ARTICLE 1

GENERAL PROVISIONS

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ARTICLE 1

GENERAL PROVISIONS

CHAPTER A AUTHORITY

Section 1 General

A. Title and Citation

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

1. Amendments

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

B. Authority

The Board of County Commissioners (BCC) has the authority to adopt this Code pursuant to Art. VIII, § 1(g), Fla. Const., the PBC Charter, F.S. § 125.01, F.S. § 163.3161, and such other authority and provisions that are established by statute, administrative rule, or common law in the State of Florida. [Ord. 2019-005]

C. Intent

1. Implementation of the Plan

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

2. Consistent Regulations

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

3. Efficient and Effective Regulations

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

4. Preserve and Enhance

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

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

1. Issuance

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

a. Exceptions

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

b. Revocation

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

c. Suspension

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

Section 2 Applicability

The provisions of this Code shall apply to the development of all land in unincorporated PBC, unless stated otherwise. No development shall be undertaken unless authorized by a Development Order. [Ord. 2010-022]

Section 3 Definitions

See Art. 1.H, Definitions and Acronyms.

CHAPTER B INTERPRETATION OF THE CODE

Section 1 Interpretations

A. Authority

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

1. The Director of Parks and Recreation shall have the authority to interpret Art. 5.D, Parks and Recreation – Rules and Recreation Standards; [Ord. 2011-016]
2. The Executive Director of Palm Tran shall have the authority to make interpretations of Art. 5.H, Mass Transit Standards; [Ord. 2011-016]
3. The County Engineer shall have the authority to make all interpretations of Art. 4.B.10.B.7.a.10), Hauling Standards; Art. 4.B.10.B.7.b.2)c), Drainage; Art. 4.B.10.C.5.g.5), Haul Agreement; Art. 6.B.3.A.2.a.3), Driveways and Access; Art. 11, Subdivision, Platting, and Required Improvements; and, Art. 12, Traffic Performance Standards; [Ord. 2011-016] [Ord. 2017-007]
4. The Impact Fee Manager shall have the authority to make all interpretations of Art. 13, Impact Fees; [Ord. 2011-016] [Ord. 2022-026]
5. The Director of ERM shall have the authority to make all interpretations of Art. 14, Environmental Standards and to interpret the following parts of Art. 4.B.10, Excavation Uses in consultation with the Executive Director of PZB or designee as appropriate: Art. 4.B.10.B.4.b.8), WCAA Canals; Art. 4.B.10.B.4.b.9), Mitigation Projects; Art. 4.B.10.B.4.b.10), Wetlands; Art. 4.B.10.B.4.b.13), Canals of Conveyance; Art. 4.B.10.B.7.c.1)a)(2), Littoral Planting; Art. 4.B.10.B.7.c.3), Littoral Planting Reclamation Standards; Art. 4.B.10.B.7.c.5), Area of Record; Art. 4.B.10.B.7.d.5)b), Excavated Area; Art. 4.B.10.B.7.d.5)c), Littoral Zones; Art. 4.B.10.B.7.d.6)b), Excavated Area and Litoral Zones; Art. 4.B.10.B.7.d.7)a), Excavated Areas for Type 3 Excavation; Art. 4.B.10.B.7.e, Maintenance and Monitoring; Art. 4.B.10.B.8.a, Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type 2, and Type 3 Excavations; Art. 4.B.10.B.8.b.1), Violations; Art. 4.B.10.B.8.f, Use of Collected Monies; Art. 4.B.10.C.1.h, Art. 4.B.10.C.1.i.6), and Art. 4.B.10.C.5.g.6), Notice of Intent to Construct; Art. 4.B.10.C.1.c, Maximum Depth; Art. 4.B.10.C.4.e,; and, Art. 4.B.10.C.5.e, Depth; [Ord. 2011-016] [Ord. 2017-007]
6. The County Health Department Director shall have the authority to make all interpretations of Art. 15, Health Regulations; [Ord. 2011-016]
7. The PBC Airport Director shall have the authority to interpret Art. 16, Airport Regulations; [Ord. 2011-016]
8. The Floodplain Administrator shall have the authority to interpret Art. 18, Flood Damage Prevention; [Ord. 2011-016] [Ord. 2024-024]
9. The County Administrator or designee shall have the authority to interpret Art. 5.I, Murals; and, [Ord. 2013-021]
10. The Executive Director of PZB or designee shall have the authority to make interpretations of the following provisions found in Art. 4.B.10, Excavation Uses in consultation with the Director of ERM and the County Engineer as appropriate: Art. 4.B.10.B.4.a, Prohibitions; Art. 4.B.10.B.4.b.12), *De Minimis* Impact; Art. 4.B.10.B.4.b.14), Excavation by Public Agencies; Art. 4.B.10.B.6.e, Written Approval; Art. 4.B.10.B.7.b.2), Slopes except for Art. 4.B.10.B.7.b.2)c), Drainage; Art. 4.B.10.B.7.d.1), General; Art. 4.B.10.B.7.d.2), Guarantees Required; Art. 4.B.10.B.7.d.4), Form of Guarantee; Art. 4.B.10.B.7.d.6),

Submittal and Approval of Guarantee; Art. 4.B.10.B.7.d.7), Duration and Release; Art. 4.B.10.B.7.d.8), PBC Use of Guarantee; and, Art. 4.B.10.B.8.c, Enforcement. [Ord. 2017-007]

B. Appeal

An appeal to contest an interpretation of this Code may be filed pursuant to Art. 2.A.14, Appeal. [Ord. 2011-016]

Section 2 Assistance by Staff

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

CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

Section 1 Rules of Construction

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

A. General

1. Rules and Definitions

The rules and definitions set out in this Section shall not be applied to any express provision, which are specifically excluded. This Code shall be liberally construed in order that the intent of the Plan may be fully carried out. In cases of conflict, the Plan shall prevail to the extent of the conflict. Terms used in this Code, unless otherwise stated, shall have the meanings prescribed by the Statutes of the State of Florida for the same terms.

2. Interpretation and Application

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

a. **Affected Area –** Use of the term “affected area” shall refer to that portion of a project which is the subject of a Development Permit, Development Order, or a modification, including all aspects and peripheral areas.
b. **And –** All cases apply.
c. **Building or Structure –** Use of terms “building” or “structure” shall refer to the classification of the subject building or structure in the Florida Building Code.
d. **Common Words and Punctuation –** Common words, phrases, and punctuation shall be construed and understood according to the common and approved use of the English language. Common words shall have the meaning assigned to them in the latest edition of an English dictionary unless otherwise defined in this Code.
e. **Computation of Time –** The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday, or legal holiday recognized by PBC, that day shall also be excluded.
f. **Day –** A working weekday unless otherwise stated or used in reference to a violation. Violations shall be calculated on calendar days.
g. **Delegation of Authority –** If the head of a Department, Division, or other PBC Official or employee is required to do some act or perform some duty, it shall be construed to authorize the head of the Department, Division, or other official or employee to designate, delegate, and authorize professional-level subordinates to perform the required act or duty on their behalf, unless the terms of the provision or Section specify otherwise.
h. **Gender –** Words implying the masculine gender shall be construed to include the feminine and neuter genders.
i. **Headings –** Headings of Articles, Chapters, Sections, and Subsections shall not be construed as the sole meaning or intent of the underlying regulation or standards.

j. **Include/Such As –** Use of the word “include,” “includes,” or “including” or terms “such as” shall not limit a term to the specified examples, but shall extend its meaning to all other instances or circumstances of like kind or character.
k. **May –** Permissive.
l. **Month –** A calendar month.
m. **Must –** Mandatory.
n. **Number –** A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing. The use of a plural number shall be deemed to include any single person or thing.
o. **Or –** Either or both cases apply.
p. **Prohibited –** Shall mean not allowed and precludes Variance relief. [Ord. 2010-022] [Ord. 2014-001]
q. **Project –** Use of the term “project” shall refer to the entire development referenced or implied in the regulation, standard, or definition.
r. **References –** Reference to the F.S., the F.A.C., and the Code of Federal Regulations refer to citations published in 2003 as may be amended.
s. **Rounding of Fractions –** Rounding may be permitted for itemized requirements such as minimum parking spaces, trees, shrubs, or other similar required by this Code, as well as linear or area dimensions, except that PDRs for minimum lot dimensions may only be rounded for Legal Lots of Record, and rounding shall not apply to density. Rounding shall not be permitted for any build-to-lines, maximum height limitations, or any measurement used to calculate a number. The results of calculations containing a fraction of one-half or greater, shall be rounded up to the nearest whole number; and a fraction of less than one-half shall be rounded down to the nearest whole number. [Ord. 2017-025]
t. **Shall –** Mandatory.
u. **Technical Words and Undefined Terms –** Technical words and undefined terms, phrases, terms of art, vernacular, and the use of words which have acquired a peculiar and appropriate meaning and which are not defined in this Code shall be construed and understood according to such meaning.
v. **Tense –** Words used in the past or present tense shall also include the future tense and conversely.
w. **Terms Found in the Plan –** Terms not found in this Code, but found in the Plan, shall have the meaning given in the Plan.
x. **Text –** In case of any difference of meaning between the text of this Code and any Figure, graphic, or Table, the text shall control.
y. **Week –** Seven-calendar days.
z. **Weekend –** Friday, Saturday, and Sunday. [Ord. 2012-027]
aa. **Written –** Any representation of words, letters, or figures whether by printing or other form of writing.
bb. **Year –** A calendar year, unless otherwise indicated.

Section 2 District Boundaries

In case of uncertainty, the PZB Executive Director shall interpret the intent of the Official Zoning Map to determine the location of boundaries. Where uncertainty exists concerning the boundary of a district on the Official Zoning Map, the following rules shall apply. [Ord. 2011-016]

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

B. Centerlines
Boundaries indicated as approximately following the centerlines of streets, alleys, or highways shall be construed as following such centerlines.

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

D. Lot, Section, and Tract Lines
Boundaries indicated as approximately following platted lot lines, section, or tract lines shall be construed as following such lines.

E. Parallel Lines

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

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

2. On Parallel Lots, Acreage, or Tracts

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

F. Political Boundaries

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

G. Railroad Lines

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

H. Shorelines

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

Section 3 Special Provisions for Lots Divided by District

A lot in its existing configuration as of the effective date of this Code, located in two or more zoning districts not as a result of actions by the Property Owner, shall apply the following:

A. Use Regulations

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

B. Property Development Regulations (PDRs)

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

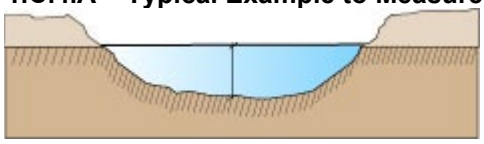
Section 4 Measurement

Distance requirements between a proposed use and another use shall require the spatial separation to be measured between the proposed and the other use within unincorporated PBC and, if applicable, other jurisdictions, including municipalities and other counties. If a conflict exists between this Section and another Section, the definition in Art. 1.H, Definitions and Acronyms, shall apply.

A. Depth

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

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

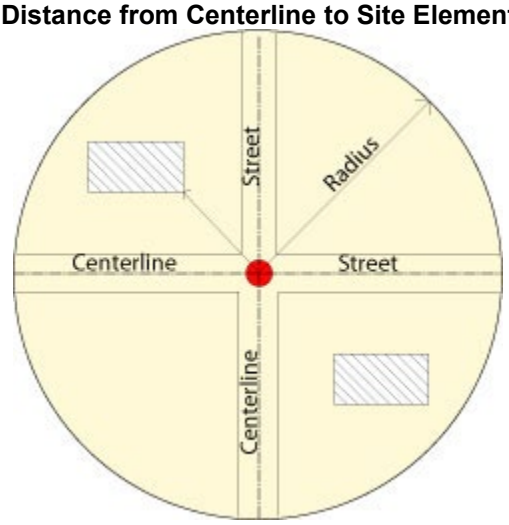


B. Distance

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

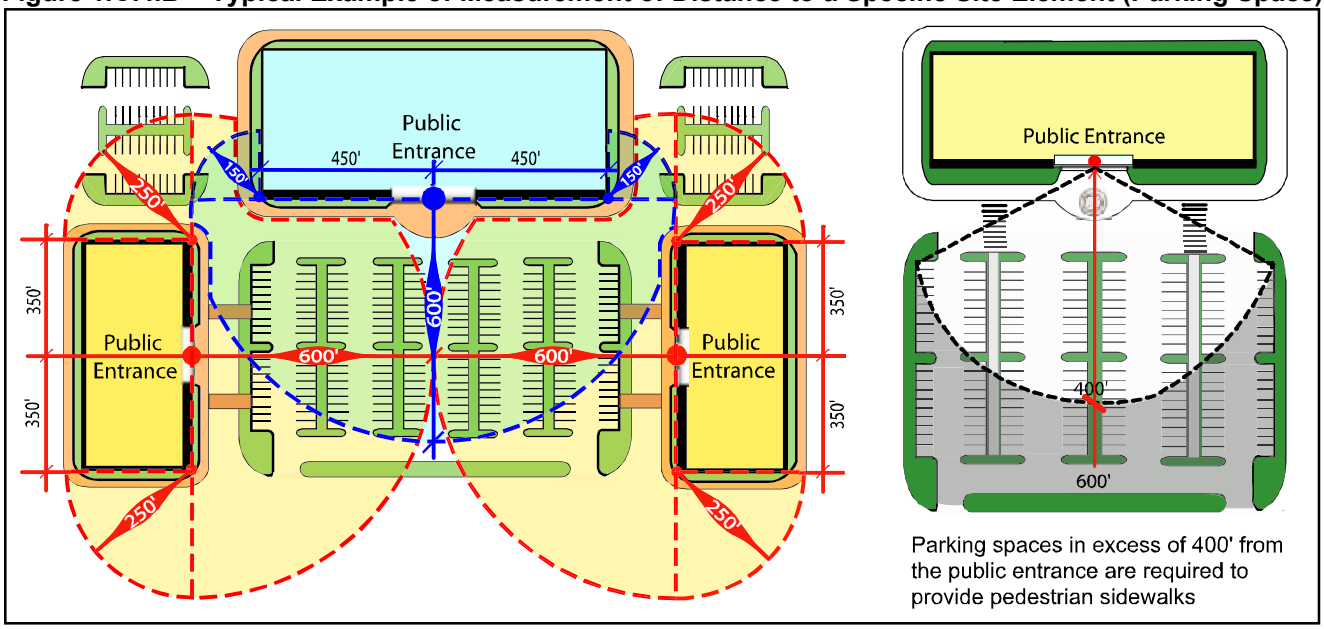
1. The intersection of two centerlines;
2. Another site element, such as parking; or,
3. A specific distance, such as 1,320 feet.

Figure 1.C.4.B – Typical Example of Measurement of Distance from Centerline to Site Element



[Ord. 2005-002]

Figure 1.C.4.B – Typical Example of Measurement of Distance to a Specific Site Element (Parking Space)



[Ord. 2005-002]

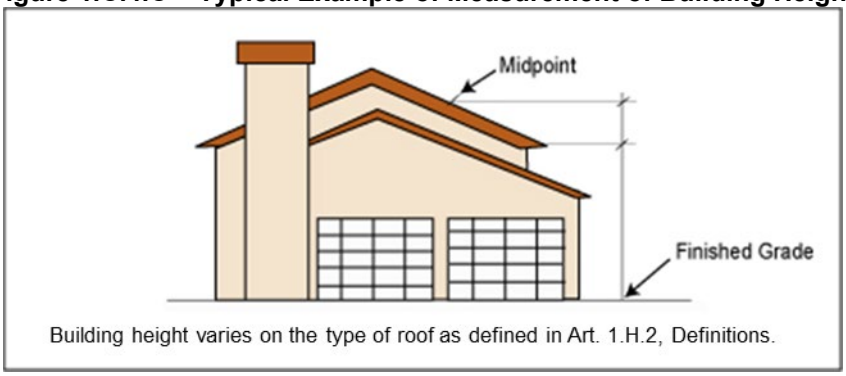
C. Height

From finished grade to highest point or peak of roof.

1. Building Height

Refer to definitions of building height in Art. 1.H, Definitions and Acronyms.

Figure 1.C.4.C – Typical Example of Measurement of Building Height

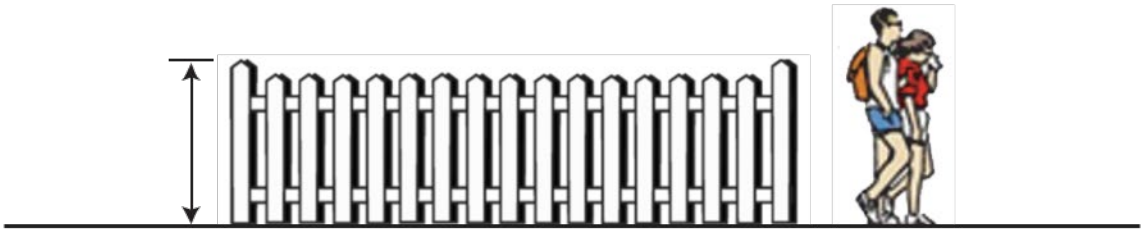


[Ord. 2005-002]

2. Fence/Wall Height

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

Figure 1.C.4.C – Typical Example of Measurement of Fence/Wall Height



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

3. Hedge Height

Refer to Art. 7.D.4.A, Hedges.

Figure 1.C.4.C – Typical Example of Measurement of Hedge Height



The height of a hedge shall be measured in accordance with Art. 7.D.4.A, Hedges.

4. Berm Height

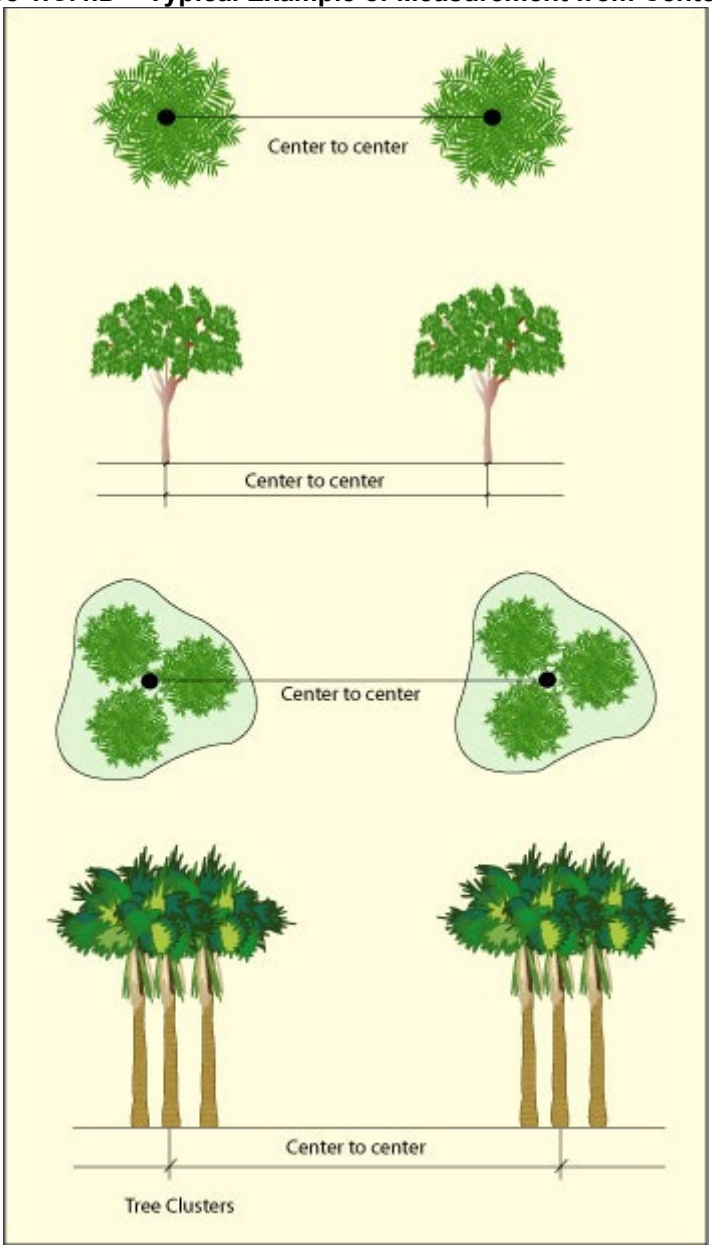
Refer to Art. 7.D.6.C, Height Measurement, and Figure 7.D.6, Berm Elevation and Drainage Requirements. [Ord. 2005-002]

D. On Center

By drawing a straight line between.

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

Figure 1.C.4.D – Typical Example of Measurement from Centerline



E. Separation from a Structure

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

Figure 1.C.4.E – Typical Example of Measurement of Separation from Structure

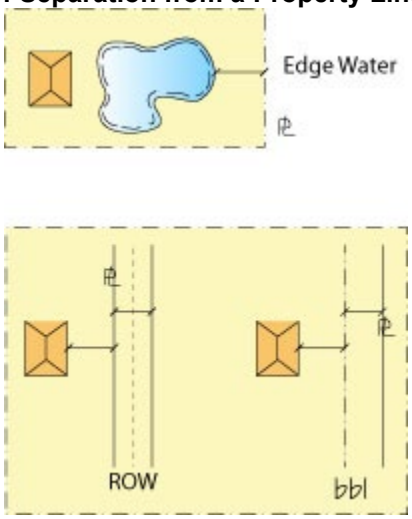


[Ord. 2005-002]

F. Separation from a Property Line

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

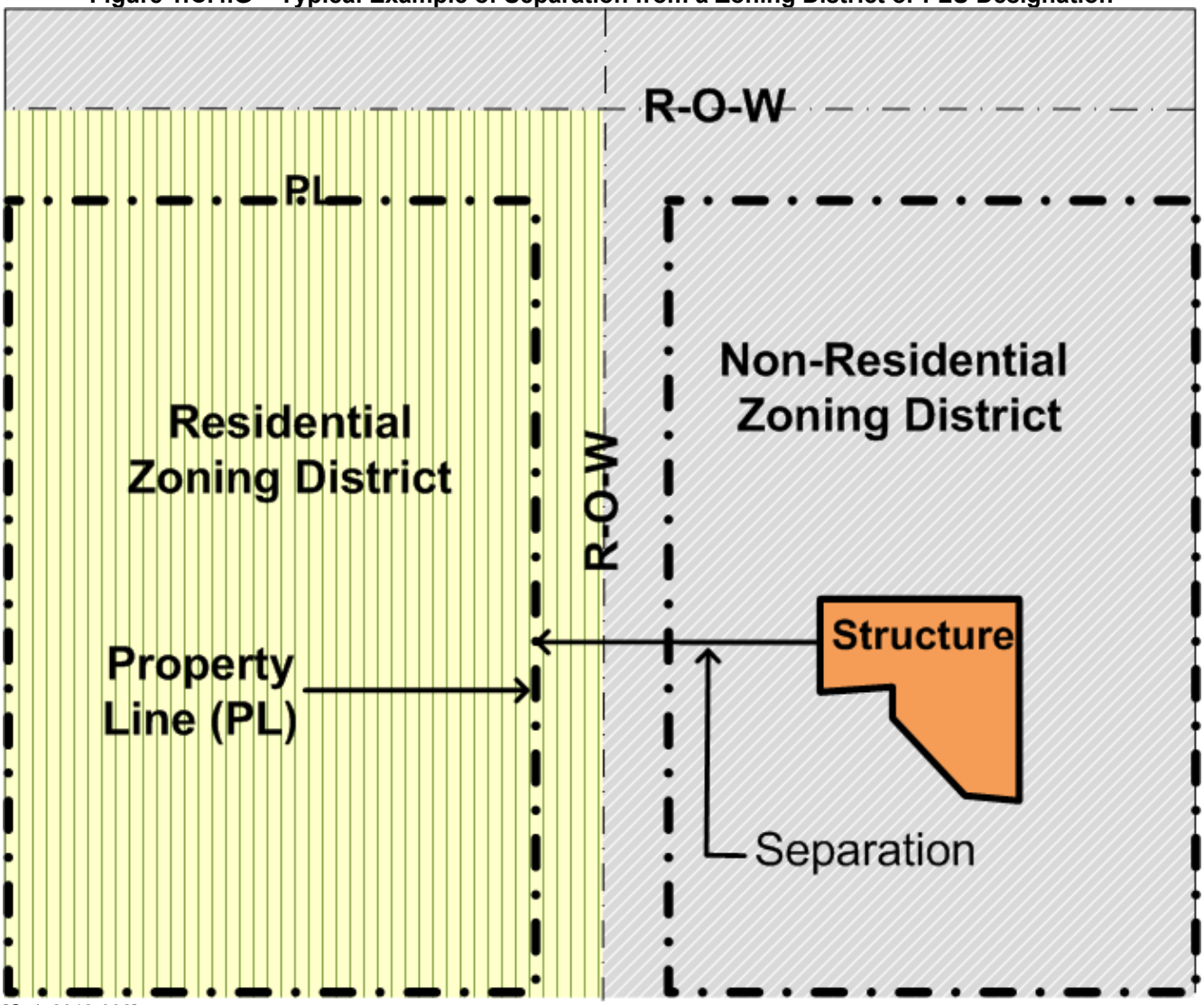
Figure 1.C.4.F – Typical Example of Measurement of Separation from a Property Line



G. Separation from a Zoning District or FLU Designation

When adjacent parcels, located in different zoning districts or FLU designations, and are separated by a R-O-W, the required separation distance shall be measured by drawing a straight line from the closest point of the applicable structure to the closest point of the adjacent property line across the R-O-W. [Ord. 2018-002]

Figure 1.C.4.G – Typical Example of Separation from a Zoning District or FLU Designation



[Ord. 2018-002]

H. Sound

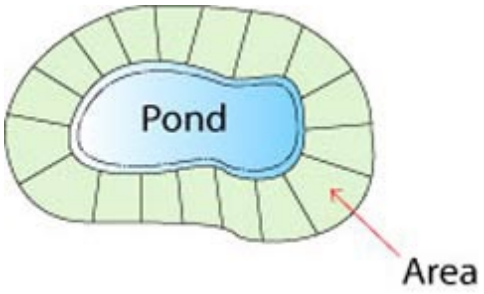
In decibels as defined in the specific Article and measures for impact from the adjacent property line.

I. Gasoline Pumps

For the purposes of Art. 1.F, Non-Conformities and Art. 4.B, Use Classification, any fraction of the number of pumps shall be rounded upward to the nearest whole number for one-half or more of a whole pump, and downward if it is less than one-half of a whole pump. [Ord. 2010-005]

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

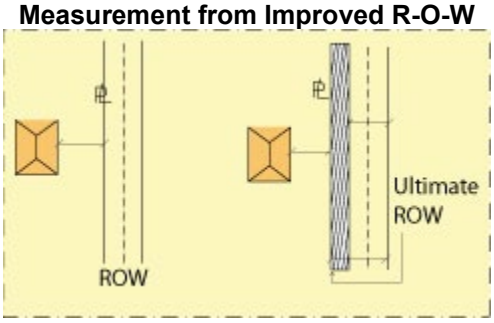
Figure 1.C.4.J – Typical Examples of Measurement for Surface Area



K. Building Transparency
For the purpose of determining a building's transparency requirement, the following calculation shall be utilized: the height of the first story of the building, a minimum height of 12 feet above finished grade, multiplied by the length of the façade and the applicable transparency percentage. The window or glass door openings including frames and mullions shall be allowed to be included in the calculation. [Ord. 2010-022]

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

Figure 1.C.4.L – Typical Examples of Measurement from Improved R-O-W



M. R-O-W, Unimproved
By drawing a straight line between a site element, use, or structure to the base building line.

Section 5 Density, Intensity, and Building Coverage

That portion of a property conveyed or dedicated for public right-of-way without compensation may be subsequently included with the subject property for the purpose of density, intensity, or building coverage calculations. [Ord. 2009-040] [Ord. 2010-005]

CHAPTER D IMPLEMENTATION

Section 1 Minimum Requirements

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

Section 2 Effective Date

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

CHAPTER E PRIOR APPROVALS

Section 1 General

A. Purpose and Intent

This Section establishes the review and approval procedures for: Development Orders or Permits approved prior to the effective date of this Code and their vested status, non-conforming site elements of a prior approval, and establish extent of vested status of the limits of affected area of modifications. [Ord. 2010-005]

B. Prior Approvals

All Development Orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the BCC, the ZC, the DRO, Enforcement Boards, all other PBC decision making and advisory boards, Special Masters, Hearing Officers, and all other PBC Officials, issued pursuant to the procedures established by prior PBC land development regulations, shall remain in full force and effect. The uses, site design, intensity, density, and tabular data shown on a Development Permit that was approved in accordance with a prior Ordinance, shall not be subject to the requirements of this Code for any information clearly shown. This information may be carried forward onto subsequent plans if necessary to implement the previously approved plan. [Ord. 2010-005] [Ord. 2010-022]

1. Prior Variances, Exemptions, or Waivers

Previously approved Variances, exemptions, or Waivers from property development regulations and standards no longer required by this Code shall remain in effect until superseded, modified, abandoned, voided, or revoked by the authority which granted the original approval. Such prior approvals may only be used in their entirety, as originally approved, and may not be amended or modified. [Ord. 2010-005]

C. Modification of Prior Approvals

A Development Order or Permit, which was approved under prior Code provisions, shall comply with the current review process for any modifications and the following: [Ord. 2010-005] [Ord. 2016-042]

1. Determination of Extent of Vested Status in the Area of Modification

The proposed modification shall comply with the current Code to the greatest extent possible in the affected area, which also includes the determination of whether the prior approval has non-conformities. A prior approval may be subject to rezoning in accordance with the requirements of Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). [Ord. 2010-005] [Ord. 2011-016]

2. Modification to a Prior Approval with Non-Conformities

Proposed modifications may not increase a non-conformity. The Applicant shall identify the extent of the proposed modification on the applicable plan and in the application pursuant to Art. 2.A.6.B, Plan Requirements. The application and plan shall: [Ord. 2010-005]

a. list all prior Zoning Resolutions and prior ULDC amendment Ordinances to establish a record of any prior vesting claim. [Ord. 2010-005]
b. delineate on the plan the boundary of the affected area and indicate all proposed modifications; if necessary, the Zoning Director shall render decision on the affected area. [Ord. 2010-005]
c. identify all non-conformities with prior approved Development Orders, which include: lot, structure, use, and site elements of the subject property or affected area of the subject property to establish a record of non-conformities in the tabular data of the plan, and notate on the plan these non-conformities, where applicable. [Ord. 2010-005]
d. all non-conformities outside of the affected area that are clearly shown on a prior Development Order shall be vested. [Ord. 2010-005]

3. Mobile Home Park Exception

Pursuant to F.S. § 723.041(4), the placement of any size new or used Mobile Home and appurtenances on a Mobile Home lot shall be permitted in accordance with the lot sizes, separation and setback distances, and other requirements in effect at the time of the approval of the Development Order for the Mobile Home Park, or any subsequent Development Order Amendment, if applicable. [Ord. 2016-042]

D. Invalid Approvals

Invalid Development Orders include those which have been revoked, voided, abandoned, or have expired. If a Development Order for a parcel of land is invalid, any future Development Order for that parcel shall be subject to all applicable provisions of this Code. [Ord. 2010-005]

E. Applications in Process

A Development Order application that is found sufficient for review purposes shall be required to meet the Code provisions in effect on the date the application is submitted. The application shall not be required to

meet any subsequent Code amendments that may be adopted prior to final approval of the application by the appropriate Board or PBC Official. [Ord. 2010-005]

CHAPTER F NON-CONFORMITIES

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 non-conformities; 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 non-conforming lots, structures, uses, and site elements. In determining whether such non-conformities will be regulated by the provisions of this Chapter, the following shall apply: [Ord. 2010-005]

1. Non-conforming 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. Non-conforming 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 non-conforming use, affidavits alone are not sufficient evidence to establish non-conforming 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 non-conforming 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 non-conforming structures, site elements, or lots that have been granted Waivers from all applicable non-conformities 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 Non-Conformities

There are four classifications of improvements that may be made to non-conformities. 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 non-conformities 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 non-conformity. 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 Non-Conformities

Expansion shall comply with Table 1.F.1.F, Non-Conformities – 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 – Non-Conformities
Percentage and Approval Process for Expansion

Improvement Classification	Major Non-Conforming Use in a Conforming Structure (1)	Minor Non-Conforming Use in a Conforming Structure (1)(2)	Conforming Use in a Non-Conforming Structure	Non-Conforming 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 non-conforming.	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 non-conforming features of the structure. Shall not result in the expansion of a non-conforming use.	Comply with applicable Code to greatest extent possible through applicable review approval process.

[Ord. 2010-005] [Ord. 2010-022]

Notes:

1.	Non-conforming use in a non-conforming 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, Non-Conforming Site Element for additional information.

G. Maximum Improvement to a Non-Conformity

The standards, limitations, and approval processes for improvements to non-conformities shall be as follows: [Ord. 2010-005]

1. 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, Non-Conformities – Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair. [Ord. 2010-005]
2. Maintenance – May be performed in any 12-consecutive month period. [Ord. 2010-005]
3. Renovation and Natural Disaster Damage Repair – The cumulative changes in Total Value of Improvement are calculated over the previous five-year period as a non-conforming use or structure is renovated or repaired for damages. [Ord. 2010-005]
4. Public utility facilities with non-conforming structures on existing sites shall not be subject to the requirements of this Chapter. [Ord. 2010-005]
5. For additional requirements for each type of non-conformity, see applicable Sections of this Chapter. [Ord. 2010-005]
6. No Variance shall be permitted for the percentages stated in Table 1.F.1.F, Non-Conformities – Percentage and Approval Process for Expansion. [Ord. 2010-005]
7. Repair for non-natural disaster damage shall comply with percentage pursuant to Table 1.F.1.F, Non-Conformities – Percentage and Approval Process for Expansion. [Ord. 2010-005]

Table 1.F.1.G – Non-Conformities
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 **Renovation** **Natural Disaster Damage Repair**	≤ 20%; By Right	≤ 30%; By Right	≤ 20%; By Right OR > 20% ≤ 30%; DRO	Comply with applicable Code to greatest extent possible through applicable review approval process. (5)
Government (3)				
Maintenance **Renovation** **Natural Disaster Damage Repair**	≤ 30%; By Right	≤ 45%; By Right		
URAO, WCRAO, IRO (4)				
Maintenance **Renovation** **Natural Disaster Damage Repair**	≤ 20%; By Right OR > 20% ≤ 30%; DRO	30%; By Right OR > 30% ≤ 50%; DRO	30%; By Right OR > 30% ≤ 50%; 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 of this Code, if all of the following conditions are met: [Ord. 2008-037] [Ord. 2010-005]

1. 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] [Ord. 2023-009]

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 property development regulations subject to Table 3.D.1.A, Property Development Regulations. [Ord. 2010-005] [Ord. 2016-042] [Ord. 2023-009]

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, Non-Conformities – 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, Non-Conformities – 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 non-conforming use or structure that is intentionally discontinued, abandoned, or changed shall lose its non-conforming 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 non-conforming 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 Non-Conforming Use

A. Non-Conforming Use Classifications

There are three classes of non-conforming uses: Major, Minor, and Non-Conforming to Airport Regulations. [Ord. 2010-005]

1. **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 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 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. An Applicant who is requesting modification or improvement to a minor non-conforming use is encouraged to apply pursuant to the review and approval process now in effect to correct the non-conforming status of the use for the benefit of future Development Order Amendments and other types of improvements. [Ord. 2010-005] [Ord. 2015-006]

3. Non-Conforming to Airport Regulations

Requirements for uses non-conforming to Airport regulations are set forth in Art. 1.F.3.D, Uses and Structures within an Airport Zone Established in Article 16. Non-conforming uses that are also non-conforming to the Airport zoning regulations shall comply with both the non-conforming provisions in this Chapter and the non-conforming provisions in Art. 16, Airport Regulations. These uses shall be regulated as follows: [Ord. 2010-005] [Ord. 2017-025]

a. A major non-conforming use shall comply with the major non-conforming use provisions in this Chapter. [Ord. 2010-005] [Ord. 2017-025]

b. A minor non-conforming use shall comply with both provisions of the minor non-conforming use provisions in this Chapter and the non-conforming to Airport regulations in Art. 16.C.2, Non-Conforming Uses. [Ord. 2010-005] [Ord. 2017-025]

B. Change in Use

A non-conforming use shall not be changed to any other use, unless the new use conforms to this Code. A non-conforming use physically replaced by a permitted use shall not be reestablished. [Ord. 2010-005]

C. Discontinuance or Cessation

A non-conforming use that is intentionally discontinued, abandoned, or changed to an accessory use shall lose its non-conforming 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 non-conforming use. [Ord. 2010-005] [Ord. 2017-025]

D. Expansion

1. Major Non-Conforming Use

Expansion shall not exceed the percentage pursuant to Table 1.F.1.F, Non-Conformities – Percentage and Approval Process for Expansion. [Ord. 2010-005]

2. Minor Non-Conforming Use

A minor non-conforming use may be expanded pursuant to Table 1.F.1.F, Non-Conformities – 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 Day Cares; number of fueling stations or gas pumps for Retail Gas and Fuel Sales; or, other traffic intensity measures. [Ord. 2010-005] [Ord. 2017-007]

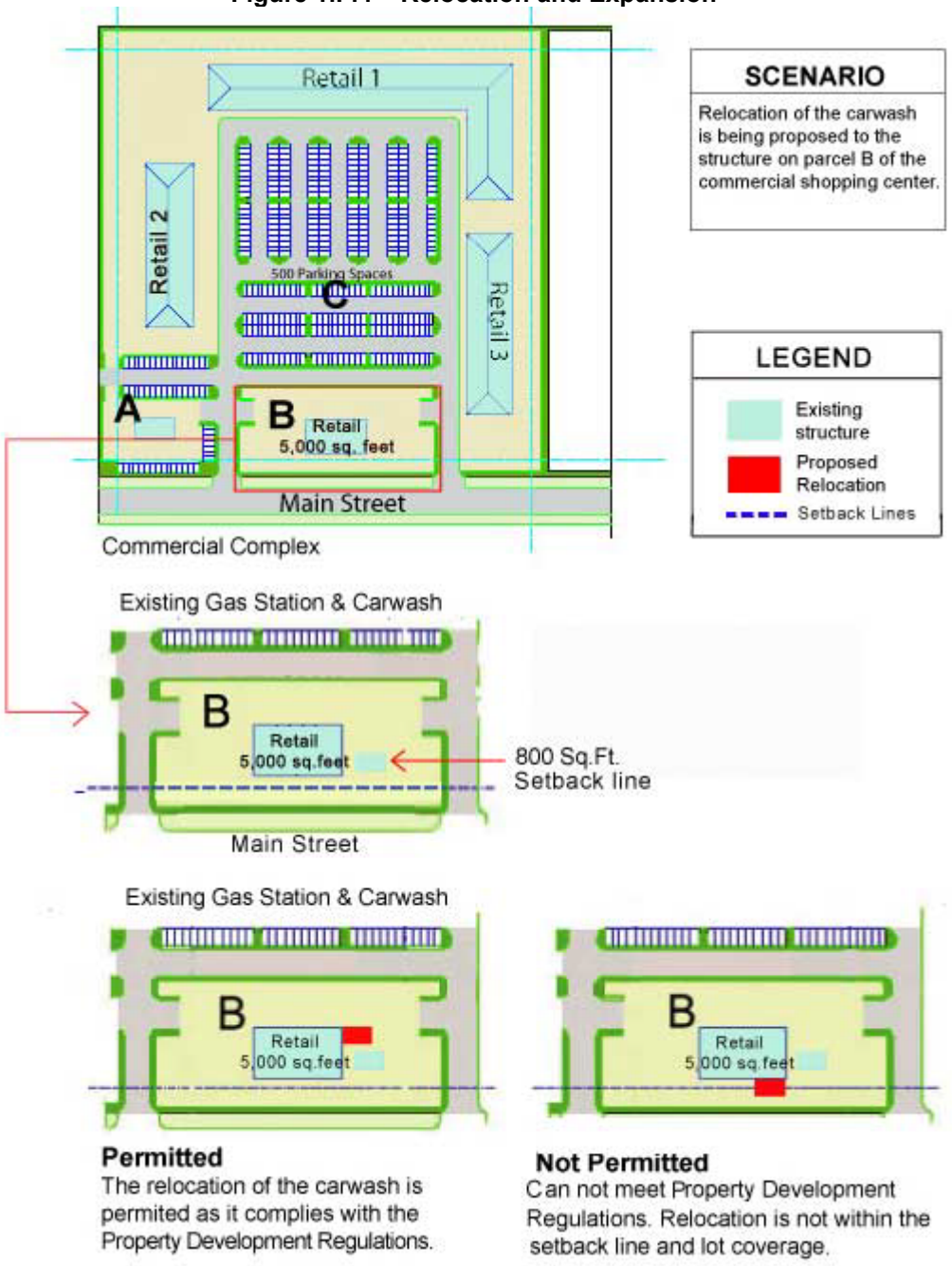
E. Maintenance, Renovation, and Natural Disaster Damage Repair

Shall not exceed the percentage pursuant to Table 1.F.1.G, Non-Conformities – 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 non-conformities. A non-conforming use shall not be relocated. [Ord. 2010-005]

Figure 1.F.4 – Relocation and Expansion



[Ord. 2010-005]

Section 5 Non-Conforming Site Element

A. Applicability

This Section establishes procedures for improvements and modifications to a prior approval with non-conforming site elements and establishes thresholds for vesting non-conformities. 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 Non-Conforming 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 non-conforming, 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 Non-Conforming Site Elements

When improvements are proposed to a conforming structure with a conforming use, the associated non-conforming 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 – Non-Conforming 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
Non-Conforming Site Elements

Use or Structure	Percentage (1)(2)	ULDC Requirements
Non-Government	> 35%	Art. 5.E.4.E, Outdoor Lighting
		Art. 6, Parking, Loading, and Circulation
		Art. 7, Landscaping
		Art. 8, Signage
	> 75%	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%	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).
2.	The percentage applies to improvements for a conforming use or structure with non-conforming site elements. If the use or structure is non-conforming, the maximum allowable percentage shall comply with Table 1.F.1.F, Non-Conformities – Percentage and Approval Process for Expansion.
3.	Applies only to exterior renovations or additions to existing buildings and structures.

D. Stand-Alone Improvements to Non-Conforming Site Elements

Stand-alone improvements to non-conforming site elements shall comply with Art. 1.F.5.B, Modification or Improvement to a Prior Approval with Non-Conforming 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 are 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.

3. Redesign of Sites

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

a. Variance Required for New Deviation from Regulations

A Variance shall be obtained for any additional deviation from required property development regulations or site design standards proposed by the redesign. Any redesign or expansion which reduces an existing deviation from required property development regulations or site design standards shall not require a Variance. When applying the Variance Standards in Art. 2.B.7.E, Type 2 Variance, and Art. 2.C.5.F, Type 1 Variance, the eminent domain action shall be presumed to be sufficient evidence to demonstrate a hardship (only applies to Type 2 Variance Standard d listed under Art. 2.B.7.E.6, Standards for Zoning or Subdivision Variance). To encourage site redesign, in cases when a DRO Site Plan approval and a Variance would both be required, only a Variance shall be required. [Ord. 2010-022] [Ord. 2014-001]

b. Modification of Zoning Commissions ZC or BCC-Approved Plans

Where a proposed redesign is located on property that is the subject of a plan approved by the ZC or BCC, redesign shall be approved by the DRO even if the redesign is in excess of the limitations in Art. 2.C.5.C, Administrative Modifications to Prior DOs. Conditions imposed by the ZC or BCC shall not be amended without ZC or BCC approval, whichever is applicable.

c. Parking Area Reduction

If site redesign involves either a lot combination, vehicular use area, or alteration required by this Section, a reduction of up to 35 percent of the required spaces shall be permitted provided:

1) The access standards of Art. 6.B.3.A.2.a.3), Driveways and Access are met; and
2) A minimum of five feet wide landscape buffer with landscaping as required in Art. 7, Landscaping, is installed along the frontage of the property.

4. Damage and Restoration of Structures

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

5. Signs

Any existing, legally established point of purchase or freestanding sign located on the property included in the eminent domain action may be relocated on site subject to the standards of this Section provided any sign(s) to be relocated shall comply with the requirements of this Code and the following criteria: [Ord. 2005-002]

a. Sign Number and Size

Any sign(s) to be relocated shall comply with the height, size (face area), and maximum number of signs allowed in accordance with the requirements of the Code. [Ord. 2005-002]

b. Sign Relocation

In no event shall the front setback be less than five feet from the ultimate R-O-W and have less than a two-foot side setback, except upon issuance of a sign relocation permit. [Ord. 2005-002]

c. Sign Relocation Permit

Signs that must be relocated which are physically precluded from compliance with the setback requirements in Art. 1.G.1.B.5.b, Sign Relocation, above may obtain, upon payment of a fee, a sign relocation certificate from the Zoning Director subject to this Subsection. The Zoning Director shall issue a sign relocation certificate provided the Applicant can meet the following standards: [Ord. 2005-002]

1) The sign relocation in accordance with Art. 1.G.1.B.5.b, Sign Relocation, above, would not create additional loss in the number of required parking spaces; [Ord. 2005-002]
2) The proposed sign location does not encroach into the R-O-W, unless it is part of negotiated settlement with the condemning authority; and, [Ord. 2005-002]
3) There is no other location on the subject property to place the sign consistent with safe vehicular use area design. [Ord. 2005-002]

6. Lots Reduced by Eminent Domain

A lot reduced by an eminent domain action to any size or configuration below that required by the applicable zoning district may be developed, subject to the following: [Ord. 2014-001]

a. Uses subject to lot size requirements in Art. 4.B, Use Classification, shall comply with those standards. Type 2 Variance relief may be requested from this requirement if it cannot be met as a result of the eminent domain action; and [Ord. 2014-001]

b. In all cases, required district setbacks shall be used.

7. Lot Combination

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

a. Parking Credit

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

b. Razed Lots

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

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

For properties, which are the subject of a valid Certificate of Conformity, the Certificate may be amended, upon application by the Property Owner and approval of the DRO, to allow the combination and the configuration shown on the Certificate may be implemented. Where a proposed lot combination is located on property which is the subject of a Site Plan approved by the BCC, combination may be approved by the DRO even if the redesign proposes Site Plan changes in excess of the administrative limits contained in Art. 2.C.5.C, Administrative Modifications to Prior DOs, of this Code. Conditions imposed by the BCC shall not be amended without BCC approval.

C. Certificates of Conformity

A Certificate of Conformity issued pursuant to either Ordinance No. 73-2, as amended, or Ordinance No. 92-20, as amended through June 1993, shall be honored provided the Certificate of Conformity was issued to the Property Owner, or a notice of intent to issue a Certificate of Conformity was signed by the Property Owner before June 30, 1994 and is presently on file at the Zoning Division.

CHAPTER H DEFINITIONS AND ACRONYMS

Section 1 General

A. Terms in this Code shall have the following definitions. Supplemental terms and definitions are defined in specific Articles and/or their Chapters. The definitions outlined in this Article apply to all Articles, unless specifically outlined in the respective Article. If a conflict exists in terms between Articles, the terms defined in the specific Article shall apply.
B. All provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the BCC as established in the Plan may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the Statutes of the State of Florida for the same terms.
C. In the interpretation and application of any provision of this Code it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than a general provision imposed by the Plan or another provision of this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Section 2 Definitions

A. **Terms defined herein or referenced Article shall have the following meanings:**
   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, footbridge, 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. [Ord. 2017-025]
   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; canning, dehydration, and basic preparation of raw food products prior to shipment; and, outdoor storage of equipment. [Ord. 2005-002]
   9. **Accessory Building or Structure**
      a. 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 including those joined by a Unity of Title. [Ord. 2023-026] [Ord. 2024-024]
      b. For the purposes of Art. 18, Flood Damage Prevention and National Floodplain Insurance Program enforcement only, 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. For Floodplain management purposes, the term specifically excludes Structures used for human habitation, and includes only Structures used for parking and storage. Accessory Structures shall constitute a minimal investment not to exceed 25 percent of the value of the primary Structure and shall be designed to have minimal Flood damage potential. Examples of Accessory Buildings or Structures for Flood damage prevention purposes of the Article include, but are not limited to, two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses. 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 Structure. [Ord. 2024-024]

10. **Accessory Overnight Accommodation (AOA) –** a limited-service overnight facility for visiting researchers, scientists, and dignitaries. [Ord. 2004-040]
11. **Accessory Retail –** where a Retail Sales use is not the principal use, but may be permitted as an accessory use. [Ord. 2010-005]
12. **Accessory Use –** see Use, Accessory.
13. **Acre –** land or water consisting of 43,560 square feet.
14. **Acreage, Gross –** the total land area, including all public and private areas, within the legal boundaries of a particular parcel of land or project.
15. **Act –** the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161 *et seq.*
16. **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. [Ord. 2017-026]
17. **Addition –** any walled and roofed expansion to the perimeter of an existing building. Expansion shall be connected by a roofline, 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]
18. **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 the Article including processes which are appropriate to the source of supply.
19. **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]
20. **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]
21. **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.
22. **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]
23. **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]
24. **Aerobic Treatment Unit –** for the purposes of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP), as defined by Chapter 62-6, F.A.C. [Ord. 2022-019]
25. **Aeronautical Study –** 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]
26. **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]
27. **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 (Ordinance No. 73-4), as amended, granted pursuant to said regulations.
28. **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.
29. **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.

30. **Affordable Housing Program –** a voluntary program used by an Applicant seeking additional density for an affordable housing development. [Ord. 2009-040]
31. **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.
32. **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.
33. **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.
34. **AGR-PUD 60/40 Development Area –** that portion of the PUD which contains the Residential, Recreation, Civic, and Commercial Pods with support facilities such as streets, internal open space, and stormwater retention areas.
35. **AGR-PUD 80/20 Development Area –** that portion of the PUD which contains the Residential, Recreational, Civic, and Commercial Pods.
36. **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.
37. **Agricultural Structure –** for the purposes of Art. 18, Flood Damage Prevention and National Floodplain Insurance Program only, a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses. All structures used for human habitation or occupancy are specifically excluded from this definition and shall comply with the requirements of these regulations and the Florida Building Code and shall not be defined as an Agricultural Structure. [Ord. 2024-024]
38. **Air Rights –** the right to use space above ground level.
39. **Air Space –** for the purposes of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP), the distance from the liquid level up to the inside top of a treatment receptacle. [Ord. 2022-019]
40. **Air Stripper –** a temporary remedial system which treats contaminated groundwater.
41. **Aircraft –** any vehicle which is used or designed for navigation of or flight in the air.
42. **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]
43. **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).
44. **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]
45. **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]
46. **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]
47. **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]
48. **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]

49. **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]
50. **Airport Protection Zoning Regulations –** for the purposes of Art. 16, Airport Regulations, means Airport Zoning regulations governing airport hazards. [Ord. 2019-005]
51. **Airspace Height –** for the purposes of Art. 16, Airport Regulations, the height limits as established and set forth in the Article. Above Mean Sea Level (AMSL) elevation shall be the datum unless otherwise specified.
52. **Alley**
    a. 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]
    b. for the purposes of the Priority Redevelopment Areas, may provide for primary vehicular access to a building, parking, and service areas. [Ord. 2010-022]
53. **Alteration**
    a. 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;
    b. 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.
    c. 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]
54. **Alteration, Building –** any change in the structure which will increase the number of dwelling units, the floor area, or height of the structure.
55. **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]
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. **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.
58. **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]
59. **Animal Control Facility –** 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 Ordinance 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]

60. **Animal Shelter –** a not-for-profit institutional establishment regulated by ACC Ordinance No. 98-22, as amended, as a humane society, or private animal non-profit organization on two and one-half 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]
61. **ANSI –** the American National Standards Institute or its successor bodies.
62. **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.
63. **Antenna Support Structure –** any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennas.
64. **Antiquated Subdivision –** as defined in the Plan. [Ord. 2011-016]
65. **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 the Article, which is filed with the Flood Damage Prevention Board. [Ord. 2017-026]
66. **Applicant**
    a. 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.
    b. 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.
67. **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.
68. **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.
69. **Aquifer –** a groundwater-bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water.
70. **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]
71. **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.
72. **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.
73. **Archaeological Site –** property or location which has yielded or might yield information on PBC, the 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.
74. **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 the Interior. [Ord. 2008-037]
75. **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.

76. **Architectural Terms –** for the purposes of Art. 5.C, Design Standards.
    a. **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, and 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]
77. **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 effect 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] [Ord. 2017-026]
78. **Arterial Street –** see Street, Arterial.
79. **Articulated Parapet –** for the purposes of Art. 5, Supplementary Standards, a parapet with a height variation proportional to the building height.
80. **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.
81. **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.
82. **Artisanal Use –** a land use involving the manufacture and sale of goods using only hand labor or table-mounted electrical tools.

83. **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]
84. **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.
85. **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 the F.S., 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 the F.S., as amended.
86. **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 a Development Agreement; and which, by its terms, requires that construction be completed within six years;
        5) Major Intersection or Link improvement 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 Development 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.
87. **Attic –** the non-habitable storage area immediately beneath the pitch of a roof.
88. **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]
89. **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.

90. **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.
91. **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 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 and corner side yard, are measured as set forth in this Code.
6. **Base Flood –** a Flood having a one percent chance of being equaled or exceeded in any given year. The Base Flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood." [Ord. 2004-013] [Ord. 2017-026]
7. **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. 2004-013] [Ord. 2017-026]
8. **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]
9. **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.
10. **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.
11. **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 Soil 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 D422 and D1140. The fill material color shall match the color of the existing beach and dune coloration. [Ord. 2011-001]
12. **Beach Fill –** for the purposes of Art. 5, Supplementary Standards, sand placed on the beach.
13. **Beachfront Lighting –** for the purposes of Art. 14, Environmental Standards, all lighting within or causing illumination within the jurisdictional boundaries of Art. 14.A, Sea Turtle Protection and Sand Preservation or which is directly or indirectly visible from the beach. For the purposes of the Chapter, coastal lighting is synonymous with beachfront lighting. [Ord. 2011-001]
14. **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 man-made 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]
15. **Benefit Zones –** for the purposes of Art. 13, Impact Fees, the geographic area as set forth in individual Chapters of the Article within which impact fees are collected and spent.
16. **Berm –** man-made or natural change in grade not exceeding a three-to-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.

17. **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]
18. **Billboard –** a sign or structure, other than temporary signs as defined in Art. 8, Signage, 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.
19. **Billboard, Changeable Copy Sign Face –** a sign face containing one or more advertisements or promotions that are changed automatically or mechanically.
20. **Billboard Company –** any firm, organization, or individual which owns one or more billboards.
21. **Billboard Demolition Permit –** the permit issued by the Building Division which allows demolition of an existing billboard.
22. **Billboard Height –** measured from finished grade to the highest point of a billboard face, excluding temporary embellishments.
23. **Billboard Inventory –** the official inventory, as updated by the signatories to the billboard stipulated settlement agreement, of billboards existing in unincorporated PBC.
24. **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.
25. **Billboard Location –** an area within a radius of not more than 100 feet from the location of an existing billboard structure.
26. **Billboard Registration Permit –** the annual permit issued by the Zoning Division for existing billboards that can be replaced or relocated.
27. **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.
28. **Billboard Relocation Permit –** the permit issued by the Zoning Division which allows relocation of an existing billboard to another location.
29. **Billboard Replacement –** the removal of an existing billboard structure and construction of a new billboard within the permitted billboard location.
30. **Billboard Setback –** the required minimum horizontal distance between a billboard structure and all property lines.
31. **Billboard Sign Face –** the fixed or changeable portion of the billboard structure upon which one or more advertising messages are displayed.
32. **Billboard Stipulated Settlement Agreement –** the agreement between PBC, Ackerley Communications, 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.
33. **Billboard Structure –** all structural elements of a billboard, including but not limited to structural framework and supports, and lighting.
34. **Billboard Temporary Embellishment –** additional billboard area attached to and extending beyond the side and top of a billboard.
35. **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; and, human blood, human blood products, and body fluids.
36. **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]
37. **Blank Copy –** any paraphernalia including pennants, streamers, and banners that are intended solely to attract attention and which contain no letters or symbols.
38. **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.
39. **Boarding House –** a dwelling, or part thereof, in which lodging is provided by the owner or operation to three or more boarders.

40. **Boat Trailer –** any non-powered car coupled to, and drawn by, a motorcar in front of it for the carrying of boats.
41. **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.
42. **Boca Taxing District –** the Greater Boca Raton Beach and Park Taxing District, including the municipal limits of Boca Raton.
43. **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.
44. **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.
45. **Boundary Plat –** see Plat, Boundary.
46. **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.
47. **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. [Ord. 2017-026]
48. **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.
49. **Buffer, Landscape –** see Landscape Buffer.
50. **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]
51. **Buildable Area –** the portion of a lot remaining after the setbacks have been provided.
52. **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]
53. **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.
54. **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.
55. **Building, Elevated –** a non-Basement Building that has its Lowest Floor elevated above ground level by fill, solid foundation perimeter walls, pilings, columns, posts or piers, shear walls, or breakaway walls. [Ord. 2004-013]
56. **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.
57. **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.
58. **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.

59. **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.
60. **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.
61. **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.
62. **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.
63. **Building, Modular –** constructed in accordance with the 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.
64. **Building, Principal –** a building in which is conducted the primary use of the lot on which it is located.
65. **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 31 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]
66. **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 water's 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.
67. **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 miles per hour or greater. Located outside of the sight triangle, crosswalk area, and adjacent to the sidewalk, they require a minimum 12-foot travel lane adjacent to the curbside lane measured parallel to the adjacent roadway with adequate provisions for appropriate curbside 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 two 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 one bus, 60-foot exit taper). Increase the stopping area by 50 feet for each additional bus expected to stop simultaneously. [Ord. 2008-003]

68. **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 miles per hour. Located outside of the sight triangle, crosswalk area, and adjacent to the sidewalk, they require a minimum width of 30 feet measured parallel to the roadway. Adequate length measured perpendicular to the curb and transition to the curb are required. [Ord. 2008-003]
69. **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 and 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]
70. **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 ten-foot depth inside and perpendicular to the development site property line. It can be as much as 200 feet from any sight triangle. It must agree with applicable portions of the Palm Tran Design Manual as well as other ADA, FDOT, and PBC requirements. [Ord. 2008-003]
71. **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 Article shall have the following meanings:**
1. **Canopy –** a permanently roofed shelter whether fabric or hand constructed, 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 dollars; personal property and equipment having an aggregate cost or value of at least 1,000 dollars; hard-bound books and materials having a cost or value of at least 25 dollars, 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 the 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 the 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 A Zone –** for the purposes of Art. 18, Flood Damage Prevention, Special Flood Hazard Areas that have been delineated as subject to wave heights between one and one-half feet (457 millimeters) and three feet (914 millimeters). Such areas are landward of a V Zone and seaward of the Limit of Moderate Wave Action (LiMWA) shown on the Flood Insurance Rate Map (FIRM). [Ord. 2024-024]

32. **Coastal Construction –** 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]
33. **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]
34. **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. 2017-026]
35. **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.
36. **Code –** Code of Laws and Ordinances of PBC, including the Unified Land Development Code (ULDC).
37. **Code Inspector –** any authorized agent or employee of PBC whose duty is to assure Code compliance.
38. **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]
39. **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]
40. **Colonnade –** a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns. Awnings are not considered colonnades.
41. **Combined Transmission/Communication Structure –** any combination of communication tower and Electrical Transmission Line constructed within an Electrical Transmission Line street created pursuant to the "Transmission Line Siting Act" in F.S. § 403.52.
42. **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.
43. **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]
44. **Commercial Sewage Waste –** as defined by Chapter 62-6, F.A.C. [Ord. 2022-019]
45. **Commercial Vehicle –** means any Motor Vehicle principally used in commerce or trade. The term Commercial Vehicle does not apply to recreational vehicles that are not used in commerce or trade, and does not apply to Motor Vehicles that are not used in commerce or trade, and does not apply to Motor Vehicles that are registered and operated for personal use that are not used in commerce or trade. A Commercial Vehicle is categorized by gross vehicle weight rating (GVWR) as follows: [Ord. 2008-003] [Ord. 2024-004]
    - Class 1 (< 6,000 lbs.) [Ord. 2024-004]
    - Class 2 (6,001-10,000 lbs.) [Ord. 2024-004]
    - Class 3 (10,001-14,000 lbs.) [Ord. 2024-004]
    - Class 4 (14,001-16,000 lbs.) [Ord. 2024-004]
    - Class 5 (16,001-19,500 lbs.) [Ord. 2024-004]
    - Class 6 (19,501-26,000 lbs.) [Ord. 2024-004]
    - Class 7 and up (26,001+ lbs.), including any vehicle meeting the definition of "commercial motor vehicle" per F.S. § 320.01 which is principally used in commerce or trade. [Ord. 2024-004]
46. **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]
47. **Community Development District –** refer to F.S. ch. 190 for applicability. [Ord. 2020-001]

48. **Community Residence –** Except as required by State law, a Community Residence is a residential living arrangement for five to ten unrelated individuals with disabilities living as a single functional family in a single dwelling unit who need the mutual support furnished by other residents of the dwelling unit as well as the support services, if any, provided by any staff of the Community Residence. Residents may be self-governing or supervised by a sponsoring entity or its staff, which provides habilitative or rehabilitative services related to the residents' disabilities. A Community Residence emulates a biological family to foster normalization of its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter; foster and facilitate life skills; and, meet the physical, emotional, and social needs of the residents in a mutually supportive family-like environment. Medical treatment is incidental as in any home. Supportive inter-relationships between residents are an essential component. A Community Residence can be a Family Community Residence or Transitional Community Residence. [Ord. 2021-022]

    A Community Residence shall be considered a residential use of property for purposes of the ULDC. The term does not include any other group living arrangement for unrelated individuals who are not disabled nor any Recovery Community, Congregate Living Facility, institutional or medical use, shelter, lodging or boarding house, extended-stay hotel, nursing home, vacation rental, or other use as defined in this Code. Upon termination, revocation, or suspension of its license or certification, a Community Residence must be closed within 60-calendar days, and the operator of the Community Residence must return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]

    Community Residences include, but are not limited to those residences that comport with this definition that are licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elder Affairs, the Florida Agency for Health Care Administration, and the Florida Department of Children and Families, pursuant to F.S. ch. 419, Community Residential Homes; and Recovery Residences certified by the State's designated credentialing entity established under F.S. § 397.487, Substance Abuse Services. [Ord. 2021-022]
49. **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.
50. **Community Well –** for the purposes of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP), a water well that is a source of potable water and functions as part of a community water system. [Ord. 2022-019]
51. **Commuter Bus –** for the purposes of Art. 12, Traffic Performance Standards, Transit service connecting communities to employment centers. [Ord. 2006-036]
52. **Compatible/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. [Ord. 2023-023]
53. **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.
54. **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.
55. **Complement/Complementary –** for the purposes of Art. 4, Use Regulations and Art. 5, Supplementary Standards, having similar architectural composition, including design, which utilizes accepted site planning (e.g., building placement, orientation, and sitting) and the elements of architectural composition within the context of the surrounding area. Similar adjacent land uses or square footage shall not necessarily constitute complementary architecture. [Ord. 2023-023]
56. **Complete Application**
    a. 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.

57. **Completely Enclosed –** a building separated on all sides from the adjacent open area, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods, or vehicles.
58. **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]
59. **Comprehensive Plan –** see Plan.
60. **Concurrency, Affidavit of Waiver –** a document evidencing the grant of an exception to the platting requirement or the required improvements installation requirement.
61. **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.
62. **Concurrency, 80 Percent Built Out –** 80 percent built out means the evaluation of the entire project.
63. **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.
64. **Concurrency Exemption Determination**
    a. 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;
    b. 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 Ordinance No. 89-35, as amended.
65. **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.
66. **Concurrency Exemption Extension –** an order issued by the Zoning Director extending a Concurrency Exemption for a two-year period.
67. **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.
68. **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.
69. **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]
70. **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.
71. **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]
72. **Concurrency Reservation –** a certificate approved by the Zoning Director with or without conditions, which may be considered in conjunction with a Development Agreement, public facilities 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.
73. **Concurrency, Service Provider –** any agency that is responsible for the provision of public facilities to development in PBC.
74. **Condition of Approval –** imposed as part of, or associated with, the issuance of a Development Order. [Ord. 2010-022]

75. **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.
76. **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, dewatering 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]
77. **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.
78. **Conforming –** complies with the current regulations.
79. **Congregate Living Personal Services –** direct physical 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 applicable State of Florida regulatory agencies and Assisted Care Communities as described in F.S. § 429.02(12), (14), and (18). [Ord. 2021-022]
80. **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.
81. **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]
82. **Consistency –** determined to satisfy the specific requirement(s) of this Code or F.S. § 163.3194.
83. **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.
84. **Construction –** the placement, assembly, erection, substantial repair, alteration, or demolition of a building or structure on land, the placement of concrete, asphalt, or similar materials on land, or grading or earthwork of land.
85. **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, or 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]
86. **Construction Equipment –** a mechanical implement principally used in construction activity. Such equipment shall include but is not limited to bobcats, front-end loaders, overhead cranes, graders, dump trucks, compactors, forklifts, steam rollers, earth movers, bulldozers, backhoes, concrete mixers, trenchers, cable/pipe layers, or any such equipment that is not a street-worthy vehicle.
87. **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, or hammers that creates noise.
88. **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.
89. **Continuing Care Facility –** a facility that provides a continuum of congregate living arrangements ranging from less restrictive to more restrictive. It may include one building or a complex of buildings that provides a range of continuum of living arrangements for unrelated individuals, and shall include a minimum of two different living arrangements: independent living, assisted living, congregate living, memory care, nursing care, or hospice care. [Ord. 2021-022]
90. **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 landowner 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]

91. **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.
92. **Control Device –** the element of a discharge structure which allows release of water under controlled conditions.
93. **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.
94. **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.
95. **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.
96. **County –** Palm Beach County, Florida. Also referred to as PBC in this Code.
97. **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.
98. **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.
99. **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.
100. **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.
101. **CRALLS –** constrained roadway at a lower LOS—a Major Thoroughfare on which a lower LOS is set pursuant to Art. 12.G, Constrained Facilities, therein. [Ord. 2011-016]
102. **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.
103. **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]
104. **Crest of Dune –** for the purposes of Art. 14.A, Sea Turtle Protection and Sand Preservation, the highest point in elevation of the dune.
105. **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.
106. **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, public utilities, or installations which produce, use, or store hazardous materials or hazardous waste. [Ord. 2004-013] [Ord. 2024-024]
107. **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).

108. **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.
109. **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.
110. **Cul-de-Sac –** see Street, Cul-de-Sac.
111. **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]
112. **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 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/Level of Service Handbook. Example: peak hour two-way = 1,000, peak hour direction volume = 600, and D factor = 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 2.2.1-g.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 [Ord. 2017-026]
    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 Off-Site 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 F.A.R. (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**
    a. 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;
    b. 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;
    c. 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;
    d. 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;
    e. 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 public facilities agreement or other binding agreement entered into between the Applicant and PBC or other Service Provider for the purpose of assuring compliance with the adopted LOS standards. The form of the agreement may include, but not be limited to a development agreement pursuant to F.S. § 163.3220.
30. **Development Order**
    a. 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 Person or Individual –** someone who qualifies as disabled or handicapped under the Fair Housing Amendments Act or Americans with Disabilities Act. [Ord. 2011-016] [Ord. 2021-022]
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 milligrams per liter.
        2) Total Suspended Solids, maximum 200 milligrams per liter.
        3) pH, six to eight; or within one pH unit of the water supply pH.
        4) Nitrogen (TKN) maximum 100 milligrams per liter.
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 Off-Site 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 62-6, F.A.C. [Ord. 2022-019]
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-cutoff luminaire. [Ord. 2005-041]
59. **Drought-Tolerant Tree –** see Tree, Drought-Tolerant.
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 –** a house, apartment, condominium unit, mobile home, group of rooms, or a single room intended for occupancy as a separate living quarter with direct access from the outside of the building or through a common hall and with complete kitchen facilities for the exclusive use of a family maintaining a household, including rental units contained in a multi-unit structure or complex which are licensed by the State Department of Business and Professional Regulation, Division of Hotels and Restaurants, as apartments, rental condominiums, and Retirement Housing. Specialized accessory living quarters, such as Accessory Quarters, Caretaker Quarters, quarters that make up a Congregate Living Facility, Groom's Quarters, Employee Housing, Farm Workers Quarters, or Migrant Labor Quarters shall not be considered “dwelling units” for the purpose of applying any restriction on density contained in the Plan or this Code unless otherwise stated in the Plan or the Code. [Ord. 2021-022] [Ord. 2023-023]

E. **Terms defined herein or referenced 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 landowner, 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, watercourses, 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 non-living 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. **Electric Vehicle (EV) Charging Level –** the level of voltage of electrical output by an electric vehicle charging station (EVCS) at which the battery of an EV is recharged. The standardized levels are generally as follows: [Ord. 2023-012]
    a. **AC Level 1 –** 120 volts (1.4 to 1.9 kilowatts) of electrical output to an EV. [Ord. 2023-012]
    b. **AC Level 2 –** 240 volts (19.2 kilowatts or less) of electrical output to an EV. [Ord. 2023-012]
    c. **DC Fast Level 3 –** 480 volts (50 kilowatts or more) of electrical output to an EV. [Ord. 2023-012]
12. **Electric Vehicle Charging Station (EVCS) –** infrastructure that supplies electric energy for the charging of EVs. EVs shall include, but not be limited to: battery-powered electric vehicles, plug-in hybrid electric vehicles, and electric motorcycles. The service is provided to the public and the facility can be manned or unmanned. [Ord. 2018-018] [Ord. 2019-034] [Ord. 2023-012]
13. **Electrical Transmission Line Street –** the area necessary for construction and maintenance of a 230-kilovolt or greater Electrical Transmission Line, as provided in F.S. § 403.52.
14. **Elevated Building –** see Building, Elevated.
15. **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]
16. **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]
17. **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.
18. **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]
19. **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.
20. **Encumber –** to reserve or earmark funds for a specific expenditure or an identified development.
21. **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.”

22. **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.
23. **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.
24. **Entrance Area –** 66 feet (see IES definition). [Ord. 2005-041]
25. **Environmental Appeals 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 the Article. [Ord. 2006-004]
26. **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.
27. **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 the Article.
28. **Environmental Control Officer (ECO) –** is the person appointed by the ECB under Chapter 77-616, Special Acts, Laws of Florida, as amended.
29. **Environmental Professional –** for the purposes of Art. 14.C, Vegetation Preservation and Protection, a person who has extensive knowledge of South Florida's native vegetation (i.e., has the ability to identify species of native vegetation, and evaluate the health and condition of native vegetation), and who holds one or more of the following professional credentials: Certified Arborist, certified by the International Society of Arboriculture; Certified Environmental Professional, certified by the Academy of Board Certified Environmental Professionals; Certified Ecologist, certified by the Ecological Society of America; Registered Consulting Arborist with the American Society of Consulting Arborists; Registered Landscape Architect. [Ord. 2021-023]
30. **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 aerials produced during the study with this title, which was conducted by consultants under contract to PBC.
31. **Equestrian Use –** use of land for boarding, breeding, training, riding, showing, or raising horses, ponies, mules, or donkeys.
32. **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]
33. **Equivalency Determination –** 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.
34. **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.
35. **Ethanol –** type of alcohol used as a biofuel alternative to gasoline, that is made from biomass. [Ord. 2008-037]

36. **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 Agriculture 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 therefrom. Excavation excludes agricultural plowing, site grading, dry retention/detention, demucking, and canal dredging in preparation for construction. [Ord. 2017-007]
37. **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]
38. **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]
39. **Excessive Noise –** noise that disturbs a reasonable person of normal sensitivity.
40. **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.
41. **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, Ordinance No. 79-1, on January 31, 1979. [Ord. 2004-013] [Ord. 2024-024]
42. **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.
43. **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.
44. **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. [Ord. 2024-024]
45. **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.
46. **Exterior –** for the purposes of Art. 9, Archaeological and Historic Preservation, the outside surfaces of a building.

F. **Terms defined herein or referenced 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 Art. 14.B, Wellfield Protection.
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 F.A.R.s 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 –** 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 –** 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] [Ord. 2017-026]
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 the Article. [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 management system or other approved drainage system. [Ord. 2017-026] [Ord. 2024-024]
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] [Ord. 2024-024]
29. **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]
30. **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 Stormwater Drainage System. [Ord. 2004-013] [Ord. 2024-024]
31. **Floodplain Administrator –** for the purposes of Art. 18, Flood Damage Prevention, the County Building Official hereby appointed to administer and enforce these flood damage prevention regulations, including, but not limited to, all Variance and Appeal hearings before the Flood Damage Prevention Board or a designee of the Building Official's holding a Certified Floodplain Manager Designation. [Ord. 2004-013] [Ord. 2017-026]
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 the Article. [Ord. 2017-026]

33. **Floodproofing –** any combination of structural or non-structural adjustments, changes, or actions that reduce or eliminate Flood damage to a structure, content, and attendant utilities and equipment. [Ord. 2017-026]
34. **Floodway –** the channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the Water Surface Elevation more than one foot. [Ord. 2017-026]
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, groundwater 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 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 Substance List attached thereto and incorporated therein.
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 –** facilities for processing and storing grain or other non-perishable 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. **Greater Weight of Evidence –** the more persuasive and convincing force and effect of the entire evidence in the case. [Ord. 2021-022]
14. **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.
15. **Greenway –** see Introduction and Administration Element, Comprehensive Plan Definitions. [Ord. 2011-001]
16. **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.
17. **Gross Acreage –** see Gross Land Area.
18. **Gross Land Area –** the total area, including all public and private areas within the legal boundaries of a particular parcel of land or project.
19. **Gross Leasable Area (GLA) –** see Floor Area, Gross Leasable.
20. **Gross Trips –** for the purposes of Art. 12, Traffic Performance Standards, Project Trips plus internal trips.
21. **Gross Vehicle Weight Rating (GVWR) –** means the value specified by the manufacturer as the loaded weight of a single Motor Vehicle. This figure consists of the summation of the axle weight, the curb vehicle weight, and the weight of all accessories, passengers, and cargo. [Ord. 2024-004]
22. **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.
23. **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.
24. **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.

25. **Groundwater**
    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.
26. **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 Art. 14.B, Wellfield Protection and other State and Local laws protecting the groundwater and natural resources of PBC. [Ord. 2011-001]
27. **Groves/Row Crops –** the cultivation of fruits and vegetables for Bona Fide Agriculture purposes.
28. **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.
29. **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 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 F.A.R. (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 take-off and landing of helicopters, tilt rotors, or any other vertical take-off 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**
    a. **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]
    b. **Finished –** the highest elevation of the ground surface, next to the walls or foundation of a Structure. [Ord. 2017-026]
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 Chapter 12, 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 district 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 –** 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 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 manufacturer 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 Art. 14.A, Sea Turtle Protection and Sand Preservation and visible from the beach. [Ord. 2011-001]
4. **Impact Fee Manager –** the person responsible for the administration of PBC's impact fee program. [Ord. 2022-026]
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 purposes of Art. 14.C, Vegetation Preservation and Protection alterations are at least the following: land clearing and relocation of native vegetation; excavation and mining; agriculture; installation or 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 Ordinance No. 92-22 and Ordinance 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, radiation, 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 62-6, F.A.C. [Ord. 2022-019]
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 the Article.
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 the vertical integration provision of FLUE Policy 4.4-b 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 cannot 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 six to eight 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. **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.
31. **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.

32. **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]
33. **Irrigation System –** a system of pipes or other conduits designed to transport and distribute water to plants.

J. **Terms defined herein or referenced 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 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, and K factor = 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 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, 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 non-living 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, LOS D Link Service Volumes; as to Peak Hour Traffic at an intersection, a Critical Volume of 1,400 or average delay of greater than 35 and less than or equal to 55 seconds based on the HCM 2000 operational analysis; as to speed thresholds, the numbers set forth in Table 12.B.2.C, 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, LOS E Link Service Volumes; as to Peak Hour Traffic at an intersection, a Critical Volume of 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 set forth in Table 12.B.2.C, 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 on 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 on 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 luminaire 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. **Limit of Moderate Wave Action (LiMWA) –** for the purposes of Art. 18, Flood Damage Prevention, line shown on FIRMs to indicate the inland limit of the one and one-half feet (457 millimeters) breaking wave height during the Base Flood. [Ord. 2024-024]
37. **Limitation Ratings –** for the purposes of Art. 15, Health Regulations, as defined by Chapter 62-6, F.A.C. [Ord. 2022-019]
38. **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.
39. **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.
40. **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.

41. **Link –** for the purposes of Art. 12, Traffic Performance Standards, the portion of a Major Thoroughfare between two Major Intersections.
42. **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 1.10 of the Plan. [Ord. 2011-016]
43. **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.
44. **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.
45. **Littoral Zone –** that region of the shoreline beginning at the OHW and extending waterward to a maximum depth of minus three feet OHW.
46. **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]
47. **Livestock Waste –** for the purposes of Art. 5.J, Best Management Practices for Livestock Waste Received from Off-Site 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]
48. **Loading Area –** for the purposes of Art. 6, Parking, Loading, and Circulation, an area consisting of two or more loading spaces. [Ord. 2008-037]
49. **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]
50. **Loading Dock –** for the purposes of Art. 6, Parking, Loading, and Circulation, a platform where trucks can be loaded or unloaded. [Ord. 2008-037]
51. **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.
52. **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]
53. **Local Government –** PBC, or a municipality in PBC.
54. **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.
55. **Local Planning Agency –** the local planning agency designated by the BCC to prepare the Comprehensive Plan pursuant to F.S. § 163.3161.
56. **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]
57. **Lot**
    a. The smallest division of land identified as a single unit of ownership for conveyance and legal development purposes, and delineated by a closed boundary, which is either:
        1) Depicted on a recorded plat;
        2) Depicted on a survey, map, or drawing for which an affidavit or waiver or affidavit of exemption has been recorded; or,
        3) Described on a recorded deed or agreement for deed.
    b. 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.
    c. For the purposes of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP), as defined by F.S. § 381.0065(2). [Ord. 2022-019]
58. **Lot Area –** the total horizontal area included within lot lines.
59. **Lot, Corner –** either a lot bounded entirely by streets, or a lot which adjoins the point of intersection of two or more streets.

60. **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.
61. **Lot, Double-Frontage –** any lot having frontage on two non-intersecting streets.
62. **Lot Frontage**
    a. 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]
    b. 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]
63. **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.
64. **Lot, Interior –** any lot neither a corner lot nor a through lot.
65. **Lot Line, Front –** the lot line adjacent to a street.
66. **Lot Line, Interior –** any lot line not adjacent to a street.
67. **Lot Line, Rear –** that lot line which is opposite, generally parallel to, and most distant from the front lot line.
68. **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.
69. **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.
70. **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]
71. **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]
72. **Lumen –** a unit of luminous flux. One foot-candle is one lumen per square foot. [Ord. 2005-041]
73. **Luminaire –** a complete lighting system, which includes a fixture and any associated freestanding pole or other similar structure. [Ord. 2005-041]
74. **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 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 on 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 Orders, 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. [Ord. 2017-026]
13. **Map of Known Archaeological Sites –** for the purposes of Art. 9, Archaeological and Historic Preservation, a map adopted as part of the 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 value of Buildings and Structures, excluding the land and other improvements on the parcel. Market Value is the Actual Cash Value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate Market Value by a factor provided by the Palm Beach County Property Appraiser. [Ord. 2004-013] [Ord. 2017-026] [Ord. 2024-024]
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 Stormwater 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] [Ord. 2024-024]
20. **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]
21. **Material, Excess –** excavated material not required for backfill or grading of the premises as determined by a Final Site Plan.
22. **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.
23. **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.
24. **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.
25. **Mean High Water –** for the purposes of Art. 15, Health Regulations, the average height of tidal high water over a 19-year period.
26. **Mean Sea Level –** the average height of the sea for all stages of the tide based on the NGVD. [Ord. 2017-026]

27. **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]
28. **Medical Marijuana Treatment Center –** 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]
29. **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]
30. **Meteorological Tower –** a tower erected to measure atmospheric weather conditions. [Ord. 2011-016]
31. **Mezzanine –** see Building Mezzanine.
32. **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]
33. **Military Installation –** a facility designed for use by a branch of the United States Armed Forces.
34. **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.
35. **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.
36. **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.
37. **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.
38. **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]
39. **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, a group of different uses of land within a tract of land or a building for which applications for Development Permits are sought.
40. **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]
41. **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]

42. **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 the Article.
43. **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]
44. **Motor Vehicle –** shall have the meaning ascribed by F.S. § 320.01. [Ord. 2024-004]
45. **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.
46. **Mulch –** for the purposes of Art. 7, Landscaping, non-living organic material customarily used in landscape design to retard erosion and retain moisture.
47. **Multifamily 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.
48. **Multifamily Well –** for the purposes of Art. 15, Health Regulations, a water well that is a source of potable water and is part of a Multifamily water system.
49. **Municipal Engineer –** for the purposes of Art. 12, Traffic Performance Standards, a Professional Engineer practicing traffic engineering employed or retained by the Municipality.
50. **Municipal Official –** for the purposes of Art. 12, Traffic Performance Standards, the public official responsible for coordinating the application of the Article in the Municipality; it may be the Municipal Engineer.
51. **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 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 including, 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 Art. 14.D, Prohibited Invasive Non-Native Vegetation Removal Ordinance 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. **Naturalized Vegetation** – native plant species of an undetermined origin that are established on site. [Ord. 2021-023]
11. **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.
12. **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]
13. **Neighborhood Center –** as defined in the Plan.
14. **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.
15. **Nesting Season –** for the purposes of Art. 14, Environmental Standards, the period from March 1 through October 31 of each year.
16. **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]
17. **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.
18. **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. [Ord. 2017-026]
19. **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.
20. **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]
21. **New Manufactured Home Park or Manufactured Home Subdivision –** see Manufactured Home Park or Manufactured Home Subdivision. [Ord. 2024-024]
22. **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 F.A.R. (Part 77) indicating the proposed structure may be safely and/or efficiently accommodated in navigable airspace.
23. **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.
24. **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.
25. **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.
26. **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:
27. **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.
28. **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.

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 the 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 62-6, F.A.C. [Ord. 2022-019]
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. [Ord. 2017-026]
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 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] [Ord. 2017-025]
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 the 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 62-6, F.A.C. [Ord. 2022-019]
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, 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.
27. **Oxford House –** A self-governed Family Community Residence for people in recovery from substance use disorder that has been issued a “Conditional Charter” or “Permanent Charter” by Oxford House World Services, or any successor organization providing oversight; where there is no limit on length of residency, where the use of alcohol or any illegal drug is prohibited; where any misuse of legal drugs is prohibited, where any resident who violates this prohibition is expelled from the dwelling; where the residents pay the costs of the dwelling, including rent and utilities; and, where through a majority vote, the residents establish policies governing living in the Oxford House, including the manner in which applications for residence are approved. Upon termination, revocation, or suspension of its Charter, an Oxford House must be closed within 60-calendar days and residents must be returned to their families or relocated to another safe and secure living environment. [Ord. 2021-022]

P. **Terms defined herein or referenced 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), and Art. 3.F.3, Traditional Neighborhood Development (TND), neighborhood parks shall consist of usable open space within walking distance of housing. [Ord. 2021-023]
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 the 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, 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 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**
    a. To secure the complete performance of a contract or condition of a Development Order, Development Agreement, or covenant. Performance securities shall be denominated in United States dollars. The form of the security shall be approved by the County Attorney, and may include:
        1) Irrevocable letter of credit;
        2) Escrow agreement;
        3) Surety bond; or,
        4) Cash bond.
    b. 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:
        1) Letter of credit;
        2) Escrow agreement;
        3) Surety bond; or,
        4) 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**
    a. 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.
    b. For the purposes of Art. 15, Health Regulations, any individual, corporation, company, association, partnership, State, subdivision of the State, municipality, or Federal agency.
    c. 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**
    a. Ground cover through which water can penetrate at a rate comparable to that of water through undisturbed soils.
    b. 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; 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] [Ord. 2021-023]
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 the Article 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 the Article 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 the Article, 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 the 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 Orders 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 the Article. [Ord. 2019-005]
82. **Project Accessed Link –** for the purposes of Art. 12, Traffic Performance Standards, the paved Link(s) that serve as the Project's 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, 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 this Article, 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 Article shall have the following meanings:**

1. **Qualified Parcel –** for the purposes of Art. 14, Environmental Standards, for the 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 Article shall have the following meanings:**

1. **Radius of Development 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, Radius of Development Influence therein. 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 –** reestablishments of 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, pick-up 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; [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) and, [Ord. 2017-026]
        5) Not occupied for more than six months. [Ord. 2017-026]

12. **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, seepage management, and wetland enhancement and mitigation. [Ord. 2022-029]
13. **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, reactiveness, 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 Art. 14.B, Wellfield Protection 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. Art. 14.B, Wellfield Protection 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 the 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 Art. 1.H.2.R.13.a.1) above.
14. **Regulating Plan –** see TND, Regulating Plan.
15. **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]
16. **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.
17. **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.
18. **Repair**
    a. For the purposes of Art. 1.F, Non-Conformities, improvements to restore to a structural sound condition and shall include walls and other improvements included under Maintenance. [Ord. 2010-005] [Ord. 2022-019]
    b. For the purposes of Art. 15, Health Regulations, as defined by Chapter 62-6, F.A.C. [Ord. 2017-026] [Ord. 2022-019]
19. **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.
20. **Residence –** see Dwelling Unit.
21. **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.
22. **Residential Access Street –** see Street, Residential Access. [Ord. 2017-026]

23. **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.
24. **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.
25. **Respondent/Alleged Violator –** those persons including both landowners and tenants who have been issued a notice of violation.
26. **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.
27. **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.
28. **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.
29. **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]
30. **Right-of-Way (R-O-W) –** a strip of land dedicated or deeded for the perpetual use of the public. See also Street.
31. **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.
32. **Ronald Reagan Turnpike –** a.k.a. Florida's Turnpike.
33. **Rooming House –** see Boarding House.
34. **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, containers, 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 non-combustible refuse.
35. **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.
36. **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]
37. **Rural Service Area (RSA) –** that area as designated by the Plan.
38. **Rural Subdivision –** for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a division of land within an Agricultural Reserve (AGR), Agricultural Residential (AR), or Agricultural Production (AP) district.

S. **Terms defined herein or referenced 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 Soil Classification System. Sand grain analyses shall follow the methodology described in ASTM standard D422 and D1140 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 Art. 14.A, Sea Turtle Protection and Sand Preservation, 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 62-610, 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. **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]
12. **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.
13. **Sea Turtle Protection Zone (STPZ) –** for the purposes of Art. 14, Environmental Standards, an area of jurisdiction, established by Art. 14.A, Sea Turtle Protection and Sand Preservation, 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-water line.
14. **Seagrasses –** those submerged beds of the genera *Halophila*, *Syringodium*, *Halodule*, *Thalassia*, and/or the green algae *Caulerpa spp.*
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 – Optional 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. **Semitrailer –** shall have the meaning ascribed by F.S. § 320.01. [Ord. 2024-004]

20. **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.
21. **Septic Tank –** for the purposes of Art. 15, Health Regulations, as defined by Chapter 62-6, F.A.C.
22. **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.
23. **Service Provider –** for the purposes of Art. 2, Application Processes and Procedures, any agency that is responsible for the provision of public facilities to development in PBC.
24. **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.
25. **Setback –** the required minimum horizontal distance between any structure and the related front, side, or rear property lot line or base building line.
26. **Setback, Front –** the setback extending along the full length of the front lot line or base building line.
27. **Setback, Interior Side –** the setback extending along an interior side lot line between the front and rear setbacks.
28. **Setback, Rear –** the setback extending along the full length of the rear lot line.
29. **Setback, Street Side –** the setback extending along a street side lot line or base building line between the front and rear setbacks.
30. **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.
31. **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.
32. **Shade Tree –** see Tree, Canopy or Shade.
33. **Shipping Container –** a unit designed and built for the shipment of material or goods.
34. **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.
35. **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.
36. **Sight Distance –** see Corner Clip. [Ord. 2022-029]
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 1, 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, Test 1 Levels of Significance. For Test 2, 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, 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 build-out timeframe 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 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 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] [Ord. 2022-029]
42. **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.
43. **Single Family District –** the AR, RE, RT, RM, and RS districts, as well as Single Family Pods of PDDs.
44. **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]
45. **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]
46. **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.
47. **Site Elements –** for the purposes of Art. 1.E, Prior Approvals and Art. 1.F, Non-Conformities, 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]
48. **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.
49. **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.
50. **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 “downzonings” under Art. 12, Traffic Performance Standards of the Code. It includes those Development Orders referenced in Policies 2-g and 2-h of the Plan in the Capital Improvement Element, including amendments thereto. It includes site-specific Rezonings, Special Exceptions, Conditional Uses, Special Permits, Master Plan approvals, Site Plan approvals, plat approvals, and Building Permits. It may or may not authorize the actual commencement of development. Two or more Development 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]
51. **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 on-site user. [Ord. 2014-001] [Ord. 2021-006]
52. **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 stormwater 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.

