photographs;
 - 4. Plans showing profile and plan views depicting all light fixture locations, the elevations of proposed and existing structures, proposed and existing vegetation, beach/dune profiles and pertinent topographic information; and
 - 5. Electrical, building and landscape plans shall be submitted illustrating all exterior lights and windows within line of sight of the beach. Light and window tinting information shall include:
 - a. The location, number, wattage, elevation, orientation, fixture cut sheets, photometric illustrations and all type(s) of proposed artificial light sources. Artificial light sources shall include, but are not limited to, floodlights, spotlights, temporary security lights, those used on balconies, walkways, recreational areas, roadways, parking lots, dune crossovers, decks, boardwalks and signs.
 - b. Protective/mitigative measures to minimize lighting impacts on sea turtles, including measures to prevent direct and indirect illumination of areas seaward of the crest of the dune.
 - c. Window tinting specifications for all windows and doors within line of sight of the beach including percentage of visible light transmittance (see definition of tinted glass).
- G. When an application is made for a STLP approval in common areas of a multi-family residential site (i.g., condominiums, apartments, townhouses, villas, etc.), the representative association, or all of the homeowners as a group, shall be the applicant. ERM shall not process an application made by one unit owner in a multi-family setting where the work is proposed on lands designated as, or can reasonably be considered to be, common areas.

- H. Upon receipt of an application and appropriate application fee, ERM shall have 30 days to request any additional information. Within 30 days of receipt of such additional information, ERM may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information. No time clocks of this Section shall begin until the appropriate application fee is received.
- I. If ERM does not make a request for additional information within 30 days of receipt of an application or requested information, the application shall be deemed complete upon receipt.
- J. If an applicant fails to respond to an ERM request for an application fee, or any additional information, within 60 days, the application may be denied without prejudice. However, ERM may grant an extension of time as is reasonable necessary to fulfill the request for additional information.
- K. Upon receipt of a completed application and fee, ERM shall have 90 days to take final action unless the applicant agrees in writing to a time extension or waiver of this requirement. Final agency action shall be approval of a STLP, denial of a STLP, or conditional approval of STLP. Failure by ERM to take final action within 90 days shall result in the authorization of the proposed work with standard limiting conditions.
- L. Any application containing false information may be rejected and any STLP approval granted based upon false information may be revoked.
- M. ERM STLP approvals may be issued with a duration period that is reasonably necessary to complete the project not to exceed five years.
- N. Any substantial modification to a complete application, or a STLP approval, shall require an amended application form and an additional application fee and shall restart all time periods of this Section.

Section 9 Criteria for STLP Approval

- A. A STLP approval may be issued pursuant to this Chapter provided that the applicant provides to ERM reasonable assurance that there shall be no adverse impacts to sea turtles, sea turtle nesting, and sea turtle habitat, and that the following criteria will be met:
 - 1. Any and all light fixtures shall be designed to be the minimum level necessary for safety and will be positioned such that they do not cause illumination (direct or indirect) of areas seaward of the existing seawall or crest of dune and the source of light is not directly visible from the beach;
 - 2. ERM determines that coastal lighting alternatives and modifications to lessen impacts are infeasible; and
 - 3. ERM determines that the cumulative impacts of the subject lighting project and other similar lighting projects will also meet the criteria of this Chapter.
- B. Measures that may be implemented to protect sea turtles include: elimination, modification or alteration of all proposed and/or existing exterior lights that cause direct or indirect illumination of areas seaward of the existing crest of dune or which are visible from the beach.
- C. All lighting installed after September 2, 1987 in unincorporated PBC and in municipalities that do not have a STPO in effect shall comply with the following standards:
 - 1. no artificial public or private light source shall directly or indirectly illuminate areas seaward of the crest of the dune or be visible from the beach where it may deter adult female sea turtles from nesting or disorient hatchlings;
 - 2. the installation of coastal lighting shall reflect the standards and mitigative measures published in the current state-of-the-art manual pertaining to coastal lighting and sea turtle conservation available at ERM (Witherington, Blair E. & Eric R. Martin, *Understanding, Assessing and Resolving Light-pollution Problems on Sea Turtle Nesting Beaches*, Florida Marine Research Institute Technical Report, Florida Department of Environmental Protection, 1996).
 - 3. any and all light fixtures shall be designed and/or positioned such that they do not cause direct or indirect illumination of areas seaward of the crest of the dune and the source of light is not directly visible from the beach,
 - 4. all lights on balconies shall be eliminated or shielded from the beach. Proposed balcony lights which do not meet standard Art. 14.A.9.C.1, Criteria for STLP Approval, shall not be authorized, and
 - 5. artificial lighting for decorative or accent purposes and uplights shall not be authorized within the zone of jurisdiction unless it is not directly or indirectly visible from the beach.
 - 6. Lighting used in parking lots within the STPZ shall be:
 - a. Set on a base which raises the source of light no higher than 48 inches off the ground unless the lighting is not directly or indirectly visible from the beach.

- b. Positioned and/or shielded such that the source of light is not visible from the beach.
- 7. Sign lighting may be authorized provided it illuminates an area less than 15 square feet and meets the criteria of standard Art. 4.A.9.C.1, Criteria for STLP Approval.
- D. Tinted glass or any window film applied to window glass which meets the defined criteria for tinted glass, shall be installed on all windows and doors within line of sight of the beach.

Section 10 Inspection Required

- A. Prior to the issuance of a Certificate of Occupancy (CO) by the PZB or local building department, each facility shall be inspected for compliance as follows:
 - 1. Upon completion of the construction activities, a State of Florida registered architect, landscape architect, environmental professional or professional engineer shall conduct a site inspection which includes a night survey with all the beachfront lighting turned on.
 - 2. The inspector shall prepare and report the inspection finding in writing to ERM, identifying:
 - a. the date and time of initial inspection;
 - b. the extent of compliance with this Chapter and the approved STLP;
 - c. all areas of potential and observed noncompliance with this Chapter;
 - d. any action(s) taken to remedy observed noncompliance and date remedy will be implemented, if applicable; and
 - e. the date(s) and time(s) of remedial inspection(s), if applicable.
 - 3. The inspector shall sign and seal the inspection report which includes a certification that:
 - a. the beachfront lighting has been constructed in accordance with this Chapter;
 - b. the inspector observed the project area at night with all lights operating;
 - c. the beachfront lighting does not directly or indirectly illuminate areas seaward of the crest of the dune at the time of the night inspection; and
 - d. the beachfront light sources within the jurisdictional boundaries are not directly or indirectly visible from the beach at the time of the night inspection.

Section 11 Standards for Existing Beachfront Lighting

A. Adjustment to Essential Lighting

Existing artificial light sources shall not be directly or indirectly visible from the beach and/or shall not directly or indirectly illuminate areas seaward of the crest of dune. This may be accomplished by following the recommended corrective actions listed in Art. 14.A.11.F, Recommended Corrective Action. In some cases, it may be desirable to retrofit fixtures and install and shield low pressure sodium vapor lights producing wavelengths between 589 and 590 nanometers. Modifications using low pressure sodium lighting shall be coordinated with ERM. Techniques and/or materials used are recommended to be consistent with the current state-of-the-art lighting reference manuals identified by ERM.

B. Reduction of Indirect Lighting on the Beach

The installation of ground level barriers including dense native vegetation is strongly encouraged and may be required to reduce the amount of lighting striking the beach/dune system.

C. Lighting for Pedestrian Traffic

Lights illuminating beach access points, dune crossovers, beach walkways, piers or any other structure seaward of the crest of the dune designed for pedestrian traffic shall be the minimum level necessary to maintain safety and shall be located and shielded such that lights and their illumination are not directly or indirectly visible from the beach.

D. Use of Window Treatments

To prevent interior lights from illuminating the beach, window treatment shall be required on all windows visible from the beach within jurisdictional boundaries. Blackout draperies or shadescreens are preferred. Alternatively or additionally, window tint may be applied to beachfront windows. The turning out of all unnecessary interior lights during the nesting season is strongly encouraged.

E. Special Lighting Restrictions during the Nesting Season

Effective May 1, 1988, and continuously throughout each nesting season (March 1 through October 31), external light sources that are visible from the beach or illuminate directly or indirectly areas seaward of the crest of the dune shall be disconnected or otherwise modified to comply with this Chapter.

F. Recommended Corrective Action

The following measures can be used to reduce or eliminate the effects of any exterior lighting on hatchlings and nesting sea turtles:

1. permanently remove the fixture;
2. disconnect the fixture;
3. reposition the fixture so the point source of light is no longer visible from the beach;
4. replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;
5. replace non-directional fixtures with directional fixtures pointing down and away from the beach;
6. replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on seaward side so the light source is not visible from the beach;
7. replace pole lamps with low profile, low-level luminaries so that the light source is not visible from the beach;
8. plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
9. construct an ornamental structural barrier to shield light source from the beach; and
10. modify the fixture by adding a shield.

G. Enforcement and Implementation of Corrective Measures

In areas where compliance with the lighting conditions of this article are not evidenced, non-compliant property owners shall be required to implement appropriate corrective measures, developed in consultation with ERM to correct negative impacts to sea turtles. Corrective measures shall be implemented in addition to applicable penalties and fines. Any corrective program implemented as a result of noncompliance with lighting conditions of this article shall remain in effect until such time that acceptable beachfront lighting is achieved. Relocation of nests where authorized by the FFWCC shall be considered only as a last resort and as a temporary measure while other solutions are being developed and implemented.

Section 12 Standards for Dune Crossovers

A. Information Sign Requirements

Permanent sea turtle information signs shall be conspicuously posted by applicable jurisdictions at all public beach access points provided with dune crossovers. The information signs shall be standardized by ERM.

1. Sign Posting Responsibility

Sea turtle information signs shall be encouraged at all new private beach access points provided with dune crossovers. Signage shall be the responsibility of the property owner.

2. Sign Maintenance Requirements

Standardized sea turtle information signs shall be maintained in perpetuity such that information printed on the signs remains accurate and legible and the signs positioned such that they are conspicuous to persons at all public beach access points provided with dune crossovers.

3. Sign Removal

Removal of the information signs by anyone other than those authorized by ERM is prohibited.

Section 13 Standards for SPZ

- A. There shall be no net loss of sand from the SPZ. Sand temporarily excavated from the SPZ shall be returned to the SPZ. Sand shall be returned to the SPZ prior to the issuance of a building department CO where a CO is required, or within six months of the excavation for projects which do not require a CO. In addition, the sand may not be degraded by mixing with any sediment, soil, or material, such that it will not meet the definition for beach compatible sand as defined.
- B. Sediment analysis of existing beach/dune and any proposed fill material to be mixed with the existing sand may be required by ERM. Written notification must be provided to ERM (attention: ERM Coastal Geologist) prior to removal of sand from the SPZ.

Section 14 Appeals

Any affected party may appeal a final determination of ERM pursuant to Art. 14.C.14, Appeals.

Section 15 Fees

- A. Fee shall be required as established by the approved fee schedule.
- B. Fees shall be non-refundable and nontransferable.
- C. All application fees paid by check shall be made payable to the BCC.

Section 16 Violations

- A. An unapproved lighting source illuminated during the night which is directly or indirectly visible from the beach.
- B. An approved lighting source which has experienced a change in conditions such that it is no longer in conformance with this Chapter. Conditions may include but are not limited to: increase of intensity or direction of the light source; failure to maintain proper shielding, addition or modification of adjacent structures; modification of background colors of the structure; or modification of height of vegetation, width or height of dune or width of beach.
- C. Installation of beachfront light fixtures in the STPZ without ERM approval.
- D. Submittal to ERM of any signed and sealed lighting inspection report containing false information.
- E. Removal of sand from the SPZ without first supplying written notification to ERM.
- F. Degrading sand by mixing with sediment, soil, or material such that it will not meet the definition for beach compatible sand.
- G. Alterations which result in a net loss of sand from the SPZ.
- H. Failure to comply with the requirements of this Chapter or any approval granted or authorized hereunder.
- I. Traversing a natural dune by a pedestrian within 200 feet of a public dune walkover.
- J. Any lighting projects or alterations which would have been in violation of **PBC Ordinances No. 72-12, 78-20, 87-13 or 90-2**, as amended, during its effective period, shall continue to be violations under this Chapter but shall be subject to prosecution under the terms of **PBC Ordinance No. 72-12, 78-20, 87-13 or 90-2** as amended.

Section 17 Enforcement

- A. In order to enforce compliance with the provisions of this Chapter, ERM may issue a cease and desist order or require that a building permit or CO be withheld. Violations of the provisions of this Chapter shall be punishable by one or more of the following:
 - 1. triple application fees for STLP approvals not obtained prior to violations involving activities which would otherwise have been authorized as determined by ERM;
 - 2. enforcement procedures as outlined in Art. 10.C, Groundwater and Natural Resources Protection Board; or
 - 3. notwithstanding, the enforcement procedures set forth above, PBC shall not be prevented from enforcing the provisions of this Chapter by any other measures allowable by law, including but not limited to, F.S. Chapters 125 and 162, as may be amended.
- B. All monies collected as civil penalties for violations of this Chapter shall be deposited in the Pollution Recovery Trust Fund.

CHAPTER B WELLFIELD PROTECTION

Section 1 Purpose and Intent

- A. The purpose and intent of this Chapter is to protect and safeguard the health, safety, and welfare of the residents and visitors of PBC by providing criteria for regulating and prohibiting the use, handling, production and storage of certain deleterious substances which may impair present and future public potable water supply wells and wellfields.

Section 2 Definitions

- A. In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to this Chapter:
Aquifer - A groundwater bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water.

Closure Permit - That permit required by activities which must cease operation pursuant to the provisions of Art. 14.B.7, Wellfield Protection.

Completed Application - An application which includes all materials and documents which are necessary to support the application and which has been accepted as complete by ERM.

Cone of Depression - An area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, de-watering site or quarry. The aerial extent and depth of the depression is a function of the hydraulic properties of the aquifer, the pumpage rates and recharge rates.

Day - Calendar day unless otherwise stated.

Designated Public Utility - That public utility which operates a well or wells for which the Zones of Influence include part or all of the property on which the nonresidential activity is located.

Domestic Sludge - A solid waste resulting from sewage, seepage, or food service operations, or any other such waste having similar characteristics. Domestic sludge includes sludge resulting from the treatment of domestic wastewater.

Domestic Wastewater - Wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage.

Emergency Hazardous Situation - Occurs whenever there is an immediate and substantial danger to human health, safety, or welfare or to the environment.

ERM - The PBC Department of Environmental Resources Management.

Exfiltration System - 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.

Facility - Main structures, accessory structures and activities which store, handle, use or produce Regulated Substances. Where contiguous facilities exist and such facilities are separate in the nature of the businesses, they shall remain separate under this Chapter.

Generic Substance List - Those general categories of substances set forth in Appendix 1, Generic Substances List attached hereto and incorporated herein.

Groundwater - water that fills all the unblocked voids of underlying material below the ground surface, which is the upper limit of saturation, or water which is held in the unsaturated zone by capillarity.

Groundwater and Natural Resources Protection Board (GNRPB) - that board designated by the BCC, to hear alleged violations of this Chapter and other state and local laws protecting the groundwater and natural resources of PBC.

Laboratory - 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.

Land Application - The application or disposal of effluents or sludges on, above, or into the surface of the ground through spray irrigation, land spreading, or other methods.

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

One Foot Drawdown Contour - The locus of points around a well or wellfield where the free water elevation is lowered by one foot due to a specified pumping rate of the well or wellfield.

Operating Permit - Means the permit required of certain activities under Art. 14.B.7, Wellfield Protection.

Percolation Pond - An artificial impoundment similar to a holding pond for which the design and operation provides for fluid losses through percolation or seepage.

Person - Any individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, owner, lessee, tenant or any other entity whatsoever or any combination of such jointly or severally.

Potable Water - Water that is intended for drinking, culinary or domestic purposes, subject to compliance with PBC, State of Florida or Federal drinking water standards.

Public Utility - Any privately-owned, municipally-owned, PBC-owned, special district-owned, or State of Florida-owned system providing water or wastewater service to the public which has at least 15 service connections or regularly serves at least 25 individuals daily for at least 60 days of the year.

Regulated Substances

1. Those deleterious substances or contaminants, including degradation and interaction products which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature,

or any other characteristic, may cause significant harm to human health and environment (including surface and groundwater, plants, and animals).

2. Those substances set forth in, but not limited to, the lists, as amended from time to time, entitled Lists of Hazardous Wastes (40 CFR Part 261, Subpart D), 40 CFR, Part 261, Appendix VIII-Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA (40CFR302, effective July 3, 1986); provided, however, that this Chapter shall only apply whenever the aggregate sum of all quantities of any one Regulated Substance at a given facility/building at any one time exceeds 5 gallons where said substance is a liquid, or 25 pounds where said substance is a solid.

This Chapter shall also apply if no single substance exceeds the above reference limits but the aggregate sum of all Regulated Substances present at one facility/building at any one time exceeds 100 gallons if said substances are liquids, or 500 pounds if said substances are solids.

Where Regulated Substances are dissolved in or mixed with other non-Regulated Substances, only the actual quantity of the Regulated Substance present shall be used to determine compliance with the provisions of this Article.

Where a Regulated Substances is a liquid, the total volume of the Regulated Substances present in a solution or mixture of said substance with other substances shall be determined by volume percent composition of the Regulated Substance, provided that the solution or mixture containing the Regulated Substances does not itself have any of the characteristics described in 1 above.

Retention or Detention Pond - 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.

Spill - The unpermitted release or escape of a Regulated Substance, irrespective of the quantity thresholds identified in the definition of "Regulated Substance" above directly or indirectly to soil, surface waters or groundwaters.

Utility - A public utility, power company or telephone company which serves the general public.

Well - Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from a source bed to the surface by pumping, natural flow or other method.

Wellfield - An area of land which contains one or more than one well for obtaining water.

Zones of Influence – Zones delineated by iso-travel time contours and the one foot contour within cones of depression of wells which obtain water from the unconfined or surficial aquifer system. These zones are calculated, based on the rate of movement of groundwaters in the vicinity of wells at a specific pumping rate.

Zones of Influence Maps - Aerial photographs at scales determined by ERM showing the location on the ground of the outer limits of Zones of Influence for present and future public potable water supply wells and wellfields permitted for 100,000 gallons per day or more.

Section 3 **Applicability**

A. General

The provisions of this Chapter shall be effective within the incorporated and unincorporated areas of PBC, and shall set restrictions, constraints and prohibitions to protect present and future public potable water supply wells and wellfields from degradation by contamination of deleterious substances.

B. Review and Permitting Procedures

No building permit or occupational license for any nonresidential activity shall be issued by PBC or any city located within PBC that would allow development or construction in Zones 1, 2, 3, or 4 that is contrary to the restrictions and provisions provided in this Chapter. Permits or occupational licenses issued in violation of this Chapter confirm no right or privilege on the grantee and such invalid permit or licenses will not vest rights.

Section 4 **Effective Date**

A. Effective Date

The requirements and provisions of this Chapter shall apply immediately upon and after March 7, 1988 to all new nonresidential activities. An existing activity is one for which a building permit or occupational license had been issued by the appropriate jurisdiction prior to March 7, 1988 and which had not expired

on or before March 7, 1988, or for which a completed building permit or occupational license application had been filed and accepted with the appropriate jurisdiction prior to March 7, 1988. All other activities shall be deemed "new."

B. Time of Review

Any application for a building permit for a nonresidential development or residential development greater than 25 units or nonresidential development subject to review by an advisory planning body and approval by the local governing authority or zoning board of appeals that includes property wholly or partially within Zones 1, 2, 3, or 4, of a wellfield shall include requirements of ERM. These requirements shall be as follows:

1. Notification by the local governing authority of the location of the property in Zones 1, 2, 3, or 4 and notarized letter from applicant admitting acceptance of notification. Notification shall be prepared by ERM providing details of Zones, prohibitions, and measures required for compliance; or
2. Submittal of application to ERM for notification.

C. Certification of Compliance

Any application submitted for an occupational license for any use within Zones 1, 2, 3, or 4 of an incorporated or unincorporated area shall require certification by ERM that the use meets the applicable requirements of this Article.

D. Screening of Occupational License

It shall be the duty of each local agency to screen all applications for Zones 1, 2, 3, or 4 occupational licenses.

E. Zone 1 Activities

ERM shall provide a list to all local agencies of potentially prohibited operations in Zone 1.

F. Interdepartmental Coordination

Copies of building permits for residential uses containing more than 25 units, all nonresidential projects, and all occupational licenses issued for Zones 1, 2, 3, or 4 shall be submitted to ERM on a weekly basis, or upon issuance by the appropriate issuing authority.

Section 5 Exemption

A. General Exemptions

A general exemption application and an operating permit issued pursuant to the provisions of Art. 14.B.6.C.2, Zone 2, shall be filed with ERM for any nonresidential activity claiming a general exemption to these regulations under Art. 14.B.5.A.4.a, Fire, Police, EMS Services, Art. 14.B.5.A.4.b, Utilities in Zone 1, and Art. 14.B.5.A.4.f, Retail/Wholesale Sales Activities. No new nonresidential facilities shall be permitted into Zone 1 after March 7, 1988 if the new nonresidential facility stores, handles, produces or uses any Regulated Substance.

1. Application

A general exemption application shall contain a concise statement detailing the circumstances which the applicant believes would entitle him or her to a general exemption pursuant to Art. 14.B.5.A, General Exemptions.

2. Fee

A fee shall be required as established by the approved fee schedule.

3. Procedure

Within 30 working days of receipt of an application for a general exemption, ERM shall inform the applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then ERM shall provide to the applicant a written statement by certified mail or hand delivery requesting the additional information required. The applicant shall inform ERM within ten working days of the date of the written statement of intent to either furnish the information or have the application processed as originally submitted. ERM shall have 90 working days from the date that the sufficiency determination was rendered or the date of receipt of additional requested information to act upon the application.

4. General Exemption Activities and Criteria

a. Fire, Police, Emergency Medical Services and PBC Emergency Management Center Facilities

Existing fire, police, emergency medical services and PBC emergency management center facilities are exempt from the Zone 1 prohibitions set forth in Art. 14.B.6.C.1, Zone 1, provided that an operating permit for such uses is obtained pursuant to Art. 14.B.7.B.1, Operating Permit.

b. Utilities in Zone 1

Existing utilities as of July 25, 1991 shall be exempt, except for the maintenance and refueling of vehicles, from the Zone 1 prohibitions set forth in Art. 14.B.6.C.1, Zone 1, provided that an operating permit for such uses is obtained pursuant to Art. 14.B.7.B.1, Operating Permit.

c. Continuous Transit

The transportation of any Regulated Substance through Zones 1, 2, 3, or 4 shall be exempt from the provisions of this Chapter, provided that the transporting motor vehicle is in continuous transit. The transport of such substances through existing permanent pipelines is also exempt, provided that the currently authorized use or uses are not changed, and provided that leak detection and monitoring as approved by ERM are employed. No general exemption or operating permit application is required except that an operating permit is required to establish the leak detection and monitoring requirements for said existing pipelines. Any new pipelines constructed through Zones 1, 2, or 3 and carrying Regulated Substances shall be provided with secondary containment, leak detection and monitoring as approved by ERM.

d. Vehicular and Lawn Maintenance Fuel and Lubricant Use

The use in a vehicle or lawn maintenance equipment of any Regulated Substance solely as fuel in that vehicle or equipment fuel tank or as a lubricant in that vehicle or equipment shall be exempt from the provisions of this Chapter. No general exemption or operating permit application is required.

e. Application of Pesticides, Herbicides, Fungicides and Rodenticides

The application of those Regulated Substances used as pesticides, herbicides, fungicides, and rodenticide in recreation, agriculture, pest control and aquatic weed control activities shall be exempt from the provisions of this Chapter provided that:

- 1) in all zones, the application is in strict conformity with the use requirement as set forth in the substances EPA registries and as indicated on the containers in which the substances are sold;
- 2) in all zones, the application is in strict conformity with the requirements as set forth in F. S. Chapter 482, 487, and Chapters 5E-2 and 5E-9, F.A.C.;
- 3) in all zones, the application of any of the pesticides, herbicides, fungicides, and rodenticide shall be noted in the records of the certified operator. Records shall be kept of the date and amount of these substances applied at each location and said records shall be available for inspection at reasonable times by ERM;
- 4) in Zones 1, 2, 3, or 4, the pesticides, herbicides, fungicides, and rodenticide shall not be handled during application in a quantity exceeding 700 gallons of formulation; and
- 5) all nonresidential applicators of pesticides, herbicides, fungicides, and rodenticide who apply those substances in Zones 1, 2, 3, or 4 shall obtain an operating permit covering all application operations using these materials under one permit and shall comply with all the requirements of Art. 14.B.6.C.2.b.3)-6), Permit Conditions.

f. Retail/Wholesale Sales Activities

Retail/wholesale sales establishments in Zone 1 that store and handle Regulated Substances for resale in their original unopened containers shall be exempt from the prohibition in Zone 1, provided that those establishments obtain an operating permit pursuant to Art. 14.B.6.C.1, Zone 1. Items in Art. 14.B.6.C.2.b.7)&8), Permit Conditions, certification by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida, and a bond or letter of credit as set forth in Art. 14.B.7.B.4, Bond Required, are not required for facilities in Zones 1, 2, or 3, provided no individual container of Regulated Substances exceeds five gallons, if liquid, or 25 pounds, if solid.

g. Office Uses

Offices uses, except for the use of Regulated Substances for the maintenance and cleaning of office buildings, shall be exempt from the provisions of this Chapter, and no general exemption or operating permit shall be required.

h. Construction Activities

The activities of constructing, repairing or maintaining any facility or improvement on lands within Zones 1, 2, 3, or 4 shall be exempt from the provisions of this Chapter, provided that all contractors, subcontractors, laborers, material men and their employees, when using, handling, storing or producing Regulated Substances in Zones 1, 2, 3, or 4, use those applicable Best

Management Practices set forth in Appendix 3, Best Management Practices, attached hereto and incorporated herein. No general exemption or operating permit applications are required.

i. Activities Subject to Regulation Due to Accumulation of Waste Regulated Substances

Activities in Zones 2 or 3, which are subject to permitting requirements of the Chapter shall obtain an Operating Permit pursuant to the provisions in Art. 14.B.6.C.2, Zone 2, or Art. 14.B.6.C.3, Zone 3. Items in Art. 14.B.6.C.2.b.7), Monitoring for Regulated Substances in the Potable Water Wells, and Art. 14.B.6.C.2.b.8), Regulated Substances in Groundwater Monitoring Wells, and a bond or letter of credit as set forth in Art. 14.B.7.B.4, Bond Required, are not required, provided that all waste liquid Regulated Substance are secondarily contained according to the conditions described in Art. 14.B.6.C.2.b.1), Containment of Regulated Substances, and are removed from the site on a regular schedule by a contracted hauler licensed by EPA or the State of Florida to handle the waste Regulated Substance. The accumulated waste Regulated Substance shall at no time exceed 55 gallons if liquid or 220 pounds if solid, and the accumulation time shall not exceed 90 days. Records of removal and disposal of all waste Regulated Substance through the licensed hauler shall be maintained and made available for ERM inspection at reasonable times. In addition, all other Regulated Substance shall not exceed the threshold quantities identified in the definition of "Regulated Substances". Failure to comply with any of these requirements shall subject the facility to the full permitting provisions for the applicable zone.

B. Special Exemptions

An affected person in Zones 1 or 2 may petition the hearing officer pursuant to the appeal process in Art. 14.C.14, Appeals, for a Special Exemption, from the prohibitions and monitoring requirements set out in Art. 14.B.6.C.1, Zone 1, and Art. 14.B.6.C.2, Zone 2. Special exemptions for Zone 1 are for existing nonresidential activities only. No new nonresidential activity shall be permitted in Zone 1 after March 7, 1988 if the new nonresidential activity stores, handles, produces or uses any Regulated Substance.

1. Criteria

In order to obtain a special exemption, a person must demonstrate, by a preponderance of competent, substantial evidence, that:

- a. Special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply; and
- b. In granting the special exemption, the hearing officer pursuant to Art. 14.C.14, Appeals, may prescribe any additional appropriate conditions and safeguards which are necessary to protect the wellfield.

2. Procedures

The following special exemption application and review procedures shall apply to activities claiming a special exemption with adequate technology to isolate the facility or activity from the potable water supply and protect the wellfield:

a. Application

A special exemption application claiming special or unusual circumstances and adequate protection technology shall be filed with ERM, who shall then promptly notify the County Attorney's office that such an application has been filed. The application shall be signed by the applicant and a Professional Engineer or Professional Geologist registered or licensed in the State of Florida;

b. Basis for Application

The application shall contain a concise statement by the applicant detailing the circumstances that the applicant feels entitles the applicant to special exemption, pursuant to this Chapter; and.

c. Fee

A fee shall be required as established by the approved Fee Schedule.

d. Submittal Requirements

The application for special exemption shall contain but not be limited to the following elements:

1) Operating Conditions

A description of the situation at the site requiring isolation from the wellfield, including:

- a) a list of the Regulated Substances in use at the site;
- b) a site plan of the facility including all storage, piping, dispensing, shipping, etc., facilities;
- c) what operations at the facility involve Regulated Substances which must be isolated from the wellfields;
- d) the location of all operations involving Regulated Substances;

- e) a sampling and analysis of the groundwater on the site of the activity seeking a special exemption shall be performed to determine if any Regulated Substances are already present which constitute a threat to the water supply;
- f) an analysis of the affected well showing whether or not such well is already contaminated by any Regulated Substances and the extent of such contamination; and
- g) a hydrogeologic assessment of the site which shall address, as a minimum, soil characteristics and ground water levels, directional flow, and quality.

2) Technical Components

A technical proposal to achieve the required isolation including:

- a) components to be used and their individual functions;
- b) system tying the components together;
- c) a discussion and documentation, such as published technical articles, substantiating the performance and reliability of the components individually and the system as a whole. If the system has not been field tested, a discussion and laboratory test documentation to substantiate the proposed performance and reliability of the system; and
- d) details of the specific plans to install the system at the site.

3) Testing Procedures

If the proposed system does not have a proven history of successful in-field operation, it may still be proposed using proven components. A test plan for the system as installed shall be provided to prove that the proposed system works in the field.

4) Backup Detection

A technical proposal for backup detection of Regulated Substances that may elude the isolation system and escape to outside a perimeter to be established by ERM. Such proposal shall include emergency measures to be initiated in case of escape of Regulated Substances.

5) Criteria for Success

Site-specific, system performance criteria shall be proposed to ascertain the success of the system. Such criteria shall include but shall not be limited to:

- a) performance;
- b) reliability;
- c) level of maintenance;
- d) level of Sensitivity to Regulated Substances; and
- e) effect of rain, flood, power failure or other natural disaster.

6) Precautions in Event of Failure

The applicant shall provide information on the on-site availability of substance removal technologies sufficient to remediate any introduction of Regulated Substances into the water table at the site. Where water is removed from on-site wells during the remedial process a plan shall be proposed for the disposal of such water.

7) Closure Plan

A closure plan shall be provided in the event the system does not prove successful in the testing required by Art. 14.B.5.B.2.d.3), Testing Procedures.

8) Other Information

Any other reasonable information deemed necessary by ERM shall be due to site-specific circumstances.

e. Sufficiency Review

Within 30 working days of receipt of an application for special exemption, ERM shall inform the applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then ERM shall provide to the applicant a written statement by certified mail or hand delivery requesting the required additional information. The applicant shall inform ERM within ten working days of the date of the written statement of intent to either furnish the information or have the application denied. When the application contains sufficient information for a proper determination to be made, ERM shall notify the County Attorney's office that all documentation necessary to evaluate the special exemption has been received, and shall promptly transmit all such documentation to the County Attorney's office.

f. Action on Application

Any special exemption granted by the Reference to Art. 14.C.14, Appeals, shall be subject to the applicable conditions which apply to Zones 1 and 2 and any other reasonable and necessary special conditions imposed by the Reference to Art. 14.C.14, Appeals.

An operating permit shall be issued by ERM with the applicable conditions of Art. 14.B.6.C.1, Zone 1, and Art. 14.B.6.C.2, Zone 2, and any other reasonable and necessary special conditions imposed by the Environmental Ordinance Appeals Board. Such special exemptions shall be subject to revocation or revision by ERM for violation of any condition of said special exemption by first issuing a written notice of intent to revoke or revise (certified mail return receipt requested or hand delivery). Upon revocation or revision, the activity will immediately be subject to the enforcement provisions of this Article.

Section 6 Zones of Influence

A. Maps

The Zones of Influence Maps, developed as described in Art. 14.B.6.A.2, Basis, are incorporated herein and made a part of this Chapter. These Maps shall be on file and maintained by ERM.

1. Amendments

Any amendments, additions or deletions to said Maps shall be approved by the BCC following written notice to property owners within the area covered by the amendment, addition, or deletion, and after public hearing. Written notice as provided herein shall be given at least 30 days prior to the public hearing on the amendment, addition or deletion. Said Maps shall be provided to any agency requesting said Maps.

2. Basis

The Zones of Influence Maps are based upon travel time contours and one foot drawdown contours. They are generated using a contaminant transport computer model that simulates pollutant movement using particles released around wells in an inverted head/velocity field. The head/velocity field is calculated by using finite difference computer modeling techniques that incorporate the effects of an extensive canal system and Year 2010 build out pumpage rates. The pumping rates were determined by first projecting population figures for the Year 2010 for each public utility service area and multiplying this by a per capita consumption rate determined by the SFWMD and by consultation with public utilities regarding wellfield expansion and development.

3. Review

The Zones of Influence Maps shall be reviewed at least on an annual basis. However, failure to conduct said review shall not affect the validity of the existing approved Maps. The basis for updating said Maps may include, but is not limited to, the following:

- a. Changes in the technical knowledge concerning the applicable aquifer;
- b. Changes in the pumping rate of wellfields;
- c. Wellfield reconfiguration; and
- d. Designation of new wellfields.

4. Boundaries

The Zones of Influence indicated on the Zones of Influence Maps are as follows:

a. Zone 1

The land area situated between the well(s) and the 30 day travel time contour;

b. Zone 2

The land area situated between the 30 day and the 210 day travel time contours;

c. Zone 3

The land area situated between 210 day and the 500 day travel time contours; and

d. Zone 4

The land area situated beyond the 500 day travel time contour and within the one foot drawdown contour.

5. Interpretation of Boundaries

In determining the location of properties and facilities within the zones depicted on the Zones of Influence Maps, the following rules shall apply:

- a. Properties located wholly within one zone reflected on the applicable Zones of Influence Maps shall be governed by the restrictions applicable to that zone;

- b. To that the extent Art. 14.B.6.C, Prohibitions and Restrictions, does not apply, properties having parts lying within more than one zone as reflected on the applicable Zones of Influence Maps shall be governed by the restrictions applicable to the zone in which the part of the property is located;
- c. Where a travel time contour which delineates the boundary between two Zones of Influence, passes through a facility, the entire facility shall be considered to be in the more restrictive zone; and
- d. Where the facility, or portion thereof, is overlapped by Zones of Influence of different wells or wellfields, the stricter zones shall apply.

6. Reference Raw Water Analysis to be Completed for Each Well

A reference set of raw water analyses shall be completed for each well for which a Zones of Influence map has been established. Said analyses shall be completed within 185 days after March 7, 1988, for existing wells. A copy of the analytical report shall be forwarded to ERM and the PBCHD within 14 days of completion. For any new well, this set of analyses shall be completed prior to the release of the well into service by the PBCHD within in and ERM. Said

analyses shall address inorganic priority pollutants as listed in Appendix 4, Organic Priority Pollutants, and organic pollutants as listed in Chapter 62-550. F.A.C. and as shown in Appendix 4, Organic Priority Pollutants. The cost shall be borne by the utility. The analytical reports shall be prepared by a State of Florida certified laboratory, certified for the applicable analyses. Samples shall be taken by the State of Florida certified laboratory performing the analyses, or its authorized representative.

B. Protection of Future Wellfields

The prohibitions and restrictions set forth in this Chapter and in regulations promulgated pursuant hereto shall apply to any sites officially designated by the BCC as future wellfields. Such prohibitions and restrictions shall become effective upon approval by the BCC of the Zones of Influence Maps for the designated future wellfield. Prior to final action by the BCC in designating a future wellfield or approving the Zones of Influence Maps for those wellfields, all property owners and discernable operating activities within the area affected shall receive written notice at least 30 days prior to the proposed public hearing at which the action shall be considered.

C. Prohibitions and Restrictions

1. Zone 1

a. Prohibited Activities

The use, handling, production, and storage of Regulated Substances associated with nonresidential activities is prohibited in Zone 1, except as provided under the general exemptions and special exemptions provisions of this Chapter.

b. Closure of Existing Uses

All existing nonresidential activities within Zone 1 which store, handle, use or produce any Regulated Substances shall cease to do so within one year from the date of notification by writing, certified mail, or hand delivery, except as provided for in this Chapter.

A closure permit application, general exemption application or a special exemption application prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida shall be submitted to ERM within 120 days receipt of the notice to cease. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist.

Any nonresidential activity in Zone 1 which is allowed to continue in accordance with the general exemption or special exemption provisions of this Chapter shall obtain an operating permit, unless expressly not required by this Chapter, which shall indicate the special conditions to be instituted and the dates on which such conditions shall be instituted. Such activities shall comply with all Zone 2 requirements unless otherwise provided herein. No expansions, modifications or alterations which would increase the storage, handling, use or production of Regulated Substances shall be permitted in Zone1. An owner or operator that is denied a special exemption shall be issued a closure permit as part of the denial process. Any operating permit application required herein shall be filed with the applications for general exemption or special exemption.

2. Zone 2

a. Prohibited Activities

All nonresidential activities within Zone 2 which store, handle, use or produce any Regulated Substance are prohibited, unless they qualify as a general exemption, obtain a special exemption, or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any nonresidential activity within Zone 2 that stores, handles, uses or produces any Regulated Substance shall be subject to the following conditions:

1) Containment of Regulated Substances

Leak-proof trays under containers, floor curbing or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any Regulated Substance loss to the external environment. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented. The owner/operator may choose to provide adequate and appropriate liquid collection methods rather than sheltering only after approval of the design by ERM. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to above-ground and underground storage areas. The containment devices and liquid collection systems shall be certified in the operating permit application by the Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

2) Emergency Collection Devices

Vacuum suction devices, absorbent scavenger materials or other devices approved by ERM, shall be present on-site or available within two hours (one hour in Zone 1) by contract with a clean up company approved by ERM, in sufficient magnitude so as to control and collect the total quantity of Regulated Substances present. To the degree feasible, emergency containers shall be present and of such capacity as to hold the total quantity of Regulated Substances plus absorbent material. The presence of such emergency collection devices shall be certified in the operating permit application for existing activities. Such certification for new activities shall be provided to ERM prior to the presence of Regulated Substances on the site. Certification shall be provided by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

3) Emergency Plan

An emergency plan shall be prepared and filed with the operating permit application indicating the procedures which will be followed in the event of spillage of a Regulated Substance so as to control and collect all such spilled material in such a manner as to prevent it from reaching any storm or sanitary drains or the ground.

