



THE PLANNING & ZONING RESOURCE COMPANY

1300 South Meridian Avenue, Suite 400 • Oklahoma City, Oklahoma 73108
Telephone (405) 840-4344 • Fax (405) 840-2608

ZONING AND SITE REQUIREMENTS SUMMARY

***PZR REPORT*[®] FOR:**
FLAVOR PICT PROPERTIES LLC
12700 SOUTH MILITARY TRAIL
BOYNTON BEACH, FLORIDA

Prepared For:

TO BE DETERMINED

Date: Draft – 01/06/2021

PZR SITE NUMBER: 142895-1

NATIONAL PLANNING & ZONING CONSULTING SERVICE

THE PLANNING & ZONING RESOURCE COMPANY

1300 SOUTH MERIDIAN AVENUE, SUITE 400
OKLAHOMA CITY, OKLAHOMA 73108
(405) 840-4344
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ZONING AND SITE REQUIREMENTS SUMMARY

I. Property Location and Size

1. Jurisdiction:	<i>Palm Beach County, Florida</i>
2. Name:	<i>Flavor PICT Properties LLC</i>
3. Address:	<i>12700 South Military Trail</i>
4. Size:	<i>8.24 Acres or 359,054 Square Feet +/- (Per Survey)</i>

II. Existing Land Use and Zoning

1. Date of Existing Ordinance:	<i>Current online per County website at www.pbcgov.com</i>
2. Existing Zoning Designation:	<i>"CG" General Commercial District</i>
3. Adjacent Zoning Designation and or Uses if Applicable:	<i>North: "AR" Agricultural Residential District. South: "MUPD" Multiple Use Planned Development District & "RS" Residential Single Family District East: "RT" Residential Transitional District West: "PUD" Planned Development District</i>
4. Existing Land Use:	<i>Retail & Restaurant.</i>

<i>Is The Existing Use in Conformance?</i>	<i>Yes, to Retail as a permitted use. Yes, to Restaurant, provided a conditional use permit was issued. Please note, per the approved Site Plan, the subject property was intended to add a Restaurant in building B and a conditional use permit was planned. A conditional use permit has been requested from the County and will be forwarded upon receipt. (See Table 4.B.2.A for Code reference)</i>

III. Zoning Regulations

1. Are copies of zoning regulations available for this site?	<i>Yes, Attached</i>
2. If any aspect of the property is not in conformance with current zoning, does the municipality provide ordinances dealing with non-conforming use?	<i>Yes, Attached (For Information Only)</i>

IV. Property Specification

1. Building Set-Back Lines		
	Required	Existing
Building:		
a. Front/Street Side:	50 Feet	Coconut Lane: Exceeds 50 Feet (Per Survey) South Military Trail: 50.78 Feet (Per Survey)
b. Side:	15 Feet	East Lot Line: 67.08 Feet (Per Survey)
c. Rear:	20 Feet	North Lot Line: 69.66 Feet (Per Survey)
Landscaping:		
a. Front/Street Side:	R-O-W Width 41- 99 Feet: 15 Feet R-O-W Width >100: 20 Feet	Coconut Lane: 40 Feet (Per Scale of Survey) South Military Trail: 40 Feet (Per Scale of Survey)
b. Side/Rear:	None required or 15 Feet abutting residential Use.	East Lot Line: (Abutting Residential Use) 30 Feet (Per Scale of Survey) North Lot Line: 10 Feet (Per Scale of Survey)

Is The Existing Building in Conformance?

**Yes (See Table 3.D.1.A, Table 7.C.2.A &
Table 7.C.2.C.3 for Code reference)**

2. Building Size

- a. Maximum Building Height or Stories: **35 Feet**
- b. Existing Building Height or Stories: **1 Story or 23.5 Feet (Per Survey)**
- c. Building Site Area Requirements: **Minimum Lot Area: 1 Acre
Existing: 8.24 Acres (Per Survey)**

**Minimum Lot Width: 100 Feet
Existing: 607.11 Feet (Per Survey)**

**Minimum Lot Depth: 200 Feet
Existing: 607.30 Feet (Per Survey)**

Is The Existing Building in Conformance?

**Yes (See Table 3.D.1.A for Code
reference)**

3. Density

- a. Building Density Formula: **Maximum Building Coverage: 25%**
(46,762 / 359,054) = 0.13 or 13%
- b. Approximate Building Footprint: **46,762 Square Feet (Per Survey)**

<i>Is The Building Coverage in Conformance?</i>	<i>Yes (See Table 3.D.1.A for Code reference)</i>

4. Parking

- a. Parking Space Formula: **Retail: 1 Space per 200 Square Feet.**
(41,400 / 200) = 207
- Restaurant: 1 Space per 3 Seats.**
(Estimated at 63 Seats) (63 / 3) = 21
- b. Parking Spaces Required: **228 Total Parking Spaces**
- c. Existing Parking Spaces: **201 Total Parking Spaces, including 8 handicapped spaces (Per Survey)**

Please note, per review of aerial imagery, there are 29 striped parking spaces located around building B for a total of 230 parking spaces.

<i>Is The Existing Parking in Conformance?</i>	<i>Yes (See Table 6.B.1.B for Code reference)</i>

V. Site History

1. Was special permitting or condition(s) applied to existing zoning? **Yes**
- a. Site Plan Approval or Planned Unit Development? **Site Plan Approval (Copy Attached)**
- b. Other? **Conditional Use Permit for Restaurant. (Copy Requested)**
2. Violation Information
- a. Are there any outstanding zoning or building code violations on file?
Information regarding open zoning or building violations has been requested from the County and will be forwarded upon receipt.
3. Is a Certificate of Occupancy available for the site?
Yes, attached are all available copies of Certificates of Occupancy for the subject property, as provided by the City. Please note, the absence of a Certificate of Occupancy for the project would not be considered a violation and would not give rise to any enforcement action affecting the project, and a new Certificate of Occupancy would only be issued in the event of a change in use or to the extent of any construction activity, restoring, renovating or expanding the project or any part thereof.

VI. Conclusions

1. Conformance Status:	<i>Legal Conforming</i>
2. Nonconforming Characteristics of the Site:	<i>None</i>
3. Recommended Action:	<i>None</i>
4. Rebuildability Clause:	<i>Not Applicable</i>

Other Comments: A Zoning Verification Letter has been requested from the City and will be forwarded upon receipt.

The Planning & Zoning Resource Company has relied on information provided by the following:

Municipal Officials

***Palm Beach County, Planning Department
2300 North Jog Road
West Palm Beach, Florida 33411
Phone: 561.233.5200***

Surveyor

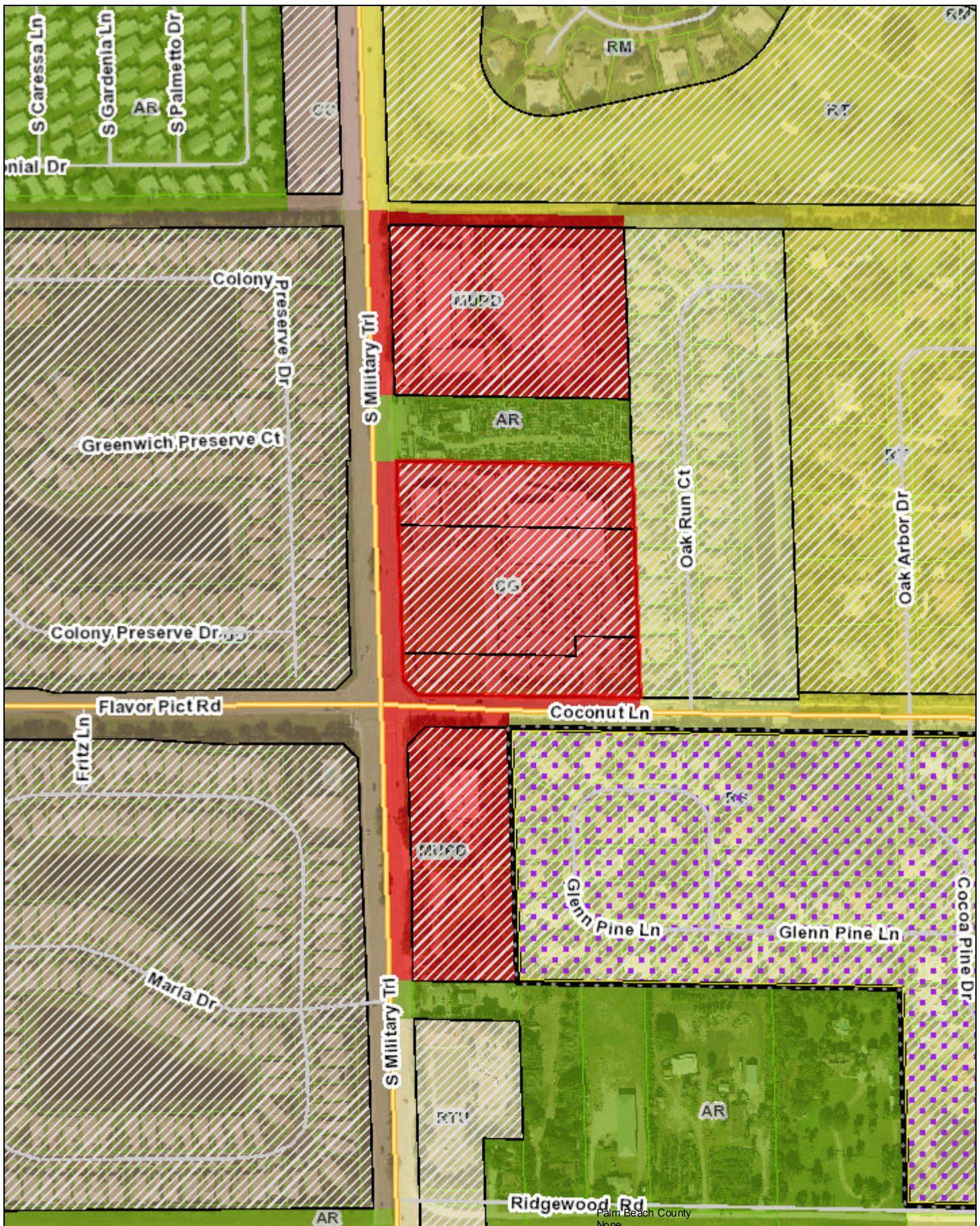
***Kimley-Horn and Associates, Inc.
445 24th Street, Suite 200
Vero Beach, Florida 32960
Phone: 772.794.4100***

Survey Dated: 05/14/2018

This report was prepared by Joshua Stout. Questions may be directed to Gary Bolling at 405.344.2944, Extension 3351 or by email to Gary.Bolling@pzs.com. Please reference PZR Site Number 142895-1.

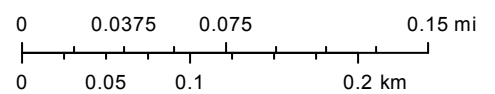
Municipal Documents

00424601400010000



December 21, 2020

1:4,514



CERTIFICATE OF OCCUPANCY

Code Edition:
2010 FBC, Building

Palm Beach County Building Division
Planning, Zoning & Building Department
2300 N. Jog Road, West Palm Beach, FL 33411
www.pbcgov.com/pzb/building
(561) 233 – 5100

This is to certify that the **Non-Residential** Structure Built Under Permit #: **B-2013-007214-0000** ()

Described as: **Retail or Mercantile Building**

Walmart Neighborhood Mrkt #2396
* Resident Inspector *

Flood Zone: X500

Construction Type: V B SPRINKLED

Design Occupant Load: 1179

Building Occupancy Classification:

(Other Agency Regulations May Establish More Stringent Limitations on Occupancy).

Note: Building plans showing the nature of the occupancy permitted, the number of persons for each area when limited by law and allowable floor loads at the time of construction are available for review from Palm Beach County files. For buildings and structures in flood hazard areas, documentation of the as-built lowest floor elevation has been provided and is retained in the records of the building division.

Owner: Walmart Neighborhood Market #2396
12670 S Military Trl
Boynton Beach, FL 33436

Company/Contractor: Hawkins Construction Inc
Location: 12670 S Military Trl, Boynton Beach, 33436

Bay/Suite:

In Subdivision: 05835-000 Coconut at Military

PCN # 00-42-46-01-40-001-0000

The described portion(s) of the structure(s) listed has been inspected under my supervision for compliance with the requirements of the listed code edition, for the occupancy, division of occupancy, and the use for which the proposed occupancy is classified.

Doug Wise
BUILDING OFFICIAL

10/08/2015
DATE

Bruce F Myers
INSPECTOR

examine watermark for validity

CERTIFICATE OF OCCUPANCY

PALM BEACH COUNTY
PLANNING, ZONING & BUILDING DEPARTMENT
100 AUSTRALIAN AVENUE
WEST PALM BEACH, FLORIDA 33406

THIS IS TO CERTIFY THAT THE COMMERCIAL STRUCTURE BUILT UNDER PERMIT No. B93029260,
DESCRIBED AS ALTERATIONS/NONRESIDENTIAL TNT IMP(SAV & LOAN),
OWNED BY WORLD SAVINGS & LOAN,
AND LOCATED AT 12700S MILITARY TR

IN SUBDIVISION METES AND BOUNDS COMMERCIAL SECTION 01 TOWNSHIP 46,
RANGE 42, LOT 721, BLOCK 000, UNITS 000, WAS INSPECTED AND FOUND, TO THE
BEST OF MY KNOWLEDGE, TO CONFORM TO ALL CODE REQUIREMENTS OF THE COUNTY OF PALM
BEACH AND / OR WAS CERTIFIED BY FLORIDA REGISTERED ARCHITECT OR ENGINEER THAT IT
MEETS THE REQUIREMENTS OF SAID CODES, AND IS APPROVED FOR ALL UTILITY SERVICES AND
OCCUPANCY FOR THE USE AS STATED IN THE PERMIT ONLY.

October 14, 1994
DATED



KURT F. EISMANN
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
ACTING BUILDING OFFICIAL

F. J. Longo
INSPECTOR

CERTIFICATE OF OCCUPANCY

PALM BEACH COUNTY
PLANNING, ZONING & BUILDING DEPARTMENT
810 DATURA STREET
WEST PALM BEACH, FLORIDA 33401

THIS IS TO CERTIFY THAT THE RESIDENTIAL _____, COMMERCIAL _____, PUBLIC _____,
INDUSTRIAL _____, STRUCTURE BUILT UNDER PERMIT NO. 884007401, OWNED BY BOHNE ISL
SAVINGS & LOAN AND LOCATED AT 10700 S MILITARY TRAIL
IN SECTION 01, TOWNSHIP 42, RANGE 42, WAS INSPECTED AND FOUND, TO THE BEST
OF MY KNOWLEDGE, TO CONFORM TO ALL CODE REQUIREMENTS OF THE COUNTY OF PALM
BEACH AND/OR WAS CERTIFIED BY FLORIDA REGISTERED ARCHITECT OR ENGINEER THAT IT
MEETS THE REQUIREMENTS OF SAID CODES, AND IS APPROVED FOR ALL UTILITY SERVICES
AND OCCUPANCY FOR THE USE AS STATED IN THE PERMIT ONLY.
SUB DIVISION - METES & BOUNDS LOT 10 0 BLK 000

DATED

R. W. Palchonis
BUILDING OFFICIAL

INSPECTOR

88-7401

REGISTER # SC 493

CERTIFICATE OF OCCUPANCY

PALM BEACH COUNTY
PLANNING, ZONING & BUILDING DEPARTMENT
810 DATURA STREET
WEST PALM BEACH, FLORIDA 33401

THIS IS TO CERTIFY THAT THE RESIDENTIAL _____, COMMERCIAL X, PUBLIC _____,
INDUSTRIAL _____, STRUCTURE BUILT UNDER PERMIT No. B81004901, OWNED BY MILLS
JOHN G. AND LOCATED AT 12700-50 MILITARY TRAIL,
IN SECTION 01, TOWNSHIP 46, RANGE 42, WAS INSPECTED AND FOUND, TO THE BEST
OF MY KNOWLEDGE, TO CONFORM TO ALL CODE REQUIREMENTS OF THE COUNTY OF PALM
BEACH AND/OR WAS CERTIFIED BY FLORIDA REGISTERED ARCHITECT OR ENGINEER THAT IT
MEETS THE REQUIREMENTS OF SAID CODES, AND IS APPROVED FOR ALL UTILITY SERVICES
AND OCCUPANCY FOR THE USE AS STATED IN THE PERMIT ONLY.

SUB DIVISION - LOT "M" & "B"

LOT 0.0 BLK 000

12/23/81
DATEDR. W. Palchonis
BUILDING OFFICIALBob Cayer
INSPECTOR

B81-4901

CERTIFICATE OF OCCUPANCY

Code Edition:
1994 Standard Building
Code

Palm Beach County Building Division
Planning, Zoning & Building Department
2300 N. Jog Road, West Palm Beach, FL 33411
www.pbcgov.com/pzb/building
(561) 233 - 5100

This is to certify that the **Non-Residential** Structure Built Under Permit #: **B-1998-008021-0000** (B98010554)

Described as: **Alterations - Non-Residential**
WORLD SAVINGS AND LOAN

Flood Zone: B

Construction Type:

Design Occupant Load:

Building Occupancy Classification:

(Other Agency Regulations May Establish More Stringent Limitations on Occupancy).

Note: Building plans showing the nature of the occupancy permitted, the number of persons for each area when limited by law and allowable floor loads at the time of construction are available for review from Palm Beach County files. For buildings and structures in flood hazard areas, documentation of the as-built lowest floor elevation has been provided and is retained in the records of the building division.

Owner: **World Savings & Loan**
12700 Military Trl
Boynton Bch, FL 33436

Company/Contractor: **Serraes Const Gen Contrac**

Location: **12700 Military Trl**

Bay/Suite:

In Subdivision: 09999-000

Metes and Bounds Commercial

PCN # 00-42-46-01-00-000-7210

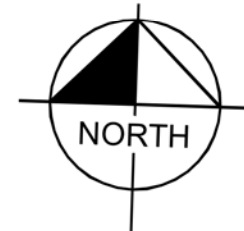
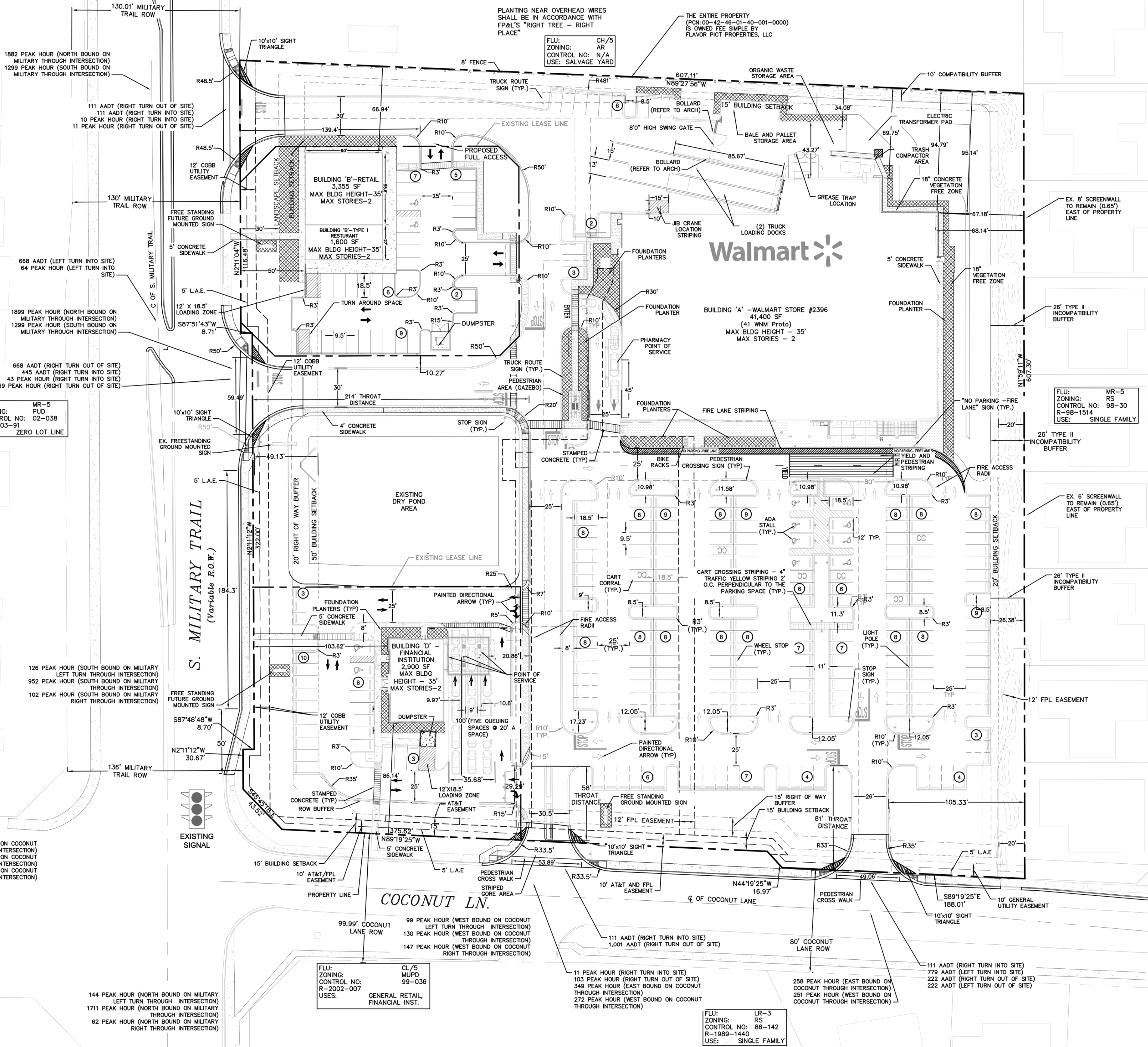
The described portion(s) of the structure(s) listed has been inspected under my supervision for compliance with the requirements of the listed code edition, for the occupancy, division of occupancy, and the use for which the proposed occupancy is classified.

Kurt F Eismann
BUILDING OFFICIAL

10/30/1998
DATE

Dennis R Cramer
INSPECTOR

examine watermark for validity



SITE DATA	
NAME OF PROJECT:	RETAIL- OUTPATIENT B
FORMERLY KNOWN AS:	WALMART NEIGHBORHOOD MARKET #2396
CONTROL NUMBER:	1988-00109
RESOLUTION NUMBER:	R-2010-1167
PROJECT NUMBER:	5835-000
APPLICATION/TRACKING NUMBER:	DRO-2015-2798
LAST ZC / BCC APPROVAL DATE:	07/22/2010
TIER:	URBAN / SUBURBAN
FUTURE LAND USE DESIGNATION:	CH / S
EXISTING ZONING DISTRICT:	CG
PROPOSED ZONING DISTRICT:	CG
APPLICABLE OVERLAY(S):	N/A
SECTION, TOWNSHIP, RANGE:	S01 T46S R42E
PROPERTY CONTROL NUMBER:	00-42-46-01-40-001-0000
TRAFFIC ANALYSIS ZONE:	542
EXISTING USE:	COMMERCIAL
PROPOSED USE:	COMMERCIAL
MAXIMUM STRUCTURE HEIGHT:	35'
MAXIMUM NUMBER OF STORIES:	2
TOTAL SITE AREA:	8.41 AC. (366.39 SF)
GROSS FLOOR AREA:	49,255 SF (13.43%)
TOTAL FLOOR AREA RATIO:	5.87 (13.43%)
TOTAL BUILDING COVERAGE:	49,255 SF (13.47%)
(INCLUDES OVERHANGS, EQUIPMENT STORAGE, ETC.)	
IMPERVIOUS AREA:	
BUILDINGS:	49,331 SF 13.47%
PAVEMENT / WALKS:	205,135 SF 56.67%
PERVIOUS AREA:	<u>PROPOSED OPEN SPACE</u>
	111,949 SF 29.86%
<u>PARKING REQUIRED :</u>	245 SPACES
<u>PROPOSED PARKING (EXCLUDES CART CORRALS):</u>	248 SPACES
HANDICAP SPACES REQUIRED:	7 SPACES
HANDICAP SPACES PROPOSED:	12 SPACES
CART CORRALS:	6 SPACES
LOADING (15' X 55' MIN) REQUIRED:	2 SPACES
LOADING (15' X 55' MIN) PROVIDED:	2 SPACES
LOADING (12' X 18.5' MIN) REQUIRED:	2 SPACES
LOADING (12' X 18.5' MIN) PROVIDED:	2 SPACES

CONCURRENCY	
GENERAL RETAIL SALES	41,400 SF
RESTAURANT - TYPE 1 - NO DRIVE-THRU - 21 SEATS	1,600 SF
FINANCIAL INSTITUTION WITH 3 DRIVE THRUS	2,900 SF
RETAIL	3,355 SF

NOTE: MAXIMUM 49,999 SF PER TABLE 4.A.4.A
NOTE: CONCURRENCY IS APPROVED FOR ALL OF THE ABOVE USES WITH THE EXCEPTION OF THE RESTAURANT

	FOUNDATION PLANTING REQUIRED	SEE FRP 1 OF 3 FOR DRO CONDITIONS OF APPROVAL
	ALONG A MINIMUM OF 40% OF BUILDING FACADE	

ZZR 2015-0364 3/18/2015 AS
ZZR 2015-1053 6/23/2015 DSG
ZAR 2015-2265 3/21/2016 DSG

AMENDMENTS

PROJECT #: 09999-000
CONTROL #: 1988-109
APPLICATION #: 2012-2798
RESOLUTION #: R-2010-1167
EXHIBIT #: 11

SUPERCEDES EXH #: 10
DATE APPROVED: 12-12-2012
PROJECT MANAGER:
Carol Glasser

ZONING STAMP

CG PROPERTY DEVELOPMENT REQUIREMENTS										
	MINIMUM LOT DIMENSIONS			DENSITY / GFA	FAR	BLDG. COVER	SETBACKS / SEPARATIONS			
	SIZE	WIDTH	DEPTH				FRONT	SIDE	STREET	REAR
REQUIRED	1.0 ACRES	100'	200'	-	-	25%	50'	15'	15'	20'
PROPOSED	8.41 ACRES	605.5'	605.9'	0.13	0.13	13.45%	103.62'	62.12'	86.14'	68.14'

Zoning Ordinance / Land Development Code

with

Most Current Revision Date

Zoning

Code Revision

Articles ▾

Articles in PDF ▾

PPMs

ADA Access: Palm Beach County is committed to compliance with the Americans with Disabilities Act (ADA) and WCAG 2.0. It does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its services, programs or activities. Upon request, reasonable accommodation will be made to allow individuals with disabilities access to the communications regarding Palm Beach County services, programs or activities set forth on Palm Beach County's website. Please call [561-355-2754](tel:561-355-2754) or e-mail your request pbaccessibility@pbcbgov.org.

Disclaimer: By accessing information, data and materials or related graphics in Palm Beach County's web pages containing the Unified Land Development Code (ULDC), you hereby agree to accept the following terms and conditions: Palm Beach County makes no warranty or guarantee regarding the accuracy or reliability of the content found on the ULDC web page including the PDF version of the ULDC, or the content found on any web site to which Zoning Division web pages are linked. [Please click to read the entire disclaimer »](#)

Ordinances 2003-067, 2003-068, and 2003-070 As Amended Supplement 28

[Entire ULDC](#) [Click here for the free Acrobat Reader plugin](#)

Applicable Zoning District
Showing
Permitted/Conditional Land Uses
and
Bulk Regulations

ARTICLE 3

OVERLAYS AND ZONING DISTRICTS

CHAPTER A GENERAL

Section 1 Districts

A. Purpose and 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. Standard, PDD and TDD Zoning Districts, and Overlays, where applicable, have been adopted to be in compliance with the Plan. Each district and overlay 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. **[Ord. 2011-016]**

B. Overlays and Zoning Districts

In order to carry out and implement the Plan, the following Overlays, Standard Zoning Districts, Planned Development Districts (PDDs), and Traditional Development Districts (TDDs) are hereby established. **[Ord. 2011-016]**

1. Overlays

AGEO, Agricultural Enclave Overlay **[Ord. 2011-016]**
AZO, Airport Zone Overlay
BRPO, Bioscience Research Protection Overlay **[Ord. 2016-042]**
COZ, Conditional Overlay Zone
GAO, Glades Area Overlay
IOZ, Indiantown Road Overlay
IRO, Infill Redevelopment Overlay **[Ord. 2011-016]**
LCSO, Lion Country Safari Overlay **[Ord. 2016-042]**
LOSTO, Lake Okeechobee Scenic Trail Overlay
NBOZ, Northlake Boulevard Overlay Zone
NEO, Native Ecosystem Overlay
PBAIO, Palm Beach International Airport Overlay
RTO, Research and Technology Overlay
SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay **[Ord. 2004-040]**
SR 80, Non-Residential Overlay
TAPO, Turnpike Aquifer Protection Overlay
URAO, Urban Redevelopment Area Overlay **[Ord. 2011-016]**
WCRAO, Westgate Community Redevelopment Agency Overlay
WCRO, Western Communities Residential Overlay **[Ord. 2017-011]**

2. Standard Districts

AGR, Agricultural Reserve
AP, Agricultural Production
AR, Agricultural Residential
CC, Commercial Community
CG, Commercial General
CHO, Commercial High Office
CLO, Commercial Low Office
CN, Neighborhood Commercial
CRE, Commercial Recreation
IG, General Industrial
IL, Industrial Light
IPF, Institutional and Public Facilities
IR, Infill Redevelopment Overlay **[Ord. 2011-016]**
PC, Preservation Conservation
PO, Public Ownership
RE, Residential Estate
RM, Residential Multifamily

RS, Residential Single Family
RT, Residential Transitional
UC, Urban Center [Ord. 2011-016]
UI, Urban Infill [Ord. 2011-016]

3. Planned Development Districts (PDD)

MHPD, Mobile Home Planned Development
MUPD, Multiple Use Planned Development
MXPDP, Mixed Use Planned Development
PIPD, Planned Industrial Park Development
PUD, Planned Unit 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.

D. Prior Approvals Corresponding to Current Districts

In order to promote ease of use and the consistent application of this Code, the Official Zoning Map may be updated administratively to delineate the Planned Development District that corresponds to certain prior approvals specified in [Art. 3.A.3.E.2, Planned Development Districts](#). Updating the Official Zoning Map by delineating the current zoning category or terminology on a particular property is not a rezoning and does not change the land development regulations that are applicable to a particular property. [Ord. 2012-003]

Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)

A. Purpose and Intent

A parcel's zoning district shall be consistent with its Future Land Use (FLU) designation. Any request for a Development Order shall be reviewed to determine consistency with the requirements of this Section. Unless exempted otherwise, all applications for a Development Order shall be in a zoning district corresponding to the FLU designations indicated in the following Tables: [Ord. 2011-016]

1. Standard Districts: [Table 3.A.3.B, Future Land Use \(FLU\) Designations and Corresponding Standard Zoning Districts](#); or
2. Planned Development Districts: [Table 3.A.3.C, FLU Designation and Corresponding Planned Development Districts](#); or
3. Traditional Development Districts: [Table 3.A.3.D, TDD Corresponding Land Use](#).

ARTICLE 4

USE REGULATIONS

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

Section 1 Overview

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

Section 2 Variance Relief Prohibited

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

Section 3 Zoning and Future Land Use Consistency

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

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

Section 4 Overlays

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

Section 5 Airport Zones

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

Section 6 Specific Regulations for Standard Zoning Districts

Special regulations apply within certain zoning districts as specified under [Art. 3.D.3, District Specific Regulations](#).

Section 7 Determining Approval Process

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

A. Organization

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

B. Use Classification

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

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

C. Use Matrix

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

1. Permitted by Right

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

2. Development Review Officer (DRO)

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

3. Class B Conditional Use

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

4. Class A Conditional Use

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

5. Temporary Use

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

6. Prohibited Use

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

D. General Standards

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

E. Definitions and Supplementary Use Standards for Specific Uses

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

Section 8 Use Functions

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

A. Principal

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

B. Collocated

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

C. Accessory

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

D. Flex Space

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

Section 9 Development Thresholds

A. Development Review Officer

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

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

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

B. Public Hearing Approval

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

1. Exemptions

The following projects shall be exempt from this requirement:

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

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

FLU Designation (3)	Number of Square Footage or Units (4)	Acreage
Residential (Excluding RR FLU)	200 du	50 acres
AGR (Residential Only) (2)	-	250 acres
CLO	30,000 sq. ft.	-
CHO	50,000 sq. ft.	-
CL	30,000 sq. ft.	-
CH	50,000 sq. ft.	-
IND	100,000 sq. ft.	-
INST	50,000 sq. ft.	-
CR	100,000 sq. ft.	-
MLU	50,000 sq. ft.	-
EDC	100,000 sq. ft.	-
Notes:		
1.	Land area devoted to retention pursuant to the requirements of the C-51 drainage basin, or land area devoted to vegetation preservation pursuant to the Environmentally Sensitive Lands Ordinance, excluding AGR or Sector Plan Preserve Areas, shall not be counted toward the maximum acreage threshold.	
2.	PDDs or TDDs in the AGR Tier are limited to the 80/20 PUD, 60/40 PUD, or AGR-TMD (FLUE Policy 1.5.1-a).	
3.	There are no thresholds for the UC or UI FLU designations.	
4.	Dwelling units shall include any density awarded as part of a density bonus program.	

C. Density Bonus

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

D. Agriculture Reserve Design Elements

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

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

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

A. Residential Use Matrix

1. Residential related accessory uses are identified in [Table 4.B.1.D, Corresponding Accessory Use to a Principal Use](#).

TABLE 4.B.1.A – RESIDENTIAL USE MATRIX

[illegible]

B. General Residential Standards

1. Accessory Affordable Housing

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

C. Definitions and Supplementary Use Standards for Specific Uses

1. Congregate Living Facility (CLF)

a. Definition

A facility which provides long-term care, housing, food service, and one or more assistive care services for persons not related to the owner or administrator by blood or marriage.

b. Licensing

Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in [F.S. § 419.001](#).

c. Approval Process

1) RS Zoning District

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

d. Maximum Occupancy

1) Type 1 CLF

Six persons, excluding staff.

2) Type 2 CLF

14 persons, excluding staff.

3) Type 3 CLF

The maximum occupancy shall be determined by FLUE Table 2.2.1-g.1 of the Plan and multiplying the maximum allowable density by 2.39. A dwelling unit is equivalent to 2.39 residents/beds. **[Ord. 2019-005]**

e. Separation

The separation requirements in this Section shall be measured from the nearest point of the existing CLF structure to the nearest point of the proposed CLF structure.

1) Type 1 CLF

A Type 1 CLF, shall not be located within a radius of 1,000 feet of another Type 1 CLF regulated by [F.S. § 419.001](#) and within a radius of 1,200 feet of a Type 2 CLF.

2) Type 2 CLF – RM Zoning District

A Type 2 CLF located in the RM Zoning District shall not be located within a radius of 1,200 feet of another CLF.

f. Location

A Type 3 CLF shall have frontage and access from a Collector or an Arterial Street, except for the following:

- 1) A Type 3 CLF having 25 residents or less may have frontage and access from a Local Street.
- 2) A Type 3 CLF having 250 or fewer residents may be located in a Multifamily, Commercial, or Civic Pod with access to a Local Street or a parking tract in a PDD.

g. Lot Size

- 1) The minimum lot dimension for a Type 2 or Type 3 CLF shall be 8,000 square feet or the zoning district minimum lot requirement, whichever is greater.
- 2) The required minimum acreage for a PDD may be reduced by 50 percent if it consists exclusively of a CLF.

h. Type 2 or Type 3 CLFs – Fire-Rescue Station

A Type 2 or Type 3 CLF shall be located within five miles of a full-service fire-rescue station.

i. 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.

j. Accessory Commercial Uses

A limited amount of commercial uses may be Permitted by Right as accessory uses in a Type 3 CLF. Such uses shall be limited to Retail Sales and Personal Services 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.

k. Signage

Signage for a Type 1 or Type 2 CLF shall be limited to one freestanding sign no more than four square feet in sign face area and six feet in height.

l. Congregate Living, Assistive Care Services

Assistance with activities of daily living and limited nursing services.

m. Emergency Generators

A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, and shall meet the standards of [Art. 5.B.1.A.19, Permanent Generators](#).

n. Cooking Facilities

A CLF shall provide and continuously maintain a central dining facility. Food preparation shall be prohibited in sleeping areas or in individual quarters in Types 1 and 2 CLFs. Individual kitchen facilities may be provided in the living quarters of a Type 3 CLF.

2. Cottage Home

a. Definition for Cottage Homes

The use of a lot or a structure for one detached dwelling unit with reduced property development regulations. [Ord. 2018-018] [Ord. 2019-034]

b. Cottage Home Size

A maximum of 1,000 square feet per unit.

c. Cottage Homes in RS Zoning District

May be allowed in the RS Zoning District with an MR-5 or higher FLU designation, subject to Full DRO approval. [Ord. 2019-034]

d. Cottage Homes in MF Pod or Lot

If Cottage Homes are developed in an MF Pod or Lot, they shall be developed in a cluster with open space that is commonly shared by the individual tenants or owners, subject to the following: [Ord. 2019-034]

1) Rear Garage

May have garage and driveways located in the rear of each unit. [Ord. 2019-034]

2) Open Space

The units shall front on a commonly owned open space with a minimum width of 75 feet, measuring from the front façade of each unit or front porch, whichever is applicable. [Ord. 2019-034]

3. Mobile Home Dwelling

a. Definition

The use of a residential lot or unit for one mobile home.

b. Principal Use

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

c. Accessory Use – Bona Fide Agriculture

One mobile home structure may be allowed accessory to a principal Bona Fide Agriculture use.

1) Lot Size

a) AR (USA) and AGR Districts

A minimum of five acres.

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

A minimum of ten acres.

c) RR-20 FLU Designation

A minimum of 20 acres.

2) Setbacks

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

3) Mobile Home Removal Agreement

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

4. Multifamily

a. Definition

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

b. Typical Uses

Typical uses include apartments and residential condominiums.

c. Overlay – WCRAO

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

d. Zoning District

1) TMD District

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

2) RM District

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

a) MR-5 FLU Designation

1) Planning Determination

A written determination from the Planning Director that the property meets the criteria for an Infill Density Exemption in the Plan; and

2) Existing RM Zoning

The property was zoned RM prior to the 1989 adoption of the Plan.

3) Approval Process

The approval process shall be as follows:

**Table 4.B.1.C – Approval Process
RM District with MR-5 FLU Designation**

Process	Units
Class A Conditional Use	> 24
Class B Conditional Use	9-24
DRO	5-8
Permitted by Right	1-4

4) Development Order

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

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

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

c) Limestone Creek

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

5. Single Family

a. Definition

The use of a lot or a structure for one detached dwelling unit.

6. Townhouse

a. Definition

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

b. Approval Process – RS Zoning District

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

7. Zero Lot Line Home (ZLL)

a. Definition

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

b. Approval Process – RS Zoning District

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

D. General Standards for Accessory Uses

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

1. Corresponding Accessory Use to a Principal Use

Accessory uses identified in [Table 4.B.1.D, Corresponding Accessory Use to a Principal Use](#), shall be:

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

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

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

2. Property Development Regulations (PDRs)

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

3. Ownership

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

4. Duplicate Use

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

5. Discontinuation of Use

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

E. Accessory Residential Use Standards

1. Accessory Quarters

a. Definition

A complete, separate living facility equipped with a kitchen and provisions for sanitation and sleeping, located on the same lot as the owner occupied principal dwelling.

b. Building Area

The use shall be subject to the following:

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

c. Compatibility

The Accessory Quarters shall be architecturally compatible in character and materials with the principal dwelling.

d. Kitchen Facilities Removal

An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and Property Owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any Building Permit. The agreement shall require the kitchen to be removed if the principal dwelling is no longer owner occupied.

e. No Separate Utility Service

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

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

A detached Accessory Quarters associated with a Townhouse or a Zero Lot Line shall be located in the rear of the lot with access from a street or alley.

2. Caretaker Quarters

a. Definition

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

b. Building Area, Except When Accessory to Government Facilities

The use shall be subject to the following:

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

c. Occupancy

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

d. Temporary Use

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

e. Mobile Home

A mobile home may be used for a Caretaker Quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. A mobile home used in the AGR, AP, or AR districts, shall be subject to the minimum acreage requirement pursuant to [Art. 4.B.1.C.3.c, Accessory Use – Bona Fide Agriculture](#). [Ord. 2018-002]

f. Mobile Home Removal Agreement

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

3. Estate Kitchen

a. Definition

A second kitchen located within a principal Single Family, Zero Lot Line, or Farm Residence.

b. Conversion to Duplex Prohibited

A secondary kitchen may be added provided there shall not be the presence of a second complete and separate living environment associated with the secondary kitchen.

4. Family Day Care Home

a. Definition

An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, consistent with [F.S. § 125.0109](#) as amended.

b. Signage

Signs shall not be permitted.

5. Farm Residence

a. Definition

A dwelling unit, other than a mobile home, located on a parcel of land used for a Bona Fide Agriculture use and occupied by the owner or operator of the farm operation.

b. Principal Dwelling

One principal dwelling shall be permitted for each bona fide farm operation.

6. Farm Workers Quarters

a. Definition

One or more residential structures providing a complete living environment, occupied by farm workers who provide labor in conjunction with a Bona Fide Agriculture operations.

b. Building Area

One Farm Workers Quarters may be allowed for each 25 acres, subject to the following:

- 1) Limited to a maximum of four beds; and
- 2) The structure shall not exceed 1,000 sq. ft. GFA under a solid roof.

c. AGR Tier

AGR/PUD or TMD Preserve shall be allowed one dwelling unit per acre provided such units are clustered onto a single compact area of the preserve and are restricted to occupancy by farm workers. Farm Workers Quarters shall not be located on property in the AGR Tier to which no residential density is assigned by the FLU designation.

d. Mobile Home Removal Agreement

A mobile home may be used for a Farm Workers Quarters. A removal agreement shall be executed and notarized between the Building Division and Property Owner and recorded on the property in the official records of the PBC Clerk prior to issuance of the Building Permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the Bona Fide Agriculture operation ceases to exist.

7. Garage Sale

a. Definition

Temporary sale of household articles, in the front yard or garage of a dwelling unit, by the occupant.

b. Duration

A maximum of 72 hours.

c. Number of Sales

A maximum of two per year per dwelling unit.

8. Groom's Quarters

a. Definition

On-site living quarters for persons responsible for grooming and caring for horses boarded at a Stable.

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

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

c. Number of Groom's Quarters

1) 20 Acres or Less

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

2) More Than 20 Acres

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

d. Building Area

1) Each Unit

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

2) 20 Acres or Less

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

3) Occupancy

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

e. Approval Process

Table 4.B.1.E – Groom's Quarters

Process	Number of Groom's Quarters Permitted
Class A Conditional Use	≥ 101
Class B Conditional Use	21-100
DRO	5-20
Permitted by Right	4 maximum

f. Kitchen Facilities Removal

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

9. Guest Cottage

a. Definition

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

b. Building Area

The use shall be subject to the following:

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

c. Kitchen or Cooking Facilities

There shall be no kitchen or cooking facilities in a Guest Cottage.

d. Compatibility

A Guest Cottage shall be architecturally compatible in character and materials with the principal dwelling unit.

e. No Separate Utility Service

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

10. Home Occupation

a. Definition

A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A Home Occupation shall not include those businesses that are open to the public including those required by State of Florida agencies.

b. Incidental Nature

Shall be clearly incidental and subordinate to the residential use of the dwelling property.

c. Location

With the exception of outdoor instructional services, a Home Occupation shall be conducted within the principal dwelling or off-site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.

d. No Change to Character of Dwelling

The residential character of the dwelling in terms of exterior appearance and interior space shall not be altered or changed to accommodate a Home Occupation.

- e. Employees**

Shall be conducted by members of the immediate family residing in the dwelling unit only. A maximum of one person who is not a member of the immediate family may assist in the operation of the Home Occupations at the residence.
- f. Advertising**

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

No food preparation shall be allowed, except as allowed in accordance with [F.S. § 500.80, Cottage Food Operations](#), as amended.
- h. On-Premise Sale of Goods and Services**

A Home Occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services or incidental retail sales where the Home Occupation is a mail order or internet business.
- i. Instructional Services**

Instructional services shall meet the following additional regulations:

 - 1) Home Instruction, Inside**

Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.
 - 2) Home Instruction, Outside**

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

Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m. daily.
 - 4) Number of Students**

A maximum of three students at a time may be allowed to receive instruction during a lesson.
 - 5) Parking**

No more than two vehicles associated with the lessons may be allowed to be parked at the instructor's home at any time.
 - 6) Resident**

The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor may be allowed to provide instruction.
- j. Home Occupation in the AR/RSA**

Additional standards and approval process apply to Home Occupation with limited Landscape Service or limited Contractor Storage Yard pursuant to this Article. **[Ord. 2018-018]**
- k. Outside Storage**

No equipment or materials used in the Home Occupation shall be stored or displayed outside of the dwelling, including driveways.
- l. 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. **[Ord. 2019-034]**
- m. Violations or Hazard**

If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the Business Tax Receipt may be revoked.
- n. Vehicles**

One business-related vehicle per dwelling unit not over one ton rated capacity may be parked at the home, provided the vehicle is registered to a resident of the dwelling, commercial vehicles are prohibited.

11. Kennel, Type 1

a. Definition

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

b. Private Non-Profit

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

c. Hobby Breeder

A person who breeds up to two litters of dogs or cats or 19 dogs or cats per one-year period, on their property. A Hobby Breeder is further defined and regulated by the PBCACC pursuant to [Ord. No. 98-22](#), as amended.

12. Limited Pet Boarding

a. Definition

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

b. Approval Process

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

c. Lot Size

A minimum of one acre.

d. Separation Distance

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

e. Maximum Number

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

f. Boarding

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

g. Hours

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

h. Outdoor Areas

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

i. Signage

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

j. ACC Permit

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

A. Commercial Use Matrix

[illegible]

[Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]		
Use Approval Process Key:		
P Permitted by Right	D Subject to DRO Approval B Subject to Zoning Commission Approval (Class B Conditional Use)	A Subject to BCC Approval (Class A Conditional Use) - Prohibited Use, unless stated otherwise within Supplementary Use Standards
(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.		
(2) The change in use for a previously approved non-residential structure shall be Permitted by Right, if in compliance with Art. 3.B.16.E.1, Right to Continue or Change Uses .		

[illegible]

[illegible]

B. General Commercial Standards

1. Bay Doors

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

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

C. Definitions and Supplementary Use Standards for Specific Uses

1. Adult Entertainment

a. Establishment

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

b. Definitions

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

1) Adult Arcade

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

2) Adult Bookstore/Adult Video Store

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

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

3) Adult Booth

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

4) Adult Dancing Establishment

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

5) Adult Entertainment

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

6) Adult Material

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

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

7) Adult Motel

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

8) Adult Theater

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

9) Adult Video Store

See Adult Bookstore.

10) Commercial Gain

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

11) Educational Institution

A premises or site within a municipality or within the unincorporated area of PBC upon which there is a governmentally licensed child care facility for six or more children, or elementary or secondary (K-12) school, attended in whole or in part by persons under 18 years of age.

12) Employee

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

13) Person

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

14) Religious Activities

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

15) Religious Institution

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

16) Specified Anatomical Areas

Less than completely and opaquely covered:

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

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

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

17) Specified Sexual Activities

- a) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
- c) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
- d) excretory functions as part of or in connection with any of the activities set forth in Subsections of [Art. 4.B.2.C.1.b](#), 16)-17), [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 per Palm Beach County Adult Entertainment Code

- 1) An establishment that possesses an Adult Entertainment license as indicated in [Art. 4.B.2.C.1.n.1\)c](#)), is presumed to be an Adult Entertainment establishment.
- 2) An Adult Entertainment use approved by the DRO, after March 2, 2017, shall hold a valid Adult Entertainment License pursuant to the [“Adult Entertainment Code,” Chapter 17, Article V of the PBC Code](#), as may be amended, prior to issuance of a Business Tax Receipt.

e. Review and Approval Process

- 1) Applications for new Adult Entertainment establishment or legal nonconforming establishments exceeding the thresholds in [Art. 1.F, Nonconformities](#), shall be subject to DRO approval.
- 2) An Adult Entertainment establishment shall be exempt from the requirements under Development Thresholds in this Article or any thresholds in this Code that require the use to be subject to a Conditional Use approval. **[Ord. 2019-005]**
- 3) The Zoning Director shall determine what DRO agencies shall review the application, including but not limited to the Building Division, Fire Department, and Zoning Division. DRO shall approve, approve with conditions, or deny the application within 21 days of a determination of application sufficiency as contained in [Art. 2.B.2, Sufficiency Review](#).

f. Conditions

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

g. Relief from a Decision

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

h. Purpose and Intent

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

i. Findings of Fact

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

October 1991; “Adult Entertainment Businesses in Indianapolis: An Analysis” conducted by the Department of Metropolitan Development, Division of Planning, February 1984; the “Study of the Effects of Concentration of Adult Entertainment Establishments in the City of Los Angeles” conducted by the Los Angeles City Planning Department for the Los Angeles City Council, June 1977; the study conducted by the City of Austin Texas; the “Presentation to the Orange County Commission” by the Metropolitan Bureau of Investigation (MBI) for the Ninth Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach County by Eric Damian Kelly, Ph.D., FAICP, dated September 24, 2004; letter from Dale N. Tarvis, M.D.; “Analysis of Availability of Sites for Adult Entertainment in Palm Beach County” prepared for Palm Beach County by Duncan Associates, November 2003; Adult Entertainment Analysis for Palm Beach County, Florida, Final Report, by Cooper Planning Consultants, January 2019; the “Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the County Attorney, Palm Beach County, Florida” prepared by Valerie Jenness, Ph.D., Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D., August 15, 2007; the “Survey of Florida Appraisers – Effects of Land Uses on Surrounding Property Values” prepared for Palm Beach County by Duncan Associates, December 2007 (Report 2008); and, information from Tampa, Florida detailing the effects of Adult Entertainment establishments in the Tampa area, the BCC hereby finds the following: **[Ord. 2019-034]**

- 1) Commercial uses exist or may exist within unincorporated PBC where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties, and/or other devices that depict, illustrate, describe, or relate to specified sexual activities are possessed, displayed, exhibited, distributed, and/or sold.
- 2) Commercial uses exist or may exist within unincorporated PBC:
 - a) Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded, and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;
 - b) Where dancers, entertainers, performers, or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical area; or,
 - c) Where lap dancing occurs.
- 3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce, and the community environment in PBC.
 - a) When the activities described in [Art. 4.B.2.C.1.b](#), 16)-17), [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.2.C.1.b](#), 16)-17), [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.2.C.1.b](#), 16)-17), [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, the BCC finds that there are a sufficient number of available locations for new Adult Entertainment uses within unincorporated Palm Beach County.
- 5) Based upon these findings, it is in the interest of the health, safety, morals, and general welfare of the citizens of PBC that Adult Entertainment uses are regulated pursuant to the following standards.

j. Separation

There shall be no variance to the location standards contained herein.

1) General

An Adult Entertainment use shall be located outside of the minimum distances indicated below including properties within a municipality or within the unincorporated area of PBC:

a) Other Adult Entertainment

2,000 feet.

b) A Place of Worship

1,000 feet.

c) An Educational Institution

1,000 feet.

d) A Public Park

500 feet.

e) A Residential Zoning District

Which is Designated as Residential by any Local Comprehensive Plan,

500 feet.

f) A Cocktail Lounge

750 feet.

2) Measurement of Distance

The distance set forth above shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed Adult Entertainment establishment to the nearest point on the property line of the relevant Place of Worship, Educational Institution, Public Park, or residential zoning district. For the purpose of measuring the distance, also see [Art. 1.C, Rules of Construction and Measurement](#), between Adult Entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing Adult Entertainment establishment and the nearest point on the exterior wall or bay of another Adult Entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects.

3) WCRA Overlay

Adult Entertainment is prohibited within the boundaries of the WCRAO, as per [Art. 3.B.14.E, Use Regulations](#).

k. Subsequent Development within Location Standards

The subsequent approval of a Development Order for a Place of Worship, Educational Institution, Public Park, or residential district within the distances outlined above shall not change the status of the Adult Entertainment use to that of a nonconforming use.

l. Landscaping

A Type 2 Incompatibility Buffer, pursuant to [Art. 7.C, Landscape Buffer and Interior Landscape Requirements](#) with Canopy trees spaced a minimum of 20 feet on center and a wall a minimum of six feet in height shall be installed along any property line that abuts a residential district.

m. Lighting

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

n. Nonconformity

1) Establishment of Nonconformity

An Adult Entertainment use shall be deemed a nonconforming use, provided the establishment:

- a) Was in operation as an Adult Entertainment use, generally known and held out in the neighborhood and community as an Adult Entertainment establishment, and was open to the public as an Adult Entertainment establishment use on November 28, 1988; and
- b) Possessed a valid and current Business Tax Receipt authorizing the general type of use, which would correspond to the Adult Entertainment use being claimed as nonconforming on November 28, 1988; and
- c) Submitted an application for an Adult Entertainment license pursuant to the ["Adult Entertainment Code," Chapter 17, Article V of the PBC Code](#), as may be amended, with appropriate filing fees by August 15, 1992.
- d) Any Special Permit submitted between August 16, 1992 and March 2, 2017.

2) Standards for Nonconformance

A nonconforming Adult Entertainment use as determined in [Art. 4.B.2.C.1.n, Nonconformity](#), above shall be subject to the following Supplementary Use Standards, in addition to [Art. 1.F, Nonconformities](#).

a) Landscape Buffer

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

b) Building Permit

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

3) Modification or Improvement to Site Elements

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

o. Accessory Food Service in Industrial Districts

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

p. Collocated Cocktail Lounge

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

2. Auction

a. Definition

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

b. Use Types

1) Indoor

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

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

2) Outdoor

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

c. Zoning District – AGR District

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

3. Bed and Breakfast

a. Definition

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

b. Signage

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

- c. **Dwelling Modifications**
Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing a Bed and Breakfast. A Single Family dwelling may require structural or other modifications to ensure compliance with the applicable Building Code and Fire-Rescue regulations.
 - d. **Events**
Activities such as weddings, receptions, or social events shall be prohibited, unless approved as Special Event.
- 4. **Car Wash**
 - a. **Definition**
A permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.
 - b. **Typical Uses**
A Car Wash may include but is not limited to an automatic, full-service, hand wash, or self-service Car Wash.
 - c. **Collocated – CG, PDD with CH FLU Designation**
A Car Wash may be Permitted by Right when collocated with a Retail Gas and Fuel Sales establishment.
 - d. **Accessory Use – CL FLU Designation**
An Automatic Car Wash may be allowed as an accessory use to a Retail Gas and Fuel Sales subject to DRO Approval when it is located on the same lot. Auto detailing or other extended services shall be prohibited.
 - e. **Zoning District – TMD**
A maximum of one Car Wash may be allowed. The Car Wash shall be located outside the main street, and may be accessed from a secondary street, alley or from a parking lot. The Car Wash shall not be visible from the main street. **[Ord. 2017-025]**
- 5. **Catering Service**
 - a. **Definition**
An establishment primarily engaged in providing event-based food services where food and beverages are prepared and delivered for consumption off the premises.
 - b. **Zoning District – CN District**
The use shall be limited to 3,000 square feet of GFA.
 - c. **Accessory Use**
Catering Service may be Permitted by Right as an accessory use to a Restaurant limited to food preparation. The accessory use shall be limited to three delivery vehicles.
 - d. **Accessory Services**
A Catering Service may also provide personnel, serving equipment, and decorations.
 - e. **Delivery Vehicles**
Delivery vehicles shall be located at the rear of the property and screened from view when located within 100 feet of a parcel of land with residential FLU designation or use, unless blocked from view by other existing structures.
- 6. **Cocktail Lounge**
 - a. **Definition**
A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises.
 - b. **Approval Process – CG and TDD or PDD with CH FLU**
A Cocktail Lounge located in the CG Zoning District, or in a TDD or PDD with a CH FLU designation, may be subject to the following: **[Ord. 2017-029]**
 - 1) Permitted by Right when located outside the Separation Requirements; or **[Ord. 2017-029]**
 - 2) the BCC may allow the use within the distances established in the Separation Requirements, subject to Class A Conditional Use approval. **[Ord. 2017-029]**
 - c. **Typical Uses**
A Cocktail Lounge may include but is not limited to taverns, bars, nightclubs, and similar uses.
 - d. **Zoning District – CN District**
A Cocktail Lounge shall not exceed 3,000 square feet of GFA.

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

d. Runs and Drop-Off

Facilities shall be subject to the following standards:

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

e. Outdoor Areas

Outdoor activities shall be prohibited except as follows:

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

10. Electric Vehicle Charging Station Facility

a. Definitions

A facility that provides infrastructure that supplies electric energy for the charging of electric vehicles for a fee. Electric vehicles shall include, but not limited to: battery-powered electric vehicles, plug-in hybrid electric vehicles, electric motorcycles, and fuel cell vehicles. The service is provided to the public and the facility can be manned or unmanned. [Ord. 2018-018] [Ord. 2019-034]

b. Location Criteria for Principal Use

- 1) An EVCS facility shall comply with [Art. 5.E.2, Location Criteria](#). [Ord. 2018-018]
- 2) An EVCS facility with a CL FLU designation shall comply with [Art. 5.E.1, Major Intersection Criteria](#). [Ord. 2018-018]
- 3) **I-95 or Turnpike Interchanges**
A parcel with a Commercial High (CH) Future Land Use designation within 0.50 miles of an I-95 or Turnpike interchange shall be exempt from the location criteria listed above. [Ord. 2018-018]

c. Design and Construction Standards for Stations for Principal or Accessory Use

- 1) The location of the EVCS (charger and/or charging space(s)) shall not be located in the following areas: [Ord. 2018-018]
 - a) required loading areas; [Ord. 2018-018]
 - b) required landscape buffers, islands, or medians; and, [Ord. 2018-018]
 - c) Any other areas that will impede vehicular or pedestrian traffic circulation or visibility. [Ord. 2018-018]
- 2) All EV parking spaces shall be a minimum of nine feet in width by 18.5 feet in length. The charging unit may be installed in front of the space or on the side. An optional pedestrian access aisle (between 18 inches to 2 feet) may be provided between the unit and the vehicle. Two adjacent EVCS spaces may utilize the same access aisle; [Ord. 2018-018]
- 3) EV spaces shall be painted green, or shall be marked by green painted lines or curbs; [Ord. 2018-018]
- 4) A canopy, if provided, shall not exceed 15 feet in height over the charging unit; [Ord. 2018-018]
- 5) Each EV space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with [Art. 8.B.2, Small Signs](#) and the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration. Each sign shall include the following information [Ord. 2018-018]
 - a) Voltage and amperage levels; [Ord. 2018-018]
 - b) Any applicable usage fees; [Ord. 2018-018]
 - c) Safety information; and, [Ord. 2018-018]
 - d) Contact information for the owner of the charging station, to allow a consumer to report issues relating to the charging station. [Ord. 2018-018]
- 6) A generator, if provided, shall comply with [Art. 5.B.1.A.19, Permanent Generators](#). [Ord. 2018-018]

d. Accessory Use

EVCS shall be permitted as an accessory use to non-residential uses when a parking space(s), equipped with EVCS infrastructure, is provided within the parking lot or vehicular service area of a principal use for public or private use. An accessory EVCS may be, Permitted by Right located in any zoning district subject to the following: [Ord. 2018-018] [Ord. 2019-034]

1) Accessory to Non-Residential Uses

Shall not exceed a maximum of 20 spaces or ten percent of the total required parking spaces for the use or, whichever is less. [Ord. 2018-018]

11. Financial Institution

a. Definition

An establishment engaged in deposit banking.

b. Typical Uses

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

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

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

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

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

12. Financial Institution with Drive-Through Facilities

a. Definition

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

b. Approval Process

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

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

a) CC;

b) PDD with CL or CLO FLU designation; and, [Ord. 2019-005]

c) TMD in the Rural Tier, Exurban Tier, and the Development Area of the AGR Tier. [Ord. 2019-005]

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

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

a) CG district; [Ord. 2019-005]

b) PDD with CH or CHO FLU designation; [Ord. 2019-005]

c) Commercial Pod of a PIPD; and, [Ord. 2019-005]

d) the Development Area of an AGR-TMD. [Ord. 2019-005]

3) Single Drive-Through ATM Exception

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

c. Zoning Districts – TDD

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

13. Financial Institution – Freestanding ATM

a. Definition

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

b. Zoning Districts – TDD

A Freestanding ATM with a drive-through ATM lane shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street.

c. Thresholds

All Freestanding ATMs shall be subject to the following requirements:

1) The owner or operator shall maintain at least one manned full-service Financial Institution within Palm Beach County;

2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather;

- 3) Customer access to the interior of the structure shall be prohibited, except for transparent glass security enclosures;
 - 4) Shall not be located within 1,000 feet of another Freestanding ATM. When within a TMD, the 1,000-foot separation distance may be reduced to accommodate a maximum of two freestanding ATMs, provided they are constructed in common public plazas; and,
 - 5) Shall be limited to a maximum of one drive-through ATM lane.
- 14. Flea Market, Indoor**
- a. **Definition**
Retail sales within a building permanently enclosed by walls and roof, in which floor space is rented to individual merchants to display and sell goods.
- 15. Flea Market, Outdoor**
- a. **Definition**
An outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.
- 16. Gas and Fuel Sales, Retail**
- a. **Definition**
An establishment engaged in the sale of gasoline or motor fuels to the general public.
 - b. **Nonconformities**
 - 1) **Automotive Service Station or Convenience Store with Gas Sales**
A prior approval for an Automotive Service Station or Convenience Store with Gas Sales, shall correspond to Retail Gas and Fuel Sales, and any other collocated uses such as Convenience Store, or Light or Heavy Repair and Maintenance.
 - 2) **Approvals Prior to Establishment of Location Criteria**
An Automotive Service Station or Convenience Store with Gas Sales that was a conforming use on the effective date of [Ord. No. 2001-029](#) (August 3, 2001), shall be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed below.
 - c. **Approval Process – IRO District with CH FLU Designation**
Retail Gas and Fuel Sales located on a parcel with a CH FLU designation within the Core Transect Zone may be allowed subject to DRO approval.
 - d. **Zoning Districts – TMD**
Retail Gas and Fuel Sales shall only be allowed on sites that are within 500 feet of the perimeter of the development. Gasoline pumps shall be located at the side or rear of a building with access from an alley, interior parking area, or a street not designated as a main street.
 - e. **Location Criteria**
 - 1) **Intersection Criteria**
A maximum of two Retail Gas and Fuel Sales establishments may be allowed at an intersection pursuant to [Art. 5.E.2.B, Intersection Criteria](#).
 - 2) **Separation Criteria**
A Retail Gas and Fuel Sales establishment shall be separated from any other Retail Gas and Fuel Sales establishment pursuant to [Art. 5.E.2.C.1](#), Separation Criteria.
 - 3) **Major Intersection Criteria for CL FLU in U/S Tier**
Retail Gas and Fuel Sales with a CL FLU designation shall comply with [Art. 5.E.1, Major Intersection Criteria](#).
 - 4) **CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers**
Retail Gas and Fuel Sales shall be located within 1,000 feet of the intersection of one Collector and Arterial Street, or two Arterial Streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table.
 - 5) **WCRA Overlay**
Retail Gas and Fuel Sales is prohibited in the NR, NRM, NG, and NC Sub-areas, per [Table 3.B.14.E, WCRAO Sub-area Use Regulations](#).
 - 6) **Exceptions**
 - a) **I-95 Interchanges**
A parcel with a Commercial High (CH) Future Land Use designation within one-half mile of an I-95 Interchange shall be exempt from the Location Criteria of 1), Intersection Criteria, and 2), Separation Criteria, listed above.

b) MUPD

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

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

f. Accessory Use

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

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

17. Green Market

a. Definition

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

b. Lot Size

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

c. Location

Vehicular access shall be from Arterial, Collector or Local Commercial Streets.

d. Accessory Uses – Green Market

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

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

e. Duration

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

f. Vendor Stands

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

18. Hotel or Motel

a. Definition

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

b. Approval Process

1) TMD District – U/S Tier

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

c. Zoning District – PO District

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

2) Collocated Hotel

a) Approval Process – PARK FLU

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

b) Park Resource Base

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

c) Conceptual Master Plan

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

d) Frontage and Access

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

e) Site Plan – Affected Area

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

d. Accessory Services

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

19. Kennel, Type 2 (Commercial)

a. Definition

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

b. ACC Permit

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

c. Lot Size

A minimum of two acres.

d. Frontage

A minimum of 100 feet fronting on and access from a Collector or Arterial Street.

e. Outdoor Runs

1) Setbacks

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

2) Fencing and Screening

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

3) Waste Disposal

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

f. Accessory Residential Use – AGR District

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

20. Kennel, Type 3 (Commercial)

a. Definition

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

b. ACC Permit

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

c. Maximum Square Footage

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

d. Standards

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

e. Waste Disposal

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

21. Landscape Service

a. Definition

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

b. Typical On-Site Activities

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

c. Typical Off-Site Activities

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

d. Common Operations Area

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

e. Nursery Growing Area

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

f. Easements

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

g. AR District in RSA

Shall be permitted subject to applicable requirements of a Home Occupation pursuant to [Art. 4.B.1.E.10, Home Occupation](#); [Art. 4.B.2.C.21.h, Collocated Use](#); or, as a Principal Use subject to the additional requirements as follows: **[Ord. 2019-039]**

- 1) Shall be located on a Collector or Arterial Street; and **[Ord. 2019-039]**
- 2) Shall be on a minimum of three acres. **[Ord. 2019-039]**

h. AGR-PUD Zoning District Preserve Area

1) Applicability

Landscape Service under this Section shall be permitted only for existing Landscape Service uses, on the following 28 sites, subject to the restrictions contained herein: **[Ord. 2020-016]**

- a) 23 properties within the AGR-PUD Zoning District Preserve Area, as depicted in the list of AGR-PUD Preserve properties attached as Exhibit B in Ordinance No. 2020-016. **[Ord. 2020-016]**
- b) Five additional properties within the AGR Zoning District, as depicted in the list of AGR-PUD Preserve properties attached as Exhibit B in Ordinance No. 2020-016. **[Ord. 2020-016]**
 - (1) These five properties shall provide sufficient evidence demonstrating that the Property Owner has entered into a private transactional agreement, such as an assignment agreement or other similar agreement, recorded in the Official Records of PBC prior to January 1, 2019, with the intent of converting the property to the AGR-PUD Zoning District Preserve Area. **[Ord. 2020-016]**
- 2) Landscape Service must be compact and contiguous in design and not located in more than two separate locations on a site; and, **[Ord. 2020-016]**
- 3) Landscape Service shall be allowed only in conjunction with a Wholesale Nursery and both uses shall be operated under the same ownership. **[Ord. 2020-016]**
- 4) Approval Process – Full DRO**
 - a) The DRO shall determine what Agencies will review the proposed application. **[Ord. 2020-016]**
 - b) The 23 properties located within the AGR-PUD Zoning District Preserve Area shall submit an application to allow a Landscape Service and be determined to be sufficient by the DRO within 180 calendar days of the effective date of Ordinance No. 2020-016. **[Ord. 2020-016]**
 - c) Prior to January 1, 2021, the five properties within the AGR Zoning District shall submit an application and be determined to be sufficient by the DRO, for a rezoning to the AGR-PUD Zoning District Preserve Area. These five properties shall then submit an application to allow the Landscape Service and be determined to be sufficient by the DRO within 60 days of the effective date of the rezoning to the AGR-PUD Zoning District Preserve Area. **[Ord. 2020-016]**
 - d) A minimum of 70 percent of the lot area shall be a Wholesale Nursery, and may also include limited areas for Open Space. **[Ord. 2020-016]**
 - e) A maximum of 30 percent of the lot area or one and one-half acres, whichever is less, shall include Typical On-Site Activities, Common Operation Areas, and any buildings not associated with the propagation, cultivation, growing, storage, and staging of plants. **[Ord. 2020-016]**
 - f) Driveways shall be allocated to either the Wholesale Nursery or Typical On-Site Activities and Common Operation Areas based on their proximity to each respective area, subject to approval by the DRO. **[Ord. 2020-016]**

5) Location – Access

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

i. Collocated Use

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

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

a) Approval Process – Full DRO

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

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

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

2) CC or CG Zoning Districts

a) Approval Process – Full DRO

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

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

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

4) AR/RSa Zoning District

a) Shall be on a minimum of three acres. [Ord. 2019-039] [Ord. 2020-007]

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

c) Approval Process

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

(1) Exception

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

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

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

b) Approval Process – Class A Conditional Use

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

6) Location – Access

a) AR/RSa and AR/USA Zoning Districts

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

b) AGR Zoning Districts

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

c) Other Zoning Districts

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

j. Hours of Operation

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

k. Landscape Buffer

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

1) AGR and AP Zoning District

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

l. Yard Waste Storage

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

1) Setbacks

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

2) Standards

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

m. Home Occupation

A limited Landscape Service, not including yard waste or landscape installation services, may be allowed as a Home Occupation subject to the requirements of [Art. 4.B.1.E.10, Home Occupation](#). [Ord. 2018-018]

1) Exception – AR/RSA Zoning District

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

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

22. Laundry Service

a. Definition

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

b. Typical Uses

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

c. Approval Process

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

- a) Permitted by Right if less than 3,000 square feet of GFA.
- b) Allowed subject to DRO Approval if less than 5,000 square feet of GFA.

2) Industrial Districts, Except Commercial Pod of a PIPD

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

d. Zoning District – CN

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

e. Zoning Districts – Industrial Except Commercial Pod of a PIPD

- 1) The use shall be limited to facilities serving the hospitality industry and commercial cleaner centers; and
- 2) Shall not include customer drop-off or pick-up on-site, or utilize customer-operated machinery.

f. Business Vehicles

Shall not be parked or stored in required parking spaces.

g. Environmental Approval

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

23. Marina

a. Definition

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

b. Typical Uses or Activities

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

c. Setbacks

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

d. Boatel Units

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

e. Boat Facility Siting Plan

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

24. Medical or Dental Office

a. Definition

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

b. Typical Uses

A Medical or Dental Office may include, but is not limited to, an Ambulatory Surgical Center or urgent care center.

c. INST FLU Designation

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

- 1) SCA 2005-027, Linton/Jog Institutional, [Ord. No. 2006-005](#);
- 2) SCA 2008-015, Jog/Joe Delong Institutional, [Ord. No. 2008-005](#);
- 3) SCA 2009-002, Atlantic/Sims Medical Office, [Ord. No. 2009-008](#);

- 4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), [Ord. No. 2010-031](#); and,
 - 5) LGA 2012-002, AGR Boynton Beach Institutional, [Ord. No. 2012-017](#).
 - d. Zoning Districts – CN, CLO, and CHO**
Permitted by Right when not exceeding 3,000 square feet of GFA. [**Ord. 2018-018**]
- 25. Microbrewery**
- a. Definition**
An indoor establishment engaged in the production and packaging of alcohol for distribution, wholesale or retail on or off premise.
 - b. Approval Process**
 - 1) A Microbrewery limited to 5,000 square feet of GFA, where allowed in commercial and mixed use zoning districts, may be Permitted by Right; or
 - 2) A Microbrewery located in the CG Zoning District or in a TDD or PDD with a CH FLU designation, may be Permitted by Right when in compliance with the separation distance below.
 - c. Zoning Districts – Commercial and Mixed Use Zoning Districts**
Where permitted, Microbreweries shall be subject to the following:
 - 1) Commercial Districts**
No more than 50 percent of the total GFA shall be used for brewery manufacturing or production, including packaging with the balance consisting of office, retail sales and taprooms, or other permitted collocated uses.
 - 2) Industrial Districts**
No more than 30 percent of the total GFA shall be used for accessory office, retail sales, or taprooms.
 - d. Accessory Uses – Taproom**
A Microbrewery where allowed in industrial zoning districts, FLU, and Pods, excluding the Commercial Pod of a PIPD, may include a taproom, subject to the following:
 - 1) A taproom shall be limited to the purchasing or consumption of alcoholic beverages produced on-site;
 - 2) Guest taps, consisting of alcohol not produced on-site, may be allowed in conjunction with a tap room not to exceed 30 percent of the number of taps or on-site production;
 - 3) Food service may be permitted; and,
 - 4) Hours of operation shall be limited from 5:00 p.m. to 10:00 p.m. weekdays and 11:00 a.m. to 10:00 p.m. weekends.
 - e. Separation Distance**
 - 1) A Microbrewery with accessory taproom shall not be located within 500 feet from a School as required by [F.S. § 562.45](#), as periodically amended.
 - 2) A Microbrewery in an MUPD with a CL FLU designation shall be separated a minimum of 750 feet from another Microbrewery.
- 26. Office, Business or Professional**
- a. Definition**
An establishment providing executive, management, administrative, or professional services.
 - b. Typical Uses**
A Business or Professional Office may include but is not limited to property and financial management firms; employment, travel, advertising, or real estate agencies; pay day lending offices, check cashing services and currency exchange agencies; contract post offices; professional or consulting services; and, business offices of private companies, utility companies, public agencies, and trade associations.
 - c. Approval Process**
The use may be Permitted by Right if limited to the following:
 - 1) A maximum of 10,000 square feet of GFA per parcel in the CN Zoning District.
 - 2) A maximum of 15,000 square feet of GFA per parcel in the CLO Zoning District.
 - 3) A maximum of 20,000 square feet of GFA per parcel in the CC Zoning District.

d. Employment Agencies

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

1) Westgate Overlay

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

2) Outdoor Activities

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

e. Accessory Office

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

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

27. Parking, Commercial

a. Definition

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

b. Proximity to Residential

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

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

c. Access

Access from a Residential Street shall be prohibited.

28. Pawnshop

a. Definition

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

b. Separation Distance

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

c. Setbacks

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

d. Hours of Operation

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

29. Personal Services

a. Definition

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

b. Typical Uses

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

c. Approval Process – CN District

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

d. Accessory Use

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

e. Sale or Dispensing of Controlled Substances

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

30. Repair and Maintenance, Heavy

a. Definition

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

b. Typical Uses

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

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

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

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

d. Setbacks

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

e. Nuisances

1) Enclosed Repair Activities

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

2) Vehicle or Equipment Testing on Residential Streets

Testing of vehicles or equipment shall be prohibited on residential streets.

f. Outdoor Parking or Storage

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

31. Repair and Maintenance, Light

a. Definition

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

b. Typical Uses

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

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

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

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

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

e. Accessory Use

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

f. Setbacks

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

g. Nuisances

1) Enclosed Repair Activities

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

2) Vehicle or Equipment Testing on Residential Streets

Testing of vehicles, equipment or other similar shall be prohibited on residential streets.

h. Outdoor Parking or Storage

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

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

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

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

32. Repair Services, Limited

a. Definition

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

b. Typical Uses

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

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

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

d. Enclosed Repair Activities

All repair activities shall be conducted within an enclosed structure.

e. Storage

Outdoor storage shall be prohibited.

33. Restaurant, Type 1

a. Definition

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for takeout who place orders through a window or remote transmission device; or sales to patrons for takeout or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and, self-service or prepackaged condiments.

b. Approval Process

1) DRO Approval

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

2) Permitted by Right

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

c. Tier Specific – Exurban and Rural

A Type 1 Restaurant shall comply with the following:

1) Shall not be the sole use on the property;

2) Shall be located in an MUPD or TDD;

3) Shall not have direct ingress/egress to an adjacent Arterial or Collector Street. Ingress/egress shall be from the interior of the overall vehicular circulation system for the development or interior streets, whichever is applicable; and,

4) Shall comply with the design requirements outlined under [Art. 4.B.2.C.33.f.3](#), Location Criteria, Exceptions.

d. Zoning Districts – TMD

A Type 1 Restaurant shall be limited to:

1) 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA.

2) Located in an outparcel or freestanding building; or

3) A drive-through, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building.

e. Accessory Alcohol Sales

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

f. Location Criteria

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

1) Intersection Criteria

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

2) Separation Criteria

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

3) Exceptions

a) Design Criteria

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

- (1) Drive-through facilities, including queuing and by-pass lanes that run parallel and are visible from adjacent streets, shall provide additional landscaping to mitigate views of the vehicular use areas.
- (2) If located in a non-residential Planned Development District or a Commercial Pod, all the required parking spaces shall be located in close proximity to the restaurant that they serve. Required parking shall not be separated from the restaurant main entrance by a distance of more than 150 feet. The Applicant may request an increase to this distance up to a maximum of ten percent of the dimensional requirement through a Type 1 Waiver;
- (3) If located in Standard Zoning Districts and required by the Zoning Director, cross-access shall be provided to all abutting parcels that have commercial FLU designation. If required, the cross-access easement shall be recorded prior to Final Approval by the DRO. The Zoning Director may elect not to require the cross-access easement based on review of the existing or approved use for the abutting property.
- (4) Consideration shall be given to site design that promotes a safe pedestrian environment and addresses vehicular circulation and maneuvering. A restaurant located on a single parcel with a Standard Zoning District is allowed continuous vehicular circulation:
 - (a) on all four sides of the building if the site is limited to only one access point to the subject property; or
 - (b) on all three sides of the building if site is limited to two access points to the subject property.
- (5) Landscape plans and architectural elevations shall be required as part of any application for a Conditional Use, or any DOA affecting the items listed herein.

b) MUPD

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

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

g. Major Intersection Criteria for CL FLU

A Type 1 Restaurant with a CL FLU designation shall comply with [Art. 5.E.1, Major Intersection Criteria](#), unless the restaurant meets the requirements of one or more of the following: [Art. 4.B.2.C.33.b.1\), DRO Approval](#), [Art. 4.B.2.C.33.b.2\), Permitted by Right](#), is located within a TMD, or complies with the design requirements outlined under [Art. 4.B.2.C.33.f.3\), Exceptions](#).

h. Outdoor Dining

Shall comply with the principal structure setbacks.

34. Restaurant, Type 2

a. Definition

An establishment with no drive-through, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption.

b. Approval Process – DRO Approval

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

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

2) CHO District; and PDDs with a CHO FLU

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

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

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

c. Zoning Districts – TND and TMD

Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building.

d. Accessory Alcohol Sales

A Type 2 Restaurant may include the on-premises sale, service and consumption of alcoholic beverages as an accessory use.

e. Accessory Take Out Service

Take out service may be allowed as an accessory use provided there are no vehicle take out windows that include exterior menu boards, queuing lanes or order services.

f. Outdoor Dining

Shall comply with the principal structure setbacks.

35. Retail Sales

a. Definition

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

b. Typical Uses

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

c. Zoning Districts

1) TND District

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

a) A maximum of 40,000 square feet of GFA for a food store or 20,000 square feet of GFA for a food store when the TND is developed as part of a TTD.

b) In a Multifamily building with more than 50 units, a “corner store” may be allowed, provided it does not exceed 1,000 square feet of GFA and is integrated into the building and at a corner location.

2) TMD District

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

(1) 100,000 square feet of GFA in the U/S Tier;

(2) 50,000 square feet of GFA in the Exurban and Rural Tiers; and,

(3) 65,000 square feet of GFA in the AGR.

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

(1) If located in the rear of a building;

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

3) CN District

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

d. Outdoor Display Areas – Monument Sales

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

e. Fireworks

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

1) Exception

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

f. Sale or Dispensing of Controlled Substances – Pharmacy

A pharmacy shall be subject to the following:

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

g. Collocated Use

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

h. Unmanned Retail Structure

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

1) Definition and Typical Uses

a) Freestanding

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

b) In-Line

Includes Unmanned Retail Structures that are adjacent to, attached to, or located within 15 feet of a principal structure, and not separated by vehicular access drives.

2) Accessory Use – Industrial Zoning Districts

May be allowed as an accessory use to Data and Information Processing, Research and Development, Government Services, or Wholesaling.

3) Size

Shall not exceed 150 square feet, excluding canopies provided for decorative aesthetics or protection from weather.

4) Number

Shall not exceed one per development.

5) Design Standards

Shall not encroach any required site design elements, including but not limited to: drive aisles, easements, landscaping, parking spaces, and ADA paths.

a) Freestanding

- (1) Shall achieve architectural compatibility with the other structures in the development, including texture, paint and similar building materials.
- (2) Shall be limited to one story, not to exceed 15 feet in height.

b) In-Line

- (1) Shall not exceed eight feet in height, or nine feet if including a weather protection canopy.
- (2) Shall not obstruct more than 20 percent of the windows.

6) Signage

a) Freestanding

Wall signs may be allowed for buildings that meet the requirements for [Art. 5.C.1.H.1.a, Guidelines for Non-Residential Design Elements](#).

b) In-Line

Shall be limited to a maximum of 20 percent of each side's facade of the structure, or a maximum of four square feet, per side, whichever is less.

i. Medical Marijuana Dispensing Facility

1) Definition

A facility, operated by a Medical Marijuana Treatment Center (MMTC) in accordance with the Florida Department of Health as a medical marijuana dispensing facility that dispenses medical marijuana to qualified patients or caregivers. A medical marijuana dispensing facility does not prepare, transfer, cultivate or process any form of marijuana or marijuana product. [Ord. 2017-028]

2) Location

Medical marijuana dispensing facility shall not be located within 500 feet of an existing Elementary or Secondary School, unless approved as a Type 2 Waiver. [Ord. 2017-028]

36. Rooming and Boarding House

a. Definition

A Single Family dwelling with lodging for a maximum of up to five persons, where meals may or may not be regularly prepared and served, and facilities such as kitchen and bathrooms may be shared with other residents.

b. Zoning District

A Rooming and Boarding House shall only be allowed in the RM Zoning District with an HR FLU designation.

c. Dwelling Modifications

Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood. A Single Family dwelling may require structural or other modifications to ensure compliance with the applicable Building Code and Fire-Rescue regulations.

37. Self-Service Storage

a. Definition

A facility consisting of individual, self-contained units that are leased for the storage of business, household, or other personal goods.

1) Types Permitted

Self-Service Storage facilities may include but are not limited to Limited or Multi Access storage units, with or without Outdoor Storage areas, limited to the storage of personal or household goods, automobiles, recreational vehicles, boats, or personal watercraft, only, subject to the following:

a) Limited Access

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

b) Multi-Access

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

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

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

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

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

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

d. Accessory Uses – Industrial Districts

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

e. Architecture

1) Storage Access or Storage Unit Door Screening

Access points and storage unit doors shall be screened from all public streets, residential uses, or vacant parcels with a residential FLU designation, through the use of buildings, walls,

opaque vehicular gates which primarily remain closed, or other similar barriers. [Ord. 2018-002]

2) Fenestration

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

f. Landscaping – Incompatibility Buffer Screening Requirements

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

1) 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. This option may be permitted where Fire-Rescue may require access for emergency purposes upon demonstration that any required gates are designed and constructed to provide the same visual barrier as the required wall.

3) Access Isles

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

g. Storage

1) Hazardous Materials Prohibited

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

2) Outdoor Storage Standards

Outdoor storage shall be subject to the following:

a) Permitted Vehicles

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

b) Location

The storage shall occur only within a designated area.

c) Storage Area

The storage area shall not exceed 50 percent of the lot area.

d) Screening

The storage area shall be completely screened from view from adjacent properties and public streets by landscaping, fences, walls or buildings.

e) Mobility

All vehicles and trailers shall be licensed for use on public streets. Other vehicles, including recreational vehicles, boats and personal watercraft, shall be stored on wheeled trailers.

f) Repair Prohibited

Vehicle repair shall be prohibited.

h. Supplemental Circulation Standards for Multi-Access Facilities

1) Interior

The minimum width of aisle ways between storage structures shall be 20 feet for one-way traffic, and 30 feet if two-way traffic.

2) Flow

Traffic flow patterns in aisle ways shall be clearly marked. Markings shall consist at a minimum of standard directional signage and painted lane markings with arrows.

i. Business Uses Prohibited

Businesses shall be prohibited from operating within any Self-Service Storage facility or storage unit or outdoor storage area, except as follows:

1) Storage of Business Goods

A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation.

2) Home Occupation Vehicles

A maximum of one business related vehicle per storage customer a maximum of 8,000 pounds curb weight may be stored in a Multi-Access storage unit or outdoor storage area.

38. Single Room Occupancy (SRO)

a. Definition

An establishment with lodging for five or more persons housed in individual rooms, where meals may or may not be regularly prepared and served, and facilities such as kitchen and bathrooms may be shared with other residents. [Ord. 2020-020]

39. Theater and Performance Venue

a. Definition

An establishment that hosts live performances, viewings, seminars, or exhibitions.

b. Typical Uses

Typical uses may include but are not limited to movie theaters, theaters, conference centers, and exhibition halls.

c. Approval Process

May be Permitted by Right if it is indoor and less than 15,000 square feet of GFA, and located in the zoning districts where the use is allowed, unless stated otherwise. [Ord. 2020-020]

d. Building Area – CN Zoning District

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

40. Vehicle or Equipment Sales and Rental, Heavy

a. Definition

An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used mobile homes or commercial vehicles, as may be defined by the Florida Department of Motor Vehicles, or equipment, including but not limited to the following: heavy trucks, truck tractors, road tractors, straight trucks, special mobile equipment, buses, school buses, farm tractors, farm implements, heavy equipment including construction and earth moving equipment, trailers, and semitrailers.

b. Typical Uses

Typical uses include independent dealers, franchise dealers, wholesale dealers, or mobile home dealers or brokers, or, moving truck or trailer rental, construction or farm equipment sales or rental yards, and large implement sales or rental.

c. Approval Process

1) Moving Truck and Trailer Rental

Moving Truck and Trailer Rental, limited to a maximum of five vehicles per lot, may be permitted as an accessory use to Retail Gas and Fuel Sales or a Large Scale Commercial Development, subject to DRO approval.

2) IL District, MUPD with IND FLU Designation, and Light Industrial Pod of a PIPD – Rental Equipment

The rental of construction equipment, moving trucks or trailers, farm equipment, and farm implement and machinery sales and rental uses may be allowed subject to DRO approval.

3) Rural Tier Farm Equipment – MUPD with CL FLU Designation

Heavy Vehicle or Equipment Sales and Rental limited to farm equipment that supports the residents of the Rural Tier may be allowed in an MUPD with a CL FLU designation, subject to Class A Conditional Use approval.

d. Overlay – Westgate Community Redevelopment Area (WCRA) Overlay

Heavy Vehicle or Equipment Sales and Rental is prohibited in the NR, NRM, NG, and NC Sub-areas, as per [Table 3.B.14.E, WCRAO Sub-area Use Regulations](#).

e. Lot Size

1) Commercial Districts

A minimum of three acres.

2) IL District

A minimum of one acre.

f. Accessory Uses

1) Accessory Retail Sales

Retail sale of parts may be provided as an accessory use.

2) Accessory to Heavy Repair and Maintenance

Limited Heavy Vehicle Sales and Rental, may be permitted as an accessory use to Heavy Repair and Maintenance facilities, subject to DRO approval, and the following:

a) Limited to the display or advertising of a maximum of five vehicles per lot.

b) All storage spaces shall be located indoors, or set back a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of buildings or walls, or opaque fences or landscaping.

c) Vehicles on display shall be located within 100 feet of a repair bay.

g. Nuisances – Test Drives

Test drives of motor vehicles shall be prohibited on Residential Streets.

h. Storage or Display

Outdoor storage or display of vehicles or equipment shall only be permitted in areas designated for storage or display on an approved Development Order, subject to the following requirements:

1) General

a) Vehicle Operating Conditions

- (1) The storage or display of inoperable vehicles or equipment shall be prohibited, with exception to designated storage areas permitted under an approved accessory or collocated use.
- (2) No vehicles or equipment shall be stored or displayed on site except those intended for sale, rental, or lease. An exception shall be permitted for new motor vehicle or equipment inventory owned by another dealership, provided that such vehicles or equipment is of the same type approved for the subject site.

b) Loading Spaces

Loading spaces shall be set back a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation.

c) Required Parking

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

2) Standards for Bull Pen Storage

a) Location or Design

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

b) Outdoor Storage

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

3) Standards for Display Areas

a) General

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

b) Barrier

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

c) Design Standards

Display areas shall conform to [Art. 6, Parking, Loading, and Circulation](#), except for space striping.

4) Standards for Moving Truck and Trailer Rental

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

41. Vehicle Sales and Rental, Light

a. Definition

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

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

b. Typical Uses

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

c. Approval Process

1) Indoor Vehicle Showroom

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

a) Floor Area

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

b) Test Drives

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

c) Vehicle Operations

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

d) Parking

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

e) Stand Alone Exception

Stand Alone with lot frontage on an Arterial Street or Planned Collector Street, may be exempt from the limitations of a) through c) above, provided that all vehicle display, storage, detailing, or other collocated uses or activities occur indoors.

2) Neighborhood Vehicle Rental Facility

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

a) Vehicle Limitations

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

b) Minimum Lot Size

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

c) Parking

The rental vehicles shall be parked in specifically designated spaces or located in Bull Pen Storage.

d) Outdoor Activities

Maintenance, repair, detailing, washing, cleaning, or related activities shall not be conducted on site.

d. Overlay – Westgate Community Redevelopment Area (WCRA) Overlay

Light Vehicle Sales and Rental is prohibited in the NR, NRM, NG, and NC Sub-areas, as per [Table 3.B.14.E, WCRAO Sub-area Use Regulations](#).

e. Zoning Districts

1) Commercial Pod of PUD and Neighborhood Center of TND

Shall be limited to a Neighborhood Vehicle Rental Facility.

2) TMD

Shall be limited to Indoor Vehicle Showroom.

3) Districts with Commercial Low FLU Designation

The sale or rental of OHVs, RVs, boats, or motorcycles shall be subject to the standards for accessory uses.

4) IL District – Automobile Rental

Automobile rental may be permitted in the IL district when located on an Arterial Street, subject to Class A Conditional Use approval.

f. Lot Size

A minimum of three acres, excluding the following:

- 1) Indoor Vehicle Showrooms;
- 2) Motorcycle or OHV sales and rental;
- 3) Boat or watercraft sales and rental when collocated with a Marina Facility; or,
- 4) Where otherwise stated within this Subsection.

g. Accessory Uses

1) Marinas

Vehicle Sales and Rental limited to boats and personal watercraft may be permitted as an accessory use to Marina Facilities in the CRE district or an MUPD with CR FLU designation, and shall be exempt from the minimum three-acre lot size requirement

2) Accessory to Heavy Repair and Maintenance

Limited Light Vehicle Sales and Rental, may be permitted as an accessory use to Heavy Repair and Maintenance facilities, subject to DRO approval, and the following:

- a) Limited to the display or advertising of a maximum of five vehicles per lot.
- b) All storage spaces shall be located indoors, or set back a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of buildings or walls, or opaque fences or landscaping.
- c) Vehicles on display shall be located within 100 feet of a repair bay.

h. Nuisances – Test Drives

Test drives of motor vehicles shall be prohibited on Residential Streets.

i. Storage or Display

Outdoor storage or display of vehicles shall only be permitted in areas designated for storage or display on an approved Development Order, subject to the following requirements:

1) General

a) Vehicle Operating Conditions

- (1) The storage or display of inoperable vehicles or equipment shall be prohibited, with exception to designated storage areas permitted under an approved accessory or collocated use.
- (2) No vehicles or equipment shall be stored or displayed on site except those intended for sale, rental, or lease. An exception shall be permitted for new motor vehicle or equipment inventory owned by another dealership, provided that such vehicles or equipment is of the same type approved for the subject site.

b) Loading Spaces

Loadings spaces shall be set back a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation.

c) Required Parking

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

2) Standards for Bull Pen Storage

a) Location or Design

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

b) Outdoor Storage

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

3) Standards for Display Areas

a) General

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

b) Barrier

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

c) Design Standards

Display areas shall conform to [Art. 6, Parking, Loading, and Circulation](#), except for space striping.