53. **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.
54. **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.
55. **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.
56. **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.
57. **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 prorating of impact fee credits for in-kind contributions.
58. **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]
59. **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.
60. **Speculative Clearing –** the clear cutting of a site when no Final Site Plan or approved vegetation management plan has been prepared for the site.
61. **Spent –** the commitment of funds to a particular capital facility acquisition by the awarding of a contract.
62. **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.
63. **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]
64. **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]
65. **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]
66. **Square –** an outdoor civic tract located within a neighborhood to provide community services and usable open space.
67. **Square Footage –** see Building Square Footage.
68. **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]

69. **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 System, 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 "Florida Greenbook"), Standard Specifications for Road and Bridge Construction, Roadway and Traffic Design Standards, and Handbook for Drainage Connection Permits.
70. **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 the Article.
71. **Stoop –** a small porch or platform.
72. **Storage Container –** a shipping container that has been permanently located on a recognized Bona Fide Agriculture use site that is tied down to meet Building Code requirements.
73. **Storefront –** 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]
74. **Stormwater –** the flow of water that results from and occurs immediately following a rainfall event.
75. **Stormwater Management Easement –** see Easement, Stormwater Management.
76. **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.
77. **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, overdrainage, environmental degradation, and water pollution, or otherwise affect the quantity and quality of stormwater runoff.
78. **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.
79. **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.
80. **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.
81. **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.
82. **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.
83. **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.
84. **Street –** a strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square, or however otherwise designated. Streets are further classified according to the function they perform.
85. **Street, Arterial –** a Major Street of higher classification than a Plan Collector Street, used primarily for traffic traveling considerable distance within or through an area not served by an Expressway, of considerable continuity, and used primarily as a main traffic artery. [Ord. 2021-006]

86. **Street, Collector –** a street which carries traffic from Local Streets to Arterial Streets. Collector Streets have more continuity, carry higher traffic volumes, and may provide less access than Local Streets. [Ord. 2021-006]
87. **Street, Collector, Non-Plan –** a Collector Street which is not included on the Thoroughfare Plan and which is the highest classification of Minor Street. [Ord. 2021-006]
88. **Street, Collector, Plan –** a Collector Street which is part of the Thoroughfare Plan, and which is the lowest classification of Major Street. [Ord. 2021-006]
89. **Street, Cul-de-Sac –** a dead-end street terminating in a circular vehicular turnaround. [Ord. 2021-006]
90. **Street, Dead-End –** a street with only one outlet. [Ord. 2021-006]
91. **Street Frontage –** see Lot Frontage.
92. **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]
93. **Street, Limited Access –** a street to which access from abutting property is under the control and jurisdiction of the County pursuant to a limited access easement or other regulatory access restriction. [Ord. 2021-006]
94. **Street, Local Commercial –** a street designed and maintained primarily to provide legal and vehicular access to abutting commercial or industrial lots. A Local Commercial Street is of limited continuity, is not for through traffic, and is the middle order street of Minor Streets. [Ord. 2021-006]
95. **Street, Local Residential –** a street designed and maintained primarily to provide legal and vehicular access to abutting residential lots. A Local Residential Street is of limited continuity, is not for through traffic, and is the middle order street of Minor Streets, being of a higher classification than a Residential Access Street. [Ord. 2021-006]
96. **Street, Major –** a street depicted on the adopted Thoroughfare Plan; a Thoroughfare Plan road. Major Streets are further classified as Collector Street, Arterial Street, and Expressway. [Ord. 2021-006] [Ord. 2017-025]
97. **Street, Marginal Access –** a special purpose Local Street which is parallel and adjacent to a Plan Collector Street, Expressway, Arterial Street, or other limited access street and which has its principal purpose of relieving such streets from local service of abutting property by providing access to abutting property and separation from through traffic. A marginal access street may also be called a "frontage street." [Ord. 2021-006]
98. **Street, Minor –** not classified as a Major Street, and includes streets providing traffic circulation within the development. [Ord. 2021-006]
99. **Street, Private**
    a. Has not been dedicated for public use; [Ord. 2021-006]
    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.
100. **Street, Residential Access –** the lowest order of Minor Street which is intended to carry the least amount of traffic at the lowest speed. [Ord. 2021-006]
101. **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]
102. **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]
103. **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.
104. **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]

105. **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. 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]

106. **Structure, Principal –** see Building, Principal.

107. **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 Programs (OSP), any tract of land divided into three or more lots or parcels, regardless of the method by which the lots or parcels are described. [Ord. 2022-019]

108. **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; or,
    c. An increase in the total floor area of Multifamily dwellings or non-residential buildings which results in increased traffic.

109. **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 45 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] [Ord. 2024-024]

110. **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 Places.
    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 45 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 two-to-four unit 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] [Ord. 2024-024]

111. **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]

112. **Superintendent –** the Superintendent of the PBC School Board.

113. **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, Multifamily, or private water system; also applies to consecutive water systems. [Ord. 2005-003]

114. **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 Programs (OSP), 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 stormwater retention or detention areas designed to contain standing or flowing water for less than 72 hours after a rainfall. [Ord. 2022-019]
    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]

115. **Surveyor and Mapper –** a person registered to engage in the practice of surveying and mapping under F.S. § 472.001-472.037, and includes the terms "Surveyor," and "Professional Surveyor and Mapper."

116. **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.

117. **Sustainability –** the integration of social, economic, and ecological needs of the community with policies advocating management of resources for future generations. [Ord. 2010-005]

118. **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]

119. **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 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 Art. 5.G, Density Bonus Programs 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 purposes of Art. 5.G, Density Bonus Programs, 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 Art. 5.G, Density Bonus Programs.

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 webpage. [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 Programs (OSP), as defined by Chapter 62-6, F.A.C. [Ord. 2019-005] [Ord. 2022-019]
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, 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 purposes of Art. 14.A, Sea Turtle Protection and Sand Preservation, 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-air conditioned, 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 Historical 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 build-out 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 Appeals 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 –** shall have the meaning ascribed by F.S. § 320.01. [Ord. 2024-004]
46. **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.
47. **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]
48. **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]
49. **Transfer of Development Rights (TDR) Bank –** see TDR, Bank.
50. **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.
51. **Transient Occupancy –** residential occupancy when it is the intention of the parties that the occupancy will be for less than one month.

52. **Transit –** for the purposes of Art. 12, Traffic Performance Standards, a bus, train, or other public conveyance system. [Ord. 2006-036]
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. **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.
56. **Transmission Pole –** for the purposes of Art. 4.B.9, Commercial Communication Towers, means electrical transmission poles supporting 69-kilovolt conductors or greater. This does not include distribution. [Ord. 2017-016]
57. **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.
58. **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.
59. **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.
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 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.
62. **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.
63. **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.
64. **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.

65. **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 the 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.
66. **Trip –** a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).
67. **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, 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.
68. **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.
69. **Truck Tractor –** shall have the meaning ascribed by F.S. § 320.01. [Ord. 2024-004]
70. **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 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 written instrument executed and recorded with the PBC Clerk of Court, by a Property Owner, whereby the Property Owner promises and agrees that a lot, lots, or parcel of land included in the Unity of Title will be held under single ownership as one unified lot or parcel, and that no portion shall be transferred, conveyed, sold, devised, or assigned separately except in its entirety as one plot or parcel of land. [Ord. 2023-026]

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 Programs (OSP), 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. [Ord. 2022-019]
11. **Upland Reclamation Area –** land area preserved or reestablished around the perimeter of an excavated area created to ensure usable end use of the land.
12. **Upland Reclamation Planting –** installation of vegetation to reestablish 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 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 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 feepayer or developer of such improvements or chattel. In all cases, the values shall be established in or as if in an arm's length, *bona fide* transaction in a competitive market between a willing seller and a willing buyer, neither of whom are under any special circumstances, as approved by the Impact Fee Manager based upon the standards in Art. 13, Impact Fees. If the Impact Fee Manager rejects an appraised value, the Impact Fee Manager may obtain another appraisal using an appraiser from the approved list, in which case that appraisal shall prevail. [Ord. 2022-026]
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 the Article 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 the Article or the Florida Building Code. [Ord. 2017-026]
7. **Vegetation –** for the purposes of Art. 14.C, Vegetation Preservation and Protection, plant life including ground cover, 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 the Article. In addition, a Structure or other Development without a required FEMA Elevation Certificate, other acceptable elevation certifications, or other evidence of compliance required in the Article 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, LOS D Link Service Volumes.

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

1. **Waiver**
   a. A request to alter a specific ULDC provision where alternative solutions to Code requirements are provided, subject to standards, performance criteria, or limitations. Waivers are not intended to demonstrate financial viability, except for Community Residences, nor circumvent the intent of this Code. [Ord. 2012-027] [Ord. 2021-022]
   b. For the purposes of Art. 4.B.1.C.9.c.2)a), Use Approval, Transitional Community Residence, a Waiver shall also mean a request to allow a Transitional Community Residence use in certain zoning districts as described in that Section. [Ord. 2021-022]
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, 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 62-6, 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 62-3, 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 Chapter 62-301, F.A.C. or located within or up to three miles directly offshore of PBC. Dominance shall be defined in accordance with Chapter 62-301, F.A.C. and shall be determined in the appropriate plant stratum (canopy, sub-canopy, or ground cover) as outlined in Chapter 62-301, F.A.C.
25. **Wettest Season –** for the purposes of Art. 15, Health Regulations, as defined by Chapter 62-6, 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 the Article.

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

Y. **Terms defined herein or referenced 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 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]

Section 3 Abbreviations and Acronyms

AAAB	Airports and Aviation Advisory Board [Ord. 2006-036]
AASHTO	American Association of State Highway and Transportation Officials
ABN	Development Order Abandonment [Ord. 2010-005]
ACOE	Army Corps of Engineers [Ord. 2008-037]
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
AEE	Adult Entertainment Establishment
AGE	Agricultural Enclave [Ord. 2010-022]
AGEO	Agricultural Enclave Overlay [Ord. 2010-022]
AGR	Agricultural Reserve
AHCA	Agency for Health Care Administration [Ord. 2013-021]
AHP	Affordable Housing Program [Ord. 2009-040]
AI	Administrative Inquiry [Ord. 2011-016]
ALP	Alternative Landscape Plan
ALUNZ	Airport Land Use Noise Zone
AMI	Area Median Income [Ord. 2006-055]
AMSL	Above Mean Sea Level
ANSI	American National Standards Institute
AP	Agricultural Production [Ord. 2005-002]
APE	Area of Potential Effect [Ord. 2008-037]
APF	Adequate Public Facilities Determination
AR	Agricultural Residential [Ord. 2005-002]
Art.	Article
ASP	Alternate Site Plan
ASR	Airport Surveillance Radar
ASTM	American Society for Testing and Materials [Ord. 2011-001]
ATM	Automated Teller Machine
AUR	Annual Public Facilities Update Report
AZO	Airport Zoning Overlay
BCC	Board of County Commissioners
BOR	Basis of Review
BRPO	Biotechnology Research Protection Overlay [Ord. 2016-042]
CAH	Commission on Affordable Housing
CC	Community Commercial [Ord. 2005-002]
CCRT	Countywide Community Revitalization Team
CDD	Community Development District [Ord. 2020-001]
CES	Cooperative Extension Service [Ord. 2013-021]
CFR	Code of Federal Regulations
CG	General Commercial [Ord. 2005-002]
CH	Commercial High Intensity [Ord. 2005-002]
CHO	Commercial High Office [Ord. 2005-002]
CH-O	Commercial High Intensity-Office Only [Ord. 2005-002]
CIE	Capital Improvement Element
CLASC	Conservation Land Acquisition Selection Committee
CLF	Congregate Living Facility
CL	Commercial Low Intensity [Ord. 2005-002]
CLO	Commercial Low Office [Ord. 2005-002]
CL-O	Commercial Low Intensity-Office Only [Ord. 2005-002]
CLR	Congregate Living Residential [Ord. 2019-005]
CN	Neighborhood Commercial [Ord. 2005-002]
CO	Certificate of Occupancy
COA	Certificate of Appropriateness [Ord. 2008-037]
CON	Conservation [Ord. 2005-002]
COZ	Conditional Overlay Zone
CPTED	Crime Prevention Through Environmental Design
CR	Commercial Recreation [Ord. 2005-002]
CRA	Community Redevelopment Association

CRALLS	Constrained Roadway at a Lower Level of Service
CRE	Commercial Recreation [Ord. 2005-002]
CSA	Concurrency Service Area
CTD	Certificate to Dig [Ord. 2008-037]
dB	Decibel
DBH	Diameter at Breast Height
DCA	State of Florida Department of Community Affairs [Ord. 2004-013]
DEP	Department of Environmental Protection [Ord. 2008-037]
DEPW	Department of Engineering and Public Works
DO	Development Order [Ord. 2016-042]
DOA	Development Order Amendment
DOA	Department of Airports (for the purposes of Art. 16, Airport Regulations)
DOT	State of Florida Department of Transportation
DRAB	Development Review Appeals Board
DRI	Development of Regional Impact
DRO	Development Review Officer
EAA	Everglades Agricultural Area
EAB	Environmental Appeals Board [Ord. 2011-016]
EAC	Expedited Application Consideration
ECB	Environmental Control Board [Ord. 2011-016]
ECR I	PBC Environmental Control Rule I (Onsite Sewage Disposal Systems)
ECR II	PBC Environmental Control Rule II (Water Supply Systems)
EDC	Economic Development Center [Ord. 2004-040]
EPA	United States Environmental Protection Agency
ERM	Environmental Resources Management Department
ERP	Environmental Resource Permit
ESL	Environmentally Sensitive Lands
ESLASC	Environmentally Sensitive Lands Acquisition Selection Committee
ESLO	Environmentally Sensitive Lands Ordinance
EV	Electric Vehicle [Ord. 2018-018]
EVCS	Electric Vehicle Charging Station [Ord. 2018-018]
EvPA	Everglades Protection Area [Ord. 2014-025]
FAA	Federal Aviation Administration
FAC	Florida Archaeological Council [Ord. 2008-037]
F.A.C.	Florida Administrative Code
FAR	Floor Area Ratio
F.A.R.	Federal Aviation Regulation (for the purposes of Art. 16, Airport Regulations)
FBC	Florida Building Code or Florida Building Commission [Ord. 2010-005]
FBSDC	Form-Based Code [Ord. 2010-005]
FDEP	Florida Department of Environmental Protection
FDO	PBC Facilities Development and Operations Department
FDOT	Florida Department of Transportation
FDPR	Florida Department of Professional Regulation
FEMA	Federal Emergency Management Agency [Ord. 2004-013]
FHA	Federal Fair Housing Amendments Act [Ord. 2011-016] [Ord. 2024-024]
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FLUA	Future Land Use Atlas
FLUE	Future Land Use Element
FMP	Final Master Plan [Ord. 2009-040]
FMSF	Florida Master Site File
FMSP	Final Master Sign Plan [Ord. 2009-040]
FRA	Florida Realtors Association [Ord. 2011-001]
FRP	Final Regulating Plan [Ord. 2009-040]
FSBP	Final Subdivision Plan [Ord. 2009-040]
FSP	Final Site Plan [Ord. 2009-040]
F.S.	Florida Statutes
GAO	Glades Area Overlay
GFA	Gross Floor Area

GLA	Gross Leasable Area
GNRPB	Groundwater and Natural Resources Protection Board [Ord. 2006-004]
GOPs	Goals, Objectives, and Policies of the Comprehensive Plan
GPS	Global Positioning System
GRMP	Glades Region Master Plan [Ord. 2016-016]
GVWR	Gross Vehicle Weight Rating [Ord. 2008-003]
HANG	Highest Adjacent Natural Grade
HE	Housing Element of the Plan [Ord. 2005-002]
HOA	Homeowner's Association
HR-8	High Residential 8 [Ord. 2005-002]
HR-12	High Residential 12 [Ord. 2005-002]
HR-18	High Residential 18 [Ord. 2005-002]
HRRB	Historic Resources Review Board
HUD	U.S. Department of Housing and Urban Development
IESNA	Illuminating Engineering Society of North America [Ord. 2005-041]
IFR	Instrument Flight Rules
IG	General Industrial [Ord. 2005-002]
IL	Light Industrial [Ord. 2005-002]
ILS	Instrument Landing System
IND	Industrial
INST	Institutional and Public Facilities [Ord. 2005-002]
IOZ	Indiantown Road Overlay [Ord. 2010-022]
IPARC	Intergovernmental Plan Amendment Review Clearinghouse
IPF	Institutional and Public Facilities [Ord. 2005-002]
IRO	Infill Redevelopment Overlay [Ord. 2010-022]
LCC	Lifestyle Commercial Center Development [Ord. 2013-021]
LCS	Lion Country Safari [Ord. 2011-016]
LCSO	Lion Country Safari Overlay [Ord. 2016-042]
LDM	Land Development Design Standards Manual [Ord. 2009-040]
L_{dn}	Day-Night Average Sound Level
LFCCH	Large Family Child Care Home [Ord. 2011-016]
LLF	Light Loss Factor [Ord. 2005-041]
LME	Lake Maintenance Easement
LOS	Level of Service
LOSTO	Lake Okeechobee Scenic Trail Overlay
LPA	Local Planning Agency
LR-1	Low Residential 1 [Ord. 2005-002]
LR-2	Low Residential 2 [Ord. 2005-002]
LR-3	Low Residential 3 [Ord. 2005-002]
MAI	Member of the Appraiser's Institute
MDA	Minimum Descent Altitude
MET	Meteorological Tower [Ord. 2011-016]
MF	Multifamily Dwelling [Ord. 2006-004]
MH	Mobile Home or Manufactured Home [Ord. 2017-007]
MLS	Microwave Landing System
MOCA	Minimum Obstruction Clearance Altitude
MPCP	Master Pedestrian Circulation Plan
MPO	Metropolitan Planning Organization
MR-5	Medium Residential 5 [Ord. 2005-002]
MSP	Master Sign Plan [Ord. 2009-040]
MVA	Minimum Vectoring Altitude
NAICS	North American Industrial Classification System
NAVD88	North American Vertical Datum of 1988 [Ord. 2010-022]
NBCTF	Northlake Boulevard Corridor Task Force
NBOZ	Northlake Boulevard Overlay Zone
NCD	Neighborhood Commercial Development
NEO	Native Ecosystem Overlay District
NGVD	National Geodetic Vertical Datum
NLR	Noise Level Reduction

NPDES	National Pollution Discharge Elimination System
NRHP	National Register of Historic Places [Ord. 2008-037]
OFMB	Office of Management and Budget
OHV	Off-Highway Vehicle [Ord. 2017-007]
OHW	Ordinary High Water
OLW	Ordinary Low Water
OR	Optional Residential
OSP	Onsite Sewage Programs(s) [Ord. 2022-019]
OSTDS	Onsite Sewage Treatment and Disposal System(s) [Ord. 2022-019]
OWL	Ordinary Water Level
PAC	Pre-Application Conference [Ord. 2010-005]
PAL	Preliminary Assessment Letter [Ord. 2008-037]
PAR	Precision Approach Radar
PBC	Palm Beach County
PBCACC	PBC Division of Animal Care and Control [Ord. 2006-036]
PBCHD	PBC Health Department
PBCWUD	PBC Water Utilities Department
PBIA	Palm Beach International Airport
PBIAO	Palm Beach International Airport Overlay
PC	Preservation/Conservation [Ord. 2005-002]
PCN	Property Control Number
P.C.P.	Permanent Control Point
PDD	Planned Development District
PDP	Preliminary Development Plan [Ord. 2009-040]
PDR	Property Development Regulation
PIA	Privately Initiated Amendment [Ord. 2018-002]
PLC	Planning Commission [Ord. 2008-003]
PMP	Preliminary Master Plan [Ord. 2009-040]
PMSP	Preliminary Master Sign Plan [Ord. 2009-040]
PNV	Protection of Native Vegetation [Ord. 2021-023]
PO	Public Ownership [Ord. 2005-002]
POA	Property Owners' Association
PRA	Priority Redevelopment Area [Ord. 2010-022]
PRCF	Peer Review Certification Form
P.R.M.	Permanent Reference Monument
PRP	Preliminary Regulating Plan [Ord. 2009-040]
PSBP	Preliminary Subdivision Plan [Ord. 2009-040]
PSP	Preliminary Site Plan [Ord. 2009-040]
PUD	Planned Unit Development
PZB	Planning, Zoning and Building Department
RCRA	Resource Conservation and Recovery Act
RE	Residential Estate [Ord. 2005-002]
RFI	Request for Interpretation
RM	Multifamily Residential [Ord. 2005-002]
R-O-W	Right-of-Way
RPA	Registry of Professional Archaeologists [Ord. 2008-037]
RPZ	Runway Protection Zone
RR-2.5	Rural Residential 2.5 [Ord. 2005-002]
RR-5	Rural Residential 5 [Ord. 2005-002]
RR-10	Rural Residential 10 [Ord. 2005-002]
RR-20	Rural Residential 20 [Ord. 2005-002]
RS	Single Family Residential [Ord. 2005-002]
RSA	Rural Service Area
RT	Residential Transitional [Ord. 2005-002]
RTO	Research and Technology Overlay [Ord. 2023-026]
RV	Recreational Vehicle [Ord. 2017-007]
RVPD	Recreational Vehicle Planned Development [Ord. 2017-007]
SCGCFO	Sugar Cane Growers Cooperative of Florida Protection Area Overlay [Ord. 2004-040]
SD	Specialized Development [Ord. 2010-022]

SF	Single Family
SFD	Single Family Dwelling [Ord. 2006-004]
SFHCTD	Single Family Homeowner Certificate to Dig [Ord. 2008-037]
SFWMD	South Florida Water Management District
SHPO	State Historic Preservation Officer [Ord. 2008-037]
SIAP	Standard Instrument Approach Procedure
SIC	Standard Industrial Code
SIS	Florida's Strategic Intermodal System [Ord. 2006-055]
SOPA	Society of Professional Archaeologists [Ord. 2008-037]
SPZ	Sand Preservation Zone
SRO	Single Room Occupancy [Ord. 2007-013]
SSRP	Site Specific Regulating Plan [Ord. 2010-005]
STLP	Sea Turtle Lighting Plan
STPO	Sea Turtle Protection Ordinance
STPZ	Sea Turtle Protection Zone
SUV	Sport Utility Vehicle [Ord. 2017-007]
TAPO	Turnpike Aquifer Protection Overlay
TCMA	Transportation Concurrency Management Area
TCRPC	Treasure Coast Regional Planning Council
TDD	Traditional Development District [Ord. 2007-013]
TDR	Transfer of Development Rights
TDS	Total Dissolved Solids [Ord. 2008-037]
TH	Townhouse Dwelling [Ord. 2006-004]
THPO	Tribal Historic Preservation Officer [Ord. 2008-037]
TIITF	Board of Trustees of the Internal Improvement Trust Fund of the State of Florida [Ord. 2014-025]
TMD	Traditional Marketplace Development
TND	Traditional Neighborhood Development
TNTC	Too Numerous to Count
TPS	Traffic Performance Standards
TPSAB	Traffic Performance Standards Appeals Board
TTD	Traditional Town Development
TZ	Transect Zone (IRO) [Ord. 2010-005]
UC	Urban Center [Ord. 2010-022]
UI	Urban Infill [Ord. 2010-022]
URA	Urban Redevelopment Area [Ord. 2008-037]
URAO	Urban Redevelopment Area Overlay [Ord. 2010-022]
U/S	Urban/Suburban Tier
USA	Urban Service Area
USACE	United States Army Corps of Engineers [Ord. 2006-004]
USDA	United States Department of Agriculture
U/T	Transportation and Utilities Facilities [Ord. 2005-002]
V/C	Volume to Capacity
VFR	Visual Flying Rules
VOR	Very-High Frequency Omni-Range
VPPO	Vegetation Preservation and Protection Ordinance
VRN	Vegetation Removal Notice
WCAA	West County Agricultural Area
WCR	Western Communities Residential [Ord. 2017-011]
WCRAO	Westgate/Belvedere Homes Overlay
WCRO	Western Communities Residential Overlay [Ord. 2017-011]
WHP	Workforce Housing Program [Ord. 2005-002]
WPZ	Wellfield Protection Zone
WRA	Water Resources Area
ZC	Zoning Commission
ZI	Zones of Influence
ZLL	Zero Lot Line

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ARTICLE 2

APPLICATION PROCESSES AND PROCEDURES

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ARTICLE 2

APPLICATION PROCESSES AND PROCEDURES

CHAPTER A GENERAL

Section 1 Purpose

To establish procedures and standards for Zoning and Planning applications. This Article is organized under the following Chapters with specific requirements pertaining to each type of application or process. In addition, Art. 2.G, Decision Making Bodies specifies the powers and duties of each Authority. [Ord. 2018-002]

A. Chapters A through C – Zoning Applications related to the Legislative, Quasi-Judicial, or Administrative processes; [Ord. 2018-002]
B. Chapter D – Privately Initiated Amendments to the Unified Land Development Code; [Ord. 2018-002]
C. Chapter E – Monitoring of Development Orders; [Ord. 2018-002]
D. Chapter F – Concurrency (Adequate Public Facility Standards) for Development Orders; [Ord. 2018-002]
E. Chapter G – Decision Making Bodies; [Ord. 2018-002]
F. Chapter H – Comprehensive Plan Amendments; and, [Ord. 2018-002]
G. Chapter I – Coordinated School Planning. [Ord. 2018-002]

Section 2 Zoning Applications

Chapters A through D address application processes of the Zoning Division. These processes are generally classified as legislative, quasi-judicial, and administrative, and are reviewed by various County Agencies and presented to the applicable Decision Making Bodies or Person for consideration. Both legislative and quasi-judicial processes are subject to the public hearing procedures. For the purpose of this Article, the term “public hearing” refers to the legislative and quasi-judicial processes. [Ord. 2018-002] [Ord. 2020-001]

A. Applicability

The provisions in this Article shall apply to all Zoning applications unless otherwise specified. Quasi-judicial and Administrative Approvals of applications will result in the issuance of DOs. DOs run with the land and may be transferred to new owners unless otherwise stipulated. [Ord. 2018-002]

B. Definitions

See Art. 1.H, Definitions and Acronyms.

C. Application Types and Authorities

For the purposes of this Article, the authority of the Board of County Commissioners, Zoning Commission, and Development Review Officer shall be limited to the powers and duties pursuant to Art. 2.G, Decision Making Bodies on those applications specified below. [Ord. 2006-036] [Ord. 2018-002]

1. Board of County Commissioners (BCC)

The BCC shall make a final decision on the following types of applications: [Ord. 2018-002]

Table 2.A.2.C – Board of County Commissioners, Legislative and Quasi-Judicial Processes

Legislative
Privately Initiated Unified Land Development Code (ULDC) Amendment (PIA)
County Initiated Official Zoning Map Amendment (Rezoning)
Quasi-Judicial
Official Zoning Map Amendment (Rezoning) (1)
Class A Conditional Use (2)
Development Order Amendment (DOA) of a prior DO approved by the BCC
DOA – Expedited Application Consideration (EAC) of a prior DO approved by the BCC
Development Order Abandonment (ABN) of a prior DO approved by the BCC
Status Report of a prior DO approved by the BCC (3)
Public Ownership (PO) Deviations (4)
Type 2 Waiver
Unique Structure
Release of Agreement (3)
Administrative Inquiry (AI) (3)
Corrective Resolution for prior DO approved by the BCC
[Ord. 2007-013] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-005]

Notes:	
1.	Only Rezoning to a PDD or TDD will issue a DO. A Rezoning to a Standard District with a COZ may result in the issuance of a DO.
2.	Includes where it specifies the process is subject to the BCC in Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioners Approval, Art. 4.B, Use Classification, Art. 3.B, Overlays, Art. 5.G.1.B.3, Approval Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, Review Process for TDR.
3.	This is not considered as a quasi-judicial process; however, it is subject to the Public Hearing process.
4.	PO Deviations reviewed by the BCC do not include those PO Deviations described in Art. 11, Subdivision, Platting, and Required Improvements that are reviewed and approved or denied by the County Engineer. [Ord. 2019-005]

2. Zoning Commission (ZC)

The ZC shall make a final decision on the following types of applications. [Ord. 2018-002]

Table 2.A.2.C – Zoning Commission, Quasi-Judicial Processes

Quasi-Judicial
Class B Conditional Use
DOA for a prior approved Class B Conditional Use
ABN for a prior DO approved by the ZC
Type 2 Variance (1)
Status Report for a prior DO approved by the ZC (2)
Unique Structure
Corrective Resolution for a prior DO approved by the ZC
Release of Unity (2)

Notes:	
1.	Refer to Art. 2.B.7.E, Type 2 Variance for specific provisions where it indicates that the ZC is not authorized to grant Variances from Code regulations with prohibited provisions.
2.	This is not considered as quasi-judicial; however, it is subject to the Public Hearing process.

3. Development Review Officer (DRO)

The DRO, shall make a final decision on the types of applications indicated in Art. 2.C.3.A, Process for Administrative Requests. [Ord. 2006-036] [Ord. 2018-002] [Ord. 2018-018]

Section 3 Initiation of Applications

Applications may be submitted to the Zoning Division by the following authority: PBC Official, owner, Agent who is authorized in writing to act on the owner's behalf, or person having a written contractual interest in the land for which the amendment or Development Permit is proposed. Applications shall be submitted in accordance with the dates and fees established by the Zoning Division. [Ord. 2018-002]

A. Established Dates and Fees for Zoning Division Applications

1. The Zoning Director shall publish an Annual Zoning Calendar, as may be amended, providing dates and deadlines for the following: [Ord. 2018-002]
   a. Submittals and Resubmittals of an application by the Applicant; [Ord. 2018-002] [Ord. 2020-001]
   b. Sufficiency and Insufficiency determination by the DRO; [Ord. 2018-002] [Ord. 2020-001]
   c. Issues and Comments identified by Staff;
   d. Certification of an application for Public Hearings; and, [Ord. 2018-002]
   e. Hearing dates. [Ord. 2018-002]
2. All other dates and deadlines for the application processes shall be specified in the Code. If there is a conflict in the dates between the Code and the Calendar, the Code shall prevail. [Ord. 2018-002]
3. Applications that are submitted to the Zoning Division shall be accompanied by a fee established by the BCC. All fees shall be paid at the time of the submittal of the applications.
4. Any request for a refund of fees shall be in writing, based on the current PZB Refund Policy, and subject to approval by the Executive Director of Planning, Zoning and Building, or designee. [Ord. 2018-002] [Ord. 2020-001]

Section 4 Concurrent or Separate Applications

Applications may be submitted to the applicable Division concurrently or separately subject to the following:

A. Land Use Amendments

If a Small Scale land use amendment requires a Rezoning, Conditional Use, DOA, or ABN application, the applications shall be reviewed and considered by the BCC concurrently. The Applicant shall submit a Master Plan and/or Site Plan as part of the Zoning application. The Zoning application shall be submitted on the date indicated on the Annual Zoning Calendar within 45-calendar days of receipt of the land use amendment application. If a complete Zoning application is not submitted, the land use amendment shall be administratively withdrawn. [Ord. 2006-036] [Ord. 2009-040] [Ord. 2017-007] [Ord. 2018-002]

B. Zoning Applications

Applications for DOs on the same property may be consolidated for review, subject to the approval by the Zoning Director. When applications for DOs are consolidated, the review period shall not be less than the timeframe established for the application with the longest review period. [Ord. 2018-002]

C. Type 2 Waivers and Type 2 Variances

An application for a Type 2 Waiver or a Type 2 Variance may be submitted concurrently or separately subject to the approval of the Zoning Director. Applications that are contingent upon the approval of Variances must be submitted separately. [Ord. 2018-002]

D. Type 2 or 3 Concurrent Review

Concurrent Review allows an Applicant to submit applications to different County Agencies for simultaneous review. The Final Zoning Plans may be approved concurrently with the approval of other Division or Department applications. [Ord. 2018-002]

1. Types of Concurrent Review

There are two types of Concurrent Review based on the following: [Ord. 2018-002]

a. Type 2 Concurrent Review

1) Zoning Division for Final Plan approval and Land Development Division for plat review; or [Ord. 2018-002]
2) Zoning Division for Final Plan approval and Building Division for permit review.

b. Type 3 Concurrent Review

Zoning Division for Final Plan approval; Land Development Division for plat review; and, Building Division for permit review. [Ord. 2018-002]

2. PAC

Applications for Concurrent Review shall be subject to the PAC requirements in accordance with Art. 2.A.5, Pre-Application Conference (PAC) and Pre-Application Appointment (PAA). The Applicant shall have six months from the date of the issuance of the PAC written notification to submit the Concurrent Review application to the DRO. [Ord. 2018-002] [Ord. 2020-020]

3. Submittal to Other Agencies

Within ten days of submittal of the Concurrent Review Final Plan application to the DRO, the Applicant shall submit the Concurrent Review Plat application(s) to the Land Development Division or the Permit application(s) to the Building Division, based on the type of Concurrent Review. [Ord. 2018-002]

Section 5 Pre-Application Conference (PAC) and Pre-Application Appointment (PAA)

It is mandatory for the Applicants to meet with Staff prior to the official submittal of applications that are listed in Table 2.A.5, PAC and PAA to identify issues related to the proposed request(s), and ensure the requests are in compliance with the applicable Comprehensive Plan or Codes. [Ord. 2018-002]

Table 2.A.5 – PAC and PAA

PAC	PAA
Applications requesting an IRO (1)	PIA
Applications within the PRA (1)	Type 2 Variance
Concurrent Review (2)	Type 2 Waiver
-	Type 1 Waiver for Landscaping
-	Type 1 Variance
-	Zoning Confirmation Letter – Formal
-	WHP, AHP, and TDR
-	PO Deviations (3)
-	Existing native vegetation (4)

[Ord. 2018-002] [Ord. 2019-005] [Ord. 2021-023]

Notes:	
1.	A Conceptual Plan shall be submitted to be reviewed as part of a PAC application.
2.	Applicants shall indicate whether they have questions related to the request(s) for Staff to address before submitting for the Concurrent Review.
3.	The Zoning Director in consultation with the Applicant may determine a formal PAA is not required based on general discussions on this request. [Ord. 2019-005]
4.	Pursuant to Art 7.E, Existing Native Vegetation, Prohibited, and Controlled Plant Species, an Applicant shall meet with the Zoning Division and the Department of ERM prior to the submittal of an Application for a Development Permit to address the preservation of native vegetation on the affected site. [Ord. 2021-023]

A. Pre-Application Conference (PAC)

The purpose of the PAC is to provide the Applicant an opportunity to submit an application and a Conceptual Plan for review by the Zoning Division and other County Agencies. [Ord. 2018-002]

1. Applicant's Request and Responsibility

A PAC application shall include, but not limited to, the following: [Ord. 2005-002] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2017-025] [Ord. 2018-002]

a. Identification of the proposed uses as defined in Art. 4, Use Regulations; [Ord. 2018-002]
b. Identification of the requested processes; [Ord. 2018-002]
c. Application of Code requirements specific to the use(s) of the subject property; [Ord. 2018-002]
d. Review of the proposed Conceptual Plan for those applications in the IRO or PRA; and, [Ord. 2018-002]
e. Specific questions pertinent to the application for County Agencies to respond. [Ord. 2018-002]

2. Sufficiency and Insufficiency

The application shall follow the procedures as provided in Art. 2.B, Public Hearing Processes and Art. 2.C, Administrative Processes. [Ord. 2018-002]

3. Additional IRO and PRA Requirements

a. PAC Application

The PAC application shall identify and document any proposed Variances or Waivers; and include any previous BCC Conditions of Approval, if applicable. [Ord. 2010-005] [Ord. 2012-027] [Ord. 2018-002]

b. Conceptual Plan

The Conceptual Plan shall be prepared in compliance with the applicable type of plans pursuant to the Zoning Technical Manual, Title 2, Plans. The plan shall indicate and delineate the applicable items listed in the Table below: [Ord. 2010-005] [Ord. 2018-002]

Table 2.A.5.A – Conceptual Plan

Conceptual Plan Requirements	IRO	PRAs
Intensity or density.	✓	✓
Transect zones assigned to all land.	✓	✓
Vehicular and pedestrian circulation, including location of access points and interconnectivity to adjacent parcels, perimeter streets, internal street network including alleys.	✓	✓
General outline of building placement and building type, including any tenants 65,000 square feet or larger.	✓	
Pedestrian streetscape realm for all perimeter street frontages or required frontage types.	✓	✓
Pedestrian area for Main Street(s).		
Proposed or required mix of uses, including residential units, identifying whether or not such is horizontally or vertically integrated.	✓	✓
Location of any Conditional Uses, and outdoor uses such as Restaurant, Financial Institution with Drive-Through Facilities, Financial Institution Freestanding ATM, gasoline pumps and related queuing areas, outdoor dining areas, and required outdoor Day Care areas, among others. Where applicable, additional detail shall be required to demonstrate how such uses will be located behind buildings, or shielded from adjacent residential uses or perimeter streets.	✓	✓
Location of parking, loading, and service areas (dumpsters, etc.).	✓	✓
Required public open space or usable open space.	✓	✓
Green Building Incentive Program: Where applicable, include any site improvements that will be used towards an application for bonus height.		✓
[Ord. 2010-005] [Ord. 2010-022] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002]		

4. Review Summary

Within ten days after the date of the PAC, the DRO shall provide the Applicant with a written response to the Applicant's questions. [Ord. 2010-005] [Ord. 2018-002]

B. Pre-Application Appointment (PAA)

The purpose of a PAA is to provide the Applicant an opportunity to discuss the proposed request(s) with Zoning Division Staff prior to the official submittal of an application. [Ord. 2018-002]

1. Applicant's Request and Responsibility

The Applicant shall request the PAA and specify whether the attendance of the other County Agencies is required. Prior to the PAA, the Applicant shall specify the requests, prepare a list of questions related to the subject property, and provide a copy of relevant information regarding the proposed development to the DRO.

a. For a DOA application, it shall be the responsibility of the Applicant to research and review prior approved files, which includes but not limited to, plans, Resolutions, and other relevant documents prior to the PAA. [Ord. 2018-002]

b. For a PO Deviation application, it is the responsibility of the Applicant to complete the application including the Justification Statement, and provide a draft copy of these documents for review at the time of the PAA. [Ord. 2019-005]

Section 6 Zoning Application Procedures

All Zoning applications shall be submitted to the Zoning Division. Applications shall be reviewed for sufficiency prior to the initiation of review by the DRO, unless otherwise stated in this Code. It is recommended that applications that were subject to a review by the DRO under a PAC or PAA remain consistent with what was requested or discussed at the conference or appointment. Amendments to the application request(s) that are different from what was discussed at the PAC or PAA shall be documented in the Justification Statement of the application. [Ord. 2005-041] [Ord. 2018-002]

A. Zoning Application Requirements

Applications shall be submitted in a manner and forms established by the Zoning Division unless otherwise stated herein. The Applicant shall also provide additional application requirements specific to a zoning district, use, or process that are referenced in the applicable Sections of the ULDC. [Ord. 2005-041] [Ord. 2009-040] [Ord. 2018-002]

1. Justification Statement

Applicants shall provide a Justification Statement, which shall include but not limited to: [Ord. 2018-002]

a. Summary of the request(s) specifying the types of applications and approval processes; [Ord. 2018-002]
b. Project history with prior Resolutions, if applicable; [Ord. 2018-002]
c. Analyses of the applicable Standards pursuant to Art. 2.B, Public Hearing Processes and Art. 2.C, Administrative Processes; and, [Ord. 2018-002]
d. Any other pertinent information related to the subject property. [Ord. 2018-002]

B. Plan Requirements

All applications, excluding Comprehensive Plan Amendments and Privately Initiated Amendments, shall require the submittal of plan(s) to the DRO, except where indicated otherwise. The type of plan shall be based upon the type of application request(s), and shall be prepared to include graphics and tabular data consistent with the Zoning Technical Manual requirements, as amended. The plan shall provide sufficient information for the DRO to review in order to render comments on the application for compliance with the applicable standards pursuant to Art. 2.B, Public Hearing Processes and Art. 2.C, Administrative Processes. In addition, the plan shall be prepared in compliance with the following: [Ord. 2009-040] [Ord. 2015-006] [Ord. 2017-002] [Ord. 2018-002]

1. The Land Development Design Standards Manual (LDM) published and maintained by the Land Development Division; and [Ord. 2009-040] [Ord. 2018-002]
2. Plan labeling standards as follows, unless otherwise stated herein: [Ord. 2009-040] [Ord. 2018-002]
   a. Plans requiring BCC or ZC's approval shall be labeled "Preliminary." After the BCC or ZC approves the DOs, the DRO shall finalize the Preliminary Plans to ensure consistency with the approved DOs. These plans shall be labeled as Final Plans at the Final DRO approval process. [Ord. 2009-040] [Ord. 2018-002]
   b. Plans requiring DRO approval shall be labeled "Final." [Ord. 2009-040] [Ord. 2018-002]

3. Master Plan

The Master Plan shall be the controlling document for a PDD listed below. All development site elements including, but not limited to: ingress and egress, density, and intensity in the PDD shall be consistent with the Master Plan. All subdivisions and plats shall be consistent with the Master Plan. In cases of conflict between plans, the most recently approved BCC plan for those DOs that have no Final DRO plans, shall prevail. [Ord. 2009-040] [Ord. 2018-002]

a. Preliminary Master Plan (PMP) for Public Hearing Approval

The BCC shall approve a PMP for the following PDDs: PUD, PIPD, MHPD, RVPD, PDDs with an MLU or EDC Future Land Use designation, and a PUD within the Lion Country Safari (LCS) where the transfer of density from other PDDs within the LCS is proposed. The BCC may approve a PMP for an MUPD that utilizes more than one FLU designation in order to define location of uses and property development regulations. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2021-023]

1) Preliminary Site Plan (PSP) or Subdivision Plan (PSBP) Options

For a PUD application with no proposed subdivision, the Applicant may submit a PSP prior to certification for Public Hearing process, which includes but not limited to: layout of lots and buildings, ingress and egress, recreation areas, or exemplary design standards, if applicable for the purpose of the BCC's consideration. For a PUD with proposed subdivision of lots, the Applicant, may submit a PSBP pursuant to Preliminary Subdivision Plan. [Ord. 2009-040] [Ord. 2018-002]

2) **Lion Country Safari**
A PMP shall be required for any LCS PUD application that proposes to transfer density from the MUPD or RVPD in accordance with FLUE Objective 1.10, Lion Country Safari Overlay. All other plans within the LCS shall be consistent with the PMP. [Ord. 2011-016] [Ord. 2018-002]

b. Final Master Plan (FMP) for Public Hearing Processes
For applications with a PMP, the Applicant shall submit a FMP to the DRO for finalization of the BCC or ZC-approved DO(s). The FMP shall be prepared consistent with the BCC or ZC-approved PMP, and all modifications shall be approved by the BCC or ZC unless the proposed changes are required to meet Conditions of Approval or are in accordance with the ULDC, whichever is more restrictive. [Ord. 2009-040] [Ord. 2018-002]

4. Site Plan
The Site Plan shall be the controlling plan for Conditional Uses or PDDs listed below. All development site elements including, but not limited to: ingress and egress, density, and intensity in the proposed application shall be consistent with the Site Plan. All plats shall be consistent with the Site Plan. In cases of conflict between plans, the most recently approved BCC Preliminary Plan(s) for those DOs that have no Final Plan(s) shall prevail. [Ord. 2009-040] [Ord. 2017-007] [Ord. 2018-002]

a. Preliminary Site Plan (PSP)
The BCC shall approve a PSP for the following applications: Class A Conditional Use, MUPD and equivalent Previously Approved Planned Developments. The ZC shall approve a PSP for a Class B Conditional Use request. [Ord. 2009-040] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2021-023]

b. Final Site Plan (FSP) with Public Hearing Processes
After a PSP is approved by the BCC or ZC, the Applicant shall submit a FSP to the DRO for finalization of the BCC or ZC-approved DO(s). The DRO shall review the FSP for consistency with the PSP, applicable Code requirements, and BCC or ZC Conditions of Approval. All modifications to the PSP that are shown on the FSP must be approved by the BCC or ZC unless the proposed changes are required to meet Conditions of Approval or are in accordance with the ULDC, whichever is more restrictive. [Ord. 2009-040] [Ord. 2018-002]

c. Final Site Plan (FSP) for Administrative Approval
The DRO shall approve a FSP for: [Ord. 2009-040]
1) Any requests for uses that have a "D" in the Use Matrices in Art. 4, Use Regulations; or [Ord. 2009-040] [Ord. 2017-007] [Ord. 2018-002]
2) Any requests subject to Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, and where it specifies in Art. 3.B, Overlays. [Ord. 2009-040] [Ord. 2017-007] [Ord. 2018-002]

5. Subdivision Plan
The Subdivision Plan shall be the controlling plan for Conditional Uses that are subject to the subdivision process. All development site elements including, but not limited to: ingress and egress, density, and intensity in the proposed project, shall be consistent with the Subdivision Plan. In cases of conflict between plans, the most recently approved BCC Preliminary Plan(s) for those DOs that have no Final DRO plans shall prevail. All plans and plats shall be consistent. [Ord. 2009-040] [Ord. 2010-005] [Ord. 2017-007] [Ord. 2018-002]

a. Preliminary Subdivision Plan (PSBP) for Public Hearing Processes
The DRO shall review and certify a PSBP for any applications that are subject to the submittal requirement of a PMP, and which involves in the subdivision of land to be platted. The Applicant may submit a PSBP prior to certification for Public Hearing process, which includes but not limited to: layout of lots, exemplary design standards, ingress and egress, or density for the purpose of the BCC's consideration. [Ord. 2009-040] [Ord. 2018-002]

b. Final Subdivision Plan (FSBP) for Public Hearing Processes (Off-The-Board)
After a PSBP is approved by the BCC or ZC, the Applicant shall submit a FSBP for parcels of land that are subject to subdivision to the DRO for finalization of the BCC or ZC-approved DO(s).The FSBP shall be approved prior to submission of an application for a plat or other approval required by Art. 11, Subdivision, Platting, and Required Improvements. [Ord. 2009-040] [Ord. 2010-005] [Ord. 2018-002]

c. Final Subdivision Plan (FSBP) for Administrative Approval
The DRO shall approve a Final Subdivision Plan for: [Ord. 2009-040] [Ord. 2010-005]
1) Any subdivision of lots when the Zoning Director determines that it does not require the Public Hearing approval process. [Ord. 2009-040] [Ord. 2010-005]

d. Exception
A minor subdivision may be exempt from this Section subject to the approval of a Plat Waiver pursuant to Art. 11, Subdivision, Platting, and Required Improvements. [Ord. 2009-040]

6. Regulating Plans – Optional

When applicable, Regulating Plans shall provide a comprehensive graphic and written description of the project. [Ord. 2017-002]

a. Thresholds

Regulating Plan(s) may be submitted to the DRO for review and consideration under the following circumstances: [Ord. 2017-002] [Ord. 2018-002]

1) The Applicant may choose to provide design details to demonstrate the intent of the requests or the requests are in compliance with the Standards of the Code; [Ord. 2017-002]
2) Staff may recommend the submittal of the Regulating Plans due to the size and complexity of the application and site design; or, [Ord. 2017-002]
3) By a ZC or BCC Condition of Approval. [Ord. 2017-002]

b. Submittal Requirements

If submitted, the plans shall be prepared in accordance with the Submittal Requirements, and consistent with the format and naming requirements pursuant to the Zoning Technical Manual. Regulating Plans shall be drawn to scale or labeled with notes, specifications and dimensions, and shall include where applicable, the following: [Ord. 2017-002] [Ord. 2018-002]

1) Street cross sections, including sidewalks, bike lanes, street trees, on-street parking, and lighting; [Ord. 2009-040] [Ord. 2017-002] [Ord. 2018-002]
2) Typical lot layouts for each housing type, including building envelope, screen enclosure/pool setbacks, and driveway access; [Ord. 2009-040] [Ord. 2017-002] [Ord. 2018-002]
3) Landscape buffer and interior landscaping details (plan view and cross section); [Ord. 2009-040] [Ord. 2017-002] [Ord. 2018-002]
4) Pedestrian circulation in accordance with Art. 3.E, Planned Development Districts (PDDs); [Ord. 2009-040] [Ord. 2017-002] [Ord. 2018-002]
5) Phasing pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval; [Ord. 2009-040] [Ord. 2010-005] [Ord. 2017-002] [Ord. 2018-002]
6) Screening details; and, [Ord. 2009-040] [Ord. 2017-002] [Ord. 2018-002]
7) Neighborhood parks. [Ord. 2009-040] [Ord. 2017-002] [Ord. 2018-002]

c. Other Plans

All other plans, including but not limited to: Phasing, Pedestrian, or Vehicular Circulation, shall be submitted as Regulating Plans and labeled with the applicable name specifying the nature of the plan(s). Refer to the Zoning Technical Manual for examples. [Ord. 2018-002]

7. Landscape-Related Plans

Art. 7, Landscaping, identifies different types of landscape-related plans that are reviewed by the DRO for a final decision: Planting Plan, Landscape Plan, and Alternative Landscape Plan (ALP). All plans shall be prepared consistent with the approved Master, Site, or Subdivision Plan. Application requirements, labeling of plans, and approval procedures for the landscape-related plans shall be consistent, where applicable, with Art. 2.A.6.B, Plan Requirements and the Zoning Technical Manual, and Art. 7, Landscaping. All types of Landscape Plans shall be submitted at Building Permit, unless required to be submitted at Final Approval by the DRO through a Condition of Approval. The following Table summarizes the different types of plans, applicability, and approval authority. [Ord. 2009-040] [Ord. 2016-042] [Ord. 2018-002]

Table 2.A.6.B – Landscape-Related Plans

Type of Landscape Plan	Additional Plan Requirements	Applicability	Approval of Plan(s)	Authority
Planting Plan (6)	**Identify number, location, height, and species of required trees, palms or pines, and shrubs (4)**	**Single Family**	(1)	DRO
		Two-unit Townhouse		
		A lot with two MF units		
		Vacant lots within 120 days of demolition		
Landscape Plan	**Identify number, location, height, and species of required trees, palms or pines, and shrubs. (4)**	**Non-residential developments**	(1)(3)	DRO
		A lot with more than two MF units	(1)(3)	DRO
		Common areas of PUD	(1)(3)	DRO
		Variance	(1)(3)	ZC
		Type 2 Waiver	(1)(3)	BCC
		Type 1 Waiver	(1)(3)	DRO
ALP	**Identify number, location, height, and species of required trees, palms or pines, and shrubs. (4)**	**(2)(5)**	(1)(3)	DRO

[Ord. 2016-042] [Ord. 2018-002]

Notes:

1.	Approval of Plan(s) must be completed prior to the issuance of a Building Permit, unless it is required to be approved at Final DRO by a Condition of Approval.
2.	Applicant may submit the ALP concurrent with the DO application to garner support of the Waiver request(s). The ALP may be required as a Condition of Approval by the ZC, BCC, or DRO.
3.	Landscape Plan(s) and ALP (except Planting Plan) shall be signed and sealed by a Florida-licensed professional Landscape Architect prior to the approval of a Building Permit. [Ord. 2020-001]
4.	A Vegetation Disposition Chart may apply to all of the landscape-related plans, where a Site has existing native vegetation, even if no Waivers or Variances are being requested. Refer to the Technical Manual, Title 3, Landscape for the Vegetation Disposition Chart. [Ord. 2020-001]
5.	An ALP may be submitted by the Applicant concurrently with a Waiver request to modify Landscape standards. The DRO may determine that the Waiver for Landscape requirements pursuant to Art. 7, Landscaping could be shown on a Site, Subdivision, or Regulating Plan in lieu of an ALP.
6.	May be approved by the Building Division. The amount of required plant material shall be indicated on the applicable Building Division submittal form and installed prior to issuance of CO.

8. Sign Plans

Art. 8, Signage, identifies two types of sign plans that are reviewed by the DRO for a decision: Master Sign Plan and Alternative Sign Plan (ASP). All plans shall be prepared consistent with the approved DO, Art. 8, Signage, and Art. 2.A.6.B, Plan Requirements. The DRO may allow the proposed signs be shown on a Site, Subdivision, or Regulating Plan, whichever is most applicable. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2016-042] [Ord. 2018-002]

a. Thresholds

1) The Applicant may submit a PMSP to the BCC or ZC for consideration and a decision. The BCC or ZC may impose a Condition of Approval on the proposed signs. [Ord. 2018-002]
2) The Applicant shall submit a Preliminary ASP for Sign Variances or Waivers to the ZC or BCC for consideration and a final decision. [Ord. 2018-002]
3) The Applicant shall submit the FMSP at Final DRO or at Building Permit review. [Ord. 2018-002]

Section 7 Sufficiency Review

The DRO shall determine whether the application is sufficient or insufficient by reviewing the required information provided in the application, and any additional data necessary to evaluate the application. Sufficiency review procedures specified in other Articles applicable to particular County Agencies may supersede these provisions, unless stated otherwise. Applications shall be subject to the requirements of Art. 2.B.2, Sufficiency Review for Public Hearing processes and Art. 2.C.2, Sufficiency Review for Administrative processes. [Ord. 2005-041] [Ord. 2011-016] [Ord. 2018-002] [Ord. 2020-001]

Section 8 Review and Decision

All Zoning applications subject to the Public Hearing process shall be reviewed and processed pursuant to Art. 2.B, Public Hearing Processes. Applications that are subject to Administrative Approval shall be reviewed and processed pursuant to Art. 2.C, Administrative Processes. [Ord. 2018-002]

Section 9 Development Order Abandonment (ABN)

Abandonments of DOs that were approved by the BCC or ZC shall be subject to the requirements indicated in Art. 2.B, Public Hearing Processes. Abandonments of DOs approved by the DRO shall be subject to the requirements indicated in Art. 2.C, Administrative Processes. [Ord. 2018-002]

Section 10 Postponement, Remand, Suspension of Development Review, Withdrawal, and Denial of Application

A. Postponement and Remand

Postponement or remand of applications that were subject to the final decision of BCC or ZC shall be subject to the requirements indicated in Art. 2.B, Public Hearing Processes. Applications that are subject to the final decision by the DRO shall be subject to the requirements indicated in Art. 2.C, Administrative Processes. [Ord. 2018-002]

B. Suspension of Development Review

An application for a DO may be suspended during the pendency of a Code Enforcement proceeding pursuant to Art. 10, Enforcement, or for any Code violation involving all or a portion of the land proposed for development, unless it is demonstrated in writing by the Applicant that suspension of development review processing could be adverse to the public interest. [Ord. 2018-002]

C. Withdrawal

The Applicant shall have the right to withdraw an application for a DO at any time prior to the final action on the application by the Decision Making Body or Person. Requests for withdrawal received by the PBC Official responsible for reviewing the application five days prior to a hearing or review date shall be granted without prejudice. Thereafter, the Decision Making Body or Person may make a motion on the application for withdrawal with or without prejudice. Withdrawal with prejudice prohibits the filing of a successive application, which is not materially different, as defined in this Section, for one calendar year. [Ord. 2018-002] [Ord. 2020-020]

D. Denial of Application

1. Denial

When an application is denied with prejudice, an application for a DO for all or a part of the same land shall not be considered for a period of one year after the date of denial. Denial with prejudice prohibits the filing of a successive application, which is not materially different, as defined in this Section, for one calendar year. [Ord. 2018-002]

2. Exceptions

The subsequent application involves a development proposal that is materially different from the prior proposal. For the purposes of this Section, an application for a Development Permit DO shall be considered materially different if it involves a change in intensity or density of 25 percent or more. [Ord. 2018-002]

3. Reconsideration

A majority of the members on the prevailing side of the Decision Making Body that made the final decision on the application determines that the prior denial was based on a material mistake of fact.

Section 11 Violation of Condition of DO

A violation of any condition in a DO shall be considered a violation of this Code. [Ord. 2018-002]

A. The violation shall be rectified prior to any public hearing, public meeting, or DRO review on the issuance of any subsequent DO for that project, unless the subsequent application seeks to amend the condition that has been violated. Unless otherwise specified in the DO, an approved use must comply with all conditions prior to implementing the approval. [Ord. 2020-020]

B. The violation shall be subject to any and all enforcement procedures available as provided by Art. 10, Enforcement and by all applicable laws and Ordinances.

Section 12 Outstanding Liens or Fines

A. General

Applications for properties that have outstanding liens or fines owed to PBC shall be restricted as follows: [Ord. 2018-002]

1. Applications Subject to Public Hearing Processes

The approving Decision Making Body shall impose a Condition of Approval requiring the payment of any outstanding liens or fines by a date certain or prior to a specific event; and [Ord. 2009-040] [Ord. 2018-002] [Ord. 2020-020]

2. Applications Subject to Administrative Processes

The DRO shall not approve the application until the payment of any outstanding liens or fines. [Ord. 2017-007] [Ord. 2018-002] [Ord. 2020-020]

B. Contest by the Applicant

In the event litigation contesting the validity of the lien or fine is initiated prior to the application for the DO, the time for payment shall be established only after the conclusion of litigation. In this case, a condition shall be in place that requires the owner/developer to notify the County Attorney at Final Order, and if the lien is upheld, payment of the lien shall occur 35 days after the Final Order. [Ord. 2020-020]

Section 13 Misrepresentation

If there is evidence that an application was considered wherein there was misrepresentation, fraud, deceit, or a deliberate error of omission, the PBC Official responsible for the application shall initiate a rehearing to reconsider the DO. The applicable Authority shall approve, approve with new conditions, or deny the DO at the rehearing based on the applicable Standards. If evidence of misrepresentation, fraud, deceit, or a deliberate error of omission is discovered during the application review and approval process, the application shall be decertified and remanded to DRO for a re-review based on resubmitted information. [Ord. 2018-002]

Section 14 Appeal

A. General

Appeals from Decision Making Bodies and Officials shall be conducted as set forth in this Section unless stated otherwise herein. [Ord. 2011-016] [Ord. 2018-002]

B. Judicial Relief

1. Appeal of BCC Decision

Any Person aggrieved by a decision of the BCC on an application for a DO or Status Report may apply for judicial relief by the filing of a Petition for Writ of *Certiorari* in the Circuit Court of the 15th Judicial Circuit in and for PBC, Florida, within 30-calendar days of the date the Zoning Resolution is filed with the Clerk of the Circuit Court. [Ord. 2018-002]

2. Appeal of Hearing Officer and ZC Variance Decisions

Any Person aggrieved by a decision of the Hearing Officer or the ZC on an application for a Type 2 Variance may apply for judicial relief by the filing of a Petition for Writ of *Certiorari* in the Circuit Court of the 15th Judicial Circuit in and for PBC, Florida, within 30-calendar days of the decision. [Ord. 2006-036] [Ord. 2018-002]

C. Non-Judicial Relief

1. Standards

a. Filing Time

The appeal by the Applicant shall be filed within 20 days after the notice indicating the decision is mailed to the Applicant, unless stated otherwise. A written request for the appeal shall state the grounds for the objection and use established forms and procedures. [Ord. 2011-016] [Ord. 2018-002]

b. Notification

The applicable PBC Official responsible for the decision or an interpretation shall mail a written notification containing the date, time, and place of the appeal hearing to the Applicant, at least ten days prior to the hearing. [Ord. 2011-016] [Ord. 2018-002]

2. Processes

a. Class B Conditional Use

Any Person aggrieved by the decision of the Zoning Commission regarding a Class B Conditional Use may appeal that decision to the BCC according to the following: [Ord. 2011-016]

1) The BCC shall consider the appeal petition within 60 days of its filing. [Ord. 2011-016]
2) At the hearing, the BCC shall provide the petitioner, the Applicant (if the Applicant is not the petitioner), any Person who appeared before the ZC, and PBC Staff an opportunity to present arguments and testimony. [Ord. 2011-016]
3) In making its decision, the BCC shall consider only the record before the ZC at the time of the decision, and the correctness of the findings of fact or any specific Condition of Approval imposed by the ZC. The notice and hearing provisions for a Class A Conditional Use shall govern the appeal. [Ord. 2011-016]
4) The BCC shall reverse the decision of the ZC only if there is substantial competent evidence in the record before the ZC that the decision failed to comply with the standards of Art. 2.B.7.B.2, Standards. [Ord. 2011-016]

b. Administrative DO

Any Person seeking a DO approval from the DRO, except for Type 1 Waivers, may appeal that decision, including any Conditions of Approval, to the Hearing Officer according to the following: [Ord. 2005-002] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002] [Ord. 2021-023]

1) The Hearing Officer shall consider the appeal petition within 60 days of its filing or a date agreed upon by the Applicant and the DRO. The Zoning Division shall coordinate and establish the date for the hearing. [Ord. 2011-016] [Ord. 2021-023]
2) The Hearing Officer may reverse or affirm or modify the decision, including any Conditions of Approval, of the DRO. [Ord. 2011-016] [Ord. 2018-002] [Ord. 2021-023]
3) At the hearing, the Hearing Officer shall only consider testimony and argument relating to the application, supporting documentation, and any Staff Report or documentation presented at the time of the DRO decision, including any Conditions of Approval. [Ord. 2011-016] [Ord. 2018-002] [Ord. 2021-023]
4) The decision, including any Conditions of Approval, of the DRO shall be presumed correct and the Person seeking the appeal shall have the burden of demonstrating error. The Hearing Officer shall defer to the discretion of the DRO in interpreting this Code and shall not modify or reject the interpretation if it is supported by substantial competent evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map. [Ord. 2011-016] [Ord. 2018-002] [Ord. 2021-023]

c. Temporary Use

Any Person aggrieved by a decision of the DRO regarding a Temporary Use may appeal that decision to the Hearing Officer according to the following: [Ord. 2006-036] [Ord. 2011-016] [Ord. 2018-002]

1) The DRO shall coordinate and establish the date for the Hearing Officer to consider the appeal which shall be within 40 days of the filing of the appeal. [Ord. 2011-016] [Ord. 2018-002]
2) The Hearing Officer may reverse or affirm or modify the decision of the DRO. [Ord. 2011-016] [Ord. 2018-002]
3) At the hearing, the Hearing Officer shall only consider testimony and argument relating to the application, supporting documentation, and any Staff Report or documentation presented at the time of the DRO's decision. [Ord. 2011-016] [Ord. 2018-002]
4) The decision of the DRO shall be presumed correct and the Person seeking the appeal shall have the burden of demonstrating error. The Hearing Officer shall defer to the discretion of the DRO in interpreting the ULDC and shall not modify or reject the interpretation if it is supported by substantial competent evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map. [Ord. 2011-016] [Ord. 2018-002]

a) Adult Entertainment

The appeal process is set forth in Art. 4.B.2.C.1.d, License per Palm Beach County Adult Entertainment Code. [Ord. 2018-002]

d. Interpretations

The Person who sought the interpretation may appeal that interpretation to the Hearing Officer, unless stated otherwise, according to the following: [Ord. 2006-036] [Ord. 2011-016]

1) The Agency responsible for the interpretation shall coordinate and establish the date for the Hearing Officer to consider the appeal which shall be within 40 days of the filing of the appeal or a date agreed upon the Applicant and Agency Staff. [Ord. 2011-016]
2) The Hearing Officer may reverse or affirm or modify the interpretation. [Ord. 2006-036] [Ord. 2011-016]
3) At the hearing, the Hearing Officer shall only consider testimony and argument relating to documentation submitted by the Person seeking the interpretation, and any Staff Report or documentation presented at the time of the interpretation. [Ord. 2011-016]
4) The interpretation shall be presumed correct and the Person seeking the appeal shall have the burden of demonstrating error. The Hearing Officer shall defer to the discretion of the applicable authority in interpreting the ULDC and shall not modify or reject the interpretation if it is supported by substantial competent evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map. [Ord. 2011-016]

e. Type 1 Variance Decisions

Any Person aggrieved by a decision of the DRO on an application for a Type 1 Variance may appeal to the Hearing Officer according to the following: [Ord. 2006-036] [Ord. 2011-016] [Ord. 2018-002]

1) The Zoning Division shall coordinate and establish the date for the Hearing Officer to consider the appeal which shall be within 40 days of the filing of the appeal or a date agreed upon the Applicant and Zoning Staff. [Ord. 2011-016]
2) The Hearing Officer may reverse or affirm or modify the decision. [Ord. 2011-016]
3) At the hearing, the Hearing Officer shall only consider testimony and argument relating to the application, supporting documentation, and any Staff Report or documentation presented at the time of the Zoning Director's decision. [Ord. 2011-016]
4) The Zoning Director's decision shall be presumed correct and the Person seeking the appeal shall have the burden of demonstrating error. The Hearing Officer shall defer to the discretion of the Zoning Director in interpreting the ULDC and shall not modify or reject the interpretation if it is supported by substantial competent evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map. [Ord. 2011-016]

f. Type 1 Waiver

1) URAO

Any Person seeking a URAO Type 1 Waiver from the DRO may appeal that decision to the BCC pursuant to the procedures in Art. 2.A.14.C.2.a, Class B Conditional Use. [Ord. 2011-016] [Ord. 2018-002]

2) Other Type 1 Waivers

Any Person seeking a Type 1 Waiver, except for URAO, may appeal that decision to the Zoning Commission subject to the following: [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

a) The ZC shall consider the appeal petition within 60 days of its filing. [Ord. 2011-016]
b) At the hearing, the ZC shall provide the petitioner, the Applicant, and PBC Staff an opportunity to present arguments and testimony. [Ord. 2011-016]
c) The ZC shall consider only the evidence presented to County Staff at time of the decision and the correctness of findings of fact or any condition imposed by the DRO. [Ord. 2011-016]
d) The ZC shall modify or reject only if substantial evidence is contrary to the Plan, ULDC, or Official Zoning Map. [Ord. 2011-016]

CHAPTER B PUBLIC HEARING PROCESSES

Section 1 Purpose

To establish procedures and standards for:

A. Sufficiency determination of applications that are subject to the Public Hearing processes; [Ord. 2018-002]
B. Submittal, Review, Resubmittal, and Certification of applications that are subject to Table 2.A.2.C, Board of County Commissioners – Legislative and Quasi-Judicial Processes, and Table 2.A.2.C, Zoning Commission – Quasi-Judicial Processes; [Ord. 2018-002]
C. Public notification as mandated by the Florida Statutes, and courtesy notification provided by the County; [Ord. 2018-002]
D. Preparation of Staff Reports and recommendations to the Decision Making Bodies; [Ord. 2018-002]
E. Scheduling and Conduct of Hearings; and, [Ord. 2018-002]
F. Final decision by the BCC or ZC pursuant to Art. 2.G, Decision Making Bodies. [Ord. 2018-002]

Section 2 Sufficiency Review

A. Sufficiency

The DRO shall ensure the applications meet all Submittal requirements and the requests are consistent with Art. 2.A, General and the Zoning Technical Manual. If the application is determined to be sufficient by the DRO, the DRO shall provide the written notification to the Applicant and the application shall be distributed to the applicable County Agencies for review pursuant to the procedures and standards of this Article. [Ord. 2005-041] [Ord. 2018-002] [Ord. 2020-001]

B. Insufficiency

If an application is determined to be insufficient pursuant to the Zoning Technical Manual, the DRO shall provide written notification to the Applicant specifying the deficiencies. The notification shall be forwarded to the Applicant within 30-calendar days from the date of the Application Submittal. [Ord. 2018-002] [Ord. 2020-001]

1. No further action shall be taken on the application until the deficiencies are remedied. [Ord. 2018-002]
2. The Applicant shall address all insufficiencies no more than 30-calendar days after the application was determined to be insufficient, and resubmit the application on the Submittal date. [Ord. 2018-002] [Ord. 2020-001]
3. If the application is amended and determined to be sufficient by the DRO, the application shall be processed for review. [Ord. 2018-002]
4. If the deficiencies are not remedied, the DRO shall issue a second written notification to the Applicant indicating the application shall be considered withdrawn unless a written request for a time extension has been submitted and approved by the Zoning Director, pursuant to Art. 2.B.2.C, Time Extension. [Ord. 2018-002] [Ord. 2020-001]

C. Time Extension

The Applicant may submit a written request for an extension of time to the Zoning Director should additional time be required to address deficiencies of the application. Such request shall be submitted to the Zoning Director no later than five days after the issuance of the second Insufficiency notification. [Ord. 2018-002] [Ord. 2020-001]

D. Administrative Withdrawal

If the Applicant fails to address the insufficiencies or request and receive a time extension, it may result in an Administrative withdrawal of the application. [Ord. 2018-002] [Ord. 2020-001]

Section 3 General

The DRO shall coordinate the review of applications with all the applicable Agencies based on the request(s), and in accordance with Table 2.A.2.C, Board of County Commissioners – Legislative and Quasi-Judicial Processes, and Table 2.A.2.C, Zoning Commission – Quasi-Judicial Processes. For a PO Deviation application, the Applicant shall be responsible to coordinate the review of the application with the applicable Agencies. The application(s) shall be assigned by the DRO to be reviewed through the Full DRO, which consists of all applicable County Agencies. An Applicant may also request a Concurrent Review by the DRO. [Ord. 2018-002] [Ord. 2019-005]

Section 4 Review, Resubmittal, and Certification

Review of an application shall be initiated by the DRO on the date it is deemed sufficient. The deadlines for Staff comments, Resubmittal by the Applicant, and Certification shall be indicated on the Annual Zoning Calendar. [Ord. 2018-002] [Ord. 2020-001]

A. Exception for PO Deviations

PO Deviations shall be submitted to the Zoning Division on the Application Submittal date. Sufficiency review is completed by the DRO to ensure the request complies with Art. 2.B.7.G, Public Ownership (PO) Deviations and PPM #ZO-O-063. The Zoning Division is only responsible for ensuring the correct allowable deviations are being requested and placing the application and Staff summary on a BCC Zoning Agenda. PO Deviations, pursuant to Art. 11, Subdivision, Platting, and Required Improvements, shall be submitted directly to the County Engineer for review. [Ord. 2019-005] [Ord. 2020-001]

B. Review

Staff review shall be based on applications that are deemed sufficient, and any subsequent resubmittals. The DRO shall prepare a list of issues and comments and make it available to the Applicant. The Applicant shall provide a written response and revised documents(s), if applicable, addressing all outstanding issues and comments on the Resubmittal date indicated on the Annual Zoning Calendar. The written responses and revised document(s) shall address the issues and comments prepared by Staff and shall not significantly modify the application that was determined to be sufficient. [Ord. 2018-002] [Ord. 2020-001]

1. Significant modifications shall include, but not limited to the following: [Ord. 2020-001]
   a. Additional requests to the application. [Ord. 2020-001]
   b. Modifications to the site layout or resubmitted document(s) that would require new review of the document(s) or impact the timing of a final decision by the ZC or BCC. [Ord. 2020-001]
2. If the DRO determines that the revised requests and documents are significantly modified from the original request that was determined to be sufficient, the DRO shall provide a written notification to the Applicant describing what changes significantly modified the application. The Applicant shall: [Ord. 2020-001]
   a. revise the requests and modify plans to eliminate the significant modification; [Ord. 2020-001]
   b. submit a written request for a time extension to the Zoning Director to determine if the application is still sufficient or if a new sufficiency review is required. Both parties may agree to a reasonable request for an extension of time; or, [Ord. 2020-001]
   c. request withdrawal of the application. [Ord. 2020-001]

C. Non-Certification

If the revised document(s) fail to address all listed outstanding issues and comments, the DRO shall issue a Result List indicating that the application is not certified. [Ord. 2018-002] [Ord. 2020-001]

1. Resubmittal Requirements

The Applicant shall provide a written response, addressing all outstanding issues and comments for those applications that are not certified, in a manner and form acceptable to the DRO. The revised document(s) shall be submitted on the Resubmittal date as established on the Annual Zoning Calendar. [Ord. 2005-041] [Ord. 2008-003] [Ord. 2018-002] [Ord. 2020-001]

2. Time Extension

Applicants who have applications for a DO that are not certified within 120-calendar days of Sufficiency determination by the DRO, must submit a written request and receive approval for an extension of time from the Zoning Director within the 120-calendar day deadline. Both parties may agree to a reasonable request for an extension of time. [Ord. 2020-001]

D. Certification

1. If the resubmitted document(s) satisfy Code requirements and address the DRO's list of outstanding issues and comments, the DRO shall issue a written notification indicating the certification of the application. [Ord. 2018-002] [Ord. 2020-001] [Ord. 2020-020]
2. If the Applicant fails to address the listed outstanding issues and comments within the 120-calendar day deadline, and fails to request and receive approval for a reasonable request for an extension of time, from the Zoning Director, within the 120-calendar day deadline, the application shall be scheduled to proceed to a public hearing to comply with the timeframes enumerated in the F.S. An Applicant may receive a recommendation of denial from Staff for failure to comply with the Standards pursuant to Art. 2.B.7, Types of Applications, including the outstanding issues and comments provided by Staff. [Ord. 2020-001]

E. Application Modification after Certification

Applications shall not be significantly modified after certification, unless requested or agreed to by the DRO. Significant modifications to the certified plan(s) and application(s) within ten days of a scheduled public

hearing date shall result in a postponement, when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. For the purposes of this Article, a modification shall be considered significant if it exceeds 30 percent or more change from the certified plan or application request. The DRO may consider, but not limited to: intensity, density, land area, or vehicular use areas, to determine whether the certified plans or documents exceed the 30 percent threshold. [Ord. 2005-002] [Ord. 2018-002] [Ord. 2020-001]

Section 5 Notification

A. Applicability

Notice of proposed Zoning applications shall be provided as pursuant to the terms of this Section. [Ord. 2011-016] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-025] [Ord. 2018-002] [Ord. 2023-020]

1. Public Hearings

Zoning applications subject to Zoning Commission and Board of County Commissioners Public Hearings shall require Public Notice, Courtesy Notice, and Sign Posting pursuant to this Section. Type 1 Variance notification consists of Courtesy Notice and Sign Posting with no Public Notice requirement. [Ord. 2023-020]

2. Administrative Inquiry

Administrative Inquiry related to a specific development or parcel and not for general direction on a topic requires Courtesy Notice only. [Ord. 2023-020]

3. Mobile Home Park Redevelopment

Proposed redevelopment of occupied Mobile Home Parks requires additional Sign Posting over and above the Notification required by this Section. See Additional Sign Notification Requirements for Redevelopment of Mobile Home Parks within this Section. [Ord. 2023-020]

4. Golf Course Redevelopment

Proposed redevelopment of golf courses within PDDs requires additional Courtesy Notice and Sign Posting over and above the Notification requirements of this Section. See Courtesy Notice in Art. 3.E, Planned Development Districts (PDDs). [Ord. 2023-020]

B. Public Notice

Public hearing public notice shall meet the requirements of F.S. § 125.66 and F.S. ch. 50, as amended from time to time [Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2023-020]

C. Courtesy Notice

A copy of such notice shall be kept available for public inspection during regular business hours at the office of PZB. Courtesy notices shall be mailed a minimum of 15-calendar days prior to the date of the first public hearing by first class mail with an ability to confirm delivery, properly addressed and with postage paid. [Ord. 2023-020]

1. Applicability and Mailing Boundary

a. Property Owners

A courtesy “notice” of a proposed Zoning application shall be sent to all owners of real property located within 500 feet of the boundary of the subject site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1,000 feet of the boundary of the subject site in the Exurban and Rural Tiers, whose names and addresses are known by reference to the latest published *ad valorem* tax records of PBC Property Appraiser, except that when real property consists of a condominium, the courtesy notice shall be given to the condominium association and all real Property Owners living within 500 feet. If the area within 500 feet is owned by the Applicant or partner in interest, the 500-foot notification boundary shall be extended from these parcels. Notification shall be sent to each owner as the ownership appears on the last approved tax roll. Administrative Inquiry Courtesy Notice is limited to Inquiries related to a specific development or parcel and not for general direction on a topic. [Ord. 2023-020]

b. POAs and Cooperatives

All POAs and cooperatives located within 500 feet of the boundary of the subject site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1,000 feet of the boundary of the subject site in the Exurban and Rural Tiers, shall be notified. The Applicant shall provide the list of all condominium associations, POAs, HOAs, or equivalent within the boundaries. [Ord. 2023-020]

c. Municipalities and Counties

All municipalities and counties within one mile of the boundary of the subject site shall be notified. If a site is located within a future annexation area as identified in a municipality’s comprehensive plan, the associated municipality shall be notified. [Ord. 2023-020]

2. Postponements

All applications postponed for three or more consecutive hearings shall require the Applicant to provide a new courtesy notice pursuant to this Section. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2018-002] [Ord. 2023-020]

3. Notice Content

Courtesy notices shall include the following information: [Ord. 2011-016] [Ord. 2018-002]

a. A general summary of the application; [Ord. 2011-016] [Ord. 2018-002]
b. A date, time, and place for the Public Hearing(s) or the Public Meeting(s) for Type 1 Variance; [Ord. 2011-016] [Ord. 2018-002]
c. A general location map of the subject property; [Ord. 2011-016] [Ord. 2018-002]
d. A statement indicating that interested parties may appear at the Public Hearing or the Public Meeting for the Type 1 Variance to be heard regarding the request; and, [Ord. 2011-016] [Ord. 2018-002]
e. For PO Deviations, the notice shall state the name, phone number, address, and email address of the Applicant. Responses to any letters from interested parties shall be mailed directly to the Applicant, and the Applicant shall be responsible for notifying the BCC of the responses to the notification at the Public Hearing when the item is discussed. [Ord. 2019-005]

4. Failure to Receive Courtesy Notice

Failure to receive a notice shall not be deemed a failure to comply with Art. 2.B.5, Notification, or be grounds to challenge the validity of any decision made by the approving authority. [Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]

D. Signs

1. The land subject to the application shall be posted with a notice of the public hearing by the Applicant on a sign meeting standards and specifications issued by the County at least 15-calendar days in advance of any public hearing. The Applicant shall submit photographs and a written affidavit confirming the signs have been posted. One sign shall be posted for each 250 feet of frontage, or a fraction thereof, along a street up to a maximum of ten signs. All signs shall be: [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2016-016] [Ord. 2018-002] [Ord. 2023-020]
   a. Evenly spaced along the street when more than one sign per property is required; [Ord. 2011-016] [Ord. 2012-003] [Ord. 2018-002]
   b. Set back no more than 25 feet from the property line; and, [Ord. 2011-016] [Ord. 2018-002]
   c. Erected in full view by the public. [Ord. 2011-016] [Ord. 2018-002]

   Signs shall be posted in a location acceptable to the Zoning Director where the land does not have significant frontage on a street. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the BCC. The Applicant shall ensure the signs have been removed no later than five days after the final hearing. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2023-020]

2. Additional Sign Notification Requirements for Redevelopment of Mobile Home Parks

The purpose of this Section is to provide additional notice to a prospective purchaser of a Mobile Home in a Mobile Home Park that has either applied for or received an approval to redevelop the property, potentially to another use. Should a person decide to purchase any Mobile Home in this park, he or she may be required to bear the cost of removing the Mobile Home to another suitable location. An application for a DO that will result in the redevelopment of an existing occupied Mobile Home Park, shall be subject to the following additional notification requirements: [Ord. 2017-025]

a. Standards for Notification

In addition to the sign requirements above, the following additional requirements shall apply: [Ord. 2017-025]

1) The Applicant shall post signs within 30 days of an application being deemed sufficient. [Ord. 2017-025]
2) Signs shall be prepared by the Applicant using information provided by the Zoning Division, consistent with the requirements of the Zoning Technical Manual, and at a minimum shall be posted in English, Creole, and Spanish, to include the following specific text: “This mobile home park has applied for or has received an approval to redevelop the property, potentially to another use. Should you decide to purchase any mobile home in this park, you may be required to bear the cost of removing the mobile home to another suitable location.” [Ord. 2017-025]

3) One sign shall be posted for each 250 feet of frontage, evenly spaced, along a street up to a maximum of five signs, and where applicable at the entrance to any park management offices and recreational facilities. [Ord. 2017-025]
4) Signs shall remain posted until such time as the application is approved, denied, or withdrawn. [Ord. 2017-025]

b. Standards Applicable to Redevelopment Approvals

Upon approval, the above public information signs shall be updated and reposted in accordance with the following: [Ord. 2017-025]

1) The signs shall be posted within 30 days of a Zoning application approval, in accordance with the information above, including number, spacing, location, and language, to include the following text: "This mobile home park has been approved for (specific use). Should you decide to purchase any mobile home in this park, you may be required to bear the cost of removing the mobile home to another suitable location." [Ord. 2017-025]
2) The signs shall be maintained until such time as all Mobile Home units within the affected development area have been removed from the park, or the approval is abandoned. [Ord. 2017-025]

c. Compliance with Notice Requirement

The owner of the Mobile Home Park shall be required to submit the form Affidavit of Installation of Notification Signs substantiating that such signage is consistently being maintained, on a quarterly basis, as follows: [Ord. 2017-025]

1) To the Zoning Division, for signs required under Art. 2.B.5.D.2.b.1) above; and [Ord. 2017-025]
2) To the Monitoring and Compliance Section of the Planning Division, for signs required under Art. 2.B.5.D.2.b.2) above. [Ord. 2017-025]

E. Public Notice of County Initiated Applications

The County shall provide written notification to each Property Owner of property subject to a County Initiated Zoning application to revise the zoning district on the Official Zoning Map a minimum of 30-calendar days prior to the first public hearing. [Ord. 2023-020]

F. Exceptions to Courtesy Notice and Sign Posting

The courtesy mailing notice and sign posting notice requirements shall not apply to a County Initiated Zoning application provided that the Public Notice requirements of this Section and F.S. § 125.66 and F.S. ch. 50 are met, and shall not apply to ABN and Corrective Resolutions. The sign posting notice requirements shall not apply to PO Deviations and Administrative Inquiries. [Ord. 2023-020]

Section 6 Public Hearing Procedures

A. Scheduling

Once an application has been certified by the DRO, the DRO shall schedule a public hearing in accordance with the dates established on the Annual Zoning Calendar and pursuant to F.S. § 125.022. [Ord. 2018-002] [Ord. 2020-001] [Ord. 2023-020]

1. Number of Hearings

Both the ZC and the BCC shall hold at least one public hearing on applications that are subject to the Public Hearing processes, unless otherwise stated herein. [Ord. 2018-002]

2. County Initiated Official Zoning Map Amendment

The ZC shall hold at least one public hearing and the BCC shall hold two public hearings on a proposed amendment to the boundaries of the Official Zoning Map for PBC-initiated applications consisting of ten or more contiguous acres of land. [Ord. 2018-002] [Ord. 2023-020]

3. PO Deviations

The application for public hearing shall be placed on the next available BCC Zoning Hearing for which the public notice requirements can be satisfied. [Ord. 2019-005] [Ord. 2023-020]

B. Staff Report and Recommendation

The DRO or the PBC Official responsible for reviewing the application shall prepare a report for each application. The DRO shall incorporate the analysis and Conditions of Approval of the Agencies who are responsible for reviewing the application, and a recommendation of approval, approval with conditions, or denial based on the applicable Standards. The report shall be made available to the public at least seven-calendar days prior to the hearing date. [Ord. 2018-002] [Ord. 2023-020]

1. PO Deviations

The Applicant is responsible for preparing a Staff Report and recommendation. The report shall include an analysis of the request and Standards, as described in Art. 2.B.7.G, Public Ownership (PO)

Deviations, including any proposed Conditions of Approval. The report shall be available to the public at least seven-calendar days prior to the hearing date. [Ord. 2019-005] [Ord. 2023-020]

C. Board Action

1. Action by ZC

The ZC shall conduct a public hearing on the application, subject to the following procedures: [Ord. 2018-002]

a. Recommendations by the ZC

The ZC shall consider the application where the BCC makes a final decision, including Staff Report, relevant support materials, public testimony, and public testimony given at the hearing. After close of the public hearing, the ZC shall recommend to the BCC that the application be approved, approved with conditions, modified, or denied based upon the applicable Standards in Art. 2.B.7, Types of Applications. [Ord. 2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2020-001]

1) The ZC may consider an application be remanded, continued, or postponed when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. If there is no mutual agreement for a time extension, the application shall move forward with a recommendation by the ZC. [Ord. 2020-001]

b. Final Decision by the ZC

The ZC shall consider the application where the ZC makes a final decision, including, Staff Report, relevant support materials, DRO certification, public testimony, and public testimony given at the hearing. After close of the public hearing, the ZC shall by not less than a majority of a quorum present approve, approve with conditions, modify, or deny the application. The actions shall be based upon the applicable and any Standards specific to the use as required in Art. 4.B, Use Classification, thereby adopting a Resolution approving, approving with conditions, or denying the proposed request. The Resolution shall be filed with the Zoning Division. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002] [Ord. 2020-001]

1) The ZC may consider an application be remanded, continued, or postponed when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. If there is no mutual agreement for a time extension, the application shall move forward with a final decision by the ZC. [Ord. 2020-001]

2. Action by BCC

a. Recommendations by the ZC

The BCC shall consider the application, Staff Report, relevant support materials, the recommendation of the ZC, and the public testimony submitted before and given at the hearing. [Ord. 2018-002]

b Final Decision by the BCC

The BCC shall consider the application, Staff Report, relevant support materials, DRO certification, the ZC recommendation, public testimony submitted before and given at the hearing. After close of the public hearing, the BCC shall by not less than a majority of a quorum present approve, approve with conditions, modify, or deny the application. The actions shall be based upon the applicable and any Standards specific to the use as required in Art. 4.B, Use Classification, thereby adopting a Resolution approving, approving with conditions, or denying the proposed request. The Resolution shall be filed with the Clerk of the Circuit Court. For PO Deviations a written notification, in lieu of a Resolution, is prepared by the DRO, provided to the Applicant, and filed with the Zoning Division. [Ord. 2008-003] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001] [Ord. 2020-020]

1) The BCC may consider an application be: remanded, continued, or postponed when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. If there is no mutual agreement for a time extension, the application shall move forward with a final decision by the BCC. [Ord. 2020-001]

3. Action by the Hearing Officer

At the public hearing(s), the Hearing Officer shall consider the application, all relevant support materials, Staff Report, testimony given, and evidence introduced into the record at the public hearing(s) and decide to approve, approve with conditions, deny, continue, postpone, modify, or withdraw the request. [Ord. 2006-036] [Ord. 2018-002]

D. Conduct of Hearings

1. Oath or Affirmation

All testimony and evidence shall be given under oath or by affirmation to the body conducting the hearing. [Ord. 2018-002]

2. Rights of All Persons

Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Anyone representing an organization shall present evidence of his/her authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of an organization, state the name and mailing address of the organization. [Ord. 2018-002]

3. Procedures for Public Hearings

The procedures of the hearings shall be in accordance with Art. 2.G.2, General Provisions. The Decision Making Body may adopt by-laws stipulating the manner in which the proceedings will be conducted. The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial, or unduly repetitious formal rules of evidence. Formal rules of evidence shall not apply but fundamental due process shall be observed. The order of the proceedings shall be as follows: [Ord. 2018-002]

a. The Applicant shall present any information the Applicant deems appropriate. [Ord. 2018-002]
b. The PBC Official responsible for reviewing the applications shall present a written or oral recommendation, including any report prepared. This recommendation shall address each standard required to be considered by this Code prior to rendering a decision on the application. For PO Deviations, the Applicant shall present a written or oral recommendation, including any report prepared, with no presentation from the PBC Official. This recommendation shall address each standard required to be considered by this Code prior to rendering a decision on the application. [Ord. 2018-002] [Ord. 2019-005]
c. Public testimony shall be heard. [Ord. 2018-002]
d. The PBC Official responsible for reviewing the application may respond to any statement made by the Applicant or any public comment. [Ord. 2018-002]
e. The Applicant may respond to any testimony or evidence presented by the PBC Staff or public at the discretion of the Chair. [Ord. 2018-002]
f. The Decision Making Body may direct questions to Staff and the Applicant specific to the request. [Ord. 2018-002]
g. The Decision Making Body shall discuss the facts of the application and make a recommendation. [Ord. 2018-002]

E. Continuance or Postponement of Hearings

The BCC or ZC conducting the public hearing, may on its own motion or at the request of an Applicant, consider an application be continued or postponed when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. [Ord. 2005-041] [Ord. 2006-036] [Ord. 2018-002] [Ord. 2020-001] [Ord. 2023-020]

1. Postponement by Right

An Applicant shall be allowed a Postponement by Right for an application scheduled for a ZC or BCC public hearing provided that the request for postponement is made in writing at least nine-calendar days prior to the hearing and when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. If the postponement is requested less than nine-calendar days prior to the date of the scheduled hearing, the request for postponement shall be presented at the hearing and at the discretion of the ZC or BCC. [Ord. 2018-002] [Ord. 2020-001] [Ord. 2023-020]

F. Finalization of Approved DOs

The Applicant shall submit an application to the DRO for finalization of the BCC or ZC-approved DOs in accordance with the procedures in Art. 2.C.3.B, Finalization of BCC or ZC DOs, as applicable. [Ord. 2018-002] [Ord. 2019-005]

G. Other Procedures

Other procedures, which include: Postponement, Remand, Suspension of Development Review, Withdrawal, and Denial of Application are referenced in Art. 2.A.10; Violation of Condition of DO in Art. 2.A.11; Outstanding Liens or Fines in Art. 2.A.12; Misrepresentation in Art. 2.A.13; and, Appeal in Art. 2.A.14. [Ord. 2018-002] [Ord. 2020-001]

Section 7 Types of Applications

A. Official Zoning Map Amendment (Rezoning) to a Standard District

1. Purpose

To provide a means for changing the boundaries of the Official Zoning Map for a parcel of land. This Section is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant an amendment, the BCC shall consider, the consistency of the proposed amendment with the intent of the Plan set forth in this Section. [Ord. 2018-002]

2. Standards

When considering an application for Rezoning to a Standard Zoning District with or without a COZ, the BCC and ZC shall utilize Standards a through g indicated below. An amendment which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2012-003] [Ord. 2017-007] [Ord. 2018-002]

a. Consistency with the Plan

The proposed amendment is consistent with the Plan. [Ord. 2007-001]

b. Consistency with the Code

The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. [Ord. 2007-001]

c. Compatibility with Surrounding Uses

The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district. [Ord. 2007-001]

d. Effect on the Natural Environment

The proposed amendment will not result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2007-001]

e. Development Patterns

The proposed amendment will result in a logical, orderly, and timely development pattern. [Ord. 2007-001]

f. Adequate Public Facilities

The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2007-001]

g. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment. [Ord. 2007-001] [Ord. 2018-002]

3. Effect of a Map Amendment

a. General

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

b. Time Limitations

A Rezoning with a COZ may be reviewed pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2005-002] [Ord. 2018-002]

4. Development Order Amendment to a Standard Zoning District with a COZ

A DO for a Standard Zoning District with a COZ may be modified through a DOA pursuant to the Conditions of Approval established with its original approval, or as otherwise set forth in this Code. The Applicant shall demonstrate and the BCC must find that a change of circumstances or site conditions has occurred which make it necessary or reasonable to amend, extend, vary, or alter the COZ. [Ord. 2005-041] [Ord. 2009-040] [Ord. 2018-002]

5. Rezoning of Mobile Home Parks

Any rezoning of property having an existing Mobile Home Park shall comply with the requirements of F.S. § 723.083, Governmental Action Affecting Removal of Mobile Home Owners. [Ord. 2017-025]

B Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD

1. Purpose

Conditional Uses and Rezoning to a PDD or TDD, require individual review of the subject property's location, proposed design, site configuration, intensity or density to ensure the appropriateness, and compatibility of the use with its surrounding land uses. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-002]

2. Standards

When considering a DO application for a Rezoning to a PDD or a TDD, or a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHP), the BCC or ZC shall utilize the Standards a through h indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-033]

a. Consistency with the Plan

The proposed use or amendment is consistent with the purposes, Goals, Objectives, and Policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. [Ord. 2007-001]

b. Consistency with the Code

The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. [Ord. 2007-001] [Ord. 2018-002]

c. Compatibility with Surrounding Uses

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. [Ord. 2007-001]

d. Design Minimizes Adverse Impact

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

e. Design Minimizes Environmental Impact

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2007-001]

f. Development Patterns

The proposed use or amendment will result in a logical, orderly, and timely development pattern. [Ord. 2007-001]

g. Adequate Public Facilities

The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2007-001]

h. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances, provided by the Applicant's Justification Statement that necessitate a modification. [Ord. 2007-001] [Ord. 2018-002]

3. Standards

When considering a DO application for a Conditional Use request for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHP), the BCC shall utilize the Standards indicated in Art. 5.G.1.B.2.e.2)b), Factors for Consideration. [Ord. 2019-033]

4. Effect of an Issuance of a DO or a Map Amendment

a. General

Issuance of a DO for a Conditional Use or a Rezoning to a PDD or TDD shall be deemed to authorize only the particular site configuration, layout, and level of impacts which were approved pursuant to this Code. [Ord. 2018-002] [Ord. 2019-034]