4) Inspection

A responsible person designated by the permittee who stores, handles, uses or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

5) Proper and Adequate Maintenance of Containment and Emergency Equipment

Procedures shall be established for quarterly, in-house inspection and maintenance of containment and emergency equipment. Such procedure shall be in writing; a regular checklist and schedule of maintenance shall be established; and a log shall be kept of inspections and maintenance. Such logs and records shall be available for inspection by ERM.

6) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

7) Monitoring for Regulated Substances in the Potable Water Wells

Arrangements shall be made with the designated public utility to establish a semi-annual schedule of raw water analysis unless sampling results indicate contamination, in which case ERM shall require an increased sampling schedule. The analysis shall be for all substances which are listed on the operating permit. The analytical reports shall be prepared by a State of Florida certified laboratory, certified for the applicable analyses. It shall be the responsibility of the designated public utility to provide for the sampling and analyses but the cost shall be borne by the permittee or those permittees on a pro-rata basis as to the same substances listed on the permits of those permittees in Zones of Influence of the subject well. Samples shall be taken by the State of Florida certified laboratory performing the analyses, or its authorized representative. Semi-annual reports prepared by a State of Florida certified laboratory of the analyses for Regulated Substances shall be submitted to ERM for the purpose of determining the presence of Regulated Substances in each well for which a Zones of Influence map has been established.

8) Regulated Substances in Groundwater Monitoring Wells

Groundwater monitoring well(s) shall be provided at the expense of the permittee in a manner, number and location approved by ERM. Except for existing wells found by ERM to be adequate for this provision, the required well or wells shall be installed by a State of Florida licensed water well contractor. Samples shall be taken by the State of Florida certified laboratory performing the analyses, or its authorized representative. Analytical reports prepared by a State of Florida certified laboratory of the quantity present in each monitoring well of the Regulated Substances listed in the activity's operating permit shall be filed at least semi-annually, or more frequently, as determined by ERM, based upon site conditions and operations.

9) Alterations and Expansions

ERM shall be notified in writing prior to the expansion, alteration or modification of an activity holding an operating permit. Such expansion, alteration, or modification may result from increased square footage of production or storage capacity, or increased quantities of Regulated Substances, or changes in types of Regulated Substances beyond those square footages, quantities, and types upon which the permit was issued. Should a facility add new Regulated Substances which individually are below the non-aggregate limits identified in the definition of "Regulated Substance", it shall notify ERM on the annual basis of the types and quantities of such substances added and the location of the use, handling, storage, and production of said substances. Any such expansion, alteration or modification shall be in strict conformity with this Chapter. Further, except as provided herein, any existing operating permit shall be amended to reflect the introduction of any new Regulated Substances resulting from the change. However, the introduction of any new Regulated Substance shall not prevent the revocation or revision of any existing operating permit if, in the opinion of ERM, such introduction substantially or materially modifies, alters or affects the conditions upon which the existing operating permit was granted or the ability to remain qualified as a general exemption, if applicable, or to continue to satisfy any conditions that have been imposed as part of a special exemption, if applicable. ERM shall notify the permittee in writing within 60 days of receipt of the permittee's notice that ERM proposes to revoke or revise the permit and state the grounds therefore.

10) Reconstruction after Catastrophe

Reconstruction of any portion of a structure or building in which there is any activity subject to the provisions of this regulation which is damaged by fire, vandalism, flood, explosion, collapse, wind, war or other catastrophe shall be in strict conformity with this Chapter.

11) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

c. Permits for Existing Uses

All existing non-residential activities in Zone 2 which use, handle, store, or produce Regulated Substances shall file an application for an operating permit or closure permit within 90 days of the

receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida, except for Closure or Transfer Permits as provided in Art. 14.B.7.B.2, Closure Permit, and Art. 14.B.10, Transfers and Changes in Ownership. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

3. Zone 3

a. Prohibited Activities

All nonresidential activities within Zone 3 which store, handle, use or produce any Regulated Substance are prohibited, unless they qualify as a general exemption or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any nonresidential activity within Zone Three that stores, handles, uses or produces any Regulated Substance shall be subject to the following conditions:

1) Containment of Regulated Substances

Leak-proof trays under containers, floor curbing or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any Regulated Substance loss to the external environment. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented. The owner/operator may choose to provide adequate and appropriate liquid collection methods rather than sheltering only after approval of the design by ERM. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to above-ground and underground storage areas. The containment devices and liquid collection systems shall be certified in the operating permit application by the Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

2) Emergency Plan

An emergency plan shall be prepared and filed with the operating permit application indicating the procedures which will be followed in the event of spillage of a Regulated Substance so as to control and collect all such spilled material in such a manner as to prevent it from reaching any storm or sanitary drains or the ground.

3) Inspection

A responsible person designated by the permittee who stores, handles, uses or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

4) Maintenance of Containment and Emergency Equipment

Procedures shall be established for the quarterly in-house inspection and maintenance of containment and emergency equipment. Such procedure shall be in writing; a regular checklist and schedule of maintenance shall be established; and a log shall be kept of inspections and maintenance. Such logs and records shall be available for inspection by ERM.

5) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to the PBCHD designated public utility within one hour, and to ERM within 24 hours of discovery of

the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

6) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit to comply with some or all the conditions applicable to Zone 2, as set forth in Art. 14.B.6.C.2.b.1)-10), Permit Conditions, in addition to the Zone 3 conditions of Art. 14.B.6.C.3.b.1)-5), Permit Conditions. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

7) Permit Process

Operating permits required by this Chapter shall be applied for and processed in accordance with Art. 14.B.6.C.2.c, Permit for Existing Uses, filing an application for an operating permit or closure permits within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

4. Zone 4

a. Prohibited Activities

All nonresidential activities within Zone 4 which store, handle, use or produce any Regulated Substance are prohibited, unless they qualify as a general exemption or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any nonresidential activity within Zone 4 that stores, handles, uses or produces any Regulated Substance shall be subject to the following conditions:

1) Inspection

A responsible person designated by the permittee who stores, handles, uses or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

2) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

3) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit to comply with some or all the conditions applicable to Zone 2, as set forth in Art. 14.B.6.C.2, Zone 2, and Art. 14. B.6.C.2.b.1)-10), Permit Conditions, in addition to those of Art. 14.B.6.C.4.b.1)-2), Permit Conditions. In consideration of whether to revoke or revise the permit, ERM may consider the intentional

nature or the degree of negligence, if any, associate with the spill, the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

4) Permit Process

Operating permits required by this Chapter shall be applied for and processed by filing an application for an operating permit or closure permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida. However, a nonresidential activity in Zone 4 is not required to retain an engineer or geologist to prepare the operating permit if the revocation for spill provisions of this Chapter do not apply. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial and an application for a closure permit shall be filed with ERM within 120 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmental sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

D. Other Requirements and Liabilities

A notice to cease, or a permit or exemption issued under this Chapter shall not relieve the owner or operator of the obligation to comply with any other applicable federal, state, regional or local regulation, rule, ordinance or requirement. Nor shall said notice, permit, or exemption relieve any owner or operator of any liability for violation of such regulations, rules, ordinances or requirements.

E. Domestic Wastewater and Stormwater Treatment

1. Sanitary Sewer Mains

All new or replacement installations of sanitary sewer mains in Zone 1 or Zone 2 of a public drinking water wellfield shall be constructed to force main standards. Standards for installation are shown in Appendix 5, Minimum Standards for Sewer Pipe Fittings, Coatings and Leakage Testing, and shall be enforced by PBCHD through the permit process. For new wells placed in areas of existing sanitary sewers, the sewers in Zones 1 and 2 must be pressure tested at each joint, grouted and sealed with proof of testing provided to the PBCHD prior to release of the well for service.

2. Exfiltration Systems

No new exfiltration system shall be constructed in Zone 1 or Zone 2 of a public drinking water wellfield.

3. Retention/Detention Ponds

New retention or detention ponds located within wellfield zones shall comply with the criteria described in the SFWMD Management and Storage of Surface Waters Permit Information Manual IV. These criteria are enforced through the SFWMD permitting process.

4. Percolation Ponds

New percolation ponds for domestic wastewater treatment located within wellfield zones shall comply with the requirements for separation from public drinking water wells set forth in Chapters 62-555 and 62-610, F.A.C., and enforced by Florida Department of Environmental Protection and the PBCHD.

5. Land Application of Domestic Wastewater Effluent

Land application of domestic effluent or sludge within wellfield zones shall comply with the requirements for separation from public drinking water wells as set forth in Chapters 62-555, 62-610, and 62-640, F.A.C. and enforced by Florida Department of Environmental Protection and the PBCHD.

6. Onsite Sewage Disposal Systems

New onsite sewage disposal systems (septic tanks) located within wellfield zones shall comply with the requirements for maximum sewage loading and separation from public drinking water wells as set forth in Environmental Control Rule (ECR) I and enforced by the PBCHD.

F. Spill Assessment and Remediation

Upon discovery of a spill in a wellfield zone, a determination shall be made as to jurisdiction. ERM shall provide notification to the Florida Department of Environmental Protection and PBCHD including all available information pertinent to the spill. Florida Department of Environmental Protection will be

responsible for determination if the spill occurrence constitutes a Resource Conservation and Recovery Act (RCRA) regulated material as defined in Chapter 62-730, F.A.C. and Title 40 CFR Part 261. If determination is made that the spill occurrence involves a RCRA regulated material, Florida Department of Environmental Protection will assume the role as lead regulatory agency in assessment and remediation. ERM will assume the role as lead agency if determination reveals a non-RCRA Regulated Substance.

Upon issuance of an order by ERM, corrective action shall immediately be initiated by the responsible person. Failure to initiate corrective action shall be a violation of this Chapter. Corrective action shall include any or all of the following:

1. Cessation of the discharge and initial control, containment and recovery of free-flowing, floating or standing pollutants;
2. Removal and disposal of contaminated soils, sediments, vegetation, containers, recovery and other contaminated materials in accordance with applicable Federal, State and local regulations;
3. Assessment of the horizontal and vertical extent of soil, sediment, surface water and groundwater contamination, as well as rate and direction of migration of the contaminants; and
4. Remediation of contaminated soils, sediments, surface water and groundwater to preclude further migration of unacceptable levels of residual Regulated Substances into or through the surface water or groundwater environment. ERM shall determine necessary, reasonable measures and time frames for corrective action. The corrective action shall be completed to the satisfaction of ERM. Where State or Federal regulations establish procedures or cleanup levels for corrective action for particular discharges, the corrective action shall at a minimum comply with those procedures and cleanup levels. Completion of corrective action as specified by ERM shall not relieve the responsible person or persons of liability under any other applicable Federal, State or local regulation, rule, ordinance or requirement; nor shall it relieve the responsible person or persons of liability for corrective actions for conditions which were previously unknown to ERM, or which resulted from implementation of corrective action as required.

Section 7 Wellfield Protection (Operating and Closure Permits)

The following provisions provide the requirements and procedures for the issuance of operating and closure permits required by this Chapter.

A. General

1. An application which satisfies the requirements of the applicable Zones of Influence Art. 14. B.7.B, Applications, for operating permits and, if applicable, Art. 14.B.5.A, General Exemptions, for general exemptions and Art. 14.B.8, Appeals, shall be approved and a permit issued. In addition to the failure to satisfy these requirements, ERM may deny a permit based on repeated violations of this Chapter.
2. An operating permit shall remain valid provided the permittee is in compliance with the terms and conditions of the permit.
3. Permittees shall be required to pay annual permit renewal fees beginning October 1, 1990. Beginning October 1, 1990, all current and future permittees are subject to an annual permit renewal fee as established by the approved Fee Schedule. Notification to ERM under Art. 14.B.6.C.2.b.9), Alterations and Expansions is due with the renewal fee.
4. ERM shall have the right to make inspections of facilities at reasonable times to determine compliance with this Chapter.
5. All of the facilities owned and/or operated by one person when these structures and activities are located on contiguous parcels of property even where there are intervening public or private roads, may be covered under one permit.

B. Applications

1. Operating Permit

All applications for operating permits shall, at the minimum, provide the following information:

- a. A list of all Regulated Substances and substances on the Generic Substance List which are to be stored, handled, used or produced in the nonresidential activity being permitted including their quantities.
- b. A detailed description of the nonresidential activities that involve the storage, handling, use or production of the Regulated Substances indicating the unit quantities in which the substances are contained or manipulated including lay out plans or drawings of the facility in which the activities

- will take place.
- c. A description of the containment, the emergency collection devices, containers and emergency plan that will be employed to comply with the restrictions required for Zone 2 and 3 as set forth above. For Zone 4 this particular documentation will only be required if a permit revision is required pursuant to Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill.
 - d. A description of the daily monitoring activities that have been or will be instituted to comply with the restrictions for Zones 2, 3, and 4 as set forth above in Art. 14.B.6.C.2, Zone 2.
 - e. A description of the maintenance that will be provided for the containment facility, monitoring system and emergency equipment required to comply with the restrictions of Zones 2 and 3 as set forth above. For Zone 4 this particular documentation will be required if a permit revision is required pursuant to Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill.
 - f. A description of the groundwater monitoring wells that have been or will be installed, other pertinent well construction information, and the arrangements which have been made or which will be made for certified analyses for specified Regulated Substances. For Zones 3 and 4 this particular documentation will only be required for a revised operating permit as required under Art. 14.B.6.C.3.b.6), Revocation or Revision for Spill, Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill, and Art. 14.B.13.C, Spills.
 - g. Evidence of arrangements made with the appropriate designated public utility for sampling analysis of the raw water from the potable water well. For Zones 3 and 4 this particular documentation will only be required for a revised operating permit as required under Art. 14.B.6.C.3.b.6), Revocation or Revision for Spill, Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill, and Art. 14.B.13.C, Spills.
 - h. An agreement to indemnify and hold PBC harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. PBC shall provide reasonable notice to the permittee of any such claims.
 - i. The application for the operating permit shall be filed with ERM within 90 days of receipt of written notification from ERM.

2. Closure Permit

Closure permit applications shall contain the following information.

- a. A schedule of events to complete the closure of an activity that does or did store, handle, use, or produce Regulated Substances. As a minimum, the following actions shall be addressed:
 - 1) Disposition of all Regulated Substances and contaminated containers;
 - 2) Cleanup of the activity and environs to preclude leaching of unacceptable levels of residual Regulated Substances into the aquifer; and
 - 3) Certification by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida that disposal and cleanup have been completed in a technically acceptable manner. The requirement for certification by a Professional Engineer or Geologist may be waived if the applicant provides evidence to ERM that all of the following items are applicable:
 - a) The entire operation is maintained inside the building(s) of the facility;
 - b) The standard method of removing operating waste is not by septic tank, sewer mains, or floor drains;
 - c) There is no evidence of spills permeating floors or environs;
 - d) There are no outstanding or past notices of violation from any regulatory agency concerned with hazardous, industrial or special waste;
 - e) There is no evidence of past contamination in the public drinking water well(s) associated with the facility in Zone 1; and
 - f) The applicant shall provide a sworn statement that disposal and cleanup have been completed in a technically acceptable manner.
 - 4) An appointment for an inspection by ERM; and
 - 5) An agreement to indemnify and hold PBC harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. PBC shall provide reasonable notice to the permittee of any such claims.
- b. The issue of well reconfiguration shall be evaluated by ERM and the affected public utility as an alternative to a closure permit during the permit application process. Should a utility notify ERM in writing that it intends to reconfigure a wellfield and said configuration no longer subjects a facility

to Zone 1 and Zone 2 requirements, ERM may issue an operating permit providing conditions under which said facility may continue to operate.

- c. The Florida Department of Environmental Protection and the PBCHD shall be advised in writing of each closure permit application.

3. Permit Conditions

The permit conditions shall ensure compliance with all the prohibitions, restrictions, and requirements as set forth in this Chapter. Such conditions may include, but not be limited to, monitoring wells, periodic groundwater analysis reports, and compliance schedules. Said conditions may also include requirements in a closure permit to reduce the risk in the interim of contamination of the groundwaters, taking into account cost, likely effectiveness and degree of risk to the groundwater.

4. Bond Required

Except as provided in Art. 14.B.7.B.4.e, Bond Required, no permit herein required shall be issued unless there is filed at the time of application, except in the case of an application by a political subdivision or agency of the State of Florida, a cash bond, permit bond with a corporate surety, or letter of credit in the amount specified in Appendix 2, Operating and Closure Permit Bonds, attached hereto and incorporated herein.

- a. The permittee will operate its nonresidential activities and/or closure of such nonresidential activities, as applicable, in accordance with the conditions and requirements of this Chapter and permits issued hereunder.
- b. The permittee shall reimburse PBC in accordance with Art. 14.B.7.B.1.h, Operating Permit, for any and all expenses and costs that PBC incurs as a result of the permittee failing to comply with the conditions and requirements of this Chapter.
- c. Before a bond or letter of credit is accepted by ERM as being in compliance with this Chapter, the bond or letter of credit shall be reviewed and approved by the County Attorney's Office and Contract Development and Control. A corporate bond shall be executed by a corporation authorized to do business in the State of Florida as a Surety. A cash bond shall be deposited with ERM, who shall give receipt therefore.
- d. The bond or letter of credit required by this Chapter shall be kept in full force and effect for the term of the permit and for one-year after voluntary cessation of activities permitted hereunder, expiration, or revocation of the permit.
- e. No bond or letter of credit is required for issuance of a permit for the following:
 - 1) Pesticide applicators, unless the pest control facility is located in Zones 1, 2 or 3.
 - 2) Closure of a facility, provided that the conditions listed in Art. 14.B.7.B.2.a.3), Closure Permit, for waiver of certification by an engineer or geologist are applicable.
 - 3) A facility in Zone 4, unless ERM has determined that a revision of the permit is appropriate under conditions described in Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill or Art. 14.B.13.C, Spills.
 - 4) Retail/wholesale activities which meet the conditions for this exemption set forth in Art. 14.B.5.A.4.f, Retail/Wholesale Activities.
 - 5) Activities subject to regulation due to the accumulation of waste Regulated Substances, provided that they comply with the conditions for this exemption set forth in Art. 14.B.5.A.4.i, Activities Subject to Regulation.

5. Clean-up and Reimbursement

Any person subject to regulation under this Chapter shall be liable with respect to Regulated Substances emanating on or from the person's property for all costs of removal or remedial action incurred by PBC and damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction or loss resulting from the release or threatened release of a Regulated Substances as defined in this Chapter. Such removal or remedial action by PBC may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and clean-up or disposal of Regulated Substances resulting from the spilling, leaking, pumping, pouring, emitting or dumping of any Regulated Substance or material which creates an emergency hazardous situation or is expected to create an emergency hazardous situation.

Section 8 Appeals

A. General

Any affected party may appeal ERM decisions set forth below, pursuant to procedures in Art. 14.C.14, Appeals

B. Matters for Review and Time for Filing

Any person may appeal to a Hearing Officer as established in Art. 17.C.8, Hearing Officers, of this Chapter for the following reasons:

1. To appeal ERM's permit conditions, denial of a permit, general exemption or non-disclosure of a trade secret;
2. To appeal an intent to revoke or revise an Operating permit and a General or special exemption; and
3. To request a special exemption.

Section 9 Petition for Compensation

Parties affected by the requirements of this Chapter may petition PBC for a determination of the effect of said requirements on those activities and the issue of compensation.

A. Filing

A petition for compensation shall be filed with ERM. The petition shall be heard by a Hearing Officer as established in Art. 17.C.8, Hearing Officers.

B. Contents of Petition

A petition for compensation shall contain, as applicable, the following:

1. A copy of the closure permit required by this Chapter or the required operating permit showing the change in operation;
2. An analysis of the need to cease, move, or change operations including a summary of alternatives investigated and estimated costs of those alternatives;
3. A list of all previously-issued EPA notices of violation by ERM, Florida Department of Environmental Protection or the EPA regarding use of Regulated Substances including a description of any corrective action taken or pending;
4. Detailed specification of the amount for which compensation is being requested; and
5. ERM shall review all petitions for compensation and make recommendations to the Hearing Officer regarding the reasonableness of any amounts requested by the petitioner, whether the requested compensation consists of amounts greater than the cost of any reasonable facility/operation modifications and whether the facility may potentially qualify for a special exemption. Based upon such recommendations, the Hearing Officer may deny such petition.

C. Hearing on Petition

As soon as practicable after submission of a petition for compensation, but no later than 90 days, by an owner or operator of an activity, the Hearing Officer shall hold a hearing to determine the eligibility of the activity for compensation pursuant to this Chapter. Petitioner shall be given written notice by certified mail or hand delivery of such hearing at least 30 days prior to the hearing. Formal Rules of Evidence shall not apply to such hearing, but fundamental due process shall be observed and shall govern the proceedings. Petitioner and PBC shall have the right to:

1. Call and examine witnesses;
2. Introduce exhibits;
3. Cross-examine witnesses on any relevant matter;
4. Rebut the evidence; and
5. Be represented by counsel.

D. Review and Evaluation Criteria

1. Cessation or Move

In determining whether the petitioner is eligible for compensation for cessation or moving, the Hearing Officer shall consider:

- a. Whether a reasonable, cost effective alternative to cessation or moving of operations exists for complying with this Chapter, including reconfiguring of the wellfield. Applicant, with the cooperation of ERM and the affected public utility, shall address the issue of reconfiguration;
- b. Whether the requirements of this Chapter were the sole reason for cessation of the operation;
- c. Past environmental record; and

d. Efforts to mitigate financial impact of this Chapter and these corresponding regulations.

2. Change In Operations

In deciding whether a petitioner is eligible for compensation for a change in operations, the Hearing Officer shall consider:

- a. Whether the proposed change is a reasonable, cost effective method for complying with this Chapter; and
- b. Whether the requirements of this Chapter were the sole reason for the change in the operation.

E. Classes of Impact for Which Compensation May Be Granted

1. Actual Reasonable Relocation Expenses

a. Examples of Reasonable or Reimbursable Relocation Costs

The owner or operator of an affected activity may be paid the actual reasonable cost of relocation within PBC. Such amount to include the cost of:

- 1) Dismantling operation;
- 2) Actual moving;
- 3) Reassembling equipment;
- 4) Installation of equipment;
- 5) Internal connection of utilities to equipment;
- 6) Minor modification of site to accommodate operation, specifically excluding structural changes to the building or paving and drainage requirements at the site;
- 7) The additional costs which would have to be incurred to move the activity due to changed circumstances or applicable laws, ordinances or regulations; and
- 8) Any losses caused by the necessity of terminating a lease, such compensation not to exceed three months rent. Landlord and tenant are required to make a bona fide effort to mitigate this loss. This compensation shall be paid to either the landlord or the tenant, to be decided by agreement between the landlord and tenant.

b. Documentation of Costs

The eligible costs for actual reasonable relocation expenses shall be supported by two itemized and sealed bids and a detailed listing of the claimed items. The amount to be paid shall not exceed the lower of the two bids. In order to verify such information, ERM shall have the right to enter the activity's premises at reasonable times. Such bids and detailed listing of the cost shall be verified by ERM.

c. Self-Moves

In the case of a self-move the owner of a relocated activity may be paid the lower of two sealed and itemized bids from licensed moving companies based on a detailed listing of the cost.

2. Actual Reasonable Modification of Operation Expenses

The owner or operator of an affected activity may be paid the actual reasonable expense to modify the operation of the activity in order to comply with this Chapter. Such amount to include cost of:

- a. Modification of machinery;
- b. Dismantling and moving unusable machinery;
- c. Unsalvageable inventory per Art. 14.B.9.E.3, Actual Direct Losses of Tangible Personal Property; and
- d. Moving equipment out of a Zone 1 on the activity's property per Art. 14.B.9.E.3, Actual Direct Losses of Tangible Personal Property.

3. Actual Direct Losses of Tangible Personal Property

Actual direct losses of tangible personal property are allowed when a person closes or relocates an activity. Payment may only be made after a diligent effort is made by the owner to sell the item(s) involved.

- a. If the activity is to be re-established and an item of property to be used therewith is not moved but promptly replaced with a comparable item at the new site, reimbursement shall be either:
 - 1) Replacement cost, taking into account depreciation, less the proceeds of the sale. Present value based on accepted standards in the related business community may be substituted for net proceeds of a sale where applicable; or
 - 2) Estimated cost of moving the item to the replacement site within the geographic boundaries of PBC.
- b. If a process at the activity is being discontinued or an existing item is not to be replaced in a re-established business, payment will be either:

- 1) The difference between fair market value as evidenced by two written appraisals of the item for continued use at its prior location less its net proceeds at the sale; or
 - 2) The estimated cost of moving the item to the replacement site within the geographic boundaries of PBC.
- c. If a sale is not effected because no offer is received and the item is abandoned, payment for the loss may be its fair market value for continued use at its existing location plus the costs of the attempted sale, less the equipment's salvage value.

4. In Lieu of Actual Moving Expenses

In lieu of the payments described in Art. 14.B.9.E.1, Actual Reasonable Relocation Expenses, Art. 14.B.9.E.2, Actual Reasonable Modification of Operation Expenses, and Art. 14.B.9.E.3, Actual Direct Losses of Tangible Personal Property, an owner of a discontinued activity may be eligible to receive a payment equal to 75 percent of the estimated reasonable cost of moving the activity within PBC, except that such payment shall not be more than the lower of two sealed and itemized bids, provided the following requirements are met:

- a. For the owner of an affected activity to be entitled to this payment, the Hearing Officer must determine that the business cannot be relocated without a substantial loss of its existing patronage. Such determination shall be made by the Hearing Officer only after consideration of all pertinent circumstances, including, but not limited to, the following factors:
 - 1) The type of business conducted by the displaced activity;
 - 2) The nature of the clientele of the displaced activity;
 - 3) The relative importance of the present location to the displaced activity; and
 - 4) The additional costs which would have to be incurred to move the activity due to changed circumstances or applicable laws, ordinances, or regulations.
- b. For the owner or operator of an affected activity to be entitled to his or her payment, information must be provided to support the estimated moving costs. Such proof shall consist of two sealed bids from licensed moving companies based on a detailed inventory of the items which would be moved.

5. Exclusions on Moving Expenses and Losses

The following expenses are considered ineligible for payment as "actual" moving expenses:

- a. Additional expenses incurred because of moving to and living in a new location including search cost for finding a new dwelling;
- b. Cost of moving structures, improvements or other real property in which the displaced activity reserved ownership;
- c. Significant changes in building structure but not including minor electrical, plumbing or carpentry work;
- d. Cost of improvement to activity made after such activity was on notice that it is affected by this Chapter and would have to cease or alter an operation in Zone 1;
- e. Interest on loans to cover moving expenses;
- f. Loss of goodwill;
- g. Loss of business or profits or both;
- h. Loss of trained employees; and
- i. Cost of preparing the petition for compensation.

6. Payment and Release of Obligation

PBC shall disperse 85 percent of the compensation to be paid as determined by the Hearing Officer in advance of any move or change of operation. PBC shall retain 15 percent of the monies authorized as compensation for economic impact of this Chapter until such time as the affected activity has carried out the procedures outlined in its petition for compensation and provides evidence of such expenditures. Upon receipt of payment of compensation as provided in this Chapter, the recipient shall execute a release in favor of PBC from any further obligation to the recipient with regard to the economic impact of this Chapter on the recipient or activity.

7. Appeal

PBC or the applicant seeking compensation under this Section may appeal the final decision of the Hearing Officer by filing a Petition for Writ of Certiorari in the 15th Judicial Circuit Court in and for PBC.

Section 10 Transfers and Changes In Ownership

In the event, there is a change of ownership, a new lease, or an assignment of a lease, a sublease or any other change in regard to the person conducting the operation regulated, ERM shall be notified and upon payment of the appropriate fee and completion of processing of an application by ERM, the Wellfield Protection operating permit shall be transferred.

Section 11 Trade Secrets

ERM shall not disclose any trade secrets of the applicant or permittee that are exempted from such disclosure by Federal or State law; provided, however, the burden shall be on the applicant or permittee to demonstrate entitlement to such nondisclosure. Decisions by ERM as to such entitlement shall be subject to challenge by the applicant or permittee by filing a petition with the hearing officer pursuant to Art. 14.C.14, Appeals.

Section 12 Fees

A. Filing Fee

All applicants for a wellfield protection operating or closure permit shall pay a non-refundable filing fee as established by the approved Fee Schedule. The fee shall be provided at the time of acceptance of the permit application.

B. Wellfield Protection Operating Permit Fee

The fee for a wellfield operating permit including any permit obtained pursuant to the general exemptions set forth in Art. 14.B.5.A, General Exemptions, of this Chapter as established by the approved Fee Schedule. The operating fee shall be used to defray the cost of administering this Chapter.

C. Closure Permit Fee

The fee for a closure permit under this regulation shall be one-half of the fee for the wellfield protection operating permit as established by the approved Fee Schedule.

D. Permit Transfer Fee

The fee for transfer of an operating permit or closure permit shall be as established by the approved Fee Schedule to defray the cost of processing the transfer. Application for Transfer of Permit is to be made within 60 days of transfer of ownership of the activity.

E. Special Exemption Fee

A Fee shall be required for any person seeking a special exemption as established by the approved Fee Schedule.

F. General Exemption Fee

A Fee shall be required for any person seeking a general exemption as established by the approved Fee Schedule.

G. Annual Permit Renewal Fee

The fee for annually renewing the permit established by the approved Fee Schedule, shall be used to defray the cost of administering this Chapter. Beginning October 2, 1990, all permittees shall pay an annual permit renewal fee for each permitted facility.

H. Late Fee

A late fee as established by the approved Fee Schedule, shall be paid to ERM if the application for permit or renewal is late.

Section 13 Revocation and Revision of Permits and Exemptions

A. Revocation

Any permit issued under the provisions of this Chapter shall not become vested in the permittee. ERM may revoke any permit issued by it by first issuing a written notice of intent to revoke (certified mail return receipt requested, or hand delivery) if it finds that the permit holder:

1. Has failed or refused to comply with any of the provisions of this Chapter, including but not limited to permit conditions and bond requirements of Art. 14.B.7.B.4, Bond Required, herein;
2. Has submitted false or inaccurate information in this application;
3. Has failed to submit operational reports or other information required by this Chapter; or
4. Has refused lawful inspection under Art. 14.B.7.A.4, Bond Required;

5. Is subject to revocation under Art. 14.B.6.C.2.b.11), Revocation or Revision for Spill, Art. 14.B.6.C.3.b.6), Revocation or Revision for Spill, or Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill, of Art. 14.B.13.C, Spills.

B. Revision

ERM may revise any permit pursuant to Art. 14.B.6.C.2.b.11), Revocation or Revision for Spill, Art. 14.B.6.C.3.b.6), Revocation or Revision for Spill, and Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill, first issuing a written notice of intent to revise (certified mail return receipt requested, or hand delivery).

C. Spills

In addition to the provisions of Art. 14.B.6.C.2.b.11), Revocation or Revision for Spill, Art. 14.b.6.C.3.b.6), Revocation or Revision for Spill, and Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill, within 30 days of acquiring knowledge of any spill of a Regulated Substance in a wellfield zone, ERM shall consider revocation or revision of the permit. Upon such consideration, ERM may issue a notice of intent to revoke or revise, which shall be subject to the appeal provisions of this Chapter, or elect not to issue such notice. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or degree of negligence, if any, associated with this spill, and the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

D. Revocation of Exemptions

For any revocation or revision by ERM of a special exemption or general exemption that requires an operating permit as provided under the terms of this Chapter, ERM shall issue a notice of intent to revoke or revise which shall contain the intent to revoke or revise both the applicable exemption and the accompanying operating permit.

E. Notice

The written notice of intent to revoke or revise shall contain the following information:

1. The name and address of the permittee, if any, and property owner, if different;
2. A description of the facility which is the subject of the proposed revocation or revision;
3. Location of the spill, if any;
4. Concise explanation and specific reasons for the proposed revocation or revision; and
5. A statement that "Failure to appeal a notice of intent to revoke or revise, within 20 days after the date upon which permittee receives written notice pursuant to Art. 14.C.14, Appeals, shall render the proposed revocation or revision final and in full force and effect."

F. Appeals

Failure of permittee to file a petition in accordance with the appeal provisions of this Chapter shall render the proposed revocation or revision final and in full force and effect.

G. Other Remedies

Nothing in this Chapter shall preclude or be deemed a condition precedent to ERM seeking a temporary or permanent injunction.

Section 14 Violations, Enforcement and Penalties

Failure to comply with the requirements of this Chapter or any permit, exemption, or approval granted or authorized hereunder shall constitute a violation of this Chapter.

Section 15 Groundwater And Natural Resources Protection Board (GNRPB)

The GNRPB shall hear violations of this Chapter pursuant to Art. 10.C, Groundwater and Natural Resources Protection Board. Violations of this Chapter may be referred by ERM to the GNRPB for corrective actions and civil penalties.

Section 16 Additional Enforcement Measures

In addition to the enforcement procedures set forth above, violations of the provisions of this Chapter may be enforced pursuant to F.S. §125.69. Such violations may be deemed a separate offense for each day during any portion of which any violation is committed or continued. In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action and requests for temporary and permanent injunctions, to enforce the provisions of this Chapter. It is the purpose of this Chapter to provide additional cumulative remedies.

Section 17 PBC Pollution Recovery Trust Fund

Funds collected pursuant to administrative penalties levied by the GNRPB for violations of this Chapter shall be deposited in the PBC Pollution Recovery Trust Fund.

APPENDIX 1 GENERIC SUBSTANCES LIST

| | |
|---|--|
| Acid and basic cleaning solutions | Medical, pharmaceutical, dental, veterinary and hospital solutions |
| Antifreeze and coolants | Mercury and mercury compounds |
| Arsenic and arsenic compounds | Metals finishing solutions |
| Bleaches, Peroxides | Oils |
| Brake and transmission fluids | Paints, primers, thinners, dyes, stains, wood preservatives, |
| Brine solution | varnishing and cleaning compounds |
| Casting and Foundry chemicals | Painting solvents |
| Caulking agents | PCBs |
| Cleaning solvents | Pesticides and herbicides |
| Corrosion and rust prevention solutions | Plastic resins, plasticizer and catalysts |
| Cutting fluids | Photo development chemicals |
| Degreasing and parts cleaning solvents | Poisons |
| Disinfectants | Polishes |
| Electroplating solutions | Pool chemicals |
| Explosives | Processed dust and particulates |
| Fertilizers | Radioactive sources |
| Fire Extinguishing chemicals | Reagents and standards |
| Food processing wastes | Refrigerants |
| Formaldehyde | Roofing chemicals and sealers |
| Fuels and additives | Sanitizers, disinfectants, bactericides and algacides |
| Glues, adhesives and resins | Soaps, detergents and surfactants |
| Greases | Solders and fluxes |
| Hazardous waste | Stripping compounds |
| Hydraulic fluid | Tanning industry chemicals |
| Indicators | Transformer and capacitor oils/fluids |
| Industrial and commercial janitorial supplies | Waste oils and antifreeze |
| Industrial process chemicals | Water and wastewater treatment chemicals |
| Industrial sludges and still bottoms | |
| Inks, printing and photocopying chemicals | |
| Laboratory chemicals | |
| Liquid storage batteries | Note: Substances in this table may be adjusted by ERM. |

APPENDIX 2 OPERATING AND CLOSURE PERMIT BONDS*

| | Zone 1 | Zone 2 | Zone 3 |
|-----------------------------------|---------------|---------------|---------------|
| Cash bond | \$20,000 | \$10,000 | \$5,000 |
| Permit Bond With Corporate Surety | \$20,000 | \$10,000 | \$5,000 |
| Letter of Credit | \$20,000 | \$10,000 | \$5,000 |

* Note: Amounts reflected in this table are for each Operating and Closure Permit issued and may be adjusted by ERM.

APPENDIX 3 BEST MANAGEMENT PRACTICES FOR THE CONSTRUCTION INDUSTRY

- A. The general Contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any Regulated Substances. For instance, handling Regulated Substances in the proximity of water bodies or wetlands may be improper.
- B. If any Regulated Substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. Any storage container of 55 gallons, or 440 pounds, or more containing Regulated Substances shall have constructed below it an impervious containment system constructed of materials of sufficient thickness, density and composition that will prevent the discharge to the land, groundwaters, or surface waters, of any pollutant which may emanate from said storage container or containers. Each containment system shall be able to contain 150 percent of the contents of all storage containers above the containment system.

- C. Each contractor shall familiarize him/herself with the manufacturer's safety data sheet supplied with each material containing a Regulated Substance and shall be familiar with procedures required to contain and clean up any releases of the Regulated Substance. Any tools or equipment necessary to accomplish same shall be available in case of a release.
- D. Upon completion of construction, all unused and waste Regulated Substances and containment systems shall be removed from the construction site by the responsible contractor and shall be disposed of in a proper manner as prescribed by law.

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APPENDIX 4 ORGANIC PRIORITY POLLUTANTS

| | |
|-------------------------------------|--|
| endrin | bromobenzene |
| lindane (g-BHC) | bromomethane |
| methoxychlor | chlorobenzene |
| toxaphene | chloroethane |
| 2, 4-D | p-chlorotoluene |
| 2, 4, 5-TP | chloromethane |
| bromodichloromethane | dibromomethane |
| dibromochloromethane | dichlorodifluoromethane |
| bromoform | 1,1-dichloroethane |
| chloroform | trans-1, 3-dichloropropene |
| trichloroethene | cis-1, 2-dichloroethane |
| tetrachlorethene | 1, 2-dichloropropane |
| carbon tetrachloride | 1, 3-dichloropropane |
| vinyl chloride | 2, 2-dichloropropane |
| 1, 1, 1-trichloroethane | cis-1, 3-dichloropropane |
| 1, 2-dichloroethane | ethylbenzene |
| benzene | methylene chloride |
| ethylene dibromide | 1, 1, 2-trichloroethane |
| p-chlorobenzene | trichlorofluoromethane |
| 1, 1-dichloroethene | 1, 2, 3-trichloropropane |
| styrene | toluene |
| m-dichlorobenzene | m-xylene |
| o-dichlorobenzene | o-xylene |
| 1, 2-dibromo-3-chloropropane (DBCP) | p-xylene |
| 1, 1, 1, 2-tetrachloroethane | bis (2-ethylhexyl) phthalate |
| 1, 1, 2, 2-tetrachloroethane | butyl benzyl phthalate |
| methyl tert-butyl-ether (MTBE) | di-n-butylphthalate |
| 1, 1-dichloropropene | diethylphthalate |
| o-chlorotoluene | dimethylphthalate |
| aldrin | 2, 4-dinitrotoluene |
| chloradane | diethylphthalate |
| dieldrin | hexachlorocyclopentadiene |
| heptachlor | isophorone |
| aldicarb | 2, 3, 7, 8-tetrachloridibenzo-p-dioxin |
| aldicarb sulfoxide | 1, 2, 4-trichlorobenzene |
| aldicarb sulfone | PCB-1016 |
| dalapon | PCB 1221 |
| carbofuran | PCB-1232 |
| oxymyl | PCB-1242 |
| simine | PCB-1248 |
| atrane | PCB-1254 |
| picloram | PCB-1260 |
| dinoseb | 2-chlorophenol |
| alachlor | 2-methyl – 4, 6-dinitrophenol |
| metolachlor | phenol |
| dicamba | 2, 4, 6-trichlorophenol |
| pentachlorophenol | |

Inorganic Priority Pollutants

| | |
|----------|----------|
| Mercury | Lead |
| Cadmium | Arsenic |
| Chromium | Selenium |
| Nickel | Cyanide |

Note: Parameters reflected in this table may be adjusted by ERM.