42. Veterinary Clinic

a. Definition

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

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

- 1) A Veterinary Clinic may be Permitted by Right in the AR, CLO Zoning District and MUPD with CL or CLO FLU designation, subject to the following limitations: **[Ord. 2019-005]**
 - a) GFA shall not exceed 5,000 square feet; and
 - b) Shall not include outdoor runs.
- 2) A Veterinary Clinic may be Permitted by Right in the AGR Zoning District. The GFA shall not exceed 5,000 square feet. **[Ord. 2019-005]**

c. Lot Size – AR and AGR Districts

Shall be located on a minimum of five acres.

d. Zoning District

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

1) CC and CN Zoning Districts

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

2) MUPD with CL FLU Designation and TDD Districts

Shall not occupy more than 5,000 square feet of GFA.

3) Infill Redevelopment Overlay

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

e. Outdoor Runs

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

1) Lot Size

A minimum of one acre.

2) Setbacks

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

3) WCRAO

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

4) Standards

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

5) Waste Disposal

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

f. Facility without Outdoor Runs

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

g. Collocated Use

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

43. Vocational Institution

a. Definition

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

b. Typical Uses

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

c. Zoning District – CN and CC

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

d. FLU Designation – Industrial

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

e. Nuisances

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

44. Work/Live Space

a. Definition

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

b. Non-Residential Designation

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

c. Floor Area

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

d. Office Space

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

e. WCRAO

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

A. Recreation Use Matrix

TABLE 4.B.3.A – RECREATION USE MATRIX

[illegible]

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

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

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

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

b. Typical Uses

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

c. Location

A minimum of 200 feet of frontage on a Collector or Arterial Street from which primary point of vehicular access shall be provided.

2. Campground**a. Definition**

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

b. Lot Size

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

c. Use**1. Campsite**

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

2. RV Site

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

d. Intensity

Campgrounds may be developed at the following intensities:

Table 4.B.3.C – Campground Intensity

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

e. Setback for RV or Camp Sites

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

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

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

2) RV Sites

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

b) Record Keeping

The Campground owner or operator shall keep the following records:

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

c) Mobility

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

g. Accessory Use

1) Camping Cabin

a) Definition

A rental cabin used for temporary occupancy.

b) Use

A camping cabin may be allowed as an accessory use to a campground.

c) Number

A maximum of 30 percent of the total approved campsites may be used for camping cabins.

d) Floor Area

A camping cabin shall not exceed 800 square feet of GFA.

e) Additional Floor Area

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

f) Amenities

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

2) Retail Sales, General

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

a) Size

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

b) Location

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

c) Parking

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

d) Signage

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

h. LOSTO

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

1) Campground

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

2) Camping Cabins

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

a) Density

A maximum of ten camping cabins per acre when developed as principal use.

b) Setback

A minimum of 25 feet from all property lines.

c) Occupants

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

3. Entertainment, Indoor

a. Definition

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

b. Typical Uses

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

c. Approval Process – CC, CG, MUPD, MXPD and PIPD Zoning Districts

An Indoor Entertainment use encompassing less than 3,000 square feet of floor area may be Permitted by Right.

4. Entertainment, Outdoor

a. Definition

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

b. Typical Uses

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

c. Approval Process – PIPD Regional Recreation Pod Exception

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

1) Notification to Business Development Board

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

2) Residential Separation

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

3) Collocated Special Event

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

d. Location

Access to an Outdoor Entertainment use shall be from a Collector or Arterial Street.

e. Setbacks

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

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

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

5. Fitness Center

a. Definition

An establishment containing multi-use facilities for conducting recreational sport activities.

b. Typical Activities

Typical sport activities may include but is not limited to aerobic exercises, weight lifting, running, swimming, racquetball, handball, squash, dance studios and martial arts studios.

- c. **Approval Process**
 - 1) **CC Zoning District and MUPD with CL FLU Designation**
 - a) A Fitness Center that has less than 8,000 square feet of GFA shall be Permitted by Right.
 - b) A Fitness Center with more than 8,000 square feet but less than 15,000 square feet shall be subject to DRO approval.
 - 2) **Commercial Pod of PUD**

A Fitness Center less than 10,000 square feet may be Permitted by Right. [Ord. 2018-018]
- d. **Zoning District – CN Zoning District**

The use shall be limited to 3,000 square feet of GFA when located in CN Zoning District and shall not include outdoor activities.
- e. **Existing Approvals – IL Zoning District and Industrial Light Pod of PIPD**

A Fitness Center legally established in the IL Zoning District or Industrial Light Pod of a PIPD prior to March 2, 2017 shall be considered legal conforming.
- 6. **Golf Course**
 - a. **Definition**

An establishment providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.
 - b. **Accessory Use**
 - 1) **Clubhouse**

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

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

 - a) **Maximum Height Adjacent To**
 - (1) **Residential Use**

15 feet.
 - (2) **Street or Easement**

30 feet.
 - (3) **Non-Residential Use**

30 feet.
 - b) **Variance Relief**

Request for Type 2 Variance from fence or netting maximum height shall be permitted in accordance with [Art. 2, Application Processes and Procedures](#).
- 7. **Park, Neighborhood Infill**
 - a. **Definition**

A Public Park facility operated by PBC located in the Revitalization and Redevelopment Overlay as designated by the BCC.
 - b. **Lot Size**

A maximum of five acres.
 - c. **Minimum Setbacks**
 - 1) **Playground Surface Areas**

Ten feet.
 - 2) **Structures, Park Furniture and Playground Equipment**

15 feet.
 - 3) **Active Recreation Facilities**
 - a) A minimum of 15 feet when adjacent to R-O-Ws and parcels of land with a non-residential FLU designation or use.
 - b) A minimum of 25 feet when adjacent to parcels of land with a residential FLU designation or use. The Parks and Recreation Director may authorize a setback reduction to 15 feet, when compatibility issues are addressed with any adjacent residential uses.
 - d. **Restrictions**

Sports lighting, parking spaces and permanent sanitary facilities shall be prohibited.
 - e. **Recreational Amenities**

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

8. Park, Passive

a. Definition

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

b. Typical Uses

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

c. Zoning District – PC

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

9. Park, Public

a. Definition

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

b. Type of Parks

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

c. Collocated Uses

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

- 1) Outdoor Shooting Range limited to non-mechanical equipment archery;
- 2) Arena or Stadium or Amphitheater separated at least 1,500 feet from parcels of land with a conservation and residential FLU designation or use.
- 3) Commercial Equestrian Arena;
- 4) Marina limited to docks, wet slips or boat ramps; and,
- 5) Caretaker Quarters. **[Ord. 2018-018]**

10. Shooting Range, Indoor

a. Definition

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

b. Approval Process

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

c. Nuisances

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

d. Separation Distance

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

e. Site Design

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

11. Shooting Range, Outdoor

a. Definition

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

b. Separation Distance

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

c. Site Design

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

d. Archery Range

1. DRO Approval Process

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

2. Separation Distance

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

12. Zoo

a. Definition

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

b. Accessory Uses

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

c. Setbacks

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

A. Institutional, Public, and Civic Use Matrix

Use Type

[Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002]

Use Approval Process Key:

P	Permitted by Right	D	Subject to DRO Approval	A	Subject to BCC Approval (Class A Conditional Use)
		B	Subject to Zoning Commission Approval (Class B Conditional Use)	-	Prohibited Use, unless stated otherwise within Supplementary Use Standards

(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.

[illegible]

B. General Institutional, Public, and Civic Standards

1. Agricultural Reserve (AGR) Tier

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

C. Definitions and Supplementary Use Standards for Specific Uses

1. Animal Shelter

a. Definition

A nonprofit establishment used for the protection of unwanted or abandoned domesticated animals.

b. Typical Services

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

c. Approval Process – ACC Permit

All Animal Shelters shall be licensed and regulated in accordance with ACC [Ord. No. 98-22](#), as amended. The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit.

d. Frontage

Facilities that are open to the public shall have a minimum of 100 feet of frontage on and access from a Collector or Arterial Street.

e. Landscaping

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

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

f. Waste Disposal

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

g. Accessory Residential Use

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

2. Assembly Institutional Nonprofit

a. Definition

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

b. Typical Uses

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

c. Zoning District – TND District

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

d. Frontage and Access

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

e. Redevelopment, Revitalization and Infill Overlay (RRIO)

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

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

3. Assembly Membership Nonprofit

a. Definition

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

b. Typical Uses

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

c. Zoning Districts

1) AR/RSA District

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

2) TND District

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

d. Frontage and Access

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

4. Cemetery

a. Definition

Land used or intended to be used for human interment.

b. Zoning District – MUPD

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

c. Frontage

Where permitted in a residential zoning district, a Cemetery shall have frontage on and access from an Arterial or a Collector Street.

d. Lot Size

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

- a) Cemeteries owned and operated by a Place of Worship located within Palm Beach County, whether collocated or remotely located, on sites less than 5 acres, and equal to or greater than 2 acres, which provides only single-level ground burial.
- b) County and municipal cemeteries.
- c) Community and nonprofit association cemeteries, which provide only single-level ground burial and do not sell burial spaces or burial merchandise.
- d) Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23, 1976.
- e) A columbarium consisting of less than one-half acre which is collocated with a Place of Worship.
- f) A mausoleum consisting of two acres or less which is collocated with a Place of Worship.
- g) A columbarium consisting of five acres or less which is located on the main campus of a State university as defined in [F.S. § 1000.21](#)(6).

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

e. Pet Cemetery

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

5. College or University

a. Definition

An institution of higher learning offering undergraduate or graduate degrees.

b. Approval Process

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

- 1) The property is separated from parcels of land with a residential FLU designation or use by a minimum of 150 feet;
- 2) A maximum of 30,000 square feet of GFA; and,
- 3) The use has frontage on and access from an Arterial, Collector, or Local Commercial Street.

- c. **Accessory Use – Dormitories**
Dormitories may be allowed as an accessory use. If owned or operated by the College or University shall be calculated as FAR.
 - d. **Airport Land Use Compatibility Zoning**
The establishment of a new college or university shall be prohibited in accordance with [Art. 16.C.1.E.2, Prohibited Land Uses](#). [Ord. 2019-005]
- 6. **Crematory**
 - a. **Definition**
A facility that employs various methods of processing human or animal remains, consistent with [F.S. § 497.005](#), as periodically amended. [Ord. 2018-018]
 - b. **Equipment Location**
Crematory equipment shall be located within a fully enclosed building.
 - c. **Services Prohibited**
Services such as public observances, sermons, or other similar activities shall be prohibited, unless collocated with an approved Funeral Home.
 - d. **Collocated Use**
In the RM Zoning District, a Crematory may be collocated with a Cemetery subject to Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery.
- 7. **Day Care**
 - a. **Definition**
An establishment that provides care, protection, and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA).
 - b. **Types**
 - 1) **Day Care Limited**
A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis.
 - a) **Collocated Use – AGR Zoning District**
A Limited Day Care may be allowed as a collocated use to a Nonprofit Assembly Institutional subject to DRO approval.
 - b) **Use Limitations**
Limited Day Care use does not include nighttime or overnight care.
 - 2) **Day Care General**
A Day Care for 21 or more children or adults for a period of less than 24 hours per day on a regular basis.
 - 3) **Large Family Child Care Home (LFCCH)**
An occupied Single Family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two full-time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. The use shall be subject to the following:
 - a) **Applicability**
The Applicant or owner shall provide documentation that the establishment has operated as a licensed Family Day Care Home for at least two years and meet other licenses and regulations established by the PBC Health Department including the maximum number of children permitted.
 - b) **Approval Process**
The use shall be Permitted by Right when located on lots 20,000 square feet or greater.
 - c) **Site Requirements**
In addition to the property development regulations applicable to Single Family residential, the following shall apply:
 - (1) **Outdoor Activity Area**
All outdoor activity area provisions applicable to a Day Care shall apply.
 - (2) **Drop-Off**
Shall comply with all drop-off access standards applicable to Day Care.

Shall provide at least four parking spaces including those required for a Single Family residential unit. Parking dimensions shall comply with [Art. 6, Parking, Loading, and Circulation](#).

Shall not allow backward egress from a driveway or parking area into a street.

Shall not be permitted.

See Supplementary Use Standards under Residential Use Classification, Accessory Residential Use Standards.

A minimum of 6,000 square feet, or the minimum required by the zoning district in which the Limited or General Day Care is located, whichever is greater.

The establishment of new Limited or General Day Care facilities shall be prohibited in accordance with [Art. 16.C.1.E.2, Prohibited Land Uses](#). **[Ord. 2017-025]**

a) For a Day Care with 40 children or less, the minimum floor area, exclusive of any area devoted to a kitchen, office, storage, and toilet facilities, shall be 1,500 square feet. **[Ord. 2020-020]**

For an Adult Day Care, the total amount of net floor space available for all participants shall be in accordance with [Rule 58A-6.013, F.A.C.](#), as may be amended, and as determined by the AHCA.

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.

Shall be in compliance with the Palm Beach County Rules and Regulations Governing Child Care Facilities contained in [Appendix D, Chapter 1, Article X, Section B of the PBC Code](#), as may be amended.

Stationary outdoor play equipment permanently anchored to the ground shall be set back a minimum of 25 feet from any residentially zoned or used property line, and ten feet from any other property line. Outdoor play equipment shall not be located in any required landscape area or easement.

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.

A minimum four-foot-high fence or wall shall surround the outdoor activity area.

One designated drop-off space shall be provided for every 20 children or adults. Drop-off spaces shall be a minimum of 12 feet in width.

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.

An establishment which arranges and manages funerals and prepares human or animal remains for interment.

b. Zoning Districts – IL, IG, or MUPD with IND FLU

A Funeral Home shall be limited to preparation for interment. No public observances, sermons, or funerals shall be permitted.

c. Collocated Use

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

9. Government Services

a. Definition

Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services, and Prisons, Jails, or Correctional Facilities.

b. Typical Uses

A Government Service use may include but is not limited to: Administrative offices for government agencies, public libraries, and police and fire stations.

c. ACC Animal Control Facilities

An ACC operated Animal Control Facility shall be considered a Government Services use in the PO and IPF Zoning Districts.

10. Homeless Resource Center

a. Definition

A public or private establishment that provides multiple services for the homeless population.

b. Typical Services

Typical services provided by a Homeless Resource Center may include but are not limited to: Counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices.

c. Approval Process

A Homeless Resource Center owned or operated by a governmental entity may be allowed where Government Services uses are allowed by [Table 4.B.4.A, Institutional, Public, and Civic Use Matrix](#), subject to Class A Conditional Use Approval; or may be Permitted by Right where Government Services uses are allowed in non-residential districts, provided that prior to development, or any modification to a previously approved development, program, or operation, an eligible government entity complies with the following:

- 1) Schedule and make a presentation to the BCC at a duly noticed Public Meeting(s);
- 2) Prepare a report documenting compliance with Palm Beach County Facilities, Development and Operations, FDO PPM #FDO-S-004, Public Outreach and Community Involvement for Homeless Resource Centers; **[Ord. 2019-005]**
- 3) Provide notice of intent to the Zoning Director a minimum of 30 days prior to requesting placement on a BCC Public Meeting agenda, to include the aforementioned report;
- 4) The BCC shall make a finding that the governmental entity has complied with FDO PPM #FDO-S-004, which may include Conditions of Approval; and, **[Ord. 2019-005]**
- 5) A BCC finding of compliance, or compliance subject to conditions, may remain valid for three years, or as otherwise provided by Condition of Approval.

d. Location and Separation Requirements

For the purpose of required separations, measurements shall be made from façade to façade, except where the separation required is between a structure and a zoning district boundary.

- 1) A minimum 250-foot separation shall be required from the property line of residentially zoned parcels. Type 2 Variance relief, in accordance with [Art. 2.B, Public Hearing Processes](#), may be requested if this standard cannot be met.
- 2) A Homeless Resource Center shall not be located within a 1,200-foot radius of another Homeless Resource Center.
- 3) Facilities owned or operated by a governmental entity and located in the PO Zoning District may request a PO Deviation from Location and Separation Requirements, subject to BCC approval, utilizing the standards in [Art. 2.B.7.G, Public Ownership \(PO\) Deviations](#). **[Ord. 2019-005]**

e. Facility Use

A minimum of 25 percent of the GFA shall be reserved for accessory service delivery other than temporary housing.

f. Non-Conformities

The subsequent approval of a Development Order for a residential zoning district shall not change the status of the HRC to a non-conforming use.

g. Existing Approvals

A prior approval for a government-owned or operated Homeless Resource Center shall be considered a legal conforming use for sites approved between October 28, 2009 ([Ordinance No. 2009-040](#)), and March 2, 2017.

11. Hospital

a. Definition

An establishment that maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness.

b. Licensing

A Hospital shall be required to be licensed by the State of Florida.

c. Lot Size

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

d. Frontage

A minimum of 200 feet of frontage or the minimum required in the zoning district, whichever is greater.

e. Incinerator

Biohazardous waste incinerators with an allowable operating capacity equal to or less than 1,000 pounds per hour and biohazardous waste autoclaves are allowed as an accessory use, subject to the following standard:

1) Setbacks

A minimum of 500 feet from any property line abutting a residential zoning district or use. Expansion of existing facilities may be allowed with lesser setbacks, provided the expansion is approved by the DRO.

12. Nursing Home or Convalescent Facility

a. Definition

An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic, or psychopathic behavior which is not of sufficient severity to require Hospital attention, or for three or more persons requiring further institutional care after being discharged from a Hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.

b. Licensing

A Nursing Home or Convalescent Facility shall be required to be licensed by the State of Florida.

c. Lot Size

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

d. Frontage

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

e. Access

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

f. 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.

13. Place of Worship

a. Definition

An establishment which may include a retreat, convent, or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily, or exclusively for religious worship, activities, or related services.

b. Existing Approvals

Applicants may seek abandonment of the existing Place of Worship approval and apply for DRO approval at any time. Prior approvals may be continued to be utilized or modified subject to the limitations in [Art. 2.C.5.C, Administrative Modifications to Prior DOs](#). A DO exceeding the above thresholds shall be subject to a Development Order Abandonment (ABN) and a concurrent request for a DRO approval.

c. Location

A Place of Worship shall be prohibited unless in compliance with one of the following:

- 1) A Place of Worship greater than or equal to 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial or Collector Street.

- 2) A Place of Worship greater than or equal to 5,000 square feet and less than 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial, Collector, or Local Commercial Street.
- 3) A Place of Worship less than 5,000 square feet, including accessory uses, may have frontage on and access from a Local Residential Street.
- d. Development Thresholds**
A Place of Worship shall be exempt from the requirements under Development Thresholds in this Article or any thresholds in this Code that require the use to be subject to a Conditional Use approval. [Ord. 2019-005]
- e. Limited Temporary Sales**
Temporary sales, such as rummage, or bake sales, shall be Permitted by Right as an accessory use to a Place of Worship for a period of up to three consecutive days, limited to four times a year.
- 14. Prison, Jail, or Correctional Facility**
 - a. Definition**
A government owned or operated facility in which people are legally held as a punishment for crimes they have committed or while awaiting trial.
 - b. Approval Exemption**
Expansion of existing facilities shall be exempt from the Class A Conditional Use approval.
- 15. School – Elementary or Secondary**
 - a. Definition**
An institution of learning, whether public, private, or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.
 - b. General**
 - 1) Setbacks**
All Schools shall comply with the zoning district setbacks unless stated otherwise herein. No setback shall be less than 25 feet regardless of the zoning district.
 - 2) South Florida Water Management District (SFWMD)**
Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.
 - a) Preservation**
Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with [Art. 9, Archaeological and Historic Preservation](#).
 - b) Wetlands Permits**
On site wetlands required by the SFWMD shall be preserved. Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.
 - c) Construction Documents**
Prior to site plan approval by the DRO review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM.
 - 3) Airport Land Use Compatibility Zoning**
The establishment of a new school shall be prohibited in accordance with [Art. 16.C.1.E.2, Prohibited Land Uses](#). [Ord. 2019-005]
 - c. Private School**
The following standards shall apply to all Private Schools:
 - 1) Pedestrian Access/Bike Path**
Pedestrian access, bike paths and crosswalks showing access to the school site from surrounding neighborhoods shall be shown on the site plan.
 - 2) Vehicular Circulation**
Designated bus and parental drop off/pick up areas, shall be provided. Pathways, which cross vehicular use areas, shall be defined by special paving, brick, striping, or other methods acceptable to the DRO.
 - 3) Approval Process**
This use shall be subject to the applicable approval process pursuant to the Use Matrices of [Art. 3, Overlays and Zoning Districts](#) and this Article.

d. Charter Schools

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

e. Public Schools

1) Applicability

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

2) Previous Approvals and Future Amendments

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

3) Review by Zoning

a. School Site Acquisition

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

b. Development Review Officer (DRO) Administrative Review

Application shall comply with the DRO Administrative Review process as stated in [Art. 2.C, Administrative Processes](#).

4) Accessory Uses

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

a) Accessory Radio Towers

(1) Height

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

(2) Setbacks

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

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

(3) Anchors

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

(4) Fencing

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

(5) Sign-Off

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

(6) Removal

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

5) Setbacks

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

6) Supplemental Design Standards

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

b) Landscape shall comply with [F.S. § 1013.64\(5\)\(a\)](#).

c) R-O-W Dedication

Within six months of a request by the County Engineer, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, as required by [Art. 11, Subdivision, Platting, and Required Improvements](#), or as warranted by the School

District's Traffic Study, as well as additional right of way for turn lanes and corner clips, as determined by the County Engineer and warranted by the School District's Traffic Study for any affected road. The conveyance shall include documentation acceptable to the County Engineer that the land is free of all encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney. Time extension for R-O-W dedication may be granted if approved by the County Engineer and the School District.

d) Road Improvements

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

Section 5 Industrial Uses

A. Industrial Use Matrix

TABLE 4.B.5.A – INDUSTRIAL USE MATRIX

[illegible]

TABLE 4.B.5.A – INDUSTRIAL USE MATRIX

[illegible]

B. General Industrial Standards

Reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Contractor Storage Yard

a. Definition

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

b. Overlay – WCRAO

1) Approval Process

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

2) Accessory Office

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

3) Nonconformities

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

c. Home Occupation – AR/RSA

A limited Contractor Storage Yard may be allowed as a Home Occupation subject to the requirements of [Art. 4.B.1.E.10, Home Occupation](#). [Ord. 2018-002] [Ord. 2018-018]

1) Exception – AR/RSA Zoning District

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

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

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

c) Hours of Operation

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

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

e) Outdoor Storage

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

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

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

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

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

h) Ownership

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

i) Trucks and Equipment

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

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

(2) One trailer and

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

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

2. Data and Information Processing

a. Definition

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

3. Distribution Facility

a. Definition

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

b. Typical Uses

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

c. Zoning Districts with a CH FLU Designation

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

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

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

4. Equestrian Waste Management Facility

a. Definition

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

b. Glades and AGR Tiers

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

c. Location

Shall have frontage and access from an Arterial or Collector Street. Access from residential streets shall be prohibited.

d. Separation Distance

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

e. Collocated Use

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

f. Landscaping Adjacent to Residential

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

[Ord. 2018-018]

- g. **Storage or Waste Processing Areas**
 - 1) **Best Management Practices**
All storage areas, including the temporary or overnight parking of loaded trucks or trailers, and any outdoor waste processing areas, shall comply with [Art. 5.J.3.A, Storage](#) Related to Storage or Spreading of Livestock Waste.
 - 2) **U/S Tier**
Outdoor storage shall be prohibited in the U/S Tier.
 - 3) **Outdoor Storage**
Where permitted, the pile height of equestrian waste shall not exceed 12 feet, and bollards shall be provided to delineate pile locations and height, tied to a finished grade location designated on site.
- h. **Application Requirements – Operation Functions**
An application for an Equestrian Waste Management Facility shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration, and operational standards, including but not limited to:
 - 1) **Site Plan**
The plan shall illustrate how the operation functions, including circulation routes, and the location and size of loading and processing areas, and storage piles.
 - 2) **Waste Volume**
An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
 - 3) **Dust Control Program**
A program to address how dust generated from traffic, storage and processing areas will be managed pursuant to [Art. 5.E.4.D.3, Dust and Particulate](#).
 - 4) **Odor and Pest Control Program**
A program to address how odors and pests resulting from any vehicles transporting waste, or storage and processing areas will be managed pursuant to [Art. 5.E.4.D.4, Objectionable Odors](#).
- 5. **Gas and Fuel, Wholesale**
 - a. **Definition**
An establishment engaged in the storage of flammable or explosive gases or fuel for wholesale distribution. **[Ord. 2018-002]**
 - b. **Typical Uses**
Wholesale Gas and Fuel may include but is not limited to the bulk storage, distribution, and wholesaling of motor vehicle fuels, propane, natural gas, welding gases, or other similar materials. **[Ord. 2018-002]**
 - c. **Approval Process – Exception**
Wholesale Gas and Fuel may be Permitted by Right subject to compliance with all of the following: **[Ord. 2018-002]**
 - 1. Limited to a maximum of 2,500 gallons or less or 2,000 gallons water capacity. **[Ord. 2018-002]**
 - 2. Storage areas shall be located a minimum of 200 feet from any parcel supporting residential uses or vacant parcels with a residential Future Land Use designation. **[Ord. 2018-002]**
 - 3. Bulk storage of flammable gases shall be prohibited unless approved by PBC Fire-Rescue. **[Ord. 2018-002]**
 - 4. The Applicant shall submit a storage management plan for all flammable liquids or gases and any non-flammable gases to include documentation demonstrating compliance with all applicable U.S. Department of Labor, Occupational Safety and Health Hazard (OSHA) standards, the National Fire Protection Association (NFPA) Compressed Gas and Cryogenic Fluids Code, Compressed Gas Association (CGA) Safe Handling of Compressed Gases, and any PBC Fire-Rescue standards. **[Ord. 2018-002]**
 - d. **Location**
This use shall not be located within the PBIAO. **[Ord. 2017-025]**
 - e. **Separation Distance**
A separation distance shall be established between this use and any adjacent uses. The separation distance shall be that prescribed by the PBC Fire-Rescue Department based upon recognized standards and guidelines.

6. Heavy Industry

a. Definition

An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous, or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions.

b. Typical Uses

Typical uses include asphalt or concrete plant; manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives; pulp and paper products; radioactive materials; fat rendering plants; slaughterhouses and tanneries; and, steel works.

c. FLU Designation – EDC

Heavy Industry shall be prohibited in the EDC FLU designation.

d. Fireworks

The retail sale of fireworks from a permanent fireworks storage facility or establishment shall be limited to an accessory use.

7. Machine or Welding Shop

a. Definition

A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops, tool and die fabrication, and sheet metal shops.

8. Manufacturing and Processing

a. Definition

An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products. This use also includes incidental storage, sales, and distribution of such products, but excludes heavy industrial processing.

b. Typical Uses

Typical uses include factories, large-scale production, wholesale distribution, publishing, and food processing.

c. Zoning Districts with a CH FLU Designation

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

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

9. Medical or Dental Laboratory

a. Definition

An establishment for the construction or repair of medical equipment, such as dental, optical, orthopedic, or prosthetic devices; or medical testing laboratories primarily engaged in providing analytic or diagnostic services exclusively on the written work order of a licensed member of the medical profession and not for the public.

10. Multi-Media Production

a. Definition

The use of a lot or building for the production of films or videos such as digital, audio, and motion pictures; production or broadcasting of television, radio, or internet programs; or recording of music.

b. Typical Uses

Typical uses include but are not limited to: film laboratories, stock footage film libraries, mass video publication, broadcasting studios, or soundstages.

c. Approval Process

Indoor Multi-Media Production establishments shall be Permitted by Right in the zoning districts where the use is allowed.

d. Transmission Facilities

Communication towers, antennas, and satellite dishes shall be subject to the applicable approval and Supplementary Standards contained in this Code.

e. Film Permit in Public Properties

Films in public properties such as parks, beaches, rights-of-way, or public buildings are not subject to these standards. Permits are issued by the Film and Television Commission.

11. Recycling Center

a. Definition

A permanent facility designed and used for collecting, purchasing, storing, dropping-off and redistributing of pre-sorted, recovered materials that are not intended for disposal.

b. Approval Process – DRO

A Recycling Center that is subject to a Class A Conditional Use approval may be approved by the DRO, provided that the use complies with one of the following:

- 1) Located completely within enclosed buildings; or
- 2) The use shall be located a minimum of 500 feet from a parcel with a residential, civic, institutional, recreation, or conservation FLU designation, zoning district, or use.

c. Access

Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots.

d. Operation Functions

The Zoning application shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials stored. The supporting documentation shall include but not limited to the following:

1) Site Plan

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

2) Dust Control

A plan to address how dust generated from traffic and storage areas will be managed pursuant to [Art. 5.E.4.D.3, Dust and Particulate](#).

3) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

12. Recycling Plant

a. Definition

An establishment used for the recovery of non-hazardous recyclable materials that are not intended for disposal to be collected, separated and sorted, or processed, for reuse. Recyclable materials include Construction and Demolition Debris, plastic, glass, metal, all grades of paper, textiles or rubber.

b. Approval Process

A Recycling Plant requiring Class A Conditional Use approval may be approved by the DRO subject to the following:

- 1) When surrounded by parcels having an IND FLU designation that are vacant or developed with industrial uses providing a 500-foot separation between the use and any parcels having a residential, civic, recreation, or conservation FLU designation or use; or
- 2) When all recycling activities are located within enclosed structures that have no openings oriented or visible from surrounding parcels having a residential, civic, recreation, or conservation FLU designation or use.

c. Access

Access from a Residential Street shall be prohibited. Entrances shall be gated to prevent access from unauthorized persons.

d. Setbacks

No part of a Recycling Plant and its accessory ramps, on site circulation system, or storage areas shall be located within 50 feet of any property line, unless adjacent to another property with an IND FLU designation that is vacant or has an existing industrial use.

e. Lot Size

The minimum lot size shall be five acres for any Recycling Plant with outdoor activities.

f. Drainage

Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas.

g. Storage Areas

All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material. Run-off shall be handled in a manner that is in conformance with Local, State, and Federal regulations.

h. SWA Permit

Verification that the Applicant has obtained a permit from and posted a bond with the SWA prior to Final Site Plan approval or Building Permit, whichever occurs first.

13. Research and Development

a. Definition

An establishment engaged in industrial, scientific or medical research, testing, and analysis.

b. Typical Uses

Typical uses include natural science/manufacturing research facilities, bioscience research/biotechnology and product testing/quality control facilities.

c. Overlay –Bioscience Research Protection Overlay (BRPO)

A Research and Development establishment located in the BRPO shall not be subject to the limitations of [Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioner Approval](#).

d. Outdoor Activities

Outdoor manufacturing, processing, or testing shall be limited to industrial zoning districts only.

14. Salvage or Junk Yard

a. Definition

An establishment used primarily for the collecting, storage and sale of scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof. Salvage may also include architectural salvage which consists of building materials and fixtures recovered prior to the demolition of buildings or structures.

b. Approval Process

Architectural salvage may be allowed subject to DRO approval in the following zoning districts:

- 1) IL or IG;
- 2) MUPD with an IND FLU designation; or,
- 3) IND/L or IND/G Pod of a PIPD.

15. Towing Service and Storage

a. Definition

The use of a portion of an establishment for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service. This shall not include retail sales, repair, or salvage of towed vehicles occurring within the storage area.

16. Truck Stop

a. Definition

An establishment which provides services primarily for transient commercial vehicle operators, such as fueling, day and overnight parking. A Truck Stop may also serve other travelers.

b. Location

Truck Stops shall have a minimum of 200 linear feet of frontage on an Arterial Street.

c. Lot Size

Shall be a minimum of five acres.

d. Setbacks

Parking areas, parking spaces, maneuvering areas, and drive aisles, shall be set back a minimum of 200 feet from any existing residential use, zoning district, or FLU designation.

e. Landscaping

Incompatibility Buffers shall be required adjacent to an existing residential use, zoning district, or FLU designation. The buffer shall include a six-foot-high berm with a six-foot-high opaque wall or fence installed at the plateau of the berm. Variances may be requested from these requirements.

f. Collocated Uses

For purposes of this Section, collocated uses shall mean a use that is mainly oriented to serving transient commercial vehicle operators. The following collocated uses shall be allowed in conjunction with a Truck Stop subject to DRO Approval:

- 1) Type 1 Restaurant;
- 2) Type 2 Restaurant;
- 4) Car Wash;
- 5) Hotel or Motel;
- 6) Personal Services;
- 7) Financial Institution;
- 8) Financial Institution with Drive-Through;

- 9) Financial Institution – Freestanding ATM;
- 10) Gas and Fuel Retail;
- 11) Laundry Service; and,
- 12) Retail Sales.

g. Site Design:

The site shall be designed to ensure the provision of adequate vehicular circulation and parking patterns. Collocated uses listed above shall be designed and located to mainly serve transient commercial vehicle operators.

17. Warehouse

a. Definition

An establishment used for the storage of raw materials, equipment, or products.

b. Typical Uses

Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

c. Overlay – WCRAO

Office/warehouse uses shall be allowed as specified in [Table 3.B.14.E, WCRAO Sub-area Use Regulations](#). The office/warehouse development shall have a minimum of 25 percent office space per gross floor area for each bay.

d. Zoning Districts with a CH FLU Designation

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

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

e. Accessory Use

1) Office

Unless approved as a Class A Conditional Use, or as specified in the Overlay – WCRAO standard, office space in each warehouse bay shall be a maximum of 30 percent of the GFA of that bay. **[Ord. 2020-001]**

2) General Retail

Sales shall be prohibited, except where allowed in conjunction with Flex Space. **[Ord. 2020-001]**

f. Freestanding Structures

Freestanding structures for Warehouse developments located in an MUPD with an IND FLU designation shall not be subject to the provisions of [Table 3.E.3.B, Freestanding Buildings](#). **[Ord. 2019-005]**

18. Wholesaling

a. Definition

An establishment engaged in: the maintenance and display of inventories of goods for distribution and sale of goods to other firms for resale; or, the supplying of goods to various trades such as landscapers, construction contractors, wholesale building supplies, institutions, industries, or professional businesses. These establishments also sort and grade goods from large to small lots, and engage in delivery. This use excludes vehicle sales, and the wholesaling of nursery supplies, and gas and fuel.

b. Zoning Districts with a CH FLU Designation

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

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

Section 6 Agricultural Uses

A. Agricultural Use Matrix

TABLE 4.B.6.A – AGRICULTURAL USE MATRIX

STANDARD DISTRICTS																			Use Type	Supplementary Standards #	PLANNED DEVELOPMENT DISTRICTS (PDDs)														TRADITIONAL DEV. DISTRICTS (TDDs)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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TABLE 4.B.6.A – AGRICULTURAL USE MATRIX

[illegible]

B. General Agricultural Standards

Reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Agriculture, Bona Fide

a. Definition

Any plot of land where the principal use consists of the growing, cultivating, and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses, and livestock; the production of animal products such as eggs, honey, or dairy products; or, the raising of plant material. The following standards shall apply to a Bona Fide Agriculture use, except where pre-empted by State law.

b. Agricultural Uses in the U/S Tier

1) Applicability

Uses legally established prior to the effective date of this Code in the U/S Tier shall be considered conforming. Any expansion of existing agricultural uses shall be consistent with all applicable requirements and subject to the review procedure identified in this Code.

2) Uses Not Listed

Agricultural uses not listed in [Table 4.B.6.A, Agricultural 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 Zoning District

The AR Zoning 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 Crop

The cultivation of fruits and vegetables as groves and row crops shall be subject to the following additional standards in all zoning districts:

1) Lot Size

A minimum of five acres.

2) Setback

Structures and accessory activities shall be set back a minimum of 50 feet.

3) Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

4) Loading

All loading and unloading of trucks shall be restricted to the site and shall not be permitted in any setbacks.

5) Spraying

No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.

d. Dipping Vats

Dipping vats shall not be allowed in the AR Zoning District, unless approved as a Class B Conditional Use.

e. Pens and Cages

In the AR and AGR Zoning Districts, pens, cages, or structures shall meet the district setbacks for a principal use, or be set back a minimum of 50 feet from any property line, whichever is greater.

f. Game and Exotic Animals

The Florida Fish and Wildlife Conservation Commission (FWC) regulates game farms or game animal care for private or commercial purposes.

1) Exotic Animals

Care for exotic animals (imported or non-native animal species) for private or commercial breeding purposes shall have a minimum lot size of five acres.

2) Dangerous or Class 1 and 2 Animals

Ownership, care, or keeping of dangerous or Class 1 and 2 animals, as defined by the 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 set back 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 the PBC Health Department.

i) Compatibility

The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.

h. Agritourism

Refer to [F.S. § 570.85-§ 87](#) for applicability. [Ord. 2019-034]

i. Accessory Agricultural Uses

These uses include "U-Pick-Em" operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing, cutting, and packing of farm products, and canning, dehydration, and basic preparation of raw food products prior to shipment, and outdoor storage of equipment.

j. Agriculture Marketplace

A use that is accessory, incidental and subordinate, to a Bona Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona Fide Agriculture use, adding economic viability to farming operations.

1) Approval Process

Class A Conditional Use.

2) Location Criteria

a) Tier and Zoning District

AGR Tier and Zoning District only.

b) Location

The Agriculture Marketplace shall be located adjacent to an Arterial Road designated on the PBC Functional Classification of Roads Map.

- c) Proximity to Residential Uses**
The parcel or area designated on the Final Site Plan for an Agriculture Marketplace shall be located at least 500 feet measured from the property line, if adjacent to existing residential uses, or approvals for PUD or TMD Development Areas with residential uses.
- 3) Minimum Acreage and Production**
May be allowed if the land area has a minimum of 75 contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use.
- a) Agriculture Preserve Parcels**
The minimum acreage requirements may include parcels under an agricultural conservation easement, identified as an AGR-PUD Preserve or AGR-TMD Preserve, or other similar protections, provided that the Agriculture Marketplace is not located on those parcels.
- b) Agriculture Production**
A minimum of 70 percent of the overall land area must meet the requirements for Bona Fide Agriculture.
- 4) Use Limitations and Sale of Products**
The area designated as an Agriculture Marketplace shall be limited to the retail sales of agricultural products such as fruits, vegetables, flowers, containerized house plants and other agricultural food products such as jelly, jam, honey and juice. This shall not preclude any structures from being used for the coordination of activities for permitted collocated uses, or other accessory, educational or recreational uses permitted on the Bona Fide Agriculture operation. The sale of grocery or convenience-type foods or products shall not be permitted nor shall vending machines or other similar equipment be permitted, unless stated otherwise herein.
- a) Floor Area**
A maximum of 24,000 square feet of GFA, including outdoor display areas. The floor area shall not include any FAR transferred from the portions of the site that is dedicated to Bona Fide Agriculture production or otherwise encumbered with a conservation easement, Preserve Area or other similar protection.
- b) Outdoor Open Space Area**
Areas set aside as outdoor open space for collocated uses and outdoor permanent activities shall be limited to a maximum of 12,000 square feet. Permanent shelters, such as Seminole chickee huts shall be limited to a maximum of 2,000 square feet.
- c) Collocated Uses**
Additional uses may be permitted subject to compliance with the Supplemental Use Standards for each use and the following:
- (1) General Retail Sales**
Ten percent or 2,000 square feet, whichever is less, of the GFA of the Agriculture Marketplace may be devoted to General Retail Sales. There shall be no exterior signage advertising to the public of the sale of grocery or other retail products. Approval shall be part of the Class A Conditional Use.
- (2) Permanent Green Market**
Subject to DRO approval. An Open Flea Market may be permitted in conjunction with a Green Market. The Open Flea Market shall be limited to ten percent of the total square footage of the Permanent Green Market.
- (3) Retail Sales, Mobile or Temporary and Special Event**
Mobile sales shall be permitted subject to approval of a Temporary Use through the ZAR process. **[Ord. 2018-002]**
- d) Outdoor Permanent Activities**
Activities shall be clearly shown and labeled on the Site Plan and shall function with other uses on the site. Impacts from these uses, including but not limited to, traffic, parking, rest rooms, or nuisances, shall be addressed as part of the Class A Conditional Use approval. The BCC may impose conditions of approval to address these activities. Additional activities, such as: cooking classes and charity events, shall be Permitted by Right, subject to the following:
- (1) Shall be located within the GFA of the Agriculture Marketplace or permitted Outdoor Open Space areas;**

- (2) The maximum number of participants, including a combination of special activities, shall not exceed 50 attendees; and,
 - (3) Overflow parking is provided. A minimum of one parking space shall be provided for each three attendees. This shall require the posting of adequate onsite directional signage to preclude any inappropriate parking activity, such as parking in rights of way or on adjacent properties.
 - e) **Outdoor Display**
Shall be limited to agricultural products only, located along the property's frontage or other area, except within required setbacks.
 - f) **Storage**
Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.
 - g) **Parking**
Off-site parking within a public or private R-O-W, or to areas accessed by other than an approved access way, shall be prohibited.
 - h) **Hours of Operation**
 - 1) 8:00 a.m. to 6:00 p.m. Monday through Saturday; and
 - 2) 10:00 a.m. to 6:00 p.m. Sunday.
 - k. **Landscape Curbing**
A Bona Fide Agriculture use may use railroad ties or landscape lumber as an alternate to the curbing requirement in [Art. 7.C.4.E.2 Alternative to Curbing](#).
 - l. **Barbed Wire in AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels**
 - 1) Barbed wire may be installed pursuant to [Art. 5.B.1.A.2.e, Dangerous Materials](#).
 - 2) In the AR Zoning District with any Bona Fide Agriculture use, other than nurseries, provided it is set back a minimum of 25 feet from any property line.
- 2. Agriculture, Light Manufacturing**
- a. **Definition**
An accessory agricultural use for the manufacturing of products related to agricultural operations, such as fencing, pallets, crates, or containers. Product components are predominantly assembled from previously prepared materials or finished parts. Manufacturing includes processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage and distribution, but excludes heavy industrial processing or manufacturing.
 - b. **Setbacks**
A minimum 100-foot setback shall be required adjacent to a residential zoning district.
 - c. **Accessory Use**
Light Agricultural Manufacturing operations may be allowed as an accessory use to a related Bona Fide Agriculture use on the same property provided it does not exceed 25,000 square feet.
 - d. **Landscaping**
An Incompatibility Buffer may be omitted if the use is adjacent to Farm Workers Quarters or a Mobile Home accessory to agriculture.
- 3. Agriculture, Packing Plant**
- a. **Definition**
A facility used for the packing of produce not necessarily grown on site.
 - b. **Typical Activities**
Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment.
 - c. **Approval Process – AR/RSA Zoning District**
May be permitted in the AR/RSA Zoning District with an SA FLU, subject to a Class A Conditional Use approval.
 - d. **Zoning District AGR-PUD Preserve Area**
An Agriculture Packing Plant located in an AGR Preserve Area, including where permitted as an accessory use as specified above, shall comply with the following:
 - 1) Located on a roadway classified as an Arterial Street on figure TE 3.1, Functional Classification of Roads; and
 - 2) Located on or adjacent to active agricultural crop production.

- e. **Setbacks**
A minimum of 100 feet along all property lines which are adjacent to a residential zoning district.
 - f. **Accessory Use**
A packing plant in the AP and AGR Zoning Districts, or the Preserve Area of an AGR-PUD, may be allowed as an accessory use to a related farm use on the same property, provided it does not exceed 25,000 square feet.
 - g. **Landscaping**
An Incompatibility Buffer as required by [Art. 7.C.2.C, Incompatibility Buffer](#), may be omitted if the use is adjacent to Farm Workers Quarters or a Mobile Home accessory to a farm use.
 - h. **Storage**
Only equipment directly related to the facility shall be stored on the site. All stored equipment shall be screened from view from adjacent properties and streets.
4. **Agriculture, Renewable Fuels Production**
- a. **Definition**
Any facility using biomass as its principal source of feed stock for the production of renewable fuel or fuels and other related renewable products including but not limited to ethanol or fuel ethanol.
 - b. **Setbacks**
The facility shall be located a minimum of 750 feet away from parcels with a residential zoning or Future Land Use designation that accommodate an existing residential structure.
 - c. **Review Procedures and Standards**
 - 1) The Applicant shall submit a site plan, for informational purposes only, to the Zoning Division prior to Building Permit application. The site plan shall be consistent with the requirements indicated in the Technical Requirements Manual.
 - 2) The owner or operator shall obtain the required approval and permits from all applicable Federal, State, and Local agencies prior to operating the facility.
 - 3) The owner or operator shall perform a daily visual inspection of all wood material and similar vegetative matter to be used as feed stock.
 - 4) Any toxic or hazardous waste generated at the site shall be handled pursuant to [Chapter 62-730, F.A.C.](#)
 - d. **Prohibitions**
 - 1) The generation of toxic or hazardous waste effluent into the sanitary system shall be prohibited unless adequate pretreatment facilities have been constructed and are being utilized. The pretreatment facilities are subject to approval by DEP and the appropriate sewage works provider.
 - 2) Feed stock observed to contain prohibited materials shall not be used.
 - e. **Separation Distance**
Facilities shall be separated two miles from an existing agricultural-related use.
5. **Agriculture, Research and Development**
- a. **Definition**
The use of land or buildings for agriculture research and the cultivation of new agricultural products.
 - b. **Approval Process – AR/RSA Zoning District**
May be permitted in the AR/RSA Zoning District with an SA FLU subject to a Class B Conditional Use approval.
 - c. **Outdoor Activities**
Outdoor research, testing or development of agricultural products shall be limited to industrial zoning districts only.
 - d. **Landscape**
A Bona Fide Agriculture use may use railroad ties or landscape lumber as an alternate to the curbing requirement in [Art. 7.C.4.E.2, Alternative to Curbing](#).
6. **Agriculture, Sales and Service**
- a. **Definition**
An establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, farm supplies, and the like:
 - b. **Approval Process – AR/RSA Zoning District**
May be permitted in the AR/RSA Zoning District with an SA FLU, subject to a Class A Conditional Use approval.

- c. **Storage**
All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view. A maximum of five tractor-trailers used for the transport of farm products may be stored outside if they are completely screened from view from adjacent properties and streets.
 - d. **Grocery Sales**
Five percent or 1,000 square feet, whichever is less, of the merchandise sales area use may be devoted to retail grocery sales. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale.
 - e. **Repair Service**
Service of small implements only shall be permitted in an enclosed area that is completely screened from view from adjacent properties and set back a minimum of 25 feet from any side or rear property line. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m.
7. **Agriculture, Storage**
- a. **Definition**
The storage of equipment or products accessory or incidental to a principal agricultural use.
 - b. **Storage**
 - 1) Storage of hazardous waste or regulated substances shall comply with Local, State, and Federal regulations.
 - 2) Outdoor Agriculture Storage shall comply with the following standards:
 - a) **Urban Service Area**
 - (1) **Setbacks**
Outdoor Agriculture Storage shall meet the principal use setbacks of the zoning district in which it is located.
 - (2) **Screening**
Outdoor Agriculture Storage shall be screened from view by a solid fence, wall or building.
 - (b) **Outdoor Agriculture Storage**
Outdoor Agriculture Storage is only permitted in the RE, RT, RS, RM, CN, CC and CG Zoning Districts as a Class B Conditional Use.
 - (1) **Exception**
Outdoor Agriculture Storage is not permitted in a PDD with a commercial FLU designation.
 - 3) Indoor Agricultural Storage shall be permitted in conjunction with a Bona Fide Agriculture use with or without a principal structure. Indoor storage shall be contained within a permanent structure. Agricultural Storage in a mobile home shall not be permitted. Agricultural Storage in a shipping container shall only be permitted in conjunction with a Bona Fide Agriculture use.
 - a) **AR Zoning District in Urban Service Area (USA)**
An enclosed structure shall be set back 100 feet from the front and side street and 50 feet from the side and rear property lines.
 - b) **All Other Zoning Districts in Urban Service Area (USA)**
An enclosed structure shall meet the principal use setbacks of the zoning district in which it is located.
8. **Agriculture, Transshipment**
- a. **Definition**
A facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.
 - b. **Zoning District – AGR and AP**
 - 1) **Accessory Use**
Agricultural Transshipment facilities not exceeding 25,000 square feet shall be permitted as an accessory use.
 - 2) **Setback**
A minimum 100-foot setback shall be required along all property lines which are adjacent to an existing residential use, zoning district, or FLU designation as of the effective date of this Code excluding Farm Workers Quarters and Mobile Homes accessory to agriculture.
9. **Aviculture, Hobby Breeder**
- a. **Definition**
The raising and care of birds in captivity.

b. Lot Size

The minimum lot size shall be as follows:

- 1) Two acres: 40-200 birds.
- 2) Five acres: 201 or more birds.

c. Hobby Breeder

1) AR/USA

The raising of birds as a hobby in the AR/USA shall be permitted subject to the following:

- a) The hobby breeder shall not engage in the sale of more than 24 birds to the public during any consecutive 12-month period;
- b) The hobby breeder shall not provide care for more than 40 birds on a parcel of land at any time;
- c) The minimum lot size of two acres;
- d) Shelters, cages, and accessory structure shall be set back a minimum of 50 feet from all property lines;
- e) Outdoor shelters and cages shall be contained to specific areas on the site and screened from view on all sides by a minimum six-foot-high opaque fence or wall. The fence or wall shall be located within 20 feet of the containment area;
- f) The hobby breeder shall locate birds which excessively screech, chirp, crow, or make loud noises away from residential properties to the maximum extent possible. Birds considered a nuisance by the Sheriff's Office shall be removed from the site; and,
- g) Care, licensing, registration, and inspections shall be as required by the [Animal Care and Control Ordinance](#) and other applicable statutes.

10. Community Vegetable Garden

a. Definition

A plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.

b. Setbacks

Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential zoning districts.

c. Accessory Structures

- 1) Accessory structures shall be limited to 400 square feet.
- 2) Accessory structures shall meet the setbacks of the zoning district in which the parcel is located. **[Ord. 2019-005]**

d. Parking

Overnight parking shall be prohibited.

e. Loading

All loading and unloading activities shall be restricted to the site and shall not encroach into any setbacks.

f. Landscaping

Shall be exempt from [Art. 7, Landscaping](#), when located in the WCRAO or CCRT Areas. **[Ord. 2019-005]**

g. Storage

Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall be contained within an accessory structure.

h. Spraying

Aerial application of fertilizer or pesticides shall be prohibited.

11. Equestrian Arena, Commercial

a. Definition

An establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes.

b. Tier

1) Urban/Suburban (U/S)

a) Lot Size

The minimum lot size shall be five acres.

b) Frontage

The project in which an equestrian arena is located shall front on and access from Collector or Arterial Street.

- c) **Hours of Operation**
Outdoor activity shall be limited from hours of 6:00 a.m. to 10:00 p.m. daily.
 - d) **Loudspeakers**
Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.
 - 2) **Rural, Exurban, Agricultural Reserve (AGR) and Glades**
 - a) **Location**
The project in which an equestrian arena is located shall have frontage on a paved street.
 - b) **Operating Hours**
Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily.
 - c) **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 Use or DRO approval.
- 12. Farmers Market**
- a. **Definition**
An establishment for the wholesale sale of farm produce.
 - b. **Approval Process – AR/RSA Zoning District**
May be permitted in the AR/RSA district with an SA FLU, subject to a Class A Conditional Use approval.
 - c. **Frontage**
Shall be located on an Arterial Street.
 - d. **Setback**
A Farmers Market shall be set back a minimum of 100 feet from property lines adjacent to a residential use existing as of the effective date of this Code, excluding Farm Workers Quarters and Mobile Homes accessory to agriculture.
 - e. **Accessory Use**
A Produce Stand shall be permitted as an accessory use to a Farmers Market.
- 13. Nursery, Retail**
- a. **Definition**
The retail sale of horticultural specialties such as flowers, shrubs, sod, trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.
 - b. **Frontage**
Shall front on and access from a Collector or Arterial Street.
 - c. **Lot Size**
A minimum of one acre is required in a residential zoning district.
 - d. **Setbacks**
All structures and outdoor storage areas shall be set back a minimum of 50 feet from the property line. Shade Houses shall be subject to the requirements pursuant to [Art. 4.B.6.C.17, Shade House](#).
 - e. **Loading**
All loading and unloading of trucks shall occur on the site.
 - f. **Accessory Uses**
An office is permitted as an accessory use, provided it is not a mobile home.
 - g. **Landscaping**
A buffer, pursuant to [Art. 7, Landscaping](#), shall be provided along all property lines except when the growing area is located adjacent to the property line of the site, as follows: **[Ord. 2019-039]**
 - 1) **R-O-W and Incompatibility Buffer**
May be modified when the growing area is 50 feet or more in width, subject to the provision of [Art. 4.B.6.13.g.3\), Alternative Buffer](#). **[Ord. 2019-039]**
 - 2) **Compatibility Buffer**
Is exempt where the growing area is adjacent to a parcel of land that has an existing agriculture use pursuant to [Art. 4.B.6, Agricultural Uses](#). **[Ord. 2019-039]**

3) Alternative Buffer

- a) A six-foot-high landscape barrier shall be installed within a buffer with a minimum width of ten feet; **[Ord. 2019-039]**
- b) The landscape barrier shall be satisfied by plant material for sale provided that the plant material is grown in the ground, and spaced at least five feet on center. Plants in container may be used in lieu of the in-ground planting. Any removed plants shall be replaced, and shall be maintained to ensure there is a continuous visual screen being provided at all times **[Ord. 2019-039]**

4) Barbed Wire

The use of barbed wire shall be prohibited.

h. Storage

Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in [Art. 5.B, Accessory Uses and Structures](#). In residential zoning districts, outdoor bulk storage shall be set back a minimum of 50 feet or the zoning district setback, whichever is greater.

i. Site Plan

Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed DRO threshold limitations.

j. Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 5:00 p.m. to 8:00 a.m. is prohibited.

k. Compatibility

The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the Property Owner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.

l. Spraying

No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.

14. Nursery, Wholesale

a. Definition

The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

b. Approval Process

Table 4.B.6.C – Residential Districts in the USA

ZAR (1)	≤ 5 ac.
DRO	> 5 ac. < 20 ac.
Class B Conditional Use	≥ 20 ac.
[Ord. 2018-002]	
Notes:	
1.	If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.

Table 4.B.6.C – AR District in RSA

Permitted	≤ 10 ac.
ZAR (1)	> 10 ac. < 40 ac.
DRO	≥ 40 ac.
[Ord. 2018-002]	
Notes:	
1.	If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.

1) All Other Districts

Permitted.

c. Tier

In addition to the above standards, a Wholesale Nursery in the U/S Tier shall comply with the following standards:

1) Lot Size

A minimum of one acre.

- 2) **Setbacks**
All structures and outdoor storage areas shall be set back a minimum of 50 feet from the property line. Shade Houses shall be subject to the requirements pursuant to [Art. 4.B.6.C.17, Shade House](#).
- 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 a DO. [Ord. 2018-002]
- 4) **Spraying**
No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.
- d. **Zoning District – AR**
May be operated in conjunction with a residence.
- e. **Accessory Use**
 - 1) A Retail Nursery may be permitted as an accessory use to a Wholesale Nursery in the AGR Tier.
 - 2) An office is permitted as an accessory use, provided it is not a mobile home.
- f. **Parking and Loading**
All parking and loading shall occur on site.
- g. **Landscaping**
A buffer, pursuant to [Art. 7, Landscaping](#), shall be provided along all property lines except when the growing area is located adjacent to the property line of the site, as follows: [Ord. 2019-039]
 - 1) **R-O-W and Incompatibility Buffer**
May be modified when the growing area is 50 feet or more in width, subject to the provision of [Art. 4.B.6.14.g.3\), Alternative Buffer](#). [Ord. 2019-039]
 - 2) **Compatibility Buffer**
Is exempt where the growing area is adjacent to a parcel of land that has an existing agriculture use pursuant to [Art. 4.B.6, Agricultural Uses](#). [Ord. 2019-039]
 - 3) **Alternative Buffer**
 - a) A six-foot-high landscape barrier shall be installed within a buffer with a minimum width of ten feet. [Ord. 2019-039]
 - b) The landscape barrier shall be satisfied by plant material for sale provided that the plant material is grown in the ground, and spaced at least five feet on center. Plants in container may be used in lieu of the in-ground planting. Any removed plants shall be replaced, and shall be maintained to ensure there is a continuous visual screen being provided at all times. [Ord. 2019-039]
 - 4) **Barbed Wire**
The use of barbed wire shall be prohibited.
- h. **Storage**
Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in [Art. 5.B, Accessory Uses and Structures](#). Outdoor bulk storage in residential zoning districts shall be set back a minimum of 50 feet or the district setback, whichever is greater.
- i. **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.
- j. **Limitations of Sales**
Sales from a Wholesale Nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.
- 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.G.4.G, Development Review Officer \(DRO\)](#).
15. **Potting Soil Manufacturing**
 - a. **Definition**
An establishment engaged in producing potting soil, including the use of incineration.
 - b. **Approval Process – AR/RSA**
May be permitted in the AR/RSA district with an SA FLU, subject to a Class A Conditional Use approval.

c. Location

The facility shall front on and access from a Collector or Arterial Street.

d. Setbacks

A minimum of 50 feet from any property line abutting a residential zoning district or use.

e. Collocated Uses

If a Potting Soil Manufacturing facility includes chipping, mulching, grinding, or air curtain incinerator, adherence to the Supplementary Use Standards applicable to such uses shall also be required.

f. Storage

Storage of unprocessed material shall be limited to 45 days and pile height of storage material shall be limited to 15 feet. Outdoor storage piles shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential zoning district or use. Storage areas shall be screened from view, pursuant to [Art. 5.B, Accessory Uses and Structures](#).

g. Supplemental Application Requirements

1) Site Plan

The Site Plan shall illustrate how the operation functions including circulation routes, square footage, height; and location of buildings, equipment, and storage piles.

2) Dust Control

A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

16. Produce Stand

a. Definition

An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products. The sale of grocery or convenience-type foods or products shall not be permitted, unless stated otherwise herein.

b. Permanent

1) Maximum Floor Area

The square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.

2) Outdoor Display and Storage

Outdoor storage shall be subject to the provisions in [Art. 5.B, Accessory Uses and Structures](#). Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.

3) Sale of Products

a) General

Includes sales of agricultural food products such as jelly, jam, honey, and juice. No ZAR process shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with [Art. 4.B.11.C.10, Temporary Retail Sales](#). No vending machines or other similar equipment shall be permitted on site. [Ord. 2018-002] [Ord. 2019-005]

b) Urban/Suburban Tier

The sale of packaged or canned food products may be permitted, where in compliance with the following:

- (1) The parcel has commercial Future Land Use designation; and
- (2) Sales area is limited to five percent of the total square footage of the structure, or 1,000 square feet, whichever is less.

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 set back at least 50 feet from the front and side corner property lines. The rear and side interior setbacks shall meet the minimum standards of the zoning district.

d) Approval

A permanent Produce Stand shall be a permitted use in the AGR and AR, and by a DRO approval through the ZAR Process in the CN, CC, and CG districts. **[Ord. 2018-002]**

(1) AR and AGR Zoning Districts

The area devoted to the permanent Produce Stand exceeding 3,000 square feet shall be approved subject to a Class A Conditional Use.

6) Stands Less than 1,500 Square Feet

In addition to the standards stated above, stands less than 1,500 square feet (including both the structure and all accessory areas devoted to display or storage) shall be subject to the following development standards:

a) Paving

The surface parking lot may be constructed of shell rock or other similar material. At a minimum, the following areas shall be paved in accordance with [Art. 6, Parking, Loading, and Circulation](#), of this Code:

- (1) A paved driveway apron area, connecting the streets to the site shall be subject to approval by the County Engineer; and
- (2) Handicap parking spaces and handicap access.

7) Wholesale

Wholesale of produce shall be allowed in the AGR Zoning District only.

c. Temporary Stands

A temporary stand used for the retail sale of agricultural products not necessarily grown on the site. A temporary Produce Stand shall consist exclusively of fresh unprocessed fruit, vegetables, flowers, and containerized interior 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 adjacent residential uses, and,
- (5) located on a legal lot of record no less than one acre in size.

b) Number

Only one stand shall be permitted on a lot of record.

c) Approval

Subject to approval of a Temporary Use through the ZAR Process. **[Ord. 2018-002]**

d) Setbacks

The stand shall be set back a minimum of 35 feet from the front property line and 50 feet from all other property lines.

e) Size and Configuration

The stand shall not exceed 300 square feet. The accessory area shall be limited to display, storage and cashier purposes and shall be covered by a removable cantilevered canopy or umbrellas. No outdoor display or storage shall occur outside of the stand, umbrella, or canopy area.

2) Uses

No on-site food preparation or processing shall be permitted. No vending machines shall be permitted on site. No additional Temporary Uses shall be approved in conjunction with the stand except for seasonal sales. **[Ord. 2018-002]**

3) Parking

A minimum of two spaces and additional spaces subject to approval by the Zoning Director.

4) Special Regulations

a) Mobility

The stand shall retain its mobility, and have a frame of sufficient strength to withstand being transported by wheels, skids, or hoist.

b) Building Materials

The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products. Semi-truck trailers, mobile homes, and other permanent or temporary structures shall not be used as a stand. Motor vehicles, including vans and small trucks may be permitted provided the vehicle is removed from site at the end of each business day. These vehicles shall not be used for permanent or temporary residential purposes.

c) Refrigeration

Refrigeration shall be contained within the confines of the stand. If a motor vehicle is used for the stand, portable refrigeration may be used if contained as part of a motor vehicle and removed from the site daily.

d) Signage

Signs shall be limited to two, with a combined maximum sign face area of 32 square feet per side. Signs shall be set back a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons, or flags shall be prohibited.

e) Existing Stands

All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid Business Tax Receipt since issuance of the valid permit, shall be considered conforming uses. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of PBC, Florida, and as provided herein:

- (1) the enclosed portion of the stand shall not exceed 300 square feet unless provided for below;
- (2) display of products immediately adjacent to the stand, whether or not displayed under an umbrella or canopy, may continue in the same configuration as existed on July 11, 1995;
- (3) the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand as set forth in this Subsection, as amended;
- (4) portable refrigeration may be permitted if confined within the 300-square foot stand and all required electrical permits have been obtained;
- (5) the use of vending machines shall not continue; and,
- (6) expansion of existing stands shall not be permitted. Any future expansion of an existing stand shall comply with the regulations of this Section. If an existing stand is expanded, repaired, or altered, the affected area shall comply with the regulations herein.

17. Shade House

a. Definition

A temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.

b. Permits

A Shade House used for Bona Fide Agriculture purposes less than 12 feet in height shall not be required to obtain a Building Permit.

Table 4.B.6.C – Minimum Setbacks 12 Feet or Less In Height

Front and Street	15 feet
Side and Rear	7.5 feet

Table 4.B.6.C – Minimum Setbacks over 12 Feet in Height

Front and Street	25 feet
Side and Rear	15 feet

c. Commercial Greenhouse

Commercial greenhouses having roofs and walls made of rolled plastic or other similar materials, used for the indoor cultivation of plants, including hydroponic farming using water containing dissolved inorganic nutrients, may be permitted in the AGR Zoning Districts, subject to the following:

1) DRO Approval

Commercial greenhouses that exceed the FAR limitations of FLU Element Table III.C.2 of the Plan, or with five or more acres of building coverage must be approved by the DRO.

2) Property Development Regulations

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with [Table 3.D.1.A, Property Development Regulations \(PDRs\)](#). Setbacks for greenhouses less than 25 feet in height may be reduced by 50 percent. FAR and Building Coverage may be increased up to a maximum of 0.75 to accommodate commercial greenhouses.

3) Landscaping and Buffering

Commercial greenhouses are exempt from the interior and foundation planting requirements of [Art. 7.C.3, Interior Landscaping](#). A Type 3 Incompatibility Buffer shall be required along property lines where greenhouses are adjacent to or visible from a public R-O-W or parcels with a civic, conservation, commercial, recreational, or residential FLU designation or use. Buffers shall be a minimum of 25 feet in width for greenhouses up to 25 feet in height, and 50 feet for greenhouses greater than 25 feet in height.

a) Exceptions

(1) Visual Screening

Landscape buffer and planting requirements may be waived in areas where it can be demonstrated that greenhouse structures are not visible from the subject property lines or use areas.

(2) Alternative Planting

Planting requirements may be satisfied by the use of existing native vegetation or the placement of other related plant material, provided that the growing area is at least 25 feet wide and meets the buffering requirements for a Type 3 Incompatibility Buffer.

4) Parking

All parking and loading shall occur in the designated areas indicated on the site plan.

a) Parking

If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles.

b) Loading

Loading zones shall not be oriented towards residential uses, and shall be set back from property lines a minimum of 250 feet, unless approved as a Type 1 Waiver.

5) Storage

Only equipment directly related to the facility may be stored on site. All stored equipment must be screened from view from adjacent properties and streets.

6) Interior Lighting

Greenhouses shall not be illuminated between 9:00 p.m. and 6:00 a.m. if light is visible from outside of the structure from any adjacent R-O-W, or properties with a residential FLU designation or use.

7) Accessory Office

An office is permitted as an accessory use, subject to the following and all other applicable requirements:

a) Less than five acres of commercial greenhouse: 1,000 square feet.

b) Greater than five acres of commercial greenhouse: 2,000 square feet.

c) Bathroom facilities shall not be included in the calculation of office square footage.

8) Signage

Signage for commercial greenhouses shall be limited to one freestanding sign located at the projects primary entrance.

18. Stable, Commercial

a. Definition

An establishment for boarding, breeding, training or raising of horses not necessarily owned by the owners or operators of the establishment; rental of horses for riding or other equestrian activities, excluding uses classified as an equestrian arena.

b. Use Limitations

A Commercial Stable shall be limited to raising, breeding, training, boarding, and grooming of horses, or rental (livery) of horses for riding and instruction.

c. Overlay – LOSTO

A Commercial Stable with 20 or fewer stalls shall be subject to a DRO approval through the ZAR Process. [Ord. 2018-002]

d. Frontage

The minimum required frontage on a public street to be used from the primary point of access shall be 100 feet, or the minimum standard of the Tier in which the stable is located, whichever is greater.

e. Lot Size

A minimum of five acres.

f. Setbacks

A minimum of 25 feet from any property line, or the minimum setback of the zoning district, whichever is greater.

g. Collocated Uses

A Commercial Stable may be operated in conjunction with a residence and shall comply with the PBCACC.

19. Stable, Private

a. Definition

The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A Private Stable shall comply with the PBCACC.

b. Setbacks

1) Accessory Structure

A Private Stable with 12 stalls or fewer located on a parcel with a Single Family residence shall be considered an accessory structure and shall meet the setback requirements for an accessory structure, or 25 feet, whichever is greater.

2) Principal Structure

A Private Stable with more than 12 stalls located on a parcel with a Single Family residence, or a vacant parcel, shall be considered a principal structure and shall meet the applicable setback requirements for a principal structure.

c. Boarding

On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted.

20. Sugar Mill or Refinery

a. Definition

An establishment for the extraction and refining of sugar from agricultural products.

b. Setback

Shall be set back 300 feet from off-site residentially occupied or zoned property. In the AR Zoning District, a Sugar Mill or Refinery shall be permitted on land in an RR FLU designation as a Class A Conditional Use.

A. Utility Use Matrix

TABLE 4.B.7.A – UTILITY USE MATRIX

[illegible]

B. General Utility Standards

Reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Chipping and Mulching

a. Definition

An establishment using equipment designed to cut tree limbs, yard trash, or brush into small pieces for use as mulch.

b. Approval Process

- 1) A Chipping and Mulching Use accessory to a Bona Fide Agriculture use in the AP Zoning District may be Permitted by Right.
- 2) Chipping and Mulching may be allowed in the AR Zoning District of the RSA with an SA FLU designation, subject to Class A Conditional Use approval.

c. Access

Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. Entrances shall be gated and set back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.

d. Lot Size

A minimum of five acres.

e. Separation Distance

The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses.

f. Collocated Uses to Recycling Plant

Chipping and Mulching may be approved by the DRO subject to the Supplementary Use Standards for Chipping and Mulching.

g. Outdoor Storage

- 1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation or use.
- 2) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.
- 3) The pile height of storage materials shall be limited to 15 feet or less if required by [Chapter 62-709, F.A.C.](#), as amended. Bollards shall be maintained to indicate maximum permitted height, and tied to a finished grade benchmark delineated on site.
- 4) Outdoor storage of material shall be limited to 45 days.

h. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential zoning district.

i. Operation Functions

The Zoning application shall include but not limited to a Justification and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials processed and stored, including but not limited to the following:

1) Site Plan

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

2) Waste Volume

An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

3) Dust Control

A plan to address how dust generated from traffic, storage and processing areas will be managed pursuant to [Art. 5.E.4.D.3, Dust and Particulate](#).

4) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

2. Composting Facility

a. Definition

A facility designed and used for transforming yard waste, clean wood and other organic material into soil or fertilizer through biological decomposition.

b. Approval Process

- 1) A Composting Facility accessory to a Bona Fide Agriculture use in the AP Zoning District may be Permitted by Right.

- 2) A Composting Facility may be allowed in the AR Zoning District in the RSA with an SA FLU designation, subject to Class A Conditional Use approval.
 - c. **Access**
Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. Entrances shall be gated and set back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.
 - d. **Lot Size**
A minimum of five acres.
 - e. **Separation Distance**
The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses.
 - f. **Outdoor Storage**
 - 1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation, zoning district, or use.
 - 2) Outdoor storage of material shall be limited to 45 days
 - 3) The pile height of storage materials shall be limited to 15 feet or less if required by [Chapter 62-709, F.A.C.](#), as amended.
 - 4) The height of materials shall be tied to a finished grade benchmark delineated on site.
 - 5) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.
 - g. **Hours of Operation**
The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential FLU designation or use.
 - h. **Operation Functions**
The Zoning or Building application, whichever is submitted first, shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials processed and stored, including but not limited to the following:
 - 1) **Site Plan**
The Site Plan shall illustrate how the operation functions including circulation routes; and the location and size of loading and processing areas and storage piles.
 - 2) **Waste Volume**
An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
 - 3) **Dust Control**
A plan to address how dust generated from traffic, storage and processing areas will be managed pursuant to [Art. 5.E.4.D.3, Dust and Particulate](#).
 - 4) **SWA Permit**
Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.
 - i. **Backyard Composting**
This use does not include backyard-composting bins serving individual families.
 - j. **Glades and AGR Tiers**
The composting, storage or disposal of equestrian and other animal waste, and bio solids shall be prohibited in the Glades and AGR Tiers. This provision does not prohibit accessory uses to Bona Fide Agriculture or Composting Facilities with County approval in the AGR Tier as of the effective date of this Ordinance. **[Ord. 2018-018]**
3. **Electric Distribution Substation**
- a. **Definition**
Defined in accordance with [F.S. § 163.3208](#), as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size.
 - b. **Landscaping**
The use shall comply with the following additional requirements unless variance relief is obtained from landscaping regulations:

1) Landscape Buffering – General

Pursuant to [F.S. § 163.3208](#), as may be amended from time to time, required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed a mature height of 14 feet.

2) Landscape Buffering in Residential Areas

Pursuant to [F.S. § 163.3208](#), as may be amended from time to time, where located in or adjacent to a parcel of land with a residential FLU designation or use, landscape buffering shall be upgraded as follows:

- a) An eight-foot-high wall or fence and native vegetation shall be installed around the substation where equipment or structures are setback less than 50 feet from the property line.
- b) An open green space shall be maintained between required security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet from the property line.

c. Standard Residential Zoning Districts

Electric Distribution Substations shall not be collocated with Neighborhood Recreation Facilities.

4. Electric Power Plant

a. Definition

An electric generating facility that uses any process or fuel, and includes any associated facility that directly supports the operation of the electrical power facility.

b. Setbacks and Separation

- 1) An Electric Power Plant, for electrical generation only, shall not be located within 1,000 feet of a parcel with a residential FLU designation or use.
- 2) Principal uses and structures (excluding electric poles) shall be set back a minimum of 500 feet from all property lines.
- 3) Accessory uses and structures (excluding electric poles) shall be set back a minimum of 50 feet from all property lines.

c. Ash Disposal and Wood Recycling Facilities – AP Zoning District

Ash disposal and wood recycling facilities shall be permitted on sites in the AP Zoning District as an accessory use to biomass Electric Power Plant. The primary use for the site shall be consistent with the underlying zoning designation.

- 1) Ash disposal facilities shall not exceed 220 feet in height measured from the existing grade at the base of the facility.
- 2) Ash disposal facilities shall be used only for the disposal of ash produced onsite by the biomass Electric Power Plant.
- 3) Ash disposal facilities shall not be constructed until the plans for its construction and operation have been reviewed and approved by all applicable governmental agencies.
- 4) Ash disposal facilities shall be constructed as a Class I landfill in compliance with the applicable standards adopted by the Florida Department of Environmental Protection and set forth in [F.S. § 403.707](#) and [Chapter 62-701, F.A.C.](#), for Class I landfills.

d. Screening and Perimeter Buffers

A Type 3 Incompatibility Buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, or residential FLU designation or use. Palms may not be substituted for required Canopy trees.

e. Collocated Use – Electric Transmission Substation Facility

An Electric Transmission Substation collocated with a new request or DOA for an Electric Power Plant may be reviewed and approved as one application, and shall comply with the requirements of [Art. 4.B.7.C.5, Electric Transmission Substation](#).

5. Electric Transmission Substation

a. Definition

A facility associated with the transfer of bulk electrical energy from Electric Generating Plants to Electric Distribution Substations, including transmission voltage facilities or switching substations.

b. Setbacks

Notwithstanding the requirements of [Table 3.D.1.A, Property Development Regulations \(PDRs\)](#), setbacks for Electric Transmission Substations, excluding transmission and distribution lines and electric poles, shall be as follows:

- 1) Buildings used for Electric Transmission Substations shall be set back a minimum of 50 feet from all property lines.
 - 2) Setbacks for mechanical equipment, related structures and fencing shall be a minimum of 75 feet, or a minimum of 150 feet when adjacent to or visible from a street or parcels with a conservation (when open to the public), commercial, or residential FLU designation or use. Setbacks may be reduced to 100 feet, if the Incompatibility Buffer is increased to 50 feet in width and the number of required trees are doubled. Setbacks may also be reduced to 75 feet when adjacent to commercial properties, or when separated from adjacent properties by a R-O-W 100 feet in width or greater, if the Applicant can demonstrate that structures will not be visible from residential or public use areas.
 - 3) One additional foot of setback shall be provided in addition to the minimum setback for each one foot in height, or fraction thereof, over 35 feet.
- c. Landscaping**
A Type 3 Incompatibility Buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, or residential FLU designation or use. Palms shall not be substituted for required Canopy trees.
- d. Standard Residential Zoning Districts**
An Electric Transmission Substation shall not be collocated with Neighborhood Recreation Facilities.
- 6. Landfill or Incinerator**
- a. Definition**
A facility for the disposal or incineration of solid waste for which a permit is required by the Florida Department of Environmental Protection, which receives solid waste for disposal in or upon the land. The term does not include a land-spreading site, injection well or surface impoundment.
- b. SWA Permit**
Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.
- c. Airport Land Use Compatibility Zoning**
- 1) New Landfills are prohibited, and existing Landfills within the following areas are restricted pursuant to [Art. 16.C.1.E, General Land Use Regulations – Off-Airport Land Use Compatibility Schedule \(Appendix 8\)](#): **[Ord. 2017-025]**
 - a) Within 10,000 feet from the nearest point of any Airport runway used or planned to be used by turbine aircraft or, **[Ord. 2017-025]**
 - b) Within 5,000 feet from the nearest point of any Airport runway used by only non-turbine aircraft or, **[Ord. 2017-025]**
 - c) Outside the perimeters defined in subparagraphs a) and b), but still within the lateral limits of the civil airport imaginary surfaces defined in [14 CFR § 77.19](#). Case-by-case review of such landfills is advised. **[Ord. 2017-025]**
 - 2) Where any Landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The Landfill operator must incorporate bird management techniques or other practices to minimize bird hazard to airborne aircraft. These management techniques shall be addressed in the applicable zoning application. DOA, in consultation with the PZB, shall administer the review of development application for compliance. **[Ord. 2017-025]**
- 7. Minor Utility**
- a. Definition**
An above-ground facility associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities.
- b. Typical Uses**
Gas and water regulators, chlorine injection and potable water booster pump stations; water reclamation treatment, storage and distribution facilities, membrane bioreactor plants, sewage lift stations, telephone exchange buildings, and communication substations.
- c. Floor Area**
- 1) **Residential Zoning Districts**
A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied facilities and structures.

- 2) **Non-Residential Zoning Districts**
A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied facilities and structures.
- 3) A Minor Utility exceeding either standard above may be approved as a Class A Conditional Use.
- d. **Lift Station**
 - 1) **New Subdivisions**
Facilities located in new subdivisions may be allowed subject to DRO approval concurrent with the subdivision approval.
 - 2) **Streets**
Facilities located within streets or utility easements shall not be subject to DRO approval.
- e. **States of Emergency**
The PZB Executive Director may waive the review timeframes in the event of a declared state of emergency.
- f. **Hours of Operation**
Minor Utilities are not subject to the hours of operation in [Art. 5, Supplementary Standards](#).
8. **Renewable Energy Solar Facility**
 - a. **Definition**
A facility that uses photovoltaic, thermal, or other systems with a principal use of producing electric or thermal power from the sun that is then stored and delivered to the transmission system and consumed off site. [Ord. 2019-023]
 - b. **Lot Size**
Lots shall comply with the minimum lot dimension requirements pursuant to [Table 3.D.1.A, Property Development Regulations \(PDRs\)](#), or the applicable PDD requirements.
 - c. **Setbacks**
Accessory electric poles, distribution, and transmission lines shall be exempt from the minimum setback requirements indicated below:
 - 1) **Lots 50 Acres or Greater**
Setbacks shall be a minimum of 25 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district.
 - 2) **Lots Less Than 50 Acres**
Setbacks shall be a minimum of 15 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district.
 - 3) **Lots Adjacent to Existing Residential Uses**
Setbacks shall be a minimum of 35 feet or the zoning district setback, whichever is greater, along the affected property line.
 - 4) **Additional Setback**
One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 20 feet.
 - d. **Perimeter Buffers and Interior Tree Requirements**
 - 1) For facilities within the Rural, Exurban, and Glades Tiers greater than 250 acres in size, the following rules shall apply: [Ord. 2019-023]
 - a.) **R-O-W Buffer**
Shall be exempt from the requirements of [Art. 7.C.2.A, R-O-W Buffer](#), provided a six-foot-high landscape barrier is installed. If a hedge is proposed, credit to satisfy the hedge material may be granted for on-site preservation of existing vegetation pursuant to [Art. 7.E.3, Credit and Replacement](#). An alternative hedge height may be allowed subject to the following: [Ord. 2019-023]
 - (1) Minimum two feet at time of installation and maintained at a minimum height of six feet and no greater than 12 feet pursuant to [Art. 7.D.4.A, Hedges](#); [Ord. 2019-023]
 - (2) The solar panels, including support structures, shall be no greater than eight feet in height and set back a minimum of 80 feet from the adjacent R-O-W or base building line, whichever is more restrictive; and, [Ord. 2019-023]
 - (3) The area between the R-O-W Buffer and the minimum setback shall be limited to landscaping, drainage easements, and a drive aisle that is used for the repair, maintenance, and/or installation of the solar panels, when the hedge is less than six feet in height. [Ord. 2019-023]

b.) Compatibility Buffer

- (1) Shall be exempt from the landscaping requirements of [Art. 7, Landscaping](#) when the site meets or exceeds the minimum 25-foot setback, and is adjacent to a parcel of land with agricultural or utility uses or a conservation FLU designation; or **[Ord. 2019-023]**
- (2) Shall be exempt from the landscaping requirements of [Art. 7, Landscaping](#) when the site meets or exceeds a 50-foot setback, and is adjacent to a parcel of land with an existing landscape buffer. **[Ord. 2019-023]**

c.) Incompatibility Buffer

The Type 3 Incompatibility Buffer may be reduced to 50 percent of the landscaping materials, excluding the width, and can be a hedge or fence. **[Ord. 2019-023]**

2) All Tiers

These facilities shall be exempt from interior landscape requirements for the developable area pursuant to [Art. 7, Landscaping](#). **[Ord. 2019-023]**

e. Collocation with Existing Electric Power Plant

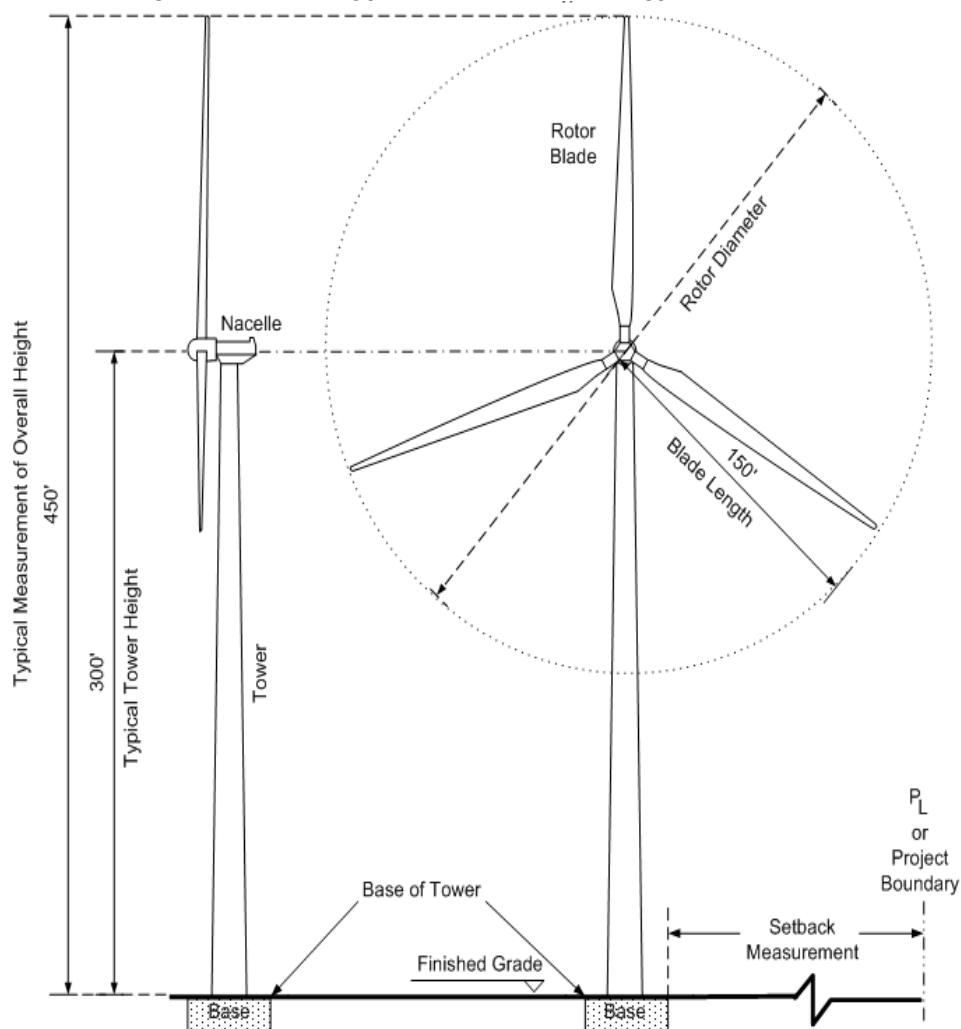
Solar facilities located on a site with an existing Electric Power Plant may be approved pursuant to the approval process indicated in the appropriate Use Matrix, and shall not be subject to a Development Order Amendment pursuant to [Art. 2.B.7.C, Development Order Amendment \(DOA\)](#).

9. Renewable Energy Wind Facility

a. Definition

A facility that uses one or more wind turbines, meteorological (MET) towers, or other systems with a principal use of producing electric or mechanical power from the wind.

Figure 4.B.1.A – Typical Renewable Energy Wind Turbine



b. Environmental Permitting – Letters of Engagement

The Applicant shall provide a letter of engagement from all applicable environmental permitting agencies, including but not limited to: the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, Florida Department of Environmental Protection, or other applicable regulatory agency. Letters of engagement, or similar documentation, shall indicate that the proposed facility is under review for applicable permitting or siting requirements for endangered, threatened or species of special concern, migratory birds or bats, natural ecosystem or wetlands, or other local wildlife. The documentation shall be submitted to the Zoning Division, with the Zoning application. The Letter of Engagement shall include, at a minimum:

- 1) Identify organization as Federal, State, or Local;
- 2) Key individuals involved in review;
- 3) Role in review process (i.e. studies, review, or permitting); and,
- 4) Identify any permits or approvals required, critical dates, input in review process, and possible conditions of approval, where applicable.

d. Lot Size

Lots shall comply with the minimum lot dimension requirements pursuant to [Table 3.D.1.A, Property Development Regulations \(PDRs\)](#), or the applicable PDD requirements. Nonconforming legal lots of record may be included within the boundaries of a Renewable Energy Wind Facility if the overall project boundaries meet the minimum standards for the zoning district.

e. Setback or Separation Requirements

Accessory electric poles, distribution, and transmission lines shall be exempt from the minimum setback requirements indicated below.

- 1) Facilities shall comply with the minimum setback requirements of the applicable zoning district unless stated otherwise in the following Table.

Table 4.B.7.C – Renewable Energy Wind Facility Setbacks or Separations

Structures	Minimum Separation (1)(2)			Minimum Setback (1)		
	Occupied Buildings within Project Boundary	Habitable Buildings within Project Boundary	Occupied or Habitable Buildings Outside of Project Boundary	Project Boundary		Public R-O-W
				Non-Residential FLU	Residential or Conservation FLU	
Wind Turbines, MET Towers, or Other Similar Wind Energy Systems	1.1 x Height	2.5 x Height	2.5 x Height	1.5 x Height	2.0 x Height	2.5 x Height
Accessory or Collocated Buildings or Structures	Apply zoning district or accessory use PDRs as applicable.					
Notes:						
1.	Setback or separation from wind turbines, MET towers or other similar structures shall be measured from the base as depicted in Figure 1.C.4.E, Typical Example of Measurement of Separation from Structure .					
2.	Definitions for Habitable and Occupied shall be in accordance with the Florida Building Code, as may be amended.					

2) Type 2 Variance for Setbacks or Separations

Requests for Type 2 Variances from the setback or separation requirements listed above shall be permitted in accordance with [Art. 2, Application Processes and Procedures](#), and the following:

- a) The minimum proposed setback or separation is not less than 1.1 times the height of the structure; and
- b) The Applicant submits a study demonstrating that shadow flicker caused by the proposed Renewable Energy Wind Facility will not affect any occupied or habitable building or outdoor recreation area. Some shadow flicker not to exceed 30 hours annually may be approved as part of the variance upon demonstration that the frequency range is not adverse to any segments of the public. The study shall be prepared by a licensed engineer, surveyor and mapper, architect, landscape architect, or other similar professional, including scientists specializing in Renewable Energy Wind technology.

3) Setback within Multi-Parcel Renewable Energy Wind Facilities in AP

Except for setbacks from habitable and occupied buildings as set forth in [Table 4.B.7.C, Renewable Energy Wind Facility Setbacks or Separations](#), MET towers or other similar wind energy systems on parcels with an AP FLU designation and AP Zoning District, setbacks shall be measured from the Project Boundary, not from any lot lines located within the Project Boundary.

- 4) The measurement of height shall be in accordance with [Art. 4.B.9.B.5, Tower Height](#) (related to commercial communication towers), except that for wind turbines, the height shall be measured to the top of the turbine blade.

e. Perimeter Buffers and Interior Tree Requirements

- 1) A Type 1 Incompatibility Buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, public and civic, or residential FLU designation, zoning district, or use. In addition, a Type 2 Incompatibility Buffer shall be required around the perimeter of all ground-mounted equipment or accessory buildings. Palms may be substituted for 50 percent of the required Canopy trees.
- 2) Wind turbines or MET towers located on parcels with an AP FLU designation and Zoning District shall be exempt from the landscaping requirements above.
- 3) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to [Art. 7.C.3, Interior Landscaping](#).

f. Collocation with Existing Electric Power Plant

Renewable Energy Wind Facilities located on a site with an existing Electric Power Plant shall be approved pursuant to the approval process indicated in the appropriate Use Matrix, and shall not be subject to a legislative Development Order Amendment, pursuant to [Art. 2.B.7.C, Development Order Amendment \(DOA\)](#).

g. Removal

A Renewable Energy Wind project ("Project"), when deemed "abandoned," shall be removed in accordance with the provisions of this Subsection g. For the purposes of this Section, the term Project shall also include individual wind turbines or MET towers located within a larger Renewable Energy Wind Facility. The Project shall be deemed "abandoned" when the Project is completely unable to generate electricity, whether through continued operation or repowering, and where the owner of the Project ("Project Owner") is not engaged in any effort to remedy the condition that gave rise to the complete inability to generate electricity, or if the project fails to generate electricity for a period of three years regardless of the efforts of the Project Owner. If a Project is deemed "abandoned," the Project Owner shall commence removal of the Project. The arrangements regarding removal of the Project are to be set forth in contracts between the applicable landowners and the Project Owner, which such arrangements shall:

- 1) Require the removal of the turbine towers and foundations up to a depth of 36 inches below grade;
- 2) Establish a time frame up to 24 months, subject to adjustment due to *force majeure* events, to complete the removal; and,
- 3) Provide surety, in a form subject to approval of the County Attorney, for removal to the applicable landowner (as primary beneficiary) and to the County (as secondary beneficiary in the event the landowner fails to timely enforce its rights under the surety instrument). The amount of the surety shall be calculated by an independent, Florida certified professional engineer immediately prior to the date it is required to be provided, as set forth in this clause (3), and shall be equal to the cost of removing the Project. The surety amount shall be recalculated every five years thereafter. The surety, which shall be in the form of a single instrument, shall be provided to the applicable landowner and the County upon the earlier to occur of:
 - (a) The date which is ten years prior to the end of the lease term between the applicable landowner and the Project Owner, as such term may be extended from time to time, or
 - (b) The 90th day following the date the Project is deemed "abandoned."

h. MET Tower Approval Process Exceptions

Permanent MET towers shall be considered a permitted accessory structure to a Renewable Energy Wind Facility.

1) DRO Approval

A temporary MET tower located on a parcel with an AP FLU designation and Zoning District, to be erected for a period of not more than three years, may be approved by the DRO.