1) Permitted uses may occur in conjunction with or in place of a Conditional Use; and [Ord. 2018-002]
2) Approval of a rezoning shall be deemed to authorize only the particular zoning district for which it is approved. [Ord. 2018-002]

b. Time Limitations

The DO shall be reviewed pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2018-002]

c. Zoning Plan Compliance and Initiation of Use

Development, benefit, or use of a Conditional Use shall not be permitted until the Applicant has secured and complied with all other DOs and site improvements required by this Code. [Ord. 2017-007] [Ord. 2018-002]

The approval of a DO shall not ensure that subsequent approvals for other Development Permits will be granted unless the relevant and applicable portions of this Code are met. [Ord. 2018-002]

5. Authorized Class A Conditional Uses

Only those uses that are authorized as Class A Conditional Use in the Use Matrices in Art. 4, Use Regulations, may be approved as Class A Conditional Use, unless stated otherwise herein. The designation of a use as a Class A Conditional Use in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code. [Ord. 2017-007] [Ord. 2018-002]

6. Authorized Class B Conditional Uses

Only those uses that are authorized as Class B Conditional Use in the Use Matrices in Art. 4, Use Regulations, may be approved as Class B Conditional Use. The designation of a use as a Class B Conditional Use in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code. [Ord. 2017-007]

7. Requested Use

All prior approvals for a Requested Use shall correspond to a Conditional Use. [Ord. 2017-007] [Ord. 2018-002]

C. Development Order Amendment (DOA)

1. Purpose

A DO for a COZ, Conditional Use, PDD, or TDD may be amended only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this Chapter. A Type 2 Waiver or a Type 2 Variance shall not be amended through a DOA process. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-002]

2. Standards

Pursuant to the Standards indicated in Art. 2.B.7.B.2, Standards, Conditional Uses and Rezoning to a PDD or TDD. [Ord. 2018-002]

3. Expedited Application Consideration (EAC)

DO amendments may be eligible for expedited consideration and review subject to the following criteria: [Ord. 2016-042] [Ord. 2018-002]

a. Criteria

The application shall meet all of the following criteria in order to be reviewed under the EAC process; [Ord. 2016-042] [Ord. 2018-002]

1) Approval of the Zoning Director and the County Engineer shall be obtained prior to submission. The Zoning Director and the County Engineer shall consult with any other Department responsible for the Conditions of Approval. They shall approve or deny the request to obtain expedited consideration based on compatibility of the request with the surrounding area. The magnitude of the requested modification shall also be considered. The County Engineer and the Zoning Director shall only permit expedited consideration for proposals which have minimal site design impact, and which, if approved, will be compatible with surrounding areas; [Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]
2) The proposed application, if approved, will not increase intensity or density of the project; [Ord. 2007-001]
3) Proof of compliance with all previous conditions of development approval; [Ord. 2007-001]
4) No change to the threshold certificate, except alteration of legal description, shall occur; [Ord. 2007-001]
5) The proposed amendment does not affect uses or intensities/densities within a DRI; [Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]
6) All impacts shall be internal to the project; and, [Ord. 2007-001] [Ord. 2016-042]
7) Addition of land area limited to abandoned R-O-W or easements along the perimeter of the development. [Ord. 2016-042]

b. Procedures

The Applicant shall submit a written request for an EAC to the County Engineer and the Zoning Director ten days prior to the Submittal date of the application. After approval by the County Engineer and the Zoning Director to participate in an EAC process, the application shall be submitted and reviewed pursuant to the applicable development approval procedure, except that: [Ord. 2018-002]

1) After the application is certified by the DRO, the proposed modification may proceed directly to the next BCC hearing for which advertising requirements can be met. [Ord. 2007-001]

4. Effect of an Issuance of a DO

Pursuant to Art. 2.B.7.B.4, Effect of an Issuance of a DO or a Map Amendment for Conditional Uses or a Rezoning to a PDD or TDD. [Ord. 2018-002]

D. Type 2 Waiver

1. Purpose

A Type 2 Waiver is to allow flexibility for residential, mixed-use or infill redevelopment projects, or architectural design, site design, or layout, where alternative solutions can be allowed, subject to performance criteria or limitations. Type 2 Waivers are not intended to demonstrate financial viability, except for Community Residences pursuant to the Standards described below, nor circumvent the intent of this Code. A Type 2 Waiver may not be granted if it conflicts with other Sections of this Code, or the Florida Building Code. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002] [Ord. 2021-022] [Ord. 2023-023]

2. Applicability

Requests for Type 2 Waivers shall only be permitted where expressly stated within this Code or indicated below. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002] [Ord. 2021-006] [Ord. 2023-023]

a. Overlays

1) Art. 3.B.14.B.1.a, Expansion of Existing Non-Conforming Parking, for WCRAO addition of parking to a non-conforming structure. [Ord. 2018-002] [Ord. 2019-005] [Ord. 2021-006] [Ord. 2023-023]
2) Art. 3.B.15.F.6.e.4)a), Residential Setbacks, for IRO minimum residential setbacks from outdoor uses. [Ord. 2018-002] [Ord. 2021-006] [Ord. 2023-023]
3) Table 3.B.16.G, Type 1 and 2 URAO Waivers, for URAO Waivers. [Ord. 2018-002] [Ord. 2021-006] [Ord. 2023-023]

b. Planned Developments

1) Art. 3.E.1.C.2.a.1)a), Type 2 Waiver – Infill Development, for PDD minimum frontage. [Ord. 2018-002] [Ord. 2023-023]
2) Art. 3.E.1.C.2.a.5)b), for PDD cul-de-sac maximum percentage for Local Streets. [Ord. 2018-002] [Ord. 2021-006] [Ord. 2023-023]
3) Art. 3.F.4.C.3.a.1), U/S Tier, for TMD maximum building height in the U/S Tier. [Ord. 2021-006] [Ord. 2023-023]
4) Art. 3.F.4.D.9.a, Type 2 Waiver, for AGR-TMD block structure. [Ord. 2018-002] [Ord. 2021-006] [Ord. 2023-023]

c. Community Residence, Recovery Community, or Congregate Living Facility

1) Art. 4.B.1.C.1.e, Location, for CLF location. [Ord. 2021-022] [Ord. 2023-023]
2) Art. 4.B.1.C.3, Family Community Residence – d, Licensing, Certification, or Charter; e, Occupancy; or, f, Location. [Ord. 2021-022] [Ord. 2023-023]
3) Art. 4.B.1.C.6.e, Location, for Recovery Community location. [Ord. 2021-022] [Ord. 2023-023]
4) Art. 4.B.1.C.9.c.2), Type 2 Waiver, for Transitional Community Residence Use, Location, Licensing, and Occupancy. [Ord. 2021-022] [Ord. 2023-023]

d. Parking, Buffers, and Landscaping

1) Art. 3.E.3.B.2.b, Landscape Buffers, for MUPD Type 3 Incompatibility Buffer. [Ord. 2021-006] [Ord. 2023-023]
2) Art. 3.F.2.A.2.d.1)a), Type 2 Waiver, for AGR Tier parking structure. [Ord. 2018-002] [Ord. 2021-006] [Ord. 2023-023]
3) Art. 6.B.2.A.1.b.1)d), Type 2 Waiver, for Large Scale Commercial Development parking. [Ord. 2018-002] [Ord. 2023-023]
4) Table 7.C.2.C, Incompatibility Buffer Landscape Requirements, for Type 3 Incompatibility Buffer landscape barrier wall. [Ord. 2021-006] [Ord. 2022-029] [Ord. 2023-023]
5) Art. 6, Parking, Loading, and Circulation and Art. 7, Landscaping, for Employee Housing. [Ord. 2023-023]
6) Art. 6.C.1.A.3, Type 2 Waiver, for Affordable Housing Program parking reduction. [Ord. 2025-007]

e. Location or Dimensional Criteria

1) Art. 4.B.2.C.33.i.2), Location, for Medical Marijuana Dispensing Facility minimum distance from an Elementary or Secondary School. [Ord. 2021-006] [Ord. 2023-023]
2) Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria, for Commercial Communication Tower dimensional criteria. [Ord. 2018-002] [Ord. 2021-006] [Ord. 2023-023]
3) Table 5.B.1.A, New, Modified, or Relocated Government Towers Not Subject to an Emergency, for non-emergency Government-Owned Tower dimensional criteria. [Ord. 2021-006] [Ord. 2023-023]

f. Other

1) Art. 5.C.1.E.2, Unique Structure, for review process for a Unique Structure. [Ord. 2018-002] [Ord. 2021-006] [Ord. 2023-023]
2) Art. 5.E.5.E, Type 2 Waiver, for hours of operation. [Ord. 2018-018] [Ord. 2023-023]
3) Table 11.E.2.A, Chart of Minor Streets, for minimum Legal Access for collocated Landscape Service in the AR/RSA and AR/USA Zoning Districts. [Ord. 2020-007] [Ord. 2023-023]
4) Table 3.D.1.A Property Development Regulations and Art. 3.D.1.E, Building Height, for setbacks for the redevelopment of RH/RM Zoned Beachfront Properties. [Ord. 2024-014]

3. Standards for a Type 2 Waiver

When considering a DO application for a Type 2 Waiver, the BCC shall utilize Standards a through c indicated below and any other standards specific to a Type 2 Waiver. For a Unique Structure, refer to the Standards listed in Art. 2.B.7.D.4 below; for a Commercial Communication Tower, refer to Art. 4.B.9.H.5.d, Criteria for Granting a Type 2 Waiver; for Minimum Legal Access for Collocated Landscape Service, refer to Art. 11, Subdivision, Platting, and Required Improvements; for a Medical Marijuana Dispensing Facility, pursuant to Art. 4.B.2.C.33.i, refer to Standards a through d indicated below; for a Community Residence, Recovery Community, or Congregate Living Facility, refer to standards listed in Art. 2.B.7.D.5 below and, for the redevelopment of RH/RM Zoned Beachfront Properties, refer to standards listed in Art. 2.B.7.D.6 below. A Type 2 Waiver, which fails to meet any of the Standards, shall be deemed adverse to the public interest and shall not be approved. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002] [Ord. 2020-007] [Ord. 2021-022] [Ord. 2024-014]

a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay; [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]
b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
d. For the purpose of Medical Marijuana Dispensing Facility in Art. 4.B.2.C.33.i, the BCC shall make the determination that the location of a medical marijuana dispensing facility promotes the health, safety, and welfare of the community. [Ord. 2017-028] [Ord. 2018-002]

4. Standards for a Unique Structure

When considering a DO application for a Unique Structure, the BCC and ZC shall utilize the Standards a through e indicated below in addition to the requirements as stated in Art. 5.C.1.E.2, Design Standards, Unique Structure. A request for a Unique Structure which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2009-040] [Ord. 2018-002]

a. Consistency with the Plan

The proposed architectural composition is consistent with the purposes, Goals, Objectives, and Policies of the Plan, including standards for building and structural intensities and densities. [Ord. 2009-040] [Ord. 2018-002]

b. Complies with Other Standards of Code

The proposed architectural composition complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics. [Ord. 2009-040] [Ord. 2018-002]

c. Architectural Compatibility

The proposed architectural composition is consistent with the Architectural Style (see Technical Manual for examples), and generally consistent with the: scale, proportion, unity, harmony, and context of the architecture in the surrounding area. [Ord. 2009-040] [Ord. 2018-002]

d. Design Minimizes Environmental Impact

The proposed architectural composition minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2009-040] [Ord. 2018-002]

e. Circumstances

Whether and to what extent it can be demonstrated that there are any circumstances that support the designation. [Ord. 2009-040] [Ord. 2018-002]

5. Standards for Community Residences, Recovery Communities, or Congregate Living Facilities

When considering a DO application for a Type 2 Waiver for a Family Community Residence, Transitional Community Residence, Recovery Community, or Congregate Living Facility, the BCC and

ZC shall make a finding of approval, approval with conditions, or denial, based on the Standards indicated below. The requested Type 2 Waiver by an Applicant constitutes the procedure by which an Applicant shall apply for the additional Reasonable Accommodation for a Family Community Residence, Transitional Community Residence, and Recovery Community. A request for a Community Residence, Recovery Community, or Congregate Living Facility, which fails to meet any of the applicable Standards below shall be deemed adverse to public interest and shall not be approved: [Ord. 2021-022]

a. Family Community Residence or Transitional Community Residence

1) When a proposed Community Residence would be located less than 660 feet or seven lots, whichever is greater, from the nearest existing Community Residence, Recovery Community, or Congregate Living Facility, the Applicant shall demonstrate by the greater weight of evidence that: [Ord. 2021-022]
   a) The proposed Community Residence will not interfere with the normalization and community integration of the residents of any existing Community Residence, Recovery Community, or Congregate Living Facility and that the presence of other Community Residences, Recovery Community, or Congregate Living Facilities will not interfere with the normalization and community integration of the residents of the proposed Community Residence; and [Ord. 2021-022]
   b) The proposed Community Residence in combination with any existing Community Residences, Recovery Communities, or Congregate Living Facilities will not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating or intensifying an institutional atmosphere or *de facto* social service district by clustering Community Residences, Recovery Communities, or Congregate Living Facilities on a block face or concentrating them in a neighborhood. [Ord. 2021-022]
2) When the State of Florida does not offer a license or certification for the type of Community Residence proposed and the population it would serve, or the proposed Community Residence is not eligible to be granted an Oxford House Charter, the Applicant shall demonstrate by the greater weight of evidence that: [Ord. 2021-022]
   a) The proposed Community Residence will be operated in a manner effectively similar to that of a licensed or certified Community Residence; [Ord. 2021-022]
   b) Staff who reside and/or work in the Community Residence will be adequately trained in accordance with standards typically required by licensing or State certification for a Community Residence; [Ord. 2021-022]
   c) The Community Residence will emulate a biological family and be operated to achieve normalization and community integration; and, [Ord. 2021-022]
   d) The rules and practices governing how the Community Residence operates will actually protect the residents from abuse, exploitation, fraud, theft, neglect, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications. [Ord. 2021-022]
3) When an Applicant seeks to provide housing for more than ten unrelated individuals in a Community Residence, the BCC shall not approve a Type 2 Waiver, unless and until it finds that the Applicant: [Ord. 2021-022]
   a) Specifies by how many individuals it wishes to exceed ten residents and demonstrates by the greater weight of evidence that housing more than ten residents is required to ensure the financial and/or therapeutic viability of the Community Residence; [Ord. 2021-022]
   b) Demonstrates by the greater weight of evidence that the primary function of the proposed Community Residence is residential where any medical treatment is merely incidental to the residential use of the property; [Ord. 2021-022]
   c) Demonstrates by the greater weight of evidence that the proposed Community Residence will emulate a biological family and operate as a functional family rather than as a boarding or rooming house, nursing home, short-term rental, continuing care facility, motel, hotel, treatment center, rehabilitation center, institutional use, assisted living facility that does not comport with the definition of “Community Residence,” or other non-residential use; and, [Ord. 2021-022]
   d) Demonstrates by the greater weight of evidence that the requested number of residents in the proposed Community Residence will not interfere with the normalization and community integration of the occupants of any existing Community Residence, Congregate Living Facility, or Recovery Community. [Ord. 2021-022]

4) When an Applicant seeks to allow a Transitional Community Residence in the AGR, AR, RE, RT, or RS Zoning Districts, Detached Units Residential Pod of a PUD, or Residential Land Use Zone of a TND; or ZLL or Cottage Homes within CL/CH/CHO-MUPD or IND/L-PIPD Zoning Districts; or the NR Sub-area of the WCRAO, when the use is allowed only by the BCC, pursuant to Art. 4.B.1.C.9.c.2)a), Use Approval, the BCC shall utilize Standards a) through e) indicated below. An application, which fails to meet any of these Standards shall be deemed adverse to public interest and shall not be approved. [Ord. 2021-022]
   a) The proposed Transitional Community Residence will not interfere with the normalization and community integration of the residents of any existing Community Residence, Recovery Community, or Congregate Living Facility, and that the presence of other Community Residences, Recovery Communities, or Congregate Living Facilities will not interfere with the normalization and community integration of the residents of the proposed Community Residence; [Ord. 2021-022]
   b) The proposed Transitional Community Residence, alone or in combination with any existing Community Residences, Recovery Communities, or Congregate Living Facilities will not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating or intensifying a *de facto* social service district by clustering Community Residences, Recovery Communities, or Congregate Living Facilities on a block or concentrating them in a neighborhood; [Ord. 2021-022]
   c) The proposed Transitional Community Residence will be compatible with the residential uses allowed as of right in the zoning district; [Ord. 2021-022]
   d) The proposed Transitional Community Residence, alone or in combination with any existing Community Residences, Recovery Communities, or Congregate Living Facilities, will not alter the residential stability of the surrounding neighborhood; [Ord. 2021-022]
   e) The Applicant demonstrates that the State of Florida offers certification or requires a license for this type of Transitional Community Residence and the population it would serve. When the State of Florida does not offer certification or require a license for this type of Transitional Community Residence and the population it would serve, the Applicant shall demonstrate that: [Ord. 2021-022]
      (1) The proposed Transitional Community Residence will be operated in a manner effectively similar to that of a licensed or certified Community Residence; [Ord. 2021-022]
      (2) Staff will be adequately trained in accordance with standards typically required by licensing or State certification for a Community Residence; [Ord. 2021-022]
      (3) The Transitional Community Residence will emulate a biological family and be operated to achieve normalization and community integration; and, [Ord. 2021-022]
      (4) The rules and practices governing how the Transitional Community Residence operates will actually protect residents from abuse, exploitation, fraud, theft, neglect, insufficient support, use of alcohol or illegal drugs, and misuse of prescription medications. [Ord. 2021-022]

b. Recovery Community or Congregate Living Facility

When a proposed Recovery Community or Congregate Living Facility would be located less than 1,200 feet or ten lots, whichever is greater, from the nearest existing Community Residence, Recovery Community, or Congregate Living Facility, the Applicant shall demonstrate by the greater weight of evidence that: [Ord. 2021-022]

1) The proposed Recovery Community or Congregate Living Facility will not interfere with the normalization and community integration of the residents of any existing Community Residences, Recovery Communities, or Congregate Living Facilities, and that the presence of existing Community Residences, Recovery Communities, or Congregate Living Facilities will not interfere with the normalization and community integration of the residents of the proposed Recovery Community; and [Ord. 2021-022]
2) The proposed Recovery Community or Congregate Living Facility in combination with any existing Community Residences, Recovery Communities, or Congregate Living Facilities will not alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere or creating or intensifying a *de facto* social service district by clustering Community Residences, Recovery Communities, or Congregate Living Facilities, on a block face or concentrating them in a neighborhood. [Ord. 2021-022]

6. Standards and Criteria for RH/RM Zoned Beachfront Properties

The RH/RM Zoned Beachfront Properties Type 2 Waiver is limited to parcels proposing redevelopment of existing Multifamily structure(s) greater than three stories and greater than 35 feet in height, that abut the Atlantic Ocean, have existing RM or RH zoning, are not proposing an increase to existing built residential density, and are not proposing residential structures extending eastward of the existing building footprint. The Waiver is limited to a reduction in the additional setbacks in Art. 3.D.1.E.2.a), and a reduction of up to five feet from the minimum front setback, as provided in Table 3.D.1.A, Property Development Regulations. When considering a DO application for a RH/RM Zoned Beachfront Properties Type 2 Waiver, the BCC and ZC shall utilize the Standards a through d indicated below in addition to Standards a through c as stated in Art. 2.B.7.D.3, Standards for a Type 2 Waiver. A request which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2024-014]

a. Consistency with the Plan

The proposed development is consistent with the Goals, Objectives, and Policies of the Plan. [Ord. 2024-014]

b. Consistency with the Code

The proposed development is not in conflict with any portion of this Code, and is not in conflict with any Local, State, and Federal regulations. [Ord. 2024-014]

c. Compatibility with Surrounding Uses

The proposed development is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. [Ord. 2024-014]

d. Changed Conditions or Circumstances

There are changed site conditions or circumstances, as demonstrated by the Applicant's Justification Statement, that necessitate a redevelopment of an existing structure in order to address government regulations that have changed since the initial construction. [Ord. 2024-014]

7. Effect of an Issuance of a DO

Pursuant to Art. 2.B.7.B.4, Effect of an Issuance of a DO or a Map Amendment for Conditional Uses or a Rezoning to a PDD or TDD. [Ord. 2018-002]

E. Type 2 Variance

1. Purpose

A Type 2 Variance is to allow adjustment from certain Code requirements as it applies to land development. Type 2 Variances are not intended to relieve specific financial hardship nor circumvent the intent of this Code. [Ord. 2011-001] [Ord. 2018-002]

2. Prohibition

Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. In addition, the ZC is not authorized to grant Variances from Code regulations with prohibited provisions, or the following Articles of the ULDC: [Ord. 2006-036] [Ord. 2012-003] [Ord. 2014-001] [Ord. 2018-002]

a. Art. 1, General Provisions (excluding Art. 1.F.3.D.1, Applicability); [Ord. 2008-003] [Ord. 2018-002]
b. Art. 2, Application Processes and Procedures; [Ord. 2018-002]
c. Art. 3.B.3, COZ, Conditional Overlay Zone; [Ord. 2018-002]
d. Art. 3.B.16, Urban Redevelopment Area Overlay (URAO), except for parking requirements within the URAO; [Ord. 2018-002]
e. Art. 4, Use Regulations, unless specifically authorized in Art. 4.B, Use Classification; or to allow for a reduction in minimum lot size required for a use, in accordance with Art. 1.G.1.B.6, Lots Reduced by Eminent Domain, Properties Affected by Eminent Domain Proceedings; [Ord. 2007-013] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2014-001] [Ord. 2018-002]
f. Art. 5.C.1.H.1.f, Design Elements Subject to ZC or BCC Approval; [Ord. 2011-001] [Ord. 2018-002]
g. Art. 5.C.1.H.1.g, Rural Design Elements, except for Table 5.C.1.H, Rural Roof Design Element; [Ord. 2011-001] [Ord. 2018-002]
h. Art. 5.C.1.I, Large Scale Commercial Development; [Ord. 2011-001] [Ord. 2018-002]
i. Art. 5.D, Parks and Recreation – Rules and Recreation Standards, with the exception of Art. 5.D.2.G, Public Park Landscape Standards; [Ord. 2018-002]
j. Art. 5.F, Legal Documents (excluding provisions in Art. 5.F.2, Easements); [Ord. 2018-002]
k. Art. 5.G, Density Bonus Programs; [Ord. 2018-002]
l. All Articles with definitions; [Ord. 2022-029]
m. Art. 8.F.7, Message Center and Digital Display Signs; [Ord. 2016-020] [Ord. 2018-002] [Ord. 2022-029]
n. Art. 13, Impact Fees; [Ord. 2018-002]
o. Art. 14, Environmental Standards; [Ord. 2018-002]

p. Art. 15, Health Regulations; and, [Ord. 2018-002]
q. Art. 16, Airport Regulations. [Ord. 2018-002]

3. Type 2 Variance Applications

Type 2 Variance applications include those that are processed by the Zoning Division and the Land Development Division. Variance applications may be submitted concurrently or separately with a request for a DO unless determined by the DRO that the Variance is subject to a Standalone application, and must be approved prior to the submittal of the DO application. [Ord. 2018-002]

a. Zoning Type 2 Variance (ZV)

The ZV shall only apply to applications requesting Variances that exceed the request limitations of Art. 2.C.5.F, Type 1 Variance. [Ord. 2018-002] [Ord. 2020-020]

b. Subdivision Variance (SV)

A Variance from Art. 11, Subdivision, Platting, and Required Improvements, shall be submitted to the County Engineer and shall comply with the application procedures and requirements of this Article. [Ord. 2018-002]

4. Sequence of Submittal

An application for a Variance shall be submitted as a Concurrent or a Standalone Variance, and shall comply with the following: [Ord. 2018-002]

a. Concurrent Variance

A Concurrent Variance shall be submitted with the DO application. The Variance and the DO application shall be scheduled for the same hearings to be considered by the ZC. Approval of a Variance by the ZC shall be obtained prior to Final Plan approval by the DRO, plat recordation, or issuance of a Building Permit, whichever occurs first. [Ord. 2018-002]

b. Standalone Variance

If an application for a DO is contingent upon approval of a Variance, then the Variance shall be submitted as a Standalone Variance application. The approval of the Variance by the ZC shall be obtained prior to certification or Final Approval of the DO by the DRO. [Ord. 2018-002]

5. Application Requirements

a. Description

All properties described in one application must be contiguous. The DRO may require more than one application if the property concerned contains more than 40 acres, or the fee paid for one application would not equal the cost of processing multiple applications. [Ord. 2018-002]

6. Standards for Zoning or Subdivision Variance

The ZC shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a Zoning or Subdivision Variance: [Ord. 2006-036]

a. Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district;
b. Special circumstances and conditions do not result from the actions of the Applicant;
c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;
d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;
e. Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure;
f. Granting the Variance will be consistent with the purposes, Goals, Objectives, and Policies of the Plan, and this Code; and,
g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

7. Noise Variance

For requests for a Noise Variance, the ZC shall consider in addition to the Standards listed above: [Ord. 2010-022] [Ord. 2018-002]

a. Additional time is necessary to alter the activity to comply with the provisions of Art. 5.E.4.B, Noise Limitations and Prohibitions; [Ord. 2010-022] [Ord. 2018-002]
b. The activity, operation, or noise source will be of temporary duration which cannot be done in a manner that complies with Art. 5.E.4.B, Noise Limitations and Prohibitions; [Ord. 2010-022] [Ord. 2018-002]
c. No reasonable alternative is available. Any Variance granted pursuant to this Section contains all conditions upon which the Variance has been granted, including but not limited to the effective

date, time of day, location, sound level, limit or equipment limitation, and duration of the Variance. [Ord. 2010-022] [Ord. 2018-002]

8. Effect of Issuance of a DO

Issuance of a Type 2 Variance DO shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific Condition of Approval limits the specific use for which it is issued. [Ord. 2018-002]

a. Time Limitation

Unless otherwise specified in the DO or a Condition of Approval, construction shall be commenced pursuant to Art. 2.E.2.C, Time Limitations for Commencement, within 12 months of the Variance approval date, otherwise it shall become null and void. If more than one Variance was granted, the use of one of the Variances shall vest the other Variances. Permitted timeframes do not change with successive owners. [Ord. 2018-002]

1) Request for Time Extension

Upon written request, an extension of time for the Variance or any condition thereof may be granted for a maximum of 24 months. No request for an extension shall be considered unless a written application requesting the extension is submitted to the appropriate Department prior to the date the Development Order or condition is to expire. Failure to submit an application for an extension within the time limits established by this Section shall render the Development Order for the Variance null and void. [Ord. 2018-002]

2) Exemption for Applications Not Subject to Building Permit

If a Type 2 Variance is requested that does not require a Building Permit to implement, then the Applicant shall include a written statement with the application requesting a Condition of Approval to grant an exemption from time limitation requirements. Granting of the exemption from time limitations shall be subject to ZC approval of a Condition of Approval specifying that no Building Permit is necessary to vest the Type 2 Variance. [Ord. 2018-002]

b. Conforming

Approval of a Variance by the ZC shall render a parcel of land, building, or the structure to be conforming. Use of the Variance shall be limited to the exact dimensions and configuration of the parcel of land, building, or structure as indicated on the Site Plan as submitted in the application. The parcel of land, building, or structure may not be further expanded, except in accordance with the standards of the Code. [Ord. 2018-002]

F. Development Order Abandonment (ABN)

1. Purpose

A DO for a Conditional Use or similar DO granted under Zoning Resolution No. 3-57, Ordinance No. 73-2, Ordinance No. 92-20, or Ordinance No. 2003-067, as amended, may be abandoned according to the procedures in this Section and pursuant to Art. 2.B, Public Hearing Processes. DOs, that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. [Ord. 2010-022] [Ord. 2018-002] [Ord. 2019-034]

2. Authority

The same Authority that granted the original DO shall render a decision on a request for abandonment. [Ord. 2019-034]

3. Applicability

This Section shall apply to DOs granted by the BCC or ZC, and are requested to be abandoned by an Applicant. DOs granting approval for a rezoning may not be abandoned. A DO for a Rezoning with a Conditional Overlay Zone (COZ), may be processed for an abandonment of the COZ. [Ord. 2019-034]

a. In determining the applicable process for an ABN application, the Applicant shall review the approved DO Resolution, including the Whereas Clauses, Conditions of Approval, and indicate in the application whether a new use will be requested concurrent with the abandonment. An application for an abandonment of a prior approval will be processed based on whether the DO has not been: partially or fully implemented, or has not been implemented. [Ord. 2019-034]

b. Exception

DOs reviewed pursuant to the time requirements, or for failure to comply with Conditions of a DO shall be reviewed under the requirements of Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2019-034]

4. Sequence of Submittal

An application for an abandonment may be submitted as follows: [Ord. 2019-034]

a. Concurrent Abandonment

A Concurrent Abandonment may be submitted with a separate application requesting a new DO or a DOA as follows: [Ord. 2019-034]

1) Abandon previous Resolution granting the entire DO and submit concurrently a new DO subject to a Public Hearing approval process; [Ord. 2019-034]
2) Abandon previous Resolution granting the entire DO and submit concurrently with a new DO subject to an Administrative or Building Permit approval process; or, [Ord. 2019-034]
3) Abandon a DO that was approved with multiple requests, and may include Rezoning and Conditional Uses in the same Resolution. [Ord. 2019-034]
   a) The ABN application and the Resolution shall clearly identify those use(s) that are subject to the abandonment; [Ord. 2019-034]
   b) The DOA application shall delete those conditions that are tied to the abandoned use(s); and, [Ord. 2019-034]
   c) If the multiple requests included a rezoning and were approved under the same Resolution, then the Resolution shall remain in effect for the zoning district of the subject property unless the Applicant is requesting a rezoning of the property to a different zoning district. [Ord. 2019-034]

b. Standalone Abandonment

Reviewed for abandonment with no proposed use. Any future use would be subject to the requirements of the Code at time of approval. [Ord. 2019-034]

5. Application Requirements

In addition to the Submittal Requirements pursuant to Art. 2.A.6.A, Zoning Application Requirements, the Applicant shall provide the following: [Ord. 2019-034]

a. Consent of all Property Owners of the subject property, if applicable; and [Ord. 2019-034]
b. Status of all Conditions of Approval, whether the Conditions are no longer applicable, implemented, or pending implementation. The Applicant must confirm that there are no reliance of other interested parties on additional performance or activities related to the proposed ABN. [Ord. 2019-034]

6. Standards

When considering an ABN application, the BCC and ZC shall consider the Standards indicated below. [Ord. 2019-034]

a. Consistency with the Plan

The proposed abandonment is consistent with the Plan. [Ord. 2019-034]

b. Consistency with the Code

The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities. [Ord. 2019-034]

c. Adequate Public Facilities

The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2019-034]

d. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO. [Ord. 2019-034]

7. Scheduling of a Hearing

Once an ABN application has been certified by the DRO, the DRO shall schedule a public hearing in accordance with the dates established on the Annual Zoning Calendar. The scheduling of the application of public hearing shall ensure the public notice requirements are satisfied. [Ord. 2019-034]

a. An application for abandonment processed under Art. 2.B.7.F.4.a.2), Concurrent Abandonment or Art. 2.B.7.F.4.b, Standalone Abandonment only need to be reviewed by the board making the final decision, and a Staff Report would not need to be prepared. The Findings of Fact for compliance with the Standards will be contained within the Abandonment DO. [Ord. 2019-034]
b. An application for abandonment processed under Art. 2.B.7.F.4.a.3), Concurrent Abandonment, may be processed as an EAC, provided it meets the criteria pursuant to Art. 2.B.7.C.3.a, Criteria. [Ord. 2019-034]

G. Public Ownership (PO) Deviations

1. Purpose

A PO Deviation is to allow adjustment from certain Code requirements as it applies to land development that supports Government Facilities within the PO Zoning District. [Ord. 2019-005]

2. Applicability

Requests for PO Deviations shall only be permitted as indicated in the following Table. [Ord. 2019-005]

Table 2.B.7.G – PO Deviations

Art. 4.B.4.C.10.d, Location and Separation Requirements, for a Homeless Resource Center
Art. 5, Supplementary Standards
Art. 6, Parking, Loading, and Circulation
Art. 7, Landscaping
[Ord. 2019-005]

3. Standards

Development supporting Government Facilities within the PO Zoning District, subject to an application established by the Executive Director of PZB and approval by the BCC utilizing the following Standards: [Ord. 2007-013] [Ord. 2010-022] [Ord. 2019-005]

a. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; [Ord. 2007-013]
b. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, future land use (FLU), character, or other preexisting conditions; [Ord. 2007-013]
c. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; [Ord. 2007-013]
d. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; [Ord. 2007-013]
e. approval of the deviation(s) is consistent with the purpose, Goals, Objectives, and Policies of the Plan, and this Code; and, [Ord.2007-013]
f. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. [Ord. 2007-013]

4. Effect of Issuance of a DO

Issuance of a PO Deviations DO shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific Condition of Approval limits the specific use for which it was issued. [Ord. 2019-005]

Section 8 Conditions of Approval

A. BCC-Approved DOs

The DRO and ZC may recommend, and the BCC may impose, such conditions in a DO that are necessary to accomplish the purposes of the Plan and this Code; to prevent or minimize adverse effects upon the public, the environment, and neighborhoods; and, to ensure compatibility, including, but not limited to, limitations on function, size, bulk, location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration, and hours of operation. Conditions shall be included if conventional standards are inadequate to protect the public interest and surrounding land uses or if additional improvements are needed to facilitate a transition between different uses. Conditions are not intended to restate Code provisions. Any Code provision which is expressly restated as a Condition of Approval, shall not be eligible for a Variance unless otherwise specified in the condition. Fixed time periods may be set for compliance with conditions and shall be governed by Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-002]

B. ZC-Approved DOs

The DRO may recommend, and the ZC may impose, such conditions in a DO for the same purposes as stated in above. [Ord. 2017-007] [Ord. 2018-002]

Section 9 Effect of Issuance of a Development Order

A. General

Issuance of a DO for a Conditional Use, DOA, or a Type 2 Waiver, shall be deemed to authorize only the particular site configuration, layout, and level of impacts which were approved pursuant to this Code, unless the approval is abandoned. Permitted uses may occur in conjunction with or in place of a Conditional Use, provided there are no Conditions of Approval that prohibit the permitted uses to be added to the building or a bay of the building. [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-002]

1. Zoning Plan Compliance and Initiation of Use

Development, benefit, or use of a Conditional Use or DOA shall not be permitted until the Applicant has secured and complied with all other Development Orders and site improvements required by this Code. [Ord. 2017-007] [Ord. 2018-002]

The approval of a DO shall not ensure that subsequent approvals for other DOs will be granted unless the relevant and applicable portions of this Code are met. [Ord. 2018-002]

B. Type 2 Variance

Issuance of a Type 2 Variance DO shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific Condition of Approval limits the specific use for which it is issued. A DO for a Variance shall run with the land. [Ord. 2018-002]

1. Time Limitation

Unless otherwise specified in the DO or a Condition of Approval, construction shall be commenced pursuant to Art. 2.E.2.C, Time Limitations for Commencement, within 12 months of the Variance approval date, otherwise it shall become null and void. If more than one Variance was granted, the use of one of the Variances shall vest the other Variances. Permitted timeframes do not change with successive owners. [Ord. 2012-027] [Ord. 2018-002]

a. Request for Time Extension

Upon written request, an extension of time for the Variance or any condition thereof may be granted for a maximum of 24 months. No request for an extension shall be considered unless a written application requesting the extension is submitted to the appropriate Department prior to the date the Development Order or condition is to expire. Failure to submit an application for an extension within the time limits established by this Section shall render the Development Order for the Variance null and void. [Ord. 2012-027]

b. Exemption for Applications Not Subject to Building Permit

If a Type 2 Variance is requested that does not require a Building Permit to implement, then the Applicant shall include a written statement with the application requesting a Condition of Approval to grant an exemption from time limitation requirements. Granting of the exemption from time limitations shall be subject to ZC approval of a Condition of Approval specifying that no Building Permit is necessary to vest the Type 2 Variance. [Ord. 2012-027] [Ord. 2018-002]

2. Conforming

Approval of a Variance by the ZC shall render a parcel of land, building, or the structure to be conforming. Use of the Variance shall be limited to the exact dimensions and configuration of the parcel of land, building, or structure as indicated on the Site Plan as submitted in the application. The parcel of land, building, or structure may not be further expanded, except in accordance with the standards of the Code. [Ord. 2006-036]

CHAPTER C ADMINISTRATIVE PROCESSES

Section 1 Purpose

To establish procedures and standards for: [Ord. 2018-002]

A. Sufficiency determination of applications that are subject to the Administrative processes; [Ord. 2018-002]
B. Submittal, Review, Resubmittal, and Approval of applications that are subject to Art. 2.C.3.A, Process for Administrative Requests; [Ord. 2018-002]
C. Finalization of approved BCC or ZC DOs by the DRO; [Ord. 2018-002]
D. Review and final decisions on requests that are subject to the Administrative processes by the DRO; and, [Ord. 2018-002]
E. Considerations for other Administrative types of processes that will not result in the issuance of a DO. [Ord. 2018-002]

Section 2 Sufficiency Review

A. Sufficiency

1. The DRO shall ensure the applications meet all Submittal requirements pursuant to the Zoning Technical Manual, and the requests are consistent with Art. 2.A, General. If the application is determined to be sufficient by the DRO, the DRO shall provide written notification to the Applicant and the application shall be distributed to the applicable County Agencies for review pursuant to the procedures and standards of this Article. [Ord. 2018-002] [Ord. 2020-001] [Ord. 2020-020]

2. Exemptions

a. A DROE application may be exempt from sufficiency review subject to the following: [Ord. 2020-020]
   1) The Justification Statement and supporting documents provided as part of the ZC or BCC application approval, previously identified all applicable Type 1 Waivers which were reviewed as part of the approved Preliminary Plans; [Ord. 2020-020]
   2) Revisions to the plan(s) are limited to only those amendments to address specific Conditions of Approval due at Final DRO; or any site modifications requested specifically by the Board; [Ord. 2020-020]
   3) Revisions are to reflect amendments necessary to address an approved Type 2 Waiver or a Type 2 Variance. [Ord. 2020-020]
b. BCC or ZC Preliminary Plans such as a Master Plan or Site Plan that are not required to be amended at Final DRO, may be processed and finalized pursuant to Art. 2.C.5.A.2, Exceptions. [Ord. 2020-020]

3. Application Review

a. A DROE application may be exempted from sufficiency review, if the Applicant indicates at time of application submittal if the application meets any of the exemptions in Art. 2.C.2.A.2, Exemptions. Staff shall determine within five days of submittal if an application meets the exemptions for sufficiency review in order to continue to be processed. Applications not meeting the exemptions shall be subject to sufficiency review. [Ord. 2020-020]
b. The 120-calendar day review timeframe for DROE applications exempted for sufficiency shall commence on the date when the application is submitted to the Zoning Division. [Ord. 2020-020]

B. Insufficiency

If an application is determined to be insufficient pursuant to the Zoning Technical Manual, the DRO shall provide written notification to the Applicant specifying the deficiencies. The notification shall be forwarded to the Applicant within 30-calendar days from the date of the Application's Submittal. [Ord. 2018-002] [Ord. 2020-001]

1. No further action shall be taken on the application until the deficiencies are remedied. [Ord. 2018-002]
2. The Applicant shall address all insufficiencies no more than 30-calendar days after the application was determined to be insufficient, and resubmit the application on the Submittal date. [Ord. 2018-002] [Ord. 2020-001]
3. If the application is amended and determined to be sufficient by the DRO, the application shall be processed for review. [Ord. 2018-002]
4. If the deficiencies are not remedied, the DRO shall issue a second written notification to the Applicant indicating the application shall be considered withdrawn unless a written request for a time extension has been submitted and approved by the Zoning Director, pursuant to Art. 2.C.2.C, Time Extension. [Ord. 2018-002] [Ord. 2020-001]

C. Time Extension

The Applicant may submit a written request for an extension of time to the Zoning Director should additional time be required to address deficiencies of the application. Such request shall be submitted to the Zoning Director no later than five days after the issuance of the second Insufficiency notification. [Ord. 2018-002] [Ord. 2020-001]

D. Administrative Withdrawal

If the Applicant fails to address the insufficiencies; or request and receive a time extension, it may result in an Administrative withdrawal of the application. [Ord. 2018-002] [Ord. 2020-001] [Ord. 2020-020]

Section 3 General

The DRO shall coordinate the review of applications with all the applicable Agencies based on the request(s), and in accordance with this Section. The application(s) shall be assigned by the DRO to be reviewed either through the Full DRO, which consists of all applicable County Agencies, or the Zoning Agency Review (ZAR), which consists of one to a maximum of five Agencies pursuant to Art. 2.C.4.A.3, Zoning Agency Review (ZAR). An Applicant may also request Concurrent Review by the DRO. [Ord. 2018-002] [Ord. 2020-020] [Ord. 2023-026]

A. Process for Administrative Requests

1. Full DRO

a. Finalize the BCC or ZC DOs and plans. [Ord. 2018-002] [Ord. 2023-026]
b. Use subject to Art. 4.A.7.C.2, Development Review Officer (DRO), pursuant to Art. 4.B, Use Classification, Art. 3.B, Overlays, and Art. 5.G, Density Bonus Programs. [Ord. 2018-002] [Ord. 2023-026]
c. Administrative Modifications to prior DO in accordance with Table 2.C.5.C, Administrative Modifications to Prior DOs. [Ord. 2018-002] [Ord. 2023-026]
d. Administrative Waiver, when more than five Agencies are affected by the request. [Ord. 2018-002] [Ord. 2023-026]
e. Subdivision Plan pursuant to Art. 11, Subdivision, Platting, and Required Improvements. [Ord. 2018-002] [Ord. 2023-026]
f. ABN for prior DO approved by the DRO, when more than five Agencies are affected by the request. [Ord. 2023-026]

2. ZAR That Issues a DO

a. Use subject to Art. 4.A.7.C.2, Development Review Officer (DRO) with an approved Site or Subdivision Plan for those requests to add a new use or replacement of a use. [Ord. 2018-002] [Ord. 2023-026]
b. Administrative Modifications to prior DO in accordance with Table 2.C.5.C, Administrative Modifications to Prior DOs with an approved Site or Subdivision Plan for those requests to add a new use or replacement of a use, when five or fewer Agencies are affected by the request. [Ord. 2018-002] [Ord. 2023-026]
c. Administrative Waiver, when five or fewer Agencies are affected by the request. [Ord. 2018-002] [Ord. 2020-020] [Ord. 2023-026]
d. Administrative Variance. [Ord. 2018-002] [Ord. 2023-026]
e. Temporary Use pursuant to Art. 4.B.11, Temporary Uses. [Ord. 2018-002] [Ord. 2023-026]
f. Special Permits pursuant to Art. 4.B.2.C.31.h.1) or Art. 4.B.2.C.32.f.1), Dog Friendly Dining, or Art. 8.H.2, Billboards. [Ord. 2018-002] [Ord. 2018-018] [Ord. 2022-001] [Ord. 2023-026]
g. ABN for prior DO approved by the DRO, when five or fewer Agencies are affected by the request. [Ord. 2018-018] [Ord. 2023-026]

3. ZAR That Does Not Issue a DO

a. Reasonable Accommodation. [Ord. 2018-002] [Ord. 2023-026]
b. Zoning Confirmation Letter – Community Residence, Recovery Community, or Congregate Living Facility. [Ord. 2021-022] [Ord. 2023-026]
c. Zoning Confirmation Letter (Formal and Non-Site Specific Formal). [Ord. 2018-002] [Ord. 2023-026]
d. Zoning Confirmation Letter (Informal). [Ord. 2018-002] [Ord. 2023-026]
e. Unity of Title or Release of Unity of Title. [Ord. 2018-002] [Ord. 2023-026]

B. Finalization of BCC or ZC DOs

1. After the BCC or ZC hearing and approval of a DO, the Applicant shall submit to the DRO for Final Plan approval subject to Art. 2.C.5.A, Finalization of BCC or ZC DOs. Final Plan approval shall be required for all DOs even for those applications that do not include graphic changes to the plan(s) such as tables required for Variance or Waiver requests and approvals. [Ord. 2018-002] [Ord. 2020-020]

2. DRO Expedited Review (DROE)

Final DRO applications may be expedited when they are consistent with the requirements in Art. 2.C.5.A.1, DRO Expedited Review (DROE). [Ord. 2018-002] [Ord. 2020-020]

3. Concurrent Review

Applications may be reviewed pursuant to Art. 2.A.4.D, Type 2 or 3 Concurrent Review. [Ord. 2018-002] [Ord. 2020-020]

C. Administrative Approval

1. The DRO shall make a final decision on uses pursuant to Art. 3, Overlays and Zoning Districts, and Art. 4, Use Regulations; Administrative applications pursuant to Art. 2.C.3.A, Process for Administrative Requests; or, where required by this Code. [Ord. 2020-020]

2. Concurrent Review

Applications may be reviewed pursuant to the Concurrent Review process, in Art. 2.A.4.D, Type 2 or 3 Concurrent Review. [Ord. 2020-020]

3. All Zoning Plans shall be approved by the DRO prior to applying for a Building Permit; commencing related land development activities; or, utilizing any use subject to DRO approval, unless stated otherwise herein. [Ord. 2018-002] [Ord. 2020-020]

Section 4 Review, Resubmittal, and Final Decision

Review of an application shall be initiated by the DRO on the date it is deemed sufficient. The deadlines for Staff Comments, Resubmittal by the Applicant, and Certification or Final Decision shall be indicated on the Annual Zoning Calendar. [Ord. 2018-002] [Ord. 2020-001]

A. Review

Staff review shall be based on applications that are deemed sufficient, and any subsequent resubmittals. The DRO shall prepare a list of issues and comments and make it available to the Applicant. The Applicant shall provide a written response and revised document(s), if applicable, addressing all outstanding issues and comments and revised document(s) on the Resubmittal date indicated on the Annual Zoning Calendar. The written responses and revised document(s) shall address the issues and comments prepared by Staff and shall not significantly modify the application that was determined to be sufficient. [Ord. 2018-002] [Ord. 2020-001]

1. Significant modifications shall include, but not limited to the following: [Ord. 2020-001]
   a. Additional requests to the application; or [Ord. 2020-001]
   b. Modifications to the site layout or submitted document(s) that would require a new review of the document(s) or impact the timing of a final decision by the DRO. [Ord. 2020-001]
2. If the DRO determines that the revised requests and documents are significantly modified from the original request that was determined to be sufficient, the DRO shall provide a written notification to the Applicant describing what changes significantly modified the application. The Applicant shall: [Ord. 2020-001]
   a. revise the requests and modify plans to eliminate the significant modification; [Ord. 2020-001]
   b. submit a written request for a time extension to the Zoning Director to determine if the application is still sufficient or if a new sufficiency review is required. Both parties may agree to a reasonable request for an extension of time; or, [Ord. 2020-001]
   c. request withdrawal of the application. [Ord. 2020-001]

3. Zoning Agency Review (ZAR)

DRO applications may be reviewed through the ZAR process, which requires five or less Agencies to review an application. Based on the application request, the Applicant shall indicate what Agencies may be required to review the ZAR application as contained in the Zoning Technical Manual. Zoning Staff shall verify whether the Agencies to review the application are correct and confirm if the application is subject to ZAR. If it is determined that more than five Agencies are required, the application shall be subject to the Full DRO process, however the Zoning Director shall render the final decision in cases of a dispute between the Applicant and Staff. [Ord. 2020-020]

B. Action by the DRO for DO Administrative Applications, except Type 1 Variance

1. Not Approved

If the revised document(s) fail to address all listed outstanding issues and comments, the DRO shall issue a Result List indicating that the application is not approved. [Ord. 2018-002] [Ord. 2020-001]

a. Resubmittal Requirements

The Applicant shall provide a written response addressing all outstanding issues and comments for those applications that were not approved in a manner and form acceptable to the DRO. The

revised document(s) shall be submitted on the Resubmittal date as established on the Annual Zoning Calendar. [Ord. 2008-003] [Ord. 2018-002] [Ord. 2020-001]

b. Time Extension

Applicants who have applications for a DO that are not approved within 120-calendar days of Sufficiency determination by the DRO, must submit a written request and receive approval for an extension of time from the Zoning Director within the 120-calendar day deadline. Both parties may agree to a reasonable request for an extension of time. [Ord. 2005-002] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001]

c. Failure to Address Issues and Comments

If the Applicant fails to address the listed outstanding issues and comments within the 120-calendar day deadline, and fails to request and receive approval for a reasonable request for an extension of time from the Zoning Director, within the 120-calendar day deadline, the application shall receive a decision of denial from the DRO for failure to comply with the Standards pursuant to Art. 2.C.5, Types of Applications, including the outstanding issues and comments provided by Staff. [Ord. 2020-001]

2. Approved

If the resubmitted document(s) satisfy Code requirements and address the DRO's list of outstanding issues and comments, the DRO shall issue a written notification indicating the approval of the application. [Ord. 2018-002] [Ord. 2020-001] [Ord. 2020-020]

C. Action by the DRO for Type 1 Variance DO Applications

1. Not Certified

If the revised document(s) fail to address all listed outstanding issues and comments, the DRO shall issue a Result List indicating that the application is not certified. [Ord. 2020-001]

a. Resubmittal Requirements

The Applicant shall provide a written response addressing all outstanding issues and comments for those applications that were not certified in a manner and form acceptable to the DRO. The revised document(s) shall be submitted on the Resubmittal date as established on the Annual Zoning Calendar. [Ord. 2020-001]

b. Time Extension

Applicants who have applications for a DO that are not certified within 90-calendar days of Sufficiency determination by the DRO, must submit a written request and receive approval for an extension of time from the Zoning Director. Both parties may agree to a reasonable request for an extension of time. [Ord. 2020-001]

2. Certification

a. If the resubmitted document(s) satisfy Code requirements and address the DRO's list of outstanding issues and comments, the DRO shall issue a written notification indicating the certification of the application. [Ord. 2020-001] [Ord. 2020-020]

b. If the Applicant fails to address the listed outstanding issues and comments within the 90-calendar day deadline, and fails to request and receive approval for a reasonable request for an extension of time from the Zoning Director within the 90-calendar day deadline, the application shall be scheduled to proceed to a public meeting to comply with the timeframes enumerated in the F.S. An Applicant shall receive a recommendation of denial from Staff for failure to comply with the Standards pursuant to Art. 2.C.5.F, Type 1 Variance, including the outstanding issues and comments provided by Staff. [Ord. 2020-001]

3. Application Modification after Certification

Applications shall not be significantly modified after certification, unless requested or agreed to by the DRO. Significant modifications to the certified plan(s) and applications within ten days of a scheduled public meeting date shall result in a postponement when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. For the purposes of this Article, a modification shall be considered significant if it exceeds 30 percent or more change from the certified plan or application request. The DRO may consider, but not limited to, intensity, density, land area, or vehicular use areas, to determine whether the certified plans or document(s) exceed the 30 percent threshold. [Ord. 2020-001]

D. Public Meeting Procedures for Type 1 Variance

1. Notification

Refer to Art. 2.B.5, Notification. [Ord. 2018-018]

2. Scheduling

Once an application has been certified by the DRO, the DRO shall schedule a public meeting in accordance with the dates established on the Annual Zoning Calendar and pursuant to the F.S. The

scheduling of the application for public meeting shall ensure the public notice requirements are satisfied and a decision is rendered pursuant to F.S. [Ord. 2018-018] [Ord. 2020-001]

a. Number of Meetings

The DRO shall hold at least one public meeting on applications that are subject to the Type 1 Variance process. [Ord. 2018-018]

3. Continuance or Postponement of the Meeting

The DRO conducting the public meeting, may on its own motion or at the request of an Applicant, consider an application be continued or postponed, when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. The DRO shall determine if an application shall be postponed when an Applicant fails to submit a written request for postponement five days prior to the meeting. All subsequent requests for continuance or postponement shall be granted at the discretion of the DRO. [Ord. 2020-001]

a. Postponement by Right

An Applicant may submit a written request to the Zoning Director, no less than five days prior to the public meeting, for an application be postponed when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. If the postponement is requested less than five days prior to the date of the scheduled meeting, the request for postponement shall be presented at the hearing and at the discretion of the DRO. [Ord. 2020-001]

Section 5 Types of Applications

A. Finalization of BCC or ZC DOs

Plans approved by the BCC or ZC are required to be submitted to the DRO for Final Approval. The DRO shall review the application under the Full DRO process, and shall ensure the DO is consistent with the BCC or ZC-approved plan and Conditions of Approval. The Final Plan review shall include any DOs that do not involve changes on the plan. All Preliminary Zoning Plans shall be finalized by the DRO prior to the application of a Building Permit; commencement of any related land development activities; or, utilization of any use or approval granted by the BCC or ZC. An Applicant may submit an Expedited Review or for a Concurrent Review under the Full DRO process. [Ord. 2018-002] [Ord. 2020-020]

1. DRO Expedited Review (DROE)

a. Final DRO applications are considered DROE when they are submitted within the next two submittal dates indicated on the Zoning Calendar, after the final decision date of the BCC or ZC. [Ord. 2018-002] [Ord. 2020-020]

b. The DROE shall not be utilized for applications that are subject to the Administrative Approval process. [Ord. 2018-002] [Ord. 2020-020]

2. Exceptions

a. Applications approved by the BCC or ZC may be exempt from the submittal requirements for a DROE or Final DRO when the application meets the following: [Ord. 2020-020]

1) The Preliminary Plans do not require changes other than labeling “Final” Plans; [Ord. 2020-020]

2) The Final Plan is required to reflect the Type 2 Waiver or Type 2 Variance tables that do not result in modifications to the plan(s). [Ord. 2020-020]

b. After the BCC or ZC approval, the Applicant shall indicate intent to take advantage of this provision to submit the Final Plan(s) and obtain final application approval. An application shall be finalized once the Resolution is signed. [Ord. 2020-020]

B. Administrative Approval

1. Purpose

To establish standards for Administrative Approval of new uses by the DRO; developments that exceed the limitations stated in Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval; or, where a Full DRO process is required by this Code. [Ord. 2018-002] [Ord. 2020-020]

a. New Use

These uses require individual review by the DRO of the subject property’s location, proposed design, site configuration, intensity or density to ensure the appropriateness, and compatibility of uses with its surrounding land uses. If there is a previously approved plan, an application for a new use may be reviewed through the ZAR process pursuant to Art. 2.C.4.A.3, Zoning Agency Review (ZAR). [Ord. 2018-002] [Ord. 2020-020]

2. Standards

When considering a DO application that is subject to the Administrative Approval processes, the DRO shall utilize the Standards a through c indicated below: [Ord. 2018-002]

a. Consistency with the Plan

The proposed use is consistent with the purposes, Goals, Objectives, and Policies in the Plan, including standards for densities, and intensities of use. [Ord. 2018-002]

b. Consistency with the Code

The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. [Ord. 2018-002]

c. Adequate Public Facilities

The proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2018-002]

3. Conditions

The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval. [Ord. 2020-020]

4. Effect of an Issuance of a DO

Shall be in effect pursuant to Art. 2.C.7, Effect of an Issuance of a DO. [Ord. 2009-040] [Ord. 2020-020]

C. Administrative Modifications to Prior DOs

1. Purpose

To establish review criteria for the evaluation of Administrative Modifications to DOs that are approved by the BCC, ZC, or the DRO. [Ord. 2008-003] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2018-002] [Ord. 2020-020]

a. Exceptions

1. All Class A or Class B Conditional Uses shall remain in the location consistent with the plan(s) approved by the BCC or ZC; unless a Condition of Approval allows an alternative location on the same site. [Ord. 2018-002]
2. Modifications shall not be allowed if there is a Condition of Approval that prohibits the amendment request. [Ord. 2018-002] [Ord. 2020-020]

2. Modifications to BCC or ZC-Approved Plans

The DRO shall have the authority to approve modifications to a DO approved by the BCC or ZC. The original Final DRO plan(s) shall be used as the controlling document(s) to show proposed modifications, unless stated otherwise. The requests shall meet the intent of the BCC or ZC approval, and comply with the Conditions of Approval. [Ord. 2018-002] [Ord. 2020-020]

3. Standards

When considering a DO request for Administrative Modifications, the DRO shall utilize the same Standards a through c pursuant to Art. 2.C.5.B.2, for Administrative Approval. The DRO shall also consider the criteria stated in Table 2.C.5.C, Administrative Modifications to Prior DOs. [Ord. 2018-002] [Ord. 2020-020]

4. Applicability

The authority of the DRO to modify a prior approval shall include but not be limited to Table 2.C.5.C, Administrative Modifications to Prior DOs. [Ord. 2020-020]

a. The DRO shall consider the request(s) to determine which Agencies will review the application, and whether the review shall be subject to the Full DRO or ZAR process pursuant to Art. 2.C.4.A.3, Zoning Agency Review (ZAR). A combination of requests may require review through the Full DRO process. In making a decision on the requested modification(s), the DRO shall evaluate the application based on the Table listed below. [Ord. 2020-020]

b. The Zoning Director shall maintain PPM #ZO-O-029, Administrative Modifications to Final Zoning Agency Review (ZAR) Process, outlining a list of minor amendments and establishing items that are exempt from the Administrative Modifications process. [Ord. 2020-020]

Table 2.C.5.C – Administrative Modifications to Prior DOs

Request/Allowable Modification	Criteria
Relocation of Building Square Footage (1)(2)(5)	• Allow relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered; [Ord. 2020-020] • Relocation of square footage to a building shall not enlarge the footprint of the building more than 50 percent of the building area as indicated on the latest applicable BCC or ZC-approved plan; [Ord. 2015-006] [Ord. 2016-016] • Relocated square footage may be requested in conjunction with the increase of square footage; • Relocated square footage shall not be used to create additional freestanding building(s) or structure(s); (4) [Ord. 2009-040] [Ord. 2015-006] • Relocation of square footage may be integrated vertically provided the overall height will not exceed ten percent of the approved height and meet setback requirements; and, • Shall not be relocated or constructed closer to perimeter property lines than what was shown on the latest applicable BCC or ZC-approved plan, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible. [Ord. 2009-040] [Ord. 2011-001]
Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage (1)(2)(4)(5)	• Allow an increase of a maximum of five percent or 5,000 square feet of any building, structure, or outdoor area that is considered as square footage; whichever is less; [Ord. 2020-020] • The increase shall not exceed a maximum of 5,000 square feet of the total square feet approved by the BCC or ZC; • The increase shall not exceed a maximum of five percent or 5,000 square feet of any building, structure, or outdoor area considered as square footage, whichever is less; [Ord. 2014-025] [Ord. 2015-006] • The increase shall not be used to create new freestanding building(s) or structure(s); (4) [Ord. 2015-006] • Shall not be relocated or constructed closer to perimeter property lines than what was shown on the BCC or ZC-approved plan, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible; • Relocated square footage may be requested in conjunction with the increase of square footage; and, • Subject to Adequate Public Facilities review. [Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001]
Reduction in Building Size or Elimination of Building Area	• The reduction or elimination of building square feet shall not negatively impact the layout and design of the approved plan; and • The approved Adequate Public Facilities (Concurrency) is amended to indicate a reduction in or elimination of square feet. [Ord. 2020-020]
Overall Height Increase of any Building or Structure	• Allow a maximum of ten percent. [Ord. 2020-020] • Shall meet setback requirements.
Architectural Elevations	• The proposed modifications shall be consistent with the approved Architectural Elevations, and Art. 5.C, Design Standards. [Ord. 2020-020]
Relocation of Site Elements	• Change in location of freestanding ground-mounted signs is based on an approved Master Sign Plan. [Ord. 2020-020] • Relocation of parking or loading spaces does not affect pedestrian and vehicular safety. [Ord. 2020-020]
Relocation, Addition, or Deletion of Internal Access Points	• Determine whether the proposed location is in proximity to a street intersection; and • Whether the proposed location will not negatively impact the existing sidewalk, and maintain the safety of pedestrians.
Addition of External Access Way for Properties within the URAO	• The property is in the UC or UI Zoning District; [Ord. 2018-018] [Ord. 2020-020] • Interconnectivity shall comply with Art. 3.B.16.F.5, Interconnectivity Standards; [Ord. 2018-018] • Interconnectivity shall align with the existing access way located on an adjacent UC or UI parcel; [Ord. 2018-018] • Both parcels shall have a recorded cross-access easement and agreement; [Ord. 2018-018] [Ord. 2020-020] • No significant increase in traffic above that approved by the BCC as determined by the County Engineer; and, [Ord. 2018-018] • Notice to the District Commissioner by the Zoning Division. [Ord. 2018-018] [Ord. 2020-020]

Table 2.C.5.C – Administrative Modifications to Prior DOs

Request/Allowable Modification	Criteria
Addition of External Emergency Access Ways	• Required by the PBC Fire Rescue Department; • Notice to the District Commissioner by the Zoning Division; and, • Access point(s) shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. [Ord. 2015-006]
Addition of an External Access Way to a Civic Pod	• Pod supports a Fire Rescue station, Government-Owned Towers, or a Government Facility; [Ord. 2018-018] [Ord. 2020-020] • Notice to the District Commissioner by the Zoning Division prior to DRO approval; and, [Ord. 2018-018] • No substantial increase in traffic impact above that approved by the BCC as determined by the County Engineer. [Ord. 2018-018]
Relocation of Open Space or Recreation Area(s)	• Relocation shall be within the same overall site or pod; • The acreage of the required open space or recreation area(s) shall remain the same; and, • By relocating the open space or recreation area, it will not result an incompatibility issue from the adjacent properties or pods that are internal to the site.
Phase Lines Addition, Deletion, or Modification	• The addition or modifications are consistent with the intensity or density of the approved DO; and • Addition or modification of the phase lines shall not exceed the approved concurrency. [Ord. 2020-020]
Phase Lines Relocation	• The ZC or BCC DO has approved phase lines; [Ord. 2020-020] • Relocation is allowed if the phase lines are consistent with the intensity or density of the approved DO; and, [Ord. 2020-020] • Relocation of the phase lines shall not exceed the approved concurrency. [Ord. 2020-020]
Addition or Modification of ATM or Freestanding Unmanned Retail Structure	• Proposed location shall not impede vehicular or pedestrian traffic circulation.
Reconfiguration of a Type 1B Excavation	• Modification shall not bring the excavation closer to the property line.
Increase Number of Renewable Energy Wind Facilities within the AP Zoning District	• Allow an increase of ten percent or a maximum of ten Wind Turbines approved by the BCC if the separation or setback requirements from streets, and residential uses and districts as contained for the use in Art. 4, Use Regulations. (3) [Ord. 2011-016] [Ord. 2014-025] [Ord. 2017-007] [Ord. 2020-020]
Relocation of Wind Turbines, Buildings, or Structures of a Renewable Energy Wind Facility within the AP Zoning District	• Provided they comply with separation or setback requirements from streets, and residential uses and districts as contained for the use in Art. 4, Use Regulations. (3) [Ord. 2011-016] [Ord. 2017-007]
Density Transfer	• Units must be from one Residential Pod to another Residential Pod in the same PDD; and [Ord. 2019-005] • The maximum number of units transferred to a Residential Pod or TDD Neighborhood shall not exceed 30 percent above the number of units approved by the BCC for that pod or TDD Neighborhood. [Ord. 2019-005]
Change in Housing Classification for PDD or TDD (Table 3.E.1.E, Housing Classification)	• No height increase from the original BCC DO; and [Ord. 2019-005] • If there is a density transfer along with this request, comply with criteria listed below. [Ord. 2019-005]
Density Decrease	• The reduction in the number of units shall not negatively impact the layout and design of the approved plan; and [Ord. 2019-005] • The approved Adequate Public Facilities (Concurrency) is amended to indicate a reduction in the number of units. [Ord. 2019-005] [Ord. 2020-020]
Relocation/Transfer of WHP Between Pods of the Same Project or Off-Site Construction Units	• Allow transfer of WHP units between the sending and the receiving projects that have received an approved DO. [Ord. 2020-020] • Both sending and receiving projects for the WHP units shall be submitted concurrently. [Ord. 2020-020]
Type 2 Waiver or Type 2 Variance	• Modification of the approved Waiver or Variance shall increase the degree of conformity with the current Code requirements.

[Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001] [Ord. 2011-016] [Ord. 2013-021] [Ord. 2014-001] [Ord. 2014-025] [Ord. 2015-006] [Ord. 2016-016] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2020-020]

Notes:

1.	Shall not apply to accessory structures which are not subject to concurrency review in accordance with PPM #ZO-O-049, Official List of Specific Permit Types Not Subject to Concurrency. [Ord. 2020-020]
2.	Clubhouse located in the Recreation Pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016]
3.	Applicable to the Project Boundary instead of the individual property lines.
4.	Except for Freestanding ATMs and accessory structures. [Ord. 2020-020]
5.	Relocation and increase of building square footage can be combined between multiple buildings on sites with one single use and ownership for the entire development, as long as the location of buildings adjacent to residential uses keep the setbacks shown on the original Final DRO plan(s) following the BCC or ZC approval. [Ord. 2020-020]

5. **Other Modifications**
   a. Modifications to plans that were administratively approved by the DRO may be subject to the ZAR process pursuant to Art. 2.C.4.A.3, Zoning Agency Review (ZAR). [Ord. 2020-020]
   b. Additional modifications to a prior DO approved by the DRO may be processed through the ZAR pursuant to PPM #ZO-O-029. [Ord. 2018-002] [Ord. 2020-020]
6. **Conditions**
   The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval. [Ord. 2020-020]
7. **Effect of an Issuance of a DO for Administrative Modifications**
   Shall be in effect pursuant to Art. 2.C.7, Effect of an Issuance of a DO. [Ord. 2018-002] [Ord. 2020-020]

D. Temporary Use

1. **Purpose**
   To create standards and an approval process for certain uses, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. A Temporary Use may be accommodated in a temporary structure or a permanent structure that is legally approved. A Temporary Use shall include, but not limited to those items listed in Art. 4.B.11, Temporary Uses. [Ord. 2007-013] [Ord. 2015-006] [Ord. 2018-002]
2. **Prior Approved and Authorized Special Permits**
   Any prior approved Special Permits that have expired shall be considered invalid, and the Applicant shall be required to submit a new application for a Temporary Use. Special Permits shall be issued only for Type 1 or 2 Restaurants with Dog Friendly Dining or billboards, subject to the applicable standards and Code requirements. [Ord. 2018-002] [Ord. 2022-001]
3. **PAA**
   The Applicant shall request a PAA to meet with Staff prior to the submittal of a Temporary Use application to ensure the proposed use complies with Code requirements, and to determine whether the application is subject to the review and permit process by other County Agencies. [Ord. 2018-002]
4. **Sufficiency Determination**
   All Temporary Use requests are subject to the requirements of Art. 2.C.2, Sufficiency Review. [Ord. 2015-006] [Ord. 2018-002]
5. **Review and Final Decision**
   The application shall be submitted to the DRO subject to the ZAR process. If the request complies with Code requirements and the Standards listed below, and is not subject to Building Permit review, the Applicant shall receive a Temporary Use DO 15 days prior to the date of the event. [Ord. 2018-002]
   a. **Building Permit Process**
      The Applicant shall submit any required Permit application to the Building Division a minimum of 30 days prior to the date of the event. Prior to issuance of the DO approval of the Temporary Use, any associated Building Permits shall be secured and all required inspections scheduled with the Building and Code Enforcement Divisions and Fire Department. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2015-006] [Ord. 2018-002]
6. **Standards**
   When considering a DO request for a Temporary Use, the DRO shall utilize the Standards a and b; the DRO shall also consider the limitations and criteria stated for each Temporary Use pursuant to Art. 4.B.11.C, Definitions and Supplementary Use Standards for Specific Uses: [Ord. 2018-002] [Ord. 2018-018]
   a. **Consistency with the Plan**
      The proposed use is consistent with the purposes, Goals, Objectives, and Policies in the Plan, including standards for building and structural intensities and densities, and intensities of use. [Ord. 2018-002]
   b. **Consistency with the Code**
      The request meets all applicable standards and provisions of this Code, including but not limited to all applicable portions of Art. 4.B, Use Classification, and the proposed location, design, layout, access, and duration of the use will not create potential adverse impacts on surrounding land uses. [Ord. 2018-002]
7. **Conditions**
   The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval. [Ord. 2018-002] [Ord. 2020-020]

8. Limited Timeframe

A Temporary Use shall be limited to the dates of approval shown on the DO. Each Temporary Use shall be reviewed as a new application and subject to the most current Code requirements, unless otherwise stated herein. [Ord. 2018-002]

9. Expiration

Failure to utilize the Temporary Use DO within one year of the date of approval, or by the date specified in the DO or in a Condition of Approval, shall result in the approval becoming null and void. [Ord. 2018-002]

10. Discontinuance

A Temporary Use DO shall expire if the use or activity is discontinued for more than 90 days. [Ord. 2018-002]

11. Abandonment

A Temporary Use may be abandoned by filing a letter to the Zoning Director. [Ord. 2020-020]

12. Violation of Code Requirements or Conditions of Approval

a. Revocation

A Temporary Use DO may be revoked at any time by the Zoning Director if it is determined that the recipient is in violation of the Code or a Condition of Approval. Revocation of a Temporary Use DO shall result in the approval becoming null and void. The use or activity permitted by the DO shall cease immediately and the affected area shall be returned to its original state before the Temporary Use DO was issued. [Ord. 2018-002] [Ord. 2020-020]

b. Withholding Application

If a Temporary Use is found in violation of any condition or Code requirement, the DRO may withhold the Applicant from requesting the same Temporary Use for a period of 24 months. In making a determination to withhold an application, the DRO shall consider the magnitude of the violation of the Conditions of Approval; which includes but not limited to, whether: [Ord. 2018-002] [Ord. 2020-020]

1) it is a reoccurring violation; [Ord. 2018-002]
2) the violation has created an impact on the surrounding properties or uses; and, [Ord. 2018-002]
3) the Applicant has demonstrated an effort to correct the violation. [Ord. 2018-002]

E. Special Permit

1. Authorized Special Permits

Special Permits shall be issued only for Dog Friendly Dining pursuant to Art. 4.B.2.C.31.h.1) or Art. 4.B.2.C.32.f.1), Dog Friendly Dining, or billboards pursuant to Art. 8.H.2, Billboards, subject to the applicable standards and Code requirements. [Ord. 2022-001]

2. Sufficiency Determination

Special Permits are subject to the requirements of Art. 2.C.2, Sufficiency Review, with exception that the Sufficiency review shall be completed within five days of submittal. [Ord. 2022-001]

3. Review Process

The application shall be submitted in a form established by the Zoning Director and shall be consistent with this Code, in accordance with the ZAR process of Art. 2.C.4, Review, Resubmittal, and Final Decision. If the request complies with the Code requirements and the standards of Art. 2.C.5.D.6, Standards, a Special Permit may be approved. [Ord. 2022-001]

4. Conditions

The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval. [Ord. 2022-001]

F. Type 1 Variance

1. Purpose

To allow minor variation from certain standards of this Code when special circumstances peculiar to the property exist, and the literal enforcement of this Code would result in undue and unnecessary hardship; and to provide the DRO the authority to review, approve, deny, and render conditions to an administrative Variance as necessary to accomplish the Goals, Objectives, and Policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. [Ord. 2018-002]

2. Application Procedures

This Section may not be combined with any other Section that allows variations from the same PDRs. [Ord. 2015-006] [Ord. 2018-002]

3. Variance Request Limitations

Request that exceeds more than five Variances or the following limitations shall be subject to a Type 2 Variance. Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type 1 Variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-002]

a. Residential Lots with Three Units or Less

Reductions or increases of PDRs greater than five percent of the minimum or maximum requirement. Reduction or increase of PDRs less than or equal to five percent of the minimum or maximum shall be processed in accordance with Art. 2.C.5.G, Type 1 Waiver. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-002] [Ord. 2020-020]

b. Accessory Uses and Structures

Relief from Art. 5.B.1.A, Accessory Uses and Structures as follows: General; Fences and Walls; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen Enclosures; and, Permanent Generators. [Ord. 2008-003] [Ord. 2013-001] [Ord. 2018-002] [Ord. 2020-020]

c. Relief from Residential Hedge Height in Art. 7.D.4.A.3, Height Measurement. [Ord. 2015-006] [Ord. 2018-002]

d. Relief from Excavation Standards in Art. 4.B.10.C.2, Type 1A Excavation and Art. 4.B.10.C.3, Type 1B Excavation. [Ord. 2008-003] [Ord. 2017-007] [Ord. 2018-002]

e. Non-Residential Projects

1) Setback reduction greater than five percent but not exceeding 15 percent of the minimum requirement. [Ord. 2008-003] [Ord. 2018-002]

2) Reduction in the number of parking spaces not exceeding 15 percent of the minimum requirement for those parcels that do not meet the criteria pursuant to Art. 6.C.1.A.2.a, 15 Percent Reduction. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002] [Ord. 2020-020]

4. Standards

When considering a Type 1 Variance request, the DRO shall consider Standards a through g, indicated below. A Type 1 Variance which fails to meet any of these Standards shall be deemed adverse to the public interest, and shall not be approved. [Ord. 2018-002]

a. Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; [Ord. 2006-036] [Ord. 2018-002]

b. Special conditions and circumstances do not result from the actions of the Applicant; [Ord. 2006-036] [Ord. 2018-002]

c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, structures, or buildings in the same district; [Ord. 2006-036] [Ord. 2018-002]

d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship; [Ord. 2006-036] [Ord. 2018-002]

e. Granting the Variance is the minimum Variance that will make possible a reasonable use of the parcel of land, building, or structure; [Ord. 2006-036] [Ord. 2018-002]

f. Granting the Variance will be consistent with the purposes, Goals, Objectives, and Policies of the Plan and this Code; and, [Ord. 2006-036] [Ord. 2018-002]

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare. [Ord. 2006-036] [Ord. 2018-002]

5. Staff Report and Recommendation

The DRO or the PBC Official responsible for reviewing the application shall prepare a report for the application. The DRO shall incorporate the analysis and Conditions of Approval of the Agencies who are responsible for reviewing the application, and a recommendation of approval, approval with conditions, or denial based on the applicable Standards. The report shall be made available to the public at least five days prior to the hearing date. [Ord. 2018-018]

6. Conditions

The DRO may impose Conditions of Approval in a Type 1 Variance DO, as necessary to accomplish the Goals, Objectives, and Policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. Any violation of the Variance or condition shall be a violation of this Code. [Ord. 2018-002]

7. Time Limitation

Unless otherwise specified in the DO or a Condition of Approval, failure to utilize the Type 1 Variance within one year of issuance, or by the date specified in a Condition of Approval, shall result in the Variance becoming null and void. If more than one Variance was granted in the application, the use of one Variance shall vest all other Variances. Permitted timeframes do not change with successive owners. Applications for extensions shall be submitted a minimum of 30 days prior to expiration. [Ord. 2008-003] [Ord. 2018-002]

8. Effect of a Type 1 Variance DO

Approval of a Type 1 Variance shall render a parcel of land, building, or structure to be conforming. Use of the Variance shall be limited to the exact dimensions and configuration of the parcel of land, building, or structure as indicated on the Site Plan as submitted in the application. The parcel of land, building, or structure may not be further expanded, except in accordance with the standards of the Code. [Ord. 2006-036] [Ord. 2018-002]

G. Type 1 Waiver

1. Purpose

To establish procedures and evaluation standards for a Type 1 Waiver. A Type 1 Waiver is to allow flexibility and minor adjustments to the property development regulations; site design; preservation or incorporation of existing native vegetation; or, for an improved site design where alternative solutions can be permitted subject to the criteria. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other Sections of this Code, or the Florida Building Code. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2018-002]

2. Applicability

Requests for Type 1 Waivers shall only be permitted where expressly stated within this Code or indicated below: [Ord. 2011-016] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-020] [Ord. 2021-006] [Ord. 2024-020]

a. Overlays

1) Table 3.B.4.F, Type 1 Waivers for Industrial Pods, for GAO Industrial Pod development standards. [Ord. 2014-025] [Ord. 2018-002] [Ord. 2021-006] [Ord. 2024-020]
2) Art. 3.B.7.D, Property Development Regulations (PDRs), for the NEO. [Ord. 2018-002] [Ord. 2021-006] [Ord. 2024-020]
3) Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines, for NBOZ Design Guidelines. [Ord. 2016-016] [Ord. 2018-002] [Ord. 2024-020]
4) Art. 3.B.14.H.1.c.1), for landscaping for WCRAO Density Bonus Pool projects. [Ord. 2024-020]
5) Table 3.B.15.G, Type 1 Waivers, for IRO Waivers. [Ord. 2012-027] [Ord. 2018-002] [Ord. 2024-020]
6) Table 3.B.16.G, Type 1 and 2 URAO Waivers, for URAO Waivers. [Ord. 2012-027] [Ord. 2018-002] [Ord. 2021-006] [Ord. 2024-020]

b. Parking, Buffers, and Landscaping

1) Art. 3.E.6.F.2, Perimeter Buffer, for RVPD Type 3 Incompatibility Buffer. [Ord. 2021-006] [Ord. 2024-020]
2) Art. 4.B.2.C.3.13.f.3)a)(2), for parking proximity for a Type 1 Restaurant with Drive-Through. [Ord. 2012-027] [Ord. 2018-002] [Ord. 2021-006] [Ord. 2024-020]
3) Art. 4.B.6.C.17.c.4)b), Loading, for commercial greenhouse loading. [Ord. 2012-027] [Ord. 2018-002] [Ord. 2024-020]
4) Art. 4.B.7.C.10.d, Buffer, for Solid Waste Transfer Station landscaping. [Ord. 2012-027] [Ord. 2018-002] [Ord. 2021-006] [Ord. 2024-020]
5) Note 10 of Table 6.B.1.B, Minimum Parking and Loading Requirements, for parking for a Community Vegetable Garden. [Ord. 2015-031] [Ord. 2018-002] [Ord. 2024-020]
6) Note 12 of Table 6.B.1.B, Minimum Parking and Loading Requirements, for loading space for a CLF, or Skilled Nursing or Residential Treatment Facility with more than 20 beds. [Ord. 2021-006] [Ord. 2024-020]
7) Art. 6.C.1.A.2, Type 1 Waiver, for parking spaces. [Ord. 2020-001] [Ord. 2024-020]
8) Art. 6.E.2.B.3, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces, for loading spaces. [Ord. 2016-042] [Ord. 2018-002] [Ord. 2020-001] [Ord. 2024-020]
9) Art. 6.E.4.A.1.d, Type 1 Waiver – Reduction of Loading Space Width or Length, for loading space width or length. [Ord. 2016-042] [Ord. 2018-002] [Ord. 2020-001] [Ord. 2024-020]
10) Table 7.B.4.A, Type 1 Waivers for Landscaping, for landscaping. [Ord. 2016-042] [Ord. 2018-002] [Ord. 2024-020]

c. Other

1) Table 3.D.1.A, Property Development Regulations, for structural setback. This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. "blanket" application or reductions exceeding five percent less than the minimum requirement. [Ord. 2018-002] [Ord. 2021-006] [Ord. 2024-020]
2) Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture, for Green Architecture. [Ord. 2012-027] [Ord. 2018-002] [Ord. 2024-020]
3) Art. 8.G.3.B, PUD or Residential Subdivision Informational Signs, for PUD or Residential Subdivision Informational signs. [Ord. 2015-031] [Ord. 2018-002] [Ord. 2022-029] [Ord. 2024-020]
4) Art. 8.H.2.D.4, Replacement, for billboard location. [Ord. 2012-027] [Ord. 2018-002] [Ord. 2024-020]

3. Standards

When considering a DO application for a Type 1 Waiver, the DRO shall consider the following Standards in addition to any other Standards applicable to the specific Waiver as contained in this Code. For a Waiver application that requires the submittal of an ALP, the Applicant shall comply with additional standards pursuant to Art. 7.B.4, Type 1 Waiver for Landscaping. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2018-002]

a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay; [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]
b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]

4. Conditions

The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval. [Ord. 2018-002] [Ord. 2020-020]

5. Effect of a Type 1 Waiver DO

Shall be in effect pursuant to Art. 2.C.7, Effect of an Issuance of a DO. [Ord. 2020-020]

H. Development Order Abandonment (ABN)

1. General

An Administrative DO granted under a prior Ordinance, may be abandoned according to the procedures in this Chapter. DOs, that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. [Ord. 2018-002] [Ord. 2019-034]

2. Authority

The same Authority that granted the original DO shall render a decision on a request for abandonment. [Ord. 2019-034]

3. Applicability

This Section shall apply to all DOs for uses approved by the DRO, or similar DOs granted by the DRO, and requested by the Applicant. DOs reviewed pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval for time requirements identified in Art. 2.E.2.C, Time Limitations for Commencement, or failure to comply with Conditions of a DO shall be reviewed under the requirements of Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2019-034]

4. Sequence of Submittal

An application for an abandonment may be submitted as follows: [Ord. 2019-034]

a. Concurrent Abandonment

A Concurrent Abandonment may be submitted with a separate application requesting a new DO as follows: [Ord. 2019-034]

1) Abandon previous DO approved by the DRO, for the entire DO and submit concurrently with a new DO through an Administrative Approval process; or [Ord. 2019-034]
2) Abandon previous DO approved by the DRO, for the entire DO and submit concurrently with a new DO through a Building Permit approval process. [Ord. 2019-034]

b. Standalone Abandonment

Reviewed for abandonment with no proposed use. Any future use would be subject to the requirements of the Code at time of approval. [Ord. 2019-034]

5. Application Requirements

In addition to the submittal requirements pursuant to Art. 2.A.6.A, Zoning Application Requirements, the Applicant shall provide status of all DRO Conditions of Approval as outlined in the DRO notifications. The Applicant shall state whether these conditions are no longer applicable, implemented, or pending implementation. The Applicant must confirm that there is no reliance of other interested parties on additional performance activities related to the proposed abandonment. Staff shall determine if the conditions are satisfied, if not, Staff shall notify the Applicant to coordinate with the Agency that imposed the condition, and determine the action to achieve compliance. If the Applicant is seeking a new DO, Staff shall determine if the current conditions should be carried forward under the new DO request. [Ord. 2020-020]

6. Standards

When considering an ABN application, the DRO shall utilize the Standards indicated below. A request for an ABN which fails to meet any of these Standards shall be deemed adverse to the public and shall not be approved. An application for a DO abandonment to a Temporary Use shall demonstrate compliance with only Art. 2.C.5.H.6.d, Changed Conditions or Circumstances. [Ord. 2019-034] [Ord. 2020-020]

a. Consistency with the Plan

The proposed abandonment is consistent with the Plan. [Ord. 2019-034]

b. Consistency with the Code

The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities. [Ord. 2019-034]

c. Adequate Public Facilities

The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2019-034]

d. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO. [Ord. 2019-034]

Section 6 Conditions of Approval

A. DRO Authority

The DRO shall have the authority to impose Conditions of Approval for administrative DOs. Conditions of Approval may be imposed to: [Ord. 2009-040] [Ord. 2018-002] [Ord. 2020-020]

1. Ensure compliance with Code requirements; [Ord. 2009-040]
2. Ensure compatibility of the proposed development or use with surrounding land uses, address the location of uses on the site to minimize potential adverse off-site impacts, and ensure on-site safety; [Ord. 2009-040]
3. Require the execution of a Unity of Control, shared parking, and other legal documentation necessary to satisfy requirements of this Code; [Ord. 2009-040] [Ord. 2021-006]
4. Require road construction necessary to mitigate project impacts including but not limited to drainage, turn lanes, sidewalks, and signalization; [Ord. 2009-040]
5. Reduce negative impacts from agricultural uses in the Urban Service Area on surrounding properties including but not limited to: controlling objectionable odors, fencing, sound limitations, inspections, reporting or monitoring, preservation areas, mitigation, and/or limits of operation; and, [Ord. 2009-040]
6. Allow specific requirements of the Code to be waived, provided the proposed development meets the specific requirements for a Type 1 Waiver. [Ord. 2009-040] [Ord. 2012-027]

B. Condition Limitations

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

2. Conditions shall not amend BCC or, ZC-imposed conditions or affect previously approved conditions. [Ord. 2018-002]
3. For modifications or additions to previously approved DOs, conditions shall only be imposed to address the specific impacts of the new use or development. [Ord. 2018-002]
4. Conditions shall not restrict land uses otherwise permitted by the Code, unless necessary for parking or concurrency purposes, or require payment of any fees not otherwise required.