APPENDIX 5 MINIMUM STANDARDS FOR SEWER PIPE FITTINGS

A. Ductile Iron Pipe and Fittings for Gravity Sewer and Force Main Application:

1. Ductile iron pipe shall conform to the requirements of ANSI/AWWA C151/A21.52-86 unless otherwise noted on the plans. The pipe shall be Class 50 thickness for pipe six inches or larger in size and Class 51 for pipe smaller than six inches. Glands for mechanical joints shall be of ductile iron or cast iron.
2. Fittings shall conform to the requirements of ANSI/AWWA C110/A21.10-87. Fittings 12 inches and smaller shall have a 250 psi minimum working pressure.
3. Flanged ductile iron pipe shall be Class 53. Flanged ductile iron pipe and fittings shall have threaded flanges, unless otherwise noted on the drawings, and shall conform to ANSI/AWWA C115/A21.15-83. All flanges shall be Class 1560, ANSI B16.5. All above grades flanges shall be flat faced unless they are mating up to existing, or otherwise, specified, raised flanges. All gaskets shall be full faced 1/8" red rubber.
4. Joints shall conform to the requirements of ANSI/AWWA C111/A21.11-85.

B. Polyvinyl Chloride Pipe (PVC) and Fittings for Gravity and Sewer Force Main Applications:

1. Gasketed Joint Pipe

- a. Pipe four inches or larger in diameter shall conform to the requirements as set forth in AWWA C900-81 with dimension ratio DR 18. Provisions must be made for contraction and expansion at each joint, or with a rubber ring and an integral bell as part of each joint, or by a rubber ring sealed coupling. Clean, reworked material generated from the manufacturer's own pipe production may be used. Fittings shall be cast or ductile iron. Pipe shall have cast iron pipe equivalent outside dimensions.
- b. Pipe smaller than four inches in diameter shall conform to Commercial Standard CS 256 and ASTM D-22141. Provisions shall be made for contraction and expansion at each joint with a rubber ring, and an integral bell as part of each joint, or by a rubber ring sealed coupling. Pipe shall be made from SOR 21, 200 psi clean, virgin NSF approved Type I, Grade 1 PBC conforming to ASTM D-1784. Clean reworked material generated from the manufacturer's own pipe production may be used. Fittings for pipe smaller than four inches in diameter shall be PVC.

C. Coatings

The lining material for ductile iron pipe and fittings shall be virgin polyethylene complying with ANSI/AWWA D1248, compounded with an inert filler and with sufficient carbon black to resist ultraviolet rays during above ground storage of the pipe and fittings. The polyethylene shall be bonded to the interior of the pipe or fitting by heat.

D. Leakage Tests

The test shall be of two hour duration. During the test, the pipe being tested shall be maintained at a pressure of not less than 150 psi. Leakage is defined as the quantity of water added to the pipe being tested during the test period. No pipe installation will be accepted if the leakage exceeds the quantities specified in AWWA C-600, Sec. 4.2. No more than 500 feet of gravity sewer main or 1000 feet of force main shall be tested at one time.

E. Manholes

Manholes shall be precast and coated with an inert impervious material. Manhole inlets and outlets shall be tightly sealed around the sewer pipe and coated to prevent leakage.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 1 General

A. Goals

The goals of this Chapter are:

1. To avoid the unnecessary destruction of native vegetation;
2. To pursue eradication of invasive non-native vegetation;
3. To minimize adverse impacts to native vegetation during parcel improvement;

4. To mitigate the removal of native vegetation when the vegetation cannot be preserved in place or relocated under the proposed site plan; and
5. To relocate any movable native vegetation that cannot be incorporated into the site plan to a PBC approved parcel.

Section 2 Definitions

A. In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to this Chapter:

Agriculture, Bonafide - Any plot of land where the principal use consists of raising crops, raising animals inclusive of aviculture and aquaculture; the production of animal products, such as eggs, honey or dairy products, or the raising of plant material inclusive of a retail or wholesale nursery.

Alteration - Human-caused activity that modifies, transforms or otherwise changes the vegetation, including, but not limited to:

1. Removal, displacement, mowing, or disturbance (severe pruning, hatracking or inter-nodal cutting, or poisoning) of vegetation excluding prescribed burns for the management of native vegetation communities;
2. Removal, displacement, demucking or disturbance of soil, rock, minerals or water within the plant's root zone;
3. Introduction of livestock for grazing;
4. Placement of vehicles, structures, debris, fill or other material objects thereon, including introduction or injection of water and other substances; and
5. Use of mechanical equipment within the plant's root zone.

Circumference - A measurement of the circular distance around a tree trunk measured at a point four and one-half feet above the ground.

Diameter at Breast Height (DBH) - The diameter of a tree trunk measured at a point four and one-half feet above the ground.

Equestrian Use - Art. 18, Definitions.

Improved Parcel - real property which has undergone an alteration from its natural state, initiated by the parcel owner or predecessor in interest, but not those alterations initiated on private property by a governmental agency. For the purpose of this Chapter alterations are at least the following: land clearing and relocation of native vegetation, mining and excavation, agriculture; installation of construction of paved or unpaved roads and paths, canals and structures for human or agricultural use.

Incorporated Vegetation Plan - A comprehensive document or site plan that provides parcel- specific information for native trees, excluding trees within Native Upland Preserves or Tree Preservation Areas, to be incorporated on the parcel. Documented trees are to be three inches or greater DBH, and palm trees with a minimum overall clear trunk height of eight feet. The Incorporated Vegetation Plan may be performed by a State of Florida licensed surveyor and mapper, using contemporary surveying techniques, or other professional using Global Positioning System (GPS) equipment with sub-meter accuracy.

Listed Species - Any animal or plant species listed as endangered, threatened, rare, or of special concern by one or more of the following agencies:

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

Native Tree(s) or Native Vegetation - Vegetation with a natural geographic distribution indigenous to the State of Florida and not introduced by humans.

Native Vegetation Community - A characteristic assemblage of native vegetation including scrub, pine flatwoods, scrubby flatwoods, hammocks, dry prairies, wetlands, dunes, maritime forests, freshwater and saltwater marshes, swamps and mangroves.

Non-Native Vegetation - A plant not indigenous to the State of Florida, including those listed as prohibited and invasive non-native vegetation in this Chapter.

Specimen Tree - A tree that has attained an age where its size, stature, health, and appearance contributes to the aesthetics of an area. Trunk sizes designating specimen stature of the most commonly

found native trees are listed in Appendix 8, Specimen Tree List. Other trees are specimen Trees, if the trunk has attained a diameter size of at least 33 percent of that of the State of Florida Division of Forestry's listed state of Florida champion for the applicable tree.

Tabular Tree List - A complete listing of all native trees three inches or greater DBH in a tabular form.

Tree - A woody or fibrous perennial plant commonly with a single stem and having a minimum trunk DBH of three inches and having a more or less defined crown, that usually grows to at least four meters or 13 feet in height at maturity.

Tree Preservation Area - An area of significant native vegetation that may be too small to be included as a preserve but has been determined to be worth designating for protection on the site plan and that the parcel owner is encouraged to manage with periodic maintenance activities, including the removal of prohibited and invasive non-native vegetation and protection of native vegetation from alteration.

Tree Survey - a comprehensive survey document or site plan that provides site specific information for trees three inches or greater DBH or for palm trees with an overall clear trunk height of eight feet that are on the site. The survey shall be performed by a Florida-licensed land surveyor, and ERM shall determine the applicability and the extent of each survey.

Understory - The shrub and ground cover component of a vegetation community.

Vegetation - Plant life including groundcover, grasses, herbs, vines, shrubs and trees.

Section 3 Purpose

- A. This Chapter shall:
 - 1. Establish a program to preserve and protect native vegetation;
 - 2. Prohibit the unnecessary destruction of native vegetation and require the eradication of invasive non-native vegetation; and
 - 3. Set restrictions and requirements to protect and preserve freshwater wetlands and to maintain the functions and values provided by certain freshwater wetlands within PBC so there will be no net loss of those functions and values due to parcel improvement or other activities.

Section 4 Applicability

- A. This Chapter shall apply within the unincorporated areas of PBC, Florida.
- B. PBC shall have regulatory authority over the alteration or removal of non-native and native upland vegetation, and the establishment and maintenance of upland preserve areas.
- C. PBC shall have regulatory authority over all wetlands, on parcels that are not subject to the State Environmental Resource Permit review process, hereinafter referred to as jurisdictional wetlands, with the exception of wetlands less than one-half acre in size and entirely surrounded by uplands.
- D. Terms specific to this Chapter are defined in Art. 14.C.2, Definitions. Terms not defined in this Chapter shall be defined pursuant to Chapter 62, F.A.C., the document entitled, "Basis of Review" (BOR), as amended, for Applications within the South Florida Water Management District, dated November 1996, and Art. 18, Definitions, of this Code, as may be amended from time to time. In the event that a term is defined in Chapter 62, F.A.C., or the BOR and Art. 18, Definitions, of the Code, the BOR shall prevail.

Section 5 Authority

This Chapter is adopted under the authority of F.S. Chapter 125, as amended, and the Plan, as amended. ERM shall administer the requirements of this Chapter.

Section 6 Approval Required Unless Exempt

No person may alter or cause to be altered any vegetation unless such alteration is exempted by, or expressly approved by this Chapter.

Section 7 Application, Process, and General Standards

A. Requirements and Process

- 1. Permit applications shall be made on forms provided by ERM.

2. An application shall not be deemed complete until the application fee and all information necessary to fully understand the extent, nature and potential impacts of a proposed project are received by ERM. Such information may include, but is not limited to:
 - a. A completed application form with the notarized signature of the parcel owner or authorized agent of the parcel owner;
 - b. A written explanation of the need and intent of the project and a description of construction or alteration methodologies;
 - c. A certified site plan or survey, where applicable, showing all easements. Both plan view and cross-sectional view sketches may be required;
 - d. Parcel information including a location map, a recent aerial photograph with the parcel clearly delineated, and representative color photographs;
 - e. Identification of the type and location of native vegetation in the vicinity of, and likely to be affected by the project;
 - f. An Incorporated Vegetation Plan which graphically depicts the location and field tag number for each native tree and palm to remain undisturbed on the parcel during construction and the natural life of the vegetation. The Incorporated Vegetation Plan may also be required to be incorporated as a feature of the site plan;
 - g. A numbered tabular list of all native trees/palms surveyed, indicating the type of tree/palm the DBH or height of clear trunk if palm, and whether the parcel owner proposes to keep the tree/palm in place, relocate it, offer it for surplus, remove it or mitigate for its removal;
 - h. A completed Vegetation Surplus Form which identifies surplus native vegetation which the parcel owner determines cannot otherwise be used on the parcel and is providing for the use of the Surplus Vegetation Program; and
 - i. Methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations, a copy of the on-site Stormwater Pollution Prevention Plan shall be submitted as part of the permit application.
3. ERM may include permit conditions deemed reasonably necessary to protect the environmental integrity of any on-site adjacent wetland areas, mitigation areas and upland preserves and to prevent harm to listed plant and animal species.
4. Standard Permit applications shall be deemed inactive until such time that written notice is received by ERM that application has been made for a building permit, land development permit, request for review of technical compliance or noticed completeness of requested information is received. The permit shall be issued at the time of the issuance of one of the foregoing, as applicable, or within 30 working days of determination by ERM that the application is complete and there are no outstanding violations of Art. 14.C, Vegetation Preservation and Protection, on the parcel. ERM shall make a parcel inspection within 15 working days of a request by a parcel owner.
5. Any application received that is substantially the same as a previous application that has been denied by ERM subsequent to the effective date of this Chapter shall be denied with a written response provided to the applicant stating the reason for denial.
6. Any parcel where a violation of any Chapter administered by ERM has occurred, shall not be eligible for a permit under this Chapter until such violation has been resolved.
7. Any application containing false information, or any permit issued based upon false information, may be denied or revoked and may subject the applicant to enforcement proceedings pursuant to Art.14.C, Vegetation Preservation and Protection, Art. 10, Enforcement, of this Code.
8. ERM shall have the right to make inspections of construction areas at reasonable times to determine compliance with this Chapter.
9. ERM may include permit conditions for vegetation debris removal by open burning but the conditions shall not be in conflict with burn permits from jurisdictional agencies.

B. Types of Approval

1. Vegetation Removal Notice (VRN) for Single Family Parcels

Single family residential parcels less than two and one-half acres in gross size will automatically receive a VRN with standard conditions as part of the building permit process. For the purposes of this Chapter, a single family residential parcel also includes a single two-unit (duplex) residence and associated accessory structures. The VRN shall be signed by the applicant as part of the building

permit process. Authorization will be issued concurrently with the building permit. For alteration of vegetation before a building permit is issued, a VRN application shall be submitted directly to ERM. Conditions of the VRN for single family residential parcels are listed in Art. 14.C.9, Vegetation Removal Notice for Single Family Residential Parcels.

2. General Permit

A General Permit may be issued for prohibited and invasive non-native vegetation removal and minor vegetation alteration pursuant to criteria set forth in Art. 14.C.10, General Permit.

3. Standard Permit

A Standard Permit is required for upland vegetation alteration that does not qualify for a VRN, a General Permit, or an exemption under this Chapter.

4. Wetlands Alteration Permit

A Wetlands Alteration Permit is required for any construction or alteration, (including but not limited to dredging, filling, removing or altering vegetation or draining or flooding) on, in or over jurisdictional wetlands. A Wetland Alteration Permit may be incorporated into permits for upland vegetation as described above in this Chapter.

5. De Minimis

Those projects for which ERM provides a written determination that there will be no significant adverse environmental impacts. Approvals may include but are not limited to: Removal of native vegetation that has been destroyed or so severely damaged, inadvertently or by acts of nature, that it constitutes a peril to life or property; certification by a certified arborist that vegetation is a hazard; determination by ERM staff or other qualified professional that vegetation may compromise the integrity of a structure; removal to selectively thin vegetation by hand; or, certification by the Florida Department of Forestry or PBC Fire Rescue that a 30 foot buffer should be cleared around designated structures through the Fire Wise program.

C. Standards of Issuance

No permit shall be issued unless the application demonstrates that the project:

1. Will not result in a net loss of wetland functions and values;
2. Complies with water quality rules and standards set forth in Chapter 62-302, F.A.C.;
3. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats;
4. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat;
5. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation; and
6. Complies with any applicable federal, state or local designated preserve, conservation or mitigation area.

Section 8 Exemptions

The following activities do not require a permit under this Chapter:

A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or Bonafide Agricultural Operations

Vegetation alteration associated with subsequent harvesting activities, except within preserve areas or vegetated buffers, that are part of the on-going activities of the existing operation, the harvesting or alteration of vegetation previously planted and cultivated for production as part of an ongoing botanical garden, botanical research center, nursery or bona fide agricultural operation is an exempt activity. Initial clearing of a parcel is not an exempt activity.

B. Fencing

The minimal removal of trees or understory necessary to install a fence, provided that no tree three inches or greater DBH is removed, the path cleared for the fence does not exceed five feet in width, and native vegetation is removed solely by hand.

C. Forest Management Activities

Selective tree removal for forest management activities as defined in the current Forest Management Plan as approved by the State of Florida Division of Forestry.

D. Improval Parcels

Removal of prohibited and invasive non-native vegetation. The removal of dead and dying vegetation and vegetation not subject to this Chapter is also exempt, provided however, the removal complies with Art. 7, Landscaping, as amended.

E. Landscape Plant Removal

Removal or alteration, from an improved parcel, of non-native vegetation installed as landscape, provided the activity complies with the requirements of Art. 7, Landscaping, as amended, and no removal or alteration occurs from native upland vegetation buffers, preserves, or jurisdictional wetlands.

F. Lot Clearing Provisions

Removal of prohibited and invasive non-native vegetation required pursuant to the Lot Clearing Provision in Art. 7, Landscaping, as amended, or at the direction of a public law enforcement agency pursuant to necessary law enforcement activity.

G. Mitigation or Enhancement Projects

Activities conducted pursuant to a permit from SFWMD, Florida Department of Environmental Protection, or ERM under F. S. Chapters 403 and 373, as amended, and F.S. Chapter 62-312, F.A.C. as amended, including activities approved under an adopted Surface Water Improvement and Management Plan.

H. Natural Emergencies

The provisions of this Chapter may be suspended or waived by the Director of ERM during a period of officially declared emergency, such as a hurricane, windstorm, tropical storm, flood or similar disaster.

I. Parks and Recreation

Alterations of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves, excluding new construction or parcel improvement.

J. Preserve Management Activities

Preserve management activities provided that:

1. The preserve area is designated by deed restriction, plat, restrictive covenant, or conservation easement and is dedicated to a public entity or approved private conservation group for preservation in perpetuity;
2. The activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences; and
3. The preserve area has a preserve management plan approved by ERM.

K. Projects Requiring an Environmental Resource Permit

A Wetlands Alteration Permit shall not be required for those projects permitted for wetland impacts through the Environmental Resource Permit process by Florida Department of Environmental Protection or SFWMD, and that are described in Rule 62-312.050, F.A.C., as amended.

L. Pruning

Pruning of native vegetation in non-preserve areas in accordance with the American National Standards Institute, (ANSI) A-300, pursuant to Art. 7.E, Installation, Maintenance, Pruning and Irrigation as revised, to allow for healthy growth, to promote safety, and to remove dead or dying vegetation, provided there is no cutting back of limbs to a point between branch collars or buds larger than one inch in diameter within the tree's crown.

M. Utilities, Water Control, Water Management Districts, and Road R-O-W

Alteration of vegetation is permitted within drainage easements associated with repairs to or maintenance of existing canal structures at the direction of water control districts, or water management districts within drainage easements, where the vegetation is interfering with drainage or services provided by the water control districts or water management districts. Alteration of vegetation is permitted within a utility easement, where the vegetation is interfering with services provided by a utility. Alteration of vegetation is permitted within a road R-O-W for normal maintenance activities. Alteration associated with new construction is not an exempt activity.

N. Survey or Other Test Required

The necessary removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test, provided that no tree three inches or greater DBH is removed, the path cleared does not exceed five feet in width, and native vegetation is removed solely by hand.

Section 9 Vegetation Removal Notice for Single Family Residential Parcels

The initial construction of a single-family unit or a single two unit (duplex) residence or associate accessory structures on parcels less than two and one-half acres in gross size shall require a VRN. The notice conditions are:

A. Minimum Alteration

Removal of native vegetation shall be limited to the minimum necessary to accomplish the purpose of the site plan. A site plan that eliminates or nearly eliminates native vegetation will not be approved under this Chapter. Specimen tree removal shall require mitigation.

B. Removal of Prohibited Invasive Non-Native Vegetation

Complete removal or eradication of prohibited invasive non-native vegetation, as identified in Appendix 6 Prohibited Invasive Non-Native Vegetation, shall be completed for the entire parcel prior to receipt of the CO Planting or installation of vegetation identified in Appendix 6, Prohibited Invasive Non-Native Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation.

C. Permit Duration

The VRN shall be in effect for up to two years after the issuance date. The issuance date shall be the date of issuance of the building construction permit. ERM may extend the Notice for one year upon written request.

Section 10 General Permit

A parcel owner may apply for a general permit to remove minor vegetation or for prohibited and invasive non-native vegetation. A general permit with appropriate conditions designed to protect native vegetation may be issued following an on-site meeting with the parcel owner or the parcel owner's agent and receipt of a completed permit application signed by the parcel owner or the parcel owner's agent. Such permit conditions may include, but are not limited to, setbacks from protected vegetation, recommended methods of vegetation removal, protection of specimen trees and listed species, removal of prohibited invasive vegetation and recommended vegetation disposal. Parcels cleared under this Section shall be maintained free of prohibited and invasive non-native vegetation. General permits are valid for two years, unless extended in writing by ERM.

Section 11 Standard Permit

A. Applicability

A parcel owner may apply for a standard permit to:

1. Remove prohibited invasive non-native vegetation;
2. Incorporate existing native vegetation into the site plan;
3. Minimize the removal of native vegetation and maximize the use of areas dominated by non-native vegetation for the location of buildings or accessory structures;
4. Relocate native vegetation either on- or off-site;
5. Establish native upland preserves; or
6. Mitigate the removal of native vegetation, provided that the activity furthers the preservation and protection of native vegetation.

With the exception of bonafide agricultural, equestrian, and roadway production activities, a standard permit shall be issued with the applicable building permit, land development permit, or written notification of technical compliance, and is valid for two years unless extended in writing by ERM.

B. Technical Requirements for a Standard Permit

1. Removal of Prohibited Invasive Non-Native Vegetation

Removal or eradication of prohibited invasive non-native vegetation identified in Appendix 6, Prohibited Invasive Non-Native Vegetation, shall be completed for the entire parcel concurrent with the permitted vegetation alteration and prior to receipt of the first CO, if applicable, unless a phasing plan has been approved in writing by ERM. The parcel owner shall thereafter maintain the parcel free of this prohibited invasive non-native vegetation. No additional permit for such maintenance of vegetation shall be required.

2. Incorporation or Relocation of Existing Native Vegetation

Existing native vegetation shall be incorporated into the site plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus.

Non-relocatable native vegetation that cannot be maintained on the parcel shall be mitigated for in accordance with the Tree Replacement Table 14.C.16-1, The Tree Replacement Table. There is no requirement to provide vegetation for surplus. ERM shall also consider:

- a. Alternative designs to limit the removal of native vegetation to the minimum necessary while still allowing the applicant to accomplish the purpose of the site plan;
- b. Preserving listed species in place or relocating to buffers, open space or unimproved portions of the parcel;
- c. The likelihood of success for relocated native vegetation;
- d. The use of barriers and flagging during construction to establish appropriate setbacks to protect and preserve native vegetation;
- e. Mitigation or compensation for the loss of native vegetation;
- f. At least 50 percent of the trees planted as mitigation for the removal of native trees shall be the same species as the trees removed, provided that the mitigation vegetation is locally available;
- g. For single-family residences located on two and one-half acres or more, mitigation may not be required, other than for specimen trees, for the area of the house pad and attached structures, and the septic system. This shall be determined by ERM on a case-by-case basis, after determination that the parcel owner is providing a building location that is the best environmental use of the parcel;
- h. For single family residential parcels which where the parcel owner located the residence that is the best environmental use of the parcel, mitigation of specimen trees shall be on a tree for tree basis if the specimen trees are not relocatable; and
- i. Creation of a tree preservation area.

3. Specimen Tree Removal

Removal of any specimen tree identified in Appendix 8, Specimen Tree List, is prohibited unless the following criteria are met:

- a. Site plans shall be developed to incorporate any specimen tree in its original location to the greatest extent possible;
- b. A specimen tree shall be relocated in a manner to ensure survivability if there is no reasonable alternative that allows incorporation of the tree into the parcel design;
- c. If a specimen tree cannot be relocated, the parcel owner shall install replacement plantings consisting of native vegetation pursuant to Table 14.C.16-1, The Tree Replacement Table. This requirement is in addition to Landscape Code requirements and any other conditions of approval. Off-site replacement shall be allowed if on-site planting is not feasible due to unsuitable parcel conditions. Off-site planting shall be in or adjacent to a public park parcel or native upland area;
- d. In lieu of replacement planting, a donation may be made to PBC for the Natural Area Stewardship Endowment Fund. The donation amount shall be based on the average cost of the purchase, installation and maintenance for one year of an equivalent number of replacement trees or actual cost of removing and replanting specimen trees;
- e. The parcel owner shall provide irrigation, mulch, and other practical means to ensure survivorship of any relocated specimen tree. If a relocated specimen tree does not survive, it shall be replaced with a native tree pursuant to Table 14.C.16-1, The Tree Replacement Table.
- f. Replacement planting consisting of native shrub vegetation may be approved on a case by case basis where appropriate soil characteristics exist, and amount of remaining canopy and other understory vegetation will be sufficient;
- g. Sabal palms may be allowed as replacement plantings for canopy trees if approved by ERM and planted at 3:1 (palms: required replacement trees) based on Table 14.C.16-1, The Tree Replacement Table, on 10 foot centers, +/-1 foot and grouped as shown on a planting plan Table approved by ERM;

- h. At least 50 percent of the trees planted as replacement planting for removal of native trees shall be the same species as the trees removed provided that the replacement vegetation is locally available; and
- i. For bonafide agriculture activities, mitigation for removal of specimen trees may be accomplished by incorporation of relocatable trees on the parcel, use of relocatable trees as nursery stock, donation of relocatable trees to public agencies, sale of relocatable trees, or relocation to off-site areas approved by ERM.

4. Establishing Native Upland Preserves

All standard permits for parcels equal to or greater than four acres shall be evaluated by ERM for the establishment of a native upland preserve. Parcel owners that have significant areas of native upland vegetation shall be required to designate a native upland preserve equivalent to at least 25 percent of the total native upland vegetation on site or otherwise comply with this Chapter. New public park facilities constructed on parcels 20 acres in size or less shall be exempt from the preserve requirements of this Chapter.

Factors that will determine if a parcel has significant areas of native vegetation include, but are not limited to the quality of the native ecosystem, overall quality of its biological diversity, the presence of listed species, the wildlife habitat, value grouping of native vegetation, and the compactness of the preserve and its proximity to other natural preserve areas and corridors.

a. Preserve Boundaries

The preserve boundaries shall be designated in a certified survey submitted to ERM for approval prior to issuance of the standard permit. No easements may be located within the boundaries of the preserve. Prior to and during parcel alteration, the preserve boundaries shall be clearly marked and appropriately barricaded. Permanent preserve boundary markers shall be installed prior to issuance of the initial CO, if applicable, or final vegetation inspection, and shall be maintained by the parcel owner in perpetuity.

b. Preserve Management Plan

The parcel owner shall develop a Preserve Management Plan to provide long-term protection and maintenance of the values and functions of the preserve. Activities that cause degradation of the preserve are prohibited. The Preserve Management Plan shall be approved by ERM prior to issuance of the standard permit. ERM may provide Preserve Management Plan Guidelines. The parcel owner shall maintain the preserve in accordance with the Preserve Management Plan. Modifications to the Preserve Management Plan are prohibited without prior written approval by ERM.

c. Preserve Dedication

Preserve areas shall be identified graphically and legally described in the applicable deed restriction plat, restrictive covenant, conservation easement, or by a separate instrument to be recorded pursuant to F. S. §704.06, as amended. Said preserve shall be specifically and separately reserved to the owner, or if applicable, to the property owners' association as its perpetual maintenance responsibility, without recourse to PBC or other governmental entity or agency. Prior to issuance of a standard permit, the plat or instrument shall be submitted to and approved by ERM, recorded in the public records of PBC, and proof of recordation shall be provided to ERM. Parcel owners are encouraged to dedicate voluntary preserves to PBC for preservation in perpetuity. PBC may enter into agreements with parcel owners to enhance private preserves.

d. Non-Native Vegetation

All vegetation listed in Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, shall be removed from the parcel prior to issuance of the first CO, certificate of completion, or final inspection, whichever occurs first unless a phasing plan has been approved in writing by ERM. In addition to the removal requirement above, the vegetation identified in Appendix 9, Invasive Non-Native Vegetation within Preserves, shall be removed from the preserve area. The parcel owner shall thereafter maintain the parcel free of this vegetation.

e. Mitigation Option

A parcel owner may mitigate for the loss of vegetation during parcel improvement by preserving additional native upland habitat or vegetation or by developing and implementing a restoration

and enhancement plan for a native upland preserve. Alternative mitigation proposals that meet the purpose and intent of this Chapter may also be submitted.

f. Offsite Dedication

Preserves may be dedicated off site in lieu of onsite dedication with ERM's approval. The size of the offsite preserve shall be based on the quality of the habitat or vegetation on both the parcel being improved and the parcel of the proposed preserve. The final appraised values of the parcel being improved and the parcel for the proposed preserve may also be considered. The location of the off-site preserve shall be determined prior to DRO. Prior to the issuance of the standard permit, the instrument used to dedicate an off-site preserve shall be submitted to and approved by ERM.

g. Preserve Cash Buyout

A preserve may be purchased in accordance with Art. 14.C.11.B.4.c, Preserve Dedication.

h. Bona fide Agriculture

For parcels that have a conservation easement requirement from the SFWMD, where upland dedication around a wetland is included as wetland mitigation, the land dedication may be used to reduce required upland set-asides by ERM.

i. Tree Preservation Areas

Parcels less than 4 acres or parcels greater than four acres with significant upland vegetation that may not otherwise qualify for a 25 percent set aside, may be required to provide tree preservation area(s). Factors that will determine if a parcel has significant areas of native vegetation include, but are not limited to the quality of the ecosystem, overall quality of biological diversity, the presence of listed or uncommon species, wildlife habitat value, value grouping of assemblages of native vegetation, compactness of the area, and degree of limited impact by prohibited and invasive non-native vegetation.

5. Native Upland Preserve Exemption for Single Family Use

A parcel owner shall not be required to establish a native upland preserve on a parcel containing a single family residence or a single two unit residence provided that no more than 60 percent of the total parcel may be cleared for non-residential ancillary uses as permitted by the underlying zoning, including agricultural or equestrian uses, and including associated canal, pond or drainage features, and which results in the alteration or removal of existing native upland vegetation. The site development plan shall minimize the removal of existing native vegetation and maximize the use of areas dominated by non-native vegetation.

a. Agricultural and Equestrian Use

Parcels for single family residences or a single two unit (duplex) residence in which more than 60 percent of the parcel may be cleared for agricultural and equestrian use, including associated canal, pond or drainage features, and which results in the alteration or removal of existing native upland vegetation, shall comply with the preserve requirements of Art. 14.C.11.B.4, Establishing Native Upland Preserves, above.

b. Other Ancillary Uses

Parcels for single-family residences or a single two unit (duplex) residences where more than 60 percent of the parcel may be cleared for an ancillary use not specifically defined above, but permitted by the underlying zoning, and which results in the alteration or removal of existing native upland vegetation, shall comply with the preserve requirements of Art. 14.C.11.B.4, Establishing Native Upland Preserves, above.

c. Native Upland Preserve Incentive Programs

Single-family landowners are encouraged to establish native vegetation preserves to protect and maintain native upland vegetation communities. The BCC may establish by Resolution and maintain at its discretion one or more incentive programs designed to encourage establishment of native upland preserves on parcels for single-family residences otherwise exempt by this Chapter.

6. Surplus Native Vegetation

Native upland vegetation that cannot be preserved or relocated on the parcel shall be considered surplus. An applicant for a standard permit shall complete and attach to the application a Vegetation Surplus Form provided by ERM, and a list of the available vegetation including the species names and approximate quantity and sizes of each species to be surplus. The applicant shall prevent

inadvertent destruction by physically marking available vegetation on the parcel to afford easy identification. ERM shall maintain a list of persons interested in relocating surplus native vegetation, and shall assist in finding suitable locations for this surplus vegetation. Should a parcel owner elect to participate in the Vegetation Surplus program, the vegetation shall remain available for removal, sale or donation for at least 20 business days after issuance of the permit unless a shorter time frame is approved in writing by ERM and the parcel owner shall cooperate with relocating surplus vegetation off site. Should a parcel owner elect not to participate in the benefits of the Vegetation Surplus program, this fact shall be stated on the standard permit application.

7. Preserve Maintenance

Preserves shall be maintained in compliance with standards set forth in this Chapter and the preserve management plan. Non-native vegetation shall not be introduced into the preserve. Invasive vegetation that can alter the existing native vegetation communities by displacing native vegetation shall be removed if non-native or reduced, if native, to a level of non-interference with the growth of native vegetation.

C. Standard Permit Options

The following options are available on a voluntary basis to applicants seeking a standard permit:

1. Option For Permit in Advance Of Approval By Other Agencies.

The speculative removal or elimination of native vegetation in advance of parcel improvement is not consistent with the goals of this Chapter. However, certain conditions can provide assurances that parcel improvement will proceed in good faith. A standard permit may be issued by ERM in advance of issuance of the Land Development Permit, building permit or written notification of technical compliance if, in addition to the application requirements contained in Art. 14.C.11.B, Technical Requirements for a Standard Permit, the following additional information is provided:

- a. Evidence of submittal of an application for a Land Development Permit and fee payment; or
- b. If no Land Development Permit is required, evidence of submittal of an application for a Technical Compliance Review and fee payment, and a copy of the SFWMD early works permit for the parcel; and
- c. A performance guarantee in an amount equal to 110 percent of the cost to restore native plant communities appropriate to the parcel in the event native vegetation is damaged or destroyed in violation of the permit conditions during the pre-construction activities or improvement of the parcel is abandoned or significantly delayed. Two estimates of the cost to restore may be required for purposes of establishing the applicable amount of the performance guarantee.
 - 1) Execution
The performance guarantee shall be executed by a person with a bonafide legal interest in the parcel. The performance guarantee shall be kept in full force until all obligations thereunder are satisfied.
 - 2) Form of Guarantee
The guarantee shall be:
 - a) A cash deposit or certificate of deposit assigned to PBC; or
 - b) An escrow agreement for the benefit of PBC and on a PBC-approved form; or
 - c) A performance bond issued by a State of Florida registered guarantee company which shall be listed the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations, and on a PBC-approved form; or
 - d) A clean, irrevocable letter of credit on a PBC-approved form;
- d. The final site plan certification has been granted by the Development Review Officer;
- e. The work for which the permit is issued shall commence within one year of the issuance date;
- f. Preserve dedication, pursuant to Art. 14.C.11.B.4.c, Preserve Dedication, for any designated preserve area has occurred; and
- g. Within one year of permit issuance, all prohibited invasive non-native vegetation shall be removed. Throughout construction, the parcel shall be maintained to prevent the re-establishment of prohibited invasive non-native vegetation. A report verifying the removal of prohibited invasive non-native vegetation shall be submitted to ERM by a landscape architect, environmental professional, or arborist. In the event PBC exercises its option on the guarantee pursuant to Art. 14.C.11.C.1.c, Option for Permit in Advance of Approval by Other Agencies, above, this maintenance and monitoring shall cease.

2. Cash Payment Option in Lieu of Native Upland Preserve

- a. A parcel owner may submit a cash payment in lieu of setting aside a native upland preserve provided the following criteria are met:
 - 1) A written request shall be submitted to ERM prior to DRO, certification for public hearing, site plan certification, or issuance of a building construction permit, whichever occurs first;
 - 2) The cash payment shall be equivalent to the average per acre-appraised value, at the time of permit application, multiplied by the number of acres required to be preserved. PBC may request a second appraisal on which to base this cash payment;
 - 3) The cash payment shall be made payable to the PBC Natural Areas Stewardship Endowment Fund and shall be submitted prior to issuance of the permit or site plan certification, whichever occurs first; and
 - 4) If listed species are determined to be on the parcel, the applicant must demonstrate that the proposed action will not preclude the continued survival and viability of the listed species, or a plan must be approved by all applicable agencies for relocating those species.
- b. For bona fide agriculture, this cash payment option may allow commencement of parcel improvement prior to submittal of the cash payment provided:
 - 1) The parcel owner records a restricted covenant on a PBC-approved form limiting the use of the parcel to bona fide agriculture, and requiring the parcel owner to make the cash payment to PBC at the time the parcel is converted to a nonagricultural land use or is sold;
 - 2) The cash payment amount shall be calculated based on the appraised conversion value or actual cost, if sold, whichever is greater, of the parcel after conversion to a non-agricultural use;
 - 3) Upon any conversion of a parcel to non-agricultural use where a deed restriction option is used, the parcel owner shall comply with PBC requirements for an enhanced landscape buffer;
 - 4) The parcel owner considers increasing the upland set aside to offset any mitigation on the parcel for specimen and relocatable trees as determined by ERM; and
 - 5) The parcel owner may consider replanting the preserve, with appropriate vegetation, as determined by ERM in lieu of cash payment. The constructed preserve shall comply with preserve standards as required under Art. 14.C.11.B.4, Establishing Native Upland Preserve. Monies collected in lieu of establishing a preserve shall be paid to PBC for the Natural Areas Stewardship Endowment Fund for the management of native ecosystems.

3. Alternative Mitigation for Publicly Owned Parcels

Alternative mitigation that meets the purpose and intent of this Chapter may be proposed for public projects on a publicly owned parcel. Alternative mitigation proposals shall be reviewed and a determination made by the County Administrator in consultation with the Director of ERM.

4. Mitigation Option for Projects

For projects that do not meet the permitting criteria of Art.14.C, Vegetation Preservation and Protection, the applicant may submit a proposal for mitigation. The proposal will be approved if:

- a. An applicant demonstrates that the proposed activity cannot be practically located at an alternative upland or highly disturbed wetland parcel;
- b. The applicant has taken reasonable project modification measures to reduce vegetation/habitat loss and/or degradation, such as parcel designs to limit impacts to specimen trees; reduce fill into or drainage of wetlands; provision of an upland area (buffer) intended to protect wetlands from dredging, filling, or construction activities on adjacent lands; the use of erosion control measures where the activity will cause erosion; construction of pretreatment facilities for stormwater to be discharged into wetlands; and undertaking activities at such time of year that would have the least impact upon vegetation, wetland, or endangered or threatened vegetation; and
- c. The wetland mitigation standards set forth in Section 4.3 of the SFWMD BOR, as amended shall be the standards applicable to this Article and are hereby adopted and incorporated by reference as if set forth in full herein.

5. Selective Mitigation

A parcel owner may selectively relocate trees on the parcel prior to the first to occur of the issuance of a Land Development Permit, building permit or written notification of technical compliance, if the relocation will increase the survivability of native trees. The parcel owner shall submit to ERM a

standard permit application demonstrating that the trees are relocatable. No relocation may occur prior to issuance of the ERM Permit. Trees that do not survive shall be replaced with native trees according to Art. 14.C.16-1, Tree Replacement Table.

6. Bonafide Agriculture Initial Clearing

Should ERM determine that a parcel to be cleared for bonafide agriculture may be allowed to remove vegetation without mitigation, the parcel owner may record a restrictive covenant on a PBC-approved form limiting the parcel to bonafide agriculture, and requiring the parcel owner to make a cash payment or mitigate the trees on site at the time the parcel is converted to a nonagricultural land use. The restrictive covenant is required to provide language stating the number of relocatable and specimen trees required at the time of conversion.