2) Permitted by Right

A temporary MET tower located on a parcel with an AP FLU designation and Zoning District, to be erected for a period of not more than three years, where located one mile or more from a public R-O-W, or parcel of land with a conservation (when open to the public), commercial, public, civic, or residential FLU designation or use, may be Permitted by Right.

i. Microwave Path Analysis

At time of submittal for final DRO approval, a professionally prepared microwave path analysis shall be submitted for review and approval by FDO. Prior to final DRO approval, the site plan shall clearly depict any area(s) of the site that is required by that analysis to remain free and clear of encroachments in order to preclude interference with County microwave communication systems.

j. Aircraft Hazard

To ensure the safety of low flying aircraft, any application shall demonstrate compliance with [14 CFR § 77.9](#) and notification requirements to the Administrator of the FAA. In the event there are no applicable FAA requirements for safety markings of wind turbines or MET towers the following safety marking requirements shall be applied:

- 1) Paint will be applied to the top one-third of the MET tower in alternating bands of international orange and white.
- 2) Three orange guy wire marker spheres will be installed on each of the outer guy wires of the MET tower.
- 3) Ten-foot yellow florescent sleeves will be attached on either side of each marker sphere.
- 4) A low-intensity flashing red light will be mounted at the top of the MET tower.
- 5) Ten-foot yellow florescent sleeves will be attached to each guy wire at the anchor points of the MET tower.

k. Color

Towers, turbines, and blades shall be painted non-reflective white or grey, or other non-reflective unobtrusive color and shall be consistent with any information provided at time of DO approval. Change in color may be allowed subject to DRO approval, where required by regulatory agency permitting or other similar approvals. Signage, equipment, or project logo or labeling shall be prohibited on wind turbines, MET towers, or other similar wind energy systems.

10. Solid Waste Transfer Station

a. Definition

A facility where solid waste or yard waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility.

b. Location

The facility shall front on and have access from an Arterial or Collector Street.

c. Setbacks

All portions of a transfer station, including structures, ramps, parking and on-site circulation areas, shall be set back a minimum of 50 feet or the zoning district setback, whichever is greater, from all property lines, lakes, canals, water management tracts, retention/detention areas, drainage swales, and other water bodies.

d. Buffer

A minimum 50-foot-wide Incompatibility Buffer shall be provided adjacent to an existing residential FLU designation or use. Required landscaping not visible from adjacent lots or streets may be waived through a Type 1 Waiver.

e. Storage Areas

All solid waste stored outdoors shall be in leak-proof containers or located on a paved surface designed to capture all run-off. Run-off shall be treated in a manner that is in conformance with Local, State, and Federal regulations. Solid waste or yard waste may be sorted or temporarily stored but not processed at a Transfer Station.

f. Operation Functions

1) Access

A graphic and written analysis of access routes to the site.

2) Type

An explanation of the type of facility requested including a description of the materials to be handled, methods of operation, handling procedures, whether sorting will occur, and runoff treatment plans.

3) Waste

The quantity of waste to be received, expressed in cubic yards per day or tons per day.

4) Hours of Operation

A statement specifying the hours of operation.

5) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

11. Water or Wastewater Treatment Plant

a. Definition

A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

b. Location

In the AGR Zoning District, a Water or Wastewater Treatment Plant shall not be located west of SR 7/US 441.

c. Sanitary Nuisances

Facilities shall be designed and operated to minimize objectionable odors. Potential sanitary nuisances shall be addressed by the PBC Health Department pursuant to [F.S. ch. 386, pt. I](#), as may be amended from time to time.

d. Setbacks – Water or Wastewater Treatment Plant

For purposes of this Section, the AR Zoning District is not considered a residential zoning district. Required setbacks are as follows:

Table 4.B.7.C– Wastewater Treatment Plant Setbacks

Type/Capacity	Type of Plant	Setback from Residential and Commercial Zoning District	Setback From Non-Residential and Non-Commercial Zoning District
Wastewater Treatment Plants over one million gallons per day capacity:	Head works, clarifiers, sludge treatment & handling facilities without odor control	750 feet	500 feet
	Head works, clarifiers, sludge treatment & handling facilities with odor control	300 feet (2)	200 feet (1)
	Chemical storage facilities	300 feet	200 feet
	Accessory facilities	200 feet	100 feet
Wastewater Treatment Plants up to one million gallons per day capacity including package treatment facilities	Treatment units without odor control	150 feet	150 feet
	Treatment units with odor control	100 feet (1)	100 feet (1)
	Chemical storage facilities	100 feet	100 feet
	Accessory facilities	100 feet	100 feet
Water Reclamation Production Facility (any capacity standalone facility larger than a minor utility which is filtering already treated wastewater (secondary effluent) (3)(4)	Storage Tanks, Filtration System, Hypochlorite tanks, Office/Lab/Generator buildings, and accessory facilities	50 feet front; 15 feet side; 25 feet side street; and, 20 feet rear or the minimum district setback, whichever is greater	50 feet front; 15 feet side; 25 feet side street; and, 20 feet rear or the minimum district setback, whichever is greater
Membrane Bio-Reactor (MBR) System	Storage tanks, enclosed reinforced hollow fiber or flat plate membranes, clarification, aeration and filtration of wastewater for discharge or reuse applications	50 feet front; 15 feet side; 25 feet side street; and, 20 feet rear or the minimum district setback, whichever is greater	50 feet front; 15 feet side; 25 feet side street; and, 20 feet or the minimum district setback, whichever is greater
Notes:			
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.		
3.	If an existing utility site is being redeveloped into a water reclamation production facility or MBR, the setbacks established for the original use will be utilized for the water reclamation facility or MBR unless they are more restrictive than the setbacks noted in this Table. If the reclamation or MBR facility qualifies as a minor utility those regulations will apply instead of this Table.		
4.	A Water Reclamation Production Facility treating raw wastewater to tertiary levels must meet the setback requirements for a Wastewater Treatment Plant of similar capacity unless it qualifies as a minor utility, in which case, those regulations will apply.		

Table 4.B.7.C – Water Treatment Plant Setbacks for Open Treatment Process

Type/Capacity	Type of Plant	Setback
Water Treatment Plants over two million gallons per day capacity	Treatment units and chemical storage	200 feet
	Units which cause airborne sulfides	500 feet (1)
	Accessory facilities	100 feet
Water Treatment Plants up to two million gallons per day capacity, including package treatment facilities	Treatment units and chemical storage	100 feet
	Units which cause airborne sulfides	250 feet (2)
	Accessory units	100 feet
Notes:		
1.	Odor Control. Unless treatment for removal of sulfides for odor control is included.	
2.	Maximum building height. Buildings not including storage tanks and water towers higher than 35 feet are allowed provided the following setbacks are met: a. The minimum yard setback of this Section; and b. An additional one-foot setback for each one foot in height exceeding 35 feet.	

Table 4.B.7.C – Water Treatment Plant Setbacks for Enclosed Treatment Process without Gas Chlorine

Type/Capacity	Yard	Setback
Water Treatment Plants over two million gallons per day capacity	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	200 feet (1)
Water Treatment Plants up to two million gallons per day capacity, including package treatment facilities	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	100 feet
Notes:		
1.	Chemical storage setbacks may be reduced by fifty percent for facilities using enclosed treatment process without Chlorine gas, along property lines adjacent to parcels with a PO Zoning District and INST FLU designation, or AP Zoning District and FLU designations.	

e. Accessory Use

A Water or Wastewater Treatment Plant may be collocated with a Public School installed in accordance with all applicable Federal, State, and Local utility standards.

1) Location/Buffering

The facility shall be located and buffered to ensure compatibility with surrounding land use.

2) Duration

The use of the facility shall only be permitted until such time as central water or wastewater service is available from the appropriate utility.

f. Landscaping

1) Buffer

Perimeter landscape buffers shall have a minimum width of 25 feet or be equal to the setback requirements if less than 25 feet.

2) Trees

A single row of trees shall be planted all landscape buffers at a ratio of one 14-foot-tall tree for each 25 linear feet.

3) Screening

Screening consisting of a hedge, berm, or fence wall which will present a visual screen at least six feet in height within one year of installation shall be provided around the perimeter of the site.

g. Package Treatment Facility

Package water or wastewater treatment facilities shall comply with the following additional standards:

1) Limited Service Area (LSA)

a) Package treatment facility shall be prohibited in the LSA except for use by schools or located in the United Technology Corporation Protection Overlay or the North County General Aviation Facility.

b) If a package treatment facility is proposed to be developed in the LSA, confirmation shall be provided from the PBCHD that use of a package treatment plant is necessary to protect water quality. The PBCHD shall certify that the uses proposed can be adequately served with a package treatment plant.

2) Rural Service Area (RSA)

If a package treatment facility is proposed to be developed in the RSA, there shall be demonstrated evidence that it is to be used to provide potable water or wastewater service to Bona Fide Agriculture uses, public recreational uses, public educational uses, or other uses when found to be consistent with the Plan by the Planning Director and upon approval of the Director of the PBCHD. The PBHD may impose conditions or restrictions necessary to protect public health and prevent the creation of a nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in [Chapter 62-699, F.A.C.](#) and [Chapter 62-602, F.A.C.](#), the BCC, may require a higher level of operator coverage.

h. Effect on Previously Approved Plants

Water and Wastewater Treatment Plants approved prior to the effective date of this Code shall be considered conforming uses. Expansion or redevelopment of existing facilities or an existing utility site to the same or a different utility use or treatment technology may be allowed with setbacks less than those listed in this Section of the Code provided the expansion or redevelopment is reviewed and approved by the DRO and odor control is provided if applicable.

i. Biosolids Land Application

Class A or B biosolids, as defined by [Chapter 62-640, F.A.C.](#), may be applied to land in Bona Fide Agriculture operation in the AP, AGR, and AR Zoning Districts. Class AA biosolids, as defined by [Chapter 62-640, F.A.C.](#), has unlimited distribution pursuant to [Chapter 62-640, F.A.C.](#) Nothing herein shall preclude disposal of biosolids at a Landfill or at a Wastewater Treatment Plant in compliance with applicable Federal, State, and Local regulations nor effect any biosolid operation approved prior to the effective date of this Code.

1) AP and AGR Zoning Districts

A Class A or B biosolid shall be Permitted by Right on the site of a Bona Fide Agriculture operation in the AP and AGR Zoning Districts in compliance with FDEP standards in [Chapter 62-640, F.A.C.](#), as verified by the PBCHD. Following verification, the PBCHD shall be notified of the proposed first date of the land application no fewer than 30 days prior to land application.

2) AR Zoning District

Land application for a Class A or B biosolid shall be permitted in the AR Zoning District on the site of a Bona Fide Agriculture operation following approval by the DRO. An Applicant shall demonstrate compliance with FDEP standards except that the required separation from buildings and other property lines shall be as specified below. In the case of several adjacent properties which apply for a biosolid the properties may be combined for the purpose of measuring the required separation and the separation may be measured from the boundary of the most exterior property.

a) External Separation

There shall be a minimum separation of 500 feet from any off-site structure occupied on a daily or frequent basis by people. This distance shall be measured from the perimeter of the biosolid application area outward toward the structure.

b) Internal Separation

Internal to the site, there shall be a minimum 200-foot separation from the perimeter of the biosolid application area to the property line of the parcel.

c) Setbacks

These setbacks may be reduced or increased by the Director of the PBCHD.

A. Transportation Use Matrix

TABLE 4.B.8.A – TRANSPORTATION USE MATRIX

[illegible]

B. General Transportation Standards for Aviation Related Uses

All Airports, Heliports, Landing Strips, and Seaplane Facilities not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards:

1. Setbacks

- a. No structure or navigation aid shall be located within 50 feet of any property line.
- b. There shall be a 100-foot setback between the edge of the landing area, as defined by the FDOT, and the property line.

2. Structure Height

A variance shall not be required for a structure to exceed the height limit for the zoning district in which the use is located, if the additional height is required by Federal law or Florida Statutes.

3. Hangars

Storage buildings for aircraft shall be allowed as principal structures. Hangars accessory to an Agriculturally-Classified Use as established by State Statutes shall be located on parcels containing a minimum of 20 acres.

4. FAA and FDOT Requirements

DRO and Class A Conditional Use approvals as related to FAA and FDOT requirements shall be in accordance with [F.S. § 125.022](#)(4), Development permits.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Airport

a. Definition

Any facility designed to accommodate landing or take-off operations of aircraft.

2. Heliport or Vertiport

a. Definition

A facility designed to accommodate helicopter operations or other vertical takeoff and landing rotorcraft, including facilities and structures, needed for heliport business to function. [Ord. 2017-025]

b. Accessory Use

Except where otherwise allowed as a principal or collocated use, a Heliport limited to landing and takeoff of helicopters, tilt rotors or rotorcraft may be allowed as an accessory use, as follows:

- 1) Accessory to an Agriculturally-Classified Use as established by State Statutes, in the AGR, AR, AP, and RE Zoning Districts, located on parcels containing a minimum of ten acres, shall be Permitted by Right.
- 2) Accessory to Single Family in the AR, RE, and RM Zoning Districts, subject to Class A Conditional Use approval.
- 3) Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or within the Recreation or Civic Pod of a PDD or TDD, subject to Class A Conditional Use approval.
- 4) Accessory to a Public Park as follows:
 - a) Subject to Class A Conditional Use approval if located within 1,000 feet from a parcel of land with a residential use or FLU designation. A Heliport shall be Permitted by Right if located more than 1,000 feet from a parcel of land with a residential use or FLU designation. Measurement shall be made from the edge of the helipad to the property line of a parcel of land with a residential FLU designation or use; or
 - b) Permitted by Right if limited to a helipad for emergency purposes.
- 5) A helipad accessory to Data and Information Processing, and Research and Development subject to Class A Conditional Use approval.
- 6) Accessory to Government Services or Government Facilities, subject to Class A Conditional Use approval. A Heliport shall be Permitted by Right if located more than 1,000 feet from a parcel of land with a residential FLU designation or use. Measurement shall be made from the edge of the helipad to the property line of a parcel of land with a residential FLU designation or use.
- 7) Accessory to a Hospital may be Permitted by Right.

3. Landing Strip

a. Definitions

A ground facility designed to accommodate landing and take-off operations of aircraft, including facilities or structures, needed for landing strip functions.

b. Accessory Uses

Except where otherwise allowed as a principal or collocated use, a Landing Strip may be allowed as an accessory use, as follows:

- 1) Accessory to an Agriculturally-Classified Use as established by State Statutes, in the AGR, AP, and AR/RSA Zoning Districts, located on parcels containing a minimum of 20 acres, shall be Permitted by Right.
- 2) Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or within the Recreation or Civic Pod of a PDD or TDD, subject to Class A Conditional Use approval.
- 3) Accessory to Government Services or Government Facilities, subject to Class A Conditional Use approval.

4. Seaplane Facility

a. Definitions

A facility, on land or water, designed to accommodate the landing and takeoff of seaplanes, water taxiing, anchoring, ramp service, and onshore facilities.

b. Separation Distance – Residential Zoning District

- 1) If the Seaplane Facility use is limited to the adjacent Property Owners who jointly own and maintain the aircraft facility, it may be located in a residential zoning district provided the facility is not commercial or within 400 feet of a residential use.
- 2) If the facility is a commercial venture, it shall not be located within 1,000 feet of a parcel of land with a residential FLU designation or use.

c. Minimum Land Area

The minimum required land area for any type of seaplane operation shall be two acres.

d. Water Area

All seaplane operations shall comply with the following minimum standards for water landing area:

Table 4.B.8.C – Seaplane Landing Area Standards

Length	3,500 feet
Width	300 feet
Depth	4 feet

e. Airport Approach

No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40-to-one or flatter for a distance of at least two miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach plane.

f. Setbacks

All buildings, structures, and aircraft parked on shore shall be located a minimum distance from all property lines of at least 50 feet.

g. Landing Operations

All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be conducted during the hours between sunset and sunrise.

h. Parking

Shore facilities shall provide one automobile parking space for each 2,000 square feet of hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities shall provide a minimum of five parking spaces.

5. Transportation Facility

a. Definition

An establishment used as a transfer point for the loading and unloading of passengers from one mode of transportation to another, excluding airports, aviation related uses, and bus stops and alighting areas as outlined within [Art. 5.H, Mass Transit Standards](#).

b. Typical Uses

A Transportation Facility use may include, but not be limited to: bus stations, ferryboat or cruise ship terminals, and commuter railroad stations.

c. Approval Process

1) UC, UI, and PO Zoning Districts

- a) A Transportation Facility in the UC and UI Zoning Districts that is subject to Class A Conditional Use approval may be approved by the DRO if located 200 feet or more from a parcel of land with a residential FLU designation or use.
- b) A Transportation Facility in the PO Zoning District that is subject to Class A Conditional Use approval shall be Permitted by Right if located 200 feet or more from a parcel of land with a residential FLU designation or use.

2) All Other Zoning Districts

A Transportation Facility in all other zoning districts subject to Class A Conditional Use approval may be approved by the DRO if located 500 feet or more from a parcel of land with a residential FLU designation or use.

d. Location

Bus or railroad stations shall have frontage on and access from a Collector or Arterial Street, unless located within a PDD or TDD.

e. Separation from Residential

A Transportation Facility located within 200 feet from a parcel of land with a residential FLU designation or use shall be subject to the following:

- 1) Building openings used by vehicles and unglazed architectural openings shall not face residential; and
- 2) A Type 3 Incompatibility Buffer shall be required.

f. Vehicular and Pedestrian Circulation Areas

The site design shall address the following:

- 1) Vehicle idling and queuing spaces do not encumber on-site circulation traffic or present a safety hazard for vehicles or pedestrians.
- 2) Designated passenger drop off/pick up areas.
- 3) A minimum six-foot-wide sidewalk in front of or adjacent to the drop-off spaces and connected to the building entrance.
- 4) On-site vehicular circulation paved areas shall be set back a minimum 100 feet if adjacent to a parcel of land with a residential FLU designation or use.

A. Commercial Communication Towers Matrix

Use Type

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[illegible]

B. General Standards

Commercial Communication Towers include provisions for any tower, pole, or structure that supports a device whose principal use is to facilitate transmissions for AM/FM radio, television, microwave; cellular, personal wireless services, or related forms of electronic communications. The regulations include provisions for Stealth, Camouflage, Monopole, Self-Support/Lattice, and Guyed Towers.

Table 4.B.9.B – Typical Examples of Commercial Communication Towers

Camouflage	Stealth	Monopole	Self-Support/Lattice		Guyed
					

1. Collocated Tower and Accessory Structures

Communication towers may be permitted on a lot with another principal use as provided herein unless stated otherwise.

a. Owned Parcel

Communication towers may be located on lots containing another principal use, including another communication tower.

b. Leased Parcel

Towers may occupy a leased parcel on a lot that meets the minimum lot size requirement of the zoning district in which it is located. PBC may require execution of a unity of control, or other documentation as determined appropriate by the County Attorney, for leased parcels that do not meet the minimum lot size requirement for the zoning district in which they are located.

c. Accessory Structures

Any structure accessory to communication towers, other than peripheral supports and guy anchors, shall conform to the setback requirements for the zoning district in which it is located.

2. Separation and Setbacks

Separation between communication towers and other uses on the lot may be required to ensure compatibility. Separation or setbacks for all towers shall be established, as provided in [Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts](#), and [Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts](#), unless stated otherwise herein.

a. Towers Located in Residential Zoning Districts

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts

Tower Type		Adjacent to	AGR	AR/RSA	AR/USA	RE	RT	RS	RM	PUD	RVPD	MHPD	TND
Stealth Tower ≤ 125'	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line											
	Residential Vacant	100% of tower height for setback from property line											
	Non-Residential and Public R-O-W	100% of tower height for setback from property line											
Stealth Tower > 125' to 200' Max.	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line											
	Residential Vacant	100% of tower height for setback from property line											
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater											
Camouflage Tower 150' Max. (1)	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line											
	Residential Vacant	100% of tower height for setback from property line											
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater											
Monopole Tower (2)	Residential Existing	600% of tower height for separation between tower and adjacent residential structures 150% of tower height for setback from property line											
	Residential Vacant	150% of tower height for setback from property line											
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater											
Self-Support/ Lattice Tower (2)	Residential Existing	600% of tower height for separation between tower and adjacent residential structures 150% of tower height setback from property line											
	Residential Vacant	150% of tower height setback from property line											
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater											
Guyed Tower (2)	Residential Existing	Lesser of 600% of tower height or 1,500-foot separation between tower and adjacent residential structures and 150% of tower height for setback from property line											
	Residential Vacant	150% of tower height for setback from property line											
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater											
FDOT			Height, tower type, and setbacks limited as provided in Art. 4.B.9, Commercial Communication Towers										
[Ord. 2017-016]													
Notes:													
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.												
2.	Applicable to any tower height.												

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, Cont'd.

Tower Type	Adjacent to	AGR	AR/RSA	AR/USA	RE	RT	RS	RM	PUD	RVPD	MHPD	TND
Electrical Transmission Lines and Substations												
Stealth (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line										
	Non-Residential	20% of tower height or zoning district setback whichever is greater										
Full Array Urban ≤ 80' (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line										
	Non-Residential	20% of tower height or zoning district setback whichever is greater										
Full Array Urban > 80' < 150' (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 100% of tower height for setback from property line										
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater										
Full Array Rural (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 150% of tower height for setback from property line										
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater										
[Ord. 2017-016]												
Notes:												
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.											
2.	Applicable to any tower height.											
3.	Exceptions to minimum setbacks or separations may be allowed in accordance with Art. 4.B.9.D.1.f, Exceptions to Separations and Setback Requirements.											

b. Towers Located in Non-Residential Zoning Districts

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts

Tower Type	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD	MXPD	PIPD
Stealth Towers 200' Max.	Residential Existing (1)	150% of tower height for separation and 100% of tower height for setback from property line																	
	Residential Vacant (2)	100% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																	
Camouflage Towers 150' Max. (1)	Residential Existing (1)	150% of tower height for separation and 100% of tower height for setback from property line																	
	Residential Vacant (2)	100% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																	
Monopole Tower (2)	Residential Existing (1)	600% of tower height for separation and 150% of tower height for setback from property line																	
	Residential Vacant (2)	150% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																	
Self-Support/ Lattice Tower (2)	Residential Existing (1)	600% of tower height for separation and 150% of tower height for setback from property line																	
	Residential Vacant (2)	150% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																	
Guyed Tower (2)	Residential Existing (1)	Lesser of 600% of tower height or 1,500-foot separation and 150% of tower height for setback from property line																	
	Residential Vacant (2)	150% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																	
FDOT	Residential	150-foot setback from abutting residential property line																	
	Non-Residential	75-foot setback from abutting non-residential property line																	
[Ord. 2017-016]																			
Notes:																			
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																		
2.	Applicable to any tower height.																		
%	Separation or setback as a percentage of tower height.																		

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, Cont'd.

Tower Type	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD	MXPD	PIPD	LCC	
Electrical Transmission Lines and Substations																					
Stealth (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line																			
	Non-Residential	20% of tower height or zoning district setback whichever is greater																			
Full Array Urban ≤ 80' (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line																			
	Non-Residential	20% of tower height or zoning district setback whichever is greater																			
Full Array Urban ≤ 80' < 150' (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 100% of tower height for setback from property line																			
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater																			
Full Array Rural (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 150% of tower height for setback from property line																			
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater																			
[Ord. 2017-016]																					
Notes:																					
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																				
2.	Applicable to any tower height.																				
3.	Exceptions to minimum setbacks or separations may be allowed in accordance with Art. 4.B.9.D.1.f, Exceptions to Separations and Setback Requirements .																				
%	Separation or setback as a percentage of tower height.																				

c. Conforming Use or Structure

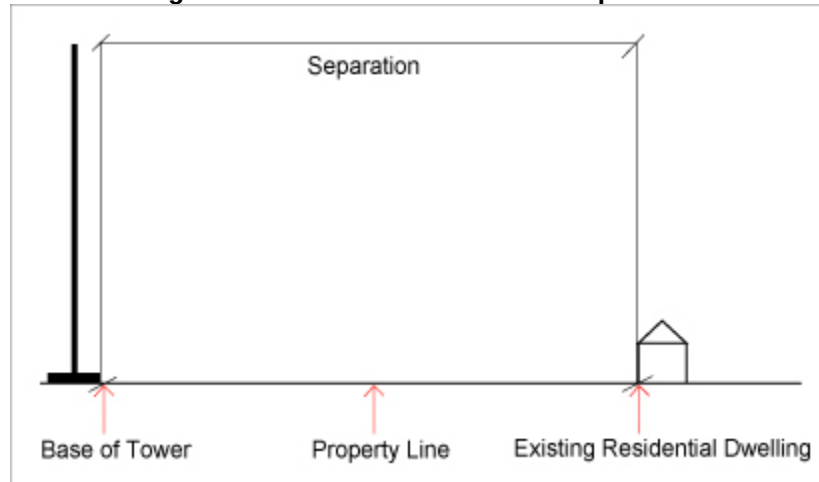
Construction of any lawful residential or non-residential structure within the required separation distance shall not create a nonconforming use or structure when an existing communication tower is established pursuant to the provisions in [Art. 4.B.9.B.2, Separation and Setbacks](#).

3. Measurement of Separation and Setback from Residential Uses

a. Existing Residential Use

Separations from existing residential structures shall be measured from the wall of the closest principal residential structure to the base of the tower.

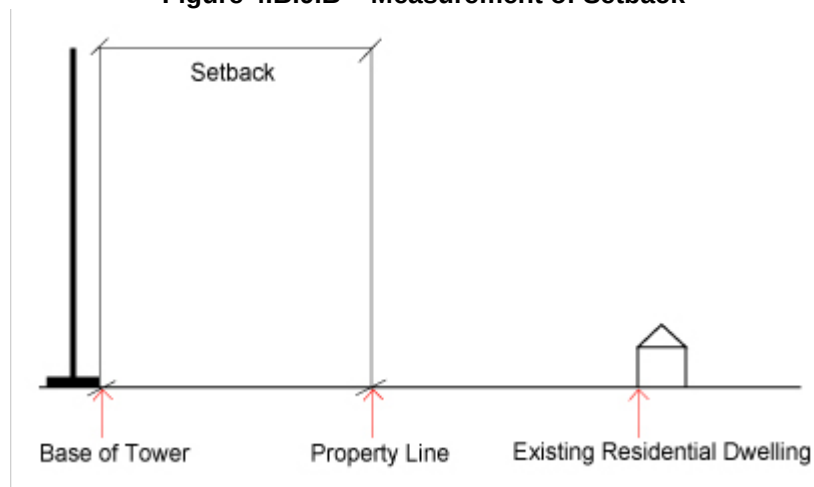
Figure 4.B.9.B – Measurement of Separation



b. Vacant Residential Parcel

Setbacks from vacant residential parcels shall be measured from adjacent property lines to the base of the tower.

Figure 4.B.9.B – Measurement of Setback



4. Distance between Towers

Towers shall be subject to the following minimum distances between towers:

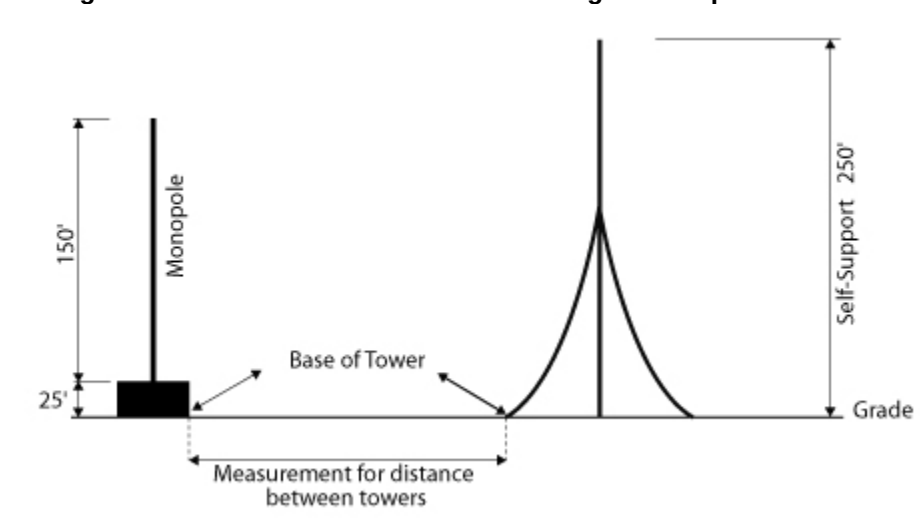
Table 4.B.9.B – Distance between Towers

Tower Type	Zoning District							
	AGR, PC, and parcels < 10 ac. in AR	CC, CHO, CLO, CN, RE, RM, RS, RT, and TND – NC	PUD: COM and REC Pods, UC, UI, CG, RE, MUPD: CL and CH FLU, MXPDP, and TND OSREC	Parcels < 10 ac. in: AP, IG, IL, and PIPD	Parcels ≥ 10 ac. in: AP, AR, IG, IL, and PIPD	PO	PUD: CIV Pod, MUPD: INST FLU, and IPF	Electrical Transmission Lines and Substations, and FDOT R-O-Ws
Stealth	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Camouflage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Monopole								
≤ 60' in height	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
> 60' ≤ 100' in height	500'	660'	500'	N/A	N/A	N/A	300'	N/A
> 100' ≤ 150' in height	660'	660'	660'	N/A	N/A	N/A	600'	N/A
> 150' ≤ 200' in height	1,320'	1,320'	1,320'	1,320'	660'	660'	660'	660'
> 200' ≤ 250' in height	2,640'	2,640'	2,640'	2,640'	1,320'	1,320'	1,320'	1,320'
> 250' in height	3,960'	5,280'	5,280'	2,640'	1,320'	2,640'	2,640'	2,640'
Self-Support/Lattice	5,280'	Not permitted	5,280'	1,320'	N/A	N/A	5,280'	5,280'
Guyed	5,280'	Not permitted	5,280'	2,640'	N/A	N/A	5,280'	5,280'
[Ord. 2017-016]								

a. Measurement of Distance between Towers

The distance between an existing and a proposed tower shall be measured at grade in a direct lineal fashion between the closest points of the base of the existing and the base of proposed towers.

Figure 4.B.9.B – Distance Between Existing and Proposed Towers



Separations between towers located in different zoning districts shall be measured as follows:

1) Residential and Residential

The greater of the distance between towers requirements shall apply between residentially zoned parcels.

2) Residential and Non-Residential

The greater of the distance between towers requirements shall apply between residentially and non-residentially zoned parcels.

3) Non-Residential and Non-Residential

The lesser of the distance between towers requirements shall apply between non-residentially zoned parcels.

4) Certification of Distance

The distance between towers shall be certified by a professional engineer or a professional surveyor and mapper, each of whom shall be licensed by the State of Florida.

5. Tower Height

All antennas and other attachments shall be included in the height measurement of the tower structure, and shall not extend beyond its maximum permitted height. Lightning rods and whip antennas, less than six inches in diameter, shall be excluded from this requirement.

6. Parking

Communication towers shall be exempt from the parking requirements of [Art. 6, Parking, Loading, and Circulation](#), unless otherwise required by the Zoning Director.

7. Perimeter Buffering

a. Fence or Wall

A fence or wall, a minimum of eight feet in height measured from finished grade, shall be constructed around the base of each communication tower and accessory equipment structure, and around each guy anchor. Access to the communication tower shall be through a locked gate.

b. Landscaping

The landscape and buffer standards provided below shall be required around the perimeter of the tower, accessory structures, and guy anchors, unless waived as provided herein. These standards may be waived by the Zoning Director, unless otherwise required by the BCC or ZC when the proposed landscaping would not be visible from adjacent lots or streets.

1) Installation

Landscaping shall be installed along the exterior side of any required fences, unless the Zoning Director determines that the viability, survivability, or utility of the plant material is enhanced when located along the interior side of the fence or wall.

2) Leased Parcels

Landscaping shall be maintained pursuant to [Art. 7, Landscaping](#). The Applicant shall execute a perpetual maintenance agreement with the Property Owner to ensure the maintenance of the landscape buffer if the buffer is installed outside of the leased parcel footprint.

- 3) **Adjacent to Residential FLU Designation, Zoning District, or Use**
 - a) **Towers Less than 50 feet from Existing Residential**

A Type 3 Incompatibility Buffer without a wall shall be installed between towers and adjacent lots with existing residential uses or FLU designations, pursuant to [Art. 7.C.2.C, Incompatibility Buffer](#).
 - b) **Towers More than 50 feet from Existing Residential**

A Type 1 Incompatibility Buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to [Art. 7.C.2.C, Incompatibility Buffer](#).
- 4) **Adjacent to Non-Residential Uses or Zoning Districts**

Towers shall comply with the standards for landscape buffers between compatible uses of [Art. 7.C.2.B, Compatibility Buffer](#).
- c. **Accessory Equipment and Structures**

All accessory equipment and structures shall be located within the required perimeter buffering.
8. **Signage**
 - a. **Signs and Advertising**

The placement on a Monopole, Self-Support/Lattice, or Guyed Tower, of any signs, flags, or appurtenances for advertising purposes, including company name, shall be prohibited. Signs or advertising may be permitted when in conjunction with a Stealth Tower when that structure is an integral element of a principal building or structure.
9. **Generators**

All permanently installed generators used on site shall use propane fuel. However, generators 125 kilowatts or greater may utilize diesel fuel.
10. **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.
11. **Interference**
 - a. As provided by the FCC, towers shall not interfere with the normal operation of electrical or mechanical equipment located within surrounding properties.
 - b. Towers or guy wires shall not impede the aerial mosquito control activities performed by PBC, as determined by the BCC, for the health, safety, and welfare of its residents.
12. **Building Permits**

In addition to the approval processes required in [Table 4.B.9.A, Commercial Communication Towers Matrix](#), a Building Permit shall be required for all towers, support and accessory structures, and antenna attachments, except as otherwise provided by Federal, State of Florida, or Local law.

 - a. **Accessory Structures**

Building Permits shall be required for all accessory structures related to an antenna.
 - b. **Windload Standards**

All antennas and other tower attachments shall meet the required windload standards pursuant to Building Division review. Documentation indicating compliance with the windload standards shall be certified by a professional engineer, licensed in the State of Florida, and submitted to the Building Division at the time of Building Permit application.
 - c. **Airport Regulations**

Prior to the issuance of a Building Permit for a tower, proof of compliance with applicable requirements of [Art. 16, Airport Regulations](#) of the Code, shall be provided in a manner acceptable to the Zoning Director.
13. **Providers**

All communication towers, shall be constructed to accommodate a minimum number of providers as follows:

Table 4.B.9.B – Providers by Tower Type

Tower Types (1)	Minimum Number of Providers
Stealth	Two Providers (2)
Camouflage	One Provider for a maximum 100-foot height tower
	Two Providers for a maximum 125-foot height tower
	Three Providers for a maximum 150-foot height tower
Monopole, Self-Support/Lattice, and Guyed	Two Providers
Notes:	
1.	Prior to the issuance of a Building Permit for a structure with two or more providers, the Applicant shall provide proof of shared use/collocation in a form acceptable to the County Attorney and Zoning Director.
2.	An Applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures indicate no other service provider wishes to collocate on the structure.

14. Antenna

Antennas attached to towers shall be subject to the standards contained in [Art. 4.B.9, Commercial Communication Towers](#). Standards for antennas attached to other type of structure are addressed in [Art. 5. Supplementary Standards](#).

15. Inspections

All towers shall be inspected in compliance as required by the Building Division.

16. Violation of Standards

The Property Owners, as well as the tower owners, shall be responsible for violations of applicable standards.

C. Definitions and Supplementary Tower Standards

1. Stealth Tower

a. Definition

A structure, which is not readily identifiable as a tower and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function.

b. Typical Structures

Typical structures include but are not limited to bell tower, steeple, flagpole, cross, or water tank where antennas are typically concealed.

c. Approval Process – AGR, AR, and RE Zoning Districts

In the AGR, AR/RSA, AR/USA, and RE Zoning Districts, Stealth Towers 100 feet in height or less may be approved through DRO Agency Review process when the parcel has an existing DRO approved Site Plan. Approval shall be subject to the Administrative Modification standards contained in [Art. 2, Application Processes and Procedures](#).

d. Approval Process – Commercial and Civic Pod of PUD

In the Commercial Pod and Civic Pod of a PUD, Stealth Towers 60 feet in height or less may be approved by the DRO.

e. Location – Recreation Pod of PUD

Stealth Towers may be permitted in the Recreation Pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval.

f. Lot Size – MUPD

A Stealth Tower may be located in MUPD with CH and CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

g. Criteria

Stealth structures shall comply with the following criteria:

- 1) The structure shall be compatible with the architectural style of the existing buildings/structures on site and with the character of the surrounding area. A determination of architectural compatibility shall include, but not be limited to, color, type of building material, and architectural style;
- 2) The structure shall be consistent with the character of existing uses on site;
- 3) Communications equipment or devices shall not be readily identifiable;
- 4) The structure shall be related to and integrated into the existing natural and/or man-made environment to the greatest extent possible; and,
- 5) The maximum height of the structure shall not exceed 200 feet.

- h. **Associated Uses in RT, RS, and RM Zoning Districts and Commercial or Civic Pod of a PUD**
Stealth Towers shall be permitted only in association with the following uses: Assembly Institutional Nonprofit; Place of Worship; College or University; Electric Power Plant, excluding electrical transmission line streets as provided herein; Government Services; Passive Park; Public Park; Golf Course; Schools; Solid Waste Transfer Station; Minor Utility; Electric Distribution Substations; or Water or Wastewater Treatment Plant; commercial, office or industrial development.
 - i. **Flagpoles**
Stealth Towers in the form of flagpoles shall be exempt from [Art. 8.G.3.C, Flags and Freestanding Flagpoles](#).
 - j. **Public Parks Five Acres or Greater**
The minimum separation between any existing residential structure, and Stealth Towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be set back a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-O-W.
- 2. Camouflage Tower**
- a. **Definition**
A tower or structure, which is incorporated into and is compatible with existing or proposed uses on site and the structure has an additional function other than antenna support.
 - b. **Typical Structures**
Examples include but are not limited to antenna incorporated into site lighting at a park or incorporated into an electrical distribution center.
 - c. **Location – Recreation Pod of PUD**
Camouflage Towers may be permitted in the Recreation Pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval.
 - d. **Approval Process – Commercial and Civic Pod of PUD**
In the Commercial Pod and Civic Pod of a PUD, Camouflage Towers 60 feet in height or less may be approved by the DRO.
 - e. **Lot Size – MUPD**
A Camouflage Tower may be located in MUPD with CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.
 - f. **Associated Uses in RT, RS, and RM Zoning Districts and Commercial or Civic Pod of a PUD**
Camouflage Towers shall be permitted only in association with the following uses: Assembly Institutional Nonprofit; Place of Worship; College or University; Electric Generating Facility, excluding electrical transmission line streets as provided herein; Government Services; Passive Park; Public Park; Golf Course; Schools; Solid Waste Transfer Station; Minor Utility; Electric Distribution Substations; or Water or Wastewater Treatment Plant; commercial, office or industrial development.
 - g. **Additional Submission Requirements**
Applications for approval to install a Camouflage Tower shall include the following information:
 - 1. A colorized illustration or representation of the proposed tower.
 - 2. The height, diameter, and coloration of the proposed facility.
 - 3. A statement of compatibility to indicate the nature and character of the surrounding area, and how the proposed facility will be consistent with the overall characteristics of the area.
 - h. **Public Parks Five Acres or Greater**
The minimum separation between any existing residential structure, and Camouflage Towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be set back a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-O-W.
- 3. Monopole Tower**
- a. **Definition**
A structure that consists of a single pole supported by a permanent foundation.
 - b. **Lot Size – MUPD**
A Monopole Tower may only be located in an MUPD with CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.
 - c. **Increase in Height**
The height of a Monopole Tower may be increased as provided herein.

1) Percentage of Increase

The height of a proposed Monopole Tower may be increased by 20 percent, one time only, without regard to required separation or setback requirements, for all applications which provide proof of the collocation of an additional personal wireless service provider. Additional increases are subject to setbacks and separations of this Code.

2) Proof of Collocation

Proof of collocation shall be provided in a form acceptable to the County Attorney and the Zoning Director. Proof of collocation shall include an executed contract or lease providing for use of the facility for a period of at least ten years.

4. Self-Support/Lattice Tower

a. Definition

A structure that is constructed without guy wires or ground anchors.

5. Guyed Tower

a. Definition

A structure that is supported either partially or completely by guy wires and ground anchors.

b. Lot Size – MUPD

A Guyed Tower may only be located in an MUPD with a CH or CL FLU designation with a minimum of five acres, provided the Tower complies with all applicable regulations.

c. Setbacks

Breakpoint calculations may be provided to demonstrate a tower will collapse within the minimum required zoning district setbacks. Breakpoint calculations shall be certified by a professional engineer, licensed in the State of Florida.

d. Anchors

Peripheral supports and guy anchors may be located within required setbacks provided they shall be located entirely within the boundaries of the property on which the communication tower is located. Peripheral supports and guy anchors shall be located at least ten feet from all property lines.

D. Collocation in Streets

1. Electrical Transmission Lines and Substations

Antennas and other wireless equipment may be attached to existing or modified Transmission Poles or utility structures within an Electric Distribution or Electric Transmission Substation, subject to the following: **[Ord. 2017-016]**

a. Stealth Electrical Communication Structures and Poles

1) Definition

A Transmission Pole, or structure within an Electric Distribution Substation or Electric Transmission Substation, supporting collocated wireless attachments, which is not readily identifiable as a tower. Stealth structures are limited to canister-type antenna design. **[Ord. 2017-016]**

b. Full Array Electrical Communication Structures and Poles

1) Definition

A Transmission Pole, or structure within an Electric Distribution Substation or Electric Transmission Substation, supporting collocated wireless attachments, which are visible and readily identifiable as a commercial communication tower. **[Ord. 2017-016]**

c. Typical Structures

Typical structures include Transmission Poles within utility transmission corridors or substations, or other similar electrical transmission infrastructure located within substations such as lighting masts or backup transformer connection poles. **[Ord. 2017-016]**

Figure 4.B.9.D – Typical Examples of Electrical Transmission Poles or Utility Structures



[Ord. 2017-016]

d. Modifications to Transmission Poles or Utility Structures

Height increases to Transmission Poles and other Substation structures may be allowed to accommodate antenna attachments. Modified replacement poles or utility structures may be permitted to the extent required to meet structural or Building Code requirements due to increased wind load from height increases or attachments, provided that modifications generally appear to be of a similar dimensions and appearance to existing or adjacent poles or structures. [Ord. 2017-016]

1) Application Requirements

Applications for Stealth or Full Array Electrical Transmission Poles or Utility Structures shall include a detailed analysis and supporting documentation establishing the original dimensions, including height or any other structural characteristics that the proposed modifications are based on. [Ord. 2017-016]

2) Determination of Original Pole or Structure Dimensions

The final determination of the original dimensions specified in an application shall be decided by the DRO in consultation with the Building Official, or the Building Official where Permitted by Right. [Ord. 2017-016]

e. Approval Process

Exceptions to the approval processes for modification to Electric Transmission Poles or Utility Structures specified in [Table 4.B.9.A, Commercial Communication Towers Matrix](#), Stealth Transmission Poles or Utility Structures, may be allowed as follows: [Ord. 2017-016]

1) Stealth

a) Subject to DRO Approval

May be Permitted by Right provided the increase in height is either: [Ord. 2017-016]

(1) less than 35 percent, or [Ord. 2017-016]

(2) 50 percent and the Tower is located a minimum of 2,500 feet from a Public Street or parcel with a residential FLU designation or use. [Ord. 2017-016]

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Day Cares, Schools, or Places of Assembly, including any outdoor recreation areas. [Ord. 2017-016]

g. Other Attachments or Structures

Additional wireless support attachments or structures other than that permitted at the top of the structure or pole, may be allowed subject to the following: [Ord. 2017-016]

1) Transmission Corridors

a) Attachments

Attachments must be concealed within the pole or structure. External attachments such as, electrical or mechanical boxes or backpacks, excluding a utility meter, electrical cabling, platforms, or other similar modifications shall be prohibited, unless allowed otherwise herein. [Ord. 2017-016]

b) Equipment Boxes

Equipment boxes may be allowed within an Arterial or Planned Collector Street, subject to approval by the County Engineer. [Ord. 2017-016]

c) Equipment Shelters

Equipment shelters supporting collocated cellular equipment placed on Electrical Transmission Lines, may be allowed to be located on an adjacent parcel, subject to compliance with the following: [Ord. 2017-016]

(1) Minor Utility

May be allowed in accordance with the districts, approval process and any other development standards for a Minor Utility. [Ord. 2017-016]

(2) Developed Parcels

Where a Minor Utility is collocated with another use, the Minor Utility shall be prohibited within the front or side street yard, unless abutting a perimeter buffer. In either scenario, the Minor Utility shall not adversely impact interior site design or function, including but not limited to: pedestrian or vehicular circulation, landscaping, or commonly recognized CPTED standards. [Ord. 2017-016]

h. FDO Requirements

Prior to the issuance of a Building Permit, the Applicant shall supply a letter from FDO demonstrating no anticipated impact to the usual and customary transmission or reception operability of public safety communication systems. This letter shall be based upon information supplied to FDO by the Applicant identifying the latitudinal and longitudinal coordinates of the proposed wireless communication equipment, the proposed RF spectrum of operations, and any further technical information deemed necessary by FDO in order to render a technical conclusion. Any costs incurred by FDO for an independent third party to provide technical assistance in rendering a conclusion, as determined by FDO in its sole and absolute discretion and authorized in advance by the Applicant, shall be the responsibility of the Applicant regardless of permit issuance, failure to obtain a permit, or withdrawal. [Ord. 2017-016]

2. Florida Department of Transportation (FDOT) Streets

Within the streets for I-95 and the Florida Turnpike owned or controlled by the FDOT, towers, or antennas are subject to the following:

a. Installation of Antennas

Antennas may be attached to existing communication towers, light standards, or other structures or facilities subject only to Building Permit Review.

b. Construction of New Towers

New towers constructed within streets shall comply with the following requirements:

- 1) Towers installed in those portions of streets immediately adjacent to any property possessing a residential designation shall be:
 - a) Located in a street at least 250 feet in width;
 - b) Only a Monopole or Self-Support/Lattice Tower;
 - c) No more than 150 feet in height;
 - d) Set back a minimum of 150 feet from the nearest property line; and,
 - e) Require review as provided in [Table 4.B.9.A, Commercial Communication Towers Matrix](#).
- 2) Towers installed in those portions of streets immediately adjacent to any property possessing a non-residential designation shall be:
 - a) Located in a street at least 200 feet in width;
 - b) Only a Monopole or Self-Support/Lattice Tower;
 - c) No more than 200 feet in height;

- d) Set back a minimum of 75 feet from the nearest non-residential property line and 150 feet from any residential property line; and,
- e) Require review as provided in [Art. 4.B.9.A, Commercial Communication Towers Matrix](#).

c. Separation of New Towers

New towers shall be subject to the separation distances as provided in [Table 4.B.9.B, Distance between Towers](#).

E. Eligible Facilities Request for Modification

This Subsection implements Subsection 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC" or "Commission") Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

1. Definitions

For the purposes of this Subsection, the terms used have the following meaning:

a. Base Station

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

- 1) Equipment associated with wireless communications services such as private, broadcast, and public safety services.
- 2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
- 3) Any structure other than a tower that, at the time the relevant application is filed under this Subsection, supports or houses equipment described in paragraphs a.1) and a.2) that has been reviewed and approved under the applicable zoning process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term Base Station does not include any structure that, at the time the relevant application is filed under this Subsection, does not support or house equipment described in a.1) and a.2) of this Subsection.

b. Collocation

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

c. Eligible Facilities Request

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- 1) Collocation of new transmission equipment;
- 2) Removal of transmission equipment; or,
- 3) Replacement of transmission equipment.

d. Eligible support structure

Any tower or base station as defined in this Subsection, provided that it is existing at the time the relevant application is filed under this Subsection.

e. Existing

A constructed tower or base station is existing for purposes of this Subsection if it has been reviewed and approved under the applicable zoning process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not subject to a zoning review process when it was built, but was lawfully constructed, is existing for purposes of this Subsection.

f. Site

For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

g. Substantial Change

A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- 1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;
- 2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- 3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
- 4) It entails any excavation or deployment outside the current site;
- 5) It would defeat the concealment elements of the eligible support structure; or,
- 6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs b.1) through b.4) of this Subsection.

h. Transmission Equipment

Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services.

i. Tower

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services.

2. Application Procedures

Notwithstanding any other provisions in this Section to the contrary, eligible facilities requests for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station as determined by the process set forth herein, shall be subject to Building Permit Review only.

a. Application requirements.

Applications shall include all information necessary to determine whether the modification of the existing tower or base station that does not substantially change its physical dimensions.

b. Timeframe for Review

Within 60 days of the date on which an Applicant submits an application, the Zoning Division shall approve the application unless it determines that the application is not covered by this Subsection.

c. Tolling of the Timeframe for Review

The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Zoning Division and the Applicant, or in cases where the Zoning Division determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

- 1) To toll the timeframe for incompleteness, the Zoning Division must provide written notice to the Applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required.
- 2) The timeframe for review begins running again when the Applicant makes a supplemental submission in response to the notice of incompleteness.

- 3) Following a supplemental submission, the Applicant will be notified within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

d. Failure to Act

In the event the Zoning Division fails to approve or deny a request seeking approval under this Subsection within the timeframe for review (accounting for any tolling), the request shall be deemed granted, and the Applicant may proceed directly to Building Permit Review. The deemed grant does not become effective until the Applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

F. Review Procedures Shared Use Application Requirements for New Towers

Prior to submittal of an application for approval of a proposed tower for Conditional Use, Development Order Amendment, DRO, or Building Permit Review, all Applicants 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. Notification

All communication tower Applicants shall provide notice by certified mail to all users on the Communication Tower Users 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 to encourage collocation.

2. 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.

3. 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.

4. 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

The 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.

5. 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.

G. Tower Removal, Replacement and Height Increases

1. Tower Removal

a. Form of Agreement

All obsolete or abandoned communication towers shall be removed within three months following cessation of use. Prior to the issuance of a Building Permit or Site Plan approval, whichever occurs first, the Property Owners or tower operators shall submit an executed removal agreement to ensure compliance with this requirement. The removal agreement shall be in a form acceptable to the County Attorney.

b. Surety for Removal

Prior to the issuance of a Building Permit, surety shall be submitted by the Property Owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the Executive Director of PZB and the County Attorney. The required surety shall be irrevocable, unless released by the BCC. The surety shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:

- 1) submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
- 2) a surety equivalent to 50 percent of the estimated cost to remove and dispose of the tower;
- 3) an agreement to pool multiple sureties of the tower owner or Property Owner to allow pooled surety to be used to remove abandoned towers; and,
- 4) an agreement by the tower owner or Property Owner to replenish surety pool upon utilization of surety by PBC.

c. Alternative Surety for Removal

The Zoning Director, subject to review by the County Attorney, may accept documentation from a tower owner that adequate resources or irrevocable contractual obligations are available to remove obsolete or abandoned communication towers.

d. Form of Surety

Surety shall be provided in a form consistent with the requirements of [Art. 11.B.2.A.6.c, Performance or Surety Bond](#).

e. Surety Required

Surety required shall be provided only for towers constructed after the effective date of this Code.

2. Replacement

The following tower hierarchy shall be used to determining impact:

LEAST IMPACT

Camouflage
Stealth
Monopole
Self-Support/Lattice
Guyed

MOST IMPACT

a. Conforming Towers

An existing conforming tower may be replaced subject to the criteria below. If the criteria are not met, the replacement tower shall comply with the requirements of Tower Height Increases and Accessory Structures, below.

- 1) The tower shall accommodate a minimum of two providers.
- 2) The tower shall be of the same or lesser impact than the existing structure pursuant to the tower hierarchy.
- 3) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- 4) The tower shall be subject to review by the Zoning Division through the DRO, [Art. 2.C.5.C, Administrative Modifications to Prior DOs](#), Administrative Amendment process.
- 5) The tower may be structurally modified to allow collocation.

b. Non-Conforming Towers

An existing non-conforming tower may be replaced subject to the criteria below. If the criteria are not met, the replacement shall comply with the requirements of Tower Height Increases and Accessory Structures, below.

- 1) The tower shall accommodate a minimum of two providers.
- 2) The tower shall be of equal or less impact than the existing structure pursuant to the tower hierarchy.
- 3) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- 4) The tower shall be subject to review by the DRO.
- 5) The tower may be structurally modified to allow collocation.

3. Tower Height Increases

a. Conforming and Non-Conforming Towers

Unless otherwise provided herein, the height of a conforming or non-conforming tower may be increased on one occasion subject to the requirements of [Table 4.B.9.F, Tower Height Increases](#).

Table 4.B.9.F – Tower Height Increases

Review Process	Conforming Towers	Non-Conforming Towers
Development Review Officer Administrative Amendment	X (1)	N/A
Development Review Officer	X (2)	X (1)
Class B Conditional Use	X (3)	X (2)
Class A Conditional Use	X (4)	X (3)(4)
Notes:		
1.	Increases of 25 feet or less.	
2.	Increases greater than 25 feet and 45 feet or less.	
3.	Increases greater than 45 feet and 65 feet or less.	
4.	Increases greater than 65 feet.	

b. Monopoles

Unless otherwise provided herein, the height of an existing Monopole may be increased, on one occasion, by a maximum of 20 percent to accommodate a second user subject to standard Building Permit Review. An additional increase of up to 20 percent may be approved to accommodate an additional user, subject to standard Building Permit Review. Increases shall be based upon the original approved tower height.

c. Setbacks

If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collocation of at least one additional service provider, minimum setback requirements may be reduced by a maximum of 15 feet, except from residential property lines.

4. Accessory Structures

The size of an accessory structure or structures may be increased to accommodate collocation. The expansion shall be subject to Zoning Division review through the DRO Administrative Amendment process.

H. Exemptions and Waivers

1. States of Emergency

The PZB Executive Director may waive the review timeframes in the event of a declared State of Emergency.

2. Government Towers

If the regulations in the Commercial Communication Towers prohibit a Government-Owned Tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria may be waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the modification.

3. School Sites

Towers located on school sites and utilized for educational purposes only pursuant to [F.S. § 1013.18](#) shall not be considered Commercial Communication Towers.

4. Exemptions for Existing Television Broadcast Towers

Guyed Towers existing as of December 31, 1997 with a principal use as a television broadcasting tower shall be exempt from the provisions of this Section as provided below.

a. Separation and Setback Distances

Television towers as provided herein shall be exempt from the separation and setback distances of [Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts](#), and [Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts](#).

b. Distance between Towers

Television towers as provided herein shall be exempt from the distance between tower requirements of [Table 4.B.9.B, Distance between Towers](#).

c. Visual Impact Analysis

Existing or replacement television towers as provided herein shall be exempt from the visual impact analysis requirements of [Art. 4.B.9.I.4, Visual Impact Analysis Standards](#).

d. Replacement or Reconstruction of Existing Towers

Television towers exempted by the operation of this Subsection may be replaced or reconstructed on the same parcel as provided below.

1) Approval

Television towers to be replaced or reconstructed shall be reviewed as provided in [Table 4.B.9.A, Commercial Communication Towers Matrix](#).

2) Tower Height

The height of a replacement for or reconstruction of an existing tower may be increased subject to approval as provided in [Table 4.B.9.A, Commercial Communication Towers Matrix](#).

3) Required Setbacks from Property Lines

Setbacks from property lines shall be provided as indicated below.

a) Structures of Equal or Lesser Height

Television towers to be replaced or reconstructed with a structure of equal or lesser height shall provide a setback substantially the same as the existing setbacks, taking into account the continued location of the tower being replaced during construction.

b) Structures of Greater Height

Television towers to be replaced or reconstructed with a structure of greater height shall provide a minimum setback of 110 percent of tower height from any adjacent street and a minimum setback of 100 percent of tower height from all adjacent property lines.

c) Breakpoint Calculations

All setbacks shall be substantiated by certified breakpoint calculations. The breakpoint calculations shall demonstrate that should tower failure occur the entire height of the tower shall fall within with property lines of the tower site.

d) Non-Conformity Not Created

Replacement or reconstruction of a television broadcast tower shall not result in creation of a non-conforming structure or non-conforming use. The television broadcast tower resulting from the replacement or reconstruction as provided herein shall be deemed a conforming structure and use.

5. Type 2 Waiver from Required Dimensional Criteria

A Type 2 Waiver from the separation, setback, distance between towers, height, and similar dimensional criteria applicable to communication towers may be allowed.

a. Towers Approved as a Class A or Class B Conditional Use

The dimensional criteria may be reduced by the BCC for Class A Conditional Uses and Class B Conditional Uses subject to the criteria contained herein.

b. Towers Approved on an Administrative Basis

The dimensional criteria may be reduced by the BCC for towers subject to review by the DRO or the Building Permit process subject to the criteria contained herein.

c. Requests for a Type 2 Waiver

When considering a request to allow a Type 2 Waiver from one or more required dimensional criteria, the BCC must determine that: the request complies with the intent of this Section; and the request is consistent with the criteria listed below.

d. Criteria for Granting a Type 2 Waiver

The following criteria shall be utilized by the BCC when considering requests for Waivers. Each request for a Waiver must be consistent with the following criteria listed below: [Art. 4.B.9.H.5.d.1\)-8\)](#). In addition, each request for a Type 2 Waiver must be consistent with one or more of the following criteria: [Art. 4.B.9.H.5.d.9\)-18\)](#).

1) Protection of Public Welfare

The Waiver, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare.

2) Economics

The Waiver is not granted based solely upon or in large measure due to costs associated with complying with all requirements contained herein.

3) Incompatibility Not Created

The Waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.

4) Exhaustion of Other Remedies

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as all other Waiver alternatives have been exhausted. Alternatives to a Waiver shall include but not be limited to such techniques as collocation, use of Stealth or Camouflage structures, and use of building-mounted equipment and facilities.

5) Minimum Waiver

Grant of the Waiver is the minimum Waiver that will make possible the reasonable use of the parcel of land, building, or structure.

6) Consistent with the Plan

Grant of the Waiver will be consistent with the purposes, goals, objectives and policies of the Plan and this Code.

7) Not Detrimental

The grant of the Waiver will not be injurious to the area involved or otherwise detrimental to the public welfare.

8) Prohibition of Service

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted.

9) FAA Limitations

The Waiver is required to comply with locational standards established by the FAA.

10) Lack of Technical Capacity

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service.

11) Height of Existing Structures

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service.

12) Lack of Structural Capacity

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area.

13) Interference

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature of other communications equipment or signals, or other technical problems that would result in interference between providers.

14) Unreasonable Costs

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as the fees, costs, or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable.

15) More Appropriate Site

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large scale non-residential area.

16) Avoid Certain Locations

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following:

- a) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
- b) officially designated vegetation and wildlife preserves;
- c) habitats of threatened/endangered species, historical sites;
- d) Indian religious sites;
- e) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
- f) night use of high intensity lights in residential areas;
- g) environmentally sensitive lands acquired or leased by PBC; or,
- h) linked open space corridors as set forth in the Plan.

17) Reduce Residential Impact

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses.

18) Effect of Governmental Regulation or Restrictive Covenant

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of a tower.

e. Simultaneous Consideration

A request for a Type 2 Waiver from one or more required dimensional criteria may be considered at the same time a related request for tower approval is considered. However, final BCC, ZC, or Administrative approval shall not be granted until a final decision is rendered by the BCC.

6. Non-Conforming Lots of Record

Towers may be located on non-conforming lots of record provided the structure will comply with all requirements of this Section without a Type 2 Waiver from any dimensional criteria as provided herein.

I. Application Requirements for Towers

In addition to the application requirements under [Art. 2, Application Processes and Procedures](#), the Applicant shall comply with the following:

1. Propagation Study

The provider shall submit a propagation study prepared by a professional engineer, licensed in the State of Florida, to justify the need to construct a new tower. Propagation studies shall not be required for television towers. Propagation studies shall include the following information:

- a. the location of other sites considered, including potential options for collocation and alternative sites or properties;
- b. desired signal strength in the area to be served; and,
- c. current and predicted RF coverage following installation and use of the new tower facility.

2. Location of Existing Towers

- a. Provide or update previously submitted data indicating the location of their towers, latitude and longitude, tower height, and tower type.
- b. Submit an alternative structure map with a minimum one-mile radius around the proposed site. The alternative structure map shall include the location of all existing towers located within the one-mile radius. An alternative structure map shall not be required for television towers.

3. Compatibility

To assist in ensuring compatibility between a proposed communication tower and surrounding land uses, the information listed below shall be included with all applications for development approval, Development Order Amendments, etc.

a. Site and Tower Location

The proposed site of a tower and the proposed location of the tower within that site, indicated on an official PBC Zoning quad sheet.

b. Aerial Photography

The proposed location of a tower, indicated on an aerial map possessing a scale of not more than one inch equals 300 feet (1" = 300'). The aerial photograph shall indicate all adjacent land uses within a radius of 2,000 feet from the site of the proposed tower.

c. Visual Impact Analysis

A visual impact analysis, consistent with the requirements of [Art. 4.B.9.I.4, Visual Impact Analysis Standards](#).

d. Buffering

Buffering and landscaping as required by this Section.

4. Visual Impact Analysis Standards

a. Applicability and Procedure

Any application to construct a Monopole Tower greater than 150 feet in height or any Guyed or Self-Support/Lattice Tower greater than 150 feet in height is subject to these standards. The Applicant shall be advised of the requirement to submit a visual impact analysis by the Zoning Director within ten working days following the application submittal deadline date.

b. General

To assess the compatibility with and impact of a proposed tower site on adjacent properties, an Applicant seeking to construct a tower subject to these requirements may be required to submit a visual impact analysis. The Applicant may request review of a proposed tower location, prior to application submittal to the appropriate Zoning process, to determine whether or not a visual impact analysis will be required. A visual impact analysis may be required under the circumstances listed below.

- 1) Existing residential uses are located along 50 percent or more of the entire perimeter of the proposed tower site.
- 2) When the proposed site is located adjacent to:
 - a) Officially designated wilderness areas, wildlife refuges, and wildlife management areas;
 - b) Officially designated vegetation and wildlife preserves;
 - c) Habitats of threatened/endangered species;
 - d) Historical sites;
 - e) Indian religious sites;
 - f) Locations which may cause significant alteration of wetlands, deforestation, or water diversion;
 - g) Residential areas when night use of high intensity lights is required;
 - h) Environmentally sensitive lands acquired or leased by PBC; or,
 - i) Linked open space corridors as set forth in the Plan.
- 3) The proposed site does not meet the distance between towers requirements. The Applicant may utilize digital imaging technology to prepare the analysis, in a manner acceptable to the Zoning Director. The visual impact analysis shall, at minimum, provide the information listed below.
 - a) The location of the proposed communication tower illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1" = 300'). All adjacent zoning districts within a 3,000-foot radius from all property lines of the proposed communication tower site shall be indicated.
 - b) A line of site analysis shall include the following information:
 - (1) Identification of all significant existing natural and man-made features adjacent to the proposed tower site and identification of features which may provide buffering and screening for adjacent properties and public streets;
 - (2) Identification of at least three specific points within a 2,000-foot radius of the proposed tower location, subject to approval by the Zoning Director, for conducting the visual impact analysis;
 - (3) Certification by the professional that the proposed communication tower meets or exceeds the standards contained in this Code;
 - (4) Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
 - (5) Graphic illustration of the visual impact of the proposed communication tower, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points;
 - (6) Identification of all screening and buffering materials under the permanent control of the Applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis.);
 - (7) Identification of all screening and buffering materials that are not under the permanent control of the Applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, etc.;
 - (8) Screening and buffering materials considered in the visual impact analysis shall not be removed by future development on the site;

- (9) Screening and buffering materials considered in the visual impact analysis shall be replaced if they die;
 - (10) Prohibited plant species, pursuant to [Art. 7.E, Existing Native Vegetation, Prohibited, and Controlled Plant Species](#), shall not be considered in the visual impact analysis; and,
 - (11) Any additional information that may be required by the Zoning Director to fully review and evaluate the potential impact of the proposed communication tower.
- 4) In addition to all other applicable standards of the Code, the following visual impact standards may be applied when a visual impact analysis is required for any application to construct a tower.
- a) At least 25 percent of the tower height is screened from all streets other than expressways, or Arterials and Planned Collector Streets with five lanes or more.
 - b) At least three specific points from adjacent streets, shall be identified, subject to approval by the Zoning Director, for conducting the visual impact analysis.
 - c) The results of the line of site analysis performed as part of the visual impact analysis.
 - d) The distance a proposed communication tower, including anchors for guy wires, and guy wires are proposed to be set back from surrounding properties such that its height, bulk, and scale is compatible with surrounding residential and non-residential uses.
 - e) At least 25 percent of the tower is screened from view from a majority of the points selected by the Zoning Director for the visual impact analysis.
 - f) The degree or amount of buffering or screening materials permanently included as part of the application.
- 5) The visual impact analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor and mapper registered in the State of Florida. PBC, at the expense of the Applicant and at its own discretion, may employ such consultants as are necessary to review and evaluate the visual impact analysis.

J. Prior Approvals

The style, height, and overall appearance of any tower or communications facility constructed pursuant to these regulations shall be consistent with plans and elevations submitted as part of an application for development approval. The DRO shall have the authority to approve additions or minor modifications, which do not materially modify the appearance of a tower as approved by the ZC or BCC. Modification which cannot be approved by the DRO shall be subject to a Development Order Amendment as provided in this Code.

K. Consultant Services

A qualified telecommunication consultant shall be selected and retained by the Zoning Director, and paid for by an Applicant, to review technical documents related to the siting of communication towers and facilities. The consultant may review technical documents, propagation studies, and other related documents to determine the following:

- 1. Need for additional towers;
- 2. Existence of incompatibilities between providers that may hinder collocation;
- 3. Necessity of waiver relief to deviate from established dimensional criteria;
- 4. Compliance with the general requirements of this Section; and,
- 5. The Applicant shall reimburse PBC for the consultant fees prior to the certification of the application for public hearing process or approval of the application by the DRO.

L. List of Tower Users

The DRO shall maintain a current Communication Tower Users List, which shall be made available upon request, and shall also be published on the Zoning Web site.

M. Intergovernmental Activities

1. Mapping

PBC shall participate in any countywide mapping program to identify proposed and existing tower sites.

2. Notification

- a. PBC shall participate in an intergovernmental notification program by continuously providing information regarding tower construction applications to the PBC Intergovernmental Coordination Program Clearinghouse.
- b. All jurisdictions within a two-mile radius of a proposed tower site located in unincorporated PBC shall be notified at the time of application submittal.

A. Excavation Use Matrix

TABLE 4.B.10.A – EXCAVATION USE MATRIX

[illegible]

B. Common Provisions and General Standards

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.

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

In the event that provisions of this Section conflict with regulations of other applicable regulatory agencies, the more restrictive regulations shall apply. Other permitting agencies include but are not limited to SFWMD, Florida Fish and Wildlife Conservation Commission, USACE, DEP, and ERM.

b. Previously Approved Development Orders (DOs)

Applications for excavation and mining projects approved prior to September 25, 1996, may amend the certified site (excavation) plan pursuant to [Art. 2.C, Administrative Processes](#), to comply with the Standards enumerated below provided the standards do not conflict with Development Order conditions. Selective choice of standards shall not be permitted. The DRO may review and approve the excavation plan, pursuant to [Art. 2.C, Administrative Processes](#), provided the subject site complies with the compatibility criteria in [Art. 4.B.10.C.5.i.2\), Type 3A Excavation](#), and the technical standards in [Art. 4.B.10.B.7, Technical Standards](#), and provided there is no increase in the land area, excavated surface area, quantity of excavated material, or intensity as approved by the BCC in the original DO. Any increase shall require approval of a DOA by the BCC pursuant to [Art. 2.B, Public Hearing Processes](#). Applicable standards include:

- 1) [Art. 4.B.10.B.7.a, Operational Standards and Requirements](#);
- 2) [Art. 4.B.10.B.7.b, Construction Standards](#), excluding depth;
- 3) [Art. 4.B.10.B.7.c, Reclamation Standards](#);
- 4) [Art. 4.B.10.C.5.i.2\)b\)\(3\), Buffer](#); and,
- 5) [Art. 4.B.10.B.7.e, Maintenance and Monitoring](#).

3. Excavation Types

Excavation or mining activities shall not be conducted unless such activities are deemed exempt or an approval has been issued in accordance with this Section. The types of excavation that are allowed are as follows:

a. Agricultural Excavation

Approval process for Agricultural Excavation is administered by ERM and PZB. Application procedures and requirements are subject to [Art. 4.B.10.C.1, Agricultural Excavation](#). Agricultural Excavation in the WCAA are administered by ERM. Application procedures and requirements are in [Art. 4.B.10.C.1.i, WCAA Excavation](#).

b. Type 1 Excavation

Two approval processes (Types 1A and 1B) are administered by PZB for excavations on Single Family lots. Application procedures and requirements are in [Art. 4.B.10.B.5.a, Content of Application](#).

c. Type 2 Excavation

The approval process for Type 2 Excavation is administered by PZB and ERM. Application procedures and requirements are in Art. 4.B.10.B.5.b, Additional Application Requests for Type 2, Type 3A and Type 3B.

d. Type 3 Excavation

Two approval processes for commercial mining excavation activities (Type 3A and Type 3B) are administered by PZB and ERM. Application procedures and requirements are in [Art. 4.B.10.B.5, Supplemental Application Requirements](#).

4. Prohibitions and Exemptions

a. Prohibitions

Excavation and mining activities shall be prohibited in the following areas:

- 1) RR-20 FLU designation.
- 2) The Pleistocene Sand Ridge.
- 3) An archeological site, unless approved and requested as a Class A Conditional Use.
- 4) Publicly owned conservation areas, publicly-owned Preservation Areas or environmentally sensitive lands.
- 5) Areas otherwise prohibited by this Section.

b. Exemptions

The following excavation activities shall be exempt from the requirements of this Section:

1) Existing Lakes

Existing mined lakes approved prior to June 16, 1992 that have a valid Development Order which complies with the criteria below shall be exempt from the requirements of this Section. If an amendment is proposed that deviates from the original approval, then a Development Order Amendment shall be requested pursuant to [Art. 2.B, Public Hearing Processes](#), and shall comply with the provisions in [Art. 1.F, 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 Land Development Permit depicting proposed littoral and upland slopes of a mined lake. As long as the existing excavated lake continues to meet the water quality standards contained in [Chapter 62-302, F.A.C.](#)

2) Pools

Swimming pools, pursuant to [Art. 5.B, Accessory Uses and Structures](#).

3) Small Ponds

Ponds accessory to a principal use, such as lily ponds, goldfish ponds, reflecting ponds, and other small ornamental water features with a maximum depth of four feet OWL and not exceeding 500 square feet in surface area.

4) Cemeteries

Burial plots in approved cemeteries.

5) R-O-W

Excavation in a road R-O-W, when the road is under construction. To qualify for this exemption, excavation shall be performed by PBC, the FDOT or any Water Control District created by special act to operate under [F.S. ch. 298\(95\)](#) Excavation activity located outside the R-O-W boundary, performed to accommodate roadway drainage, and which creates a permanent open body of water for a period of 180 days or more, shall comply with the standards of a Type 2 Excavation in [Art. 4.B.10.C.4, Type 2 Excavation](#).

6) Utilities

Excavations necessary for the installation of utilities, including septic systems.

7) Man-Made Drainage Structures

The repair, reconstruction and maintenance of existing non-tidal man-made canals, channels, control structures with associated riprap, erosion controls, intake structures, and discharge structures, provided:

- a) All spoil material is deposited directly to a self-contained upland site, which will prevent the release of material and drainage from the spoil site into surface waters of the State;
- b) No more dredging is performed than is necessary to restore the canal, channels, and intake, and discharge structures to original design specifications or as amended by the applicable permitting agency; and,
- c) Control devices in use at the dredge site that prevent the release of turbidity, toxic, or deleterious substances into adjacent waters during the dredging operation.

8) WCAA Canals

Canals of conveyance located in the WCAA which require permits from SFWMD or DEP, provided the permitted project does not exceed 15 feet in depth from OWL.

9) Mitigation Projects

Mitigation projects permitted by SFWMD, DEP, or ERM, pursuant to [F.S. ch. 403](#) and [F.S. ch. 373](#), and [Chapter 62-312, F.A.C.](#), as amended, and [Art. 14, Environmental Standards](#), including projects approved to implement an adopted Surface Water Improvement & Management (SWIM) plan, provided the permitted project depth does not exceed 20 feet from OWL or 15 feet from OWL in the WCAA. Projects proposed to exceed these depths shall comply with [Art. 4.B.10.B.5, Supplemental Application Requirements](#), the administrative waiver requirements of [Art. 4.B.10.B.8, Administration and Enforcement](#), and the technical standards of [Art. 4.B.10.B.7.a, Operational Standards and Requirements](#), [Art. 4.B.10.B.7.b.1\), Separation](#), [Art. 4.B.10.B.7.b.2\), Slopes](#), [Art. 4.B.10.B.7.c, Reclamation Standards](#), and [Art. 4.B.10.B.7.d, Performance Guarantee Requirements](#).

10) Wetlands

Excavation activities within jurisdictional wetlands that have been issued permits pursuant to Wetlands Protection requirements or have been issued a permit for wetland impacts through the Environmental Resource Permit (ERP) process by DEP, USACE, SFWMD, or any other agency with ERP delegation for PBC.

11) Agricultural Ditches

Agricultural ditches supporting vegetation production which meet the standards of Bona Fide Agriculture (i.e. groves, row crops, hay, and tree farming) constructed solely in uplands that are less than six feet in depth from OWL. These ditches shall not connect to canals of conveyance or waters of the State without the appropriate Federal, State, and Local approvals and permits.

12) De Minimis Impact

Those projects for which ERM and PZB approval is necessary and both departments determine that there will be no significant adverse environmental or land use impacts. A *de minimis* determination from one agency does not constitute approval by the other.

13) Canals of Conveyance

Canals of conveyance that require permits from SFWMD, USACE, DEP, or ERM pursuant to Wetlands Protection requirements.

14) Excavation by Public Agencies

- a) Excavation performed by or special districts created by special legislative act governed by the BCC, provided such excavation complies with the following:
 - (1) solely under the jurisdiction, authority, and control of PBC, or the applicable district.
 - (2) completed, operated, and maintained in perpetuity by PBC, or the applicable special district,
 - (3) an official part of the operation and function of PBC, or the applicable special district.
 - (4) In order to be exempt under this provision, the PBC Department or applicable district shall:
 - (a) schedule and conduct a public hearing; the notice of the public hearing shall be published at least seven days prior to the hearing, in a newspaper of general circulation,
 - (b) provide written notice of the intent to engage in excavation activities subject to a permit issued by the SFWMD or the FDEP to the Executive Director of PZB and

the Director of ERM at least 30 days prior to the commencement of construction activity, and,

- (c) provide written notification of the public hearing required above to the Executive Director of PZB and the Director of ERM at least 30 days prior to the public hearing.

(5) For excavations greater than the maximum depth listed in [Art. 4.B.10.C.1.c, Maximum Depth](#), and [Art. 4.B.10.C.2.g, Depth](#), the chloride and TDS requirements shall apply.

b) Excavations, Canals, Impoundments

Excavations, canals, impoundments, regional stormwater treatment areas, and related projects to enhance water quality, water supply, environmental quality, and natural resources operated by the SFWMD, ACOE, or water control districts or improvement districts created pursuant to [F.S. ch. 298](#) and within PBC.

5. Supplemental Application Requirements

a. Content of Application

All Type 1B, Type 2, Type 3A, and Type 3B Excavations shall supplement the applicable application requirements with the material and information listed below:

1) Statement

Application listing the nature of the excavation operation, including but not limited to:

- a) amount and type of materials to be excavated;
- b) duration of the excavation activity and reclamation activity;
- c) the proposed method of excavation;
- d) the amount of fill to remain on site;
- e) if permitted, the amount of fill to be removed from site; and,
- f) intent to comply with [Art. 9.A, Archaeological Resources Protection](#).

2) Site Plan

A site plan depicting:

- a) Boundaries, dimensions and acreage of the site and excavated surface area(s);
- b) All existing and proposed improvements including easements, streets, weigh stations, and other structures;
- c) Setbacks and separations;
- d) Preservation Areas;
- e) Water table elevations, including Ordinary Water Level.

b. Additional Application Requests for Excavation, Type 3A and Type 3B

All applications for Type 3A and Type 3B Excavations shall require the additional information listed below.

1) Soil Statement

A statement certified by an engineer indicating the type of soils to be excavated and that the soils are suitable for road or structural fill construction or the soil contains excessive amounts of silt, rock, or muck.

2) Site Plan

A site plan depicting:

- a. [Art. 4.B.10.B.7.a, Operational Standards and Requirements](#), as applicable;
- b. Equipment storage, and stockpile areas, including sizes and heights; and,
- c. Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of excavated material.

3) Landscape Plan

A landscape plan indicating the buffers and reclamation planting required.

4) Cross Sections

Cross Sections delineating compliance with the following requirements, as applicable:

- a) [Art. 4.B.10.B.7.b, Construction Standards](#);
- b) [Art. 4.B.10.B.7.c, Reclamation Standards](#); and,
- c) Buffer details.

5) Operations Plan

An operations plan shall be submitted in the form of a statement and include the methods of material extraction, on site processing, including erosion and sediment control methods, and particulate matter control. The plan shall also delineate how impacts from hauling operations will be controlled.

6) Haul Route Plan

A map indicating all possible proposed haul routes within the radius of impacts. Radius of impact is defined as the primary street system commencing at the access point of the excavation site and extending out along all streets in all directions to the closest Arterial or Plan Collector Street.

7) Additional Information

a) Report Schedule

Report Schedule, pursuant to [Art. 4.B.10.B.7.e, Maintenance and Monitoring](#).

b) Location Map

Surrounding uses map depicting the location of the outer boundary of area to be excavated and distances to surrounding land uses; including all residences within the applicable specified distance in the separation standards in [Art. 4.B.10.C.5.i, Compatibility Standards](#).

c) Phasing Plan

A phasing plan and tabular data depicting acreage, location, sequence of operations and schedule of reclamation requirements.

d) Tree Survey

A tree survey, as required by [Art. 4.B.10.B.7.c.4\)d\), Calculating Planting Requirements](#).

6. Notice of Intent to Construct

All applications for Agricultural, WCAA, Type 2 Excavation, and Type 3 mining activities shall submit a Notice of Intent to Construct in accordance with the provisions below:

a. Notice of Intent

Prior to commencement of any on-site excavation or mining activities, a Notice of Intent to Construct shall be submitted to and receive written approval from ERM.

b. Contents of Notice of Intent to Construct

The following information shall be included with the completed Notice of Intent to Construct form:

- 1) Paving and Drainage plans, if applicable;
- 2) Preliminary plat, if applicable, and restrictive covenant, pursuant to [Art. 4.B.10.B.7.c.5\), Area of Record](#);
- 3) [Art. 4.B.10.B.7.c.3\), Littoral Planting Reclamation Standards](#);
- 4) Master Plan, showing all phases of development, if applicable; and 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); and,
- 5) Methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations, a copy of the on-site Stormwater Pollution Prevention Plan shall be submitted as part of the permit application.

c. Agriculture Excavation

All Agricultural and WCAA Excavation shall submit a detailed explanation of the proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of Bona Fide Agriculture pursuant to [Art. 1.H, Definitions and Acronyms](#).

d. Type 3 Exceptions

A Type 3 application shall include documentation of an approved for Class A Conditional Use pursuant to [Art. 2.B, Public Hearing Processes](#).

e. Written Approval

ERM shall issue a written approval to the Applicant within 30 days upon receipt of a Notice of Intent to Construct and appropriate fee with all information necessary to demonstrate that the provisions of this Section will be met, and confirmation by the Land Development Division that all necessary approvals for County R-O-Ws have been issued.

7. Technical Standards

a. Operational Standards and Requirements

All excavation types shall comply with the following operational standards, unless specifically exempt or prohibited pursuant to this Section.

1) Hours of Operation

All excavation and hauling activity, except dewatering, shall only occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, unless otherwise specified in this Section.

2) Objectionable Odors

The excavation activity shall be conducted in such a manner as to prevent the occurrence of odors which can be detected off the premises.

3) Emission of Fugitive Particulate Matter

Excavation operations, including hauling activity, shall be conducted to prevent the emission of dust or other solid matter into the air or onto adjacent properties pursuant to the smoke, emissions and particulate matter provisions in [Art. 5.E, Performance Standards](#), and [Chapter 62-296, F.A.C.](#)

4) Existing Topsoil

Where feasible, existing topsoil shall be stored and redistributed on site to provide adequate growing conditions for the revegetation of plant species. Where such storage is not feasible, the area shall be restored with soil of an equal or better quality than that of the excavated topsoil and be redistributed to provide adequate growing conditions.

5) Equipment Storage, Maintenance and Service Areas

Equipment storage, maintenance and service areas shall be set back a minimum 200 feet from all property lines abutting a residential district or use. The equipment storage area shall be designed such that noise generated by the equipment is muffled in order to comply with the noise performance standards in [Art. 5.E, Performance Standards](#).

6) Regulated Substances

All storage and use of regulated substances shall comply with Local, State, and Federal regulations. All regulated substance dispensing areas shall comply with Best Management Practices. Any spill of any regulated substance shall be reported to the PBCHD within one hour and to ERM within one hour or at the beginning of the next business day.

7) Dewatering

Dewatering shall not be allowed unless permitted by a State agency, Federal agency, the SFWMD, or the dewatering operation is in compliance with conditions of [Rule 40E-20.302\(3\), F.A.C.](#) If dewatering is permitted, pumps shall be located, submerged, buried, or encased in an insulated structure in order to comply with the noise standards in [Art. 5.E, Performance Standards](#).

8) Access to Public Prohibited

Signs shall be posted prohibiting access to the general public while excavation and reclamation activity is being conducted.

9) Retail Sale of Material

The retail sale of excavated material shall not be permitted on site.

10) Hauling Standards

a) General

- (1) All trucks hauling material from sites that permit off-site removal shall be covered to prevent debris and fill from spilling onto the roadway.
- (2) The hauler shall employ measures acceptable to the PBCHD, and any applicable road maintenance authority, to ensure that roads are properly maintained and kept free of fugitive particulate matter.
- (3) The BCC may require special conditions, including, but not limited to construction of turn lanes and other roadway improvements necessary to provide safe traffic movement.
- (4) All vehicles used to haul excavated material shall use the approved haul routes. Vehicles shall not use Local Residential Streets to access Arterial or Collector Streets.

b) Executed Agreement

The BCC or the County Engineer may require an executed agreement between the Applicant and the County Engineer and other applicable road maintenance authorities which may include but not be limited to documentation of the existing conditions of the streets within the radius of impact, as defined in [Art. 4.B.10.B.5.b.6\), Haul Route Plan](#). The agreement shall include a description of the hauling operations including but not limited to the number of trips (as approved in the original Development Order), duration of excavation and hauling activity, truck size and weights and the existing conditions of all possible streets designated as haul routes, as well as any requirements for periodic inspections, financial guarantees and the Applicant's other responsibilities.

11) Phasing

In the event the excavation activity is conducted in phases, the phasing plan required by [Art. 4.B.10.B.7.a, Operational Standards and Requirements](#), shall be subject to [Art. 2.E, Monitoring of Development Orders \(DOs\) and Conditions of Approval](#), [Art. 2.E.2.C, Time Limitations for Commencement](#), and the requirements in [Art. 4.B.10.B.7.c, Reclamation Standards](#). All excavation types, except Type 3A and Type 3B shall comply with [Art. 2.E, Monitoring of Development Orders \(DOs\) and Conditions of Approval](#), which limits the project to two primary phases for the purposes of monitoring commencement of the Development Order. Additional sub-phases may be permitted for each primary phase for the purposes of conducting the excavation activity in accordance with this Section. For Type 3A and Type 3B Excavations, the number of phases and the duration of each phase shall be established as a Condition of Approval. When establishing the Condition of Approval for the number and duration of each phase, the BCC shall consider the size of the proposed excavation project, existing and proposed surrounding land uses, surrounding FLU designations, and other pertinent information.

12) Sound Insulation

All machinery, heavy equipment and vehicles utilized for excavation and hauling purposes shall be equipped with double mufflers to reduce airborne noise caused by excavation operations.

b. Construction Standards

All excavation types shall comply with the following construction standards, unless exempt.

1) Separation

Separations shall be measured from the top of bank of the nearest excavated area to the property line or designated area in any given direction as defined below: Excavation shall not be constructed within:

- a) Wellfield Zone 1 or 300 feet from a public water supply well, whichever is more restrictive;
- b) 200 feet from a wetland or in a wetland, unless approved by ERM;
- c) 300 feet from a Class 1 or Class 2 landfill;
- d) 300 feet from a site with known contamination;
- e) 100 feet from a septic system or sanitary hazard;
- f) 100 feet from a potable water well, except for Type 1A and Type 1B Excavations; or,
- g) 200 feet from publicly-owned conservation areas, publicly-owned preservation areas, or environmentally sensitive lands, unless approved by ERM.

2) Slopes

a) Slope Angle

Slopes for all excavation types with unplanted littoral zone areas shall be no steeper than four feet horizontal to one foot vertical to a minimum depth of minus two feet OWL. Slopes below the minus two feet depth shall not exceed two feet horizontal to one foot vertical or the natural angle of repose for the specific conditions encountered. Grades and slopes shall be constructed in such a manner as to minimize soil erosion and to make the land surface suitable for revegetation. The slopes shall be adequately vegetated with appropriate ground cover from top of bank to edge of water within 30 days of final grading and thereafter maintained to prevent wind and water erosion.

b) Slope for Planted Littoral Zones

The slope for excavation with planted littoral zone areas shall be no steeper than ten feet horizontal to one foot vertical to a distance of five feet waterward of the designated planted littoral zone area. Shallower slopes are encouraged to promote greater success of the littoral zone plantings. A copy of the record drawings certified by a surveyor or engineer recognized and approved by FDPR shall be submitted to ERM within 30 days following completion of slope construction.

(1) Inspection

Within 48 hours prior to completion of construction of the required slopes for the planted littoral zones, notification to ERM is required in order to schedule a slope inspection.

c) Drainage

Overland sheet flow directly into an excavated area shall be minimized. Those areas within a maximum of 50 feet of the excavated lake may discharge runoff to the lake. This restriction shall not apply to any catchment area discharging runoff to a lake designated as a water management tract and incorporated in an approved stormwater management plan

for treatment and control of runoff from a development site, where the boundaries of said catchment are delineated on an approved plan.

3) Final Site Conditions

No sharp declivities, pits, depressions, or debris accumulation shall remain after reclamation. Final grading shall conform to the contour lines and grades on the approved reclamation plan.

c. Reclamation Standards

1) General

a) Types of Reclamation

Four types of reclamation standards are defined below. Reclamation standards vary based on the type of excavation activity as set forth in [Art. 4.B.10, Excavation Uses](#).

(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.B.10.B.7.b, Construction Standards](#), and in [Art. 4.B.10.B.7.c, Reclamation Standards](#). Areas not required to be stabilized with littoral plantings shall be stabilized and planted with appropriate ground cover from top of bank to the edge of the water. If seeding is used, a minimum of 50 percent coverage shall be required. The depth of the lake and side slopes shall comply with [Art. 4.B.10.B.7.b, Construction Standards](#).

3) Littoral Planting Reclamation Standards

All Agricultural (excluding WCAA), Type 2 and Type 3 Excavations, excluding ponds, shall comply with the following littoral zone standards. Exempted excavations within the WCAA shall provide a littoral zone if the land use ceases to be agricultural.

a) Planted Littoral Zones

Planted littoral zones shall be provided which comprise, at a minimum, an area equivalent to eight square feet per linear foot of shoreline. Creativity in design in the placement of the planted littoral zone is strongly encouraged, such as extended areas in one portion of the lake or at the discharge point. For basins with multiple lakes that are interconnected, littoral zones may be concentrated within one or more lakes so long as the basin as a whole contains the total required littoral area. The planted littoral zone area shall be limited to the area between one foot above OWL and two feet below OWL. If the Applicant demonstrates to ERM that the planted littoral area elevations should differ from this requirement based on site specific conditions and based on fluctuations around the OWL, ERM may approve planted littoral area elevations other than those elevations stated above. Requirements for littoral zone planting shall be in addition to any planting for wetland mitigation required by DEP, SFWMD, USACE, ERM, or any other agency with wetland jurisdiction.

b) Vertical Walls

Vertical walls, bulkheads, or other means of hardening the shoreline may be allowed, however, for each linear foot of vertical wall, an additional eight square feet of planted littoral zone shall be required. Thus every linear foot of vertical wall shall require 16 square feet of planted littoral zone to be planted.

c) Planting Requirements

The littoral zone shall be provided with a minimum of six inches of a sand topsoil mix to promote vegetative growth for those areas that do not have adequate soil conditions to ensure plant survivorship. The littoral zone shall be planted with at least five species of appropriate native wetland vegetation, with an average spacing of two feet on center or as approved by ERM. The design and species used shall be such that the plants have an anticipated minimal 80 percent coverage. This criterion shall be met from the 180-day monitoring period, and in perpetuity. The Director of ERM shall maintain a list of acceptable

plant species for use in their appropriate elevations within the littoral zones. The list may be amended for general application as more information becomes available. The list shall be open for public inspection and distribution.

d) Timing of Planting

Planting of the excavated lake or pond shall occur no later than immediately prior to the issuance of the first certification of occupancy for any lot adjacent to or abutting the bank of that lake. ERM may approve in writing a phasing plan for planting large single lake systems or interconnected multi-lake systems that would allow lake planting to be phased. At all times, Applicant is responsible for minimizing erosion of the littoral shelves until the planting is completed. ERM shall be notified within 48 hours prior to completion of the littoral zone planting.

e) Littoral Planting Plans

The plans shall detail the species and numbers of plants to be used, the location and dimensions of the littoral areas, including any compensatory littoral areas, if applicable; typical cross Section of planted littoral zones from lake maintenance easements to the maximum depth of the lake; the location and dimensions of any structure for which a compensatory littoral area is required; the methods for planting and ensuring survival of the plants; and other reasonable information required by the Director of ERM.

Projects which are proposed to be conducted in phases, shall include plans which delineate the phases of excavation and shall include guarantees for each phase.

The signatory of the plans and specifications shall have a personal familiarity with the site and soil conditions based upon a field review.

4) Upland Reclamation Standards

Upland reclamation standards apply to Type 2 and all Type 3 Excavations only.

a) Reclamation Plan

(1) General

A site reclamation plan shall be submitted as an integral part of the application for a Type 2 or Type 3 Excavation and shall be approved by DRO prior to commencement of work. Reclamation is required to ensure a viable end use for the excavation site. The plan shall demonstrate compliance with the requirements in [Art. 4.B.10.B.7, Technical Standards](#), except for the littoral planting plan which has its own application submittal requirements. However, the reclamation plan submitted to DRO shall indicate the littoral planting areas.

(2) Type 2 Excavation

The certified final site development plan shall function as the standards required for the final development plan.