C. Completion of Conditions

A DO with Conditions of Approval imposed by the DRO that are required to be completed prior to a specific date, event, or action, shall comply with the procedures established in Art. 2.E.3.D, Decision of the DRO. [Ord. 2020-020]

Section 7 Effect of an Issuance of a DO

A DO approved by the DRO shall have the following effect and authority: [Ord. 2009-040] [Ord. 2020-020]

A. Any Permitted by Right uses may occur in conjunction with or in place of a DRO-approved use, provided there are no Conditions of Approval that prohibit the permitted use to be added to site; [Ord. 2018-002] [Ord. 2020-020]
B. Issuance of a DO approved by the DRO shall be deemed to authorize only the particular site configuration, layout, design, level of impacts, and intensity or density which were approved pursuant to this Code, unless the approval is abandoned, expired, or revoked; [Ord. 2018-002] [Ord. 2020-020]
C. A DO may only be amended pursuant to the procedures and standards in Art. 2.C.5.C, Administrative Modifications to Prior DOs; [Ord. 2018-002] [Ord. 2020-020]
D. The approval of a DO shall not ensure that subsequent approvals for other Development Permits will be granted unless the relevant and applicable portions of the Code are met; and, [Ord. 2020-020]
E. Time Limitation for a DO shall be reviewed pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2020-020]

Section 8 Applications Not Issuing a Development Order

A. Zoning Confirmation Letter (ZCL)

1. Purpose

Confirmation of information regarding a particular parcel of land, or interpretation of how the Code applies to a given parcel, may be obtained through an Informal ZCL, Formal ZCL, Site Specific or Non-Site Specific, or Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility from the DRO pursuant to the procedures in this Section. The scope of the ZCL shall be limited to those matters under the authority of the Executive Director of PZB pursuant to Art. 1.B.1.A, Authority. [Ord. 2018-002] [Ord. 2020-020] [Ord. 2021-022]

2. Types of ZCL

The request for a ZCL by an Applicant may be in form of an Informal ZCL, a Non-Site Specific Formal ZCL, or a Formal ZCL. [Ord. 2018-002]

a. Informal ZCL

Any individual may request standard land use and zoning information that exists as a matter of record pertinent to a parcel of land. The response from the Zoning Division shall provide a summary of the requested information, including but not limited to FLU designation, zoning district, any prior approvals, and whether the property conforms to applicable Code requirements. The Informal ZCL request may include plans or other relevant documents pertinent to the parcel of land. The Informal ZCL is not considered a final action of the Zoning Division and therefore, is not subject to appeal. [Ord. 2018-002]

b. Non-Site Specific ZCL

Any individual may request a Non-Site Specific ZCL to determine how the Code may apply in a particular zoning district, overlay, or other zoning designation. The Non-Site Specific ZCL may contain the same information contained in the Informal ZCL, but may also include a request for clarification or interpretation of Code requirements, prior approvals, or other similar matters. The Non-Site Specific ZCL is not considered a final action of the Zoning Division and therefore, is not subject to appeal. [Ord. 2018-002]

c. Formal ZCL

An owner of a parcel of land, any person with a contractual interest in a parcel of land, or any person submitting a DO application for a parcel of land, may request a Formal ZCL to determine how the Code applies to that parcel of land based on an existing DO or a specific plan to seek a

DO for a particular use. The Formal ZCL may contain the same information contained in the Informal ZCL, but may also include a request for clarification or interpretation of Code requirements, existing Conditions of Approval, prior approvals, or other matters pertinent to the parcel of land. A request for a Formal ZCL is subject to a mandatory PAA. A Formal ZCL is subject to appeal pursuant to Art. 2.A.14, Appeal. [Ord. 2018-002]

d. Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility

An owner of a parcel of land, any person with a contractual interest in a parcel of land, or any person submitting a DO application for a parcel of land, shall request confirmation to determine if a proposed Community Residence, Recovery Community, or Congregate Living Facility, may be allowed for a specific parcel of land. The Applicant shall provide documentation on how the Community Residence will comply with the Location, Maximum Number of Residents, and Licensing/Certification or Charter requirements pursuant to Art. 4.B.1.C.3, Family Community Residence and Art. 4.B.1.C.9, Transitional Community Residence; or documentation on how the Recovery Community or Congregate Living Facility complies with the Location requirements pursuant to Art. 4.B.1.C.1, Congregate Living Facility (CLF) or Art. 4.B.1.C.6, Recovery Community. [Ord. 2021-022]

3. Processing

Applicants requesting a ZCL shall submit the application to the DRO subject to the ZAR process. All applications are subject to sufficiency review pursuant to Art. 2.C.2, Sufficiency Review. The BCC may establish an administrative fee by Resolution for processing ZCLs. [Ord. 2018-002] [Ord. 2021-022]

4. ZCL Response

a. Informal ZCL Response

Within 30 days after the date of which the request is deemed sufficient for review, the DRO shall provide a response to the Applicant. [Ord. 2018-002]

b. Formal ZCL and Non-Site Specific ZCL Response

Within 60 days after the date of which the request is deemed sufficient for review, the DRO shall provide a response or render an interpretation to the Applicant. A response by the DRO may be extended, based on the complexity of the request(s). During the review, the Applicant may be required to submit additional information to assist the DRO in preparing the response. Resubmittal of information to the DRO will restart the response period. [Ord. 2018-002]

c. Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility

Within 30 days after the date the request is deemed sufficient for review, the DRO shall provide a response to the Applicant. During the review, the Applicant may be required to submit additional information to assist in preparing the response. Resubmittal of information will restart the response period. Upon demonstration, by the Applicant, that the use and site can comply with the requirements, the Applicant shall be issued a provisional approval. [Ord. 2021-022]

The Applicant shall provide proof of final licensure or certification from the State of Florida, or issuance of an Oxford House Charter within six months of the provisional approval. A written request for an extension of time to the Zoning Director may be requested if the Applicant is unable to obtain its appropriate license, certification, or charter within the six-month provisional approval time. The letter for the provisional approval will advise the Applicant that Type 2 Waiver(s) may be required, if approvals from the State are not completed prior to other Community Residences, Recovery Communities, or Congregate Living Facilities being approved during the same timeframe, and would affect the location requirements pursuant to Art. 4.B.1.C.1, Congregate Living Facility (CLF), Art. 4.B.1.C.3, Family Community Residence, Art. 4.B.1.C.6, Recovery Community, Location, and Art. 4.B.1.C.9, Transitional Community Residence requirements. Upon receipt of the license, certification, or charter the Applicant shall provide the Zoning Division proof of licensure, certification, or charter. Failure to provide proof of final licensure or certification from the State of Florida, or an Oxford House Charter will result in revocation of the provisional approval for the use. [Ord. 2021-022]

1) Annual Notification of License, Certificate, or Charter

The Applicant shall provide proof of the valid license, certification, or charter annually to the DRO. Failure to provide proof of annual licensure or certification from the State of Florida, or an Oxford House Charter will result in revocation of the approval for the use. [Ord. 2021-022]

B. Administrative Inquiry (AI)

1. Purpose

To establish procedures for PBC Officials when submitting inquiries to the BCC asking for direction on procedural matters or to resolve an inconsistency in a DO. [Ord. 2011-016] [Ord. 2018-002] [Ord. 2020-020] [Ord. 2023-020]

2. Applicability

An inquiry is not a public hearing, but is subject to the notice requirements of Art. 2.B.5, Notification. The decision of the BCC shall be final. [Ord. 2011-016] [Ord. 2018-002]

3. Procedures

An AI may be made by a public agency through the Zoning Director using forms and procedures established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning Division for the date the inquiry is intended to be presented. Courtesy notice pursuant to Art. 2.B.5, Notifications, is required for an AI applicable to a parcel for a specific inquiry or to provide development status not monitored by the provisions in Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2011-016] [Ord. 2017-002] [Ord. 2018-002]

C. Reasonable Accommodation

1. Purpose

The purpose of this Section is to establish procedures for processing requests for Reasonable Accommodation from the County's Unified Land Development Code and related rules, policies, practices, and procedures, for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601 *et seq.*) (FHA), or Title II of the Americans with Disabilities Act (42 U.S.C. 12131 *et seq.*) (ADA). Any person who is disabled, or qualifying entities, may request a Reasonable Accommodation, pursuant to the procedures set out in this Section. [Ord. 2011-016] [Ord. 2018-002] [Ord. 2020-020]

2. Applicability

An Applicant shall be required to apply for all applicable development review processes available in the ULDC prior to filing a request for Reasonable Accommodation, unless compliance with available development review processes would deprive the Applicant, or persons with disabilities served by the Applicant, of an equal opportunity to use and enjoy housing. Art. 2.B.7.D.5, Standards for Community Residences, Recovery Communities, or Congregate Living Facilities, Type 2 Waiver sets forth the procedure to seek a Reasonable Accommodation for a Family Community Residence, Transitional Community Residence, Recovery Community, or Congregate Living Facility and the provisions set forth herein do not apply to those uses. [Ord. 2015-006] [Ord. 2018-002] [Ord. 2021-022]

3. Notice to the Public of Availability of Accommodation

The County shall endeavor to provide notice to the public, advising that disabled individuals or qualifying entities may request a Reasonable Accommodation. [Ord. 2011-016] [Ord. 2018-002]

4. Application Procedures

The application forms and requirements for submitting a request for Reasonable Accommodation shall be on forms specified by the County Administrator or designee. [Ord. 2011-016] [Ord. 2018-002]

a. Application Contents

The following considerations shall be applicable for any application information or documentation required: [Ord. 2011-016] [Ord. 2018-002]

1) Confidential Information

Upon submittal of any medical information or records, including but not limited to condition, diagnosis, or history related to a disabled individual, an Applicant may request that the County, to the extent allowed by law, treat the information or records as confidential. The County shall thereafter endeavor to provide notice to the disabled individual, or their representative, of any request received by the County for disclosure of the medical information or documentation previously requested to be treated as confidential. The County will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the County shall have no obligation to initiate, prosecute, or pursue any such action, or to incur any legal or other expenses, whether by retention of outside counselor, or allocation of internal resources in connection therewith, and may comply with any judicial order without prior notice to the disabled individual. [Ord. 2011-016] [Ord. 2018-002]

2) Address of Applicant

Address of the Applicant is requested, unless governed by 42 U.S.C. 290dd, in which case the address shall not be required, but the Applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

3) Address of Housing

Address of housing or other location at which accommodation is requested, unless governed by 42 U.S.C. 290dd, in which case address shall not be required, but the Applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord. 2018-002]

b. Sufficiency Determination

The County Administrator or designee shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application. If Staff determines the application is not sufficient, a written notice shall be sent to the Applicant specifying the deficiencies within the ten-day determination timeframe set forth herein. [Ord. 2015-006] [Ord. 2018-002]

c. Fee

There shall be no fee imposed by the County for a request for Reasonable Accommodation under this Section or an appeal of a determination on such request, and the County shall have no obligation to pay an Applicant's, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

d. County Assistance

The County shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for Reasonable Accommodation, including assistance with reading application questions, and responding to questions related to completing application or appeal forms, among others, to ensure the process is accessible. [Ord. 2011-016] [Ord. 2018-002]

e. Findings for Reasonable Accommodation

In determining whether the Reasonable Accommodation request shall be granted or denied, the Applicant shall be required to establish that they are protected under the FHA or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this Ordinance the disabled individual must show: [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

1) a physical or mental impairment which substantially limits one or more major life activities; [Ord. 2011-016] [Ord. 2018-002]
2) a record of having such impairment; or, [Ord. 2011-016] [Ord. 2018-002]
3) that they are regarded as having such impairment. [Ord. 2011-016] [Ord. 2018-002]

The Applicant shall demonstrate that the proposed accommodations being sought are reasonable and necessary to afford disabled persons equal opportunity to use and enjoy housing. The foregoing, as interpreted by the courts, shall be the basis for a decision upon a Reasonable Accommodation request made by the appropriate PBC Official. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

f. Authority

The determination of which appropriate PBC Official has the authority to consider and act on requests, or appeals of a decision for Reasonable Accommodation, shall be consistent with Art. 1.B.1.A, Authority. [Ord. 2011-016] [Ord. 2018-002]

g. Action by Appropriate PBC Official

A written response shall be issued within 45 days of the date of sufficiency advising the Applicant of the PBC Official's action. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

1) Request for Additional Information Timeframes

If additional information is required to make a final decision, the following shall apply: [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

a) Within 45 days of Sufficiency determination, a written notice requesting additional information may be requested, specifying what information is required. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

b) The Applicant shall have 15 days from the date of the written notice to respond to the request for additional information not to exceed 60 days from the date of the Sufficiency determination. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

(1) If the additional information provided by the Applicant satisfies Staffs' request, a written determination shall be issued within 30 days. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

(2) If the Applicant fails to provide the requested additional information within the 15-day period, a notification shall be issued to the Applicant advising the Applicant that the

application is considered withdrawn. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Ord. 2020-020]

2) Determination

In accordance with Federal law, the appropriate PBC Official, shall: [Ord. 2011-016] [Ord. 2018-002]

a) grant the accommodation request; [Ord. 2011-016] [Ord. 2018-002]
b) grant a portion of the request and deny a portion of the request; [Ord. 2011-016] [Ord. 2018-002]
c) impose conditions upon the grant of the request; or, [Ord. 2011-016]
d) deny the request. Any such denial shall be in writing and shall state the grounds therefore. [Ord. 2011-016] [Ord. 2018-002]

3) Notice of Proposed Decision

All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e., the disabled individual or his/her representative) by certified mail, return receipt requested. [Ord. 2011-016] [Ord. 2018-002]

h. Appeal

Within 30 days after the appropriate PBC Official has rendered a decision on a Reasonable Accommodation, the Applicant may appeal the decision. This timeframe shall be based upon the date of the letter mailed to the requesting party. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the Applicant of the public hearing for appeal, render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed. Such hearing shall be *de novo*. A Hearing Officer's decision may be appealed to the 15th Judicial Circuit Court by Petition for Writ of *Certiorari*. [Ord. 2011-016] [Ord. 2018-002]

i. Stay of Enforcement

While an application for Reasonable Accommodation, or appeal of a determination of same, is pending before the County, the County will not enforce the subject ULDC requirement, or related rules, policies, practices, or procedures, against the Applicant. [Ord. 2011-016] [Ord. 2018-002]

j. Time Limitation

A determination granting, partially granting, or granting with conditions, a Reasonable Accommodation, may remain valid either for one year from the date of issuance, or by the date specified in a DO or associated Condition of Approval, otherwise it shall become null and void. This provision shall retroactively apply to all prior determinations for a Reasonable Accommodation prior to the effective date of this Ordinance. [Ord. 2017-002] [Ord. 2018-002] [Ord. 2020-020]

k. Change of Owner/Operator

When a facility that has received a Reasonable Accommodation approval changes ownership, the new owner/operator must apply for new Reasonable Accommodation. The County will review the request and make a new case-by-case determination based on an individualized assessment. [Ord. 2019-034]

D. Unity of Title and Release of Unity of Title

1. Purpose

Execution and recording of a Unity of Title by a Property Owner allows an owner's real property be considered as one unified lot or parcel, pursuant to the requirements of Art. 5.F.1, Maintenance and Use Documents. In addition, to establish procedures for Applicants submitting requests to release a previously approved, executed, and recorded Unity of Title. [Ord. 2021-006] [Ord. 2023-026]

2. Authority

A proposed Unity of Title is subject to the review and approval of the Zoning Director. A Unity of Title shall be released by the BCC, ZC, or the PZB Executive Director as specified in the original Unity of Title document. [Ord. 2021-006] [Ord. 2023-026]

3. Application Procedures

A Unity of Title or Release of Unity of Title application shall be submitted using the forms and supporting documents established by the Zoning Division, and pursuant to the Zoning Technical Manual. [Ord. 2021-006] [Ord. 2023-026]

CHAPTER D ULDC PRIVATELY PROPOSED REVISION

Section 1 Purpose and Intent

The PPR is a discretionary process that allows an Applicant to request privately proposed revisions to the ULDC for the BCC to consider for initiation (Phase 1), and, if initiated, for the BCC to consider for adoption (Phase 2). [Ord. 2018-002] [Ord. 2024-001]

Under no circumstance will a PPR be processed that is in violation of State, Federal, or other applicable Local Government laws, or where inconsistent with the Comprehensive Plan, except where submitted with a concurrent amendment to the Plan. [Ord. 2018-002] [Ord. 2024-001]

Section 2 Authority

Acceptance of a PPR application to amend the ULDC shall be at the discretion of the responsible PBC Official as specified in Art. 1.B.1.A, Authority, in consultation with the Zoning Director. [Ord. 2018-002] [Ord. 2024-001]

Section 3 Reserved for Future Use

Section 4 Mandatory Pre-Application Appointment (PAA)

A. Applicability
A Pre-Application Appointment (PAA) with the applicable responsible PBC Official and the Zoning Division is mandatory for any request for a PPR, including a PPR resulting from a privately proposed Plan amendment that will require an amendment to the ULDC. [Ord. 2018-002] [Ord. 2024-001]

B. PAA Requirements
The Applicant shall provide a Justification Statement and any necessary supporting documentation outlining the rationale for the proposed amendment, and information regarding any proposed concurrent text amendment to the Plan. The Applicant shall submit this information to the applicable responsible PBC Official and the Zoning Division a minimum of five working days prior to the PAA. [Ord. 2018-002] [Ord. 2024-001]

C. Acceptance Finding
Within seven working days after the PAA, the applicable responsible PBC Official shall provide a written response stating whether the PPR will be accepted for processing, or if additional information is required by the Applicant prior to acceptance for processing. Other options may be applicable, including whether the responsible PBC Official would support, as an alternative to the PPR, the proposed ULDC revision being incorporated into a County-initiated revision to the ULDC. [Ord. 2018-002] [Ord. 2020-001] [Ord. 2024-001]

Section 5 Application Procedures

As the PPR is a discretionary process, acceptance of an application is typically determined through a higher level of collaboration between the Applicant and applicable PBC Official, or designee. Upon completion of the PAA and affirmation by the responsible PBC Official that the PPR may be accepted for processing, the PPR application shall be submitted in accordance with the Application Procedures established in the Technical Manual, Development Review Procedures Section, and as provided below. [Ord. 2018-002] [Ord. 2020-001] [Ord. 2024-001]

A. Review Phases
The PPR is comprised of two phases. [Ord. 2018-002] [Ord. 2024-001]

1. Phase 1 – Pre-BCC Initiation
Phase 1 PPR describes the period of time between the acceptance of the application for processing and the presentation to the BCC to consider the ULDC revisions for initiation. The responsible PBC Official shall review the PPR and prepare a Staff Report which shall include a preliminary analysis and recommendation on whether the proposed ULDC revisions should be approved for initiation. The Zoning Division shall schedule the PPR for appropriate public hearings as described in this Section upon the completion of the review and analysis of the PPR by the responsible PBC Official. A Phase 1 PPR that is denied for initiation by the BCC does not move forward to Phase 2. [Ord. 2018-002] [Ord. 2024-001]

2. Phase 2 – Post-BCC Initiation
Phase 2 PPR describes the period of time between the BCC approval of the initiation and the presentation to the BCC to consider the ULDC revisions for adoption. The Phase 2 PPR requires the Applicant to coordinate with the responsible PBC Official, the Zoning Division, Staff, and any interested

parties, and requires a more detailed analysis with supporting documentation to substantiate the request. The responsible PBC Official shall review the PPR and prepare a Staff Report which shall include an analysis and recommendation on whether the proposed ULDC revisions should be adopted, adopted with modifications, or not adopted. The Zoning Division shall schedule the PPR for appropriate public hearings applicable to adoption of ULDC revisions upon the completion of the review and analysis of the PPR by the responsible PBC Official. [Ord. 2018-002] [Ord. 2020-001] [Ord. 2024-001]

B. Staff Report and Recommendation

The responsible PBC Official reviewing the application shall prepare a Staff Report with analysis and recommendations for Phase 1 and for Phase 2 as provided below. [Ord. 2024-001]

1. Phase 1 Staff Report

The Phase 1 PPR Staff Report shall include, but not be limited to, the following: [Ord. 2024-001]

a. A finding that the proposed ULDC revision does not violate State, Federal, or other Local Government laws; [Ord. 2024-001]
b. A preliminary analysis demonstrating consistency with the Plan; [Ord. 2024-001]
c. An analysis and finding of internal consistency within the ULDC, with the identification of any other ULDC revisions that may be necessary to ensure internal consistency; [Ord. 2024-001]
d. A preliminary identification of properties that may be affected by the proposed ULDC revisions; [Ord. 2024-001]
e. An evaluation of the availability of other alternatives to the proposed ULDC revisions, and if other alternatives are available, a demonstration of why those alternatives are not being pursued; and, [Ord. 2024-001]
f. Staff recommendation on whether the proposed ULDC revisions should be initiated, initiated with modifications, or denied. [Ord. 2024-001]

2. Phase 2 Staff Report

The Phase 2 PPR Staff Report shall include, but not be limited to, the following: [Ord. 2024-001]

a. A finding that the proposed ULDC revision does not violate State, Federal, or other Local Government laws; [Ord. 2024-001]
b. An analysis demonstrating consistency with the Plan, with the inclusion of any proposed Plan amendments being reviewed concurrently; [Ord. 2024-001]
c. An analysis and finding of internal consistency within the ULDC, with inclusion of any other ULDC revisions that may be necessary to ensure internal consistency; [Ord. 2024-001]
d. An identification of properties that may be affected by the proposed ULDC revisions, and an analysis of the implications of the proposed revisions; [Ord. 2024-001]
e. An analysis of Identification of examples of similar land development regulations adopted in other jurisdictions under the same circumstances, such as similar FLU designation or zoning districts, compatibility, buffering, roadway frontage, and other similar site considerations; and, [Ord. 2018-002] [Ord. 2024-001]
f. Staff recommendation on whether the proposed ULDC revisions should be approved, approved with modifications, or denied. [Ord. 2024-001]

Section 6 Notification

A. Applicability

The minimum requirements for notification shall be in accordance with F.S. § 125.66. [Ord. 2018-002] [Ord. 2024-001]

Section 7 Advisory Board Hearings

A. Phase 1 Advisory Board Review and Recommendation

The responsible PBC Official shall present the Phase 1 PPR to the applicable advisory board established by BCC to make recommendations for those provisions proposed to be revised. If the PPR is being processed concurrently with a text amendment to the Plan, a Phase 1 advisory board review and recommendation is not required. [Ord. 2018-002] [Ord. 2024-001]

1. Meeting

The advisory board shall consider the PPR, Staff Report, relevant support materials, and public 44 testimony given at the meeting. [Ord. 2024-001]

2. Recommendation

The advisory board shall recommend to the BCC to initiate, initiate with modifications, or deny the PPR. [Ord. 2024-001]

B. Phase 2 Advisory Board Review and Recommendation

The responsible PBC Official shall present the Phase 2 PPR to the advisory board established by BCC to make recommendations for those provisions proposed to be revised. [Ord. 2024-001]

1. Meeting

The advisory board shall consider the PPR, Staff Report, relevant support materials, and public testimony given at the meeting. [Ord. 2018-002] [Ord. 2024-001]

2. Recommendation

The advisory board shall recommend to the BCC that the PPR be approved, approved with modifications, or denied. [Ord. 2018-002] [Ord. 2024-001]

C. LDRC

The responsible PBC Official and the Zoning Division shall present the Phase 2 PPR to the LDRC, which shall make a recommendation regarding its consistency with the Plan. [Ord. 2018-002] [Ord. 2024-001]

Section 8 Action by the BCC

A. Phase 1 BCC Initiation

The responsible PBC Official and the Zoning Division shall present the Phase 1 PPR to the BCC following the review and recommendation by the applicable advisory board, except if there is a concurrent Plan text amendment as described below. [Ord. 2018-002] [Ord. 2024-001]

1. Public Hearing

At the public hearing(s), the BCC shall consider the PPR, Staff Report, relevant support materials, the recommendation of the applicable advisory board, the testimony given, and the evidence introduced into the record at the public hearing(s). If the PPR is being processed concurrently with a text amendment to the Plan, the BCC shall consider the initiation of both items at the same meeting. [Ord. 2024-001]

2. Decision

The BCC may elect to initiate the PPR amendment, initiate with additional modifications or stipulations, or deny the request. [Ord. 2018-002] [Ord. 2024-001]

B. Phase 2 BCC Final Action

The responsible PBC Official and the Zoning Division shall present the Phase 2 PPR to the BCC in accordance with ULDC revision policies and procedures, statutory requirements, and as described below. [Ord. 2024-001]

1. Public Hearing

A Phase 2 PPR shall require one or more Public Hearings in compliance with F.S. § 125.66. At the public hearing(s), the BCC shall consider the PPR, Staff Report, relevant support materials, the recommendation of the applicable advisory board(s), the testimony given, and the evidence introduced into the record at the public hearing(s). [Ord. 2018-002] [Ord. 2020-001] [Ord. 2024-001]

2. Decision

The BCC may approve, approve with modifications, or deny the PPR. Approval of the ULDC revisions shall be by Ordinance. [Ord. 2018-002] [Ord. 2020-001] [Ord. 2024-001]

C. Postponements, Continuance, or Remand

The BCC shall have the discretion to postpone or continue any PPR application at any time, or remand the application back to the applicable advisory board(s). [Ord. 2018-002] [Ord. 2024-001]

D. Conduct at Hearing

Shall be in accordance with Art. 2.B.6.D, Conduct of Hearings. [Ord. 2018-002]

Section 9 Appeals

The PPR process is discretionary and not subject to appeals. [Ord. 2018-002] [Ord. 2024-001]

CHAPTER E MONITORING OF DEVELOPMENT ORDERS (DOs) AND CONDITIONS OF APPROVAL

Section 1 General

A. Purpose and Intent

The purpose of this Chapter is to establish procedures to ensure compliance with Development Orders (DOs) and Conditions of Approval in a timely manner, through a mandatory review process. The procedures create a system that ensures compliance with Conditions of Approval, timely commencement and completion of development, and revocation or modification of development approvals. The intent of monitoring DOs and Conditions of Approval (including buildout) is to preserve the availability of public facilities and services for proposed future development, require compliance with improved performance and site design standards, and ensure that DOs are implemented in a timely manner. The intent of monitoring Community Development District (CDD) and FLUA Ordinance conditions is to ensure that conditions imposed by the BCC are met in a timely manner and to provide a mechanism to address the violation [Ord. 2020-001]

B. Applicability

1. This Chapter shall apply to: [Ord. 2020-001]
   a. All DOs with a time limitation for Conditions of Approval, or as a part of the development process as required by specific Articles of this Code; [Ord. 2020-001]
   b. All DOs as required by the ULDC; [Ord. 2020-001]
   c. All CDD Ordinances with Conditions of Approval; and, [Ord. 2020-001]
   d. All FLUA Ordinances with Conditions of Approval. [Ord. 2020-001]

2. Responsibilities

   a. The Applicant or owner shall communicate with the responsible Agency, and demonstrate completion of the applicable Conditions of Approval. [Ord. 2020-001]
   b. Upon completion of the Conditions of Approval, PZB will allow issuance of the Building Permit or relevant event to occur. [Ord. 2020-001]
   c. Projects not meeting the Conditions of Approval due dates or event action shall be subject to the provisions set forth in Art. 2.E.3, Procedures for Compliance. [Ord. 2020-001]

C. Exemptions

1. Any DOs in whole or in part, that apply to lands that are owned by a unit of Local, State, and/or Federal Government, provided the DO is utilized for buildings or facilities that are owned by a government entity and support customary government operations and/or delivery of public services; [Ord. 2020-001]
2. Any DOs for a rezoning of a single lot to a residential zoning district for a Single Family residential use; and, [Ord. 2020-001]
3. A Rezoning to a Standard Zoning District, unless it has a COZ. [Ord. 2020-001]

Section 2 Monitoring Elements

A. Commencement of Development

Approved DOs shall be monitored for commencement of development. Commencement of development shall consist of the following requirements: [Ord. 2020-001]

1. For development with a single building, the first inspection approval for the foundation of the structure; [Ord. 2020-001]
2. For development with multiple buildings, the first inspection approval for the first component of the primary structure; [Ord. 2020-001]
3. For residential development, the subdivision of land into parcels through the recordation of a plat; or, [Ord. 2020-001]
4. For Type 3 Excavation sites, extraction of minerals for commercial purposes. [Ord. 2020-001]

B. Commencement of Development is Not

1. Demolition of a structure; [Ord. 2020-001]
2. Deposit of refuse, solid, or liquid waste; or fill on the parcel, unless the DO is exclusively and specifically for such a use; or, [Ord. 2020-001]
3. Clearing of land. [Ord. 2020-001]

C. Time Limitations for Commencement

1. All DOs shall comply with a time limitation requirement for commencement as follows: [Ord. 2020-001]
   a. The first phase of a DO shall commence within four years of the adoption date. Each subsequent phase shall commence within four years of commencement of the preceding phase. [Ord. 2020-001] [Ord. 2021-006]
   b. Standalone Variances shall be utilized within one year, unless stated otherwise by the Resolution or Result Letter. [Ord. 2020-001] [Ord. 2021-006]
2. Projects not meeting the time limitations for commencement shall be subject to the provisions set forth in Art. 2.E.3, Procedures for Compliance. [Ord. 2020-001]

D. Phasing Limitations

1. The maximum number of development phases is four unless otherwise indicated below: [Ord. 2021-006]
   a. PUDs, TNDs, PIPDs in the GAO, residential uses in other PDDs, or other Standard Zoning Districts have no maximum number of phases. [Ord. 2021-006]
   b. TMDs in the AGR, Exurban, and Rural Tiers shall have a maximum of two phases. [Ord. 2021-006]
   c. The maximum number of phases and duration of each phase for a Type 3 Excavation shall be established by a Condition of Approval. [Ord. 2021-006]

E. Time Limitations for Buildout

The Buildout Period shall be determined by Art. 12.C.1.B.3, Projected Buildout Period, and monitored for compliance. However, Conditions of Approval with a time-certain Project Buildout date may be provided an additional 90 days if a complete Building Permit application has been submitted to the Building Division prior to this deadline. [Ord. 2020-001]

F. DOs with Conditions of Approval

1. All DOs with Conditions of Approval that must be completed prior to a date, event, or action shall be monitored for compliance. [Ord. 2020-001]
2. All monitoring DOs shall comply with the provisions of Art. 2.E.3, Procedures for Compliance. [Ord. 2020-001]

G. Community Development District Ordinances with Conditions of Approval

1 All Community Development District (CDD) Ordinances with Conditions of Approval that must be satisfied prior to a date or action shall be monitored for compliance. [Ord. 2020-001]
2. No Administrative Time Extensions may be applied to CDD Ordinances. [Ord. 2020-001]
3. In the event of a failure to comply with a CDD Ordinance Condition of Approval, the Planning Director, or designee, shall: [Ord. 2020-001]
   a) Notify Applicant of potential violation and enforcement procedures as established in Art. 10, Enforcement; or [Ord. 2020-001]
   b) Prepare a Status Report per Art. 2.E.3.C, Status Reports. [Ord. 2020-001]

H. FLUA Ordinances with Conditions of Approval

1. All FLUA Ordinances with Conditions of Approval that must be satisfied prior to a date or action shall be monitored for compliance. [Ord. 2020-001]
2. No Administrative Time Extensions may be applied to FLUA Ordinances. [Ord. 2020-001]
3. Failure to comply with a FLUA Ordinance Condition of Approval shall require the Planning Director, or designee, to bring the item before the BCC at the next regularly scheduled Planning or Zoning Public Hearing for consideration of non-compliance. [Ord. 2020-001]

I. Notification Prior to a Due Date

No later than 30 days prior to a due date for any of the above items, a letter shall be issued to the address of the owner of record as it appears in the official records of the PBC Property Appraiser's Office. [Ord. 2020-001]

Section 3 Procedures for Compliance

A. General

An Applicant, not in compliance with this Chapter, may utilize and exhaust all procedures established in this Chapter in order to comply with the Conditions of Approval and commencement of development that must be satisfied prior to a date or action. [Ord. 2020-001]

B. Administrative Extension of Time

1. The Applicant may file for an Administrative Time Extension to the Executive Director, or designee. The Executive Director, or designee, may grant an extension of time to comply with a requirement and shall consider changed circumstances or mitigating factors that prevent compliance. [Ord. 2020-001]
2. An Administrative Time Extension may be applied to an expiring buildout condition due date. The application must be accompanied by a traffic study. [Ord. 2020-001]
4. The maximum duration of an Administrative Time Extension is as follows: [Ord. 2020-001]
   - **a. Commencement of Development Public Hearing DO**
     24 months, unless stated otherwise. [Ord. 2020-001]
   - **b. Commencement of Development Administrative DO**
     Each separate Administrative Time Extension shall not exceed 12 months. [Ord. 2020-001]
   - **c. Buildout Conditions**
     Extension will reflect the results of the traffic review. [Ord. 2020-001]
   - **d. Conditions of Approval Not Requiring the Posting of Performance Security**
     1) 12 months, unless stated otherwise in the Condition of Approval. [Ord. 2020-001]
     2) Subsequent applications may be filed; however, the total administrative extensions approved shall not exceed 24 months for the current DO. [Ord. 2020-001]
   - **e. Conditions of Approval Requiring the Posting of Performance Security**
     A one-time Administrative Time extension not to exceed six months shall be the maximum. [Ord. 2020-001]
5. When the Executive Director of PZB, or designee, approves an extension of time for completion of a time-certain requirement, the Property Owner may be required to guarantee the completion by furnishing a cash deposit, letter of credit, or surety bond. [Ord. 2020-001]
6. A time extension for a government-caused delay shall not exceed 24 months. [Ord. 2020-001]
   a. It is the responsibility of the Property Owner to notify Staff in writing of the reason and cause of the delay. [Ord. 2020-001]
   b. No application or fee will be required. [Ord. 2020-001]
   c. If the delay prevents compliance with this Chapter, an additional extension may be granted. [Ord. 2020-001]

C. Status Reports

1. General

An application for a Status Report may be requested by the Property Owner, or initiated by the Executive Director of PZB, or designee, if one of the following occurs: [Ord. 2020-001]

a. A Property Owner fails to comply with a time limitation and has not requested a time extension. [Ord. 2020-001]
b. The project received a Public Hearing approval and has exhausted all available administrative extensions. [Ord. 2020-001]

2. Scheduling

a. PZB shall advertise a Status Report public hearing for the Decision Making Bodies that approved the DO. [Ord. 2020-001]
b. A Status Report may be requested by a Property Owner, but a request for a time extension may not be made prior to six months before commencement due date. [Ord. 2020-001]

3. Staff Report and Recommendation

The PZB Director, or designee, shall prepare a Status Report for each application. The report shall incorporate the analysis and Conditions of Approval in question and a recommendation of approval, approval with conditions, or denial based on the applicable standards for the BCC to consider. [Ord. 2020-001]

4. Status Report Submittal and Review Criteria

a. The Property Owner/Applicant shall submit to the Monitoring Section the following:
   1) summary of the background and current status of the development including any documentation provided to Staff of efforts to comply with the requirement, or circumstances beyond the control and cause of the Property Owner, other than economic conditions, which have prevented compliance; [Ord. 2020-001]
   2) a description of any Code violations; [Ord. 2020-001]
   3) a description of any uncompleted condition or time-certain requirements. [Ord. 2020-001]

b. Summary of items to be reviewed by Staff: [Ord. 2020-001]
   1) a review of previous extensions of time (for a Status Report prepared for non-compliance with a time-certain requirement); [Ord. 2020-001]
   2) evaluate and consider any changed circumstances and mitigating factors; and, [Ord. 2020-001]
   3) a determination of whether the Development Order is consistent with the Plan and is consistent with the Code. [Ord. 2020-001]

5. Procedures

Consideration of all actions permitted by Art. 2.E.3.B, Administrative Extension of Time, except a rezoning, shall occur in the following manner: [Ord. 2020-001]

a. Public Hearing
   1) At least one public hearing shall be held by the ZC or by the BCC, as applicable. [Ord. 2020-001]
   2) If the project involves a rezoning for ten acres or more, two public hearings shall be held by the BCC. [Ord. 2020-001]

b. Mail Notice

The owner of record shall be notified in writing of the Status Report and recommendation to the BCC or ZC. Written notice shall consist of a letter sent at least 14-calendar days prior to the hearing by certified mail; 30-calendar days for a rezoning, return receipt requested, to the last known address of the owner of record as it appears in the records of the PBC Property Appraiser's Office. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication in accordance with F.S. § 125.66(2)(a) shall be deemed sufficient notice, published at least ten days prior to the hearing. [Ord. 2020-001]

6. Decision of the BCC or ZC

The BCC or ZC shall consider the factors enumerated in Art. 2.E.3.C.4, Status Report Submittal and Review Criteria above and the recommendation of Staff. After deliberation, the BCC or ZC shall take one or more of the following actions: [Ord. 2020-001]

a. Grant a Time Extension
   1) To commence development, utilize a Conditional Use, or record a plat for a period not to exceed 36 months from the date of BCC or ZC approval. [Ord. 2020-001]
   2) To comply with a Condition of Approval for a period not to exceed 24 months from the date of the BCC or ZC approval with the exception of time-certain Project Buildout date condition(s) as mandated by the Traffic Performance Standards. A Project Buildout date condition may receive approval of a time extension up to the Buildout Period assumed in the traffic study. [Ord. 2020-001]

b. Adopt a Resolution which will rezone the property to an appropriate zoning district; [Ord. 2020-001]
c. Adopt a Resolution which will revoke or amend the approval for all or a portion of the Conditional Use, Special Exception, or Development Order Amendment; [Ord. 2020-001]
d. Adopt a Resolution which will impose additional or modified conditions, voluntary commitments, or permit the Property Owner to initiate an application to add or modify conditions or voluntary commitments, as directed by the BCC or ZC. New or modified conditions or voluntary commitments shall include bringing the development into conformity with current codes and regulations; [Ord. 2020-001]
e. Direct Staff to cite the Property Owner for violating the provisions of this Code; [Ord. 2020-001]
f. Adopt a Resolution to amend or revoke the Development Order or Map Amendment for the undeveloped or unplatted portion of the project; [Ord. 2020-001]

g. Exempt from further review of any DO which rezoned property to a district which does not exceed the density or intensity permitted by the future land use designation, provided there is no Concurrency Reservation or exemption for the property. This exemption may be applied to any advertised Status Report after adoption of this amendment; and/or, [Ord. 2020-001]

h. Deny or revoke a Building Permit; issue a stop work order; deny or revoke a Certificate of Occupancy (CO) on any building or structure; revoke any concurrency; deny or revoke any permit, license, or approval for any developer, owner, lessee, or user of the subject property. [Ord. 2020-001]

D. Decision of the DRO

A Property Owner may submit an application for a time extension to the DRO for any Condition of Approval imposed by the DRO. The DRO must receive the application prior to the compliance deadline stated in the Condition of Approval. [Ord. 2020-001]

1. The DRO shall consider changed circumstances or mitigating factors. [Ord. 2020-001]
2. The DRO may take the following action: [Ord. 2020-001]
   a. Grant a time extension not to exceed 12 months; [Ord. 2020-001]
   b. Revoke the approval of DO; [Ord. 2020-001]
   c. Amend or delete the Condition of Approval; or, [Ord. 2020-001]
   d. Direct Code Enforcement Staff to seek enforcement procedures. [Ord. 2020-001]

E. Failure to Use Variance

If a Property Owner fails to utilize a Variance within the timeframes as provided, the Variance shall become invalid. [Ord. 2020-001]

Section 4 Non-Compliance

A. General

If the procedures for compliance are exhausted and a Property Owner continues to violate a Condition of Approval, suspension of all development activity authorized by a DO shall occur. Once the matter is compliant, development activity may resume. [Ord. 2020-001]

B. Suspension of Development Orders

Suspension of DOs may occur upon failure to comply with one or more time limitations or failure to comply with a Condition of Approval. [Ord. 2020-001]

1. Expiration of Time Periods

Upon expiration of any time period established by this Chapter or failure to comply with, or continued violation of a Condition of Approval, no new DOs affecting the property shall be issued by PBC, and no action to vest the DO shall be permitted, until a final determination is made by the Executive Director, or BCC or ZB pursuant to Art. 2.E.3, Procedures for Compliance. This suspension of development rights shall not preclude the Property Owner from filing a new application for the subject property to amend or supersede an existing Development Order, or the BCC or ZC from approving this application. [Ord. 2020-001]

2. Effect of Suspension

The suspension of development rights shall have the following effect on new applications and Code Enforcement actions: [Ord. 2020-001]

a. If a Property Owner files a new application, no new DOs shall be issued until the completion of the Zoning process to resolve the non-compliance, except the DO which approves the application. [Ord. 2020-001]

b. If the Property Owner is referred to Code Enforcement for violating the provisions of the DO, no new DOs shall be issued until the alleged violation has been ruled upon by the Code Enforcement Special Master, and any enforcement action is completed, or penalty is satisfied. This shall not, however, prelude compliance with the specific condition cited in the Status Report after the BCC or ZC has directed the Code Enforcement Division to cite the Property Owner for non-compliance with that condition. [Ord. 2020-001]

CHAPTER F CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARDS)

Section 1 General

A. Purpose and Intent

The purpose and intent of this Chapter is to ensure that adequate potable water, sanitary sewer, solid waste, drainage, park, road and mass transit public facilities, and fire-rescue are available to accommodate development concurrent with the impact of development on such public facilities, consistent with the LOS standards for those public facilities adopted in the Plan. This objective is accomplished by (1) establishing a management and monitoring system to evaluate and coordinate the timing and provision of the necessary public facilities to service development; and (2) by establishing a regulatory program that ensures that each public facility is available to serve development concurrent with the impacts of development on public facilities. [Ord. 2018-002]

B. Authority

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

C. Applicability

1. General

Concurrency shall be obtained for all Development Orders and subsequent Development Orders unless the project is exempt from the requirements of this Chapter.

D. Exemptions

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

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

E. Unified Planning Area

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

Section 2 LOS Standards

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

Section 3 Review for Adequate Public Facilities

A. General

To ensure that adequate potable water, sanitary sewer, solid waste, drainage, park and recreation, road, mass transit, and fire-rescue public facilities are available concurrent with the impacts of development on each public facility, PBC shall establish the following development review procedures. [Ord. 2018-002]

B. Procedure for Review of Application for a Concurrency Reservation

1. Submission of Application

a. Concurrency Reservation

An application for a Concurrency Reservation shall be submitted jointly with an application for a Development Order (joint review), to the Zoning Director in a form established by the Zoning Director and made available to the public. If the proposed development does not require Site Plan approval, the application shall be submitted at scheduled intake times (separate review) as specified on the Annual Zoning Division Calendar. The application shall be accompanied by a fee established by the BCC for the filing and processing of each application. The fee shall be non-refundable. [Ord. 2006-055]

b. WHP Traffic Concurrency Hall Pass

A WHP Traffic Concurrency Hall Pass is a provisional traffic concurrency approval that may be used for Projects subject to Art. 5.G.1, Workforce Housing Program (WHP). A WHP Traffic Concurrency Hall Pass Certificate shall be considered a traffic Concurrency Reservation only for the purposes of Art. 12.C.1.C.4.c, TPS Database, and shall be valid for a period of not more than 90 days.

An application for a WHP Traffic Concurrency Hall Pass may be submitted separate from an application for a Development Order to the Traffic Director in a form established by the Traffic Director and made available to the public. The application may be submitted at any time and shall be accompanied by a fee established by the BCC for the filing and processing of each application. The fee shall be non-refundable. [Ord. 2006-055]

2. Determination of Sufficiency

a. Separate Review

Upon receipt of the application, the Zoning Director (or Traffic Director, in the case of a WHP Traffic Concurrency Hall Pass) shall initiate a review and within ten days determine whether the application is sufficient. If it is determined that the application is not sufficient, written notice shall be sent to the Applicant specifying the deficiencies. The Zoning Director (or Traffic Director, in the case of a WHP Traffic Concurrency Hall Pass) shall take no further action on the application unless the deficiencies are remedied. If the deficiencies are not remedied within 20 days of written notification, the application shall be considered withdrawn. [Ord. 2006-055]

b. Joint Review

Sufficiency determination is subject to the regulations for the specific Development Order requested as outlined in Art. 2.B.7.C, Development Order Amendment (DOA). Insufficiency of any portion of an application submitted under joint review shall result in the insufficiency of the concurrency application.

3. Determination of Review

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

4. **Review and Recommendation**
   a. **Separate Review**
      Within ten days of submittal or resubmittal, the application shall be forwarded to the PBC Departments and Service Providers for review. Within 15 working days of its receipt, the appropriate PBC Departments and Service Providers shall file a statement with the Zoning Director as to whether or not adequate public facilities are available, pursuant to the standards of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation. In the case of an application for a WHP Traffic Concurrency Hall Pass, the same review timeframes shall apply and the statement as to whether or not adequate public facilities are available pursuant to the standards of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation, shall be filed with the Traffic Director, with a copy to the Zoning Director. [Ord. 2006-055]
   b. **Joint Review**
      The application shall be distributed to the PBC Departments and Service Providers for review together with application for Development Order.
5. **90-Day Negotiation**
   a. **Separate Review**
      If the Zoning Director (or Traffic Director, in the case of a WHP Traffic Concurrency Hall Pass) determines that an application fails to meet any one of the public facility component standards of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation, the Applicant shall be notified of such deficiency(s) in writing. If the Applicant does not notify the Zoning Director (or Traffic Director, in the case of a WHP Traffic Concurrency Hall Pass) in writing that he/she wishes to withdraw the application, the application shall be entered into a 90-day negotiation period with the Service Provider. [Ord. 2006-055]
      1) If during the 90-calendar day negotiation period, the Applicant addresses the deficiencies, the application shall be reconsidered by the Zoning Director (or Traffic Director, in the case of a WHP Traffic Concurrency Hall Pass) and approved or denied consistent with the standards of this Chapter. [Ord. 2006-055]
      2) If the deficiencies are not resolved within 90-calendar days, the application shall be denied.
   b. **Joint Review**
      The timing and review of an application shall be consistent with the timing and review procedures outlined in this Article, for the requested Development Permit. Approval of the Development Permit shall not be granted until Concurrency is approved. [Ord. 2010-022]
   c. **Extension of 90-Day Negotiation Period**
      Prior to expiration of a reservation, if it is documented that a government delay caused the failure of a Development Order to be issued, the Zoning Director shall grant such extensions as necessary to offset government-caused delays, not necessarily equal to the time of the delay. Each extension shall be based only on a delay that has already occurred.
6. **Approval**
   a. **Separate Review**
      If it is determined by the Service Providers that adequate public facilities are available, the Zoning Director shall review the statements and the application for compliance with all the public facility component standards of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation, and the density requirements of the Plan, and shall issue a Certificate for Concurrency Reservation. [Ord. 2005-002]
   b. **Joint Review**
      Concurrency approval shall be indicated directly on the certified plan pursuant to the DRO Technical Standards, for projects that require Site Plan approval. For projects that do not require Site Plan approval, a reservation shall be issued.
   c. **WHP Traffic Concurrency Hall Pass Certificate**
      If it is determined that adequate public facilities are available in compliance with Art. 2.F.3.C.3, Traffic Facilities, the Traffic Director shall issue a Hall Pass Certificate. An application for a Concurrency Reservation in conjunction with a Development Order application shall be submitted within 90 days of issuance of the Traffic Concurrency Hall Pass Certificate or else it shall expire. [Ord. 2006-055]

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

The following standards for each facility shall be used in deciding whether to approve or deny a Concurrency Reservation.

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

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

2. Drainage Facilities

The drainage component shall be approved if the proposed development has a legal right to convey stormwater to a point of legal positive outfall or meets the exemption provisions of Art. 5.E.3, Drainage.

3. Traffic Facilities

The roads component shall be approved if the proposed Development complies with Art. 12, Traffic Performance Standards. In determining whether the road component meets the requirements of this Subsection, the Five-Year Road Improvement Schedule in the Capital Improvement Element may be considered only if the Development proposed in the application is phased so that the impacts of the proposed Development and the capacity provided by the road projects in the Five-Year Road Improvement Schedule will occur concurrently. The phasing of development and transportation improvements to ensure the LOS for road facilities is met may be addressed through a Development or Road Agreement. [Ord. 2006-055]

4. Mass Transit Facilities

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

D. Rules of General Applicability for a Concurrency Reservation

1. Expiration

Unless revoked by the BCC or the ZC reservation is valid for the life of a specific Development Order pursuant to this Chapter, or shall expire one year from the date of issuance of the reservation, whichever is applicable. If the Concurrency Reservation was based upon a converted WHP Traffic Concurrency Hall Pass, then the reservation shall be valid for one year from the date of issuance of the Traffic Concurrency Hall Pass Certificate or for the life of the specific Development Order pursuant to this Chapter, whichever is applicable. If the required Development Order is a Building Permit, then the application for the Building Permit must be submitted prior to the expiration date of the reservation. In such cases, the Building Permit must be issued within six months from the date of intake of the Building Permit application, or the reservation shall expire. If a reservation either expires or becomes invalid, the public facility capacity reserved by the reservation expires, and becomes additional available public facility capacity. An Applicant cannot apply for a new reservation until the previous reservation has expired. The expiration or revocation of a Development Order shall result in the automatic expiration or revocation of the reservation. A reservation shall not expire if an application for a specific Development Order is pending. All Concurrency Reservations shall be issued for the number of units or square footage shown on the approved Site Plan or Master Plan most recently certified by the DRO. For any Master Plan or Site Plan, which was approved for acreage only, the capacity for the approved use shall be calculated by the Applicant and affirmed by the Zoning Division and each Service Provider. Any Concurrency Reservation shall be adjusted accordingly. Any increase in units or square footage above that shown on the current Site Plan/Master Plan shall be subject to concurrency review. [Ord. 2006-055]

2. Effect

Reservation will remain valid provided:

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

3. Assignability and Transferability

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

4. Extension of a Reservation

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

5. Phasing of a Reservation

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

6. Receipt of a Concurrency Reservation with Conditions

If the appropriate Service Provider can ensure there will be adequate public facilities with condition(s) or an agreement approved by the Zoning Director, the Certificate of Concurrency Reservation shall be approved. The issuance of a Building Permit shall be based upon compliance with the conditions contained on certified Site Plan or the Concurrency Reservation.

a. Consideration in Conjunction with an Agreement

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

b. Performance Security Required

1) In accordance with Art. 12.C.2, Conditions, a Concurrency Reservation with conditions may be granted to ensure compliance with the TPS. Performance Security to install improvements resulting from the impact of the project may be required to be posted within six months from the date the Development Order is approved. The Performance Security shall be in a form acceptable to the DEPW.
2) A one-time six-month Administrative Time Extension in accordance with Art. 2.E.3.B, Administrative Extension of Time, or a six-month BCC time extension in accordance with Art. 2.F.2, LOS Standards, of this Code, may be permitted, provided the following standards are met:
   a) The project is located on a roadway, which did not meet the TPS prior to a Concurrency Reservation being issued for the project;
   b) The traffic approval was based solely on the posting of security for roadway improvements; and,
   c) The project approval does not delay any other Property Owner from development since no capacity was available for the project, therefore, no trips had been reserved for the project.
3) If an Administrative Time Extension is not requested and granted, or a previously approved time extension expires without security being posted, the Development Order shall be subject to the review requirements of Art. 2.F.2, LOS Standards and this Section. If the BCC revokes the Development Order, the Certificate of Concurrency Reservation shall immediately expire. The Development Order shall be revoked if security is not posted within 12 months of approval of the Development Order.

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

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

7. Amendment of Certificate of Concurrency Reservation

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

8. Revision of a Concurrency Reservation

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

9. Effect of Agreement in Conjunction with a Certificate of Concurrency Reservation

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

E. Procedure for Equivalency Determination

1. Submission of Application

An application for an equivalency determination shall be submitted jointly with an application for a specific Development Permit. If the equivalency is for a use or uses that do not require Site Plan approval, it may be submitted separately at scheduled intake times as specified on the Annual Zoning Division Calendar. The Applicant shall complete the Equivalency Matrix in the concurrency supplemental application itemizing the following in the appropriate column:

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

2. Review and Recommendation

a. Separate Review

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

b. Joint Review

The application is distributed to the PBC Departments and Service Providers for review with the distribution of the application for Development Permit.

3. Approval of Equivalency

a. Separate Review

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

1) Amend and reissue the existing reservation or exemption to include the new uses, or
2) Issue an Administrative Exemption if the development exists and there is no valid reservation or exemption.

b. Joint Review

Concurrency approval shall be indicated directly on the certified plan pursuant to the DRO Technical Standards for projects that require Site Plan approval. For projects that do not require Site Plan approval, a reservation shall be issued.

4. Denial of Equivalency

If it is determined by one or more of the providers that the proposed uses are equivalent to the approved/existing uses, the Applicant shall apply for a reservation for those proposed uses, which will require additional capacity.

Section 4 Entitlement Density and Entitlement Intensity

A. General

If after an appeal on an application for a Concurrency Reservation is denied by the PZB Executive Director and that decision is affirmed by the DRAB, the Applicant may submit an application for Entitlement Density or Entitlement Intensity pursuant to the procedural and substantive requirements of this Section. [Ord. 2011-016]

B. Submission of Application

An application for Entitlement Density or Entitlement Intensity shall be submitted to the PZB Executive Director on a form established by the PZB Executive Director and made available to the public. The application shall be accompanied by a fee established by the BCC from time to time for the filing and processing of each application. The fee shall be non-refundable. [Ord. 2011-016]

C. Determination of Sufficiency

The PZB Executive Director shall initiate review of an application for Entitlement Density or Entitlement Intensity upon receipt of the application, and within 15 working days, determine whether the application is sufficient and includes data necessary to evaluate the application. [Ord. 2011-016]

1. If it is determined that the application is not sufficient, written notice shall be sent to the Applicant specifying the deficiencies. The Zoning Director shall take no further action on the application unless the deficiencies are remedied.
2. If the application is determined sufficient, the Zoning Director shall notify the Applicant in writing of the application's sufficiency, and that the application is ready for review pursuant to the procedures and standards of this Section.

D. Decision by PZB Executive Director

Within 30 working days after the PZB Executive Director determines the application is sufficient, the PZB Executive Director shall review the application and shall approve, approve with conditions, or deny the application based upon whether it complies with the standards in Art. 2.F.4.E, Standards for Entitlement Density and Entitlement Intensity. [Ord. 2011-016]

E. Standards for Entitlement Density and Entitlement Intensity

1. An Entitlement Density for the proposed development must be consistent with the Entitlement Densities permitted in the FLUE of the Plan or a minimum of one dwelling unit, provided that the maximum density (dwelling unit per gross acre) as depicted on Figure 2 of the FLUA of the Plan is not exceeded. [Ord. 2011-016]
2. An Entitlement Intensity for the proposed development must be consistent with the Entitlement Intensities permitted in the FLUE of the Plan provided the square footage does not exceed two and one-half percent of the maximum square footage allowed under this Code. [Ord. 2011-016]
3. If the above conditions are met, an Entitlement Density or Entitlement Intensity for the proposed development shall be granted if: [Ord. 2011-016]
    a. A Concurrency Reservation has been denied for the proposed development pursuant to the requirements of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation, and an appeal to the DRAB has affirmed that decision;
    b. The LOS for drainage facilities for the development proposed in the application is met pursuant to the requirements of Art. 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation;
    c. A plan demonstrates how the proposed development will be designed (1) at its Entitlement Density or Entitlement Intensity; and (2) at its allowable density or Entitlement Intensity under the Plan and this Code at the time the necessary public facilities are available to adequately serve the development. Any Development Order issued for an application for Development Permit for which Entitlement Density or Entitlement Intensity has been approved shall be consistent with the plans for development in this Subsection. The review of a plan for development at the allowable density or intensity under this Section shall in no way reserve capacity for public facilities; [Ord. 2011-016]
    d. Approval of the Entitlement Density or Entitlement Intensity is conditioned on the initiation of development of the proposed project at its allowable density or intensity subject to receipt of a Concurrency Reservation within two years of the time the necessary public facilities are available to serve the proposed development at its allowable density or intensity; and,
    e. In the USA, Development Orders for development proceeding at Entitlement Densities or Entitlement Intensities may be permitted at rural LOS for potable water and sanitary sewage while the development is at its Entitlement Density or Entitlement Intensity. [Ord. 2011-016]

Section 5 Administrative Appeal Process

A. General
An Applicant may appeal a decision of the PZB Executive Director denying an application for a Concurrency Reservation, Entitlement Density, Entitlement Intensity, or a Concurrency Exemption Extension by filing a petition with the Zoning Director appealing the decision to the DRAB within 20 days of the rendition of the decision by the Zoning Director. [Ord. 2011-016]

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

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

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

E. Appeal to Circuit Court
An Applicant may appeal a final decision of the DRAB within 30-calendar days of the rendition of the decision by filing a Petition for Writ of *Certiorari* in Circuit Court of the 15th Judicial Circuit in and for PBC.

CHAPTER G DECISION MAKING BODIES

Section 1 Board of County Commissioners

A. Powers and Duties
In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

1. to initiate, hear, consider, and approve, approve with conditions, or deny applications to amend the text of the Plan;
2. to initiate, hear, consider, and approve, approve with conditions, or deny applications for Site Specific amendments to the FLUA of the Plan;
3. to initiate, hear, consider, and approve, or deny requests to amend the text of this Code; [Ord. 2009-040]
4. to initiate, hear, consider, and approve, approve with conditions, or deny applications for DOs to amend the Official Zoning Map of this Code; [Ord. 2018-002]
5. to hear, consider, and approve, approve with conditions, or deny applications for DOs for Class A Conditional Uses; [Ord. 2018-002]
6. to initiate, hear, consider, and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and Workforce Housing Program (WHP) Programs; [Ord. 2018-002]
7. to hear, consider, and approve, approve with conditions, or deny applications for DOAs and EACs; [Ord. 2018-002]
8. to hear, consider, and approve, approve with conditions, or deny applications for DOs for Preliminary Plans for those specific PDDs, TDDs, or Class A Conditional Uses pursuant to Art. 2.A.6.B, Plan Requirements; [Ord. 2018-002]
9. to hear, consider, and approve, approve with conditions, or deny applications for ABNs; [Ord. 2018-002]
10. to hear, consider, and approve, approve with conditions, or deny applications for Status Reports of prior approved DOs; [Ord. 2018-002]
11. to review, hear, consider, and approve, approve with conditions, or deny requests for PO Deviations described in Art. 2.B.7.G, Public Ownership (PO) Deviations; [Ord. 2018-002] [Ord. 2019-005]
12. to hear, consider, and approve, approve with conditions, or deny applications for Type 2 Waivers; [Ord. 2018-002]
13. to hear, consider, and approve, approve with conditions, or deny applications for Unique Structures; [Ord. 2018-002]
14. to hear and consider Releases of Agreements; [Ord. 2018-002]
15. to hear and consider AIs; [Ord. 2018-002]

16. to review, hear, consider, and approve, or deny applications for Corrective Resolutions; [Ord. 2018-002]
17. to establish fees for the review of applications for Development Orders or permits, and appropriate funds to defray the costs of administering this Code; [Ord. 2018-002]
18. to act to ensure compliance with Development Orders or permits as approved and issued; [Ord. 2018-002] [Ord. 2019-005]
19. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission on applications for Development Permits for Class B Conditional Uses; [Ord. 2018-002]
20. to hear, consider, and decide appeals from decisions of the DRO on applications for URAO Type 1 Waivers; [Ord. 2018-002]
21. to designate and appoint Hearing Officers to make decisions as the BCC may deem appropriate; [Ord. 2018-002]
22. to appoint other advisory boards that are determined necessary to assist in the implementation of this Code or the Plan; and, [Ord. 2018-002]
23. to take such other action not delegated to the Decision Making Bodies set forth in this Article or other Officials of PBC Departments, as the BCC may deem desirable and necessary to implement the provisions of the Plan and this Code. [Ord. 2009-040] [Ord. 2018-002]

Section 2 General Provisions

Unless otherwise noted, the following provisions shall apply to each appointed body described in this Article. In addition, each board shall be governed by PBC Resolution No. R-2013-0193. In case of conflict between the general provisions in this Section, and the specific provisions of each appointed body, the specific provisions shall prevail. [Ord. 2014-001]

A. Board Membership

1. Qualifications

Unless otherwise noted, each member of a board described in this Article, shall be a qualified elector of PBC for at least two years prior to appointment. No member of the BCC, BCC aide, or PBC employee shall serve on a board described herein.

2. Term of Office

The term of office for each member shall be three years. All members serving on a board on the effective date of this Code shall complete their terms according to their prior appointments.

3. Vacancy

a. The BCC shall fill a vacancy within 60 days.
b. When a person is appointed to fill out the term of a departing member, that person's term shall end at the same time the departing member's term would have ended.

4. Maximum Number of Boards

The maximum number of boards a person may serve on at one time shall be three. [Ord. 2006-004]

5. Elected Office

Members shall not be prohibited from qualifying as a candidate for elected office.

B. Appointments and Termination

1. Appointments

a. Individual BCC Appointments

A board member shall serve at the pleasure of the member of the BCC who appointed that member and may be removed by the BCC member without cause at any time.

b. At-Large BCC Appointments

A board member shall serve at the pleasure of the BCC and may be removed by the BCC without cause at any time.

c. Attendance

Members of boards shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Only regular meetings shall be counted towards the attendance requirements. Special meetings shall not be counted towards the attendance requirements.

d. Termination

In the event that any board member is no longer a qualified elector, or the member is convicted of a felony, or an offense involving moral turpitude while in office, the BCC shall terminate the appointment of the member.

e. Immediate Removal

Members removed pursuant to Art. 2.G.2.B.1, Appointments through Art. 2.G.2.B.1.d, Termination, above, shall not continue to serve on the board and such removal shall create a vacancy.

C. Conflict of Interest

1. Substantive Conflict

No board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a board member.

2. Provisions Related to Conflict of Interest

To implement this policy, members are directed to:

a. be governed by the applicable provisions of State and Local law;
b. not accept any gift, favor, or service that might reasonably tend to improperly influence the discharge of official duties;
c. make known by written or oral disclosure, on the record at a meeting, any interest which the member has in any pending matter before that board, before any deliberation on that matter;
d. abstain from using membership on the board to secure special privileges or exemptions;
e. refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the board not available to members of the general public, and to refrain from using such information for personal gain or benefit;
f. refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the board; and,
g. refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.

3. Board Action

Willful violation of this Section which affects a vote of a board member shall render that action voidable by the BCC.

D. Officers

1. Chair and Vice-Chair

At an annual organizational meeting, each board shall elect a Chair and Vice-Chair from among the members. The term of the Chair and Vice-Chair's terms shall be one year. The Chair shall administer oaths, be in charge of all procedures before the board, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the board. In the absence of the Chair, the Vice-Chair shall act as Chair and shall have all the powers of the Chair.

E. Rules of Procedure

1. Quorum and Voting

The presence of a majority of the members of the board shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.

2. Robert's Rules of Order

All meetings shall be governed by Robert's Rules of Order. Each board may by majority vote of the entire membership adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, Resolutions, findings, and determinations.

3. Meetings

a. The location of all meetings shall be in PBC, Florida.
b. If a matter is postponed due to lack of a quorum, the item shall be rescheduled to the next meeting.
c. All meetings and public hearings shall be open to the public.
d. All meetings shall be set for time certain after due public notice. Due public notice shall include notification that a record is required to appeal a final decision of the board pursuant to F.S. § 286.0105.

4. County Attorney's Office

The County Attorney's Office shall provide counsel and interpretation on legal issues.

F. Compensation

Board members shall receive no compensation for their services with exception of Code Enforcement Special Master and Hearing Officers who may be compensated for their services at discretion of the BCC. Travel reimbursement for members shall be limited to expenses incurred only for travel outside PBC necessary to fulfill the responsibilities of membership on the particular board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon prior approval of the BCC. No other expenses are reimbursable except documented long-distance telephone calls to PBC Staff

that are necessary to fulfill the responsibility of membership on the particular board. [Ord. 2006-036] [Ord. 2024-001]

Section 3 Appointed Bodies

A. Reserved for Future Use

B. Code Enforcement Special Master

1. Creation and Appointment

Code Enforcement hearings pursuant to this Code shall be conducted by designated Special Masters. Applications for Special Master positions shall be directed to the County Administrator pursuant to a notice published in a newspaper of general circulation. The BCC shall select a pool of candidates from the applications filed with the County Administrator on the basis of experience and qualifications. The County Administrator shall appoint Special Masters to conduct hearings from the pool of candidates selected by the BCC as necessary. For a period of two years from the date of termination as holder of office, a former Special Master shall not act as agent or attorney in any proceeding before any Decision Making Body of PBC on any matter that was the subject of a proceeding which was considered by the former Special Master. [Ord. 2015-006]

2. Qualification

Special Masters shall have the following minimum qualifications:

a. be a graduate of a law school accredited by the American Bar Association;
b. demonstrate knowledge of administrative law, land use law, and Local Government regulations and procedures;
c. be a current member, in good standing, of the Florida Bar Association;
d. have such other qualifications that may be established by Resolution of the BCC; and,
e. in the event the County Administrator does not receive a sufficient number of applications from qualified members of the Florida Bar Association, the BCC may select attorneys who are not members of the Florida Bar Association as candidates for Special Master. Among those attorneys who are not members of the Florida Bar Association, the BCC and County Administrator shall give preference to those attorneys who have prior experience in a judiciary capacity, or as a hearing officer, mediator, or special master. No attorney, who has been disciplined by the Florida Bar Association or a bar association of any other jurisdiction, shall be appointed as a Special Master.

3. Rules of Procedure

The BCC shall have the authority prescribe rules of procedure for the conduct of hearings before the Special Master by Resolution.

4. Term

Special Masters shall serve a term of one year from the date of appointment by the County Administrator. Special Masters may be reappointed at the discretion of the County Administrator. There shall be no limit on the number of terms a person may serve as a Special Master.

5. Removal

At any time during the appointment, the County Administrator shall have the authority to remove a Special Master with or without cause upon ten days' written notice.

6. Vacancy

If any Special Master resigns or is removed prior to expiration of his or her term or the County Administrator determines that the Special Master should not be reappointed, the County Administrator shall appoint a Special Master from the pool of candidates previously selected by the BCC to fill the vacancy within 30 days.

7. Conflicts of Interest

Special Masters shall not be considered outside or special counsel and shall not be subject to PPM #CW-O-52 relating to outside counsel conflicts of interest.

8. Meetings

a. Scheduling

The Code Enforcement Division shall be responsible for scheduling meetings of Special Masters. In the case of an alleged violation as set forth in Art. 10.B.1, Procedure, a hearing may be called as soon as practical.

b. Operating Procedures

All cases brought before Special Masters shall be presented by either the Code Enforcement Division or an attorney representing the Division.

C. Development Review Appeals Board

1. Establishment

There is hereby established a Development Review Appeals Board (DRAB).

2. Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:

a. to hear, consider, and decide appeals from decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension; and

b to hear, consider, and decide appeals from decisions of the Planning Director on applications for Entitlement Density and WHP. [Ord. 2007-013] [Ord. 2018-002] [Ord. 2021-023]

3. Board Membership

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

4. Officers and Staff

a. Chair and Vice-Chair

The Executive Director of PZB shall be the Chair of the DRAB.

b. Staff

PZB Staff shall be the professional staff for the DRAB.

5. Meetings

a. General

General meetings of the DRAB shall be held as needed to dispose of matters properly before the DRAB. Special meetings may be called by the Chair or in writing by two members of the DRAB. Staff shall provide 24-hour written notice to all DRAB members.

D. Environmental Appeals Board

1. Establishment

There is hereby established an Environmental Appeals Board (EAB).

2. Powers and Duties

The EAB has the following powers and duties:

a. to hear appeals from certain requirements, interpretations, or determinations of Art. 15, Health Regulations, made by the PBCHD or the Environmental Control Officer.

3. Board Membership

a. Qualifications

The EAB shall be composed of five members appointed by the Environmental Control Board (ECB). The membership of the EAB shall consist of one Professional Engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one water resource professional employed by SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold Coast Builders Association, and one attorney nominated by the PBC Bar Association. [Ord. 2011-016]

b. Terms of Office

All EAB members shall serve a term of three years. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2014-001]

4. Officers

a. Secretary

The PBC Environmental Control Officer shall provide a staff person to the EAB and that staff member shall be designated as Secretary of the EAB.

b. Staff

The PBCHD shall be the professional staff of the EAB.

5. Meetings

a. General or Special Meetings

General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.

E. Environmental Control Hearing Board

1. Establishment

There is hereby established an Environmental Control Hearing Board (ECHB).

2. Powers and Duties

The ECHB has the following powers and duties:

a. to conduct hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Acts, Laws of Florida, and PBC Ordinance No. 78-5, as amended; and

b. after due public hearing, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform to either or both of the following requirements:

1) to refrain from committing, creating, maintaining, or permitting the violations;
2) to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation;
3) to issue orders imposing civil penalties of up to 500 dollars for each day of violation;
4) to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers, and documents in that person's possession or under that person's control, material to such hearings; and,
5) to administer oaths to any or all persons who are to testify before the ECHB.

3. Qualifications

The ECHB shall be composed of five members. The membership of the ECHB shall consist of one attorney recommended by the PBC Bar Association; one medical doctor recommended by the PBC Medical Society; one engineer recommended by the PBC Chapter of the Florida Engineering Society; and, two citizens at large.

4. Officers

a. Secretary

The Environmental Control Officer shall serve as Secretary of the ECHB.

b. Staff

The PBCHD shall be the professional staff of the ECHB.

5. General or Special Meetings

General meetings of the ECHB shall be held no less frequently than every 45 days. The ECHB may set the date of future meetings during any meeting. Special meetings may be called by the Chair of the ECHB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each ECHB member for a special meeting.

6. Term Limits

Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2014-001]

F. Groundwater and Natural Resources Protection Board

1. Establishment

There is hereby established a Groundwater and Natural Resources Protection Board (GNRPB).

2. Powers and Duties

The GNRPB shall have the following powers and duties:

a. to hold hearings as necessary to enforce Art. 14, Environmental Standards. ERM may refer alleged violations of Art. 14, Environmental Standards, and applicable Art. 4.B.10, Excavation Uses, Ordinance No. 2003-020, Petroleum Storage Systems, Ordinance No. 2003-021, Petroleum Contamination Cleanup Criteria, Ordinance No. 2004-050, Stormwater Pollution Prevention, Ordinance No. 94-13, Natural Areas, and Ordinance No. 93-3, Water and Irrigation Conservation as amended to the GNRPB, if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected; [Ord. 2006-004] [Ord. 2010-022] [Ord. 2017-007]

b. to adopt rules of procedure for the conduct of hearings;

c. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida law;

d. to issue subpoenas compelling the provision of evidence at GNRPB hearings;

e. to take testimony under oath;

f. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with the violation of Art. 14, Environmental Standards;

g. to lien property; and,

h. to assess administrative fines and costs pursuant to Art. 14, Environmental Standards.

3. Board Membership

a. Qualifications

The GNRPB shall be composed of seven members appointed by the BCC upon a recommendation by the organization listed in Table 2.G.3.F, GNRPB Membership. The membership of the Board shall consist of a Professional Engineer registered by the State of Florida, an attorney licensed to practice in Florida, a hydrologist or a hydrogeologist, a citizen possessing expertise and experience in managing a business, a biologist or a chemist, a member of an environmental organization, and a concerned citizen. [Ord. 2011-001]

Table 2.G.3.F – GNRPB Membership

Affiliation	Organizations
Professional Engineer	Palm Beach Chapter Florida Engineering Society
Attorney	Palm Beach County Bar Association
Hydrologist or Hydrogeologist	Florida Association of Professional Geologists Society
Citizen with Business Management Expertise	At Large
Biologist or Chemist	Florida Association of Environmental Professionals
Environmental Organization	Native Plant Society
Concerned Citizen	At Large
[Ord. 2011-001]	

b. Terms of Office

All members shall serve a term of three years. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2014-001]

4. Secretary and Staff

The Director of ERM shall serve as Secretary of the GNRPB. ERM shall be the professional staff of the GNRPB.

5. Meetings

a. General

General meetings of the GNRPB shall be held no more frequently than once every month. Special meetings may be called by the Chair of the GNRPB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each Board member prior to a special meeting.

G. Hearing Officers

1. Creation and Appointment

The County Administrator may, from a pool selected by the BCC, appoint one or more Hearing Officers to hear and consider such matters as may be required under any provision of this Code or under any provision of any other PBC Ordinance as may be determined to be appropriate by the BCC from time to time. Such Hearing Officers shall be selected pursuant to the procedures and minimum qualifications provided for in Art. 2.G.3.B, Code Enforcement Special Master, and shall serve at the pleasure of the BCC for such period as is determined by the Board. Code Enforcement Special Masters may serve *ex officio* as Hearing Officers as set forth in this Section. [Ord. 2010-022] [Ord. 2015-006] [Ord. 2021-023]

2. Powers and Duties

A Hearing Officer shall have the following powers and duties under the provisions of this Code: [Ord. 2021-023]

a. to conduct hearings and issue administrative orders on such matters as may be requested by the BCC;
b. to issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing;
c. to perform such other tasks and duties as the BCC may assign; and,
d. to hear and decide appeals of any DRO decision, including Conditions of Approval, unless stated otherwise. [Ord. 2021-023]

H. Historic Resources Review Board

1. Establishment

There is hereby established a Historic Resources Review Board (HRRB).

2. Powers and Duties

The HRRB shall have the following powers and duties under the provisions of this Code:

a. develop, administer, and update an accurate inventory of historic resources in unincorporated PBC and on PBC-owned property in municipalities. The inventory shall be used to formulate a map of historic district boundaries and historically significant properties meriting protection to be incorporated into the Land Use Element of the Plan;

b. pursuant to Art. 9.B, Historic Preservation Procedures, nominate and accept nominations for public and private properties for designation and regulate and administer such properties, structures, buildings, sites, districts, etc. so designated as historic sites and/or districts. The Department, in conjunction with the HRRB, shall establish a schedule for nominations for public and private properties for designation;

c. participate in the National Register program in Florida to the greatest possible extent, as defined by the 1981 and subsequent amendments to the National Historic Preservation Act of 1966 and regulations and rules drafted pursuant to those amendments by the National Park Service and the Florida State Bureau of Historic Preservation;

d. act as a regulatory body to approve, deny, or modify Certificates of Appropriateness as specified by Art. 9, Archaeological and Historic Preservation;

e. make recommendations concerning amendments to the Plan, this Code, Building, and other development-related codes as they relate to the preservation of historic resources;

f. make recommendations regarding historic and archeological resources on property owned by PBC;

g. pursuant to Art. 9.B.4.B, Waiver of the Code Provisions, review and comment to the BCC concerning waiver of Code provisions for properties within historic districts and for properties designated as historic or archaeological sites or listed on the PBC Register of Historic Places; [Ord. 2012-027]

h. develop, establish, and administer guidelines concerning contemporaneous architectural styles, colors, building materials, and so forth for historic sites and historic districts. Such guidelines will be subject to approval by the BCC;

i. coordinate with other entities to support increased public awareness of the value of historic preservation;

j. after PBC qualifies as a Certified Local Government, make recommendations to the PBC Commission concerning the use of grants from Federal and State agencies, to augment PBC funding in order to promote the preservation and conservation of archaeological sites of historic significance, historic sites, and historic districts;

k. cooperate and coordinate with Property Owners, public and private organizations, businesses, and other individuals to help ensure the conservation and preservation of archaeological sites, contents within said sites, buildings, structures, and districts of historic significance, especially those for which demolition or destruction is proposed;

l. create and approve the design of standardized historic markers and plaques and issue recognition to designated historic sites and historic districts within PBC;

m. execute any other needed and appropriate historic resource preservation functions which may be approved by the BCC;

n. develop and administer a Historic Preservation Manual for PBC to help Property Owners fulfill the regulations and requirements of this Ordinance;

o. hear, consider, and approve, approve with conditions, or deny applications for Certificate to Dig;

p. make recommendations to the BCC regarding proposed amendments to the Map of Known Archeological Sites;

q. initial resources shall be dedicated to those functions which shall qualify PBC as a Certified Local Government;

r. make every effort to be represented at meetings, conferences, and workshops pertaining to the functions of the HRRB scheduled by the State Historic Preservation Offices or the Florida Conference of Preservation Boards and Commissions;

s. seek expertise or proposals of matters requiring evaluation by a professional of a discipline not represented on the HRRB; and,

t. the HRRB's responsibilities shall be complementary to the powers of the State Historic Preservation Office.

3. **Board Membership**
   a. **Qualifications**
      There shall be nine members of the HRRB. Members of the HRRB shall be residents of PBC, Florida and demonstrate an interest in local history. One member with professional experience shall be appointed from each of the following five professional disciplines: history, architecture, archeology, architectural history, and historic architecture. Other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology shall be considered when choosing appointments for these five of the nine members of the HRRB. Each of these five positions shall meet the requirements outlined in the Professional Qualifications Standards of the Florida Certified Local Government Guidelines. In addition to the above five positions, there shall be a sixth person with a demonstrated interest, degree, or experience in one of the above professional disciplines who is also a resident of the area of PBC west of Twenty Mile Bend, including any of the incorporated or unincorporated communities in proximity to Lake Okeechobee. There are no specific requirements for the other three positions as a prerequisite to appointment but consideration shall be given to the following with a demonstrated interest in history, architecture, or related disciplines: businessperson, engineer, contractor in a construction trade, landscape architect, urban planner, attorney, and resident of areas identified by the 1990 PBC Historic Sites Survey as containing 25 or more structures with potential for historic preservation. Persons seeking appointment to the HRRB shall be willing to invest time to assist Staff in site evaluations, establishing priorities, public education efforts, survey and planning activities of the Certified Local Government Program, and the other responsibilities of the HRRB. Board members shall attend pertinent educational conferences and seminars.
   b. **Appointment**
      The members of the HRRB shall be appointed at large by the BCC.
   c. **Terms of Office**
      Each appointment shall be made for a term of three years. Any member may be reappointed upon approval of the BCC as provided for herein. [Ord. 2013-001]
4. **Secretary and Staff**
   a. **Secretary**
      The Planning Director of the PZB shall serve as Secretary to the HRRB.
   b. **Staff**
      The Planning Division shall be the professional staff of the HRRB. The Board shall make every effort to minimize demands on staffing in consideration of budgetary constraints.
5. **Meetings**
   a. **General**
      General meetings of the HRRB shall be held at least four times per year. Special meetings may be called by the Chair of the HRRB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each Board member prior to a special meeting. [Ord. 2020-001]
   b. **Quorum**
      The presence of a majority of the appointed members of the HRRB shall constitute a quorum necessary to take action and transact business. [Ord. 2020-001]

I. Impact Fee Review Committee

1. **Establishment**
   There is hereby created an Impact Fee Review Committee (IFRC).
2. **Powers and Duties**
   The IFRC shall have the following powers and duties under the provisions of this Code:
   a. submit a Report to the BCC whenever PBC conducts a full review or update of the impact fee system relating to:
      1) the implementation of Art. 13, Impact Fees;
      2) actual levels of service for the impact fees exacted in Art. 13, Impact Fees;
      3) the collection, encumbrance, and expenditure of all impact fees collected pursuant to Art. 13, Impact Fees;
      4) the validity and assumptions in the technical memoranda used to support the impact fee schedules in Art. 13, Impact Fees; and,
      5) any recommended amendment to Art. 13, Impact Fees.
   b. review amendments to Art. 13, Impact Fees prior to their consideration by the BCC; and,
   c. perform such other duties as the BCC deems appropriate.

3. Board Membership

a. Qualifications

The IFRC shall be composed of nine members and three alternate members appointed by the BCC. The membership of the IFRC shall include three representatives from municipalities within PBC, four representatives from the business community (one of which is designated for a representative from the Florida East Coast Chapter of Associated General Contractors of America), and two members selected at large. The voting membership of the IFRC shall include three representatives from municipalities within PBC, four representatives from the business community, and two members selected at large (one of which is designated for a resident of unincorporated Palm Beach County). The alternate members shall include one representative from each of the three categories above. An alternate member shall be authorized to vote in place of an absent voting member appointed from the same category and shall count toward a quorum. [Ord. 2023-024]

4. Officers

a. Secretary

The Impact Fee Manager shall serve as Secretary of the IFRC. [Ord. 2022-026]

5. Meetings

a. General or Special Meetings

General meetings of the IFRC shall be held as needed consistent with its powers and duties. Special meetings may be called by the Chair of the IFRC, or in writing by a majority of appointed members of the IFRC. 24-hour written notice shall be given to each IFRC member for a special meeting.

6. Term Limits

Beginning on or after July 24, 2023, there shall be no limit on the number of terms a person may serve on this Committee. [Ord. 2014-001] [Ord. 2023-24]

J. Planning Commission

1. Establishment

There is hereby established a Planning Commission (PLC). [Ord. 2008-003]

2. Powers and Duties

a. to serve as the Local Planning Agency (LPA) per F.S. § 163.3174, and to provide recommendations on the preparation of the Plan, or any Element or portion thereof, and any text amendments thereto to the BCC;
b. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, approve with modifications, or deny applications to amend the Plan, including Site Specific (Future Land Use Map) amendments to the Plan; [Ord. 2018-002] [Ord. 2018-002]
c. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission, or agency of PBC, the State of Florida, or Federal Governments;
d. to make additional or amended rules of procedure not inconsistent with this Section to govern the PLC's proceedings; [Ord. 2008-003]
e. to make studies of the resources, possibilities, and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
f. to submit an Annual Report to the BCC summarizing its annual activities; and,
g. to review and make recommendations to the BCC on Transportation Concurrency Management Areas (TCMAs) and Constrained Roadways at Lower Levels of Service (CRALLS) or a Major Thoroughfare on which a lower LOS is set pursuant to Art. 12, Traffic Performance Standards.

3. Board Membership

a. BCC-Appointed Members

The PLC shall be comprised of 16 members; 15 BCC-appointed members and one representative of the School District of PBC. [Ord. 2008-003]

1) Qualifications

Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.

2) Appointment

Each member of the BCC shall appoint two members to the PLC. One member of the PLC shall be appointed at large by a majority vote of the BCC. [Ord. 2008-003]

3) Terms of Office

Members of the PLC shall hold office until the first Tuesday after the first Monday in June of the year their term expires. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2008-003] [Ord. 2014-001]

b. School District Member

The School District of PBC shall appoint a representative to attend those meetings at which the PLC will consider a Plan amendment which would, if approved, increase residential density of the property that is the subject of the application. The school member shall be a non-voting member and shall not count toward quorum. [Ord. 2008-003]

4. Officers, Secretary, and Staff

a. Chair and Vice-Chair

The Chair and Vice-Chair positions shall rotate annually and shall only be held by regular members. No Board member shall serve consecutive terms as Chair or Vice-Chair. [Ord. 2008-003]

b. Secretary

The Planning Director of PZB shall serve as Secretary of the PLC. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the PLC, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the PLC members voting. In addition, the Secretary shall maintain all records of PLC meetings, hearings, proceedings, and the correspondence of the PLC. The records of the PLC shall be stored with the Agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours. [Ord. 2008-003]

c. Staff

The Planning Division of PZB shall be the professional staff of the PLC. The Planning Division Staff shall be responsible for, providing a recommendation to the PLC on all items scheduled for its consideration. Plan amendments, including amendments to any maps included as part of the Plan. [Ord. 2008-003]

5. Rules Applicable to Local Planning Agency

a. The agenda of the PLC sitting as the LPA shall be as prepared and presented by the PBC Planning Division and such agenda shall not be deviated from without a two-thirds vote of a quorum of the LPA. [Ord. 2008-003]

b. Failure of the LPA to make a recommendation on any Plan amendment to the BCC prior to the final transmittal hearing of the amendments shall constitute the item being sent to the BCC with an LPA recommendation of denial pursuant to F.S. § 163.3174, as may be amended from time to time.

c. Quorum and Voting

The presence of a majority of the appointed members of the Board shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law. [Ord. 2020-001]

6. Meetings

General meetings of the PLC shall be held as needed to dispense of matters properly before the PLC. Special meetings may be called by the Chair or in writing by a majority of the members of the PLC. Staff shall provide 24-hour written notice to each PLC member before a special meeting is convened. [Ord. 2008-003]

K. Traffic Performance Standards Appeals Board

1. Establishment

There is hereby established a Traffic Performance Standards Appeals Board (TPSAB).

2. Powers and Duties

The TPSAB shall have the following powers and duties under the provisions of this Code:

a. to hear and decide appeals from decisions of the PBC Engineer or a Municipal Engineer pursuant to Art. 12, Traffic Performance Standards; and

b. to issue subpoenas to compel attendance of witnesses and production of documents.

3. Board Membership

a. Qualifications

There shall be five members of the TPSAB appointed by the BCC. They shall consist of the Director of the Metropolitan Planning Organization (MPO), a professional traffic engineer employed by a Municipality in PBC as a traffic engineer, a professional traffic engineer employed by another

Florida county, a professional traffic engineer employed by FDOT District IV, and a professional traffic engineer who generally represents developers. Any person serving on the TPSAB shall not be a person who participated in the decision being appealed, or shall not work for or be retained by a party to an appeal, or be a person who would be directly affected by the matter being appealed. The members of this Board do not have to be PBC residents.

b. Terms of Office

All TPSAB members shall serve a term of four years.

c. Vacancy

When a TPSAB member resigns or is removed, the BCC shall fill the vacancy within 20 working days.

4. Officers

a. Staff

The County Engineer's office shall be the professional staff of the TPSAB.

5. Meetings

a. General or Special Meetings

General meetings of the TPSAB shall be held as needed to dispense of matters properly before the TPSAB. Special meetings may be called by the Chair of the TPSAB, or in writing by three members of the Board. Staff shall provide 24-hour written notice to each TPSAB member for a special meeting.

L. Zoning Commission

1. Establishment

There is hereby established a Zoning Commission (ZC).

2. Powers and Duties

The ZC shall have the following powers and duties under the provisions of this Code:

a. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Official Zoning Map, a Class A Conditional Use, Development Order Amendment (DOA) of a prior DO approved by the BCC, Type 2 Waiver, and Unique Structure; [Ord. 2009-040] [Ord. 2019-005]

b. to review, hear, consider, and approve, approve with conditions, or deny applications for Development Permits for Class B Conditional Uses and Type 2 Variance applications; [Ord. 2006-036] [Ord. 2018-002] [Ord. 2019-005]

c. to review, hear, consider, and approve, approve with conditions, or deny applications for Development Orders for DOA for a prior approved DO approved by the ZC; [Ord. 2018-002] [Ord. 2019-005]

d. to review, hear, consider, and approve, approve with conditions, or deny applications for ABN; [Ord. 2018-002]

e. to review, hear, consider, and approve, approve with conditions, or deny applications for Status Reports; [Ord. 2018-002]

f. to review, hear, consider, and approve, approve with conditions, or deny applications for Unique Structures; [Ord. 2018-002]

g. to review, hear, consider, and approve, or deny applications for Corrective Resolutions; [Ord. 2018-002]

h. to make its special knowledge and expertise available upon request of the BCC to any official, department, board, commission, or agency of PBC, the State of Florida, or Federal Government;

i. to make studies of the resources, possibilities, and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;

j. to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the ZC's proceedings; [Ord. 2006-036]

k. to consider and render a final decision on appeals of Green Architecture application; [Ord. 2009-040] [Ord. 2011-016] [Ord. 2018-002]

l. to hear, consider, and decide appeals from decisions of the DRO on applications for Type 1 Waivers, except URAO; [Ord. 2011-016] [Ord. 2012-027]

m. to periodically review the provisions to this Code that are not reviewed by another advisory board established by BCC for that purpose, and to make recommendations to the BCC for those provisions reviewed; [Ord. 2024-001]

n. to serve as the Land Development Regulation Commission (LDRC) as provided by F.S. § 163.3164 and F.S. § 163.3194; and, [Ord. 2019-005] [Ord. 2024-001]

o. to serve as the Airport Zoning Commission pursuant to F.S. § 333.05(2). [Ord. 2019-005] [Ord. 2024-001]

3. **Commission Membership**
   a. **BCC-Appointed Members**
      The ZC shall be composed of nine members appointed by the BCC. [Ord. 2009-040] [Ord. 2024-001]
      1) **Qualifications**
         Consideration shall be given to applicants who have experience or education in planning, law, architecture, landscape architecture, natural resource management, real estate, engineering, and related fields. [Ord. 2009-040] [Ord. 2024-001]
      2) **Appointment**
         Each member of the BCC shall appoint one member to the ZC. Two members of the ZC shall be appointed at large by a majority vote of the BCC. [Ord. 2009-040] [Ord. 2024-001]
      3) **Terms of Office**
         Members of the ZC shall hold office until the first Tuesday after the first Monday in February of the year their term expires. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2009-040] [Ord. 2014-001]
4. **Officers, Quorum, and Voting**
   a. **Chair and Vice-Chair**
      No member shall serve as Chair for more than two consecutive terms.
   b. **Quorum and Voting**
      1) **General**
         All actions shall require a simple majority of the quorum present and voting at the meeting. In the event the ZC fails to make a final decision due to a tie vote, the petition shall be continued to the next meeting. After a second tie, the proposed motion shall be considered to have failed. [Ord. 2024-001]
5. **Meetings**
   a. **General**
      General meetings of the ZC shall be held as needed to dispense of matters properly before the ZC. Special meetings may be called by the Chair or in writing by a majority of the members of the ZC. Staff shall provide 24-hour written notice to each ZC member before a special meeting is convened.

Section 4 Staff Officials

A. Building Official

1. **Creation and Appointment**
   The Building Director of PZB shall be the Division head of the Building Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB, subject to the provisions of Chapter 1, Scope and Administration of the Florida Building Code with PBC Amendments.
2. **Jurisdiction, Authority, and Duties**
   In addition to the jurisdiction, authority, and duties which may be conferred upon the Building Official of PZB by other provisions of the PBC Code, the Building Official of PZB shall have the following jurisdictions, authority, and duties under this Code: [Ord. 2011-016]
   a. to interpret Art. 18, Flood Damage Prevention when the Building Official is also the Floodplain Administrator; [Ord. 2011-016] [Ord. 2024-024]
   b. to interpret Art. 5.B.1.C, Temporary Structures; [Ord. 2019-005]
   c. to review and approve, approve with conditions, or deny applications for Development Permits for Building Permits; and,
   d. to review and approve, approve with conditions, or deny applications for Development Permits for Certificates of Occupancy or Completion.

B. Code Enforcement Director

1. **Creation and Appointment**
   The Code Enforcement Director shall be the head of enforcement of this Code, and shall be appointed and serve at the pleasure of the Executive Director of PZB.
2. **Jurisdiction, Authority, and Duties**
   In addition to the jurisdiction, authority, and duties which may be conferred upon the Code Enforcement Director of PZB by other provisions of the PBC Code, the Code Enforcement Director of PZB shall have the following jurisdictions, authority, and duties under this Code:
   a. to monitor and assist in the enforcement of this Code; and
   b. to ensure compliance with conditions of a Development Order.

C. County Administrator

1. Creation and Appointment

The PBC Administrator shall be the head of the PBC Staff, and shall be appointed and serve at the pleasure of the BCC.

2. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the PBC Administrator by other provisions of the PBC Code and PBC Charter, the County Administrator shall have the following jurisdiction and authority under this Code:

a. to administer PBC administrative officials charged with regulatory authority under this Code;
b. to appoint Hearing Officers as set forth in Art. 2.G.3.G, Hearing Officers; and,
c. to approve, approve with conditions, or deny, applications for murals. [Ord. 2013-021]

D. County Attorney

1. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the County Attorney by other provisions of the PBC Code and PBC Charter, the County Attorney and his/her designated Staff shall have the following jurisdictions, authority, and duties under this Code:

a. to review and approve as to form and legal sufficiency all orders and Resolutions issued by all Decision Making and Administrative Bodies described in this Article;
b. to review and approve as to form agreements, PDD agreements, easements, declarations of covenants, letters of credit, performance bonds, or other such documentation in connection with any requirement of this Code; and,
c. to advise the BCC, PBC Departments, and the Decision Making and Administrative Bodies, in regard to the legal issues which may arise in the implementation of this Code and the Plan.

E. County Engineer

1. Creation and Appointment

The County Engineer shall be the Agency head of the Department of Engineering and Public Works (DEPW), and shall be appointed and serve at the pleasure of the County Administrator.

2. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the County Engineer by other provisions of the PBC Code and PBC Charter, the County Engineer shall have the following jurisdictions, authority, and duties under this Code:

a. to review and render interpretations to Art. 6.B.3.A.2.a.3), Driveways and Access, Art. 11, Subdivision, Platting, and Required Improvements, and Art. 12, Traffic Performance Standards;
b. to review and approve or deny applications for Technical Compliance for subdivision;
c. to review applications and approve Development Orders for Land Development Permits;
d. to review and acknowledge the completion of required improvements for subdivision;
e. to review and approve or deny applications for Development Permits for Final Plats of subdivisions, including replats of lands within record plats previously approved for recording by Resolution of the BCC, and approve such plats on behalf of PBC for recordation in the Public Records. Said approval authority may be delegated only as follows:
    1) to either the Deputy County Engineer or the Assistant County Engineer during a prearranged absence of the County Engineer, such as for vacation or seminar attendance, for a period of five or more consecutive days, provided that said delegation shall be in writing and signed by the County Engineer; or
    2) to the Deputy County Engineer in the event that the County Engineer is absent or otherwise incapacitated for a period of five or more days due to an emergency or other unforeseen circumstances, provided that said delegation shall be in writing and signed by the County Administrator.

    The Clerk of the Circuit Court shall be notified of each incident of delegation made pursuant to the above, and said delegation shall terminate upon the County Engineer's return to normal duty;
f. to review, consider, and approve, approve with conditions, or deny requests for deviations from Art. 11, Subdivision, Platting, and Required Improvements within the PO Zoning District; and, [Ord. 2007-013]
g. to accept maintenance responsibility on behalf of PBC for those streets dedicated to the BCC on a duly approved plat of record and constructed pursuant to a Land Development Permit for subdivision required improvements.

F. PBC Health Department Director

1. Creation and Appointment

The PBC Health Department Director shall be the Agency head of the PBC Health Department (PBCHD) and shall be appointed by the Secretary of the Department of Health after consultation with the State Health Officer and the District Administrator, and concurrence by the BCC.

2. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the PBC Health Department Director by other provisions of the PBC Code, the PBC Health Department Director shall have the following jurisdictions, authority, and duties under this Code:

a. to review, consider, enforce, and render interpretations to Art. 15, Health Regulations; and
b. to review and approve, approve with conditions, or deny all applications for Development Permits pursuant to Art. 15, Health Regulations.

G. Development Review Officer (DRO)

1. Establishment

There is hereby established a Development Review Officer (DRO).

2. Powers and Duties

The DRO shall have the following powers and duties under the provisions of this Code:

a. to coordinate all PACs and PAAs; [Ord. 2018-002]
b. to accept, review, approve, and update all applicable application requirements; [Ord. 2018-002]
c. to accept and determine sufficiency of applications for review, certify, and prepare Staff Reports recommending approval, approval with conditions, or denial of applications for Rezonings, Class A and Class B Conditional Uses, Type 2 Waivers, and Type 2 Variances; [Ord. 2017-007] [Ord. 2018-002]
d. to accept applications for review and approve, approve with conditions, or deny applications for applications subject to Administrative processes pursuant to Art. 2.C.3.A, Process for Administrative Requests; [Ord. 2018-002]
e. to request other PBC Officials and other Agencies to provide factual information on applications for Development Permits as is deemed appropriate; [Ord. 2011-016] [Ord. 2018-002]
f. to review, consider, and finalize Zoning Plans that were approved by the BCC or ZC; [Ord. 2018-002]
g. to hear, review, consider, and approve, approve with conditions, or deny applications for Development Orders for Final Subdivision or Site Plans; [Ord. 2018-002]
h. to hear, review, consider, and approve, approve with conditions, or deny applications for TDRs for subdivisions requesting a two-unit per acre or less density increase pursuant to Art. 5.G.3, Transfer of Development Rights (TDRs) – Special Density Program; and, [Ord. 2018-002]
i. to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the DRO. [Ord. 2011-016] [Ord. 2018-002]

3. Comments and Recommendations

a. The DRO may seek comments and recommendations from the following PBC Departments and Divisions, as well as other Local Government and State Government agencies, as deemed appropriate by the DRO: [Ord. 2008-037]
   1) Zoning Division;
   2) Department of Airports; [Ord. 2018-002] [Ord. 2021-006]
   3) Department of Environmental Protection (DEP) for Type 3 Excavation; [Ord. 2018-002]
   4) Engineering Department; [Ord. 2018-002]
   5) Environmental Resources Management Department; [Ord. 2018-002]
   6) Fire Rescue Department; [Ord. 2018-002]
   7) Housing and Community Development (HCD); [Ord. 2018-002]
   8) Lake Worth Drainage District; [Ord. 2018-002]
   9) Parks and Recreation Department; [Ord. 2018-002]
   10) PBCHD; [Ord. 2018-002]
   11) PBC School Board; [Ord. 2018-002]
   12) Planning Division; [Ord. 2018-002]
   13) PREM; and, [Ord. 2018-002]
   14) Water Utilities Department. [Ord. 2018-002]
b. Recommendations and comments shall be forwarded to the DRO no less frequently than two times a month to dispose of matters properly and may be called for by the DRO.