Section 12 Removal of Prohibited Invasive Non-Native Vegetation

A. Removal of Prohibited Plant Species

Improved parcels approved or constructed on or after April 28, 1986, shall be maintained free of prohibited vegetation listed in Appendix 6, Prohibited Invasive Non-Native Vegetation.

Section 13 Fees

A. Fees shall be required as established by resolution of the BCC. Fees shall be non-refundable and non-transferable. An administrative fee may be required where projects require specific detailed site plan assistance by PBC or where site plans change after initial review. Application fees paid by check shall be payable to the BCC.

Section 14 Appeals

A. Hearing Officer

An applicant for any permit may appeal a final determination made by the Director of ERM to a Hearing Officer as established in Art. 17.C.8, Hearing Officers, of this Code pursuant to this Chapter. The applicant shall comply with the following appeal procedures.

1. Submittal

A written appeal must be made within 20 days of the applicant's receipt of the decision by the Director of ERM. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the applicant seeks to rely. Failure to file within such time frame shall constitute a waiver of a person's right of review by the Hearing Officer.

2. Hearing

The appeal shall be reviewed at a hearing by the Hearing Officer within 60 working days of ERM's receipt of a request and a \$50.00 filing fee. The applicant will receive notice of the hearing no less than 15 working days in advance of the hearing. At the hearing, the Hearing Officer shall provide the applicant and the Director of ERM, or their respective legal representatives, an opportunity to present testimony and evidence, provided such information was part of the review before the Director of ERM. All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. The Hearing Officer in his or her discretion, may exclude irrelevant, immaterial or unduly repetitious evidence, but all conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form. The Hearing Officer shall reverse the decision of the Director of ERM only if there is substantial competent evidence in the record that the Director of ERM erred in applying the standards of this Chapter. The Hearing Officer shall enter a decision by written order not less than ten days following conclusion of the hearing. The order shall include findings of fact and conclusions of law and shall be deemed final administrative action. An applicant or ERM may appeal a final decision of the appeal board within 30 days of the rendition of the decision. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC. The Court shall be limited to appellate review of the record created before the Hearing Officer and

may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. §119.07 as amended from time to time.

3. Judicial Relief

An applicant or ERM may appeal a final written order to the Circuit Court of the Fifteenth Judicial Circuit in and for PBC. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review of the record created before the Hearing Officer. PBC may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. §119.07, as amended from time to time.

Section 15 Violations

A. Violations

A violation shall be:

1. The alteration or removal of one specimen tree or the alteration or removal of up to 1,500 square feet of vegetation without a valid permit, unless expressly exempt under this Chapter. Alteration or removal of each additional specimen tree and alteration of each additional 1,500 square feet of vegetation or portion thereof in violation of this Chapter shall constitute a separate and additional violation.
2. Failure to comply with a condition of a permit issued by ERM pursuant to this Chapter or a requirement of a Preserve Management Plan approved by ERM. Each condition or requirement violated and each occurrence of a violation shall constitute as a separate violation.
3. Altering, or allowing to be altered, any jurisdictional wetland without an ERM permit, or in violation of an ERM permit.
4. Failure to comply with the requirements of this Chapter or any approval granted or activity authorized hereunder.
5. Failure to comply with an ERM Wetlands Alteration Permit issued prior to the effective date of March 1, 1998.
6. Planting prohibited invasive non-native vegetation.
7. Planting non-native vegetation within a preserve.
8. Conversion of a parcel cleared for bonafide agriculture to another use prior to use as agriculture.

B. Enforcement

1. To enforce compliance with this Chapter, ERM may issue a cease and desist order or require that a building permit or CO be withheld. A violation of this Chapter shall be punishable by one or more of the following:
 - a. Quadruple permit fees for violations involving activities conducted without a valid permit that may otherwise have been permitted;
 - b. Remedies outlined in Art. 10, Code Enforcement, of the Code;
 - c. Any applicable remedies under F.S. Chapters 125 and 162, as amended;
 - d. PBC may take any other appropriate legal action, including but not limited to, administration action, and requests for temporary and permanent injunctions to enforce the provisions of this Chapter; and
 - e. ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior to, and with obligations beyond, the effective date of this Chapter, except that violations of single-family dock permits issued pursuant to the agreement between PBC and the USACOE (adopted as Resolution R89-120 and dated January 24, 1989), shall be referred to the USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the event the DEP directs ERM to enforce a violation of a permit issued under the mangrove delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement provisions herein, in addition to any State-mandated enforcement provisions, shall apply.

C. Pollution Recovery Trust Fund

All monies collected as civil penalties for violations of this Chapter shall be paid to PBC for the Pollution Recovery Trust Fund.

Section 16 Mitigation or Restoration

When native trees are removed or damaged without a permit or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with a permit, they shall be replaced at double the rate shown in the Table 14.C.16-1, The Tree Replacement Table. The Tree Replacement Table shall apply to mitigation or restoration as follows:

Table 14.C.16-1 Tree Replacement Table

| Crown Spread of Tree | Or | Diameter at 4.5 Feet Above Grade | = | Replacements |
|----------------------|----|----------------------------------|---|--------------|
| 90 Feet or Greater | Or | 27 inches or more | = | 9 |
| 60-89 Feet | Or | 24-26 inches | = | 8 |
| 50-59 Feet | Or | 21-23 inches | = | 7 |
| 40-49 Feet | Or | 18-20 inches | = | 6 |
| 30-39 Feet | Or | 15-17 inches | = | 5 |
| 20-29 Feet | Or | 12-14 inches | = | 4 |
| 10-19 Feet | Or | 9-11 inches | = | 3 |
| 5-9 Feet | Or | 6- 8inches | = | 2 |
| Less than 5 Feet | Or | Less than 6 inches | = | 0 |

- A. Replacement trees shall be at least 12 feet in height, two and one-half inches DBH, and consist of native vegetation, indigenous to the area, and be Florida Number 1 or better in quality. Field grown replacement trees shall be evaluated on a case-by-case basis for quality.
- B. Replacement palms shall be at least 12 feet in height.
- C. If the required replacement trees cannot to be purchased within 60 miles from the parcel, an alternate replacement may be approved by ERM.
- D. Replaceable Specimen Trees greater than 22 inches DBH shall be replaced with a tree of the same species and equal or greater DBH.
- E. Replacement trees may be replaced with a contribution to the Natural Areas Stewardship Endowment Fund for the cost of the purchase and relocation of a like tree.
- F. Dahoon Holly trees shall be replaced like size for like size for mitigation and the number doubled for restoration.
- G. Monitoring time frames shall be established for mitigation and replacement vegetation, as needed.
- H. Mitigation vegetation, other than trees, may be approved by ERM providing the vegetation is native and indigenous to the area.

Section 17 Natural Areas and Preserve Areas

A. Natural Areas

Planned developments shall be designed to mitigate the negative impacts of development intensity and density upon natural areas as defined in PBC Ordinance 94-13, and parcels designated as preserve areas according to this Chapter. Proposed development shall not negatively impact the native ecosystem of any adjacent natural areas and shall comply with the criteria established in Art. 14, Environmental Standards, for natural areas and other applicable environmental ordinances. The applicant shall work in cooperation with the PZB and ERM to establish mutually acceptable alternatives to protect the natural area, including but not limited to:

- 1. The prohibition of certain land uses; and
- 2. A reduction in the building intensity near natural areas and preserve areas by the creation of a minimum 50 foot buffer zone.

B. Special Preservation Protection Standards

Lake Worth Lagoon and Loxahatchee River buffers a 50 foot conservation buffer shall be preserved along Lake Worth Lagoon, and the Loxahatchee River. South Florida Water Management and Florida Department Environment Protection co-authored the “Loxahatchee River National Wild and Scenic River Management Plan” that address the restrictions within the corridor.

- 1. Restrictions that may be imposed within the 50 foot buffer shall be limited to the following SFWM/DEP standards:

- a. Visual encroachment;
 - b. Noise pollution;
 - c. Edge effects;
 - d. Exotic pest plant invasions;
 - e. Stray animal problems;
 - f. Interference with prescribed burns;
 - g. Hydrological impacts; and
 - h. Any other specific site development regulations required by this code.
2. The clustering of development away from the natural areas or preserve areas;
 3. A combination of these alternatives; or
 4. The addition of a buffer or preserve areas adjacent to existing natural areas and preserve areas.
- Additionally, all effort shall be made to minimize parcel alterations near natural areas and preserve areas.

APPENDIX 6 PROHIBITED INVASIVE NON-NATIVE VEGETATION

| COMMON NAME | SCIENTIFIC NAME | TYPE |
|------------------------------------|-------------------------------------|------|
| Melaleuca, punk tree or paper tree | <i>Melaleuca quinquenervia</i> | Tree |
| Brazilian pepper | <i>Schinus terbinthifolius</i> | Tree |
| Australian pine | <i>Casuarina</i> spp. | Tree |
| Earleaf acacia | <i>Acacia auriculiformis</i> | Tree |
| Kudzu | <i>Pueraria montana (P. Lobata)</i> | Vine |
| Old world climbing fern | <i>Lygodium microphyllum</i> | Vine |
| Air potato vine | <i>Dioscorea bulbifera</i> | Vine |
| Carrotwood | <i>Cupaniopsis anacardioides</i> | Tree |
| Schefflera | <i>Schefflera actinophylla</i> | Tree |

(This space intentionally left blank.)

APPENDIX 7 INVASIVE NON-NATIVE VEGETATION

| COMMON NAME | SCIENTIFIC NAME | TYPE |
|------------------------------|-------------------------------|-------|
| Banyan | <i>Ficus bengalensis</i> | Tree |
| Bishop-wood | <i>Bischofia javanica</i> | Tree |
| Cat's claw | <i>Mimosa pigra</i> | Shrub |
| Chinese tallow tree | <i>Sapium sebiferum</i> | Vine |
| Portia tree or Seaside mahoe | <i>Thespesia populnea</i> | Tree |
| Downy rose myrtle | <i>Rhodomyrtus tomentosus</i> | Shrub |
| Jasmine | <i>Jasminum dichotomum</i> | Shrub |
| Java plum | <i>Syzygium cumini</i> | Tree |
| Lather leaf | <i>Colubrina asiatica</i> | Vine |
| Lofty Fig | <i>Ficus altissima</i> | Tree |
| Mahoe | <i>Hibiscus tiliaceus</i> | Tree |
| Shoebuttan ardisia | <i>Ardisia solanaceae</i> | Shrub |
| Woman's tongue | <i>Albizia lebeck</i> | Tree |

APPENDIX 8 SPECIMEN TREE LIST

| COMMON NAME | SCIENTIFIC NAME | TRUNK SIZE (in inches) | |
|--------------------|-----------------------------------|------------------------|---------------|
| | | dbh | circumference |
| Bald Cypress | <i>Taxodium distichum</i> | 13 | 42 |
| Dahoon Holly | <i>Ilex cassine</i> | 4 | 13 |
| FL Strangler Fig | <i>Ficus aurea</i> | 25 | 78 |
| Green Buttonwood | <i>Conocarpus erecta</i> | 13 | 42 |
| Gumbo Limbo | <i>Bursera simaruba</i> | 13 | 41 |
| Laurel Oak | <i>Quercus laurifolia</i> | 18 | 56 |
| Live Oak | <i>Quercus virginiana</i> | 23 | 72 |
| Mahogany | <i>Swietenia mahogani</i> | 14 | 43 |
| Pond Cypress | <i>Taxodium ascendens</i> | 13 | 42 |
| Red Bay | <i>Persea borbonia</i> | 14 | 43 |
| Red Maple | <i>Acer rubrum</i> | 13 | 40 |
| Red Mulberry | <i>Morus rubra</i> | 14 | 43 |
| Sand Pine | <i>Pinus clausa</i> | 9 | 27 |
| Seagrape | <i>Coccoloba uvifera</i> | 10 | 32 |
| Slash Pine | <i>Pinus elliottii var. densa</i> | 14 | 45 |
| Southern Red Cedar | <i>Juniperus silicicola</i> | 20 | 64 |
| Swamp Bay | <i>Persea palustris</i> | 14 | 43 |
| Sweet Bay | <i>Magnolia virginiana</i> | 12 | 38 |

APPENDIX 9 INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES

| COMMON NAME | SCIENTIFIC NAME | TYPE |
|------------------------------|----------------------------------|--------------|
| Arrowhead vine | <i>Syngonium podophyllum</i> | Vine |
| Asparagus fern | <i>Asparagus densiflorus</i> | Ground cover |
| Banyan | <i>Ficus bengalensis</i> | Tree |
| Beach naupaka | <i>Scaevola sericea</i> | Shrub |
| Bishop-wood | <i>Bischofia javanica</i> | Tree |
| Caesar weed | <i>Urena lobata</i> | Shrub |
| Cat's claw | <i>Mimosa pigra</i> | Shrub |
| Cat's claw vine | <i>Macfadyena unguis-cati</i> | Vine |
| Castor bean | <i>Ricinus communis</i> | Herb |
| Chinese tallow tree | <i>Sapium sebiferum</i> | Vine |
| Downy rose myrtle | <i>Rhodomyrtus tomentosus</i> | Shrub |
| Gold Coast Jasmine | <i>Jasminum dichotomum</i> | Shrub |
| Guava | <i>Psidium guajava</i> | Tree |
| Java plum | <i>Syzygium cumini</i> | Tree |
| Lather leaf | <i>Colubrina asiatica</i> | Vine |
| Laurel fig | <i>Ficus microcarpa</i> | Tree |
| Lead tree | <i>Leucaena leucocephala</i> | Tree |
| Lofty fig | <i>Ficus altissima</i> | Tree |
| Mahoe | <i>Hibiscus tiliaceus</i> | Tree |
| Mother-in-law tongue | <i>Sansevieria hyacinthoides</i> | Ground cover |
| Pothos | <i>Epipremnum pinnatum</i> | Vine |
| Portia tree or Seaside mahoe | <i>Thespesia populnea</i> | Tree |
| Rosary pea | <i>Abrus precatorius</i> | Vine |
| Shoebuttan ardisia | <i>Ardisia solanaceae</i> | Shrub |
| St. Augustine | <i>Stenotaphrum secundatum</i> | Grass |
| Strawberry Guava | <i>Psidium cattleianum</i> | Tree |
| Stinking passion vine | <i>Passiflora foetida</i> | Vine |
| Surinam cherry | <i>Eugenia uniflora</i> | Shrub |
| Tuberous sword fern | <i>Nephrolepis cordifolia</i> | Ground cover |
| Two leaf nightshade | <i>Solanum diphyllum</i> | Shrub |
| Wedelia | <i>Wedelia trilobata</i> | Vine |
| Wild balsam apple | <i>Momordica charantia</i> | Vine |
| Woman's tongue | <i>Albizia lebbek</i> | Tree |

CHAPTER D PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE

Section 1 Purpose and Intent

- A. It is the intent of this Chapter to require removal and control of prohibited invasive non-native vegetation.
- B. It is the intent of this Chapter to protect natural areas from unwanted seed sources from outside the natural areas.
- C. It is the intent of this Chapter to provide incentives for prohibited invasive non-native vegetation removal in advance of the required removal time frames and provide replacement vegetation for canopy loss.
- D. It is the intent of this Chapter to concentrate efforts and funding on buffers around natural areas.

Section 2 Definitions

- A. In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to this Chapter:
 - Buffer Area** - an area outside the perimeter of a designated natural area drawn by geographical information system reference which determines what is to be protected from unwanted seed source, prohibited invasive non-native vegetation removed, incentives provided and canopy replaced.
 - Improved Parcel** - real property which has undergone an alteration from its natural state, initiated by the parcel owner or predecessor in interest, but not those alterations initiated on private property by a governmental agency. For the purpose of this definition alterations are at least the following; land

clearing and relocation of native vegetation, mining and excavation, agriculture, installation of utilities, construction of paved and unpaved roads and paths, canals, and structures for human or agricultural use. **Natural Area** - all public or private parcels as approved under this Chapter containing high quality native ecosystems that are under or assigned to a public entity for management, maintenance, and operation; or private parcels for which the parcel owner applies to ERM for designation as a natural area, is operating under a management plan approved or accepted by ERM, and is legally described in an applicable deed restriction, plat, restricted covenant, conservation easement, or a separate instrument recorded pursuant to F.S. § 704.06.

Parcel - a unit of land with a legally established property line.

Qualified Parcel - for unincorporated County, a parcel improved prior to April 28, 1986. For incorporated areas, a qualified parcel is a parcel improved prior to the effective date of a municipal ordinance requiring removal of prohibited invasive non-native vegetation.

Section 3 Applicability

- A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas of PBC, except to the extent of conflict with a municipal ordinance, in which case the municipal ordinance will prevail over this Chapter in accordance with Article 1, Section 1.3 General Provisions of the Charter of PBC.
- B. Incentive funds for use within municipalities shall be contingent upon this Chapter being fully enforced or the adoption and enforcement of an equally stringent or more stringent ordinance by a municipality. Funding determinations shall be based on PBC ERM review and acceptance or rejection of a municipality's replacement ordinance including the requirement of eradication of prohibited invasive non-native vegetation prior to the certificate of occupancy for improved parcels.

Section 4 Authority

- A. This Chapter is adopted under the authority of F.S. Chapter 125, and the Plan, as amended. ERM shall administer the requirements of this Chapter.

Section 5 Protection of Natural Areas:

- A. The County will establish by geographical information system reference, a 500 foot buffer area around all natural areas listed on Appendix 10, Natural Areas.
 - 1. By February 25, 2008 PBC shall implement a program to evaluate the effectiveness of the 500 foot buffer for protecting natural areas from reinfestation of prohibited invasive non-native vegetation from nearby parcels.
 - 2. Should the PBC find the 500 foot buffer is ineffective at preventing reinfestation, the PBC, using best available scientific information, shall determine if an expanded buffer is appropriate.
 - 3. Maps of the natural areas including buffers shall be on file and maintained by ERM and made available to the public.
- B. Natural areas acquired by the BCC using the Conservation Lands Bond Fund shall be added to Attachment A pursuant to a duly noticed public hearing.
- C. Any individual, organization, or governmental entity owning or controlling a natural area may request an addition to Appendix 10, Natural Areas, by petitioning ERM. The petition shall include a description and map of the proposed addition, written justification for listing, a copy of the management plan, if available, and proof of notice to parcel owners within the proposed buffer of the natural area. ERM recommended additions to Appendix 10, Natural Areas, or changes to the size of the buffer area may be approved by the BCC following a duly noticed public hearing.
 - 1. For publicly owned natural areas, there is no minimum size for listing.
 - 2. For privately owned natural areas, there must be a minimum of 10 acres of natural area unless determined by ERM to be a highly significant natural area including scrub, wetlands or mangrove communities and maintained under a management plan approved or accepted by ERM.

Section 6 Removal of Prohibited Invasive Non-Native Vegetation

- A. By January 1, of the applicable year provided on Appendix 11, Prohibited Vegetation Removal Schedule, a parcel owner shall remove or caused to be removed or eradicated, the prohibited invasive non-native

vegetation as listed on Appendix 11, Prohibited Vegetation Removal Schedule, unless an exemption is provided under Art. 14.D.8, Exemptions, of this Chapter.

- B. Upon removal of prohibited invasive non-native vegetation under this Chapter or any other ordinance requiring removal of this nuisance vegetation, the parcel owner shall maintain the parcel free of prohibited invasive non-native vegetation.
- C. Qualified parcel owners who receive incentives under this Chapter shall maintain the parcel free of prohibited invasive non-native vegetation.
- D. Complete removal or eradication of all prohibited invasive non-native vegetation as listed on Appendix 11, Prohibited Vegetation Removal Schedule, shall be completed for an entire parcel prior to the certificate of occupancy. Planting or installation of this vegetation is prohibited.

Section 7 Incentives

- A. The incentive program is available to all qualified parcels and unimproved parcels, or portions thereof within the buffer area, subject to availability of funding and annual appropriation of funds by the BCC.
- B. The incentive program may be provided to parcels that are not qualified parcels if it is determined that the prohibited invasive non-native vegetation to be removed under the incentive program was not required by the County or municipality to be removed at the time of parcel improvement.
- C. The initial incentive program is listed in Appendix 12, Incentive Program. It may be amended as needed by the BCC.

Section 8 Exemptions

- A. Except for the required removal of old-world climbing fern and air potato vine, the following parcels are exempt from Art. 14.D.6, Removal of Prohibited Invasive Non-Native Vegetation, of this Chapter:
 - 1. Parcels improved prior to April 28, 1986 for unincorporated county and parcels improved prior to the effective date of a municipal ordinance requiring removal of prohibited invasive non-native vegetation for incorporated areas. However, if the parcel or portion of the parcel is located within a buffer area, the parcel is exempt from the time lines for eradication set forth in Appendix 11, Prohibited Vegetation Removal Schedule, for prohibited invasive non-native vegetation only if the parcel owner agrees to participate in an incentive program established to remove that vegetation from the parcel. For purposes of this Chapter, agreement to participate means the execution of a written agreement with ERM on behalf of the BCC for this purpose, and compliance with said agreement.
 - 2. Unimproved parcels, other than those located in buffer areas.
 - 3. For improved and unimproved parcels or portions of parcels within buffer areas, time lines set forth in Appendix 11, Prohibited Vegetation Removal Schedule, for eradication of Melaleuca and Australian pine will be suspended if the parcel owner executes an agreement with ERM to participate in an incentive program established to remove that vegetation from the parcel.
 - 4. For parcels or portions of parcels outside of buffer areas, removal or eradication of Melaleuca and Australian pine is encouraged but not required.
- B. For parcels impacted by greater than 30 percent coverage of prohibited invasive non-native vegetation or parcels containing 100 acres or greater in size, a management plan may be approved by ERM to space the eradication rate over an extended period. To be eligible for this approval, the management plan must be provided to, and approved by ERM, and eradication begun prior to the required date for removal or eradication of the prohibited invasive non-native vegetation addressed in the plan.
- C. For parcels or portions of parcels that necessitate phased removal or eradication of prohibited invasive non-native vegetation in response to a documented need for maintenance of existing wildlife values, a management plan may be approved by ERM to extend the time for removal.

Section 9 Enforcement

- A. Violations of this Chapter shall be:
 - 1. Failure of a parcel owner to remove or eradicate Vegetation in accordance with Art. 14.D.6.A, Removal of Prohibited Invasive Non-Native Vegetation.
 - 2. Failure of a parcel owner to maintain non-exempt parcels free of prohibited invasive non-native vegetation in accordance with Art. 14.D.6.B, Future Protection of Wellfields, of this Chapter.
 - 3. Failure of a parcel owner to comply with a non-compliance or notice of violation time frame as described in Art. 14.D.9.B.3, and Art. 14.D.9.B.4, Enforcement.

- B. The following are procedures which are to be followed for compliance and enforcement with this Chapter:
 - 1. Inspection of a parcel to determine the possible location of prohibited invasive non-native vegetation.
 - 2. Preparation and provision of an information notice informing the parcel owner of prohibited invasive non-native vegetation on the parcel and instructions for the removal or eradication of the vegetation and a time frame provided for compliance. A follow up inspection is conducted.
 - 3. Preparation and provision of a non-compliance notice to the parcel owner concerning the possible violation of this Chapter, including a stated time frame of 30 days for compliance. A follow up inspection is conducted.
 - 4. Preparation and provision of a notice of violation to the parcel owner concerning the possible violation of this Chapter and failure to comply with the non-compliance notice, including a stated time frame of 30 days for compliance. A follow up inspection is conducted.
 - 5. Preparation and provision of a Notice of Hearing to the parcel owner concerning the possible violation of this Chapter, failure to comply with a notice of violation, and an order to appear before the Groundwater and Natural Resources Protection Board (GNRPB).
 - 6. The decision of the GNRPB, which may include corrective actions and civil penalties in the maximum amount of \$1000.00 per day, per violation, shall be the final administrative action on behalf of ERM and PBC. Any person who is a party to the proceeding before the GNRPB may appeal to the Circuit Court of PBC in accordance with applicable Florida Appellate Rules.
- C. Additional remedies for enforcement are the civil remedies provided for in F.S. Chapter 125,
- D. In order to provide an expeditious settlement that would be beneficial to the enforcement of this Chapter and be in the best interest of the citizens of PBC, the Director of ERM is authorized to enter into voluntary consent (settlement) agreements with alleged violators. Any such agreement shall be a formal written consent agreement between ERM on behalf of PBC, by and through its Director, and any such alleged violators, and shall be approved as to form and legal sufficiency by the County Attorney's Office. The agreement can be entered into at any time prior to the hearing before the GNRPB.
 - 1. Conditions. Such consent agreements may be conditioned upon a promise by the alleged violator to:
 - a. Remove or eradicate prohibited invasive non-native vegetation and maintain the parcel free of this vegetation, and
 - b. Remit payment of a monetary settlement not to exceed the maximum amount allowed per violation, as set forth in this Chapter, and
 - c. Remit payment for costs and expenses of the PBC for investigation and enforcement, and
 - d. Any other remedies and corrective action deemed necessary and appropriate by the Director of ERM to ensure compliance with this Chapter.
 - 2. The consent agreement shall not serve as evidence of a violation of this Chapter and shall expressly state that the alleged violator neither admits nor denies culpability for the alleged violations by entering into such agreement. In addition, prior to entering into any such consent agreement, each alleged violator shall be apprized of the right to have the matter heard by the GNRPB in accordance with the provisions of this Chapter, and that execution of the agreement is not required.
 - 3. The consent agreement shall be valid and enforceable in a court of competent jurisdiction in PBC and shall abate any enforcement proceedings available to ERM for so long as the terms and conditions of such agreement are complied with. In the event the alleged violator fails to comply with the terms and conditions set forth in the executed agreement, the Director of ERM may either:
 - a. Consider the consent agreement void and pursue any remedies available for enforcement of the applicable provisions of this Chapter; or
 - b. Initiate legal proceedings for specific performance of the consent agreement.
- E. All monies collected pursuant to violations of this Chapter whether from consent agreement or the GNRPB shall be deposited in the PBC Pollution Recovery Trust Fund.

APPENDIX 10 NATURAL AREAS

The following are ultimate boundaries of natural areas acquired under the 1991 Sensitive Lands or 1999 Conservation Lands bond issues as listed in Resolution 99-1073 as well as natural areas acquired by other governmental entities in PBC. Maps of each area are designated by Range, Township and Chapter with its associated 500 foot buffer and are on file at ERM for inspection.

INCORPORATED PALM BEACH COUNTY

| | |
|----------------------------|--|
| Boca Raton: | Blang Star Preserve (R42 T47 S25) Cypress Knee Slough Preserve (R42 T47 S23-24) Florida Atlantic University Ecological Site (R42 T47 S12/13; R43 T47 S07/18) Gopher Tortoise Preserve (R43 T46 S32) Gumbo Limbo Environmental Complex & Red Reef Park Dune (R43 T47 16/21) Pond Hawk Natural Area (R42 T47 S12) Rosemary Ridge Preserve (R43 T46 S32) Serenoa Glade Preserve (R42 T47 S24) South Beach Park Dune (R43 T47 S21) Yamato Scrub Natural Area (R43 T46 S31; R43 T47 S06) |
| Boynton Beach: | Rosemary Scrub Natural Area (R43 T45 S09/16) Seacrest Scrub Natural Area (R43 T46 S04) |
| Delray: | Delray Oaks Natural Area (R43 T46 S30) Leon Weeks Preserve (R43 T46 S29) |
| Highland Beach: | Highland Beach Mangrove Preserve (R43 T46 S33) |
| Hypoluxo: | Hypoluxo Scrub Natural Area (R43 T45 S10) |
| Juno: | Juno Dunes Natural Area (R43 T41 S20/21/28/29) |
| Jupiter: | Jupiter Inlet Natural Area (R43 T40 S31) Jupiter Ridge Natural Area (R43 T41 S07/08/17/18) Limestone Creek Natural Area (R42 T41 S03) North Jupiter Flatwoods Natural Area (R42 T40 S32/33) Riverbend Park (R42 T40 S32/33; R42 T41 S05/06/07/08/17) |
| Lake Park: | Lake Park Scrub Natural Area (R43 T42 S20) |
| North Palm Beach: | John D. MacArthur Beach State Park (R43 T42 S10/15) |
| Ocean Ridge: | Ocean Ridge Hammock Park (R43 T45 S22) |
| Palm Beach: | Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15) |
| Palm Beach Gardens: | Frenchman's Forest Natural Area (R43 T41 S32) Hungryland Slough Natural Area (R41 T41 S19/20/28/29/30/31/32/33/) Loxahatchee Slough Natural Area -includes Sandhill Crane (R41 T41 S23/24/25/26/27/34/35/36; R41 T42 S01/02/11/12/13; R42 T41 S19/28/29/30/31/32; R42 T42 S05/06/07/08/09/16/17) Prosperity Oaks Natural Area (R43 T42 S05) |
| Royal Palm Beach: | Royal Palm Beach Pines Natural Area (R41 T43 S15/16) |
| West Palm Beach: | Winding Waters Natural Area (R42 T42 S35) Grassy Waters Preserve (R42 T42 07/08/16/17/18/19/20/21/28/29/30/31/ 32/33; R42 T43 03/04/05/06/07/08/09/10/15/16/17/18) |

UNINCORPORATED PALM BEACH COUNTY

Acreege Pines Natural Area (R41 T42 S32)
 Arthur R. Marshall Loxahatchee NWR (R39 T44 S12/13/23/24/25/26/27/34/35/36; R39 T45 S01/02/03/10-15/22-27/34-36/L1/L2/L3; R39 T46 S01-03/10-14/23-25; R40 T43 S32/L5; R40 T44 S04-09/15-36; R40 T45 S01-42; R40 T46 S01-36; R40 T47 S01-06/08-14; R41 T44 S30-32/40-42; R41 T45 S04-10/14-23/26-35; R41 T46 S02-11/14-23/26-35; R41 T47 S03-10/15-19)
 C-18 Triangle Natural Area (R42 T41 S08)
 Cypress Creek Natural Area (R41 T40 S34/36)
 Daggerwing Nature Center Preserve (R41 T47 S11/14)
 Donald Ross Road at the ICW (R43 T41 S29)
 DuPuis Management Area (R38 T40 S31-36; R38 T41 S01-06/08-12/13-16/22-26/36; R39 T41 S19/30-31)
 East Buffer Conservation Area (R41 T45 S14/23/24)
 High Ridge Scrub Natural Area (R43 T45 S09)
 J.W. Corbett Wildlife Management Area (R39 T40 S31-36; R39 T41 S01-36; R39 T42 S01-06/08-16; R40 T40 S31-32, R40 T41 S05-08/18-36, R40 T42 S01-18/21-22; R41 T41 S31; R41 T42 S06-07/18)
 Loxahatchee Mitigation Bank (R41 T46 S14/23/25-26/35; R41 T47 S02)
 Loxahatchee River Natural Area (R42 T40 S31)
 North County Airport Preserve (R41 T41 S34; R41 T42 S01/02/03)
 Okeehetee Nature Center Preserve (R42 T44 S04-05)
 Butts Tract Natural Area (R41 T45 S14)
 Pal-Mar Natural Area (R40 T40 S33/35/36; R40 T41 S01/02/03/04/10/11/12/13; R41 T40 S31/32; R41 T41 S05/06/07/08/09)
 Paw-Paw Preserve Natural Area (R43 T42 S04)
 Pine Jog Environmental Education Center (R42 T44 S03)
 Pond Cypress Natural Area (R41 T43 S12/13/24)
 Riverbend Park (Reese Property) - See Riverbend Park under Jupiter Municipality
 Royal Palm Beach Pines Natural Area (R41 T43 S15/16)
 Strazzulla Tract (R41 T44 S34/39-40; R41 T45 S03-04/10/11/14-15)

APPENDIX 11 PROHIBITED VEGETATION REMOVAL SCHEDULE

| Common Name | Scientific Name | Year |
|-------------------------|-------------------------------------|------|
| Old-world climbing fern | <i>Lygodium microphyllum</i> | |
| Air Potato vine | <i>Dioscorea bulbifera</i> | 2004 |
| Melaleuca, Punk Tree | <i>Melaleuca quinquenervia</i> | 2006 |
| Bralian pepper | <i>Schinus terebinthifolius</i> | |
| Carrotwood | <i>Cupaniopsis anacardioides</i> | 2008 |
| Earleaf acacia | <i>Acacia auriculiformis</i> | |
| Schefflera | <i>Schefflera actinophylla</i> | 2010 |
| Australian pine | <i>Casuarina spp.</i> | |
| Kudzu | <i>Pueraria montana var. lobata</i> | 2012 |

APPENDIX 12 INCENTIVE PROGRAM

AUSTRALIAN PINE AND MELALEUCA REMOVAL PROGRAM

Under this program, PBC would pay to remove or eradicate Australian pine and Melaleuca on all qualified and unimproved parcels in these buffer areas with permission of the parcel owner. Treatment on unimproved land would be similar to methods used on natural areas with some prohibited vegetation being potentially treated with herbicide in place and not removed from the site. For improved properties, the prohibited vegetation would be removed in its entirety.

COST SHARE PROGRAM FOR OTHER PROHIBITED PLANT SPECIES

The cost share program is being recommended to facilitate the removal of the remaining seven of the nine prohibited invasive non-native plant species on an accelerated schedule to prevent reseeding of the natural areas. As it is necessary that buffer area parcels are cleared of this noxious vegetation in conjunction with the adjacent natural area, the parcel owners within these buffer areas will have the chance to share cost of removal as an incentive to remove the vegetation on an accelerated schedule. Parcel owners in the buffer areas will be offered the opportunity to allow PBC vendors to remove the remaining seven of the nine prohibited invasive non-native plant species with a very minimal cost share provided by the parcel owners. The work would be accomplished along with the Australian pine and Melaleuca removal mentioned in the above program. Parcel owners within the buffer areas will be required to pay some of the costs associated with the removal of the remaining seven plants so they shoulder some of the same financial burden borne by parcel owners outside the buffer areas. The cost-sharing will be based upon the following scale with any single parcel cost limited to no more than \$500. PBC will pay the remaining costs for removal or eradication.

| <u>Canopy Area Removed (Sq. Ft.)</u> | <u>Citizen Cost</u> |
|--------------------------------------|---------------------|
| 1 - 499 | \$100 |
| 500 - 999 | \$200 |
| 1000 - 1499 | \$300 |
| 1500 - 1999 | \$400 |
| 2000 + | \$500 |

Under the cost share program, ERM shall notify a parcel owner within a buffer area of prohibited invasive non-native vegetation located on the parcel, the requirement for removal of the vegetation and information concerning any available incentive programs. The offer to the parcel owner to participate in the cost share program shall terminate 60 days after notification of eligibility by ERM. The parcel owner will have to enter into an agreement with PBC to have the vegetation removed under the cost share program. The cost share program will remain available for the removal of prohibited invasive non-native vegetation in the buffer areas as long as the vegetation is being removed on an accelerated schedule.

CANOPY REPLACEMENT PROGRAM

ERM recommends a Canopy Replacement Program as an incentive for qualified parcel owners to remove the prohibited vegetation prior to regulatory deadlines. This approach will help to minimize the loss of canopy associated with the removal of prohibited vegetation.

In order to receive replacement vegetation, the qualified parcel owner must sign-up for the program and submit to an initial inspection to verify the extent of the prohibited vegetation. After the owner removes the vegetation, staff will reinspect the parcel to verify removal. If removal is complete, the qualified parcel owner will be given a voucher to be redeemed at participating nurseries for a list of approved trees. If the owner wishes, the trees can be delivered for a small fee and/or planted also for an additional fee. This delivery or planting fee will be paid by the qualified parcel owner directly to the participating vendor. PBC will fund the voucher program.

Due to the potential number of trees that may be required in addition to ensuring a standard tree size, tree availability may be limited during the first 2-3 years of the program. The vendors will be required to provide Florida Grade #1 or better trees according to the most current version of the Florida Department of Agriculture and Consumer Services Florida Grades and Standards For Nursery Plants.

A maximum of five replacement trees per qualified parcel will be allowed. A breakdown of the number of replacement trees per prohibited vegetation canopy area removed is as follows:

| <u>Canopy Area Removed (Sq. Ft.)</u> | <u># of Replacement Trees</u> |
|--------------------------------------|-------------------------------|
| 1 - 499 | 1 |
| 500 - 999 | 2 |
| 1000 - 1499 | 3 |
| 1500 - 1999 | 4 |
| 2000 + | 5 |

PUBLIC LANDS GRANT PROGRAM

As ambitious as PBC plan is to remove these invasive plant species, without the cooperation of public entities in removing these plants from their own properties, the goal of reducing the seed source of these plants will not be accomplished. However, some of these public entities may lack the resources or the technical knowledge to effectively control and manage the prohibited vegetation.

This incentive proposal includes the establishment of a matching grant program made available to the public entities for the removal of non-native invasive vegetation on publicly-owned lands. The project will target all PBC prohibited plant species. A project selection process will be established which prioritizes potential projects based upon such factors as; removal of the nine PBC prohibited plant species, matching funds, revegetation with native plant species, and proximity to natural areas. Public entities will be required to provide 50 percent matching funds. PBC will provide the remaining 50 percent matching funds.

INVASIVE VINE STRIKE FORCE

The Invasive Vine Strike Force proposal is a quick response strike force that would treat and kill Lygodium and Air Potato vines from public and private properties. Lygodium is an invasive vine spreading at an alarming rate. It's a relative newcomer to the world of invasive plants, and spreading at a rate unmatched by any other invasive species. It quickly engulfs and kills native vegetation by blocking out sunlight and providing a means for wildfires to spread into tree canopies. Though not spreading as fast, air potato vine is similar in its characteristic to Lygodium in that it quickly engulfs underlying trees and vegetation, eventually killing the plants. Removal of both of these vines is somewhat difficult and tedious for the average parcel owner. A quick response strike force would assist parcel owners in controlling these vines on their parcel while at the same time slowing the spread of this vine by reducing the seed source. PBC will provide the funding for the vine removal or eradication.

ARTICLE 16

AIRPORT REGULATIONS

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ARTICLE 16

AIRPORT REGULATIONS

CHAPTER A GENERAL

Section 1 Purpose and Intent

These provisions are intended to regulate permitted construction to promote the maximum safety of aircraft arriving at and departing from the publicly-owned airports within PBC; to promote the maximum safety of residents and property in areas surrounding PBC Airports; to promote the full utility of PBC Airports and public use airports; to provide structure height standards for use within airport primary, horizontal, conical, approach and transitional surfaces so as to encourage and promote the proper and sound development beneath said areas; and to provide administrative procedures for the efficient and uniform regulation of all development proposals within said zones.

Section 2 Short Title and Authority

- A. This Article shall be known and cited as the "Airport Zoning Ordinance."
- B. This Article is enacted pursuant to the provisions of Art. VIII, Sec. 1(g) of the Florida Constitution; Chapter 125, F.S. (1995) Chapter 333, F.S. (1995).