(3) Type 2 Excavation Exceeding Off-Site Removal Limitations

As set forth in [Art. 4.B.10.C.4, Type 2 Excavation](#), shall be classified as a Type 3A Excavation when the Applicant proposes to remove more than ten percent of the fill off-site. Notwithstanding final site plan certification, the final site development plan shall function as the reclamation plan and planting requirements shall be met in accordance with the landscape requirements for the final site development plan. In such cases, the BCC may waive all or modify a portion of the explicit upland reclamation planting requirements defined below based on the ultimate use of the site. The BCC may require that the upland reclamation plantings defined below be incorporated into the open space pedestrian system as defined on the final site development plan.

(4) Type 3 Excavation

The reclamation plan for a Type 3 Excavation shall comply with the upland reclamation standards in this Section.

b) Perimeter Reclamation

At a minimum, 75 percent of the perimeter of the excavated area shall have a width of 180 feet; and the remaining 25 percent shall have a width of 100 feet. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to provide adequate growing conditions for reclamation planting requirements and to prevent the establishment of prohibited plant species.

c) Timing of Upland Reclamation

Reclamation shall occur immediately following the end of excavation or immediately following each phase of excavation, whichever occurs first. Upon commencement of reclamation and rehabilitation of the initial phase of this excavation, the next phase of excavation may commence upon written authorization by the DRO. The applicable guarantee must be on file prior to authorization for the commencement of excavation on any subsequent phase.

(1) Timing of Planting

If excavation activity is phased, planting shall occur at the completion of each phase. Planting of the reclaimed upland area should occur during the rainy season (June-October), within six months after completion of the excavated area or phase thereof, as applicable. The Property Owner shall ensure that proper watering and maintenance occurs in order to ensure a successful survival rate. If planting does not occur during the rainy season, then the Property Owner shall provide irrigation to establish the new plantings. PZB shall be notified 48 hours prior to completion of the upland plantings.

d) Calculating Planting Requirements

In addition to the buffer requirements in [Art. 4.B.10.C.5, Type 3 Excavation](#), the following upland planting requirements shall apply.

(1) Sites Supporting Native Vegetation

Calculations to determine the reclamation planting requirements for sites supporting native vegetation shall be based on the existing tree cover. Controlled or prohibited species shall be exempt from this calculation. In addition, any tree species located within the required perimeter buffer area shall also be exempt. If no vegetation exists, the Applicant shall demonstrate that the site was cleared before 1986 or has been issued and has complied with a vegetation removal permit.

A certified tree survey shall be submitted by either a landscape architect, forester, land surveyor, or engineer who is registered in the State of Florida. This count shall include all existing on-site native trees with a trunk diameter three inches or greater to be measured at four and one-half feet above the ground. The number of existing trees meeting this criterion shall then be divided by the total number of acres to obtain a tree-per-acre figure. The number of replacement trees to be planted at the time of final site reclamation shall be determined by multiplying the trees-per-acre figure by the number of required reclaimed land acres remaining at the time of final site reclamation. Credit shall be given by PZB for existing trees greater than three inches in diameter which are relocated and/or adequately protected during excavation. Any trees relocated and/or protected shall be deducted from the replacement tree count requirement. The trees to be replanted shall be native and a minimum eight feet high. In addition, two under-story 18-inch-high seedlings shall be planted for each tree required to be planted.

e) Upland Planting Reclamation Standards

The upland reclamation plantings may be clustered in one area of the reclaimed upland area or dispersed throughout the reclaimed upland area. No minimum or maximum area is required, except as a condition of approval, as long as the vegetation is planted in accordance with standards set forth in [Art. 7.D, Landscape Standards](#), and [Art. 14.C, Vegetation Preservation and Protection](#). A minimum of five native plant species shall be used to fulfill the planting requirements. The design and species used shall be such that the plants have an anticipated minimal survival rate of at least 80 percent at the end of each monitoring period.

f) Plan Requirements

The upland reclamation planting plan shall be submitted to the DRO simultaneously with the application for the final site plan.

(1) The signatory of the plans and specifications shall have personal familiarity with the site and soil conditions based upon a field review. The plans shall be signed and sealed by a professional landscape architect certified by the Florida Department of Professional Regulation.

(2) At a minimum, the plans shall detail the location, species and numbers of plants to be used, and the methods for planting and ensuring survival of the plants, and other reasonable information required by ERM.

g) Phased Projects

In the event that upland reclamation is to be conducted in phases, the following additional requirements shall apply:

- (1) A phasing plan shall be submitted indicating:
 - (a) exact acreage of each phase;
 - (b) proposed duration of excavation and reclamation of each phase; and,
 - (c) number of trees to be planted.

5) Area of Record

All reclaimed littoral and upland planting areas shall be identified graphically and in writing on a separate restrictive covenant. The graphic shall be signed and sealed by a certified engineer or surveyor as applicable, recognized and approved by the FDPR. If a plat is required, pursuant to [Art. 11, Subdivision, Platting, and Required Improvements](#), all planted littoral zones and upland reclamation planting areas shall be identified by reference to the restrictive covenant. The plat and restrictive covenant shall be reviewed and approved by the Zoning Division, ERM, and the County Attorney's office prior to recordation. A copy of the plat, if applicable, and recorded restrictive covenant shall be provided to ERM and PZB, prior to issuance of written approval of the Notice of Intent to Construct. Within 30 days following plat recordation, a copy of the recorded plat shall be provided to ERM and Zoning Division. An Applicant may submit a written request to ERM to approve the termination of a recorded restricted covenant agreement provided the DO has been rescinded and no excavation of any water management tract has occurred. A copy of the termination of the restrictive covenant shall be provided to ERM. A restrictive covenant may be amended upon written request by an Applicant and approval by ERM. The littoral area and reclaimed upland planting area shall be specifically and separately reserved to the owner, or if applicable, to the Property Owners' Association as its perpetual maintenance responsibility, without recourse to PBC or any other governmental entity or agency. The plat, if applicable, restrictive covenant and Property Owners' Association documents, shall contain the following statement: **[Ord. 2019-034]**

It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations, and approvals to alter the approved slopes, contours, or cross sections or to chemically, mechanically, or manually remove, damage, or destroy any plants in the reclaimed areas and planted littoral zone except upon the written approval from the Director of ERM or Zoning, as applicable. It is the responsibility of the owner or Property Owners' Association, its successors or assigns, to maintain the required survivorship and coverage of the reclaimed upland and planted littoral areas and to ensure on-going removal of prohibited and invasive non-native plant species from these areas.

d. Performance Guarantee Requirements

1) General

ERM shall administer guarantee requirements for the excavated area and littoral plantings. The Zoning Division shall administer guarantee requirements for reclaimed upland area, and upland plantings. The Land Development Division shall administer guarantee requirements associated with road maintenance and repair of haul routes if required by the BCC or County Engineer Executed Agreement pursuant to [Art. 4.B.10.B.7.a.10\)b\), Executed Agreement](#).

2) Guarantees Required

The guarantees for phased projects may be bonded separately with approval by the DRO.

a) Agricultural and Type 2 Excavations

Agricultural and Type 2 Excavations shall be required to provide a guarantee for the littoral zones. If approved as a Class A conditional use, guarantees may also be required for the excavated area, upland reclamation (excluding upland plantings) and roadway maintenance and repair.

b) Type 3 Excavation

Approval of at least five guarantees shall be required for Type 3 Excavation:

- (1) excavated areas;
- (2) reclaimed upland areas;
- (3) upland planting areas; and,
- (4) littoral zones.

- c) Approval may be required for Type 3 Excavation for road maintenance and repair.

3) Execution

The performance guarantee shall be executed by a person or entity who owns a property in part or in whole or has legal interest in the property. Transfer of title to the subject property shall not relieve the need for the performance guarantee. The seller shall maintain, in full force and effect, the original performance guarantee until it is replaced by the purchaser. [Ord. 2019-034]

4) Form of Guarantee

The guarantee shall assure the project performs as approved by the BCC and in accordance with the standards of this Code. The guarantee shall take the form of:

- a) A cash deposit or certificate of deposit assigned to PBC;
- b) An escrow agreement for the benefit of PBC;
- c) A performance bond issued by a Florida registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations. Said bond may be canceled only upon a 60-day written advance notice and acceptance of cancellation by ERM, PZB or Land Development Division, as applicable;
- d) An unencumbered, clean, irrevocable letter of credit which must be executed on a form provided by PBC; or,
- e) Unless otherwise approved in writing by ERM, PZB or Land Development Division, as applicable, performance bonds or letters of credit shall be on forms provided by PBC.

5) Amount of Guarantee

a) General

The amount of the guarantees shall be adjusted in accordance with the Consumer Price Index, as provided by the Congressional Budget Office and as approved by the County Attorney's Office.

b) Excavated Area

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.

6) Submittal and Approval of Guarantee

Except in the case of an application by a political subdivision or agency of the State, all Applicants shall submit the guarantee instruments and obtain approval of the guarantee as provided below.

a) Reclaimed Upland Area and Upland Planting Areas

Guarantees for the reclaimed upland area and upland planting areas shall be submitted with the DRO application and approved prior to DRO approval of the Final Excavation Plan.

b) Excavated Area and Littoral Zones

Guarantees for the excavated area and littoral zones shall be approved by ERM prior to issuance of written approval of the Notice of Intent to Construct.

c) Road Maintenance and Repair

When required, guarantees for road maintenance and repair shall be approved by the Land Development Division prior to issuance by ERM of the Applicant's Notice of Intent to Construct.

7) Duration and Release

The guarantee for the excavated area and upland reclamation area of Type 3 Excavation may be reduced once the "as-built" plan is approved. However, the guarantee shall continue to cover the upland planting and littoral planting areas until released by Palm Beach County.

a) Excavated Areas for Type 3 Excavation

At the request of the Applicant, the guarantees shall be released by ERM, after DRO certification of the final as-built reclamation plan, in accordance with [Art. 4.B.10.C.5.g, Use Approval and Procedures](#).

b) Upland Reclamation Area

At the request of the Applicant, the guarantees shall be released by PZB, after DRO certification of the final as-built reclamation plan, in accordance with [Art. 4.B.10.B.7.c.5\), Area of Record](#).

c) Littoral and Upland Planting Reclamation Areas

The guarantees shall remain in effect a minimum of 730 days (two years) after reclamation is completed in accordance with all requirements of this Section. Guarantees shall not be released until approved plats or separate instruments are recorded and proof of recordation is provided to ERM and PZB, pursuant to [Art. 4.B.10.B.7.d, Performance Guarantee Requirements](#). Following verification of successful completion of reclamation through approval of the submitted as-builts, area of record, monitoring reports, and, site inspection(s) by ERM and PZB, as applicable, guarantees shall be released.

d) Road Maintenance and Repair

When required, the guarantee shall be released by the County Engineer and any applicable road maintenance authority after certification of the final phase of the as-built plan and upon final inspection and acceptance of the repair, maintenance and condition of the streets within the radius of impact.

8) PBC Use of Guarantee

Should PBC find it necessary to use the performance guarantee for corrective work or to fulfill the Applicant's reclamation, reconstruction or maintenance obligations as set forth herein, the Applicant shall be financially responsible for all legal fees and associated costs incurred by PBC in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.

e. Maintenance and Monitoring

The following maintenance and monitoring program is required for all planted littoral zones and reclaimed planted upland areas.

1) Excavation Activity

The Applicant shall submit an annual report to the DRO indicating the status of the excavation activity. The report shall include, but not be limited to, the status of:

- a) the current phase(s) of excavation;
- b) all phases of excavation and reclamation activities (including date(s) of completion and anticipated dates of completion);
- c) amount of material extracted and amount of material removed from the site;
- d) condition of perimeter buffers and landscaping; and,
- e) status of compliance with conditions of approval and applicable requirements in this Section.

2) Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas

The planted littoral zones and planted upland areas shall be inspected and monitored for at least one year after planting. Equipment storage, maintenance and service areas shall be monitored until completion of the excavation activity for contamination by regulated substances. The maintenance and monitoring program shall comply with the following requirements:

a) Maintenance

Inspections, monitoring, exotic plant species removal and replanting during each monitoring period shall be required to maintain the minimum:

- (1) 80 percent coverage criterion for the planted littoral zone from the 180-day monitoring period; and
- (2) 80 percent survivorship for the planted upland area from the 180-day monitoring period;

b) Exotic Plant Species

Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:

- (1) prohibited and invasive non-native plant species as defined by [Art. 14.C, Vegetation Preservation and Protection](#); and
- (2) invasive species, such as cattails, primrose willows, and water hyacinth.

c) Regulated Substances

Inspections and monitoring of all equipment storage, maintenance and service areas shall be required to ensure the site has not been contaminated by regulated substances. Construction areas shall be maintained in accordance with the "Regulated Substance Best Management Practices for the Construction Industry."

d) Submittals for Monitoring Programs

Submittal of monitoring reports for each monitoring period shall be required. The planted littoral zone reports shall be submitted to ERM and the reclaimed upland planting reports shall be submitted to the Zoning Division. These monitoring reports shall represent the monitoring periods commencing with a time zero report, 90-day, 180-day and 360-day reports.

The time zero monitoring report shall be submitted within 30 days of the initial planting. Each subsequent report shall be submitted within 30 days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, PBC finds the planted littoral or reclaimed planted upland areas to be in non-compliance with the provisions herein, the 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](#), such as cattails, primrose willows and water hyacinth, shall be restricted to a coverage of less than ten percent of the required planted littoral zone. No exotic or invasive non-native plant species shall be permitted in the upland areas.

4) Repair, Reconstruction Modification

DRO approval shall be obtained prior to any reconfiguration of the approved lake or reclaimed upland area. Written approval from the Director of ERM shall be obtained prior to modification of the planted littoral zones.

8. Administration and Enforcement

a. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type 2 and Type 3 Excavations

1) Authority and Criteria

Administrative waivers from the slope, depth, or littoral zone standards contained in [Art. 4.B.10.B.7, Technical Standards](#), for Agricultural, WCAA, Type 2, and Type 3 Excavations may be granted by ERM in accordance with the standards of this Section. ERM may grant the waivers to an Applicant upon demonstration by a preponderance of evidence, that such administrative waivers will not be injurious to the area involved or otherwise detrimental to the public welfare, and that special or unique circumstances exist to justify the administrative waivers based on one or more of the following conditions:

- a) That the literal application of these standards will create an unreasonable hardship and that the special and unique circumstances do not result from the actions of the Applicant;

- b) That a request for relief from the littoral planting requirements include an alternative plan with a contribution to the Pollution Recovery Trust Fund of twice the amount calculated by the formula for a guarantee located in [Art. 4.B.10.B.7.d.5\)c\)](#), [Littoral Zones](#) and for review and approval by the Director of ERM. If the littoral zone had been depicted on the site or master plan, a modification of the plan shall be processed in order to delete the littoral zone from the plan;
- c) That appropriate technology and methods will be used to ensure consistency with the intent of the Code; or,
- d) The proposed administrative waiver will not be adverse to the general intent and purpose of this Section.

2) Limitations

No administrative waiver shall be approved for those separation items in [Art. 4.B.10.B.7.b, Construction Standards](#), unless the item specifically allows approval by ERM; nor for any 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 Agriculture operations. If the land use changes from Bona Fide Agriculture use, the littoral requirements for the new land use shall be required.

3) Review Process

The request shall be included with the Notice of Intent to Construct, unless a Notice of Intent to Construct has been previously approved. An appropriate fee and drawings of sufficient detail shall be required in order to provide the information needed to determine if granting approval of the waiver is appropriate. The application and drawings, excluding littoral planting plans, shall be signed and sealed by a professional recognized and approved by the Florida Department of Professional Regulation for this type of project.

- a) Upon receipt of a request to deviate from the Construction Criteria, ERM shall have 30 days to request any additional information.
- b) Within 30 days of receipt of the requested additional information, ERM may only request information needed to clarify the additional information supplied or to answer new questions raised by or directly related to the additional information.
- c) If ERM does not ask for additional information within 30 days of receipt of the request, the request shall be deemed complete upon date of receipt.
- d) If an Applicant fails to respond to a request for the fee or any additional information within 60 days, the request may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information. ERM action shall be approval or denial, and shall be included with the issued written approval of the Notice of Intent to Construct.

b. Violations, Enforcement, and Penalties

1) Violations

Violations not related to conditions imposed by the Notice of Intent to Construct excavation, may be referred to the Director of Code Enforcement as determined by the Director of ERM.

For each day or portion thereof, it shall be a violation of this Section to:

- a) fail to comply with a requirement of this Section, a condition of an approval or an authorized exemption granted hereunder;
- b) fail to comply with the design specifications or littoral planting plan submitted with the Notice of Intent to Construct for which a written approval was issued by ERM;
- c) alter or destroy the approved depths, slopes, contours, or cross-sections;
- d) chemically, mechanically, or manually remove, damage, destroy, cut, or trim any plants in the littoral zones, except upon written approval by the Director of ERM;
- e) dredge, excavate, or mine the lake or littoral zones without prior receipt of approval(s) from ERM and/or PZB;
- f) cause water quality violations in excess of the standards contained in [Chapter 62-302, F.A.C.](#); or,
- g) dewater in Type 1A, Type 1B; and Agricultural Excavations unless otherwise permitted by a State agency, Federal agency, or the SFWMD.

c. Enforcement

Violation of each provision of this Section, any conditions of approval, or any of those violations listed in [Art. 4.B.10.B.8.b, Violations, Enforcement, and Penalties](#), above, shall be deemed a separate violation and may be subject to fines up to 1,000 dollars per day per violation. In order to enforce compliance with the provisions of this Section, ERM, PZB and the County Engineer may issue a cease and desist order or require that future DRO certifications be denied or a Building Permit or CO be withheld. Violations of the provisions of this Section shall be punishable by one or more of the following:

- 1) Quadruple permit fees shall be assessed if permits were not obtained for violations involving activities which would otherwise have been permissible, as determined by ERM, PZB, or the Land Development Division.
- 2) This Section shall be enforced through the remedies as outlined in [Art. 10, Enforcement](#). However, PBC is not prevented from enforcing the provisions of this Section by any other measures allowable by law, including but not limited to, [F.S. ch. 125](#) and [F.S. ch. 162](#), as may be amended.
- 3) If the Applicant has violated the provisions of this Section, or a condition of approval, staff may place the subject Development Order back on a BCC agenda for re-consideration in accordance with the provisions of [Art. 2.E, Monitoring of Development Orders \(DOs\) and Conditions of Approval](#), and [Art. 10, Enforcement](#).

d. Restoration

Damage to upland reclamation areas, planted littoral shelves, littoral plants and/or streets may result in an order to restore to the approved conditions. Excavation operations that have occurred without approval and receipt of written approval from ERM, PZB or the County Engineer, as applicable may result in an order to restore the site or streets in the radius of impact to preexisting conditions.

e. Additional Remedies

In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions, to enforce the provisions of this Section.

f. Use of Collected Monies

All monies collected by ERM as civil penalties for violations of this Section shall be deposited in the PBC Pollution Recovery Trust Fund.

9. Appeals

An Applicant may appeal a final determination made by the appropriate authority that interprets excavation uses as contained in [Art. 1.B.1.A, Authority](#), based on the appeal process in [Art. 2.A.14, Appeal](#).

C. Definitions and Supplementary Use Standards for Excavation Uses

Before commencement of any excavation, approval shall be obtained pursuant to the procedures and standards defined in this Section.

1. Agricultural Excavation

a. Definition

Excavation necessary to support Bona Fide Agriculture production operations, including but not limited to the creation of ponds or lakes to construct accessory structures supporting the agricultural use, livestock ponds, canal laterals and roads, but excluding customary agricultural activities such as plowing and maintenance of canals and roads.

b. Separation and Setbacks

In addition to the separation requirements in [Art. 4.B.10.C.1, Agricultural Excavation](#), shall maintain a minimum setback of 100 feet, measured from the inside edge of the lake maintenance easement to any adjacent property line.

c. Maximum Depth

Excavation activity shall not exceed 20 feet from OWL. This maximum depth may be exceeded if approved by ERM in accordance with [Art. 4.B.10.B.8, Administration and Enforcement](#), provided the Applicant adequately ensures that chloride levels shall not exceed 250 parts per million (ppm) and Total Dissolved Solids (TDS) either does not exceed 500 ppm or is in accordance with [Rule 62.520.420\(2\), F.A.C.](#) in the excavated lake based on ground water sampling prior to construction, or the Applicant may provide reasonable assurance that the ambient off-site chloride and TDS levels will not be degraded based upon background levels. Additional sampling may be required by ERM during and after construction.

d. Sediment Sump

A sediment sump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. A sump shall not exceed five percent of the mined lake area.

e. Reclamation, Maintenance and Monitoring

Agricultural Excavation shall comply with the excavated area, and littoral zone reclamation requirements of [Art. 4.B.10.B.7.c, Reclamation Standards](#), and [Art. 4.B.10.B.7.c.2\), Excavated Area Reclamation Standard, Art. 4.B.10.B.7.c.3\), Littoral Planting Reclamation Standards, Art. 4.B.10.B.7.c.5\), Area of Record](#), and [Art. 4.B.10.B.7.e, Maintenance and Monitoring](#) requirements, and [Art. 4.B.10.B.8.e, Additional Remedies](#), unless waived by ERM.

f. Use Approval and Procedures

All applications for Agricultural Excavation shall include a detailed explanation of the proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry standards and satisfy the definition requirements of Bona Fide Agriculture pursuant to [Art. 1.H, Definitions and Acronyms](#). The excavation shall be the minimum necessary to implement the proposed Bona Fide Agriculture use.

1) Two Acres or Less – DRO

Agricultural Excavation consisting of two acres or less in surface area, may be approved pursuant to [Art. 2.G.4.G, Development Review Officer \(DRO\)](#). The DRO shall review for compliance with the standards of this Section and may approve the application with or without conditions.

2) Greater Than Two Acres – Conditional Use

Off-site removal shall apply the appropriate compatibility standards of [Art. 4.B.10.C.5, Type 3 Excavation](#).

3) Additional Review

See [Art. 4.B.10.C.5.g.1\), Excavation Pre-Application Checklist](#).

g. Guarantee Requirements

Agricultural Excavation shall comply with the Guarantee requirements pursuant to [Art. 4.B.10.B.7.d, Performance Guarantee Requirements](#).

h. Notice of Intent to Construct

In accordance with [Art. 4.B.10.B.6, Notice of Intent to Construct](#), shall be required.

i. WCAA Excavation

1) Operational and Construction Standards

An application for WCAA Excavation shall comply with the standards in [Art. 4.B.10.B.7.a, Operational Standards and Requirements](#), and [Art. 4.B.10.B.8.b, Violations, Enforcement, and Penalties](#), and except for hours of operation.

2) Separations and Setbacks

In addition to the separation requirements in [Art. 4.B.10.B.7.b.1\), Separation](#), a WCAA Excavation shall maintain a minimum setback of 50 feet measured from the inside edge of the lake maintenance easement to any adjacent property lines.

3) Depth

The maximum depth for the excavated lake or pond shall not exceed 15 feet from OWL due to chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM in accordance with [Art. 4.B.10.B.8, Administration and Enforcement](#), provided the Applicant adequately ensures that chloride levels shall not exceed 250 parts per million (ppm) and Total Dissolved Solids (TDS) does not exceed 500 ppm or is in accordance with [Rule 62.520.420\(2\), F.A.C.](#) within the excavated lake or pond based on 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) Approval and Procedures

All applications for WCAA Excavation shall include a detailed explanation of the proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of Bona Fide Agriculture pursuant to [Art. 1.H, Definitions and Acronyms](#). Excavation shall be the minimum necessary to implement the Bona Fide Agriculture use.

a) Additional Requirement. See [Art. 4.B.10.C.5.g.1\), Excavation Pre-Application Checklist](#).

6) Notice of Intent to Construct

In accordance with [Art. 4.B.10.B.6, Notice of Intent to Construct](#), shall be required.

2. Type 1A Excavation

a. Definition

Excavation necessary to obtain fill for the construction of a Single Family dwelling or an accessory structure to a Single Family dwelling on a lot.

b. Lot Size

A minimum of one acre.

c. Excavated Surface Area

The maximum surface area of all excavation on the premises shall be less than two-tenths acre or 8,712 square feet.

d. Off-Site Removal

Off-site removal of extracted material is prohibited.

e. Separation and Setbacks

In addition to the separation requirements in [Art. 4.B.10.B.7.b.1\), Separation](#), Type 1A Excavation shall maintain the following minimum setbacks, measured from the inside edge of the lake maintenance easement.

- 1) 15 feet at the time of construction from any adjacent property line. The top of bank shall be a minimum of five feet.
- 2) 50 feet from any potable water well.
- 3) 100 feet from any septic system pursuant to [Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems](#).

f. Slope

If a lake excavated prior to June 16, 1992, does not comply with the minimum slope requirements of [Art. 4.B.10.B.7.b.2\), Slopes](#), a minimum four-foot-high gated fence completely enclosing the excavated area may be substituted for the required slopes.

g. Depth

Excavation activity shall not exceed ten feet in depth below OWL.

h. Reclamation

The Applicant shall comply with the following reclamation requirements prior to issuance of a CO.

- 1) Compliance with the slope and drainage and reclamation standards of [Art. 4.B.10.B.7.b\), Construction Standards](#), shall be required.
- 2) The Property Owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the Building Division depicting:
 - a) an as-built survey showing the location, size, and depth of the excavated area; and
 - b) in cases where no permanent water body is created, the site plan submitted with the Building Permit shall serve as the reclamation plan.

i. Use Approval and Procedures

The request shall be made concurrent with an application for a Building Permit. Approval shall be issued concurrent with receipt of a Building Permit for a Single Family dwelling.

1) Application Requirements

The Building Permit plans shall be supplemented with the following information:

a) Site Plan

A general site plan complying with the standards of this Section;

b) Statement

A statement estimating the amount of excavated material, in cubic yards; and,

c) Notarized Authorization

Notarized authorization from the Property Owner to excavate.

2) Determination of Sufficiency, Review and Decision

A Building Permit shall be issued by PZB, with or without conditions of approval, after the application has been determined complete and in compliance with this Section.

3. Type 1B Excavation

a. Definition

Excavation necessary to obtain fill for the construction of a Single Family dwelling or an accessory structure to a Single Family dwelling on a lot.

b. Lot Size

A minimum of two and one-half acres.

c. Excavated Surface Area

The maximum surface area of all excavation on the premises shall be less than 25 percent of the gross lot area and shall not exceed two acres.

d. Off-Site Removal

Off-site removal of extracted material is prohibited.

e. Separations and Setbacks

In addition to the separation requirements of [Art. 4.B.10.B.7.b, Construction Standards](#), Type 1 Excavation shall maintain the following minimum setbacks:

- 1) 30 feet at the time of construction from any adjacent property line.
- 2) 50 feet from any potable water well.
- 3) 100 feet from any septic system pursuant to [Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems](#).

f. Maximum Depth

Excavation activity shall not exceed 15 feet in depth below OWL.

g. Reclamation

The Applicant shall comply with the following reclamation requirements prior to issuance of a CO.

- 1) Compliance with the slope angle, drainage, and reclamation standards of [Art. 4.B.10.B.7.b, Construction Standards](#).
- 2) The Property Owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the DRO depicting:
 - a) An as-built survey showing the location, size, and depth of the excavation.
 - b) In cases where no permanent water body is created, the Building Permit site plan shall serve as the reclamation plan.

h. Use Approval and Procedures

The request shall be made concurrent with an application for a Building Permit. Approval shall be issued concurrent with receipt of a Building Permit for a Single Family dwelling.

1) DRO Approval

Pursuant to [Art. 2.C, Administrative Processes](#): DRO Approval shall be required. The DRO shall review for compliance with this Section and may approve the application with or without conditions.

2) Duration

A Type 1B Excavation permit shall expire 120 days from the date authorization is received to begin excavation activity. The DRO may grant one 90-day extension.

4. Type 2 Excavation

a. Definition

Excavation necessary to create a lake or lakes required to implement a Development Order.

b. Location

A Type 2 Excavation may be permitted to implement a Development Order for a principal use as allowed in [Art. 4.B.10, Excavation Uses](#), and to implement a Final Master Plan, Final Site Plan, or Final Subdivision Plan approved by the DRO.

c. Standards

An application for a Type 2 Excavation shall comply with the following requirements:

- 1) [Art. 4.B.10.B.7.a, Operational Standards and Requirements](#), and [Art. 4.B.10.B.7.b, Construction Standards](#);
- 2) Excavated area, Littoral zone and general upland reclamation requirements pursuant to [Art. 4.B.10.B.7.c, Reclamation Standards](#);
- 3) [Art. 4.B.10.B.7.d, Performance Guarantee Requirements](#);
- 4) [Art. 4.B.10.B.7.e, Maintenance and Monitoring](#); and,
- 5) [Art. 4.B.10.B.6, Notice of Intent to Construct](#).

d. Separations and Setbacks

In addition to the separation requirements in [Art. 4.B.10.B.7.b.1\), Separation](#), Type 2 Excavation shall maintain a minimum setback of 30 feet, measured from the top of bank to the perimeter boundary of the Planned Development District, Subdivision, Final Site Plan, streets 80 feet in width or greater, and canal R-O-W. For the purpose of this separation and setbacks provision, the top of bank is considered the waterward edge of the lake maintenance easement.

e. Depth

The maximum depth of a Type 2 Excavation shall be in accordance with [Art. 4.B.10.C.1.c, Maximum Depth](#).

f. Use Approval and Procedures

1) DRO Approval

Prior to initiating Type 2 Excavation activities, DRO shall review the final site development plan for compliance with the standards of this Section and may approve with or without conditions.

2) Off-Site Removal of Excess Fill – DRO

DRO may approve removal of more than ten percent of the extracted material from the site if:

- a) The Applicant demonstrates that the make-up of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock, or muck; or
- b) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and,

- c) The impact of the excavated material will not cause adverse effects to internal Property Owners or internal streets.

3) Off-site Removal of Excess Fill – Conditional Use

A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in [Art. 4.B.10.C.4.f.2\), Off-Site Removal of Excess Fill – DRO](#), the application shall be subject to the following:

a) Approval Process

Apply for a Class A Conditional Use process, pursuant to the standards of [Art. 2.B.7, Types of Applications](#) for Conditional Uses, Development Order Amendments, Unique Structures, and Type 2 Waivers.

b) Requirements

The Applicant shall comply with the following standards:

- (1) [Art. 4.B.10.B.7.a, Operational Standards and Requirements](#).
- (2) Littoral Planting Reclamation Standards in Art. 4.B.10.B.7.c.3), Upland.
- (3) Upland Reclamation Standards in Art. 4.B.10.B.7.c.4), Upland Planting.
- (4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in [Art. 4.B.10.B.7.e, Maintenance and Monitoring](#).
- (5) Buffer requirements in [Art. 4.B.10.C.5.i.2\)b\)\(3\)](#), Type 3A Excavation, Buffer.
- (6) Setbacks shall be provided pursuant to Type 2 setback requirements in [Art. 4.B.10.C.4.d, Separations and Setbacks](#).

c) Frontage

The development shall have direct frontage on and access to a Collector or Arterial Street depicted on the County's Thoroughfare Identification Map.

d) Location

The following Type 3A standards shall apply, unless waived by the BCC after a finding of fact that waiver of these standards will not violate the compatibility standards, pursuant to [Art. 4.B.10.C.5.i, Compatibility Standards](#).

4) Excavation, Performed by Public Agency, To Provide Drainage for a Public Street

- a) Excavation activity located outside the street boundary, conducted solely to accommodate drainage for a public 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:

- (1) be on land owned by PBC, the State, or a Water Control District created by special act to operate under [F.S. ch. 298](#) (1996); or
- (2) be on land granted by easement to and accepted by PBC, the State, or a Water Control District; and,
- (3) be the absolute minimum necessary to comply with the surface water drainage requirements for the public streets.

- b) For the purpose of [Art. 4.B.10.C.4, Type 2 Excavation](#), authorization by PBC, FDOT, or a Water Control District to construct public streets shall constitute a valid Development Order. The excavation design and activity shall only be required to comply with these standards indicated below. No other provision applicable to Type 2 Excavation as contained in this Article shall apply. **[Ord. 2018-018]**

- (1) Notice of Intent to Construct pursuant to [Art. 4.B.10.B.6, Notice of Intent to Construct](#);
- (2) Operational and construction standards pursuant to [Art. 4.B.10.B.7.a, Operational Standards and Requirements](#), [Art. 4.B.10.B.7.b, Construction Standards](#), and [Art. 4.B.10.B.7.a.10\), Hauling Standards](#);
- (3) Littoral zone and general upland reclamation requirements pursuant to [Art. 4.B.10.B.7.c, Reclamation Standards](#); and,
- (4) Maintenance and Monitoring requirements pursuant to [Art. 4.B.10.B.7.e, Maintenance and Monitoring](#).

5. Type 3 Excavation

a. Definition

The extraction of minerals primarily for commercial purposes.

b. Classification of Types

Type 2, or Agricultural Excavation that exceed established criteria, as defined in this Section, are to be considered a Type 3 Excavation. Two classes of Type 3 Excavation (Type 3A and Type 3B) are established to distinguish between the types of mining operations.

1) Type 3A Excavation

Excavation activity that extracts materials from the earth and may require limited on-site processing by using temporary or portable crushers, sifters and conveyor systems. A Type 3A Excavation activity may use dragline, dredging or 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.

2) Type 3B Excavation

Excavation activity that extracts materials from the earth and may require extensive processing of the material on site. Type 3B Excavation may use dragline, dredging, 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.

c. Standards

An application for a Type 3 Excavation shall comply with the following requirements:

- 1) Operational and construction standards pursuant to [Art. 4.B.10.B.7.a, Operational Standards and Requirements](#), and [Art. 4.B.10.B.7.b, Construction Standards](#).
- 2) Excavated area, Littoral zone and upland reclamation requirements pursuant to [Art. 4.B.10.B.7.c, Reclamation Standards](#).
- 3) [Art. 4.B.10.B.7.d, Performance Guarantee Requirements](#).
- 4) [Art. 4.B.10.B.7.e, Maintenance and Monitoring](#).

d. Location

A Type 3 Excavation may be allowed in accordance with [Art. 4.B.10, Excavation Uses](#). Mining may be allowed with limitations in the zoning districts identified below.

1) AP Zoning District in the AP FLU Designation

Mining shall be limited to the support of public road construction projects, agricultural activities, or water management projects associated with ecosystem restoration, regional water supply or flood protection, on sites identified by the SFWMD or the U.S. Army Corps of Engineers where such uses provide viable alternative technologies for water management. Mining shall demonstrate compliance with standards in [Art. 4.B.10.C.5.i, Compatibility Standards](#).

e. Depth

The maximum depth of a Type 3 Excavation shall be in accordance with [Art. 4.B.10.C.1.c, Maximum Depth](#).

f. Accessory Use

An Asphalt or Concrete Plant shall be allowed as an accessory use to a Type 3B Excavation, subject to DRO approval and provided that:

- 1) the site is a minimum of 500 acres;
- 2) the use is separated at least one-half mile from any residential use or district; and,
- 3) direct access to the plat is provided from an Arterial Street.

g. Use Approval and Procedures

A Class A Conditional Use approval is required for a Type 3 Excavation, in accordance with [Art. 2.B, Public Hearing Processes](#). A Type 3 Excavation shall require an additional level of review that exceeds the County's current scope of review to establish that the request will not have a significant adverse impact to water quality or the overall health of available water resources.

1) Excavation Pre-Application Checklist

Concurrent with submittal of an excavation application for the DRO certification for public hearing, the Applicant shall secure the information described on the excavation pre-application checklist and shall use this information as the basis for a pre-application meeting with DEP. This pre-application information and meeting is necessary to obtain a Preliminary Assessment Letter (PAL) from the DEP, Bureau of Mines and Minerals. The Pre-Application Checklist is available from the Zoning Division, as amended periodically by the Executive Director of PZ&B.

a) Preliminary Assessment Letter (PAL)

The Applicant shall gather the information described on the checklist and conduct a pre-application meeting with the DEP. The County application shall not be determined to be

sufficient without the PAL or its equivalent as stated in [Art. 4.B.10.C.5.g.1\)b\)](#), [Alternative to the Preliminary Assessment Letter](#). Should the DEP identify certification issues regarding the application, these issues must be resolved prior to certification of the application for public hearing.

b) Alternative to the Preliminary Assessment Letter

In lieu of a Preliminary Assessment Letter, the Applicant may submit one of the following to the County:

- (1) An Environmental Resource Permit; or
- (2) Request for Additional Information demonstrating no apparent concerns will be generated from the application.

c) Conditions of Approval

The DEP may recommend conditions of approval to the BCC to resolve issues related to its regulations.

2) Water Control or Management District

Concurrent with submittal of an excavation application for the DRO certification for public hearing, the Applicant shall submit a duplicate copy to the Zoning Division to be forwarded to the Water Control or Management District, whichever is applicable, that has jurisdiction to maintain roads and drainage in the area. The Water Control District may provide comments to the DRO to be included in the staff report for presentation to the BCC.

3) Final DRO Approval

Prior to starting any activity associated with the excavation project, the Applicant shall submit an excavation plan to the DRO for review and approval in accordance with [Art. 2.C, Administrative Processes](#).

- a) The Applicant shall submit a phasing plan complying with the requirements of [Art. 4.B.10.B.5, Supplemental Application Requirements](#), and [Art. 4.B.10.B.6, Notice of Intent to Construct](#).
- b) Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all guarantees, required by [Art. 4.B.10.B.7.e, Maintenance and Monitoring](#), and written authorization by the DRO.
- c) Prior to final site approval by the DRO, ERM shall confirm that the Applicant has provided all necessary State final approved permits.

4) Amendment to Development Order

If amendments to the BCC approval are necessary to accommodate other State permitting requirements, and provided these changes are within boundaries of the existing BCC approval, these amendments shall be allowed at final plan approval by the DRO.

5) Haul Agreement

The BCC may require, as a condition of approval, for an executed agreement for the proposed haul in accordance with [Art. 4.B.10.B.7, Technical Standards](#), prior to issuance of the Notice of Intent to Construct by ERM.

6) Notice of Intent to Construct

Notice of Intent to Construct shall be submitted to and receive approval from ERM in accordance with [Art. 4.B.10.B.6, Notice of Intent to Construct](#), prior to initiating any on-site excavation activities.

7) Reclamation Plan Approval and Release of Performance Guarantees

Prior to the release of any performance guarantee. The DRO shall approve an "as built" reclamation plan. The plan shall include certified as-built drawings and written certification, bearing the seal of an engineer registered in the State of Florida, certifying compliance with [Art. 4.B.10.B.7, Technical Standards](#), (excluding littoral and upland planting requirements), and that all construction related Development Order conditions and guarantees have been satisfied. Performance guarantees for planting areas shall be released in accordance with [Art. 4.B.10.B.7.e, Maintenance and Monitoring](#).

h. Annual Report

For the purpose of Type 3 Excavation, the owner shall submit an Annual Report to Monitoring on the anniversary date of the BCC approval date. The Annual Report is necessary to monitor the intent of the conditional use approval and applicable BCC conditions. In addition, the report is to ensure compliance and update the Agency requirements as listed below:

1) General

- a) Acres mined to date;
- b) Tonnage removed/sold including a copy of the resource extraction fee receipt to the County;
- c) Status of each phase;
- d) Updates to master/site plans;
- e) Documentation that the intended use of the material complies with County requirements, such as, but not limited to, the quarry's status with FDOT and other usages for the mined aggregate;
- f) Status of compliance with conditions contained within the approved Resolution(s);
- g) Status of compliance with all required permits including the most recent compliance inspection from subject agencies, and status of any identified notice of noncompliance/violations;
- h) Full stamped, executed or signed copies, including exhibits and plans, of required permits from all participating agencies including modifications or updates as they occur; and,
- i) Certification and documentation that all seismograph instruments have been re-calibrated during the calendar year.

2) Agencies

Address the following agency requirements:

a) Archaeological

- (1) Status of found artifacts and their location(s); and
- (2) Copy of notification(s) to County and State Archaeologist and current status.

b) Engineering

- (1) Status of potential road construction requirements, signalization and R-O-W acquisitions.

c) Environmental

- (1) Status of Notice of Intent to Construct (NIC) conditions of approval and compliance with Administrative waivers;
- (2) Status of extraction fee; and,
- (3) Water quality data from designated sampling location from FDEP.

d) Health

- (1) Status of compliance for any onsite sewage treatment and disposal systems;
- (2) Status of compliance for any onsite drinking water systems; and,
- (3) Status of compliance with BMP's for mosquito control including the need for aerial spraying.

e) Planning

- (1) Status of possibility for the mined areas to be utilized for Water Management or ecosystem restoration purposes with a letter or any executed binding agreements from each corresponding agency discussing pertaining to the reclaimed mined areas future proposed uses.

f) Zoning

- (1) Copy of the daily blasting log;
- (2) Copy of the State Fire Marshall's blast permit; and,
- (3) Status of the upland reclamation requirements.

i. Compatibility Standards

A Type 3 Excavation shall be reviewed to assure the proposed excavation is compatible with surrounding land uses and complies with the applicable separation and setback standards and to ensure there are no negative impacts as defined herein. The BCC shall not approve the application if a finding is made that the use will be incompatible with surrounding land uses. For the purposes of this requirement, incompatible means negative impacts caused to surrounding land uses because of proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including, but not limited to, the impacts of noise, vibration, dust, traffic, smoke, odors, toxic matter, radiation, and similar environmental conditions.

1) General

The following standards shall apply to both Type 3A and Type 3B mining activities.

a) Location and Access

Local Residential Streets shall not be used for access or as a haul route. The site shall front on and have direct access to an Arterial or Collector Street designated on the County's

Future Thoroughfare Identification Map. In cases when the street on the Thoroughfare Identification Map is not paved, the BCC may allow a Type 3 Excavation to locate and have access to the street provided the BCC makes a finding of fact that the use of the street will not cause an incompatible effect on surrounding residential uses, and may condition the project to obtain a haul permit in accordance with [Art. 4.B.10.B.7.a.10](#)), [Hauling Standards](#).

(1) Restrictions in the RR FLU Designation

Commercial excavation shall be prohibited in neighborhoods which support developed Single Family residences on 60 percent of the valid lots of record. For the purposes of this requirement, neighborhoods shall be defined as an area contained within a platted subdivision, a rural unrecorded subdivision an approved affidavit of exemption, an area which has prepared a neighborhood plan in accordance with the Plan, or is in an area with lots of similar size. Commercial excavation located in an area with a rural residential land use designation that do not satisfy the definition of neighborhood above, shall have a minimum of 100 acres and 500 feet of frontage with direct access to an Arterial or Collector Street as specified herein.

b) Separation from Other Land Uses

Minimum separations from protected land uses are defined in [Art. 4.B.10.C.5.i, Compatibility Standards](#). Unless otherwise specified, separation shall be measured from the outermost edge of the excavated area (top of bank), equipment, stockpiles, buildings, or structures, to the closest structure of a protected land use. The BCC may reduce the required separation distance based on the compatibility of the use with the adjacent area, and the remoteness or proximity of adjacent incompatible uses, provided the reduction complies with the intent of the compatibility standards in [Art. 4.B.10.C.5.i, Compatibility Standards](#). The BCC shall state the basis for the reduced separation and make a finding of fact that the reduction should not negatively impact adjacent uses. If the separation is reduced, the BCC may require increased setbacks, buffering and other restrictions as necessary to protect surrounding land uses.

(1) Residential Uses

For the purposes of this Section, existing residential uses shall be defined as a residential lot supporting a residence in a platted subdivision, a rural unrecorded subdivision, an approved affidavit of exemption, a plat waiver, or other recorded instrument and is not located within the boundary of the excavation project.

c) Setbacks

Setbacks shall be measured from the outermost edge of the excavated area (top of bank), structure, building, equipment, or stockpile to the boundary of the excavation project.

d) Fence

If mining activity is conducted within one-half mile of a residential use, the mining operation shall be completely enclosed by a minimum six-foot-high fence, wall, or natural barrier and shall have signage posted to prohibit trespassing.

e) Noise

Airborne noise produced from the excavation activity shall comply with the noise provisions in [Art. 5.E, Performance Standards](#), as measured at the nearest inhabited structure. The sound level limits are allowed to increase for a limited duration. For this limited period, noise generated by excavation projects may increase up to ten decibels more than permitted by [Table 5.E.4.B, Maximum Sound Levels](#). In addition, the noise level may increase to a maximum of 120 decibels once each weekday (Monday through Friday) for a maximum of ten seconds.

2) Type 3A Excavation

a) Restrictions in the RR FLU Designation

(1) Lot Size

A minimum of 40 acres.

(2) Minimum Surface Area

The maximum excavated surface area shall not exceed 30 percent of the gross area contained within the boundary of the excavation project.

b) General

The following standards shall apply to a Type 3A Excavation:

(1) Minimum Separations and Setbacks

In addition to the separation requirements in [Art. 4.B.10.B.7.b, Construction Standards](#), a Type 3A Excavation shall maintain the following separations and setbacks from adjacent uses as provided below.

(a) Separations from Residential Land Uses

Separation from an existing residence shall be a minimum of one-quarter mile, measured from the property line of the excavation project to the inhabited structure.

(b) Setbacks

Table 4.B.10.C – Setbacks

	Residential	Commercial	Industrial/ Agricultural	Streets
Excavated Lake Edge	100 feet	50 feet	50 feet	50 feet
Processing Equipment	600 feet	200 feet	200 feet	200 feet
Accessory Buildings and Structures	300 feet	200 feet	100 feet	200 feet

(2) Stockpile Height

Stockpile height shall be limited to 30 feet.

(3) 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.C, Landscape Buffer and Interior Landscape Requirements](#), as applicable.

(a) Existing Vegetative Buffer

If a substantial native or non-native, non-invasive vegetative buffer exists, then the vegetation shall be utilized as an Incompatibility Buffer and preserved along the entire perimeter of the site, except for an approved access area. To be considered substantial, the buffer shall provide an opaque screen and be a minimum depth of 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.E, Existing Native Vegetation, Prohibited, and Controlled Plant Species](#), and in [Art. 14.C, Vegetation Preservation and Protection](#).

(b) Existing Prohibited Vegetative Buffer

To provide an instant buffer the BCC, by condition of approval, may permit existing prohibited species to be maintained within the setbacks for a Type 3A Excavation until completion of the excavation activity. In such cases the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by applicable Sections of [Art. 7.C, Landscape Buffer and Interior Landscape Requirements](#), shall be installed in conjunction with subsequent development.

(c) No Existing Vegetative Buffer

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 Incompatibility Buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

- (1) all streets;
 - (2) all residential zoning districts;
 - (3) lots supporting existing or proposed residential uses in the AR Zoning District.
- Unless otherwise determined by the BCC, a buffer shall not be required

adjacent to land in agricultural production in the AP, or SA Zoning Districts nor in the AR Zoning District if the land is used solely for Bona Fide Agriculture purposes; and,

(4) commercial zoning districts.

3) Type 3B Excavation

a) Restrictions in the RR and SA FLU Designation

(1) Lot Size

A minimum of 100 acres.

(2) Maximum Surface Area

The maximum excavated surface area shall be determined by the BCC.

b) General

A Type 3B Excavation shall comply with the following criteria:

(1) Minimum Separations and Setbacks

In addition to the separation requirements in [Art. 4.B.10.B.7.b, Construction Standards](#), a Type 3B Excavation, except those that lie in the area defined as the WCAA, shall comply with the separation and setback regulations below. Excavation projects in the WCAA shall be evaluated on a case-by-case basis in accordance with the compatibility criteria [Art. 4.B.10.C.5.i, Compatibility Standards](#), and shall have separation requirements set by the BCC.

(a) Separation from Residential Uses

Separations from residential uses, shall be a minimum of one-eighth of a mile, in all directions measured in accordance with [Art. 4.B.10.C.5.i.1\)b\), Separation from Other Land Uses](#), above.

(b) Setbacks

Minimum setbacks shall be provided based on separations from uses as indicated below.

(c) Separation from Commercial and Industrial Uses

Commercial: One-half mile

Industrial: One-eighth mile

Table 4.B.10.C – Setbacks Based on Separation from Residential Uses

Uses	Separations			
	One Mile	Two Miles	One-Fourth Mile	One-Eighth Mile
Mined Lake Edge	50 feet	100 feet	500 feet	1,200 feet
Processing Equipment	100 feet	300 feet	800 feet	1,400 feet
Stockpiles	100 feet	300 feet	700 feet	1,300 feet
Accessory Buildings and Structures	100 feet	100 feet	100 feet	100 feet

(2) Mining Impact Study

A Mining Impact Study shall be submitted for a Type 3 B Excavation in the WCAA and for projects which the Applicant requests a reduction in the required separations. The study shall detail all methods and procedures for material extraction, processing, storage and hauling operations. At a minimum the study shall include the time of day blasting will occur, the maximum number of holes to be shot each occurrence, including the type of explosive agent, maximum pounds per delay, method of packing and type of initiation device to be used for each hole. The study shall include a blasting schedule and establish noise and vibration standards complying with [Art. 4.B.10.C.5.i, Compatibility Standards](#). The study shall also demonstrate how these operations will impact surrounding land uses.

(a) Prior to certification of an application for inclusion on a public hearing agenda, the DRO may retain a technical consultant to advise the PBC of the adequacy of the standards established in conjunction with the Mining Impact Study. The cost of PBCs consultant shall be borne by the Applicant.

(3) Noise and Vibration Monitoring Report

The Applicant shall monitor all blasting and other mining activities and record resultant noise and vibrations. PZB may, at any time, require the Property Owner to submit monthly monitoring reports, indicating the number, time, peak over pressure (noise)

and vibration caused by each activity. If requested, the Property Owner shall provide the noise and vibration monitoring report within two working days from the date of the request.

(4) Buffer

A buffer shall be installed along all property lines as specified below. The buffer shall be planted and maintained in accordance with the standards of [Art. 7, Landscaping](#).

(a) Existing Native Vegetative Buffer

Existing native vegetation within 100 feet of the property line shall be preserved along the entire perimeter of the site, except for an approved access area.

(b) Existing Prohibited Vegetative Buffer

To provide an instant buffer along the entire perimeter of the site, the BCC, by condition of approval, may permit existing prohibited species to be maintained in the setbacks until completion of the excavation activity. In such cases, the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by [Art. 7.C, Landscape Buffer and Interior Landscape Requirements](#), shall be installed in conjunction with subsequent development.

(c) Type 3 Incompatibility Buffer

Sites within a one-quarter mile of a public or private streets, which does not support an existing opaque native or non-native, non-invasive vegetative buffer shall install a Type 3 Incompatibility Buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof.

(d) No Existing Vegetative Buffer

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 Incompatibility Buffer. The buffer shall be supplemented with a berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years from the date of installation. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

- (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 Zoning District if the land is used solely for Bona Fide Agriculture purposes.

c) Hours of Operation

Excavation and hauling activity shall occur only between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday, unless otherwise determined by the BCC. Blasting activity shall be limited to 10:00 a.m. to 5:00 p.m., Monday through Friday.

d) Notice of Intent to Construct

Compliance with [Art. 4.B.10.B.6, Notice of Intent to Construct](#).

j. Extraction Fee for Impacts

To offset the impacts of mining, a natural resource extraction fee is to be provided yearly for this mining operation from the operators of this mine or its successors. The basis for the extraction fee is calculated at five cents per ton of material sold from the mine. The tonnage will be calculated at the end of each calendar year with the information provided to ERM by January 31 of the succeeding year with the payment of five cents per ton provided by February 15. The funds will be used for environmental enhancement and compliance and monitoring activities which include, but are not limited to: Purchase land; restore land to a more natural state; and, enhance the flora and fauna of already preserved natural areas. The natural resources extraction fee shall escalate annually at the rate prescribed by [F.S. § 373.41492\(5\)](#) as amended. In the event the legislature of the State of Florida or the County imposes, by legislation, ordinance, or other means, an extraction fee, tax, or charge, then this natural resources extraction fee shall be reduced by the same amount.

Section 11 Temporary Uses

A. Temporary Use Matrix

TABLE 4.B.11.A – TEMPORARY USE MATRIX

STANDARD DISTRICTS																			Use Type	Supplementary Standards #	PLANNED DEVELOPMENT DISTRICTS (PDDs)														TRADITIONAL DEV. DISTRICTS (TDDs)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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B. General Standards and Application Requirements

1. Design Standards

- a. All Temporary Uses, which includes all related activities, structures, vehicles, and equipment shall not be located in a manner that distracts motor vehicle operators, or causes any vehicles to stop or park in violation of the law or official traffic-control devices. **[Ord. 2018-002]**
- b. All Temporary Uses and temporary structures shall not be located in the required setbacks, parking, driveway aisles or loading areas, vehicular maneuvering areas, fire lanes, landscape buffers, sidewalks, or ADA accessible routes, unless stated otherwise herein. **[Ord. 2018-002]**

2. Signage

All signage for Temporary Uses shall comply with [Art. 8, Signage](#), unless otherwise stated herein.

3. Electric Service

All electrical use shall meet the requirements established by the PBC Chief Electrical Inspector and PBC Fire-Rescue Department, and the Applicant shall obtain a Building Permit for an electrical connection or generator for temporary power, if applicable.

4. Palm Beach County Parks

Approvals for Temporary Uses located within Palm Beach County Parks shall be submitted to and reviewed by the PBC Parks and Recreation Department.

5. Submittal Requirements

In addition to the requirements pursuant to [Art. 2.C.5.D, Temporary Use](#), the following documentation shall be provided by the Applicant: **[Ord. 2018-002]**

a. Consent

The Applicant shall obtain and submit as part of their application, consent from the Property Owner(s) or a POA, of which has ownership or control over the property where the Temporary Use will be located.

b. Liability and Insurance

The Applicant shall submit:

- 1) A proof of liability insurance listing the BCC as additionally insured and certificate holder. It shall be paid in full covering the period for which the permit is issued, in the minimum amount of 500,000 dollars per occurrence; and
- 2) A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Communication Cell Sites on Wheels (COWs)

a. Definition

A temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.

b. Zoning Districts

1) Non-Residential Districts

a) COWs Greater Than 50 Feet in Height

COWs greater than 50 feet in height located on parcels with non-residential zoning designations shall be subject to the following:

(1) Setback

The structure shall meet the greater of the setback requirements of the applicable zoning district or a distance equal to 110 percent of its height.

(2) Separation

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

b) COWs 50 Feet in Height or Less

COWs 50 feet in height or less, located on parcels with non-residential zoning designations are subject to the following:

(1) Setback

The structure shall meet the setback requirements of the applicable zoning district, provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum-based auxiliary power (e.g., generator).

(2) Separation

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

(3) Other

COWs not utilizing a commercial power source shall be subject to the setback requirements of [Art. 4.B.11.C.1.b.1\)a\), COWs Greater Than 50 Feet in Height](#).

2) Residential Districts

a) COWs Greater Than 50 Feet in Height

COWs greater than 50 feet in height located on parcels with residential zoning designations shall be subject to the following:

(1) Setback

The structure shall meet a setback from the property lines equal to 150 percent of its height.

(2) Separation

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

b) COWs 50 Feet in Height or Less

COWs 50 feet in height or less, located on parcels with residential zoning designations are subject to the following:

(1) Setback

The structure shall meet a setback from the property lines equal to 75 percent of its height; provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum-based auxiliary power (e.g., generator).

(2) Separation

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

(3) Other

COWs not utilizing a commercial power source shall be subject to the setback requirements of [Art. 4.B.11.C.1.b.1\)a\), COWs Greater Than 50 Feet in Height](#), above.

c. Use Limitations

COWs shall be allowed only in association with recognized large-scale Special Events with a minimum projected daily attendance of 30,000 or greater. The Zoning Director may consider allowing COWs for events with projected attendance of less than 30,000 people. The Applicant shall provide documentation that the existing communication facilities cannot accommodate the increase in usage.

d. Fencing

The COW shall be enclosed by a temporary fence a minimum of six feet in height, or other barrier approved by the Zoning Director.

e. Removal Bond and Agreement

The Applicant shall execute a removal agreement and post a 50,000.00-dollar removal bond, subject to approval by the Zoning Director and County Attorney.

f. States of Emergency

The requirements of this Section may be waived by the PZB Executive Director in the case of a declared State of Emergency, as provided by law.

2. Day Camp

a. Definition

An establishment which provides care, protection, and programmed activities for children five years of age and older for a period of less than 24 hours per day.

b. Duration

Maximum 16 weeks per calendar year.

c. Operation

This use shall not operate as a Day Care as defined and regulated by the Department of Children and Family Services.

d. Accessory Use

A Day Camp for 200 or fewer children may be Permitted by Right as an accessory use to a legally established institutional, civic, recreational, or educational use.

3. Mobile Retail Sales

a. Definition

General Retail Sales, including the sale of food, from a mobile vehicle or a portable trailer without a fixed or permanent location. [Ord. 2020-020]

b. Exception

Transient sales vehicles that travel to several locations in one day, and spend less than two hours in the same location, may be exempt from ZAR approval process and these requirements. [Ord. 2019-005]

c. Location

- 1) Sites must comply with parking space requirements outlined in [Table 6.B.1.B, Minimum Parking and Loading Requirements](#) prior to applying for a Mobile Retail Sales. [Ord. 2018-002]
- 2) The first Mobile Retail Sales vendor approved on a site may occupy up to two of the required parking spaces. Additional Mobile Retail Sales vendors may occupy on-site parking spaces only when those spaces are in excess of [Table 6.B.1.B, Minimum Parking and Loading Requirements](#).

d. Setbacks

The use shall be set back a minimum of 200 feet from any property line of an existing residential use, unless: [Ord. 2020-020]

- 1) a permanent building or structure blocks the view of the Mobile Retail Sales; or [Ord. 2020-020]
- 2) a minimum 80-foot Local Commercial Street separates both uses. [Ord. 2020-020]

e. Number of Vendors

A maximum of three Mobile Retail Sale vendors per development, provided they comply with the location above.

f. Operation

- 1) All operations, equipment, merchandise, and related activities shall be contained within the mobile vehicle or portable trailer.
- 2) All mobile vehicles and portable trailers shall vacate the site by midnight, unless otherwise stated within [Art. 5.E.5, Hours of Operation](#), whichever is more restrictive.

g. Roadside Vendors

Applications for roadside vendors located within Palm Beach County R-O-Ws shall be submitted to and reviewed by the PBC Traffic Division in accordance with [Roadside Stands and Vendors, Chapter 13, Article V of the PBC Code](#), as amended.

4. Real Estate Sales Model and Management Office, Non-PDD

a. Definition

A residential unit used for real estate marketing and sales as a builder's office, and for other services directly associated with the sale of residential units. [Ord. 2019-005]

b. Duration

The DO shall be valid for five years from the date of issuance and may be renewed for an additional five years. [Ord. 2018-002]

c. Location

Shall be located on the property with access directly from a paved street. [Ord. 2019-005]

1) Exception

Sales Model or Office may be located off site for properties that are in Jupiter Farms, The Acreage, or Palm Beach Country Estates. [Ord. 2019-005]

d. Parking

The driveway and required handicap spaces shall be the only paved parking areas.

e. Signage

Shall comply with [Art. 8.D, Temporary Signs](#). [Ord. 2019-005]

f. Storage

Outdoor storage of construction material, supplies, or equipment shall not be permitted.

g. Number

A builder may construct and operate a maximum of two manned and two unmanned models in a platted residential subdivision which is not in a PUD, or in one of the following residential areas:

- 1) Jupiter Farms.
- 2) The Acreage.
- 3) Palm Beach Country Estates.

h. Operation

- 1) A builder's office may be allowed provided it is limited to the garage area.
- 2) Unmanned models shall not have employee office space.
- 3) Sales shall be limited to new units built by the company operating the sales model.

i. Completion Agreement

All sales models, including those in existence prior to January 1, 1998, shall execute a completion agreement in a manner and form acceptable to the County Attorney. The completion agreement shall include any modification(s) necessary to convert the model to a residential use.

1) Existing Models

All sales models existing on January 1, 1998 shall file a completion agreement with PBC by July 1, 1998. This agreement shall specifically identify all improvements, which are not consistent with the provisions of this Section, such as but not limited to additional parking or location on unpaved roads. At the time of executing the completion agreement, all signage shall comply with the requirements of this Section.

j. Modifications

Non-residential interior modifications shall be prohibited. The following improvements may be permitted only within the garage of the model:

- 1) Room divider partitions;
- 2) Electrical improvements; and,
- 3) A temporary facade in lieu of a garage door.

k. Removal

The temporary office shall be removed from the site no later than 30 days after the final CO has been issued for the last residential unit. **[Ord. 2019-005]**

5. Real Estate Sales and Management Office, PDD or TDD

a. Definition

An office for the sale and resale of new and existing residential units. For RVPD, units shall mean RV sites. **[Ord. 2019-005]**

b. Submittal Requirement

The Applicant shall submit a Regulating Plan showing the location of the Sales Office and required parking. A notarized removal agreement shall be executed and submitted concurrently with the application. **[Ord. 2019-005]**

c. Location

The Sales Office may be allowed in a Residential, Commercial, Private Civic, or Recreation Pod. Sales of RV sites may be located within the Recreation Pod of the RVPD. A Sales Office shall comply with the setback requirements in [Table 3.D.1.A, Property Development Regulations \(PDRs\)](#), and shall be located so as not to interfere with on-site construction operations and access. **[Ord. 2014-025] [Ord. 2019-005]**

d. Access

Temporary access to the Sales and Management Office may be approved by the DRO, and shall be limited to one year. Extension may be approved by the DRO. **[Ord. 2019-005]**

e. Parking

A minimum of two parking spaces, plus one for each employee on the shift of greatest employment, shall be provided. All parking areas, with the exception of handicap spaces and access, shall be provided on a hard surface of pavement, asphalt, shell rock, or mulch, provided the subgrade is compacted. Handicap spaces and access shall be provided in accordance with [Art. 6.B.1.C, Parking Spaces for Persons Who Have Disabilities](#). **[Ord. 2019-005] [Ord. 2020-020]**

f. Signs

Refer to [Art. 8.D, Temporary Signs](#). **[Ord. 2019-005]**

g. Removal

The temporary office shall be removed from the site no later than 30 days after the final CO has been issued for the last residential unit. **[Ord. 2008-037] [Ord. 2019-005]**

1) RVPD

The temporary use shall be removed upon completion of the project, CO of a permanent RV site Real Estate Sales Office, or upon expiration of the maximum time to commence development for the last phase. The BCC may impose a Condition of Approval with a specific date for compliance. **[Ord. 2014-025] [Ord. 2019-005]**

h. Sale

1) Pod

A temporary Real Estate Sales Office for the sale of new units shall be permitted only in a Residential Pod or other temporary location approved by the DRO. Sales shall be limited to only new units in the pod. [Ord. 2019-005]

2) Project

A temporary Real Estate Sales Office for the sale and resale of units in the entire project, or phase of a project, shall be permitted in a Residential Pod, Private Civic Pod, Commercial Pod, or Recreation Pod, subject to approval by the DRO. A temporary Real Estate Sales Office serving an entire project shall only be permitted within a planned development and/or phase approved for 300 or more units. Sales and resales shall be limited to only units within the planned development. [Ord. 2019-005]

i. Resale

Resale of existing units from a temporary Real Estate Sales Office shall cease when the remaining number of units without a CO in the project, or phase, as applicable, reaches the following:

Table 4.B.11.C – Sales Office

Number of Units in a Project or Phase	Units Remaining without a CO
≥ 1,000	20
500-999	16
300-499	12
[Ord. 2019-005]	

6. Real Estate Sales Model, PDD or TDD

a. Definition

A residential unit for the sale of only new units within a Residential Pod of a PDD or TDD. A Sales Model may be used as a temporary Real Estates Sales and Management Office. [Ord. 2019-005]

b. Approval Process

Subdivision approval of the Sales Model lots by the Land Development Division shall be required prior to the issuance of a Building Permit. The Land Development Division may approve the lots prior to final platting. Sales Models shall comply with all applicable PDRs prior to the issuance of a CO. [Ord. 2019-005]

c. Duration

The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod.

d. Residential Pod

A maximum of eight, or 20 percent of the number of units in the pod, whichever is less, shall be permitted as sales models. A maximum of eight sales models per pod may be constructed prior to platting.

e. Model Row

Developments that are approved for a total of 300 or more units may construct a model row. A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited. [Ord. 2019-005]

1) Number

A maximum of 16 sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three pods under development, consisting of a minimum of 60 units each.

2) Location

A model row shall be located in a Residential Pod. Access to the model row shall be from a location approved by the DRO or allowed by this Code. [Ord. 2019-005]

f. Access

Temporary access to the Sales Model(s) may be permitted by the DRO, and shall be limited to one year. Extension may be approved by the DRO. [Ord. 2019-005]

g. Signs

Refer to [Art. 8.D, Temporary Signs](#). [Ord. 2019-005] [Ord. 2020-020]

h. Removal

The Sales Model shall cease no later than 30 days after the final CO has been issued for the last remaining residential unit in the pod. [Ord. 2019-005]

7. Recycling Drop-Off Bin

a. Definition

A totally enclosed temporary structure or portable container within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel, and plastic containers no greater than six gallons in capacity, and paper.

b. Location

The drop-off bin shall be located in or adjacent to an on-site parking area, and shall not be located within required parking spaces. In TMD districts and for IRO projects, the Recycling Drop-Off Bins shall be designed to be consistent with the building's design and shall not be located on a Main Street. **[Ord. 2017-025]**

c. Signage

Signage shall be required for all bins, as follows:

1) Location

- a) One sign shall be located on the front or side where materials are collected.
- b) No more than two signs shall be allowed.

2) Minimum/Maximum Size

A minimum of eight and a maximum of 16 square feet.

3) Content

All required sign content shall be in lettering a minimum of six inches in height. The name and phone number of a responsible party shall be clearly posted. The name of the organization that is collecting the recyclable materials shall also be posted and include whether for profit, not-for profit, or government entity. No additional content other than logos, clarification of materials to be collected for recycling, or direction signage identifying the bin shall be allowed.

d. Storage

Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse.

e. Number

The number of recycling bins shall be based upon the overall acreage of a development, including outparcels, provided all development regulations are met on site. A minimum of one recycling bin for each site up to a maximum of one recycling bin per acre, rounded down to the nearest whole acre, may be allowed. No more than three bins shall be clustered or located within any one-acre area unless collocated with loading, dumpster, or other similar areas.

f. Operation

- 1) The bin and adjacent area shall be maintained and free from litter, debris, and residue on a daily basis. Failure to maintain the bin and adjacent area may result in the revocation of the DO. **[Ord. 2018-002]**
- 2) No processing of deposited materials shall be allowed on site. Limited sorting or separation may only be permitted when a bin is manned by a person during permitted collection hours. The unit shall employ no mechanical sorting or processing equipment.
- 3) A recycling bin containing 40 cubic yards or more shall be monitored by a person. Manned collection activities shall be limited to between 7:00 a.m. to 8:00 p.m. daily.

g. Prohibited Materials

Collection of materials shall be expressly limited to pre-sorted, recyclable materials identified in this Supplementary Use Standard. Collection of any other materials, including but not limited to rubber, textiles, hazardous wastes, or construction debris is prohibited.

h. Mobility

The mobility of a drop-off bin shall be maintained at all times.

8. Special Event

a. Definition

A temporary activity which may include rides, amusements, food, games, crafts, and performances.

b. Typical Special Events

Typical Special Events may include but are not limited to carnivals, circuses, temporary auctions, rallies, and revivals.

c. Approval Process

The use shall be subject to ZAR if the event is projected to attract less than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application. **[Ord. 2018-002]**

d. Duration

- 1) A Special Event shall not exceed 14 consecutive days.

- 2) If the Applicant provides to the Zoning Division a Justification Statement explaining the need for an extension, Zoning Staff shall determine whether the extension shall be granted up to 21 total consecutive days based on the following:
 - a) The types of activities warrant the additional time period; and
 - b) The time extension shall not cause an adverse impact or a nuisance to the adjacent parcels.
- 3) A maximum of three events during any 12 consecutive calendar months per parcel. **[Ord. 2018-002]**
- e. Zoning District – Residential**
 Special Events that are prohibited in residential zoning districts may be allowed subject to a DRO approval if the following standards are met: **[Ord. 2018-002]**
 - 1) Shall be collocated with a Place of Worship;
 - 2) Hours of operation shall be from 9:00 a.m. to 5:00 p.m.; and,
 - 3) Special Events and religious services operating during the same time are required to provide parking for both activities or comply with the off-site parking provisions in [Art. 6, Parking, Loading, and Circulation](#).
- f. Location**
 Shall not front a street under construction.
 - 1) U/S Tier**
 Primary access shall be from a paved Arterial or Collector Street.
 - 2) All Other Tiers**
 - a) In the Rural, Exurban, AGR, and Glades Tiers, primary access shall be from a paved street.
 - b) Back-out parking directly onto a public street shall be prohibited.
- g. Setbacks**
 All buildings, trailers, temporary parking areas, tents, mechanical devices, rides, animals, and related equipment and activities shall be set back as follows: **[Ord. 2020-020]**
 - 1) A minimum of 50 feet from any adjacent streets.
 - 2) A minimum of 200 feet is required from any property line with an existing residential use. **[Ord. 2020-020]**
- h. Parking**
 The use shall be prohibited on vacant undeveloped parcels, unless parking is provided on a stabilized surface with defined ingress/egress for vehicles to enter and exit the site in a forward motion.
- 9. Temporary Green Market**
 - a. Definition**
 A temporary gathering of vendors, primarily for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread, and prepared food.
 - b. Duration**
 Shall only be allowed on weekends and holidays, and up to six months per calendar year.
 - c. Lot Size**
 A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required.
 - d. Signage**
 Vendor signs shall not be visible from the Right-of-Way.
 - e. Operation**
 - 1) Tents exceeding 120 square feet shall be subject to a Building Permit Review.
 - 2) Motor vehicles utilized for the purpose of transporting vendor supplies and products may be allowed on site, provided the vehicles are removed from the site within two hours after the market closes each weekend.
 - 3) Shall not utilize required parking spaces.
- 10. Temporary Retail Sales**
 - a. Definition**
 General retail sales without a fixed or permanent location.
 - b. Typical Uses**
 Typical uses may include but are not limited to temporary sales of Christmas trees, pumpkins, fireworks, plants, art, paintings, rugs, and furniture.

- c. Duration**
Shall not exceed 30 consecutive days and a maximum of four times per calendar year per parcel.
 - d. Zoning District – AGR**
Shall be limited to Christmas trees, plants, and pumpkins.
 - e. Location**
Shall front an Arterial Street.
 - f. Number**
A maximum of one temporary tent or structure shall be allowed per parcel.
 - g. Operation**
All debris shall be completely removed from the site, and the property shall be returned to its original condition, within 24 hours of the expiration of the DO or the removal of the activities associated with Special Event. **[Ord. 2018-002]**
 - h. Special Provisions for Sparklers**
Shall comply with the following additional requirements:
 - 1) Zoning Districts**
Shall be limited to CG and IL.
 - 2) Seasonal Limitations**
Shall only be allowed June 20 through July 5 and December 10 through January 2 of each year.
 - 3) Additional Application Requirements**
The application shall include the following information: **[Ord. 2018-002]**
 - a) Fire Marshal Certification**
The PBC Fire Marshal shall review and approve the location of the sale of the sparklers and issue a certificate of registration.
 - b) Affidavit of Compliance**
A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshall. The affidavit shall be submitted affirming that only products on the State Fire Marshall's approved List of Sparklers will be sold and that violation of the affidavit may result in an injunction.
 - c) Documentation**
Copies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and driver's licenses for the Applicant's authorized agents.
 - i. Parking**
Parking shall be provided on site, on a stabilized surface with defined ingress/egress. Vehicles shall enter and leave the site in a forward motion.
- 11. Temporary Vehicle Sales**
- a. Definition**
The temporary sale of new or used motor vehicles, including cars, trucks, and recreational vehicles.
 - b. Duration**
 - 1) Limited to five consecutive calendar days, not to exceed four times per calendar year.
 - 2) Shall be prohibited during the months of November and December.
 - c. Lot Size**
A minimum of ten acres.
 - d. Setbacks**
The event area shall be set back a minimum of 50 feet from all buildings.
 - e. Parking**
 - 1) A maximum of 50 required on-site parking spaces may be utilized, and no related activities shall extend beyond the designated area.
 - 2) Accessible parking spaces shall not be occupied by activities related to the use.
 - f. Accessory Sales**
Up to three Mobile Retail Sales vendors limited to sales of food and beverage may be allowed as an accessory use to Temporary Vehicle Sales, subject to the Mobile Retail Sales Supplementary Use Standards.

Amendment History:

[Ord. 2017-007; March 2, 2017] [Ord. 2017-009; March 2, 2017] [Ord. 2017-016; April 27, 2017] [Ord. 2017-025; August 28, 2017] [Ord. 2017-028; September 28, 2017] [Ord. 2017-029; September 28, 2017] [Ord. 2017-032; October 31, 2017] [Ord. 2017-042; December 5, 2017] [Ord. 2018-002; February 1, 2018] [Ord. 2018-018; August 29, 2018] [Ord. 2019-005; January 29, 2019] [Ord. 2019-023; July 2, 2019] [Ord. 2019-034; August 27, 2019] [Ord. 2019-039; December 5, 2019] [Ord. 2020-001; January 28, 2020] [Ord. 2020-007; June 10, 2020] [Ord. 2020-016; August 3, 2020] [Ord. 2020-020; September 3, 2020]

continue to exist and are to be accommodated as part of the continuation of the AG Reserve Tier. The modification or expansion of any identified uses that exceed the limits of [Art. 2.C.5.C, Administrative Modifications to Prior DOs](#), may be allowed subject to BCC approval as a Class A Conditional Use, provided such facilities and uses are owned by and directly related to the existing Faith Farm Ministries program, and provide training opportunities and financial support for Faith Farms Ministries. [Ord. 2017-002]

2) Exception from Development Thresholds

The 87.28-acre Faith Farm Ministries development shall be exempt from [Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commission Approval](#). [Ord. 2017-002]

3) Split Zoning

Split zoning of a Legal Lot of Record wherein a portion of the property is zoned IPF, in part, and AGR-PUD Preserve Area, in part, is permitted in accordance with FLUE Policy 1.5-t and [Art. 3.E.2.F.3.c.1\)c\), Split Zoning](#). No buffer shall be required between land zoned IPF and AGR-PUD Preserve Area, provided both split zoned areas are owned by Faith Farm Ministries or another single non-profit entity whose primary mission is residential treatment and recovery program. [Ord. 2020-019]

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, density, maximum FAR, maximum building coverage, and minimum setbacks in each Standard Zoning District are indicated in [Table 3.D.1.A, Property Development Regulations \(PDRs\)](#) unless otherwise stated. Front, side, side street, and rear setbacks shall be applied in accordance with the lot orientation as defined by lot frontage. [Ord. 2005-041] [Ord. 2019-005]

Table 3.D.1.A – Property Development Regulations

Zoning District	Min. Lot Dimensions			Density (5)	Max. FAR (6)	Max. Building Coverage	Min. Setbacks (11)			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Agriculture/Conservation										
PC	1 ac.	-	-	-	-	-	50'	50'	50'	50'
AP	10 ac.	300'	300'	(1)	-	10% (13)	100'	50'	80'	100'
AGR	5 ac.	300'	300'	-	-	15%	100'	50'	80'	100'
Residential										
AR	(2)(3)(4)	300'	300'	-	0.15	15%	100'	50'	80'	100'
RE	2.5 ac.	200'	200'	-	-	20%	50'	40'	50'	50'
RT (LR-1)	20,000 sq. ft.	100'	125'	-	-	30%	25'	15'	25'	25'
RT (LR-2) HR-18	14,000 sq. ft.									
RS	6,000 sq. ft.	65'	75'	-	-	40%	25'	7.5' (14)	15'	15'
RM	(5)	65'	75'	-	-	40%	25'	15'	25'	15' (12)
Commercial										
CN	0.5 ac.	100'	100'	-	-	25%	30'	30'	(10)	30'
CC	1 ac.	100'	200'	-	-	25%	30'	30'	(10)	30'
CG	1 ac.	100'	200'	-	-	25%	50'	15'	(10)	20'
CLO	1 ac.	100'	200'	-	-	25%	30'	15'	(10)	20'
CHO	1 ac.	100'	200'	-	-	25%	40'	15'	(10)	20'
CRE	3 ac.	200'	300'	-	-	40%	80'	50'	80'	50'
IR	N/A	50'	100'	-	(7)	40%	(8)	(8)	(8)	(8)
UI	N/A	50'	100'	-	-	N/A	(9)	(9)	(9)	(9)
UC	N/A	50'	100'	-	-	N/A	(9)	(9)	(9)	(9)
Industrial										
IL	1 ac.	100'	200'	-	-	45%	40'	15'	25'	20'
IG	2 ac.	200'	200'	-	-	45%	45'	20'	45'	20'
Institutional/Civic										
IPF	1 ac.	100'	200'	-	-	25%	50'	15'	25'	20'
PO	-	-	-	-	-	-	-	-	-	-
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2020-020]										
Notes:										
1.	The only density allowed in the AP Zoning District is for properties in the LR-1 FLU category located north of Pahokee, on the east side of U.S. 441, for the unincorporated community of Canal Point, in the Glades Tier only. [Ord. 2005-002]									
2.	The minimum lot size in the AR district corresponds to the FLU category as follows: RR-20 – 20 acres; RR-10 – 10 acres; RR-5 – 5 acres; RR-2.5 – 2.5 acres; and, U/S Tier – 5 acres.									
3.	Non-conforming lots in the AR district may use the setback provisions in Art. 1.F.2, Non-Conforming Lot .									
4.	AR lots with an RR-2.5 FLU designation may use the RE PDRs. [Ord. 2005-002] [Ord. 2016-042]									
5.	Density is determined by the FLU designation on each parcel of land, pursuant to FLUE Table 2.2.1-g.1, and other related Policies of 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. [Ord. 2005-002] [Ord. 2005-041] [Ord. 2019-005]									
6.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. The 0.15 FAR for the AR district is applicable where the primary use of a lot is residential. [Ord. 2005-041]									
7.	Maximum FAR shall be in accordance with Table 3.B.15.C, IRO FAR Increase . [Ord. 2010-005]									
8.	Building setbacks shall be in accordance with Art. 3.B.15, Infill Redevelopment Overlay (IRO) . [Ord. 2010-005]									
9.	Building setbacks shall be in accordance with Art. 3.B.16, Urban Redevelopment Area Overlay (URAO) . [Ord. 2010-022]									
10.	Setback equal to width of R-O-W Buffer pursuant to Art. 7, Landscaping . [Ord. 2005-002] [Ord. 2005-041]									
11.	Buildings over 35 feet in height may be permitted in accordance with Art. 3.D.1.E.2, Multifamily, Non-Residential Districts, and PDDs . [Ord. 2005-002] [Ord. 2005-041]									
12.	Property previously developed with a RM or RH rear setback of 12 feet shall be considered conforming and subject to Art. 1.E, Prior Approvals . [Ord. 2005-002] [Ord. 2005-041]									
13.	Maximum Building Coverage in the AP district with an SA FLU designation may be increased to 15 percent. [Ord. 2017-007]									
14.	Side setback for a SFD shall be increased to ten feet when adjacent to the ZLL side property line of a ZLL home, pursuant to Art. 3.D.2.B.1.d, ZLL Adjacent to Other Housing Types . The SF lot shall have an easement recorded pursuant to Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement . [Ord. 2020-020]									

B. General Exceptions

1. Single Family Housing Type in RM Districts

The property development regulations for Single Family housing type in the RM district shall be in accordance with the RS district PDRs in [Table 3.D.1.A, Property Development Regulations \(PDRs\)](#). [Ord. 2019-034]

2. Infill Subdivisions

Single Family dwelling units in projects in the RT Zoning District which meet the criteria in Policy 2.2.1-e of the Plan or utilize the TDR Program may develop in accordance with [Table 5.G.1.B, RT Deviations for WHP](#). [Ord. 2008-037]

3. PO District

Development in the PO district shall be exempt from [Art. 3.D.1.A, PDRs](#) for Standard Zoning Districts. However, the PO district shall be subject to the FAR requirements of the Plan. [Ord. 2005-041]

C. Lot Dimensions

1. Frontage Reduction

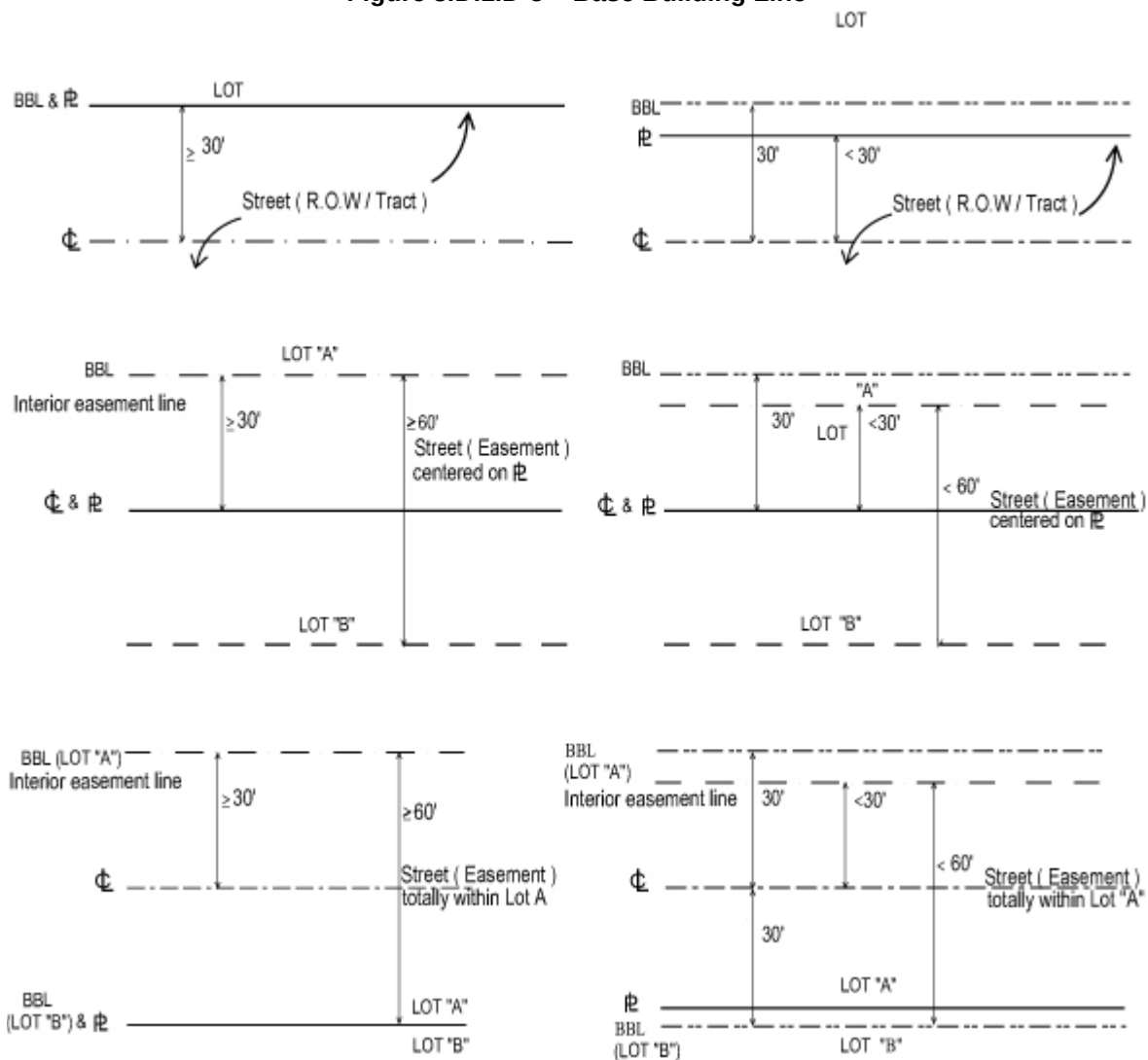
On curving streets, such as cul-de-sacs, the required frontage for lots between the points of curvature may be reduced by 40 percent, provided the centerline radius of the contiguous street is 125 feet or less.