4. **Procedures**
   a. **DRO**
      The Executive Director of PZB shall designate a DRO for overseeing different types of Zoning applications and processes. [Ord. 2018-002]
   b. **Secretary**
      The DRO shall designate a Secretary. The Secretary shall maintain all records of the DRO. The records shall be stored with the Agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.
   c. **Staff**
      The Zoning Division of PZB shall be the professional staff for the DRO.
   d. **Certification for Public Hearing Processes**
      All actions by the DRO shall be in accordance with the procedures established in Art. 2.A, General and Art. 2.B, Public Hearing Processes. [Ord. 2018-002] [Ord. 2020-001]
   e. **Approval for Administrative Processes**
      All actions by the DRO shall be in accordance with the procedures established in Art. 2.A, General and Art. 2.B, Public Hearing Processes. [Ord. 2018-002] [Ord. 2020-001]
   f. **Record of DRO**
      Upon request, the DRO may provide, at cost, copies of recommendations upon which a decision is based.
   g. **Appeal**
      Appeal of any decision, including Conditions of Approval, of the DRO shall be scheduled before the Hearing Officer based on the requirements in Art. 2.A.14.C.2.b, Administrative DO, unless stated otherwise. [Ord. 2011-016] [Ord. 2021-023]

H. Director of ERM

1. **Creation and Appointment**
   The Director of the Department of Environmental Resources Management (ERM) shall be the Agency head of the ERM, and shall be appointed and serve at the pleasure of the County Administrator.
2. **Jurisdiction, Authority, and Duties**
   In addition to the jurisdiction, authority, and duties which may be conferred upon the Director of ERM by other provisions of the PBC Code and PBC Charter, the Director of ERM shall have the following jurisdictions, authority, and duties under this Code:
   a. to review, consider, and render interpretations to Art. 14, Environmental Standards;
   b. to review and approve, approve with conditions, or deny applications for development or permits for sea turtle protection and sand preservation, wetlands protection, wellfield protection, upland vegetation preservation and protection, Agricultural Excavation in the WCAA, water and irrigation conservation, stormwater pollution prevention, and other Ordinances as may be assigned by the BCC; [Ord. 2017-007]
   c. to initiate enforcement action pursuant to Art. 14, Environmental Standards, whenever evidence has been obtained or received establishing that a violation has been committed. The Director of ERM shall issue a notice to correct the violation, a citation to cease the violation, or a notice of violation and cause same to be served upon the violator;
   d. to terminate an investigation or an enforcement action commenced under the provisions of Art. 14, Environmental Standards, and to resolve the alleged violations by execution of a written consent (settlement) agreement between PBC and the person(s) who is/are the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of the Code by said person(s). The consent agreement may, at the discretion of the Director of ERM, provide the following: remedial or corrective action; environmental mitigation; compensatory damages; punitive damages; civil penalties; costs and expenses of PBC in tracing the source of any discharge, in controlling and abating the source of the pollutants and the pollutants themselves, and in restoring the waters and property, including animal, plant, and aquatic life of PBC to their former conditions; and, costs of PBC for investigation, enforcement, testing, monitoring, and litigation executed written consent agreements are hereby deemed to be lawful orders or contracts of PBC; and,
   e. to refer unresolved violations to the appropriate Enforcement Board or to make recommendations to the BCC for initiation of suits in the appropriate courts of competent jurisdiction.

I. Director of Land Development

1. Creation and Appointment

The Director of the Land Development Division of the DEPW shall be the Division head of the Land Development Division of DEPW, and shall be appointed and serve at the pleasure of the County Engineer.

2. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the Director of the Land Development Division by other provisions of the PBC Code, the Director of the Land Development Division shall have the jurisdiction, authority, and duty under this Code to administer PBC Staff review of Art. 11, Subdivision, Platting, and Required Improvements.

J. Director of Parks and Recreation

1. Creation and Appointment

The Director of the Parks and Recreation Department shall be the Agency head of the PBC Parks and Recreation Department and shall be appointed and serve at the pleasure of the PBC Administrator.

2. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be confirmed upon the Director of Parks and Recreation by other provisions of the PBC Code and PBC Charter, the Director of Parks and Recreation shall have the following jurisdiction, authorities, and duties under this Code:

a. to review and render interpretations on park-related land development regulations and to assure park-related land development regulations are met; and
b. to administer the Parks and Recreation Department, including the Parks Division and the Recreation Division.

K. Executive Director of Planning, Zoning and Building

1. Creation and Appointment

The Executive Director of PZB shall be the Agency head of the PZB, and shall be appointed and serve at the pleasure of the County Administrator.

2. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the Executive Director of PZB by other provisions of the PBC Code and PBC Charter, the Executive Director of PZB shall have the following jurisdiction, authorities, and duties under this Code:

a. to review and render interpretations to all provisions of this Code and the Official Zoning Map, except for those Articles listed under Art. 1.B.1.A, Authority. The PZB Executive Director may delegate interpretation of Articles subject to his/her authority and the Official Zoning Map to the appropriate Division Director within the Department; [Ord. 2011-016]
b. to administer PBC's TDR Program including accepting applications, and reviewing and preparing Staff Reports recommending approval, approval with conditions, or denial of applications for receiving area designation;
c. to administer the PZB Department, including the Planning Division, the Zoning Division, the Building Division, the Code Enforcement Division, the Contractors Certification Division, and the Administration Division; [Ord. 2012-027] [Ord. 2018-002]
d. to waive or modify development review fees upon demonstration that the Applicant is indigent pursuant to PBCHD standards, or the Applicant can demonstrate review fees are in excess of actual Staff costs; and, [Ord. 2012-027] [Ord. 2018-002]
e. to waive certain requirements as may be stated within this Code when a State of Emergency is declared. [Ord. 2012-027]

L. Impact Fee Manager

1. Creation and Appointment

The Impact Fee Manager shall be responsible for the administration of PBC's impact fee program, and shall be appointed and serve at the pleasure of the Director of the Office of Financial Management and Budget. [Ord. 2022-026]

2. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the Impact Fee Manager by other provisions of the PBC Code, the Impact Fee Manager shall have the following jurisdictions, authority, and duties under this Code: [Ord. 2022-026]

a. to review and render interpretations to Art. 13, Impact Fees;
b. to administrate Art. 13, Impact Fees;
c. to review and approve or deny applications for independent calculation studies pursuant to Art. 13, Impact Fees;

d. to review and approve or deny applications for credit pursuant to Art. 13, Impact Fees, with the input, assistance, and approval of the PBC Department or Agency receiving the impact fees for which the credit is sought;
e. to provide assistance to the IFRC;
f. to present appeals to the IFAB;
g. to coordinate PBC, municipalities, and agencies receiving impact fee funds; and,
h. to provide technical assistance and advice to the municipalities in their administration of Art. 13, Impact Fees.

M. Planning Director

1. Creation and Appointment

The Planning Director of PZB shall be the Division head of the Planning Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

2. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the Planning Director of PZB by other provisions of the PBC Code, the Planning Director of PZB shall have the following jurisdictions, authority, and duties under this Code:

a. to undertake the current and long-range comprehensive planning responsibilities of PBC under F.S. § 163.3161 *et seq.*, as amended;
b. to review the Plan every seven years;
c. to recommend annually any necessary amendments to the Plan;
d. to accept, review, and prepare Staff Reports recommending approval, approval with conditions, approval with modifications, or denial of applications for Site Specific (FLUA) amendments to the Plan; [Ord. 2018-002]
e. to administer the process of Development of Regional Impact (DRI) review for projects within municipalities in PBC;
f. to review and render interpretations of Art. 5.G, Density Bonus Programs; [Ord. 2019-033]
g. to interpret and decide on application for Entitlement Density and Intensity and Density for Workforce Housing Program (WHP) and Affordable Housing Program (AHP); and, [Ord. 2011-016]
h. to interpret the Agricultural Enclave Overlay (AGEO) Conceptual Plan. [Ord. 2011-016]

N. Zoning Director

1. Creation and Appointment

The Zoning Director of PZB shall be the Division head of the Zoning Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

2. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the Zoning Director by other provisions of the PBC Code, the Zoning Director shall have the following jurisdictions, authority, and duties under this Code:

a. to set the Annual Zoning Calendar, as required by Art. 2.A, General; [Ord. 2020-001]
b. to recommend annually any necessary amendments to this Code;
c. to submit AIs to the BCC pursuant to Art. 2.C.8.B, Administrative Inquiry (AI). [Ord. 2011-016] [Ord. 2018-002]
d. to review and approve or deny applications for Adequate Public Facilities (Concurrency); [Ord. 2016-016]
e. to revoke or suspend, if necessary, any Development Order or Permit which was issued in violation of this Code; [Ord. 2016-016] [Ord. 2018-002]
f. to oversee the preservation and maintenance of vegetation not covered under the provisions of Art. 14, Environmental Standards, through design review, Conditions of Approval, and inspections; [Ord. 2016-016]
g. review and approve or deny requests for time extensions described under Art. 2.A, General, Art. 2.B, Public Hearing Processes, Art. 2.C, Administrative Processes, and Art. 2.D, ULDC Privately Proposed Revision; and, [Ord. 2020-001]
h. review and confirm evidence provided by an Applicant for a Development Order for a Community Residence or Recovery Community that a Community Residence or Recovery Community has been granted and maintains a license or certification from the State of Florida, or an Oxford House Charter, or other license or certification that is the equivalent of a State license or certification. [Ord. 2021-022]

CHAPTER H FLU PLAN AMENDMENTS

Section 1 General

A. Purpose

The purpose of this Chapter is to establish a review process for proposed Site Specific amendments to change future land use (FLU) designations on the FLUA of the Palm Beach County Comprehensive Plan. [Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002]

B. Authority

Pursuant to F.S. § 163.3184, the BCC may adopt Site Specific FLUA amendments to change the FLU subject to the provisions of this Section. [Ord. 2012-027] [Ord. 2018-002]

C. Initiation

An application for a Site Specific FLUA amendment shall be initiated only by the Property Owner of the parcel, the authorized Agent of the Property Owner, or the BCC. An application for a Site Specific FLUA amendment may also include a request for an associated text amendment to the Comprehensive Plan subject to an additional fee set by the BCC. In order for the requested text amendment to be processed, it must be initiated by the BCC and the associated FLUA amendment application must be submitted and found sufficient. [Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002]

D. Established Dates and Fees

1. Timing

The County accepts privately proposed applications for Large and Small Scale Amendments up to four times per year as scheduled by the Planning Director. Scheduled intake dates shall be announced in advance by the Planning Director. Additional amendment intake dates outside the scheduled rounds require approval by a supermajority vote of the BCC. [Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002]

2. Fees

The application for a FLUA amendment, and any associated text amendment, shall be accompanied by a fee established by the BCC. Any request for a refund shall be in writing, based upon the current PZB refund policy, and approval by the Planning Director. [Ord. 2012-027] [Ord. 2018-002]

E. Pre-Application Meeting

The purpose of the pre-application meeting is to identify issues relating to the proposed application prior to the intake date. A pre-application meeting with the Planning Division prior to the FLUA amendment intake is mandatory. [Ord. 2012-027] [Ord. 2018-002]

F. Application Procedures

An application for a Site Specific amendment shall be submitted to the Planning Director along with application fees established by the BCC. [Ord. 2012-027] [Ord. 2018-002]

1. Concurrent Small Scale Amendments

If a Small Scale land use amendment requires a Rezoning, Conditional Use, Development Order Amendment, or Abandonment application(s), all applications shall be reviewed concurrently and considered by the BCC at the same public hearing. The Applicant shall submit a Site Plan or Conceptual Site Plan as part of the Zoning application(s). The complete Zoning application must be submitted at a scheduled Zoning application intake within 45-calendar days of receipt of the Small Scale land use amendment application. If a complete Zoning application is not timely submitted, the Small Scale land use amendment shall be administratively withdrawn immediately. [Ord. 2009-040] [Ord. 2018-002]

2. Contents of Application

a. General

The application shall be submitted in a form established by the Planning Director. The application must contain applicable data and analysis to substantiate any claims made within the application. Failure of an Applicant to disclose relevant information shall serve as grounds for postponement by the board holding the public hearing. [Ord. 2009-040] [Ord. 2018-002]

b. Amendments to the Application

After the amendment is determined to be sufficient for processing, applications shall not be significantly modified unless requested by the Planning Division. Significant changes to the application submitted following a finding of sufficiency shall serve as grounds for administrative postponement by the Planning Director to the next amendment round. Significant changes to the application include, but are not limited to, changes to the proposed future land use designation, changes to proposed Conditions of Approval, changes to associated private text amendments. Information provided by an Applicant following the distribution of the Staff Report to the LPA shall serve as grounds for postponement, as appropriate, of the public hearings by the board holding the public hearing. [Ord. 2009-040] [Ord. 2018-002]

3. Sufficiency Review

The Planning Director shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application and any additional data necessary to evaluate the application. The determination of sufficiency shall be based upon whether or not the application responds to all the requested information and meets minimum application criteria, as provided by the Planning Director in the application instructions. [Ord. 2009-040] [Ord. 2012-027 [Ord. 2018-002]

a. Sufficiency

If the application is determined to be sufficient, it shall be reviewed pursuant to the procedures and standards of this Article. [Ord. 2012-027] [Ord. 2018-002]

b. Insufficiency

If an application is determined to be insufficient, the Planning Director shall provide a written notice to the Applicant specifying the deficiencies within ten working days of the receipt of the application. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the deficiencies are not remedied within ten working days of the notice of insufficiency, the application shall be administratively withdrawn. [Ord. 2012-027] [Ord. 2018-002]

4. Review, Report, and Recommendation by Planning Director

When the application is determined sufficient, the Planning Director shall review the application, consult with other Agencies, prepare a Staff Report (which incorporates the comments of the other Agencies), and make a recommendation of approval, approval with conditions, approval with modifications, or denial based on applicable data and analysis and consistency with the Palm Beach County Comprehensive Plan. The Planning Director shall publish a copy of the Staff Report online at least five working days prior to the LPA public hearing. [Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002]

5. Notification

Notice of a proposed amendment for any public hearing shall be provided as pursuant to the terms of this Section. The Planning Director shall notify the Intergovernmental Plan Amendment Review Committee (IPARC) of proposed land use amendments pursuant to the Plan Amendment Coordinated Review Interlocal Agreement. [Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002] [Ord. 2023-020]

a. Public Notice

Public hearing public notice shall meet the requirements of F.S. § 163.3174(4)(a) for the LPA, F.S. § 163.3184(11)(b) for the BCC, and F.S. § 125.66(4)(b)2 and F.S. ch. 50, as amended from time to time. [Ord. 2012-027] [Ord. 2018-002] [Ord. 2023-020]

b. Courtesy Notice

A copy of such notice shall be kept available for public inspection during regular business hours at the office of PZB. If the property is undergoing a simultaneous land use change and rezoning, the notice for the rezoning may be included in the notice required for the land use change. Courtesy notices shall be mailed a minimum of 15-calendar days prior to the date of the first public hearing by depositing such notice in the mail by first class mail, properly addressed and postage. [Ord. 2012-027] [Ord. 2018-002]

1) Applicability and Mailing Boundary

a) Property Owners

A courtesy “notice” of a proposed Plan amendment shall be sent to all owners of real property located within 500 feet of the periphery of the subject site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1,000 feet of the periphery of the subject site in the Exurban and Rural Tiers, whose names and addresses are known by reference to the latest published *ad valorem* tax records of PBC Property Appraiser, except that when real property consists of a condominium, the courtesy notice shall be given to the condominium association and all real Property Owners living within 500 feet. If the area within 500 feet is owned by the Applicant or partner in interest, the 500-foot notification boundary shall be extended from these parcels. Notification shall be sent to each owner as the ownership appears on the last approved tax roll. [Ord. 2012-027] [Ord. 2018-002]

b) POAs and Cooperatives

All POAs and cooperatives located within 500 feet of the periphery of the subject site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1,000 feet of the periphery of the subject site in the Exurban and Rural Tiers, shall be notified. [Ord. 2012-027] [Ord. 2018-002]

c) Municipalities and Counties

All municipalities and counties within one mile of the subject site shall be notified. If a site is located within a future annexation area as identified in a municipality's comprehensive plan, the associated municipality shall be notified. [Ord. 2012-027] [Ord. 2018-002]

d) Interested Parties

A courtesy notice of all public hearings may be sent upon request to all organizations, associations, and other interested persons or groups known to the Planning Director. An annual fee may be assessed to defray the cost. [Ord. 2012-027] [Ord. 2018-002]

2) Notice Content

All notices shall include the following information: [Ord. 2012-027] [Ord. 2018-002]

a) a general summary of the application; [Ord. 2012-027] [Ord. 2018-002]
b) a date, time, and place for the public hearings; [Ord. 2012-027] [Ord. 2018-002]
c) a general location map indicating the subject site including major streets; and, [Ord. 2012-027] [Ord. 2018-002]
d) a statement that interested parties may appear at the public hearing and be heard regarding the amendment. [Ord. 2012-027] [Ord. 2018-002]

3) Failure to Receive Courtesy Notice

Failure to receive a courtesy notice shall not be deemed a failure to comply with this requirement, and shall not be grounds to challenge the validity of any decision made by BCC. [Ord. 2012-027] [Ord. 2018-002]

c. Signs

1) The land subject to the application shall be posted with a notice of the public hearing by the Applicant on a sign meeting standards and specifications issued by the County within 45-calendar days of the determination that the application is sufficient for processing. The Applicant shall submit photographs and a written affidavit confirming the signs have been posted. One sign shall be posted for each 500 feet of frontage along a street up to a maximum of ten signs. All signs shall be: [Ord. 2012-027] [Ord. 2018-002]
   a) Evenly spaced along the street or in a location acceptable to the Planning Director. [Ord. 2012-027] [Ord. 2018-002]
   b) Set back no more than 25 feet from the property line fronting the street. [Ord. 2012-027] [Ord. 2018-002]
   c) Erected in full view of the public. [Ord. 2012-027] [Ord. 2018-002]

   Signs shall be posted in a location acceptable to the Planning Director, where the land does not have significant frontage on a street. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the BCC. The Applicant shall ensure the signs have been removed no later than five days after the final hearing. [Ord. 2012-027] [Ord. 2018-002]

d. Public Notice of County Initiated Amendments

The County shall provide written notification to each Property Owner of property subject to a County Initiated future land use change a minimum of 30-calendar days prior to the first public hearing. [Ord. 2018-002]

e. Exceptions to Mailing and Posting

The courtesy mailing notice and posting notice requirements shall not apply to a County Initiated Site Specific FLUA amendment for a land use change to a Conservation (CON) designation following acquisition by a public agency or a corrective land use change. [Ord. 2012-027] [Ord. 2018-002]

6. Action by the Planning Commission Sitting as the Local Planning Agency (LPA)

The LPA public hearing shall be held on a weekday after notice is published pursuant to F.S. § 163.3174(4)(a), as amended from time to time. The LPA shall conduct a public hearing on the application pursuant to the procedures in Art. 2.H.1.F.8, Conduct of Hearings, and make recommendations regarding the proposed amendments to the BCC. At the public hearing, the LPA shall review the application, the Staff Report, the relevant support materials, and public testimony given at the hearings. At the close of the public hearing, the LPA shall vote on its recommendations (approval, approval with conditions, or denial). [Ord. 2009-040] [Ord. 2012-027] [Ord. 2023-020]

7. Action by BCC

Action by the BCC shall be governed by F.S. § 163.3184, as amended from time to time. [Ord. 2012-027]

a. Transmittal Public Hearing

Large Scale Amendments require a transmittal public hearing. The transmittal public hearing shall be held on a weekday at least seven-calendar days after notice is published pursuant to F.S. § 163.3184(11)(b)1, as amended from time to time, pursuant to the procedures in Art. 2.H.1.F.8, Conduct of Hearings. At the public hearing, the BCC shall consider the application, the Staff Report, the relevant support materials, the recommendations of the LPA, and the public testimony given at the public hearing, and by an affirmative vote of a majority of the members of the BCC present at the hearing, vote to approve, approve with conditions, or deny the transmittal of the application. Failure of the BCC to approve the transmittal of an application for a Site Specific amendment shall be deemed a denial of the proposed Site Specific amendment. [Ord. 2009-040] [Ord. 2012-027]

b. Adoption Public Hearing

The adoption public hearing shall be on a weekday at least five-calendar days after the notice for the public hearing is published pursuant to F.S. § 163.3184(11)(b)2, as amended pursuant to the procedures in Art. 2.H.1.F.8, Conduct of Hearings. At the public hearing, the BCC shall consider the application, the Staff Report, the relevant support materials, the State Land Planning Agency comments, and the public testimony given at the public hearing, and by affirmative vote of a majority of the members of the BCC present at the meeting, vote to adopt, adopt with conditions, or not to adopt an Ordinance making a Site Specific amendment. Small Scale Development Amendments shall require only one public hearing before the BCC, which shall be an adoption public hearing, pursuant to F.S. § 163.3187(2), and provisions of F.S. § 125.66(4)(a) and F.S. ch. 50, as amended from time to time. Actions approving Site Specific Plan amendments shall be adopted by Ordinances pursuant to F.S. § 163.3187, as amended from time to time. [Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002] [Ord. 2023-020]

8. Conduct of Hearings

a. Rights of All Persons

Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Anyone representing an organization shall present evidence of their authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of an organization, state the name and mailing address of the organization. [Ord. 2012-027] [Ord. 2018-002]

b. Due Order of Proceedings

The order of the proceedings shall be pursuant to Art. 2.B.6.D, Conduct of Hearings. [Ord. 2018-002]

c. Postponement of Public Hearing for Small Scale Amendments

1) Administrative Postponements

a) An Applicant shall have the right to request and be granted one administrative postponement, of no more than 60 days, of the LPA public hearing without an additional fee; provided that the request is made in writing at least 20 days prior to the hearing and is submitted along with an additional set of the required courtesy notice envelopes. [Ord. 2012-027] [Ord. 2018-002] [Ord. 2023-020]

b) An Applicant shall have the right to request and be granted one entitlement continuance, of no more than 60 days, of the BCC Adoption public hearing; provided that the request is made in writing at least 20 days prior to the hearing and is submitted along with an additional set of the required courtesy notice envelopes. [Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002] [Ord. 2023-020]

2) LPA or BCC Public Hearing Continuances

The body conducting the public hearing may by its own motion, or at the request of any Applicant or the Planning Director, continue the public hearing or meeting to a fixed date, time, and place. Such continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. The Applicant may be required to provide an additional set of the required courtesy notice envelopes and may be subject to a fee as established by the BCC. [Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002]

d. Postponement of Large Scale Amendments

In order to provide most current data, the Applicant of an amendment postponed to the next round shall submit the fee with an updated application including a new traffic analysis on the intake date of the next round, along with a new set of courtesy notices. Failure to submit the fee and an updated application will result in the amendment being administratively withdrawn. [Ord. 2018-002]

1) Administrative Postponements

An Applicant shall have the right to request and be granted one administrative postponement, to a subsequent amendment round and will be subject to a fee as established by the BCC; provided that the request is made in writing at least 20 days prior to the LPA public hearing. The Planning Director may approve administrative postponements provided that the request is made in writing at least five days prior to the publication of the agenda for the public hearing. [Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002]

2) Non-Administrative Postponements

Following the publication of the agenda for a public hearing, postponements shall be granted at the discretion of the body conducting the hearing and shall be subject to a fee established by the BCC. The LPA may continue a public hearing within the same amendment round. The LPA may postpone an amendment to a subsequent amendment round at the request of an Applicant provided that the BCC public hearing has not been advertised. [Ord. 2012-027] [Ord. 2018-002]

9. Withdrawal of Applications and Refunds

An Applicant shall have the right to withdraw an application for a Site Specific amendment at any time prior to the advertised adoption public hearing by the BCC. Any request for a refund shall be in writing, based upon the current PZB refund policy, and approval by the Planning Director. [Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002]

CHAPTER I COORDINATED SCHOOL PLANNING

Section 1 Purpose

The purpose of this Chapter is to establish a mechanism for collaborative planning and decision making with the Palm Beach County School District and Palm Beach County to measure district school capacity available to accommodate new development pursuant. [Ord. 2018-002]

Section 2 Authority

The Board of County Commissioners has the authority to adopt this Chapter pursuant to the PBC Charter, and F.S. § 163.01, F.S. § 163.3177(6)(h), F.S. § 1013.33, the PBC Comprehensive Plan, and the Interlocal Agreement for Coordinated Planning (Resolution No. R-2015-1864). [Ord. 2018-002]

Section 3 Applicability

The requirements of the Interlocal Agreement for Coordinated Planning, as amended, shall apply to all DOs for the safe, convenient, orderly, and adequate provision of public school facilities. [Ord. 2018-002]

Section 4 School Capacity Availability Determination

The County shall notify the School District of any land use or rezoning applications that may increase residential FLUE Designation or density at least 30 days prior to the date of the applicable public hearing. The County will transmit to School District all applicable support material, and the date, time, and place of the applicable public meeting. Within 20 days of receipt of completed application, the School District shall submit to the County a school capacity availability determination providing the District's findings and recommendations. [Ord. 2018-002]

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. 2006-036; August 29, 2006] [Ord. 2006-055; December 1, 2006] [Ord. 2007-001; January 25, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-005; February 2, 2010] [Ord. 2010-022; September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2011-016; September 6, 2011] [Ord. 2012-003; February 1, 2012] [Ord. 2012-027; August 31, 2012] [Ord. 2013-001; January 31, 2013] [Ord. 2013-021; August 30, 2013] [Ord. 2014-001; February 3, 2014] [Ord. 2014-025; September 3, 2014] [Ord. 2015-006; February 3, 2015] [Ord. 2014-031; July 7, 2015] [Ord. 2015-031; September 3, 2015] [Ord. 2016-016; February 2, 2016] [Ord. 2016-020; March 24, 2016] [Ord. 2016-042; September 22, 2016] [Ord. 2017-002; January 31, 2017] [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. 2018-002; February 1, 2018] [Ord. 2018-018; August 29, 2018] [Ord. 2019-005; January 29, 2019] [Ord. 2019-034; August 27, 2019] [Ord. 2019-033; September 29, 2019] [Ord. 2020-001; January 28, 2020] [Ord. 2020-007; June 10, 2020] [Ord. 2020-020; September 3, 2020] [Ord. 2021-006; March 2, 2021] [Ord. 2021-022; September 3, 2021] [Ord. 2021-023; September 3, 2021] [Ord. 2022-001; February 4, 2022] [Ord. 2022-029; November 2, 2022] [Ord. 2022-026; January 1, 2023] [Ord. 2023-020; May 30, 2023] [Ord. 2023-023; June 23, 2023] [Ord. 2023-024; July 11, 2023] [Ord. 2023-026; July 26, 2023] [Ord. 2024-001; January 29, 2024] [Ord. 2024-014; July 18, 2024] [Ord. 2024-020; October 7, 2024] [Ord. 2024-024; December 20, 2024] [Ord. 2025-007; March 28, 2025]

ARTICLE 3

OVERLAYS AND ZONING DISTRICTS

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ARTICLE 3

OVERLAYS AND ZONING DISTRICTS

CHAPTER A GENERAL

Section 1 Overlays and 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 Zoning 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
PBIAO, 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 Area Overlay
WCRO, Western Communities Residential Overlay [Ord. 2017-011]

2. Standard Districts

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

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

3. **Planned Development Districts (PDDs)**
   MHPD, Mobile Home Planned Development [Ord. 2017-025]
   MUPD, Multiple Use Planned Development [Ord. 2021-023]
   PIPD, Planned Industrial Park Development
   PUD, Planned Unit Development
   RVPD, Recreational Vehicle Planned Development
4. **Traditional Development Districts (TDDs)**
   TMD, Traditional Marketplace Development
   TND, Traditional Neighborhood 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.B.2, Special Exceptions or Conditional Use Approvals for Previously Approved Planned Developments. 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

Pursuant to F.S. § 163.3194 and Objective 2.2, Future Land Use Provisions – General, of the PBC Comprehensive Plan's Future Land Use Element, all Zoning actions must be consistent with the Comprehensive Plan. A parcel's zoning district must be consistent with the parcel's future land use designation. The following Tables establish the future land use designation and zoning consistency in the Comprehensive Plan Future Land Use Element. [Ord. 2023-009]

1. Table 1.6-a, Glades Tier Residential Future Land Use/Zoning Consistency, under Policy 1.6-d; [Ord. 2023-009]
2. Table 2.2-f.1, Non-Residential Future Land Use – Zoning Consistency, under Policy 2.2-f; and, [Ord. 2023-009]
3. Table 2.2.1-j.1, Residential Future Land Use – Zoning Consistency, under Policy 2.2.1-j. [Ord. 2023-009]

B. Applicability for Prior Approvals

Any application for a Development Order to any of the prior approvals listed herein shall comply with the applicable requirements of the corresponding district, except for any information permitted to be carried forward from a prior approval. Unless otherwise indicated by the Comprehensive Plan FLU/Zoning Consistency Tables, the following former zoning districts shall correspond to the current zoning districts as identified below. [Ord. 2023-009] [Ord. 2023-021]

1. Previously Established Zoning Districts

a. The Special Agriculture (SA) Zoning District shall correspond to the AP Zoning District in the Glades Tier, AGR Zoning District in the AGR Tier, and AR Zoning District in the Rural Tier. [Ord. 2023-021]

b. The Specialized Commercial High (CSH) and Specialized Commercial (CS) Zoning Districts shall correspond the CHO Zoning District. [Ord. 2023-021]

2. Special Exceptions or Conditional Use Approvals for Previously Approved Planned Developments

a. Large Scale Community or Regional Shopping Centers, Planned Commercial Developments (PCDs), Planned Neighborhood Commercial Developments (PNCDs), Planned General Commercial Developments (PGCDs), Mixed Use Planned Developments (MXPDs), and Planned Office Business Parks (POBPs) shall correspond to the MUPD Zoning District. [Ord. 2023-021]

b. Planned Industrial Developments (PIDs) shall correspond to the IL or IG Zoning District. [Ord. 2023-021]

c. Planned Developments consisting of PUDs, PIPDs, MHPDs, and RVPDs shall correspond to the same PDDs. [Ord. 2023-021]

C. Applicability of Specific Zoning Districts

In addition to the provisions set forth above, the following applies to specific zoning districts and circumstances. [Ord. 2023-009]

1. An existing Legal Lot of Record may be developed with a SFD with accessory uses, provided the existing zoning is identified in Table 2.2-f.1, Non-Residential Future Land Use – Zoning Consistency, under Policy 2.2-f; and Table 2.2.1-j.1, Residential Future Land Use – Zoning Consistency, under Policy 2.2.1-j. [Ord. 2011-016] [Ord. 2021-023] [Ord. 2023-009]
2. Existing institutional or civic uses in the RE, RT, RS, or RM Zoning Districts with an INST FLU designation shall not be considered non-conforming. [Ord. 2011-016] [Ord. 2021-023] [Ord. 2023-009]
3. The CG Zoning District is consistent with the CL FLU designation on sites located within the U/S Tier which have existing CG zoning with a CL FLU designation prior to the adoption of Ordinance No. 2020-011 on July 6, 2020. Any lot greater than one acre in size shall utilize the CC Zoning District approval process; any lot one acre or less shall utilize the CN Zoning District approval process. [Ord. 2021-023]
4. A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC Zoning District. [Ord. 2011-016] [Ord. 2021-023]
5. A rezoning shall not be required for the installation or replacement of a SFWMD telemetry tower in accordance with Art. 5.B.1.A.13.c, Exceptions for SFWMD Telemetry Towers in the Glades Tier. [Ord. 2014-025]

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CHAPTER B OVERLAYS

Section 1 General

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

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

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

D. Conflict with Other Applicable Regulations
If a conflict exists between provisions of an overlay and other Articles in this Code, the provisions of the overlay shall prevail except where superseded by State or Federal laws.

Section 2 AZO, Airport Zoning Overlay

A. Purpose and Intent
The purpose and intent of the Airport zoning regulations is to promote the maximum safety of aircraft using publicly-owned airports, the safety of residents and property in areas surrounding the airports, and the full utility of the airports, including non-airport related uses. These regulations apply to properties around publicly-owned airports in PBC; and uses located on the Airport Master Plans required by Plan Objective TE 1.7. [Ord. 2006-036]

B. Applicability

1. Off-Airport Uses
For those properties around publicly-owned airports, the provisions of the Airport zoning regulations create zones, based on the approach and departure pattern of aircraft, and regulate the height of structures and the use of land within these zones. The Airport zoning regulations for properties around publicly-owned airports are contained in Art. 16, Airport Regulations. [Ord. 2006-036]

2. Uses on Airport Properties
The provisions of this Section shall apply to airport-related and non-airport related uses within the boundaries of the Airport Master Plans for those parcels with a U/T FLU designation and in the PO Zoning District for the four County-operated airports identified as follows: PBIA, PBC Glades Airport, PBC Park Airport (a.k.a. Lantana Airport), and North PBC General Aviation Airport. Development of these airports shall be in accordance with the Airport Master Plans as required by Plan Objective TE 1.7, Future Airport Expansion. [Ord. 2006-036] [Ord. 2022-002]

a. Use Regulations

1) Airport-Related Uses
Airport-related uses are directly related to general airport operations and maintenance including, but not limited to, maintenance facilities, cargo distribution terminals, car rental operations, warehouses, hotels, airport administrative offices, and communication facilities, as well as uses found within the terminals, including, but not limited to, restaurants, general retail sales, and personal services. [Ord. 2006-036]

2) Non-Airport Related Uses
Non-airport related uses are not related to the operation and maintenance of the airport, and can coexist in close physical proximity to airports and their related facilities. Non-airport related uses are additional uses that are encouraged by the Federal Aviation Administration (FAA) to generate income to help offset the costs of operating the airport and are compatible with surrounding development. These uses may include, but are not limited to, commercial, public, and civic, recreation, agricultural, utilities and excavation, and industrial uses, but more specifically including, but not limited to, professional, business, and medical offices, retail centers, restaurants, and hotels. [Ord. 2006-036]

3) Prohibited Uses
Prohibited uses include Adult Entertainment and billboards. [Ord. 2006-036] [Ord. 2009-040]

4) Specific Use Regulations

The following uses are permitted in the AZO on airport properties: [Ord. 2006-036]

Table 3.B.2.B – Airport Use Regulations

Use Type	Airport-Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Residential Uses					
Caretaker Quarters	D	D	CG or IG		All
Commercial Uses					
Auction, Indoor		D	CG	2	All
Auction, Outdoor		A	CG	2	All
Car Wash		D	CG or IL	4	All
Catering Service	P	D	CG or IL	5	All
Cocktail Lounge	P	A	CG	6	All
Convenience Store		D	CG	7	All
Dispatching Service	P	D	CG	8	All
Dog Day Care	P	D	CG	9	All
Financial Institution	P	P	CG	10	All
Financial Institution with Drive-Through Facilities	P	D	CG	11	All
Financial Institution Freestanding ATM	P	D	CG	12	All
Gas and Fuel Sales, Retail		A	CG	15	All
Hotel or Motel	P	D	CG	17	All
Kennel, Type 2 (Commercial)	P	D	CG or IG	18	All
Kennel, Type 3 (Commercial Enclosed)	P	D	CG or IG	19	All
Landscape Service		D	CG or IL	20	All
Laundry Service		D	CG or IL	21	All
Medical or Dental Office	P	D	CG	23	All
Office, Business or Professional	P	D	CG	24	All
Parking, Commercial	P	D	CG or IL	25	All
Pawnshop		A	CG	26	All
Personal Services	P	D	CG	27	All
Repair and Maintenance, Heavy	P	A	CG or IG	28	All
Repair and Maintenance, Light	P	D	CG or IG	29	All
Repair Services, Limited	P	D	CG or IG	30	All
Restaurant, Type 1	P	A	CG	31	All
Restaurant, Type 2	P	D	CG	32	All
Retail Sales	P	D	CG	33	All
Retail Sales, Mobile		S	CG or IG	3	All
Retail Sales, Temporary		S	CG or IG	10	All
Self-Service Storage, Limited Access		D	CG or IG	35	All
Self-Service Storage, Multi-Access		D	CG or IG	35	All
Single Room Occupancy (SRO)	P	A	CG	36	All
Vehicle or Equipment Sales and Rental, Heavy		A	CG or IL	38	All
Vehicle Sales and Rental, Light	P	B	CG or IL	39	All
Veterinary Clinic	P	D	CG or IL	40	All
Vocational Institution	P	D	CG or IG	41	All

[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2022-002] [Ord. 2023-012]

Table 3.B.2.B – Airport Use Regulations, Cont'd.

Use Type	Airport-Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Institutional, Public, and Civic Uses					
Assembly Institutional Nonprofit	D	D	CG	2	All
Assembly Membership Nonprofit	D	D	CG or IL	3	All
Place of Worship		D	CG	12	All
Government Services	P	P	CG or IL	9	All
Hospital		A	CG	11	All
Prison, Jail, or Correctional Facility	P	A	CG or IL	13	All
Recreation Uses					
Arena or Stadium or Amphitheater	P	A	CG	1	1
Entertainment, Indoor	P	D	CG or IL	3	All
Entertainment, Outdoor	P	D	CG or PO	4	All
Fitness Center	P	D	CG or IL	5	All
Golf Course		D	CG or IL	6	All
Park, Neighborhood Infill		P	CG or IG	7	All
Park, Passive	P	P	CG or IL	8	All
Park, Public		P	CG or IG	9	All
Agricultural Uses					
Agriculture, Bona Fide		P	IL	1	2
Agriculture, Light Manufacturing		P	IL	2	2
Agriculture, Packing Plant		P	IL	3	2
Agriculture, Research and Development		P	IL	5	2
Agriculture, Sales and Service		P	IL	6	2
Agriculture, Storage		P	IL	7	2
Community Vegetable Garden		P	CG or IL	10	2
Nursery, Retail		D	CG	13	All
Shade House		P	IL	17	2
Utility Uses/Excavation Uses/Commercial Communication Towers					
Air Curtain Incinerator		D	CG or IG		All
Chipping and Mulching		D	IG	1	All
Commercial Communication Towers	P	D	CG or IG		All
Composting Facility		D	IG	2	All
Excavation, Type 2	P	P	CG or IG	4	All
Minor Utility	P	D	CG or IG	7	All
Transportation Uses					
Airport	P		PO	1	All
Heliport or Vertiport	P	A	CG or IL	2	All
Transportation Facility	B	B	CG or IG	5	All

[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2013-001] [Ord. 2017-007] [Ord. 2022-002]

Table 3.B.2.B – Airport Use Regulations, Cont'd.

Use Type	Airport-Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Temporary Uses					
Communication Cell Sites on Wheels (COWs) Tower, Mobile	P	P	CG or IG	1	All
Recycling Drop-Off Bin	D	D	CG or IG	7	All
Special Event	P	D (3)	CG or IL	8	All
Industrial Uses					
Asphalt or Concrete Plant	P	D	IG		All
Contractor Storage Yard		D	IG	1	All
Data and Information Processing	P	D	CG or IG	2	All
Distribution Facility	B	B	CG or IG	3	All
Machine or Welding Shop	P	D	IL	7	All
Multi-Media Production		D	CG or IG	10	All
Gas and Fuel, Wholesale	P	D	IG	5	All
Research and Development		D	IG	13	All
Manufacturing and Processing	P	D	IG	8	All
Medical or Dental Laboratory		D	CG or IL	9	All
Recycling Center	D	D	CG or IG	11	All
Recycling Plant	P	D	IG	12	All
Warehouse	P	D	IG	17	All
Wholesaling, General	P	D	IG	18	All

[Ord. 2006-036] [Ord. 2010-022] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2022-002]

Key:	
P	Permitted by Right
D	Permitted subject to approval by the DRO
B	Permitted only if approved by the Zoning Commission (ZC)
A	Permitted only if approved by the Board of County Commissioners (BCC)
Use Applicable to Specific Airport:	
1	PBIA
2	PBC Glades Airport
3	PBC Park Airport (a.k.a. Lantana Airport)
4	North PBC General Aviation Airport
All	PBIA, PBC Glades Airport, PBC Park Airport (a.k.a. Lantana Airport), and North PBC General Aviation Airport
Notes:	
1.	For purposes of determining the applicable property development regulations (PDRs) for non-airport related uses, the corresponding zoning district's PDR identified in Table 3.D.1.A, Property Development Regulations shall apply to lot dimension, density, FAR, building coverage, and setbacks. [Ord. 2018-002]
2.	Reference Art. 4, Use Regulations for additional Supplementary Use Standards which includes exceptions, restrictions, or prohibitions. [Ord. 2017-007] [Ord. 2018-018]
3.	Temporary Use through the ZAR process. [Ord. 2018-002]

5) Development Review Procedures

The approval process for airport-related and non-airport related uses shall be in accordance with the above Table 3.B.2.B, Airport Use Regulations and Art. 2, Application Processes and Procedures. It is not necessary for the parcels to be rezoned. [Ord. 2006-036]

a) Development Requirements

Only airport-related uses owned, operated, or directly regulated by the DOA or other governmental entity shall be eligible for PO district exemptions. Examples of these uses include tenants leasing space in airport terminal or other related service facilities. Leased land areas used for non-airport related development, including vehicle rental, restaurants, hotels, and other non-airport related uses, shall be subject to applicable ULDC requirements. [Ord. 2006-036]

b) Development Exceeding PDD or TDD Design Thresholds

Any such development that meets or exceeds the maximum square footage thresholds of Table 3.B.2.B, PDD or TDD Design Thresholds, shall be subject to either the property development regulations of a PDD or TDD. The DOA shall be responsible for determining which specific PDD or TDD shall apply. It is not necessary for the parcels to be rezoned. [Ord. 2006-036]

Table 3.B.2.B – PDD or TDD Design Thresholds

Use	Max. Square Footage (sq. ft.)
Commercial	50,000
Public and Civic	50,000
Recreation	50,000
Utilities	50,000
Industrial	100,000
[Ord. 2006-036]	

c) Other Development

All other development shall be in accordance with the property development regulations for the corresponding zoning districts indicated in Table 3.B.2.B, Airport Use Regulations. [Ord. 2006-036]

d) Other Requirements

All proposed airport-related and non-airport related uses must be developed in accordance with all applicable Federal and State guidelines, regulations, and requirements, as amended, including but not limited to all Federal Aviation Regulations (F.A.R.s), FAA Advisory Circulars, and FAA Orders, as well as all applicable Florida Statutes and Florida Department of Transportation guidelines. [Ord. 2006-036]

e) Conflict with Other Applicable Regulations

Where the provisions of this Section are in conflict with other regulations applicable to this district, the provisions of this Section shall prevail. Where provisions of the AZO district are not in conflict with other applicable regulations, the most restrictive regulations shall prevail. [Ord. 2006-036]

Section 3 COZ, Conditional Overlay Zone

A. Purpose and Intent

A COZ district is to modify or restrict the use and site development regulations authorized in the underlying Standard Zoning District to prevent, minimize, or mitigate adverse impacts upon the surrounding land uses. Conditions shall be included if the applicable regulations are inadequate to protect the surrounding land uses. Requirements of the COZ district are in addition to and supplement other applicable requirements of this Code. [Ord. 2008-037]

B. Boundaries

The boundary of the COZ is applied to the property considered for rezoning. [Ord. 2008-037]

C. Applicability

The provisions of the COZ shall apply to lands in unincorporated PBC pursuant to BCC approval. In application of the COZ, the BCC shall find that the proposed rezoning is appropriate only if the applicable regulations are modified. The BCC shall find one or more of the following reasons for the COZ district: [Ord. 2008-037]

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

D. District Regulations

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

E. COZ

1. Process

During the Zoning review process, the Property Owner shall either: [Ord. 2008-037]

a. apply for a COZ overlay; or [Ord. 2008-037]

b. voluntarily agree to a COZ overlay recommended by Staff for the property being considered for rezoning. [Ord. 2008-037]

2. Authority

The COZ authorizes specific development restrictions, including but not limited to, traffic performance standards, use limitations, etc. to proactively address potential incompatibilities with the adjacent properties. The BCC may impose Conditions of Approval to address these restrictions. [Ord. 2008-037]

3. Exception

In the case when a rezoning is requested or required to maintain consistency with the Comprehensive Plan or any conditions to a Site Specific Plan amendment initiated by the Planning Division, consent of the Property Owner(s) or agreement with the COZ shall not be required. [Ord. 2008-037]

Section 4 GAO, Glades Area Overlay

A. Purpose and Intent

The GAO is established to promote economic diversification in the Glades Area and facilitate development or redevelopment opportunities emanating from the U.S. Department of Housing and Urban Development Community Challenge Planning Grant Glades Region Master Plan (GRMP). The GAO provides flexibility or streamlined procedures for obtaining development approvals, critical to ensuring a timely response to development or redevelopment opportunities that may increase job opportunities and improve the economic vitality of the area. In addition, the GAO may include regulations that recognize the character of the area. [Ord. 2014-025] [Ord. 2016-016]

B. Applicability

The GAO shall apply to all land within the Urban Service Area (USA) of the Glades Tier. All Development Orders within the GAO shall also comply with all applicable Joint Planning Area Agreements, pursuant to Florida Statutes. [Ord. 2014-025] [Ord. 2016-016]

C. Boundaries

The boundaries of the GAO coincide with the USA in the Glades Tier, which is delineated on Comprehensive Plan Map LU 2.1, Service Areas, and is generally comprised of those lands lying near or around the Cities of Belle Glade, Pahokee, and South Bay, and the unincorporated community of Canal Point. [Ord. 2005-002] [Ord. 2014-025]

1. Tier Requirements

The Urban/Suburban Tier requirements of the ULDC shall apply. [Ord. 2014-025]

D. Approval Process

1. DRO and BCC Thresholds

The density, intensity, and acreage thresholds of Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, and Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioners Approval, shall be multiplied by two within the GAO. [Ord. 2016-016] [Ord. 2018-002]

2. Administrative Approvals

a. General

Uses shown in a Use Matrix as Permitted by Right (P), or Development Review Officer (DRO) shall remain subject to the same approval process shown in the Use Matrix. [Ord. 2014-025]

b. Conditional Uses

Uses allowed as Conditional Uses in a non-residential zoning district and Cottage Homes may be approved by the DRO after compliance with Art. 2.B.7.B.2, Standards. [Ord. 2016-016] [Ord. 2018-002] [Ord. 2019-034]

c. Non-Conformities

1) Non-Conforming Use

A non-conforming use permitted to expand subject to DRO approval may be expanded through the ZAR process. [Ord. 2006-036] [Ord. 2014-025] [Ord. 2016-016] [Ord. 2018-002]

2) Permitted Uses and Uses Subject to DRO Approval within Non-Conforming Structures

Uses Permitted by Right and uses subject to DRO approval may exceed the allowable percentages of Table 1.F.1.G, Non-Conformities – Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair, provided all the standards below are met: [Ord. 2016-016]

a) Exterior Building and Site Elements Improvements

A minimum 25 percent of the total maintenance, renovation, or natural disaster damage repair Improvement Value shall be dedicated to exterior building and site elements. Of that percentage, a minimum of ten percent shall be dedicated to façade improvements abutting the R-O-W (frontage and side street frontages) and a minimum ten percent shall be dedicated to landscape improvements; [Ord. 2016-016]

b) Limitation

The total maintenance, renovation, or natural disaster damage repair improvements for the proposed use(s) may be allowed only if the proposed improvements will not cause an increase in building square footage or generate additional parking, unless the additional parking requirements or design is required to bring the site into compliance with the ULDC to the greatest extent possible; and, [Ord. 2016-016]

c) Certification of Improvements

The detailed Justification Statement of compliance to the above standards and calculations of the improvements, including the total Improvement Value for the project, shall be signed and sealed by the architect of record for the project, and shall be reviewed and certified by the Zoning Division Permit Review Section for compliance with this Section prior to submittal to the Building Division. [Ord. 2016-016]

d) Exceptions for Glades Area Housing Authorities

The following developments shall be exempt from limits on maintenance, renovations, and natural disaster damage repairs for conforming residential, administrative, recreational, or maintenance uses in non-conforming structures, provided that any addition or expansion is in compliance with the ULDC: [Ord. 2016-016]

(1) Pahokee Housing Authority, Padgett Island, and Fremd Village developments. [Ord. 2016-016]

(2) Belle Glade Housing Authority, Everglades, and Osceola developments. [Ord. 2016-016]

3. Public Hearing Approvals

a. Prohibited Uses in Non-Residential Districts

Uses not otherwise permitted in a non-residential zoning district may be approved as a Class A Conditional Use provided the BCC makes a finding that the proposed use meets the following: [Ord. 2014-025] [Ord. 2016-016] [Ord. 2018-002]

1) Increases jobs or provides needed housing; [Ord. 2016-016]
2) Does not adversely affect adjacent land uses; and, [Ord. 2016-016]
3) Helps to support existing or encourage additional Glades Area economic development or the GRMP. [Ord. 2016-016]

E. Property Development Regulations (PDRs) – Exceptions

1. Density and Intensity – Conditional Use Approval

The BCC may consider an increase in the density and intensity allowed by the Plan within the GAO subject to approval of a Conditional Use. [Ord. 2014-025] [Ord. 2018-002] [Ord. 2019-005]

2. Location of Structures

Building Permits in the GAO may be permitted between the 120-foot and 220-foot R-O-W line within the R-O-W of State Road 700 through Canal Point, from Third Street on the north to Triangle Park on the east, subject to approval of the County Engineer. [Ord. 2014-025]

F. Planned Industrial Park Development (PIPD)

1. Development Standard Exceptions

Planned Industrial Park Developments (PIPDs) located in the GAO shall be subject to the following exception provisions: [Ord. 2014-025]

a. Public Street

For the purposes of this Section, a public street within a PIPD shall not include private streets that comply with the following: [Ord. 2014-024]

1) Located within or adjacent to an Industrial Pod; and [Ord. 2014-025]
2) Services industrial uses only. [Ord. 2014-025]

b. Minimum Frontage

The PIPD is not required to have minimum frontage on an Arterial or Collector Street but at a minimum must connect to an Arterial or Collector Street through a Non-Plan Collector Roadway, subject to approval of the Zoning Director and County Engineer. [Ord. 2014-025]

c. Maximum Commercial Acreage – Conditional Use Approval

The BCC may consider an increase in the maximum commercial acreage allowed pursuant to Table 3.E.5.C, PIPD Land Use Mix, subject to approval of a Conditional Use; and upon finding that the increase will serve the projected workforce and residential population of the PIPD, and encourage internal automobile trip capture. [Ord. 2014-025] [Ord. 2018-002]

d. Architectural Review

Industrial buildings visible from a public street or residential zoning district may be exempt from the Roofline, Façade, and Additional Design Elements of Art. 5.C.1.H, Guidelines, if the adjacent perimeter R-O-W or Incompatibility Buffer is doubled in width and planting requirements, and upon demonstration by line of sight that the majority of the affected area of the building will be screened by the increased buffering. For those parcels that use this exemption, only that portion of the building façade with the main public and employee entrances, and extending along the façade a minimum of 100 feet in each direction from each entrance, including around corners, unless interfering with a loading area/space/dock/bay, are subject to the provisions of Art. 5.C.1.H, Guidelines. If the distance between entry treatments is less than ten percent of the overall length of the building façade, the treatment shall be extended. [Ord. 2014-025]

e. Parking and Loading in Industrial Pods

1) Loading Area Screening

Loading spaces, docks, and associated maneuvering areas not visible from a public street are exempt from screening requirements of Art. 6.E.4.A.3.b, Loading Area Screening. [Ord. 2014-025] [Ord. 2020-020]

f. Landscaping in Industrial Pods

1) Foundation Planting

Industrial buildings visible from a public street or residential zoning district may be exempt from the foundation planting requirements of Art. 7.C.3.B, Foundation Planting if the adjacent perimeter R-O-W or Incompatibility Buffer is increased in width by eight feet and the foundation planting requirements are relocated to the buffer. For those parcels that use this exemption, only that portion of the building façade with the main public and employee entrances, and extending along the façade a minimum of 100 feet in each direction from each entrance, including around corners, unless interfering with a loading area/space/dock/bay, are subject to the provisions. If the distance between foundation planting treatments is less than ten percent of the overall length of the building façade, the treatment shall be extended. If the Architectural Review exemption in Art. 3.B.4.F.1.d, Architectural Review is utilized, the additional buffer width and planting is not required to utilize the foundation planting exemption. [Ord. 2014-025]

2) Interior Landscaping Exceptions

a) Interior Tree and Shrub Requirements

(1) One tree per 4,000 square feet; and [Ord. 2014-025]
(2) Three shrubs per 4,000 square feet. [Ord. 2014-025]

b) Interior vehicular use areas not used for parking of passenger vehicles are not required to provide landscape islands. [Ord. 2014-025] [Ord. 2018-002]

c) Perimeter Compatibility Buffers are not required between parcels supporting compatible industrial uses. Where fences or walls are installed along the perimeter, they shall be protected from vehicles by a curb or similar barrier, and shall not encroach into the drive aisle (excluding gates) or impede vehicular circulation. [Ord. 2014-025]

2. Type 1 Waivers for Industrial Pods

An Applicant may apply for Waivers for development standards within an Industrial Pod in accordance with Art. 2.C.5.G, Type 1 Waiver. Applications for Type 1 Waivers shall be expressly limited to the requirements listed below: [Ord. 2014-025]

Table 3.B.4.F – Type 1 Waivers for Industrial Pods

Article/Table Reference and Title	Maximum Waiver	Criteria
Art. 3.E.1.C.2.h.2), Non-Residential Uses [Related to PDD Performance Standards for Parking]; or Table 6.B.1.B, Minimum Parking and Loading Requirements	The minimum or maximum number of parking spaces may be reduced or increased by up to 25 percent, subject to DRO approval of a parking demand study.	• The parking demand study, justification, and any supporting documentation shall be submitted in a form established by the Zoning Director; • Alternative calculations shall be based on evidence of actual parking demand for similar uses or reliable traffic engineering and planning information; and, • A reduction in required parking shall require designation of reserved space or a limitation of uses consistent with the parking demand study.
Art. 3.E.1.C.2.h.5), Location – Non-Residential PDDs [Related to PDD Performance Standards for Parking]; or Art. 6.B.2.A.1.b, Location of Front, Side, and Rear Parking	Parking required to be located on the side or rear of a building may be relocated for industrial uses.	• Demonstration that proposed use(s) require limited public or employee access due to special security requirements, or where side or rear façades are primarily utilized for bay door or other transportation logistics parking or access; and • Demonstration that proposed Site Plans and building floor plans provide building entrances within reasonable proximity to any public or employee parking areas.
Art. 7.C.5.A, Overlap in a R-O-W and Incompatibility Buffers	Landscape buffers may overlap easements by up to ten feet.	For one of the following scenarios: • Any R-O-W Buffer 30 feet in width or greater resulting from use of Art. 3.B.4.F.1.d, Architectural Review; or • Landscape buffers 20 feet in width or greater, upon demonstration that new technology developed after the original utility easement was platted necessitate increased easement width. • Documentation from a licensed Landscape Architect demonstrating that careful consideration in the selection of planting materials to be used will ensure that all required landscaping is sustainable and will not adversely impact utilities.

Table 3.B.4.F – Type 1 Waivers for Industrial Pods, Cont'd.

Article/Table Reference and Title	Maximum Waiver	Criteria
Art. 5.B.1.A.2.e, Dangerous Materials	Barbed wire on the top of fences or walls may be allowed.	• When the Applicant demonstrates that an increased level of security is necessary. • The Applicant shall provide written justification and support documentation to support the need for barbed wire.
Art. 5.B.1.A.3.b, Outdoor Storage – Location	Outdoor Storage may be allowed within required building setbacks.	• When all parcels adjacent to the Outdoor Storage are within an Industrial Pod of the PIPD.
Art. 5.B.1.A.19, Permanent Generators	Permanent generators may be allowed within required side or rear building setbacks.	• When all parcels adjacent to the generator location are within an Industrial Pod of the PIPD.
Art. 5.B.1.A.20.a.2)a), Screening Requirements	Screening for ground-mounted mechanical equipment is not required.	• If the equipment cannot be viewed from a R-O-W or any commercial, civic, recreation, or residential parcels.
Table 5.E.4.E, Illumination Levels	Increased illumination levels in outdoor work areas of up to 25 percent may be allowed when all adjacent parcels are within an Industrial Pod, as follows:	• Demonstration in writing and with supporting documentation that increased illumination levels will not adversely impact other uses within or abutting the PIPD; • Demonstration that the need for additional lighting is for employee safety or site security; and, • Provided the illumination level complies with the Table at the perimeter property line adjacent to a public R-O-W or to residentially zoned property.
Table 5.E.4.E, Maximum Permitted Luminaire Height	Luminaire heights may be increased by 25 percent.	• When all adjacent parcels are within an Industrial Pod.
Art. 6.B.3.A.2.d, Pedestrian Circulation	Canopy trees, benches, and accented walkways are not required.	• Demonstration that these amenities conflict with site security; • Demonstration in writing and supporting documentation that either manned or electronic security access is provided for employees; and, • That a minimum of 25 percent of the required amenities or equivalent improvements are utilized at the public or employee entrances to the facility or in outdoor break areas, if applicable.
Table 8.G.2.A, Freestanding Sign Standards	Maximum sign area for freestanding signs may be increased by 25 percent to accommodate additional address information for multiple tenant buildings.	• With uses that generate heavy truck traffic, as documented within the traffic study for the project.
Table 8.G.2.B, Freestanding Outparcel Identification Signs	Maximum sign area for freestanding outparcel identification signs may be increased by up to 50 percent to accommodate additional address information for multiple tenant buildings.	• With uses that generate heavy truck traffic, as documented within the traffic study for the project.

[Ord. 2014-025] [Ord. 2019-005] [Ord. 2019-034]

Section 5 IOZ, Indiantown Road Overlay

A. Purpose and Intent

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

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

Through the interlocal agreement the Town and PBC shall provide for a means of intergovernmental cooperation in implementing the IOZ standards throughout all appropriate incorporated and unincorporated portions of the Indiantown Road corridor and in accordance with F.S. ch. 163, pt. IV. The Town and PBC agree to use a joint review process to advance the public health, safety, and general welfare and adopt procedures for the joint administration of land development regulations.

B. Applicability

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

C. Boundaries

The IOZ generally is located along incorporated portions of Indiantown Road east of I-95 and west of the Atlantic Ocean, including certain portions of U.S. Highway One, Military Trail, Center Street, Maplewood Drive, and Central Boulevard, and certain unincorporated portions of the Indiantown Road corridor east of I-95. Unincorporated portions of the Indiantown Road corridor include portions of Section 3, Township 41, Range 42 as indicated on the Official Zoning Map.

D. Additional Regulations

The IOZ district regulations are contained in the interlocal agreement.

E. Joint Review Process

Development approval submitted to the PZB located within the unincorporated IOZ shall be reviewed by the Town of Jupiter. The review process shall be provided for in the adopted interlocal agreement.

The Town and PBC are specifically granted authority to jointly plan for unincorporated areas adjacent to incorporated municipalities and to adopt procedures for the joint administration of land development regulations.

Section 6 LOSTO, Lake Okeechobee Scenic Trail Overlay

A. Purpose and Intent

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

B. Boundaries

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

C. Use Regulations

Uses Permitted by Right in the underlying district are Permitted by Right in the LOSTO. In addition, the following uses shall be permitted subject to Art. 4.B, Use Classification: [Ord. 2017-007]

1. Bed and Breakfast; [Ord. 2017-007]
2. Camping Cabin; [Ord. 2017-007]
3. Catering Service; [Ord. 2017-007]
4. Office, Business or Professional; [Ord. 2017-007]

   Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the sole purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours to natural,

agricultural, or historic points of interest of the area, shall be allowed subject to the ZAR process. [Ord. 2017-007] [Ord. 2018-002]

5. Restaurant, Specialty; [Ord. 2017-007]
6. Retail Sales; [Ord. 2017-007]

   Additional standards for Retail Sales shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to the ZAR process. [Ord. 2017-007] [Ord. 2018-002]
7. Stable, Commercial. [Ord. 2017-007]

Section 7 NEO, Native Ecosystem Overlay

A. Purpose and Intent

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

B. Boundaries

The NEO shall include the following lands within its boundaries.

1. Environmentally Sensitive Lands (ESL)

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

2. Other "A" Quality Ecosystems

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

3. 25 Percent Set-Aside Areas

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

4. Water Resources Protection Areas

Lands that have a high potential for water resources protection, such as aquifer recharge areas and present and potential wellfield areas.

C. Use Regulations

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

D. Property Development Regulations (PDRs)

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

1. On-Site Parking

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

a. Environmentally Sensitive Lands (ESL)

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

b. Alternative Plan

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

2. Density and Intensity

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

3. Setbacks and On-Site Loading

Setbacks and on-site loading requirements may be modified providing the following standards are met:

a. ESL

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

b. Alternative Plan

1) On-Site Loading

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

2) Setbacks

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

4. Height

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

5. Lighting

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

Section 8 NBOZ, Northlake Boulevard Overlay Zone

A. Purpose and Intent

The purpose and intent of the NBOZ is to encourage improvement, enhancement, renovation, and/or redevelopment of the Northlake Boulevard corridor and to provide criteria by which to review development/redevelopment within the Overlay Zoning District. The criteria outlined in "Design Guidelines: Northlake Boulevard Overlay Zoning District (NBOZ)" will serve to unify commercial development along the corridor and provide a positive collective identity for the corridor. These regulations were prepared under the guidance of the Northlake Boulevard Corridor Task Force (NBCTF)—an intergovernmental task force created by interlocal agreement composed of two representatives each from PBC, the Town of Lake Park, the Village of North Palm Beach, and the City of Palm Beach Gardens. [Ord. 2011-016]

B. Applicability

The provisions of the NBOZ, as outlined in "Design Guidelines: Northlake Boulevard Overlay Zoning District (NBOZ)" prepared by Michael Redd & Associates, and dated March 11, 2002, which are incorporated herein by reference, shall apply to all proposed Development Order applications within the boundaries of the NBOZ, as described in Art. 3.B.8.C, Boundaries.

C. Boundaries

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

D. Conflict

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

E. Type 1 Waivers for NBOZ Design Guidelines

An Applicant may apply for Type 1 Waivers for development standards contained within the NBOZ Design Guidelines in accordance with Art. 2.C.5.G, Type 1 Waiver. Applications for Type 1 Waivers shall be expressly limited to Sections listed in Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines. Type 1 Waiver requests shall be submitted concurrently with any other DRO application request for Public Hearing certification, where applicable. [Ord. 2016-016]

Table 3.B.8.E – Type 1 Waivers for NBOZ Design Guidelines (1)

NBOZ Design Guideline	Criteria
Article I. General Provisions	
Sec. 1-3.A.2	Proposed Waiver is consistent with NBOZ Design Guidelines Article I. Sec. 1-1.A, Purpose and intent
Article III. Architectural Elements	
Sec. 3-1, General Provisions (excluding Sec. 3-1.A, Intent) **Sec. 3-2, Design Treatments** **Sec. 3-3, Building Facade / Elevation** **Sec. 3-4, Building Color and Finish** **Sec. 3-5, Architectural Elements** **Sec. 3-6, Window / Door Treatments** **Sec. 3-7, Preferred Roof Materials / Styles**	1. Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use. 2. Proposed Waiver is consistent with NBOZ Design Guidelines Article I. Sec. 1-1.A, Purpose and intent, and Article III. Sec. 3-1.A, Intent.
Article IV. Landscape Elements	
Sec. 4-2.D.4, Relocation or Replacement for Redevelopment **Sec 4-3 Nonconforming landscape areas** **Sec. 4-5, New construction and substantial revision** **Sec. 4-6, Prohibited and standard invasive plants** **Sec. 4-7, Preferred landscape palette** **Sec. 4-8, Minimum landscape requirements** **Sec. 4-9, Miscellaneous landscape elements** **Sec. 4-10, Landscape requirements for off-street parking areas** **Sec. 4-11, Minimum landscape buffer and planting requirements** **Sec. 4-12, Foundation landscaping and plantings** **Sec. 4-15, Pruning**	1. Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use. 2. Proposed Waiver is consistent with NBOZ Design Guidelines Article I. Sec. 1-1.A, Purpose and intent, and Article IV. Sec. 4-1, Intent.
Article V. Signage and Outdoor Displays	
Sec. 5.4, Temporary signs **Sec. 5.5, Accessory signs** **Sec. 5-6, Business signs** **Sec. 5-8, Measurement determinations** **Sec. 5-9, Design, construction, and location standards**	1. Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use. 2. Proposed Waiver is consistent with NBOZ Design Guidelines Article I. Sec. 1-1.A, Purpose and intent, and Article V. Sec. 5-1.A, Intent.
Article VI. Site Plan Elements	
Sec. 6-1, General design **Sec. 6-2, Building orientation and placement** **Sec. 6-3, Off-street parking areas** **Sec. 6-4, Pedestrian amenities** **Sec. 6-5, Site and street furniture**	1. Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use. 2. Proposed Waiver is consistent with NBOZ Design Guidelines Article I. Sec. 1-1.A, Purpose and intent.
[Ord. 2016-016]	
Notes:	
1.	Deviations from the limitations or permissions granted for Waivers shall be prohibited.

Section 9 PBIAO, Palm Beach International Airport Overlay

A. Purpose and Intent

The PBIAO recognizes that some airplane noise-affected lands surrounding the PBIA are most suitable for campus-style industrial development, and other quality non-residential land uses, as described in Art. 16, Airport Regulations. The purposes of the PBIAO district, therefore, are as follows: [Ord. 2004-051]

1. to protect neighborhoods surrounding the PBIA from incompatible land development; [Ord. 2004-051]
2. to protect airport operations from incompatible land development, and provide development regulations that will assure safe, unobstructed access for all aircraft that enter and exit the airport; [Ord. 2004-051]
3. to allow Property Owners to initiate conversion to industrial use where appropriate; and, [Ord. 2004-051]
4. to allow Property Owner participation in the land use decision-making process. [Ord. 2004-051]

B. Applicability

Nothing herein shall require modification of an existing use, except as provided below. [Ord. 2004-051]

C. Boundaries

The PBIAO district consists of those lands in unincorporated PBC bounded by Belvedere Road on the north, Southern Boulevard on the south, PBIA on the east, and Florida's Turnpike on the west, except for incorporated municipal areas. [Ord. 2004-051]

D. Uses

All development within the PBIAO district shall be compatible with airport operations, as determined by the BCC, using the standards established in the Plan and Art. 16, Airport Regulations. [Ord. 2004-051]

1. Permitted Uses

All residential, commercial, and industrial uses Permitted by Right in the underlying district shall be permitted in the PBIAO district. [Ord. 2004-051]

2. Prohibited Uses

Adult Entertainment establishments, bulk storage of gas and oil, and outdoor retail sales (other than greenhouses, shade houses, or nurseries) shall be prohibited in the PBIAO district. [Ord. 2004-051] [Ord. 2009-040]

3. Conditional Uses

All uses allowed as Conditional Uses in the underlying district, shall be permitted in the PBIAO district after compliance with the Conditional Use regulations. [Ord. 2004-051]

4. Administrative Approval

All uses that are subject to the Administrative Approval process in the underlying district shall be allowed in the PBIAO after compliance with applicable Code requirements. [Ord. 2004-051] [Ord. 2018-002]

5. Non-Conforming Uses

a. Existing Residential Uses

All residential uses that existed within the PBIAO on the date that the PBIAO provisions were adopted shall be considered conforming uses. [Ord. 2004-051] [Ord. 2017-007]

b. Existing Non-Residential Uses

Commercial uses that existed within the PBIAO on the date that the PBIAO provisions were adopted and that meet the provisions of this Section shall be classified as conforming uses. Commercial uses that existed within the PBIAO on the date that the PBIAO provisions were adopted, but do not meet the provisions of this Section, shall be classified as non-conforming uses. [Ord. 2004-051]

E. Review Procedures

All development requests within the PBIAO shall comply with the following: [Ord. 2004-051]

1. Industrial Rezoning in Residential FLUA Designations

Land shall be eligible for rezoning to the IL district or PIPD district, regardless of FLUA designation, except in non-conversion areas described below. Industrial development using either zoning district shall be in the form of a PIPD or campus-like industrial development. Notwithstanding the provisions of Art. 2.B, Public Hearing Processes, every application for industrial rezoning within the boundaries of the PBIAO district, shall comply with the following: [Ord. 2004-051] [Ord. 2012-027]

a. Non-Conversion Areas

1) Areas designated as Parks and Recreation on the FLUA shall remain as such. [Ord. 2004-051]
2) The following areas shall be limited to the uses permitted in the residential FLU designation and the applicable residential zoning district: [Ord. 2004-051]
   a) Timber Run subdivision; [Ord. 2004-051]
   b) Lake Belvedere Estates subdivision; [Ord. 2004-051]

c) Overbrook subdivision; and, [Ord. 2004-051]
d) The area defined by the following boundaries beginning at Wallis and Jog Roads. [Ord. 2004-051]
(1) Western boundary: Jog Road between Wallis Road and Belvedere Road; [Ord. 2004-051]
(2) Northern boundary: Belvedere Road between Jog Road and the Timber Run subdivision; [Ord. 2004-051]
(3) Eastern boundary: The western limits of the Timber Run subdivision and the Royal Palm Estates subdivision; [Ord. 2004-051]
(4) Southern boundary: Southern Boulevard extending to the western side of Sunbeam Avenue; [Ord. 2004-051]
(5) Southwestern boundary: Sunbeam Avenue between Southern Boulevard and Wallis Road. [Ord. 2004-051]

b. Rezoning Criteria

Lands may be rezoned to the IL district, except for those areas described as non-conversion areas, provided one of the following conditions are met: [Ord. 2004-051]

1) Lands that support existing residential development or that have a Development Order for residential development may be rezoned to the IL or PIPD district, if they: [Ord. 2004-051] [Ord. 2010-022]
a) are at least five acres; and [Ord. 2004-051]
b) abut a R-O-W identified on the County's Thoroughfare Identification Map; or [Ord. 2004-051]
c) are at least ten acres; and [Ord. 2004-051]
d) do not abut a R-O-W identified on the County's Thoroughfare Identification Map; or [Ord. 2004-051]
2) Lands that are currently vacant or do not have a Development Order may be rezoned to the IL or PIPD district provided the parcel is contiguous on no more than two sides to existing residential development and they: [Ord. 2004-051] [Ord. 2010-022]
a) are at least five acres; and [Ord. 2004-051]
b) abut a R-O-W identified on the County's Thoroughfare Identification Map; or [Ord. 2004-051]
c) are at least ten acres; and [Ord. 2004-051]
d) do not abut a R-O-W identified on the County's Thoroughfare Identification Map, or [Ord. 2004-051]
3) Lands within the PBIAO that are bounded by Southern Boulevard on the south, the L-4 Canal on the north, Military Trail on the east, and the western boundary of the Royal Palm Estates subdivision on the west, shall only be allowed to have residential uses converted to industrial uses subject to the following: [Ord. 2004-051]
a) All new industrial uses shall be developed as a PIPD; and [Ord. 2004-051]
b) All new PIPDs shall be a minimum size of 25 acres; and [Ord. 2004-051]
c) The following uses shall be prohibited: salvage junk yards, machine or welding shops, hazardous waste facilities, solid waste facilities, bulk storage facilities, transportation and multi-modal facilities, large-scale repair and heavy equipment repair and service facilities, petroleum and coal-derivations-manufacturing and storage facilities, heliports, helipads, airstrips, hangers, and accessory facilities, and Type 3 Excavation. [Ord. 2004-051] [Ord. 2017-007]
4) Lands located in the transitional area on the west side of Jog Road and continuing along and adjacent to the north and south sides of Alexander and Bishoff Roads shall require a minimum lot size of one acre to be rezoned. [Ord. 2004-051]

2. Commercial Rezoning

An application for commercial zoning of land within the overlay cannot be submitted unless the land is designated commercial on the FLUA. [Ord. 2004-051]

3. Notification

If vacant land within the overlay is developed as residential, the developer shall provide notification to Property Owners within the new residential areas, that they are located within the PBIAO, and may experience some airport-related noise. [Ord. 2020-020]

a. The developer shall include a disclosure statement in all Property Owners' Association documents, as well as, but not limited to written sales brochures, sales contracts, Master Plans, and related Site or Subdivision Plans, notifying prospective residents that the community is within the PBIAO. [Ord. 2020-020]

b. The disclosure shall state that the residence is located within the Palm Beach International Airport Overlay and will be subject to aircraft noise at varying levels, vibrations, odors, fumes, and other impacts from the aircraft operations conducted at the airport or within the vicinity. It shall be in a prominent location within each document described above with a bold font no less than nine point. [Ord. 2020-020]

c. The developer shall provide documentation evidence of compliance with the notification requirements on an annual basis to the Planning and Development Division of the Department of Airports, until all units within the development have been sold or the Property Owner turns over control to the Property Owners' Association. [Ord. 2020-020]

F. Property Development Regulations (PDRs)

Applications shall comply with the PDRs of the underlying districts except as follows. [Ord. 2004-051]

1. Lot Dimensions, Yard Setbacks, and Building Height

Setbacks and lot dimensions for commercial and industrial development shall comply with the PDRs in Art. 3.D, Property Development Regulations (PDRs), unless modified herein. [Ord. 2004-051]

a. Lot Size

The minimum lot size shall be one acre unless a Legal Lot of Record pursuant to Art. 11.A.8.B, Legal Lots of Record. [Ord. 2004-051] [Ord. 2008-037]

b. Setbacks

The minimum building setbacks shall be as follows: [Ord. 2004-051]

1) No rear setbacks shall be required where an industrial lot abuts an existing or proposed railroad R-O-W or spur. [Ord. 2004-051]

2) Setbacks from all other property lines shall be required according to Table 3.B.9.F, PBIAO Setbacks. [Ord. 2004-051]

Table 3.B.9.F – PBIAO Setbacks

Yard	Min. Setback
Front	25'/50' in CG
Side, Interior	15'
Side, Street	25'
Rear	50'
[Ord. 2004-051]	

c. Height

1) Maximum Height for Industrial and Commercial Development

When adjacent to an existing residential use, building height shall be limited to a maximum of 35 feet. The building height may be increased provided that two feet is added to all setbacks for each foot of building height above 35 feet. [Ord. 2004-051]

2. Commercial Vehicle Parking and Loading

No truck, or tractor-trailer parking or loading shall be permitted closer than 75 feet to the lot lines abutting a residential district (inclusive of the buffer), unless the area is designated as display parking as permitted by Art. 4.B, Use Classification. [Ord. 2004-051]

3. Lighting

In addition to the standards of Art. 5.E.4.E, Outdoor Lighting, and Art. 16, Airport Regulations, lighting within the PBIAO shall comply with the following: [Ord. 2004-051] [Ord. 2020-020]

a. Rooftop lighting shall be permitted; [Ord. 2004-051]

b. Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and building; and, [Ord. 2004-051]

c. Lighting shall be scaled to pedestrians for sites or buildings adjacent to residential uses. [Ord. 2004-051]

G. Supplemental Regulations

1. Unified Control

Any development within the PBIAO district shall be developed under common ownership or Unity of Control as provided in Art. 5.F.1.F.3.b, PDDs. [Ord. 2004-051] [Ord. 2020-020] [Ord. 2021-006]

2. Enclosed Activities

In addition to standards in Art. 5.B.1.A.3, Outdoor Storage and Activities, all activities except storage and sales of landscape material, shall be operated within enclosed buildings. [Ord. 2004-051]

3. Renovation and Expansion of Non-Residential Uses

When a structure used for industrial or commercial uses, lying in a residential district or adjacent to a residential district, is renovated or expanded by more than 20 percent of GFA, in any one or more expansions or the cumulative total of previous expansions, the PDRs of the PBIAO district shall apply. [Ord. 2004-051]

Section 10 RTO, Research and Technology Overlay

A. Purpose and Intent

The purpose and intent of the RTO is to protect critical industrial, manufacturing, and research and development activities from the encroachment of incompatible land uses and activities; provide opportunities to locate accessory, auxiliary, and supporting industrial land uses in close proximity to existing facilities; and, ensure the location of land uses and activities in the district that are compatible with or complement manufacturing and high-tech operations that are related to the continuation and expansion of PBC's manufacturing and industrial base. The RTO is specifically included in this Code to meet provisions in the Plan related to the United Technologies Corporation (Pratt-Whitney Overlay). [Ord. 2005-002]

B. Boundaries

The RTO consists generally, of those lands in unincorporated PBC lying east and north of the Beeline Highway and the Pratt-Whitney facility, which includes all or portions of Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, Township 41, Range 40; Sections 5, 6, 7, 8, 9, 17, and 18, Township 41, Range 41; and, Section 13, Township 41, Range 39.

C. Use Regulations

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

1. Prohibited Noise Sensitive Uses

a. Residential (excluding Caretaker Quarters);
b. Hotels or Motels;
c. Medical or Dental Offices; and,
d. Hospitals. [Ord. 2017-007]

2. Accessory Uses

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

D. Property Development Regulations (PDRs)

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

E. Performance Standards

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

Section 11 SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay

A. Purpose and Intent

The purpose and intent of the SCGCFO is to maintain the integrity of Bona Fide Agriculture operations related to the cultivation and processing of sugar cane, by prohibiting the encroachment of incompatible land uses or activities. It will also provide opportunities for the inclusion of related accessory and supporting uses and/or activities in close proximity to the existing mill. [Ord. 2004-040]

B. Boundaries

The SCGCFO includes all of Sections 21 and 28, the East half of Sections 20 and 29, Township 43, Range 37, excluding completely the West half of Sections 20 and 29. [Ord. 2004-040]

C. Use Regulations

The following uses may be permitted in the SCGCFO, subject to Art. 4, Use Regulations, and the following: [Ord. 2004-040] [Ord. 2017-007]

Uses Permitted by Right: (1)	**DRO Uses: (1)**
Agriculture, Bona Fide	Agriculture, Packing Plant
Agriculture, Light Manufacturing	Agriculture, Sales and Service
Agriculture, Research and Development	Chipping and Mulching
Agriculture, Storage	Commercial Communication Tower
Agriculture, Transshipment	Composting Facility
Livestock Raising (≤ 5 animals per ac.)	Government Services
Machine or Welding Shop	Heavy Industry
Nursery, Wholesale	Minor Utility
Park, Passive	Park, Public
Shade House, Accessory (≤ 2,000 sq. ft.)	Potting Soil Manufacturing
Warehouse	Recycling Drop-Off Bin [Ord. 2013-001]
	Shade House (> 2,000 sq. ft.)
	Vocational Institution
	Water or Wastewater Treatment Plant
Class A Conditional Uses:	**ZAR:**
Electric Power Plant	Produce Stand, Temporary
Livestock Raising (> 5 animals per ac.)	Caretaker Quarters
Sugar Mill or Refinery	
[Ord. 2013-001] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018]	
Notes:	
1.	Reference Art. 4, Use Regulations for additional Supplementary Use Standards, which includes exceptions, restrictions, or prohibitions. [Ord. 2018-018]

D. Property Development Regulations (PDRs)

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

Section 12 SR 80 Non-Residential Overlay

A. Purpose and Intent

To maintain the character of the Rural Tier, and to implement the Goals and Objectives in the Plan, the ZC and BCC may impose Conditions of Approval on non-residential uses in the Rural Tier along SR 80 as follows.

B. Conditions

Conditions may exceed Code requirements by up to 500 percent based on the size, depth, and width of the site, compatibility with surrounding land uses, and impact of the proposed use on the surrounding area. Conditions may include, but are not limited to: additional setbacks, landscaping, buffering, and screening; a requirement to provide equestrian trails; and, more restrictive signage, lighting, access, and hours of operation.

C. Retention/Detention Areas

If a condition requires a landscape buffer which is twice as large as a required buffer, dry retention/detention areas may overlap the buffer provided up to 50 percent of the width. Wet retention/detention areas, water management tracts, and easements may overlap up to 25 percent of the additional width provided.

Section 13 TAPO, Turnpike Aquifer Protection Overlay

A. Purpose and Intent

The purpose and intent TAPO district is to: (1) protect and safeguard the public health, safety, and welfare by enhancing the functions of natural groundwater recharge areas; (2) minimize any potential adverse impacts on the surficial aquifer system, known locally as the "Turnpike" aquifer by limiting or restricting certain incompatible uses and developments; and, (3) prevent the continuing loss of prime public water supply sites by requiring certain developments and uses to identify and/or dedicate public water supply sites.

B. Applicability

1. The provisions of the TAPO shall apply to all new development, new uses, or expansions of existing uses within its boundaries.
2. All new development, new uses, or expansion of existing uses located within the TAPO shall be designed and constructed to protect and preserve the identified groundwater resources of the area. For the purposes of this Section, all improvements shall be designed and constructed in accordance with the public supply water well site location criteria contained within this Section.

C. Exemption

All development and uses which existed within the revised TAPO boundaries, as described in Art. 3.B.13.D, Boundaries around Water or Wastewater Treatment Plant (WTP) 3 on June 16, 1992, and around WTP 8 on the effective date of this Code shall be exempt from the requirements of this Section. [Ord. 2017-007]

D. Boundaries

The TAPO boundaries shall generally be described as two areas around Water or Wastewater Treatments Plants (WTP) 3 and 8. [Ord. 2017-007]

1. The TAPO around WTP-3 includes portions of the area north of Woolbright Road, south of Boynton Beach Boulevard, east of Hagen Ranch Road, and west of Jog Road.
2. The TAPO around WTP-8 includes portions of the water plant property; the area north of Belvedere Road, west of Jog Road, and south of the Turnpike; and, the area north of Southern Boulevard, south of Belvedere Road, east of the Turnpike, and west of Drexel Road.

The specific boundaries are depicted on maps and legal descriptions incorporated herein and made a part of this Code. See Appendix 1, Legal Description Water or Wastewater Treatment Plant No. 3, and Appendix 2, Legal Description Water or Wastewater Treatment Plant No. 8. [Ord. 2017-007]

E. Conflict with Other Applicable Regulations

The requirements of this Section, unless superseded by Art. 14.B, Wellfield Protection, of this Code or applicable State or Federal law, shall apply to all new development, new uses, or expansion of existing uses within the TAPO.

F. General Provisions

1. All new development, new uses, or expansion of existing uses within the TAPO which occur following the effective date of this Section shall comply, at a minimum, with the Zone 3 requirements of Art. 14.B, Wellfield Protection, of this Code for the storage, handling, use, or production of Regulated Substances.
2. All new development, new uses, or expansion of existing uses within the TAPO shall comply with the public supply water well location criteria as provided herein.
3. All requests for development approval for new uses or expansion of existing uses within the TAPO submitted after the effective date of this Section shall comply with the provisions of this Section.

G. Mandatory Identification and Dedication of Public Supply Water Well Sites

Development approvals for new development, new uses, or expansion of existing uses within the TAPO submitted after the effective date of this Section shall identify public supply water well sites. Dedication of public supply water well sites shall be required when there is rough proportionality between the required dedication and the needs of the community because of the development. The amount of well sites to be identified or identified and dedicated shall be based upon the total size of the proposed project as provided below:

1. Developments consisting of at least 25 acres, but less than 100 acres, shall be required to identify or identify and dedicate one public supply water well site;
2. Developments consisting of at least 100 acres, but less than 200 acres, shall be required to identify or identify and dedicate two public supply water well sites; and,
3. Developments consisting of more than 200 acres shall be required to identify or identify and dedicate one public supply water well site for each 100 acres or part thereof.

H. Public Supply Water Well Site Compatibility and Location Criteria

1. Public supply water well sites shall be located to be compatible with the groundwater resources of the area. To ensure compatibility, public supply water well sites shall be designed to achieve the following:
   a. maximize natural groundwater recharge;
   b. minimize potential drawdown impacts to surrounding natural resources, environmental resources, and artificial surface water management systems; and,
   c. minimize adverse impacts to surrounding non-residential land uses as outlined in Art. 14.B, Wellfield Protection, of this Code.
2. The following criteria shall be used in locating public supply water well sites in all new development, new uses, or expanded uses located within the TAPO:
   a. Public supply water well sites shall be located along the perimeter of the affected property in a manner acceptable to the PBCWUD;
   b. Public supply water well sites shall be located, in a manner acceptable to the PBCWUD, to facilitate connection to any existing or proposed raw water line located along the R-O-W of Jog Road or Hagen Ranch Road;
   c. Public supply water well sites, to the extent possible and in a manner acceptable to the PBCWUD, shall be evenly spaced, with a minimum separation distance of 500 feet between such sites;
   d. Public supply water well sites shall be located in accordance with setbacks required by the FDEP and by Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems;
   e. Public supply water well sites shall be located within new or expanded land uses in a manner acceptable to the PBCWUD to minimize drawdown impacts to natural water bodies, surface water management systems with planted littoral shelves, and wetlands;
   f. Public supply water well sites to be dedicated, unless other dimensions are approved by the PBCWUD, shall be a minimum size of 60 feet by 40 feet; and,
   g. Public supply water well sites, to the maximum extent possible, shall be located on properties acquired, dedicated, or reserved for public or common purposes such as parks, open space, or easements.

I. Dedication of Well Site within Required Open Space

For the purposes of this Code, well sites dedicated to the PBCWUD shall be included in any calculation to determine required open space.

J. Access Easement to Dedicated Public Supply Water Well Site

1. A permanent access easement from each dedicated public supply water well site to the closest public R-O-W shall be provided in a manner acceptable to the PBCWUD for such purposes as maintenance of equipment and installation of water pipes.
2. If a public R-O-W does not exist adjacent to a public supply water well site, a permanent access easement shall be provided in a manner acceptable to the PBCWUD.

K. Temporary Construction Access Easement

A temporary construction access easement shall be provided from each dedicated public supply water well site to the closest public R-O-W or other R-O-W acceptable to the PBCWUD.

L. Hold Harmless Agreements

Each dedication of a public supply water well site shall include a hold harmless agreement to relieve PBC from liability for impacts to on-site irrigation wells, aesthetic lakes, and surface water management systems. The agreement shall be in a form acceptable to the County Attorney's Office.

M. Dedication of Public Water Supply Sites

1. Upon approval of each future well site or sites by the PBCWUD, a conditional letter of acceptance will be issued. Prior to application for Building Permits, each public supply water well site shall be identified or identified and dedicated as provided below:
   a. If a new development, a new use, or an expanded use does not require recording of a plat then each public supply water well site to be dedicated shall be conveyed within 90 days following Final Site Plan certification by the DRO. The conveyance shall be in a form approved by the County Attorney's Office.
   b. If a new development, a new use, or expanded use requires recording a plat, the location and recordation information of each public supply water well site shall be shown on such plat.
   c. If a new development, a new use, or expanded use does not require a recorded plat or Final DRO Site Plan or subdivision certification, then each public supply water well site to be dedicated shall be conveyed prior to issuance of the first required Development Permit, including a vegetation removal permit other than a prohibited species removal permit, excavation permit, or Building Permit. However, the PBCWUD may stipulate an alternate time when the public supply water well

site dedication shall occur. The conveyance shall be in a form approved by the County Attorney's Office.

2. The location of each well site to be dedicated shall be approved by the PBCWUD.

N. Developer's Agreements

The PBCWUD may require, as part of a developer's agreement to provide water or sewer service to a new or expanded land use, dedication of public supply water well sites consistent with the provisions of this Section.

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

A. Purpose and Intent

The Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) was created pursuant to F.S. ch. 163 pt. III, Community Redevelopment, to remove blighted conditions, enhance the PBC's tax base, improve living conditions, and preserve areas of low and moderate cost housing in the Westgate/Belvedere Homes area of unincorporated PBC.

The use of community redevelopment powers enables the BCC and the WCRA to make public improvements that encourage and enhance investment while providing neighborhood stability, prevent continuation of inefficient and incompatible land use patterns, and assist revitalization and rehabilitation of older commercial and residential areas in the Westgate/Belvedere Homes area. The WCRAO is established with the purpose and intent of encouraging development and redevelopment of the Westgate/Belvedere Homes area through regulatory incentives; arresting deterioration of property values; preserving and protecting existing, viable affordable housing; providing opportunity for the future development of affordable housing; implementing the 2004 Westgate/Belvedere Homes Community Redevelopment Plan (WCRA Plan); providing for mixed-use development; and, providing for increased residential densities and commercial intensities, without amendment to the Plan.