Section 3 Applicability

- A. This Article regulates height and land uses around publicly owned airports in PBC. The height standards for structures provide maximum height limits and a review procedure to determine if structures will have an adverse impact on safe and efficient airspace use. The land use standards provide restrictions and a review procedure within four nautical miles of publicly owned airports to determine if the land use is compatible with normal airport operation and Federal Aviation Administration (FAA) guidelines. The land use standards apply to the highest hazard areas and Noise Zones, and limit uses which include, but are not limited to, hazardous material storage, emissions of light or smoke, or uses which attract concentrations of people or birds.
- B. This Article applies to all land in unincorporated PBC.
- C. This Article also applies to all municipalities that may elect to participate through interlocal agreement, pursuant to Chapters 163 and 333.03, (1)(b)1, Florida Statutes, or to all affected municipalities if a Joint Airport Zoning Board is created pursuant to F.S. §333.03 (1) (b) 2, (1994).
- D. These regulations supplement other land development regulations in this Code.
- E. Where there exists a conflict between any of the regulations or limitations prescribed in this Article and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

Section 4 Definitions

For the purpose of this Article, the terms shall have the meaning as presented in this section. Additional definitions are found in Art. 18, Definitions, of this Code. In case of conflict, the terms as defined in this section shall apply.

Aircraft - any vehicle which is used or designed for navigation of or flight in the air.

Airport – Palm Beach International Airport (PBIA), Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, Palm Beach North County Airport and Boca Raton Airport and any area owned or operated by PBC, or other public entity, intended to be used for the taking-off, maneuvering and landing of aircraft, including any seaplane base, heliport or vertiport, validly licensed by the State of Florida for public use.

Airport Elevation - the highest point of an airport's usable landing area measured in feet above mean sea level (AMSL).

Airport Hazard - any man-made structure, object of natural growth or use of land which would exceed the Federal obstruction standards as contained in Federal Aviation Regulation Part 77 (as

may be amended from time to time) and which obstructs the airspace or may otherwise be hazardous to aircraft taking-off, maneuvering or landing at an airport.

Airport Hazard Area - any area of land or water upon which an airport hazard might be established if not prevented as provided in this article.

Airport Obstruction - any man-made structure, object of natural growth or use of land which would exceed the Federal obstruction standards as contained in Federal Aviation Regulation Part 77 (as may be amended from time to time).

Airspace Height - the height limits as established and set forth in this Section. Above Mean Sea Level (AMSL) elevation shall be the datum unless otherwise specified.

Approach Zone - an area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

Avigation Easement - the assignment of a right to an airport proprietor to a portion of the total benefits of the ownership of real property. The selected rights may be granted or may be purchased.

Climb Gradient - an aircraft instrument departure procedure requiring adherence to minimum climb stops or grade expressed in feet per nautical mile.

Conical Zone - the area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet.

Day-Night Average Sound Level (L_{dn}) - a 24-hour average Noise level in weighted decibels, for a period from midnight to midnight, adding a ten-decibel penalty for each Noise event during the hours between midnight and 7:00 a.m. and 10:00 p.m. and midnight.

Decision Height - the height at which a pilot must decide, during an Instrument Landing System (ILS) approach, to either continue the approach or to execute a missed approach.

Determination - the term used by FAA to denote the outcome of an aeronautical study under FAR Part 77 (See: Airport Hazard or No Hazard).

F.A.R. (Part 77) - Federal Aviation Regulation. The "Part numbers" identify specific subject areas. All FARs are contained in Title 14, CFR. (Part 77 - Title: *Objects Affecting Navigable Airspace*).

Hazard - an advisory determination rendered by the FAA at the conclusion of an Aeronautical Study made under FAR Part 77 indicating the proposed structure is not a safe and/or efficient use of airspace.

Heliport or Vertiport - an identifiable ground level or elevated area which is validly licensed by the State of Florida for public use and is intended to be used for the take off and landing of helicopters, tilt rotors or any other vertical takeoff and landing rotorcraft.

Horizontal Zone - the area around each airport with an outer boundary constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runways and connecting adjacent area by lines tangent to those arcs. The radius of the arc specified for each end of a value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the Horizontal Zone.

Instrument Approach Procedure - a specified, published set of operating procedures issued by the FAA and used by a pilot to land an aircraft at an airport without visual reference to the ground.

Instrument Landing System (ILS) - a landing approach system that establishes a course and a descent path to align aircraft with a runway for final approach.

Minimum Descent Altitude (MDA) - the lowest altitude expressed in feet above mean sea level (AMSL), to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure (SIAP) where electronic glide slope is not provided.

Minimum Obstruction Clearance Altitude (MOCA) - the lowest published altitude in effect between radio fixes on Federal VOR airways, off-airway routes, or route segments that meets obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage only within twenty-two miles to a VOR.

Minimum Vectoring Altitude (MVA) - the lowest altitude AMSL at which aircraft operating under IFR conditions will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.

Nautical Mile - a unit of length used in air navigation, based on the length of one minute of arc of a great circle, and equivalent to U.S. unit equal to 1,852 meters, or 6,076 feet.

Noise Level Reduction - a comparison of outdoor to indoor Noise levels, expressed in dB., i.e., a structure requiring a 30 dB NLR is one to which modifications must be made to achieve a 30 dB reduction in interior noise levels as compared to exterior noise levels.

No-Hazard - an advisory determination rendered by the FAA at the conclusion of an Aeronautical Study made under FAR Part 77 indicating the proposed structure may be safely and/or efficiently accommodated in navigable airspace.

Non-precision Instrument Runway - a runway having a non-precision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type of navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision instrument approach facilities are planned or indicated on an appropriate FAA civil or military service airport planning documents.

Obstruction to Air Navigation - any existing or proposed manmade object or object of natural growth or terrain that exceeds the standards contained in this Article, and contained in 14 CFR ss. 77.21, 77.23, 77.25, 77.28, and 77.29.

Other Than Utility Runway - a runway designed for and intended to be used by all types of aircraft including those having gross weights greater than 12,500 pounds.

Precision Instrument Runway - a runway having an instrument approach procedure utilizing horizontal and vertical guidance through an Instrument Landing System (ILS), Microwave Landing System (MLS), or a Precision Approach Radar (PAR) including a runway for which such a system is planned and is so indicated on an approved civil or military airport layout plan, other FAA planning documents, or comparable military service planning documents.

Primary Zone - an area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.

Runway - a defined area on an airport prepared, used or intended to be used for the taking-off and landing of aircraft along its length.

Runway Protection Zone (RPZ) - an area off the runway end established to enhance the protection of people and property on the ground. Specifically, the RPZ is an area off the runway end extending outward and upward, parallel to the extended runway centerline, in the dimensions shown in Table 1.

Structure - any object, temporarily or permanently constructed or installed by man, including but not limited to: buildings, towers, smoke stacks, utility poles, antennas, construction cranes and overhead transmission lines.

Terminal Navigational Aid - any visual or electronic device on the surface which provides point-to-point guidance information or position data to aircraft in flight and is located on a public use airport in PBC.

Transitional Zone - the area extending outward from the sides of the Primary Zones and Approach Zones connecting them to the Horizontal zone.

Utility Runway - a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Hazard - any source which emits occasional or permanent smoke, glare, dust, or any other perceptible emission that could be a risk to safe aircraft operations.

Visual Runway - a Runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation planned or indicated on the FAA approved civil or military airport layout plan, or by any other planning document submitted to the FAA by competent authority.

Section 5 Acronyms

For the purpose of this Article, the abbreviations and acronyms shall have the meaning as presented in this Article.

ALUNZ - Airport Land Use Noise Zone

AMSL - Above Mean Sea Level

ASR - Airport Surveillance Radar

CFR - Code of Federal Regulations

DOA - PBC Department of Airports

FAA - Federal Aviation Administration

F.A.R. - Federal Aviation Regulation
FDOT - Florida Department of Transportation
IFR - Instrument Flight Rules
ILS - Instrument Landing System
Ldn - Day-Night Average Sound Level
MDA - Minimum Descent Altitude
MLS - Microwave Landing System
MOCA - Minimum Obstruction Clearance Altitude
MVA - Minimum Vectoring Altitude
NLR - Noise Level Reduction
PAR - Precision Approach Radar
PZB - the PBC Department of Planning Zoning and Building
RPZ - Runway Protection Zone
SIAP - Standard Instrument Approach Procedure
VOR - Very-high frequency Omni-range
VFR - Visual Flight Rules

CHAPTER B AIRSPACE HEIGHT REGULATION

Section 1 Airspace Height Regulations

A. General

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the applicable land lying beneath the primary, horizontal, conical, approach, and transitional surfaces as they apply to a particular airport. To regulate height, an Airspace Notification Map (attached as Appendix 1) and a procedure to review the permitting of tall structures has been established. Airport height limitations and the notification procedures established in this Section conform to the standards for determining obstructions to air navigation of Federal Aviation Regulations Part 77, ss. 77.23.

B. Regulated Construction

For purposes of this Section, construction includes but is not limited to creating new structures or adding height to any existing structure and shall include the location of derricks, draglines, cranes and other boom-equipped machinery. Construction does not include any development which does not have the effect of adding height to the land or other structure, such as paving, draining or roofing.

C. Regulated Areas

The various surfaces displayed as Zone 1 and Zone 2 on the PBC "Airspace Notification Map" are defined below. Penetration of one of these zones shall require a technical analysis by FAA and a review of the analysis by the DOA, PZB Department, and other applicable governmental agencies in accordance with this Article.

1. Publicly-Owned, Public Use PBC Airports

- a. Zone 1 - All construction within 3,500 feet from the airport reference point in all directions.
- b. Zone 2 - Any construction of a height exceeding the limitations of any zone established in this Section within a four nautical mile radius of the airport reference point.
- c. Any construction or alteration of a height greater than an imaginary surface extending outward and upward for a distance of 20,000 feet from the reference point of any terminal navigational aid facility up to a height of 200 feet above ground level.

2. All PBC Heliports

Any construction or alteration of a height greater than an imaginary surface extending outward and upward from any point of any public or private State licensed PBC Heliport for a distance of 5,000 feet up to a height of 200 feet above ground level.

3. Terminal Navigational Aid Notification Areas

Any construction or alteration within 5,000 feet of any navigational aid facility; and

4. Other Areas

Any construction or alteration of a height greater than 200 feet above ground level.

D. Airport Zones Established

Primary, Horizontal, Conical, Approach and Transitional Airport Zones are shown on maps described below. These maps are on file at the DOA and PZB and are incorporated herein.

These maps are included by reference and attached as Appendices 2-7, available at The Department of Airports.

- Map A - PBIA (Appendix 2)
- Map B - PBC Park Airport (Lantana) (Appendix 3)
- Map C - PBC Glades Airport (Pahokee) (Appendix 4)
- Map D - Belle Glade Municipal Airport (Appendix 5)
- Map E - Palm Beach North County Airport (Appendix 6)
- Map F - Boca Raton Airport (Appendix 7)

E. Airport Runway Categories Defined

The size and dimensions of each zone created and established as part of this Section is based upon the category of each runway, according to the type of approach available or planned for that runway. The category of each runway for airports included in this Article are listed in Table 16.B.1.E-1, Runway Category and Runway Protection Zone (RPZ) Defined, By Airport.

Table 16.B.1.E-1 Runway Category and Runway Protection Zone (RPZ) Defined, by Airport

| AIRPORT/RUNWAY | | RUNWAY | LENGTH | INNER WIDTH | OUTER WIDTH | RPZ ACRES |
|--------------------------|----------------|---------------|--------|-------------|-------------|-----------|
| Palm Beach International | Runway 091/2R | Precision | 1,700 | 1,000 | 1,510 | 48.978 |
| | Runway 13/31 | Non-Precision | 1,700 | 500 | 1,010 | 29.465 |
| | Runway 09R/27L | Visual | 1,000 | 500 | 700 | 13.770 |
| PBC Park (Lantana) | Runway 09/27 | Non-Precision | 1,700 | 500 | 1,010 | 29.465 |
| | Runway 15/33 | Non-Precision | 1,700 | 500 | 1,010 | 29.465 |
| | Runway 03/21 | Visual | 1,000 | 500 | 1,010 | 13.770 |
| PBC Glades (Pahokee) | Runway 17/35 | Non-Precision | 1,700 | 500 | 1,010 | 29.465 |
| Belle Glade Municipal | Runway 09/27 | Visual | 1,000 | 500 | 700 | 13.770 |
| Palm Beach North County | Runway 08R/26L | Precision | 1,700 | 1,000 | 1,510 | 48.978 |
| | Runway 13/31 | Non-Precision | 1,700 | 500 | 1,010 | 29.465 |
| | Runway 08L/26R | Visual | 1,000 | 500 | 700 | 13.770 |
| Boca Raton | Runway 05/23 | Non-Precision | 1,700 | 500 | 1,010 | 29.465 |

F. Airport Height Limitations

1. General

Where any two limitations in this Article are in conflict, the more stringent applies. Except as otherwise provided in this Section, no structure, or object of natural growth shall be erected, altered, or be maintained without prior approval by DOA or PZB, which is or would be an obstruction to air navigation, as defined in this Article, or of a height greater than:

- a. 500 feet above ground level at the site of the object; or
- b. 200 feet above ground level or the established airport elevation, whichever is higher. These heights shall be measured within three nautical miles of the established reference point of an airport; and which height increases up to a maximum of 500 feet, at a slope of one foot vertically for every 100 feet horizontally, for a distance of 50,000 feet; or
- c. Any object within the approach segment, departure area, or any missed approach or circling approach area which is determined by the Airports Director to be a hazard to the safe and efficient use of airspace around an airport.

G. Airport Height Zone Definitions and Limitations

A property located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined below. These zones are depicted in plan view in Appendix 2 through 7 and in isometric view in Appendix 15. The specific definitions of each airport height zone (horizontal distance, width, arc

radius, etc.) are listed on Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway. General definition and height limitations are described in the Subsections to follow.

Table 16.B.1.G-2 Specific Zone Definition, By Airport, By Runway

| AIRPORT/ RUNWAY | PRIMARY ZONE WIDTH (in feet) | HORIZONTAL ARC RADIUS (in feet) | CONICAL ZONE (in feet) | APPROACH ZONE (in feet) | | |
|---|------------------------------------|---------------------------------------|------------------------------|-------------------------|----------------|----------------|
| | | | | Horizontal Dist. | Inner Width | Outer Width |
| PALM BEACH INTERNATIONAL AIRPORT | | | | | | |
| Rwy 09L/27R | 1,000' | 10,000' | 4,000' | 50,000' | 1,000' | 16,000' |
| Rwy 13/31 | 500' | | | 10,000' | 500' | 3,500'/1,500' |
| Rwy 09R/27L | 250' | 5,000' | | 5,000' | 250' | 1,250' |
| PBC PARK AIRPORT (LANTANA) | | | | | | |
| Rwy 09/27 | 500' | 5,000' | 4,000' | 5,000' | 500' | 2,000'/1,250' |
| Rwy 15/33 | | | | | | 2,000'/1,250' |
| Rwy 03/21 | | | | | | 1,250' |
| PBC GLADES AIRPORT (PAHOKEE) | | | | | | |
| Rwy 17/35 | 500' | 5,000' | 4,000' | 5,000' | 500' | 2,000' |
| BELLE GLADE MUNICIPAL | | | | | | |
| Rwy 09/27 | 250' | 5,000' | 4,000' | 5,000' | 250' | 1,250' |
| PALM BEACH NORTH COUNTY AIRPORT | | | | | | |
| Rwy 08R/26L | 1,000' | 10,000' | 4,000' | 50,000'/10,000' | 1,000' | 16,000'/3,500' |
| Rwy 13/31 | 500' | | | 10,000'/5,000' | 500' | 3,500'/1,500' |
| Rwy 08L/26R | 250' | 5,000' | | 5,000' | 250' | 1,250' |
| BOCA RATON AIRPORT | | | | | | |
| Rwy 05/23 | 500' | 10,000' | 4,000' | 10,000' | 500' | 3,500' |

1. Primary Zone Definition

An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.

a. Primary Zone Height Limitations

No structure or obstruction will be permitted within the Primary Zone that is not part of the landing, maneuvering and taking-off facilities and is of a greater height than the nearest point of the runway centerline.

b. Primary Zone Width for each Specific Airport

The specific width of each Primary Zone for each airport is listed in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

2. Horizontal Zone Definition

The area around each airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the Primary Zone of each airport's runways and connecting adjacent area by lines tangent to those arcs. The radius of the arc specified for each end of a value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the Horizontal Zone.

a. Horizontal Zone Height Limitations

No structure or obstruction that has a height greater than 150 feet above the airport elevation, will be permitted in the Horizontal Zone.

b. Horizontal Arc Radius for each Specific Airport

The specific horizontal arc Radius of each airport is listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

3. Conical Zone Definition

The area extending outward from the periphery of the Horizontal Zone for a distance of 4,000 feet. The specific Conical Zone distance for each airport is listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

a. Conical Zone Height Limitation

No structure or obstruction will be permitted in the Conical Zone that has a height greater than 150 feet above the airport elevation at the inner boundary (connecting the Horizontal

Zone) with permitted height increasing at a slope of one foot vertically for every 20 feet of horizontal distance, measured outward from the inner boundary to a height 350 feet above the airport elevation at the outer boundary.

b. Approach Zone Definition

An area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An Approach Zone is designated for each runway based upon the type of approach available or planned for that runway end.

4. Approach Zone Height Limitations:

The permitted height limitation within an outer or inner Approach Zone is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge based upon the calculation method listed in Table 16.B.1.G-3, Specific Zone Height Limitation Calculation, by Airport, by Runway.

a. Approach Zone Horizontal Distance for each Specific Airport

The specific Approach Zone dimensions for each airport is listed above on Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

Table 16.B.1.G-3-Specific Approach Zone Height Limitation Calculation, By Airport, By Runway

| AIRPORT/RUNWAY | | APPROACH ZONE HEIGHT LIMIT CALCULATION |
|--------------------------|----------------|--|
| Palm Beach International | Runway 09L/27R | One foot vertically for every 50 feet of horizontal distance for the first 10,000 feet, and then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet. |
| | Runway 13/31 | One foot vertically for every 34 feet of horizontal distance. |
| | Runway 09R/27L | One foot vertically for every 20 feet of horizontal distance. |
| PBC Park (Lantana) | Runway 09/27 | One foot vertically for every 20 feet of horizontal distance. |
| | Runway 15/33 | |
| | Runway 03/21 | |
| PBC Glades (Pahokee) | Runway 17/35 | One foot vertically for every 20 feet of horizontal distance. |
| Belle Glade Municipal | Runway 09/27 | One foot vertically for every 20 feet of horizontal distance. |
| Palm Beach North County | Runway 08R/26L | Runway 08R: one foot vertically for every 20 feet of horizontal distance for the first 10,000 feet, then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet. Runway 26L: one foot vertically for every 34 feet of horizontal distance. |
| | Runway 13/31 | One foot vertically for every 20 feet of horizontal distance. |
| | Runway 08L/26R | |
| Boca Raton | Runway 05/ 23 | One foot vertically for every 34 feet of horizontal distance. |

5. Transitional Zone Definition

The area extending outward from the sides of the Primary Zones and Approach Zones connecting them to the Horizontal Zone. Height limits within the Transitional Zone are the same as the Primary Zone or Approach Zone at the boundary line where these Zones meet (i.e., level with the nearest point on the runway centerline) and increase at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height

of the Horizontal Zone, the Conical Zone or for a horizontal distance of 5,000 feet from the side of the part of the Precision Approach Zone that extends beyond the Conical Zone.

a. Transitional Zone Height Limitation

No object or structure will be permitted within the Transitional Zone greater in height than the Primary Zone or Approach Zone at their adjoining boundary lines increasing at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height of the slope matches the height of the Horizontal Zone or the height of the Conical Zone and for a horizontal distance of 5,000 feet from each side of that part of the Approach Zone for a Precision Instrument Runway extending beyond the Conical Zone.

6. Terminal Navigational Aid Obstruction Zone Definition

Operation of a Navigational Aid Facility is electromagnetic in nature therefore, objects constructed off of airport property may have an adverse affect on the safe and efficient operation of navigational facilities. An Airport Surveillance Radar (ASR) facility Navigational Aid Obstruction Zone has been established extending in all directions to a radius of 3,500 feet from the navigation aid. This zone is shown on the Airspace Notification Map, Appendix 1.

a. Terminal Navigational Aid Obstruction Zone Limitation

No construction or alteration or installation of any electromagnetic device shall be permitted within this Navigation Aid Obstruction Zone without prior technical review by the FAA. If deemed necessary by the results of the FAA review, approval must be obtained from DOA and PZB.

7. Heliport/Vertiports

a. Primary Zone Definition

The Primary Zone coincides in size and shape with the designated take-off and landing area of a Heliport/Vertiport.

1) Primary Zone Limitation

This primary zone height limitation is described by a horizontal plane at the elevation of the established elevation.

b. Approach Zone Definition

The Approach Zone begins at each end of the Heliport/Vertiport Primary Zone with the same width as the Primary Zone and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet.

1) Approach Zone Height Limitation

The Approach Zone height limitation is a slope of one foot vertically for every eight feet horizontally.

c. Transitional Zone Definition

The Transitional Zone extends outward and upward from the lateral boundaries of the Primary Zone and from the Approach Zone for a distance of 250 feet measured horizontally from the centerline of the Primary and Approach Zones.

1) Transitional Zone Height Limitation

The Transitional Zone has a height limitation at a slope of one foot vertically for every two feet horizontally.

H. Airspace Height Review Procedures

All new construction or reconstruction which adds height to any land or building within areas shown on the on "Airspace Notification Map" (incorporated by reference and attached as Appendix 1) shall be reviewed for compliance with the standards of this Section.

1. General

No Tall Structure Permit will be issued if all FAA and DOA comments are not addressed to the satisfaction of DOA, PZB and County Attorney. No development permit application shall be issued if the proposed construction or alteration is found to violate the provisions of this Article, or exceed an obstruction standard of Federal Aviation Regulation. Part 77 or any other applicable Federal or State rules or regulations.

2. Tall Structure Review Required

DOA shall make a determination if FAA notification is required, prior to certification of an application by DRO or issuance of a building permit for a permanent or temporary structure located within Regulated Areas.

a. FAA Review

The DOA shall inform the applicant that prior review by the FAA is required if DOA determines that the proposed construction or alteration represented in the application may exceed:

- 1) The standards of Federal Aviation Regulations Part 77;
- 2) The provisions of Art. 16.B.1.F, Airport Height Limitations, and Art. 16.B.1.G, Airport Height Zone Definitions and Limitations;
- 3) Any other Federal or State rules and regulations; or
- 4) Adversely affects the airspace surrounding any Airport defined herein.

The FAA must review and issue a determination of the proposal's effect on navigable airspace where such prior notification under Title 14, CFR, Part 77 is required. PZB shall suspend any review of any development permit application process until FAA findings of aeronautical affect are approved.

b. Responsibility of the Applicant

The Applicant shall:

1) Obtain

FAA Form 7460-1 from the DOA and mail the completed form to Federal Aviation Administration Southern Regional Office, Attn: ASO-532, Systems Management Branch, P. O. Box 20636, Atlanta, GA 30320.

2) Bring

In person or forward by Certified Mail (Return Receipt Requested) to the DOA, the FAA's findings of aeronautical affect, along with a copy of the completed original FAA Form 7460-1.

3) Structure(s) Not Exceeding Obstruction Standards or Other Provisions DOA

Shall review the FAA's determination issued in response to the applicant's FAA Form 7460-1. If DOA determines that the proposed construction or alteration does not exceed the height limitations in this Section, the DOA shall notify the applicant in writing that the proposed structure may be erected in accordance with permitting requirements of PZB. PZB may certify the development application or issue a building permit, as applicable.

4) Structure(s) Exceeding Obstruction Standards or Other Provisions

DOA shall review the FAA's determination issued in response to the applicant's FAA Form 7460-1. If DOA determines the proposed construction exceeds the height limitations outlined in this Section, then the DOA shall notice the applicant. The notice shall state the reasons for denial and inform the applicant that they may apply for a variance pursuant to Art. 16.C.2, Variances, and Art. 2.B.3, Variances, of this Code, to allow deviations from the standards of this Section.

5) Zoning and Building Permit Requirement

If the Tall Structure permit is approved, the applicant shall present a copy of the Tall Structure Permit with all development order conditions to PZB with an application for the next applicable development order.

6) Obstruction Marking and Lighting

The owner shall mark and light the structure in accordance with the provisions of Chapter 333, Florida Statute; Rules of Florida Department of Transportation, Chapter 14-60 and the FAA Advisory Circular 70/7460H, *Obstruction Marking or Lighting*, as may be amended from time to time. The permit may be conditioned to require the applicant to mark and light the structure, at applicant's own expense, or to allow DOA to install, operate and maintain at its own expense, such markers and lights as may be necessary to indicate to pilots the presence of an airspace obstruction if warranted.

7) Building Permit Requirement

The applicant shall present a copy of the Tall Structure Permit Application, along with all Development Order comments and conditions, to the Building Director in order that any conditions are adequately addressed prior to the issuance of a building permit, including obstruction lighting and marking conditions.

CHAPTER C AIRPORT LAND USE REGULATIONS

Section 1 Airport Land Use Regulations

A. General

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all the land lying beneath the Runway Protection Zone (RPZ) and within Airport Land Use Noise Zone(s) (ALUNZ), as they apply to a particular airport. All areas defined as the RPZ and areas displayed as ALUNZ are subject to review and technical analysis by DOA, PZB, and other applicable governmental agencies in accordance with this Article.

To regulate land uses within these zones, an Off-Airport Land Use Compatibility Schedule Appendix 8, maps and review procedures have been established. The RPZ dimensions are defined in Table 16.B.1.E-1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport. The noise zones are depicted on the Airport Land Use Noise Maps (Appendices 9 through 14).

B. Regulated Land Use

Notwithstanding any other provisions of this Article, no use may be made of land or water within the RPZ in such manner as to interfere with the operation of an airborne aircraft. The Off-Airport Land Use Compatibility Schedule, Appendix 8, shall be used to determine additional land development requirements for uses identified in Art. 4, Use Regulations. Those activities and land uses not specifically listed in the Airport Land Use Compatibility Schedule are permitted or restricted based on their similarity to noise tolerance and compatibility with normal airport operations as exhibited by the activities and land uses which are listed in the Schedule.

1. Construction, defined

For purposes of this Section, construction includes but is not limited to creating new structures, making alterations or repairs and additions to any existing building or structure, or moving or relocating a building(s) or structure(s) within a Regulated Area. Construction does not include paving, drainage or similar types of construction.

C. Regulated Areas

To regulate land uses within the RPZ and ALUNZ, and Off-Airport Land Use Compatibility Schedule, maps and review procedures have been established. Only the portion of the lot falling within the RPZ or ALUNZ shall be subject to the provisions of this Article. The Off-Airport Land Use Compatibility Schedule shall be used to determine compatibility of land use with airport operations within these zones.

1. Runway Protection Zone (RPZ)

The RPZ includes all land lying beneath the defined RPZ, as shown on the applicable Airport Zoning Maps, in Appendices 2 through 7, for all airports in PBC.

2. Airport Land Use Noise Zones (ALUNZ)

The ALUNZ include all land area lying within the defined ALUNZ as shown on the applicable Airport Land Use Zone Maps, in Appendices 9 through 14, for all airports in PBC.

D. Airport Land Use Noise Zone(s) Established

All land uses shall be permitted within ALUNZ as provided in the Off-Airport Land Use Compatibility Schedule, Appendix 8.

1. Airport Land Use Noise Zones for Airports which have completed FAR Part 150 Noise and Land Use Compatibility Studies

Several PBC airports have completed a noise study in accordance with 14 CFR Part 150. Land uses within the area contiguous to these airports, within an area defined as the outer noise contour, or equivalent thereof shall be consistent with the type of use listed in Airport Land Use Compatibility Schedule.

a. Palm Beach International Airport (PBIA)

The Palm Beach International ALUNZ has been established and is incorporated herein as Appendix 9. This Zone is created based on yearly averaged, 24-hour day/night average noise level projections arising from aircraft flight operations at PBIA.

1) Palm Beach International Airport Land Use Noise Zone (ALUNZ) Defined

That area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the Palm Beach International Airport Land Use Noise Zone Map. The boundary of the zone extends approximately ½ nautical mile beyond the projected yearly averaged, 24-hour day/night average noise level contour of 65 L_{dn}.

b. Boca Raton Airport

The Boca Raton ALUNZ has been established and is incorporated herein as Appendix 10. This Zone is created based on projections of aircraft flight operations at Boca Raton Airport.

1) Boca Raton Airport Land Use Noise Zone (ALUNZ) Defined

That area commencing at the outermost boundary of the airport and extending outward there from to a boundary indicated on the Boca Raton Airport Land Use Noise Zone Map. The outer boundary of the zone approximates a projected yearly averaged, 24-hour day/night average noise level contour of 60 L_{dn} or greater.

2. ALUNZs for Airports which have not completed an FAR Part 150

Noise and Land Use Compatibility Study

An overlay Land Use Noise Zone has been established for the civil airports which have not completed an Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Study. This Zone is created as an area beneath the standard VFR traffic pattern and buffer airspace established in FAA Order 7400.2D, "Procedures for Handling Airspace Matters", which underlies the majority of recurring aircraft flight paths. Land Uses within this zone may be subject to aircraft noise that may be considered objectionable.

a. Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport

Land Use Noise Zones for these airports are established as the land lying within parallel lines 9,108 feet in both directions from the approach and departure end of each runway, the runway centerline, and all airspace in between. These zones are established and attached as Appendices 11 through 14.

E. General Land Use Regulations-Off-Airport Land Use Compatibility Schedule (Appendix 8)

1. The Off-Airport Land Use Compatibility Schedule, Appendix 8

Lists land uses as defined below:

a. Land Uses Compatible Without Restriction

Uses noted with a "P" may develop pursuant to the development review procedures in the Use Regulation Schedule in Art. 4, Use Regulations and Art. 2, Development Review Procedures, and are not required to comply with the conditional requirements set forth in Appendix 8, The Off-Airport Land Use Compatibility Schedule.

b. Land Uses Qualified As Compatible Only If In Compliance With Conditional Requirements

Uses noted with a "Q" may develop pursuant to the development review procedures in the Use Regulation Schedule in Art. 4, Use Regulations and Art. 2, Development Review Procedures, if regulated and constructed in accordance with the conditional notes in Appendix 8. Application for a variance from the conditional requirements may be made to the BA in accordance with the requirements in Art. 2, Development Review Procedures.

c. Incompatible Land Uses

Uses notes as an "N" are considered to be incompatible in the Airport Zone. These uses shall not be allowed in the Runway Protect Zone (RPZ). Uses within the Airport Noise Land Use Zone shall require variance approval pursuant Art. 16.C.2, Variances, herein and Art. 2.B.3, Variances, and shall be subject to the development review procedures in the Use Regulation Schedule in Art. 4, Use Regulations and Art. 2, Development Review Procedures, prior to establishment of the use.

2. Prohibited Land Uses

a. In no case shall a new educational facility or a public or private school be permitted at either end of a runway within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of ½ the runway.

1) Nothing in subsection a. above shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion to contiguous properties of any public or private educational structure in existence, or real property in use, on November 1, 1996. Construction of new education structures shall meet the provisions of Art. 16.B.1.H, Airspace Height Review Procedures, and the provision of sound insulation materials in accordance with established architectural and acoustical principles as contained in document DOT/FAA/PP-92-5 (or later version), Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, is encouraged.

b. In no case shall new residential construction be permitted within an area contiguous to the airport measuring ½ the length of the longest runway on either side of and at the end of each runway centerline unless it meets the conditional notes in the Off-Airport Land

Use Compatibility Schedule - Appendix 8. This area is shown as the "New Residential Construction Limit" on Appendices 10-14.

1) Exemption

Land uses within regulated areas defined in Art. 16.C.1.D.1.a, PBIA and Art. 16.C.1.D.1.b, Boca Raton Airport Land Use Noise Zone (Airports which have completed Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Studies), "Palm Beach International Airport and Boca Raton Airport Land Use Noise Zone Defined" and which meet the standards set forth herein.

3. Additional Regulations

In addition to the requirements contained in the Off-Airport Land Use Compatibility Schedule Appendix 8, all uses within regulated areas shall comply with the following provisions:

a. Lights and Illuminations

All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such manner that is not misleading or dangerous to aircraft operating from or to a public airport or in vicinity thereof.

b. Electronic Devices

No application, use, or operations of any type shall produce electronic interference with navigation signals or radio communication between aircraft; the airport tower, or other air traffic control facility.

c. Obscuration

No operations of any type shall produce smoke, glare or other obscuration within three statute miles of any usable runway of a public airport.

d. Bird Concentrations

No use of any type shall be permitted that attract or sustain hazardous bird movements, feeding, water, or roosting areas into or across an airport's runways' approach and departure pattern.

e. Noise Level Reduction (NLR) Requirements

If a proposed land use within an Airport Land Use Noise Zone is designated generally compatible (Q), or incompatible (N), then measures to achieve 30 dB NLR shall be incorporated into the regulated use.

1) Exemptions

Land Uses within regulated areas defined in Art. 16.C.1.D.2.a, Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport.

2) Use and Occupancy

Buildings or structures supporting a legal use(s) which existed prior to (the effective date of this Article), may continue to support the existing use or occupancy provided such continued use does not jeopardize life or health.

3) Relocated Buildings

Buildings or structures moved into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions of this Article, as applicable.

4) Proposed or Newly Constructed Buildings

Valid permits to construct a building, submitted to the Building Division of PZB prior to (the effective date of this Article), shall not be required to comply with the provisions of Art. 16, Airport Regulations, as long as the building permit has not been amended or expired.

5) Design Requirements

The NLR requirements of the Off-Airport Land Use Compatibility Schedule at Appendix 8, may be achieved by any suitable combination of building design, choice of building materials and construction techniques in accordance with established architectural and acoustical principles as contained in DOT document DOT/FAA/PP-92-5, *Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations*. This document is on file at the offices of the DOA and PZB. The reduction requirements shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room.

f. Disclosure

The owner of any new building or structure or any existing building or structure which is substantially repaired, reconstructed or altered, as provided in Art. 16, Airport

Regulations, proposed to be located within regulated areas shall provide disclosure to all prospective purchasers or tenants of such building or structure that the building or structure is located within the Land Use Compatibility Noise Zone and that aircraft noise may be objectionable.

F. Review Procedure for Airport Land Use Noise Zones

All new construction or reconstruction for temporary or permanent structures within ALUNZ shall be reviewed for compliance with the standards of this Section. Prior to acceptance of a development order or issuance of a building permit, the DOA and PZB shall review the application for compliance with this Article.

Section 2 Variances

Application for a variance may be submitted to erect or increase the height of any structures, or to use property which does not comply with the regulations prescribed in this Article, to the BA pursuant to the procedures and standards set forth in Art. 2.B.3, Variances.

Section 3 Nonconforming Uses

Uses nonconforming to the Airport Zoning Regulations shall be administered in accordance with Art. 16, Airport Regulations.

Section 4 Administration

- A. PZB, in consultation with the DOA, shall administer the review of development applications for compliance with this Article within the territorial limits over which PBC has jurisdiction. DOA by Interlocal Agreement with any jurisdiction which has permitting authority shall administer the review of development applications for compliance with this Article within the territorial limits of the municipality. If a Tall Structure Permit is required, then the DOA shall administer review with the FAA. Fees shall be established by the DOA and PZB to administer this Article.
- B. In the event that any violation of the requirements of this Article are found, the Director Code Enforcement shall give written notice to the property owner. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Code Enforcement Board and DOA. PZB shall require work to stop and may take any or all other action necessary to correct violations and obtain compliance with all the provisions of this Section.
- C. The DOA shall notify the Executive Director of PZB of all amendments to the airport master plan(s), or other regulations that effect the definitions or height limitations of the zones established herein.

Section 5 Enforcement

A. Non-compliance

Failure to comply with the requirements of this Section or any permit or Approval granted or authorized hereunder shall constitute a violation of this code. PZB or DOA may issue a Cease and Desist Order or withhold a Certificate of Occupancy until the provisions of this Section have been met. PBC may subject the owner of the premises to the violation and enforcement provisions in F.S. Chapter 333.07, 1995, as amended, seek injunctive relief, pursuant to F.S. Chapter 333.13, as may be amended from time to time, in order to fully effectuate the purposes of this Ordinance. Each violation of this Ordinance or of any regulation, order or ruling promulgated herein shall be considered a separate offense and enforced in accordance with the provisions of Art. 10, Enforcement.

Section 6 Appeals

Any person aggrieved by the decision of PZB or the DOA made in the administration of this Article may appeal the decision to the BA in accordance with the provisions of Art. 2.B.3, Variances, of this Code.

PART 2. Repeal of PBC Ordinance 78-2.

PBC Ordinance 78-2 of this Code is hereby repealed.

AIRPORT ZONING REGULATIONS

APPENDIX 1 THROUGH 15

NOTE: MAPS IN THESE APPENDICES ARE REPRESENTATIONAL ONLY. LOCATIONAL REQUIREMENTS CAN BE VERIFIED BY THE DEPARTMENT OF AIRPORTS. HARD COPY, SCALED MAPS ARE AVAILABLE UPON REQUEST FROM THE AIRPORT DIVISION.

- Appendix 1 AIRSPACE NOTIFICATION MAPS**
- Appendix 2 MAPS A - PALM BEACH INTERNATIONAL AIRPORT**
- Appendix 3 MAP B - PBC PARK AIRPORT**
- Appendix 4 MAP C - PBC GLADES AIRPORT**
- Appendix 5 MAP D - BELLE GLADE MUNICIPAL AIRPORT**
- Appendix 6 MAP E - PALM BEACH NORTH COUNTY AIRPORT**
- Appendix 7 MAP F - BOCA RATON AIRPORT**
- Appendix 8 OFF-AIRPORT LAND USE COMPATIBILITY SCHEDULE**
- Appendix 9 AIRPORT LAND USE NOISE ZONE - PALM BEACH INTERNATIONAL AIRPORT**
- Appendix 10 AIRPORT LAND USE NOISE ZONE - BOCA RATON AIRPORT**
- Appendix 11 AIRPORT LAND USE NOISE ZONE - PBC PARK**
- Appendix 12 AIRPORT LAND USE NOISE ZONE - PBC GLADES AIRPORT**
- Appendix 13 AIRPORT LAND USE NOISE ZONE - BELLE GLADE MUNICIPAL AIRPORT**
- Appendix 14 AIRPORT LAND USE NOISE ZONE - PALM BEACH NORTH COUNTY AIRPORT**
- Appendix 15 ISOMETRIC VIEW OF AIRPORT HEIGHT ZONES AND IMAGINARY SURFACES**

ARTICLE 17

DECISION MAKING BODIES

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ARTICLE 17

DECISION MAKING BODIES

CHAPTER A BOARD OF COUNTY COMMISSIONERS

Section 1 Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

- A. to initiate, hear, consider and approve, approve with conditions, or deny applications to amend the text of the Plan;
- B. to initiate, hear, consider and approve, approve with conditions, or deny applications for Site Specific amendments to the FLUA of the Plan;
- C. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and Voluntary Density Bonus (VDB) Programs;
- D. to initiate, hear, consider and approve, approve with conditions, or deny applications for development permits to amend the text of this Code;
- E. to initiate, hear, consider and approve, approve with conditions, or deny applications for development permits to amend the Official Zoning Map of this Code;
- F. to hear, consider and approve, approve with conditions, or deny applications for development permits for Preliminary Development Plans for a Residential Planned Unit Development District (PUD), Traditional Neighborhood Development District (TND), Mixed Use Planned Development District (MXPDP), Multiple Use Planned Development District (MUPD), Planned Industrial Park Development District (PIPD), Mobile Home Park Planned Development District (MHPD), Recreational Vehicle Park Planned Development District (RVPD), Traditional Marketplace Development (TMD), and Traditional Town Development (TTD);
- G. to hear, consider and approve, approve with conditions, or deny applications for development permits for Class A conditional uses;
- H. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission (ZC) on applications for development permits for Class B conditional uses;
- I. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate;
- J. to establish fees for the review of applications for development permits, and appropriate funds to defray the costs of administering this Code;
- K. to act to ensure compliance with development orders or permits as approved and issued;
- L. to hear and consider administrative inquiries;
- M. to take such other action not delegated to the decision-making bodies set forth in this Article or other officials of PBC Departments, as the BCC may deem desirable and necessary to implement the provisions of the Plan and this Code; and
- N. to appoint other advisory boards that are determined necessary to assist in the implementation of this Code or the Plan.