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-5 – 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 and fences, 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](#). [Ord. 2017-002]

e. Landscaping and Parking

In the event the County Engineer does not waive the base building line requirement, required landscaping and parking shall be prohibited in the area between a street and the base building line. [Ord. 2017-002]

2. Multifamily Separations

The minimum separation for Multifamily and Cottage Home structures in the RM district shall correspond to the setback regulations in [Table 3.D.1.A, Property Development Regulations \(PDRs\)](#), and [Table 3.D.2.E, Property Development Regulations for Cottage Homes](#) respectively. [Ord. 2019-034]

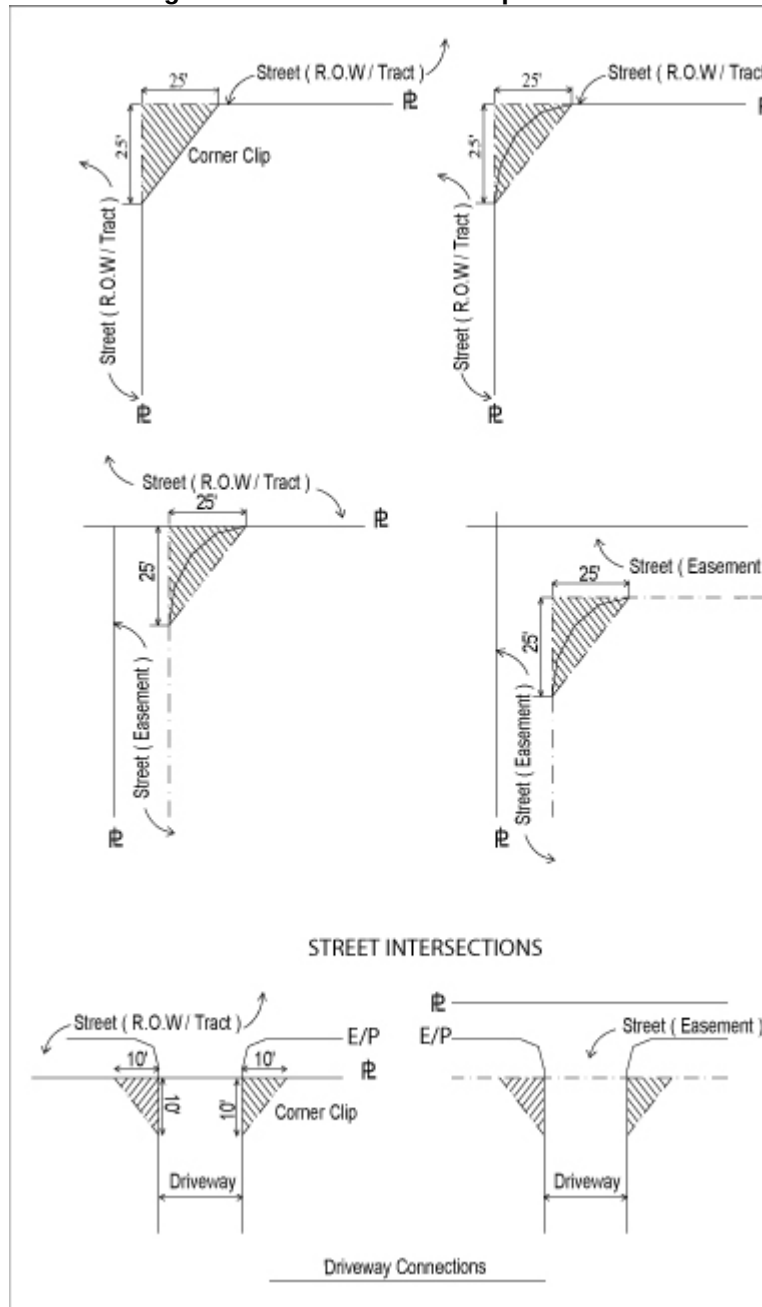
a. Cottage Homes

The minimum separation for Cottage Homes may be reduced from 15 feet to ten feet subject to the approval by the Fire Department and the Building Division. [Ord. 2018-018] [Ord. 2019-034]

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-6 – 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, or the Residential Pod of an AGR-PUD, 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, unless otherwise stated by this Code. [Ord. 2008-037]

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) Balconies projecting a maximum of three feet into the front setback of a SFD or ZLL home, not including setbacks allowed for side loading garages pursuant to [Table 3.D.2.B, ZLL Property Development Regulations](#), [Table 3.D.2.B, Double ZLL Property Development Regulations](#), or [Art. 3.E.2.E.1.b, Side Loading Garage](#); [Ord. 2005-041] [Ord. 2020-020]
- 3) Permanent/retractable awnings, canopies, or Bahama shutters 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; [Ord. 2005-041] [Ord. 2014-025]
- 4) Bay windows projecting a maximum of three feet into a setback; [Ord. 2005-041]
- 5) Chimneys projecting a maximum of three feet into a setback; [Ord. 2005-041]
- 6) Clothes poles or clothes lines in rear yard setbacks; [Ord. 2005-041]
- 7) Driveways, subject to [Art. 6.B.3.A.2.a.3a\), Access Connections](#); [Ord. 2005-002] [Ord. 2005-041]
- 8) Fire escapes projecting a maximum of three feet into a setback, provided the riser is retractable and at least 50 percent open; [Ord. 2005-041]
- 9) Flagpoles, subject to [Art. 8, Signage](#); [Ord. 2005-041]
- 10) Fountains; [Ord. 2005-041]
- 11) Heating, ventilation, and air conditioning units (including compressors and condensers); [Ord. 2005-041]
- 12) Mailboxes; [Ord. 2005-041]
- 13) Open terraces and patios, including walkways and ground level decks; [Ord. 2005-041]
- 14) Open, uncovered stoops; [Ord. 2005-041]
- 15) Recreational equipment and structures in the rear setback of residential districts; [Ord. 2005-041]
- 16) Roof overhangs projecting into the required setback a maximum of two and one-half feet; [Ord. 2005-041]
- 17) Sculpture and other similar objects of art; [Ord. 2005-041]
- 18) Signs, subject to [Art. 8, Signage](#); [Ord. 2005-041]
- 19) On-site parking areas, unless otherwise specifically prohibited; [Ord. 2005-041]
- 20) [Art. 5.B.1.A.2, Fences and Walls](#) (excluding corner clips for intersections); [Ord. 2005-002] [Ord. 2005-041]
- 21) Landscaping planted in the ground or in planters; [Ord. 2005-041]
- 22) Wells; [Ord. 2005-041]
- 23) Utility transmission lines and associated structures; [Ord. 2005-041]
- 24) 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; [Ord. 2005-041]
- 25) Light poles having only one structural ground member; [Ord. 2005-041]
- 26) 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; [Ord. 2005-041]
- 27) Bus shelters and bus benches; [Ord. 2005-041] [Ord. 2014-025]

- 28) Fire hydrants and other government service/utility structures required to be in certain locations by applicable Codes and Ordinances; **[Ord. 2005-041] [Ord. 2014-025]**
- 29) Impact shutters projecting a maximum of 18 inches into the setback; and, **[Ord. 2014-025]**
- 30) Decorative architectural treatment such as lintels, stone veneer, or stucco banding, projecting a maximum of six inches into a setback. **[Ord. 2014-025]**

E. Building Height

The maximum height for buildings and structures in all districts shall be 35 feet, unless otherwise stated. **[Ord. 2005-002]**

1. Airport Zones

Structures in Airport Zones are subject to the height restrictions in [Art. 16.B, Airport Protection Zoning Regulations Governing Airport Hazards](#). **[Ord. 2017-025]**

2. Multifamily, Non-Residential Districts, and PDDs

In the RM, CLO, CHO, CG, IL, IG, and PDD districts, buildings may exceed 35 feet in height as follows: Buildings over 35 feet in height shall be set back in accordance with [Table 3.D.1.A, Property Development Regulations \(PDRs\)](#), with one additional foot of setback to be provided in addition to the required setback for each one foot in height, or fraction thereof, over 35 feet. In the PO district, buildings over 35 feet in height shall provide one foot of setback, in addition to required perimeter landscape buffers, for each additional one foot in height or fraction thereof over 35 feet. This regulation shall have no effect on any existing structure within the PO district that is conforming as of the effective date of this Code. **[Ord. 2005-002] [Ord. 2007-013]**

3. Accessory Agricultural Structures

In the AGR, AP, and AR districts, structures accessory to a Bona Fide Agriculture 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. Church spires, religious domes, and religious ornamentation attached to a Place of Worship;
- b. Belfries;
- c. Monuments;
- d. Tanks;
- e. Water towers;
- f. Fire towers;
- g. Stage towers or scenery lofts;
- h. Cooling towers;
- i. Ornamental towers and spires;
- j. Chimneys;
- k. Structure built over the top of a stairwell or elevator shaft providing access to the rooftop for maintenance purposes or to house elevator mechanical equipment; **[Ord. 2014-001]**
- l. Smoke stacks;
- m. Oil derricks;
- n. Conveyors;
- o. Flag poles, subject to [Art. 8, Signage](#), except for [Art. 4.B.9, Commercial Communication Towers](#);
- p. Aircraft control towers;
- q. Aircraft navigation aids;
- r. Accessory radio towers, subject to [Art. 5.B.1.A.13, Accessory Radio Tower](#);
- s. [Art. 5.B.1.A.15, Amateur Radio and Television Antennas](#);
- t. [Art. 4.B.9, Commercial Communication Towers](#);
- u. Required parapet screening of mechanical equipment; and, **[Ord. 2014-001]**
- v. Mechanical equipment, less than five feet in height and any required screening, measured from the roof deck. **[Ord. 2006-004]**

CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS

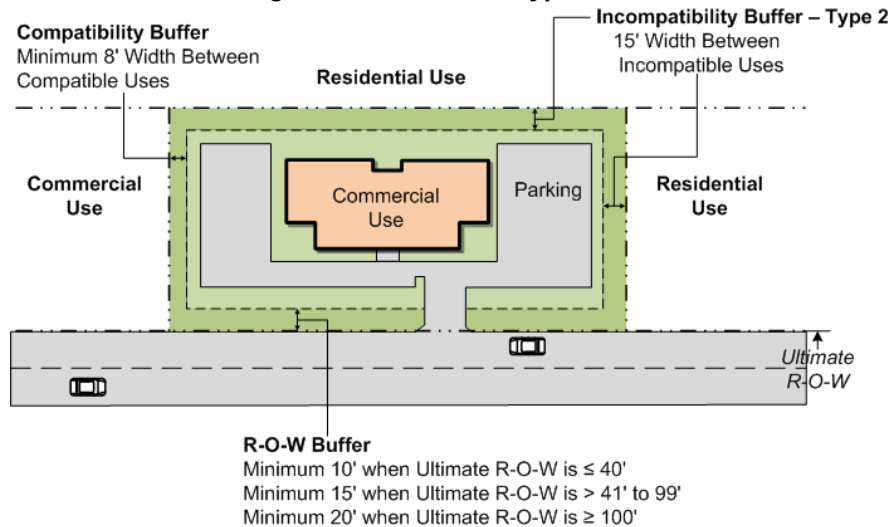
Section 1 General

Landscaping requirements shall include the perimeter and interior buffers, interior landscaping along the building façades, in parking lots, vehicular use areas, and any other pervious surface areas. This Chapter also addresses other requirements that may impact the establishment of a buffer or interior planting, which includes easement encroachment, retention areas, corner clips, and safe sight distances. In addition, specific requirements are established for Large Scale Commercial Development. [Ord. 2018-002]

Section 2 Types of Landscape Buffer

There are three types of landscape buffers: Right-of-Way (R-O-W); Compatibility; and, Incompatibility Buffers. Landscape requirements for each type of buffer shall be provided in accordance with the following standards, unless stated otherwise herein. [Ord. 2018-002]

Figure 7.C.2 – Buffer Type Detail



A. R-O-W Buffer

A R-O-W Buffer shall consist of Canopy trees, palms or pines, rows of shrubs, and groundcover. Palms or pines may be used as a substitute for Canopy trees. Clustering of plant materials and opening of tree planting are allowed to provide visibility for a wall sign or an architectural feature of the building, or to accommodate a walkway or an amenity. [Ord. 2018-002]

1. Applicability

R-O-W Buffers shall be provided along all public street R-O-W. This shall apply to those lots that are separated by a canal, lake, open space, or a combination thereof. [Ord. 2016-042] [Ord. 2018-002]

2. Exemptions

R-O-W Buffers are not required for the following: [Ord. 2018-002]

- Where the R-O-W is an alley; [Ord. 2018-002]
- A lot with a Single Family, Zero Lot Line, or Townhouse unit, [Ord. 2018-002]
- A single lot with a single Cottage Home; [Ord. 2019-034]
- Private streets internal to a PDD, TDD, a subdivision, or a lot. If trees are installed within the street R-O-W, installation of the trees shall be subject to the approval by the Engineering Department; and, [Ord. 2018-002]
- Renewable Energy Solar Facility, within the Rural, Exurban, and Glades Tiers greater than 250 acres in size, shall comply with the requirements of [Art. 4.B.7.C.8.d, Perimeter Buffers and Interior Tree Requirements](#). [Ord. 2019-023]

3. Width

The width of the R-O-W Buffer shall be determined by the width of the ultimate R-O-W pursuant 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](#). [Ord. 2018-002]

Table 7.C.2.A – Width of R-O-W Buffer

Width of Ultimate R-O-W	Min. Width of Buffer
≤ 40'	10'
41-99'	15'
≥ 100'	20'
[Ord. 2018-002]	

a. 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, retention, open space area, or combination thereof, with a minimum width of 80 feet, and subject to the following requirements: [Ord. 2018-002]

- 1) The quantity of required Canopy trees, palms, or pines shall not be reduced; and [Ord. 2018-002]
- 2) No easement overlap in the buffer. [Ord. 2018-002]

b. Shrub Reduction

Required shrubs may be reduced by 50 percent if the reduction is sought concurrently with the width reduction of the same buffer, and subject to the following requirements: [Ord. 2018-002]

- 1) The percentage of shrub reduction shall be in proportion to the percentage of the width reduction of the buffer; and [Ord. 2018-002]
- 2) If the buffer is located adjacent to parking areas, the reduced shrubs shall still maintain an effective screening of the vehicle headlights from the street R-O-W. [Ord. 2018-002]

4. Location

R-O-W Buffers shall be located at the base building line, if applicable. [Ord. 2018-002]

5. Landscape Requirements

Planting for R-O-W Buffer shall be pursuant to [Table 7.C.2.A, R-O-W Buffer Landscape Requirements](#), as follows: [Ord. 2018-002]

Table 7.C.2.A – R-O-W Buffer Landscape Requirements (4)

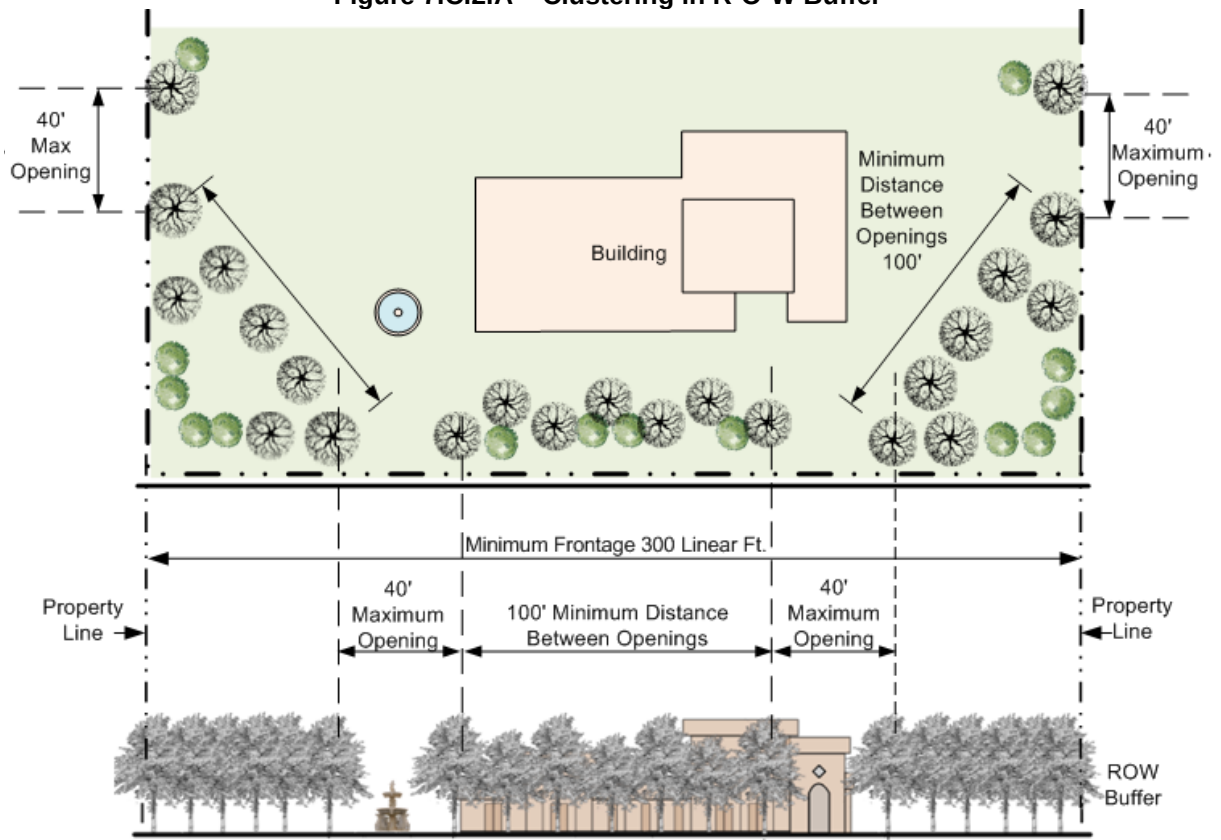
Minimum Buffer Width Based on Width of Ultimate R-O-W	Quantity of Canopy Trees (1)(2)(3)	Quantity of Palms or Pines (1)(2)	Quantity of Shrubs (1)(2)(5)(6)	Landscape Barrier and Minimum Height (7)
20 feet	1 Canopy tree per 25 linear feet.	1 palm or pine per 30 linear feet.	1 row of each: Groundcover – 1 per 1 linear foot; Small shrubs – 1 per 2 linear feet; and, Medium and large shrubs – 1 per 4 linear feet.	No
15 feet	1 Canopy tree per 25 linear feet.	1 palm or pine per 30 linear feet.	1 row of each: Groundcover and small shrubs – 1 per 2 linear feet; and Large shrubs – 1 per 4 linear feet.	No
10 feet	1 Canopy tree per 25 linear feet.	-	1 row of each: Small shrubs – 1 per 2 linear feet; and Medium shrubs – 1 per 5 linear feet.	No
[Ord. 2018-002]				
Notes:				
1.	Linear feet is based on the property line where the landscape buffer is located. [Ord. 2018-002]			
2.	Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of the plant materials. [Ord. 2018-002]			
3.	Palms or pines may substitute a Canopy tree pursuant to Art. 7.D.2.B.1 or Art. 7.D.2.C.1, Canopy Tree Substitute . [Ord. 2018-002]			
4.	Any areas of the buffer not planted with trees and shrubs shall be landscaped with ground treatment pursuant to Art. 7.D.7, Ground Treatment . [Ord. 2009-040] [Ord. 2018-002]			
5.	Groundcover shall not be allowed to substitute for shrubs. [Ord. 2018-002]			
6.	100 percent of the buffer length shall be composed of a continuous opaque vertical landscape screen at least two feet in height if the R-O-W Buffer is located adjacent to parking areas of the same lot. [Ord. 2009-040] [Ord. 2018-002]			
7.	If walls or fences are provided in the R-O-W Buffer, the requirements shall be pursuant to Art. 7.D.4, Landscape Barriers . [Ord. 2018-002]			

6. Clustering

Canopy trees, palms of same species, or pines may be clustered in R-O-W Buffers for non-residential development, and subject to the following standards: [Ord. 2018-002]

- Shall comply with or exceed the total amount of required plant material; [Ord. 2018-002]
- For the remainder of the required trees, palms, or pines that are not used for clustering, they shall be spaced evenly within the R-O-W Buffer to comply with the maximum openings, as follow: [Ord. 2018-002]
 - A maximum of four openings shall be allowed based on the lot frontage: [Ord. 2018-002]
 - 300 linear feet to 600 linear feet – two openings; [Ord. 2018-002]
 - 601 to 1,000 linear feet – three openings; and, [Ord. 2018-002]
 - 1,001 linear feet and over – four openings. [Ord. 2018-002]
- Openings shall not be wider than 40 linear feet measuring from: the center of each cluster or the center of the trunk of the outermost trees where the opening will be created; and, [Ord. 2018-002]
- The minimum distance between two openings shall be 100 linear feet. [Ord. 2018-002]

Figure 7.C.2.A – Clustering in R-O-W Buffer



[Ord. 2018-002]

B. Compatibility Buffer

A Compatibility Buffer shall consist of Canopy trees and rows of shrubs. Palms or pines may be used as a substitute for Canopy trees. [Ord. 2018-002]

1. Applicability

Compatibility Buffers shall be provided between all compatible uses or where a development or a lot is adjacent to lots with a compatible FLU designation, unless stated otherwise herein. [Ord. 2018-002]

2. Exemption

Compatibility Buffers shall not be required for the following: [Ord. 2018-002]

- Single Family residential subdivisions or pods adjacent to Single Family residential subdivisions or pods. Cottage Home Pods adjacent to Cottage Home Pods. [Ord. 2018-002] [Ord. 2018-018]
- Internal buffers within TDDs, unless specifically stated otherwise; [Ord. 2018-002]
- Where residential uses are not adjacent to other incompatible design elements such as roadways, usable open space areas, or where residential setbacks are less than adjacent residential development. [Ord. 2018-002]
- Renewable Energy Solar Facility, within the Rural, Exurban, and Glades Tiers greater than 250 acres in size, provided the site meets or exceeds the minimum 25-foot setback, and is adjacent to a parcel of land with agricultural or utility uses or a conservation FLU designation; or, [Ord. 2019-023]
- Renewable Energy Solar Facility, within the Rural, Exurban, and Glades Tiers greater than 250 acres in size, provided the site meets or exceeds a 50-foot setback, and is adjacent to a parcel of land with an existing landscape buffer. [Ord. 2019-023]

3. Width

The minimum width of a Compatibility Buffer is eight feet. All Compatibility Buffers that were approved with a five-foot width shall be considered as legal and conforming, and shall be vested if they are clearly shown on an approved Zoning Plan or a Development Permit. [Ord. 2018-002]

4. Landscape Requirements

Planting for a Compatibility Buffer shall be pursuant to [Table 7.C.2.B, Compatibility Buffer Landscape Requirements](#), as follows: [Ord. 2018-002]

Table 7.C.2.B – Compatibility Buffer Landscape Requirements (4)

Minimum Width	Quantity of Canopy Trees (1)(2)(3)	Quantity of Shrubs (1)(2)	Landscape Barrier and Minimum Height (5)
8 feet	1 Canopy tree per 25 lineal feet.	1 row of medium shrubs at 1 per 4 lineal feet.	No
[Ord. 2018-002]			
Notes:			
1.	Linear feet is based on the property line where the landscape buffer is located. [Ord. 2018-002]		
2.	Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of plant materials. [Ord. 2018-002]		
3.	Palms or pines may substitute a Canopy tree pursuant to Art. 7.D.2.B.1 or Art. 7.D.2.C.1, Canopy Tree Substitute . [Ord. 2018-002]		
4.	Any areas of the buffer not planted with trees and shrubs shall be landscaped with ground treatment pursuant to Art. 7.D.7, Ground Treatment . [Ord. 2018-002]		
5.	If walls or fences are provided in the R-O-W Buffer, the requirements shall be pursuant to Art. 7.D.4, Landscape Barriers . [Ord. 2018-002]		

C. Incompatibility Buffer

An Incompatibility Buffer shall consist of Canopy trees, palms or pines, and rows of shrubs. Palms or pines may be used as a substitute for trees. In addition, an Incompatibility Buffer shall consist of a continuous, opaque landscape barrier. [Ord. 2009-040] [Ord. 2016-016] [Ord. 2018-002]

1. Applicability

Incompatibility Buffers shall be provided between all incompatible uses or incompatible pods in a PDD. [Ord. 2018-002]

a. Type 1 Waiver for Landscaping

An Incompatibility Buffer may not be required for Residential Pods of a PDD, or tracts within a residential subdivision subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002]

2. Types and Width of Incompatibility Buffers

There are three types of Incompatibility Buffers, Types 1, 2, and 3, and shall be applied in accordance with [Table 7.C.2.C, Incompatibility Buffer Types](#). The type of Incompatibility Buffer required shall be the most restrictive buffer type based on the use difference between adjacent uses. Where required between pods in a PDD, only one Incompatibility Buffer shall be required. [Ord. 2016-016] [Ord. 2018-002]

Table 7.C.2.C – Incompatibility Buffer Types

Difference Between Adjacent Uses (1)			
Use Classification	Abutting	Use Classification	Required Buffer Type
Residential, Detached	↔	Residential, Attached (3)	Type 1
Residential, Detached	↔	Type 3 CLF	Type 2
Residential	↔	Commercial	Type 2
Residential	↔	Recreational	Type 2
Residential	↔	Institutional, Public, and Civic	Type 2
Residential	↔	Agricultural	Type 3
Residential	↔	Industrial	Type 3
Residential	↔	Utility (2)	Type 3
[Ord. 2008-003] [Ord. 2016-016] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-034]			
Notes:			
1.	Determination of use classification shall be consistent with Art. 4, Use Regulations . Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation. [Ord. 2018-002]		
2.	Buffer for Minor Utilities or Electric Distribution Substation shall be determined by the DRO. [Ord. 2017-007] [Ord. 2018-002]		
3.	Shall also apply to a Type 2 CLF. [Ord. 2018-002]		

a. Width Reduction

The required buffer width may be reduced by 50 percent when a lot or a development is separated from another parcel of land that has an incompatible use or FLU designation by a canal, lake, retention, open space area with a minimum width of 100 feet, or combination thereof, or if the same type of buffer exists on the adjacent property, and subject to the following requirements: **[Ord. 2018-002]**

1) The quantity of required Canopy trees, palms, or pines shall not be reduced; and **[Ord. 2018-002]**

2) No easement overlap in the buffer. **[Ord. 2018-002]**

b. Shrub Reduction

Required shrubs may be reduced by 50 percent if the reduction is sought concurrently with the width reduction of the same buffer, and subject to the following requirements: **[Ord. 2018-002]**

1) The percentage of shrub reduction shall be in proportion to the percentage of the width reduction of the buffer; and **[Ord. 2018-002]**

2) The required six-foot-high landscape barrier shall be provided. **[Ord. 2018-002]**

3. Landscape Requirements

Landscaping for an Incompatibility Buffer shall be pursuant to [Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements](#), as follows: **[Ord. 2018-002]**

Table 7.C.2.C.3 – Incompatibility Buffer Landscape Requirements (6)

Buffer Type	Minimum Width	Quantity of Canopy Trees (1)(2)(3)	Quantity of Palms or Pines (1)(2)	Quantity of Shrubs (1)(2)	Landscape Barrier and Minimum Height
Type 1 Incompatibility	10 feet	1 Canopy tree per 20 linear feet	-	1 row of each: Small shrubs – 1 per 2 linear feet.	6 feet high opaque fence or hedge (7)
Type 2 Incompatibility	15 feet	1 Canopy tree per 20 linear feet	1 palm or pine per 30 linear feet	1 row of each: Small shrubs – 1 per 2 linear feet; and Medium shrubs – 1 per 4 linear feet.	6 feet high fence or hedge (7)
Type 3 Incompatibility	20 feet	1 Canopy tree per 20 linear feet	1 palm or pine per 30 linear feet	1 row of each: Small shrubs – 1 per 2 linear feet; and Medium shrubs – 1 per 4 linear feet.	6 feet high opaque wall (4)(5)
[Ord. 2018-002]					
Notes:					
1.	Linear feet is based on the property line where the landscape buffer is located. [Ord. 2018-002]				
2.	Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of the plant materials (trees, shrubs and groundcover). [Ord. 2018-002]				
3.	Palms or pines may substitute a Canopy tree pursuant to Art. 7.D.2.B.1 or Art. 7.D.2.C.1, Canopy Tree Substitute . [Ord. 2018-002]				
4.	Substitute of the required wall may be requested through a Type 2 Waiver. [Ord. 2018-002]				
5.	The wall requirement shall not be required for a Type 3 Incompatibility Buffer in an AGR-PUD in accordance with Art. 7.C.2.C.4, AGR-PUD Landscape Buffer . [Ord. 2008-003] [Ord. 2018-002]				
6.	Any areas of the buffer not planted with trees and shrubs shall be landscaped with ground treatment pursuant to Art. 7.D.7, Ground Treatment . [Ord. 2018-002]				
7.	If walls or fences are provided in a Type 1 or Type 2 Incompatibility Buffer, the requirements shall be pursuant to Art. 7.D.4, Landscape Barriers . [Ord. 2018-002]				

4. AGR-PUD Landscape Buffer

a. A Type 3 Incompatibility Buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR, including Preservation Areas. The buffer shall be a minimum of 50 feet in width and a wall shall not be required. **[Ord. 2006-004]** **[Ord. 2008-003]** **[Ord. 2018-002]**

1. Buffer Width Reduction

The minimum 50-foot buffer width required along the perimeter of an AGR-PUD Development Area may be reduced for the following: **[Ord. 2013-001]** **[Ord. 2018-002]**

a) Abutting R-O-W, Open Space, or Another Buffer

A 50 percent reduction (minimum of 25 feet in width) shall be permitted if: **[Ord. 2013-001]** **[Ord. 2018-002]**

a) the buffer is within a non-residential pod and adjacent to a R-O-W greater than 50 feet in width; **[Ord. 2018-002]**

- b) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or, **[Ord. 2018-002]**
- c) the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width. **[Ord. 2018-002]**

b) Abutting a Rural Parkway

- (1) A reduction to a minimum of 15 feet in width shall be permitted if the buffer is abutting a Rural Parkway a minimum of 100 feet in width. **[Ord. 2013-001] [Ord. 2018-002]**

b. A Lot with Split Zoning of IPF and AGR-PUD

No landscape buffer shall be required between the portion of the lot zoned IPF and AGR-PUD Zoning Districts, provided both areas are owned by Faith Farm Ministries or another single non-profit entity whose primary mission is residential treatment and recovery program. **[Ord. 2020-019]**

Section 3 Interior Landscaping

Interior landscaping shall include, but not limited to: foundation planting; landscape islands and medians; screening for loading areas; vehicular use areas; and, any pervious areas that could be utilized for additional planting. Interior landscaping shall consist of mainly Canopy trees and shrubs. Palms or pines and groundcover may also be utilized to enhance the interior landscaping. If palms or pines are used in lieu of Canopy trees, they shall be planted in accordance with [Art. 7.D.2.B.1](#) and [Art. 7.D.2.C.1. Canopy Tree Substitute](#) for palms and pines. **[Ord. 2018-002]**

A. Calculation of Interior Landscaping

Planting in the perimeter buffers shall not be counted to satisfy the interior landscaping requirements. Interior quantities for trees and shrubs shall be calculated based on pervious areas, excluding Preservation Areas, lakes, retention areas, and perimeter landscape buffers. **[Ord. 2009-040] [Ord. 2014-025] [Ord. 2016-042] [Ord. 2018-002]**

Table 7.C.3.A – Interior Landscaping Requirements

	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Minimum Tree Quantities			
Residential Lot – SF, Cottage Homes, ZLL, TH, and MF	1 per 1,250 sq. ft. (maximum 15 trees) (1)(2)	1 per 1,000 sq. ft. (maximum 30 trees) (1)(2)	1 per 800 sq. ft. (maximum 30 trees) (1)(2)
Non-Residential Vehicular Use Area (3)	1 per 2,000 sq. ft.	1 per 1,500 sq. ft.	1 per 1,200 sq. ft.
Minimum Shrub Quantities			
Residential Lot – SF, Cottage Homes, ZLL, TH, and MF	3 per 1,250 sq. ft. (maximum 45 trees) (1)(2)	3 per 1,000 sq. ft. (maximum 90 trees) (1)(2)	3 per 800 sq. ft. (maximum 90 trees) (2)
Non-Residential Vehicular Use Area (3)	3 per 2,000 sq. ft.	3 per 1,500 sq. ft.	3 per 1,200 sq. ft.
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2014-025] [Ord. 2014-031] [Ord. 2018-002] [Ord. 2018-018]			
Notes:			
1.	Tree and shrub planting requirement calculations for residential lots shall be based on the pervious surface areas of the lot. For Cottage Homes that have less than 1,250 square feet of lot size, a minimum of one flowering tree or palm shall be provided. [Ord. 2014-025] [Ord. 2018-002] [Ord. 2018-018]		
2.	No maximum for lots with Multifamily units. [Ord. 2018-002]		
3.	Interior quantity of trees and shrubs shall be based on ten percent of the gross paved areas of the vehicular use area, excluding preservation, lakes, and retention areas. [Ord. 2018-002]		

B. Foundation Planting

1. Applicability

- a. Foundation planting shall be provided along façades as required by [Table 7.C.3.B, Foundation Planting and Dimensional Requirements](#) for non-residential structures unless specifically exempted by this Article. Planting shall also be required at the base of freestanding ground-mounted signs. **[Ord. 2018-002]**

Table 7.C.3.B – Foundation Planting and Dimensional Requirements

Minimum Requirements	U/S Tier (2)	AGR and Glades Tiers	Exurban and Rural Tiers
Planting Width for All Sides	8 feet	10 feet	12 feet
Façades to be Planted (3)	Front and Sides	Front, Sides, and Rear	Front, Sides, and Rear
Length – Percentage of Façade (1)	40 percent	50 percent for Front and Sides, and 30 percent for Rear	60 percent for Front and Sides, and 40 percent for Rear
Tree, Palm, or Pine (5)	1 per 20 linear feet of the length of the foundation planting area.	1 per 20 linear feet of the length of the foundation planting area	1 per 20 linear feet of the length of the foundation planting area
Shrub or Groundcover	1 per 10 sq. ft. of foundation planting area	1 per 10 sq. ft. of foundation planting area	1 per 10 sq. ft. of foundation planting area
Freestanding ATM and Unmanned Retail Structure			
Minimum Planting Width	3 feet	3 feet	3 feet
Façades to be Planted (4)	Non point of Service Façades	Non point of Service Façades	Non point of Service Façades
Length – Percentage of Total Length of Non point of Service Façades	70 percent	85 percent	100 percent
Small Shrub or Groundcover	1 per 2 linear feet of the foundation planting area	1 per 2 linear feet of the foundation planting area	1 per 2 linear feet of the foundation planting area
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2013-021] [Ord. 2014-025] [Ord. 2014-031] [Ord. 2016-042] [Ord. 2018-002]			
Notes:			
1.	The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays. [Ord. 2018-002]		
2.	U/S Tier Standards may be applied to a PUD or a TDD with a village center, civic site, or suburban center, general or edge subarea. [Ord. 2010-022] [Ord. 2018-002]		
3.	Foundation Planting may be relocated to any façade of the same building or structure subject to Table 7.B.4.A, Type 1 Waiver for Landscaping . [Ord. 2018-002]		
4.	For Freestanding ATMs or Unmanned Retail Structure, the façade where the point of service is located shall be exempt from the Foundation Planting requirement. [Ord. 2018-002]		
5.	For Large Scale Commercial Development, 50 percent of the height of the trees shall be a minimum of two-thirds of the height of the façade of which the foundation planting is located. [Ord. 2018-002]		

- b. The Applicant shall identify on the Zoning Plan(s) the primary pedestrian entrance of each building. **[Ord. 2018-002]**
 - 1) For building(s) with a single tenant and multiple entrances, the façade where the primary pedestrian entrance is located will be considered as the front façade. **[Ord. 2018-002]**
 - 2) For a building with multiple tenants that has individual primary pedestrian entrance that serve each tenant, the front façade will be the façades where the primary pedestrian entrances are located. The rear façade shall be considered that side of the building where the loading area is located. **[Ord. 2018-002]**

[illegible]

The diagram illustrates a building facade layout. The top section is labeled "Front Façade" and has a width of 40%. It features three downward-pointing arrows indicating pedestrian entrances for "Tenant B", "Tenant C", and "Tenant D". The bottom section is labeled "Front Façade" and has a width of 40%. It features an upward-pointing arrow indicating a pedestrian entrance for "Tenant A". The left side is labeled "Side Façade" and has a height of 40%. A "Loading Area" is indicated on the right side. The bottom right corner shows a height of 8'.

The diagram illustrates a building facade layout with the following features and dimensions:

- Side Facade:** The top horizontal facade, with a width dimension of 40%.
- Rear Facade:** The left vertical facade, featuring a **Loading Area** at the top.
- Front Facade:** The right vertical facade, with a height dimension of 40%.
- Main Pedestrian Entrance:** Located at the bottom right corner, indicated by a dashed arrow.
- Side Facade (Bottom):** The bottom horizontal facade, with a width dimension of 40%.
- Dimensions:**
 - Top horizontal dimension: 40%
 - Right vertical dimension: 40%
 - Bottom horizontal dimension: 40%
 - Angle between top and right facades: 8°
- Other Features:** A green shaded area is present on the left side, and a dashed arrow points left from the top of the rear facade.

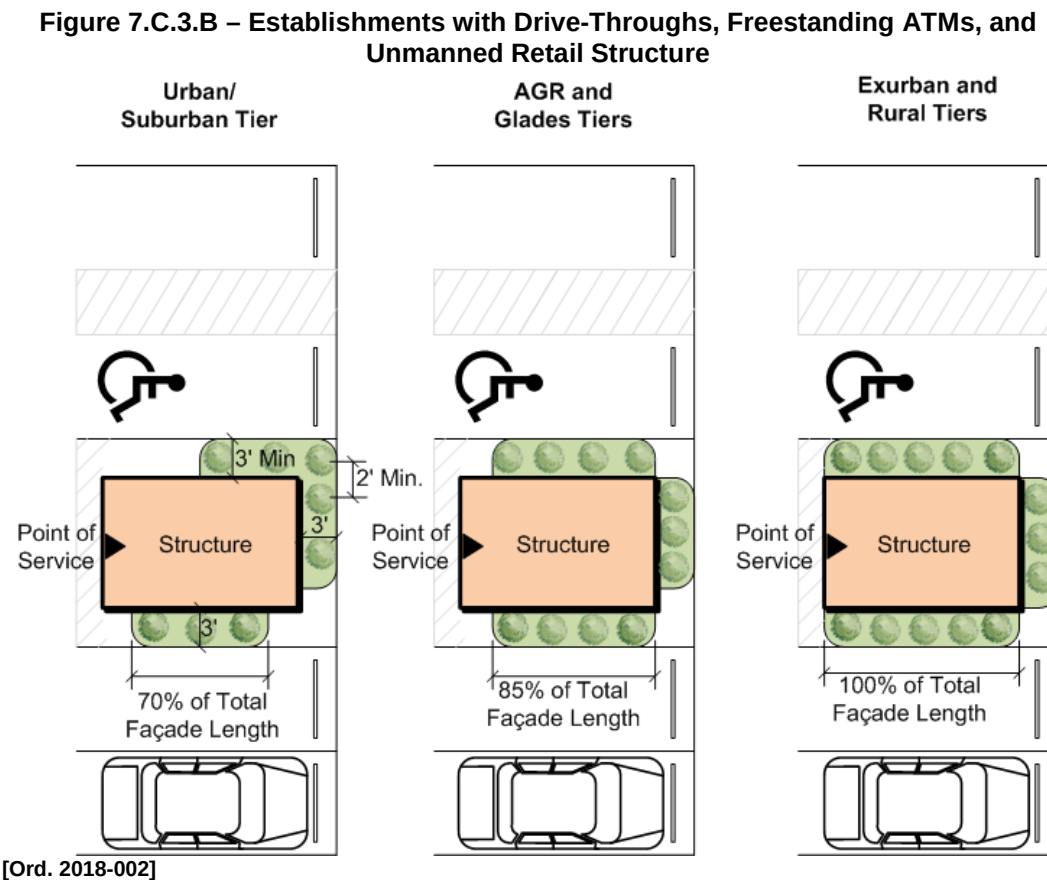
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2. Exemptions

- Agricultural or industrial buildings that are not visible from a public street or residential zoning district. [Ord. 2018-002]
- Buildings which are exempt from local Building Permits or government review pursuant to State or Federal Statutes. [Ord. 2018-002]
- Structures within a TDD, where a build-to-line is established along the sidewalk, except where required in TDD, LCC, IRO, and PRA DOs are exempt from foundation planting requirements for primary and secondary, or other similar types of building frontages, buildings along an alleyway or access way to a parking area, or where buildings front on a plaza or square. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2010-022] [Ord. 2018-002]
- Properties where the required planting area would overlap a required buffer. [Ord. 2018-002]
- Accessory buildings and structures subject to Zoning Division approval. [Ord. 2018-002]

3. Establishments with Drive-Throughs, Freestanding ATMs, and Unmanned Retail Structures

Location of required foundation plantings may be modified if the planting and dimensional requirements are met in the relocated area. [Ord. 2013-021] [Ord. 2018-002]



a. Walk Up

Foundation planting areas may be relocated up to a maximum of ten feet away from the applicable façade to accommodate pedestrian walkways, access to the ATM or Unmanned Retail Structure, or as needed to comply with [F.S. ch. 655](#), [F.S. ch. 960](#), security lighting, or Crime Prevention Through Environmental Design (CPTED) guidelines. [Ord. 2013-21] [Ord. 2017-007] [Ord. 2018-002]

b. Drive-Through

Foundation planting areas may be relocated within 30 feet from the original required façades of the drive-through. [Ord. 2013-21] [Ord. 2017-007] [Ord. 2018-002]

C. 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. [Ord. 2018-002]

Section 4. Landscape Requirements for On-Site Parking

On-site parking and interior vehicular use areas shall be provided with landscape islands, divider medians, or where applicable, landscape diamonds, and subject to the following landscaping requirements. Planting within perimeter landscape buffers required by [Art. 7.C.2, Types of Landscape Buffer](#), shall not be used to satisfy these requirements. [Ord. 2018-002]

A. Landscape Islands

Landscape islands shall be provided along the terminal of parking spaces, interior of the parking area, and along major internal driveways. Parking spaces shall not be terminated or abutting a drive aisle, driveway, or loading space without a landscape island. In addition, landscape islands shall be provided in accordance to the maximum spacing requirements for each Tier, and [Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements](#). [Ord. 2018-002]

1. Maximum Spacing

a. U/S Tier

One landscape island per ten spaces (maximum 100 feet apart). [Ord. 2018-002]

b. AGR and Glades Tiers

One landscape island per eight spaces (maximum 80 feet apart). [Ord. 2018-002]

c. Rural and Exurban Tiers

One landscape island per six spaces (maximum 60 feet apart). [Ord. 2018-002]

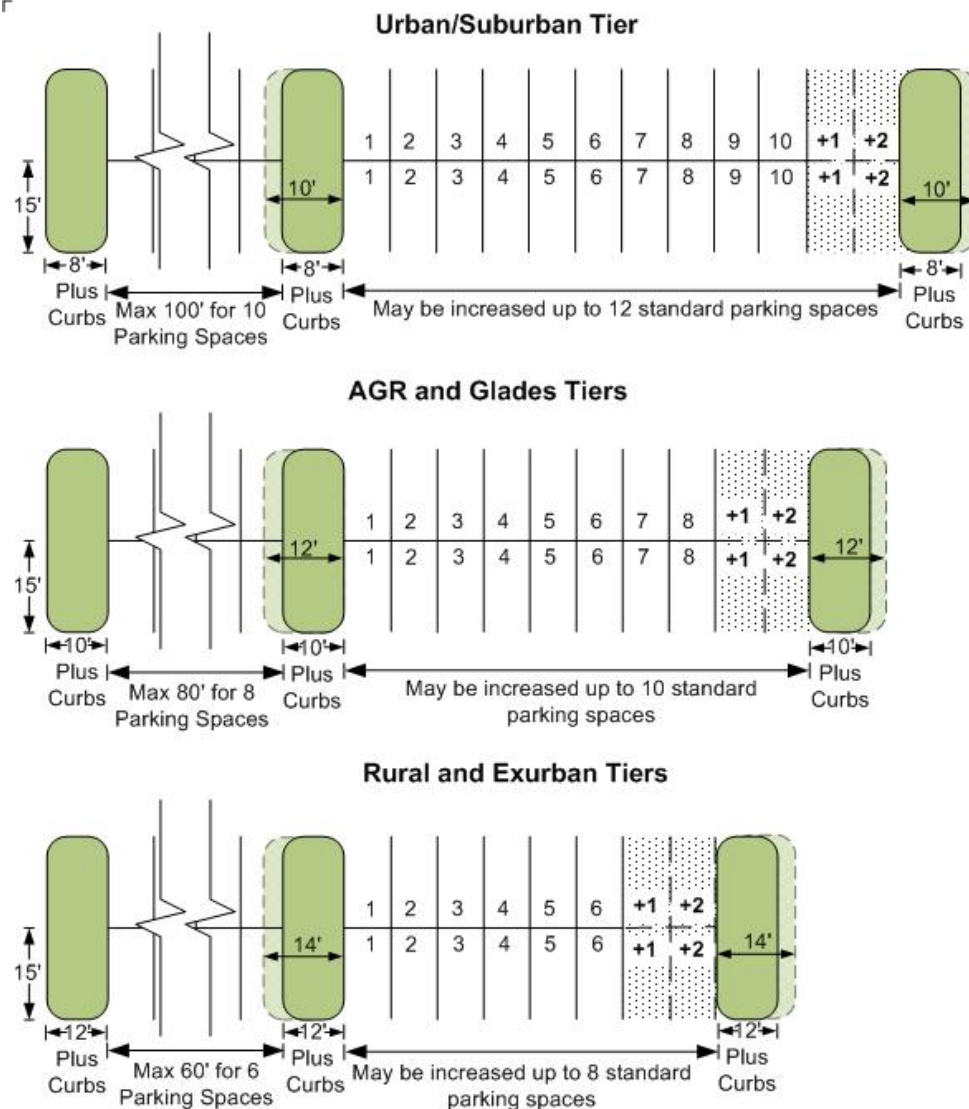
2. Increased Interval of Landscape Islands

The distance between landscape islands may be increased to a maximum of 12 standard parking spaces for the U/S Tier, ten spaces for the AGR and Glades Tiers, and eight spaces for the Exurban and Rural Tiers. The width of abutting landscape islands, where the increased interval occurs, shall be increased by one foot for each additional space. [Ord. 2018-002]

a. Required Canopy Tree

The required Canopy tree for each expanded island shall have a minimum height of 12 feet. No palm or pine substitute for Canopy trees is allowed. [Ord. 2018-002]

Figure 7.C.4.A – Increase Intervals of Landscape Islands



[Ord. 2018-002]

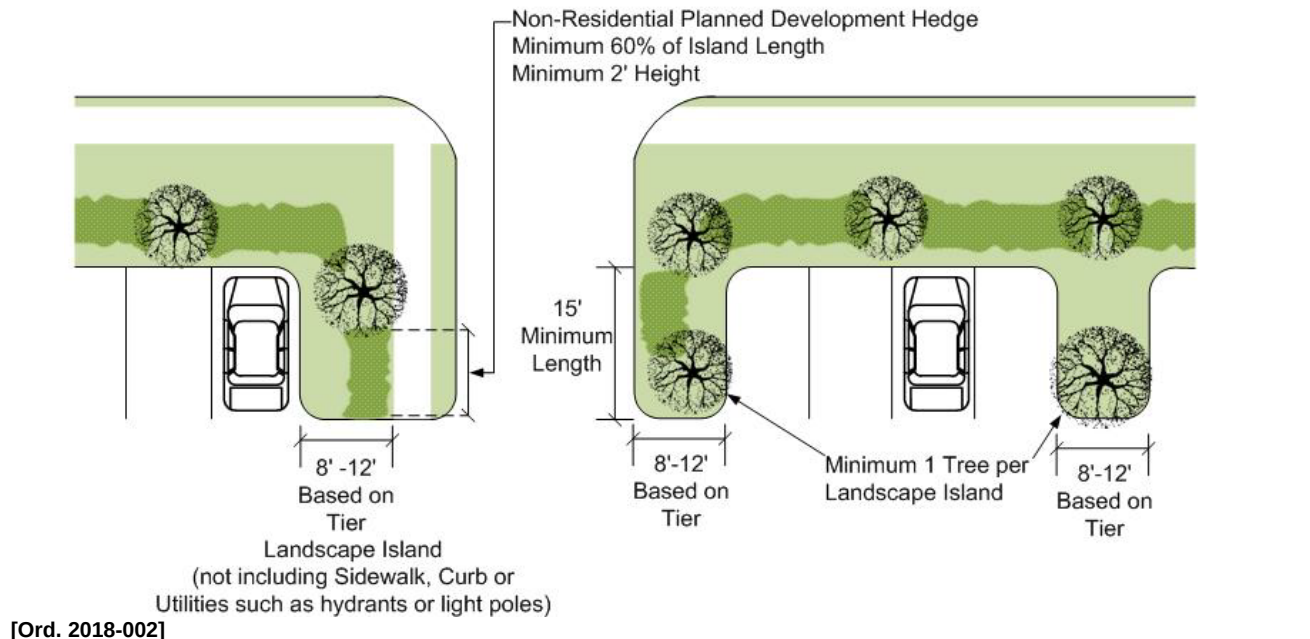
3. Type 1 Waiver for Maximum Spacing

Landscape islands may be increased in spacing to accommodate preservation of existing vegetation subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002]

**Table 7.C.4.A – Landscape Island and Divider Median
Planting and Dimensional Requirements (4)**

	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Landscape Island (4) and Divider Median Minimum Dimensions			
Landscape Island Min. Width (1)(3)	8 feet	10 feet	12 feet
Landscape Island Min. Length (3)	15 feet		
Divider Median Min. Width (1)	10 feet		
Landscape Diamond (Width x Length)	5 feet x 5 feet		
Minimum Tree Planting Requirements (2)			
Tree Planting – Landscape Island	1 tree per island		
Tree Planting – Divider Median	1 tree per 30 linear feet		
Landscape Diamond	1 palm per diamond		
Minimum Shrub and Groundcover Planting Requirements			
Groundcover Planting – Landscape Island (3)	Grass or appropriate Groundcover to be planted in island		
Shrub Planting – Divider Median (5)	Medium Shrubs planted at 30 inches on center, and appropriate Groundcover		
Landscape Diamond	Appropriate Groundcover or Tree Grate		
[Ord. 2018-002]			
Notes:			
1.	Minimum width of islands shall exclude curbs, sidewalks, and utility easements. The width must be increased by the minimum amount necessary to meet the needs of the utility providers or to accommodate a sidewalk. [Ord. 2018-002]		
2.	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. [Ord. 2018-002]		
3.	Apply to non-residential Planned Development only – Landscape islands facing major internal driveways shall provide a two-foot-high continuous hedge for a minimum of 60 percent of the island length. Hedge shall be maintained with a maximum height of 30 inches. [Ord. 2018-002]		
4.	Landscape islands shall not overlap landscape buffers. [Ord. 2018-002]		
5.	Required shrubs may be relocated subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002]		

Figure 7.C.4.A – Landscape Islands



B. Divider Medians

Divider medians shall be provided in parking lots with at least two or more vehicular parking aisles in the U/S, AGR, and Glades Tiers, or in vehicular use areas to channel traffic circulation, as follows: [Ord. 2018-002]

1. Locate between every third aisle or sixth row of parking spaces, and between all parking and vehicular use areas. Divider medians shall be provided in accordance to [Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements](#). [Ord. 2018-002]
2. Adjacent to driveways where external access points are located for PDDs or TDDs. [Ord. 2018-002]

Figure 7.C.4.B – Divider Medians Location



[Ord. 2018-002]

Figure 7.C.4.B – Divider Median Requirements

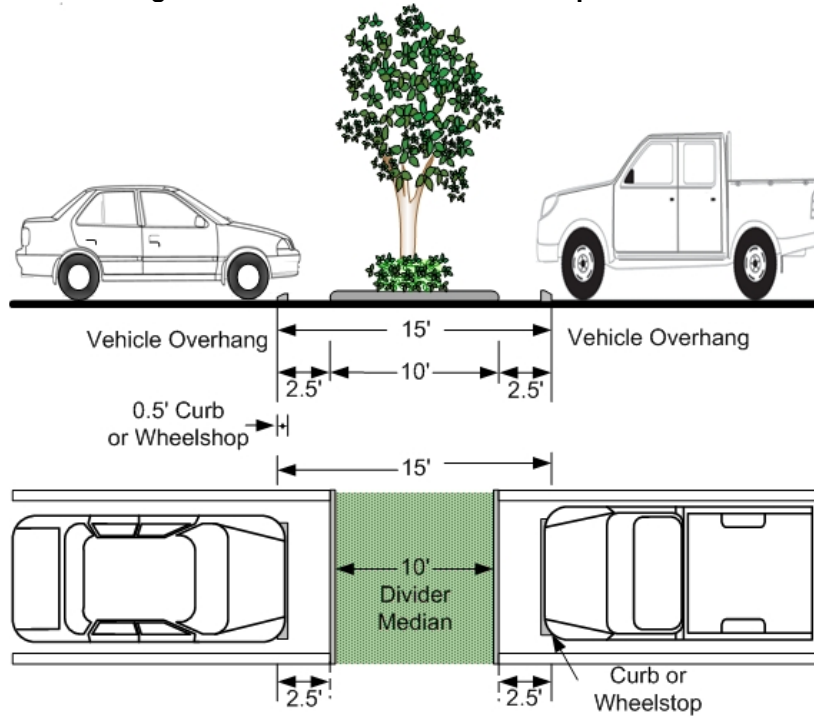
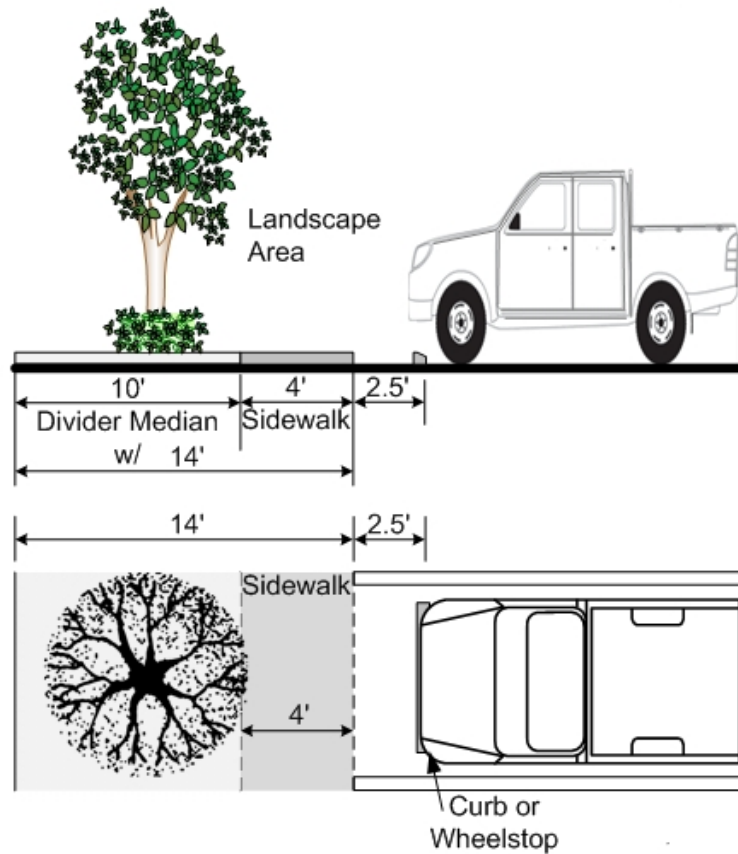


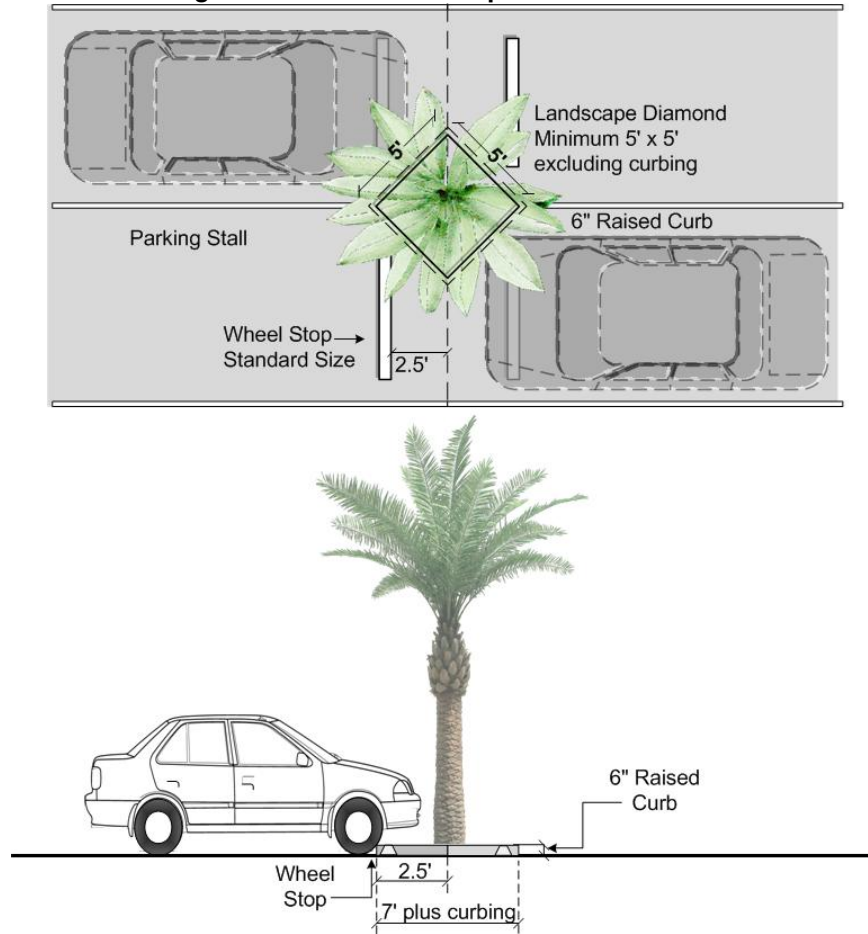
Figure 7.C.4.B – Divider Median Requirements (with Sidewalk)



C. Landscape Diamonds

Landscape diamonds may be distributed throughout the interior of an on-site parking area as an alternative to divider medians for lots that are located in the WCRAO, IRO, or URAO. Landscape diamonds shall be located only at the common intersection of four parking spaces and spaced a maximum of four parking spaces apart. A raised curb is required around the entire landscape diamond when wheel stops are not used. [Ord. 2018-002]

Figure 7.C.4.C – Landscape Diamond Detail



[Ord. 2018-002]

D. Vehicular Use Area

Interior landscaping for the vehicular use area shall be landscaped to provide adequate screening of vehicular uses. A minimum of ten percent of the gross paved areas of the vehicular use area shall be designated for interior landscaping. [Ord. 2018-002]

1. If the vehicular use area is adjacent to a perimeter landscape buffer, the required plant materials may be designed as an integral part of the buffer, provided the minimum quantity for the interior landscaping and the perimeter buffer is not reduced. [Ord. 2018-002]
2. Interior landscaping may be in form of a divider median and implemented pursuant to [Table 7.C.3.A, Interior Landscaping Requirements](#). [Ord. 2018-002]

a. Specialized Vehicular Areas Not Open to the Public

The required interior landscaping shall be allowed to be transferred to other interior landscaping areas or within the landscape buffers. [Ord. 2018-002]

E. Landscape Protection Measures

The landscape area adjacent to any on-site parking space or vehicular use area shall be protected from vehicular encroachment by the use of wheel stops or continuous concrete curbing. [Ord. 2018-002]

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. [Ord. 2010-022] [Ord. 2018-002]

a. Exemptions

- 1) Divider medians that abut parking spaces with wheel stops; or [Ord. 2010-022]
- 2) Properties located in the AGR, AP, or AR Zoning Districts that support Bona Fide Agriculture uses. [Ord. 2010-022] [Ord. 2018-002]

2. Alternative to Curbing

Alternative to curbing may be allowed for properties that are located in the following zoning districts and use subject to the requirements listed in [Art. 7.C.4.E.1, Curbing](#): [Ord. 2018-002]

- a. AGR, AP, and PO;
- b. AR Zoning District in the AGR, Glades, Exurban, and Rural Tiers; and, [Ord. 2018-002]
- c. Cemeteries in all Tiers. [Ord. 2018-002]

3. Alternative Landscape Protection

Alternative landscape protection may include, but not limited to: bollards; fences; hedges; or, planters. Details of these landscape protection measures shall be shown on the Regulating Plan approved by the DRO. [Ord. 2018-002]

- a. For properties located in the PO Zoning District, alternative landscape protection may be allowed when it can be demonstrated to the Zoning Director that the curbing will interfere measures may with the traffic circulation of the proposed use. [Ord. 2010-022] [Ord. 2018-002]

4. 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 wheel stop and the pavement. The bottom of the wheel stop must rest fully on the pavement to prevent rocking. Public Parks in the PO Zoning District that are exempt from curbing requirements shall also be exempt from wheel stop requirements. [Ord. 2006-004] [Ord. 2018-002]

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 façade 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 a Type 1 Waiver for Landscaping. [Ord. 2018-002]

Section 5. Overlap in Landscape Buffers and On-Site Parking Areas

Underground, above ground, or overhead utility easements, private utilities without an easement, and drainage areas may overlap a landscape buffer provided the required planting has sufficient area for healthy plant growth, and the required quantity is not reduced. For the purpose of this Section, drainage areas may include: drainage easements, retention or detention areas, and swales, as determined by the Land Development Division. [Ord. 2020-001]

A. Overlap in a R-O-W and Incompatibility Buffers

An easement, private utilities without an easement, drainage area, or a combination thereof may be permitted to overlap by a maximum of five feet, provided there are no Conditions of Approval that prohibit width reduction or easement encroachment into the landscape buffer. [Ord. 2020-001]

1. Underground Utilities

If a wall with a continuous footer is proposed, a minimum of ten feet of clear planting area is required from the footer, and the buffer width shall be increased to accommodate the wall and the required planting. 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 on the Zoning Plans prior to the application for Building Permit. [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001]

2. Overhead Utilities

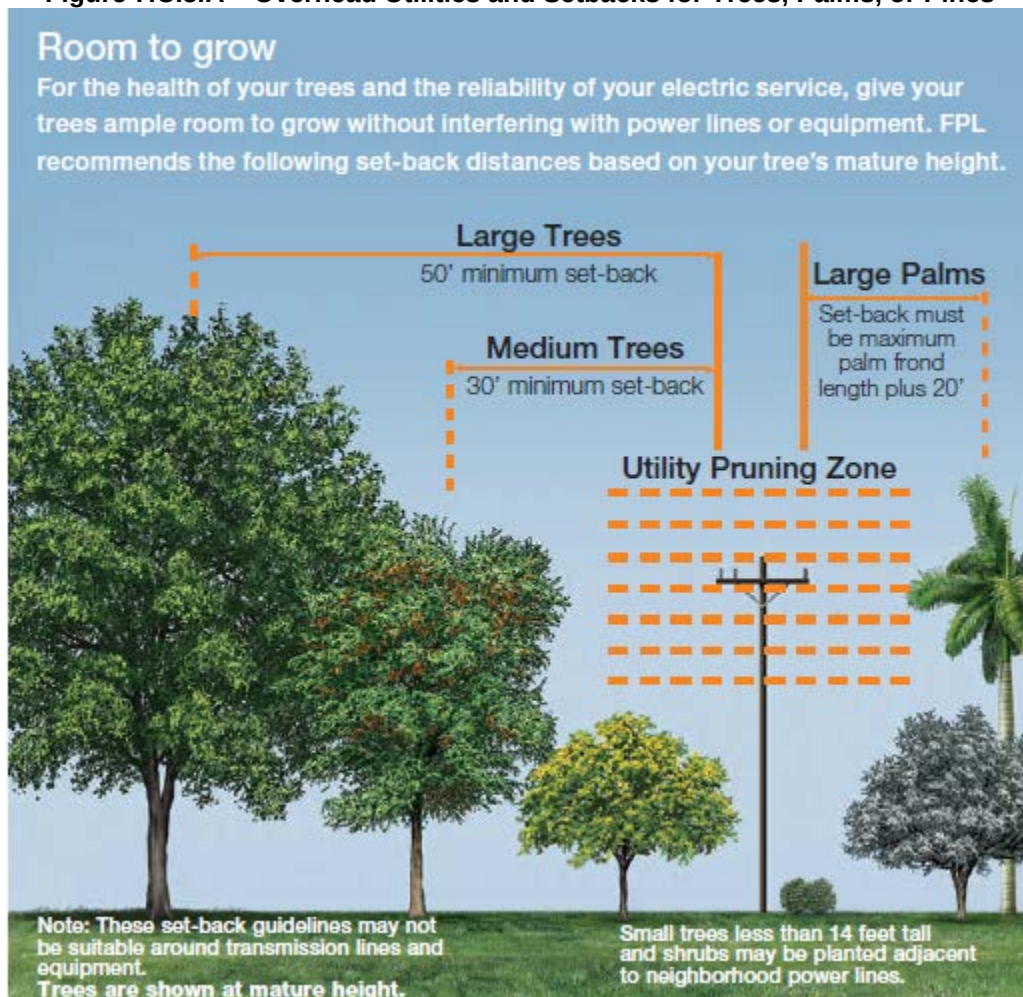
Vegetation that is planted within or abutting any easement with overhead utilities shall comply with the planting and maintenance requirements in FP&L's publication "Right Tree, Right Place," available from the Zoning Division. The Applicant shall take into consideration the mature height and spread of the species beneath or adjacent to overhead utilities. For the purpose of this Section, the term vegetation shall include, trees, palms, or pines. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from overhead lines. [Ord. 2019-005]

a. Planting near Overhead Electric Utilities

The setbacks shall be measured from the centerline of the trunk to the outer edge of the overhead utility lines. The following minimum setbacks shall apply: [Ord. 2019-005]

- 1) Vegetation that at a mature height may grow to 50 feet or greater shall be planted at least 50 feet away from overhead electric utility lines; [Ord. 2019-005]
- 2) Vegetation that at a mature height may grow to between 14 to 49 feet shall be planted at least 30 feet away from overhead electric utility lines; [Ord. 2019-005]
- 3) Palms shall be planted at least 20 feet plus the maximum palm frond length away from overhead electric utility lines; and, [Ord. 2019-005]
- 4) Only vegetation that at a mature height grow to less than 14 feet shall be permitted to be planted underneath or adjacent to overhead electric utility lines. [Ord. 2019-005]

Figure 7.C.5.A – Overhead Utilities and Setbacks for Trees, Palms, or Pines



Notes: Figure above from FP&L's publication "Right Tree, Right Place." [Ord. 2019-005]

b. Transformer Cabinet in the Overhead Electric Utilities Easement

Planting around transformer cabinet shall be set back from the cabinet a minimum of eight feet on the front and three feet on the sides and rear. [Ord. 2019-005]

3. Detention or Retention Areas, Swales, and Drainage Easements

Detention or retention areas, drainage easements, and swales, may overlap required landscape buffers. The required planting for the landscape buffer may be installed in the detention or retention areas, swales, or drainage easements subject to the mutual agreement and approval of the Directors of Zoning and Land Development Divisions, and any applicable Agencies or easement holders. [Ord. 2006-004] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2020-001]

4. Type 1 Waiver for Landscaping

Required plants, which are overlapped by an easement, may be planted elsewhere on the same site subject to [Art. 7.B.4, Type 1 Waiver for Landscaping](#). [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001]

B. Easements in On-Site Parking Areas

1. Underground Utilities

Utility easements may encroach landscape islands provided there is a sufficient area for the growth of the required tree within the same island. The width and length of the island may be increased by the minimum amount necessary to meet the separation requirements of the utility providers, indicated below. [Ord. 2018-018]

a. PBC Water Utilities Separation

A minimum of ten feet shall be provided, by measuring from the outer edge of the pipes to the edge of the pit where the tree is to be planted. The Department of Water Utilities (WUD) may allow the separation distance be reduced to seven feet if tree root barriers are installed. [Ord. 2018-018] [Ord. 2019-005]

b. Fire-Rescue Utility Separation

A minimum of five feet shall be provided, measuring from the outer edge of the fire hydrant to the pit where the tree is to be planted. [Ord. 2018-018]

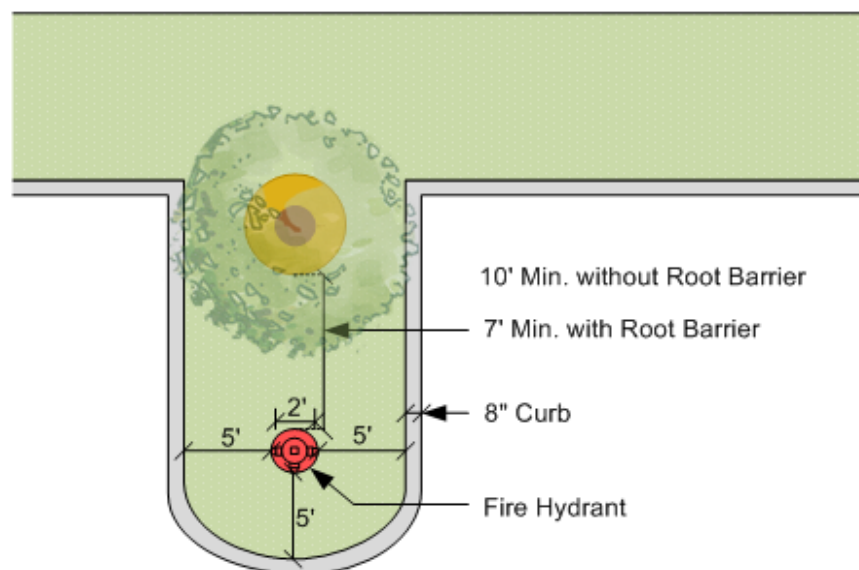
c. Existing Utilities

For sites where existing underground utilities are encroaching into landscape islands, and there is not a sufficient area for the growth of the required tree within the same island, the relocation of the required tree may be requested subject to a Type 1 Waiver for Landscaping. [Ord. 2018-018]

d. Other Utility Authorities – Root Barrier and Separation Requirement

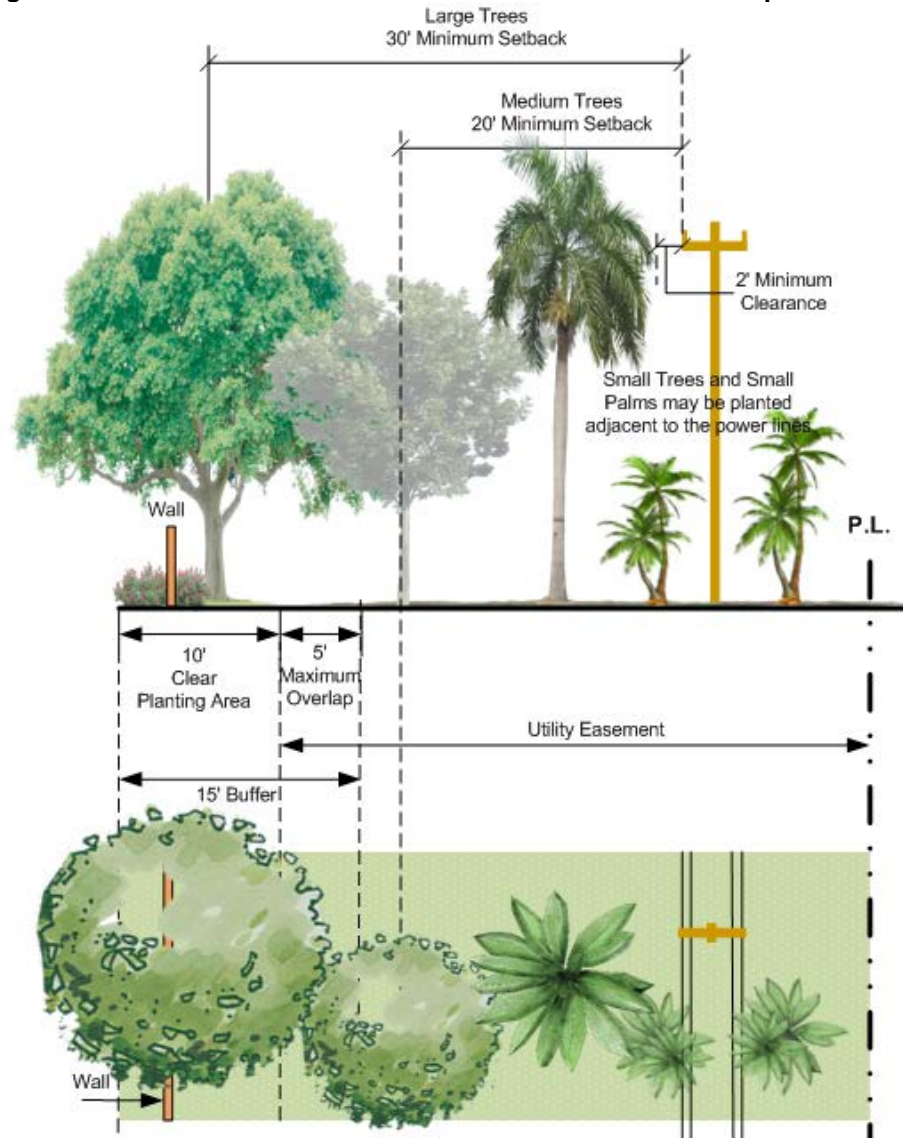
Proposed landscaping near non-PBC utilities shall be subject to that utility's separation requirements. [Ord. 2018-018]

Figure 7.C.5.B – Easements in On-Site Parking Areas



[Ord. 2018-018]

Figure 7.C.5.B – Maximum Allowed Encroachment of Landscape Buffers



[Ord. 2018-002]

1. Planting may be allowed in the dry detention area if approved by the Land Development Division. [Ord. 2016-042] [Ord. 2018-002]

C. Lake Maintenance Easements (LME)

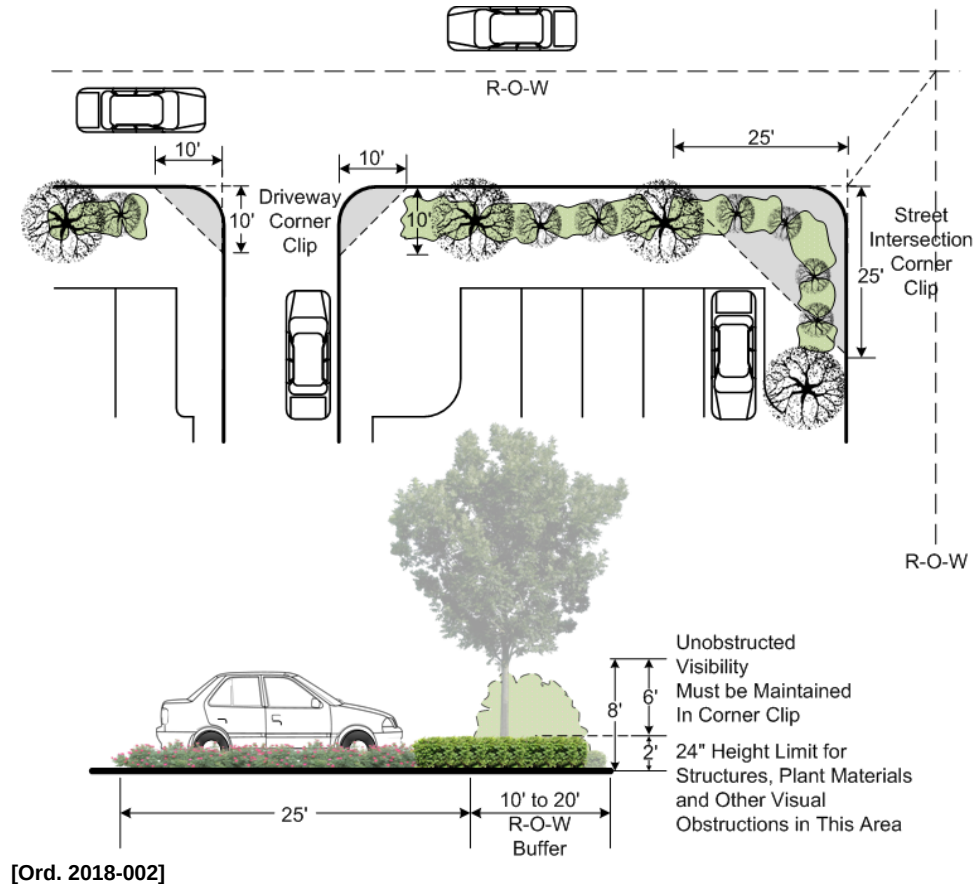
Planting of new trees or relocation of native, non-prohibitive, or specimen vegetation may occur in the LME subject to the approval by the ERM Department and Land Development Division. [Ord. 2016-042] [Ord. 2018-002]

Section 6 Corner Clips and Safe Sight Distances

Landscaping within corner clips and safe sight distances required by [Art. 11, Subdivision, Platting, and Required Improvements](#), shall be subject to the following: **[Ord. 2018-002]**

- An area of unobstructed visibility shall be maintained between 30 inches and eight feet above the crown of the adjacent roadway. **[Ord. 2018-002]**
- Vegetation located adjacent to and within corner clip or safe sight distance areas shall be trimmed so that limbs or foliage do not extend into the required visibility area. **[Ord. 2018-002]**
- All landscaping in a corner clip or safe sight distance shall be planted and perpetually maintained by the Property Owner, except where maintained by another entity such as a Homeowner's Association (HOA). **[Ord. 2018-002]**

Figure 7.C.6.C – Corner Clip and Visibility Requirements



Applicable Off - Street Parking Requirements

ARTICLE 6

PARKING, LOADING, AND CIRCULATION

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ARTICLE 6

PARKING, LOADING, AND CIRCULATION

CHAPTER A GENERAL

Section 1 General

A. Purpose and Intent

The purpose and intent of this Article is to ensure the design and function, provisions of parking, loading, queuing, vehicular and pedestrian circulation, driveways, and access are in proportion to the demand created by each use and are efficient and safe. [Ord. 2020-001]

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 parking areas established by this Section shall be continuously maintained in accordance with this Article. Parking and loading spaces shall be provided in accordance with [Table 6.B.1.B. Minimum Parking and Loading Requirements](#), unless stated otherwise below. [Ord. 2020-001]

1. Prohibitions

Parking and loading spaces are prohibited in the following: [Ord. 2020-001]

- a. Landscape buffers; and [Ord. 2020-001]
- b. Drainage District R-O-W or Easements, except additional parking in excess of the minimum required may be located in these areas with an agreement with the applicable district and subject to approval by the Zoning Director. [Ord. 2011-011] [Ord. 2020-001]

2. Exemptions

The following exemptions shall apply, unless the parcel is vacant. [Ord. 2007-013] [Ord. 2020-001]

a. 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:

- 1) vehicle is registered or licensed;
- 2) used by a resident of the premises;
- 3) gross vehicle weight rating (GVWR) does not exceed 12,500 pounds;
- 4) height does not exceed nine feet, including any load, bed, or box; and,
- 5) total vehicle length does not exceed 26 feet. [Ord. 2005-041]

b. Construction Vehicles

Temporary parking of construction vehicles or equipment engaged in work on private land 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. [Ord. 2007-013]

c. Delivery and Service Vehicles

The routine deliveries by tradesmen, or the use of trucks in making service calls. [Ord. 2007-013]

d. Emergency Repairs

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.

3. Deviations for the PO Zoning District

Deviation(s) from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to [Art. 2 Application Processes and Procedures](#) and [PPM #ZO-O-063](#), as applicable and as amended. [Ord. 2007-013] [Ord. 2019-005]

C. Prior Approvals and Nonconformities

See [Art. 1.E, Prior Approvals](#) and [Art. 1.F, Nonconformities](#). [Ord. 2020-001]

D. Definitions

See [Art. 1.H, Definitions and Acronyms](#).

CHAPTER B PARKING AND LOADING

Section 1 Calculation

A. Computing Parking Standards

1. Multiple Uses

On lots containing more than one use, the total number of required parking spaces shall be equal to the sum of the required parking for each use as if provided separately, unless shared parking is approved pursuant to [Art. 6.C.1.B, Shared Parking](#) or is allowed pursuant to [Art. 3.B, Overlays](#). [Ord. 2020-001]

2. Fractions

When calculation of the number of required 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. [Ord. 2020-001]

3. Floor Area

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. [Ord. 2020-001]

4. 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.

5. 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.

6. Gross Lot Area

When the calculation of required parking spaces is based on gross lot area (GLA), the amount of lot area dedicated to parking shall not be included in the calculation. [Ord. 2020-001]

7. Unlisted Land Uses

In the event that 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. [Ord. 2020-001]

8. Government Services and Government Facilities

May be allowed alternative calculations based on evidence of actual parking demand for similar uses or reliable traffic engineering and planning information. [Ord. 2019-005] [Ord. 2020-001]

9. Landscaping

The landscape requirements for parking and interior vehicular use areas shall be calculated in accordance with [Art. 7, Landscaping](#). [Ord. 2020-001]

10. Reduction

Refer to [Art. 6.C.1, Requirements to Reduce or Increase Parking](#). [Ord. 2020-001]

B. Minimum Parking Requirements

Table 6.B.1.B – Minimum Parking and Loading Requirements

Use Classification: Residential		Loading Standard
Congregate Living Facility, Type 1, Type 2, Type 3	0.6 spaces per unit or 0.25 per resident/bed whichever is greater; plus 1 space per 250 sq. ft. of office space	A (12)
Multifamily and Cottage Home (Multiple Units on a Single Lot)	1 space per efficiency unit; 1.75 spaces per unit (1 bedroom or more); plus 1 guest parking space per 4 units with common parking areas	N/A
Single Family, Cottage Home (Single Unit on a Single Lot), Zero Lot Line Home, Townhouse, Farm Residence, or Mobile Home Dwelling	2 spaces per unit	N/A
Accessory Quarters, Caretaker Quarters, Groom's Quarters, Guest Cottage	1 space per unit	N/A
Farm Worker Quarters	1 space per 4 units	N/A
[Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2019-034] [Ord. 2020-001] [Ord. 2020-020]		

Use Classification: Commercial		Loading Standard
Adult Entertainment	1 space per 200 sq. ft.	N/A
Auction, Indoor	1 space per 200 sq. ft.	A
Auction, Outdoor	1 space per 250 ft. of enclosed or indoor space	N/A
Bed and Breakfast	1 additional space for each guest room	N/A
Car Wash, Automatic Self-Service (13)	1 space per 200 sq. ft. of office, retail, or indoor seating area	N/A
Catering Service	1 space per 200 sq. ft.	A
Cocktail Lounge	1 space per 3 seats	A
Convenience Store	1 space per 200 sq. ft.	A
Dispatching Service	1 space per 250 sq. ft.	N/A
Dog Daycare	3-12-foot by 20-foot transient spaces for 50 dogs; 1 space per 500 sq. ft. of cage and retail area	A
Financial Institution	1 space per 250 sq. ft.	A
Financial Institution with Drive-Through Facilities (13)		
Financial Institution – Freestanding ATM (9)	2 spaces	N/A
Flea Market, Indoor	2 spaces per 200 sq. ft.	A
Flea Market, Outdoor	1 space per 250 sq. ft. of affected land area	N/A
Gas and Fuel Sales, Retail and Electric Vehicle Charging Station (EVCS)	Number of parking spaces to be based on associated Principal Use structure (i.e. Convenience Store, etc.)	N/A
Green Market, Permanent	1 space per 250 sq.ft.	A
Hotel or Motel	1.25 spaces per room; (convention areas, restaurants, etc. over 2,000 sq. ft. to be calculated separately)	A
Kennel, Type 2 (Commercial) or Kennel, Type 3 (Commercial, Enclosed)	1 space per 500 sq. ft. of cage and retail area	A (8)
Landscape Service	1 space per 250 sq. ft. of office; plus 1 space per 1,000 sq. ft. of outdoor storage area for employee parking	B
Laundry Service (13)	1 space per 200 sq. ft.	A
Marina	1 space per 250 sq. ft.; plus 1 space per wet slip; plus 1 space per 3 dry slips	A
Medical or Dental Office	1 space per 200 sq. ft.	A
Microbrewery	Taproom: 1 space per 3 seats Manufacturing and Processing: 2 spaces per 1,000 sq. ft.	A
Office, Business or Professional	1 space per 250 sq. ft.	A
Pawnshop	1 space per 200 sq. ft.	A
Personal Services	1 space per 200 sq. ft.	N/A
Repair and Maintenance, Heavy	1 space per 250 sq. ft.	B
Repair and Maintenance, Light	1 space per 250 sq. ft.	A
Repair Services, Limited	1 space per 250 sq. ft.	N/A
Restaurant, Type 1 (13)	1 space per 3 seats including outdoor seating area	A
Restaurant, Type 2 (13)		A
Retail Sales (13)	1 space per 200 sq. ft.	A
Rooming and Boarding House	1 space for each guest room	N/A
Self-Service Storage, Limited Access	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	A (6)
Self-Service Storage, Multi-Access	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	N/A
Single Room Occupancy (SRO)	1.25 spaces per room	A
Theater or Performance Venue	1 space per 3 seats; plus 1 space per employee	A
Unmanned Retail Structure (11)	2 spaces	N/A
Vehicle Equipment Sales and Rental, Heavy	1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area	B
Vehicle Sales and Rental, Light	1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area	B
Veterinary Clinic	1 space per 250 sq. ft., excluding animal exercise areas	N/A
Vocational School	1 space per classroom; plus 1 space per 4 students; plus 1 space per 250 sq. ft. of administration, and assembly areas	N/A
[Ord. 2006-004] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2019-039] [Ord. 2020-001]		

Use Classification: Recreation		Loading Standard
Arena or Stadium or Amphitheater	1 space per 3 seats	A
Campground	1 space per campsite	N/A
Recreation Pod or Neighborhood Recreation Facility (7)	1 space per 300 sq. ft. of air conditioned area (includes all interior uses) and Outdoor Recreation Amenities, such as: 1 space per 300 sq. ft. of pool area; 1.5 spaces per court (basketball, tennis, etc.); or, 1 space per 2 acres up to 10 acres plus 1 space for each 5 acres over 10 (fields, tracks, tot lots, etc.)	N/A
Entertainment, Indoor (except Bowling Alley) Bowling Alley	1 space per 200 sq. ft. or 1 space per 3 seats, whichever is greater 3 spaces per lane for Bowling Alley	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 (7)	4 spaces per hole; plus 1 space per 250 sq. ft. of clubhouse	N/A
Park, Passive and Park, Public (14)	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
Shooting Range, Indoor and Shooting Range, Outdoor	1 space per target area	N/A
Zoo	1 space per 2,000 sq. ft. of land area	N/A
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2013-001] [Ord. 2013-021] [Ord. 2014-025] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]		

Use Classification: Institutional, Public, and Civic		Loading Standard
Animal Shelter	1 space per 500 sq. ft. of cage and retail area	A
Assembly Institutional Nonprofit or Assembly Membership Nonprofit (5)	1 space per 3 seats or 200 sq. ft. for the principal place of assembly, whichever is greater	A
	1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses	
	Collocated uses classified with the definition of a use listed in Art. 4.B, Use Classification , calculated separately	
Cemetery	1 space per 250 sq. ft. of office space; plus 1 space per 500 sq. ft. of maintenance area; plus a minimum of 5 public spaces	N/A
College or University	1 space per 2 students; plus 1 space per 4 seats in gymnasiums and auditoriums; plus 1 space per 250 sq. ft. of administrative and educational office space	A
Day Care, General	< 100 licensed capacity 1 space per 5 persons; plus 1 drop-off stall per 20 persons	A
	> 100 licensed capacity: 1 space per 10 persons; plus 1 drop-off stall per 20 persons	
Day Care, Limited	1 space per 250 sq. ft.; plus drop-off stall	A
Funeral Home	1 space per 4 seats	A
Government Services (2)	1 space per 500 sq. ft.; or 1 space per 3 seats, whichever is greater	N/A
Homeless Resource Center	1 space per 200 sq. ft. of accessory service delivery areas	A
Hospital	1 space per 2 beds; plus 1 space per 200 sq. ft. of outpatient treatment area	A
Nursing Home or Convalescent Facility	1 space per 3 beds; plus 1 space per 250 sq. ft. of office space	A (12)
Place of Worship	1 space per 3 seats or 200 sq. ft. for the principal Place of Worship, whichever is greater	A
	1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses	
	Collocated uses classified with the definition of a use listed in Art. 4.B, Use Classification , calculated separately	
Prison, Jail, or Correctional Facility	1 space per 500 sq. ft.	N/A
School, Private	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 space per 3 seats	A
School, Public and Charter	1 space per faculty and staff, high school 1 space for every 10 students in 11th and 12th grade, and 1 visitor space for every 50 students	A
[Ord. 2006-004] [Ord. 2006-013] [Ord. 2009-040] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]		

Use Classification: Industrial		Loading Standard
Contractor Storage Yard	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	B
Data and Information Processing	1 space per 250 sq. ft.	A
Distribution Facility	1 space per 250 sq. ft. of office space	N/A
Equestrian Waste Management Facility	1 space per 250 sq. ft. of office space; plus 1 space per employee	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.	B
Machine or Welding Shop	1 space per 200 sq. ft.	B
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.	B
Medical or Dental Laboratory	1 space per 250 sq. ft.	A
Multi-Media Production	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A
Recycling Center	1 space per 250 sq. ft. of office space; plus 1 space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.	N/A
Recycling Plant	1 space per 250 sq. ft. of office space; plus 1 space per employee	N/A
Research and Development	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A
Salvage and Junk Yard	1 space per 250 sq. ft. of office space; plus 1 space per employee	B
Towing Service and Storage	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	B
Truck Stop	1 truck space per 80 sq. ft.	N/A
Warehouse	1 space per 2,000 sq. ft.; plus 1 space per 250 sq. ft. of office space	B
Wholesaling	1 space per 1,000 sq. ft.	B
[Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]		

Use Classification: Agricultural		Loading Standard
Agriculture, Bona Fide Accessory Agricultural Uses (U-Pick Em Operations)	1 space per 1,000 sq. ft.	B
Agriculture Marketplace	1 space per 200 sq. ft. including outdoor display area	B
Agriculture, Light Manufacturing	1 space per 1,000 sq. ft.	B
Agriculture, Packing Plant	1 space per 2,000 sq. ft.	B
Agriculture, Renewable Fuels Production	1 space per 1,000 sq. ft.	B
Agriculture, Research and Development	1 space per 1,000 sq. ft.	B
Agriculture, Sales and Service	1 space per 250 sq. ft.	B
Agriculture, Storage	1 space per 1,000 sq. ft.	B
Agriculture, Transshipment	1 space per 2,000 sq. ft.	B
Aviculture	1 space per 200 sq. ft.	A
Community Vegetable Garden (10)	4 spaces per garden	N/A
Equestrian Arena, Commercial	1 space per 3 seats	N/A
Farmers Market	1 space per 250 sq. ft.	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 (3)(4)	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
Potting Soil Manufacturing	2 spaces per acre; minimum of 5 spaces	B
Produce Stand	1 space per 250 sq. ft. including outdoor display area	N/A
Shade House	N/A	N/A
Commercial Greenhouse	1 space per acre of greenhouse	B
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
[Ord. 2006-004] [Ord. 2008-037] [Ord. 2012-027] [Ord. 2015-031] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]		

Use Classification: Utilities		Loading Standard
Chipping and Mulching	2 spaces per acre; minimum of 5 spaces	N/A
Composting Facility	2 spaces per acre; minimum of 5 spaces	N/A
Electric Distribution Substation	1 space	N/A
Electric Power Plant	1 space per 250 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Minor Utility	1 space per Minor Utility	N/A
Renewable Energy Solar Facility	1 space per site; and 1 space per 250 sq. ft. of office space	N/A
Renewable Energy Wind Facility	Exempt from parking requirements for unmanned Wind Turbines or MET Towers, unless otherwise required by the Zoning Director	N/A
Landfill or Incinerator	1 space per 250 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
Water or Wastewater Treatment Plant	1 space per 250 sq. ft. of office space; plus 1 space per employee	N/A
[Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2013-001] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]		

Use Classification: Transportation Uses		Loading Standard
Airport, Heliport, or Landing Strip	1 space per tie-down and hangar space, minimum of 5 spaces	A
Seaplane Facility	1 space per tie-down and hangar space, minimum of 5 spaces	A
Transportation Facility	1 space per 250 sq. ft. of office space	N/A
[Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]		

Use Classification: Commercial Communication Towers		Loading Standard
Commercial Communication Towers and Government-Owned Towers	Exempt from parking regulations	N/A
[Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]		

Use Classification: Excavation		Loading Standard
Excavation	N/A	N/A
[Ord. 2016-042] [Ord. 2017-025] [Ord. 2020-001]		

Use Classification: Temporary		Loading Standard
Communication Cell Site on Wheels (COWs)	Exempt from parking regulations	N/A
Day Camp	Greater than 100 licensed capacity: 1 space per 5 persons; plus 1 drop-off stall per 20 persons	A
	Less than 100 licensed capacity: 1 space per 10 persons; plus 1 drop-off stall per 20 persons	
Mobile Retail Sales	N/A	N/A
Real Estate Sales Model and Management Office, Non-PDD, Real Estate Sales Model and Management Office, PDD and TDD, and Real Estate Sales Model, PDD and TDD	2 spaces per sales model	N/A
Recycling Drop-Off Bin	1 space per bin	N/A
Special Event	N/A (1)	N/A
Temporary Green Market	N/A	N/A
Temporary Retail Sales	N/A	N/A
Temporary Vehicle Sales	N/A	N/A
[Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]		

Loading Standard Key:	
Standard "A"	Refer to Art. 6.E.2.B.1, Standard "A" for minimum loading requirements. [Ord. 2020-001]
Standard "B"	Refer to Art. 6.E.2.B.2, Standard "B" for minimum loading requirements. [Ord. 2020-001]
(1)	A Special Event shall provide on-site parking unless off-site parking is approved.
Notes:	
1.	In addition to the parking requirements of this Table, uses with company vehicles shall provide one space per company vehicle. [Ord. 2020-001]
2.	Government Services may request alternative calculation methods for parking pursuant to Art. 6.E.2.A.5, Government Services and Government Facilities . [Ord. 2019-005] [Ord. 2020-001]
3.	Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shell rock or other similar materials or grassed subject to Art. 6.B.3.B.2, Grass , except for the required handicapped parking space(s). [Ord. 2020-001]
4.	Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shell rock or other similar materials subject to Art. 6.B.3.B.1.a, Shell Rock , or grassed subject to Art. 6.B.3.B.2, Grass . [Ord. 2007-001] [Ord. 2020-001]
5.	Nonprofit Assembly institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee. [Ord. 2017-007]
6.	Limited access Self-Service Storage facilities must provide a minimum of two loading spaces at each entry into the building, excluding office access not utilized by customers for accessing storage units. [Ord. 2005-041] [Ord. 2017-007] [Ord. 2020-001]
7.	Parking shall not be required for Recreation Pods or facilities that are located on less than one acre. Golf cart parking may be used pursuant to Art. 6.B.3.A.1.d.2, Golf Cart Parking . [Ord. 2007-001] [Ord. 2013-001] [Ord. 2020-001]
8.	The loading zone may be waived for a Type 2 or 3 Commercial Kennel operated as an accessory use to general Retail Sales. [Ord. 2006-036]
9.	Each walk-up Freestanding ATM shall require a minimum of one parking space for persons with disabilities. [Ord. 2013-021]
10.	Parking may not be required for a Community Vegetable Garden subject to submittal of parking demand study and approval of a Type 1 Waiver. [Ord. 2015-031]
11.	Freestanding Unmanned Retail Structures shall require a minimum of one parking space for persons with disabilities. [Ord. 2017-007]
12.	A Type 3 CLF with more than 20 beds or a Nursing Home or Convalescent Facility with more than 20 beds shall provide at least one loading space per building unless approved as a Type 1 Waiver. [Ord. 2017-025]
13.	A maximum of 20 percent of the required queuing spaces, pursuant to Table 6.B.3.A, Minimum Queuing Standards , may count toward the parking requirements pursuant to this Table. [Ord. 2020-001]
14.	Parking for that portion of the park where there are proposed use(s), which may include but are not limited to: structures, activities of that use shall be calculated based on that use. Acreage associated with each use(s) shall be deducted from the overall park acreage. Parking calculation of the remainder of the park shall be based on the net acreage [Ord. 2020-001]

C. Parking Spaces for Persons Who Have Disabilities

Pursuant to [F.S. § 553.513](#), the provision of parking spaces and passenger loading areas for persons who have disabilities is governed by [F.S. § 553.511](#), [§ 5041](#), and the current effective version of the Florida Building Code, Accessibility. **[Ord. 2005-002] [Ord. 2011-016] [Ord. 2020-001]**

Section 2 Location

A. On-Site Parking

1. Required Parking

All required parking, shall be provided on the same lot or project as the principal use(s), or as allowed pursuant to [Art. 6.B.2.C, Off-Site Parking](#). The location of required 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. **[Ord. 2020-001]**

a. Distance from Building or Use

Unless otherwise provided in this Section, all required 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. **[Ord. 2020-001]**

b. Location of Front, Side, and Rear Parking

A minimum of ten percent of the required parking spaces shall be located at the side or rear of each building it is intended to serve; however, development requiring 50 or less parking spaces shall be exempt. 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. [Ord. 2005-041]

1) Large Scale Commercial Development

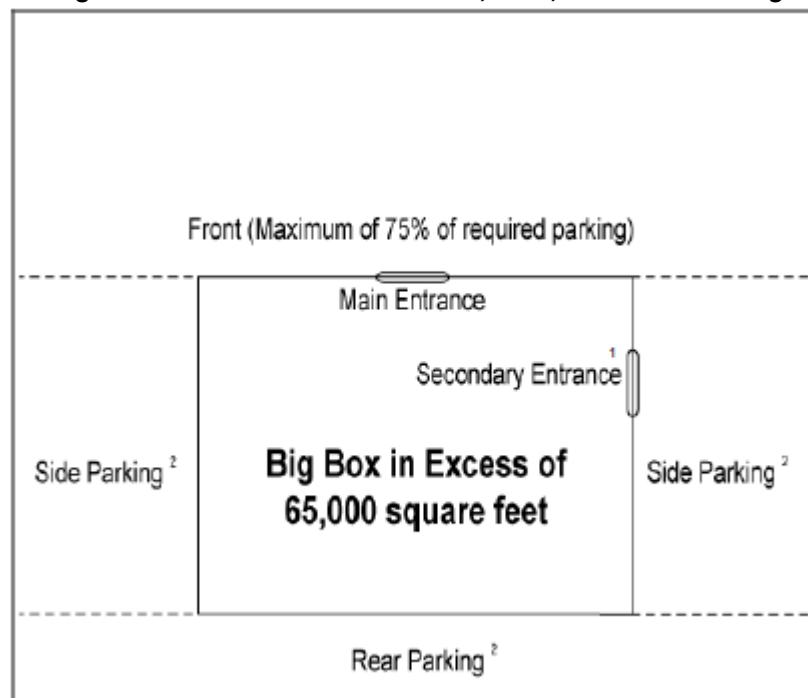
Developments with single tenants occupying 65,000 gross square feet or more shall locate parking in accordance with [Figure 6.B.2.A, Location of Front, Side, and Rear Parking](#), as follows: [Ord. 2020-001]

- a) A maximum of 75 percent of required parking shall be located at the front.
- b) A minimum of 15 percent of required parking shall be located immediately fronting a side or secondary entrance. [Ord. 2020-001]
- c) A minimum of 25 percent of the required parking spaces at the side or rear, as indicated in [Figure 6.B.2.A, Location of Front, Side, and Rear Parking](#). [Ord. 2020-001]

d) Type 2 Waiver

The BCC may waive these requirements as a Type 2 Waiver if the Applicant demonstrates there is an unusual site configuration or unique circumstances, and the alternative site design clearly meets the intent of this provision, by increasing the proximity of parking spaces to public entrances, reducing the visual blight of large expanses of surface parking areas, and improving pedestrian connectivity. [Ord. 2005-002] [Ord. 2012-027]

Figure 6.B.2.A – Location of Front, Side, and Rear Parking



[Ord. 2005-002] [Ord. 2020-001]

- 1. A minimum of 15 percent of required parking shall be located immediately fronting a side or secondary entrance. [Ord. 2020-001]
- 2. A minimum of 25 percent of required parking shall be located on the side or rear. [Ord. 2005-002]

c. Garages and Carports

Space within a carport or garage may be used to satisfy residential 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 parking spaces in the driveway or in a common parking lot. [Ord. 2020-001]

d. Parking Fees

Except as provided in [Art. 6.B.3.A.1.d.3\), Valet Parking](#), a fee or other form of compensation shall not be charged for the use of required parking spaces. Fees may be charged for the use of parking spaces that have been provided in excess of minimum standards. **[Ord. 2020-001]**

2. 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.B.3.B.2, Grass](#). All guest parking shall be prominently identified with an above-grade sign or marking on the wheel stop or curb.