The WCRA Plan proposes to use smart growth and form-based code principles that incorporates urban design and mixed-use development to achieve infill, residential, and commercial redevelopment. Mixed-use development is required to implement the goals of the WCRA Plan to allow for a pedestrian-friendly environment, the vertical integration of uses, and higher intensity and density. The BCC finds that the secondary effects of Adult Entertainment establishments, as set out in the various studies, affidavits, and other materials cited in Art. 4.B.2.C.1.i, Findings of Fact, are incompatible with the stated purpose and intent of the WCRAO. Therefore, the BCC determines that Adult Entertainment establishments shall be prohibited within the WCRAO. [Ord. 2006-004] [Ord. 2009-040]

B. General Development Standards

1. Non-Conformities

Non-conforming uses, structures, and lots shall be allowed to continue subject to the provisions of Art. 1.F, Non-Conformities and the following: [Ord. 2006-004] [Ord. 2010-022]

a. Expansion of Existing Non-Conforming Parking

The addition of parking to a non-conforming structure that does not meet the location requirements of this Section, shall be permitted subject to a Type 2 Waiver approval. [Ord. 2006-004] [Ord. 2018-002]

b. Permitted Uses, Uses Subject to DRO Approval within Non-Conforming Structures, and Non-Conforming Single Family Dwellings

The WCRA Plan encourages rehabilitation of existing commercial and residential properties to prevent and eliminate slums and urban blight, to promote physical and economic revitalization of the neighborhoods and commercial areas, and to improve the visual appearance of existing structures and the overall experience of the area. Uses Permitted by Right, uses subject to DRO approval, and non-conforming Single Family dwellings therefore may exceed the allowable percentages of Table 1.F.1.G, Non-Conformities – Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair, provided all the standards below are met: [Ord. 2010-022] [Ord. 2020-001]

1) Exterior Building and Site Elements Improvements

A minimum 25 percent of the total maintenance, renovation, or natural disaster damage repair Improvement Value shall be dedicated to, façade improvements abutting the R-O-W per Art. 1, General Provisions, landscaping, pedestrian amenities, and other site elements as determined by the Westgate CRA Executive Director to address specific site constraints that include, but are not limited to, lot size, lot configuration, and/or adjacent redevelopment efforts; [Ord. 2010-022] [Ord. 2020-001]

2) Limitation

The total maintenance, renovation, or natural disaster damage repair improvements for the proposed use(s) may be allowed only if the proposed improvements will not cause an increase in building square footage or generate additional parking unless the additional parking requirements or design is required to bring the site into compliance with the ULDC to the greatest extent possible; and, [Ord. 2010-022]

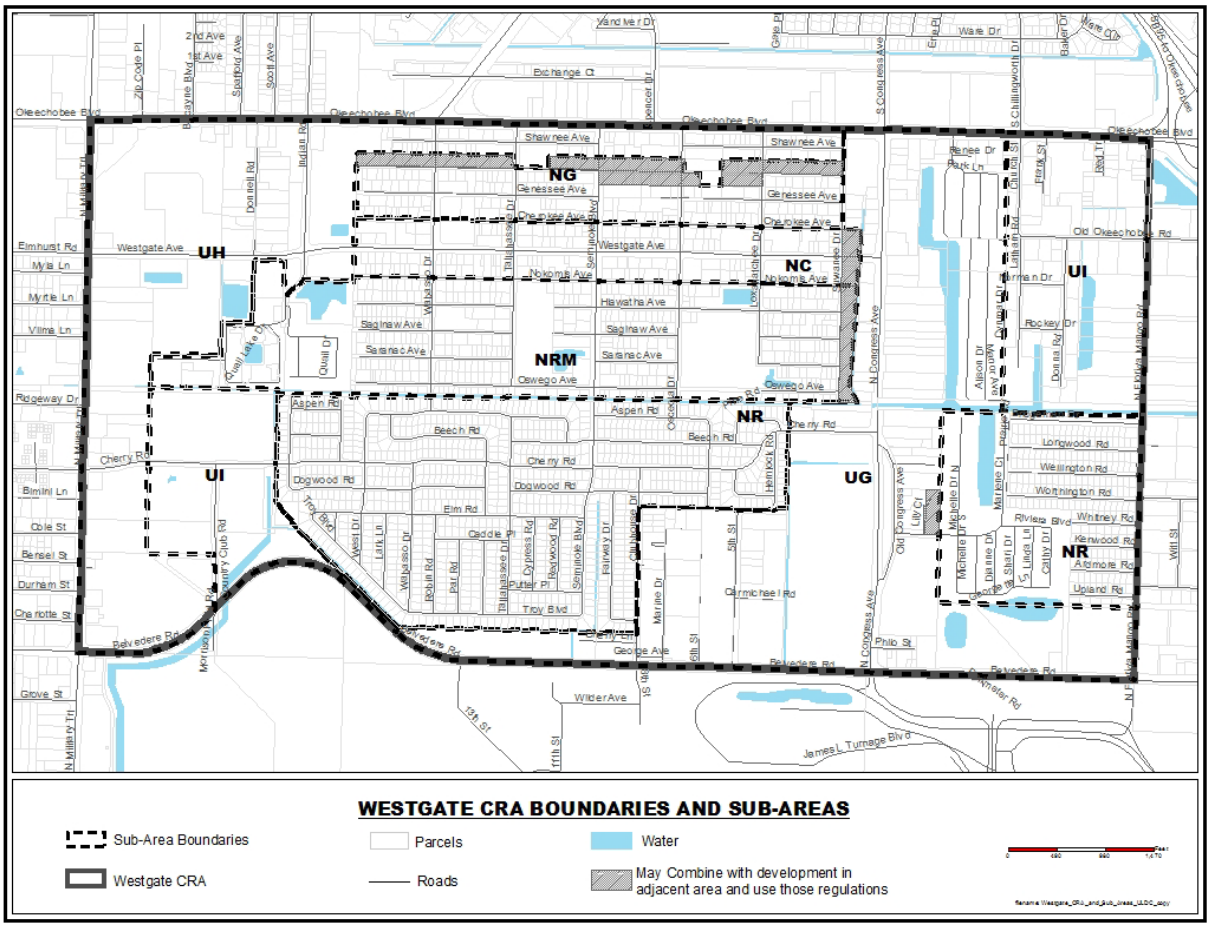
3) **Certification of Improvements**
The detailed Justification Statement of compliance to the above standards and calculations of the improvements, including the total Improvement Value for the project, shall be signed and sealed by the architect of record for the project, and shall be reviewed and certified by the Westgate CRA for compliance with this Section prior to submittal to the Building Division. [Ord. 2010-022]

2. Exemptions
All properties in the PO district or any publicly-owned properties developed to serve a public use shall be exempt from the requirements of this Section. [Ord. 2006-004]

C. Boundaries

1. WCRAO Boundaries
The WCRAO consists of those lands within unincorporated PBC bounded by Okeechobee Boulevard on the north, Belvedere Road on the south, Florida Mango Road on the east, and Military Trail on the west. See Figure 3.B.14.C, Map of WCRAO Boundaries and Sub-areas. [Ord. 2006-004]

Figure 3.B.14.C – Map of WCRAO Boundaries and Sub-areas



2. **Sub-area Boundaries and Descriptions**

To implement the WCRAO Plan, sub-areas are hereby established to identify additional use regulations, PDRs, and supplemental standards that may differentiate from related requirements of the ULDC. Unless expressly stated herein, development shall comply with the requirements of a site's zoning district and FLU designation. Sub-area boundaries are based on the WCRAO Plan and the need for special protective measures, additional design standards, and redevelopment incentives within specific geographic areas. See Figure 3.B.14.C, Map of WCRAO Boundaries and Sub-areas, for the location of each sub-area. [Ord. 2006-004]

a. **NR, Neighborhood Residential**

Intended to maintain and encourage the redevelopment of existing Single Family residential dwellings. [Ord. 2006-004]

b. **NRM, Neighborhood Residential – Medium Density**

Intended to encourage mixed-use development based on CL neighborhood-based uses and Single Family, Townhouse, and Multifamily dwelling units. [Ord. 2006-004]

c. **NG, Neighborhood General**

Intended to encourage mixed-use development, including more intense commercial uses, and Townhouse and Multifamily dwelling units. [Ord. 2006-004]

d. **NC, Neighborhood Commercial**

Intended to be the key focal point of the redevelopment area, with provisions to encourage and incentivize mixed-use development. [Ord. 2006-004] [Ord. 2018-002]

e. **UG, Urban General**

Additional redevelopment area allowing for mixed-use development with more intense commercial and residential uses, including multi-story towers where feasible. [Ord. 2006-004]

f. **UH, Urban Highway**

Existing commercially developed corridors with little or no changes proposed to current Zoning PDRs or use regulations. [Ord. 2006-004]

g. **UI, Urban Industrial**

Existing commercial and industrial areas that will be encouraged to be redeveloped by the recent adoption of FLU amendments allowing CH or IND development. [Ord. 2006-004]

3. **Redevelopment or Expansion in the UH and UG Sub-areas**

Redevelopment projects or the expansion of an existing project in the UH and UG Sub-areas that include parcels in the NG, NC, or NRM Sub-areas that are shaded in Figure 3.B.14.C, Map of WCRAO Boundaries and Sub-areas, may elect to develop in accordance with the requirements of the majority sub-area. [Ord. 2006-004]

D. Development Review Procedures

1. **WCRA Recommendation**

Applicants must obtain and provide evidence of recommendation from the WCRA with the submittal of applications pursuant to the following: [Ord. 2006-004] [Ord. 2021-006]

a. **Types of Applications**

1) **Non-Conforming Lots**

The development of Single Family or duplex residential structures on a non-conforming lot. [Ord. 2007-013] [Ord. 2021-006]

2) **Public Hearing Processes**

Applications outlined under Art. 2.B, Public Hearing Processes, for the following: Official Zoning Map Amendments, Conditional Uses, Development Order Amendments, Development Order Abandonments, Plan amendments, density bonuses, Type 2 Variances, and Type 2 Waivers. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2018-002] [Ord. 2021-006]

3) **DRO Approval**

Applications outlined under Art. 2.C, Administrative Processes, for the following: Full DRO approval, Development Order Abandonments, Type 1 Variances and Waivers, and Zoning Agency Review (ZAR) limited to a new use(s) and modifications to the square footage of an approved use. [Ord. 2006-004] [Ord. 2021-006]

b. **Application Requirements**

The form and application requirements for a WCRA recommendation shall be submitted as specified by the WCRA; however, in no case shall supporting documents required by the WCRA exceed the requirements of the Development Review Procedures listed above. [Ord. 2006-004]

c. Timeframe for Response

WCRA staff shall determine whether or not the application is sufficient or insufficient within ten working days. Any amendment to an application shall require the timeframe for response to restart. [Ord. 2006-004]

1) Sufficiency and Recommendation

If the application is determined to be sufficient, a recommendation shall be mailed to the Applicant within 30 days of application submittal. If a recommendation is not made within this timeframe, the application shall be considered to have received a recommendation for approval, and the WCRA shall provide a letter indicating such. [Ord. 2006-004]

2) Insufficiency

If an application is determined to be insufficient, WCRA staff shall provide a written notice specifying the deficiencies to the Applicant, to be mailed within ten days of receipt of the application. No further action shall be taken until the Applicant remedies the deficiencies. If the deficiencies are not remedied within 20 days of the date of the written notice, the application shall be considered to have a recommendation for denial. If amended and determined to be sufficient, the application shall be processed in accordance with Art. 3.B.14.D.1.b.1), Sufficiency and Recommendation. [Ord. 2006-004]

2. Public Hearing Procedures

In addition to the requirements of Art. 2, Application Processes and Procedures, the following shall apply: [Ord. 2006-004]

a. Official Zoning Map Amendments

All Official Zoning Map Amendment requests shall comply with the following standards: [Ord. 2006-004]

1) Industrial Districts

Any request to rezone lots located in the flight path of the PBIA to an industrial district shall not require a Plan amendment, in accordance with Policy 1.2-3-d of the Plan. [Ord. 2006-004]

2) Commercial Districts

Any request to rezone lots to a commercial district or PDD that were not designated commercial on the FLUA as of the Plan's August 31, 1989 adoption shall not require a FLUA amendment, in accordance with Policy 1.2.3-c of the Plan, subject to the following: [Ord. 2006-004]

a) Purpose

The rezoning advances the purpose and intent of the WCRA Plan, and does not have an adverse impact on surrounding uses. [Ord. 2006-004]

b) 20 Percent Limitation

The rezoning must not cause the total amount of acreage in the WCRAO shown as commercial on the FLUA as of the August 31, 1989 adoption of the Plan to be increased by more than 20 percent. [Ord. 2006-004]

c) WCRA Approval

The Applicant receives a recommendation for approval from the WCRA in accordance with Art. 3.B.14.D.1, WCRA Recommendation. [Ord. 2006-004]

b. Class A Conditional Uses on Lots Two Acres or Less

A DOA or new application for a Class A Conditional Use, with a gross land area of two acres or less, may be approved as a Class B Conditional Use. [Ord. 2006-004]

E. Use Regulations

1. Mixed Use

In the WCRAO, mixed use means the combination of residential and one or more non-residential uses that are functionally integrated. Mixed use may be required or permitted in commercial districts that have a commercial with underlying residential FLU designation, as indicated in Table 3.B.14.E, WCRAO Minimum/Maximum Residential and Non-Residential Uses. [Ord. 2006-004] [Ord. 2021-023]

Table 3.B.14.E – WCRAO Minimum/Maximum Residential and Non-Residential Uses

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Mixed Use (2)	Prohibited	Permitted (1)(3)	Permitted (1)(3)	Permitted (3)	Permitted	Permitted	Prohibited
Min. Residential Use	N/A	50%	50%	0%	0%	0%	N/A
Max. Residential Use	N/A	100%	100%	100%	100%	100%	N/A
Min. Non-Residential Use	N/A	0%	0%	0%	0%	0%	N/A
Max. Non-Residential Use	N/A	50%	50%	100%	100%	100%	N/A

[Ord. 2006-004] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2020-001] [Ord. 2021-023]

Notes:

1.	Non-residential uses on parcels that have a commercial FLU with underlying residential designation, approved as part of Plan Amendment Round 2005-01, Ordinance No. 2005-032, shall be permitted in in the NRM and NG Sub-areas. Non-residential uses shall only be permitted if all permitted residential density is utilized, but in no case shall it be less than one unit. Density shall be calculated meeting the requirements of FLUE Table 2.2.1-g.1, and other related Policies of the Plan. [Ord. 2006-004] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]
2.	Minimum and maximum percentages for residential and non-residential uses are calculated by dividing the total GFA for either use (residential OR non-residential) type by the total GFA (residential AND non-residential). Projects that vertically integrate a minimum of 20 percent of the site's approved (includes allowed density and any density bonus units) residential density with commercial uses may be allowed to utilize up to 100 percent of both the site's commercial intensity and residential density. [Ord. 2006-004] [Ord. 2020-001]
3.	Residential-only developments are permitted within the NC, NRM, and NG Sub-areas. [Ord. 2015-031] [Ord. 2018-002] [Ord. 2020-001]

2. Sub-area Use Regulations

a. Use Regulations

In addition to the requirements of Art. 4.B, Use Classification, the following uses shall be prohibited or permitted in the WCRAO Sub-areas. The Zoning Director may apply the provisions of Art. 4.B, Use Classification for the underlying zoning district, subject to a mutual agreement and approval by the WCRA Board. [Ord. 2006-004] [Ord. 2022-018]

Table 3.B.14.E – WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	Supplementary Use Standards # (2)
Residential Uses								
Cottage Home – Single Unit on a Single Lot	X	P	X	X	X	X	X	4.B.1.C.2
Cottage Homes – Multiple Units on a Single Lot or Site	X	P	P	X	X	X	X	4.B.1.C.2
Family Community Residence	P	P	X	X	X	X	X	4.B.1.C.3
Multifamily (MF)	X	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.5
Recovery Community	X	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.6
Single Family	P	P	X	X	X	X	X	4.B.1.C.7
South Westgate Estates Single Family Alternative	X	P	X	X	X	X	X	4.B.1.C.7
Townhouse	X	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.8
Transitional Community Residence	-	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.9
Zero Lot Line (ZLL)	X	X	X	X	X	X	X	4.B.1.C.10
Commercial Uses								
Adult Entertainment (3)	X	X	X	X	X	X	X	4.B.2.C.1
Car Wash	X	X	X	X	- (7)	-	-	4.B.2.C.4
Convenience Store	X	X	X	X	X	-	-	4.B.2.C.7
Gas and Fuel Sales, Retail	X	X	X	X	X	-	-	4.B.2.C.15
Landscape Service	X	X	X	X	X	X	-	4.B.2.C.20
Employment Agencies (6)	X	X	X	X	X	-	-	4.B.2.C.24
Parking, Commercial (8)	X	X	X	X	X	X	X	4.B.2.C.25
Repair and Maintenance, Heavy	X	X	X	X	-	-	-	4.B.2.C.28
Repair and Maintenance, Light	X	X	X	X	-	-	-	4.B.2.C.29
Self-Service Storage, Limited Access	X	X	X	X	-	-	-	4.B.2.C.35
Self-Service Storage, Multi-Access	X	X	X	X	X	X	-	4.B.2.C.35
Vehicle or Equipment Sales and Rental, Heavy	X	X	X	X	-	-	-	4.B.2.C.38
Vehicle Sales and Rental, Light	X	X	X	X	-	-	-	4.B.2.C.39
Work/Live Space	X	(4)	(4)	(4)	(4)	(4)	X	4.B.2.C.42
Industrial Uses								
Contractor Storage Yard	-	-	-	-	-	-	A	4.B.5.C.1
Distribution Facility	X	X	X	X	X	A	D	4.B.5.C.3
Manufacturing and Processing	X	X	X	X	X	A	D	4.B.5.C.8
Warehouse	X	X	X	X	X	A	D	4.B.5.C.17
Office Warehouse	X	X	X	X	A (1)	A (1)	-	4.B.5.C.17
Wholesaling	X	X	X	X	X	A	D	4.B.5.C.18

[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001] [Ord. 2021-006] [Ord. 2021-022] [Ord. 2021-023] [Ord. 2023-012]

Key:	
X	Prohibited in sub-area
-	Subject to use regulations of zoning district
P	Permitted by Right in sub-area [Ord. 2007-013] [Ord. 2009-040] [Ord. 2020-001]
D	Permitted by DRO approval [Ord. 2021-006]
A	Class A Conditional Use [Ord. 2017-007]

Notes:	
1.	Limited to lots with a CH FLU designation and corresponding zoning district. [Ord. 2006-004] [Ord. 2018-002]
2.	A number in the Supplementary Use Standards # column refers to Art. 4.B, Use Classification, which are applicable to the use. [Ord. 2006-004] [Ord. 2020-001]
3.	Adult Entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. [Ord. 2007-013]
4.	Limited to lots with a CH or CL FLU designation and corresponding zoning district. Work/Live Space shall be Permitted by Right in all sub-areas except the NR and UI. [Ord. 2007-013] [Ord. 2020-001]
5.	Multifamily, Townhouse, Transitional Community Residence, and Recovery Community units may be Permitted by Right in non-residential districts where mixed use is permitted in accordance with Table 3.B.14.E. WCRAO Minimum/Maximum Residential and Non-Residential Uses. Transitional Community Residences and Recovery Communities shall follow the approval processes of the underlying zoning district. Within the NC, UG, and UH Sub-areas, residential-only Multifamily, Townhouse, and Recovery Community developments with five dwelling units or more shall be permitted; residential-only developments with under five units shall not be permitted. [Ord. 2017-002] [Ord. 2020-001] [Ord. 2021-022] [Ord. 2021-023]
6.	Employment Agencies as contained in Art. 4, Use Regulations under Office, Business or Professional. [Ord. 2017-007]
7.	Limited to lots which front Okeechobee Boulevard and consistent with Art. 11.E.2.A.4.b, Non-Residential Lots. [Ord. 2021-006]

8.	Commercial Parking use on surface lots is prohibited in all sub-areas. Commercial Parking use in structured parking garages is permitted in the UG, UH, and UI Sub-areas subject to Class A Conditional Use approval. [Ord. 2021-006] [Ord. 2023-012]

b. Table for Allowable Uses by Floor

Where permitted by the existing zoning district, uses shall be further regulated by floor, as indicated in Table 3.B.14.E, WCRAO Sub-area Uses Permitted by Floor. [Ord. 2006-004] [Ord. 2020-001]

Table 3.B.14.E – WCRAO Sub-area Uses Permitted by Floor (1)

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
1st Floor	R,Cv, Rc	All	All	R, C, O, CV, Rc	All	All	C, I, O
2nd Floor	R,Cv, Rc	R,Cv,Rc,O	R,Cv,Rc,O	All	All	All	All
3rd Floor	R	R	R	R,O	All	All	All
4th Floor	N/A	N/A	R	R,O	All	All	All
5th Floor and Above	N/A	N/A	N/A	R	All	All	All

[Ord. 2006-004] [Ord. 2018-002]

Key:			
All	Residential, civic, recreation, office, commercial, and industrial	**R**	Residential
C	Commercial, other than office	**CV**	Civic
I	Industrial	**Rc**	Recreation
N/A	Not Applicable	**O**	Office

Notes:	
1.	Use allowed by floor only where permitted by existing zoning district, and the mixed-use provisions of Table 3.B.14.E, WCRAO Minimum/Maximum Residential and Non-Residential Uses. [Ord. 2006-004]

F. Property Development Regulations (PDRs)

1. Sub-area PDRs

In order to implement the form-based code outlined in the WCRA Plan, additional PDRs are established for the seven sub-areas. Development in the WCRAO shall be in compliance with all Standard Zoning District, PDD, or TDD PDRs, unless specified otherwise in Table 3.B.14.F, WCRAO Non-Residential and Mixed-Use Sub-area PDRs. Residential-only development in the WCRAO shall comply with Table 3.B.14.F, WCRAO Residential PDRs for the applicable residential use type. Accessory uses and structures shall be in accordance with Art. 5.B.1, Accessory Uses and Structures, unless stated otherwise. [Ord. 2006-004] [Ord. 2008-003] [Ord. 2017-007] [Ord. 2019-005] [Ord. 2020-001] [Ord. 2021-023]

a. NRM, NG, and NC Side Setback Reduction

A building in the NRM, NG, and NC Sub-areas may be built along the interior side property line with a zero setback, subject to the following: [Ord. 2006-004] [Ord. 2015-031]

1) No windows, doors, or other openings are permitted. No portion of the building, including roof eaves, gutters, and soffits may encroach onto adjacent property. [Ord. 2006-004] [Ord. 2015-031]
2) No form of opening, attachment, or any item or method of construction requiring maintenance other than cleaning and painting when visible, shall be permitted. [Ord. 2006-004]
3) A maintenance easement is granted allowing for a minimum of two feet for access to any portion of a structure left exposed and requiring limited maintenance. [Ord. 2006-004] [Ord. 2015-031]
4) Height shall be limited to a maximum of 36 feet for properties in the NRM and NG Sub-areas abutting existing Single Family uses. [Ord. 2006-004] [Ord. 2010-022] [Ord. 2015-031] [Ord. 2020-001]

Table 3.B.14.F – WCRAO Non-Residential and Mixed-Use Sub-area PDRs

Sub-areas	NR (1)	NRM	NG	NC	UG	UH	UI
Lot Dimensions (2)							
Min. Frontage/Lot Width	-	-	75' (4)	75' (4)	100'	100' (5)	-
Min. Lot Depth	-	-	100'	100'	100'	100'	-
Max. Building Coverage	N/A	40%	40%	40% (3)	40% (3)	40% (3)	45% (3)
Build-to-Line/Setbacks							
Front or Side Street (10)	N/A	Build-to-Line – 15'	Build-to-Line – 15'	Build-to-Line – 10'	Build-to-Line – 10-25'	10' min.	Build-to-Line – 10-25'
Min. Side		10' (6)	10' (6)	10' (6)	15'	15'	15'
Min. Rear		25'	25'	25'	25'	25'	25'
Min. Building Frontage							
Min. Frontage (10)	N/A	60%	60%	80%	60%	-	60%
Optional Plazas and Squares							
Build-to-Line Exception	N/A	Max. 50% of Building Frontage, min. width of 20', and max. depth of 25'				-	-
Max. Stories/Height (8)							
Max. Stories	N/A	3	4	6	20	10	15
Max. Height (8)		36'	48'	72'	240'	120'	180'
Other							
Max. Building Length (7)(9)	N/A	300'	300'	300'	300'	-	-

[Ord.2006-004] [Ord. 2010-022] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001] [Ord. 2021-006] [Ord. 2021-023]

Key:	
-	PDRs not specified in this Table shall be subject to the PDRs of the lot's zoning district

Notes:	
1.	PDRs for Single Family dwellings in the NR Sub-area shall be in accordance with Table 3.B.14.F, WCRAO Residential PDRs. [Ord. 2020-001] [Ord. 2021-023]
2.	Minimum lot size per Table 3.D.1.A, Property Development Regulations shall not apply. [Ord. 2021-006]
3.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure. [Ord. 2006-004] [Ord. 2020-001] [Ord. 2021-006]
4.	May be reduced to 50 feet if rear or cross access is provided. If cross access is provided, evidence of reciprocal agreement to allow vehicular cross access between the subject and adjacent property must be obtained prior to Final DRO approval or issuance of a Building Permit, whichever occurs first. [Ord. 2021-006]
5.	May be reduced to 75 feet for lots fronting Okeechobee Boulevard with vehicular access limited only to the rear or via cross access from the adjacent property. [Ord. 2021-006]
6.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F.1.a, NRM, NG, and NC Side Setback Reduction. [Ord. 2006-004]
7.	Mid-block separation a minimum of 20 feet in width is required at the first floor level for building length in exceeding 200 feet, and must be 50 feet or more from either end of the building. [Ord. 2006-004]
8.	Minor increases in the maximum height allowed by this Table may be permitted subject to all of the standards of Art. 5.C.1.E.4.a-c and as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1, General Provisions. Buildings over 35 feet shall not be subject to the requirements of Art. 3.D.1.E.2, Multifamily, Non-Residential Districts, and PDDs. [Ord. 2010-022] [Ord. 2021-023]
9.	Buildings shall be articulated so that the longest side faces the front build-to-line. Where a parcel is located at the intersection of two or more streets, at least one building shall be placed at a corner in accordance with Art. 3.B.14.F.2.b.2), R-O-W/Easement Exception, and comply with the build-to-line for both streets. [Ord. 2015-031]
10.	Minimum frontage shall only apply to the front build-to-line, and may be reduced in accordance with Art. 3.B.14.F.2.b.1)a), Minimum Building Frontage Exception. [Ord. 2015-031] [Ord. 2017-025]

Table 3.B.14.F – WCRAO Residential PDRs

Residential Use Type (8)	Single Family	South Westgate Estates Single Family Alternative	Cottage Home – Single Unit on a Single Lot (9)	Cottage Homes – Multiple Units on a Single Lot or Site (9)	Townhouse (1)	Multifamily (≤ 4 Units)	Multifamily (≥ 5 Units)
Lot Dimensions							
Min. Frontage/Lot Width	50’	25’	25’	75’	16’	75’	100’
Min. Lot Depth	90’	90’	70’	100’	50’	100’	100’
Max. Building Coverage	50%	45% (10)	50%	80%	80%	40% (2)	40% (2)
Build-to-Line/Setbacks							
Front/Build-to-Line	25’ min.	20’ min.	20’ min.	10’ min.	Build-to-Line – 10-25’	Build-to-Line – 10-25’	Build-to-Line – 10-25’
Min. Side (3)	5’	3’	3’	5’	5’ – End unit; 0’ – Interior unit	5’	10’
Min. Side Street	7.5’	7.5’	7.5’	7.5’	10’ – End unit	10’	10’
Min. Rear	10’	10’	10’	15’	7.5’	10’	25’
Height/Stories							
Max. Stories	2	2	2	2	3	3	2 min. (6)
Max. Height (4)	N/A	N/A	N/A	N/A	36’	36’	(5)
Accessory Structures	Max. 2 stories						
Building Frontage							
Min. Building Frontage	N/A	N/A	N/A	N/A	60% (7)	60% (7)	60% (7)

[Ord. 2020-001] [Ord. 2021-022] [Ord. 2021-023]

Notes:

1.	Unless provided for herein, Townhouse developments shall comply with Table. 3.D.2.A, Townhouse Property Development Regulations. [Ord. 2020-001]
2.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure. [Ord. 2020-001]
3.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F.1.a, NRM, NG, and NC Side Setback Reduction. [Ord. 2020-001]
4.	Minor increases in maximum height may be permitted subject to all of the standards of Art. 5.C.1.E.4,a-c and as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1, General Provisions. [Ord. 2020-001]
5.	Maximum height of Multifamily projects of five units or more shall be in accordance with Maximum Stories and Height by Sub-area in Table 3.B.14.F, WCRAO Non-Residential and Mixed-Use Development Sub-area PDRs. [Ord. 2020-001]
6.	Multifamily developments with five units or more shall be required to be a minimum of two stories in the NC, UG, and UH Sub-areas. [Ord. 2020-001]
7.	Minimum building frontage of 80 percent is required for all Townhouse and all Multifamily developments in the NC Sub-area. [Ord. 2020-001]
8.	Community Residences and Recovery Communities are subject to the same sub-area PDRs as the specific housing type they are located within. [Ord. 2021-022]
9.	Per Art. 4.B.1.C.2, Cottage Home, the maximum size for Cottage Homes is limited to 1,000 square feet per dwelling unit. [Ord. 2021-023]
10.	Maximum building coverage may be allowed to increase by up to ten percent to accommodate solid roof porches and/or patios. Attached garages shall not exceed 15 percent of the maximum building coverage. [Ord. 2021-023]

2. Build-to-Line and Frontages

a. Build-to-Line

The first three floors of all main structures, excluding parking garages, shall be constructed at the build-to-line, unless specified otherwise. Maximum encroachments for balconies, and entryways shall comply with Table 3.B.14.G, WCRAO Supplementary Standards by Sub-area. [Ord. 2006-004] [Ord. 2011-001] [Ord. 2017-025]

1) General Exceptions

The following exceptions to the build-to-line shall be Permitted by Right: [Ord. 2017-025]

a) An additional ten or 12-foot setback is permitted where a gallery is used in lieu of an arcade. [Ord. 2017-025]

b) Up to 25 percent of the building frontage or footprint that is required to be on the build-to-line may be either set back or projected beyond the build-to-line to accommodate requirements for balconies, stoops, porches, or other architectural features designed to enhance the pedestrian streetscape environment, provided that ground floor improvements do not conflict with the placement of street trees. [Ord. 2017-025]

c) Recesses and projections of the building façade up to a maximum of three feet. [Ord. 2017-025]

d) Plazas and squares are optional. References to such shall not be misconstrued as a requirement, except that dimensions for plazas and squares shall be met when applied as an exception to build-to-line in accordance with Art. 3.B.14.F.2.a, Build-to-Line. [Ord. 2017-002] [Ord. 2017-025]

2) R-O-W/Easement Exception

The build-to-line may be adjusted by the DRO where a Site Plan is required, or at Building Permit review for projects Permitted by Right, to accommodate requirements such as increased R-O-W Buffers due to location of existing utility easements, or required safe sight distance or corner clips. [Ord. 2017-025] [Ord. 2018-002]

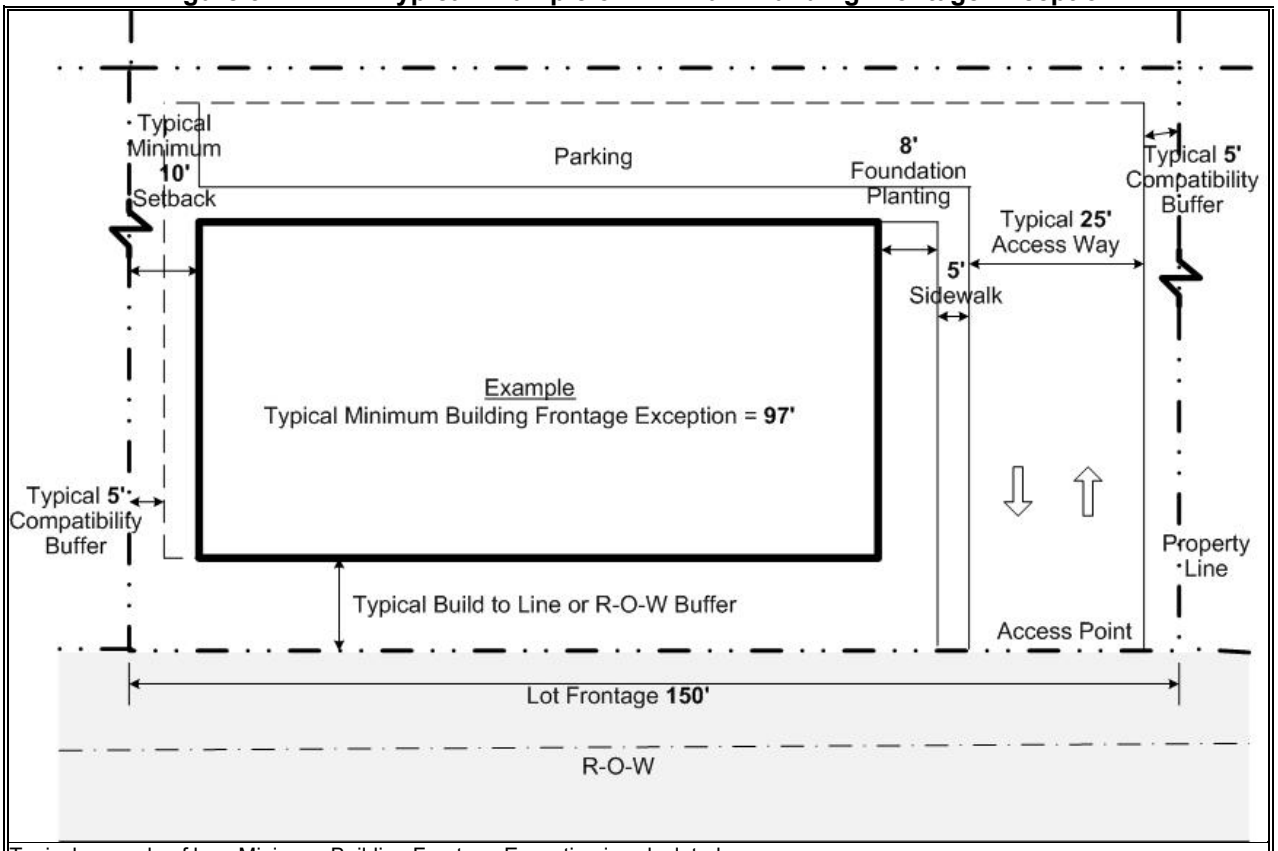
b. Minimum Building Frontage

1) The minimum building frontage shall be in accordance with the requirements of Table 3.B.14.F, WCRAO Non-Residential and Mixed-Use Sub-area PDRs or Table 3.B.14.F, WCRAO Residential PDRs. The portion of the structure required to meet the building frontage shall be located on the build-to-line unless otherwise stated. [Ord. 2006-004] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2017-025] [Ord. 2020-001] [Ord. 2021-023]

a) Minimum Building Frontage Exception

This provision is established for lots that only have frontage on one street, or where side or rear access to required parking is unobtainable, or where a narrow lot with side or rear access cannot meet minimum building frontage and setback requirements. The minimum building frontage may be reduced, provided that the reduction shall be the minimum necessary to accommodate required side setbacks, perimeter buffers, foundation planting areas, and a maximum of one vehicular access point for required parking, as well as any pedestrian sidewalk up to five feet in width. [Ord. 2017-025]

Figure 3.B.14.F – Typical Example of Minimum Building Frontage Exception



Typical example of how Minimum Building Frontage Exception is calculated:

- Lot frontage = 150'
- Neighborhood Commercial (NC) Sub-area requires a minimum 80% Building Frontage per Table 3.B.14.F, WCRAO Non-Residential and Mixed-Use Sub-area PDRs
- 150' x 80% = Minimum Building Frontage of 120' required
- If no side or rear access, Minimum Building Frontage may be reduced to accommodate the following ULDC requirements: 10' Side Setback (includes typical 5' Compatibility Buffer); 8' side Foundation Planting area; 5' sidewalk; 25' Access Way; and, typical 5' Compatibility Buffer.
- Reduction is taken from Lot Frontage: 150' - (10' + 8' + 5' + 25' + 5') = Minimum Building Frontage of 97'

[Ord. 2017-025]

2) For parcels with multiple street frontages, the WCRA Executive Director shall determine the hierarchy of street frontages after consultation with the PBC Zoning Division and Engineering and Public Works Department. In establishing the hierarchy of frontages, the WCRA Executive Director will consider the proposed building design, orientation, and programming, and other site elements, including but not limited to: CPTED practices, landscaping, and streetscape to support a pedestrian-friendly environment. [Ord. 2015-031]

3. Base Building Line

The 40-foot-wide visual buffer requirement of Art. 3.D.1.D.1, Base Building Line, shall not apply to those lots abutting Westgate Avenue between Congress Avenue and Military Trail. The base building line for said lots shall be the existing R-O-W line of Westgate Avenue. [Ord. 2006-004] [Ord. 2021-006]

G. Supplementary Standards

In addition to the requirements of Art. 5, Supplementary Standards, and Table 3.B.14.G, WCRAO Supplementary Standards by Sub-area, the following shall apply: [Ord. 2006-004]

Table 3.B.14.G – WCRAO Supplementary Standards by Sub-area

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Min. Enclosed Living Area							
Single Family Dwelling Unit	1,000 sq. ft.	1,000 sq. ft.	-	-	-	-	-
Accessory Quarters	300 sq. ft.	300 sq. ft.	300 sq. ft.	-	-	-	-
Fences and Walls							
Prohibited Materials (6)	Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels						
Architectural Features							
Arcades and Galleries (1)	-	-	-	Required – Westgate Avenue (10)	-	-	-
Min. Building Depth	-	20’	20’	20’	30’	-	30’
Min. 1st Floor Height	-	-	-	12’	-	-	-
Min. Number of Floors	-	-	-	2 (2)	-	-	-
Windows and Doors							
Min. Glazing of Frontage (3)	-	(3)	(3)	(3)	-	-	-
Porches, Balconies, and Entryways (8)(9)							
Front Setback Max. Encroachment (7)	8’	6’	6’	6’	-	-	-
Min./Max. Porch Depth (4)	6’/10’				-	-	-
Min./Max. Porch Length (4)	8’/50% of building façade				-	-	-
Min. Balcony Depth (4)	3’				-		
Min./Max. Balcony Length (4)	6’/50% total of building façade				-		
Parking:							
Location of Surface Parking (9)	-	Rear	Rear	Rear	-	-	-
Driveways (5)(9)	-	Rear	Rear	Rear	-	-	-
Location of Accessory Quarters and Garages:							
Detached	Back of rear façade of primary structures			-	-	-	-
Landscaping							
See Art. 3.B.14.J, WCRAO Landscape Modifications allowing for reduction in Perimeter and foundation planting requirements.							
Min. Pervious Surface	-	20%	20%	20%	-	-	-

[Ord. 2006-004] [Ord. 2009-040] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2020-001] [Ord. 2021-023]

Key:	
-	Subject to the supplementary standards of the lot’s zoning district
Notes:	
1.	See Art. 3.B.14.G.3.d, Arcades and Galleries, Figure 3.B.14.G, WCRAO Arcade and Gallery Standards. Residential or hotel uses that are permitted in the NC Sub-area may provide porches, balconies, stoops, or entryways designed to enhance the pedestrian streetscape environment in lieu of providing arcades or galleries. [Ord. 2006-004] [Ord. 2011-001]
2.	Required second floor shall meet minimum frontage and depth requirements. [Ord. 2006-004]
3.	See Art. 3.B.14.G.3.c, Fenestration Details – Windows and Doors. Residential-only development in the NG and NRM Sub-areas shall be exempt from Art. 3.b.14.G.3.c, Fenestration Details – Windows and Doors. [Ord. 2006-004] [Ord. 2020-001] [Ord. 2021-023]
4.	Excludes stoops. [Ord. 2006-004]
5.	Access from the front or side may be permitted for lots with no rear street frontage. [Ord. 2006-004]
6.	Chain link fences may be installed for the following: [Ord. 2009-040] a. Single Family residential use provided a continuous native hedge is planted along the exterior side of the fence and adequate room for maintenance is provided along the property lines adjacent to public R-O-W. The hedge shall be maintained at the same height as the chain link fence. Black or green vinyl-coated chain link fence may be installed along remaining perimeter property lines not adjacent to a public R-O-W; [Ord. 2009-040] b. Non-residential uses within the UI Sub-area if the chain link fence is black or green vinyl coated; or, c. When a landscape barrier is required pursuant to Art. 4.B.2.C.16.c, Accessory Uses – Green Market. [Ord. 2019-005]
7.	The maximum encroachment for porches, balconies, and entryways located in NC Sub-area shall only apply to permitted residential or hotel uses. These ground floor improvements shall not conflict with the placement of street trees. [Ord. 2011-001]
8.	Single Family dwellings and Cottage Homes (Single Unit on a Single Lot) are not required to provide porches, balconies, and entryways, but may elect to utilize setback exceptions provided encroachment complies with other applicable maximum dimensions. [Ord. 2015-031] [Ord. 2020-001]
9.	Shall not apply to residential uses, except Multifamily developments with five units or more. [Ord. 2015-031] [Ord. 2020-001]
10.	Lots with 100 feet or less of frontage and residential development may be exempt. [Ord. 2017-002] [Ord. 2020-001] [Ord. 2021-023]

1. **Accessory and Prohibited Uses**
   a. **Accessory Structures**
      1) Except as otherwise stated within Art. 3.B.14, WCRAO, Westgate Community Redevelopment Area Overlay, accessory structures shall meet the setbacks of the underlying zoning district and Supplementary Regulations as stated within Art. 5.B.1.A.1, General. [Ord. 2019-005]
      2) Accessory structures shall be architecturally compatible with the principal building, with exception to accessory structures such as small sheds associated with Single Family residences (excluding garages), when less than 150 square feet in size and ten feet in height, and completely screened from all public rights-of-way. [Ord. 2006-004] [Ord. 2009-040]
      3) Accessory structures permitted pursuant to Art. 4.B.6.C.10.c, Community Vegetable Garden and Art. 4.B.2.C.16.c, Accessory Uses – Green Market shall comply with the PDRs of the zoning district in which the parcel is located and Supplementary Standards in Art. 5, Supplementary Standards, and shall not be subject to Table 3.B.14.F, WCRAO Non-Residential and Mixed-Use Sub-area PDRs, Build-to-Line/Setbacks and Minimum Building Frontage requirements. [Ord. 2019-005] [Ord. 2020-001]

   b. **Accessory Quarters and Garages**
      Accessory Quarters and garages shall meet the requirements of Table 3.B.14.G, WCRAO Supplementary Standards by Sub-area and Figure 3.F.3.D, TND Garages. [Ord. 2006-004] [Ord. 2017-007]

   c. **Prohibited Uses in Front Yards**
      In the NR, NRM, NG Sub-areas, the following uses are prohibited in front yards or building façades: [Ord. 2006-004]
      1) Parking on unpaved surfaces. [Ord. 2006-004]
      2) Clotheslines and other clothes-drying apparatus. [Ord. 2006-004]
      3) Electrical meters. [Ord. 2006-004]
      4) Air-conditioning equipment, including window units on the building façade. [Ord. 2006-004]
      5) Antennas and satellite dishes. [Ord. 2006-004]

2. **Fences, Walls, and Hedges**
   Interior fences and walls in the NRM, NG, and NC Sub-areas shall be decorative in nature, and shall not obstruct views of pedestrian access ways, courtyards, or parking entrances. Lots developed for Single Family residential use may be exempted from this requirement. [Ord. 2006-004] [Ord. 2010-022]

   a. **Mixed-Use Development and NC Sub-area**
      Fences and walls shall be prohibited in the front or side street setbacks for mixed-use development or any project in the NC Sub-area. [Ord. 2006-004]

   b. **NRM and NG Sub-areas**
      Fencing for residential uses in front yard setbacks may be increased to six feet in height if limited to decorative wrought iron or other similar materials that do not obstruct vision. [Ord. 2006-004]

3. **Architectural Guidelines**
   a. **Porches and Balconies**
      Notwithstanding the requirements of Art. 5.C.1.H.2.b, Balconies and Patios, a minimum of 20 percent of all Townhouses or the total number of Multifamily dwelling units on each floor shall have individual balconies or porches. A minimum of one balcony or porch shall be required for any project with less than five units. [Ord. 2006-004]

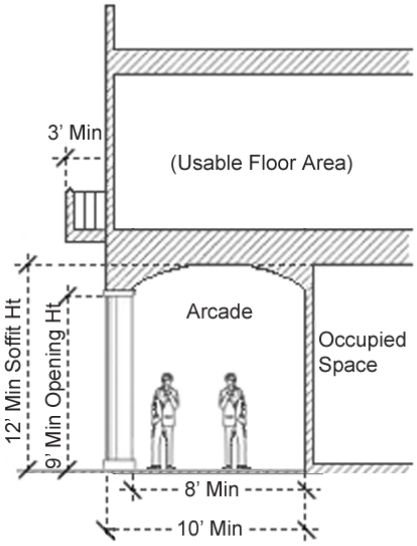
   b. **Building Entrance Orientation**
      All uses in the NRM, NG, NC, and UG Sub-areas shall have a principal entrance on the first floor oriented towards the street used as the primary frontage for the building. Cottage Homes (Multiple Units on a Single Lot) may also be oriented to a common entryway or open space courtyard which is oriented towards the street used as the primary frontage. [Ord. 2006-004] [Ord. 2010-022] [Ord. 2020-001]

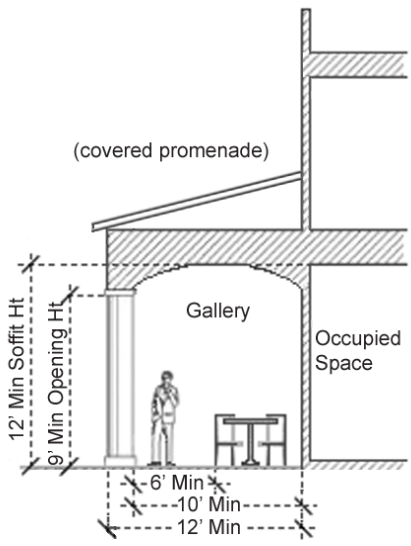
   c. **Fenestration Details – Windows and Doors**
      All mirrored or reflective glass, sliding glass doors, and glass blocks shall be prohibited. Where required, glazing shall have a minimum 70 percent transparency. A minimum of six square feet of glazing per linear foot of façade shall be provided at a pedestrian scale, on the first floor frontage or side street frontage. For the purpose of applying minimum fenestration required, the first floor shall be considered the area located up to a maximum of 12 feet above finished grade. Window or door frames and mullions shall be allowed to be included in the calculation. [Ord. 2006-004] [Ord. 2010-022] [Ord. 2015-031]

d. Arcades and Galleries

Arcade or gallery dimensions shall be in accordance with Figure 3.B.14.G, WCRAO Arcade and Gallery Standards. Where arcades and galleries are required, galleries shall not exceed 50 percent of the total building frontage. [Ord. 2006-004] [Ord. 2010-022]

Figure 3.B.14.G – WCRAO Arcade and Gallery Standards





[Ord. 2006-004]

e. Drive-Throughs and Gas Station Canopies

In the NRM, NG, and NC Sub-areas, a drive-through, gas station canopy, or fueling area shall be located to the rear of all buildings. [Ord. 2006-004]

f. Mezzanines

Mezzanines shall be counted as a floor, but cannot be used to meet the NC Sub-area two-story requirement. [Ord. 2006-004]

4. Non-Conforming Lot Combination

A non-conforming lot that is a Legal Lot of Record, has a minimum of 25 feet of frontage, and is located in the NRM, NG, or NC Sub-areas, may be combined with an adjacent lot meeting the same standards, or a conforming lot, provided it serves to reduce the non-conformity and creates a new lot with a minimum of 50 feet of frontage. The subdivision may be approved in accordance with Art. 11.A.8.D, Plat Waiver with Certified Boundary Survey. [Ord. 2008-003]

H. Density Bonus Programs

The provisions of Art. 5.G.1, Workforce Housing Program (WHP) apply when WCRAO Density Bonus Program units are not utilized. The following provisions apply when additional density is utilized through the WCRAO Density Bonus Program. [Ord. 2021-006]

1. Density Bonus Pool

In accordance with WCRAO Plan Policy 1.2.3-b, an additional 1,300 residential units, that may be utilized for rental and for-sale projects, are available in the WCRAO pursuant to the following: [Ord. 2006-004] [Ord. 2021-006]

Table 3.B.14.H – WCRAO Density Bonus Pool Limits

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Max. WCRAO Density Bonus per ac.	N/A	20	30	50	150	150	N/A
[Ord. 2006-004] [Ord. 2021-006]							

a. WCRA Recommendation

In accordance with Plan FLUE Sub-Objective 1.2.3 and Policy 1.2.3-b, any proposed project that includes a request from the Density Bonus Pool must obtain a recommendation of approval from the WCRA in accordance with the standards of Art. 3.B.14.D, Development Review Procedures consistent with the provisions below: [Ord. 2006-004] [Ord. 2007-013] [Ord. 2011-011] [Ord. 2021-006]

1) Facilitates the development of diverse, quality housing stock that addresses a mix of income levels pursuant to WCRA Community Redevelopment Plan Housing Policy Goal 3.1 and Objective 3.2; [Ord. 2021-006]
2) Meets the requirements of Table 3.B.14.E, WCRAO Minimum/Maximum Residential and Non-Residential Uses, Table 3.B.14.E, WCRAO Sub-area Use Regulations, Table 3.B.14.F, WCRAO Non-Residential and Mixed-Use Sub-area PDRs, and Table 3.B.14.F, WCRAO Residential PDRs, as applicable; [Ord. 2021-006] [Ord. 2021-023]
3) Provides a minimum of five percent of the project residential square footage as outdoor space for resident use, which may include but not be limited to: individual unit porches, patios, and/or balconies; usable open space for on-site common outdoor amenities such as grilling areas and tot lots; or, neighborhood amenities such as pedestrian streetscapes with furnishings, landscaping, or hardscape elements; and, [Ord. 2021-006]
4) For projects with ten or more units, provides a minimum of 20 percent of the total units in the project as on-site affordable and workforce housing units such that: [Ord. 2021-006]
   a) A minimum of ten percent, with no more than 40 percent of the total project units qualify at or below the Workforce Housing Program Low-Income Category; and a minimum of ten percent of the total project units qualify as Workforce Housing Moderate 1 Income Category, as defined in Art. 5.G.1.A.3.b, Income Categories; [Ord. 2021-006]
   b) These units meet Art. 5.G.1.A.3.h, Design Standards; and, [Ord. 2021-006]
   c) These units meet the provisions of Art. 5.G.1.D, Delivery of WHP Units and Art. 5.G.1.E, Enforcement. [Ord. 2021-006]

b. Approval Process

The review process for a WCRAO Density Bonus Pool approval is based on the density bonus requested in accordance with Table 3.B.14.H, WCRAO Density Bonus Pool Approval. Notice of all proposed projects shall be forwarded to the County Administrator or designee by the Division responsible for reviewing the application. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-022] [Ord. 2021-006]

Table 3.B.14.H – WCRAO Density Bonus Pool Approval

Approval Process Required (1)	Range of Bonus Units per ac. (3)
Permitted by Right (2)	0.1-4
DRO Approval	4.01-22
BCC Approval	≥ 22.01
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2021-006]	
Notes:	
1.	The transfer of density to a PDD or TDD requires approval as a Class A Conditional Use. [Ord. 2006-004] [Ord. 2018-002]
2.	Up to one unit may be Permitted by Right for projects less than one acre in size. [Ord. 2006-004]
3.	Additional units may be acquired through the County's TDR Program. [Ord. 2021-006]

c. Incentives for Density Bonus Pool Projects

1) The Applicant may request to modify or reduce the landscape requirements pursuant to Art. 7, Landscaping subject to a Type 1 Waiver process. The request shall be consistent with the Plan and a WCRA recommendation for approval. [Ord. 2006-004] [Ord. 2021-006]
2) The Applicant may request to utilize WHP incentives available under the Full Incentive Option pursuant to Art. 5.G.1.B.2.f, Incentives Available under Full Incentive Option. The request shall be consistent with the Plan and receive a WCRA recommendation for approval. [Ord. 2021-006]

I. Parking and Streets

1. Parking

a. General

1) For properties located east of the LWDD L-2B Canal and west of Suwanee Drive within the NRM, NG, and NC Sub-areas, parking shall be accessed from the rear of the lot from a street or alleyway, when available. [Ord. 2006-004] [Ord. 2011-001]
2) Reserved parking, including spaces reserved for valet parking, shall be prohibited except for parking provided above the minimum required, or for individual garages for residential units. [Ord. 2006-004]

b. Parking Exemption in the NC Sub-area

Projects on lots less than 10,000 square feet in size shall be exempt from on-site parking requirements if fronting on a street with on-street parking. [Ord. 2006-004]

c. Allowable Reductions in Required On-Site Parking

The required amount of on-site parking may be reduced in accordance with any of the following provisions. These provisions may be applied cumulatively. [Ord. 2006-004]

1) UG, UH, NRM, NG, and NC Deviations

Deviations in the required parking specified in Table 6.B.1.B, Minimum Parking and Loading Requirements shall be permitted for mixed-use or residential projects in the UG, UH, NRM, NG, or NC Sub-areas as specified in Table 3.B.14.I, WCRAO Mixed-Use and Residential Parking Deviations. [Ord. 2006-004] [Ord. 2007-013]

2) Curbside Parking

On-street parking available along the frontage, side, or rear lot lines that directly abuts the subject lot may be applied toward the parking requirements of the uses on the lot. Applicable spaces shall be calculated by taking the total linear distance of parking spaces and abutting the site's lot lines and dividing by the average length of spaces. [Ord. 2006-004] [Ord. 2007-013]

Table 3.B.14.I – WCRAO Mixed-Use and Residential Parking Deviations

Use		Parking
Multifamily Residential	1 Bedroom	1 per unit plus required guest parking
	2 Bedroom	1.5 per unit plus required guest parking
	≥ 3 Bedrooms	2 spaces per unit plus required guest parking (2)
Hotel or Motel (other areas calculated separately)		1.25 per room
Office, Business or Professional and Medical or Dental		2.5 per 1,000 sq. ft.
Commercial Uses		2.5 per 1,000 sq. ft.
Commercial, General Retail Sales		3 per 1,000 sq. ft.
Restaurant, Cocktail Lounge		1 per 4 seats
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2017-002]		
Notes:		
1.	Unless stated otherwise in this Section, parking and loading shall be in accordance with Table 6.B.1.B, Minimum Parking and Loading Requirements. [Ord. 2006-004] [Ord. 2007-013]	
2.	A parking ratio of 1.5 spaces per unit plus required guest parking shall also be permitted for any unit required to be deed restricted for very-low and low-income households. [Ord. 2007-013]	

3) Connections to Adjacent Parking

Parking areas connecting to adjoining or future adjoining lots shall be granted a five percent reduction in the amount of required parking. This five percent reduction shall be deducted from the final calculated parking requirement, after all other eligible reductions are taken into consideration. [Ord. 2006-004]

2. Redevelopment Loading Option

To further development of WCRAO smaller parcels in the NRM, NG, NC, UG, or UI Sub-areas that promote the form-based code principles of the WCRA Plan, the WCRA Executive Director may

authorize the use of access aisles or other similar location on a site with structures less than 25,000 square feet in size, to also be used as loading areas, subject to the following: [Ord. 2007-013]

a. Application

An application shall be submitted to the WCRA in a form established by the Executive Director of the WCRA. The application shall include a loading demand study that addresses the minimum standards of this Section. [Ord. 2007-013]

b. Standards

The following standards shall apply to any shared location for a required loading zone: [Ord. 2007-013]

1) Demonstrate that site constraints or the benefits of an alternate loading zone is needed to allow for the development, including efforts to maximize potential FAR or density; [Ord. 2007-013]
2) Identify the size and types of uses that will be using the alternate loading zone, to include turnover rates and peak loading hours; [Ord. 2007-013]
3) Demonstrate that the proposed alternate loading zone will not adversely impact required vehicle stacking at entrances, block building entrances, emergency vehicle access, or parked vehicles; [Ord. 2007-013]
4) Identify the dimensions and types of vehicles that will use the alternate loading zone; [Ord. 2007-013]
5) Incorporate other available data, including but not limited to: traffic engineering or other Planning studies demonstrating the feasibility of the request; [Ord. 2007-013]
6) The use of the site may be limited to the size and types of uses indicated in the approved loading zone study; [Ord. 2007-013]
7) The site design shall provide sufficient maneuvering area and turning radii for proposed delivery vehicles; and, [Ord. 2007-013]
8) If located in an access aisle, a minimum ten-foot-wide by-pass shall be maintained along the entire length of the designed alternative loading area. [Ord. 2007-013]

c. Approval Letter and Documentation

The WCRA Executive Director shall recommend approval or denial of the application within the timeframes established under Art. 3.B.14.D.1.b, Timeframe for Response. The WCRA Executive Director shall issue a letter to the Applicant indicating their recommendation. [Ord. 2007-013]

3. Access and Circulation System

a. Construction in Existing R-O-Ws

The County Engineer may approve alternatives to PBC Standard design sections for Local Street construction, where streets are maintained by PBC, in order to accommodate construction or reconstruction of paving and drainage improvements to an existing public Local Street, or segment thereof. The eligible R-O-Ws shall have a width of less than 50 feet. The alternative design(s) shall provide for paved travel-way widths, structural sections, drainage, pedestrian access, dead-end turnarounds, and safe sight corners as prescribed by PBC Standards for Local Streets, or as deemed equivalent by the County Engineer. All required treatment and discharge control of stormwater runoff to the street drainage system shall be provided by secondary stormwater management facilities located outside the street R-O-W, permitted and constructed in accordance with applicable regulations of all agencies having jurisdiction over the receiving waters at the point of legal positive outfall. [Ord. 2006-004]

b. Access to Residential Subdivision Lots

In lieu of minimum legal access requirements pursuant to Art. 11.E.1.A.1, Access and Circulation Systems, a Local Street improved pursuant to Art. 3.B.14.I.3.a, Construction in Existing R-O-Ws, and having continuous paved access to at least one public street on the perimeter of the WCRAO, shall be deemed by the County Engineer to meet the requirement of Local Street access for residential lots created by subdivision of abutting property. Nothing herein shall prohibit the owner of abutting property from making application for and receiving appropriate approval of a Final Subdivision Plan or waiver of platting prior to completion of the above-noted improvements; provided, however, that the applicable plat or affidavit of waiver shall not be approved for recordation until construction has commenced for said improvements. [Ord. 2006-004]

c. Alleys

Removal of existing alleys is prohibited, unless approved by the WCRA. [Ord. 2006-004]

d. Driveways

In the NRM, NG, NC, and UG Sub-areas, a maximum of one driveway is permitted for lots less than 100 feet wide, or for one driveway for each 100 linear feet of frontage (or rear property line for double frontage where applicable). [Ord. 2006-004]

J. WCRAO Landscape Modifications

1. Foundation Planting

a. Build-to-Line

Required foundation planting along any façade with a required build-to-line may be deleted. [Ord. 2010-022]

b. Foundation Planting Deviations

The following modifications shall be permitted subject to DRO approval of an ALP: [Ord. 2010-022] [Ord. 2018-002]

1) The width of side foundation planting areas may be reduced from eight to five feet in width for buildings with a ten-foot side setback if the overall volume of reduced planting area is relocated on site or the required landscaping within the foundation planting area, at installation, be increased in height by 25 percent. [Ord. 2010-022]
2) Side foundation planting may be eliminated for buildings using a zero side setback. [Ord. 2010-022]
3) Side foundation planting may be relocated on site or the equivalent required landscaping within the site, be increased in height by 25 percent if the Applicant can demonstrate that proposed building heights will adversely limit sunlight and viability of planting area. [Ord. 2010-022]

2. Perimeter Buffer Width Reductions

A required R-O-W or Incompatibility Buffer width may be reduced by up to 50 percent in the NRM, NG, NC, UG, and UI Sub-areas for commercial or mixed-use projects, provided that a minimum five-foot-wide planting area is provided with no encroachments, and that all other Code requirements are met, unless indicated otherwise. A side interior perimeter buffer shall not be required when a zero side setback is used. [Ord. 2010-022] [Ord. 2018-002]

3. R-O-W Planting Reductions

Shrubs and hedges shall not be required for any R-O-W Buffer along the Westgate Avenue corridor from Congress Avenue to the L-10 Canal, provided that required trees are planted 20 feet on center. This provision may also be used along the frontage of any mixed-use project in the NRM, NC, NG, and UG Sub-areas. [Ord. 2010-022]

a. Clustering

In the WCRAO, clustering is not permitted in conjunction with the R-O-W Buffer in the NRM, NG, and NC Sub-areas. [Ord. 2006-004] [Ord. 2018-002]

4. Parking Lots

Side interior perimeter buffers are not required where adjacent to a surface parking lot that shares a common border with and is interconnected to an adjacent surface parking lot, subject to DRO approval. [Ord. 2010-022]

K. Drainage

1. Surface Water Management Permit

For subdivision of land where all of the land proposed to be subdivided, is included within an active Surface Water Management Permit issued by the SFWMD, where all water quality and water quantity requirements of the SFWMD have been met under said permit, the requirements for control of discharge pursuant to Art. 11.E.4.F, Secondary Stormwater System Design and Performance, shall be deemed in compliance. [Ord. 2006-004]

Section 15 Infill Redevelopment Overlay (IRO)

A. Purpose and Intent

The purpose and intent of the Infill Redevelopment Overlay (IRO), is as follows: [Ord. 2010-005]

1. Establish optional development regulations to facilitate revitalization of commercially designated lands in the Urban/Suburban Tier, by incrementally retrofitting commercial corridors and isolated land uses with sustainable development that creates a sense of place, improves streetscapes, and successfully integrates into the surrounding community; [Ord. 2010-005]
2. Offer property development incentives that will encourage developers, property, or business owners to utilize the IRO (e.g., reduced setbacks and parking ratios, increased FAR, and flexible landscaping regulations to maximize the efficient use of property); [Ord. 2010-005]
3. Implement the Goals, Objectives, and Policies of the Comprehensive Plan that mandate sustainable, walkable urban/suburban redevelopment; [Ord. 2010-005]
4. Utilize Smart Growth and Form-Based Coding principles to establish standards that create a predictable built form that improves the streetscape and establishes an enhanced pedestrian realm; [Ord. 2010-005]
5. Advocate walking, cycling, and mass transit as viable alternatives to automobile use; [Ord. 2010-005]
6. Promote interconnectivity between uses; [Ord. 2010-005]
7. Promote sustainability by integrating the social, economic, and ecological needs of the community with overall Regional, State, and National policy advocating management of resources for future generations; [Ord. 2010-005]
8. Mitigate adverse impacts of commercial development to surrounding residential uses and the community as a whole; [Ord. 2010-005]
9. Promote non-residential and residential mixed use; [Ord. 2010-005]
10. Respect market realities, industry trends, and property rights; [Ord. 2010-005]
11. Address multi-disciplinary regulatory and development review processes; and, [Ord. 2010-005]
12. Establish expedited review process. [Ord. 2010-005]

B. Applicability

The provisions of the IRO are optional, with the stipulation that when selected all new development will be in compliance with this Section, excepting any permitted Type 1 Waivers. An Applicant may elect to use the IRO regulations for parcels that meet the following criteria: [Ord. 2010-005] [Ord. 2012-027]

1. Boundaries

Parcels shall be located in the U/S Tier, defined as that area being located within the USA, as depicted on Map LU 2.1, Service Areas, of the Plan. [Ord. 2010-005]

2. Other Overlays

Where applicable, the IRO may be used in conjunction with the following overlays: GAO, LOSTO, NEO, PBIAO, TAPO, WCRAO-UH Sub-area, and URA where a parcel does not have a URA Urban Center (UC) or Urban Infill (UI) FLU designation. Where there is a conflict between the provisions of the IRO and any of the above overlays, the specific provisions of the other overlay shall prevail. [Ord. 2010-005]

3. FLU Designation

Eligible parcels shall have one or any combination of the following: CL-O, CL, CH-O, or CH FLU designation. [Ord. 2010-005]

4. Zoning District Requirements

Use of the IRO shall require rezoning to the IR district, unless allowed otherwise herein. Any IRO project that requires Public Hearing approval, excluding a Development Order Abandonment (ABN), shall submit a concurrent application to rezone the subject property to the IR district. [Ord. 2010-005]

a. IR Rezoning Alternative

To assist in expediting IRO projects that do not require any Public Hearing approvals, a rezoning shall not be required subject to the following: [Ord. 2010-005]

1) Eligible Districts

Parcels shall have a CN, CLO, CC, CHO, CG, or MUPD Zoning District, or combination thereof. MUPD may also include applicable prior approvals identified in Art. 3.E.3.A.2, Applicability [Ord. 2010-005]

2) Intensity Limits

Application of IRO standards shall be made based upon the lesser of either the actual FLU designation for the site, or the zoning district equivalent as identified in the Table below: [Ord. 2010-005]

Table 3.B.15.B – Zoning/FLU Equivalent

Zoning District(s) of Subject Site	Max. FLU Designation			
	CL-O	CH-O	CL	CH
CLO	✓			
CHO		✓		
CN			✓	
CC			✓	
CG				✓
MUPD	(1)	(1)	(1)	(1)

[Ord. 2010-005]

Notes:

1. Not applicable, apply FLU designation(s) for subject site.

Examples:

Existing Zoning	(Zoning/FLU Equivalent)	Existing FLU	Apply	Least Intense
CN	(CL)	CH	=	CL
CLO	(CL-O)	CH-O	=	CL-O
CG	(CH)	CL	=	CL
MUPD	(N/A)	CL	=	CL

5. Conflicts

If a conflict exists, the provisions of this Section shall apply to the extent of the conflict, unless stated otherwise herein. [Ord. 2010-005]

C. Future Land Uses and Density/Intensity

Density and intensity shall be in accordance with the FLU designation and related zoning PDRs for the subject site as described herein. [Ord. 2010-005]

1. Split by FLU Designations

Uses permitted, PDRs, density, and intensity shall be determined by the land use designation on the affected area. Density may be transferred from one portion of the site to another. [Ord. 2010-005]

2. Density

The allowable density shall be in accordance with FLUE Table 2.2.1-g.1 and other related Policies of the Plan and related Policies, and Art. 5.G, Density Bonus Programs. [Ord. 2010-005] [Ord. 2019-005]

3. Intensity Bonus Incentive (FAR Increases)

The maximum allowable FAR for an IRO project with a CL or CH FLU designation may be increased up to 1.0 in accordance with Table 3.B.15.C, IRO FAR Increase. The maximum permissible increase is limited to those subject sites having sufficient land area to allow for establishment of the Core Transect Zone, so as to encourage the assembly of smaller parcels. [Ord. 2010-005]

Table 3.B.15.C – IRO FAR Increase

Transect Zone	Max. FAR			
	CL	CL Green (2)	CH	CH Green (2)
General	0.25 (1)	0.35 (1)	0.50	0.75
Core	0.35 (1)	0.50	0.75	1.0

[Ord. 2010-005]

Notes:

1.	May be increased up to 0.50 for accessory retail projects, in accordance with the Plan.
2.	Applicable when a project achieves sufficient points to be classified as Green Architecture pursuant to Art. 5.C, Design Standards.

4. Mixed-Use Projects

A mixed-use project that vertically integrates at least 20 percent of allowed residential units with non-residential uses shall be allowed to utilize up to 100 percent of both a site's residential density and commercial intensity. [Ord. 2010-005]

D. Application Requirements

1. Pre-Application Conference (PAC)

All applications for an IR rezoning or an IRO project shall require a PAC pursuant to procedures in Art. 2.A.5.A, Pre-Application Conference (PAC). [Ord. 2010-005]

2. Plan Requirements

Required plans shall comply with Art. 2.A.6.B, Plan Requirements, and the Zoning Technical Manual. [Ord. 2010-005]

a. Preliminary Master Plan

The BCC shall approve a Preliminary Master Plan for a rezoning to the IR district. [Ord. 2010-005]

1) Effect of BCC Approval

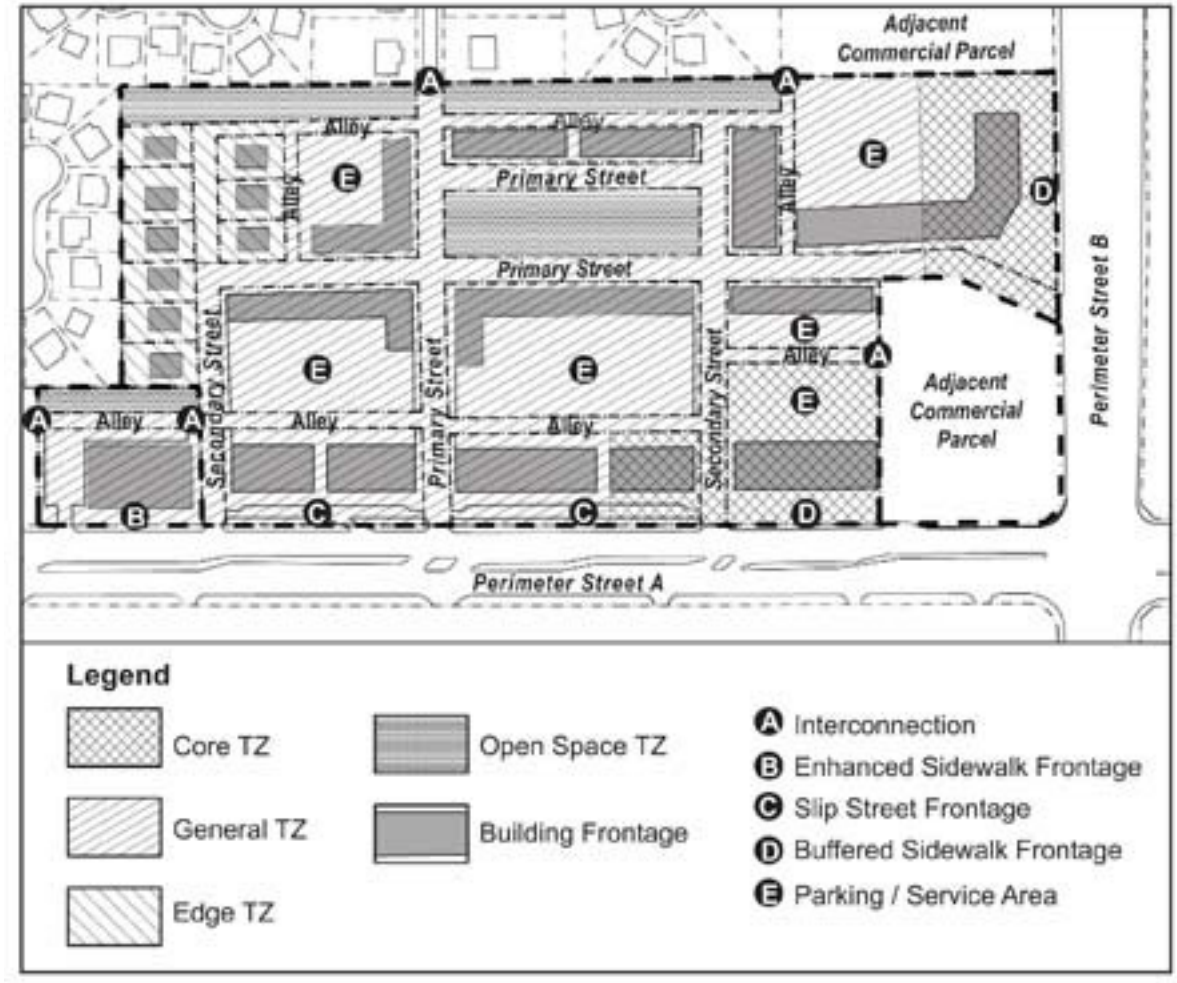
BCC approval of a Preliminary Master Plan, or any other plans submitted voluntarily by the Applicant, shall be binding upon the Property Owners subject to the Development Order, their successors, or assignees, and shall constitute the development regulations for the land. [Ord. 2010-005]

2) Additional Requirements

The Preliminary Master Plan shall also include the following, as applicable: [Ord. 2010-005]

a) Intensity or density, including any mix of uses and vertical integration for any project proposing to use Art. 3.B.15.C.4, Mixed-Use Projects; [Ord. 2010-005]
b) Transect zones assigned to all land; [Ord. 2010-005]
c) Vehicular and pedestrian circulation, including location of access points and interconnectivity to adjacent parcels; perimeter streets; and, the internal street network, including alleys; [Ord. 2010-005]
d) General building location, including any tenants 65,000 square feet or larger and pedestrian streetscape realm for all perimeter street frontages; [Ord. 2010-005]
e) Location of any Conditional Uses; [Ord. 2010-005] [Ord. 2018-002]
f) General location of parking, loading, and service areas; and, [Ord. 2010-005]
g) General location of required usable open space. [Ord. 2010-005]

Figure 3.B.15.D – Typical Example of IRO Preliminary Master Plan



[Ord. 2010-005]

b. Other Plans

1) Regulating Plan
The DRO shall approve a Regulating Plan. [Ord. 2010-005] [Ord. 2016-042]

2) Master Sign Plan
Shall not be required for BCC approval if no freestanding signs are proposed, excluding directional signage. [Ord. 2010-005]

3) Architectural Elevations
Shall be in accordance with Art. 5.C, Design Standards. [Ord. 2010-005]

c. Final Plans
Shall include the additional requirements listed above under the Preliminary Master Plan, as applicable. [Ord. 2010-005]

1) Final Site Plan or Subdivision Plan
The DRO shall approve a Final Site Plan or Final Subdivision Plan(s) for all land areas located within an IRO project. [Ord. 2010-005]

E. General Design Standards

An IRO project shall be designed in a manner that establishes an enhanced pedestrian environment by providing a functional interface with perimeter streets and abutting uses. This is accomplished by regulating the following: site layout; interconnectivity; location of intensity and density; building and parking placement; building form; and, provision of an enhanced streetscape and usable pedestrian amenities. [Ord. 2010-005]

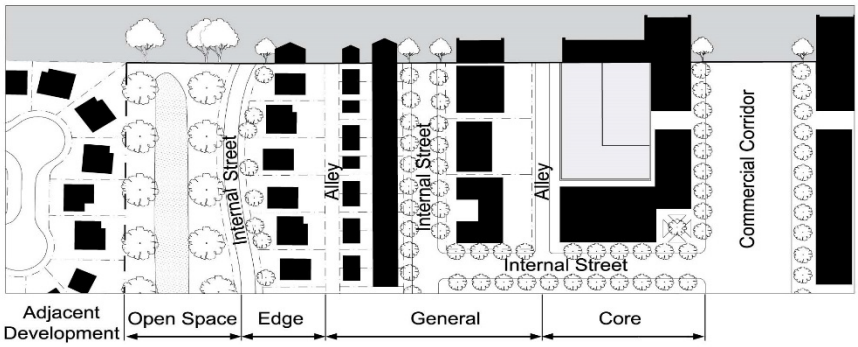
1. Streets, Access, and Interconnectivity

The IRO is primarily intended to accommodate smaller parcels fronting commercial corridors, and establishes perimeter frontage standards for building setbacks and streetscape improvements based upon the size or intensity of such streets. Larger IRO projects shall be designed to create block configurations composed of primary and secondary streets, and alleys. Access from perimeter streets shall be limited to primary streets where feasible, and rear alley access, with exception to smaller parcels which may use access ways to comply with rear alley requirements. IRO projects shall provide for the establishment of an alley system that connects to abutting commercial parcels, providing for an alternative slow speed vehicular access system running parallel to commercial corridors. Additional connectivity shall be required where larger parcels establish new intersections from internal streets and alleys. [Ord. 2010-005]

2. Transect Zones (TZ)

Transect zones are distinct categories that define and organize density and intensity ranging from the most urban to the least urban. The IRO requires the application of one or more of the following four transect zones to all land within an IRO project: Core, General, Edge, and Open Space. The primary intent is to facilitate the development of urban forms while providing for gradual transitions in building scale and use intensity, rather than rigid distinctions. The following describes the four TZ types: [Ord. 2010-005]

Table 3.B.15.E – Generalization of IRO Transect Zones



[Ord. 2010-005]

a. Core

The most intense TZ typically comprised of larger interconnected commercial or mixed-use buildings that create a continuous street wall along one or more streetscapes. Using the Core TZ may also require the use of the General or Edge TZ if the parcel is adjacent to residential uses or parcels with a residential FLU designation, so as to provide a compatible transition. [Ord. 2010-005]

b. General

A moderately intense TZ comprised of a wide range of building types including smaller interconnected commercial, mixed-use, and Multifamily buildings. The General TZ may be used as a transition between the Core TZ and less intense zones or abutting uses, or for smaller parcels with size constraints. [Ord. 2010-005]

c. Edge

A low-intensity TZ comprised of residential or work/live uses that are compatible with or similar in scale to adjoining residential neighborhoods. The Edge TZ may be used to provide an appropriate transition between the Core or General TZs and abutting residential uses. [Ord. 2010-005]

d. Open Space

A passive TZ comprised primarily of unbuilt, landscaped areas. Open space may be surrounded by another TZ or used as a buffer between the General TZ and development on abutting parcels. Typical uses include passive civic, recreation, or other public open spaces such as plazas and squares, or drainage retention areas, environmental preservation, or perimeter landscape buffers. [Ord. 2010-005]

3. Buildings

All buildings shall be located along perimeter streets first, and then may be located internally, provided they front a primary street and are clustered with perimeter buildings. [Ord. 2010-005]

a. Building Types

There are five general building types permitted in the IRO: block, liner, courtyard, and Townhouse, with additional standards for civic uses, accessory structures, and related outdoor uses. [Ord. 2010-005]

1) Block

A type of building with little or no substantial deviations in any façades typically used to accommodate single-floor uses of up to 65,000 square feet per floor. [Ord. 2010-005]

2) Liner

A specialized type of building, used to conceal parking garages, large footprint building (large-scale development or multi-tenant) in excess of 65,000 square feet in size, and may also include green spaces, plazas, or squares. Liner buildings may be attached to, or have rear alley access separating the use to be concealed, and shall be the same height as the use to be concealed. [Ord. 2010-005]

3) Courtyard

A type of building arranged around a courtyard, such as a garden, patio, plaza, or square that is open to the sky, and dedicated for common use. [Ord. 2010-005]

4) Civic

A type of building used to accommodate public or private civic uses. Deviations from IRO property development regulations may be permitted, where stated, when a public plaza, square, or other passive open space area is incorporated into the site. [Ord. 2010-005]

5) Townhouse

A type of building primarily intended for residential use that may also be used as a Work/Live Space or unit. While a Townhouse building is intended to be developed using individual lots and party walls, it may also be developed as Multifamily if developed consistent with all Townhouse requirements. A Townhouse building shall comply with Art. 3.D.2.A, Townhouse and all other related ULDC provisions, unless expressly stated otherwise herein. [Ord. 2010-005]

b. Accessory Structures and Outdoor Uses

Shall be located so as to be screened from view from streets and to minimize any adverse impacts to adjacent residential properties. [Ord. 2010-005]

4. Parking and Loading

Required parking and loading for each tenant shall be located to the rear of buildings. Parking shall only be permitted in front of buildings in the form of on-street parking. Parking may be allowed on the side of buildings only if minimum frontage requirements have been addressed. [Ord. 2010-005]

5. Streetscape and Usable Open Space

a. A pedestrian-oriented streetscape shall be provided along all perimeter, primary, and secondary street frontages; [Ord. 2010-005]
b. Plazas, squares, and other forms of usable open space shall be located in front of or adjacent to buildings; and, [Ord. 2010-005]
c. Additional sidewalks or pathways shall be provided to establish a complete pedestrian network that links all uses and parking lots to perimeter street frontages. [Ord. 2010-005]

6. Landscaping and Open Space Transitional Elements

Landscaping in an IRO project shall be designed to enhance pedestrian areas, allow for improved visual surveillance from building windows, and minimize impacts to adjacent residential developments. Drainage retention areas, preserves, and other similar low-intensity open space areas shall be located so as to provide a transition between commercial uses and existing adjacent residential uses, or parcels with a residential FLU designation, when possible. [Ord. 2010-005]

F. Design and Development Standards

An IRO project shall comply with the following: [Ord. 2010-005]

1. Access and Frontage

Access shall be limited to minimize curb cuts to streets so as to improve traffic flow and reduce adverse impacts to pedestrian walkways. Where feasible, access from rear alleys is encouraged. [Ord. 2010-005]

a. External

No more than one access point shall be permitted for each 160 linear feet of street frontage, and shall be in the form of a street or alley, unless exempted otherwise herein. Parcels with side street frontages shall be required to provide rear alley access or a larger street, unless bounded by a street along the rear property line. [Ord. 2010-005]

b. Internal

No more than one access point or alley shall be permitted for each 160 linear feet of street frontage to allow for access to parking and loading, drive-through facilities, or other similar uses. [Ord. 2010-005]

c. Small Parcel Exception

Parcels with less than 160 feet of frontage shall be permitted to establish one access point along a perimeter street; however, alley access shall be encouraged as the primary means of vehicular access where feasible. [Ord. 2010-005]

2. Block Standards

Blocks shall be created by utilizing streets and alleys to provide continuous pedestrian and vehicular circulation, interconnectivity, and accessibility in IRO projects. Any new blocks created, whether required or voluntary, shall be in accordance with the following: [Ord. 2010-005]

a. Applicability

Blocks are required for projects five or more acres in size, or where the subdivision of land is proposed, excluding lot recombination. [Ord. 2010-005]

b. Minimum Dimensions

Table 3.B.15.F – Block Dimension Requirements

Block Perimeter (Total)	Min.	Max.
No Pedestrian Pass-Through; or	640’	1,600’
With Pedestrian Pass-Through	640’	2,200’
Block Length (Single Side)	**Min.**	**Max.**
No Pedestrian Pass-Through; or	160’	600’
With Pedestrian Pass-Through	160’	750’
[Ord. 2010-005]		

c. Block Frontage

All blocks shall have frontage on a perimeter or internal street frontage. Streets shall be used to interconnect blocks. When using alleys to meet block requirements, they shall only be permitted along the side or rear of a block where streets are not required. [Ord. 2010-005]

d. Subdivision

Any subdivision of land shall comply with all lot dimensions applicable to the IR district, with exception to Townhouse lots. [Ord. 2010-005]

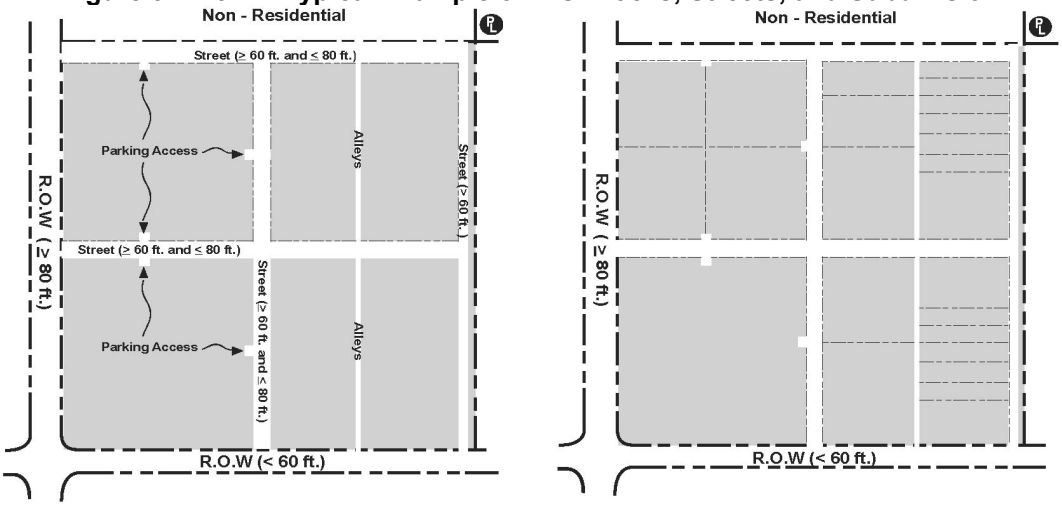
e. PDD Subdivision Alternative

An IRO project may apply for an exemption from subdivision recordation requirements and subdivide by fee title conveyance of individual lots in accordance with the approval process and requirements of Art. 11.A.6.B, Subdivision of Commercial and Industrial Building Sites. [Ord. 2010-005]

f. Exceptions

Where new blocks are required, exceptions shall be permitted only where PBC DEPW requirements preclude required vehicular access points necessary to complete the block structure. [Ord. 2010-005]

Figure 3.B.15.F – Typical Example of IRO Blocks, Streets, and Subdivision



[Ord. 2010-005]

3. Street Standards

This Code addresses the design of external and internal streets and establishes related standards to ensure that pedestrian amenities and walkways, buildings, and other improvements are properly and safely situated. Vehicular circulation and interconnectivity shall be established using a system of streets and alleys, unless exempted herein. Streets are used to create connections between parcels, establish blocks, and provide frontage for buildings that are not located with frontage on a perimeter street. Alleys provide links between adjacent parcels along the rear of lots, behind buildings, and to link parking areas. [Ord. 2010-005]

a. Perimeter Street Types

Building perimeter frontages and setbacks shall be determined by the width of the ultimate street R-O-W. All perimeter streets shall be classified as indicated in Table 3.B.15.F, Perimeter Street Types. [Ord. 2010-005]

Table 3.B.15.F – Perimeter Street Types

Street Type	Ultimate R-O-W Width		
	< 60’	60-79’	≥ 80’
Type 1 R-O-W	✓		
Type 2 R-O-W		✓	
Type 3 R-O-W			✓
[Ord. 2010-005]			
Notes:			
✓	Means applicable.		

1) Exceptions

A Type 1 or Type 2 street type may be used to apply the standards of this Code if the street meets one of the following situations: [Ord. 2010-005]

a) Street has a limited number of travel lanes and large medians, or on-street parking; or [Ord. 2010-005]

b) Where streets are designed with narrower lanes and official posted speed limits are 35 miles per hour or less, a Type 2 R-O-W may be applied, or where 30 miles per hour or less, a Type 1 R-O-W may be applied. [Ord. 2010-005]

b. Internal Street Types

Internal streets shall include primary streets, secondary streets, slip streets, and alleys. For the purposes of the IRO, internal streets may include access ways or driveways, provided they comply with the design standards herein; however, new internal streets or alleys designated as private or public R-O-W shall also comply with any Engineering requirements. [Ord. 2010-005]

1) Primary Street

The design for the street, on-street parking, and streetscape shall comply with Figure 3.F.2.A, TDD Commercial Street, or the TMD design exception summarized in Art. 3.F.4.C.2.a.1), Design Exception as illustrated in Figure 3.F.4.C, Typical Example of TMD Commercial Street with Angled Parking. If required, primary streets shall serve to establish the main pedestrian routes of a project. [Ord. 2010-005]

2) Secondary Street

Secondary streets may be permitted where necessary to comply with block structure requirements. Secondary streets shall be designed to be consistent with primary streets, except that on-street parking shall not be required, and minimum sidewalk width may be reduced to five feet in width. [Ord. 2010-005]

3) Slip Street Option

The slip street option allows for the establishment of a parallel street immediately abutting a commercial corridor. The slip street establishes a pedestrian-oriented streetscape along perimeter frontages that also accommodates on-street parking. Eligible parcels shall have a minimum frontage of 400 feet along a perimeter street, and shall be generally consistent with the standards for a primary street, with exception to the following: [Ord. 2010-005]

a) Vehicular traffic shall be one way, in the direction of the closest lanes on the abutting R-O-W; [Ord. 2010-005]
b) The street shall be a minimum of 12 feet wide, or as required by the County Engineer; [Ord. 2010-005]
c) Vehicle stacking and interaction with any access points shall be as required by the County Engineer; and, [Ord. 2010-005]
d) On-street parking shall only be required on one side of the street. [Ord. 2010-005]

4) Alleys

Alley access shall not be permitted from primary streets. Alleys shall conform to the requirements of Art. 3.F.2.A.1.e, Alleys. [Ord. 2010-005]

c. Streetscape

Street trees, street lights, sidewalk dimensions, and other pedestrian amenities shall be in accordance with the streetscape standards defined in Art. 3.B.15.F.8, Streetscape Standards. [Ord. 2010-005]

4. Interconnectivity Standards

Interconnectivity to adjacent residential parcels is encouraged, but not required. Interconnectivity shall be required to any non-residential development or vacant parcel with a non-residential use, FLU designation, or zoning district abutting an IRO project. In addition, the following shall apply. [Ord. 2010-005]

a. Street Connections

Parcels required to or proposing to establish a block structure, shall provide interconnectivity where any new internal intersections abut adjacent parcels. [Ord. 2010-005]

b. Parallel Alley

All parcels with frontage on a commercial corridor shall install an alley running parallel to the corridor. The alley shall be generally located along the rear property line, or at a point that allows interconnectivity to shallower abutting lots. Where new blocks are not required or proposed, alleys may be incorporated as drive aisles within parking lots. In the event the adjacent parcel is undeveloped, a stub out shall be provided to accommodate future connections. [Ord. 2010-005]

c. Gates

The use of gates or other similar barriers is prohibited. Exceptions are permitted for the following: dumpsters, loading areas, and private garages or parking lots. [Ord. 2010-005]

d. Cross-Access Agreement

Where interconnectivity is required, an irrevocable cross-access easement shall be provided prior to Final DRO plan approval. [Ord. 2010-005]

5. Transect Zone Standards

Transect zone boundaries shall follow proposed lot lines or be clearly dimensioned for parcels developed under one entity. No land may be assigned two or more transect zones.