CHAPTER B GENERAL PROVISIONS

Unless otherwise noted, the following provisions shall apply to each appointed body described in this Article. In addition, each board shall be governed by PBC Resolution No. 95-1806. In case of conflict between the general provisions in this Section, and the specific provisions of each appointed body, the specific provisions shall prevail.

Section 1 Board Membership

A. Qualifications

Unless otherwise noted, each member of a board described in this Article, Decision-Making Bodies shall be a qualified elector of PBC for at least two years prior to appointment. No member of the BCC, BCC aide, or PBC employee shall serve on a board described herein.

B. Term of Office

1. The term of office for each member shall be three years. All members serving on a board on the effective date of this Code shall complete their terms according to their prior appointments.
2. There shall be no limit on the number of terms a person may serve on a board or commission.

C. Vacancy

1. The BCC shall fill a vacancy within 60 days.
2. When a person is appointed to fill out the term of a departing member, that person's term shall end at the same time the departing member's term would have ended.

D. Maximum Number of Boards

The maximum number of boards a person may serve on at one time shall be three. Members affected by this provision shall be governed by PBC Resolution No. 91-1003.

E. Elected Office

Members shall not be prohibited from qualifying as a candidate for elected office.

Section 2 Appointments and Termination

A. Appointments

1. Individual BCC Appointments

A board member shall serve at the pleasure of the member of the BCC who appointed that member and may be removed by the BCC member without cause at any time.

2. At-Large BCC Appointments

A board member shall serve at the pleasure of the BCC and may be removed by the BCC without cause at any time.

3. Attendance

Members of boards shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Only regular meetings shall be counted towards the attendance requirements. Special meetings shall not be counted towards the attendance requirements.

4. Termination

In the event that any 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 BCC shall terminate the appointment of the member.

5. Immediate Removal

Members removed pursuant to Art. 17.B.2.A, Appointments, through Art. 17.B.2.A.4, Termination, above, shall not continue to serve on the board and such removal shall create a vacancy.

Section 3 Conflict of Interest

A. Substantive Conflict

No 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 board member.

B. Provisions Related to Conflict of Interest

To implement this policy, members are directed to:

1. be governed by the applicable provisions of state and local law;
2. not accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties;
3. make known by written or oral disclosure, on the record at a meeting, any interest which the member has in any pending matter before that board, before any deliberation on that matter;
4. abstain from using membership on the board to secure special privileges or exemptions;
5. refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the board not available to members of the general public, and to refrain from using such information for personal gain or benefit;
6. refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the board; and

7. 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 Section which affects a vote of a board member shall render that action voidable by the BCC.

Section 4 Officers

A. Chair and Vice-Chair

At an annual organizational meeting, each board shall elect a Chair and Vice-Chair from among the members. The term of the Chair and Vice-Chair's terms shall be one year. The Chair shall administer oaths, be in charge of all procedures before the board and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the board. In the absence of the chair, the vice-chair shall act as Chair and shall have all the powers of the Chair.

Section 5 Rules of Procedure

A. Quorum and Voting

The presence of a majority of the members of the board shall constitute a quorum necessary to take action and transact business. All actions shall require a simply majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.

B. Robert's Rules of Order

All meetings shall be governed by Robert's Rules of Order. Each board may by 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.

C. Meetings

1. The location of all meetings shall be in PBC, Florida.
2. If a matter is postponed due to lack of a quorum, the item shall be rescheduled to the next meeting.
3. All meetings and public hearings shall be open to the public.
4. All meetings shall be set for time certain after due public notice. Due public notice shall include notification that a record is required to appeal a final decision of the board pursuant to F.S. §286.0105.

D. County Attorney's Office

The County Attorney's Office shall provide counsel and interpretation on legal issues.

E. Annual Report

Each board shall submit an annual report to the BCC. The form, substance and submittal date for the Annual Report shall be established by County Administrator in a Policy and Procedure Memorandum.

Section 6 Compensation

Board members shall receive no compensation for their services. Travel reimbursement for members shall be limited to expenses incurred only for travel outside PBC necessary to fulfill the responsibilities of membership on the particular board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon prior approval of the BCC. No other expenses are reimbursable except documented long distance telephone calls to PBC staff that are necessary to fulfill the responsibility of membership on the particular board.

CHAPTER C APPOINTED BODIES

Section 1 Board Of Adjustment

A. Establishment

There is hereby established a Board of Adjustment (BA).

B. Powers and Duties

The BA 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 Art. 2, Development Review Procedures;

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 hear, review, consider and approve or reverse decisions of the Zoning Director or Airport Director on matters pertaining to the enforcement of the airport zoning regulations of Art. 16, Airport Regulations, as provided in F.S. Chapter 333, as amended;
5. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, or commission of PBC; and
6. to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the BA proceedings.

C. Board Membership

1. Qualifications

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 members of the BA shall represent the same occupation or business.

2. Appointment

The BA shall be composed of seven members appointed by the BCC. Each PBC Commissioner shall appoint one member to the BA. The BCC shall also appoint two alternate members, a first alternate and a second alternate. The alternates shall be appointed at large by a majority of the BCC. The alternates shall serve a three 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

Members of the BA shall hold office until the first Tuesday after the first Monday in February of the year their term expires.

4. Vacancy

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.

D. Staff

The Zoning Division of PZB shall be the professional staff for the BA. In instances where relevant and appropriate, staff from DEPW, ERM, DOA, and the PBCHD and other PBC departments shall also assist the BA.

E. Meetings

1. General

General meetings of the BA 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 Chair, or in writing by a majority of the members of the BA. A 24-hour written notice shall be given to each BA member before a special meeting.

Section 2 Land Development Regulation Advisory Board

A. Establishment

There is hereby established a Land Development Regulation Advisory Board (LDRAB).

B. Powers and Duties

The LDRAB shall have the following powers and duties under the provisions of this Code:

1. to periodically review the provisions to this Code that are not reviewed by another advisory board established by BCC for that purpose, and to make recommendations to the BCC for those provisions reviewed;
2. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments; and
3. to serve as Land Development Regulation Commission (LDRC) as provided by F.S.§ 163.3164(22) and F.S.§ 163.3194.

C. Board Membership

1. Appointment

- a. The LDRAB shall be composed of 17 members and two at-large alternate members.
- b. Ten of the members shall be appointed by a majority of the BCC upon a recommendation by the organizations listed in Table 17.C.2.C-1, LDRAB Expertise.
- c. Seven members shall be appointed by the BCC. Each PBC Commissioner shall appoint one member with consideration of the expertise in Art. 17.C.2.C.2, Qualifications.
- d. The BCC shall appoint two at-large alternate members, by a majority vote of the BCC, with consideration of the expertise in Art. 17.C.2.C.2, Qualifications.

2. Qualifications

- a. The Board shall be composed of members with the expertise recommended for appointment by the corresponding organization as outlined in Table 17.C.2.C-1, LDRAB Expertise.
- b. Each BCC appointment shall be with consideration in the following areas of expertise:
 - 1) Landscape Architecture.
 - 2) Redevelopment Expertise.
 - 3) Fiscal Impact Analysis Expertise.
 - 4) Land Use/Real Estate Law.
 - 5) Natural Sciences.
 - 6) Business Development.
- c. No two members of the LDRAB shall represent the same occupation or business.

Table 17.C.2.C-1 LDRAB Expertise

| Occupations | Organizations |
|-----------------------------|--|
| 1. Residential Builder | Gold Coast Builders |
| 2. Municipal Representative | League of Cities |
| 3. Engineer | Florida Engineering Society |
| 4. Architect | American Institute of Architects |
| 5. Environmentalist | Environmental Organization |
| 6. Realtor | PBC Board of Realtors |
| 7. Surveyor | Fla. Society of Professional Surveyors |
| 8. Citizen Representative | Condominium/HOA Assoc. |
| 9. Commercial Builder | Assoc. General Contractors of America |
| 10. AICP Planner | PBC Planning Congress |

3. Initial Terms

a. Two Year Term

Even numbered organizations in Table 17.C.2.C-1, LDRAB Expertise, and even numbered in BCC districts, and two at-large alternate members.

b. Three Year Term

Odd numbered organizations in Table 17.C.2.C-1, LDRAB Expertise, and odd numbered BCC districts.

c. Subcommittees

The LDRAB shall determine by majority vote to create subcommittees with the expertise necessary to make recommendations on specific Code amendments. Subcommittee appointments shall be made at a public meeting.

4. Terms of Office

Members of the LDRAB shall hold office until the first Tuesday after the first Monday in February of the year their term expires.

D. Staff

The Zoning Director of PZB shall serve as the Secretary and the professional staff of the LDRAB.

E. Meetings

1. General

General meetings of the LDRAB shall be held as needed to dispense of matters properly before the LDRAB. Special meetings may be called by the Chair or in writing by a majority of the members of the LDRAB. Staff shall provide 24-hour written notice to each LDRAB member before a special meeting is convened.

Section 3 Code Enforcement Special Master

A. Creation and Appointment

Code enforcement hearings pursuant to this Code shall be conducted by designated Special Master. Applications for Special Master positions shall be directed to County Administrator pursuant to a notice published in a newspaper of general circulation. The BCC shall select a pool of candidates from the applications filed with County Administrator on the basis of experience and qualifications. County Administrator shall appoint Special Master to conduct hearings from the pool of candidates selected by the BCC as necessary.

B. Qualification

Special Master shall have the following minimum qualifications:

1. be a graduate of a law school accredited by the American Bar Association;
2. demonstrate knowledge of administrative laws, land use law, and local government regulation and procedures;
3. be a current member, in good standing, of the Florida Bar Association;
4. have such other qualifications that may be established by resolution of the BCC; and
5. in the event County Administrator does not receive a sufficient number of applications from qualified members of the Florida Bar Association, the BCC may select attorneys who are not members of the Florida Bar Association as candidates for Special Master. Among those attorneys who are not members of the Florida Bar Association, the BCC and County Administrator shall give preference to those attorneys who have prior experience in a judiciary capacity, or as a hearing officer, mediator or special master. No attorney, who has been disciplined by the Florida Bar Association or a bar association of any other jurisdiction, shall be appointed as a Special Master.

C. Powers and Duties

Special Master 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 PBC 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 issue subpoenas compelling the presence of persons at Special Master hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;
3. to issue subpoenas compelling the production of evidence at code enforcement hearings;
4. to take testimony under oath;
5. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with this Code and PBC's building, electrical, fire, gas, landscape, plumbing, and other codes of PBC;
6. to assess fines pursuant to Art. 10.B.3, Administrative Fines; Costs; Liens;
7. to lien property; and
8. to assess costs pursuant to Art. 10.B.3, Administrative Fines; Costs; Liens.

D. Rules of Procedure

The BCC shall have the authority prescribe rules of procedure for the conduct of hearings before the Special Master by resolution.

E. Term

Special Master shall serve a term of one year from the date of appointment by County Administrator. Special Master may be reappointed at the discretion of County Administrator. There shall be no limit on the number of terms a person may serve as a Special Master.

F. Removal

At any time during the appointment, County Administrator shall have the authority to remove a Special Master with or without cause upon ten days written notice.

G. Vacancy

If any Special Master resigns or is removed prior to expiration of his or her term or County Administrator determines that the Special Master should not be reappointed, County Administrator shall appoint a Special Master from the pool of candidates previously selected by the BCC to fill the vacancy within 30 days.

H. Conflicts of Interest

Special Master shall not be considered outside or special counsel and shall not be subject to PPM# CW-O-52 relating to outside counsel conflicts of interest.

I. Meetings

1. Scheduling

The Code Enforcement Division shall be responsible for scheduling meetings of Special Master. In the case of an alleged violation as set forth in Art. 10.B.1, Procedure, a hearing may be called as soon as practical.

2. Operating Procedures

All cases brought before Special Master shall be presented by either the Code Enforcement Division or an attorney representing the Division.

Section 4 Development Review Appeals Board

A. Establishment

There is hereby established a Development Review Appeals Board (DRAB).

B. Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:

1. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension;
2. to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and VDB; and
3. to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit.

C. Board Membership

The DRAB shall consist of the Executive Director of PZB, County Engineer, and County Attorney or Deputy County Attorney.

D. Officers; Staff

1. Chair and Vice-Chair

The Executive Director of PZB shall be the Chair of the DRAB.

2. Staff

PZB staff shall be the professional staff for the DRAB.

E. Meetings

1. General

General meetings of the DRAB shall be held as needed to dispose of matters properly before the DRAB. Special meetings may be called by the Chair or in writing by two members of the DRAB. Staff shall provide 24-hour written notice to all DRAB members.

Section 5 Environmental Appeals Board

A. Establishment

There is hereby established an Environmental Appeals Board (EAB).

B. Powers and Duties

The EAB has the following powers and duties:

1. to hear appeals from certain requirements, interpretations, or determinations of Art. 15, Health Regulations, made by the PBCHD or the Environmental Control Officer.

C. Board Membership

1. Qualifications

The EAB shall be composed of five members. The membership of the EAB shall consist of one professional engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one water resource professional employed by SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold Coast Builders Association, and one attorney nominated by the PBC Bar Association.

2. Terms of Office

All EAB members shall serve a term of three years.

D. Officers

1. Secretary

PBC Environmental Control Officer shall provide a staff person to the EAB and that staff member shall be designated as Secretary of the EAB.

2. Staff

The PBCHD shall be the professional staff of the EAB.

E. Meetings

1. General or Special Meetings

General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.

Section 6 Environmental Control Hearing Board

A. Establishment

There is hereby established an Environmental Control Hearing Board (ECHB).

B. Powers and Duties

The ECHB has the following powers and duties:

1. to conduct hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ord. 78-5, as amended; and
2. after due public hearing, 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 to 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 ECHB deems necessary and reasonable under the circumstances to correct such violation;
 - c. to issue orders imposing civil penalties of up to \$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 ECHB.

C. Qualifications

The ECHB shall be composed of five members. The membership of the ECHB shall consist of one attorney recommended by the PBC Bar Association; one medical doctor recommended by the PBC Medical Society; one engineer recommended by the PBC chapter of the Florida Engineering Society; and two citizens at large.

D. Officers

1. Secretary

The Environmental Control Officer shall serve as Secretary of the ECHB.

2. Staff

The PBCHD shall be the professional staff of the ECHB.

E. General or Special Meetings

General meetings of the ECHB shall be held no less frequently than every 45 days. The ECHB may set the date of future meetings during any meeting. Special meetings may be called by the Chair of the ECHB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each ECHB member for a special meeting.

Section 7 Groundwater and Natural Resources Protection Board

A. Establishment

There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

B. Powers and Duties

The GNRPB shall have the following powers and duties:

1. to hold hearings as necessary to enforce Art. 14, Environmental Standards, 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 PBC Sheriff's Department, or other authorized persons consistent with Florida Law;

4. to issue subpoenas compelling the provision of evidence at GNRPB 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. 14, Environmental Standards;
7. to lien property; and
8. to assess administrative fines and costs pursuant to Art. 14, Environmental Standards.

C. Board Membership

1. Qualifications

The GNRPB shall be composed of seven members appointed by the BCC. 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. Terms of Office

All members shall serve a term of three years. All members serving on the GNRPB on the effective date of this Code shall complete their terms according to their prior appointments.

D. Secretary and Staff

The Director of ERM shall serve as Secretary of the GNRPB. ERM shall be the professional staff of the GNRPB.

E. Meetings

1. General

General meetings of the GNRPB shall be held no more frequently than once every month. Special meetings may be called by the Chair of the GNRPB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each Board member prior to a special meeting.

Section 8 Hearing Officers

A. Creation and Appointment

County Administrator may, from a pool selected by the BCC, appoint one 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 BCC from time to time. Such hearing officers shall serve at the pleasure of the BCC for such period as is determined by the Board. Code Enforcement Special Master, as established and appointed pursuant to Art. 17.A.1, Powers and Duties, may serve ex officio as Hearing Officers as set forth in this Section. Whoever shall accept an appointment as a hearing officer shall, for a period of one year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application for other matter before any decision-making body of PBC 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 PBC during the period of appointment.

C. Duties

A hearing officer shall have the following duties:

1. to conduct hearings and issue administrative orders on such matters as may be requested by the BCC;
2. to render to the BCC 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 BCC may assign.

Section 9 Historic Resources Review Board

A. Establishment

There is hereby established a Historic Resources Review Board (HRRB).

B. Powers and Duties

The HRRB shall have the following powers and duties under the provisions of this Code:

1. develop, administer and update an accurate inventory of historic resources in unincorporated PBC and on PBC owned property in municipalities. The inventory shall be used to formulate a map of historic district boundaries and historically significant properties meriting protection to be incorporated into the land use element of the Plan.
2. pursuant to Art. 9.B, Historic Preservation Procedures, nominate and accept nominations for public and private properties for designation and regulate and administer such properties, structures, buildings, sites, districts, etc. so designated as historic sites and/or districts. The Department, in conjunction with the HRRB, shall establish a schedule for nominations for public and private properties for designation;
3. participate in the National Register program in Florida to the greatest possible extent, as defined by the 1981 and subsequent amendments to the Historic Preservation Act of 1966 and regulations and rules drafted pursuant to those amendments by the National Park Service and the Florida State Bureau of Historic Preservation;
4. act as a regulatory body to approve, deny or modify Certificates of Appropriateness as specified by Art. 9, Archaeological and Historical Preservation;
5. make recommendations concerning amendments to the Plan, this Code, Building and other development related codes as they relate to the preservation of Historic Resources;
6. make recommendations regarding historic and archeological resources on property owned by PBC;
7. pursuant to Art. 9.B.4.B, Waiver of Code Provisions, review and comment to the BCC concerning waiver of Code provisions of the Code for properties within historic districts and for properties designated as historic or archaeological sites or listed on the PBC Register of Historic Places;
8. develop, establish, and administer guidelines concerning contemporaneous architectural styles, colors, building materials and so forth for historic sites and historic districts. Such guidelines will be subject to approval by the BCC;
9. coordinate with other entities to support increased public awareness of the value of historic preservation;
10. after PBC qualifies as a Certified Local Government, make recommendations to PBC Commission concerning the use of grants from Federal and State agencies, to augment PBC funding in order to promote the preservation and conservation of archaeological sites of historic significance, historic sites and historic districts;
11. cooperate and coordinate with property owners, public and private organizations, businesses and other individuals to help ensure the conservation and preservation of archaeological sites, contents within said sites, buildings, structures and districts of historic significance, especially those for which demolition or destruction is proposed;
12. create and approve the design of standardized historic markers and plaques and issue recognition to designated historic sites and historic districts within PBC;
13. execute any other needed and appropriate historic resource preservation functions which may be approved by the BCC;
14. develop and administer a Historic Preservation Manual for PBC to help property owners fulfill the regulations and requirements of this ordinance;
15. hear, consider and approve, approve with conditions or deny applications for Certificate to Dig;
16. make recommendations to the BCC regarding proposed amendments to the map of known archeological sites;
17. initial resources shall be dedicated to those functions which shall qualify PBC as a Certified Local Government;
18. make every effort to be represented at meetings, conferences and workshops pertaining to the functions of the HRRB scheduled by the State Historic Preservation offices or the Florida Conference of Preservation Boards and Commissions;
19. seek expertise or proposals of matters requiring evaluation by a professional of a discipline not represented on the HRRB; and
20. the HRRB's responsibilities shall be complementary to the powers of the State Historic Preservation Office.

C. Board Membership

1. Qualifications

There shall be nine members of the HRRB. Members of the HRRB shall be residents of PBC, Florida and demonstrate an interest in local history. One member with professional experience shall be

appointed from each of the following five professional disciplines: history, architecture, archeology, architectural history and historic architecture. Other historic preservation related disciplines, such as Urban Planning, American Studies, American Civilization, Cultural Geography or Cultural Anthropology shall be considered when choosing appointments for these five of the nine members of the HRRB. Each of these five positions shall meet the requirements outlined in the Professional Qualifications Standards of the Florida Certified Local Government Guidelines. In addition to the above five positions, there shall be a sixth person with a demonstrated interest, degree or experience in one of the above professional disciplines who is also a resident of the area of PBC West of Twenty Mile Bend, including any of the incorporated or unincorporated communities in proximity to Lake Okeechobee. There are no specific requirements for the other three positions as a prerequisite to appointment but consideration shall be given to the following with a demonstrated interest in history, architecture or related disciplines: business person, engineer, contractor in a construction trade, landscape architect, urban planner, attorney, and resident of areas identified by 1990 PBC Historic Sites Survey as containing 25 or more structures with potential for historic preservation. Persons seeking appointment to the HRRB shall be willing to invest time to assist staff in site evaluations, establishing priorities, public education efforts, survey and planning activities of the Certified Local Government Program and the other responsibilities of the HRRB. Board members shall attend pertinent educational conferences and seminars.

2. Appointment

The members of the HRRB shall be appointed at large by the BCC.

3. Terms of Office

Each appointment shall be made for a term of three years. Any member may be reappointed for one successive term upon approval of the BCC as provided for herein.

D. Secretary and Staff

1. Secretary

The Planning Director of the PZB shall serve as Secretary to the HRRB.

2. Staff

The Planning Division shall be the professional staff of the HRRB. The Board shall make every effort to minimize demands on staffing in consideration of budgetary constraints.

E. Meetings

1. General

General meetings of the HRRB shall be held at least quarterly. Special meetings may be called by the Chair of the HRRB, or in writing by a majority of the members of the Board. Staff shall provide 24-hours written notice to each Board member prior to a special meeting.

Section 10 Impact Fee Appeals Board

A. Establishment

There is hereby established an Impact Fee Appeals Board (IFAB).

B. Powers and Duties

The IFAB 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. 13, Impact Fees; and
2. to hear and decide appeals from an interpretation of the Impact Fee Coordinator on Art. 13, Impact Fees.

C. Board Membership

1. Qualifications

The IFAB shall be composed of five members. There shall be one traffic engineer, one accountant, one attorney, one representative of the general public, and one developer/builder on the IFAB. No member of the Impact Fee Review Committee may serve on the IFAB.

2. Appointment

The members of the IFAB shall be approved at large by a majority vote of the BCC.

3. Terms of Office

All IFAB members shall serve a term of three years.

D. Secretary and Staff

The Impact Fee Coordinator shall serve as Secretary of the IFAB. The staff of PZB shall be the professional staff of the IFAB. County Attorney shall attend meetings to serve as counsel to the IFAB. The Impact Fee Coordinator shall represent PBC by presenting PBC's position to the IFAB.

E. Meetings

1. General

General meetings of the IFAB will be called as necessary to carry out business, but no more frequently than once a month. Special meetings may be called by the Chair of the IFAB, or in writing by a majority of appointed members of the Board. Staff shall provide 24-hour written notice to each IFAB member for a special meeting.

Section 11 Impact Fee Review Committee

A. Establishment

There is hereby created an Impact Fee Review Committee (IFRC).

B. Powers and Duties

The IFRC shall have the following powers and duties under the provisions of this Code:

1. submit a Report to the BCC whenever PBC conducts a full review or update of the impact fee system relating to:
 - a. the implementation of Art. 13, Impact Fees;
 - b. actual levels of service for the impact fees exacted in Art. 13, Impact Fees;
 - c. the collection, encumbrance, and expenditure of all impact fees collected pursuant to Art. 13, Impact Fees;
 - d. the validity and assumptions in the technical memoranda used to support the impact fee schedules in Art 13, Impact Fees; and
 - e. any recommended amendment to Art. 13, Impact Fees.
2. review amendments to Art. 13, Impact Fees prior to their consideration by the BCC.
3. perform such other duties as the BCC deems appropriate.

C. Board Membership

1. Qualifications

The IFRC shall be composed of seven members and three alternate members appointed by the BCC. The membership of the IFRC shall include three representatives from municipalities within PBC, three representatives from the business community, and one member selected at large. The voting membership of the IFRC shall include three representatives from municipalities within PBC three representatives from the business community, and one member selected at large. The alternate members shall include one representative from each of the three categories above. An alternate member shall be authorized to vote in place of an absent voting member appointed from the same category and shall count toward a quorum.

D. Officers

1. Secretary

The Impact Fee Coordinator shall serve as Secretary of the IFRC.

E. Meetings

1. General or Special Meetings

General meetings of the IFRC shall be held as needed consistent with its powers and duties. Special meetings may be called by the Chair of the IFRC, or in writing by a majority of appointed members of the IFRC. 24-hour written notice shall be given to each IFRC member for a special meeting.

Section 12 Land Use Advisory Board

A. Establishment

There is hereby established a Land Use Advisory Board (LUAB).

B. Powers and Duties

The LUAB shall have the following powers and duties under the provisions of this Code:

1. to serve as the Local Planning Agency (LPA) per F.S.§ 163.3174, and to provide recommendations on the preparation of the Plan, or any element or portion thereof, and any text amendments thereto to the BCC;
2. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Plan, including Site Specific (Future Land Use Map) amendments to the Plan;
3. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications for the VDB Program;

4. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments;
5. to make additional or amended rules of procedure not inconsistent with this Section to govern the LUAB's proceedings;
6. to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
7. to submit an Annual Report to the BCC summarizing its annual activities; and
8. to review and make recommendations to the BCC on Transportation Concurrency Management Area (TCMA) and Constrained Road at Lower Levels of Service (CRALLS) or a major thoroughfare on which a lower LOS is set pursuant to Art. 12, TPS.

C. Board Membership

1. BCC Appointed Members

The LUAB shall be comprised of 16 members; 15 BCC appointed members and one representative of the School District of PBC.

a. Qualifications

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.

b. Appointment

Each member of the BCC shall appoint two members to the LUAB. One member of the LUAB shall be appointed at large by a majority vote of the BCC.

c. Terms of Office

Members of the LUAB shall hold office until the first Tuesday after the first Monday in June of the year their term expires.

2. School District Member

The School District of PBC shall appoint a representative to attend those meetings at which the LUAB will consider a Plan amendment which would, if approved, increase residential density of the property that is the subject of the application. The school member shall be a non-voting member and shall not count toward quorum.

D. Officers; Secretary; Staff

1. Chair and Vice-Chair

There shall be no limit on the number of consecutive terms that may be served by the Chair or Vice-chair.

2. Secretary

The Planning Director of PZB shall serve as Secretary of the LUAB. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the LUAB, 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 LUAB members voting. In addition, the Secretary shall maintain all records of LUAB meetings, hearings, proceedings, and the correspondence of the LUAB. The records of the LUAB 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 LUAB. The Planning Division staff shall be responsible for, providing a recommendation to the LUAB on all items scheduled for its consideration. Plan amendments, including amendments to any maps included as part of the Plan.

E. Rules Applicable to Local Planning Agency

1. The agenda of the LUAB sitting as the LPA shall be as prepared and presented by the PBC Planning Division and such agenda shall not be deviated from without a two-thirds vote of a quorum of the LPA.
2. Failure of the LPA to make a recommendation on any Plan Amendment to the BCC prior to the final transmittal hearing of the amendments shall constitute the item being sent to the BCC with an LPA recommendation of denial pursuant to F.S. § 163.3174, as may be amended from time to time.

F. Meetings

General meetings of the LUAB shall be held as needed to dispense of matters properly before the LUAB. Special meetings may be called by the Chair or in writing by a majority of the members of the LUAB. Staff shall provide 24-hour written notice to each LUAB member before a special meeting is convened.

Section 13 Traffic Performance Standards Appeals Board

A. Establishment

There is hereby established a Traffic Performance Standards Appeals Board (TPSAB).

B. Powers and Duties

The TPSAB shall have the following powers and duties under the provisions of this Code:

1. to hear and decide appeals from decisions of PBC Engineer or a Municipal Engineer pursuant to Art. 12, Traffic Performance Standards; and
2. to issue subpoenas to compel attendance of witnesses and production of documents.

C. Board Membership

1. Qualifications

There shall be five members of the TPSAB appointed by the BCC. They shall consist of the Director of the Metropolitan Planning Organization (MPO), a professional Traffic Engineer employed by a municipality in PBC 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 TPSAB 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. The members of this board do not have to be PBC residents.

2. Terms of Office

All TPSAB members shall serve a term of four years.

3. Vacancy

When a TPSAB member resigns or is removed, the BCC shall fill the vacancy within 20 working days.

D. Officers

1. Staff

The County Engineer's office shall be the professional staff of the TPSAB.

E. Meetings

1. General or Special Meetings

General meetings of the TPSAB shall be held as needed to dispense of matters properly before the TPSAB. Special meetings may be called by the Chair of the TPSAB, or in writing by three members of the Board. Staff shall provide 24-hour written notice to each TPSAB member for a special meeting.

Section 14 Zoning Commission

A. Establishment

There is hereby established a Zoning Commission (ZC).

B. Powers and Duties

The ZC shall have the following powers and duties under the provisions of this Code:

1. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the text of this Code;
2. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications for development orders to amend the Official Zoning Map;
3. to review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications for development orders for planned developments and traditional developments;
4. to review, hear, consider, and make recommendations to the BCC 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 request of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal government;
7. to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;

8. to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the ZC's proceedings; and
9. to hear appeals of interpretations or determinations of Art. 5, Supplementary Standards, and waive certain requirements made by the Zoning Director.

C. Commission Membership

1. BCC Appointed Members

The ZC shall be composed of seven members, to be appointed by the BCC. Each PBC Commissioner shall appoint one member to the ZC. The BCC shall also appoint two alternate members, a first alternate and a second alternate. The alternate members shall be appointed at large by a majority vote of the BCC. 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.

a. Qualifications

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.

b. Terms of Office

- 1) Members of the ZC shall hold office until the first Tuesday after the first Monday in February of the year their term expires.
- 2) Whenever a vacancy occurs on the ZC, the full time member's position shall be served by an alternate member until a permanent member can be appointed by the BCC.

D. Officers; Quorum; and Voting

1. Chair and Vice-Chair

No member shall serve as Chair for more than two consecutive terms.

2. Quorums and Voting

A simple majority of a quorum shall be necessary in order to forward a formal recommendation of approval, approval with conditions, denial, or other recommendation to the BCC. A simple majority shall be necessary for the ZC to make a final decision approving an application for a development permit. In the event the ZC fails to make a final decision due to a tie vote, the petition shall be continued to the next meeting. After a second tie, the proposed motion shall be considered to have failed.

E. Meetings

1. General

General meetings of the ZC shall be held as needed to dispense of matters properly before the ZC. Special meetings may be called by the Chair or in writing by a majority of the members of the ZC. Staff shall provide 24-hour written notice to each ZC member before a special meeting is convened.

CHAPTER D STAFF OFFICIALS

Section 1 Building Director

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 Chapter 1 (Administration) of The Florida Building Code with PBC Amendments.

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 PBC 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; and
2. to review and approve, approve with conditions, or deny applications for development permits for certificates of occupancy or completion.

Section 2 Code Enforcement Director

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 PBC 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; and
2. to ensure compliance with conditions of a development order.

Section 3 County Administrator

A. Creation and Appointment

PBC Administrator shall be the head of the PBC staff, and shall be appointed and serve at the pleasure of the BCC.

B. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon PBC Administrator by other provisions of PBC Code and PBC Charter, County Administrator shall have the following jurisdiction and authority under this Code:

1. to administer PBC administrative officials charged with regulatory authority under this Code;
2. to accept maintenance responsibility on behalf of PBC for those streets dedicated to the BCC on a duly approved plat of record and constructed pursuant to a Land Development Permit for subdivision required improvements; and
3. to appoint Hearing officers as set forth in Art. 17.C.8, Hearing Officers.

Section 4 County Attorney

A. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority and duties which may be conferred upon County Attorney by other provisions of PBC Code and PBC Charter, County Attorney and his/her designated staff shall have the following jurisdictions, authority and duties under this Code:

1. to review and approve as to form and legal sufficiency all orders and resolutions issued by all decision making and administrative bodies described in this Article;
2. to review and approve as to form Agreements, PDD Agreements, easements, declarations of covenants, letters of credit, performance bonds or other such documentation in connection with any requirement of this Code; and
3. to advise the BCC, PBC Departments, and the decision making and administrative bodies, in regard to the legal issues which may arise in the implementation of this Code and the Plan.

Section 5 County Engineer

A. Creation and Appointment

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 County Administrator.

B. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority and duties which may be conferred upon County Engineer by other provisions of PBC Code and PBC Charter, County Engineer shall have the following jurisdictions, authority and duties under this Code:

1. to review and render interpretations to Art. 6.C, Driveway and Access, Art. 11, Subdivision, and Art. 12, TPS;
2. to review and approve or deny applications for Technical Compliance for Subdivision;
3. to review applications and approve development orders for Land Development Permits; and
4. to review and acknowledge the completion of Required Improvements for Subdivision.
5. to review and approve or deny applications for development permits for Final Plats of subdivisions, including replats of lands within record plats previously approved for recording by Resolution of the BCC, and approve such plats on behalf of PBC for recordation in the public records. Said approval authority may be delegated only as follows:

- a. to either the Deputy County Engineer or the Assistant County Engineer during a prearranged absence of County Engineer, such as for vacation or seminar attendance, for a period of five or more consecutive days, provided that said delegation shall be in writing and signed by County Engineer; or
 - b. to the Deputy County Engineer in the event that County Engineer is absent or otherwise incapacitated for a period of five or more days due to an emergency or other unforeseen circumstances, provided that said delegation shall be in writing and signed by County Administrator.
- The Clerk of the Circuit Court shall be notified of each incident of delegation made pursuant to the above, and said delegation shall terminate upon County Engineer's return to normal duty; and
- 6. to accept maintenance responsibility on behalf of PBC for those streets dedicated to the BCC on a duly approved plat of record and constructed pursuant to a Land Development Permit for subdivision required improvements.

Section 6 PBC Health Department Director

A. Creation and Appointment

PBC Health Department Director shall be the agency head of the PBC Health Department (PBCHD) and shall be appointed by the Secretary of the Department of Health after consultation with the State Health Officer and the District Administrator, and concurrence by the BCC.

B. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority and duties which may be conferred upon PBC Health Department Director by other provisions of PBC Code, PBC Health Department Director shall have the following jurisdictions, authority and duties under this Code:

- 1. to review, consider, enforce and render interpretations to Art. 15, Health Regulations; and
- 2. to review and approve, approve with conditions, or deny all applications for development permits pursuant to Art. 15, Health Regulations.

Section 7 Development Review Officer

A. Establishment

There is hereby established a Development Review Officer (DRO).

B. Powers and Duties

The DRO 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 official zoning map amendments;
- 2. to hear, consider, and determine the sufficiency of applications for and recommendations to the /BCC to approve, approve with conditions, or deny applications for development permits for conditional and requested uses;
- 3. to hear, review, consider and approve, approve with conditions, or deny applications for development orders 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 hear, review, consider and approve, approve with conditions, or deny applications for TDR's for subdivisions requesting a two unit per acre or less density increase pursuant to Art. 5.G.2, Transfer of Development Rights;
- 6. to request other PBC officials and other agencies to provide factual information on applications for development permits as is deemed appropriate; and
- 7. to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the DRO.

C. Comments and Recommendations

- 1. The DRO may seek comments and recommendations from the following PBC departments and divisions, as well as other local government agencies as deemed appropriate by the DRO:
 - a. Zoning Division.
 - b. Planning Division.
 - c. Engineering Department.
 - d. PBC HD.
 - e. ERM.

- f. Parks and Recreation Department.
 - g. Building Division.
 - h. Department of Airports.
 - i. Water Utilities Department.
 - j. Fire-Rescue Department.
 - k. PREM.
 - l. Housing and Community Development (HCD).
 - m. PBC School Board.
 - n. Lake Worth Drainage District.
2. Recommendations and comments shall be forwarded to the DRO no less frequently than two times a month to dispose of matters properly and may be called for by the DRO.
- D. Procedures**
- 1. DRO**
The Executive Director of PZB shall designate a DRO.
 - 2. Secretary**
The DRO shall designate a Secretary. The Secretary shall maintain all records of the DRO. The records 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 DRO.
 - 4. Certification**
All actions shall require approval by the DRO. The DRO shall only withhold approval when a proposed project fails to meet a Code standard based upon a recommendation from an affected agency.
 - 5. Record of DRO**
Upon request, the DRO may provide, at cost, copies of recommendations upon which a decision is based.
 - 6. Appeal**
Appeal of any decision of the DRO shall be made to the DRAB within ten working days after the notice indicating the decision is rendered.

Section 8 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 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 PBC Code and PBC 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.14, Environmental Standards;
- 2. to review and approve, approve with conditions or deny applications for development or permits for sea turtle protection and sand preservation, wetlands protection, wellfield protection, upland vegetation preservation and protection, excavation, water and irrigation conservation, stormwater pollution prevention, and other ordinances as may be assigned by the BCC;
- 3. to initiate enforcement action pursuant to Art.14, Environmental Standards, 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 Art.14, Environmental Standards, and to resolve the alleged violations by execution of a written consent (settlement) agreement between PBC 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 PBC 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 PBC

to their former conditions; and costs of PBC for investigation, enforcement, testing, monitoring, and litigation executed written consent agreements are hereby deemed to be lawful orders or contracts of PBC; and

5. to refer unresolved violations to the appropriate enforcement board or to make recommendations to the BCC for initiation of suits in the appropriate courts of competent jurisdiction.

Section 9 Director of Land Development

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 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 PBC Code, the Director of the Land Development Division shall have the jurisdiction, authority and duty under this Code to administer PBC staff review of Art. 11, Subdivision.