B. On-Street Parking

On-street parking is prohibited unless stated below. **[Ord. 2019-034]**

1. Residential

On-street parking may be allowed as determined by the Land Development Division in subdivisions located in Standard Residential Zoning Districts or Residential Pods of a PDD when the following requirements are met: **[Ord. 2019-034]**

- a. parking spaces are located on an internal private street; **[Ord. 2019-034]**
- b. approved by the County Engineer per [Art. 11.B.6.C, Alternate Design, Construction Standards, and Types of Materials](#); **[Ord. 2019-034]**
- c. parking spaces shall not reduce the minimum fire department access width of 20 feet, pursuant to the Florida Fire Prevention Code, NFPA 1; **[Ord. 2019-034]**
- d. shall not be used to satisfy required parking; and, **[Ord. 2019-034]**
- e. not required to be shown on an approved Zoning Site Plan. **[Ord. 2019-034]**

2. Developments located in the WCRAO, IRO, URAO, or TDD Zoning Districts in accordance with the specific provisions in [Art. 3, Overlays and Zoning Districts](#) that allow on-street parking. **[Ord. 2019-034]**

C. Off-Site Parking

1. Permanent

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: **[Ord. 2020-001]**

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 minimum parking requirements for restaurants, lounges, Convenience Stores, and other high turnover-oriented uses. Required handicap parking spaces shall not be located off site. **[Ord. 2020-001]**

c. Location

Off-site parking shall not be located more than 600 linear feet from the building or 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. **[Ord. 2005-002]**

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. A copy of the agreement among the owners of record shall be submitted to the DRO and reviewed 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.

2. Temporary

The Zoning Director may consider a ZAR process for temporary off-site parking. **[Ord. 2017-007] [Ord. 2018-002] [Ord. 2020-001]**

- a. Off-site parking shall not be located more than 600 feet from the Temporary Use site, measured from access point to access point. The Zoning Director may approve a distance greater than 600 feet when the Applicant either demonstrates that the attendees or temporary use participants are transported to the site by other means or has contracted with law enforcement for traffic management and pedestrian crossing. **[Ord. 2017-007] [Ord. 2020-001]**
- b. Parcels used for off-site parking shall include access for vehicles to enter and exit the site in a forward motion. **[Ord. 2017-007]**
- c. Off-site parking shall not be separated by a street with a width of more than 80 feet, unless traffic assistance is provided to guide pedestrians or measures are in place to assist pedestrian safety. **[Ord. 2017-007]**
- d. Required accessible parking spaces shall not be located off site. **[Ord. 2017-007]**
- e. Pedestrian sidewalks shall be provided from the off-site parking to the Temporary Use site. **[Ord. 2017-007]**
- f. The duration and dates of the temporary off-site parking shall be the same as the time allowed for the Temporary Use it is intended to serve. **[Ord. 2017-007]**
- g. In the event an off-site parking area is not under the same ownership as the site of the Temporary Use site, a written agreement between the Applicant and all owners of record of the parking area shall be required prior to permit approval. A copy of the agreement shall be subject to review and approval of the Zoning Division, and at a minimum shall contain the following: **[Ord. 2017-007] [Ord. 2018-002]**
 - 1) A list of names and ownership interest of all owners of the subject property; **[Ord. 2017-007]**
 - 2) A legal description of the land to be used for off-site parking; **[Ord. 2017-007]**
 - 3) Assurance by the owners of the subject property that all required off-site spaces will be available to the Applicant for the uses described in the Temporary Use application; **[Ord. 2017-007] [Ord. 2020-001]**
 - 4) A statement of maintenance obligations of each party for the duration of the permit; and, **[Ord. 2017-007]**
 - 5) A requirement that the Zoning Director receive notification in the event the off-site parking agreement is terminated prior to the termination of the Temporary Use Permit. **[Ord. 2017-007]**
- h. Refer to [Art. 6.B.3.B, Materials](#) for parking surface types allowed. **[Ord. 2020-001]**

D. Commercial Parking Lot

1. 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.

2. Design Standards

The Site Plans for a commercial parking lot shall depict 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. **[Ord. 2020-001]**

3. 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.

E. Parking Structures

1. General

A parking structure may be constructed as a garage with or without a parking lift, and may be used to meet parking requirements for any use or combination of uses. Such structures shall be considered accessory to the principal use and shall be designed to meet or exceed the following standards. [Ord. 2020-001]

a. Parking Garage

Shall comply with the standards for surface parking lots with regard to marking, signage, striping, and minimum number of spaces to be provided. [Ord. 2020-001]

1) Design Layout

The Applicant shall submit a Site Plan that shows 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, sight distances at entrances and exits, and screening of the cars located in or on the parking structure from adjoining lands and from public streets. [Ord. 2020-001]

a) 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.B.2.E, Minimum Floor Width](#). [Ord. 2020-001]

Table 6.B.2.E – Minimum Floor Width

Angle	Parking on Both Sides of Aisle	Parking on One Side of Aisle
90	60' – One-or two-way aisle	43' – One-or two-way aisle
75	59' – One-way aisle (1)	40' – One-way aisle
60	53' – One-way aisle (1)	34' – 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.	

b) Minimum Space Width

The minimum parking space width shall be nine feet.

2) Parking Lifts

- May be used to stack two or three vehicles vertically in each parking space and shall be located within a parking garage or structure for the use they serve. [Ord. 2020-001]
- Shall not be subject to the minimum parking length and width dimensions. [Ord. 2020-001]
- Queuing is prohibited within any R-O-W. [Ord. 2020-001]
- Maximum sound levels shall not exceed applicable thresholds as stipulated in [Table 5.E.4.B, Maximum Sound Levels](#). [Ord. 2020-001]
- Details of the interior traffic circulation, parking space, and aisle dimensions shall be shown on the Site Plan. [Ord. 2020-001]

Section 3 Design and Materials

A. Dimensions and Layout

1. Dimensions

The dimensions and geometrics of parking areas shall conform to the following minimum standards. [Ord. 2020-001]

a. Residential

1) 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.

2) Common Parking Lots

For dwelling units that share a common parking lot, parking spaces and aisles shall be subject to [Table 6.B.3.A, Minimum Parking Dimensions for Non-Residential Uses and Residential Uses with Shared Parking Lots](#). [Ord. 2020-001]

b. Non-Residential

All non-residential uses and residential uses with shared parking lots shall provide parking spaces that comply with [Table 6.B.3.A, Minimum Parking Dimensions for Non-Residential Uses and Residential Uses with Shared Parking Lots](#), and [Figure 6.B.3.A, Typical Example of General Parking Schematic](#). Parking angles that are not illustrated in [Table 6.B.3.A, Minimum Parking Dimensions for Non-Residential Uses and Residential Uses with Shared Parking Lots](#), or [Figure 6.B.3.A, Typical Example of 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.B.3.A, Minimum Parking Dimensions for Non-Residential Uses and Residential Uses with Shared Parking Lots](#), the following rules shall apply: [Ord. 2020-001]

1) General

The term “general” applies to parking spaces designated to serve non-residential uses and residential uses with shared parking lots. [Ord. 2016-042]

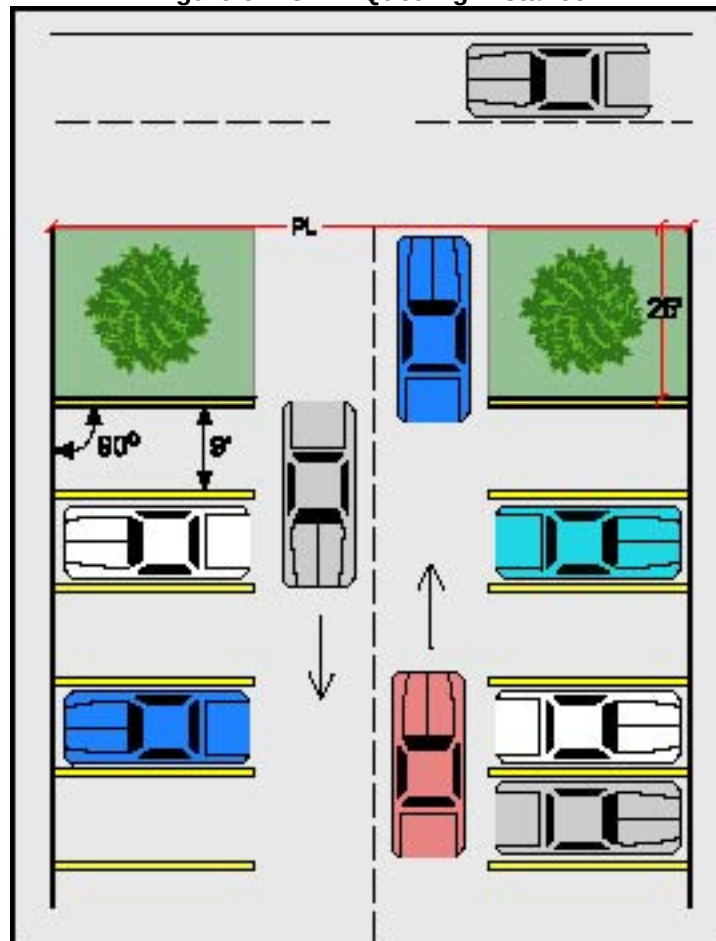
2) Queuing Distance

In a parking lot a minimum queuing distance of 25 feet is required between the property line and the first parking space.

3) Exception for Low Speed Electric Vehicles (LSEVs)

Where drive aisles in LSEV parking areas are not intended solely for use by LSEVs, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard-sized vehicles. [Ord. 2005-002]

Figure 6.B.3.A – Queuing Distance

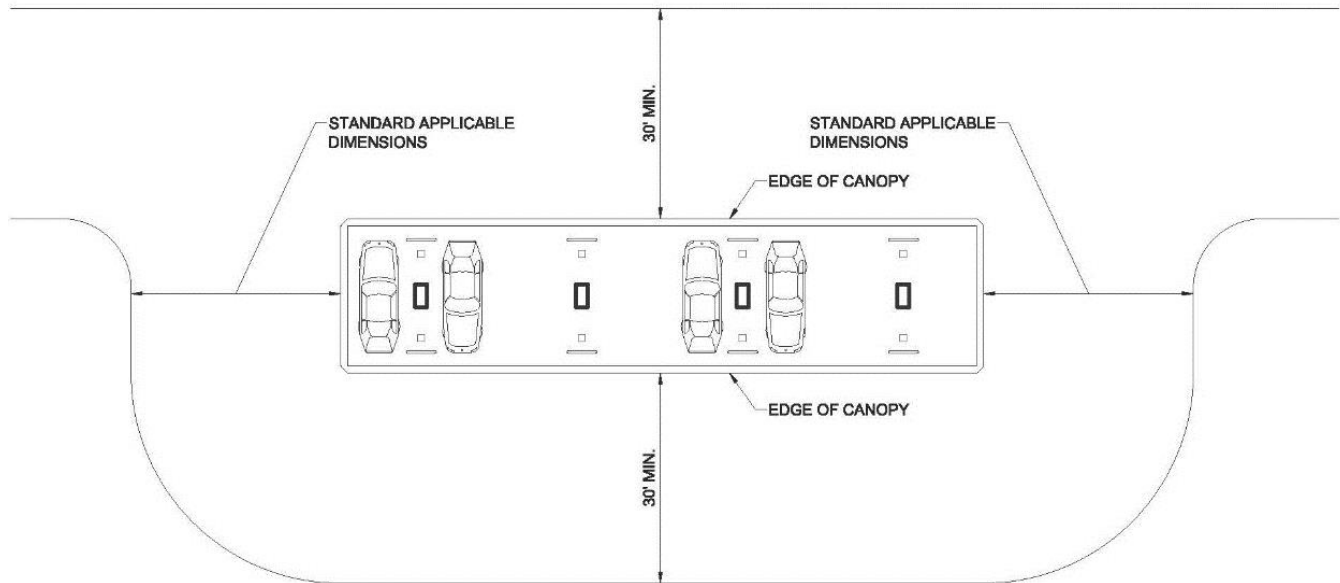


[Ord. 2005-002]

Table 6.B.3.A – Minimum Parking Dimensions for Non-Residential Uses and Residential Uses with Shared Parking Lots

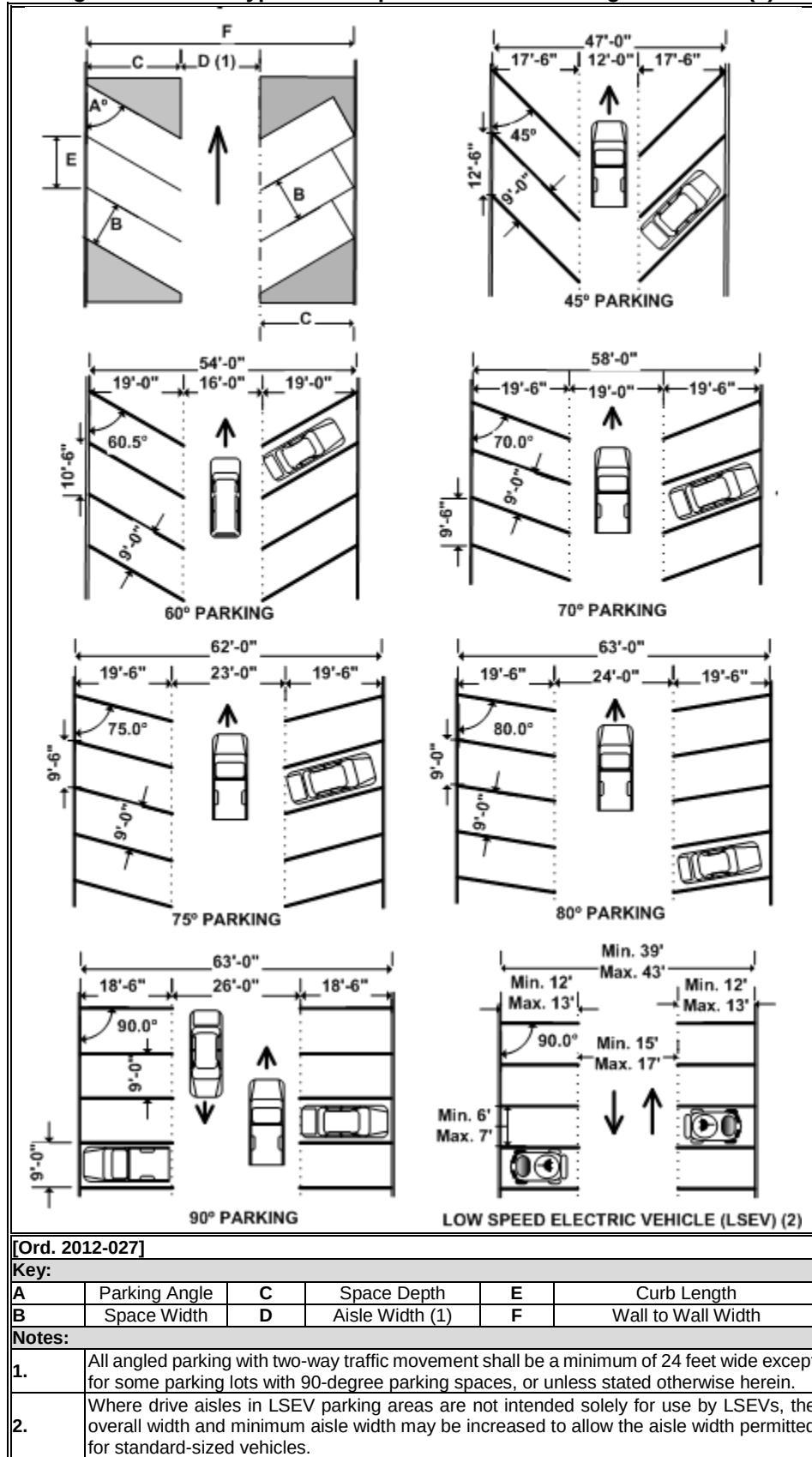
A Angle	Use (1)	B Space Width (Feet)	C Space Depth (Feet)	D (3)(4) Aisle Width (Feet)	E Curb Length (Feet)	F Module Width (Feet)
45	General	9.0	17.5	12.0	12.5	47.0
60	General	9.0	19.0	16.0	10.5	54.0
		9.5	19.0	15.0	10.5	53.0
70	General	9.0	19.5	19.0	9.5	58.0
		9.5	19.5	18.0	9.5	57.0
75	General	9.0	19.5	23.0	9.5	62.0
		9.5	19.5	22.0	9.5	61.0
80	General	9.0	19.5	24.0	9.0	63.0
		9.5	19.5	23.0	9.0	62.0
90	General	9.0	18.5	26.0	9.0	63.0
		9.5	18.5	25.0	9.0	62.0
90	Low Speed Electric Vehicle (LSEV)	Min. – 6.0 Max. – 7.0	Min. – 12.0 Max. – 13.0	Min. – 15.0 Max. – 17.0 (2)	Min. – 6.0 Max. – 7.0	Min. – 39.0 Max. – 43.0 (2)
[Ord. 2005-002] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2017-002] [Ord. 2019-005]						
Notes:						
1.	Use – See Art. 6.B.3.A, Dimensions and Layout . [Ord. 2020-001]					
2.	Where drive aisles in LSEV parking areas are not intended solely for use by LSEVs, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard-sized vehicles.					
3.	Angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90-degree parking stalls, or unless stated otherwise herein. [Ord. 2012-027]					
4.	For a Retail Gas and Fuel Sales use, the drive aisles perpendicular to the fueling positions under the canopy shall have a minimum aisle width of 30 feet (see Figure 6.B.3.A, Retail Gas and Fuel Canopy). [Ord. 2019-005] [Ord. 2020-001]					

Figure 6.B.3.A – Retail Gas and Fuel Canopy



[Ord. 2019-005]

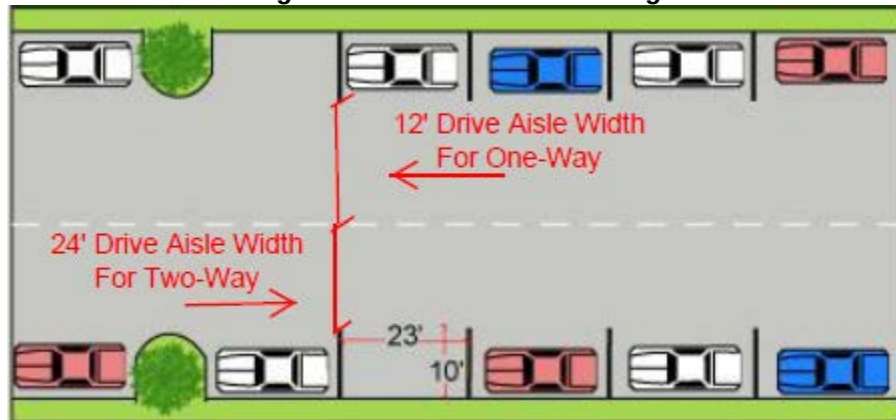
Figure 6.B.3.A – Typical Example of General Parking Schematic (1)



c. Parallel Parking

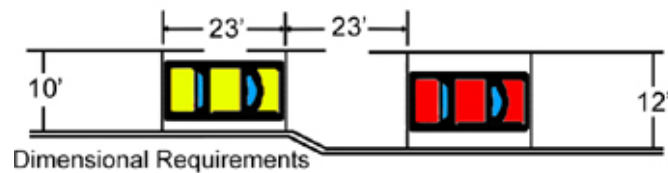
Parallel parking spaces shall have a minimum length of 23 feet and a minimum width of ten feet.

Figure 6.B.3.A – Parallel Parking



[Ord. 2020-001]

Figure 6.B.3.A – Parallel Parking Dimensional Standard



Dimensional Requirements



Marking Option - 1



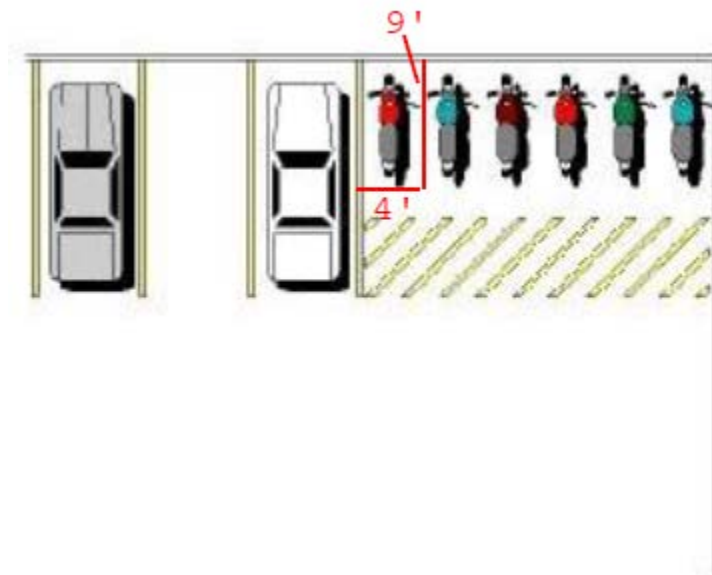
Marking Option - 2

d. Alternative Vehicle Parking

1) Motorcycle Parking

For any non-residential use providing 50 or more spaces, a maximum of three required on-site parking spaces per 50 spaces, may be reduced in size and redesigned to a minimum of four feet wide by nine feet long to accommodate parking of motorcycles. When provided, these parking spaces shall be identified by a sign. **[Ord. 2020-001]**

Figure 6.B.3.A – Motorcycle Parking



[Ord. 2020-001]

2) Golf Cart Parking

Residential developments with recreation areas such as Recreation Pods, Golf Courses, or recreational facilities designed and intended for use by occupants of residential developments or subdivisions, owned and operated by a POA, may accommodate golf carts or LSEVs subject to the following: **[Ord. 2013-001]**

- a) Utilize a maximum of 30 percent of recreational uses required parking spaces. **[Ord. 2013-001] [Ord. 2020-001]**
- b) Parking dimension may be reduced consistent with Low Speed Electric Vehicle (LSEV) minimum dimensions as indicated in [Table 6.B.3.A, Minimum Parking Dimensions for Non-Residential Uses and Residential Uses with Shared Parking Lots](#). **[Ord. 2013-001]**

3) Valet Parking

The DRO may approve the use of valet parking to satisfy required 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: **[Ord. 2020-001]**

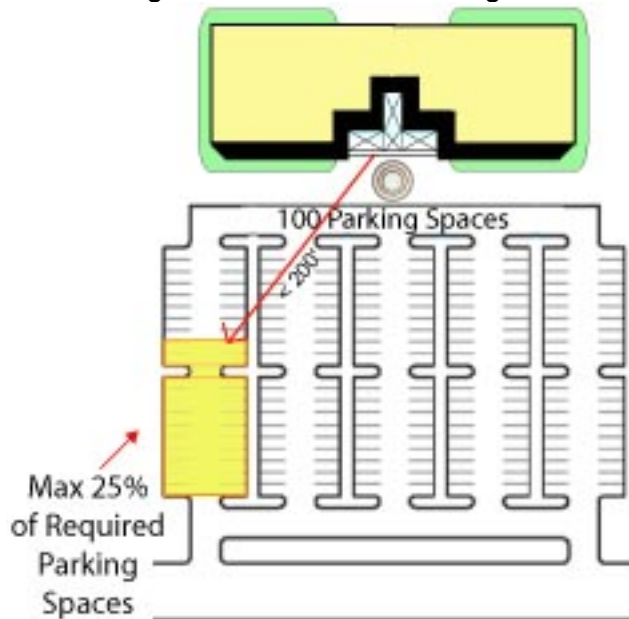
a) Maximum Number

The maximum number of spaces reserved for valet parking shall not exceed 25 percent of the minimum number of required parking spaces for commercial uses over 20,000 square feet and 50 percent for all other uses. **[Ord. 2020-001]**

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.

Figure 6.B.3.A – Valet Parking Illustration



4) Electric Vehicle Charging Parking Space (EVCPS)

A parking space that provides infrastructure that supplies electric energy for the charging of electric vehicles, without a fee, is associated with the principal use, and is part of the required number of parking spaces, shall be considered an EVCPS. Any parking space that requires a fee is subject to [Art. 4.B.2.C.10, Electric Vehicle Charging Station Facility](#). **[Ord. 2019-034]**
[Ord. 2020-001]

a) Non-Residential Uses

Shall not exceed a maximum of 20 spaces or ten percent of the total required parking spaces for the use or uses in the development, whichever is less. **[Ord. 2019-034]**

b) Residential Uses

An EVCPS is Permitted by Right. **[Ord. 2019-034]**

c) Design and Construction Standards

(1) Each EV space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with [Art. 8.B.2, Small Signs](#) and the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration. Each sign shall include the information pursuant to [Art. 4.B.2.C.10.c.5\)a\), c\), and d\)](#). Vehicles that are not capable of using the Electrical Vehicle Charging Station are prohibited from parking in this space; and **[Ord. 2019-034]**

(2) EV spaces shall be painted green, or shall be marked by green painted lines or curbs. **[Ord. 2019-034]**

2. Layout

a. Access

1) Ingress and Egress

Each parking space shall have appropriate access to a street or alley. Legally platted lots that accommodate one or 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. [Ord. 2007-001]

2) Dimensions

Access ways, except those associated with a Single Family residential use, shall be subject to the following dimensional standards.

Table 6.B.3.A – 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 Radius (3)	
Minimum	25
Maximum	30
Notes:	
1.	Widths exceeding these standards may be approved by the Zoning Director, the County Engineer, depending on the use or Fire-Rescue official, as necessary. [Ord. 2020-001]
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.

3) Driveways and Access

a) Access Connections

For the purposes of this Section, an access connection means the point or points at which a proposed development's traffic meets the existing right-of-way system. Access connections shall be subject to the following standards: [Ord. 2007-013]

(1) Spacing

(a) Local or Residential Access Streets

Access connections for lots located on local or residential access streets shall maintain a minimum setback from a side or rear lot line as follows: [Ord. 2007-013]

- 1) Single Family or Multifamily: 2 feet
- 2) Zero Lot Line: 1 foot
- 3) Townhouse: 1 foot

(b) Arterial and Collector Streets

Access connection locations and spacing shall be in accordance with the PBC Access Management Standards. Provided, however, that access 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. ch. 335](#). [Ord. 2007-013]

(2) Construction

Access connections to streets under the jurisdiction of PBC shall be constructed in accordance with the standards established by the DEP.W. [Ord. 2007-013]

(3) Number of Access Connections

(a) Local or Residential Access Streets

Lots located on local or residential access streets shall have a maximum of two access connections. [Ord. 2007-013]

(b) Arterial and Collector Streets

The number of access connections to serve a site shall be kept to a minimum. The County Engineer may restrict the number of access points or require construction of an additional access point(s) based upon the following criteria: **[Ord. 2007-013]**

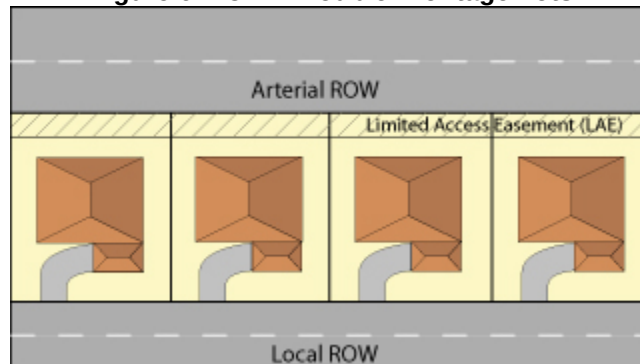
- 1) Proposed development frontage on roadways shown on the Thoroughfare Right-of-Way Identification Map; **[Ord. 2007-013]**
- 2) The projected daily and Peak Hour Traffic impacts of the development; **[Ord. 2007-013]**
- 3) Proposed land use; **[Ord. 2007-013]**
- 4) Traffic operations and safety on the major roadway network; **[Ord. 2007-013]**
- 5) Existing or anticipated traffic volume along adjoining R-O-W; **[Ord. 2007-013]**
- 6) Access connections on contiguous land or land on the opposite side of the street; **[Ord. 2007-013]**
- 7) Median opening locations; and, **[Ord. 2007-013]**
- 8) Safe sight distance. **[Ord. 2007-013]**

b) Double Frontage Lots and Corner Lots

(1) Double Frontage Lots

Access to a double frontage lot shall be governed by provisions of [Art. 11.E.2.A.4, Double Frontage Lots and Corner Lots](#) and the number of access connections shall be governed by the following. 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. **[Ord. 2007-013] [Ord. 2020-001]**

Figure 6.B.3.A – Double Frontage Lots



(2) Corner Lots

The number of access connections serving a corner lot shall be governed by the provisions of this Article, provided the regulations of [Section 300 of the Land Development Design Standards Manual](#) are met. **[Ord. 2007-013] [Ord. 2020-001]**

(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.

b. Point of Service and Queuing Standards

In addition to meeting the minimum parking and loading standards of this Article, all drive-through establishments shall meet the following standards. **[Ord. 2019-005] [Ord. 2020-001]**

Figure 6.B.3.A – Queuing and By-Pass Standards

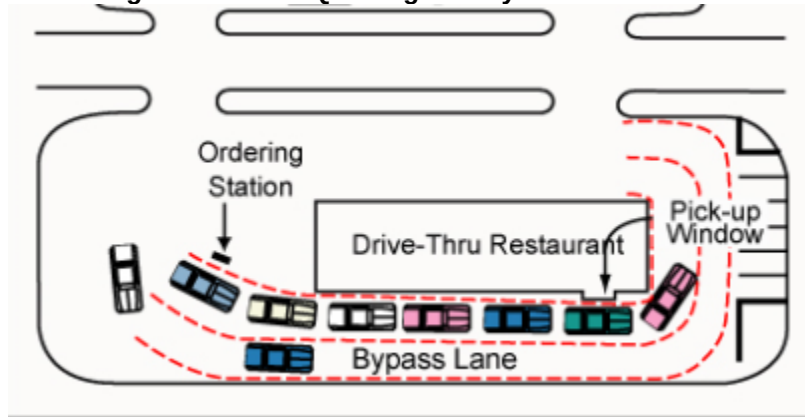
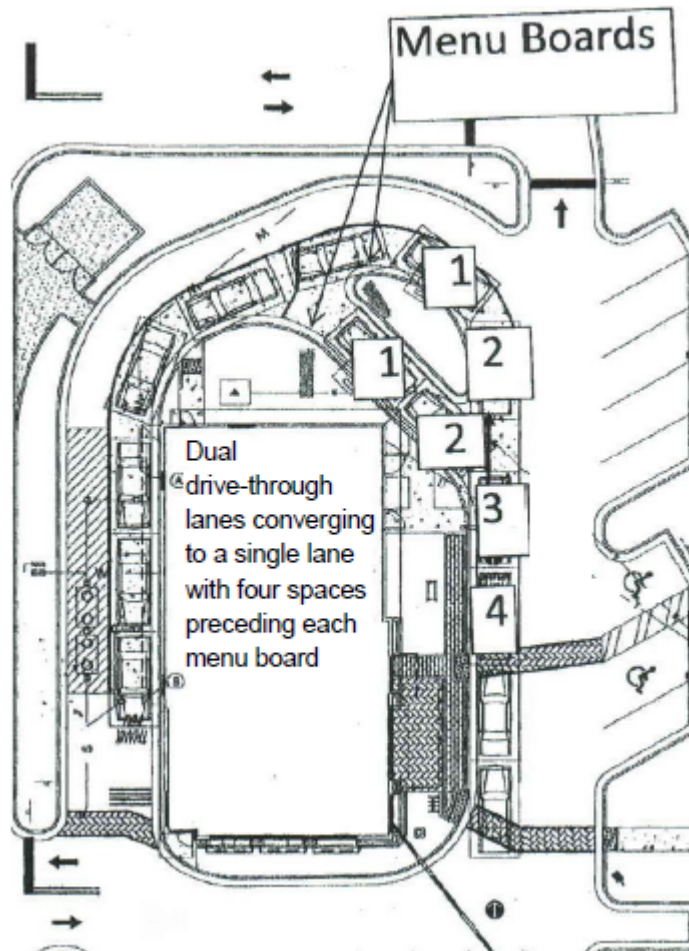


Figure 6.B.3.A – Queuing and By-Pass Standards for Dual Drive-Through



[Ord. 2020-001]

- 1) A point of service space shall be provided for all drive-through establishments. The dimensions for the point of service space shall be a minimum of nine by 20 feet. **[Ord. 2019-005]**
- 2) Queuing shall be provided for drive-through establishments described in [Table 6.B.3.A, Minimum Queuing Standards](#). 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. **[Ord. 2005-041] [Ord. 2019-005]**
- 3) 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.

Table 6.B.3.A – Minimum Queuing Standards

Use	Number of Spaces	Required By-Pass (1)
Drive-Through Financial Institution		
Teller Lanes	5	Y
Automatic Teller Lanes	3	N
Drive-Through Restaurant	7	Y
Minimum before Menu Board	4	
Drive-Through Car Wash		
Automatic	5	N
Self-Service	3	Y
Drive-Through Oil Change	4	Y
Drive-Through Dry Cleaning or Laundry	3	Y
Drive-Through 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	

- 4) The allowance for dual drive-through lanes converging to a single land with four spaces preceding each menu board is consistent with the ULDC queuing requirements. **[Ord. 2020-001]**

c. Circulation Standards

- 1) There shall be safe, adequate, and convenient arrangement of pedestrian pathways, bikeways, roads, driveways, and parking and loading spaces within parking areas. **[Ord. 2020-001]**
- 2) 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.
- 3) Parking lots shall be maintained in accordance with the paving and drainage permit issued authorizing construction.

d. Pedestrian Circulation

- 1) 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.
- 2) 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.
- 3) Where 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. **[Ord. 2020-001]**
- 4) For non-residential developments, subject to the requirements of [Art. 5.C, Design Standards](#), 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: **[Ord. 2009-040] [Ord. 2020-001]**
 - a) one native Canopy tree for each 25 linear feet with a maximum spacing of 50 feet between trees; **[Ord. 2009-040]**
 - b) one bench every 200 feet between the public sidewalk and building; and, **[Ord. 2009-040]**
 - c) walkways traversing vehicular use areas shall be accented with special pavers, bricks, decorative concrete, stamped concrete, or similar decorative pavement treatment. **[Ord. 2009-040]**

e. Drainage

1) Review and Approval by County Engineer

The drainage design for all parking areas shall be reviewed and approved pursuant to [Art. 11, Subdivision, Platting, and Required Improvements](#), prior to the issue of a Development Permit. **[Ord. 2020-001]**

2) 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.

3) 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.

f. Maintenance

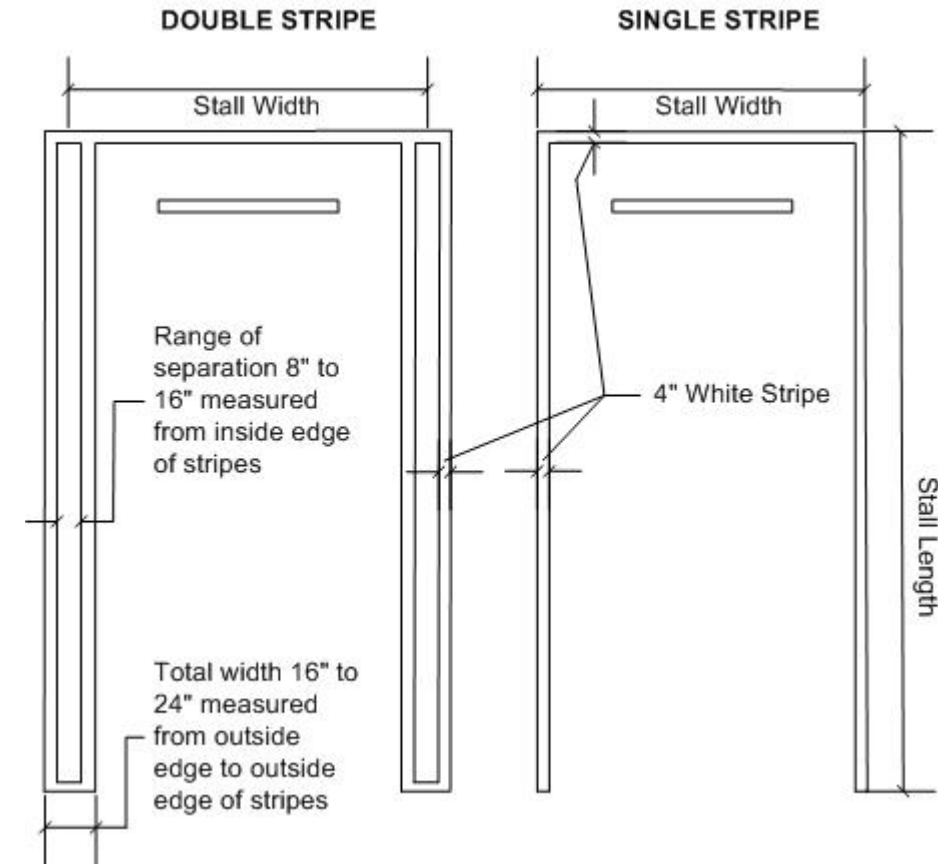
All parking lots shall be maintained in good condition to prevent any hazards, such as cracked asphalt or potholes.

g. Striping Width Standards

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. **[Ord. 2020-001]**

- 1) Single Striping parking space width shall be measured from the centerline of the stripe. **[Ord. 2020-001]**
- 2) 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. Parking space width shall be measured from the centerline of the set of stripes.

Figure 6.B.3.A – Striping Standards



h. 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.

i. Landscaping

- 1) All new parking lots shall be landscaped in accordance with [Art. 7, Landscaping](#).
- 2) Renovations to existing parking lots shall be landscaped in accordance with [Art. 7, Landscaping](#).

a) 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.

B. Materials

1. Paved

Unless otherwise provided in this Article, all parking lots shall be improved with either: (1) a minimum of a six-inch shell rock or lime rock base with a one inch hot plant mix asphaltic concrete surface; or (2) a base and surface material of equivalent durability, as certified by an engineer.

a. Shell Rock

The uses listed below may construct surface parking lots with shell rock or similar material approved by the DRO, except for the required handicapped parking space(s). Parking areas connected to a public street, shall be paved. **[Ord. 2019-039]**

- 1) Agricultural uses requiring less than 20 spaces.
- 2) Communication towers.
- 3) Accessory uses to a Bona Fide Agriculture use, such as Farm Workers Quarters.
- 4) Wholesale Nursery, Retail Nursery, or Landscape Service collocated with a Nursery requiring less than 20 parking spaces, and the Outdoor Storage area of vehicles for the operation of the business. **[Ord. 2019-039]**
 - a) Wholesale Nursery, Retail Nursery, or Landscape Service collocated with a Nursery requiring 20 or more parking spaces may contract surface parking lots with 50 percent of the required spaces as shell rock or other similar materials subject to [Art. 6.B.3.B.1.a, Shell Rock](#), or grassed subject to [Art. 6.B.3.B.2, Grass](#). **[Ord. 2007-010] [Ord. 2019-039]**
- 5) Driveways in the RSA serving residential uses on unpaved roads.
- 6) Uses in the C-51 Catch Basin when approved by the DRO.
- 7) Government Facilities when limited to spaces that are not accessible to the general public. **[Ord. 2020-001]**
- 8) Parks when provided to serve as overflow parking for event and/or peak parking. **[Ord. 2020-001]**

b. Wheel Stops 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.

2. Grass

Grass parking is permitted, subject to approval by the DRO, pursuant to the following procedures and standards: **[Ord. 2020-001]**

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 grass parking; **[Ord. 2007-013]**
- 2) the proposed method of traffic control to direct vehicular flow and parking;
- 3) description of the method to ensure that the grass parking surface will be maintained in its entirety with a viable turf cover; **[Ord. 2007-013]**
- 4) a conceptual drainage plan for the entire parking area; and, **[Ord. 2007-013]**
- 5) a written statement that the area proposed for grass parking shall be used for parking on an average of no more than three days or nights each week. **[Ord. 2007-013]**

b. Standards

The following standards shall apply to grass parking:

- 1) only parking spaces provided for peak demand may be allowed as grass parking; **[Ord. 2007-013]**
- 2) paved parking shall be provided for average daily traffic, including weekday employees and visitors;
- 3) a grass parking area shall not include any existing or proposed landscaped area, surface water management area, or easement, other than a utility easement;
- 4) handicap parking shall not be located in a grass parking area;
- 5) grass parking areas shall meet the landscape requirements in [Art. 7, Landscaping](#). Grass parking areas shall not be counted toward meeting minimum landscape or open space standards; **[Ord. 2007-013]**
- 6) all access aisles or lanes shall either: **[Ord. 2007-013]**
 - 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; or **[Ord. 2007-013]**
 - c) be stabilized with subbase underlayment subject to approval by Land Development. **[Ord. 2007-013]**
- 7) grass parking shall be located a minimum of 100 feet from the overland flow prior to entering into a body of water or water systems; and, **[Ord. 2007-013]**
- 8) materials utilized in the construction of grass parking shall be drought tolerant and subject to approval by Land Development. **[Ord. 2007-013]**

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.

CHAPTER C ALTERNATIVE DESIGN OPTIONS

Section 1 Requirements to Reduce or Increase Parking

A. Type 1 Waiver

1. Applicability

a. Reduce Required Parking

A Type 1 Waiver may be requested to reduce required parking no more than 15 percent, subject to the Standards as outlined in [Art. 2.C.5.F, Type 1 Waiver](#) and the following: **[Ord. 2020-001]**

- 1) limited to uses that require 20 or more spaces; **[Ord. 2020-001]**
- 2) submittal of a Parking Demand Statement that identifies the use or uses; and, **[Ord. 2020-001]**
- 3) the Parking Demand Statement confirms the parking will not be negatively impacted if the Type 1 Waiver is granted. **[Ord. 2020-001]**

b. PDD Parking Increase

The Development Review Officer (DRO) may authorize an increase in the maximum allowed number of parking spaces in a PDD subject to a Type 1 Waiver. **[Ord. 2020-001]**

1) 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:

- a) the location of the use(s) on the site requiring the additional parking;
- b) the size and type of use(s) and/or activity(s) requiring the additional parking; and,
- c) the rate of turnover and the anticipated peak parking demands.

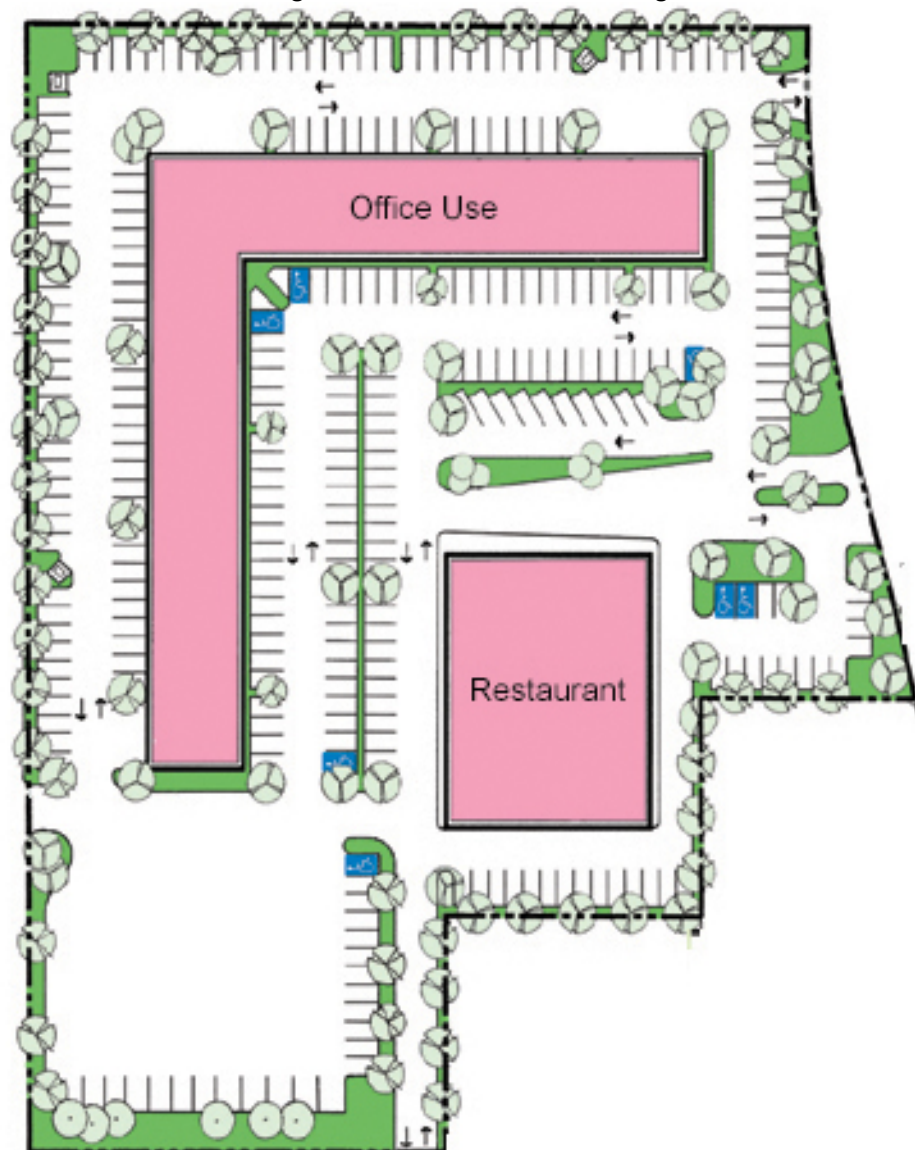
2) Maximum Increase

- a) Lots less than ten acres in size may apply for a 20-percent increase.
- b) Lots ten acres or greater in size may apply for a ten-percent increase.

B. Shared Parking

The DRO may authorize a reduction in the number of required parking spaces for multiple and mixed use projects and for uses that are in close proximity to one another that have different peak parking demands and operating hours. Shared parking shall be subject to the following standards: [Ord. 2020-001]

Figure 6.C.1.B – Shared Parking



1) Application

A shared parking study shall be submitted in a form established by the Zoning Director.

2) 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.

3) 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:

- a) be based on the Urban Land Institute's (ULI) methodology for determining shared parking, or other generally-accepted methodology;
- b) 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;
- c) provide for no reduction in the number of required handicapped spaces;
- d) provide a plan to convert reserved space to required parking spaces; and,
- e) 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.

4) Reserved Space

The Applicant shall account for 100 percent of the reduction granted through one of the following alternatives: reserved area; future parking garage; future rooftop parking; off-site parking; limitation of uses to adhere to parking regulations; or, shared parking. **[Ord. 2011-001]**

5) 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 approved 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. Proof of recordation of the agreement shall be submitted prior to approval by the DRO. The agreement shall:

- a) list the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
- b) provide a legal description of the land;
- c) include a Site Plan showing the parking area and reserved area which would provide for future parking; **[Ord. 2011-001]**
- d) 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;
- e) 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;
- f) 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;
- g) describe the obligations of each party, including the maintenance responsibility to retain and develop reserved areas for additional parking spaces if the need arises; **[Ord. 2011-001]**
- h) incorporate the shared parking study by reference;
- i) be made part of the Site Plan/Final Subdivision Plan; and,
- j) describe the method by which the covenant shall, if necessary, be revised.

6) 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.

CHAPTER D RESIDENTIAL PARKING STORAGE

Section 1 Storage

A. Applicability

1. Outdoor Storage

A maximum of one recreational vehicle and any two or a maximum of three of the following, may be parked outdoors on a residential parcel with a residential unit: sports vehicle or marine vessel with accompanying trailers; and trailers may be parked outdoors in a residential district provided that the vehicles are: **[Ord. 2007-013] [Ord. 2019-005] [Ord. 2020-001]**

- 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, or on the street except for the purpose of loading or unloading during a period not to exceed two hours in any 24-hour period; **[Ord. 2007-013]**
- 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 or marine vessels on navigable waterways are exempt; and, **[Ord. 2007-013] [Ord. 2019-005]**
- g) one vehicle which does not meet the requirements above may be approved through ZAR process upon demonstration that: **[Ord. 2018-002]**
 - 1) The Property Owner, family member, or legal tenant has a physical disability which requires a vehicle which cannot meet these requirements.

2. Unregistered or Unlicensed Vehicles

One vehicle may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots. **[Ord. 2007-013] [Ord. 2020-001]**

3. Indoor Storage

Vehicles, marine vessels, and related trailers used for non-commercial purposes, whether licensed and operational or not, located in a fully-enclosed garage or permitted roofed structure. **[Ord. 2007-013] [Ord. 2019-005]**

4. Parking of Equipment, Vehicles, or Marine Vessels and Trailers in Residential Districts

The following standards shall apply to the parking of equipment (including construction equipment), vehicles, recreational vehicles, sports vehicles, or marine vessels and trailers on residential parcels or adjacent streets in residential districts. For the purposes of this Section, legally established, non-residential uses in the AR district in lands designated Rural Residential in the Plan shall not be considered a residential district and is subject to [Art. 5.B.1.A.3, Outdoor Storage and Activities](#), where allowed. **[Ord. 2007-013] [Ord. 2019-005] [Ord. 2020-001]**

a. General Prohibition

1) On-Street

No person shall park, store, or keep any equipment, commercial vehicle, recreational vehicle, marine vessel, trailer, or sports vehicle such as a dune buggy, jet skis, racing vehicle, off-road vehicle, air boat, canoe, or paddleboat, on any public street, or other thoroughfare or any R-O-W within a residential district for a period exceeding one hour in any 24-hour period, each such period commencing at the time of first stopping or parking. **[Ord. 2007-013] [Ord. 2019-005] [Ord. 2019-034]**

2) On-Site

- a) 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 equipment, commercial vehicle, sports vehicle, recreational vehicle, marine vessel, or trailer for a period exceeding one hour in any 24-hour period, each such period commencing at the time of first stopping or parking, unless in compliance with [Art. 6.D.1.A.2, Unregistered or Unlicensed Vehicles](#). **[Ord. 2007-013] [Ord. 2019-005] [Ord. 2019-034] [Ord. 2020-001]**
- b) Vehicles shall only be parked on an improved surface in the Urban/Suburban Tier. **[Ord. 2019-034]**

3) Vacant Lot Prohibitions

Parking shall be prohibited on all vacant properties in residential districts. **[Ord. 2007-013]**

CHAPTER E LOADING STANDARDS

Section 1 General

A. Prohibitions

1. A street or driveway shall not be used for loading or unloading.
2. A loading space shall not be used to satisfy parking requirements. [Ord. 2020-001]
3. The location of the loading area shall not interfere with the free circulation of vehicles in the parking lot. [Ord. 2020-001]
4. **Repair Activities**
Only emergency repair service shall be permitted in a loading space.

Section 2 Calculation

A. 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. [Ord. 2016-042]

2. Fractions

When calculation of the number of required 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. [Ord. 2016-042] [Ord. 2020-020]

3. Floor Area

Loading standards that are based on square footage shall be computed using GFA. [Ord. 2016-042]

4. Unlisted Land Uses

In the event that loading requirements for a particular use are not listed in this Article, 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. [Ord. 2016-042]

5. Government Services and Government Facilities

May request alternative calculations based on evidence of actual loading demand for similar uses or reliable traffic engineering and planning information. [Ord. 2020-001]

B. Minimum Loading Requirements

1. Standard "A"

One space for GFA that is 10,000 square feet or greater, plus one space for each additional 40,000 square feet of GFA. [Ord. 2020-001]

2. Standard "B"

One space for GFA that is 10,000 square feet or greater, plus one space for each additional 50,000 square feet of GFA. [Ord. 2020-001]

3. Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces

An Applicant may apply for a Type 1 Waiver subject to submittal and approval of documentation such as: evidence of actual loading demand for the proposed use(s), as well as other available technical data, traffic engineering, and planning information. [Ord. 2007-001] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2017-025] [Ord. 2020-001]

Section 3 Location

A. On Site

Loading spaces shall be located adjacent to the building which it serves, and where required by [Table 6.B.1.B, Minimum Parking and Loading Requirements](#), unless approved pursuant to [Art. 6.E.3.C, Alternative Design Options](#). Loading spaces shall be proportionately distributed throughout the site. [Ord. 2008-037] [Ord. 2020-001]

B. Off Site or On Street

Loading spaces shall be prohibited from being located off site or on street. [Ord. 2020-001]

C. Alternative Design Options

Parking spaces and the drive aisle may be used in lieu of providing a designated loading space during non-business hours and shall be prohibited during the hours of operations. [Ord. 2020-001]

Section 4 Design and Construction Standards

A. Dimensions, Layout, and Screening

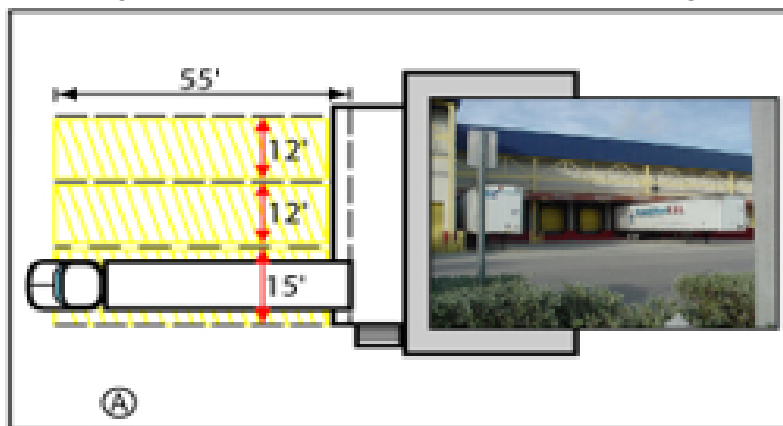
1. Dimensions

a. Loading Space

Table 6.E.4.A – Dimensions

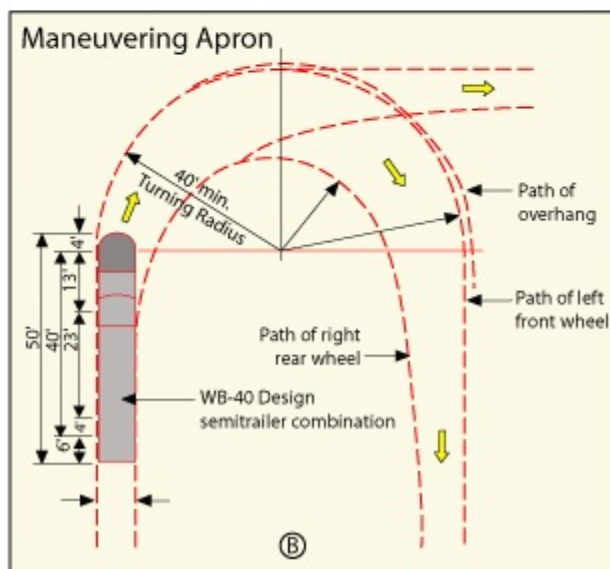
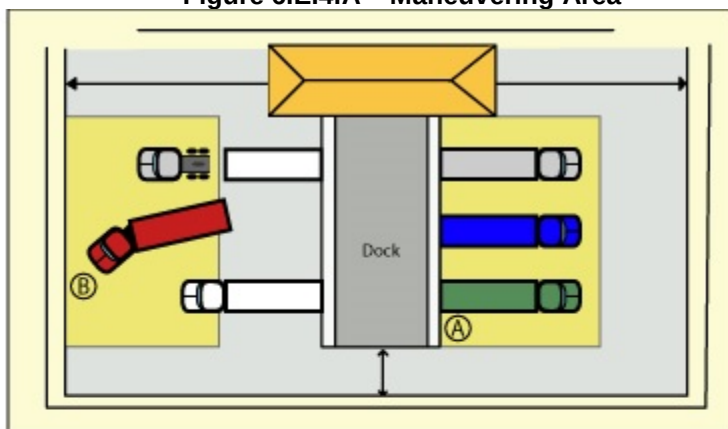
	Square Footage of Gross Floor Area	Number of Required Loading Spaces
Standard “A” (12’ wide by 18.5’ long)	0-10,000 sq. ft.	0
	10,001-40,000 sq. ft.	1
	Each additional 40,000 sq. ft.	1
Standard “B” (15’ wide by 55’ long)	0-10,000 sq. ft.	0
	10,001-50,000 sq. ft.	1
	Each additional 50,000 sq. ft.	1
[Ord. 2020-001]		
Notes:		
1.	The use of parking spaces and the drive aisle can be used in lieu of providing a designated loading space during off-business hours. [Ord. 2020-001]	
2.	Additional loading spaces adjacent to, and not separated from the first loading space may be reduced to a minimum of 12 feet in width. [Ord. 2005-041]	

Figure 6.E.4.A – Dimensions for Width and Length



[Ord. 2020-001]

Figure 6.E.4.A – Maneuvering Area

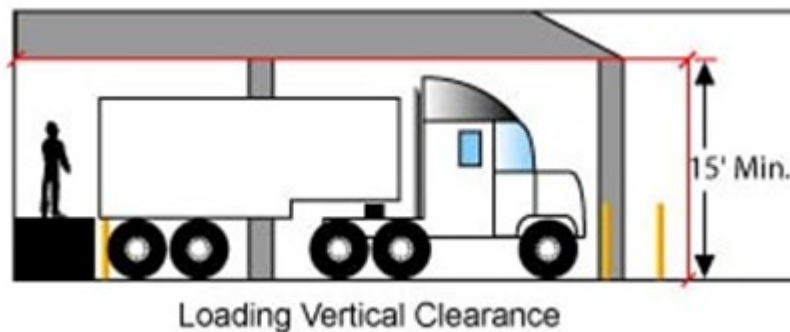


[Ord. 2020-001]

b. 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.

Figure 6.E.4.A – Vertical Clearance



c. Vertical Clearance

A vertical clearance of at least 15 feet shall be provided over the space and maneuvering apron, unless reduced by the DRO.

d. Type 1 Waiver – Reduction of Loading Space Width or Length

The minimum required width and length may be reduced for uses that require limited loading, to not less than 12 feet and 18.5 feet, respectively, subject to submittal and approval of documentation such as: evidence of actual loading demand for the proposed use(s), as well as other available technical data, traffic engineering, and planning information. [Ord. 2007-001] [Ord. 2016-042]

2. Layout

a. Distance from Intersection

1) Distance

No loading space shall be located within 40 feet of the nearest point of the edge of pavement or curb of any two intersecting streets. [Ord. 2020-001]

2) Setback

Loading spaces shall be set back 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.

b. Access Marking

Each 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, 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. [Ord. 2020-001]

3. Screening

a. Bay Doors

Bay doors shall be located and oriented away from residential property lines or set back a minimum of 50 feet and screened from view.

b. Loading Area Screening

Loading areas, which may include loading spaces, docks, and associated maneuvering areas, that are within 100 feet of a parcel with a residential FLU designation or use, or visible from a street R-O-W, shall be screened from view by buildings a minimum of 12 feet in height, or a wall in combination with landscape material, as follows: [Ord. 2008-037] [Ord. 2015-031]

1) Options by Location

a) In Between Loading Area and Property Line

Unless located within a perimeter landscape buffer, the following shall be required: a 12-foot-high wall combined with foundation planting along the exterior side of the wall, in accordance with the façade standards of [Table 7.C.3.B, Foundation Planting and Dimensional Requirements](#). [Ord. 2008-037] [Ord. 2015-031]

b) Perimeter Buffers

If located within a perimeter landscape buffer, minimum required wall or additional landscaping, shall be as follows: [Ord. 2015-031]

(1) Within a Compatibility or Incompatibility Buffer: 12-foot wall; or [Ord. 2015-031]

(2) Within a R-O-W Buffer: six-foot wall combined with an eight-foot-high hedge located on the exterior side of the wall. [Ord. 2015-031]

(3) Minimum wall height required within perimeter buffers may be reduced when used in combination with a berm, provided that the total height does not exceed 12 feet. [Ord. 2015-031]

c. Architectural Compatibility

Walls shall be architecturally compatible with the adjacent structure. [Ord. 2015-031]

d. Conflict with Other Applicable Regulations

If a conflict exists between loading area screening and other Articles in this Code, the provisions above shall prevail except where superseded by State or Federal law. [Ord. 2015-031]

e. Exemptions

Loading area screening is not required if any of the following standards are satisfied: [Ord. 2015-031]

1) the loading area is obstructed from view by an existing landscape buffer, a preserve, or a structure; [Ord. 2008-037]

2) a structure or tenant consisting of 10,000 square feet or less; [Ord. 2008-037]

- 3) a single loading space; or, **[Ord. 2008-037]**
- 4) the WCRAO Executive Director may exempt a loading space from screening requirements for parcels located in the WCRAO, pursuant to [Art. 3.B.14.I.2, Redevelopment Loading Option](#). **[Ord. 2008-037]**

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-013; June 27, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-005; February 2, 2010] [Ord. 2010-009; April 2, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2011-016; September 6, 2011] [Ord. 2012-007; March 29, 2012] [Ord. 2012-027; August 31, 2012] [Ord. 2013-001; January 31, 2013] [Ord. 2013-021; August 30, 2013] [Ord. 2014-025; September 3, 2014] [Ord. 2015-031; September 3, 2015] [Ord. 2016-042; September 27, 2016] [Ord. 2017-002; January 31, 2017] [Ord. 2017-007; March 2, 2017] [Ord. 2017-025; August 28, 2017] [Ord. 2018-002; February 1, 2018] [Ord. 2018-018; August 29, 2018] [Ord. 2019-005; January 29, 2019] [Ord. 2019-034; August 27, 2019] [Ord. 2019-039; December 5, 2019] [Ord. 2020-001; January 28, 2020] [Ord. 2020-020; September 3, 2020]

Provisions for Noncompliance / Nonconformities

meet any subsequent Code amendments that may be adopted prior to final approval of the application by the appropriate Board or County Official. [Ord. 2010-005]

CHAPTER F NONCONFORMITIES

Section 1 General

A. Purpose and Intent

The purpose and intent of this Chapter is: to establish regulations to address lots, structures, uses and site elements that were lawfully established before this Code was adopted or amended, that now do not conform to the terms and current requirements of this Code; to regulate and limit the continued existence of such nonconformities; and, where possible, bring them into conformance with this Code.

In addition, this Chapter addresses projects within the Redevelopment Areas in [Art. 3.B, Overlays](#) (IRO, URAO, and WCRAO) where new developments and redevelopments are regulated by form-based design standards. The intent is to provide incentives to encourage infill and redevelopment in these areas, improve the overall quality of the surrounding communities, to address any development restrictions unique to each overlay and to ensure overall compliance with the general intent of non-conformity provisions. [Ord. 2010-005] [Ord. 2010-022]

B. Applicability

This Chapter applies to nonconforming lots, structures, uses and site elements. In determining whether such nonconformities will be regulated by the provisions of this Chapter, the following shall apply: [Ord. 2010-005]

1. Nonconforming status shall not be provided for any: lot, structure, use, or site element, which was illegally created, commenced, constructed or unlawfully continued, or commenced after the restrictions, became applicable. [Ord. 2010-005]
2. Nonconforming status shall only be authorized upon demonstration by the Applicant that a lot, structure, use or site element was created, commenced or constructed, and not merely contemplated, unless permitted by this Code. [Ord. 2010-005]
 - a. For a nonconforming use, affidavits alone are not sufficient evidence to establish nonconforming status. The Applicant must demonstrate that the use was in continuous operation during business hours and not an occasional use of the property. The Applicant will be required to submit a Vested Use Recognition Form established by the Zoning Director to confirm the use is vested. [Ord. 2010-005]
3. An accessory nonconforming use shall not become the principal use. [Ord. 2010-005]
4. **Exemption for All Designated Historic Sites/Structures by the BCC**
Limitations for maintenance, renovation and natural disaster damage repair shall not apply to conforming uses for nonconforming structures, site elements or lots that have been granted waivers from all applicable nonconformities by the BCC in accordance with [Art. 9.B.4.B, Waiver of the Code Provisions](#), for historic sites. [Ord. 2010-022]

C. Improvements to Nonconformities

There are four classifications of improvements that may be made to nonconformities. These include: Expansion, Maintenance, Renovation, and Natural Disaster Damage Repair pursuant to [Art. 1.H.2, Definitions](#). [Ord. 2010-005]

D. Improvement Value

Improvement Value, as determined by the Palm Beach County Property Appraiser, is utilized to calculate allowable improvements for all types of nonconformities listed in this Chapter. The maximum allowable improvement is based upon the Property Appraiser's most recent Improvement Value of the structure as follows: 125 percent for non-government structures including structures in the Redevelopment Area or in the Overlays, and 185 percent for government structures. A Property Owner may apply to the Property Appraiser for a re-assessment to obtain the most recent improvement value of the structure. If a new value is established, it shall be forwarded directly to the Zoning Director from the Property Appraiser. [Ord. 2010-005]

E. Total Value of Improvements

The International Code Council's Building Valuation Data Table, which provides the "average" construction costs per square foot, shall be used as the sole basis in determining the value of an improvement necessary to perform expansion, maintenance, renovation, or natural disaster damage repair for any type of nonconformity. The table is outlined in the most current building valuation data in the Building Safety Journal, as amended periodically by the International Code Council. As an alternative to the Building

Valuation Data table, an Applicant may submit other comparable guidelines adopted by law or accepted in practice by the Building Official. **[Ord. 2010-005]**

F. Expansion for Nonconformities

Expansion shall comply with [Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion](#) and other applicable Sections of this Chapter. No variance shall be permitted beyond the percentages stated in this Table. **[Ord. 2010-005]**

**Table 1.F.1.F – Nonconformities
Percentage and Approval Process for Expansion**

Improvement Classification	Major Nonconforming Use in a Conforming Structure (1)	Minor Nonconforming Use in a Conforming Structure (1)(2)	Conforming Use in a Nonconforming Structure	Nonconforming Site Element (3)
Expansion				
Non-Government and Government	One time only 10% max. allowed with DRO Approval. 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 nonconforming.	One time only 10% max. allowed with DRO Approval. Shall not exceed 10% max. of approved floor area of the structure or 10% of the improvement value of the structures on site, whichever is less, or other form of measures pursuant to Art. 1.F.4.D, Expansion.	Comply with Code through applicable review approval process. Shall not change or increase the nonconforming features of the structure. Shall not result in the expansion of a nonconforming use.	Comply with applicable Code to greatest extent possible through applicable review approval process.
[Ord. 2010-005] [Ord. 2010-022]				
Notes:				
1.	Nonconforming use in a nonconforming structure shall not expand.			
2.	Expansion shall be based upon intensity or density pursuant to Art. 1.F.4.D, Expansion .			
3.	Refer to Art. 1.F.5, Nonconforming Site Element for additional information.			

G. Maximum Improvement to a Nonconformity

The standards, limitations, and approval processes for improvements to nonconformities shall be as follows: **[Ord. 2010-005]**

- Maintenance, Renovation, and Natural Disaster Damage Repair – The total combined value for improvement classifications shall not exceed the allowable maximum percentage of any single improvement classification. The percentage of each improvement classification is pursuant to [Table 1.F.1.G, Nonconformities – Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair](#). **[Ord. 2010-005]**
- Maintenance – may be performed in any 12-consecutive month period. **[Ord. 2010-005]**
- Renovation and Natural Disaster Damage Repair – The cumulative changes in total value of improvement are calculated over the previous five-year period as a nonconforming use or structure is renovated or repaired for damages. **[Ord. 2010-005]**
- Public utility facilities with nonconforming structures on existing sites shall not be subject to the requirements of this Chapter. **[Ord. 2010-005]**
- For additional requirements for each type of nonconformities, see applicable Sections of this Chapter. **[Ord. 2010-005]**
- No variance shall be permitted for the percentages stated in [Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion](#). **[Ord. 2010-005]**
- Repair for non-natural disaster damage shall comply with percentage pursuant to [Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion](#). **[Ord. 2010-005]**

Table 1.F.1.G – Nonconformities

Percentage (1) and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair

Improvement Classifications	Major Non-Conforming Use (1)(2)	Minor Non-Conforming Use (1)(2)	Conforming Use in a Non-Conforming Structure (1)	Non-Conforming Site Elements
Non-Government				
Maintenance	20% and under; By Right	30% and under; By Right	20% and under; By Right	Comply with applicable Code to greatest extent possible through applicable review approval process. (5)
Renovation				
Natural Disaster Damage Repair				
Government (3)				
Maintenance	30% and under; By Right	45% and under; By Right	Greater than 20% to 30% and under; DRO	
Renovation				
Natural Disaster Damage Repair				
URAO, WCRAO, IRO (4)				
Maintenance	20% and under; By Right	30%; By Right	30%; By Right	
Renovation	OR	OR	OR	
Natural Disaster Damage Repair	Greater than 20% to 30% and under; DRO	Greater than 30% to 50% and under; DRO	Greater than 30% to 50% and under; DRO	
[Ord. 2010-005] [Ord. 2010-022]				
Notes:				
1.	All percentages shall be based on the Improvement Value of the structure pursuant to Art. 1.F.1.D, Improvement Value , unless stated otherwise herein.			
2.	For non-conforming use in a conforming or non-conforming structure, the percentage of the non-conforming use shall apply.			
3.	A higher percentage shall be allowed for Government structures as appraisals by the Property Appraiser's Office are conducted less for Government structures due to exemptions for property tax.			
4.	A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art. 3.B, Overlays .			
5.	If the use or structure is non-conforming, the maximum allowable percentage for improvements for the site elements shall be included in the total value of improvements.			

Section 2 Non-Conforming Lot

A. Applicability

This Section shall only apply to non-conforming lots that do not meet the minimum lot acreage and dimensional criteria pursuant to [Table 3.D.1.A, Property Development Regulations \(PDRs\)](#) of this Code, if all of the following conditions are met: [Ord. 2008-037] [Ord. 2010-005]

1. FLU and Zoning Consistency

The existing zoning or any rezoning is in compliance with the requirements of [Art. 3.A.3, Zoning District Consistency with the Future Land Use \(FLU\)](#). [Ord. 2008-037] [Ord. 2010-005] [Ord. 2019-034]

2. Lot Recombination Requirements

Where applicable, the lot or lots have complied with the lot recombination requirements of Plan FLUE Policy 2.2.1-r, and [Art. 11, Subdivision, Platting, and Required Improvements](#). [Ord. 2008-037] [Ord. 2010-005]

B. Subdivision (Includes Lot Combinations)

Non-conforming lots may be combined with any other conforming or non-conforming lot without obtaining Variance relief for non-conforming lot dimensions, inclusive of frontage, width, depth, and size, if all of the following conditions are met: [Ord. 2008-037] [Ord. 2010-005]

1. The newly created lot complies with the lot dimensions of this Code, or reduces the non-conformity; and [Ord. 2008-037] [Ord. 2010-005]
2. Can comply with the requirements of [Art. 11, Subdivision, Platting, and Required Improvements](#). [Ord. 2008-037] [Ord. 2010-005]

C. Residential Development Regulations

A non-conforming residential lot may utilize the following property development regulations for a Single Family dwelling unit only, or for related accessory structures in the AR district in accordance with [Art. 5.B.1.A.1.d.2\)b\), Non-Conforming Lot Dimensions](#). [Ord. 2010-005] [Ord. 2016-042]

1. Minimum Setback Requirements

Minimum setback requirements may be in accordance with the percentages listed below: [Ord. 2010-005] [Ord. 2016-042] [Ord. 2019-034]

- a. If the minimum depth dimension is non-conforming: [Ord. 2010-005]
Front: 30 percent of lot depth. [Ord. 2010-005]
Rear: 20 percent of lot depth. [Ord. 2010-005]
- b. If the minimum width dimension is non-conforming: [Ord. 2010-005]
Side Interior: 15 percent of lot width. [Ord. 2010-005]
Side Street: 20 percent of lot width. [Ord. 2010-005]

2. Building Coverage

The maximum lot coverage calculations shall be based on the size of the lot indicated in the Table below, and shall include accessory structures. [Ord. 2010-005] [Ord. 2016-042]

Table 1.F.2 – Non-Conforming Building Coverage in the AR District

Non-Conforming Lot Size	Max. Building Coverage
Greater than 2.5 ac.	15%
20,000 sq. ft.-2.5 ac.	20%
14,000 sq. ft.-19,999 sq. ft.	30%
13,999 sq. ft. and under	40%
[Ord. 2016-042]	

3. Floor Area Ratio

Maximum Floor Ratio Area (FAR) requirements for the AR district do not apply. [Ord. 2016-042]

4. Accessory Structures

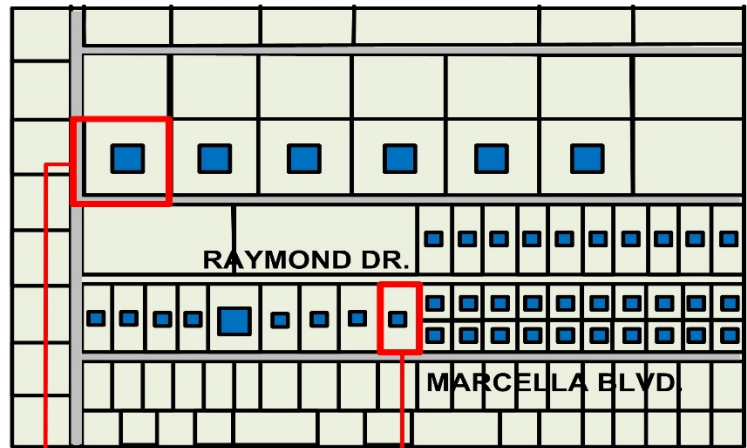
Accessory structures shall comply with all applicable Code requirements. [Ord. 2010-005] [Ord. 2016-042]

Figure 1.F.2 – Non-Conforming Lots and Setbacks

AERIAL MAP



ANTIQUATED SUBDIVISION



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. **Example of 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. **Example of Non-Conforming Lots:** See Diagrams B
Lots do not comply with minimum lot dimensions.

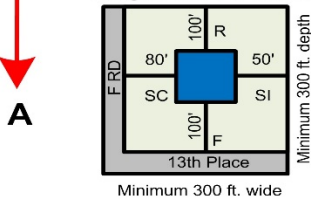
LEGEND

- Road
- Building

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

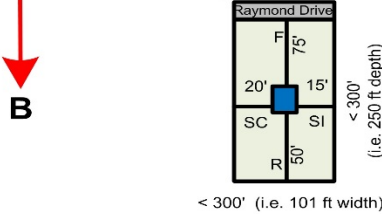
LOT SETBACKS

CONFORMING LOT
Single lot 10 acres



A

EXAMPLE OF NON-CONFORMING LOTS IN AR DISTRICT
Single lot 3 acres



B

Minimum setbacks	F = 100'
	SC = 80'
	S = 50'
	R = 100'

F = 30%	depth = .30 x 250' = 75'
SC = 20%	width = .20 x 101' = 20'
S = 15%	width = .15 x 101' = 15'
R = 20%	depth = .20 x 250' = 50'

[Ord. 2005-002] [Ord. 2010-005] [Ord. 2016-042]

D. Accessory Quarters

Accessory Quarters on non-conforming lots with an RR FLU designation that are equal to or less than one and one-half acres may utilize a 25-foot side or rear setback, subject to the following where the setback is less than the setback required for the SFD unit: [Ord. 2006-004] [Ord. 2010-005] [Ord. 2017-007]

1. A minimum five-foot-high continuous solid opaque visual screen consisting of a hedge, fence, or wall, shall be installed and maintained along the property line adjacent to the length of the Accessory Quarters. [Ord. 2006-004] [Ord. 2010-005] [Ord. 2017-007]
2. Ingress/egress to the Accessory Quarters shall not be oriented towards the adjoining property. [Ord. 2006-004] [Ord. 2010-005] [Ord. 2017-007]

E. Non-Residential Development and/or Residential Development Other Than Single Family

Non-residential development and residential development other than Single Family may be developed, subject to the following: [Ord. 2008-037] [Ord. 2010-005]

1. The proposed use is allowed by this Code; and [Ord. 2010-005]
2. All other PDRs, supplemental development regulations, and setbacks for the use are met, or Variances are obtained pursuant to the requirements of [Art. 2.B.7.E, Type 2 Variance](#) or [Art. 2.C.5.E, Type 1 Variance](#) and [Art. 2.C.5.F, Type 1 Waiver](#). [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2018-002]

Section 3 Non-Conforming Structure

A. General

A non-conforming structure may continue to exist in accordance with this Section. [Ord. 2010-005]

B. Expansion

Expansion of a non-conforming structure shall not change or increase the non-conforming features of the structure, and shall not result in the intensification of a non-conforming use through the structural expansion. Expansion shall not exceed the percentage pursuant to [Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion](#). [Ord. 2010-005]

C. Maintenance, Renovation, and Natural Disaster Damage Repair

Maintenance, renovation, and damage repair caused by acts of nature shall not exceed the percentage pursuant to [Table 1.F.1.G, Nonconformities – Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair](#). [Ord. 2010-005]

D. Uses and Structures within an Airport Zone Established in Article 16

1. Applicability

Uses, structures, and other obstructions permitted prior to the effective date of the Airport regulations, November 1, 1996, that lie within regulated areas defined in [Art. 16, Airport Regulations](#), which do not comply with the Airport Land Use Compatibility Schedule or FDOT, “Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations,” or exceeds permitted height limitations shall be considered a non-conforming use unless the structure or use is brought into conformance with the provisions of [Art. 16, Airport Regulations](#). [Ord. 2010-005] [Ord. 2017-025]

a. Exemptions

Land Uses within regulated areas for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport are exempt from the requirements of this Article. [Ord. 2010-005] [Ord. 2017-025]

2. Existing Uses and Occupancy

The requirements of [Art. 16, Airport Regulations](#), shall not be construed to necessitate the removal, lowering, or other modification of a structure or building supporting an existing use non-conforming 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 started prior to November 1, 1996, and are 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](#). [Ord. 2010-005] [Ord. 2017-025]

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](#). [Ord. 2010-005]

3. Discontinuance or Cessation

A nonconforming use or structure that is intentionally discontinued, abandoned, or changed shall lose its nonconforming status and shall not be reestablished or resumed. Any subsequent use or structure in the same location shall be consistent with this Code. A use or structure that has been discontinued, abandoned, or changed for a period of more than 180 consecutive days, or for a total of 540 calendar days during any three-year period, shall constitute a presumption of the intent to discontinue, abandon, or change the use or structure. In the event either time period has been exceeded, an Applicant shall have the burden of rebutting the presumption by presenting competent, substantial evidence of the intent to maintain the nonconforming use or structure. [Ord. 2017-025]

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

a. Height Restrictions

Permits shall not 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](#). [Ord. 2010-005]

b. Use Regulations

Any permits to substantially modify, repair, restore, reconstruct, or rebuild a structure supporting a non-conforming use shall comply with [Art. 16.C.1.E, General Land Use Regulations – Off-Airport Land Use Compatibility Schedule \(Appendix 8\)](#). In such cases, the entire building or structure shall be brought into conformance with these requirements. For the purposes of this Article, substantially modify shall mean: [Ord. 2010-005] [Ord. 2017-025]

- 1) the structure is more than 80 percent torn down, destroyed, deteriorated, or decayed; or [Ord. 2010-005]
- 2) the Total Value of Improvement of repair, reconstruction, or restoration exceeds 50 percent of the Improvement Value of the existing building or structure. [Ord. 2010-005] [Ord. 2013-001] [Ord. 2017-025]

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](#). [Ord. 2010-005]

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](#). [Ord. 2010-005]

6. Obstruction and Marking Requirements

Any repair restoration, reconstruction or alteration to a non-conforming 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](#). [Ord. 2010-005]

Section 4 Nonconforming Use

A. Nonconforming Use Classifications

There are three classes of nonconforming uses: Major, Minor, and Nonconforming to Airport Regulations. [Ord. 2010-005]

1. 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 and create or threaten to create incompatibilities that are detrimental to the public welfare. The intent of the PBC Comprehensive Plan is to eliminate or reduce existing or previously approved land uses, and activities, which were lawful before the adoption of the Plan but are now prohibited, regulated, or restricted under the terms of the Plan. [Ord. 2010-005]

2. Minor

A minor nonconforming use is a use that was legally established in a zoning district under a prior Code and one or more of the following applies: the use has been changed to a more restrictive review or approval process under the terms of this Code; DOAs or improvements to the use would exceed the development and approval thresholds; or, the use does not meet the property development regulations of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare. An Applicant who is requesting modification or improvement to a minor nonconforming use is encouraged to apply pursuant to the review and approval process now in effect to correct the nonconforming status of the use for the benefit of future Development Order Amendments and other types of improvements. [Ord. 2010-005] [Ord. 2015-006]

3. Nonconforming to Airport Regulations

Requirements for uses nonconforming to Airport regulations are set forth in [Art. 1.F.3.D, Uses and Structures within an Airport Zone Established in Article 16](#). Nonconforming uses that are also nonconforming to the Airport zoning regulations shall comply with both the nonconforming provisions in [Art. 1.F, Nonconformities](#) and the nonconforming provisions in [Art. 16, Airport Regulations](#). These uses shall be regulated as follows: [Ord. 2010-005] [Ord. 2017-025]

- a. A major nonconforming use shall comply with the major nonconforming use provisions in [Art. 1.F, Nonconformities](#). [Ord. 2010-005] [Ord. 2017-025]
- b. A minor nonconforming use shall comply with both provisions of the minor nonconforming use provisions in [Art. 1.F, Nonconformities](#) and the Nonconforming to Airport Regulations in [Art. 16.C.2, Nonconforming Uses](#). [Ord. 2010-005] [Ord. 2017-025]

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. [Ord. 2010-005]

C. Discontinuance or Cessation

A nonconforming use that is intentionally discontinued, abandoned, or changed to an accessory use shall lose its nonconforming status and shall not be reestablished or resumed. Any subsequent use in the same location shall be consistent with this Code. A use that has been discontinued, abandoned, or changed to an accessory use for a period of more than 180 consecutive days, or for a total of 540 calendar days during any three-year period shall constitute a presumption of the intent to discontinue, abandon, or change to an accessory use. In the event either time period has been exceeded, an Applicant shall have the burden of rebutting the presumption by presenting competent, substantial evidence of the intent to maintain the nonconforming use. [Ord. 2010-005] [Ord. 2017-025]

D. Expansion

1. Major Nonconforming Use

Expansion shall not exceed the percentage pursuant to [Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion](#). [Ord. 2010-005]

2. Minor Nonconforming Use

A minor nonconforming use may be expanded pursuant to [Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion](#), and the following: [Ord. 2010-005]

- a. The expansion shall not exceed ten percent of the approved floor area of the structure or ten percent of the improvement value of the structures on site, whichever is less; or any other form of measure of intensity/density for the specific use such as but not limited to: beds for congregate living facilities; decks for restaurants; number of children for daycares; number of fueling stations or gas pumps for Retail Gas and Fuel Sales; or, other traffic intensity measures. [Ord. 2010-005] [Ord. 2017-007]

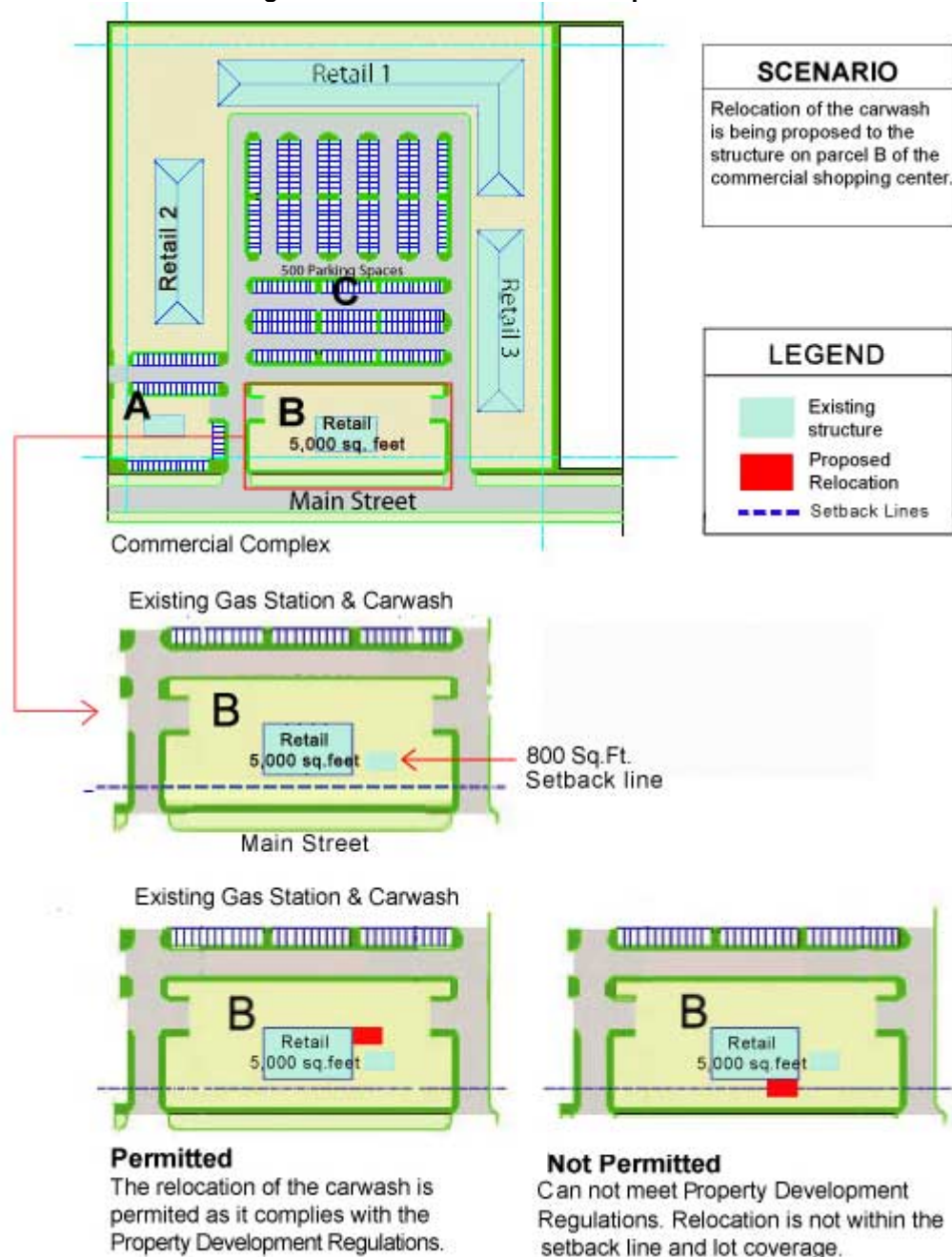
E. Maintenance, Renovation, and Natural Disaster Damage Repair

Shall not exceed the percentage pursuant to [Table 1.F.1.G, Nonconformities – Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair](#). For natural disaster damage repair, improvement value shall be established at the time the damage occurred. [Ord. 2010-005]

F. Relocation

See [Figure 1.F.4, Relocation and Expansion](#) for permitted relocation of nonconformities. A nonconforming use shall not be relocated. [Ord. 2010-005]

Figure 1.F.4 – Relocation and Expansion



Section 5 Nonconforming Site Element

A. Applicability

This Section establishes procedures for improvements and modifications to a prior approval with nonconforming site elements and establishes thresholds for vesting nonconformities. This Section shall apply to non-conforming site elements, including but not limited to: [Art. 5.E.4.E, Outdoor Lighting](#), [Art. 6, Parking, Loading, and Circulation](#), [Art. 7, Landscaping](#), and [Art. 8, Signage](#) that may be impacted by proposed improvements or modifications to a prior approval. In addition, this Section shall also apply to projects that meet the threshold pursuant to [Art. 5.B, Accessory Uses and Structures](#) and [Art. 5.C, Design Standards](#), and those that are subject to [Art. 16, Airport Regulations](#). [Ord. 2010-005] [Ord. 2019-005]

B. Modification or Improvement to a Prior Approval with Nonconforming Site Elements

Proposed modification or improvement to a project where the use or structure is conforming or has been brought into conformance with this Code through an applicable approval process, and where only the site elements are nonconforming, the following requirements shall be met: **[Ord. 2010-005]**

1. Projects without an Approved Plan

A project without an approved plan shall comply with this Code. **[Ord. 2010-005]**

2. Unbuilt Projects with an Approved Plan

An unbuilt project with an approved plan shall only comply with [Art. 6, Parking, Loading, and Circulation](#), [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. **[Ord. 2010-005]**

3. Built Projects with an Approved Plan

Projects, which have commenced development or have been constructed, shall comply with the requirements of this Code and the following: **[Ord. 2010-005]**

- a. Projects with 80 percent or more of the approved density or intensity (number of units, square feet, or footprint of buildings) constructed shall remain valid for any information and items clearly shown on the approved Development Order. The affected area shall meet this Code to the greatest extent possible. **[Ord. 2010-005]**
- b. Projects with less than 80 percent of the approved density or intensity constructed shall comply with [Art. 6, Parking, Loading, and Circulation](#), [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. **[Ord. 2010-005]**

C. Additional Improvement Threshold for Nonconforming Site Elements

When improvements are proposed to a conforming structure with a conforming use, the associated nonconforming site elements must also be improved to comply with current Code requirements (See Zoning Division Technical Manual for examples). The required improvements shall be determined based on the Improvement Value of the structure pursuant to [Table 1.F.5, Thresholds for Improvements – Nonconforming Site Elements](#). These improvements are required in addition to the standards pursuant to [Art. 1.F.5.B.3, Built Projects with an Approved Plan](#). **[Ord. 2010-005]**

**Table 1.F.5 – Thresholds for Improvements
Nonconforming Site Elements**

Use or Structure	Percentage (1)(2)	ULDC Requirements
Non-Government	35% and over	Art. 5.E.4.E, Outdoor Lighting
		Art. 6, Parking, Loading, and Circulation
		Art. 7, Landscaping
		Art. 8, Signage
	75% and over	In addition to the above requirements: Art. 5.C, Design Standards , if applicable Art. 5.B.1.A.19, Permanent Generators , if applicable
Government (3)	100% and over	Art. 5.E.4.E, Outdoor Lighting
		Art. 6, Parking, Loading, and Circulation
		Art. 7, Landscaping
		Art. 8, Signage
		Art. 5.C, Design Standards , if applicable
		Art. 5.B.1.A.19, Permanent Generators , if applicable
[Ord. 2010-005]		
Notes:		
1.	The percentage is based on the Improvement Value of conforming structure(s). [Ord. 2010-005]	
2.	The percentage applies to improvements for a conforming use or structure with nonconforming site elements. If the use or structure is nonconforming, the maximum allowable percentage shall comply with Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion . [Ord. 2010-005]	
3.	Applies only to exterior renovations or additions to existing buildings and structures. [Ord. 2010-005]	

D. Standalone Improvements to Nonconforming Site Elements

Standalone improvements to nonconforming site elements shall comply with [Art. 1.F.5.B, Modification or Improvement to a Prior Approval with Nonconforming Site Elements](#) in the affected area, to the greatest extent possible, and the following, where applicable: **[Ord. 2010-005]**

1. Outdoor Lighting

Alterations or additions to outdoor lighting shall comply with [Art. 5.E.4.E, Outdoor Lighting](#). **[Ord. 2010-005]**

2. Vehicular Use Areas

Alterations or additions to vehicular use areas shall comply with [Art. 5.E.4.E, Outdoor Lighting Standards](#), [Art. 6, Parking, Loading, and Circulation](#), and [Art. 7, Landscaping](#). [Ord. 2010-005]

a. Non-Residential PDDs and TMDs Parking Calculation

Proposed modifications to a previously approved development, whether modifications is for the entire or a portion of the development, shall be in compliance with the following: [Ord. 2010-005]

1) the minimum parking requirements pursuant to the non-residential parking requirements of [Art. 3.E.1.C.2.h, Parking](#); and [Ord. 2010-005]

2) applicable Sections of [Art. 7, Landscaping](#). [Ord. 2010-005]

3. Sign Renovations or Additions

Approved signs as shown on plans or pursuant to conditions of an approval shall remain valid. Renovations or additions to a sign shall be in compliance with [Art. 8, Signage](#). The maximum percentage of improvements for a non-conforming sign shall be based on the original value of the previously approved sign. [Ord. 2010-005]

4. Landscaping

Approved Landscape Plans 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 also be subject to [Art. 14.C, Vegetation Preservation and Protection](#). [Ord. 2010-005]

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 non-conforming 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.