Overall parcel size, dimensions, R-O-W frontages, and other abutting parcel uses or FLU designations dictate the type and location of allowable TZs, with the most intense being located along commercial corridors or where adjacent to similar IRO projects, commercial, or industrial uses, transitioning to the least intense where needed to address the context of adjacent uses. [Ord. 2010-005]

a. General Standards

The following general standards shall be followed when assigning TZs: [Ord. 2010-005]

1) The Core TZ should be located adjacent to busy highways, Arterials, or Collectors; [Ord. 2010-005]
2) Changes in TZs should generally occur at the rear of buildings or lots, rather than along streets, with exception to the Open Space TZ; [Ord. 2010-005]
3) The Open Space TZ may face other TZs across streets. When the Open Space TZ is used to designate a public open space within the proposed development, it should be surrounded by streets on one or more sides; [Ord. 2010-005]
4) When a parcel adjoins existing or approved development, either a similar transect zone or a zone that establishes a compatible transition shall be assigned. [Ord. 2010-005]

b. Minimum Standards

The following Table establishes minimum standards for assigning each of the four TZs: [Ord. 2010-005]

Table 3.B.15.F – IRO TZ Standards

Parcel Standards	Transect Zone			
	Core	General	Edge	Open Space
Min. Overall Parcel Size	1 ac.	N/A	N/A	N/A
Max. Percentage of Overall Parcel	50% (1)	N/A	N/A	N/A
Min. Percentage of Overall Parcel	N/A	25%	N/A	N/A (2)
Min. Setback from Abutting Residential	200'	10'	N/A	N/A
Required Frontage				
Arterial or Collector	✓	✓ (3)	N/A	N/A
Local Commercial Street (5)	✓	✓ (3)	N/A	N/A
Local Residential Street (5)	N/A	N/A	✓	N/A
Permitted Side Street or Other Frontages				
Expressway	✓	✓	✓	✓
Local Commercial Street (5)	✓	✓	✓	✓
Local Residential Street (5)	N/A	✓	✓	✓
Residential Access (5)	N/A	✓	✓ (4)	✓
Alleys (Internal) (5)	✓	✓	✓	✓

[Ord. 2010-005]

Notes:

✓	Means applicable or permitted. [Ord. 2010-005]
1.	Maximum Core TZ may be increased up to 95 percent, and minimum General TZ may be reduced commensurately, where parcel is abutting on all sides by Arterials, Collectors, and commercial or industrial parcels up to a depth of a minimum of 200 feet from the property line. [Ord. 2010-005]
2.	See Art. 3.B.15.F.9, Usable Open Space, for minimum "usable open space" requirements. [Ord. 2010-005]
3.	General TZ shall be exempt from Arterial or Collector requirement when a Core TZ is used, or where an eligible parcel only fronts on a Local Commercial Street. [Ord. 2010-005]
4.	General TZ frontage only permitted for parcels less than one acre in size. [Ord. 2010-005]
5.	Includes any access way meeting IRO street standards. [Ord. 2010-005]

6. Building Standards

The provisions of this Section shall be applied in conjunction with any other applicable ULDC standards or limitations for buildings, unless stated expressly herein. [Ord. 2010-005]

a. Building Placement

Table 3.B.15.F, Block Dimension Requirements, provides the dimensional requirements for building placement for IRO projects. All building types excluding outdoor uses and related structures, shall comply with the following: [Ord. 2010-005]

1) Corners

Where a parcel is located at the intersection of two streets, at least one building shall be placed so as to meet the build-to-lines for both streets. [Ord. 2010-005]

2) Building Hierarchy

Building placement shall follow an established order, with initial buildings required to meet minimum placement and frontage requirements along the most intense perimeter streets. Additional buildings may be located on interior main streets, but shall be ordered so as to create a consistent streetscape. [Ord. 2010-005]

b. Building Property Development Regulations

The primary façade of all buildings shall front a street and shall be designed in compliance with the following. [Ord. 2010-005]

1) Perimeter Street Building Frontage

Building frontage is the percentage of the total width of a lot which is required to be occupied by the primary façade of a building. [Ord. 2010-005]

a) The primary façade shall be parallel to a street, and located in accordance with the build-to-line requirements of the street type; [Ord. 2010-005]

b) Frontage requirements must be addressed for the most intense perimeter streets first. [Ord. 2010-005]

2) Perimeter Frontage Exceptions

Once the frontage requirement has been addressed for the most intense perimeter street, exceptions for other perimeter streets shall be permitted where insufficient building intensity is proposed or for less intense side streets. Frontage requirements may be reduced for lots with no rear or side access to required parking as necessary to accommodate a drive aisle for ingress/egress. [Ord. 2010-005]

3) Internal Building Frontage

Internal buildings shall only be permitted when located fronting a primary street, unless exempted herein. [Ord. 2010-005]

4) Setback Measurement

Setbacks shall be in accordance with Table 3.B.15.F, Block Building Configuration PDRs, and the following: [Ord. 2010-005]

a) Perimeter Frontage

Setbacks shall be measured from the edge of ultimate R-O-W, or from the property line, whichever is applicable. [Ord. 2010-005]

b) Internal Frontage

Setbacks shall be measured from the proposed building frontage façade to the outside edge of curb. [Ord. 2010-005]

c) Townhouses

For the purposes of Townhouse units, building placement setbacks shall be used to establish the location of Townhouse lots. Additional Townhouse building setbacks may be permitted. This may also be applied to Multifamily buildings that are constructed to Townhouse standards. [Ord. 2010-005]

d) Side Setback Reduction

Where permitted, buildings permitted to use a zero side setback reduction shall comply with the following: [Ord. 2010-005]

(1) No windows, doors, or other openings are permitted. No portion of a building, including roof eaves, gutters, and soffits may encroach onto adjacent parcels; [Ord. 2010-005]

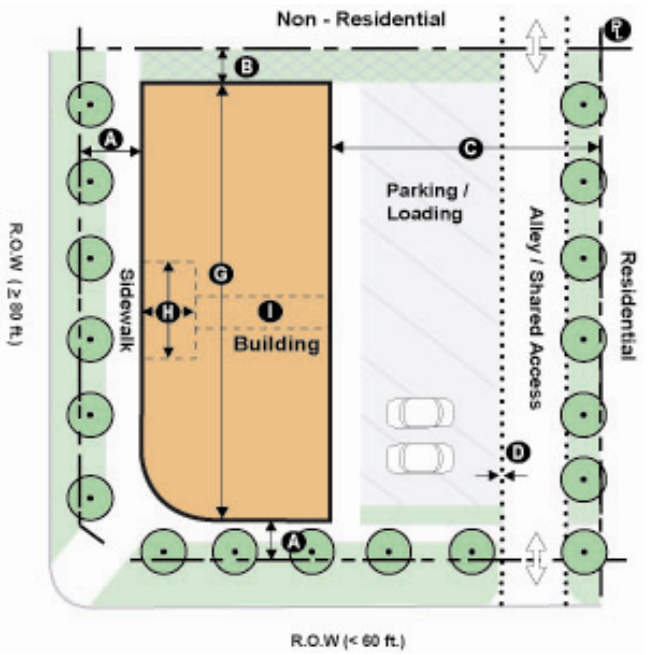
(2) No form of opening, attachment, or any item or method of construction requiring maintenance other than cleaning and painting, when visible, shall be permitted; [Ord. 2010-005]

(3) A maintenance easement is granted allowing for a minimum of two feet for access to any portion of the building left exposed; and, [Ord. 2010-005]

(4) Height shall be limited to two stories and maximum of 30 feet. Additional height may be permitted subject to the standard setback and any other setback requirements. [Ord. 2010-005]

Table 3.B.15.F – Block Building Configuration PDRs

Building Placement		Min.	Max. (1)
A.	Type 1 R-O-W Frontage	10’	15’
	Buffered Sidewalk	15’	25’
	Slip Street	42’	50’
	Type 2 R-O-W Frontage	10’	20’
	Buffered Sidewalk	18’	35’
	Slip Street	42’	55’
	Type 3 R-O-W Frontage	15’	25’
	Buffered Sidewalk	20’	40’
	Slip Street	47’	75’
	Internal Street Frontage	15’	25’
B.	Non-Residential	10’ (2)	N/A
C.	Residential (IRO Project)	10’	N/A
	Residential (Non-IRO Project) (6)	30’	N/A
D.	Between Rear Parking and Alley	5’ (3)	N/A
Building Frontage Percentage (4)		**Min.**	**Max.**
G.		50%	100%
Individual Building Length		**Min.**	**Max.**
G.		N/A	275’
Courtyard Percentage of Footprint		**Min.**	**Max.**
H.		N/A	10%
Courtyard Dimensions		**Min.**	**Max.**
H.		15’	30’
Pedestrian Pass-Through (4)(5)		**Min.**	**Max.**
I.	Separation (4)	100’	300’
	Width	10’	20’



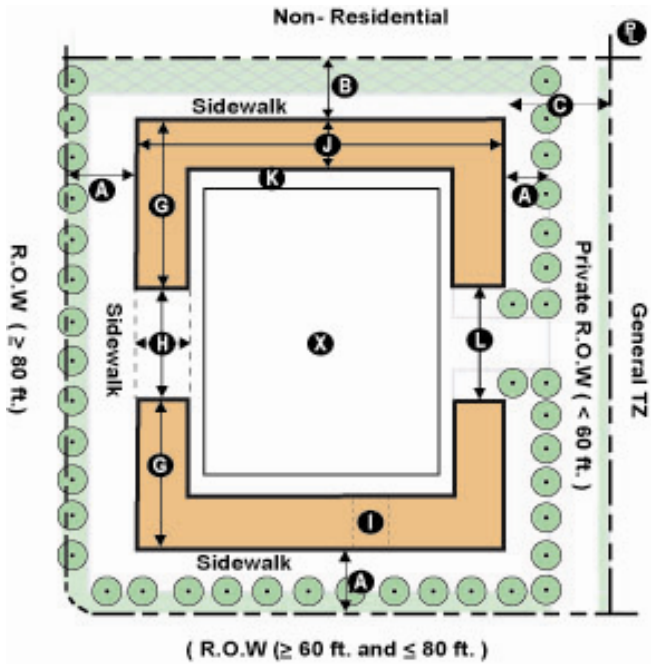
[Ord. 2010-005]

Notes:

1.	Required maximum build-to-line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight distance, corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005] [Ord. 2018-002]
2.	May be reduced to zero feet where in compliance with provisions for side setback reduction. [Ord. 2010-005]
3.	Shall be exempt for parcels eligible to use parking drive aisles to comply with alley requirements. [Ord. 2010-005]
4.	Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings. [Ord. 2010-005]
5.	Maximum pedestrian pass-through requirement does not apply for buildings with a length of 300 feet or less. [Ord. 2010-005]
6.	Means adjacent residential parcels that are not located within a development using IRO regulations. [Ord. 2010-005]

Table 3.B.15.F – Liner Building Configuration PDRs

Building Placement		Min.	Max. (1)
A.	Type 1 R-O-W Frontage	10’	15’
	Buffered Sidewalk	15’	25’
	Slip Street	42’	50’
	Type 2 R-O-W Frontage	10’	20’
	Buffered Sidewalk	18’	35’
	Slip Street	42’	55’
	Type 3 R-O-W Frontage	15’	25’
	Buffered Sidewalk	20’	40’
	Slip Street	47’	75’
	Internal Street Frontage	15’	25’
B.	Non-Residential	10’ (2)	N/A
C.	Residential (IRO Project)	10’	N/A
	Residential (Non-IRO Project) (7)	30’	N/A
D.	Between Rear Parking and Alley	5’ (3)	N/A
Building Frontage Percentage (4)		**Min.**	**Max.**
G.		60%	100%
Individual Building Length		**Min.**	**Max.**
G.		200’	400’
Courtyard Percentage of Footprint		**Min.**	**Max.**
H.		N/A	10%
Courtyard Dimensions		**Min.**	**Max.**
H.		15’	30’
Pedestrian Pass-Through (4)(5)		**Min.**	**Max.**
I.	Separation	100’	300’
	Width	10’	20’
Liner and Interior Standards		**Min.**	**Max.**
J. (6)	Depth	30’	100’
	Length	75%	100%
K.	Separation	N/A	N/A
L.	Parking Access	N/A	10%
X.	Internal Use	N/A	N/A



[Ord. 2010-005]

Notes:

1.	Required maximum build-to-line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight distance, corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005] [Ord. 2018-002]
2.	May be reduced to zero feet where in compliance with provisions for side setback reduction. [Ord. 2010-005]
3.	Shall be exempt for parcels eligible to use parking drive aisles to comply with alley requirements. [Ord. 2010-005]
4.	Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings. [Ord. 2010-005]
5.	Maximum pedestrian pass-through requirement does not apply for buildings with a length of 300 feet or less. [Ord. 2010-005]
6.	Liner dimensions shall apply to all façades used to conceal a large footprint tenant that front a perimeter street, slip street, primary street, and usable open space. Additional standards may apply to parking garage structures. [Ord. 2010-005]
7.	Means adjacent residential parcels that are not located within a development using IRO regulations. [Ord. 2010-005]

Table 3.B.15.F – Courtyard Building Configuration PDRs

Building Placement		Min.	Max. (1)
A.	Type 1 R-O-W Frontage	10’	15’
	Buffered Sidewalk	15’	25’
	Slip Street	42’	50’
	Type 2 R-O-W Frontage	10’	20’
	Buffered Sidewalk	18’	35’
	Slip Street	42’	55’
	Type 3 R-O-W Frontage	15’	25’
	Buffered Sidewalk	20’	40’
	Slip Street	47’	75’
	Internal Street Frontage	15’	25’
B.	Non-Residential	10’ (2)	N/A
C.	Residential (IRO Project)	10’	N/A
	Residential (Non-IRO Project) (6)	30’	N/A
D.	Between Rear Parking and Alley	5’ (3)	N/A
Building Frontage Percentage (4)		**Min.**	**Max.**
G.		60%	100%
Individual Building Length		**Min.**	**Max.**
G.		N/A	300’
Courtyard Percentage of Footprint		**Min.**	**Max.**
H.		10%	25%
Courtyard Dimensions		**Min.**	**Max.**
H.		30’	N/A
Pedestrian Pass-Through (4)(5)		**Min.**	**Max.**
I.	Separation	100’	300’
	Width	10’	20’



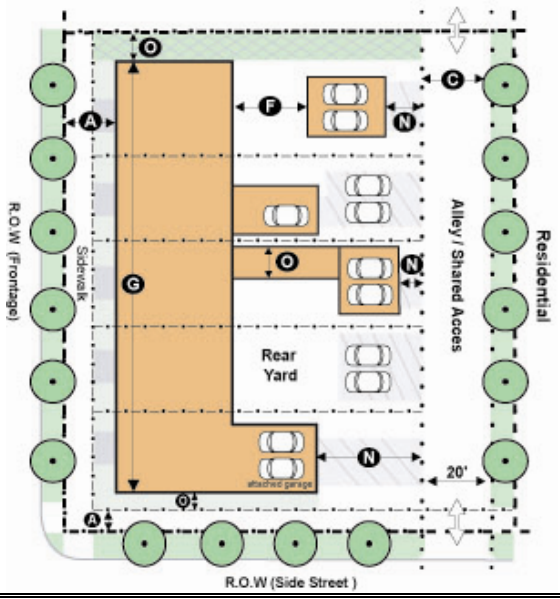
[Ord. 2010-005]

Notes:

1.	Required maximum build-to-line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight distance, corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005] [Ord. 2018-002]
2.	May be reduced to zero feet where in compliance with provisions for side setback reduction. [Ord. 2010-005]
3.	Shall be exempt for parcels eligible to use parking drive aisles to comply with alley requirements. [Ord. 2010-005]
4.	Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings. [Ord. 2010-005]
5.	Maximum pedestrian pass-through requirement does not apply for buildings with a length of 300 feet or less. [Ord. 2010-005]
6.	Means adjacent residential parcels that are not located within a development using IRO regulations. [Ord. 2010-005]

Table 3.B.15.F – Townhouse Lot and Building Configuration PDRs

Lot Placement		Min.	Max. (1)
A.	Type 1 R-O-W Frontage	10’	15’
	Buffered Sidewalk	15’	25’
	Slip Street	42’	50’
	Type 2 R-O-W Frontage	10’	20’
	Buffered Sidewalk	18’	35’
	Slip Street	42’	55’
	Type 3 R-O-W Frontage	Prohibited	
	Internal Street Frontage	15’	25’
B.	Non-Residential	10’	N/A
C.	Residential (IRO Project)	10’	N/A
	Residential (Non-IRO Project) (4)	30’	N/A
Building Frontage Percentage (2)		**Min.**	**Max.**
G.		50%	96%
Individual Building Length		**Min.**	**Max.**
G.		32’	250’
Wing Standard (3)		**Min.**	**Max.**
M.	Wing Width	N/A	50%
Building Setbacks (3)		**Min.**	**Max.**
N.	Rear Setback to Alley	5’	N/A
O.	Front/End Setbacks	5’	10’



[Ord. 2010-005] [Ord. 2017-007]

Notes:

1.	Required maximum build-to-line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight distance, corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005] [Ord. 2018-002]
2.	Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings. [Ord. 2010-005]
3.	Townhouse, including wings, garages, or Accessory Quarters shall comply with minimum common wall requirements unless set back from the side PL a minimum of five feet; and shall comply with Art. 3.D.2.B.3.b.1), Prohibited Openings and Attachments except for any first floor that is set back a minimum of ten feet from the PL. [Ord. 2010-005] [Ord. 2017-007]
4.	Means adjacent residential parcels that are not located within a development using IRO regulations. [Ord. 2010-005]

c. Building Type by Transect Zone

The implementation of the transect zones includes identifying the placement of buildings by type so as to allow for the proper location of higher intensity uses while ensuring consistency with the context of less intensive neighboring uses, where applicable. [Ord. 2010-005]

Table 3.B.15.F – Building Type by Transect Zone

Building Type	Transect Zones			
	Core	General	Edge	Open Space
Block	✓	✓		
Liner	✓	(1)		
Courtyard		✓	✓	
Civic	✓	✓	✓	
Townhouse		✓	✓	

[Ord. 2010-005]

Notes:

✓	Means applicable or permitted. [Ord. 2010-005]
1.	Building type may be permitted where located a minimum of 200 feet from adjacent parcels with residential FLU designation or uses. [Ord. 2010-005]

d. Special Building Standards

1) Pedestal Building

The following standards shall apply where any building exceeds either four stories or 48 feet in height. [Ord. 2010-005]

a) A horizontal recess line of at least 15 feet is required along at least 50 percent of building façades facing streets; and [Ord. 2010-005]

b) Massing is regulated using a percentage of maximum size of the floor footprint of the building footprint per each story above the height limit threshold. All additional construction above this threshold shall be limited to 65 percent of the first floor footprint, as follows: [Ord. 2010-005]

(1) The main volume of the building shall be oriented toward perimeter or primary streets, away from side or rear lot lines to reduce impact on adjacent properties; [Ord. 2010-005]

(2) Tower elements shall be located to appropriately respond to the condition of the site. Desirable tower locations emphasize street corners, main building entrances, gateways, or the visual axis of another street or usable open space; and, [Ord. 2010-005]

(3) Massing articulation shall not wholly occur within the center of the block and must be evident on the street façade(s) using architectural variations such as changes in the number of stories, articulations in the eave or roofline, or adjusting the location of the front façade to accommodate civic open space. [Ord. 2010-005]

2) Civic Building

An Applicant for a civic building may apply any one or combination of block, liner, or courtyard building type, or apply for a Type 1 Waiver in accordance with Table 3.B.15.G, Type 1 Waivers. [Ord. 2010-005] [Ord. 2012-027]

e. Additional Building Standards

Additional building standards are established to provide design standards to facilitate pedestrian access and circulation. [Ord. 2010-005]

1) Primary Entrances

The primary entrance for all first floor tenants must directly face a street, or a courtyard, plaza, square, or other form of usable open space fronting a street. Access for tenants located on upper floors shall provide similar entrances, but may be permitted to deviate from this requirement on sites less than one acre in size. In either situation, street access may be in the form of common lobbies, elevators, stairwells, or other form of consolidated access. There are no limits on the allowable number of primary entrances. [Ord. 2010-005]

2) Secondary Entrances

Each tenant may be permitted to have additional entrances located at side or rear façades facing a parking lot or other area, subject to the following limitations: [Ord. 2010-005]

a) Shall not exceed the number of primary entrances. [Ord. 2010-005]

b) Limitations shall not apply to service access or emergency exits. [Ord. 2010-005]

3) Windows on Façades Facing Streets

Non-residential and Multifamily building façades facing perimeter and primary streets or usable open space must have transparent windows covering between 35 to 75 percent of the wall area of each story as measured between finished floors, to allow transmission of visible daylight. [Ord. 2010-005]

4) Outdoor Uses

Additional standards are established for non-residential outdoor uses, excluding passive recreation areas or other similar uses, to ensure compatibility with the streetscape, usable open space areas, and any abutting residential uses or parcels with a residential FLU designation. [Ord. 2010-005]

a) Residential Setbacks

Outdoor uses shall be set back a minimum of 200 feet from any abutting residential use or parcel with a residential future land use designation, unless approved through a Type 2 Waiver process. This shall include vehicular access and parking for vehicular related uses such as gasoline sales, Car Washes, or drive-through facilities. [Ord. 2010-005] [Ord. 2018-002]

b) Screening

Outdoor uses shall be framed by either of the following, or a combination of both: [Ord. 2010-005]

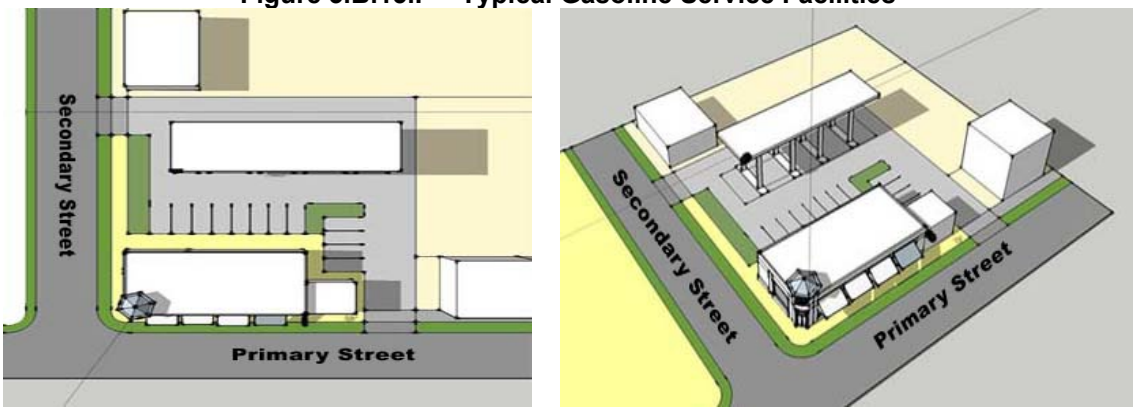
(1) Buildings or similar structures on all four sides; or [Ord. 2010-005]

(2) A five-foot-wide landscape strip that includes a 30-inch-high hedge or concrete street wall, with multi-trunk or flowering trees planted 30 feet on center. Breaks to allow for pedestrian access shall be permitted. [Ord. 2010-005]

c) Drive-Through and Gasoline Service Location

A minimum of 50 percent of all drive-through lanes and gasoline service areas, inclusive of pump islands, canopies, and queuing areas shall be located behind buildings that comply with minimum frontage standards, and shall be consistent with Figure 3.B.15.F, Typical Gasoline Service Facilities and Figure 3.B.15.F, Typical Drive-Through Configurations. [Ord. 2010-005]

Figure 3.B.15.F – Typical Gasoline Service Facilities

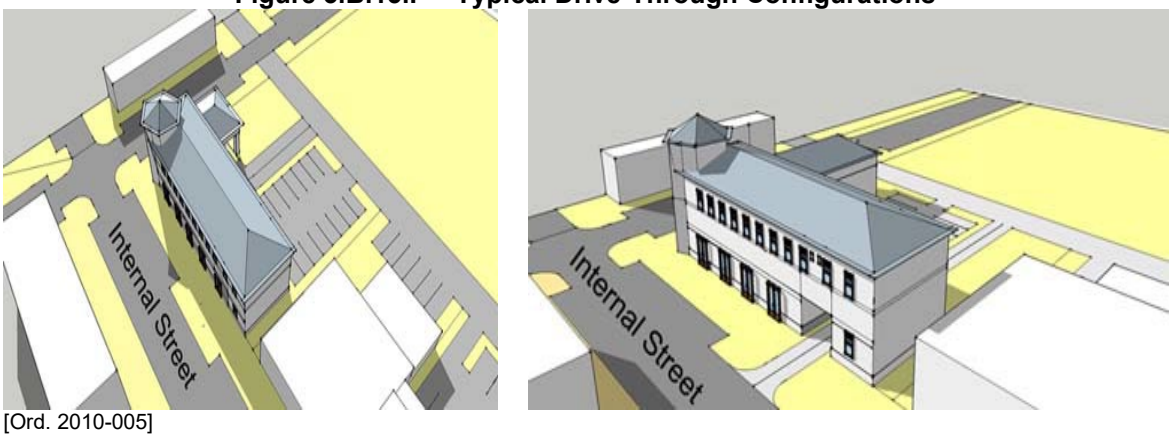


[Ord. 2010-005]

d) Drive-Through Facility Exception

Exceptions shall be permitted for drive-through facilities that are located inside a building or side façade where vehicular traffic exits onto a Type 1 R-O-W, subject to approval by the County Engineer, where designed similar to Figure 3.B.15.F, Typical Drive-Through Configurations. [Ord. 2010-005]

Figure 3.B.15.F – Typical Drive-Through Configurations



[Ord. 2010-005]

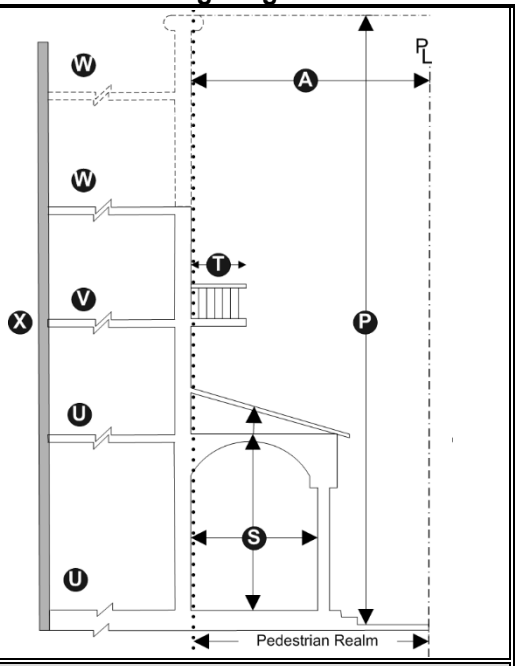
5) Building Elevations, Height, and Use by Floor

The following Tables establish regulations for building height and building encroachment in each TZ to address compatibility and visual impact issues. [Ord. 2010-005]

Table 3.B.15.F – Pedestal, Liner, Block, Courtyard, and Civic Building Height and Use

Building Height		Max.
P.	Edge TZ or Townhouse Building	35' (3 stories)
	General TZ	60' (4 stories) (1)(2)
	Core TZ	75' (5 stories) (1)(2)

Encroachment		Min.	Max.
S.	Stoop (4)	-	6'
	Gallery (3)(4)	10'	12'
	Gallery Height	10'	15'
T.	Balcony	-	6'



Uses By Transect/Floor

Transect		Uses							
		R	C	O	W	CV	RC	U	I
U.	Edge	✓			✓				
	General	✓	✓	✓	✓	✓	✓		
	Core	✓	✓	✓	✓	✓	✓		✓
V.	Edge	✓			✓				
	General	✓		✓	✓	✓			
	Core	✓	✓	✓	✓	✓	✓		✓
W.	Edge	✓			✓				
	General	✓		✓	✓	✓			
	Core	✓		✓	✓	✓			✓
X.		Liner building interior, same uses as allowed in TZ.							

Use Classification Key (Refer to Art. 5.X.3, Use Standards)

R	Residential	**C**	Commercial, Other	**O**	Commercial, Office	**W**	Work/Live
CV	Public and Civic	**RC**	Recreation	**U**	Utilities and Excavation	**I**	Industrial

[Ord. 2010-005] [Ord. 2011-001]

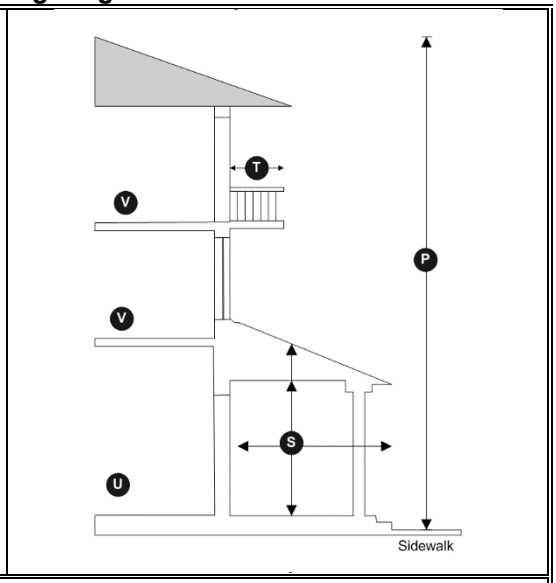
Notes:

✓	Means applicable or permitted. [Ord. 2010-005]
1.	Shall be exempt from Art. 3.D.1.E, Building Height where adjacent to a R-O-W greater than 50 feet in width, or an IRO-compliant street (excluding alleys). [Ord. 2010-005]
2.	One additional story and 15 feet in height permitted for green building. [Ord. 2010-005]
3.	The required sidewalk zone may be accommodated within a gallery. [Ord. 2010-005]
4.	Encroachment for stoop or gallery (including uses therein such as outdoor dining, benches, or displays) shall not impede required streetscape sidewalk area or be located within five feet of the streetscape street tree planting area. [Ord. 2010-005]
5.	Allowances shall be permitted for single-floor units located on the first floor to accommodate ADA requirements. [Ord. 2010-005]

Table 3.B.15.F – Townhouse Building Height and Use

Building Height		Max.	
P.	Edge	35' (3 stories)	
	General		
Encroachment (1)		**Min.**	**Max.**
S.	Stoop	N/A	6'
	Front Porch	N/A	8'
	Front Porch Height	N/A	15'
T.	Balcony	-	6'

Uses By Transect/Floor			
Transect		Uses	
		Residential	Live/Work Unit
U.	Edge	✓	✓
	General	✓	✓
V.	Edge	✓	(2)
	General	✓	✓



[Ord. 2010-005] [Ord. 2011-001]

Notes:	
✓	Means applicable or permitted. [Ord. 2010-005]
1.	Encroachment for stoop or front porch shall not impede required streetscape sidewalk area or be located within five feet of the streetscape street tree planting area. [Ord. 2010-005]
2.	Shall only be permitted where uses on the second floor or higher is limited to residential. [Ord. 2010-005]
3.	Allowances shall be permitted for single-floor units located on the first floor to accommodate ADA requirements. [Ord. 2010-005]

7. Use Standards

The standards of the IRO allow only those uses that have been indicated on a DRO-approved FSP or FSBP to be eligible to apply for Building Permits or a Business Tax Receipt (BTR). Where permitted, uses may also be further restricted by TZ, building type and number, or floor location. [Ord. 2010-005]

a. Permitted Uses

See Art. 4, Use Regulations. [Ord. 2010-005] [Ord. 2017-007]

b. Accessory Uses

Accessory uses shall be permitted in accordance with Art. 5.B, Accessory Uses and Structures. Any proposed use that exceeds the limitations of an accessory use shall only be permitted if allowed above and where in compliance with the requirements of this Code. [Ord. 2010-005]

8. Streetscape Standards

Streetscape standards are established to improve both the physical and visual appearance of the streetscape while creating a pedestrian-friendly environment along commercial corridors, other perimeter street frontages, and for any new internal streets. [Ord. 2010-005]

a. General Standards

The following standards shall apply to all streetscapes. [Ord. 2010-005]

1) Required buffer areas or street trees shall be located between streets and pedestrian sidewalks and other hardscaped areas; [Ord. 2010-005]
2) Required pedestrian sidewalks shall be free and clear of all encumbrances; [Ord. 2010-005]
3) All paving materials for the pedestrian sidewalks shall be compliant with ADA accessibility standards, and shall be constructed of concrete acceptable to the Engineering Department; [Ord. 2010-005]
4) Consistency in paving pattern and materials for streetscapes are required for all individual projects, and are encouraged for abutting IRO projects. The first application for an IRO of a commercial corridor or a block shall establish the paving pattern. [Ord. 2010-005]
5) Where a sidewalk or a path crosses curb cuts at ingress/egress points and internal drives, the pedestrian crossing shall be paved with a material that provides a different texture or a color contrast with the vehicular surface, but preferably consistent with the paving material of the path; [Ord. 2010-005]

6) Where a street tree planting area is required, area may be landscaped with appropriate ground cover; however, Applicants are encouraged to install required trees in tree grates with appropriate root barrier or other similar structures to promote tree growth, and areas in between may be hardscaped; [Ord. 2010-005]
7) Consistency in street tree species shall be encouraged within a block, if applicable, and shall be reflective of the character of the surrounding area. The first application for an IRO of a commercial corridor or a block shall establish preferred species. [Ord. 2010-005]
8) Streetscape shall be provided along both sides of primary and secondary streets; [Ord. 2010-005]
9) Where applicable, sidewalks located within a perimeter R-O-W may be incorporated into the streetscape requirements of this Section, subject to a sidewalk easement agreement with the DEPW; and, [Ord. 2010-005]
10) Where an existing or proposed utility easement is located adjacent to subject roadways, streetscape requirements shall be applied from the inner edge of the utility easement, and shall be landscaped with appropriate ground cover, with exception to the following: [Ord. 2010-005]
    a) Applicants are encouraged to improve utility easement areas with improved surfacing or landscaping to be consistent with required streetscape areas; [Ord. 2010-005]
    b) Utility easements may encroach into required streetscape areas up to a maximum of five feet, subject to Engineering approval and consent from easement holder; and, [Ord. 2010-005]
    c) Street trees may be located in utility easements subject to use of tree root barrier approved by County Landscape and easement holder. [Ord. 2010-005]

b. Design Standards

The IRO establishes three general forms of streetscape configurations, as follows: enhanced sidewalk, buffered sidewalk, and slip street. While the enhanced sidewalk may be applicable to both perimeter and internal streets, the remaining two are generally limited to commercial corridors or other perimeter streets. The Applicant may choose one of the streetscape configurations to use; however, the streetscape design should be consistent with the surrounding character. [Ord. 2010-005]

1) Enhanced Sidewalk

The enhanced sidewalk streetscape option establishes a continuous sidewalk with regularly spaced shade trees along the street. [Ord. 2010-005]

a) The street tree planting area shall be a minimum of five feet in width; [Ord. 2010-005]
b) The pedestrian sidewalk area shall be a minimum of six feet in width, and shall be free and clear of any obstructions or uses. Width may be reduced to five feet where abutting a Type 3 R-O-W or secondary street. [Ord. 2010-005]
c) Street trees shall be installed in accordance with Art. 3.F.2.A.4.d, Street Trees, except that exceptions to tree spacing may be permitted where necessary to accommodate bisecting utility easements, or other similar improvements; [Ord. 2010-005]
d) Street lights shall be required for all perimeter and internal streets in accordance with Art. 3.F.2.A.1.f.2), TDD Street Lighting; [Ord. 2010-005]
e) Any areas remaining between required street tree and pedestrian sidewalk area and building frontages shall be improved with additional pedestrian sidewalk area, or other decorative pavement treatment to be used as outdoor dining areas, usable open space, or to encourage a pedestrian interface display windows, where applicable; [Ord. 2010-005]
f) Decorative planter boxes or potted trees may be located within two feet of building frontages, provided they do not screen views to building windows or doors, or adversely impact pedestrian use areas; [Ord. 2010-005]
g) No temporary or permanent physical structures may be affixed to building frontages in the streetscape so as to preclude views of windows or doorways; and, [Ord. 2010-005]
h) A minimum of 75 percent of buildings fronting on a Type 2 or 3 R-O-W, primary, or slip street shall have arcaded sidewalks or other architectural element that provides shade to pedestrians, such as permanent canopies and awnings. [Ord. 2010-005]

Figure 3.B.15.F – Typical Enhanced Streetscape



[Ord. 2010-005]

2) Buffered Sidewalk

The buffered sidewalk streetscape option is similar to the enhanced sidewalk option, except that the street tree planting area is replaced with a wider planting area to provide additional buffering between streets and pedestrian areas. The following Table shows dimensional standards for planting areas based perimeter street type. [Ord. 2010-005]

Table 3.B.15.F – Buffered Sidewalk Dimensional Standards

Width of R-O-W	Planting Area Width	
	Min.	Max.
Type 1 R-O-W	5’	10’
Type 2 R-O-W	8’	20’
Type 3 R-O-W	10’	25’
[Ord. 2010-005]		

a) The planting area shall not be paved, except that paved access shall be provided to crosswalks and transit stops; [Ord. 2010-005]
b) One Canopy tree for each 25 feet of the property’s frontage shall be provided. Trees may be installed in a formal, uniform spacing or may be arranged within the planting area in informal clusters so long as the required quantity is satisfied; [Od. 2010-005]
c) In addition to the required Canopy trees, flowering trees, palms, shrub layers, grass, and ground covers shall be required to provide design variations and colors. Quantity of plant materials shall be established depending on the width of the planting area, and shall be calculated in compliance with Art. 7, Landscaping; [Ord. 2010-005]
d) Grass shall be permitted; however, ground cover shall be encouraged as a substitute for grass for water conservation and maintenance purposes; [Ord. 2010-005]
e) Berms shall only be permitted in order to create a streetscape with an informal, naturalistic design; [Ord. 2010-005]
f) Meandering pedestrian walkways are encouraged to be incorporated into larger sidewalk buffer planting areas; and, [Ord. 2010-005]
g) All other requirements shall be in compliance with the enhanced sidewalk defined above, with exception to street tree planting requirements. [Ord. 2010-005]

Figure 3.B.15.F – Typical Buffered Sidewalk Streetscape



[Ord. 2010-005]

3) Slip Street

Slip street streetscape shall be required for any proposed slip streets, and shall be designed as follows: [Ord. 2010-005]

a) A landscape planting area shall be required between a perimeter R-O-W and the slip street ranging from ten to 15 feet in width. Additional width may be permitted to accommodate utility easements or Engineering requirements, but shall not be increased otherwise. Area shall be hardscaped or covered with appropriate ground cover. [Ord. 2010-005]

b) Street trees shall be planted in the landscape area in accordance with Art. 3.F.2.A.4.d, Street Trees, but shall be generally consistent with the tree species and spacing provided in the enhanced sidewalk area; and, [Ord. 2010-005]

c) All other requirements shall be in compliance with enhanced sidewalk, where applicable. [Ord. 2010-005]

Figure 3.B.15.F – Typical Slip Street Streetscape



[Ord. 2010-005]

9. Usable Open Space

A minimum of five percent of the gross acreage of the project shall be dedicated or provided as usable open space. Plazas or squares that provide a concentrated focal point for pedestrians shall be the preferred method for providing usable open space, but credit may be given for required pedestrian streetscapes or other similar usable open space amenities. All usable open space areas shall meet the minimum dimensions provided under Table 3.B.15.F, Dimensions for Usable Open Space, unless exempted otherwise herein. [Ord. 2010-005]

a. Required Plazas and Squares

Projects ten acres or more shall provide at least one central plaza, square, or other similarly dimensioned usable open space area.

Table 3.B.15.F – Dimensions for Usable Open Space

	Min. Size	Min. Length	Min. Width
Central Plaza or Square	10,000 sq. ft.	120'	80'
Other Plazas or Square	5,000 sq. ft.	60'	40'
[Ord. 2010-005]			

b. Streetscape Credit

Projects that have net land areas of less than two and one-half acres in size may count all streetscape areas towards the usable open space requirement. All others may count up to 50 percent of streetscape areas towards usable open space requirements. [Ord. 2010-005]

c. Street Frontage

Minimum required usable open space shall front on a perimeter or primary street on at least one side. [Ord. 2010-005]

d. Shade

A minimum of 15 percent of each plaza, square, or other usable open space area shall be shaded by landscape material or shade structures at time of construction. Where applied to streetscape galleries, awnings or other building amenities may be counted towards shade requirement. A minimum of 30 percent of the total square footage shall be pervious. [Ord. 2010-005]

e. Pervious Areas and Landscaping

A minimum of 30 percent of all usable open space areas, excluding streetscape where applicable, shall be pervious, and covered with appropriate ground cover in accordance with Art. 7, Landscaping. [Ord. 2010-005]

f. Pedestrian Amenities

Required usable open space areas shall have a minimum of one linear foot of seating for each 200 square feet of overall area. [Ord. 2010-005]

10. Parking and Loading Standards

Parking and loading shall comply with Art. 6, Parking, Loading, and Circulation, unless otherwise stated below: [Ord. 2010-005]

a. Location and Access

Parking and service areas shall be located at the side or rear of building(s) in accordance with Table 3.B.15.F, Parking Location, except for slip streets. The most intense street shall be considered the frontage for corner lots. These standards provide flexibility in dimensional and layout requirements to address site restrictions, and provide for reductions in the number of required on-site parking spaces for sites that are located in close proximity to public transit, or have a potential for interconnectivity and shared parking areas between contiguous developments. [Ord. 2010-005]

Table 3.B.15.F – Parking Location

Parking Location		Max. Percentage of Parking Provided
Rear		100%
Side		50% (1)(2)
Front		(3)
[Ord. 2010-005]		
Notes:		
1.	On-street parking only, with additional located in parking lots. [Ord. 2010-005]	
2.	Exceptions may be permitted for parking courts located internal to a development where all building placement standards have been addressed. [Ord. 2010-005]	
3.	On-street parking only, including slip streets where applicable. [Ord. 2010-005]	

1) On-Street Parking

Parking in front of buildings shall only be permitted where on-street parking is allowed. [Ord. 2010-005]

2) Parking Lots

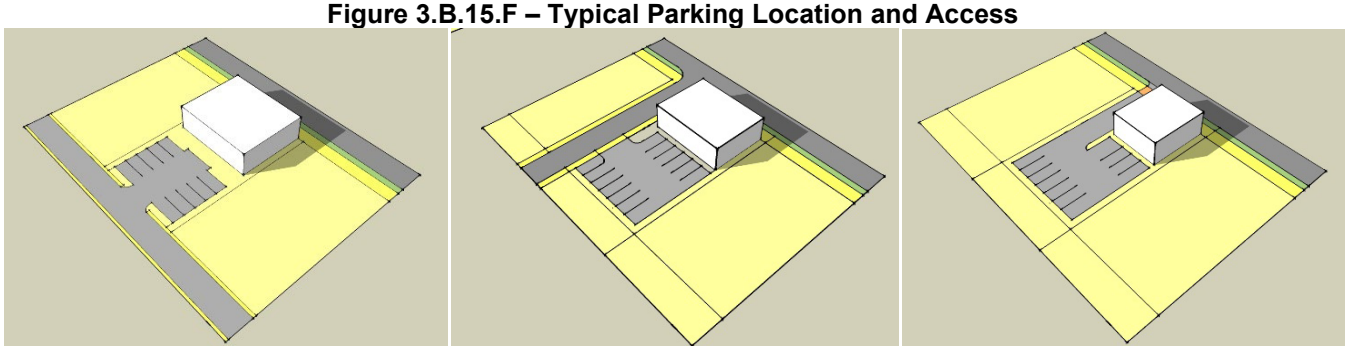
It is the intent that parking lots shall be screened from all streets. The perimeter of parking lots shall be framed by either of the following, or a combination of both: [Ord. 2010-005]

a) Buildings; or [Ord. 2010-005]

b) A five-foot-wide landscape strip that includes a minimum 30-inch-high hedge or concrete street wall, with Canopy trees planted 30 feet on center. Breaks to allow for pedestrian access shall be permitted. [Ord. 2010-005]

c) Alternatively, there shall be no required separation between parking and parallel alleys for any project that does not have streets or blocks, and alleys may be incorporated into parking lots as standard drive aisles. [Ord. 2010-005]

Figure 3.B.15.F – Typical Parking Location and Access



Preferred Alley Access | **Side Street Access** | **Small Mid-Block Parcel Access**

[Ord. 2010-005]

3) Parking Structures

Parking for any use in excess of six spaces per 1,000 square feet of non-residential floor area shall be located in a parking structure configured as a liner building, subject to the following: [Ord. 2010-005]

a) When fronting perimeter and primary streets, usable open space, or other similar areas, shall comply with liner building PDRs; or [Ord. 2010-005]

b) When fronting secondary streets, alleys, parking lots, or other similar areas, shall be screened by a façade that incorporates landscaping or architectural features consistent with the primary frontage, or any combination. [Ord. 2010-005]

4) Townhouse Parking

The requirements for Townhouse parking may also be applied to Multifamily buildings that are designed to appear and function as Townhouses. Individual parking spaces or garages shall be permitted to the rear of Townhouses, with access from an alley or street. Garage setbacks shall be in accordance with PDRs for Townhouse buildings. [Ord. 2010-005]

5) Service and Loading Areas

All service and loading areas shall be located along the rear or side of buildings, and shall not be visible from perimeter or primary streets, or any usable open space. The service areas shall be located within the footprint of the building or immediately adjacent to the building. Required loading space areas may be waived, reduced in number, or dimension, in accordance with Art. 6.E, Loading Standards, or by IRO Waivers. [Ord. 2010-005]

b. Parking Ratios

The required number of parking spaces shall correspond to broad uses and not to a specific use, and shall be responsive to the long-term transition of tenants within a non-residential or mixed-use development. The Applicant may choose from the following parking requirements: [Ord. 2010-005]

1) Non-Residential

a) Minimum: one space per 333 square feet of GFA (3/1,000); [Ord. 2010-005]

b) Maximum: one space per 200 square feet of GFA (5/1,000), unless parking is accommodated in a parking structure; [Ord. 2010-005]

c) Where uses are not intended to allow for transition to other uses, the general parking standards outlined in Art. 6, Parking, Loading, and Circulation may be applied, provided that use limitations are identified on the DRO-approved Site Plan; [Ord. 2010-005]

d) Reduction in required parking through use of a shared parking study, as defined in Art. 6, Parking, Loading, and Circulation; or, [Ord. 2010-005]
e) Where eligible, Applicant may receive credit for any perimeter on-street parking spaces located along Type 1 streets, subject to approval by the County Engineer. Use of this option may be limited to where the developer pays for required improvements to existing Type 1 streets. [Ord. 2010-005]

2) Residential

Multifamily residential parking ratios may be reduced in accordance with Table 3.B.14.I, WCRAO Mixed-Use and Residential Parking Deviations. [Ord. 2010-005]

11. Landscape Standards

All IRO projects shall comply with Art. 7, Landscaping, unless stated otherwise herein: [Ord. 2010-005]

a. Perimeter Buffers

1) Streetscape Exemptions

Required landscape perimeter buffers pursuant to Art. 7, Landscaping shall not be required where an IRO streetscape is required. [Ord. 2010-005]

2) Compatibility Buffers

A side interior Compatibility Buffer shall not be required when a zero side setback is proposed or exists. [Ord. 2010-005]

3) Alternative Incompatibility Buffer Option

The following Incompatibility Buffer option may be utilized where projects are in compliance with minimum setbacks for non-residential outdoor use areas: [Ord. 2010-005]

a) Landscape buffer planting area shall be a minimum of ten feet in width; [Ord. 2010-005]
b) No easement encroachment shall be permitted; [Ord. 2010-005]
c) An eight-foot-tall solid concrete block or panel wall shall be installed along the affected property line, with a setback a minimum of two feet to allow for maintenance of the exterior side of the wall. Setback may be increased as needed to accommodate required footers; [Ord. 2010-005]
d) The required wall shall be constructed of materials and with a design consistent with the principal building of the IRO, and shall have the same architectural finish treatment and color on both sides of the wall. [Ord. 2010-005]
e) Exterior landscape areas shall have ground cover that is low maintenance and does not impede necessary access for maintenance; [Ord. 2010-005]
f) Canopy trees shall be planted along the internal side of the wall to be spaced a minimum of 20 feet on center; [Ord. 2010-005]
g) A hedge shall be installed in accordance with the standards for medium shrubs, as specified in Table 7.D.3.A, Shrub Planting Requirements. [Ord. 2010-005]

b. Foundation Planting

Foundation planting requirements may be subject to the exemptions, exceptions, and deviations as permitted for WCRAO projects, as indicated in Art. 3.B.14.J.1.b, Foundation Planting Deviations. [Ord. 2010-005]

c. Alternative Parking Lot Design Options

This Section allows alternative parking lot designs through modifications to Art. 7.C.4. Landscape Requirements for On-Site Parking to promote innovative design or use of green building materials. The following may be used individually or in combination, unless stated otherwise: [Ord. 2010-005] [Ord. 2014-025]

1) Option 1

Projects that are one-half acre or less in size, with 20 or fewer parking spaces may consolidate all required landscape island areas and planting materials into one or more locations anywhere within the project; [Ord. 2010-005] [Ord. 2014-025] [Ord. 2018-002]

2) Option 2

Projects that are two acres or less in size may reduce required landscape island width to a minimum of five feet in width of landscape area. This option may not be used in conjunction with any option relocating these landscape areas; [Ord. 2010-005] [Ord. 2014-025] [Ord. 2018-002]

3) Option 3

Landscape shrub or ground cover requirements for landscape islands and divider median islands may be replaced with bio-swales and appropriate landscaping, provided that required Canopy trees can be accommodated. Alterations to required curbing may be permitted subject

to demonstration that vegetated areas are protected from vehicles; [Ord. 2010-005] [Ord. 2014-025] [Ord. 2018-002]

4) Option 4

Up to a maximum of 25 percent of required landscape islands and divider median landscape islands shall not be required provided that covered parking that utilizes appropriate solar reflectance index (SRI) materials are installed where islands are removed; [Ord. 2010-005] [Ord. 2014-025] [Ord. 2018-002]

5) Option 5

Landscape shrub or ground cover requirements for terminal, interior, and divider median landscape areas shall not be required, subject to the following: [Ord. 2010-005] [Ord. 2014-025]

a) The number of required terminal, interior, and divider median trees are doubled; and [Ord. 2010-005] [Ord. 2014-025]

b) Green building standards for tree wells and related root growth areas are utilized; [Ord. 2010-005]

6) Option 6

No landscape islands are required if parking spaces are abutting landscape buffers, Street Walls, or tree planting areas. [Ord. 2010-005] [Ord. 2014-025] [Ord. 2018-002]

d. Rear or Side Entrances

Buildings with additional entrances located on the side or rear façades shall either provide an enhanced streetscape between any abutting parking lots that meets the standards for a primary street; or shall provide foundation planting along a minimum of 50 percent of the applicable façade, with a minimum depth of five feet, to be planted in accordance with Art. 7, Landscaping, with a sidewalk a minimum of five feet in width as needed to separate pedestrians from abutting vehicle use areas along the building façade. [Ord. 2010-005]

G. Type 1 Waivers

The Applicant may apply for Type 1 Waivers for development standards in accordance with Art. 2.C.5.G, Type 1 Waiver and Table 3.B.15.G, Type 1 Waivers. The following Table summarizes the IRO development requirements eligible for the Type 1 Waiver process: [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-027]

Table 3.B.15.G – Type 1 Waivers

Requirements	Maximum Waiver	Minimum Justification Criteria of Review
Internal Street Standards		
Art. 3.B.15.F.3.b, Internal Street Types	Allow additional lanes, or minor increases in lane width.	• Where required to accommodate traffic, or where required by the DEPW or Palm Tran. • Minimum deviation required and remains generally consistent with TDD street standards. • Consistent with livable street standards that prioritize pedestrian safety.
Interconnectivity Standards		
Art. 3.B.15.F.4, Interconnectivity Standards	No interconnectivity requirement.	Document prohibition by Federal, State, Local, or other laws that serve to establish limited access standards necessary to protect facilities such as Water or Wastewater Treatment Plants, jails, or other similar facilities. [Ord. 2017-007]
Art. 3.B.15.F.4.c, Gates	Allow use of gates within the development.	• Special circumstances between adjacent uses. • Specific user requirements within the IRO project requires the use of gates, provided such does not impact the continuity of required blocks, streets, or alleys.
Building Standards		
Civic Building Standards	No frontage requirement. No build-to-line requirement.	• Public and private civic buildings shall be designed to reflect their public purpose and are intended to be landmarks within the community. • Frontages shall be located abutting usable open space areas, and additional pedestrian amenities shall be provided to emphasis the civic nature of the use.
Usable Open Space		
Art. 3.B.15.F.9, Usable Open Space	Allow for reduction.	Lot less than two and one-half acres in size having insufficient frontage to accommodate usable open space in pedestrian streetscape areas.
Loading Space		
Art. 3.B.15.F.10.a.5), Service and Loading Areas; and Art. 6.E, Loading Standards	Waive or reduce required loading spaces, dimensions for width, length, maneuvering area, and location.	• Limitations due to access, lot size, location of residential uses, proximity to streets or alleys, or vehicular circulation. • Document that any loading alternatives will not adversely impact pedestrian or vehicular circulation, including alleyways, drive aisles, handicapped accessibility, or other similar functional considerations. • Document that any loading alternatives will not conflict with DEPW or FDOT requirements.
[Ord. 2010-005] [Ord. 2012-027] [Ord. 2017-007]		

Section 16 Urban Redevelopment Area Overlay (URAO)

A. Purpose and Intent

The purpose and intent of the Urban Redevelopment Area Overlay (URAO) is as follows: [Ord. 2010-022]

1. Implement the concepts of the July 2007 Palm Beach County Urban Redevelopment Area Planning Study and Corridor Master Plan, prepared by the Treasure Coast Regional Planning Council, inclusive of the 2009 Planning Division addendum, and the 2016 amendments to the Plan (Ordinance No. 2016-037), URA Alternative Revisions. [Ord. 2010-022] [Ord. 2017-002]
2. Implement the Urban Redevelopment Area (URA) Objectives and Policies of the Plan, with an emphasis on Priority Redevelopment Area (PRA) Policies; [Ord. 2010-022]
3. Utilize Smart Growth and Form-Based Coding principles to establish standards that create a predictable regulatory framework and built form that improves the aesthetics of the streetscape and establishes, enhances the pedestrian realm, and encourages redevelopment of the PRAs; [Ord. 2010-022]
4. Encourage a compact, mixed-use, and walkable development form, with an emphasis on safety, comfort, and ecological responsibility; [Ord. 2010-022]
5. Create an interconnected pedestrian-friendly street network that establishes parallel, alternate vehicular routes between the PRAs and creates new blocks that are a walkable scale; [Ord. 2010-022]
6. Advocate walking, cycling, mass transit, or other modes of transportation as viable alternatives to automobile use by encouraging the development of commercial, civic, and recreational uses that provide for the daily needs of residents within walking distance; [Ord. 2010-022]
7. Promote mixed-use development that balances housing with employment, commercial, and civic uses; [Ord. 2010-022]
8. Provide a variety of housing types to support residents of diverse ages, incomes, family sizes, ethnicities, and lifestyles; [Ord. 2010-022]
9. Promote sustainability by integrating the social, economic, and ecological needs of the community with overall Regional, State, and National policy advocating management of resources for future generations; [Ord. 2010-022]
10. Redevelop retail uses along the PRA corridors along stipulated street frontages; [Ord. 2010-022] [Ord. 2011-016]
11. Simplify and facilitate the permitting process; and, [Ord. 2010-022] [Ord. 2011-016]
12. To encourage redevelopment and revitalization of commercial corridors by establishing standards that recognize various opportunities, challenges, and constraints. Certain standards may be altered through a Waiver process. [Ord. 2011-016]

B. Applicability

1. Interconnectivity

Any Development Order within the boundaries of the URAO shall be subject to the requirements of Art. 3.B.16.F.5, Interconnectivity Standards. [Ord. 2011-016]

2. Priority Redevelopment Areas (PRAs)

Any application for a Development Order or change in use for parcels with an Urban Center (UC) or Urban Infill (UI) FLU designation shall comply with all URAO requirements, unless permitted otherwise under Art. 1.E, Prior Approvals, Art. 1.F, Non-Conformities, or any other provisions herein. [Ord. 2011-016]

3. Boundaries

The exact boundaries of the URA are depicted on Map LU 3.1 of the Plan, but can be generally described as being bound by Community Drive to the north, the Lake Worth Drainage District L-14 Canal to the south, I-95 to the east, and extending as far west as Jog Road at some points. The UC and UI parcels are located within the Priority Redevelopment Area, generally located along the east and west sides of Military Trail and Congress Avenue and bordered by Southern Boulevard to the north and extend as far south as the Lake Worth Drainage District L-8 Canal. Additional locations are along Lake Worth Road and Tenth Avenue North. The PRA boundaries are depicted on Maps LU 9.1 and 9.2 of the Plan. [Ord. 2010-022] [Ord. 2011-016]

4. Other Overlays

Development Orders with UC or UI FLU designation may not be used in conjunction with any other overlays. [Ord. 2010-022] [Ord. 2011-016]

5. Zoning District Requirements

The zoning districts permitted within the PRAs are as follows:

a. Urban Center (UC) and Urban Infill (UI)

As of August 2010, all parcels that have a UC or UI FLU designation, were rezoned to the corresponding UC and UI districts (Zoning Application No. Z-2010-00667 and Zoning Application No. Z-2010-00668, respectively). Rezoning applications shall only be required for parcels which initially opted out of the PRA and are applying for a concurrent FLU amendment to the UC or UI FLU designation. [Ord. 2010-022] [Ord. 2011-016]

b. Alternative Future Land Use and Zoning

On August 22, 2016, the BCC adopted Plan amendments (Ordinance No. 2016-037), which may allow flexibility for Property Owners to utilize the FLU designations and zoning districts that were in place prior to the adoption of rezoning to the UC or UI Zoning Districts. [Ord. 2017-002]

1) Mandatory Pre-Application Meeting

A Pre-Application meeting with Zoning and Planning Staff is required to review any requests for this option, prior to confirmation of eligibility and final determination of the applicable FLU designation and zoning district that may be utilized. [Ord. 2017-002]

2) Decision

If the alternative zoning district is found to be consistent with the alternative FLU designation, as specified in Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA), then the property may be developed in accordance with the standards for the alternative zoning district. If inconsistent, the Applicant may be required to rezone the property to a consistent zoning district. [Ord. 2017-002]

C. Future Land Uses and Density/Intensity

Deviations from FLU and density/intensity requirements shall be prohibited. [Ord. 2010-022] [Ord. 2011-016]

1. Density and Intensity

The maximum density and intensity for a PRA Development Order shall only be limited by any applicable site development requirements of this Code or the PRA TCEA (TE Policy 1.2-v of the Plan). [Ord. 2010-022] [Ord. 2011-016]

2. Density Bonus Program

The use of TDR, AHP, or WHP density bonus incentives are not eligible within the PRAs. [Ord. 2010-022] [Ord. 2011-016]

3. Workforce Housing Units

Residential projects comprised of ten units or more shall comply with Art. 5.G.1, Workforce Housing Program (WHP). [Ord. 2010-022] [Ord. 2011-016]

4. Mixed Use

Only those projects that are subject to the requirements of the PRA TCEA may be required to develop as mixed use. [Ord. 2010-022]

D. Application Requirements

1. Pre-Application Conference (PAC)

All PRA applications requiring DRO approval shall require a PAC pursuant to procedures in Art. 2.A.5.A, Pre-Application Conference (PAC), with exception to amendments to prior approvals and non-conformities that do not comply with the provisions of the URAO. [Ord. 2010-022]

2. Plan Requirements

Required plans shall comply with Art. 2.A.6.B, Plan Requirements. [Ord. 2010-022] [Ord. 2011-016]

E. Additional PRA Use Regulations

The list of uses permitted within the URAO shall be in accordance with Art. 4, Use Regulations, and the following. [Ord. 2011-016] [Ord. 2017-007]

1. Right to Continue or Change Uses

Those uses that were legally established prior to the adoption of Zoning Resolution No. R-2010-1344 and Zoning Resolution No. R-2010-1345 (Zoning Application Z-2010-00667 and Zoning Application No. Z-2010-00668, UC and UI districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or Art. 1.F, Non-Conformities. A change in use shall only be permitted if the proposed use complies with all of the following: [Ord. 2011-016]

a. Listed in the Use Matrices contained in Art. 4, Use Regulations; [Ord. 2011-016] [Ord. 2017-007]
b. Does not exceed the limitations of Art. 1.F, Non-Conformities; [Ord. 2011-016]
c. Is entirely located within existing buildings; and, [Ord. 2011-016]
d. Parking is provided in accordance with the minimum parking requirements of Art. 6, Parking, Loading, and Circulation, inclusive of the minimum parking requirements of Table 6.B.1.B, Minimum Parking and Loading Requirements. Previously approved PDDs may apply any vested parking requirements in accordance with Art. 1.E, Prior Approvals, with exception to applications for Conditional Uses. [Ord. 2011-016]

2. Residential Uses

Residential uses may be allowed on any floor, with exception to the following: [Ord. 2011-016] [Ord. 2017-007]

a. Where located in the same building as non-residential uses, residential uses shall either be located above or internally separated from any non-residential uses; and [Ord. 2011-016]
b. Single Family, Cottage Home (Single Unit on a Single Lot), Zero Lot Line housing types, or Community Residences within these housing types, shall not front on Slip Street or Primary Street Frontages. [Ord. 2011-016] [Ord. 2017-007] [Ord. 2021-022]

3. Outdoor Uses

Additional standards are established for non-residential outdoor uses, excluding passive recreation areas, ATMs, or other similar uses, to ensure compatibility with the streetscape, usable open space areas, and any abutting residential uses or parcels with a residential FLU designation. [Ord. 2010-022] [Ord. 2011-016]

a. Residential Setbacks

Outdoor uses shall be set back a minimum of 200 feet from any abutting non-PRA residential use or parcel with a residential future land use designation, unless approved through a Type 2 Waiver. This shall include vehicular access and parking for vehicular related uses such as gasoline sales, Car Washes, or drive-through facilities, but shall not include drive-through facilities for Financial Institutions or ATM lanes. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2018-002]

b. Screening

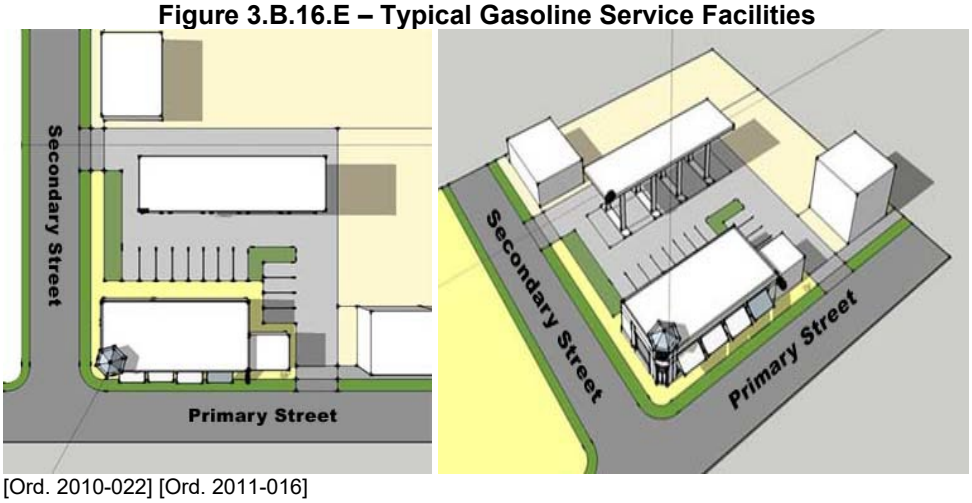
Outdoor uses, excluding uses such as outdoor dining uses in compliance with residential setbacks, walk-up Restaurant take-out windows, shall be screened from all streets by the use of a Street Wall comprised of either or a combination of the following: [Ord. 2010-022] [Ord. 2011-016]

1) Buildings or similar structures; or [Ord. 2010-022]
2) A five-foot-wide landscape strip that includes a minimum 30-inch-high hedge or concrete wall, and Canopy, multi-trunk, or flowering trees planted 30 feet on center. Breaks to allow for pedestrian or vehicular access shall be permitted. [Ord. 2010-022] [Ord. 2011-016]

c. Drive-Through Uses and Gasoline Service Facilities

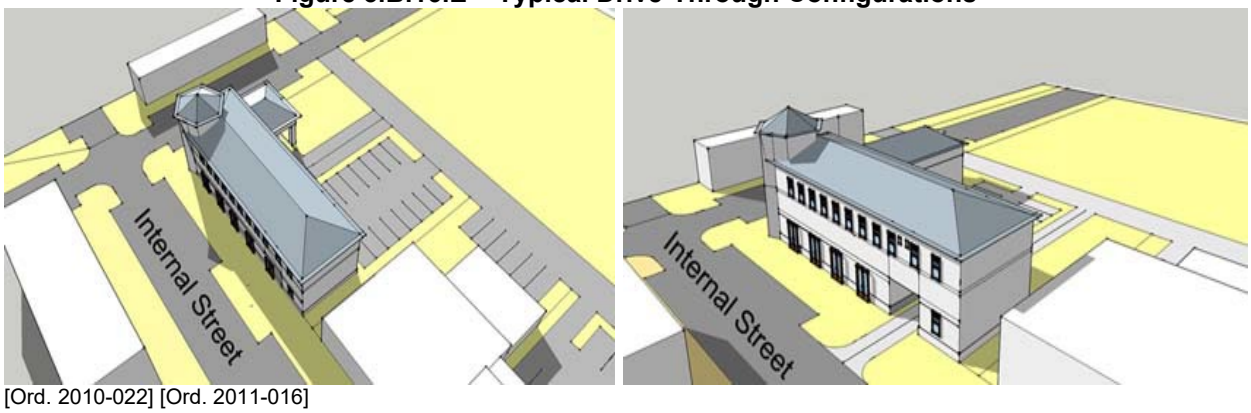
All drive-through lanes and gasoline service areas, inclusive of pump islands, canopies, and queuing areas shall be located behind buildings or the Street Wall screening requirements above, and shall be consistent with Figure 3.B.16.E, Typical Gasoline Service Facilities and Figure 3.B.16.E, Typical Drive-Through Configurations. Exceptions shall be permitted for drive-through facilities that are located inside a building or side façade, subject to approval by the County Engineer, where designed similar to Figure 3.B.16.E, Typical Drive-Through Configurations. [Ord. 2010-022] [Ord. 2011-016]

Figure 3.B.16.E – Typical Gasoline Service Facilities



[Ord. 2010-022] [Ord. 2011-016]

Figure 3.B.16.E – Typical Drive-Through Configurations



[Ord. 2010-022] [Ord. 2011-016]

F. PRA Design and Development Standards

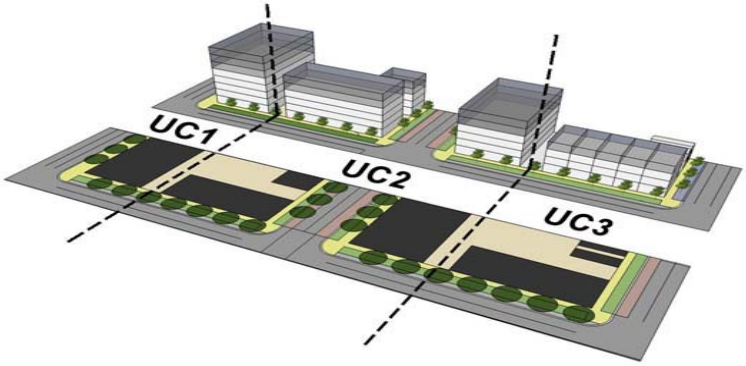
1. PRA Transect Zones (TZ)

Transect zones are distinct categories that define and organize density and intensity ranging from the most urban to the least urban. The URAO establishes the Urban Center (UC) and Urban Infill (UI) FLU designations for the PRAs, and further refines these designations using sub-areas as transect zones. Transect zones facilitate the development of urban forms while providing for gradual transitions in building scale and use intensity, rather than rigid distinctions. The default location for the URAO Transect Zones shall be in accordance with the PRA GIS Regulating Plan maintained by PZB. [Ord. 2010-022] [Ord. 2011-016]

a. Urban Center (UC) Sub-area Transects

The UC is designated at prominent intersections and is the most intense PRA district, typically comprised of larger interconnected commercial and buildings containing a wide variety of uses, of at least two stories in height that create a continuous Street Wall along designated street frontages. A well-balanced mix of residential, commercial, civic, and recreational uses is encouraged, but may also be a requirement of the PRA TCEA. The UC is broken down into three distinct sub-areas, as follows: [Ord. 2010-022] [Ord. 2011-016]

Figure 3.B.16.F – PRA Transect Zones and Sub-areas



[Ord. 2010-022] [Ord. 2011-016]

1) UC 1 Sub-area

The most intense sub-area accommodates the most intense types of uses and largest building scale permitted in the PRAs. [Ord. 2010-022] [Ord. 2011-016]

2) UC 2 Sub-area

This sub-area allows for the same intensity of uses, but begins a physical transition to the UC 3 Sub-area. [Ord. 2010-022] [Ord. 2011-016]

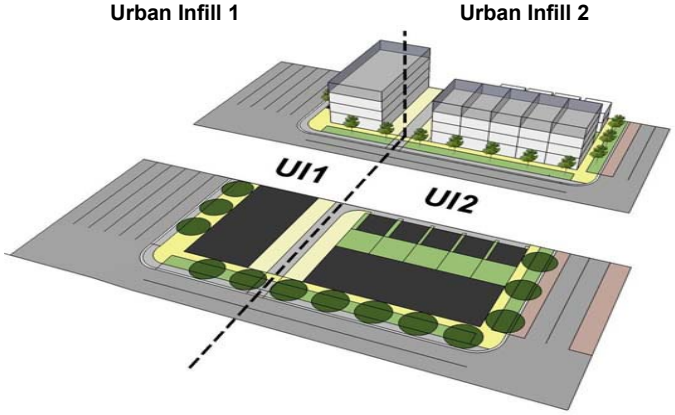
3) UC 3 Sub-area

The least intense UC Sub-area intended to provide for a transition between the more intense UC 1 and 2 Sub-areas, and abutting residential neighborhoods or adjacent UI Sub-areas. [Ord. 2010-022] [Ord. 2011-016]

b. Urban Infill (UI) Sub-area Transects

The UI accommodates mixed-use redevelopment along the corridors, while providing a transition to the adjacent, existing residential neighborhoods. The UI is broken down into two distinct sub-areas, as follows: [Ord. 2010-022] [Ord. 2011-016]

Figure 3.B.16.F – PRA Transect Zones and Sub-areas



[Ord. 2010-022] [Ord. 2011-016]

1) UI 1 Sub-area

A moderately intense sub-area accommodating commercial, mixed-use, and residential uses. [Ord. 2010-022]

2) UI 2 Sub-area

The least intense UI Sub-area intended to provide for a gradual transition between the UI 1 Sub-area and adjacent residential areas. [Ord. 2010-022] [Ord. 2011-016]

c. TZ Sub-area Modifications

The DRO shall have the authority to allow modifications to the location and boundaries of the default UC or UI Sub-area Transects illustrated in the PRA GIS Regulating Plan, where in compliance with the standards of Table 3.B.16.F, PRA Sub-area Transect Standards. [Ord. 2010-022] [Ord. 2011-016]

Table 3.B.16.F – PRA Sub-area Transect Standards

Parcel Standards	Transect Zone				
	UC 1	UC 2	UI 1	UC 3	UI 2
Min. Setback from Abutting Residential	400'	200'	200'	N/A	N/A
[Ord. 2010-022] [Ord. 2011-016]					

2. Access and Lot Frontage

Access shall be limited to minimize curb cuts to streets to improve traffic flow and reduce pedestrian-vehicular conflicts. Where available, access from rear alleys is required. [Ord. 2010-022] [Ord. 2011-016]

a. External Access

One access point shall be permitted for each 160 linear feet of street frontage. Access shall be in the form of a street or alley, unless exempted otherwise herein. [Ord. 2010-022] [Ord. 2011-016]

b. Internal Access

No more than one access point or alley shall be permitted for each 160 linear feet of street frontage to allow for access to parking and loading, drive-through facilities, or other similar uses. A maximum of two access points shall be permitted per block face. [Ord. 2010-022] [Ord. 2011-016]

c. Existing Small Parcel Exception

Parcels that existed prior to the adoption of the URAO with less than 160 feet of frontage shall be permitted to establish one access point along a perimeter street. [Ord. 2010-022] [Ord. 2011-016]

3. Block Standards Design

Where applicable, blocks shall be created by utilizing streets and alleys to provide continuous pedestrian and vehicular circulation, interconnectivity, and accessibility in PRA projects. Cul-de-sacs and other dead-end streets shall not be permitted unless it can be demonstrated that physical constraints prohibit practical alternatives. Any new blocks shall comply with the following: [Ord. 2010-022] [Ord. 2017-002]

a. Applicability

Blocks may be required when subdividing land in order to meet the minimum frontage required for new parcels, or when additional buildings internal to the site must comply with Art. 3.B.16.F.6, Building Standards. [Ord. 2010-022] [Ord. 2017-002]

b. Minimum Dimensions

Table 3.B.16.F – Block Dimension Requirements (1)

Transect Zone	Block Face		Block Perimeter	
	Average	Max.	Average	Max.
UC	300-500'	600'	1,500-1,800'	2,500'
UI			1,200-1,500'	1,800'
[Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-002]				
Notes:				
1.	Exceptions may be permitted only where PBC DEPW requirements preclude required vehicular access points necessary to complete the block structure.			

c. Block Frontage

All blocks shall have frontage on a perimeter or internal street. Streets shall be used to interconnect blocks. When using alleys to meet block requirements, they shall only be permitted along the side or rear of a block where streets are not required. [Ord. 2010-022]

d. Subdivision

Any subdivision of land shall comply with all lot dimensions applicable to the UC or UI district, with exception to Townhouse or ZLL lots. [Ord. 2010-022] [Ord. 2011-016]

e. PDD Subdivision Alternative

A PRA Development Order may apply for an exemption from subdivision recordation requirements and subdivide by fee title conveyance of individual lots in accordance with the approval process and requirements of Art. 11.A.6.B, Subdivision of Commercial and Industrial Building Sites. [Ord. 2010-022]

Figure 3.B.16.F – Typical Example of PRA Blocks, Streets, and Subdivision



[Ord. 2010-022]

4. Frontage Classifications and Street Standards

This Code addresses the design of perimeter and internal streets and establishes related standards to ensure that pedestrian amenities and walkways, buildings, and other improvements are properly and safely situated. [Ord. 2010-022] [Ord. 2011-016]

a. Frontage Classifications

Frontage classifications define the details of the pedestrian realm located between the public R-O-W or internal streets and the building façade. Three frontage types are established, as follows: Slip Street, Primary, and Secondary. The default location for the PRA Frontage Types shall be in accordance with Maps LU 9.1 and LU 9.2, Urban Redevelopment Area Regulating Plans. [Ord. 2010-022] [Ord. 2011-016]

1) Slip Street Frontage

The Slip Street is an optional designation for areas that were determined to have sufficient depth to accommodate landscaping along the existing thoroughfare, a one-way vehicular lane, a parallel parking lane, and a wide pedestrian zone. [Ord. 2010-022] [Ord. 2011-016]

a) Applicability

(1) The parcel, or group of parcels, has 400 feet of frontage; or [Ord. 2011-016]
(2) The parcel, or group of parcels, is located between two side streets; or [Ord. 2011-016]
(3) The parcel, or group of parcels, is located adjacent to an existing Slip Street. Applicants may opt to utilize the Slip Street in areas not designated for Slip Street, provided the parcel or group of parcels has at least 400 feet of frontage where a Primary Frontage type is identified. [Ord. 2010-022] [Ord. 2011-016]

b) Standards

(1) Vehicular traffic shall be one way, in the direction of the closest lanes on the abutting R-O-W; [Ord. 2010-022] [Ord. 2011-016]
(2) The street shall be a minimum of 12 feet wide, or as required by the County Engineer; [Ord. 2010-022] [Ord. 2011-016]
(3) Vehicle stacking and interaction with any access points shall be as required by the County Engineer; and, [Ord. 2010-022] [Ord. 2011-016]
(4) On-street parking shall only be required on one side of the street. [Ord. 2010-022] [Ord. 2011-016]

Figure 3.B.16.F – Typical Example of Slip Street Frontage



[Ord. 2010-022] [Ord. 2011-016]

2) Primary Street Frontage

Primary Frontages are located along adjacent thoroughfares or new internal streets, and accommodate a wide pedestrian zone, lined by the main building façade and entrance(s). Shall comply with streetscape standards. [Ord. 2010-022] [Ord. 2011-016]

Figure 3.B.16.F – Typical Example of Primary Frontage



[Ord. 2010-022] [Ord. 2011-016]

3) Secondary Street Frontages

Secondary Frontages are located along existing side streets that intersect the main commercial thoroughfare, or new internal side streets. Secondary Frontages provide a planting strip for street trees and a pedestrian zone appropriate for less intense uses and building sides. Shall comply with streetscape standards. [Ord. 2010-022] [Ord. 2011-016]

Figure 3.B.16.F – Typical Example of Secondary Street Frontage



[Ord. 2010-022] [Ord. 2011-016]

b. Internal Streets

The design for the street and on-street parking shall comply with Figure 3.F.2.A, TDD Commercial Street, or the TMD design exception summarized in Art. 3.F.4.C.2.a.1), Design Exception as illustrated in Figure 3.F.4.C, Typical Example of TMD Commercial Street with Angled Parking. Internal streetscapes shall be designed as either Primary or Secondary Frontages. Internal streets may include access ways designed to comply with minimum street standards. [Ord. 2010-022]

c. Alleys

Alleys shall provide primary access to parking lots, service areas, residential garages, or driveways. A continuous network of alleys may serve as the primary means of vehicular ingress/egress to individual parcels. Alleys shall provide rear access to all buildings except for block and liner buildings. Alleys shall conform to the requirements of Art. 3.F.2.A.1.e, Alleys. [Ord. 2010-022] [Ord. 2011-016]

5. Interconnectivity Standards

Interconnectivity to adjacent residential parcels is encouraged, but not required. Interconnectivity shall be required between similar uses. In the event the adjacent parcel is undeveloped, a stub out shall be provided to accommodate future connections. In addition, the following shall apply. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-002]

a. Street Connections

Parcels required to or proposing to establish a block structure, shall provide interconnectivity where any new internal intersections abut adjacent parcels. [Ord. 2010-022]

b. Optional Parallel Alley

Applicants are encouraged to develop parcels that have frontage on a commercial corridor with an alley running parallel to the corridor. The alley may be generally located along the rear property line, or at a point that allows interconnectivity to shallower abutting lots. Where new blocks are not required or proposed, alleys may be incorporated as drive aisles within parking lots. [Ord. 2010-022] [Ord. 2017-002]

c. Gates

The use of gates or other similar barriers is prohibited. Exceptions are permitted for the following: dumpsters, loading areas, and private garages or parking lots. [Ord. 2010-022]

d. Cross-Access Agreement

When interconnectivity is required, an irrevocable cross-access easement shall be provided prior to Final DRO plan approval. [Ord. 2010-022]

e. Small Parcel Exemptions

Legal Lots of Record of less than one acre in size prior to the adoption of the URAO, may be exempt from interconnectivity standards, by complying with any of the following standards: [Ord. 2011-016]

1) Interconnectivity has been provided to adjacent parcels establishing or allowing for a future cross-access point, or [Ord. 2011-016] [Ord. 2017-002]
2) Applicant can demonstrate that interconnectivity requirements would adversely impact the development potential of the project. [Ord. 2011-016] [Ord. 2017-002]

6. Building Standards

The provisions of this Section shall be applied in conjunction with any other applicable ULDC standards or limitations for buildings or structures, unless stated otherwise herein. [Ord. 2010-022]

a. Building Placement

1) General

a) To maximize the street frontage of buildings and minimize the visibility of parking areas from the street, a building should be articulated so that the longest side fronts the street. When located at an intersection, the façade with the greatest length shall be considered the front. This standard does not preclude two or more façades from being designated as front façades. [Ord. 2010-022] [Ord. 2011-016]

b) Taller buildings should not cast a shadow line on existing neighborhoods. To avoid this, building height should be compatible with adjacent development, which may require reducing building heights or stepping back upper stories in certain instances. [Ord. 2010-022] [Ord. 2011-016]

2) Corners

Where a parcel is located at the intersection of two streets, at least one building shall be placed at the corner meeting the build-to-lines for both streets. [Ord. 2010-022]

3) Building Hierarchy

Building placement shall follow an established order, with initial buildings required to meet minimum placement and frontage requirements along the most intense perimeter streets. Additional buildings may be located on interior streets, but shall be ordered so as to create a consistent streetscape. [Ord. 2010-022] [Ord. 2011-016]

4) Civic Buildings

If civic buildings are proposed they shall be located in visually prominent centralized locations, easily recognizable and accessible to the public. [Ord. 2010-022]

5) Parking Structures

Parking structures may be allowed provided they are located in the interior of a block and are completely screened by buildings with habitable uses on all stories for Slip Street and Primary Frontages. Parking structures located on a Secondary Frontage shall be completely screened by habitable uses on at least the first story. Parking structures are allowed to face an alley without meeting the requirement for habitable screening on the alley façade. [Ord. 2010-022] [Ord. 2011-016]

b. Building Property Development Regulations

1) Perimeter Street Building Frontage

Building frontage is the percentage of the total width of a lot which is required to be occupied by the primary façade of a building. [Ord. 2010-022]

2) Perimeter Frontage Exceptions

Buildings located on Secondary Frontages, except for Townhouses, are not required to meet minimum building frontage requirements. Frontage requirements may be reduced for lots with no rear or side access to required parking as necessary to accommodate a drive aisle for ingress/egress. [Ord. 2010-022]

3) Internal Building Frontage

Internal buildings shall only be permitted when located facing an internal street frontage, unless exempted herein. [Ord. 2010-022]

4) Setback Measurement

a) Perimeter Streets

Setbacks shall be measured from the edge of ultimate R-O-W, or from the property line, whichever is applicable. [Ord. 2010-022]

b) Internal Streets

Setbacks shall be measured from the proposed building frontage façade to the outside edge of curb. [Ord. 2010-022]

c) Townhouse

Townhouse PDRs may also be applied to Multifamily buildings that are constructed to Townhouse standards. [Ord. 2010-022] [Ord. 2011-016]

d) Side Setback Reduction

If permitted, a zero side setback reduction shall comply with the following: [Ord. 2010-022]

(1) Windows, doors, or other openings shall not be permitted. No portion of a building, including roof eaves, gutters, and soffits may encroach onto adjacent parcels; [Ord. 2010-022]

(2) Openings, attachments, or any item requiring maintenance other than cleaning and painting, when visible, shall not be permitted; and, [Ord. 2010-022]

(3) A maintenance easement a minimum of two feet in width shall be provided to ensure access to exposed portions of the building. [Ord. 2010-022]

Table 3.B.16.F – PRA Block Building PDRs

Building Placement		Min.	Max. (1)
A.	Slip Street Frontage	45’	50’
	Primary Frontage	20’	25’
	Secondary Frontage (8)	10’	20’
B.	Non-Residential (9)	6’ (2)	N/A
C.	Residential (PRA) (4)	6’ (2)	N/A
	Residential (Non-PRA) (5)(9)	30’	N/A
D.	Between Parking and Alley	5’ (3)	N/A
Building Frontage Percentage (6)		**Min.**	**Max.**
G.	Slip Street and Primary	50%	100%
Individual Building Length		**Min.**	**Max.**
G.		N/A	300’
Courtyard Percentage of Footprint (Optional)		**Min.**	**Max.**
H.		N/A	25%
Courtyard Dimensions (Optional)		**Min.**	**Max.**
H.		30’	N/A
Pedestrian Pass-Through (6)(7)		**Min.**	**Max.**
I.	Separation	100’	300’
	Width	10’	N/A



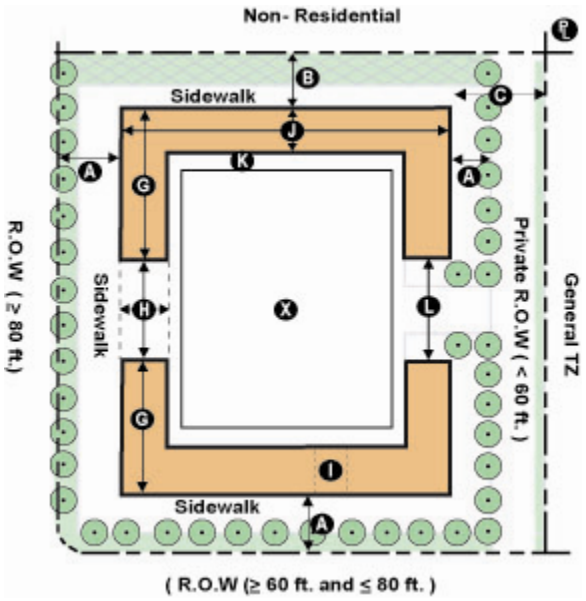
[Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-002]

Notes:

1.	Required maximum build-to-line may be increased, where necessary, to accommodate utility easements, landscape buffer, Slip Street, safe sight distance, corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-022] [Ord. 2018-002]
2.	May be reduced to zero feet where in compliance with provisions for side setback reduction. [Ord. 2010-022]
3.	Shall be exempt for parcels eligible to use parking drive aisles to comply with alley requirements. [Ord. 2010-022]
4.	Shall apply for any PRA Single Family or Multifamily building 35 feet in height or less within 30 feet of property line. [Ord. 2010-022] [Ord. 2011-016]
5.	Means adjacent residential parcels that are not located within a development using PRA regulations. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027]
6.	Shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be the result of the overall length divided by the number buildings. [Ord. 2010-022] [Ord. 2011-016]
7.	Maximum pedestrian pass-through requirement does not apply for buildings with a length of 300 feet or less. [Ord. 2010-022] [Ord. 2011-016]
8.	An existing SFD that has a greater setback than the maximum permitted shall not be considered a non-conforming structure. [Ord. 2012-027]
9.	Setbacks for Single Family residential units shall be seven and one-half feet for side setbacks and 15 feet for rear setbacks. Accessory structures to Single Family residential may be allowed in accordance with the standards for residential districts in Art. 5, Supplementary Standards. [Ord. 2012-027] [Ord. 2017-002]

Table 3.B.16.F – PRA Liner Building Configuration PDRs

Building Placement		Min.	Max. (1)
A.	Slip Street Frontage	45’	50’
	Primary Frontage	20’	25’
	Secondary Frontage	10’	20’
B.	Non-Residential	6’ (2)	N/A
C.	Residential (PRA)	6’	N/A
	Residential (Non-PRA) (4)	30’	N/A
D.	Between Rear Parking and Alley	5’ (3)	N/A
Building Frontage Percentage (5)		**Min.**	**Max.**
G.	Slip Street and Primary	65%	100%
Individual Building Length		**Min.**	**Max.**
G.		200’	400’
Courtyard Percentage of Footprint		**Min.**	**Max.**
H.		N/A	10%
Courtyard Dimensions (Optional)		**Min.**	**Max.**
H.		15’	30’
Pedestrian Pass-Through (5)(6)		**Min.**	**Max.**
I.	Separation (4)	100’	300’
	Width	10’	20’
Liner and Interior Standards		**Min.**	**Max.**
J.	Depth (7)	30’	100’
	Length (7)	75%	100%
K.	Separation	N/A	N/A
L.	Parking Access	N/A	10%
X.	Internal Use	N/A	N/A



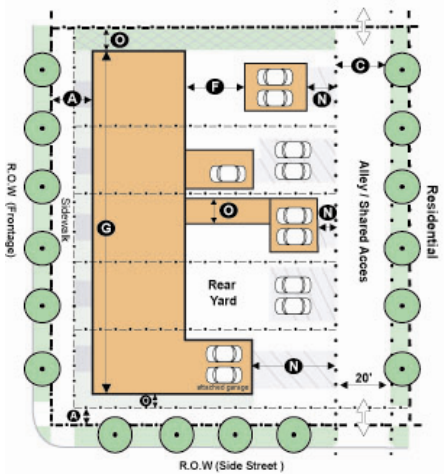
[Ord. 2010-022] [Ord. 2011-016]

Notes:

1.	Required maximum build-to-line may be increased, where necessary, to accommodate utility easements, landscape buffer, Slip Street, safe sight distance, corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-022] [Ord. 2018-002]
2.	May be reduced to zero feet where in compliance with provisions for side setback reduction. [Ord. 2010-022]
3.	Shall be exempt for parcels eligible to use parking drive aisles to comply with alley requirements. [Ord. 2010-022]
4.	Means adjacent residential parcels that are not located within a development using PRA regulations. [Ord. 2010-022] [Ord. 2011-016]
5.	Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings. [Ord. 2010-022] [Ord. 2011-016]
6.	Maximum pedestrian pass-through requirement does not apply for buildings with a length of 300 feet or less. [Ord. 2010-022] [Ord. 2011-016]
7.	Liner dimensions shall apply to all façades used to conceal a large footprint tenant that front a perimeter street, Slip Street, Primary Street, and usable open space. Additional standards may apply to parking garage structures. [Ord. 2010-022] [Ord. 2011-016]

Table 3.B.16.F – PRA Townhouse Lot and Building Configuration PDRs

Lot Placement		Min.	Max. (2)
A. (1)	Slip Street Frontage	45'	50'
	Primary Street Frontage	15'	25'
	Secondary Street Frontage	10'	15'
B.			
C.	Residential (PRA)	6'	N/A
	Residential (Non-PRA) (4)	10'	N/A
F.	No Minimum or Maximum	N/A	N/A
Building Frontage Percentage (3)		**Min.**	**Max.**
G.		70%	N/A
Individual Building Length		**Min.**	**Max.**
G.		32'	250'
Wing Standard (5)		**Min.**	**Max.**
M.	Wing Width	N/A	50%
Building Setbacks (4)		**Min.**	**Max.**
N.	Rear Setback to Alley	5'	N/A
O.			



[Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-007]

Notes:

1.	Dimension for building placement (A) regardless of whether or not streetscape, alleys, or other similar uses are included on the lot or as a separate tract. [Ord. 2010-022] [Ord. 2011-016]
2.	Required maximum build-to-line may be increased, where necessary, to accommodate utility easements, landscape buffer, Slip Street, safe sight distance, corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2018-002]
3.	Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be the overall length divided by the number buildings. [Ord. 2010-022] [Ord. 2011-016]
4.	Means adjacent residential parcels that are not located within a development using PRA regulations. [Ord. 2010-022] [Ord. 2011-016]
5.	Townhouse, including wings, garages, or Accessory Quarters shall comply with minimum common wall requirements unless set back from the side PL a minimum of five feet; and shall comply with Art. 3.D.2.B.3.b.1), Prohibited Openings and Attachments except for any first floor that is set back a minimum of ten feet from the PL. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-007]

c. Building Height and Floors

1) Building Floors

a) Maximum Floors

The maximum number of floors permitted in any building shall be determined by the parcel's zoning district and transect zone, as indicated in the following Table: [Ord. 2011-016]

Table 3.B.16.F – Maximum Building Floors

Zoning/ Transect Zone	Floor Number							
	1	2	3	4	5	6	7	8
UC 1	P	P	P	P	P	(1)	(1)	(2)
UC 2	P	P	P	P	P	(1)	(1)	-
UC 3	P	P	P	P	P	-	-	-
UI 1	P	P	P	P	(1)	-	-	-
UI 2	P	P	P	P	(1)	-	-	-

[Ord. 2011-016] [Ord. 2017-002]

Notes:

P	Permitted.
-	Not permitted.
1.	LEED Silver or equivalent: Building floor only permitted where in compliance with Green Building Incentive Program.
2.	LEED Gold or equivalent: Building floor only permitted where in compliance with Green Building Incentive Program.