Section 10 Director of Parks and Recreation

A. Creation and Appointment

The Director of the Parks and Recreation Department shall be the agency head of the PBC Parks and Recreation Department and shall be appointed and serve at the pleasure of PBC 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 PBC Code and PBC 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; and
2. to administer the Parks and Recreation Department, including the Parks Division and the Recreation Division.

Section 11 Executive Director of Planning, Zoning and Building

A. Creation and Appointment

The Executive Director of PZB shall be the agency head of the PZB, and shall be appointed and serve at the pleasure of County Administrator.

B. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the Executive Director of PZB by other provisions of PBC Code and PBC 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 Art. 6.C, Driveways and Access, Art. 11, Subdivision, Art.12, Traffic Performance Standards, Art. 13, Impact Fees, Art. 14, Environmental Standards, Art. 15, Health Regulations, Art. 16, Airport Regulations.
2. to administer PBC's TDR Program including accepting applications, and reviewing and preparing staff reports recommending approval, approval with conditions, or denial of applications for receiving area designation.
3. to administer the PZB Department, including the Planning Division, the Zoning Division, the Building Division, and the Code Enforcement Division; and
4. to waive or modify development review fees upon demonstration that the applicant is indigent pursuant to PBCHD standards, or the applicant can demonstrate review fees are in excess of actual staff costs.

Section 12 Impact Fee Coordinator

A. Creation and Appointment

The Impact Fee Coordinator shall be responsible for the administration of PBC'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 PBC Code, the Impact Fee Coordinator shall have the following jurisdictions, authority and duties under this Code:

1. to review and render interpretations to Art. 13, Impact Fees;
2. to administrate Art. 13, Impact Fees;
3. to review and approve or deny applications for independent calculation studies pursuant to Art. 13, Impact Fees;
4. to review and approve or deny applications for credit pursuant to Art. 13, Impact Fees, with the input, assistance, and approval of PBC department or agency receiving the impact fees for which the credit is sought;
5. to provide assistance to the IFRC;
6. to present appeals to the IFAB;
7. to coordinate PBC, municipalities, and agencies receiving impact fee funds; and
8. to provide technical assistance and advice to the municipalities in their administration of Art. 13, Impact Fees.

Section 13 Planning Director

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 PBC 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 PBC under F.S.§ 63.3161 et seq., as amended;
2. to review the Plan every seven years;
3. to recommend annually any necessary amendments to the Plan;
4. to accept, review and prepare staff reports recommending approval, approval with conditions, or denial of applications for Site Specific (FLUA) amendments to the Plan; and
5. to administer the process of Development of Regional Impact (DRI) review for projects within municipalities in PBC.

Section 14 Zoning Director

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 by other provisions of PBC Code, the Zoning Director shall have the following jurisdictions, authority and duties under this Code:

1. to coordinate all pre-application conferences;
2. to accept, review, approve, and update all applicable application requirements;
3. to set the Zoning calendar, as required by Art. 2.A, General;
4. to accept applications for, review and prepare staff reports recommending approval, approval with conditions, or denial of applications for re-zonings, Class A and Class B conditional uses, requested uses, waivers, site plans, subdivisions, special permits, DRIs and variances;
5. to review and approve, approve with conditions, or deny applications for development permits for special use permits and administrative variances and time extensions;
6. to recommend annually any necessary amendments to this Code;
7. to administer the process of DRI review in unincorporated PBC;

8. to submit administrative inquiries to the BCC. These inquiries are not public hearings and are not subject to the advertising and notice requirements of Art. 2, Development Review Procedures. An administrative inquiry may be made by a public agency through the Zoning Director. The purpose of the inquiry shall be to ask for procedural direction from the board, or resolve an inconsistency in the Code or in a development approval, or provide an interpretation where it is clear there is a question of meaning in a Code provision or a condition of development approval. The decision of the Board shall be binding. Appeals of administrative decisions and Code interpretations filed by an applicant or citizen shall be heard by the BA, pursuant to Art. 17, Decision-Making Bodies;
9. to review and approve or deny applications for Adequate Public Facilities (Concurrency); and
10. to revoke or suspend, if necessary, any development order or permit, including a special permit, which was issued in violation of this Code.

ARTICLE 18

DEFINITIONS

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ARTICLE 18

DEFINITIONS

CHAPTER A ZONING DEFINITIONS AND ACRONYMS

Section 1 General

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

Section 2 Definitions

- A. Terms defined herein or referenced Article shall have the following meanings:
 - 1985 Manual** - Art. 12
 - 2000 Manual** - Art. 12
 - A-Weighted Sound Pressure Level** - Art. 5
 - Abandon** - given up, unused, vacant, or not occupied for the purpose it was originally intended.
 - Abandoned Tower** - Art. 4.C
 - Abutting Property** - lying immediately adjacent to and sharing a common property line with other property.
 - Access, Legal** - the principal means of access from a lot to a public street or to a private street over which a perpetual ingress and egress easement or R-O-W has been granted to the owners of any lot serviced by such street.
 - Access Way** - a non-dedicated area that is permitted for ingress or egress of vehicles or pedestrians. An access way is permitted to traverse a required landscape buffer.
 - Accessory Agricultural Uses** - Art. 4.B.3.h
 - Accessory Building or Structure** - a detached, subordinate structure meeting all property development regulations (PDRs), the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.
 - Accessory Dwelling** - Art. 4.B
 - Accessory Use** - see use, accessory.
 - Acre** - land or water consisting of 43,560 square feet.
 - Acreage, Gross** - the total land area, including all public and private areas, within the legal boundaries of a particular parcel of land or project.
 - Act** - the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. §163.3161, et seq.
 - Adaptive Use** - Art. 9
 - Adequate Protection by Treatment** - Art. 15.B
 - Adequate Public Facilities Determination (APF)** - Art. 2
 - Administrative Inquiry** - a request for a Board of County Commissioners (BCC) direction on procedural or interpretative matters.
 - Adopted Level of Service (LOS)** - Art. 12
 - Adult Entertainment Definitions:**

Adult Arcade - Art. 4.B
Adult Bookstore/Adult Video Store - Art. 4.B
Adult Booth - Art. 4.B
Adult Dancing Establishment - Art. 4.B
Adult Entertainment - Art. 4.B
Adult Entertainment Establishment - Art. 4.B
Adult Material - Art. 4.B
Adult Motel - Art. 4.B
Adult Theater - Art. 4.B
Commercial Gain - Art. 4.B
Educational Institution - Art. 4.B
Person - Art. 4.B
Religious Activities - Art. 4.B
Religious Institution - Art. 4.B
Specified Anatomical Areas - Art. 4.B
Specified Sexual Activities - Art. 4.B
Advertising Structure - Art. 8
Aerobic Treatment Unit - Art. 15.A
Affidavit of Exemption - Art. 2
Affidavit of Waiver - Art. 11
Affordable Housing - a dwelling unit for which a household spends no more than thirty percent of its gross income for housing costs. Rental housing costs include contract rent and utilities. Owner occupied housing costs include mortgage principal and interest, property taxes, insurance, and, where applicable, homeowner's association fees. The current median income for PBC and income categories established within the Plan are available at the Planning Division.
AGR-PUD Gross Site Area - Art. 3.F
AGR-PUD Preservation Area - Art. 3.F
AGR-PUD 60/40 Development Area - Art. 3.F
AGR-PUD 80/20 Development Area - Art. 3.F
Agreement - Art. 2; Art. 12
Aggrieved or Adversely Affected Person - any person or local government which will suffer an adverse effect to an interest protected or furthered by the Plan, including interests related to health and safety, police and fire protection systems, densities or intensities of development, transportation facilities, health care facilities, or environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but shall exceed in degree the general interest in common good shared by all persons.
Agricultural Excavation - Art. 4.D.3.A
Agriculture, Light Manufacturing - Art. 4.B
Agriculture, Bona Fide - Art. 4.B; Art. 14.C
Agriculture, Food Processing - Art. 4.B.3
Agriculture, Packing Plant - Art. 4.B
Agriculture, Research and Development - Art. 4.B
Agriculture, Sales and Service - Art. 4.B
Agriculture, Storage - Art. 4.B
Agriculture, Transshipment - Art. 4.B
Air Curtain Incinerator - Art. 4.B
Air Rights - the right to use space above ground level.
Air Space (for the purposes of Art. 15.A) - the distance from the liquid level up to the inside top of a treatment receptacle.
Air Stripper - Art. 4.B
Aircraft - Art. 16
Airport - Art. 16
Airport Elevation - Art. 16
Airport Hazard - Art. 16
Airport Hazard Area - Art. 16
Airport Obstruction - Art. 16
Airspace Height - Art. 16

Airport, Landing Strip or Helipad - Art. 4.B

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

Alter Structurally - Art. 8

Alteration - Art. 9; Art. 14.C

Alteration or Materially Alter - Art. 14.A

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

Alternative Landscape Plan (ALP) - Art. 7.B.3

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

Antenna - Art. 4.C

Antenna Height - Art. 4.C

Antenna Support Structure - Art. 4.C

Antiquated Subdivision - as defined in the Plan.

Applicant - 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.

Applicant - Art. 12

Approach Zone - Art. 16

Appurtenance - Art. 9

Aquifer - Art. 14.B

Arcaded Sidewalk - Art. 3.F

Archaeological Evaluation Report - Art. 9

Archaeological Resources - Art. 9.

Archaeological Site - Art. 9.

Archaeologist, Qualified - Art. 9

Architect - a person licensed to engage in the practice of architecture under F.S. Chapter 481, Part I, and includes the term "registered architect."

Architectural Composition - Art. 5

Architectural Features - Art. 9

Area - Art. 8

Arena, Auditorium or Stadium - Art. 4.B

Arterial Street: see Street, Arterial.

Articulated Parapet - Art. 5

Artifacts - Art. 9

Artificial Light Source(s) - Art. 14.A

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

Asphalt or Concrete Plant - Art. 4.B

Assembly, Nonprofit Institutional - Art. 4.B

Assembly, Nonprofit Membership - Art. 4.B

Association, Master Property Owners' - a property owners' association (POA) of which membership is mandatory with the ownership of property subject to the master POA and which has the authority to represent the members and bind the members by such representation.

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

Assured Construction - Art. 12

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

Auction - Art. 4.B

Auto Paint and Body Shop - Art. 4.B

Auto Service Station - Art. 4.B

Average Daily Traffic - Art. 12

Aviculture - Art. 4.B

Avigation Easement - Art. 16

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

Background Traffic - Art. 12

Balloon - Art. 8

Banner - see Flag.

Banquet/Reception Hall Facility - a facility rented or used for temporary gathering of people for food, entertainment, and celebration of an event. Typical uses include: weddings, graduations, anniversaries, and corporate affairs.

Base Building Line - a line horizontally offset from and running parallel to the centerline of a street from which property development regulations, including landscaping, parking and setbacks for front yard, corner side yard, are measured as set forth in this Code.

Base Flood - the flood having a one percent chance of being equaled or exceeded in any given year.

Beach - Art. 5; Art. 14.A

Beach Access Point - Art. 5

Beach Compatible Sand - Art. 14.A

Beach Fill - Art. 5

Beachfront Lighting - Art. 14.A

Bed and Breakfast - Art. 4

Benefit Zones - Art. 13

Berm - Art. 7

Best Management Practices - technologically and economically feasible means of preventing or reducing amounts of pollution generated by point and non-point sources to a level compatible with the water quality and quantity objectives of the PBC.

Billboard - Art. 8

Billboard, Changeable Copy Sign Face - Art. 8

Billboard Company - Art. 8

Billboard Demolition Permit - Art. 8

Billboard Height - Art. 8

Billboard Inventory - Art. 8

Billboard, Lawfully Erected - Art. 8

Billboard Location - Art. 8

Billboard Registration Permit - Art. 8

Billboard Relocation - Art. 8

Billboard Relocation Permit - Art. 8

Billboard Replacement - Art. 8

Billboard Setback - Art. 8

Billboard Sign Face - Art. 8

Billboard Stipulated Settlement Agreement - Art. 8

Billboard Structure - Art. 8

Billboard Temporary Embellishment - Art. 8

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

Blank Copy - Art. 8

Block - a parcel of land entirely surrounded by streets, railroad R-O-W, parks or other public space or a combination thereof.

Block - Art. 3.F

Board - Art. 14

Boarding House - a dwelling, or part thereof, in which lodging is provided by the owner or operation to three or more boarders.

Boat Trailer - Art. 6

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

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

Bona Fide Agriculture - see Agriculture, Bona Fide.

Bottled Water - Art. 15.B

Bottled Water Plant - Art. 15.B

Boundary Plat - see Plat, boundary.

Branch - Art. 7

Breakaway Walls - 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.

Broadcast Studio - Art. 4.B

Buffer area - Art. 14.D

Buffer, landscape - Art. 7

Build-to Line - Art. 3.F

Buildable Area - the portion of a lot remaining after the setbacks have been provided.

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

Building Coverage - that portion of the area of a lot, expressed as a percentage, occupied by the square footage of the ground floor area of a building or structure.

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

Building Frontage - the linear dimensions of a building which faces upon a public street, projected along the street property line. Where a building faces two or more streets, the frontage containing the principal street address shall be designated as the building frontage.

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

Building Mezzanine - a low-ceilinged story between two main stories of a building. A mezzanine shall be counted as one story if it covers more than one-third of the area of the floor below.

Building Permit - 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 Permit - a development order issued by PZB in the unincorporated area or similar department in a municipality authorizing the construction of a residential structure.

Building Permit - Art. 12

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

Building Square Footage - the gross constructed area of all buildings and structures covered by a solid or screened roof and totally or partially enclosed by walls or other material. Nonresidential outdoor areas covered or uncovered which functionally extend the primary use, such as open seating and open retail are included, except that uses which generally completely occur outdoors, such as vehicle or monument sales, nurseries, gasoline sales, salvage yards, and outdoor storage, are not included. Nonresidential canopies and screened enclosures, which functionally extend the primary use, are included. Decorative canopies or canopies designed to protect from weather are not included. For Art.13, Impact Fees, purposes of residential development, the square footage is the conditioned area of the building as measured to the outside of the exterior wall. If the residential structure or addition has no conditioned area, square footage shall be the living area of the building as measured to the outside of the exterior wall.

Building Story - The Florida Building Code says for purposes of determining construction type (material requirements, etc.), that a basement is not counted as a story when the upper surface of the first floor above it complies with all of the following:

1. is less than seven feet above grade
2. is less than seven feet above finish ground level for more than 50 percent of the perimeter of a building, and
3. is less than 12 feet above finish ground level around the entire building perimeter.

Building, Modular - constructed in accordance with PBC Building Code, composed of components substantially manufactured and assembled off-site and shipped for final assembly on the building site on a permanent foundation.

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

Building Supplies, Retail - Art. 4.B

Building Supplies, Wholesale - Art. 4.B

Buildout Period - Art. 12

Bulkheads - Art. 11

Butcher Shop, Wholesale - Art. 4.B

Camouflage Tower - Art. 4.C

Campground - Art. 4.B

Canopy - a permanently roofed shelter whether fabric or hand construct, projecting over a sidewalk, driveway, entry, window, or similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground, free of enclosed walls.

Canopy Tree - see Tree, canopy or shade.

Capacity - Art. 13

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

Capital Facilities - Art. 13

Capital Facility Costs - Art. 13

Capital Fire-Rescue Facilities - Art. 13

Capital Improvement Element - Art. 2; Art. 13

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

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

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

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

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

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

Car Wash - Art. 4.B

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

Catchment - Art. 11

Catering Service - Art. 4.B

Cemetery - Art. 4.B

Certificate of Appropriateness - Art. 9

Certificate of Completion - see Chapter 1 of the Florida Building Code with PBC Amendments.

Certificate of Occupancy (CO) - see Chapter 1 of the Florida Building Code with PBC Amendments.

Certificate to Dig - Art. 9

Certification - all applicable code regulations and standards have been addressed.

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

Change of Message - Art. 8

Chipping and Mulching - Art. 4.B
Church or Place of Worship - Art. 4.B
Circumference - Art. 14.C
Climb Gradient - Art. 16
Closure Permit - Art. 14.B
Clustered Lots - residential parking lots grouped on a common street or parking tract where access is either a dead-end street, loop, or otherwise designed so as to preclude its extension for access to additional lots.
Coastal Construction - means the carrying out of any activity within jurisdictional boundaries specified in Art. 14, Coastal Protection, to modify or improve site conditions including, but not limited to, building, clearing, filling, excavation, grading, removal or planting of vegetation, or the making of any material change in the size or use of any structure or the appearance of site conditions, or the placement of equipment or material upon such sites.
Coastal High Hazard Area - 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 Protection Zone - an area of jurisdiction established by this section. This zone extends from the mean high water line of the Atlantic Ocean to a line 25 feet landward of the crest of the dune or the State of Florida Coastal Construction Control Line, whichever is more landward.
Code - Code of Laws and Ordinances of PBC, including the Unified Land Development Code (ULDC).
Code Inspector - any authorized agent or employee of PBC whose duty is to assure Code compliance.
College or University - Art. 4.B
Collocation - Art. 4.C
Colonnade - a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns. Awnings are not considered colonnades.
Combined Transmission/Communication Structure - Art. 4.C
Commercial Agricultural Development - agriculture conducted for commercial purposes within the Agricultural Production Plan Category North of the L-8 Canal and East of the North Tieback Canal, the Agricultural Reserve (AGR) Plan Category, and those activities classified as special agriculture.
Commercial Sewage Waste - Art. 15.A
Commercial Vehicle - Art. 6
Communication Tower, Commercial - Art. 4.C
Communication Tower, Monopole - see Monopole tower.
Community Vegetable Garden - Art. 4.B
Community Water System - Art. 15.B
Community Well - Art. 15.A
Compatible/Compatibility - Art. 5
Compatibility - 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.
Compatible Sites - residential uses or pods adjacent to residential uses or pods; or adjacent to residential uses or pods with a density difference less than or equal to two units per acre.
Complaining Land - Art. 5
Complement/Complementary - Art. 5
Complete Application - Art. 12
Completed Application - Art. 14.B
Completely Enclosed - a building separated on all sides from adjacent open area, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods, or vehicles.
Composting Facility - Art. 4.B
Comprehensive Plan - see Plan.
Conceptual Master - Art. 8
Concurrency, Affidavit of Waiver - Art. 2
Concurrency Certificate - Art. 12
Concurrency, 80 Percent Built Out - Art. 2
Concurrency Exemption Certificate - Art. 2

Concurrency Exemption Determination - Art. 2; Art. 12

Concurrency Exemption (Exemption) - Art. 2

Concurrency Exemption Extension - Art. 2

Concurrency, Equivalency Determination - Art. 2

Concurrency, Level of Service (LOS) - Art. 2

Concurrency, Public Facilities - Art. 2

Concurrency, Public Facilities Agreement - Art. 2

Concurrency Reservation - Art. 2

Concurrency Requirements of the Plan - Art. 2

Concurrency Service Area (CSA) - Art. 2

Concurrency, Service Provider - Art. 2

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

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

Cone of Depression - Art. 14.B

Confluent Growth - Art. 15.B

Conforming - complies with the current regulations.

Congregate Living Facility - Art. 4.B

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

Conical Zone - Art. 16

Consecutive Water System - Art. 15.B

Consistency - determined to satisfy the specific requirement(s) of this Code or F.S. § 163.3194.

Constrained Facility - Art. 12

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

Construction Equipment - a mechanical implement principally used in construction activity. Such equipment shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.

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

Construction Work - Art. 5

Contaminant - Art. 15.B

Contiguous - lands separated only by streets, easements, pipelines, power lines, conduits, R-O-W under ownership of the land owner of one of the subject parcels, a POA or a governmental agency, or a public utility. For density purposes only, contiguous lots that share a common border. Lots that touch point-to-point, or lots which are separated by waterways, streets or major easements are not considered contiguous for density calculations.

Contractor Storage Yard - Art. 4.B

Contributing Resource - Art. 9

Control Device - the element of a discharge structure which allows release of water under controlled conditions.

Control Elevation - Art. 11

Convenience Store - Art. 4.B

Convenience Store with Gas Sales - Art. 4.B

Corner Clip - an area at each side of a street intersection, or driveway connection to a street, which is subject to restrictions on the construction, installation, placement, or maintenance of visual obstructions. The location and dimensions of said area, whether located within or adjacent to the legally established street boundaries, shall be as shown in Figure 3.D.1.D-2, Corner Clip.

Corner Store - Art. 3.F

County - Palm Beach County, Florida. Also referred to as PBC in this Code.

County Archaeologist - Art. 9

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

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

Covered Walkway - a pedestrian walkway that is covered by a roofed structure that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

CRALLS - Art. 12

Credit - Art. 13

Crest of Dune - Art. 14.A

Crime Prevention Through Environmental Design (CPTED) - design philosophy which promotes proper design and effective use of the built environment with the goal of reducing the fear and incidence of crime, and improving quality of life.

Critical Volumes - Art. 12

Cross-connection - Art. 15.B

Crown - Art. 7

Cul-de-sac - See Street, Cul-de-sac.

Cultural Resources - Art. 9

D Factor - Art. 12

Damage - Loss in structural integrity or value due to an act of nature or calamity

Data and Information Processing - Art. 4.B

Day - Art. 14.A ; Art. 14.B

Day Camp - Art. 4.B

Day Care - Art. 4.B

Day Labor - Art. 4.B

Day-Night Average Sound Level (Ldn) - Art. 16

dBA - Art. 5

Decibel - Art. 5

Decision Height - Art. 16

Demolition - Art. 9

Density - the ratio of the number of dwelling units per acre of land

Density Bonus - an increase in the residential density above the maximum or PDD density permitted by the Plan for the applicable residential future land use category

Density, Entitlement - granted by PBC which permits use of land until concurrency provisions can be satisfied as shown in Figure 2 of the FLUE of the Plan, as amended

Density, Maximum Level - allowed by the Plan, as amended, with a Planned Development, as shown in the FLUE

Density, Minimum Level - must be attained when land is developed pursuant to the 1989 Plan, as amended in the FLUE

Density, Standard - allowed by the Plan, as amended, without a Planned Development as shown in Table 2.1-1 in the FLUE

Department - PBC Department of Environmental Resources Management or the PBC PZB Departments, or an entity of any municipality in PBC which has been assigned the responsibility of administering and enforcing this Code

Department - Art. 15.A; Art. 15.B

Design Professional - Art. 5

Designated Exterior - Art. 9

Designated Public Utility - Art. 14.B

Designation - Art. 9

Detention - the collection and temporary storage of stormwater runoff for the purpose of treatment and/or discharge rate control with subsequent gradual release directly to surface waters. See also dry detention/retention

Determination - Art. 16

Developed Area - that portion of a site upon which any building structure, pavement, landscape material, stormwater facility, excavated lake, or other improvement has been or will be placed or on which a development activity occurs or has occurred

Developer - any person, including a governmental agency, undertaking any development

Developer's Engineer - Art. 11

Development (for the purposes of Art. 4.D) - the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of land, or the dividing of land into two or more parcels

Development - Art. 9; Art. 12; Art. 13

Development Agreement - a development agreement, public facilities agreement, or other binding agreement entered into between the applicant and PBC or other service provided for the purpose of assuring compliance with the adopted LOS standards. The form of the agreement may include, but not be limited to a development agreement pursuant to F.S. § 163.3220

Development Order - any order granting or granting with conditions an application for a development permit

Development Order - Art. 9; Art. 12; Art. 13

Development Order, Final - a development order for site plan/final subdivision plan, or a building permit

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

Development Order, Preliminary - a development order for an amendment to the official zoning map, a planned development, a conditional use, a special use, a variance, a coastal protection permit, a flood prevention permit, an environmentally sensitive lands permit, a wetlands permit, a wellfield protection permit, or a sea turtle protection permit.

Development Permit - any amendment to the text of this Code or Official Zoning Map (rezone), conditional use, special use, planned development, site plan/final subdivision plan, subdivision, building permit, variance, special exception, certificate of conformity or any other official action of PBC having the effect of permitting the development of land or the specific use of land.

Development Plan, Preliminary - a generalized depiction of use categories presented to the appropriate review body for planned development districts, previously approved planned developments (master plans and site plans), and Class A conditional use and Class B conditional use approvals.

Development of Regional Impact - as defined in F.S. § 380.06.

Dewatered Domestic Wastewater Residuals - the solid, semisolid or liquid residue removed during the treatment of wastewater which is more than 12 percent or greater dry solids by weight. Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant.

Diameter at Breast Height (DBH) - Art. 7; Art. 14.C

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

Dispatching Office - Art. 4.B

Disposition, Off-site (for the purposes of Art. 4.D) - the off-premises transportation of excavated material.

Disposition, On-site (for the purposes of Art. 4.D) - the on-premise use of extractive or excavated material.

District - any certain described zoning district of PBC to which these regulations apply and within which the zoning regulations are uniform.

Disturbed Excavated Area (for the purposes of Art. 4.D) - the total area altered by excavation activities.

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

Dog Daycare - Art. 4.B

Domestic Sewage Waste - Art. 15.A

Domestic Sludge - Art. 14.B

Domestic Wastewater - Art. 14.B

Downtown Revitalization - Art. 12

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

Drainage Easement - see easement, stormwater management.

Drainfield - Art. 15.A

Dripline - Art. 7

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

Driveway, Shared - a driveway that serves more than one dwelling unit.

Drought-tolerant Tree - see Tree, drought-tolerant.

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

Dune - Art. 14.A

Dune Crest - Art. 14.A

Dune Profile - Art. 14.A

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

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

Easement Holder or Beneficiary - the grantee or persons directly benefiting from the existence of the easement.

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

Easement, Limited Access - established adjacent to a street for the purpose of prohibiting vehicular access to the street from abutting property except at those locations specifically authorized by the BCC.

Easement, Public - granted to a governmental entity, public agency, a utility, or the public.

Easement, Quasi-public - granted to a POA in which PBC or the public have some beneficial interest.

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

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

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

Elderly Person - as defined in the Plan.

Electrical Transmission Line - Art. 4.C

Elevated Building – see Building, Elevated.

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

Emergency Hazardous Situation - Art. 14.B.

Emergency Work - work made necessary to restore land to a safe condition following an emergency, or work required to protect persons or land from imminent exposure to danger.

Eminent Domain Proceeding - Art. 1

Encroachment, Vehicular - Art. 7

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

Engineer - a person registered to engage in the practice of engineering under F.S. § 471.001-471.037, and includes the terms “professional engineer” and “registered engineer.”

Endangered, Threatened, Rare, and Species of Special Concern - 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.

Enlargement or to Enlarge - 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 - Art. 4.B

Entertainment, Outdoor - Art. 4.B

Environmental Appeal Board (EAB) - Art. 15.A

Environmental Control Board (ECB) - Art. 15.A

Environmental Control Hearing Board (ECHB) - Art. 15.A

Environmental Control Officer (ECO) - Art. 15.A

Environmentally Sensitive Lands - ecological sites (ecosites), other than wetlands, that are designated in the *Inventories 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. *Inventories of Native Ecosystems in Palm Beach County* is a report and annotated aeriels produced during the study with this title, which was conducted by consultants under contract to PBC.

Equestrian Arena, Commercial - Art. 4.B

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

ERM - Art. 14.A; Art. 14.B

Establishment - a single structure or a group of structures other than a single family residence on one or more parcels of land with common access, parking, drainage facilities and/or water supply. It may also include the premise on which the business is located, including the interior of the business, or portion thereof, upon which activities or operations are being conducted for commercial gain.

Establishment - Art. 15.A

Estate Kitchen - Art. 4.B

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

Excavation - Displacement of soil or sand by the processes not limited to digging, dredging, scooping, or hollowing out.

Exfiltration System - Art. 14.B

Existing Residential Use - any residential structure on a parcel of land or property possessing either residential designation by the FLU atlas of the Plan or a residential zoning designation consistent with the underlying FLU designation.

Exotic Plant Species - a plant species not indigenous to State of Florida including those plants listed as prohibited and invasive non-native plant species. A list of exotic plant species shall be maintained by ERM.

Expansion - The increase in the floor area of a structure, including covered attached decks and porches, outdoor seating, coolers, and interior mezzanines or the increase in the height of a structure.

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

External Trips - Art. 12

Exterior - Art. 9

Face, sign - Art. 8

Facility - Art. 14.B

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

Farm Residence - Art. 4.B

Farm Workers Quarters - Art. 4.B

Farmers Market - Art. 4.B

Farrier - Art. 4.B

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

F.A.R. (Part77) - Art. 16

Feepayer - Art. 13

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

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

Film Production Studio - Art. 4.B

Final Plan - the most recent site or subdivision plan approved by the DRO.

Financial Institution - Art. 4.B

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

Fitness Center - Art. 4.B

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

Flag - a fabric or plastic sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one end.

Flag, Official - a flag which represents a political/public region or jurisdiction and is not used for advertising purposes.

Flag Poles - a pole used to display a fabric or plastic sheet of square, rectangular or triangular shape.

Flea Market, Enclosed - Art. 4.B

Flea Market, Open - Art. 4.B

Flooding - Art. 15.A

Flooding, Area of Shallow - a designated AO or VO Zone on the FIRM; the base flood depth ranges from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminable; and velocity flow may be evident.

Flooding, Area of Special Flood Hazard - the land in the flood plain subject to a one percent or greater chance of flooding in any given year.

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

Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source. Terms associated with flooding include: Frequent, flooding which occurs more than once every two years on the average; and ten year flood elevation, which has a ten in 100 probability of being equaled or exceeded in any calendar year.

Flood Hazard Boundary Map (FHBM) - the official map of PBC, produced by the FEMA or by PBC, where the boundaries of the areas of special flood hazard have been designated as Zone A.

Flood Insurance Study - the official report provided by the FEMA that contains flood profiles, as well as the FHBM and the water surface elevation of the base flood.

Floodplain - 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.

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

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

Floor Area, Gross (GFA) - horizontal square footage of all floors of a building measured from the exterior face of exterior walls or other type of enclosure, or from the centerline of a wall separating two buildings.

Floor Area, Gross Leasable - the GFA minus the floor area of: elevator shafts and stairways; public restrooms; public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior, and/or aesthetic enhancement or natural lighting purposes; and permanently designated corridors.

Floor Area, Total Leasable - see Floor Area, Gross Leasable.

Floor Area Ratio (FAR) - the ratio of the GFA of all structures on a lot to the lot area, excluding vertical core circulation areas for multistory structures.

Floor, Ground - a level of building, the floor of which is located not more than two feet below nor more than six feet above finished grade.

Florida Inventory of School Houses (FISH) - Art. 2

Florida's Turnpike - a.k.a Ronald Reagan Turnpike

Focal Point - non-commercial design element, either landscape, water feature or accessory structure, intended to create a visual point of interest.

Food Service - at least one full meal being provided to each resident, every day, in a central dining area.

Foot Candle - Art. 5

Fossil - Art. 9

Frontage - see Lot frontage.

Front Façade - Art. 3.F

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

Funeral Home - Art. 4.B

Future Land Use - as defined in the Plan, FLU Map.

Garage, Private - see Carport/Private garage.

Garage Sale - Art. 4.B

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

Gas and Fuel, Wholesale - Art. 4.B

Gathering - the bringing together of a group of people for social, civic, or other casual, public assembly.

Gazebo - accessory building consisting of detached, freestanding open on all sides of the structure with a solid roof.

Generic Substance List - Art. 14.B

Glare - Art. 5

Golf Course - Art. 4.B

Government Services - Art. 4.B

Grade, Finished - see Chapter 2, Section 202 of the Florida Building Code for definition of Grade and all applicable PBC Amendments.

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

Grass Parking - Art. 6

Grease Trap - Art. 15.A

Green Market - Art. 4.B

Greenhouse - an accessory structure consisting of a glass or hard plastic enclosure used to protect plants from insects, heat, cold and exposure to the sun.

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

Groom's Quarters - Art. 4.B

Gross Acreage – see Gross Land Area.

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

Gross Leasable Area (GLA) – see Floor Area, Gross Leasable.

Gross Trips - Art. 12

Ground Cover - Art. 7

Ground Floor - a level of building, the floor of which is located not more than two feet below nor more than six feet above finished grade.

Ground-Level Barrier - Art. 14.A

Ground Water - 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.

Groundwater - Art. 14.B; Art. 15.B

Groundwater and Natural Resources Protection Board (GNRPB) - Art. 14.B.

Groves/Row Crops - the cultivation of fruits and vegetables for bona-fide agricultural purposes.

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

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

Guest Cottage - Art. 4.B

Gun Club - Art. 4.B

Gun Range, Private - Art. 4.B

Guyed Tower - Art. 4.C

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

Handicap Space - Art. 6

Handicapped Person - has the meaning given in F.S. §760.22(7).

Hatchling - Art. 14.A

Hatracking - see Pruning, hatracking.

Hazard - Art. 16

Health Hazard - any condition, device, or practice in a water supply system or its operation, which creates or may create an imminent or substantial danger to the health and well-being of the water consumer.

Health Threat - Art. 15.B

Heavy Industry - Art. 4.B

Hedge - Art. 7

Height, sign - Art. 8

Heliport or Vertiport – Art. 4.B.10; Art. 16

Highest Adjacent Grade - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic District - Art. 9

Historic Resources - Art. 9

Historical Traffic Growth Table - Art. 12

Home Instruction, Inside - Art. 4.B

Home Instruction, Outside - Art. 4.B

Home Occupation - Art. 4.B

Horizontal Zone - Art. 16

Hospital or Medical Center - Art. 4.B

Hotel, Motel - Art. 4.B

Illumination - Art. 14.A

Impact Fee Coordinator - the person responsible for the administration of PBC's Impact Fee program.

Improvement - Art. 9

Improved Parcel - Art. 14.C; Art. 14.D

Incinerator - a permanent facility operated alone or in conjunction with a resource recovery facility or landfill for the purpose of burning biohazardous waste, solid waste or trash to ash as regulated by the ERM under Ord. 92-22 and Ord. 92-23, as amended.

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

Incompatible Sites

1. Residential uses or pods adjacent to non-residential uses or pod.
2. Residential uses or pods adjacent to residential uses or pods with a density difference greater than three units per acre.

Inconsistent Use - any and all construction not related to the purpose of the easement, and any and all landscaping other than turf grass (seed/sod).

Incorporated Area - Art. 12

Incorporated Vegetation Plan - Art. 14.C

Independent Calculation/Independent Analysis - Art. 13

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

Industrial, Hazardous or Toxic Waste - Art. 15.A

Infill Project - a development project located on a parcel located in a predominantly developed area and adjacent to existing residential, commercial, or civic land uses on at least two sides.

Ingress - entry to lot or structure.

In-kind Contribution - Art. 13

Inhabited Residential - Art. 5

Instrument Approach Procedure - Art. 16

Instrument Landing System (ILS) - Art. 16

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

Intensity Entitlement - Art. 2

Interior Area - Art. 7

Internal Trips - Art. 12

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

Invasive Non-Native Plant Species - any plant not indigenous to the State of Florida, which exhibits, or has the potential to exhibit, uncontrolled growth and invasion or alteration of the natural qualities of any native habitat. A list of invasive, non-native plant species shall be maintained by the ERM.

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

Jersey Barrier - Art. 4.C

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

K Factor - Art. 12

Kennel, Commercial - Art. 4.B

Kennel, Private - Art. 4.B

Kiosk - Art. 4.B

Kitchen - that portion of a structure used or designed to be used for the preparation of food, and including or designed to include a stove with a 220 volt line, refrigerator, sink and cupboards.

Laboratory - Art. 14.B

Laboratory, Industrial Research - Art. 4.B

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

Lake, Excavated-existing - body of water constructed, under construction or to be constructed under permit of a jurisdictional agency prior to June 16, 1992.

Lake, Finger - that portion of a dead-end water body, which is less than 50 feet in width, and longer than one and one-half times its width, as measured from the point at which the dead-end water body is less than 50 feet wide.

Lake Maintenance Easement - see Easement, Lake Maintenance.

Lake, Mined - a lake created by the extraction of minerals from the earth for commercial purposes.

Land - 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, of other methods.

Land Application - Art. 14.B

Landscape - Art. 7

Landscape Architect - Art. 7

Landscape Barrier - Art. 7

Landscape Buffer - Art. 7

Landscape Service - Art. 4.B

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

Land Development Permit - Art. 11

Land Development Regulations - ordinances enacted by PBC for the regulation of any aspect of development and includes any zoning, rezoning, subdivision, health, environmental, or sign regulations controlling the development of land.

Landscape Feature - Art. 9

Landscape Hierarchy - Art. 7

Landscape Plan - Art. 7

Laundry Service - Art. 4.B

Legal Access - see Access, Legal.

Legal Positive Outfall - The permanently established connection of a stormwater discharge conveyance facility serving a development site to a watercourse or water body under the control and jurisdiction of one or more public agencies, said connection being subject to all applicable agency permitting and approval requirements.

Level of Service (LOS) - Art. 2; Art. 12

Level of Service (LOS) D - Art. 12

Level of Service (LOS) E - Art. 12

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

Level of Service (LOS) for Urban Service Area - the LOS established for those areas identified as the Urban Service Area in the FLUA of the Plan.

Library Services - those services provided by the PBC Library Taxing District.

Light Cutoff - Art. 5

Limb - see Branch.

Limitation Ratings - Art. 15.A

Limited Use Water Systems - Art. 15.B

Limited Use Well - Art. 15.A

Line of Sight of Beach - Art. 14.A

Link - Art. 12

Listed Species - Art. 14.C

Litter - any garbage, rubbish, trash, refuse, can, bottle, box, container, paper, tobacco product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste

treatment facility, or air pollution control facility, or substance in any form resulting from domestic, industrial, commercial, mining, or government operations.

Littoral Zone - That region of the shoreline beginning at the OHW and extending waterward to a maximum depth of minus three feet OHW.

Loading Space - Art. 6

Local Government - PBC, or a municipality in PBC.

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

Local Government Plan - Art. 12

Local Planning Agency - the local planning agency designated by the BCC to prepare the Comprehensive Plan pursuant to F.S. § Sec. 163.3161.

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

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

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 - Art. 15.A

Lot Area - the total horizontal area included within lot lines.

Lot, Corner- either a lot bounded entirely by streets, or a lot which adjoins the point of intersection of two or more streets.

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

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

Lot, Flag - a lot not meeting the minimum frontage requirement and where access to a public street is established by a narrow private street or easement.

Lot, Interior - any lot neither a corner lot nor a through lot.

Lot Line, Front - the lot line adjacent to a street.

Lot Line, Interior - any lot line not adjacent to a street.

Lot Line, Rear - that lot line which is opposite, generally parallel to, and most distant from the front lot line.

Lot, Double Frontage - any lot having frontage on two nonintersecting streets.

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

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

Lounge, Cocktail - Art. 4.B

Luminary - Art. 5

Machine or Welding Shop - Art. 4.B

Machinery, Heavy - see Industrial equipment/heavy machinery.