General Definitions

CHAPTER H 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 in this Article shall have the following meanings:**
 - 1. **A-Weighted Sound Pressure Level** – for the purposes of [Art. 5, Supplementary Standards](#), the sound pressure level as measured with a sound level meter using the A-Weighting network. The standard notation is dB.
 - 2. **Abandon** – given up, unused, vacant, or not occupied for the purpose it was originally intended.
 - 3. **Abandoned Tower** – any commercial communication tower whose principal use has been discontinued for a period in excess of three months.
 - 4. **Abutting Property** – lying immediately adjacent to and sharing a common property line with other property.
 - 5. **Accent Lighting** – For the purposes of [Art. 5.E.4.E, Outdoor Lighting](#), shall mean lighting used to accent a sculpture, trellis, waterfalls, statue, foot bridge, rock outcrop, fountain or other similar feature and landscaping. **[Ord. 2008-037]**
 - 6. **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.
 - 7. **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.
 - 8. **Accessory Agricultural Uses** – For the purposes of [Art. 4.B, Use Classification](#), these uses include “U-Pick-Em” operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing, cutting, and packing of farm products, and canning, dehydration, and basic preparation of raw food products prior to shipment and outdoor storage of equipment. **[Ord. 2005-002]**
 - 9. **Accessory Building or Appurtenant Structure** – for the purposes of [Art. 18, Flood Damage Prevention](#), a structure that is located on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment not to exceed 25 percent of the value of the primary structure, shall not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory buildings or appurtenant structures for flood damage purposes are detached garages, carports, storage sheds, and barns. All structures used for human occupancy shall be deemed principal structures and shall comply with these regulations, and not be defined as an Accessory Building or Appurtenant Structure. **[Ord. 2004-013]**
 - 10. **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.
 - 11. **Accessory Overnight Accommodation (AOA)** – A limited service overnight facility for visiting researchers, scientists and dignitaries. **[Ord. 2004-040]**

12. **Accessory-Retail** – Where a retail sales use is not the principal use, but may be permitted as an accessory use. [Ord. 2010-005]
13. **Accessory Use** – see Uses, Accessory
14. **Acre** – land or water consisting of 43,560 square feet.
15. **Acres, Gross** – the total land area, including all public and private areas, within the legal boundaries of a particular parcel of land or project.
16. **Act** – the Local Government Comprehensive Planning and Land Development Regulation Act, [F.S. § 163.3161](#) et seq.
17. **Adaptive Use** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), the process of converting a building to a use other than that which it was originally designed.
18. **Addition** – means any walled and roofed expansion to the perimeter of an existing building. Expansion shall be connected by a roof line, foundation, and a common load-bearing wall of an existing building. Any walled and roofed expansion, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is considered as new construction, and not an addition. An expansion that is connected to an existing building by a breezeway shall be considered an accessory structure. [Ord. 2018-018]
19. **Adequate Protection by Treatment** – for the purposes of [Art. 15, Health Regulations](#), any one or any combination of the controlled processes of coagulation, sedimentation, absorption, filtration, or other processes in addition to disinfection which produces water consistently meeting the requirements of this Article including processes which are appropriate to the source of supply.
20. **Adjacent Parcel of Land** – A parcel of land that has all or part of a boundary in common with another parcel, including point to point, or is separated from such parcel by a street, easement, R-O-W, waterway, park or other minor geographical division. [Ord. 2008-037]
21. **Administrative Inquiry** – a request by PBC Officials to the Board of County Commissioners (BCC) for direction on procedural matters or to resolve inconsistencies in a Development Order; or to provide status or an inquiry of a specific site when the Monitoring provisions of [Art. 2.E, Monitoring of Development Orders \(DOs\) and Conditions of Approval](#) are not applicable. [Ord. 2011-016] [Ord. 2017-002]
22. **Adopted Level of Service (LOS)** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
23. **Adverse Effect** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), any action which will significantly alter or destroy a historic resource. [Ord. 2008-037]
24. **Adverse Impact** – for the purposes of [Art. 18, Flood Damage Prevention](#), the increased probability of damage to structures from flooding or from floodwater erosion. [Ord. 2004-013]
25. **Advertising Structure** – for the purposes of [Art. 8, Signage](#), a sign representing or directing attention to a business, commodity, service, or entertainment, conducted, sold, or offered.
26. **Aerobic Treatment Unit** – for the purposes of [Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems](#), as defined by [Chapter 64E-6, F.A.C.](#)
27. **Aeronautical Study** – means a Federal Aviation Administration study, conducted in accordance with the standards of [14 CFR 77, Subpart C](#), and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration upon the operation of air navigation facilities and the safe and efficient use of navigable airspace. [Ord. 2017-025]
28. **Affected Area** – For the purposes of [Art. 1.E, Prior Approvals](#), the area on a plan or a development that is subject to the proposed modification, including but not limited to: lot, structures, uses, or site elements. [Ord. 2010-005]
29. **Affidavit of Exemption** – for the purposes of [Art. 2, Application Processes and Procedures](#), 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. No. 73-4), as amended, granted pursuant to said regulations.
30. **Affidavit of Waiver** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), a document evidencing the grant of an exception to the platting requirement or the required improvements installation requirement.
31. **Affordable Housing** – a dwelling unit for which a household spends no more than 30 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.

32. **Affordable Housing Program** – a voluntary program used by an Applicant seeking additional density for an affordable housing development. [Ord. 2009-040]
33. **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.
34. **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.
35. **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.
36. **AGR-PUD 80/20 Development Area** – that portion of the PUD which contains the residential, recreational, civic, and commercial pods.
37. **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.
38. **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.
39. **Air Rights** – the right to use space above ground level.
40. **Air Space** – for the purposes of [Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems](#), the distance from the liquid level up to the inside top of a treatment receptacle.
41. **Air Stripper** – a temporary remedial system which treats contaminated groundwater.
42. **Aircraft** – any vehicle which is used or designed for navigation of or flight in the air.
43. **Airport** – for the purposes of [Art. 16, Airport Regulations](#), any area of land or water designed and set aside for the taking off, maneuvering and landing of aircraft and used or to be used in the interest of the public for such purpose, including 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, validly licensed by the State of Florida for public use. [Ord. 2017-025]
44. **Airport Elevation** – for the purposes of [Art. 16, Airport Regulations](#), the highest point of an airport's usable landing area measured in feet above mean sea level (AMSL).
45. **Airport Hazard** – for the purposes of [Art. 16, Airport Regulations](#), an obstruction to air navigation which effects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities. [Ord. 2017-025]
46. **Airport Hazard Area** – for the purposes of [Art. 16, Airport Regulations](#), any area of land or water upon which an airport hazard might be established. [Ord. 2017-025]
47. **Airport Land Use Compatibility Zoning** – for the purposes of [Art. 16, Airport Regulations](#), airport zoning regulations governing the use of land on, adjacent to, or in the immediate vicinity of airports. [Ord. 2017-025]
48. **Airport Layout Plan** – for the purposes of [Art. 16, Airport Regulations](#), a set of scaled drawings that provide a graphic representation of the existing and future development plan for the airport and demonstrate the preservation and continuity of safety, utility, and efficiency of the airport. [Ord. 2017-025]
49. **Airport Master Plan** – a comprehensive plan for an airport which typically describes current and future plans for airport development designed to support existing and future aviation demand. [Ord. 2017-025]
50. **Airport Protection Zoning Regulations** – for the purposes of [Art. 16, Airport Regulations](#), means airport zoning regulations governing airport hazards. [Ord. 2019-005]
51. **Airport Obstruction** – for the purposes of [Art. 16, Airport Regulations](#), any existing or proposed permanent or temporary object, natural growth or terrain, or structure construction or alteration which would exceed the Federal obstruction standards as contained in [14 CFR 77, Subpart C](#) (as may be amended from time to time). [Ord. 2017-025]
52. **Airspace Height** – for the purposes of [Art. 16, Airport Regulations](#), the height limits as established and set forth in this Section. Above Mean Sea Level (AMSL) elevation shall be the datum unless otherwise specified.

53. **Alley** – a R-O-W providing a secondary means of access to property that is not intended or used for principal traffic circulation.
- a R-O-W providing a secondary means of access to property that is not intended or used for principal traffic circulation. **[Ord. 2010-022]**
 - for the purposes of the Priority Redevelopment Areas, may provide for primary vehicular access to a building, parking and service areas. **[Ord. 2010-022]**
54. **Alter Structurally** – for the purposes of [Art. 8, Signage](#), 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.
55. **Alteration**
- for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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;
 - for the purposes of [Art. 14.C, Vegetation Preservation and Protection](#), 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 internodal 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; **[Ord. 2005-003]**
 - 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.
 - for the purposes of [Art. 16, Airport Regulations](#), modification to any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure. **[Ord. 2019-005]**
56. **Alteration or Materially Alter** – for the purposes of [Art. 14.A, Sea Turtle Protection and Sand Preservation](#), the removal of sand from the Sand Preservation Zone (SPZ).
57. **Alteration, Building** – any change in the structure which will increase the number of dwelling units, the floor area, or height of the structure.
58. **Alteration of a Watercourse** – for the purposes of [Art. 18, Flood Damage Prevention](#), a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the Base Flood. **[Ord. 2017-026]**
59. **Alternative Landscape Plan (ALP)** – a plan showing the location, quantity, and species of plants to be installed at non-residential, Multifamily, 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.
60. **Ambulatory Surgical Center** – An establishment primarily providing elective surgical care, in which the patient is admitted to and discharged within the same working day and is not permitted to stay overnight; and which is not part of a hospital. **[Ord. 2017-007]**
61. **Animal Control Facility** – means a government owned facility charged with enforcement of all Local, State and Federal laws pertaining to animals or animal welfare, operation of an animal shelter(s), licensing of certain animals, investigations for dangerous dogs and animal-to-human bites, impoundment of stray or unwanted animals, disposition and adoption of animals, licensing and permitting of animal businesses as outlined in Palm Beach County [Ord. No. 98-22](#), as may be amended, administration and oversight of animal welfare and animal issues that relate to animal protection, public safety and public health, rabies surveillance and vaccination programs, development of local standards for both public and private animal shelters and animal rescue organizations, and development and oversight of pet overpopulation programs. **[Ord. 2008-037]**
62. **Animal Shelter** – means a not for profit institutional establishment regulated by ACC [Ord. No. 98-22](#), as amended, as a humane society, or private animal non-profit organization on 2.5 acres or more or when open to the public, that is used for the protection of unwanted or abandoned domesticated animals, the use of which may include sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code. **[Ord. 2008-037]**

63. **ANSI** – the American National Standards Institute or its successor bodies.
64. **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.
65. **Antenna Support Structure** – any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennas.
66. **Antiquated Subdivision** – as defined in the Plan.
67. **Appeal** – for the purposes of [Art. 18, Flood Damage Prevention](#), a request for a review of the Floodplain Administrator's interpretation of any provision of [Art. 18, Flood Damage Prevention](#), which is filed with the Flood Damage Prevention Board. **[Ord. 2017-025]**
68. **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.
 - for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
69. **Approach Zone** – for the purposes of [Art. 16, Airport Regulations](#), 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.
70. **Appurtenance** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
71. **Aquifer** – a groundwater bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water.
72. **Arcaded Sidewalk** – a covered pedestrian walkway contiguous to a street, plaza or square that is open to the public and includes usable floor area above the roof of the arcade. **[Ord. 2006-004] [Ord. 2010-022]**
73. **Archaeological Evaluation Report** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), a letter prepared by the County Archaeologist evaluating the potential significance of an archaeological site after issuance of a Suspension Order by the Department.
74. **Archaeological 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.
75. **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.
76. **Archaeologist, Qualified** – a member of, or qualified for membership in the Florida Archaeological Council (FAC), or the Society of Professional Archaeologists (SOPA), Registry of Professional Archaeologists (RPA) or a person who meets the minimum professional requirements for an archaeologist as set by the United States Secretary of Interior. **[Ord. 2008-037]**
77. **Architectural Features** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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](#).
78. **Architectural Terms** – for the purposes of [Art. 5.C, Design Standards](#).
- Architect** – a person licensed to engage in the practice of architecture under [F.S. ch. 481, pt. I](#), and includes the term “registered architect.” **[Ord. 2009-040]**

- b. **Architectural Compatibility** – similar architectural composition that is agreeable, consistent, complimentary, and provides a degree of architectural integration with the structures in the surrounding area. Particular attention should be given to scale, proportion, unity, harmony, and context. [Ord. 2009-040]
 - c. **Architectural Composition** – the scale, height, mass, proportion, color, form, style, detail, treatment, texture, construction material, and roof design of a project or building. [Ord. 2009-040]
 - d. **Architectural Style Sheets** – examples of various architectural elements and components that define a particular character, style, or classification of architecture. [Ord. 2009-040]
 - e. **Balance** – the pleasing or harmonious arrangement or proportion of parts or elements in a design or composition. [Ord. 2009-040]
 - f. **Green Architecture** – a building designed to limit its environmental impact through environmentally conscious methods of design and construction. The focus shall pertain to the exterior of the building i.e. façade, roofline, exterior treatment, fenestration. [Ord. 2009-040]
 - g. **Harmony** – the orderly or congruent arrangement of elements or parts of a whole. [Ord. 2009-040]
 - h. **Order** – the condition of logical, harmonious, or comprehensible arrangement in which each element of a group is properly disposed with reference to other elements and to its purpose. [Ord. 2009-040]
 - i. **Proportion** – the comparative, proper, or harmonious relation of one part to another or to the whole with respect to magnitude, quantity, or degree. [Ord. 2009-040]
 - j. **Rhythm** – movement characterized by a patterned repetition or alternative of formal elements or not if it is in the same or a modified form. [Ord. 2009-040]
 - k. **Scale** – certain proportion to size, extent, or degree usually judged in relation to some standard or point of reference. [Ord. 2009-040]
 - l. **Style** – key elements associated with the style of a building. [Ord. 2009-040]
 - m. **Unique Structure** – a structure that is unusual, unequal, rare, or has distinct characteristics in relation to the architectural compatibility of a defined area. Scale, proportion, unity, and harmony shall be considered for unique structure classification. [Ord. 2009-040]
 - n. **Unity** – the state or quality of being combined into one that promotes a singleness effect. [Ord. 2009-040]
79. **Area of Potential Effect (APE)** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), is the geographic area or areas within which a project's undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist. The area of potential effects is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the undertaking. [Ord. 2008-037]
80. **Arterial Street** – see Street, Arterial.
81. **Articulated Parapet** – for the purposes of [Art. 5, Supplementary Standards](#), a parapet with a height variation proportional to the building height.
82. **Artifacts** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
83. **Artificial Light Source(s)** – for the purposes of [Art. 14, Environmental Standards](#), 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.
84. **Artisanal Use** – a land use involving the manufacture and sale of goods using only hand labor or table mounted electrical tools.
85. **ASCE 24** – for the purposes of [Art. 18, Flood Damage Prevention](#), a standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA. [Ord. 2017-026]
86. **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.

87. **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 homeowner's association (HOA), condominium association or cooperative (apartment) association, as defined in [F.S. ch. 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. ch. 711](#), as amended.
88. **Assured Construction**
- a. For the purposes of [Art. 12, Traffic Performance Standards](#), 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
 - b. 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 Orders for the Project shall be issued if Performance Security is not timely posted.
89. **Attic** – the non-habitable storage area immediately beneath the pitch of a roof.
90. **Automated Teller Machines (ATMs)** – computerized, self-service machines used by financial institution customers permitting a full range of financial transactions, including (but not limited to) deposits, withdrawals and fund transfers, or the technological evolution thereof, without contact with financial institution personnel. [Ord. 2013-021]
91. **Average Daily Traffic** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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 8:00 a.m.
92. **Aviation Easement** – for the purposes of [Art. 16, Airport Regulations](#), 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.
93. **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.

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

1. **Background Traffic** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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](#) and [Art. 12.C.1.C.4, Background Traffic](#). [Ord. 2005-002]
2. **Balloon** – an airtight bag that rises above the earth when force filled with hot air.
3. **Banner** – see Flag.
4. **Banquet/Reception Hall Facility** – a facility rented or used for temporary gathering of people for food, entertainment, and celebration of an event.
5. **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.
6. **Base Flood Elevation (BFE)** – for the purposes of [Art. 18, Flood Damage Prevention](#), the elevation of the Base Flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or other datum specified on the Flood Insurance Rate Map (FIRM). [Ord. 2004-13] [Ord. 2017-026]
7. **Basement** – for the purposes of [Art. 18, Flood Damage Prevention](#), the portion of a Building having its floor subgrade (below ground level) on all sides. [Ord. 2017-026]
8. **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.
9. **Beach Access Point** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
10. **Beach Compatible Sand** – for the purposes of [Art. 14.A, Sea Turtle Protection and Sand Preservation](#), 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 millimeters), medium sand (0.42 to 2.0 millimeters) and coarse sand (2.0 to 4.76 millimeters)] as that of the native beach material. The acceptable silt/clay fraction (less than 0.074 millimeters) and gravel/cobble fraction (greater than 4.76 millimeters) shall be based upon existing site conditions. Sand grain size analyses shall be consistent with the grain size methodologies described in ASTM standard D-422 and D-1140. The fill material color shall match the color of the existing beach and dune coloration. [Ord. 2011-001]
11. **Beach Fill** – for the purposes of [Art. 5, Supplementary Standards](#), sand placed on the beach.
12. **Beachfront Lighting** – for the purposes of [Art. 14, Environmental Standards](#), all lighting within or causing illumination within the jurisdictional boundaries of this Chapter or which is directly or indirectly visible from the beach. For the purpose of this Chapter, Coastal Lighting is synonymous with Beachfront Lighting. [Ord. 2011-001]
13. **Beach Obstruction** – Any natural or artificially constructed structure(s) that: (1) does not constitute fixed structure(s); (2) does not require a Building Permit; (3) is not required for public safety; (4) upon review by the County Administrator or his/her designee does not present an actual or potential threat to the beach and the dune system and adjacent properties. All temporary manmade structures including but not limited to beach umbrellas, beach furniture, recreational equipment, boats or any other man-made items that interfere with the use of the beach as a nesting habitat. [Ord. 2006-036] [Ord. 2011-001]
14. **Benefit Zones** – for the purposes of [Art. 13, Impact Fees](#), the geographic area as set forth in individual Chapters of this Article within which impact fees are collected and spent.
15. **Berm** – man made or natural change in grade not exceeding a three-in-one 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.
16. **Best Management Practices (BMPs)** – 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 PBC. BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters. [Ord. 2013-021]
17. **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.

18. **Billboard, Changeable Copy Sign Face** – a sign face containing one or more advertisements or promotions that are changed automatically or mechanically.
19. **Billboard Company** – any firm, organization, or individual which owns one or more billboards.
20. **Billboard Demolition Permit** – the permit issued by the Building Division which allows demolition of an existing billboard.
21. **Billboard Height** – measured from finished grade to the highest point of a billboard face, excluding temporary embellishments.
22. **Billboard Inventory** – the official inventory, as updated by the signatories to the billboard stipulated settlement agreement, of billboards existing in unincorporated PBC.
23. **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,
24. **Billboard Location** – an area within a radius of not more than 100 feet from the location of an existing billboard structure.
25. **Billboard Registration Permit** – the annual permit issued by the Zoning Division for existing billboards that can be replaced or relocated.
26. **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.
27. **Billboard Relocation Permit** – the permit issued by the Zoning Division which allows relocation of an existing billboard to another location.
28. **Billboard Replacement** – the removal of an existing billboard structure and construction of a new billboard within the permitted billboard location.
29. **Billboard Setback** – the required minimum horizontal distance between a billboard structure and all property lines.
30. **Billboard Sign Face** – the fixed or changeable portion of the billboard structure upon which one or more advertising messages are displayed.
31. **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.
32. **Billboard Structure** – all structural elements of a billboard, including but not limited to structural framework and supports, and lighting.
33. **Billboard Temporary Embellishment** – additional billboard area attached to and extending beyond the side and top of a billboard.
34. **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.
35. **Biomass** – For the purposes of [Art. 4, Use Regulations](#), Plant material, vegetation or agricultural waste used as a fuel or energy source. **[Ord. 2008-037]**
36. **Blank Copy** – any paraphernalia including pennants, streamers, and banners that are intended solely to attract attention and which contain no letters or symbols.
37. **Block**
 - a. A parcel of land entirely surrounded by streets, railroad R-O-W, parks or other public space, or a combination thereof.
 - b. For the purposes of [Art. 3, Overlays and Zoning Districts](#), an area of land entirely bounded by streets.
38. **Boarding House** – a dwelling, or part thereof, in which lodging is provided by the owner or operation to three or more boarders.
39. **Boat Trailer** – any non-powered car coupled to, and drawn by, a motorcar in front of it for the carrying of boats.
40. **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.
41. **Boca Taxing District** – the Greater Boca Raton Beach and Park Taxing District, including the municipal limits of Boca Raton.

42. **Bottled Water** – for the purposes of [Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems](#), water that is sealed in a container or package and is offered for sale for human consumption or other uses.
43. **Bottled Water Plant** – for the purposes of [Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems](#), any place or establishment in which bottled water is prepared for sale.
44. **Boundary Plat** – see Plat, Boundary.
45. **Branch** – for the purposes of [Art. 7, Landscaping](#), a secondary shoot or stem arising from one of the main axes (i.e., trunk or leader) of a tree.
46. **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.
47. **Buffer Area** – for the purposes of [Art. 14.D, Prohibited Invasive Non-Native Vegetation Removal Ordinance](#), 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.
48. **Buffer, Landscape** – see Landscape Buffer.
49. **Build-to-Line** – an alignment establishing a certain location for a building from either the R-O-W for a public street or the curb line along internal streets for a TMD, TND Neighborhood Center, WCRAO, IRO, or PRA project. [Ord. 2010-005] [Ord. 2010-022] [Ord. 2017-025]
50. **Buildable Area** – the portion of a lot remaining after the setbacks have been provided.
51. **Building**
- a. 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. For purposes of this Code, tanks (including but not limited to water, gas, and other types of storage tanks) and water towers will not be considered buildings. [Ord. 2007-013]
 - b. For the purposes of [Art. 18, Flood Damage Prevention](#), a Structure that encloses an area for any use and shall not include structures such as walls, playground equipment, or gas tanks. The terms Structure and Building are interchangeable in the National Flood Insurance Program. [Ord. 2004-013] [Ord. 2017-026]
52. **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.
53. **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.
54. **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.
55. **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.
56. **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.
57. **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.
58. **Building Permit**
- a. 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.
 - b. for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
59. **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.
60. **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. Non-residential 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. Non-residential 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.

61. **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:
 - a. Is less than seven feet above grade;
 - b. Is less than seven feet above finish ground level for more than 50 percent of the perimeter of a building; and
 - c. Is less than 12 feet above finish ground level around the entire building perimeter.
62. **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.
63. **Building, Principal** – a building in which is conducted the primary use of the lot on which it is located.
64. **Buildout Period** – for the purposes of [Art. 12, Traffic Performance Standards](#), the anticipated time between the issuance of the Site Specific Development Order and December 31st of the year of completion of a proposed Project as assumed in the Traffic Impact Study and approved by the County Engineer in accordance with the standards set forth in [Art. 12.C.1.B.3, Projected Buildout Period](#). Completion of a project shall mean the issuance of the final Certificates of Occupancy (COs) for buildings in a project. [Ord. 2005-002] [Ord. 2007-013] [Ord. 2010-022]
65. **Bulkheads** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
66. **Bus Bays (Turnouts or Pullouts)** – For the purposes of [Art. 5.H, Mass Transit Standards](#), A specifically constructed area off the normal roadway section for bus loading and unloading. Typically, they are used in areas of high bus and rider volumes with adequate right of way where the roadway speed limit is 40 MPH or greater. Located outside of the sight triangle, cross walk area and adjacent to the sidewalk, they require a minimum 12-foot travel lane adjacent to the curb side lane measured parallel to the adjacent roadway with adequate provisions for appropriate curb side Bus Stop infrastructure. Minimum length is dependent on distance to the adjacent curb/shoulder. [Ord. 2008-003]
 - a. Urban (Curb and Gutter): A minimum 240-foot length is required (80-foot entrance taper, 100-foot stopping area for 2-buses, 60-foot exit taper). Increase the stopping area by 50-feet for each additional bus expected to stop simultaneously. [Ord. 2008-003]
 - b. Rural (Shoulder): A minimum 190-foot length is required (80-foot entrance taper, 50-foot stopping area for 1-bus, 60-foot exit taper). Increase the stopping area by 50-feet for each additional bus expected to stop simultaneously. [Ord. 2008-003]
67. **Bus Bulb Outs (Nubs or Curb Extensions)** – For the purposes of [Art. 5.H, Mass Transit Standards](#), A bus stop wherein the sidewalk is extended into the parking lane, thereby allowing the bus to pick up passengers without leaving the travel lane. Typically, they are used in areas of high pedestrian and vehicular activity with limited sidewalk space and where the roadway speed limit is less than 40 MPH. Located outside of the sight triangle, cross walk area and adjacent to the sidewalk, they require a minimum width of 30-foot measured parallel to the roadway. Adequate length measured perpendicular to the curb and transition to the curb are required. [Ord. 2008-003]
68. **Bus Rapid Transit (BRT)** – For the purposes of [Art. 5.H, Mass Transit Standards](#), Flexible, rubber-tired rapid transit mode integrating facilities, services, and infrastructure that collectively improves the speed, reliability, and identity of bus transit by combining stations, vehicles, services, running ways, and Intelligent Transportation System (ITS) elements into an integrated system. [Ord. 2008-003]
 - a. Stations: Bus Stop Boarding & Alighting Areas widened to 50 feet typically spaced 2,000 to 7,000 feet apart enabling buses to operate at high speeds and located curbside or on the outside of bus-only roads or arterial median busways. [Ord. 2008-003]

- b. Vehicles: Conventional standard and articulated diesel buses but may include innovative and distinctive designs for dedicated BRT vehicles. **[Ord. 2008-003]**
 - c. Services: Service Patterns may include express, limited-stop, or all stop operation in addition to feeder bus services at selected stations and extending beyond the limits of busways and bus lanes. **[Ord. 2008-003]**
 - d. Running Ways: Dedicated guideways and high occupancy vehicle lanes that can include mixed traffic lanes, curb bus lanes contra-flow freeway bus lanes, separated rights-of-way (busways), and median busways on urban streets; reserved lanes on freeways; and bus only roads, tunnels, and bridges. **[Ord. 2008-003]**
 - e. Intelligent Transportation System (ITS): Automated Vehicle Locator (AVL) systems; passenger information systems; and transit preferential systems at signalized intersections, controlled tunnel or bridge approaches, toll plazas, and freeway ramps. **[Ord. 2008-003]**
69. **Bus Stop Boarding and Alighting Area** – For the purposes of [Art. 5.H, Mass Transit Standards](#), The Bus Stop Boarding and Alighting Area is the area at a Bus Stop consistent with the above Bus Stop standards with a minimum 30-foot length inside, parallel to, and along the property line; and a minimum 10-foot depth inside and perpendicular to the development site property line. It can be as much as 200 feet from any site triangle. It must agree with applicable portions of the Palm Tran Design Manual as well as other ADA, FDOT, PBC requirements. **[Ord. 2008-003]**
70. **Bus Stop Zone** – For the purposes of [Art. 5.H, Mass Transit Standards](#), The length of roadway designated, marked, or signed as available for use by a bus loading or unloading passengers including ingress and egress from a bus stop. **[Ord. 2008-003]**
- C. **Terms defined herein or referenced in this Article shall have the following meanings:**
- 1. **Canopy** – a permanently roofed shelter whether fabric or hard 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.
 - 2. **Canopy Tree** – see Tree, Canopy or Shade.
 - 3. **Capacity** – for the purposes of [Art. 13, Impact Fees](#), the maximum number of vehicles for a given time period which a road can safely and efficiently carry, usually expressed in terms of vehicles per day.
 - 4. **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.
 - 5. **Capital Facilities** – for the purposes of [Art. 13, Impact Fees](#), land, infrastructure, structures, and fixtures having a cost or value of at least \$1,000; personal property and equipment having an aggregate cost or value of at least \$1,000; hard-bound books and materials having a cost or value of at least \$25, which must be of a non-consumable nature and be expected to be in service for at least one year.
 - 6. **Capital Facility Costs** – all costs directly associated with the acquisition, design, engineering, site preparation, construction and placement of a capital facility. It excludes operation and maintenance costs, and the repair, replacement, or renovation of existing capital facilities where the capital facility improvement does not add capacity
 - 7. **Capital Fire-Rescue Facilities** – for the purposes of [Art. 13, Impact Fees](#), the planning of, engineering for, acquisition of land for, or the construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS for Capital Fire-Rescue Facilities.
 - 8. **Capital Improvement Element** – the Capital Improvement Element of the Plan.
 - 9. **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.
 - 10. **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.
 - 11. **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.
 - 12. **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.
 - 13. **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.
 - 14. **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.
 - 15. **Carport/Private Garage** – a 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.

16. **Catchment** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), a sub-area of a drainage basin which contributes stormwater runoff by overland flow to a common collection point.
17. **Certificate of Appropriateness** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
18. **Certificate of Completion** – see Chapter 1 of the Florida Building Code with PBC Amendments.
19. **Certificate of Occupancy (CO)** – see Chapter 1 of the Florida Building Code with PBC Amendments.
20. **Certificate to Dig** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), a written document, issued under terms and conditions of this Article and is necessary prior to:
 - a. Issuance of a Development Order for parcels identified on the map of known archaeological sites;
 - b. 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,
 - c. Issuance of a Development Order for a, Type 3 Excavation.
21. **Certification** – all applicable code regulations and standards have been addressed.
22. **Champion Tree** – the largest tree of a species which has been designated by the Florida Department of Agriculture and Consumer Services.
23. **Chapel** – For the purposes of [Art. 4, Use Regulations](#), means a use other than a Place of Worship, for religious fellowship, prayer or worship as an accessory use to a non-religious institution or use, such as a College or University, Hospital, Prison, Funeral Home, Airport, and Cemetery. [Ord. 2017-007]
24. **Chipping and Mulching** – an establishment using equipment designed to cut tree limbs, brush or wood construction debris into small pieces for use as mulch.
25. **Circumference** – for the purposes of [Art. 14.C, Vegetation Preservation and Protection](#), a measurement of the circular distance around a tree trunk measured at a point four and one-half feet above the ground.
26. **Clean Vegetative Matter** – for the purposes of [Art. 4.B, Use Classification](#), clean vegetative matter shall mean free of contamination with any excluded materials in feed stock. [Ord. 2008-037]
27. **Clean Wood** – for the purposes of [Art. 4.B, Use Classification](#), clean wood shall mean untreated wood. [Ord. 2008-037]
28. **Climb Gradient** – for the purposes of [Art. 16, Airport Regulations](#), an aircraft instrument departure procedure requiring adherence to minimum climb stops or grade expressed in feet per nautical mile.
29. **Closure Permit** – for the purposes of [Art. 14.B, Wellfield Protection](#), that permit required by activities which must cease operation pursuant to the provisions of [Art. 14.B.7, Wellfield Protection \(Operating and Closure Permits\)](#).
30. **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.
31. **Coastal Construction** – means the carrying out of any activity within jurisdictional boundaries specified in [Art. 14.A, Sea Turtle Protection and Sand Preservation](#), 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. [Ord. 2011-016]
32. **Coastal Construction Control Line** – for the purposes of [Art. 18, Flood Damage Prevention](#), the line established by the State of Florida, pursuant to [F.S. § 161.053](#), which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions. [Ord. 2017-026]
33. **Coastal High Hazard Area** – For the purposes of [Art. 18, Flood Damage Prevention](#), a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are also referred to as “high hazard areas subject to high velocity wave action” or “V Zones” and are designated on a Flood Insurance Rate Map as Zone V1-V30, VE, or V. [Ord. 2004-013] [Ord. 2013-021] [Ord. 2017-026]
34. **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.
35. **Code** – Code of Laws and Ordinances of PBC, including the Unified Land Development Code (ULDC).
36. **Code Inspector** – any authorized agent or employee of PBC whose duty is to assure Code compliance.

37. **Collocated Use** – Development in a Standard Zoning District with two or more uses classified with the definition of a use listed in [Art. 4, Use Regulations](#). [Ord. 2006-013]
38. **Collocation** – the placement of more than one service providers’ antenna on an existing commercial communication tower or structure. The term collocation also includes the ground-mounted, structure-mounted or roof-mounted installation of the accessory equipment and structures needed for the functioning of the wireless facility. [Ord. 2006-004]
39. **Colonnade** – a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns. Awnings are not considered colonnades.
40. **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 Siting Act” in [F.S. § 403.52](#).
41. **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.
42. **Commercial Corridor** – For the purposes of the IRO, linear Arterial or Collector Streets located in the Urban/Suburban Tier that are predominantly lined with properties having a commercial FLU designation or zoning district. [Ord. 2010-005]
43. **Commercial Sewage Waste** – as defined by [Chapter 64E-6, F.A.C.](#)
44. **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 vehicle weight rating (GVWR) does not exceed 12,500 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. [Ord. 2008-003]
45. **Communication Tower Users List** – an official list of commercial communication tower service providers, maintained by the Development Review Officer, to assist new users to locate existing sites to encourage collocation, pursuant to [Art. 4.B.9.E, Eligible Facilities Request for Modification](#). [Ord. 2009-040] [Ord. 2017-007]
46. **Community Development District** – Refer to [F.S. ch. 190](#) for applicability. [Ord. 2020-001]
47. **Community Water System** – for the purposes of [Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems](#), a public water system which serves at least 15 service connections used by year round residents or which serves at least 25 year round residents.
48. **Community Well** – for the purposes of [Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems](#), a water well that is a source of potable water and functions as part of a community water system.
49. **Commuter Bus** – For the purposes of [Art. 12, Traffic Performance Standards](#), transit service connecting communities to employment centers. [Ord. 2006-036]
50. **Compatible/Compatibility**
- For the purposes of [Art. 5, Supplementary Standards](#), 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.
 - 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.
51. **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.
52. **Complaining Land** – for the purposes of [Art. 5, Supplementary Standards](#), that land which is included in a residential district receiving sound levels above those permitted by [Art. 5.E, Performance Standards](#).
53. **Complement/Complementary** – for the purposes of [Art. 5, Supplementary Standards](#), having similar architectural composition.
54. **Complete Application**
- For the purposes of [Art. 12, Traffic Performance Standards](#), 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.

- b. For the purposes of [Art. 14, Environmental Standards](#), an application which includes all materials and documents which are necessary to support the application and which has been accepted as complete by ERM.
55. **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.
56. **Composting** – the process by which biological decomposition of organic solid waste is carried out under controlled conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner. [Ord. 2013-021]
57. **Comprehensive Plan** – see Plan.
58. **Conceptual Master** – for the purposes of [Art. 8, Signage](#), a conceptual plan indicating the total number, location, and sign area of all proposed signs on a site plan or typical building elevation.
59. **Concurrency, Affidavit of Waiver** – a document evidencing the grant of an exception to the platting requirement or the required improvements installation requirement.
60. **Concurrency Certificate** – for the purposes of [Art. 12, Traffic Performance Standards](#), in the Unincorporated Area, Concurrency Reservation, or Adequate Public Facilities Determination, as defined in [Art. 2.F, Concurrency \(Adequate Public Facility Standards\)](#), and this Chapter; or similar confirmation in a Municipality.
61. **Concurrency, 80 Percent Built Out** – 80 percent built out means the evaluation of the entire project.
62. **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.
63. **Concurrency Exemption Determination**
- For the purposes of [Art. 2, Application Processes and Procedures](#), a determination that the land in the Unincorporated Area is exempt from the concurrency standards of the Plan and this Code;
 - For the purposes of [Art. 12, Traffic Performance Standards](#), a determination that the property in the Unincorporated Area is exempt from the concurrency requirements of the Plan pursuant to Ord. No. 89-5, as amended.
64. **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 of Development Orders \(DOs\) and Conditions of Approval](#).
65. **Concurrency Exemption Extension** – an order issued by the Zoning Director extending a Concurrency Exemption for a two-year period.
66. **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.
67. **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.
68. **Concurrency, Public Facilities** – capital facilities including, but not limited to, roads, parks and recreation, fire-rescue, library, law enforcement, and public buildings. [Ord. 2018-002]
69. **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.
70. **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. ch. 163](#) such requirements as set forth in the future traffic performance standards ordinance(s). [Ord. 2019-005]
71. **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.
72. **Concurrency, Service Provider** – any agency that is responsible for the provision of public facilities to development in PBC.

73. **Condition of Approval** – imposed as part of, or associated with, the issuance of a Development Order. [Ord. 2010-022]
74. **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.
75. **Cone of Depression** – for the purposes of [Art. 14.B, Wellfield Protection](#), 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 pumping rates and recharge rates. [Ord. 2006-036]
76. **Confluent Growth** – for the purposes of [Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems](#), a continuous bacterial growth covering the entire filtration area of a membrane filter used for coliform detection, or a portion thereof, in which bacterial colonies are not discrete.
77. **Conforming** – complies with the current regulations.
78. **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.
79. **Conical Zone** – for the purposes of [Art. 16, Airport Regulations](#), the area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet.
80. **Consecutive Water System** – a water supply system which serves at least 15 service connections used by year round residents or which serves at least 25 year round residents which receives its water from a community water system. [Ord. 2005-003] [Ord. 2006-004]
81. **Consistency** – determined to satisfy the specific requirement(s) of this Code or [F.S. § 163.3194](#).
82. **Constrained Facility** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
83. **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.
84. **Construction and Demolition Debris** – for the purposes of [Art. 4.B.5.C.12, Recycling Plant](#), Construction and Demolition Debris means discarded solid materials that are not water soluble and not hazardous, including, but not limited to: steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, lumber. It also includes rocks and soils from construction, renovation or demolition of a structure or a site; and, trees or vegetative material from land clearing. [Ord. 2017-007]
85. **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.
86. **Construction Work**
 - a. Any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action to buildings or land.
 - b. For the purposes of [Art. 5, Supplementary Standards](#), 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.
87. **Contaminant** – for the purposes of [Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems](#), any physical, chemical biological or radiological substance or matter in water.
88. **Contiguous**
 - a. Lots that share a common border, or 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. [Ord. 2006-004]
 - 1) For density purposes lots that touch point-to-point, or lots which are separated by waterways, streets or major easements are not considered contiguous. [Ord. 2006-004]
 - 2) For the purpose of AGR preservation parcels, the following shall not be considered contiguous: lots that touch point-to-point or are separated by Collector or Arterial Streets. [Ord. 2006-004]
89. **Contributing Resource** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), building, site, structure, or object adding to the historic significance of a property or district.
90. **Control Device** – the element of a discharge structure which allows release of water under controlled conditions.

91. **Control Elevation** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), the lowest elevation at which water can be released through a control device.
92. **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, Corner Clip Setback](#).
93. **Corner Store** – a 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.
94. **County** – Palm Beach County, Florida. Also referred to as PBC in this Code.
95. **County Archaeologist** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), Staff member of or contracted to PZB who shall be a qualified Archaeologist.
96. **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 No. 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.
97. **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.
98. **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.
99. **CRALLS** – constrained roadway at a lower LOS—a Major Thoroughfare on which a lower LOS is set pursuant to [Art. 12.G, Constrained Facilities](#), herein. **[Ord. 2011-016]**
100. **Credit** – for the purposes of [Art. 13, Impact Fees](#), a reduction in the particular impact fee based on: (1) previous payments for which no benefit was received and future payments of the development toward the capital facilities for which the impact fee is assessed; (2) a reduction of impact due to: redevelopment of existing square footage; other assessments for the same capital facilities; in-kind contributions; or, in the case of Park Impact Fees, alternative municipal provision of like capital facilities, or proximity to the beach.
101. **Credit Factor** – For the purposes of [Art. 12, Traffic Performance Standards](#), a multiplier used in calculating points available as a result of a project's use of congestion mitigation strategies. **[Ord. 2006-036]**
102. **Crest of Dune** – for the purposes of [Art. 14.A, Sea Turtle Protection and Sand Preservation](#), the highest point in elevation of the dune.
103. **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.
104. **Critical Facility** – for the purposes of [Art. 18, Flood Damage Prevention](#), a facility for which any flooding would adversely affect essential public services. Critical facilities include, but are not limited to, nursing homes, hospitals, police, fire and emergency response installation, or installations which produce, use, or store hazardous materials or hazardous waste. **[Ord. 2004-013]**
105. **Critical Volumes** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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).
106. **Cross-Connection** – for the purposes of [Art. 15, Health Regulations](#), any physical arrangement whereby any drinking water supply is connected, directly or indirectly, with any other supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the drinking water supply as the result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross-connections.
107. **Crown** – for the purposes of [Art. 7, Landscaping](#), the main point of branching or foliage of a tree or plant, or the upper portion of a plant or tree.
108. **Cul-de-Sac** – see Street, Cul-de-Sac.

109. **Cultural Resources** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), are material culture remains including artifacts, pits, trash dumps, middens, architectural features, standing structures, remains of structures, and the physical alteration of the natural landscape such as ponds, roads landscaping, canals, and fences. [Ord. 2008-037]

110. **Curb Side Mass Transit Factors** – For the purposes of [Art. 5.H, Mass Transit Standards](#), Mass Transit infrastructure located off the roadway that affects rider comfort, convenience, and safety. [Ord. 2008-003]

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

1. **D Factor** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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 = 0.60.
2. **Damage** – loss in structural integrity due to an act of calamity. Also see Natural Disaster Damage. [Ord. 2010-005]
3. **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.
4. **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 0.0002 microbars.
5. **Decibel** – a unit of sound pressure level abbreviated as dB.
6. **Decision Height** – for the purposes of [Art. 16, Airport Regulations](#), 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.
7. **Defined Search Area** – the geographic area in which an antenna is proposed to be located to provide the carrier's designed service. [Ord. 2006-004]
8. **Demolition** – the act or process of wrecking, destroying, or removing any building or any exterior or structural part thereof.
9. **Density** – the ratio of the number of dwelling units per acre of land.
10. **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.
11. **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.
12. **Density, Maximum Level** – allowed by the Plan, as amended, with a Planned Development, as shown in the FLUE.
13. **Density, Minimum Level** – must be attained when land is developed pursuant to the 1989 Plan, as amended in the FLUE.
14. **Density, Standard** – allowed by the Plan, as amended, without a Planned Development as shown in FLUE Table III.C.1.
15. **Department**
 - a. For the purposes of [Art. 14, Environmental Standards](#), 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;
 - b. For the purposes of [Art. 15, Health Regulations](#), PBC Health Department.
16. **Design Flood** – for the purposes of [Art. 18, Flood Damage Prevention](#), the flood associated with the greater of the following two areas: [Ord. 2017-026]
 - a. Area with a floodplain subject to a one percent or greater chance of flooding in any year; or
 - b. Area designated as a Special Flood Hazard Area on the community's flood hazard map, or otherwise legally designated. [Ord. 2017-026]
17. **Design Flood Elevation** – for the purposes of [Art. 18, Flood Damage Prevention](#), the elevation of the Design Flood, including wave height, relative to the datum specified on the community's legally-designated flood hazard map plus any freeboard specified by the community. In areas designated as Zone AO, the Design Flood Elevation shall be the elevation of the highest natural grade, prior to site Development at the Building's perimeter, plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO, where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet plus any freeboard specified by the community. [Ord. 2017-026]
18. **Design Professional** – an architect, landscape architect, or engineer licensed in the State of Florida with good standing.
19. **Designated Disposal Facility** – for the purposes of [Art. 5.J, Best Management Practices for Livestock Waste Received from Offsite Sources](#), a solid waste management facility operated, permitted, or

- designated by the Solid Waste Authority to receive solid waste generated within Palm Beach County, or such alternate facility as may be designated by the Solid Waste Authority in writing. [Ord. 2013-021]
20. **Designated Exterior** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
21. **Designated Public Utility** – for the purposes of [Art. 14.B, Wellfield Protection](#), 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 non-residential activity is located.
22. **Designation** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), the act of designating specific historic sites or districts pursuant to the provisions of this Code.
23. **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.
24. **Determination** – for the purposes of [Art. 16, Airport Regulations](#), the term used by FAA to denote the outcome of an aeronautical study under FAR Part 77 (See: Airport Hazard or No Hazard).
25. **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.
26. **Developer** – any person, including a governmental agency, undertaking any development.
27. **Developer's Engineer** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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](#).
28. **Development**
- 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;
 - For the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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;
 - For the purposes of [Art. 12, Traffic Performance Standards](#), 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;
 - For the purposes of [Art. 13, Impact Fees](#), as the context indicates, either the carrying on of construction or any physical alteration of a building or structure; the result of such activity; a legally divisible parcel of land developed under a common plan; or, the change in any use of a structure or land that increases the impact on capital facilities for which the particular impact fee is assessed. It includes the placement of a mobile home for dwelling purposes;
 - For the purposes of [Art. 18, Flood Damage Prevention](#), any man-made change to improved or unimproved real estate, including, but not limited to, Buildings or other Structures, tanks, temporary Structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations, or any other land-disturbing activities. [Ord. 2017-026]
29. **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](#).
30. **Development Order**
- Any order granting, granting with conditions, or denying an application for a Development Permit through procedures required by the 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. A Development Order typically involves the submission and review of a plan, but may not necessarily involve such. It shall not include land use designations or amendments established by the Comprehensive Plan and Rezoning initiated by PZB pursuant to direction of the BCC. [Ord. 2010-022]

- b. For the purposes of [Art. 2.F, Concurrency \(Adequate Public Facility Standards\)](#), any Concurrency Reservation that applies to lands that are owned by a unit of Local, State, or Federal Government and utilized for buildings or facilities that are owned by a government entity and support government services or delivery of public services. **[Ord. 2007-013]**
31. **Development Permit** – includes any Building Permits, Zoning Permits such as Rezoning, Conditional Uses, Development Order Amendments, DRO/Administrative Approvals, Special Permits, Deviations, Waivers, Variances, Subdivisions, or any other official action of PBC having the effect of permitting the development of land or the specific use of land. **[Ord. 2010-022] [Ord. 2017-007]**
32. **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.
33. **Development of Regional Impact** – as defined in [F.S. § 380.06](#).
34. **Deviation(s) Subject to BCC Approval** – An abatement of the requirements of [Art. 5, Supplementary Standards](#), [Art. 6, Parking, Loading, and Circulation](#), and [Art. 7, Landscaping](#) of the ULDC for development supporting government facilities within the PO Zoning District, subject to approval by the BCC. **[Ord. 2007-013]**
35. **Deviation(s) Subject to County Engineer Approval** – An abatement of the requirements of [Art. 11, Subdivision, Platting, and Required Improvements](#) of the ULDC for development supporting government facilities within the PO Zoning District, subject to approval by the County Engineer. **[Ord.2007-013]**
36. **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.
37. **Diameter at Breast Height (DBH)** – the diameter of a tree trunk measured at a point four and one-half feet above the ground.
38. **Direct Illumination** – illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to an observer on the beach. **[Ord. 2011-001]**
39. **Disabled** – for the purposes of [Art. 2.C.8.C, Reasonable Accommodation](#), a disabled person is an individual that qualifies as disabled or handicapped under the FHA or ADA. **[Ord. 2011-016]**
40. **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.
41. **Disposition, Off-Site** – the off-premises transportation of excavated material.
42. **Disposition, On-Site** – the on-premise use of extractive or excavated material.
43. **District** – any certain described zoning district of PBC to which these regulations apply and within which the zoning regulations are uniform.
44. **Disturbed Excavated Area** – the total area altered by excavation activities.
45. **Ditch** – For the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), a swale that is three feet or greater in depth from the top of bank to the invert and with the capacity of temporarily containing or conveying stormwater runoff. **[Ord. 2014-025]**
46. **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.
47. **Domestic Sewage Waste** – as defined by [F.S. § 381.0065\(2\)](#). Domestic sewage is further categorized as:
- a. Blackwater by [F.S. § 381.0065\(2\)](#).
 - b. Graywater by [F.S. § 381.0065\(2\)](#).
 - c. Domestic Sewage Characteristics.
 - 1) Carbonaceous Biochemical Oxygen Demand, maximum 300 mg/l.
 - 2) Total Suspended Solids, maximum 200 mg/l.
 - 3) pH, six to eight; or within one pH unit of the water supply pH.
 - 4) Nitrogen (TKN) maximum 100 mg/l.
48. **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.
49. **Domestic Wastewater** – wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage.

50. **Domesticated Livestock** – for the purposes of [Art. 5, Supplementary Standards](#), shall include, but not be limited to, all animals of the equine (excluding horses), bovine (cattle), porcine (swine), caprine (goats), ovine (sheep), and camelid (llamas, alpacas) families as well as poultry (chickens and ducks). For the purposes of [Art. 5.J, Best Management Practices for Livestock Waste Received from Offsite Sources](#), livestock shall include all domesticated livestock and horses. [Ord. 2012-027] [Ord. 2013-021]
 51. **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.
 52. **Drainage Basin** – a sub-area of a watershed which contributes stormwater runoff to a watercourse tributary to the main receiving water.
 53. **Drainage Easement** – see Easement, Stormwater Management.
 54. **Drainfield** – for the purposes of [Art. 15, Health Regulations](#), as defined by [Chapter 64E-6, F.A.C.](#)
 55. **Dripline** – an imaginary vertical line extending from the outermost circumference of the branches of a tree to the ground.
 56. **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.
 57. **Driveway, Shared** – a driveway that serves more than one dwelling unit.
 58. **Drop Lens Fixture** – Any luminaire that is not a full cut off luminaire. [Ord. 2005-041]
 59. **Drought-tolerant Tree** – see Tree, Drought-Tolerant. [Ord. 2004-013]
 60. **Dry Detention/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.
 61. **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.
 62. **Dune Profile** – the cross-sectional configuration of the dune.
 63. **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.
- E. **Terms defined herein or referenced in this Article shall have the following meanings:**
1. **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.
 2. **Easement Holder or Beneficiary** – the grantee or persons directly benefiting from the existence of the easement.
 3. **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.
 4. **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.
 5. **Easement, Public** – granted to a governmental entity, public agency, a utility, or the public.
 6. **Easement, Quasi-public** – granted to a POA in which PBC or the public have some beneficial interest.
 7. **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.
 8. **Easement, Utility** – established for the purpose of the installation, operation, repair, or maintenance of facilities and equipment used to provide utility services.
 9. **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.
 10. **Elderly Person** – as defined in the Plan.
 11. **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](#).

12. **Elevated Building** – see Building, Elevated.
13. **Emergency** – an incident or natural disaster which results in immediate danger to the health, safety, welfare or resources of the residents of PBC. **[Ord. 2011-001]**
14. **Emergency Hazardous Situation** – for the purposes of [Art. 14.B, Wellfield Protection](#), occurs whenever there is an immediate and substantial danger to human health, safety, or welfare or to the environment. **[Ord. 2011-001]**
15. **Eminent Domain Proceeding** – for the purposes of this Article, 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.
16. **Encroachment** – for the purposes of [Art. 18, Flood Damage Prevention](#), the advance or infringement of uses, plant growth, fill, excavation, Buildings, permanent Structures or development into a SFHA, which may impede or alter the flow capacity of floodwaters. **[Ord. 2004-013]**
17. **Encroachment, Vehicular** – for the purposes of [Art. 7, Landscaping](#), any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape or other area.
18. **Encumber** – to reserve or earmark funds for a specific expenditure or an identified development.
19. **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.”
20. **Endangered, Threatened, Rare, and Species of Special Concern** – any species listed as endangered, threatened, rare, or of special concern by one or more of the following agencies:
 - a. U.S. Fish and Wildlife Service;
 - b. Florida Fish and Wildlife Conservation Commission; **[Ord. 2013-021]**
 - c. Florida Committee on Rare and Endangered Plants and Animals;
 - d. Florida Department of Agriculture and Consumer Services; or,
 - e. Treasure Coast Regional Planning Council.
21. **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.
22. **Entrance Area** – 66 feet (see IES definition). **[Ord. 2005-041]**
23. **Environmental Appeal Board (EAB)** – For the purposes of [Art. 15, Health Regulations](#), is the five-member board appointed by the Environmental Control Board (ECB) to hear appeals under this Article. **[Ord. 2006-004]**
24. **Environmental Control Board (ECB)** – for the purposes of [Art. 15, Health Regulations](#), is the board consisting of the seven members of the BCC, which adopts, reviews, and amends Ordinances and rules under Chapter 77-616, Special Acts, Laws of Florida, as amended.
25. **Environmental Control Hearing Board (ECHB)** – for the purposes of [Art. 15, Health Regulations](#), is the five-member board appointed by the ECB, pursuant to Chapter 77-616, Special Acts, Laws of Florida, as amended, to conduct hearings on alleged violations of this Article.
26. **Environmental Control Officer (ECO)** – is the person appointed by the ECB under Chapter 77-616, Special Acts, Laws of Florida, as amended.
27. **Environmentally Sensitive Lands** – ecological sites (ecosites), other than wetlands, that are designated in the Inventory of Native Ecosystems in Palm Beach County and on its accompanying aerial photographs as “A” quality, representing high-quality native Florida upland ecosystems. These sites are indicated on the aerial photographs (received on May 30, 1989) that are on file at ERM and are incorporated herein by reference. Inventory 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.
28. **Equestrian Use** – use of land for boarding, breeding, training, riding, showing or raising horses, ponies, mules or donkeys.
29. **Equestrian Waste** – for the purposes of Equestrian Waste Management Facility, waste composed of the excreta of horses and residual organic materials that have been used for bedding, sanitary, or feeding purposes for horses. **[Ord. 2017-007]**
30. **Equivalency Determination** – means a determination approved by the Zoning Director that the proposed development or 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.
31. **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. **[Ord. 2005-041]**
- b. For the purposes of [Art. 15, Health Regulations](#), 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.
32. **Ethanol** – type of alcohol used as a biofuel alternative to gasoline, that is made from biomass. **[Ord. 2008-037]**
33. **Excavate or Excavation** – For the purposes of [Art. 4.B.10, Excavation Uses](#), 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. **[Ord. 2017-007]**
34. **Excavation** – For the purposes of [Art. 14.A, Sea Turtle Protection and Sand Preservation](#), displacement of soil or sand by the processes not limited to digging, dredging, scooping, or hollowing out. **[Ord. 2017-007]**
35. **Exceptional Hardship** – for the purposes of [Art. 18, Flood Damage Prevention](#), (as applied to variance criteria), a condition of a parcel of property which is unusual or exhibits peculiar physical characteristics. These characteristic(s) must be unique only to that property and not to be shared by adjacent parcels. These unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the Property Owners. Mere economic or financial hardship alone is not “exceptional.” Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors cannot, as a rule, qualify as exceptional hardships. A hardship shall not necessarily exist even if the alternative is more expensive, or requires the Property Owner to build elsewhere or put the parcel to a different use than originally intended. **[Ord. 2004-013]**
36. **Excessive Noise** – noise that disturbs a reasonable person of normal sensitivity.
37. **Exfiltration System** – for the purposes of [Art. 14, Environmental Standards](#), 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.
38. **Existing** – for the purposes of [Art. 18, Flood Damage Prevention](#), (as applied to Building, Development, or Structure), any man-made improvement on which the Start of Construction commenced before the enactment of the first Flood Damage Prevention Regulations adopted by the County, Ord. No. 79-1, on January 31, 1979. **[Ord. 2004-013]**
39. **Existing Manufactured Home Park or Subdivision** – for the purposes of [Art. 18, Flood Damage Prevention](#), a Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads was completed before January 31, 1979. **[Ord. 2004-013] [Ord. 2017-026]**
40. **Existing Residential Use** – any residential structure on a parcel of land or property possessing either residential designation by the FLUA of the Plan or a residential zoning designation consistent with the underlying FLU designation.
41. **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.
42. **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.
43. **Expansions to an Existing Manufactured Home Park or Subdivision** – for the purposes of [Art. 18, Flood Damage Prevention](#), the preparation of additional sites by the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads. **[Ord. 2004-013]**
44. **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.
45. **Exterior** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), the outside surfaces of a building.

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

1. **Facility** – for the purposes of [Art. 14, Environmental Standards](#), 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.
2. **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.
3. **Farm Structure** – any building or structure used for agricultural purposes excluding those used for residences.
4. **F.A.R. (Part 77)** – for the purposes of [Art. 16, Airport Regulations](#), Federal Aviation Regulation. The “Part numbers” identify specific subject areas. All FARs are contained in [Title 14, CFR \(Part 77 – Title: Objects Affecting Navigable Airspace\)](#).
5. **Federal Emergency Management Agency (FEMA)** – for the purposes of [Art. 18, Flood Damage Prevention](#), the Federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program. **[Ord. 2017-026]**
6. **Feeder Transit Services** – For the purposes of [Art. 12, Traffic Performance Standards](#), transit service connecting communities and/or employment centers directly to rail stations or bus terminals. **[Ord. 2006-036]**
7. **Feed Stock** – for the purposes of [Art. 4, Use Regulations](#), biomass consisting of: authorized wood material (clean wood recovered from construction and demolition wood debris, land clearing debris, and yard waste consisting of tree and shrub trimmings, grass clippings, palm fronds, trees, tree stumps, and other clean vegetative matter); agricultural residue (waste resulting from the production of sugar, rice, vegetable crops or fruit). This definition specifically excludes hazardous substances and waste, biomedical waste, trash, garbage, sludge or special waste. **[Ord. 2008-037]**
8. **Feepayer** – for the purposes of [Art. 13, Impact Fees](#), the person paying the impact fee associated with a Building Permit or change in use, or the feepayer’s agent.
9. **Fence** – an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
10. **Fenestration** – windows, doors and openings in a building façade or wall allowing light and views between interior and exterior. **[Ord. 2010-022]**
11. **Filling** – the placement of any material in, on, or over a jurisdictional wetland.
12. **Final Plan** – the most recent site or subdivision plan approved by the DRO.
13. **Finished Floor Elevation** – the highest finished ground floor surface elevation to which no additional permanent finished material would be applied. **[Ord. 2005-002]**
14. **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.
15. **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.
16. **First Directly Accessed Link** – For the purposes of [Art. 12, Traffic Performance Standards](#), Roadway(s) providing a main entrance to a project. **[Ord. 2006-036]**
17. **Five-Year Analysis Period**
 - a. For the purposes of [Art. 12, Traffic Performance Standards](#), the period of time between the submittal of a Traffic Impact Study and the end of the fifth year of the Florida Department of Transportation Five-Year Transportation Improvement Program in effect at the time of Traffic Impact Study submittal. **[Ord. 2007-013]**
18. **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.

19. **Fixture** – the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens. **[Ord. 2005-041]**
20. **Flag** – a fabric or plastic sheet of square, rectangular, or triangular shape which is mounted on a pole, cable, or rope at one end.
21. **Flag, Official** – a flag which represents a political/public region or jurisdiction and is not used for advertising purposes.
22. **Flag Poles** – a pole used to display a fabric or plastic sheet of square, rectangular, or triangular shape.
23. **Flex Space** – A type of use that allows a flexible amount of retail, office, and industrial space in one structure located on parcels with an Industrial (IND), Economic Development Center (EDC), or Commercial High (CH) Future Land Use (FLU) designation, that are directly related to the principal use. **[Ord. 2010-005]**
24. **Flood or Flooding**
 - a. 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.
 - b. For the purposes of [Art. 18, Flood Damage Prevention](#), 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. **[Ord. 2004-013]**
25. **Flood Damage Prevention Board** – for the purposes of [Art. 18, Flood Damage Prevention](#), a group of citizens appointed to the Construction Board of Adjustments and Appeals, who shall hear and decide variance requests and appeals made under [Art. 18, Flood Damage Prevention](#). **[Ord. 2004-013]**
26. **Flood Damage Resistant Materials** – for the purposes of [Art. 18, Flood Damage Prevention](#), any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. **[Ord. 2017-026]**
27. **Flood Hazard Area** – for the purposes of [Art. 18, Flood Damage Prevention](#), the greatest of the following three areas: **[Ord. 2017-026]**
 - a. The area within a floodplain subject to a one percent or greater chance of flooding in any year. **[Ord. 2017-026]**
 - b. The area designated as a Flood Hazard Area on the community's flood hazard map, or otherwise legally designated. **[Ord. 2017-026]**
 - c. The area developed into Building sites without a master-engineered stormwater drainage plan. **[Ord. 2017-026]**
28. **Flood Insurance Rate Map (FIRM)** – for the purposes of [Art. 18, Flood Damage Prevention](#), the official map of the community on which the Federal Emergency Management Agency has delineated both Special Flood Hazard Areas and the risk premium zones applicable to the community. **[Ord. 2004-013]** **[Ord. 2017-026]**
29. **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. **[Ord. 2004-013]**
30. **Flood Insurance Study (FIS)** – for the purposes of [Art. 18, Flood Damage Prevention](#), the official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the Water Surface Elevations of the Base Flood, and supporting technical data. **[Ord. 2004-013]** **[Ord. 2017-026]**
31. **Floodplain**
 - a. 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.
 - b. For the purposes of [Art. 18, Flood Damage Prevention](#), any land area susceptible to flooding, as defined in FIRM and any area without a master storm water drainage system. **[Ord. 2004-013]**
32. **Floodplain Development Permit or Approval** – for the purposes of [Art. 18, Flood Damage Prevention](#), an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific Development activities that are located in Special Flood Hazard Areas and that are determined to be compliant with [Art. 18, Flood Damage Prevention](#). **[Ord. 2017-026]**
33. **Floodproofing** – any combination of structural or nonstructural adjustments, changes, or actions that reduce or eliminate flood damage to a structure, content, and attendant utilities and equipment. **[Ord. 2017-026]**

34. **Floodway**
- a. 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.
35. **Floodway Encroachment Analysis** – for the purposes of [Art. 18, Flood Damage Prevention](#), an engineering analysis of the impact that a proposed encroachment into a Floodway is expected to have on the Floodway boundaries and Base Flood Elevations; the evaluation shall be prepared by a qualified Florida-licensed engineer using standard engineering methods and models. **[Ord. 2017-026]**
36. **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.
37. **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.
38. **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.
39. **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 multi-story structures.
40. **Floor Area, Total Leasable** – see Floor Area, Gross Leasable.
41. **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.
42. **Florida Building Code** – for the purposes of [Art. 18, Flood Damage Prevention](#), the codes adopted by the Florida Building Commission, including, but not limited to: Accessibility Volume; Building Volume; Energy Conservation Volume; Residential Volume; Existing Building Volume; Mechanical Volume; Plumbing Volume; Fuel Gas Volume; and, the National Electrical Code. **[Ord. 2017-026]**
43. **Florida's Turnpike** – a.k.a. Ronald Reagan Turnpike
44. **Focal Point** – non-commercial design element, either landscape, water feature, or accessory structure, intended to create a visual point of interest.
45. **Food Processing** – For the purposes of [Art. 4.B.5.C.4, Equestrian Waste Management Facility](#), shall mean any facility or use involved in food processing, including but not limited to Agricultural Packing Plant, Sugar Mill or Refinery, or Manufacturing and Processing. **[Ord. 2017-007]**
46. **Food Service** – at least one full meal being provided to each resident, every day, in a central dining area.
47. **Foot-Candle** – for the purposes of [Art. 5, Supplementary Standards](#), unit of light quantity or density when the foot is the unit of measure. One foot-candle (fc) equals one lumen per square foot of area. When metric units are used, lux is the unit of light quantity. One lux equals one lumen per square meter of area. One foot-candle equals ten and seventy-six hundredths lux. **[Ord. 2005-041]**
48. **Form Based Code** – A method of regulating the physical form of the built environment to achieve a predictable urban form, public realm, and sense of place. **[Ord. 2010-005]**
49. **Fossil** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), a remnant or trace of an organism of a past geological age.
50. **Frontage** – see Lot Frontage.
51. **Front Façade**
- a. For the purposes of [Art. 3, Overlays and Zoning Districts](#), the wall of a building parallel with and facing a frontage line.
 - b. For the purposes of [Art. 5.C, Design Standards](#) and [Art. 7.C.3.B, Foundation Planting](#), the main pedestrian entrance of a building or structure shall be designated as the front façade. **[Ord. 2018-002]**
52. **Full-Cutoff Luminaire** – A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. **[Ord. 2005-041]**
53. **Functionally-Dependent Use** – for the purposes of [Art. 18, Flood Damage Prevention](#), a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities and port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities. **[Ord. 2017-026]**

54. **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.
55. **Future Land Use** – as defined in the Plan, FLU Map.

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

1. **Gallery** – a covered promenade over a pedestrian walkway, contiguous to a street, plaza, or square that is open to the public, with no usable floor area above. [Ord. 2006-004]
2. **Gasoline Pump** – For the purposes of [Art. 4.B, Use Classification](#), a mechanism that draws gasoline from underground storage tanks. A gasoline pump may have multiple dispensers and may be installed within a fueling island adjacent to queuing spaces. [Ord. 2010-005]
3. **Gathering** – the bringing together of a group of people for social, civic, or other casual, public assembly.
4. **Gazebo** – accessory building consisting of detached, freestanding open on all sides of the structure with a solid roof.
5. **Generic Substance List** – for the purposes of [Art. 14, Environmental Standards](#), those general categories of substances set forth in [Appendix 1, Generic Substances List](#) attached hereto and incorporated herein.
6. **Glare** – a discomforting condition that occurs when the brightness of a light contrasts with a low brightness background and makes it difficult for the human eye to adjust. [Ord. 2005-041]
7. **Government Facilities** – lands that are owned by a unit of Local, State, or Federal Government, that support government services, customary government operations, or delivery of public services. [Ord. 2007-013]
8. **Grade, Finished** – see [Florida Building Code, Building Section 202](#) for definition of Grade and all applicable PBC Amendments.
9. **Grain Milling or Processing** – means facilities for processing and storing grain or other nonperishable crops. Typical uses include cotton gins and grain mills.
10. **Grass Parking** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), on-site turf parking spaces on an improved subbase.
11. **Grave Good/Funerary Object** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), any material culture object that is associated with a human burial. [Ord. 2008-037]
12. **Grease Trap** – for the purposes of [Art. 15, Health Regulations](#), a watertight receptacle or reservoir receiving wastewater from a kitchen or other source containing grease.
13. **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.
14. **Greenway** – See Introduction and Administration Element, Comprehensive Plan Definitions. [Ord. 2011-001]
15. **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.
16. **Gross Acreage** – see Gross Land Area.
17. **Gross Land Area** – the total area, including all public and private areas within the legal boundaries of a particular parcel of land or project.
18. **Gross Leasable Area (GLA)** – see Floor Area, Gross Leasable.
19. **Gross Trips** – for the purposes of [Art. 12, Traffic Performance Standards](#), Project Trips plus internal trips.
20. **Ground Cover** – for the purposes of [Art. 7, Landscaping](#), plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.
21. **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.
22. **Ground-Level Barrier** – for the purposes of [Art. 14, Environmental Standards](#), any natural or artificial structure rising above the ground which prevents beachfront lighting from shining directly onto the beach-dune system.

23. **Ground Water**

- a. 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.
- b. For the purposes of [Art. 14.B, Wellfield Protection](#), 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.
- c. For the purposes of [Art. 15, Health Regulations](#), a source of water existing below the surface of the ground and not exposed to the atmosphere.

24. **Groundwater and Natural Resources Protection Board (GNRPB)** – for the purposes of [Art. 14, Environmental Standards](#), 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. [Ord. 2011-001]

25. **Groves/Row Crops** – the cultivation of fruits and vegetables for bona fide agricultural purposes.

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

27. **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.

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

1. **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.
2. **Handicap Space** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), a parking space designed, marked, and reserved for exclusive use by persons registered as handicapped.
3. **Handicapped Person** – has the meaning given in [F.S. § 760.22\(7\)](#).
4. **Hardship** – for the purposes of [Art. 18, Flood Damage Prevention](#), see Exceptional Hardship. [Ord. 2004-013]
5. **Hatchling** – for the purposes of [Art. 14, Environmental Standards](#), any specimen of sea turtle, within or outside of a nest, which has recently hatched from an egg.
6. **Hatracking** – see Pruning, Hatracking.
7. **Hazard** – for the purposes of [Art. 16, Airport Regulations](#), 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.
8. **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.
9. **Health Threat** – for the purposes of [Art. 15, Health Regulations](#), 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.
10. **Hedge** – for the purposes of [Art. 7, Landscaping](#), 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.
11. **Heliport or Vertiport** – For the purposes of [Art. 16, Airport Regulations](#), 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 takeoff and landing of helicopters, tilt rotors, or any other vertical takeoff and landing rotorcraft.
12. **High Probability Area/Zone/Section/Portion/Tract** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), terms used to describe a geographical area in real space that has an increased potential of containing previously undocumented archaeological or historic resources. These areas have dissimilar landforms compared to the surrounding landscape (an example would be an increase in elevation), have or had diverse ecological environments (examples include tree islands, low hammocks, coastal hammocks, costal dunes, and strands) all are located within a reasonable proximity to a freshwater source, and a close proximity to any known archaeological sites. [Ord. 2008-037]
13. **Highway Capacity Manual (HCM)** – unless otherwise specified, the most recent edition of the Highway Capacity Manual as published by the Transportation Research Board. [Ord. 2010-022]
14. **Highest Adjacent Grade**
Natural – the highest natural elevation of the ground surface, prior to start of any past or proposed construction or Development, immediately next to the proposed exterior walls or foundation of a Building. [Ord. 2017-026]
Finished – the highest elevation of the ground surface, next to the walls or foundation of a Structure.

15. **Historic Building or Structure** – for the purposes of [Art. 18, Flood Damage Prevention](#), any Building or Structure that is determined eligible for the exception to the Special Flood Hazard Area requirements of the Florida Building Code, Existing Building Volume, Chapter 11, Historic Buildings, being listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register or certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district or individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on the Historic Palm Beach County Preservation Board's inventory of historic places. **[Ord. 2004-013] [Ord. 2017-026]**
16. **Historic District** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
17. **Historic Resources** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
18. **Historical Traffic Growth Table** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
19. **Home Instruction, Inside** – teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.
20. **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.
21. **Home(s)** – for the purposes of [Art. 7, Landscaping](#), Single Family houses, Zero Lot Line houses, Townhouses, duplexes, Multifamily dwellings, or other structures intended or used for residential housing. **[Ord. 2005-002]**
22. **Horizontal Plane** – means an imaginary line drawn across the bottom of a light fixture above which no light shall be emitted. **[Ord. 2005-041]**
23. **Horizontal Zone** – for the purposes of [Art. 16, Airport Regulations](#), 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.

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

1. **Illuminance** – the quantity of light arriving at a surface divided by the area of the lighted surface, measured in foot-candles. Horizontal illuminance applies to a horizontal surface; vertical illuminance applies to a vertical surface. Average illuminance is the level of illuminance over an entire illuminated target area. Maximum illuminance is the highest level of illuminance on any point within the entire area; minimum illuminance is the lowest level of illuminance on any point within the target area. [Ord. 2005-041]
2. **Illuminance Levels** – for the purposes of [Art. 5.E.4.E, Outdoor Lighting](#), all illuminance levels and foot-candles means the maintained illuminance levels utilizing lamp manufacture mean lumen values. The average illuminance level applies to an entire illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal illuminance levels. [Ord. 2005-041]
3. **Illumination** – for the purposes of [Art. 14, Environmental Standards](#), light produced from any artificial light source directly or indirectly cast within the jurisdictional boundaries of this Chapter and visible from the beach. [Ord. 2011-001]
4. **Impact Fee Coordinator** – the person responsible for the administration of PBC's Impact Fee program.
5. **Improvement** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
6. **Improved Parcel** – for the purposes of [Art. 14, Environmental Standards](#), 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.
7. **Improvement Value** – For the purposes of this Article and [Art. 5, Supplementary Standards](#), means the most recent value placed on a structure by the PBC Property Appraiser. [Ord. 2010-005] [Ord. 2013-001]
8. **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. No. 92-22](#) and [Ord. No. 92-23](#), as amended.
9. **Income, WHP** – The following household income ranges shall apply to the WHP. These income ranges are based on the Area Median Income (AMI) for Palm Beach County, as published annually by the U.S. Department of Housing and Urban Development. [Ord. 2006-055]
 - a. **Income, Low** – A household income between 60 and 80 percent of the County's median income. [Ord. 2006-055] [Ord. 2019-033]
 - b. **Income 1, Moderate** – A household income between 80 and 100 percent of the County's median income. [Ord. 2006-055] [Ord. 2019-033]
 - c. **Income 2, Moderate** – A household income between 100 and 120 percent of the County's median income. [Ord. 2006-055] [Ord. 2019-033]
 - d. **Income, Middle** – A household income between 120 and 140 percent of the County's median income. [Ord. 2006-055] [Ord. 2019-033]
10. **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.
11. **Incompatible Sites**
 - a. Residential uses or pods adjacent to non-residential uses or pods.
 - b. Residential uses or pods adjacent to residential uses or pods with a density difference greater than three units per acre.
12. **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).
13. **Incorporated Vegetation Plan** – for the purposes of [Art. 14, Environmental Standards](#), 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.

14. **Independent Calculation/Independent Analysis** – for the purposes of [Art. 13, Impact Fees](#), the data, analysis and report prepared by a feepayer for the purpose of establishing a different impact fee amount than the one set forth in the Impact Fee Schedule.
15. **Indirect Illumination** – illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to an observer on the beach. **[Ord. 2011-001]**
16. **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.
17. **Industrial, Hazardous or Toxic Waste** – for the purposes of [Art. 15, Health Regulations](#), as defined by [Chapter 64E-6, F.A.C.](#)
18. **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.
19. **Ingress** – entry to lot or structure.
20. **In-Kind Contribution** – for the purposes of [Art. 13, Impact Fees](#), the conveyance, dedication, construction, placement, delivery, or remittance of land, buildings, improvements, fixtures, personal property, or money to PBC or the PBC School Board for capital facilities for which impact fees are levied in [Art. 13, Impact Fees](#).
21. **Inhabited Residential** – for the purposes of [Art. 5, Supplementary Standards](#), regularly occupied by the complainant and occupied at the time of the complaint.
22. **Instrument Approach Procedure** – for the purposes of [Art. 16, Airport Regulations](#), 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.
23. **Instrument Landing System (ILS)** – for the purposes of [Art. 16, Airport Regulations](#), a landing approach system that establishes a course and a descent path to align aircraft with a runway for final approach.
24. **Integration** – For the purposes of [Art. 3.B, Overlays](#) and determining consistency with FLUE Policy 2.4-b and the vertical integration provision of FLUE Policy 2.2.2-f of the Plan, functional or vertical integration shall mean the horizontal or vertical combination of residential and non-residential uses that forms a single project providing for pedestrian and built form connectivity between uses, parking areas, and public spaces. **[Ord. 2006-004] [Ord. 2006-036] [Ord. 2009-040]**
25. **Intensity** – the number of square feet per acre and specific land use for non-residential uses.
26. **Intensity Entitlement** – for the purposes of [Art. 2, Application Processes and Procedures](#), the amount of intensity granted by PBC if a parcel couldn't satisfy concurrency as stated in the FLUE of the Plan, as amended.
27. **Interior Area** – for the purposes of [Art. 7, Landscaping](#), the entire parcel to be developed exclusive of the required front, rear, or side perimeter landscape areas.
28. **Intermodal Transfer Center** – For the purposes of [Art. 5.H, Mass Transit Standards](#), A station area adjacent to or within 6 to 8 miles of Mass Transit serving two or more Palm Tran Bus Routes at a time with a covered waiting area providing any or all of the above Infrastructure/Facilities including commuter parking is considered an Intermodal Transfer Center/Terminal. **[Ord. 2008-003]**
29. **Internal Trips** – for the purposes of [Art. 12, Traffic Performance Standards](#), trips from a proposed Project that do not exit the Project or enter the Major Thoroughfare system.
30. **Reserved For Future Use**
31. **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.
32. **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.
33. **Irreparable or Irreversible Harm**
 - a. A substantial injury that is beyond the possibility of repair; the injury suffered cannot be undone; damage or destruction of a natural resource that is so substantial and permanent that it is beyond the possibility of being repaired or restored to its previous condition. A natural resource shall be deemed irreparably harmed when an activity taken or caused by a person or persons alters the natural resource to such a degree that it cannot reasonably be restored or returned to the condition existing immediately prior to such alteration. A non-renewable natural resource shall be deemed irreparably harmed when the resource has been permanently removed or consumed. There shall be a rebuttable presumption that a natural resource has been irreparably harmed when the nature

or extent of the alteration makes it impossible to ascertain the pre-alteration condition of the natural resource. A natural resource shall not be deemed irreparably harmed when the alteration of the natural resource is authorized by County law. **[Ord. 2006-036]**

- b. For the purposes of [Art. 7, Landscaping](#), irreparable or irreversible harm to existing vegetation shall include the improper pruning or hatracking that has caused significant damage to vegetation to an extent that precludes the regrowth of a natural canopy, or reduced the size of vegetation down to a stump. Reparable harm to existing vegetation shall include the improper pruning or hatracking that has caused damage to vegetation to an extent that can be corrected or repaired through standards of additional pruning and care. **[Ord. 2020-001]**

34. **Irrigation System** – a system of pipes or other conduits designed to transport and distribute water to plants.

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

- 1. **Jersey Barrier** – a device installed around the base of towers, guy anchors, or supports to protect structural integrity from vehicular impact.
- 2. **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. **Terms defined herein or referenced in this Article shall have the following meanings:**

- 1. **K Factor** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
- 2. **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.

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

- 1. **Laboratory** – for the purposes of [Art. 14, Environmental Standards](#), 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.
- 2. **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.
- 3. **Lake, Excavated, Existing** – body of water constructed, under construction or to be constructed under permit of a jurisdictional agency prior to June 16, 1992.
- 4. **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.
- 5. **Lake Maintenance Easement** – see Easement, Lake Maintenance.
- 6. **Lake, Mined** – a lake created by the extraction of minerals from the earth for commercial purposes.
- 7. **Land** – the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.
- 8. **Land Application** – for the purposes of [Art. 14, Environmental Standards](#), means the application or disposal of effluent or sludge on, above or into the surface of the ground through spray irrigation, land spreading, or other methods.
- 9. **Land Development Permit** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), the Development Permit issued by PBC authorizing construction of required improvements for a subdivision
- 10. **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.
- 11. **Landscape** – for the purposes of [Art. 7, Landscaping](#), 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).
- 12. **Landscape Architect** – a person licensed to practice landscape architecture under [F.S. ch. 481, pt. II](#) (Landscape Architecture) and includes the term “registered landscape architect.”
- 13. **Landscape Barrier** – for the purposes of [Art. 7, Landscaping](#), 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).

14. **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.
15. **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.
16. **Landscape Feature** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), any improvement or vegetation including, but not limited to: outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture or exterior lighting.
17. **Landscape Hierarchy** – for the purposes of [Art. 7, Landscaping](#), planting creating a ranking of plants from small to large.
18. **Landscape Plan** – a plan showing the location, quantity, and variety of plants to be installed on a non-residential, Multifamily, or residential planned development. This plan may also show the location of hardscape elements, buffers, or other landscape-related items.
19. **Large Scale Development** – any large single tenant retail use, with or without accessory tenants, in a single building, occupying 65,000 gross square feet or more. **[Ord. 2007-013]**
20. **Legal Access** – see Access, Legal.
21. **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.
22. **Letter of Map Change (LOMC)** – for the purposes of [Art. 18, Flood Damage Prevention](#), an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include: **[Ord. 2017-026]**
 - a. **Letter of Map Revision (LOMR)** – for the purposes of [Art. 18, Flood Damage Prevention](#), a revision based on technical data that may show changes to flood zones, flood elevations, Special Flood Hazard Area boundaries and Floodway delineations, and other planimetric features. **[Ord. 2017-026]**
 - b. **Letter of Map Amendment (LOMA)** – An amendment based on technical data showing that a property was incorrectly included in a designated Special Flood Hazard Area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a Special Flood Hazard Area. **[Ord. 2017-026]**
 - c. **Letter of Map Revision Based on Fill (LOMR-F)** – A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the Special Flood Hazard Area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations. **[Ord. 2017-026]**
 - d. **Conditional Letter of Map Revision (CLOMR)** – for the purposes of [Art. 18, Flood Damage Prevention](#), a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of Special Flood Hazard Areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM. **[Ord. 2017-026]**
23. **Level of Service (LOS)** – For the purposes of [Art. 12, Traffic Performance Standards](#), 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. **[Ord. 2018-002]**
24. **Level of Service (LOS) D** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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 operations analysis; as to speed thresholds, the numbers set forth in [Table 12.B.2.C-3 1C, LOS D Speed Thresholds](#). **[Ord. 2005-002]**
25. **Level of Service (LOS) E** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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](#).