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

Major Intersection - Art. 12

Major Project - Art. 12

Major Project Table - Art. 12

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

Major Thoroughfares - Art. 12

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

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

Mangrove Stand - an assemblage of mangrove trees that is mostly low trees noted for a copious development of interfacing adventitious roots above the ground and that contain one (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 - a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured with or without other specified components, as a finished building or as part of a finished building, which is used as a dwelling unit or residence or office. This definition does not apply to mobile homes. Manufactured building may also mean, at the option of the manufacturer, any dwelling unit or residence of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.

Manufactured Home Park or Manufactured Home Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, or the construction of streets) is completed on or after the effective date of this Code. See also manufactured building.

Manufacturing and Processing - Art. 4.B

Map of Known Archaeological Sites - Art. 9

Marginal Access Street - see Street, Marginal Access.

Marina - see Marine Facility.

Marine Facility - Art. 4.B

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

Master Sign Plan - Art. 8

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

Material, Extractive or Excavated - earth, sand, gravel, rock, shellrock, muck, or other mineral or organic substance, other than vegetation, which naturally occurs upon a lot.

Maximum Contaminant Level - Art. 15.B

Maximum Day - Art. 15.B

Mean High Water (for the purpose of Art. 15) - the average height of tidal high water over a 19-year period.

Mean Sea Level - the average height of the sea for all stages of the tide based on the NGVD.

Medical Office or Dental Clinic - Art. 4.B

Medical or Dental Laboratory - Art. 4.B

Mezzanine - see Building Mezzanine.

Military Installation - a facility designed for use by a branch of the United States Armed Forces.

Minimum Descent Altitude (MDA) - Art. 16

Minimum Obstruction Clearance Altitude (MOCA) - Art. 16

Minimum Vectoring Altitude (MVA) - Art. 16

Mitigation - Art. 9

Mixed Use - Art. 13

Mobile Home - Art. 4.B
Mobile Home Dwelling - Art. 4.B
Mobile Home Subdivision - Art. 4.B.85; Art. 11
Model - Art. 12
Model Plan - Art. 12
Model Radius of Development Influence - Art. 12
Model Table - Art. 12
Model Traffic - Art. 12
Monopole Tower - Art. 4.C
Monument Sales, Retail - Art. 4.B
Motor Vehicle - the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.
Mound System (for the purpose of Art. 15) - a drainfield system in which the distribution pipe is installed in fill material above natural grade.
Mulch - Art. 7
Multi-family - Art. 4.B
Multi-family Water System - Art. 15.B
Multi-Family Well - Art. 15.A
Municipal Engineer - Art. 12
Municipal Official - Art. 12
Municipalities - Art. 2
National Register of Historic Places - Art. 9
Native Tree(s) or Native Vegetation - Art. 14.C
Native Upland Vegetation - the plant component of a native State of Florida upland community (a characteristic assemblage of native plant and animal species which are interrelated and occupy predominantly upland terrain), which includes intact upland vegetation include, but are not limited to, Florida scrub, pine flatwoods, scrubby flatwoods, coastal dune and strand, hammocks (natural, tropical, mesic, and hydric), dry prairies, and drained cypress heads.
Native Vegetation Community - Art. 14.C
Natural Area - Art. 14.D
Nautical Mile - Art. 16
Neighborhood Center - as defined in the Plan.
Nest - Art. 14.A
Nesting Season - Art. 14.A
Net Trips - Art. 12
Net Usable Land - Art. 15.A
New Capital Facilities - Art. 13
New Construction - Art. 13
New Manufactured Home Park or Manufactured Home Subdivision – see Manufactured Home Park or Manufactured Home Subdivision.
No-Hazard - Art. 16
Noise Level Reduction - Art. 16
Non-Combustible Refuse - wastes that are unburnable at ordinary incinerator temperature (800 to 1800 degrees Fahrenheit) such as metals, mineral matter, appliances, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to operation of stores or offices.
Non-Commencement - the failure to begin, or the discontinuation of, construction activity that would make a material change in a structure as evidenced by the cancellation, lapsing, or revocation of a building permit; or the failure to begin, or the discontinuation of, any other land use activity that would make a material change in the use of land.
Non-Community Water System - Art. 15.B
Non-Community Well - Art. 15.A
Non-Conforming, Sign - Art. 8
Non-Conforming Lot - Art. 1
Non-Conforming Structure - Art. 1
Non-Conforming Use - a use that was lawfully established prior to the adopted code or amendment that creates the nonconformity and now does not conform to the use regulations of the zoning district in which it is located.

Non-Conforming Use, Major - a major nonconforming use is a use that was legally established in a zoning district where the use is now prohibited under the terms of this Code. Major nonconforming uses are inappropriately located so as to create or threaten to create incompatibilities detrimental to the public welfare.

Non-Conforming Use, Minor - a minor nonconforming use is a use that was legally established in a zoning district where the use is now prohibited under the terms of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare.

Non-Conformities - Art. 1

Non-Contributing Resource - Art. 9

Non-Native Vegetation - Art. 14.C

Non-Plan Collector Street – See Street, Collector, Non-Plan

Non-Potable Water Well - Art. 15.A

Non-precision Instrument Runway - Art. 16

Non-residential - Art. 2

Nonresidential Activity - Art.14.B

Non-transient Non-community Water Supply (for the purpose of Art. 15) - a water system for provision of piped water under pressure for human consumption, culinary, sanitary, or domestic purposes that regularly serves at least 25 of the same person over 6 months per year but is not a community water system.

Nuisance - Art. 5

Nursery, Retail - Art. 4.B

Nursery, Wholesale - Art. 4.B

Nursing or Convalescent Facility - Art. 4.B

"O" Horizon (for the purpose of Art. 15) - the layer of organic matter on the surface of a mineral soil. This soil layer consists of decaying plant residues.

Obstruction to Air Navigation - Art. 16

Off -Peak Season - Art. 12

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

Office - Art. 13

Office, Business or Professional - Art. 4.B

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

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

Onsite - within the boundaries of a facility location, property or site including sites separated by public or private R-O-W.

Onsite Sewage Treatment and Disposal System (OSTDS) - Art. 15.A

One-foot Drawdown Contour - Art. 14.B

Open Space - unbuilt land reserved for, or shown on the approved site plan or PDP, as one or more of the following uses: preservation, conservation, wetlands, well site dedicated to PBCWUD, passive recreation, greenway, landscaping, landscape buffer, and water management tracts. In the AGR district, open space shall also include unbuilt land use for bona fide agriculture uses.

Open to the Public - see Park, Open to the Public.

Operating Permit - Art. 14.B

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

Ordinary Maintenance or Repair - Art. 9

Ordinary Water Level (OWL) - the average level of water as determined by an engineer or by the applicant's appointee. The established water surface elevation shall consider seasonal fluctuations in the groundwater table and other factors that may cause fluctuations of the water level.

Original Value of the Structure - the value of the structure at the time it was issued a CO, based upon an appraisal by a Member of the Appraiser's Institute (MAI).

Other Than Utility Runway - Art. 16

Outdoor Display of Merchandise, Temporary - a temporary display for the introduction, promotion or announcement of a new product.

Overlay Zoning District - Art. 3.F

Owner - the owner of the freehold estates, as appears by deed of record. It shall not include lessees, reversioners, remainderman, or mortgagees.

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

Parcel - see Land; Art. 14.D

Park, Beach - Art. 5

Park, Beach/Park, District/Park, Regional - Art. 13

Park, Community - Art. 5

Park, Countywide Level - Art. 5

Park, District - Art. 5

Park, Local Level - Art. 5

Park, Neighborhood - Art. 5

Park, Neighborhood Infill - Art. 4.B

Park, Open Space, Usable - Art. 5

Park, Open to the Public - Art. 5

Park, Passive - Art. 4.B

Park, Private - Art. 5

Park, Public - Art. 4.B

Park, Regional - Art. 5

Park Recreation and Park Facilities - Art. 5

Parking Garage/Structure - Art. 4.B

Parking Lot - Art. 6

Parking Lot, Commercial - Art. 4.B

Parking Lot, Shared or Common - Art. 6

Parking, Off-Street - Art. 6

Parking, Shared - Art. 6

Parking Space - Art. 6

Parking Tract - Art. 6

Pass-By-Trips - Art. 12

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

Patio Home - see Zero Lot Line Home.

Pawnshop - Art. 4.B

PBC Register of Historic Places - Art. 9

PBC Standards - Art. 11

Peak Hour Traffic - Art. 12

Peak Season - Art. 12

Pennant - see Flag.

Percolation Pond - Art. 14.B

Performance Security - 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.

Performance Security - Art. 12

Permitted Agent of the State - Art. 14.A

Person - Art. 14.B; Art. 15.B

Personal Services - Art. 4.B

Pervious Surface - a ground cover through which water can penetrate at a rate comparable to that of water through undisturbed soils.

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

Plan - the 1989 Comprehensive Plan of PBC, Florida, as amended.

Plan, Planting - Art. 7

Planned Development, District (PDD) - a zoning district which is approved pursuant to the policies and procedures of Art. 3.D, Planned Development Districts of this Code including: PUD, Residential Planned Unit Development District; MXPDP, Mixed-Use Planned Development District; MUPDP, Multiple Use Planned Development District; PIPDP, Planned Industrial Park Development District; MHPDP, Mobile Home Park Planned Development District; and RVPDP, Recreational Vehicle Park Planned Development District.

Planned Development, Previously Approved - Art. 3.F

Plant Species, Controlled - those plant species, that are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.

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

Plant Species, Prohibited - those species as defined in the landscape section of this Code, as being demonstrably detrimental to native plants, wildlife, the ecosystem or public health, safety, or welfare.

Plat - Art. 11

Plat, Boundary - Art. 11

Plat, Final - Art. 11

Plat, Preliminary - Art. 11

Plat of Record - Art. 11

Pole Barn - a permanent structure constructed for storage or shelter purposes with no horizontal structural components or walls, excluding beams which support a roof system.

Pole Trailer - shall have the meaning ascribed by F.S. providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.

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

Pond - a permanent body of water less than one acre in size and less than six feet in depth.

Positive Drainage - Art. 11

Potable Water - Art. 14.B

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

Potting Soil Manufacturing - Art. 4.B

Precision Instrument Runway - Art. 16

Preliminary Development Plan - Art. 3.F

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

Preservation - Art. 9

Preserve or Preserve Area - that portion of native vegetation which is required to be set aside from development to be retained in its natural state in perpetuity.

Pre-application Conference - a meeting to review preliminary application and conceptual site plan for review by the Zoning Division.

Pre-hearing Meeting - Art. 2

Previous Approval, Previously Issued DO, Previously Approved DO - Art. 12

Previous Approval-Traffic - Art. 12

Primary Zone - Art. 16

Principal Use - see Use, principal.

Printing and Copying Services - Art. 4.B

Prior Ordinances - prior Ordinances include Ord. 3-57; Ord. 73-2; Ord. 73-4; and, Ord. 92-20; as amended.

Privacy Fence or Wall - a structural barrier of an opaque quality, constructed such that the privacy of the area to be enclosed is maintained.

Private Street - see Street, Private.

Private Water System - Art. 15.B

Private Well - Art. 15.A

Produce Stand - Art. 4.B (fka as Fruit and Vegetable Market and Agricultural stands).

Project - a land use or group of land uses involving the development of a particular parcel of land at a particular density which was granted a valid local government development order, or which substantially complies with applicable provisions of the PBC Subdivision Code as determined by the Director of the Land Development Division of the PBC Engineering Department.

Project - Art. 12

Project Accessed Link - Art. 12

Project to Provide Affordable Housing - Art. 12

Project Traffic/Project Trips - Art. 12

Prop Root - the structures originating below the lowest limbs of the red mangrove that are also known as stilt roots.

Propagation Study - Art. 4.C

Property Control Number - 17 digit PBC identification number assigned for each parcel of land.

Proposed New Residential Development - Art. 2

Protection - Art. 9

Pruning - Art. 7

Pruning, Hatracking - Art. 7

Pruning, Hatracking, Type 1 - Art. 7

Pruning, Hatracking, Type 2 - Art. 7

Pruning, Topping - Art. 7

Pruning, Tree Shaping - Art. 7

Public Agency - any government or governmental agency, board, commission, authority or public body of PBC, the State of Florida, or of the United States government, or any legally constituted governmental subdivision or special district.

Public Civic Sites - Art. 4.C

Public Easement - see Easement, public.

Public Facilities - 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 - an agreement entered into by PBC or a Service Provider and a developer or landowner for the purpose of ensuring public facility capacity is reserved for a proposed development.

Public Street - see Street.

Public Utility - 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 Utility - Art. 14.B

Public Water System - Art. 15.B

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

Qualified Parcel - Art. 14.D

Quasi-public Easement - see Easement, quasi-public.

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

Queuing - Art. 6

Radius of Development of Influence - Art. 12

Raised Basement (for the purposes of Art. 3.E) - a semi-underground story of a building.

Real Estate Sales Model - a single-family residential unit used for real estate marketing, real estate sales, builder's office, and other services directly associated with the sale of a residential unit.

Real Estate Sales Model, Non-PDD - Art. 4.B

Rebuild or Reconstruct - replacement or rehabilitation of a structure due to damage or proposed modification in excess of 30 percent of its' original assessed value.

Reclamation - re-establishments if the soil and earth to a useable condition.

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

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

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

Recreational Vehicle - Art. 6

Recycling Center - Art. 4.B

Recycling Drop-Off Bin - Art. 4.B

Recycling Plant - Art. 4.B

Recycling Collection Station - Art. 4.B

Regional Water Management Areas - areas which are managed consistent with the multiple objectives and purposes of F.S. Chapter 373, including but not limited to water supply development, environmental restoration, water quality improvement, flood protection, water storage, see also page management, and wetland enhancement and mitigation.

Regulated Substances - Art. 14.B

Regulating Plan - See TND, Regulating Plan.

Rehabilitation - Art. 9

Renovation - Improvements to modify the interior or exterior physical characteristics of an existing structure. Renovation may include: conversion, rehabilitation, remodeling, or modernization of floor area, air conditioning, wiring or plumbing.

Repair - Art. 15.A

Repair and Maintenance, General - Art. 4.B

Repair Services, Limited - Art. 4.B

Required Recreation Areas - recreational tracts of land with facilities required within a residential development, dedicated or reserved to a POA for the perpetual use by all residents of the development for recreation.

Residence - see Dwelling unit.

Residential - Art. 4.C

Residential Access Street - see Street, Residential Access.

Residential Development - Art. 2; Art. 13

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

Respondent/Alleged Violator - those persons including both landowners and tenants who have been issued a notice of violation.

Restaurant, Fast Food - Art. 4.B

Restaurant, High Turnover Sit-Down - Art. 4.B

Restaurant, Quality - Art. 4.B

Restaurant, Specialty - Art. 4.B

Restoration - Art 1; Art. 9

Retail Sales, Auto Accessories and Parts - Art. 4.B

Retail Sales, General - Art. 4.B

Retail Sales, Mobile, or Temporary - Art. 4.B

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

Retention or Detention Pond - Art. 14.B

Right-of-Way (R-O-W) - a strip of land dedicated or deeded for the perpetual use of the public. See also street.

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

Ronald Reagan Turnpike - a.k.a Florida's Turnpike

Rooming House - see Boarding House.

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

Runway - Art. 16

Runway Protection Zone (RPZ) - Art. 16

Rural Service Area (RSA) - that area as designated by the Plan.

Rural Subdivision - Art. 11

Salvage or Junk Yard - Art. 4.B

Sand - Art. 14.A

Sand Preservation Zone (SPZ) - Art. 14.A

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

Sanitary Landfill or Incinerator - Art. 4.B

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

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

Sanitary Survey - Art. 15.B

School Board - the PBC School Board.

School District - Art. 2

School District Five Year Capital Facilities Plan - Art. 2

School, Elementary or Secondary - Art. 4.B

School, Public - Art. 4.B.118

School, Private - Art. 4.B.118

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

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

Sea Turtle(s) - Art. 14.A

Sea Turtle Lighting Plan (STLP) - Art. 14.A

Sea Turtle Protection Zone (STPZ) - Art. 14.A

Security or Caretaker Quarters - Art. 4.B

Seedling, Sapling, Runner, or Sucker - any young plant or tree in early stages of growth.

Segment - Art. 12

Self-Service Storage - Art. 4.B

Self Support/Lattice Tower - Art. 4.C

Semi-public Water System (for the purpose of Art. 15) - a water system for provisions of piped water under pressure for human consumption, culinary, sanitary or domestic purposes to:

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 - Art. 15.A

Septic Tank - Art. 15.A

Septic Tank System - Art. 15.A

Service Provider - Art. 2

Service Truck - Art. 15.A

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

Setback, Front - the setback extending along the full length of the front lot line or base building line.

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

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

Setback, Street Side - the setback extending along a street side lot line or base building line between the front and rear setbacks.

Sewer System, Central - Art. 15.A

Sewer System, Individual - Art. 15.A

Shade House - Art. 4.B

Shade Tree - see Tree, canopy or shade.

Shipping Container - a unit designed and built for the shipment of material or goods.

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

Shrub - Art. 7

Sight Distance - see Corner clip.

Sign - Art. 8

Sign Types:

A- Frame or Sandwich - Art. 8

Abandoned - Art. 8

Advertising - Art. 8

Awning or Canopy - Art. 8

Building Mounted - Art. 8

Bulletin Board - Art. 8

Changeable Copy - Art. 8

Construction - Art. 8

Directional - Art. 8

Directory - Art. 8

Double-faced - Art. 8

Electronic Message - Art. 8

Employee - Art. 4.B

Entrance Wall - Art. 8

Fixed Projecting - Art. 8

Flashing - Art. 8

Freedom of Speech - Art. 8

Freestanding - Art. 8

Grand Opening - Art. 8

Ground Mounted - Art. 8

Holiday - Art. 8

Identification - Art. 8

Illegal - Art. 8

Illuminated - Art. 8

Instructional - Art. 8

Marquee - Art. 8

Menu Board - 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.

Monument - Art. 8

Moving - Art. 8

Nameplate - Art. 8

Neon - Art. 8

Off-Premises - Art. 8

Off-Site Directional - Art. 8

On-Site - Art. 8

Painted Wall - Art. 8

Permanent - Art. 8

Plastic - Art. 8

Point of Purchase - Art. 8

Political Campaign - Art. 8

Portable - Art. 8

Project Identification - Art. 8

Projecting - Art. 8

Public Service Information - Art. 8

Real Estate - Art. 8

Recreational Vehicle Park - Art. 8

Roof - Art. 8

Sale, Lease, and Rent Art. 8

Snipe - Art. 8

Temporary Balloon Type - Art. 8

Vehicular - Art. 8

Wall - Art. 8

Significant Archeological Value - Art. 9

Single-faced, Sign - Art. 8

Single Family - Art. 4.B

Single-family Cluster - a dwelling unit which is part of a cluster of similar dwelling units within a planned development but which is separated from other similar units by common areas dedicated to a POA.

Single-family District - the AR, RE, RT, RM and RS districts, as well as single-family pods of PDD's.

Site - the total area within the property boundaries of a principal parcel to be developed, or contiguous parcels intended for development under a common scheme or plan.

Site, Historic Preservation - Art. 9

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

Site Specific Development Order - Art. 12

Soil Classification - Art. 15.A

Solid Waste - garbage, rubbish, refuse, sludge, septage, dewatered domestic wastewater residuals, grit and screenings from a domestic wastewater treatment facility or other discarded solid or liquid material resulting from domestic, commercial, industrial, agricultural activities or governmental operations but does not include storm water discharges or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants.

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

Solid Waste Transfer Station - Art. 4.B

Sound Level - Art. 5

Sound Level Meter - Art. 5

Source Property - Art. 5

Special Allocation - Art. 13

Special Event - Art. 4.B

Special Permit Uses - are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use, buildings and structures, and may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location. These uses are generally temporary for a specified, fixed period of time.

Specimen Tree - see Tree, specimen; Art. 14.C

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

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

Spill - Art. 14.B

Spillover Light - Art. 5

Sports Vehicle - Art. 6

Square - an outdoor civic tract located within a neighborhood to provide community services and usable open space.

Square Footage - see Building Square Footage.

Stable, Commercial - Art. 4.B

Stable, Private - Art. 4.B

State Standards - Art. 11

Stealth Facility - Art. 4.C

Standards of This Section - Art. 12

Storage Container - a shipping container that has been permanently located on a recognized bona fide agricultural use site that is tied down to meet building code requirements.

Store Front - Art. 3.D

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

Stormwater Management Easement - see Easement.

Stormwater Management Plan - Art. 11

Stormwater Management System - Art. 11

Stormwater Runoff - Art. 11

Stormwater System, Primary - Art. 11

Stormwater System, Secondary - Art. 11

Stormwater System, Tertiary - Art. 11

Stormwater Treatment - Art. 11

Stream - Art. 15.A

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

Street, Arterial - Art. 11

Street, Collector - Art. 11

Street, Collector, Non-plan - Art. 11

Street, Collector, Plan - Art. 11

Street, Cul-de-sac - Art. 11

Street, Dead-end - Art. 11

Street Frontage – see Lot, Frontage.

Street, Limited Access - Art. 11

Street, Local Commercial - Art. 11

Street, Local Residential - Art. 11

Street, Major - Art. 11

Street, Marginal Access - Art. 11

Street, Minor - Art. 11

Street, Private - Art. 11

Street, Residential Access - Art. 11

Street Structure - that which is three feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels.

Structure - Art. 9; Art. 16

Structure, Principal - see Building, Principal.

Subdivision - Art. 11; Art. 12; Art. 15.A

Substantial Change in Land Use

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 - Art. 9

Substantial Renovation - Art. 5

Sugar Mill or Refinery - Art. 4.B

Superintendent - the Superintendent of the PBC School Board.

Supplier of Water - the unpermitted release or escape of a Regulated Substance, irrespective of the Supplier of water means, for the purpose of Art. 15, Health Regulations, any person who owns or operates a water supply system.

Surface Area (of a sign) - Art. 8

Surface Water - water upon the surface of the earth whether contained within natural or artificial boundaries or diffused.

Surface Water - Art. 15.A; Art. 15.B

Surveyor - and mapper a person registered to engage in the practice of surveying and mapping under F.S. § 472.001-471.041, and includes the terms "surveyor," "land surveyor," and "professional surveyor and mapper."

Suspension Order - Art. 9

Swale (for the purpose of Art. 15) - a stabilized and graded depression designed to convey stormwater runoff and retain water for only a brief period following a rainfall event.

Swimming Pool - any confined body of water, located either above or below the existing finished grade of the site, exceeding 150 square feet in surface area, and two feet in depth, designed, used, or intended to be used for swimming or bathing purposes.

Tabular Tree List - Art. 14.C

TDR, Agricultural Conservation Easement - Art. 5

TDR, Bank - Art. 5

TDR, Community Commercial Facility - Art. 5

TDR, Conservation Easement - Art. 5

TDR, Contract for Sale and Purchase of Development Rights - Art. 5

TDR, Deed of Transfer of Development Rights - Art. 5

TDR, Development Right - Art. 5

TDR, Development Rights Certificate - Art. 5

TDR, Escrow Agreement - Art. 5

TDR, Major Department Store - Art. 5

TDR, Major Industrial Facility - Art. 5

TDR, Priority Acquisition Site - Art. 5

TDR, Receiving Area - Art. 5

TDR, Regional Commercial Facility - Art. 5

TDR, Sending Area - Art. 5

Temporary - Art. 8; Art. 15.A

Terminal Navigational Aid - Art. 16

Theater Drive-In - Art. 4.B

Theater, Indoor - Art. 4.B

Third party - party not affiliated with the Architect or Landscape Architect who prepared the original drawings to satisfy the regulations in Art. 5, Supplementary Standards, and Art. 7, Landscaping.

Thoroughfare Plan, Thoroughfare R-O-W Identification Map or Plan - that which is described in the Transportation Element of the Plan, Supporting Document, II, Existing Transportation System.

Thoroughfares R-O-W Identification Map or Plan - Art. 12

Through-Intersection Continuity - Art. 12

Tinted Glass - Art. 14.A

TMD, frontage, primary - Art. 3.F

TMD, frontage, secondary - Art. 3.F

TMD, street, main - Art. 3.F

TMD, street wall - Art. 3.F

TND, accessory structure - Art. 3.F

TND, colonnade - Art. 3.F

TND, enfront - Art. 3.F

TND, meeting hall - Art. 3.F

TND, neighborhood center - Art. 3.F

TND, porch - Art. 3.F

TND, raised basement - Art. 3.F

TND, regulating plan - Art. 3.F

Too Numerous to Count (TNTC) - Art. 15.B

Total Traffic - Art. 12

Tower Hierarchy - Art. 4.C

Towing Service and Storage - Art. 4.B

Townhouse - Art. 4.B

Traffic Impact Study - Art. 12

Traffic Performance Standards Appeal Board - Art. 12

Traffic Volume Maps - Art. 12

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.

Transfer of Development Rights (TDR) Bank – See TDR, Bank

Transient Occupancy - residential occupancy when it is the intention of the parties that the occupancy will be for less than one month.

Transitional Zone - Art. 16

Transportation Facility - Art. 4.B

Transportation Transfer Facility (distribution) - Art. 4.B

Tree - Art. 7; Art. 14.C

Tree, Canopy or Shade - Art. 7

Tree Credits - Art. 7

Tree, Champion - Art. 7

Tree, Drought-tolerant - Art. 7

Tree Preservation Area - Art. 14.C

Tree, Specimen - Art. 7

Tree Survey - Art. 7; Art. 14.C

Trip - a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

Trip Generation - Art. 12

Truck - Art. 6

Truck Stop - Art. 4.B

Ultimate R-O-W - an area set aside for future road widening or used as means of ingress, egress or approach as determined by the FDOT, the Office of the County Engineer, the BCC, or by this Code, whichever provides the widest R-O-W.

Understory - Art. 14.C

Undue Economic Hardship - Art. 9

Unincorporated Area - Art. 13

Unincorporated Area (law enforcement) - Art. 13

Unit - 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 - a covenant recorded in the office of the Clerk of the Circuit Court of PBC stipulating that a lot, lots, or project with different owners shall be developed according to a common site or master plan providing unified control and the combined lots shall meet land development requirements as if they are one lot.

Unity of Title - a document recorded in the office of the Clerk of the Circuit Court of PBC stipulating that a lot, lots or parcel of land shall be held under single ownership, shall not be eligible for further subdivision and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety.

Unmarked Human Burial - Art. 9

Unobstructed Land - Art. 15.A

Upland Reclamation Area - land area preserved or re-established around the perimeter of an excavated area created to ensure useable end-use of the land.

Upland Reclamation Planting - installation of vegetation to re-establish plant and animal habitats.

Urban Infill - Art. 12

Urban Redevelopment - Art. 12

Urban Service Area (USA) - that portion of PBC as designated by the Plan.

Urban Service Area, Existing - Art. 12

Usable Open Space - an area such as a park, square, plaza or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings.

Use - any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, Accessory - a permitted use that is customarily associated with the principal use and clearly incidental to the principal use and is subordinate in area, extent, or purpose to and serves only the principal use.

Use, Principal - the primary and major purpose for which land or building is used as allowed by the applicable zoning district.

Utility - government or franchised provider of water, sewer, electric, gas, phone, cable television, or similar service.

Utility - Art. 14.B

Utility Easement - see Easement.

Utility, Minor - Art. 4.B

Utility Runway - Art. 16

Vacant Residential Parcel - any undeveloped parcel of land or property, including any parcel or property with an approved development order, possessing either a residential designation by the FLUA of the Plan or a residential zoning designation consistent with the underlying Future Land Use designation.

Valid - Art. 13

Valid Site Specific Development Order - Art. 12

Value - Art. 1; Art. 13

Variance - an abatement of the terms of the ULDC for a use, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

Vegetation - Art. 14.C

Vegetation, Native - any plant species with a geographic distribution indigenous to all or part of the State of Florida. Plant species, which have been introduced by man, are not native vegetation.

Vegetation Required to be Preserved by Law - Art. 7

Vehicle Sales and Rental - Art. 4.B

Vehicular Use Area - 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 - 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 - pursuant to the application of the State of Florida law.

Veterinary Clinic - Art. 4.B

Visual Impact Analysis - Art. 5

Visual Hazard - Art. 16

Visual Runway - Art. 16

Vocational School - Art. 4.B

Volume to Capacity (V/C) Ratio - Art. 12

Warehouse - Art. 4.B

Waste - discarded material including but not limited to garbage, rubbish, yard trash, litter, non-combustible refuse and industrial wastes.

Wastewater Residuals - the solid, semisolid, or liquid residue removed during the treatment of municipal wastewater. Not included is the treated effluent or reclaimed water from domestic wastewater treatment plant.

Wastewater Residuals (Dry) - domestic wastewater residuals that contain 65 percent solids or greater, by weight.

Water Management Tract - Art. 11

Water or Treatment Plant - Art. 4.B

Water supply system or Water supply facility or Water system or Water facility - Art. 15.B

Water system, Central - Art. 15.B

Water system, Individual - Art. 15.B

Water Table Elevation - Art. 15.A

Water Treatment Facility - a facility designed for treatment of ground or surface water for potable and sanitary purposes, with a design capacity of more than 10, 000 gallons per day.

Water Well - a source of water used for drinking, culinary, sanitary and other domestic purposes.

Water Well - Art. 15.B

Watercourse - 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 - waters, as defined in F.S § 403.031 (12), subject to compliance with State Water Quality Standards adopted pursuant to F.S. Chapter 403 and set forth in Chapter 17-3, F.A.C.

Watershed - the land area, which contributes to the total flow of water entering a receiving stream or water body.

Weighted Sound Pressure Level - Art. 5

Well - Art. 14.B

Wellfield - Art. 14.B; Art. 15.A

Wellfield Zones 1, 2, 3 and 4 - zones of influence delineated by iso-travel time contours around public water supply wellheads. Zone 1 is identified as the land area within a 30-day travel time and Zone 2 is the land area within a 210-day travel time. Zones of influence maps, including zones 3 and 4 are developed pursuant to the Wellfield Protection Section and are on file and maintained by ERM Department.

West County Agricultural Area (WCAA) - The WCAA area is bounded roughly by Lake Okeechobee, Palm Beach-Hendry County Line, and the SFWMD Levees L-4, L-5, L-6, L-7 and L-8.

Wet Detention/Retention - detention or retention in a storage facility not designed, constructed, and operated so as to provide dry detention/retention.

Wetland - any persistent or intermittent water body or area characterized by the dominance of those submerged or transitional wetland species listed in the Chapter 17-301, F.A.C. or located within or up to three miles directly offshore of PBC. Dominance shall be defined in accordance with Chapter 17-301, F.A.C. and shall be determined in the appropriate plant stratum (canopy, sub canopy, or ground cover) as outlined in Chapter 17-301, F.A.C.

Wettest Season - Art. 15.A

Wildlife Corridor - a continuous corridor of habitat, with a width of at least one mile, that is established by linking conservation areas, wildlife preserves, sanctuaries, refuges, parks, open space areas, and agricultural areas to provide a pathway for wildlife movement.

Whip Antenna - Art. 4.C

Wholesaling, General - Art. 4.B

Woodworking or Cabinetmaking - an establishment engaged in the production of finished products from wood.

Work - Art. 11

Yard - any open space that lies between the principal building or buildings and the nearest lot line.

Zero Lot Line Home - Art. 4.B

Zones of Influence - Art. 14.B

Zones of Influence Maps - Art. 14.B

Zoo - Art. 4.B

Section 3 Abbreviations and Acronyms

| | |
|---------------|--|
| AASHTO | American Association of State Highway and Transportation Officials |
| ACLF | Adult Congregate Living Facility |
| ADA | Americans with Disabilities Act |
| ADT | Average daily traffic |
| AEE | Adult Entertainment Establishment |
| AGR | Agricultural Reserve |
| ALP | Alternative Landscape Plan |
| ALUNZ | Airport Land Use Noise Zone |
| AMSL | Above Mean Sea Level |
| ANSI | American National Standards Institute |
| APF | Adequate Public Facilities Determination |
| Art. | Article |
| ASP | Alternate Site Plan |
| ASR | Airport Surveillance Radar |
| ATM | Automated Teller Machines |
| AUR | Annual Public Facilities Update Report |
| AZO | Airport Zoning Overlay |
| BA | Board of Adjustment |
| BCC | Board of County Commissioners |
| BOR | Basis of Review |
| CAH | Commission on Affordable Housing |
| CCRT | Countywide Community Revitalization Team |
| CFR | Code of Federal Regulations |
| CIE | Capital Improvement Element |
| CLASC | Conservation Land Acquisition Selection Committee |

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|---------------|---|
| CLF | Congregate Living Facility |
| CO | Certificate of Occupancy |
| COZ | Conditional Overlay Zone |
| CPTED | Crime Prevention Through Environmental Design |
| CRA | Community Redevelopment Association |
| CRALLS | Constrained Road At A Lower Level of Service |
| CSA | Concurrency Service Area |
| CTF | Citizens Task Force |
| dB | Decibel |
| DBH | Diameter at breast height |
| DCA | State of Florida Department of Community Affairs |
| DEPW | Department of Engineering and Public Works |
| DOA | Development Order Amendment |
| DOA | Department of Airports – for purposes of Art. 16 |
| DOT | State of Florida Department of Transportation |
| DRAB | Development Review Appeals Board |
| DRI | Development of Regional Impact |
| DRO | Development Review Officer |
| EAA | Everglades Agricultural Area |
| EAC | Expedited Application Consideration |
| ECR I | PBC Environmental Control Rule I (Onsite Sewage Disposal Systems) |
| ECR II | PBC Environmental Control Rule II (Water Supply Systems) |
| EPA | United States Environmental Protection Agency |
| ERM | Environmental Resource Management Department |
| ERP | Environmental Resource Permit |
| ESL | Environmentally Sensitive Lands |
| ESLASC | Environmentally Sensitive Lands Acquisition Selection Committee |
| ESLO | Environmentally Sensitive Lands Ordinance |
| FAA | Federal Aviation Administration |
| F.A.C. | Florida Administrative Code |
| FAR | Floor area ratio |
| F.A.R. | Federal Aviation Regulation (for the purposes of Art. 16, Airport Regulation) |
| FDEP | Florida Department of Environmental Protection |
| FDO | PBC Facilities Development & Operations Department |
| FDOT | Florida Department of Transportation |
| FDPR | Florida Department of Professional Regulation |
| FEMA | Federal Emergency Management Agency |
| FHBM | Flood Hazard Boundary Map |
| FIRM | Flood Insurance Rate Map |
| FISH | Florida Inventory of School House |
| FLUA | Future Land Use Atlas |
| FLUE | Future Land Use Atlas Element |
| FMSF | Florida Master Site File |
| F.S. | Florida Statutes |
| GAO | Glades Area Overlay |
| GFA | Gross Floor Area |
| GLA | Gross Leasable Area |
| GOPs | Goals, Objectives and Policies of the Comprehensive Plan |
| GPS | Global Positioning System |
| HOA | Homeowner’s Association |
| HRRB | Historic Resources Review Board |
| HUD | U.S. Department of Housing and Urban Development |
| IFR | Instrument Flight Rules |
| ILS | Instrument Landing System |
| IND | Industrial |
| IPARC | Intergovernmental Plan Amendment Review Clearinghouse |
| IOZ | Indiantown Road Overlay |
| Ldn | Day-Night Average Sound Level |

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|---------------|---|
| LME | Lake Maintenance Easements |
| LOS | Level of Service |
| LOST O | Lake Okeechobee Scenic Trail Overlay |
| LPA | Local Planning Agency |
| LUAB | Land Use Advisory Board |
| LWRCCO | Lake Worth Road Commercial Corridor Overlay |
| MAI | Member of the Appraiser's Institute |
| MDA | Minimum Descent Altitude |
| MLS | Microwave Landing System |
| MOCA | Minimum Obstruction Clearance Altitude |
| MPCP | Master Pedestrian Circulation Plan |
| MPO | Metropolitan Planning Organization |
| MSP | Master Sign Program |
| MVA | Minimum Vectoring Altitude |
| NAICS | North American Industrial Classification System |
| NBCTF | Northlake Boulevard Corridor Task Force |
| NBOZ | Northlake Boulevard Overlay Zone |
| NCD | Neighborhood Commercial Development |
| NEO | Native Ecosystem Overlay District |
| NGVD | National Geodetic Vertical Datum |
| NLR | Noise Level Reduction |
| NPDES | National Pollution Discharge Elimination System |
| OFMB | Office of Management and Budget |
| OHW | Ordinary High Water |
| OLW | Ordinary Low Water |
| OR | Optional Residential |
| OSTDS | Onsite Sewage Treatment and Disposal System |
| OWL | Ordinary Water Level |
| PAR | Precision Approach Radar |
| PBC | PBC |
| PBCHD | PBC Health Department |
| PBCWUD | PBC Water Utilities Department |
| PBIA | Palm Beach International Airport |
| PBIAO | Palm Beach International Airport Overlay |
| PCN | Property Control Number |
| PCP | Permanent Control Points |
| PDD | Planned Development Districts |
| PDR | Property Development Regulation |
| POA | Property Owner's Association |
| PRCF | Peer Review Certification Form |
| PRM | Permanent Reference Monuments |
| PUD | Planned Unit Development |
| PZB | Planning Building and Zoning Department |
| RCRA | Resource Conservation and Recovery Act |
| RFI | Request for Interpretation |
| R-O-W | Right-of-Way |
| RPZ | Runway Protection Zone |
| RSA | Rural Service Area |
| RTO | Research and Technology Overlay |
| SCO | Sugar Cane Overlay |
| SCS | School Capacity Study |
| SF | Single Family |
| SFWMD | South Florida Water Management District |
| SIAP | Standard Instrument Approach Procedure |
| SIC | Standard Industrial Code |
| SPZ | Sand Preservation Zone |
| STLP | Sea Turtle Lighting Plan |
| STPO | Sea Turtle Protection Ordinance |

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|---------------|--|
| STPZ | Sea Turtle Protection Zone |
| TAPO | Turnpike Aquifer Protection Overlay |
| TCMA | Transportation Concurrency Management Areas |
| TCRPC | Treasure Coast Regional Planning Council |
| TDR | Transfer of Development Rights |
| TMD | Traditional Marketplace Development |
| TND | Traditional Neighborhood Development |
| Tntc | Too numerous to count |
| TPS | Traffic Performance Standards |
| TPSAB | Traffic Performance Standards Appeals Board |
| TTD | Traditional Town Development |
| U/S | Urban/Suburban Tier |
| USA | Urban Services Area |
| USACOE | United States Army Corps of Agriculture |
| USDA | United States Department of Agriculture |
| v/c | Volume to capacity |
| VDBP | Voluntary Density Bonus Program |
| VFR | Visual Flying Rules |
| VOR | Very-high frequency Omni-range |
| VPPO | Vegetation Preservation and Protection Ordinance |
| VRN | Vegetation Removal Notice |
| WCAA | West County Agricultural Area |
| WCRAO | Westgate Belvedere Homes Overlay |
| WPZ | Wellfield Protection Zone |
| WRA | Water Resources Area |
| ZC | Zoning Commission |
| ZI | Zones of Influence |
| ZLL | Zero Lot Line |