26. **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.
27. **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.
28. **Library Services** – those services provided by the PBC Library Taxing District.
29. **Light Cutoff** – for the purposes of [Art. 5, Supplementary Standards](#), a luminary with elements such as shields, reflectors, or refractor panels which direct light and eliminate light spillover and glare.
30. **Light-Duty Truck** – for the purposes of [Art. 18, Flood Damage Prevention](#), and as defined in [40 CFR § 86.082-2](#), any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is: **[Ord. 2017-026]**
 - a. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or **[Ord. 2017-026]**
 - b. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or **[Ord. 2017-026]**
 - c. Available with special features enabling off-street or off-highway operation and use. **[Ord. 2017-026]**
31. **Light Fixture** – any device that holds protects and provides the optical system and power connections for a lamp or emits illumination. **[Ord. 2006-036]**
32. **Lighting, Animated** – for the purposes of [Art. 5.E.4.E, Outdoor Lighting](#), flashing or moving lights that otherwise change at intervals more frequently than once every six seconds. **[Ord. 2005-041]**
33. **Light Loss Factor** – for the purposes of [Art. 5.E.4.E, Outdoor Lighting](#), a percentage amount applied to the actual anticipated foot-candle levels of a fixture, which reduces the calculated light level output on the photometric plan to account for lower light level output from a fixture due to the age of the bulb, debris or dust on the fixture, and other factors that degrade the output capacity of the fixture. **[Ord. 2005-041]**
34. **Light Trespass** – the illumination of light produced by a luminaire, which is beyond the boundaries of the property on which the luminaire is located. **[Ord. 2005-041]**
35. **Limb** – see Branch.
36. **Limitation Ratings** – for the purposes of [Art. 15, Health Regulations](#), as defined by [Ch. 64E-6, F.A.C.](#)
37. **Limited Use Water Systems** – for the purposes of [Art. 15, Health Regulations](#), a water system not covered or included in the State of Florida Safe Drinking Water Act, which is further defined as either:
 - a. Limited use commercial water system serves one or more non-residential establishments; or
 - b. Limited use community water system serves five or more residences or two or more rental residences.
38. **Limited Use Well** – for the purposes of [Art. 15, Health Regulations](#), a water well that is a source of potable water and is part of a limited use water system.
 - a. U.S. Fish and Wildlife Service;
 - b. Florida Fish and Wildlife Conservation Commission;
 - c. Florida Committee on Rare and Endangered Plants and Animals;
 - d. Florida Department of Agriculture and Consumer Services; and
 - e. Treasure Coast Regional Planning Council.
39. **Line of Sight of Beach** – for the purposes of [Art. 14, Environmental Standards](#), any position that is visible from any portion of the nesting beach at sand level and is not limited to a shore perpendicular direction.
40. **Link** – for the purposes of [Art. 12, Traffic Performance Standards](#), the portion of a Major Thoroughfare between two Major Intersections.
41. **Lion Country Safari** – for the purposes of [Art. 3.E.2.G, RR-PUD](#), shall mean the Lion Country Safari Overlay, as established by FLUE Objective 1.11 of the Plan. **[Ord. 2011-016]**
42. **Listed Species** – for the purposes of [Art. 14, Environmental Standards](#), any animal or plant species listed as endangered, threatened, rare, or of special concern by one or more of the following agencies:
 - a. U.S. Fish and Wildlife Service;
 - b. Florida Fish and Wildlife Conservation Commission;
 - c. Florida Committee on Rare and Endangered Plants and Animals;
 - d. Florida Department of Agriculture and Consumer Services; and,

- e. Treasure Coast Regional Planning Council.
43. **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.
44. **Littoral Zone** – that region of the shoreline beginning at the OHW and extending waterward to a maximum depth of minus three feet OHW.
45. **Live/Work** – a mixed use supporting one residential dwelling unit collocated with any non-residential use permitted pursuant to the applicable zoning district, where permitted by the Florida Building Code. **[Ord. 2010-005]**
46. **Livestock Waste** – for the purposes of [Art. 5.J, Best Management Practices for Livestock Waste Received from Offsite Sources](#), waste composed of excreta of animals and residual materials that have been used for bedding, sanitary, or feeding purposes for such animals. **[Ord. 2013-021]**
47. **Loading Area** – For the purposes of [Art. 6, Parking, Loading, and Circulation](#), an area consisting of two or more loading spaces. **[Ord. 2008-037]**
48. **Loading Bay** – For the purposes of [Art. 6, Parking, Loading, and Circulation](#), a portion of a structure where deliveries are loaded and unloaded. **[Ord. 2008-037]**
49. **Loading Dock** – For the purposes of [Art. 6, Parking, Loading, and Circulation](#), a platform where trucks can be loaded or unloaded. **[Ord. 2008-037]**
50. **Loading Space** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), the space within which vehicles are temporarily parked during loading and unloading operations.
51. **Local Bus** – For the purposes of [Art. 12, Traffic Performance Standards](#), transit service interconnecting communities with employment centers and/or other attractions. **[Ord. 2006-036]**
52. **Local Government** – PBC, or a municipality in PBC.
53. **Local Government Plan** – for the purposes of [Art. 12, Traffic Performance Standards](#), the Comprehensive Plan of the Local Government adopted pursuant to [F.S. ch. 163, pt. II](#).
54. **Local Planning Agency** – the local planning agency designated by the BCC to prepare the Comprehensive Plan pursuant to [F.S. § 163.3161](#).
55. **Local Shuttle** – For the purposes of [Art. 12, Traffic Performance Standards](#), transit service connecting two developments: (1) residential to interrelated services; or (2) residential to employment centers. **[Ord. 2006-036]**
56. **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:
 - Depicted on a recorded plat;
 - Depicted on a survey, map, or drawing for which an affidavit or waiver or affidavit of exemption has been recorded; or
 - 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.
 - For the purposes of [Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems](#), as defined by [F.S. § 381.0065\(2\)](#).
57. **Lot Area** – the total horizontal area included within lot lines.
58. **Lot, Corner** – either a lot bounded entirely by streets, or a lot which adjoins the point of intersection of two or more streets.
59. **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.
60. **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. **[Ord. 2006-004]**
 - For the purposes of TDD, WCRAO, IRO, or PRA projects where a build-to-line is required, and vehicular access may be from the side or rear of the property, the property line used to meet the build-to-line requirements shall be the lot frontage. **[Ord. 2006-004] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2017-025]**

61. **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.
 62. **Lot, Interior** – any lot neither a corner lot nor a through lot.
 63. **Lot Line, Front** – the lot line adjacent to a street.
 64. **Lot Line, Interior** – any lot line not adjacent to a street.
 65. **Lot Line, Rear** – that lot line which is opposite, generally parallel to, and most distant from the front lot line.
 66. **Lot, Double Frontage** – any lot having frontage on two nonintersecting streets.
 67. **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.
 68. **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.
 69. **Lowest Adjacent Roadway Crown (LARC)** – for the purposes of [Art. 18, Flood Damage Prevention](#), the lowest elevation of any point in the crown of a street or road immediately next to the site of a new structure. **[Ord. 2004-013]**
 70. **Lowest Floor** – for the purposes of [Art. 18, Flood Damage Prevention](#), the lowest floor of the lowest enclosed area (including Basement) of a Building. Any unfinished or flood-resistant enclosure, used solely for parking of vehicles, Building access, or storage, in an area other than a Basement, is not considered a Building's Lowest Floor, provided that such enclosure is not built so as to render the Structure in Violation of the non-elevation design standards of the Florida Building Code or ASCE 24. **[Ord. 2004-013] [Ord. 2017-026]**
 71. **Lumen** – a unit of luminous flux. One foot-candle is one lumen per square foot. **[Ord. 2005-041]**
 72. **Luminaire** – a complete lighting system, which includes a fixture and any associated freestanding pole or other similar structure. **[Ord. 2005-041]**
 73. **Luminaire Height** – the measurement from a paved or landscaped surface at ground level directly under the fixture to the top of the luminaire. **[Ord. 2005-041]**
- M. **Terms defined herein or referenced in this Article shall have the following meanings:**
1. **Machinery, Heavy** – see Industrial Equipment/Heavy Machinery.
 2. **Maintenance** – repair or fix existing walls, fixtures, wiring, air conditioning and plumbing necessary to permit structures to remain in a state of good repair without creating additional improvements. See Repair for additional allowed improvement. **[Ord. 2010-005]**
 3. **Major Intersection** – for the purposes of [Art. 12, Traffic Performance Standards](#), the juncture of two or more Major Thoroughfares.
 4. **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.
 5. **Major Thoroughfares** – for the purposes of [Art. 12, Traffic Performance Standards](#), Major Thoroughfares are:
 - a. All streets as defined in the Thoroughfare R-O-W Identification Map, Map TE 14.1 of the Plan as it may be amended.
 - b. 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:
 - 1) Provides continuity of an existing roadway;
 - 2) Provides connectivity to other Links of the thoroughfare network;
 - 3) Carries or is projected to carry a volume of at least 1,310 two-way peak hour trips;
 - 4) Provides an opportunity for decreasing vehicle miles traveled;
 - 5) Provides an alternative to a parallel thoroughfare network roadway such that the demand on the parallel roadway is decreased.
 - c. 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.
 - d. 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. ch. 335](#).
 6. **Maneuvering Area** – For the purposes of [Art. 6, Parking, Loading, and Circulation](#), an area of sufficient size to allow adequate turning motions for a vehicle to ingress/egress a loading area or loading bay. **[Ord. 2008-037]**

7. **Mangrove** – any specimen of the species *Avicennia germinans* (black mangrove), *Laguncularia racemosa* (white mangrove), *Rhizophora mangle* (red mangrove), or *Conocarpus erecta* (buttonwood).
8. **Mangrove Fringe** – those shoreline mangrove areas whose width does not exceed 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.
9. **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 or more of the following species: black mangrove (*Avicennia germinans*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and buttonwood (*Conocarpus erecta*).
10. **Manufactured Building**
 - a. A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured with or without other specified components, as a finished building or as part of a finished building, constructed in conformance with and certified pursuant to the requirements of [F.S. ch. 553](#), as may be amended, which shall include, but not be limited to, Residential Manufactured Buildings (a.k.a. Modular Homes), commercial, institutional, storage, and industrial structures. This definition does not apply to mobile homes. **[Ord. 2017-007]**
 - b. For the purposes of [Art. 3, Overlays and Zoning Districts](#) and [Art. 4, Use Regulations](#), a Residential Manufactured Building (a.k.a. Modular Home) may also be considered a Mobile Home, where required by [F.S. § 553.382, Placement of Certain Housing](#). **[Ord. 2012-027]**
11. **Manufactured Home** – for the purposes of [Art. 18, Flood Damage Prevention](#), a Single Family dwelling constructed entirely in a controlled factory environment built to HUD standards; defined in [24 CFR § 3280.2, Subpart A – Definitions](#) as amended or replaced, as a Structure transportable in one or more sections, which in the traveling mode, is eight feet or more in width and 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities which includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Mobile home” is considered to be synonymous with Manufactured Home. The term includes, but is not limited to, Park Trailers, travel trailers, and commercial trailers placed on site for 180 consecutive days or longer and intended to be improvements to real property. Those manufactured Buildings for residential, commercial, institutional, or other use, constructed under DBPR codes and standards for compliance with the Florida Building Code are excluded from this definition. **[Ord. 2004-013] [Ord. 2017-026]**
12. **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.
13. **Map of Known Archaeological Sites** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), a map adopted as part of this Article and updated as needed identifying known archaeological sites in the unincorporated areas of PBC.
14. **Marginal Access Street** – see Street, Marginal Access.
15. **Marina** – see Marine Facility.
16. **Market Value** – for the purposes of [Art. 18, Flood Damage Prevention](#), the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in [Art. 18, Flood Damage Prevention](#), the term refers to the Market Value of Buildings and Structures, excluding the land and other improvements on the parcel. Market Value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate Market Value by a factor provided by the Property Appraiser or Floodplain Administrator. **[Ord. 2004-013] [Ord. 2017-026]**
17. **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.
18. **Master Plan or Site Plan**
 - a. For the purposes of [Art. 2, Application Processes and Procedures](#) and [Art. 3, Overlays and Zoning Districts](#), a Master Plan or a Site Plan means a graphic and informational representation of a specific design solution for a development phase or entirety, meeting the requirements and

conditions of this Code. The Master Plan or a Site Plan shows an overall development concept including present property uses as well as proposed land development uses, and layout of design and infrastructure components. Various stages of refinement and government approval qualify the Master Plan or the Site Plan to be certified as the proposed Master Plan or Site Plan. [Ord. 2009-040]

- b. For the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#) and [Art. 12, Traffic Performance Standards](#), a Master Plan or Site Plan shows how parcels and uses in a mixed use development will integrate with one another. The Master or Site Plan dictates access, mitigation strategies, the build-out timeframe and shall be the controlling document for a mixed use development. Approval of a Master Plan or Site Plan shall be binding upon the landowners subject to the Development Order, their successors and assigns, and shall constitute development regulations for the land. Development of the land shall be limited to the uses, intensities, access, configuration, mitigation strategies, and all other elements and conditions set forth in the Master Plan or Site Plan. Requirements for the submittal of a preliminary master or site plan and a final master or site plan to the Zoning Division are indicated in [Art. 2, Application Processes and Procedures](#) pursuant to the type of zoning application being submitted. [Ord. 2006-036] [Ord. 2009-040] [Ord. 2014-025]
19. **Master Sign Plan** – for the purposes of [Art. 8, Signage](#), 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.
20. **Master Storm Water Drainage System** – for the purposes of [Art. 18, Flood Damage Prevention](#), an engineered system, which may include culverts, retention areas, water control gates, control devices, earth grading, and/or minimum floor elevations in development of building sites, designed to ensure less than one-percent annual chance of flooding of the building sites. [Ord. 2004-013]
21. **Material Culture** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), is any object that has been modified by a human being. [Ord. 2008-037]
22. **Material, Excess** – excavated material not required for backfill or grading of the premises as determined by a Final Site Plan.
23. **Material, Extractive or Excavated** – earth, sand, gravel, rock, shell rock, muck, or other mineral or organic substance, other than vegetation, which naturally occurs upon a lot.
24. **Maximum Contaminant Level** – for the purposes of [Art. 15, Health Regulations](#), the maximum permissible level of a contaminant in water which is delivered to any user of a water supply system.
25. **Maximum Day** – for the purposes of [Art. 15, Health Regulations](#), the highest day of water consumption within any 24-hour period from midnight to midnight excluding fire flow.
26. **Mean High Water** – for the purposes of [Art. 15, Health Regulations](#), the average height of tidal high water over a 19-year period.
27. **Mean Sea Level** – The average height of the sea for all stages of the tide based on the NGVD.
28. **Mechanical Equipment** – For the purposes of [Art. 5, Supplementary Standards](#), equipment and accessories, that relate to water supply, drainage, heating, ventilating, electrical, air conditioning, and similar purposes. [Ord. 2008-037]
29. **Medical Marijuana Treatment Center** – means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their professional caregivers, and is registered by the Florida Department of Health. [Ord. 2017-009]
30. **Membrane BioReactor Systems** – Facilities that treat raw sewage to tertiary levels for reuse water (irrigation quality water) or for discharge (ground or surface water recharge). These systems are enclosed within buildings and utilize hollow fiber or flat plate membranes and combine clarification, aeration and filtration to produce consistent, high-quality effluent suitable for any discharge or reuse application. On-site storage tanks, distribution pumps and electrical equipment may also be associated with these facilities. [Ord. 2007-013]
31. **Meteorological Tower** – A tower erected to measure atmospheric weather conditions. [Ord. 2011-016]
32. **Mezzanine** – see Building Mezzanine.
33. **Midden** – is a deposit of material culture refuse. Midden soils contain a high abundance of cultural resources and occasionally human remains. Midden soils tend to differ in color and composition from the surrounding soil matrix. [Ord. 2008-037]
34. **Military Installation** – a facility designed for use by a branch of the United States Armed Forces.

35. **Minimum Descent Altitude (MDA)** – for the purposes of [Art. 16, Airport Regulations](#), 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.
36. **Minimum Obstruction Clearance Altitude (MOCA)** – for the purposes of [Art. 16, Airport Regulations](#), 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 22 miles to a VOR.
37. **Minimum Vectoring Altitude (MVA)** – for the purposes of [Art. 16, Airport Regulations](#), 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.
38. **Mitigation** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
39. **Mixed Housing Projects** – for the purposes of [Art. 5.G, Density Bonus Programs](#), projects that include both market rate and affordable units, and promote a balance of housing opportunities. [Ord. 2005-002]
40. **Mixed Use**
- a. the combination of residential and one or more non-residential uses that are functionally integrated. [Ord. 2006-004] [Ord. 2010-022]
 - b. for the purposes of [Art. 13, Impact Fees](#), means a group of different uses of land within a tract of land or a building for which applications for Development Permits are sought.
41. **Mixed Use Strategy** – For the purposes of [Art. 12, Traffic Performance Standards](#), the development of a neighborhood, tract of land, building, or structure combining residential development with a variety of complementary and integrated uses, such as, but not limited to, office, manufacturing, retail, public, and recreation, in a compact urban form. The purpose of a mixed use development strategy for the Okeechobee Boulevard corridor is to internalize as much site-generated traffic as possible so as to reduce impact on the external streets. However, not all mixed use developments will necessarily maximize internalization and limit the amount of additional external traffic impact. Studies (such as the ITE Trip Generation Handbook) which show interactions between various land use combinations should be used as a guide in determining the optimal mix and quantities of land uses for a particular site. [Ord. 2006-036]
42. **Mobile Home**
- a. **Structure** – A detached, transportable structure, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems. [Ord. 2017-007]
 - b. **Dwelling** – The use of a residential lot or unit for one mobile home. [Ord. 2012-027] [Ord. 2017-007]
43. **Mobile Home Subdivision** – For the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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](#).
44. **Module** – For the purposes of [Art. 6, Parking, Loading, and Circulation](#), a portion of a parking facility containing a central drive aisle with parking spaces on each side of the aisle. [Ord. 2012-027]
45. **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.
46. **Mound System** – for the purposes of [Art. 15, Health Regulations](#), a drainfield system in which the distribution pipe is installed in fill material above natural grade.
47. **Mulch** – for the purposes of [Art. 7, Landscaping](#), non-living organic material customarily used in landscape design to retard erosion and retain moisture.
48. **Multi-Family Water System** – for the purposes of [Art. 15, Health Regulations](#), a water system that provides potable water for three to four residences, one of which may be a rental residence.
49. **Multi-Family Well** – for the purposes of [Art. 15, Health Regulations](#), a water well that is a source of potable water and is part of a multi-family water system.
50. **Municipal Engineer** – for the purposes of [Art. 12, Traffic Performance Standards](#), a Professional Engineer practicing traffic engineering employed or retained by the Municipality.

51. **Municipal Official** – for the purposes of [Art. 12, Traffic Performance Standards](#), the public official responsible for coordinating the application of this Section in the Municipality, it may be the Municipal Engineer.
52. **Mural** – an original production of art of any size, shape, color, material, medium or combination thereof that is designed by an artist, directly affixed or applied to the exterior surface of a building or structure (mural surface), and that neither contains nor consists of any commercial message, including any logo, icon, trademark or brand name. For the purposes of this definition, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold. [Ord. 2013-021]
- N. **Terms defined herein or referenced in this Article shall have the following meanings:**
1. **Nadir** – For the purposes of [Art. 5.E.4.E, Outdoor Lighting](#), nadir shall mean the lowest point on its sphere when measuring a foot-candle. [Ord. 2008-037]
 2. **National Geodetic Vertical Datum (NGVD)** – for the purposes of [Art. 18, Flood Damage Prevention](#), as corrected in the year of 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain. This datum is referenced on prior FIRMs or by FEMA. [Ord. 2004-013] [Ord. 2017-026]
 3. **National Register of Historic Places** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), official Federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.
 4. **Native Tree(s) or Native Vegetation** – for the purposes of [Art. 14, Environmental Standards](#), vegetation with a natural geographic distribution indigenous to the State of Florida and not introduced by humans.
 5. **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.
 6. **Native Vegetation Community** – for the purposes of [Art. 14, Environmental Standards](#), 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.
 7. **Natural Area** – for the purposes of [Art. 14, Environmental Standards](#), 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](#).
 8. **Natural Disaster** – natural disaster is the consequence or effect of a hazardous event, occurring when human activities and a natural phenomenon (a physical event, such as a hurricane, landslide, etc.) become enmeshed. The resulting fatalities, or property damages depend on the capacity of the population to support or resist the disaster. [Ord. 2006-036]
 9. **Natural Disaster Damage** – loss in structural integrity due to an act of nature such as hurricane, tornado, wildfire, or flood. This does not include fire, termites, and other damages not related to those listed herein. [Ord. 2010-005]
 10. **Nautical Mile** – for the purposes of [Art. 16, Airport Regulations](#), 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.
 11. **Neighborhood** – a defined and compact geographic area consisting of residences which may include non-residential uses to serve the daily needs of the residents, such as shops, workplaces, recreational areas, and civic uses (schools, places of worship), that are accessible by interconnecting streets. [Ord. 2010-022]
 12. **Neighborhood Center** – as defined in the Plan.
 13. **Nest** – for the purposes of [Art. 14, Environmental Standards](#), the area in which sea turtle eggs are naturally deposited or relocated beneath the sediments of the beach/dune system.
 14. **Nesting Season** – for the purposes of [Art. 14, Environmental Standards](#), the period from March 1 through October 31 of each year.

15. **Net Acreage** – For the purposes of [Art. 12, Traffic Performance Standards](#), a measure of the net area of the site that is available for development, excluding non-site related areas donated to and accepted by a governmental agency, by deed or easement, in perpetuity, for utility, drainage, roadway, and preservation purposes. [Ord. 2006-036]
16. **Net Trips** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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](#).
17. **Net Usable Land** – for the purposes of [Art. 15, Health Regulations](#), the total area of a parcel less all street, wet areas, canals, R-O-Ws, drainage easements and other impairments to the owner's unrestricted use thereof as a building site.
18. **New Capital Facilities** – for the purposes of [Art. 13, Impact Fees](#), newly constructed, expanded, or added capital facilities which provide additional capacity. New capital facilities shall not include that portion of reconstruction or remodeling of existing facilities that does not create additional capacity.
19. **New Construction**
 - a. For the purposes of [Art. 13, Impact Fees](#), Structures for which the start of construction commenced on or after the effective date of this Code.
 - b. For the purposes of [Art. 18, Flood Damage Prevention](#), and the flood-resistant construction requirements of the Florida Building Code, Structures for which the "Start of Construction" commenced on or after January 31, 1979, and includes any subsequent improvements to such Structures. [Ord. 2004-013] [Ord. 2017-026]
20. **New Manufactured Home Park or Manufactured Home Subdivision**
 - a. See Manufactured Home Park or Manufactured Home Subdivision.
 - b. For the purposes of [Art. 18, Flood Damage Prevention](#), a Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of this Article. [Ord. 2004-013]
21. **No-Hazard** – for the purposes of [Art. 16, Airport Regulations](#), 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.
22. **Noise Level Reduction** – for the purposes of [Art. 16, Airport Regulations](#), 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.
23. **Non-Combustible Refuse** – wastes that are unburnable at ordinary incinerator temperature (800 to 1,800 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.
24. **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.
25. **Non-Community Water System** – for the purposes of [Art. 15, Health Regulations](#), a public water system that is not a community water system. A non-community system is either a non-transient non-community water system or a transient non-community water system, which are further defined as:
26. **Non-Transient Non-Community Water System** – a non-community water system that regularly serves at least 25 of the same persons for more than six months per year.
27. **Non-Community Well** – for the purposes of [Art. 15, Health Regulations](#), a water well that is a source of potable water and is part of a non-community water system.
28. **Non-Conforming, Sign** – for the purposes of [Art. 8, Signage](#), 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](#).
29. **Non-Conforming Lot** – for the purposes of this Article, 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.
30. **Non-Conforming Structure** – for the purposes of this Article, 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.

31. **Non-Conforming Use** – a use that was lawfully established prior to the adopted Code or amendment that creates the non-conformity and now does not conform to the use regulations of the zoning district in which it is located.
32. **Non-Conforming Use, Major** – a major non-conforming 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 non-conforming uses are inappropriately located so as to create or threaten to create incompatibilities detrimental to the public welfare.
33. **Non-Conforming Use, Minor** – a minor non-conforming use is a use that was legally established in a zoning district under a prior Code and one or more of the following applies: the use has been changed to a more restrictive review or approval process under the terms of this Code; DOAs or improvements to the use would exceed the development and approval thresholds; or, the use does not meet the property development regulations of this Code. Minor non-conforming uses do not create or threaten to create incompatibilities injurious to the public welfare. [Ord. 2010-005] [Ord. 2015-006]
34. **Non-Conformities** – for the purposes of this Article, uses of land, structures, lots, site elements, 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. [Ord. 2010-005]
35. **Non-Contributing Resource** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), building, site, structure, or object that does not add to the historic significance of a property or district.
36. **Non-Native Vegetation** – for the purposes of [Art. 14.C, Vegetation Preservation and Protection](#), a plant not indigenous to the State of Florida, including those listed as prohibited and invasive non-native vegetation in this Chapter.
37. **Non-Plan Collector Street** – see Street, Collector, Non-Plan.
38. **Non-Potable Water Well** – for the purposes of [Art. 15, Health Regulations](#), as defined by [Chapter 64E-6, F.A.C.](#)
39. **Non-Precision Instrument Runway** – for the purposes of [Art. 16, Airport Regulations](#), 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.
40. **Non-Residential** – for the purposes of [Art. 2, Application Processes and Procedures](#).
41. **Non-Residential Activity** – for the purposes of [Art. 14, Environmental Standards](#), any activity which occurs in any building, structure, or open area which is not used primarily as a private residence or dwelling.
42. **Non-Transient Non-Community Water Supply** – for the purposes of [Art. 15, Health Regulations](#), 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 persons over six months per year but is not a community water system.
43. **North American Vertical Datum (NAVD)** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#) and [Art. 18, Flood Damage Prevention](#), the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988. [Ord. 2004-013] [Ord. 2010-022] [Ord. 2017-026]
44. **Nuisance** – for the purposes of [Art. 5, Supplementary Standards](#), interference with the enjoyment and use of property.

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

1. **“O” Horizon** – for the purposes of [Art. 15, Health Regulations](#), the layer of organic matter on the surface of a mineral soil. This soil layer consists of decaying plant residues.
2. **Objectionable Odor** – An objectionable odor is defined as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance, in accordance with [Chapter 62-210, F.A.C. \[Ord. 2006-004\]](#)
3. **Obstruction to Air Navigation** – for the purposes of [Art. 16, Airport Regulations](#), any existing or proposed man-made object or object of natural growth or terrain that exceeds the standards contained in this Article, and contained in [14 CFR § 77.21](#), [§ 77.23](#), [§ 77.25](#), [§ 77.28](#), and [§ 77.29](#).
4. **Off-Peak Season** – for the purposes of [Art. 12, Traffic Performance Standards](#), the time from June 1 through August 15, inclusive.
5. **Off-Site Improvements** – improvements constructed outside of the boundaries of the project which are required as a part of a development approval.
6. **Office** – for the purposes of [Art. 13, Impact Fees](#), a building used primarily for conducting the affairs of or the administration of a business, organization, profession, service, industry, or similar activity.
7. **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.
8. **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.
9. **On Site** – within the boundaries of a facility location, property, or site including sites separated by public or private R-O-W.
10. **Onsite Sewage Treatment and Disposal System (OSTDS)** – for the purposes of [Art. 15, Health Regulations](#), as defined by [Chapter 64E-6, F.A.C.](#)
11. **One-Foot Drawdown Contour** – for the purposes of [Art. 14, Environmental Standards](#), 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.
12. **Open Space** – land reserved or shown on an approved plan, such as but not limited to: easements, preservation, conservation, wetlands, well site dedicated to PBCWUD, recreation, greenway, landscaping, landscape buffer, and water management tracts. **[Ord. 2011-001]**
13. **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. **[Ord. 2011-001]**
14. **Open to the Public** – see Park, Open to the Public.
15. **Operating Permit** – for the purposes of [Art. 14, Environmental Standards](#), means the permit required of certain activities under [Art. 14.B.7, Wellfield Protection \(Operating and Closure Permits\)](#).
16. **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.
17. **Ordinary Maintenance or Repair** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
18. **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.
19. **Original Final DRO** – For the purposes of [Art. 2, Application Processes and Procedures](#), the first approved plan by the DRO following the BCC or ZC hearing. **[Ord. 2020-020]**
20. **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).

21. **Other Than Utility Runway** – for the purposes of [Art. 16, Airport Regulations](#), a runway designed for and intended to be used by all types of aircraft including those having gross weights greater than 12,500 pounds.
 22. **Outdoor Activity** – for the purposes of [Art. 5, Supplementary Standards](#), any functional operation associated with a use listed in [Art. 4, Use Regulations](#), that takes place outside of an enclosed building. The term excludes Outdoor Storage and the loading or unloading of trucks at loading bays or docks. **[Ord. 2017-007]**
 23. **Outdoor Display of Merchandise, Temporary** – a temporary display for the introduction, promotion, or announcement of a new product.
 24. **Overlay Zoning District** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), 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.
 25. **Owner** – the owner of the freehold estates, as appears by deed of record. It shall not include lessees, reversioners, remainderman, or mortgagees.
 26. **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.
- P. **Terms defined herein or referenced in this Article shall have the following meanings:**
1. **Packaged or Canned Foods** – For the purposes of [Art. 4, Use Regulations](#), containerized food products that can be eaten as sold. **[Ord. 2012-003]**
 2. **Parcel** – for the purposes of [Art. 14, Environmental Standards](#), see Land; a unit of land with a legally established property line.
 3. **Park, Beach** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
 4. **Park, Beach/Park, District/Park, Regional** – for the purposes of [Art. 13, Impact Fees](#), refer to [Art. 5.D, Parks and Recreation – Rules and Recreation Standards](#).
 5. **Park, Community** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
 6. **Park, Countywide Level** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
 7. **Park, District** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
 8. **Park, Local Level** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
 9. **Park, Neighborhood** – for the purposes of [Art. 5, Supplementary Standards](#), 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 Use Planned Development \(MXPd\)](#), and [Art. 3.F.3, Traditional Neighborhood Development \(TND\)](#), neighborhood parks shall consist of usable open space within walking distance of housing.

10. **Park, Open to the Public** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
11. **Park, Private** – for the purposes of [Art. 5, Supplementary Standards](#), a privately-owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.
12. **Park, Regional** – for the purposes of [Art. 5, Supplementary Standards](#), facilities generally more than 200 acres in size that also provides access to a substantial natural or man-made 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.
13. **Park Recreation and Park Facilities** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
14. **Park Trailer** – for the purposes of [Art. 18, Flood Damage Prevention](#), a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances (see [F.S. § 320.01](#), as amended or replaced). **[Ord. 2017-026]**
15. **Parking Garage/Structure** – a building or structure that provides parking for motor vehicles as an accessory use to a principal use. **[Ord. 2010-022] [Ord. 2017-007]**
16. **Parking Lot** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), an on-site, 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.
17. **Parking Lot, Shared or Common** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), an on-site parking lot that serves more than one lot, building, use, or dwelling.
18. **Parking, On-Site** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), the minimum number of parking spaces on the same lot or parcel of the facility that it serves. **[Ord. 2020-020]**
19. **Parking, On-Street** – a row of parking spaces along a street that may be designed in a parallel or angled layout. **[Ord. 2010-005]**
20. **Parking, Shared** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), 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.
21. **Parking Space** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), 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.
22. **Parking Tract** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), a parking lot delineated on a plat or otherwise created by an instrument of record for the purpose of providing common on-site parking and legal access for owners of adjacent lots.
23. **Pass-By-Trips** – for the purposes of [Art. 12, Traffic Performance Standards](#), trips generated by a proposed Project which are trips already on the road Link on which the proposed Project is located.
24. **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.
25. **Patio Home** – see Zero Lot Line Home.
26. **PBC Register of Historic Places** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), official PBC list of archeological sites identified on the Map of Known Archeological Sites, and historic sites and districts designated by the BCC.
27. **PBC Standards** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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 No. 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.
28. **Peak Hour Traffic** – for the purposes of [Art. 12, Traffic Performance Standards](#), shall mean the one hour of traffic representative of the peak period, as defined in [Art. 12.C.1.B.5, Peak Hours](#) 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. [Ord. 2005-002]
29. **Peak Season** – for the purposes of [Art. 12, Traffic Performance Standards](#), the time from January 1 through March 31, inclusive.
30. **Pedestrian Circulation Zone** – for the purposes of the Priority Redevelopment Areas, a continuous unobstructed space reserved for pedestrian movement. [Ord. 2010-022]
31. **Pennant** – see Flag.
32. **Percolation Pond** – for the purposes of [Art. 14, Environmental Standards](#), an artificial impoundment similar to a holding pond for which the design and operation provides for fluid losses through percolation or seepage.
33. **Performance Security**
- 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:
 - Irrevocable letter of credit;
 - Escrow agreement;
 - Surety bond; or,
 - Cash bond.
 - For the purposes of [Art. 12, Traffic Performance Standards](#), 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:
 - Letter of Credit;
 - Escrow Agreement;
 - Surety Bond; or,
 - Cash Bond.
34. **Perimeter Street** – For the purposes of the IRO, a private or public street R-O-W abutting the perimeter boundary of an eligible IRO parcel. [Ord. 2010-005]
35. **Permit Holder, Marine Turtle** – for the purposes of [Art. 14, Environmental Standards](#), any 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. [Ord. 2011-001]
36. **Person**
- For the purposes of [Art. 14, Environmental Standards](#), 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.
 - For the purposes of [Art. 15, Health Regulations](#), any individual, corporation, company, association, partnership, State, subdivision of the State, municipality, or Federal agency.
 - For the purposes of [Art. 16, Airport Regulations](#), any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof. [Ord. 2019-005]
37. **Pervious Surface**
- ground cover through which water can penetrate at a rate comparable to that of water through undisturbed soils.
 - For the purposes of [Art. 7, Landscaping](#), pervious surface is the area that can be utilized for planting that is covered by permeable material. [Ord. 2018-002]
38. **Pharmacy** – shall mean an establishment offering on-site dispensing of prescription drugs, non-prescription drugs, or both. [Ord. 2011-016]
39. **Phased Development** – development which is designed, permitted, or platted in distinct, sequential stages to be developed over a specified period of time.
40. **Plan** – the 1989 Comprehensive Plan of PBC, Florida, as amended.
41. **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.
42. **Planned Development, District (PDD)** – a zoning district which is approved pursuant to the policies and procedures of [Art. 3.E, Planned Development Districts \(PDDs\)](#) of this Code including: PUD, Residential Planned Unit Development District; MXPd, Mixed Use Planned Development District; MUPD, Multiple Use Planned Development District; PIPD, Planned Industrial Park Development District; MHPD, Mobile Home Park Planned Development District; and, RVPD, Recreational Vehicle Park Planned Development District. [Ord. 2010-005] [Ord. 2017-025]

43. **Planned Development, Previously Approved** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), 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 (PUDs); Traditional Neighborhood Districts Developments (TNDs); Mixed-Use Developments; Planned Neighborhood Commercial Developments (PNCDS); Planned General Commercial Developments (PGCDs); Large Scale Community and Regional Shopping Center Developments, 30,000 square feet and 50,000 square feet; Planned Office Business Park Developments (POBPDs); Planned Industrial Park Developments (PIPDs); Mobile Home Rental Park, Condominium, and Conditional Use Developments; Recreational Vehicle Park Developments (RVPDs); 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 \(PDDs\)](#).
44. **Planting/Amenity Zone** – for the purposes of the Priority Redevelopment Areas, accommodating streets and, landscaping or hardscaped areas, providing a transition between vehicular travel lanes and pedestrian circulation zones. **[Ord. 2010-022]**
45. **Planting Plan** – for the purposes of [Art. 7, Landscaping](#), 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 Multifamily lot or other use as authorized by this Code. **[Ord. 2016-042]**
46. **Plant Species, Controlled** – those plant species, that are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.
47. **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.
48. **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.
49. **Plat** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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. ch. 177](#), and may include the terms “replat,” “amended plat,” or “revised plat.”
50. **Plat, Boundary** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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. ch. 177](#).
51. **Plat, Final** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), a finished plat including all signatures required for recordation except those signifying approval by PBC.
52. **Plat, Preliminary** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), a copy of the plat in sufficient form to readily compare the plat with the subdivision plan and construction plans.
53. **Plat of Record** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
54. **Plaza** – outdoor space accessible to the public, dedicated to active or passive activities where pedestrians gather, designed to include streetscape, and accented with landscape or focal points. **[Ord. 2010-005]**
55. **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.
56. **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.
57. **Pollutant** – any substance which is harmful or threatening to plant, animal or human life.
58. **Pond** – a permanent body of water less than one acre in size and less than six feet in depth.
59. **Positive Drainage** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), the provision of a stormwater management system which conveys stormwater runoff to a point of legal positive outfall.
60. **Pot Bellied Pig** – for the purposes of [Art. 5.B.1.A, Accessory Uses and Structures](#), means a domesticated miniature or pot-bellied or pot belly pig kept as a household pet for the sole purpose of providing human companionship and not kept or raised for human consumption or other similar use attributed to the raising of livestock. **[Ord. 2013-001]**

61. **Potable Water** – for the purposes of [Art. 14, Environmental Standards](#), water that is intended for drinking, culinary, or domestic purposes, subject to compliance with PBC, State of Florida, or Federal drinking water standards.
62. **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.
63. **Precision Instrument Runway** – for the purposes of [Art. 16, Airport Regulations](#), 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.
64. **Preliminary Assessment Letter (PAL)** – For the purposes of [Art. 4.B.10, Excavation Uses](#), a letter from Department of Environmental Protection, Bureau of Mining and Minerals Regulations in response to a pre-application meeting conducted in accordance with [Art. 4.B.10.C.5, Type 3 Excavation](#). [Ord. 2008-037]
65. **Preliminary Development Plan** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), 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.
66. **Premises** – any lot, area, or tract of land whether used in connection with a building or not.
67. **Preservation** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), the identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties.
68. **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.
69. **Pre-Application Conference** – a meeting to review preliminary application and conceptual site plan for review by the Zoning Division.
70. **Previous Approval, Previously Issued DO, Previously Approved DO** – for the purposes of [Art. 12, Traffic Performance Standards](#), a Site Specific Development Order which:
 - a. 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
 - b. 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.
71. **Previous Approval, Traffic** – for the purposes of [Art. 12, Traffic Performance Standards](#), Project Traffic resulting from units or square footage of a Previous Approval established pursuant to [Art. 12.A.3.B, Credits Against Project Traffic](#).
72. **Previously Captured Project** – for the purposes of [Art. 12, Traffic Performance Standards](#), a Project approved after May 21, 1987 in the Unincorporated Area or after February 1, 1990 in the Incorporated Area. [Ord. 2007-013]
73. **Primary Zone** – for the purposes of [Art. 16, Airport Regulations](#), 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.
74. **Principal Entrance** – the main point of pedestrian access into a building or storefront. [Ord. 2010-022]
75. **Principal Use** – see Use, Principal.
76. **Prior Ordinances** – prior Ordinances include Zoning Resolution No. 3-57; Ordinance No. 73-2; Ordinance No. 73-4; and, Ordinance No. 92-20; as amended.

77. **Privacy Fence or Wall** – a structural barrier of an opaque quality, constructed such that the privacy of the area to be enclosed is maintained.
78. **Private Street** – see Street, Private.
79. **Private Water System** – for the purposes of [Art. 15, Health Regulations](#), a water system that provides piped water for one or two residences, one of which may be a rental residence.
80. **Private Well** – for the purposes of [Art. 15, Health Regulations](#), a water well that is a source of potable water and is part of a private water system.
81. **Project**
- a. Land use or group of land uses involving the development of a particular parcel of land at a particular intensity or density which was granted a 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. **[Ord. 2010-022] [Ord. 2019-005]**
 - b. For the purposes of [Art. 12, Traffic Performance Standards](#), 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.
82. **Project Accessed Link** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
83. **Project Boundary** – For the purposes of [Art. 4.B.7.C.9, Renewable Energy Wind Facility](#), shall mean the limits of the approval for an Energy Wind Facility located on multiple parcels, whether owned by the Wind Energy Facility operator or by leases with individual Property Owners, where the limits of the approval may be used for purposes of determining setbacks in lieu of internal property lines. **[Ord. 2011-016] [Ord. 2017-007]**
84. **Project Traffic/Project Trips** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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 13.H.4-20, Fair Share Road Impact Fee Schedule](#) 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](#).
85. **Prop Root** – the structures originating below the lowest limbs of the red mangrove that are also known as stilt roots.
86. **Propagation Study** – for the purposes of [Art. 4, Use Regulations](#), a method utilized by radio-frequency (RF) engineers for site placement. The study indicates signal strength as it relates to adjacent sites, including the potential for towers or tall structures within the study area to be utilized for collocation and the avoidance of additional towers. **[Ord. 2006-004]**
87. **Property Control Number** – 17-digit PBC identification number assigned for each parcel of land.
88. **Proposed New Residential Development** – for the purposes of [Art. 2, Application Processes and Procedures](#), 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.
89. **Protection** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
90. **Pruning** – for the purposes of [Art. 7, Landscaping](#), the removal of plant parts, dead or alive, in a careful and systematic manner so as to not damage other parts of the plant.

91. **Pruning, Hatracking** – for the purposes of [Art. 7, Landscaping](#), 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.
 92. **Pruning, Hatracking, Type 1** – for the purposes of [Art. 7, Landscaping](#), trees that are damaged to the extent they will never regrow a natural canopy and must be replaced.
 93. **Pruning, Hatracking, Type 2** – for the purposes of [Art. 7, Landscaping](#), trees that are damaged to the extent they will not regrow a natural canopy without proper pruning.
 94. **Pruning, Topping** – for the purposes of [Art. 7, Landscaping](#), undesirable pruning practices resulting in internodal cutting back of branches with little regard to the natural shape of the tree.
 95. **Pruning, Tree Shaping** – for the purposes of [Art. 7, Landscaping](#), the pruning of a tree beyond its natural growth habit to create a distinct shape or form.
 96. **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.
 97. **Public Civic Sites** – for the purposes of [Art. 4, Use Regulations](#), 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.
 98. **Public Easement** – see Easement, Public.
 99. **Public Facilities** – capital facilities including but not limited to roads, parks and recreation, fire-rescue, library, law enforcement, public buildings, and school sites.
 100. **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.
 101. **Public Health, Safety and General Welfare** – for the purposes of [Art. 18, Flood Damage Prevention](#), conditions concerning the safety or health of an entire community or neighborhood, or any considerable number of people. **[Ord. 2004-013]**
 102. **Public Street** – see Street.
 103. **Public Utility**
 - a. 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.
 - b. For the purposes of [Art. 14, Environmental Standards](#), 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.
 104. **Public Water System** – for the purposes of [Art. 15, Health Regulations](#), a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system is either a community water system or a non-community water system. The term "Public Water System" includes:
 - a. Any collection, treatment, storage, and distribution facility or facilities under the control of the operator of such system and used primarily in connection with such system; and
 - b. Any collection or pretreatment storage facility or facilities not under the control of the operator of such system but used primarily in connection with such system.
 105. **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.
- Q. **Terms defined herein or referenced in this Article shall have the following meanings:**
1. **Qualified Parcel** – for the purposes of [Art. 14, Environmental Standards](#), 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.
 2. **Quasi-Public Easement** – see Easement, Quasi-Public.
 3. **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.
 4. **Queuing** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), a one-way aisle that provides a waiting area for a specified number of cars.

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

1. **Radius of Development of Influence** – for the purposes of [Art. 12, Traffic Performance Standards](#), the area surrounding a proposed Project as set forth in [Table 12.B.2.D-7 3A, 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. If a Project's Traffic is only significant in one direction from the point at which it enters the first Link, then the Radius of Development Influence shall only include that portion of the first Link. **[Ord. 2006-043]**
2. **Raised Basement** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), a semi-underground story of a building.
3. **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.
4. **Real Estate Sales Office, Planned Development** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), an office for the sale and resale of new and existing residential units in a planned development.
5. **Rebuild or Reconstruct** – replacement or rehabilitation of a structure due to damage or proposed modification in excess of 30 percent of its original Improvement Value. **[Ord. 2013-001]**
6. **Reclamation** – re-establishments if the soil and earth to a usable condition.
7. **Reclamation, Water** – Water treated to tertiary standards considered suitable for storage, distribution and application as irrigation water under FDEP guidelines. **[Ord. 2007-013]**
8. **Recreation Facility, Neighborhood** – a non-profit facility designed and intended for recreational use by occupants of a residential development or subdivision owned and operated by a Property Owners' Association or equivalent. Typical uses include clubhouses, golf courses, swimming pools and tennis courts and other recreational areas. **[Ord. 2011-001] [Ord. 2013-001]**
9. **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.
10. **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.
11. **Recreational Vehicle**
 - a. For the purposes of [Art. 6, Parking, Loading, and Circulation](#), 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 [F.S. § 316.550](#) of the Vehicle Code of the State of Florida. **[Ord. 2019-005]**
 - b. For the purposes of [Art. 18, Flood Damage Prevention](#), a vehicle which is: **[Ord. 2004-013] [Ord. 2017-026]**
 - 1) Built on a single chassis; **[Ord. 2017-026]**
 - 2) 400 square feet or less when measured at the largest horizontal projection; **[Ord. 2017-026]**
 - 3) Designed to be self-propelled or permanently towable by a Light-Duty Truck; and, **[Ord. 2017-026]**
 - 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use (see [F.S. § 320.01](#), as amended or replaced). **[Ord. 2017-026]**
 - 5) Not occupied for more than six months. **[Ord. 2017-026]**
12. **Regional Facility** – For the purposes of [Art. 8.G.3.B, Electronic Message Signs](#), a site or facility that because of its character, magnitude, events, programming and location is a destination or attraction to users who reside in an extended geographic region. Regional facility uses include, but are not limited to: Arenas, Stadiums, Amphitheaters, Regional Public Parks, State-chartered fairgrounds, and, live performance venues with a capacity of 2,000 or more. **[Ord. 2018-002]**
13. **Regional Water Management Areas** – areas which are managed consistent with the multiple objectives and purposes of [F.S. ch. 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.

14. Regulated Substances

- a. For the purposes of [Art. 14, Environmental Standards](#),
 - 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 \(40 CFR 261, Subpart D\)](#), [40 CFR 261, Appendix VIII – Hazardous Constituents](#), and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA ([40 CFR 302](#), effective July 3, 1986); 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 five gallons where said substance is a liquid, or 25 pounds where said substance is a solid.
- b. 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.
 - 1) 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.
 - 2) 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.

15. **Regulating Plan** – See TND, Regulating Plan.

16. **Regulatory Floodway** – for the purposes of [Art. 18, Flood Damage Prevention](#), 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 12 inches. **[Ord. 2004-013]**

17. **Rehabilitation** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.

18. **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.

19. **Repair** – for the purposes of [Art. 15, Health Regulations](#), as defined by [Chapter 64E-6, F.A.C.](#) For the purposes of [Art. 1.F, Nonconformities](#), improvements to restore to a structural sound condition and shall include walls and other improvements included under Maintenance. **[Ord. 2010-005]**

20. **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.

21. **Residence** – see Dwelling Unit.

22. **Residential** – for the purposes of [Art. 4, Use Regulations](#), property possessing either a residential designation by the FLUA of the Plan or a residential zoning designation consistent with the underlying FLU designation.

23. **Residential Access Street** – see Street, Residential Access.

24. Residential Development

- a. For the purposes of [Art. 2, Application Processes and Procedures](#), any development that is comprised in whole, or part, of dwelling units; for permanent human habitation.
- b. For the purposes of [Art. 13, Impact Fees](#), a building, or many buildings or dwelling units, or portion of a building or land used primarily for human habitation.

25. **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.

26. **Respondent/Alleged Violator** – those persons including both landowners and tenants who have been issued a notice of violation.

27. **Restoration**

- a. For the purposes of this Article, return to a former, normal or unimpaired condition. A reconstruction of the original form or structure.
 - b. For the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
28. **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.
29. **Retention or Detention Pond** – for the purposes of [Art. 14, Environmental Standards](#), 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.
30. **Ridesharing** – For the purposes of [Art. 12, Traffic Performance Standards](#), shall mean the use of one motor vehicle by two or more employees to commute to and from the project site for at least of 60 percent of the total number of days the ridesharing employees travel to and from the project site. **[Ord. 2006-036]**
31. **Right of Way (R-O-W)** – a strip of land dedicated or deeded for the perpetual use of the public. See also Street.
32. **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.
33. **Ronald Reagan Turnpike** – a.k.a. Florida's Turnpike.
34. **Rooming House** – see Boarding House.
35. **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.
36. **Runway** – for the purposes of [Art. 16, Airport Regulations](#), a defined area on an airport prepared, used or intended to be used for the taking-off and landing of aircraft along its length.
37. **Runway Protection Zone (RPZ)** – for the purposes of [Art. 16, Airport Regulations](#), an area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground. **[Ord. 2017-025] [Ord. 2019-005]**
38. **Rural Service Area (RSA)** – that area as designated by the Plan.
39. **Rural Subdivision** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), a division of land within an Agricultural Reserve (AGR), Agriculture Residential (AR), or Agricultural Production (AP) district.

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

1. **Sand** – for the purposes of [Art. 14, Environmental Standards](#), 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 ASTM standard D-422 and D-1140 to determine grain size distribution. [Ord. 2011-001]
2. **Sand Dunes** – for the purposes of [Art. 18, Flood Damage Prevention](#), naturally-occurring accumulations of sand in ridges or mounds landward of the beach. [Ord. 2017-026]
3. **Sand Preservation Zone (SPZ)** – for the purposes of [Art. 14, Environmental Standards](#), 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.
4. **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).
5. **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.
6. **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.
7. **Sanitary Survey** – for the purposes of [Art. 15, Health Regulations](#), on-site review of the water source, facilities, equipment, operation, and maintenance of a public water system to evaluate the adequacy of such source, facilities, equipment, operation, and maintenance for producing and distributing safe drinking water.
8. **School Board** – the PBC School Board.
9. **School District** – for the purposes of [Art. 2, Application Processes and Procedures](#), The School District for PBC created and existing pursuant to [Art. IX, § 4, Fla. Const.](#)
10. **Screen Enclosure** – a structure, which may or may not be roofed, used to completely enclose an outdoor living space with screening.
11. **Seagrasses** – those submerged beds of the genera *Halophila*, *Syringodium*, *Halodule*, *Thalassia*, and/or the green algae *Caulerpa spp.*
12. **Sea Turtle(s)** – for the purposes of [Art. 14, Environmental Standards](#), any animal belonging to the species *Caretta caretta* (loggerhead turtle), *Chelonia mydas* (green turtle), *Dermochelys coriacea* (leatherback turtle), *Eretmochelys imbricata* (hawksbill), or *Lepidochelys kempii* (Kemp's ridley) using PBC beaches as a nesting habitat or natal beach. [Ord. 2011-001]
13. **Sea Turtle Lighting Plan (STLP)** – for the purposes of [Art. 14, Environmental Standards](#), 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.
14. **Sea Turtle Protection Zone (STPZ)** – for the purposes of [Art. 14, Environmental Standards](#), 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.
15. **Seedling, Sapling, Runner, or Sucker** – any young plant or tree in early stages of growth.
16. **Segment** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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 1 – Option Analysis iii or Test 2 – Optional Analysis iii. [Ord. 2006-043]
17. **Self-Service Storage** – for the purposes of [Art. 4, Use Regulations](#), a facility consisting of individual, self-contained units that are leased for the storage of business or personal goods.
18. **Semi-Public Water System** – for the purposes of [Art. 15, Health Regulations](#), a water system for provisions of piped water under pressure for human consumption, culinary, sanitary, or domestic purposes to:
 - a. Less than 25 individuals daily at least 60 days out of the year; or
 - b. At least 25 individuals daily less than 60 days out of the year.
19. **Septage** – for the purposes of [Art. 15, Health Regulations](#), a mixture of sludge, fatty materials, human feces, and wastewater removed during pumping of an OSTDS. Excluded from this definition are contents of portable toilets, holding tanks, and grease interceptors.

20. **Septic Tank** – for the purposes of [Art. 15, Health Regulations](#), as defined by [Chapter 64E-6, F.A.C.](#)
21. **Septic Tank System** – for the purposes of [Art. 15, Health Regulations](#), septic tank, distribution box, and drainfield. When pump equipment is utilized, it is also considered part of the septic tank system.
22. **Service Provider** – for the purposes of [Art. 2, Application Processes and Procedures](#), means any agency that is responsible for the provision of public facilities to development in PBC.
23. **Service Truck** – for the purposes of [Art. 15, Health Regulations](#), a vehicle used to pump out the contents of OSTDS, grease traps, laundry interceptors, and/or portable toilets.
24. **Setback** – the required minimum horizontal distance between any structure and the related front, side, or rear property lot line or base building line.
25. **Setback, Front** – the setback extending along the full length of the front lot line or base building line.
26. **Setback, Interior Side** – the setback extending along an interior side lot line between the front and rear setbacks.
27. **Setback, Rear** – the setback extending along the full length of the rear lot line.
28. **Setback, Street Side** – the setback extending along a street side lot line or base building line between the front and rear setbacks.
29. **Sewer System, Central** – for the purposes of [Art. 15, Health Regulations](#), a regional sewage system, owned and operated by a municipal, county, special district, or other governmental entity, which provides sewer service to several developments located within its service area.
30. **Sewer System, Individual** – for the purposes of [Art. 15, Health Regulations](#), a privately-owned sewage system, which provides sewer service to a single development, because of unavailability of a central sewer system.
31. **Shade Tree** – see Tree, Canopy or Shade.
32. **Shipping Container** – a unit designed and built for the shipment of material or goods.
33. **Shopping Center** – a group of commercial establishments planned, developed, managed, and operated as a unit, with on-site parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.
34. **Shrub** – for the purposes of [Art. 7, Landscaping](#), a self-supporting woody perennial plant more than 30 inches in height at maturity, characterized by multiple stems and branches continuous from the base.
35. **Sight Distance** – see Corner Clip.
36. **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.
 - a. **Sign Types**
 - 1) **A-Frame or Sandwich** – for the purposes of [Art. 8, Signage](#), a portable sign which is ordinarily in the shape of an “A” or some variation thereof that usually has no wheels nor permanent foundation.
 - 2) **Abandoned** – for the purposes of [Art. 8, Signage](#), 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.
 - 3) **Advertising** – for the purposes of [Art. 8, Signage](#), a sign representing or directing attention to a business, commodity, service, or entertainment, conducted, sold, or offered.
 - 4) **Advertising Structure** – for the purposes of [Art. 8, Signage](#), 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.
 - 5) **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.
 - 6) **Awning or Canopy** – for the purposes of [Art. 8, Signage](#), 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.
 - 7) **Building Mounted** – for the purposes of [Art. 8, Signage](#), any sign mounted or erected on or against any building or façade and includes all wall signs, awning and canopy signs, and projecting signs.
 - 8) **Bulletin Board** – for the purposes of [Art. 8, Signage](#), 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.

- 9) **Changeable Copy** – for the purposes of [Art. 8, Signage](#), sign copy, including numbers, letters, and illustrations which can be changed manually, for example, on a menu board or theater marquee.
- 10) **Construction** – for the purposes of [Art. 8, Signage](#), 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.
- 11) **Directional** – for the purposes of [Art. 8, Signage](#), 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.
- 12) **Directory** – for the purposes of [Art. 8, Signage](#), 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.
- 13) **Double-faced** – for the purposes of [Art. 8, Signage](#), a sign with two faces which are usually parallel and back-to-back.
- 14) **Electronic Message** – for the purposes of [Art. 8, Signage](#), a sign that uses changing lights, digital or other 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. [Ord. 2014-025]
- 15) **Entrance Wall** – for the purposes of [Art. 8, Signage](#), 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.
- 16) **Equipment** – for the purposes of [Art. 8, Signage](#), signs incorporated into displays, machinery, or equipment by a manufacturer, distributor, or vendor that identifies or advertises only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards, and umbrellas. [Ord. 2006-036] [Ord. 2008-003]
- 17) **Face** – for the purposes of [Art. 8, Signage](#), the surface(s) used for the display of a sign message as seen from any one direction.
- 18) **Fixed Projecting** – for the purposes of [Art. 8, Signage](#), any sign which is attached to a building and extends beyond the wall of the building to which it is attached.
- 19) **Flashing** – for the purposes of [Art. 8, Signage](#), 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.
- 20) **Freedom of Speech** – for the purposes of [Art. 8, Signage](#), 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.
- 21) **Freestanding** – for the purposes of [Art. 8, Signage](#), 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.
- 22) **Grand Opening** – for the purposes of [Art. 8, Signage](#), 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.
- 23) **Ground Mounted** – for the purposes of [Art. 8, Signage](#), 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 signs. [Ord. 2014-025]
- 24) **Height** – for the purposes of [Art. 8, Signage](#), 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.
- 25) **Holiday** – for the purposes of [Art. 8, Signage](#), a temporary sign, for non-commercial purposes, communicating only a holiday's name and event.

- 26) **Identification** – for the purposes of [Art. 8, Signage](#), 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.
- 27) **Illegal** – for the purposes of [Art. 8, Signage](#), any sign erected in violation of this Code.
- 28) **Illuminated** – for the purposes of [Art. 8, Signage](#), 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.
- 29) **Instructional** – for the purposes of [Art. 8, Signage](#), 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.
- 30) **Marquee** – for the purposes of [Art. 8, Signage](#), 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. [Ord. 2008-003]
- 31) **Menu Board** – an outdoor sign associated with a restaurant with a drive-through window, which gives a detailed list of foods served that are available at the restaurant and which may incorporate a speaker for voice communications. [Ord. 2005-002]
- 32) **Mobile Vendor** – for the purposes of [Art. 8, Signage](#), signs fixed to mobile vending carts that identify or advertise the name, product, or service provided by the vendor. [Ord. 2006-036]
- 33) **Monument** – for the purposes of [Art. 8, Signage](#), 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.
- 34) **Moving** – for the purposes of [Art. 8, Signage](#), the signs that are moved by mechanical or natural means such as wind. These signs including moving, revolving, rotating, and twirling signs. [Ord. 2008-003]
- 35) **Nameplate** – for the purposes of [Art. 8, Signage](#), a sign indicating the name, address, profession or occupation of an occupant or a group of occupants.
- 36) **Neon** – for the purposes of [Art. 8, Signage](#), a sign with tubing that is internally illuminated by neon or other electrically charged gas.
- 37) **Off-Premises** – for the purposes of [Art. 8, Signage](#), 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.
- 38) **Off-Site Directional** – for the purposes of [Art. 8, Signage](#), a sign offering directional information to a business, location or place located in an area different from where the sign is located.
- 39) **On-Site** – for the purposes of [Art. 8, Signage](#), 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.
- 40) **Painted Wall** – for the purposes of [Art. 8, Signage](#), any sign painted on any surface or roof of any building, visible from any public R-O-W.
- 41) **Parking and Directional** – for the purposes of [Art. 8, Signage](#), on-site parking and directional signs, that do not include any advertising messages or symbols may be wall or ground mounted. [Ord. 2006-036]
- 42) **Permanent** – for the purposes of [Art. 8, Signage](#), 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.
- 43) **Plastic** – for the purposes of [Art. 8, Signage](#), any sign, embellishment or sign area made of flat sheet, corrugated panels, formed or molded plastic on one or more faces.
- 44) **Point of Purchase** – for the purposes of [Art. 8, Signage](#), 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.
- 45) **Political Campaign** – for the purposes of [Art. 8, Signage](#), 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.
- 46) **Portable** – for the purposes of [Art. 8, Signage](#), any sign not permanently attached to the ground or other structure.
- 47) **Project Identification** – for the purposes of [Art. 8, Signage](#), 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.

- 48) **Projecting** – for the purposes of [Art. 8, Signage](#), 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.
- 49) **Public Service Information** – for the purposes of [Art. 8, Signage](#), any sign intending to promote items of general interest to the community, such as time, temperature, date, weather, news, or traffic information.
- 50) **Real Estate** – for the purposes of [Art. 8, Signage](#), any sign erected by the owner, or an agent, advertising the land upon which the sign is located for rent or for sale.
- 51) **Recreational Vehicle Park** – for the purposes of [Art. 8, Signage](#), 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.
- 52) **Roof** – for the purposes of [Art. 8, Signage](#), any sign erected, constructed, and maintained wholly upon or over the roof of any building.
- 53) **Sale, Lease, and Rent** – for the purposes of [Art. 8, Signage](#), temporary signs, which indicate that a parcel or building is currently for sale, lease or rent.
- 54) **Snipe** – for the purposes of [Art. 8, Signage](#), 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.
- 55) **Temporary Balloon Type** – for the purposes of [Art. 8, Signage](#), a temporary display using a balloon to display a sign message for the introduction, promotion or announcement of a new product or new business.
- 56) **Vehicular** – for the purposes of [Art. 8, Signage](#), a sign affixed to or painted onto a transportation vehicle or trailer, for the purposes of business advertising; however, a vehicular sign shall not include signs affixed to vehicles or trailers for identification purposes or signs required by licensing ordinances. [Ord. 2008-003]
- 57) **Wall** – for the purposes of [Art. 8, Signage](#), any sign affixed to the building which shall not extend beyond the peak of the roof at the location of the sign. [Ord. 2008-003] [Ord. 2013-021]
- 37. **Significances Determination** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), is a judgment made by Local, State or Federal official(s) tasked with enforcing historic preservation regulations that deem an area, site, and structure important to the understanding or to the potential understanding of the history of Palm Beach County, the State of Florida, and the nation. An area, site, and structure will be deemed to be significant if it is associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, paleontological, and architectural history that have contributed to the pattern of history in the community of the South Florida region, the State, or the nation; or it is associated with the lives of persons significant in our past; or embody the distinctive characteristics of a type, period, style, or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or have yielded or are likely to yield information in history or prehistory; or is listed on the National Register of Historic Places (NRHP). [Ord. 2008-037]
- 38. **Significant** – for the purposes of [Art. 12, Traffic Performance Standards](#), significant or significance shall refer to the amount of traffic that has been deemed to be of a level that requires the analysis of roadway Links and or intersections. For purposes of Test One, significance is calculated as the amount of peak hour, peak direction Project traffic assigned to a link taken as a percent of the LOS D service volume for that Link, as shown for the applicable classification in [Table 12.B.2.D-9 3C, Test 1 Levels of Significance](#). For Test Two, Significance shall be calculated as the amount of peak hour, peak direction Project traffic assigned to a Link divided by the LOS E service volume for that link, as shown for the applicable classification in [Table 12.B.2.D-10 3D, Test 2 Levels of Significance](#). The applicable classification shall be determined on the basis of the number of traffic signals per mile anticipated to be in place by the buildout time frame of the proposed Project. [Ord. 2005-002] [Ord. 2010-022]
- 39. **Significant Archeological Value** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.

40. **Significant Degradation** – for the purposes of [Art. 7, Landscaping](#), means any of the following: [Ord. 2005-002]
- a. Where 20 percent or more of the homes on one side of a street within the same address block have been demolished and the remaining lots are left vacant; or [Ord. 2005-002]
 - b. Where homes on two or more contiguous lots are demolished and the remaining lots are left vacant; or [Ord. 2005-002]
 - c. Where a home(s) on a contiguous lot(s) is demolished and the remaining lot(s) is left vacant, creating a gap in the combined lot frontage measuring 100 linear feet or greater in length. [Ord. 2005-002]
41. **Single-Faced, Sign** – for the purposes of [Art. 8, Signage](#), only one side of a double-faced sign.
42. **Single Family** – for the purposes of [Art. 5.B.1.A.22, Pot Bellied Pigs](#), Single Family shall include mobile home dwellings. [Ord. 2013-021] [Ord. 2017-007]
43. **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.
44. **Single Family District** – the AR, RE, RT, RM, and RS districts, as well as Single Family Pods of PDDs.
45. **Single Room Occupancy** – A residential property that includes multiple single room dwelling units. Each unit is for occupancy by a single individual. The unit need not, but may, contain food preparation or sanitary facilities, or both. [Ord. 2007-013]
46. **Single Tenant** – For the purposes of [Art. 6.E, Loading Standards](#), single tenant shall mean a structure or tenant space less than 10,000 square feet. [Ord. 2008-037]
47. **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.
48. **Site Elements** – For the purposes of [Art. 1.E, Prior Approvals](#) and [Art. 1.F, Nonconformities](#), site elements shall include existing or proposed items for the site, which include but not limited to: parking, loading, outdoor lighting, landscaping, or signage. [Ord. 2010-005]
49. **Site, Historic Preservation** – for the purposes of [Art. 9, Archaeological and 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.
50. **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.
51. **Site Specific Development Order** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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 Improvement Element, including amendments thereto. It includes Site Specific Rezoning, 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 Orders 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. [Ord. 2010-022]
52. **Sky Exposure Plane** – an imaginary inclined plane beginning at a specified height of a building façade and rising over the building at a ratio of vertical distance to horizontal distance. [Ord. 2006-004]
53. **Solar Energy System** – Any device or combination of devices which rely upon direct sunlight as an energy source to convert solar energy to a usable form of energy, primarily to meet all or part of the energy needs of the onsite user. [Ord. 2014-001]
54. **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 wastewater effluent, dissolved materials in irrigation return flows, or other common water pollutants.

55. **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.
56. **Sound Level** – For the purposes of [Art. 5, Supplementary Standards](#), 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.
57. **Sound Level Meter** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
58. **Source Property** – for the purposes of [Art. 5, Supplementary Standards](#), the land from which the subject sound is originating including public or private streets, sidewalks, or other public or open space areas.
59. **Special Allocation** – for the purposes of [Art. 13, Impact Fees](#), the assignment by the BCC of impact fee credits for in-kind contributions to a feepayer, or a portion of a development. It may involve the pro rating of impact fee credits for in-kind contributions.
60. **Special Flood Hazard Area (SFHA)** – for the purposes of [Art. 18, Flood Damage Prevention](#), the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE, or V1-30. **[Ord. 2004-013] [Ord. 2017-026]**
61. **Specimen Tree** – for the purposes of [Art. 14, Environmental Standards](#), 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 7, 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.
62. **Speculative Clearing** – the clear cutting of a site when no Final Site Plan or approved vegetation management plan has been prepared for the site.
63. **Spent** – the commitment of funds to a particular capital facility acquisition by the awarding of a contract.
64. **Spill** – for the purposes of [Art. 14, Environmental Standards](#), 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.
65. **Spillover Light** – for the purposes of [Art. 5, Supplementary Standards](#), light that is distributed into areas where the illumination is not needed or intended. **[Ord. 2005-041]**
66. **Sports Vehicle** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), 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 [F.S. § 316.550](#) of the Vehicle Code of the State of Florida. **[Ord. 2019-005]**
67. **Spot Light** – Any light fixture or luminaire that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction. **[Ord. 2005-041]**
68. **Square** – an outdoor civic tract located within a neighborhood to provide community services and usable open space.
69. **Square Footage** – see Building Square Footage.
70. **Start of Construction** – for the purposes of [Art. 18, Flood Damage Prevention](#), for all construction, includes Substantial Improvement, and means the date the Building Permit was issued, provided the actual Start of Construction, repair, reconstruction, rehabilitation, addition, or improvement was within six months of the permit date. The actual start means the first placement of permanent construction of a Building, including a Manufactured Home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include installation of streets and/or walkways; nor does it include excavation for a Basement, footings, piers or foundations, or the erection of temporary forms; nor does it include installation or alteration on the property of accessory Buildings, such as garages or sheds not occupied as dwelling units or not part of the main Building. For Substantial Improvement, the actual Start of Construction means the first installation of any foundation, wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building. **[Ord. 2004-013] [Ord. 2017-026]**
71. **State Standards** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.

72. **Standards of this Section** – for the purposes of [Art. 12, Traffic Performance Standards](#), the requirements that Site Specific Development Orders satisfy the LOS provisions of this Section.
73. **Stoop** – A small porch or platform
74. **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.
75. **Store Front** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), the front of a retail establishment facing a street, plaza, square or other public use area, where the primary entrance is located. [Ord. 2010-022]
76. **Stormwater** – the flow of water that results from and occurs immediately following a rainfall event.
77. **Stormwater Management Easement** – see Easement, Stormwater Management.
78. **Stormwater Management Plan** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
79. **Stormwater Management System** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
80. **Stormwater Runoff** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
81. **Stormwater System, Primary** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), classified surface waters of the State of Florida which convey stormwater runoff toward the ocean or a major inland water body.
82. **Stormwater System, Secondary** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
83. **Stormwater System, Tertiary** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
84. **Stormwater Treatment** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
85. **Stream** – for the purposes of [Art. 15, Health Regulations](#), any river, creek, slough, or other natural watercourse whether or not the bed shall have been dredged or otherwise improved in whole or in part.
86. **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, thoroughway, place, and square, or however otherwise designated. Streets are further classified according to the function they perform.
87. **Street, Arterial** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.

88. **Street, Collector** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
89. **Street, Collector, Non-Plan** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), a Collector Street which is not included on the Thoroughfare Plan and which is the highest classification of minor street.
90. **Street, Collector, Plan** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), a Collector Street which is part of the Thoroughfare Plan, and which is the lowest classification of major street.
91. **Street, Cul-de-Sac** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), a dead end street terminating in a circular vehicular turn-around.
92. **Street, Dead End** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), a street with only one outlet.
93. **Street Frontage** – see Lot, Frontage.
94. **Street Layout Plan** – For the purposes of [Art. 3.E.2, Planned Unit Development \(PUD\)](#), this plan shall provide a method to calculate cul-de-sacs in a PUD. The plan shall show the general layout of all streets and clearly identify the streets that are to be included when calculating the cul-de-sacs. [Ord. 2008-037]
95. **Street, Limited Access** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
96. **Street, Local Commercial** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
97. **Street, Local Residential** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
98. **Street, Major** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), a street depicted on the adopted Thoroughfare Plan; a Thoroughfare Plan road. Major streets are further classified as Collector Street, Arterial Street, and expressway.
99. **Street, Marginal Access** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.”
100. **Street, Minor** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), not classified as a major street, and includes streets providing traffic circulation within the development.
101. **Street, Private** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#),
 - a. Has not been dedicated for public use;
 - b. Is reserved to a Property Owners' Association pursuant to recorded restrictions and covenants or a plat of record; or,
 - c. 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.
102. **Street, Residential Access** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), the lowest order of minor street which is intended to carry the least amount of traffic at the lowest speed.
103. **Streetscape** – For the purposes of the IRO, WCRAO, PRAs and TDDs, the visual elements of a street, adjoining buildings, street furniture, trees, pedestrian areas and open spaces, that combine to form the street's character. [Ord. 2010-005] [Ord. 2010-022] [Ord. 2017-025]
104. **Street Side Mass Transit Factors** – For the purposes of [Art. 5.H, Mass Transit Standards](#), Mass Transit infrastructure associated with the roadway that influences bus operations. [Ord. 2008-003]
105. **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.

106. **Street Wall** – A characteristic of a streetscape resulting from the placement of continuous and harmonious building façades. May also include walls of proportional or sufficient height used to separate the streetscape from parking lots or other similar use areas, so as to maintain visual continuity with emphasis on establishing livable pedestrian use areas. [Ord. 2010-005]

107. **Structure**

- a. Unless specified otherwise, means that which is 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. [Ord. 2004-013] [Ord. 2007-001]
- b. For the purposes of [Art. 16, Airport Regulations](#), any object, temporarily or permanently constructed erected, altered, or installed by man, including but not limited to: buildings, towers, smoke stacks, utility poles, power generation equipment, antennas, construction cranes and overhead transmission lines. [Ord. 2017-025]
- c. For the purposes of [Art. 18, Flood Damage Prevention](#), a walled and roofed Building, including a gas or liquid storage tank, that is principally above ground, as well as a Manufactured Home. The terms Structure and Building are interchangeable in the National Flood Insurance Program. [Ord. 2004-013] [Ord. 2017-026]

108. **Structure, Principal** – see Building, Principal.

109. **Subdivision**

- a. For the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.
- b. For the purposes of [Art. 12, Traffic Performance Standards](#), 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.
- c. For the purposes of [Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems](#), any tract of land divided into three or more lots or parcels, regardless of the method by which the lots or parcels are described.

110. **Substantial Change in Land Use**

- a. Change in land use or site design that increases the intensity of land use,
- b. Change in land use or site design that increases the intensity of land use,
- c. An increase in the total floor area of multiple-family dwellings or non-residential buildings which results in increased traffic.

111. **Substantial Damage** – for the purposes of [Art. 18, Flood Damage Prevention](#), damage of any origin sustained by a Building or Structure whereby the cost of restoring the Building or Structure to its before-damaged condition would equal or exceed 50 percent of the Market Value of the Building or Structure before the damage occurred. This term also includes flood-related damage sustained by a Building or Structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the Market Value of the Structure before the damage occurred. [Ord. 2004-013] [Ord. 2017-026]

112. **Substantial Improvement**

- a. For the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.

- b. For the purposes of [Art. 18, Flood Damage Prevention](#), any combination of repairs, reconstruction, rehabilitation, addition, or improvement of a Building or Structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the Market Value of the Structure before the improvement or repair is started. For each Building or Structure, the five-year period begins on the date of the first permit is issued for improvement or repair of that Building or Structure in the preceding five years. If the Structure has sustained Substantial Damage, any repairs are considered Substantial Improvement regardless of the actual repair work performed. The term does not, however, include any project for improvement of a Building required to correct existing health, sanitary, or safety Code Violations identified by the Building Official and that are the minimum necessary to assure safe living conditions. For the purposes of residential and non-residential condominiums, Market Value shall be determined to be a prorated share of the total Market Value of the building. **[Ord. 2004-013] [Ord. 2017-026]**
- 113. **Substantial Renovation** – for the purposes of [Art. 5, Supplementary Standards](#), any expansion, alteration, renovation, addition, redevelopment, or similar improvement to an existing building that exceeds 75 percent of the Improvement Value of the building, as indicated in the latest official PBC Property Appraiser's records. **[Ord. 2013-001]**
- 114. **Superintendent** – the Superintendent of the PBC School Board.
- 115. **Supplier of Water** – for the purposes of [Art. 15, Health Regulations](#), any person, company, or corporation that owns or operates a community, non-transient non-community, transient non-community, limited use, multi-family, or private water system; also applies to consecutive water systems. **[Ord. 2005-003]**
- 116. **Surface Water** – water upon the surface of the earth whether contained within natural or artificial boundaries or diffused.
 - a. For the purposes of [Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems](#), a recognizable body of water, including swamp or marsh areas, bayheads, cypress ponds, sloughs and natural or constructed ponds contained within a recognizable boundary. This does not include storm water retention or detention areas designed to contain standing or flowing water for less than 72 hours after a rainfall.
 - b. For the purposes of [Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems](#), a source of water existing above the surface of the ground and exposed to the atmosphere. **[Ord. 2005-003] [Ord. 2006-004]**
- 117. **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,” and “professional surveyor and mapper.”
- 118. **Suspension Order** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
- 119. **Sustainability** – The integration of social, economic and ecological needs of the community with policies advocating management of resources for future generations. **[Ord. 2010-005]**
- 120. **Swale** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#) and [Art. 15, Health Regulations](#), a stabilized and graded depression designed to convey stormwater runoff and retain water for only a brief period following a rainfall event. **[Ord. 2014-025]**
- 121. **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.

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

1. **Tabular Tree List** – for the purposes of [Art. 14, Environmental Standards](#), a complete listing of all native trees three inches or greater DBH in a tabular form.
2. **TDR Agricultural Conservation Easement** – for the purposes of [Art. 5, Supplementary Standards](#), 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](#).
3. **TDR, Bank** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
4. **TDR, Community Commercial Facility** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
5. **TDR, Conservation Easement** – for the purposes of [Art. 5, Supplementary Standards](#), 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](#).
6. **TDR, Contract for Sale and Purchase of Development Rights** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
7. **TDR, Deed of Transfer of Development Rights** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
8. **TDR, Development Right** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
9. **TDR, Development Rights Certificate** – for the purposes of [Art. 5, Supplementary Standards](#), 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.
10. **TDR, Escrow Agreement** – for the purposes of [Art. 5, Supplementary Standards](#), a legal document which holds money or an approved surety in trust by a third party to be turned over to PBC upon the fulfillment of a condition. **[Ord. 2007-001]**
11. **TDR, Major Department Store** – for the purposes of [Art. 5, Supplementary Standards](#), a nationally or regionally recognized retail store which anchors a regional commercial facility and contains at least 100,000 square feet of GFA.
12. **TDR, Major Industrial Facility** – for the purposes of [Art. 5, Supplementary Standards](#), an industrial facility constructed on more than 35 acres supporting at least 700,000 square feet of GFA.
13. **TDR, Priority Acquisition Site** – for the purposes of [Art. 5, Supplementary Standards](#), a parcel of land designated by the ESLASC or CLASC as such and approved for acquisition by the BCC.
14. **TDR, Receiving Area** – for the purposes of [Art. 5, Supplementary Standards](#), 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.3.H, TDR Receiving Areas](#), and [Art. 5.G.3.K, TDR: Receiving Area Procedure](#).
15. **TDR, Regional Commercial Facility** – for the purposes of [Art. 5, Supplementary Standards](#), a commercial facility constructed on 40 or more acres supporting at least one major department store and 350,000 square feet of GFA.
16. **TDR, Sending Area** – for the purposes of [Art. 5, Supplementary Standards](#), 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.

17. **Technical Manual** – a manual maintained by the Zoning Division that outlines the minimum technical requirements for preparing applications for zoning review. The Manual shall be posted on the Zoning web page. [Ord. 2009-040]
18. **Telecommuting** – For the purposes of [Art. 12, Traffic Performance Standards](#), a system whereby employees are allowed to work from home or another location (such as a neighborhood office) an average of at least two weekdays per week in order to reduce commute travel. [Ord. 2006-036]
19. **Temporary** – for the purposes of [Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems](#), as defined by [Chapter 64E-6, F.A.C.](#) [Ord. 2019-005]
20. **Terminal Navigational Aid** – for the purposes of [Art. 16, Airport Regulations](#), 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.
21. **Test 2 Radius of Development Influence** – for the purposes of [Art. 12, Traffic Performance Standards](#), the radius of development influence used in Test 2 as set forth in [Table 12.B.2.D-7 3A, Radius of Development Influence](#). 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. [Ord. 2006-043] [Ord. 2007-013]
22. **Test 2 Road Network** – for the purposes of [Art. 12, Traffic Performance Standards](#), the Thoroughfare Plan roadway network that will be in place or is anticipated to have construction commenced by the end of the Five-Year Analysis Period for Test 2. This includes any roadway projects for which construction funds are budgeted within the Palm Beach County Five-Year Road Program and FDOT Five-Year Transportation Improvement Program in effect at the time of the traffic analysis submittal. [Ord. 2006-043]
23. **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](#).
24. **Thoroughfare Plan, Thoroughfare R-O-W Identification Map or Plan**
 - a. That which is described in the Transportation Element of the Plan, Support Document, II, Existing Transportation System.
 - b. For the purposes of [Art. 12, Traffic Performance Standards](#), as described in the Transportation Element of the Plan, Support Document II, Existing Transportation System.
25. **Through-Intersection Continuity** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
26. **Tinted Glass** – for the purposes of [Art. 14, Environmental Standards](#), any window or door glass which has: (1) a visible light transmittance value of 45 percent or less; and (2) a minimum of five-year warranty; and (3) 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.
27. **TMD, Frontage, Primary** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), 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.
28. **TMD, Frontage, Secondary** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), a type of building frontage that allows for variable front setbacks and more frequent physical separation between buildings than allowed on Primary Frontages.
29. **TMD, Street, Main** – for the purposes of [Art. 3.F, Traditional Development Districts \(TDDs\)](#), a street connecting adjacent land uses and local streets with parks, plazas, and squares in a TMD.
30. **TMD, Street Wall** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), a wall, fence or hedge installed along the frontage line to fill in building frontage.
31. **TND, Accessory Structure** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), a detached accessory building constructed on a residential lot housing a garage, accessory apartment or handicapped or elderly apartment.
32. **TND, Colonnade** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns. Awnings are not considered colonnades.
33. **TND, Enfront** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), to face across a street.
34. **TND, Meeting Hall** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), a building designed for public assembly.
35. **TND, Neighborhood Center** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), 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.

36. **TND, Porch** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), 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.
37. **TND, Raised Basement** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), a semi-underground story of a building.
38. **TND, Regulating Plan** – for the purposes of [Art. 3, Overlays and Zoning Districts](#), a graphic and written representation of the detailed land use and development regulations applicable to a particular TND.
39. **Too Numerous to Count (TNTC)** – for the purposes of [Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems](#), equal to or greater than 200 non-coliform bacteria per 100 milliliters of sample.
40. **Total Traffic** – for the purposes of [Art. 12, Traffic Performance Standards](#), the sum of:
 - a. Existing Traffic;
 - b. Net Trips; and,
 - c. Background Traffic.
41. **TPS Database** – for the purposes of [Art. 12, Traffic Performance Standards](#), a database which was initially approved by the Board of County Commissioners on October 26, 2006. On an ongoing basis, the Database compiles traffic from existing traffic counts as well as approved but unbuilt developments for each Link and Major Intersection on the County's Major Thoroughfare network in order to provide Background Traffic volumes for use in traffic studies addressing compliance with Test 1 and Test 2. The Database shall also identify the double counting adjustment and historic growth rate, derived from the Historic Traffic Growth Table, that is appropriate for each Link and Major Intersection. The Background Traffic data shall be maintained by the County and updated to reflect all new project concurrency approvals as well as the buildout status of previously approved projects. **[Ord. 2006-043]**
42. **Traffic Impact Study** – for the purposes of [Art. 12, Traffic Performance Standards](#), a traffic study of Links and intersections within the Test 1 Radius of Development Influence and Test 2 Radius of Development Influence of a proposed Project; and including the information, and prepared in accordance with the 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. **[Ord. 2006-043]**
43. **Traffic Performance Standards Appeal Board** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
44. **Traffic Volume Maps** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
45. **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.
46. **Transect** – a distinct category of physical form ranging from the most urban to the least urban. Generally, the classifications range from highest to lowest density or intensity and are: urban core, urban center, general urban, suburban, rural and natural. **[Ord. 2010-005] [Ord. 2010-022]**
47. **Transect Zones** – For the purposes of the IRO, a distinct category of physical form ranging from the most urban to the least urban. The IRO requires the application of one or more of four transect zones: Core, General, Edge, and Open Space. **[Ord. 2010-005]**
48. **Transfer of Development Rights (TDR) Bank** – See TDR, Bank.
49. **Transient Non-Community Water System** – a non-community water system that has at least 15 service connections or regularly serves 25 persons daily at least 60 days out of the year but that does not regularly serve 25 or more of the same persons for more than six months per year.
50. **Transient Occupancy** – residential occupancy when it is the intention of the parties that the occupancy will be for less than one month.
51. **Transit** – For the purposes of [Art. 12, Traffic Performance Standards](#), a bus, train, or other public conveyance system. **[Ord. 2006-036]**
52. **Transitional Zone** – for the purposes of [Art. 16, Airport Regulations](#), the area extending outward from the sides of the Primary Zones and Approach Zones connecting them to the Horizontal zone.

53. **Transit Center** – For the purposes of [Art. 12, Traffic Performance Standards](#), a rail station or a transfer location for fixed-route service routes. [Ord. 2006-036]
54. **Transit Corridor** – For the purposes of [Art. 12, Traffic Performance Standards](#), a roadway segment which (1) is located on a bus line with at least 30-minute peak headways and that connects directly to at least two transit centers; and (2) contains a transfer point to at least one other bus route. [Ord. 2006-036]
55. **Transmission Pole** – for the purposes of [Art. 4.B.9, Commercial Communication Towers](#), means electrical transmission poles supporting 69kV conductors or greater. This does not include distribution. [Ord. 2017-016]
56. **Transportation Transfer Facility (distribution)** – for the purposes of [Art. 4, Use Regulations](#), 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.
57. **Tree**
- a. For the purposes of [Art. 7, Landscaping](#), 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.
 - b. For the purposes of [Art. 14, Environmental Standards](#), 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.
58. **Tree, Canopy or Shade** – for the purposes of [Art. 7, Landscaping](#), 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.
59. **Tree Credits** – for the purposes of [Art. 7, Landscaping](#), 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.
60. **Tree, Champion** – for the purposes of [Art. 7, Landscaping](#), the largest tree of a species which has been designated by the Florida Department of Agriculture and Consumer Services.
61. **Tree, Drought-Tolerant** – for the purposes of [Art. 7, Landscaping](#), a tree, excluding prohibited or controlled species, classified as very or moderately drought tolerant in the SFWMD Xeriscape Plant Guide.
62. **Tree Preservation Area** – for the purposes of [Art. 14, Environmental Standards](#), 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.
63. **Tree, Specimen** – for the purposes of [Art. 7, Landscaping](#), 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.
64. **Tree Survey**
- a. For the purposes of [Art. 7, Landscaping](#), 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.
 - b. For the purposes of [Art. 14, Environmental Standards](#), 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.
65. **Trip** – a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

66. **Trip Generation** – for the purposes of [Art. 12, Traffic Performance Standards](#) and [Art. 13, Impact Fees](#), 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.
 67. **Truck** – for the purposes of [Art. 6, Parking, Loading, and Circulation](#), 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.
 68. **Turbine, Wind** – A rotary engine assembly with attached blades or other similar systems, typically affixed to an elevated structure, utilized in the process to convert wind into energy. [Ord. 2010-005] [Ord. 2011-016]
- U. **Terms defined herein or referenced in this Article shall have the following meanings:**
1. **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.
 2. **Understory** – for the purposes of [Art. 14.C, Vegetation Preservation and Protection](#), the shrub and ground cover component of a vegetation community.
 3. **Undue Economic Hardship** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), 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.
 4. **Unincorporated Area** – for the purposes of [Art. 13, Impact Fees](#), all of the area within the boundaries of PBC not within the boundaries of any municipality. For the purposes of Park Impact Fees it excludes the Boca Taxing District.
 5. **Unincorporated Area (Law Enforcement)** – for the purposes of [Art. 13, Impact Fees](#), the unincorporated area of PBC and the municipalities of Cloud Lake, Haverhill, Glen Ridge, and Village of Golf.
 6. **Unit** – 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.
 7. **Unity of Control** – 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.
 8. **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.
 9. **Unmarked Human Burial** – for the purposes of [Art. 9, Archaeological and Historic Preservation](#), any human skeletal or fossilized remains discovered during any land development activity or archaeological excavation.
 10. **Unobstructed Land** – for the purposes of [Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems](#), that area on a lot or property which does not contain structures or other hindrances which would affect the installation, operation and/or maintenance of an OSTDS. This includes, but is not limited to, pools, playgrounds, concrete slabs, trees, buildings, driveways, parking areas and tennis courts.
 11. **Upland Reclamation Area** – land area preserved or re-established around the perimeter of an excavated area created to ensure usable end-use of the land.
 12. **Upland Reclamation Planting** – installation of vegetation to re-establish plant and animal habitats.
 13. **Urban Infill** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
 14. **Urban Redevelopment** – for the purposes of [Art. 12, Traffic Performance Standards](#), demolition and reconstruction or substantial improvement of existing buildings or infrastructure within urban infill areas or existing urban service areas.
 15. **Urban Service Area (USA)** – that portion of PBC as designated by the Plan.
 16. **Urban Service Area, Existing** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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.

17. **Urgent Care Center** – A walk-in, extended-hour establishment that provides immediate, but not emergent, medical care to patients. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays. **[Ord. 2017-007]**
 18. **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.
 19. **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.
 20. **Use, Principal** – the primary and major purpose for which land or building is used as allowed by the applicable zoning district.
 21. **Utility**
 - a. Government or franchised provider of water, sewer, electric, gas, phone, cable television, or similar service.
 - b. For the purposes of [Art. 14, Environmental Standards](#), a public utility, power company or telephone company which serves the general public.
 22. **Utility Easement** – see Easement.
 23. **Utility Runway** – for the purposes of [Art. 16, Airport Regulations](#), a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- V. **Terms defined herein or referenced in this Article shall have the following meanings:**
1. **Vacant Lot** – for the purposes of [Art. 7, Landscaping](#), any tract or parcel of land upon which a home has been demolished and which has not been redeveloped. For the purposes of this definition only, redevelopment means the construction of a home. **[Ord. 2005-002]**
 2. **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.
 3. **Valid Site Specific Development Order** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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.
 4. **Value** – For the purposes of [Art. 13, Impact Fees](#), in the case of land, the appraised value as determined by an appraiser from a list of approved appraisers of Palm Beach County. In the case of improvements to real property or chattel, it means the actual cost to the feeowner or developer of such improvements or chattel. In all cases, the values shall be established in or as if in an arm's length, bona fide transaction in a competitive market between a willing seller and a willing buyer, neither of whom are under any special circumstances, as approved by the Impact Fee Coordinator based upon the standards in [Art. 13, Impact Fees](#). If the Impact Fee Coordinator rejects an appraised value, the Impact Fee Coordinator may obtain another appraisal using an appraiser from the approved list, in which case that appraisal shall prevail.
 5. **Vanpool** – For the purposes of [Art. 12, Traffic Performance Standards](#), a vehicle carrying six or more persons to and from work and on a regular basis. **[Ord. 2006-036]**
 6. **Variance**
 - a. An abatement of certain regulations in the ULDC, 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. **[Ord. 2014-001]**
 - b. For the purposes of [Art. 18, Flood Damage Prevention](#), a grant of relief from the requirements of [Art. 18, Flood Damage Prevention](#) or the flood-resistant construction requirements of the Florida Building Code, as granted by the Flood Damage Prevention Board, which permits construction in a manner that would not otherwise be permitted by [Art. 18, Flood Damage Prevention](#) or the Florida Building Code. **[Ord. 2004-013] [Ord. 2017-026]**
 7. **Vegetation** – for the purposes of [Art. 14.C, Vegetation Preservation and Protection](#), plant life including groundcover, grasses, herbs, vines, shrubs and trees.

8. **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.
 9. **Vegetation Required to Be Preserved by Law** – for the purposes of [Art. 7, Landscaping](#), 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.
 10. **Vehicle Rental Facility, Neighborhood** – a rental facility that is limited to a maximum of six vehicles stored on site. [Ord. 2009-040]
 11. **Vehicular Use Area**
 - a. An area designed or used for on-site parking; or
 - b. 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.
 12. **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.
 13. **Vessel** – Synonymous with boat as referenced in [Art. VII, § 1\(b\), Fla. Const.](#) and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. The term “floating structure” is expressly excluded from the definition of a vessel. [Ord. 2007-013]
 14. **Vested** – pursuant to the application of the State of Florida law.
 15. **Violation** – for the purposes of [Art. 18, Flood Damage Prevention](#), the failure of a Structure or other Development to be fully compliant with [Art. 18, Flood Damage Prevention](#). In addition, a Structure or other Development without a required FEMA elevation certificate, other acceptable elevation certifications, or other evidence of compliance required in [Art. 18, Flood Damage Prevention](#) is presumed to be in Violation until such time as that documentation is provided. [Ord. 2004-013] [Ord. 2017-026]
 16. **Visual Impact Analysis** – for the purposes of [Art. 5, Supplementary Standards](#), a written and graphic assessment which determines the appropriate contextual relationship of a proposed building with respect to architectural composition and compatibility.
 17. **Visual Hazard** – for the purposes of [Art. 16, Airport Regulations](#), any source which emits occasional or permanent smoke, glare, dust, or any other perceptible emission that could be a risk to safe aircraft operations.
 18. **Visual Runway** – for the purposes of [Art. 16, Airport Regulations](#), 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.
 19. **Volume to Capacity (V/C) Ratio** – for the purposes of [Art. 12, Traffic Performance Standards](#), 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 1A, LOS D Link Service Volumes](#).
- W. **Terms defined herein or referenced in this Article shall have the following meanings:**
1. **Waiver** – A request to alter a specific ULDC provisions where alternative solutions to Code requirements are provided, subject to standards, performance criteria, or limitations. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. [Ord. 2012-027]
 2. **Waste** – discarded material including but not limited to garbage, rubbish, yard trash, litter, non-combustible refuse, and industrial wastes.
 3. **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 a domestic wastewater treatment plant.
 4. **Watercourse**
 - a. 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.
 - b. For the purposes of [Art. 18, Flood Damage Prevention](#), a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. [Ord. 2004-013]
 5. **Wastewater Residuals (Dry)** – domestic wastewater residuals that contain 65 percent solids or greater, by weight.
 6. **Water Management Tract** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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.

7. **Water Reclamation Production Facility** – These facilities can either treat raw wastewater to irrigation quality water or treat secondary effluent to tertiary standards for use as irrigation water. These facilities can be accessory to a Wastewater Treatment Plant or can be stand-alone facilities. They are comprised of pump and filtration systems, storage tanks, electrical sheds, and other facilities as necessary to process, store, and distribute irrigation quality water to an identified and reasonably proximate service area. [Ord. 2007-013]
8. **Water or Wastewater Treatment Plant**
 - a. **Water or Wastewater Treatment Plant, Open Process** – These are also known as “conventional” Water or Wastewater Treatment Plants and use a series of unenclosed tanks without roof structures to treat raw water to drinking water standards. [Ord. 2007-013] [Ord. 2017-007]
 - b. **Water or Wastewater Treatment Plant, Closed Treatment** – These plants treat raw water to drinking water standards within the confines of one or more relatively small, fully enclosed buildings. [Ord. 2007-013] [Ord. 2017-007]
9. **Water Supply System or Water Supply Facility or Water System or Water Facility** – for the purposes of [Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems](#), or “Water Supply Facility” or “Water System” or “Water Facility,” means any or all works and auxiliaries for collection, treatment, storage, and distribution of water from the source or sources of supply to the consumer or processing plants including ice making vending machines, water vending machines, and bottled water plants.
10. **Water System, Central** – for the purposes of [Art. 15, Health Regulations](#), a regional water supply system owned and operated by a municipality, county, special district, or other governmental entity, which provides water service to several developments located within its service area.
11. **Water System, Individual** – for the purposes of [Art. 15, Health Regulations](#), a privately-owned water supply system which provides water service to a single development because of unavailability of a central water system.
12. **Water Surface Elevation** – for the purposes of [Art. 18, Flood Damage Prevention](#), the height, in relation to the datum on the current Flood Insurance Rate Map of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. [Ord. 2004-013] [Ord. 2017-026]
13. **Water Table Elevation** – for the purposes of [Art. 15, Health Regulations](#), as defined by [Chapter 64E-6, F.A.C.](#)
14. **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.
15. **Water Well**
 - a. Source of water used for drinking, culinary, sanitary, and other domestic purposes.
 - b. For the purposes of [Art. 15, Health Regulations](#), 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 or natural flow.
16. **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. ch. 403](#) and set forth in Chapter 17-3, F.A.C.
17. **Watershed** – the land area, which contributes to the total flow of water entering a receiving stream or water body.
18. **WCRA Plan** – The Westgate/Belvedere Homes Community Redevelopment Plan adopted by the BCC on January 11, 2005, as may be periodically amended. [Ord. 2006-004]
19. **Well** – for the purposes of [Art. 14, Environmental Standards](#), 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.
20. **Wellfield**
 - a. For the purposes of [Art. 14, Environmental Standards](#), an area of land which contains one or more than one well for obtaining water.
 - b. For the purposes of [Art. 15, Health Regulations](#), an area of land which contains more than one potable well that is designed for a pumping rate of at least 100,000 gallons per day.
21. **Wellfield Zones 1, 2, 3 and 4** – for the purposes of [Art. 14, Environmental Standards](#), Zones of Influence delineated by iso-travel time contours around public water supply wellheads. Zone 1 is identified as the land area situated between the well(s) and the 30-day travel time, Zone 2 is the land area situated between the 30-day travel time and the 210-day travel time, and Zone 3 is the land area situated between 210-day and the 500-day travel time contours. Zone 4 is determined by the area

- situated beyond the 500-day travel time contour and within the one-foot drawdown contour. Zones of Influence maps are maintained by ERM. **[Ord. 2013-001]**
22. **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.
 23. **Wet Detention/Retention** – detention or retention in a storage facility not designed, constructed, and operated so as to provide dry detention/retention.
 24. **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.
 25. **Wettest Season** – for the purposes of [Art. 15, Health Regulations](#), as defined by [Chapter 64E-6, F.A.C.](#)
 26. **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.
 27. **Whip Antenna** – for the purposes of [Art. 4.B.9, Commercial Communication Towers](#), a cylindrical or similarly shaped omnidirectional antenna utilized for transmission or receiving of electronic communications.
 28. **Woodworking or Cabinetmaking** – an establishment engaged in the production of finished products from wood.
 29. **Work** – for the purposes of [Art. 11, Subdivision, Platting, and Required Improvements](#), 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](#).
- X. **Terms defined herein or referenced in this Article shall have the following meanings:**
 - Y. **Terms defined herein or referenced in this Article shall have the following meanings:**
 1. **Yard** – any area that lies between the principal building or buildings and the nearest lot line. **[Ord. 2011-001]**
 2. **Yard Waste** – Vegetative matter resulting from landscaping maintenance and may include materials such as tree and shrub trimmings, grass clippings, palm fronds, and stumps. **[Ord. 2011-001]**
 - Z. **Terms defined herein or referenced in this Article shall have the following meanings:**
 1. **Zones of Influence** – for the purposes of [Art. 14, Environmental Standards](#), 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.
 2. **Zones of Influence Maps** – for the purposes of [Art. 14, Environmental Standards](#), Zones of Influence contour lines that overlay the latest digital ortho-photography prior to BCC adoption 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. **[Ord. 2006-036]**