2) Exterior Height

a) All building frontages abutting Slip Street, Primary, or Secondary Frontages shall be exempt from Art. 3.D.1.E.2, Multifamily, Non-Residential Districts, and PDDs. [Ord. 2010-022] [Ord. 2011-016]

b) Maximum building height shall be in accordance with Table 3.B.16.F, Maximum Building Floors, Table 3.B.16.F, Maximum Building Height, and the following: [Ord. 2010-022] [Ord. 2011-016]

Table 3.B.16.F – Maximum Building Height

Floor Number	1 or 2	3	4	5	6	7	8
Max. Height	35'	45'	60'	75'	90'	105'	120'
[Ord. 2010-022] [Ord. 2017-007]							

3) Green Building Incentive Program

The Green Building Incentive Program is intended to stimulate private sector investment to construct sustainable buildings by allowing for "bonus height" for projects meeting industry criteria and standards for certification. Where applicable, bonus height shall only be permitted subject to the following: [Ord. 2010-022] [Ord. 2011-016]

a) Applicability

Allowable increases in building height are indicated in Table 3.B.16.F, Maximum Building Floors. [Ord. 2010-022]

b) Standard for Certification

The standard for certification shall be the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Green Building Rating System (LEED Silver or Gold/Platinum levels), or appropriate Florida Green Building Coalition designation standards, or other similar standard approved by the County. [Ord. 2010-022]

c) Application Procedures

All applications for bonus height shall be submitted concurrently with an application for Public Hearing or DRO approval, as applicable. The application form and requirements shall be submitted on forms specified by the PBC Official responsible for reviewing the application. [Ord. 2010-022]

d) Review Process

(1) Public Hearing Certification

If applicable, projects requiring BCC approval and including a request for bonus height shall provide a LEED scorecard accompanied by a detailed analysis of each credit and why the standard can or cannot be achieved. [Ord. 2010-022]

(2) DRO Approval

Documentation indicating the project has been registered with the Green Building Certification Institute (GBCI) as a LEED project or other standard for Certification as noted above. If applicable, bonus height requested at time of BCC approval may be reduced if the GBCI registration is inconsistent with the original LEED scorecard and proposed level of certification. [Ord. 2010-022]

(3) Monitoring

During plan review and construction, the Applicant's LEED certified inspector or architect will provide documentation and submit quarterly reports to Planning/Monitoring demonstrating compliance with the LEED standards and scorecard and the approved Site Plan. If during construction, the developer is unable to include required green building components, or if the inspector/architect finds that the developer failed to include these components, the County shall pursue enforcement, actions which may include revocation of Building Permits, remand back to DRO to remove the bonus height awarded, or release of surety to the County. [Ord. 2010-022]

(4) Amendments

If during construction of the building, the developer is unable to include all of the approved green building components previously identified in the GBCI registration, the developer may be permitted to replace components not provided with other green building components where documented as approved by the GBCI for the project. Any amendment to an exterior component shall require DRO approval. [Ord. 2010-022]

(5) Completion

UGCI certification shall be obtained within two years of the date of issuance of Certificate of Occupancy. [Ord. 2010-022]

e) Surety

Prior to DRO approval of the Site Plan, the County (Planning Division) and the developer shall enter into a Development Agreement requiring that the green building components identified in the GBCI registration be constructed or installed in the building and that any third-party inspection fees will be paid for by the developer. Furthermore, the developer shall post a surety with the County. The amount of the surety shall be based on the number of dwelling units contained within the "bonus height" stories. Non-residential uses shall be based upon the equivalent of one dwelling unit for each 1,000 square feet of non-residential use area (measured by gross square footage). The number of dwelling units shall be multiplied by the BCC's established price for TDRs at the date of the application. [Ord. 2010-022]

(1) Default

If the Applicant fails to comply with the requirements above after CO, the County may, at its discretion collect the surety and apply the funds to a TDR contract to purchase an equivalent number of units to those proposed for the original bonus height consideration. [Ord. 2010-022]

(2) Release of Surety

If in compliance with the review process requirements above, upon receipt of the GBCI certification by the County, the Property Owner shall submit in writing to the Planning Director a request that the posted surety shall be returned. [Ord. 2010-022]

d. Additional Architectural Design Standards

Architecture shall be in accordance with Art. 5.C, Design Standards, unless specified otherwise herein. [Ord. 2010-022] [Ord. 2011-016]

1) Primary Entrances

The primary entrance for all first floor tenants must directly face a street, courtyard, plaza, square, or other form of usable open space fronting a street. [Ord. 2010-022] [Ord. 2011-016]

2) Secondary Entrances

Each tenant may be permitted to have additional entrances located at side or rear façades facing a parking lot or other area. [Ord. 2010-022] [Ord. 2011-016]

3) Fenestration

Non-residential and Multifamily building façades facing perimeter and Primary Streets or usable open space shall provide transparent windows covering a minimum of 35 percent of the wall area of each story as measured between finished floors, to allow transmission of visible daylight. [Ord. 2010-022]

4) Storefronts

The storefront is a first floor façade improvement required for all non-residential uses that face a street or usable open space area: [Ord. 2010-022] [Ord. 2011-016]

a) Storefronts shall extend across 70 percent of the non-residential space; [Ord. 2010-022]

b) Storefronts shall have transparent glazing of at least 70 percent of the linear width of the applicable façade area, comprised of storefront windows and doors; [Ord. 2010-022] [Ord. 2011-016]

c) Storefront windows shall have a base one and one-half feet to three feet high, with transparent glazed areas extending from the base to at least eight feet in height as measured from sidewalk grade. [Ord. 2010-022]

d) A minimum of 50 percent of all required storefronts shall have an awning, gallery, or arcade shading the sidewalk. [Ord. 2010-022]

5) Architectural Appurtenances

Table 3.B.16.F, PRA Appurtenances by Building Type identifies where appurtenances shall be required, and what additional appurtenances are permitted. Where indicated by a checkmark, each building type shall be required to provide a minimum of one appurtenance. [Ord. 2010-022]

Table 3.B.16.F – PRA Appurtenances by Building Type

Building Type	Appurtenances (1)							
	Arcade (2)	Gallery (2)	Awning (2)	Balcony (2)	Bay (3)	Patio (3)	Porch (3)(4)	Stoop (3)(4)
Block	✓ P	✓ P	✓ P	P	P			
Liner	✓ P	✓ P	✓ P	P	P			
Townhouse				P	P	✓ P	✓ P	✓ P

[Ord. 2010-022] [Ord. 2011-016]

Notes:	
✓	A minimum of one of the appurtenances checked shall be required for each building type.
P	The appurtenance may be permitted.
1.	The clear height of appurtenances that project or hang from a building shall be at a minimum eight feet above the sidewalk elevation, unless specified otherwise.
2.	Appurtenance may project into pedestrian circulation zone, subject to a minimum five-foot setback from utility easements.
3.	Shall not encroach into the pedestrian circulation zone, and may only encroach into the shy zone for upper stories.
4.	Shall not encroach into the pedestrian circulation zone.

Additional minimum standards shall apply to the following types of appurtenances: [Ord. 2010-022]

a) Arcades and Galleries

Arcades shall comply with Figure 3.B.14.G, WCRAO Arcade and Gallery Standards. [Ord. 2010-022]

b) Balcony

A balcony above a storefront shall be a minimum of three feet in depth. [Ord. 2010-022]

c) Porch or Stoop

(1) Required to be open, un-air conditioned. [Ord. 2010-022] [Ord. 2011-016]
(2) Minimum three feet deep by four feet wide. [Ord. 2010-022] [Ord. 2011-016]
(3) Minimum elevation 18 inches above the adjacent sidewalk elevation [Ord. 2010-022] [Ord. 2011-016]

7. Streetscape Standards

Streetscape standards are established to improve both the physical and visual appearance of the streetscape while creating a pedestrian-friendly environment for the areas located between building façades and abutting streets. [Ord. 2010-022] [Ord. 2011-016]

a. General Standards

The following standards shall apply to all streetscapes: [Ord. 2010-022]

1) Required street trees shall be located in the planting amenity zone; [Ord. 2010-022]
2) Required pedestrian sidewalks shall not be encumbered; [Ord. 2010-022]
3) All paving materials for the pedestrian sidewalks shall be compliant with ADA accessibility standards; [Ord. 2010-022] [Ord. 2017-002]
4) Where a sidewalk or a path crosses curb cuts at ingress/egress points and internal drives, the pedestrian crossing shall be paved with a material that provides a different texture or a color contrast with the vehicular surface, but preferably consistent with the paving material of the path; [Ord. 2010-022] [Ord. 2011-016]
5) Where a street tree planting area is required, improvements shall be in accordance with the requirements of the planting/amenity zone; [Ord. 2010-022] [Ord. 2011-016]
6) Consistency in street tree species shall be encouraged within a block, if applicable, and shall be reflective of the character of the surrounding area; [Ord. 2010-022] [Ord. 2011-016]
7) Where applicable, sidewalks located within a perimeter R-O-W may be incorporated into the streetscape requirements of this Section, subject to a sidewalk easement agreement with the DEPW; [Ord. 2010-022] [Ord. 2011-016]
8) All paving materials in planting/amenity and pedestrian circulation zones shall be constructed entirely of pervious/porous materials, allowing some stormwater to percolate into the underlying soil and promote healthy street tree growth; and, [Ord. 2010-022] [Ord. 2011-016]

9) If an existing or proposed utility easement is located adjacent to subject roadways, streetscape requirements shall be applied from the inner edge of the utility easement, and shall be landscaped with appropriate ground cover, with exception to the following: [Ord. 2010-022] [Ord. 2011-016]
   a) Utility easements may be improved hardscaped or landscaped to be consistent with required streetscape areas; [Ord. 2010-022]
   b) Utility easements may encroach into required streetscape areas up to a maximum of five feet, subject to Engineering approval and consent from easement holder; and, [Ord. 2010-022]
   c) Street trees may be located in utility easements subject to use of tree root barrier approved by County Landscape and easement holder. [Ord. 2010-022]

b. Streetscape Components

The area between a front façade and the vehicular lanes of required, Primary, Secondary, and side streets shall include two distinct zones: planting/amenity zone and pedestrian circulation zone. [Ord. 2010-022]

1) Planting/Amenity Zone

The planting/amenity zone shall be a minimum of five feet in width, and serves as the transition between the vehicular and pedestrian areas. Bus stop locations, lighting, benches, trash receptacles, art, street trees, ground covers, and pavers may be placed in these areas. [Ord. 2010-022]

   a) Street trees shall be installed in accordance with Art. 3.F.2.A.4.d, Street Trees. Exceptions to tree spacing may be permitted where necessary to accommodate bisecting utility easements, or other similar improvements. [Ord. 2010-022]
   b) Street lights shall be required for all perimeter and internal streets in accordance with Art. 3.F.2.A.1.f.2), Lighting. [Ord. 2010-022]
   c) Trees shall be planted in tree wells/grates with an approved ground cover or other acceptable treatment over the top to protect the roots, when planted along a street frontage. [Ord. 2010-022]
   d) A minimum of one bench shall be provided along each streetscape, or one bench for every 150 linear feet of street frontage, whichever is greater. Signage or advertising is prohibited on benches. [Ord. 2010-022] [Ord. 2017-002]
   e) A minimum of one trash receptacle shall be provided at each bench location. [Ord. 2010-022]
   f) Moveable chairs and sidewalk cafes are strongly encouraged in the planting/amenity zone, but may not encroach into the pedestrian circulation zone. [Ord. 2010-022]

2) Pedestrian Circulation Zone

The pedestrian circulation zone is a continuous unobstructed space reserved for pedestrian movement typically located adjacent to the planting/amenity zone. Minimum width shall be eight feet for Slip Street and Primary Frontages, and five feet for Secondary Frontages. [Ord. 2010-022]

   a) The pedestrian circulation zone shall function as a continuous unobstructed space along the street frontage, with the exception of an arcaded sidewalk and gallery. [Ord. 2010-022]

3) Slip Street Planting/Amenity Zone

The following standards shall apply for all Slip Street frontages: [Ord. 2010-022]

   a) A ten-foot-wide landscape planting area shall be required between a perimeter R-O-W and the Slip Street;
   b) Additional width may be permitted to accommodate utility easements or Engineering requirements, but shall not be increased otherwise;
   c) Street trees shall be planted in the landscape area in accordance with Art. 3.F.2.A.4.d, Street Trees, but shall be generally consistent with the tree species and spacing provided in the enhanced sidewalk area; and,
   d) Ground treatment shall comply with the standards for the planting/amenity zone.

8. Civic and Usable Open Space Standards

A minimum of five percent of the gross acreage of all PRA projects shall be dedicated or provided as usable open space. Plazas or squares that provide a concentrated focal point for pedestrians shall be the preferred method for providing usable open space, but credit may be given for required pedestrian streetscapes or other similar usable open space amenities such as playgrounds and greens. All required usable open space areas shall meet the minimum dimensions provided under Table 3.B.16.F, PRA Dimensions for Usable Open Space, unless exempted otherwise herein. [Ord. 2010-022]

Table 3.B.16.F – PRA Dimensions for Usable Open Space

	Size Min.	Length Min.	Width Min.
Central Plaza or Square	10,000 sq. ft.	120'	80'
Other Plazas or Square	5,000 sq. ft.	60'	40'
Greens	0.25 ac.	100'	100'
Playground	N/A	N/A	N/A
[Ord. 2010-022]			

a. General

1) Required usable open space areas shall be provided prior to the issuance of CO for 50 percent any residential units within the subject site, if applicable. [Ord. 2010-022]
2) At least 95 percent of the residences within the subject site must be within a one-quarter mile walk of usable open space. [Ord. 2010-022]
3) Usable open space areas shall feature visible, open, and unimpeded pedestrian access from adjacent streets and sidewalks, allowing passersby to see directly into the open space. [Ord. 2010-022]

b. Plazas and Squares

A plaza or square shall be defined by building façades or streets. It is primarily comprised of hardscape/pavers, with trees and containerized plants serving as the primary vegetative material. [Ord. 2010-022]

c. Greens

Greens are commonly developed with grassy lawn areas unstructured recreation, intended for less intensive foot traffic. It shall be defined by building façades or streets on two or more sides. The minimum size shall be one-quarter acre and the maximum shall be six acres. It may also be partially depressed below the street grade for the purposes of accommodating temporary stormwater retention. [Ord. 2010-022] [Ord. 2011-016]

1) Minimum 80 percent unpaved surface area (turf, ground cover, soil, or mulch). [Ord. 2010-022]
2) The remaining balance may be any paved surface up to a maximum 20 percent of the green. [Ord. 2010-022]

d. Streetscape Credit

Projects that have net land areas of less than two and one-half acres in size may count all streetscape areas towards the usable open space requirement. All others may count up to 50 percent of streetscape areas towards usable open space requirements. [Ord. 2010-022] [Ord. 2011-016]

e. Street Frontage

If applicable, required usable open space areas shall front on a Secondary or side street frontage and be located in a prominent or central area internal to the development. Frontage on a required or Primary Frontage shall not be permitted unless there are no Secondary or side streets abutting or internal to the development. [Ord. 2010-022] [Ord. 2011-016]

f. Shade

A minimum of 15 percent of each plaza, square, or other usable open space area shall be shaded by landscape material or shade structures at time of construction. Where applied to streetscape galleries, awnings or other building amenities may be counted towards shade requirement. [Ord. 2010-022] [Ord. 2011-016]

g. Pedestrian Amenities

1) Required usable open space areas shall have a minimum of one linear foot of seating for each 200 square feet of overall area. Movable chairs are encouraged, and shall count as two and one-half linear feet of seating area. [Ord. 2010-022]
2) One trash receptacle for each 5,000 square feet of each physically separated civic open space. [Ord. 2010-022]

3) Art is encouraged to be placed within usable open space areas. [Ord. 2010-022] [Ord. 2011-016]
4) One drinkable water fountain for each 5,000 square feet of each landscaped civic open space. [Ord. 2010-022]

9. Parking and Loading Standards

Parking and loading for each tenant shall be located behind buildings or a Street Wall. Parking shall only be permitted in front of buildings in the form of on-street parking. Parking and loading shall comply with Art. 6, Parking, Loading, and Circulation, unless otherwise stated below: [Ord. 2010-022] [Ord. 2011-016]

a. Location and Access

Parking may be provided in surface lots, attached/detached garages or outbuildings, or a parking structure. [Ord. 2010-022] [Ord. 2011-016]

1) On-Street Parking

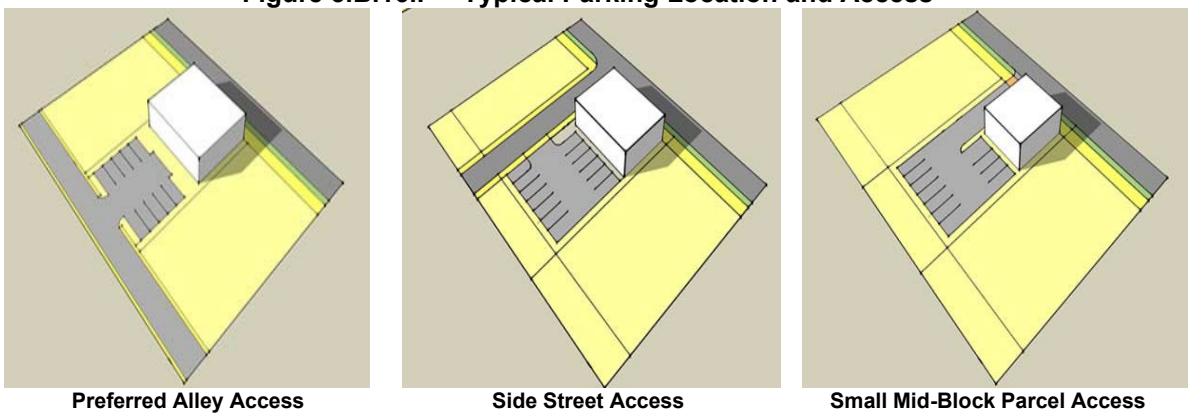
Parking in front of buildings shall only be permitted where on-street parking is allowed. [Ord. 2010-022]

2) Parking Lots

It is the intent that parking lots shall be located behind buildings to screen from view from all street frontages and usable open space areas, unless specified otherwise herein. Exceptions shall be permitted for parking lots adjacent to a building where a Street Wall is used, or lots on Secondary Streets. The perimeter of parking lots shall be framed by a Street Wall using: [Ord. 2010-022] [Ord. 2011-016]

a) Buildings; or
b) A five-foot-wide landscape strip that includes a minimum 30-inch-high hedge or concrete Street Wall, with Canopy, multi-trunk, or flowering trees planted 30 feet on center. Breaks to allow for pedestrian and vehicular access shall be permitted. [Ord. 2011-016]
c) Separation between parking and parallel alleys shall not be required for any project that does not have streets or blocks, and alleys may be incorporated into parking lots as standard drive aisles.

Figure 3.B.16.F – Typical Parking Location and Access



Preferred Alley Access **Side Street Access** **Small Mid-Block Parcel Access**

[Ord. 2010-022]

3) Requirement for Parking Garages

Parking for any use in excess of five spaces per 1,000 square feet of non-residential floor area shall be located in a parking structure/garage, with exception to a Development Order for a project located on one parcel (inclusive of any outparcels) that requires a minimum of or provides 100 or fewer parking spaces. [Ord. 2010-022] [Ord. 2011-016]

4) Townhouses

Parking for Townhouses shall only be permitted to the rear and shall meet the requirements for Townhouse parking. Garage setbacks shall be in accordance with PDRs for Townhouses. [Ord. 2010-022] [Ord. 2011-016]

5) Service and Loading Areas

All service and loading areas shall be located along the rear or side of buildings, and shall not be visible from usable open space areas, streets, or abutting residential neighborhoods. The service areas shall be located within the footprint of the building or immediately adjacent to the building. Required loading space areas may be waived, reduced in number, or dimension, in accordance with Art. 6.E, Loading Standards, or by Art. 3.B.16.G, Type 1 and 2 URAO Waivers. [Ord. 2010-022] [Ord. 2012-027]

a) Waste and recycling containers shall be integrated within the building or entirely screened from view. [Ord. 2010-022]
b) Loading docks, service areas, and trash disposal facilities shall not face usable open space areas, a street frontage, or an abutting residential neighborhood unless screened from view or integrated within a building. [Ord. 2010-022]
c) Trash collection and other services shall be accessed through the alley or other vehicular use areas behind buildings. [Ord. 2010-022] [Ord. 2011-016]

b. Parking Ratios

The required number of parking spaces shall correspond to broad uses and not to a specific use, and shall be responsive to the long-term transition of tenants within a non-residential or mixed-use development. The Applicant may choose from the following parking requirements: [Ord. 2010-022]

1) Non-Residential

a) Minimum: one space per 333 square feet of GFA (3/1,000) excluding assembly, and one space per five seats for assembly uses; [Ord. 2010-022]
b) Where uses are not intended to allow for transition to other uses, the general parking standards outlined in Art. 6, Parking, Loading, and Circulation, may be applied, provided that use limitations are identified on the DRO-approved Site Plan; [Ord. 2010-022]
c) Reduction in required parking through use of a shared parking study, as defined in Art. 6, Parking, Loading, and Circulation; or, [Ord. 2010-022]
d) If eligible, credit may be given for any perimeter on-street parking spaces located along Secondary Streets, subject to approval by the County Engineer (use of this option may be limited to where the developer pays for required improvements), or for any new Slip Street or internal street parking developed. [Ord. 2010-022]

2) Residential

Multifamily residential parking ratios may be reduced in accordance with Table 3.B.14.I, WCRAO Mixed-Use and Residential Parking Deviations. [Ord. 2010-022]

c. Bicycle Parking

One parking area shall be provided for every five units in Multifamily housing and for every 20 vehicle parking spaces serving non-residential uses. Bicycle parking spaces shall be indicated on the Site Plan in visible, well-illuminated areas. For each bicycle parking space required, a stationary object shall be provided to which a user can secure the bicycle. The stationary object may either be a freestanding bicycle rack or a DRO-approved alternative. [Ord. 2010-022]

10. Landscape Standards

Landscaping in the PRA shall be in an urban form that compliments the intended intensity and density of the PRA corridors, with an emphasis on the use of materials and design that enhances pedestrian areas, allows for improved visual surveillance from building windows, but also minimizes impacts to adjacent residential developments. Drainage retention areas, preserves, and other similar low-intensity open space areas shall be located to provide a transition between commercial uses and existing adjacent residential neighborhoods, or parcels with a residential FLU designation, when possible. Landscaping shall be in accordance with Art. 7, Landscaping, unless stated otherwise herein: [Ord. 2010-022] [Ord. 2011-016]

a. Perimeter Buffers

1) Streetscape Exemptions

Required landscape perimeter buffers pursuant to Art. 7, Landscaping shall not be required where a PRA streetscape is required. [Ord. 2010-022]

2) Compatibility Buffers

The PRAs shall be exempt from Compatibility Buffer requirements. [Ord. 2010-022]

3) Alternative Incompatibility Buffer

The following Incompatibility Buffer option may be utilized subject to the following: [Ord. 2010-022]

a) Shall be a minimum of ten feet in width, and, easement encroachment shall be prohibited, with exception to drainage easements; [Ord. 2010-022]

b) A six-foot-tall solid concrete block or panel wall shall be installed along the affected property line, with a setback a minimum of two feet to allow for maintenance of the exterior side of the wall. Setback may be increased as needed to accommodate required footers; [Ord. 2010-022] [Ord. 2011-016]

c) The required wall shall be constructed of materials and with a design consistent with the principal building, and shall have the same architectural finish treatment and color on both sides of the wall; [Ord. 2010-022]

d) Exterior landscape areas shall have ground cover that is low maintenance and does not impede necessary access for maintenance; [Ord. 2010-022]

e) Canopy trees shall be planted along the internal side of the wall to be spaced a minimum of 20 feet on center; [Ord. 2010-022]

f) A hedge shall be installed in accordance with the standards for medium shrubs, as specified in Table 7.D.3.A, Shrub Planting Requirements; and, [Ord. 2010-022]

g) A drainage easement may be permitted within the buffer on the interior side of the wall to be used as a stormwater management system, subject to approval by Land Development. [Ord. 2010-022]

b. Foundation Planting

The PRAs shall be exempt from foundation planting requirements, unless stated otherwise herein. [Ord. 2010-022] [Ord. 2011-016]

c. Alternative Parking Lot Design Options

This Section allows alternative parking lot designs through modifications to Art. 7.C.4, Landscape Requirements for On-Site Parking to promote innovative design or use of green building materials. The following may be used individually or in combination, unless stated otherwise: [Ord. 2010-022] [Ord. 2014-025]

1) Option 1

Projects that are one-half acre or less in size, with 20 or fewer parking spaces may consolidate all required interior landscape island areas and planting materials into one or more locations anywhere within the project; [Ord. 2010-022] [Ord. 2014-025]

2) Option 2

Projects that are two acres or less in size may reduce required terminal island landscape width to a minimum of five feet in width of landscape area. This option may not be used in conjunction with any option relocating these landscape areas; [Ord. 2010-022] [Ord. 2014-025]

3) Option 3

Landscape shrub or ground cover requirements for terminal, interior, and divider median islands may be replaced with bio-swales and appropriate landscaping, provided that required Canopy trees can be accommodated. Alterations to required curbing may be permitted subject to demonstration that vegetated areas are protected from vehicles; [Ord. 2010-022] [Ord. 2014-025]

4) Option 4

Up to a maximum of 25 percent of required terminal, interior, and divider median landscape islands shall not be required provided that covered parking that utilizes appropriate solar reflectance index (SRI) materials are installed where islands are removed; [Ord. 2010-022] [Ord. 2014-025]

5) Option 5

Landscape shrub or ground cover requirements for terminal, interior, and divider median landscape areas shall not be required, subject to the following: [Ord. 2010-022] [Ord. 2014-025]

a) The number of required terminal, interior, and divider median trees are doubled; and [Ord. 2010-022] [Ord. 2014-025]

b) Green building standards for tree wells and related root growth areas are utilized; [Ord. 2010-022]

6) Option 6

No interior islands are required if parking spaces are abutting landscape buffers, Street Walls, or tree planting areas. [Ord. 2010-022] [Ord. 2014-025]

d. Rear or Side Entrances

Buildings with secondary entrances located on the side or rear façades shall either apply the streetscape standards for a side street building frontage; or shall provide foundation planting along a minimum of 50 percent of the applicable façade, with a minimum depth of five feet, to be planted in accordance with Art. 7, Landscaping, with a sidewalk a minimum of five feet in width as needed to separate pedestrians from abutting vehicle use areas along the building façade. [Ord. 2010-022]

11. Signage Standards

Signage shall be in accordance with Art. 8, Signage, unless stated otherwise herein. [Ord. 2010-022] [Ord. 2011-016]

a. Freestanding Signage Prohibitions

Freestanding signs, including outparcel identification signs, shall be prohibited, with exception to Development Orders that include buildings located on internal streets that do not have any frontage on a perimeter street, subject to the limits of Table 8.G.2.A, Freestanding Sign Standards, or the following, whichever is more restrictive: [Ord. 2010-022] [Ord. 2023-021]

1) Signs shall not exceed 150 square feet of sign face area, 15 feet in height, or the maximum dimensions permitted in Art. 8, Signage, whichever is less; and [Ord. 2010-022] [Ord. 2016-020] [Ord. 2023-021]

2) A maximum of one freestanding sign per right-of-way frontage shall be permitted. [Ord. 2010-022] [Ord. 2023-021]

G. Type 1 and 2 URAO Waivers

An Applicant may apply for Waivers for development standards in accordance with Art. 2.B.7.D, Type 2 Waiver or Art. 2.C.5.G, Type 1 Waiver. Applications for Type 1 or Type 2 Waivers shall be expressly limited to those Articles or Requirements listed in Table 3.B.16.G, Type 1 and 2 URAO Waivers. Type 2 Waiver requests shall be submitted concurrently with any other DRO application request for Public Hearing certification, where applicable. [Ord. 2010-022] [Ord. 2011-016]

Table 3.B.16.G – Type 1 and 2 URAO Waivers (1)

Article/Table Reference and Title	Type 1 Waivers Limitations/Criteria	Type 2 Waiver Limitations/Criteria
Art. 3.B.16.A, Purpose and Intent		
N/A	No Waiver.	No Waiver.
Art. 3.B.16.B, Applicability		
N/A	No Waiver.	No Waiver.
Art. 3.B.16.C, Future Land Uses and Density/Intensity		
N/A	No Waiver.	No Waiver.
Art. 3.B.16.D, Application Requirements		
N/A	No Waiver.	No Waiver.
Art. 3.B.16.E, Additional PRA Use Regulations		
Art. 3.B.16.E.3.a, Residential Setbacks	Ten percent reduction provided the use is screened.	Waiver permitted.
Art. 3.B.16.E.3.c, Drive-Through Uses and Gasoline Service Facilities	Exceptions to Street Wall requirements may be permitted for vehicular and pedestrian access points.	Waiver permitted. Requires submittal of alternative design that meets the intent of these provisions.
Art. 3.B.16.F, PRA Design and Development Standards		
PRA Transect Zones		
Art. 3.B.16.F.1.a, Urban Center (UC) Sub-area Transects	No Waiver.	Limited Waiver permitted only for reference to minimum number of stories required in this TZ.
Table 3.B.16.F, PRA Sub-area Transect Standards	No Waiver.	Limited Waiver permitted: • Additional 25 percent deviation for minimum TZ minimum setback abutting residential: Minimum UC 1 = 300 feet; UC 2 and UI 1 = 150 feet. • Subject to height of buildings, site layout, proposed uses, Incompatibility Buffer, or other design alternative.
Block Design Standards		
Table. 3.B.16,F, Block Dimension Requirements	Allow five percent deviation due to unusual lot configuration.	Waiver permitted.
Frontage Classifications and Street Standards		
Art. 3.B.16.F.4.a.1), Slip Street Frontage	The minimum frontage requirement may be waived where the Slip Street is used to provide cross access to one or more abutting properties where the vehicular lane aligns with a Slip Street, parking lot aisle, or access way on the abutting property. [Ord. 2017-002]	Waiver permitted.
Art. 3.B.16.F.4.b, Internal Streets	Allow additional lanes or minor increases in lane width: • Where required by DEPW or Palm Tran; • Minimum modification necessary and remains consistent with TDD street standards; and, • Consistent with standards for livable streets which emphasis pedestrian safety.	Waiver permitted.
Art. 3.B.16.F.4.c, Alleys	• Drive aisles within parking lots may be used to meet alley requirements; or [Ord. 2017-002] • Alleys shall not be required where Type 2 Waiver relief is approved for parking in front of buildings where drive aisles for such parking provides cross access to adjacent properties. [Ord. 2017-002]	Waiver permitted.
Interconnectivity Standards		
Art. 3.B.16.F.5, Interconnectivity Standards	No interconnectivity required for the following: • Document prohibition by Federal, State, Local, or other laws that serve to establish limited access standards necessary to protect facilities such as Water or Wastewater	No Waiver.

	Treatment Plants, jails, or other similar uses. [Ord. 2017-007]	
Art. 3.B.16.F.5.c, Gates	• Special circumstances between adjacent uses. • Specific user requirements within the PRA project requires the use of gates, provided such does not impact the continuity of required blocks, streets, or alleys.	No Waiver.
Notes:		
1.	Deviations from the limitations or permissions granted for Waivers shall be prohibited. [Ord. 2011-016] [Ord. 2017-007]	

Table 3.B.16.G – Type 1 and 2 URAO Waivers, Cont'd. (1)

Article/Table Reference and Title	Type 1 Waivers Limitations/Criteria	Type 2 Waiver Limitations/Criteria
Building Standards		
Art. 3.B.16.F.6.a, Building Placement	No Waiver.	Waiver permitted.
Art. 3.B.16.F.6.b, Building Property Development Regulations	No Waiver.	Waiver permitted.
Table 3.B.16.F, PRA Block Building PDRs	No Waiver.	Waiver permitted.
Table 3.B.16.F, PRA Liner Building Configuration PDRs	No Waiver.	Waiver permitted.
Table 3.B.16.F, PRA Townhouse Lot and Building Configuration PDRs	No Waiver.	Waiver permitted.
Table 3.B.16.F, Maximum Building Floors	No Waiver.	Waiver permitted.
Table 3.B.16.F, Maximum Building Height	No Waiver.	Waiver permitted.
Art. 3.B.16.F.6.c.3), Green Building Incentive Program	Allow deviations for different certifying standards as may be approved by the County.	Waiver permitted.
Art. 3.B.16.F.6.d.1), Primary Entrances	No Waiver.	Waiver permitted.
Art. 3.B.16.F.6.d.3), Fenestration	Limited Waiver permitted to allow greater than 20 percent and less than 35 percent.	Waiver permitted.
Art. 3.B.16.F.6.d.4), Storefronts	Limited Waiver permitted to allow greater than 50 percent and less than 75 percent.	Limited Waiver permitted to allow greater than 35 percent and less than 75 percent.
Table 3.B.16.F, PRA Appurtenances by Building Type	No Waiver.	Limited Waiver permitted to allow similar alternative.
Streetscape Standards		
Art. 3.B.16.F.7.b.1), Planting/Amenity Zone	No Waiver.	Waiver permitted.
Art. 3.B.16.F.7.b.2), Pedestrian Circulation Zone	No Waiver.	Waiver permitted.
Art. 3.B.16.F.7.b.3), Slip Street Planting/Amenity Zone	No Waiver.	Waiver permitted.
Civic and Usable Open Space Standards		
Art. 3.B.16.F.8, Civic and Usable Open Space Standards	No Waiver.	Waiver permitted.
Table 3.B.16.F, PRA Dimensions for Usable Open Space	No Waiver.	Waiver permitted.
Art. 3.B.16.F.8.a, General	No Waiver.	Waiver permitted.
Art. 3.B.16.F.8.b, Plazas and Squares	No Waiver.	Waiver permitted.
Art. 3.B.16.F.8.c, Greens	No Waiver.	Waiver permitted.
Art. 3.B.16.F.8.d, Streetscape Credit	No Waiver.	Waiver permitted.
Art. 3.B.16.F.8.e, Street Frontage	No Waiver.	Waiver permitted.
Art. 3.B.16.F.8.f, Shade	No Waiver.	Waiver permitted.
Art. 3.B.16.F.8.g, Pedestrian Amenities	No Waiver.	Waiver permitted.
Notes:		
1.	Deviations from the limitations or permissions granted for Waivers shall be prohibited. [Ord. 2011-016] [Ord. 2017-007]	

Table 3.B.16.G – Type 1 and 2 URAO Waivers, Cont'd. (1)

Article/Table Reference and Title	Type 1 Waivers Limitations/Criteria	Type 2 Waiver Limitations/Criteria
Parking and Loading Standards		
Art. 3.B.16.F.9, Parking and Loading Standards	A maximum of one row of parking may be permitted in front of a building in the form of a parking lot for parcels that do not qualify to use the Slip Street Frontage option, subject to the following: [Ord. 2017-002] • Compliance with the requirements for the Slip Street Planting Amenity Zone; and [Ord. 2017-002] • Either: 1) Modification to Art. 3.B.16.F.4.a.1), Slip Street Frontage and related build-to-line requirements, is required to allow for vehicular cross access with existing parking lots on adjacent parcels; or [Ord. 2017-002] 2) The parcel is exempt from interconnectivity requirements and allowing limited parking in front of the building is consistent with existing parking placement and building setbacks for one or more adjacent parcels. [Ord. 2017-002]	Limited Waiver permitted for location of parking only.
Art. 3.B.16.F.9.a.1), On-Street Parking	• As needed to accommodate a concurrent request for a Type 1 or 2 Waiver to Art. 3.B.16.F.9, Parking and Loading Standards, to allow for parking in front of a building. • Only where required to allow a Waiver approved in the row above. [Ord. 2017-002]	Waiver permitted.
Art. 3.B.16.F.9.a.2), Parking Lots	As needed to accommodate a concurrent request for a Type 1 or 2 Waiver to Art. 3.B.16.F.9, Parking and Loading Standards, to allow for parking in front of a building. [Ord. 2017-002]	Waiver permitted.
Art. 3.B.16.F.9.a.3), Requirement for Parking Garages	No Waiver.	Waiver permitted.
Art. 3.B.16.F.9.a.4), Townhouse	No Waiver.	Waiver permitted.
Art. 3.B.16.F.9.a.5), Service and Loading Areas	No Waiver.	Waiver permitted.
Art. 3.B.16.F.9.c, Bicycle Parking	No Waiver.	Waiver permitted.
Signage Standards		
Art. 3.B.16.F.11.a, Freestanding Signage Prohibitions	No Waiver.	Waiver permitted.
Art. 3.B.16.G, Type 1 and 2 URAO Waivers		
N/A	No Waiver.	No Waiver.

[Ord. 2011-016] [Ord. 2017-002]

Notes:

1. Deviations from the limitations or permissions granted for Waivers shall be prohibited. [Ord. 2011-016] [Ord. 2017-007]

Section 17 Agricultural Enclave Overlay (AGEO)

A. Purpose and Intent

These regulations are intended to provide supplemental standards for development within an Agricultural Enclave (AGE) to ensure compliance with related Goals, Objectives, and Policies of the Plan, and F.S. § 163.3162. The AGE must include appropriate new urbanism concepts to achieve clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights within the boundaries of an AGE. This is accomplished by use of Art. 3.F.5, Traditional Town Development (TTD), and an AGE Future Land Use Atlas (FLUA) amendment Conceptual Plan, which establishes the transects within an AGE. [Ord. 2010-022] [Ord. 2014-031]

B. Applicability

The provisions of the AGEO shall apply to property with an AGE FLU designation. [Ord. 2014-031]

C. Boundaries

The boundaries of the AGEO shall be consistent with an AGE FLUA amendment. [Ord. 2010-022] [Ord. 2014-031]

D. Development Review Procedures

Any application for a Development Order for a Rezoning, Conditional Use approval, or Development Order Amendment, within an AGEO shall be consistent with an AGE FLUA amendment Conceptual Plan: [Ord. 2014-031] [Ord. 2018-002]

1. Master Plan and Regulating Plan

The Master Plan and Regulating Plan, or Design Standards Alternative, shall include the following information from the AGE FLUA Conceptual Plan. Previously approved Design Standards Alternative shall be considered conforming unless changed to a Regulating Plan. [Ord. 2014-031] [Ord. 2016-042]

a. The location and boundaries of the transect zones; [Ord. 2014-031]
b. Allocation and range of density and intensity; [Ord. 2014-031]
c. General location of all civic sites and a summary chart for required or additional civic acreages; [Ord. 2014-031]
d. General location of existing or proposed Arterials, thoroughfares, and Collector Streets, and access points for each pod; and, [Ord. 2014-031]
e. Any applicable Implementing Principles. [Ord. 2014-031]

2. Final Site or Subdivision Plan

An FSP or FSBP for a TND, PUD, TMD, MUPD, or Conditional Use, shall include graphic and tabular details as required above for Master Plans and Regulating Plans. [Ord. 2014-031] [Ord. 2018-002]

E. Use Regulations and Standards

1. AGE FLUA Conceptual Plan Transects

a. Developable Transects

All uses within the Developable Transects, shall be located within and in accordance with the standards applicable to a TMD, TND, MUPD, or PUD Pod, as designated on the Master Plan, unless stated otherwise herein or in the AGE FLUA Conceptual Plan. [Ord. 2014-031]

b. Natural Transect Uses and Standards

Any uses permitted within the Natural Transect shall be developed in accordance with the FLUA Conceptual Plan. [Ord. 2014-031]

2. Economic Development Center (EDC)

An MUPD Pod developed as a TTD Economic Development Center may include a College or University subject to approval as a Conditional Use. Additional commercial uses that support employees and students may be permitted in accordance with a FLUA Conceptual Plan. [Ord. 2014-031] [Ord. 2018-002]

3. Agricultural Uses

Existing agricultural areas having an agricultural classification by the Property Appraiser at time of rezoning to a TTD shall be permitted to continue or expand, in accordance with the standards for the AR district, unless inconsistent with the FLUA Conceptual Plan. [Ord. 2014-031]

4. Government and Civic Uses

All government and civic uses owned and operated by a government entity may be permitted to utilize the standards established for the Public Ownership district in Table 3.D.1.A, Property Development Regulations, and Table 4.B.4.A, Institutional, Public, and Civic Use Matrix, unless inconsistent with the FLUA Conceptual Plan or a Master Plan. [Ord. 2014-031]

F. Traditional Town Development (TTD) Exceptions

Exceptions from the requirements of Art. 3.F, Traditional Development Districts (TDDs) may be permitted or required for an AGE TTD, in accordance with the following: [Ord. 2014-031]

1. Required Civic Locations

Minimum civic area required for PUDs or TDDs may be relocated outside of the boundaries of a specific pod to central areas within the AGE where designated on the AGE Conceptual Plan. [Ord. 2010-022] [Ord. 2014-031]

2. Traditional Neighborhood Center (TND) Land Use Mix

An AGE TND shall comply with Table 3.F.3.B, TND Land Use, except that the maximum percentage permitted for Single Family homes may be increased to 100 percent, and the minimum Multifamily or Townhouse requirement may be reduced to zero, if consistent with the AGE FLUA Conceptual Plan. [Ord. 2014-031]

3. Rural Collector Street Standards

Collector Streets providing connectivity between TNDs, PUDs, and Arterials or other streets outside of the AGE TTD, shall apply the Plan and Non-Plan Roadway Collector Standards for the Rural Tier as indicated in Table 3.F.2.A, TDD Street Design Standards by Tier (and related Figures), subject to the following: [Ord. 2014-031]

a. Rural Collectors shall only be permitted along the perimeter of TMD or TND Pods; [Ord. 2014-031]
b. Maximum number of travel lanes may be increased from two to four if required by PBC Engineering; [Ord. 2014-031]
c. Medians of up to 30 feet in width may be permitted; [Ord. 2014-031]
d. An additional six-foot-wide bicycle lane may be permitted; and, [Ord. 2014-031]
e. Overall R-O-W width may be increased to accommodate the above. [Ord. 2014-031]

4. TMD Maximum Single-Tenant Frontage

The maximum frontage per single tenant permitted within a TMD Pod may be increased in accordance with the exception permitted for the AGR Tier in Art. 3.F.4.C.1.c.4), Maximum Frontage per Single Tenant. [Ord. 2014-031]

5. TTD Landscape Buffer

A minimum 50-foot-wide Type 3 Incompatibility Buffer shall not be required around the perimeter of an AGE TTD if an alternative buffer is approved as part of a FLUA Conceptual Plan. [Ord. 2014-031]

6. TTD Land Use Allocation

The minimum and maximum land use mix for an AGE TTD shall comply with Table 3.F.5.C, Traditional Town Development Land Use Allocations, unless stated otherwise on the FLUA Conceptual Plan. [Ord. 2014-031]

Section 18 Bioscience Research Protection Overlay (BRPO)

A. Purpose and Intent

To promote the growth and stability of bioscience research/biotechnology uses in proximity to the Scripps Research Institute (TSRI) campus at Abacoa/Briger, and deterring the conversion of those uses to commercial or residential uses. This will be accomplished in coordination with the Town of Jupiter, the City of Palm Beach Gardens, the City of Riviera Beach, the Town of Lake Park, and the Town of Mangonia Park, with the objective to provide opportunity for a minimum 8,000,000 square feet of bioscience/biotechnology use cluster in Northern Palm Beach County. The BRPO does not limit the uses currently allowed consistent with the property's existing land use designation and zoning designation including uses allowed pursuant to Planned Development approvals and Development of Regional Impact approvals. [Ord. 2016-042]

B. Boundaries

Generally located and bifurcated north and south of Blue Heron Boulevard, west of the C-17 Canal and Garden Road, and east of I-95; bordered in the north by Consumer Street and in the south by Interstate Park Way; the larger portion of the overlay lying in the area to the north of Blue Heron Boulevard, with a smaller portion comprised of eight parcels to the south, as well as the area included in the Florida Research Park (Palm Beach Park of Commerce) DRI approval—shall be depicted on the Special Planning Areas Map in the Comprehensive Plan Map Series. [Ord. 2016-042]

C. Applicability

See Art. 4.B.5.C.13, Research and Development, and FLUE Objective 1.9, Bioscience Research Protection Overlay (BRPO). [Ord. 2016-042]

Section 19 Lion Country Safari Overlay (LSCO)

A. General

See Art. 3.E.2.G.6, Lion Country Safari Overlay, for Purpose and Intent, Boundaries and Applicability, and additional site development requirements. [Ord. 2016-042] [Ord. 2017-007]

Section 20 Western Communities Residential Overlay (WCRO)

A. General

See Art. 3.E.2.H, WCR-PUD.

Section 21 Loxahatchee Estates Overlay (LEO)

A. Purpose and Intent

The purpose of the Loxahatchee Estates Overlay (LEO) is to implement FLUE Policy 1.4.3 of the Plan to preserve the low-density rural character of the Rural Tier and surrounding area by allowing new residential subdivisions that are consistent with the existing lot pattern. [Ord. 2025-009]

B. Boundaries

The boundaries of the LEO are depicted on the Special Planning Areas Map, LU 3.1. [Ord. 2025-009]

C. Property Development Regulations

1. Minimum Lot Dimensions

a. Size: one acre [Ord. 2025-009]
b. Width/Frontage: 125 feet [Ord. 2025-009]
c. Depth: 200 feet [Ord. 2025-009]

2. Maximum Building Coverage: 30 percent [Ord. 2025-009]

3. Minimum Setbacks

a. Front: 50 feet [Ord. 2025-009]
b. Side: 15 feet [Ord. 2025-009]
c. Side Street: 25 feet [Ord. 2025-009]
d. Rear: 25 feet [Ord. 2025-009]

4. Accessory structures shall be in accordance with Art. 5, Supplementary Standards. [Ord. 2025-009]

D. Access

A subdivision within the LEO shall have access in accordance with the requirements of Art. 11.E.2.A.2, Minimum Legal Access Requirement and Table 11.E.2.A, Chart of Minor Streets, or have access to 180th Avenue North. [Ord. 2025-009]

E. Uses

1. Government Services

Government Services may be a Permitted by Right use on a lot within a residential subdivision if the use was approved by the Board of County Commissioners as part of an application for a Future Land Use amendment. [Ord. 2025-009]

CHAPTER C STANDARD DISTRICTS

Section 1 General

A. Agricultural Districts

1. AP, Agricultural Production District

The AP district is to conserve and protect areas for exclusive, Bona Fide Agriculture and farming-related operations particularly where soil and water conditions favor continued agricultural production. A wide range of agricultural activities and their accessory uses shall be permitted in the AP district in order to maintain the vitality of the agricultural industry in PBC.

a. Exempted Residential Uses

Legal Lots of Record with an LR-1 FLU designation located in an area north of the unincorporated community of Canal Point shall be considered conforming for the purpose of renovating or developing a Single Family home, including related accessory uses and structures. [Ord. 2007-013]

b. Agricultural Production Zoning Consistency

Within the Glades Tier, the Agricultural Production Zoning District is consistent with all FLU designations, excluding conservation. [Ord. 2016-016]

2. AGR, Agricultural Reserve District

The AGR district is a portion of PBC lying between Hypoluxo Road on the north, Clint Moore Road on the south, the Ronald Reagan Turnpike on the east, and the Arthur R. Marshall Loxahatchee National Wildlife Refuge on the west. The district encompasses unique farmland, regional water management, and wetlands areas. It is designated as an area to be preserved primarily for agricultural, environmental and water resources, and open space-related activities west of SR 7, agricultural and regional water management use if possible, residential development is restricted to low densities and commercial development is limited to those uses serving farm workers and other residents of the district. Gaming, pari-mutual wagering, off-track betting, events, or activities held or broadcast for similar purposes shall be prohibited.

a. Exempted Residential Uses

Residential subdivisions and PUDs approved by the BCC prior to January 1, 1990 shall be exempt from the provisions of the AGR district to the minimum extent required to allow for continued development pursuant to their original Development Order and the intent of the provisions of the AGR district.

1) Exempted Developments

The exemption applies to the following residential developments that may continue to exist, however, they may not subdivide nor expand the boundaries of the property: Willis Glider Port, Delray Lakes Estates, Tierra del Rey, Tierra del Rey South, Rio Poco, Snow Ranch Estates (a.k.a. Horseshoe Acres), and Delray Training Center. [Ord. 2007-001]

2) Permitted Contiguous Development

An exception shall be permitted in accordance with FLUE Policy 1.5-c, whereas Delray Lakes Estates, Willis Glider Port, and Snow Ranch Estates (a.k.a. Horseshoe Acres) may expand, subject to a Class A Conditional Use approval, to allow development of contiguous residual parcels at a density that is consistent with the existing development, where it would serve to establish uniform boundaries. Expansion shall be subject to Table 3.C.1.A, AGR Contiguous Development PDRs. [Ord. 2006-004] [Ord. 2007-001] [Ord. 2018-002]

Table 3.C.1.A – AGR Contiguous Developments PDRs

Name of Project	Lot Dimensions			Building Coverage	Setbacks			
	Size	Width and Frontage	Depth		Front	Side	Side Street	Rear
Delray Lakes Estates	1 ac.	65' (1)	75' (1)	40%	25'	7.5'	15'	15'
Willis Gliderport	1.5 ac.	200'	300'	40%	25'	7.5'	15'	15'
Horseshoe Acres	2 ac.	300'	300'	15%	100'	50'	80'	100'
Notes:								
1.	All lots shall have an average width and depth that is consistent with lots in the Delray Lakes Estates PUD. [Ord. 2007-001]							

b. Previously Approved Uses

All uses that are existing and were legally established or requested before the effective date of Ordinance No. 2001-061, but are not permitted by the provisions of the AGR district, shall be considered exempted uses as set forth below: [Ord. 2016-042]

1) Exempted Uses – 4 Points Market

May be developed in accordance with FLUE Policy 1.5-l, Pre-Existing Commercial Sites (1. 4 Points Market). [Ord. 2017-002]

2) Right to Farm

All land in the AGR and AP districts are located in areas where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring property may be subjected to inconvenience and discomfort arising from generally accepted agricultural management practices, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of properties in these areas are hereby put on official notice that: (1) the State Right to Farm Act, F.S. § 823.14, may bar them from obtaining a legal judgment against such as a public or private nuisance; and (2) farm operations that conform to generally accepted agricultural and management practices in the AGR and AP districts are exempt from the following miscellaneous standards contained in Art. 5.E, Performance Standards of this Code for noise, vibration, smoke, and emissions and particulate matters. [Ord. 2005-041]

B. Conservation District

1. PC, Preservation/Conservation District

The PC district is to protect lands that provide habitats for endangered species of wildlife, fish, or flora, that are important habitats for the production of fish and wildlife, or that are sites of historical or archaeological significance.

C. Residential Districts

1. AR, Agricultural Residential District

The AR district is to protect and enhance the rural lifestyle and quality of life of residents in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes.

a. Previously Approved RSER and Non-Residential Uses

The previously approved site in the RSER Zoning District (Petition 1999-011 Everglades Farm Equipment Co.) requested before the effective date of this Ordinance, may be developed as a conforming use. [Ord. 2005-002] [Ord. 2011-016]

b. Special Agriculture Uses

Additional non-residential uses may be allowed in the AR Zoning District with an SA FLU designation. [Ord. 2023-009]

2. RE, Residential Estate District

The RE district is to provide a transition between the agricultural and conservation areas and more urban residential communities and to create a residential environment wherein natural constraints applicable to development are recognized and protected in a manner compatible with the needs of residents.

3. RT, Residential Transitional District

The RT district is to provide a transition between a suburban Single Family atmosphere and estate development, which promotes active recreational facilities within the privacy of an individual lot.

4. RS, Single Family Residential District

The RS district is to provide areas for moderate-density Single Family dwelling units.

5. RM, Multifamily Residential District

The RM district is intended primarily for the development of multiple family dwelling units.

D. Commercial Districts

1. CLO, Commercial Low Office District

The CLO district is to encourage development of low-intensity offices and the integration of complementary uses on a Local, Collector, or Arterial Street. The CLO district may serve as a transition between residential areas and more intense commercial development.

2. CHO, Commercial High Office District

The CHO district is to encourage development of business and professional office parks and complementary uses.

3. CN, Neighborhood Commercial District

The CN district is to provide a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a Local, Collector, or Arterial Street.

4. CC, Community Commercial District

The CC district is to provide a commercial facility of a community nature that services residential neighborhoods within a three to five-mile radius, located on a Collector or higher classification street.

5. CG, General Commercial District

The CG district is to encourage the development of intensive commercial uses providing a wide range of goods and services, with access from a Collector or Arterial Street and services a consumer market of at least a three-mile radius.

6. CRE, Commercial Recreation District

The CRE district is to provide lands for major commercial recreation uses that are either publicly or privately operated and require large amounts of land and have major effects on adjacent uses.

7. IR, Infill Redevelopment District

The IR district is to encourage infill and redevelopment in the U/S Tier, with all new development subject to the requirements of the IRO. To further encourage the partial conversion of larger existing commercial developments, previously developed uses, buildings, and improvements may be retained where information is clearly shown on prior approvals, provided that any future development in accordance with the IRO. In granting approval of a rezoning to the IR district, the BCC may adopt Conditions of Approval; or including carrying forward Conditions of Approval related to prior approvals, under the premise that such conditions shall be phased out upon conversion to an IRO development. [Ord. 2010-005]

E. PRA, Priority Redevelopment Area Districts

PRA districts shall be subject to the requirements of Art. 3.B.16, Urban Redevelopment Area Overlay (URAO). [Ord. 2010-022]

1. UC, Urban Center District

The UC district is the most intense PRA district, typically comprised of larger interconnected commercial sub-areas with buildings containing either residential, non-residential, or a well-balanced mix of residential, commercial, civic, and recreational uses. [Ord. 2010-022] [Ord. 2017-002]

2. UI, Urban Infill District

The UI district accommodates either residential, non-residential, or mixed-use redevelopment along the corridors, while providing a transition to the adjacent, existing residential neighborhoods. [Ord. 2010-022] [Ord. 2017-002]

F. Industrial Districts

1. IL, Light Industrial District

The IL district is to provide sufficient land in appropriate locations for certain types of businesses, light manufacturing, or processing uses likely to cause undesirable effects upon residential or commercial uses.

2. IG, General Industrial District

The IG district is to provide land in appropriate locations for those uses with one or more of the following characteristics: industrial processes that involve significant amounts of noise, heat, mechanical, and chemical processing; large amounts of material transfer; outdoor activities; and, large structures. The IG district provides for industrial uses located with convenient access to transportation facilities.

G. Public and Institutional Districts

1. IPF, Institutional and Public Facilities District

The IPF district is to provide land in appropriate locations for a variety of regional and community uses that are either publicly or privately operated.

a. AGR Tier – Faith Farm Ministries

1) Approved Uses

Uses not permitted in the IPF district, but otherwise delineated on the approved Final Site Plan for Faith Farm Ministries, Control # 94-073, dated February 13, 2008, as amended, may

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 Commissioners 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)b), 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, maximum FAR, maximum building coverage, and minimum setbacks in each Standard Zoning District are indicated in Table 3.D.1.A, Property Development Regulations unless otherwise stated within this Section. 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] [Ord. 2023-021]

Table 3.D.1.A – Property Development Regulations

Zoning District	Min. Lot Dimensions			Max. FAR (5)	Max. Building Coverage	Min. Setbacks (7)			
	Size	Width and Frontage	Depth			Front	Side	Side Street	Rear
Agriculture/Conservation									
PC	1 ac.	-	-	-	-	50’	50’	50’	50’
AP	10 ac.	300’	300’	-	10% (9)	100’	50’	80’	100’
AGR	5 ac.	300’	300’	-	15%	100’	50’	80’	100’
Residential (2)(3)(4)									
AR (RR-20)	20 ac.	300’	300’	0.15	15%	100’	50’	80’	100’
AR (RR-10)	10 ac.								
AR (RR-5)	5 ac.								
AR (RR-2.5)	2.5 ac.	200’	200’	-	20%	50’	25’	25’	40’
AR and RE (U/S Tier) (1)	1 ac.	125’	200’	-	30%	50’	15’	25’	25’
RE (RSA)	2.5 ac.	200’	200’	-	20%	50’	25’	25’	40’
RT	14,000 sq. ft.	100’	125’	-	30%	25’	15’	25’	25’
RS	6,000 sq. ft.	65’	75’	-	40%	25’	7.5’ (10)	15’	15’
RM	-	65’	75’	-	40%	25’ (8)	15’	25’	15’ (8)
Commercial									
CN	0.5 ac.	100’	100’	-	25%	30’	30’	(6)	30’
CC	1 ac.	100’	200’	-	25%	30’	30’	(6)	30’
CG	1 ac.	100’	200’	-	25%	50’	15’	(6)	20’
CLO	1 ac.	100’	200’	-	25%	30’	15’	(6)	20’
CHO	1 ac.	100’	200’	-	25%	40’	15’	(6)	20’
CRE	3 ac.	200’	300’	-	40%	80’	50’	80’	50’
IR	N/A	50’	100’	-	40%	Art. 3.B.15, Infill Redevelopment Overlay (IRO)			

UI	N/A	50’	100’	-	N/A	Art. 3.B.16, Urban Redevelopment Area Overlay (URAO)			
UC	N/A	50’	100’	-	N/A	Art. 3.B.16, Urban Redevelopment Area Overlay (URAO)			
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. 2019-005] [Ord. 2020-020] [Ord. 2023-009] [Ord. 2023-021] [Ord. 2024-014]

Notes:

1. Properties with AR zoning with a residential future land use designation in the Urban/Suburban Tier are not required to rezone when: [Ord. 2023-009] [Ord. 2023-021]

a. subdividing for a residential use provided that the newly subdivided density is a maximum of one unit per acre; or [Ord. 2023-009] [Ord. 2023-021]

b. developing a non-residential use that is allowed in AR. [Ord. 2023-009] [Ord. 2023-021]

2. Existing residentially zoned lots that do not meet the minimum width and depth pursuant to this Table or Notes 3 and 4 below, may utilize the following PDRs for a Single Family dwelling unit only. For non-conforming depth: Front setback is 30 percent of lot depth, and Rear setback is 20 percent of lot depth. For non-conforming width: Side setback is 15 percent of lot width, and Side Street is 20 percent of lot width. [Ord. 2010-005] [Ord. 2023-009] [Ord. 2023-021]

3. A lot in the AR Zoning District that is a Legal Lot of Record prior to the Plan’s August 31, 1989 adoption, and is one acre or greater in any residential future land use designation, shall be considered a conforming lot when developed with a residential or agricultural use in any tier; or developed with an institutional use outside of the U/S Tier. The PDRs shall be as follows: [Ord. 2023-009] [Ord. 2023-021]

a. A lot with an RR-5, RR-10, or RR-20 FLU designation that does not meet the minimum width or depth, but meets the minimum width or depth of a lot with AR (RR-2.5) shall meet the setbacks for the AR (RR-2.5). [Ord. 2023-021]

b. A lot that does not meet the minimum lot width or depth of a lot with AR (RR-2.5), shall use the non-conforming percentage setbacks, pursuant to Note 2, for the applicable setback for which lot width or depth is not met. [Ord. 2023-021]

4. A lot in the AR Zoning District that is a Legal Lot of Record prior to the Plan’s August 31, 1989 adoption, and is in the U/S Tier shall be considered a conforming lot when developed with a residential or agricultural use. The PDRs shall be as follows: [Ord. 2023-009] [Ord. 2023-021]

a. A lot less than one acre and greater than or equal to 14,000 square feet shall use the RT PDRs. [Ord. 2023-009] [Ord. 2023-021]

b. A lot less than 14,000 square feet shall use the RS PDRs. [Ord. 2023-009] [Ord. 2023-021]

c. A lot that does not conform to the minimum lot width or depth of the RT or RS Zoning Districts, shall use the non-conforming percentage setbacks, pursuant to Note 2, for the applicable setback for which lot width or depth is not met. [Ord. 2023-009] [Ord. 2023-021]

5. The maximum FAR shall be in accordance with FLUE Table 2.2-e.1, Maximum Floor Area Ratios (FARs) For Non-Residential Future Land Use Categories and Non-Residential Uses of the Plan, and other related provisions, unless otherwise noted. The 0.15 FAR for the AR Zoning District is applicable where the primary use of a lot is residential. [Ord. 2005-041] [Ord. 2023-021]

6. Setback equal to width of R-O-W Buffer pursuant to Art. 7, Landscaping. [Ord. 2005-002] [Ord. 2005-041]

7. Buildings over 35 feet in height shall increase setbacks in accordance with Art. 3.D.1.E.2, Multifamily, Non-Residential Districts, and PDDs. [Ord. 2005-002] [Ord. 2005-041] [Ord. 2023-021]

8. 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. RH/RM Zoned Beachfront Properties may request a Type 2 Waiver for up to a five-foot reduction in front setback. [Ord. 2005-002] [Ord. 2005-041] [Ord. 2024-014]

9. Maximum Building Coverage in the AP district with an SA FLU designation may be increased to 15 percent. [Ord. 2017-007]

10. 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 District

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. [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

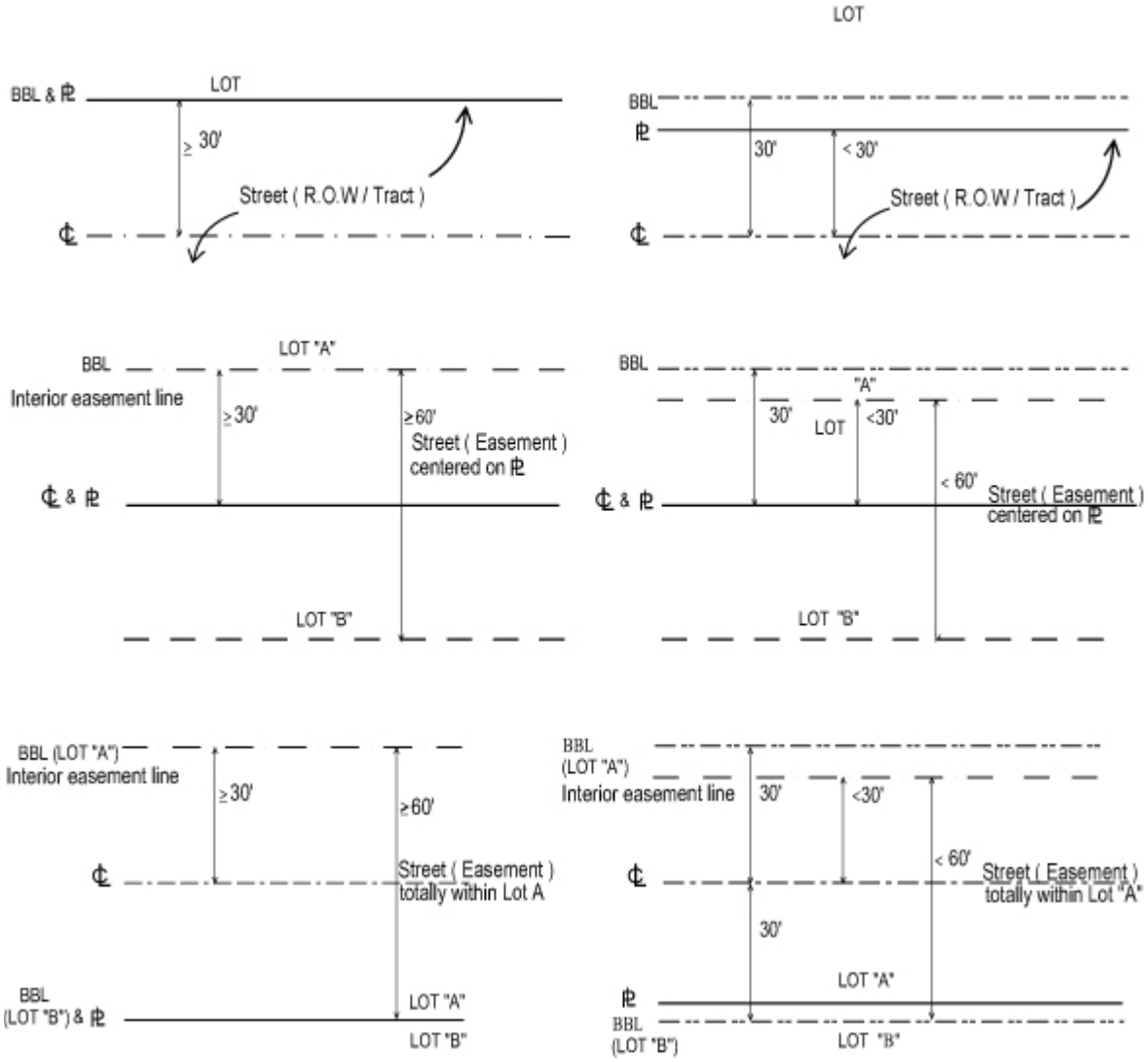
On curving streets, such as cul-de-sacs, the required frontage for lots between the points of curvature may be reduced by 40 percent, provided the centerline radius of the contiguous street is 125 feet or less.

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 – 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, and Table 3.D.2.D, Cottage Home Property Development Regulations respectively. [Ord. 2019-034]

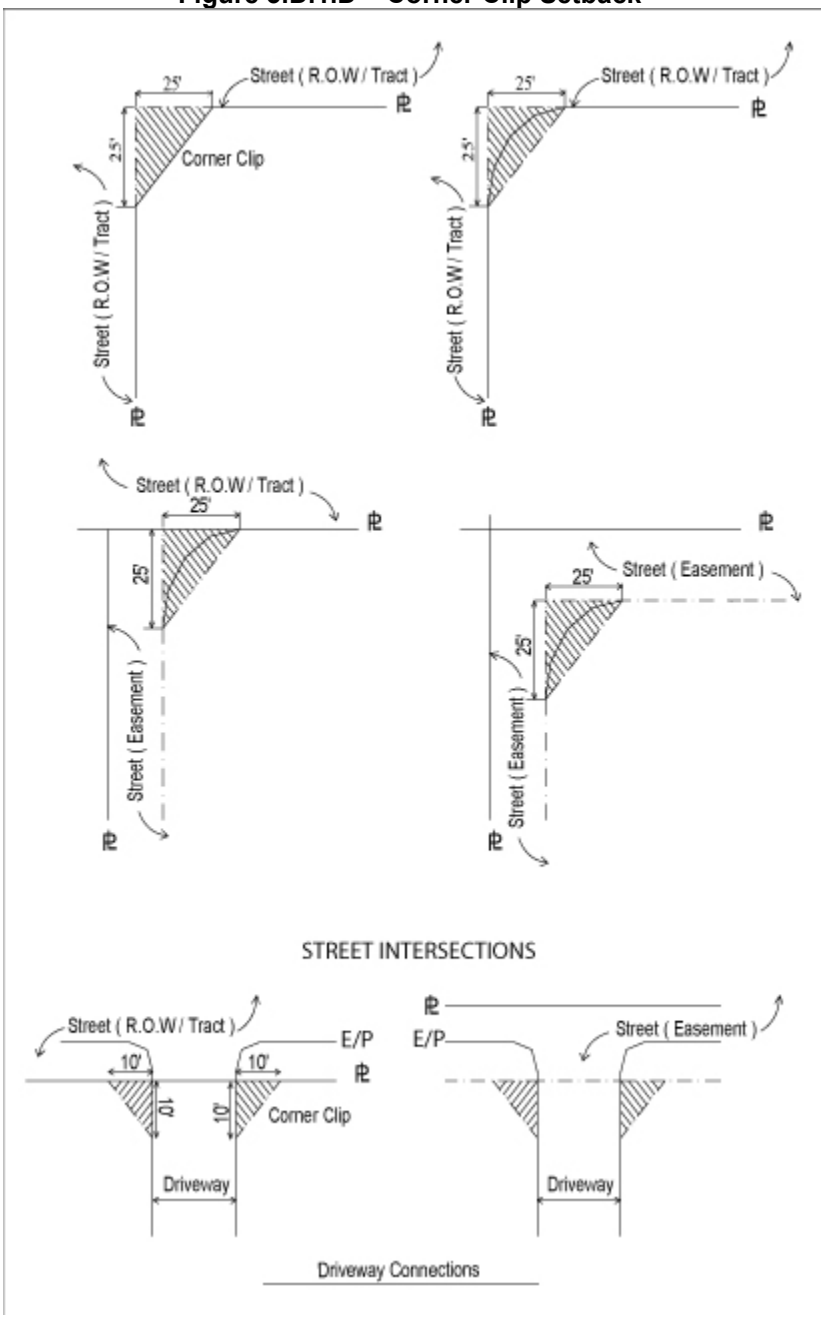
a. Cottage Homes

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 – 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 clotheslines in rear yard setbacks; [Ord. 2005-041]
7) Driveways, subject to Art. 6.B.3.A.2.a.3)a), 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) Sculptures 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, RH, CLO, CHO, CG, IL, IG, and PDD districts, buildings may exceed 35 feet in height as follows: [Ord. 2024-014]

a) Buildings over 35 feet in height shall be set back in accordance with Table 3.D.1.A, Property Development Regulations, 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. RH/RM Zoned Beachfront Properties may request a Type 2 Waiver from this additional setback to provide one additional foot of setback for each seven and one-half feet of height over 35 feet for the portion of the building over 35 feet in height. [Ord. 2005-002] [Ord. 2024-014]
b) 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. 2007-013] [Ord. 2024-014]

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. Flagpoles, 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]

Section 2 PDRs for Specific Housing Types

A. Townhouse

The minimum lot dimensions, maximum height, maximum FAR, maximum building coverage, and minimum setbacks and separations for Townhouses in all districts where they are permitted shall be as follows:

1. Ownership

a. Common Area

Where any portion of the original lot is not divided among and incorporated into the resulting Townhouse lots, then that portion of the original lot shall be held by either of the following or a combination of the following, in a form and manner acceptable to the County Attorney: [Ord. 2005-002]

1) Each lot owner shall have an undivided interest in the common area, which shall be appurtenant to that lot. The individual interest in the common areas shall not be conveyed separately from the ownership of said lot; or
2) A Property Owners' Association (POA).

b. Individual Lot

The minimum area to be conveyed to the lot owner shall be no less than 100 percent of the total ground floor building area of the dwelling unit. A homeowner's maintenance association shall be formed among the unit owners to assure compliance with exterior area maintenance regulations as may be adopted by the association.

2. Height

No building or structure shall exceed 35 feet in height.

3. Accessory Buildings and Structures

No detached accessory buildings or structures other than permitted fences or walls shall be permitted on any lot less than 30 feet in width.

4. Access and Parking

Townhouse lots may be arranged in groups fronting on Residential Access Streets (if located within a PDD) or fronting on parking tracts as allowed in Art. 11.E.2, Access and Circulation Systems. Minimum parking requirements shall be in accordance with Art. 6, Parking, Loading, and Circulation.

5. Replacement

In an effort to address current building trends and needs of homeowners to modify existing units, the following procedures have been established to facilitate replacement and expansion of existing units, and to ensure the consistency of replacement units with the character of the overall community. In the event a Townhouse unit is replaced or expanded, the following shall apply: [Ord. 2008-037]

a. Process

1) Building Permit Review

An application for Building Permit shall be consistent with typical unit detail approved on the DRO Site Plan or the original Building Permit. If no typical unit detail is included then Staff will rely on the tabular data for setbacks/separations and height. [Ord. 2008-037]

2) DRO Zoning Review

An application for DRO Zoning review shall be required to reflect proposed changes to a DRO-approved Site Plan; typical unit shall include tabular data, setbacks/separations, and height. [Ord. 2008-037]

b. Standards for Review

1) Setbacks/separations may be decreased a maximum of 30 percent of the required minimum standard provided the development was not approved utilizing flexible regulations or received prior Variance relief. [Ord. 2008-037]
2) A 30 percent increase in the maximum allowable height may be permitted. [Ord. 2008-037]
3) Demonstrate compliance with all applicable parking, landscaping, and drainage provisions. [Ord. 2008-037]
4) Comply with all applicable application requirements. [Ord. 2008-037]
5) Submit a letter of support from the applicable community HOA/POA. [Ord. 2008-037]
6) Comply with any DRO-approved Architectural Elevations or accepted revision consistent with Code. [Ord. 2008-037]

Any purposed deviation that exceeds the above standards will require Variance relief pursuant to Art. 2.C.5.F, Type 1 Variance. [Ord. 2008-037]

6. Issuance of Certificate of Occupancy (CO)

An attached Townhouse building shall be developed as a whole, and no CO for a Townhouse unit shall be issued until completion of one or more adjacent units and the entire attached building exterior, parking, and landscaping.

7. Townhouse Attachment

A Townhouse unit shall be attached to another Townhouse unit along a minimum of 50 percent of the maximum depth of the unit. This minimum attached length between Townhouses is limited to the portion of a building supporting an air-conditioned living area, a garage, or a storage area and shall share a continuous foundation with the Townhouse building.

Table 3.D.2.A – Townhouse Property Development Regulations

Lot Dimensions			Max. Height	Building Coverage	Setbacks and Separations (1)(2)					
					Front		Side		Side Street	Rear
Size	Width and Frontage	Depth			Height < 25'	Height 25-35'	Height < 25'	Height 25-35'		
800 sq. ft.	16'	50'	35'	100% of buildable area	15' – Unit 25' – Front loading garage 15' – Side loading garage or parking tract	20' – Unit 30' – Front loading garage 20' – Side loading garage or parking tract	0' – Interior unit 15' – End unit	0' – Interior unit 25' – End unit	25' – End unit	25'

[Ord. 2005-002]

Notes:

1.	Front and side street setbacks shall be measured from street or parking tract. Side and rear setbacks measured from pod boundary; perimeter property line; canal R-O-W; or, required landscape buffer. [Ord. 2005-002]
2.	Separations apply to the proximity of one Townhouse group to another. Separation between two Townhouse buildings shall be by drawing a centerline between the two adjacent buildings and measuring a minimum distance equal to one-half of the required separation from the centerline to ensure an equidistant separation between structures. For the purpose of this Section, a Townhouse building shall mean two or more attached Townhouses.
3.	Recreation buildings and other structures which are not accessory structures shall comply with the setback requirements in this Section.

B. Zero Lot Line (ZLL)

1. Property Development Regulations

The minimum lot dimensions, maximum height, maximum building coverage, and minimum setbacks for ZLL homes in all districts where they are permitted, shall be as follows: [Ord. 2020-020]

Table 3.D.2.B – ZLL Property Development Regulations

Lot Dimensions			Max. Height	Building Coverage	Setbacks				
Size	Width and Frontage	Depth			Front	ZLL Side	Side	Side Street	Rear
4,500 sq. ft.	45' – Interior	75'	35'	50%	10' – Unit	0'	10'	N/A	10'
	50' – Corner				25' – Front loading garage	0'	N/A	10'	10'
	55' – Side Street home				10' – Side loading garage	N/A	10'	10'	10'
[Ord. 2005-041] [Ord. 2020-020]									

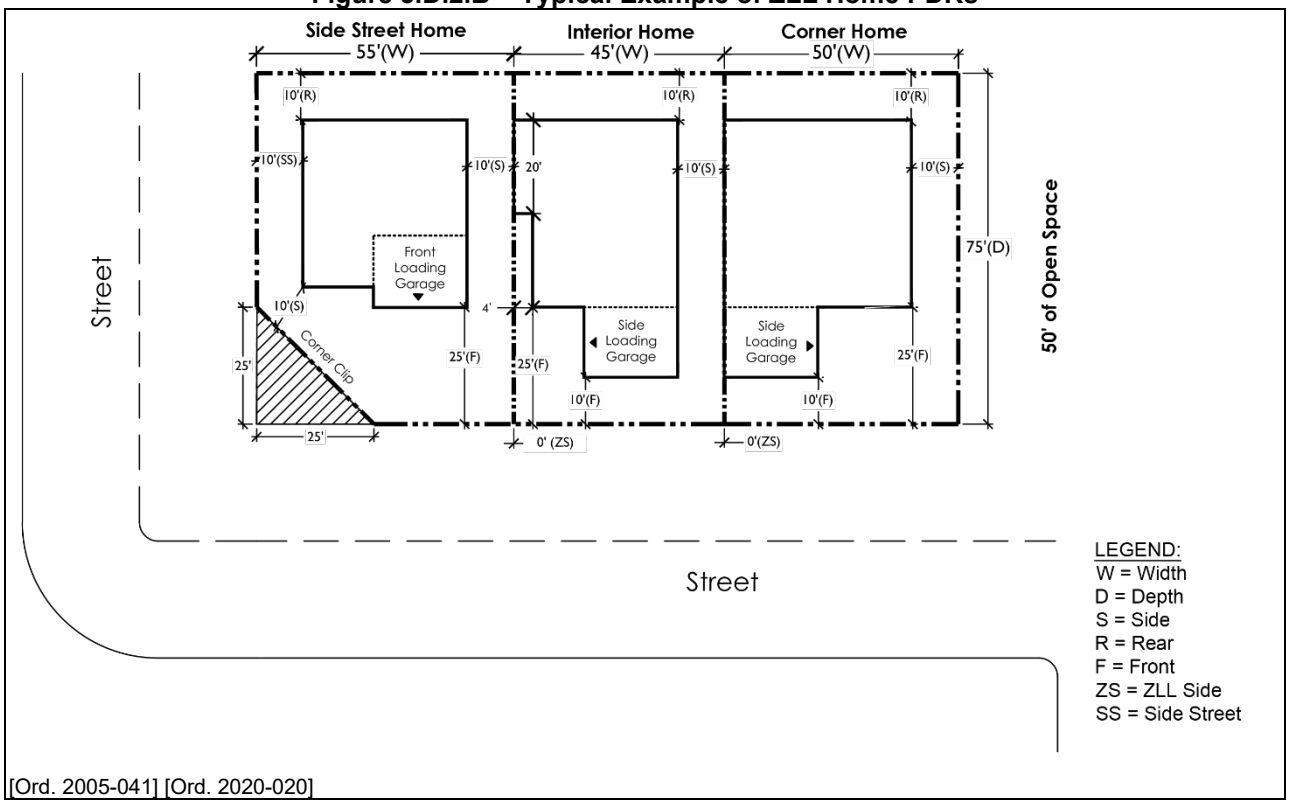
a. ZLL Side Setback

1) A ZLL home shall be located on a minimum of one, but not more than two, property lines, except as stated in Art. 3.D.2.B.1.b, Side Street Home. [Ord. 2005-002] [Ord. 2020-020]
2) A minimum of 20 feet of the length of the home under air or occupied by a totally enclosed area under roof which is attached to and directly accessible from an air-conditioned living area, such as a garage or storage area, shall be located on one lot line and shall have a zero-foot setback from the lot line. [Ord. 2020-020]
   a) The remaining portion of the home along the ZLL side shall be set back a minimum of four feet from the zero property line, unless otherwise stated herein Art. 3.D.2.B.1.c, Double ZLL Home, and Art. 3.D.2.B.3, Design Standards. [Ord. 2020-020]

b. Side Street Home

A Side Street home shall be located on a lot having one side of the unit abutting a street, abutting a minimum of 50 feet of open space, or a combination thereof. A Side Street home shall comply with the setbacks pursuant to Table 3.D.2.B, ZLL Property Development Regulations. [Ord. 2005-041] [Ord. 2020-020]

Figure 3.D.2.B – Typical Example of ZLL Home PDRs



[Ord. 2005-041] [Ord. 2020-020]

c. Double ZLL Home

A Double ZLL home is constructed with portions of the home located on two side property lines. [Ord. 2020-020]

1) The portion of the home abutting the ZLL side shall be under air or occupied by a totally enclosed area, such as a garage or storage area; and [Ord. 2020-020]
2) A Corner home shall have a minimum of 20 feet of the length of the home located on one lot line and shall have a zero-foot setback from the lot line; or [Ord. 2020-020]
3) An Interior Double ZLL home shall have a minimum of ten feet of length of the home on each ZLL side property, for a minimum total of 20 feet. [Ord. 2020-020]

Table 3.D.2.B – Double ZLL Property Development Regulations

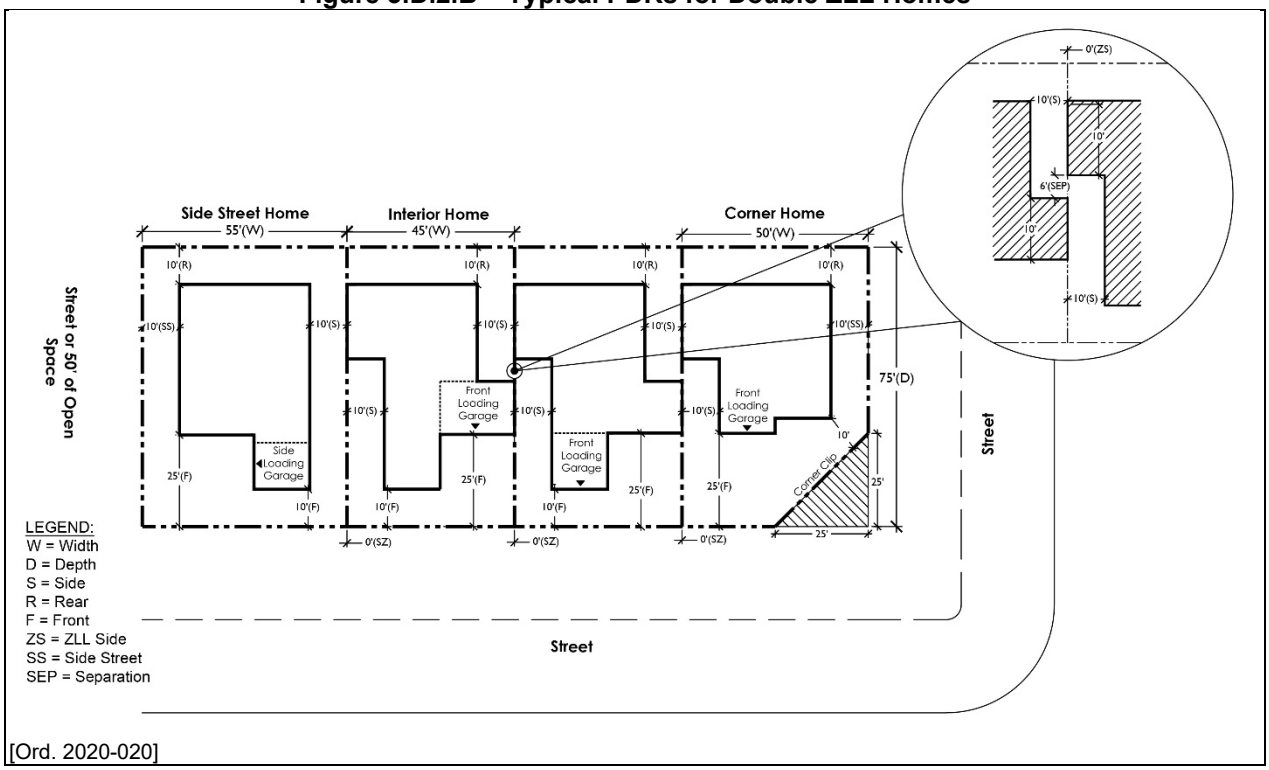
Lot Dimensions			Max. Height	Building Coverage	Setbacks			
Size	Width	Depth			Front	ZLL Side (1)(2)	Side Street	Rear
4,500 sq. ft.	45' – Interior	75'	35'	50%	10' – Unit; 25' – Front loading garage; 10' – Side loading garage	0'– For a min. 10' on each ZLL side; 10' – Portion of unit not built on the ZLL side	N/A	10'
	50'– Corner					0' – For a min. 10' on each ZLL side; 10' – Portion of unit not built on the ZLL side	10'	10'
	55' – Side Street home					N/A	10'	10'

[Ord. 2020-020]

Notes:

1.	A minimum ten-foot setback shall be provided for the portion of the Double ZLL home that is not built with a zero-foot setback. Reduction in setbacks, as described in Art. 3.D.2.B.3.b.3), Windows and Doors, shall be prohibited. [Ord. 2020-020]
2.	A minimum six-foot separation between the exterior walls and a minimum four-foot separation for overhangs, shall be provided between Double ZLL units located on the same ZLL side with the zero-foot setback unless waived by the Building Official based on requirements of the current edition of the Florida Building Code. [Ord. 2020-020]

Figure 3.D.2.B – Typical PDRs for Double ZLL Homes



[Ord. 2020-020]

d. ZLL Adjacent to Other Housing Types

1) A new ZLL lot shall not have a ZLL side abutting the side or rear property lines of an existing SF lot with a SFD. A new ZLL lot abutting to a platted SF lot that is vacant may be allowed pursuant to Art. 3.D.2.B.1.d.2). [Ord. 2020-020]
2) A new subdivision may include both ZLL and SF lots. If a ZLL lot abuts a SF lot, and the shared property line is the ZLL side, the SF lot shall have a minimum ten-foot side or 15-foot rear setback. The SF lot shall have an Access, Maintenance, and Roof Overhang Easement recorded pursuant to Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement. [Ord. 2020-020]
3) A new subdivision may include ZLL and MF or Cottage Homes (Multiple Units on a Single Lot). If a ZLL lot abuts the MF or Cottage Homes (Multiple Units on a Single Lot), and the shared property line is the ZLL side, the side setback for MF and Cottage Homes (Multiple Units on a Single Lot) shall be a minimum of 15 feet. The MF or Cottage Homes (Multiple Units on a Single Lot) lot shall have an Access, Maintenance, and Roof Overhang Easement recorded pursuant to Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement. [Ord. 2020-020]
4) ZLL lot shall not abut a Cottage Home (Single Unit on a Single Lot) or a Townhouse lot. [Ord. 2020-020]

2. Replacement

In an effort to address current building trends and needs of homeowners to modify existing units, the following procedures have been established to facilitate replacement and expansion of existing units, and to ensure the consistency of replacement units with the character of the overall community. In the event an existing home is being replaced, modified, or expanded, the following shall apply: [Ord. 2008-037] [Ord. 2020-020]

a. General

The application of a provision in this Section, which was not allowed prior to the effective date of this Code, shall require: [Ord. 2020-020]

1) consent from the HOA;
2) submittal of an application, pursuant to Art. 2, Application Processes and Procedures, to amend the prior DO; [Ord. 2020-020]
3) the amendment to apply to an entire pod; and,
4) the pod to be brought into conformance with the remainder of this Code, to the extent possible.

b. Process

1) Building Permit Review

An application for Building Permit shall be consistent with either a typical unit detail that is shown on the Final Plan approved by the DRO or the original Building Permit. If no typical unit detail is included on the Final Plan, then Staff shall rely on the Site Data Table for setbacks/separations and height required at the time of issuance of the original DO. [Ord. 2008-037] [Ord. 2020-020]

2) Administrative Modifications

An application for Full DRO shall be required to reflect proposed changes on the subdivision or regulation plan typical unit detail including: tabular data, setbacks/separations, and height. [Ord. 2008-037] [Ord. 2020-020]

a) Setbacks/separations may be decreased a maximum of 30 percent of the required standard at time of issuance of the DO, provided the development was not approved utilizing flexible regulations or received prior Variance relief and the setbacks are not less than the requirements pursuant to Table 3.D.2.B, ZLL Property Development Regulations or Table 3.D.2.B, Double ZLL Property Development Regulations. [Ord. 2008-037] [Ord. 2020-020]
b) A 30 percent increase in the maximum allowable height approved in the original DO may be permitted, provided it does not exceed the height limitations described in Table 3.D.2.B, ZLL Property Development Regulations or Table 3.D.2.B, Double ZLL Property Development Regulations, and complies with the requirements of Art. 3.D.2.B.3.a, Height and Story Limitation. [Ord. 2008-037] [Ord. 2020-020]
c) The Applicant shall demonstrate compliance with all applicable parking, landscaping, and drainage provisions; [Ord. 2008-037] [Ord. 2020-020]
d) The Applicant must comply with all applicable application requirements; [Ord. 2008-037] [Ord. 2020-020]
e) The Applicant must submit a letter of support from the applicable community HOA/POA; and, [Ord. 2008-037] [Ord. 2020-020]

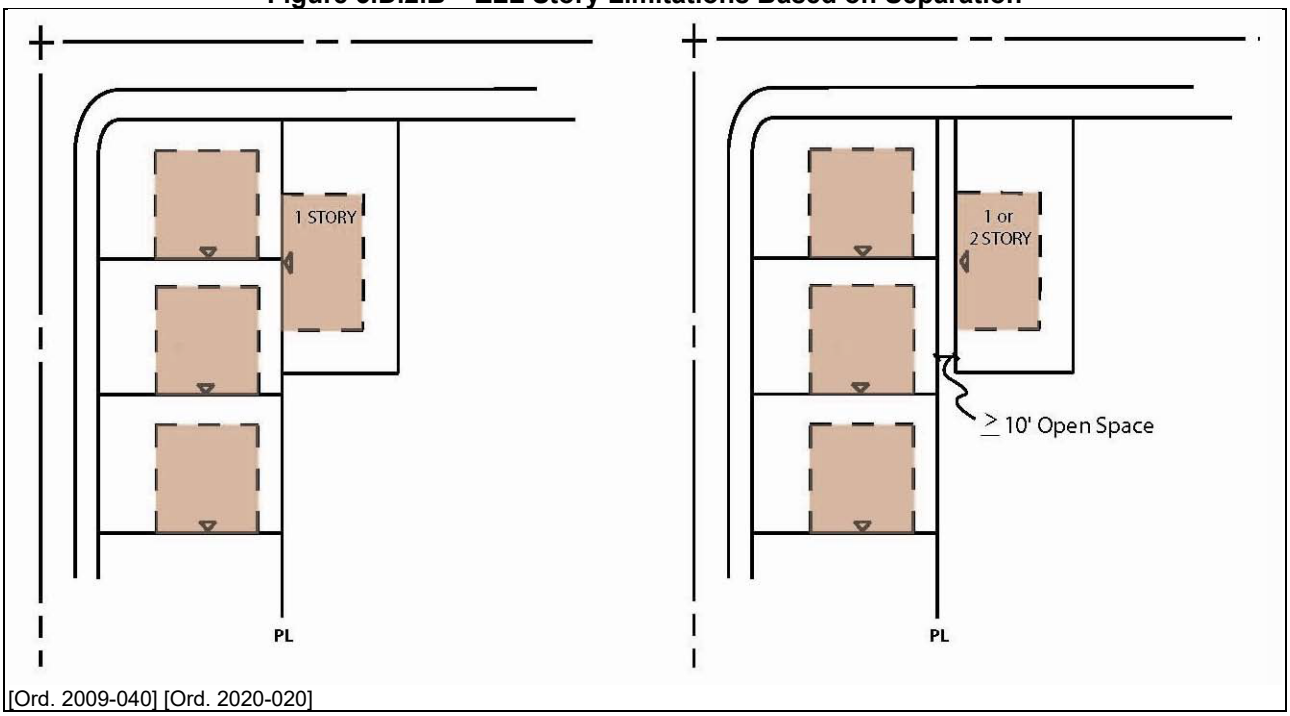
f) Any proposed deviation that exceeds the above standards will require Variance relief pursuant to Art. 2.C.5.F, Type 1 Variance. [Ord. 2008-037] [Ord. 2020-020]

3. Design Standards

a. Height and Story Limitation

Buildings or structures shall not exceed 35 feet in height. Lots with a ZLL side that abuts the rear property line of an adjacent lot or is separated from the rear property line of an abutting lot by less than ten feet of open space shall be limited to a home one story (one floor) in height. If the lots are separated with open space ten feet or greater, the homes may have two stories (two floors). [Ord. 2009-040] [Ord. 2020-020]

Figure 3.D.2.B – ZLL Story Limitations Based on Separation



[Ord. 2009-040] [Ord. 2020-020]

b. ZLL Side Façade

Certain openings and attachments shall not be allowed to penetrate or be attached to any portion of the home on the ZLL side, except as otherwise listed below. [Ord. 2020-020]

1) Prohibited Openings and Attachments

a) Prohibited openings and attachments include, but are not limited to, the following: [Ord. 2005-002] [Ord. 2020-020]
   (1) A/C condensate drain; [Ord. 2005-002]
   (2) A/C emergency overflow drain; [Ord. 2005-002]
   (3) Exhaust ducts, such as, but not limited to, kitchens, bathrooms, clothes dryers, etc.; [Ord. 2005-002]
   (4) Garage vents; [Ord. 2005-002]
   (5) Temperature or pressure relief line; [Ord. 2005-002]
   (6) Doors, except as otherwise stated below; [Ord. 2005-002] [Ord. 2020-020]
   (7) Windows, except as otherwise stated below; [Ord. 2005-002] [Ord. 2020-020]
   (8) Electric meters; [Ord. 2005-002]
   (9) Hose bibs; [Ord. 2005-002]
   (10) Satellite dishes; and, [Ord. 2005-002]
   (11) Electrical outlets. [Ord. 2020-020]

b) Exceptions may be considered only for those existing projects where an opening or attachment was permitted on the ZLL wall for the models or more than 30 percent of the total ZLL units of that project. [Ord. 2005-002] [Ord. 2020-020]

2) Permitted Openings

Clean out fittings and soffit vents shall be allowed to penetrate and/or be attached to the portion of the home on the ZLL side. [Ord. 2005-002] [Ord. 2020-020]

3) Windows and Doors

Window and door materials may be used along the portion of the home on the ZLL side pursuant to the following: [Ord. 2020-020]

a) Translucent Windows or Translucent/Solid Doors

Material which allows a maximum 60 percent of exterior light transmission according to the manufacturer's specifications shall be used. A notarized affidavit shall be submitted with the Building Permit which verifies the degree of light transmission and the translucency of the material to be used. [Ord. 2020-020]

b) First Floor

(1) ZLL Façade Constructed Less Than Five Feet from the ZLL Side Property Line

(a) Windows shall be constructed with translucent material. [Ord. 2020-020]

(b) Doors shall be constructed with translucent or solid material and may not be located on any portion of a wall with a zero setback. [Ord. 2020-020]

(c) A privacy wall/fence shall be installed pursuant to Art. 3.D.2.B.3.d.1)a). [Ord. 2020-020]

(d) Exceptions

i. Windows and doors located on the front or rear façade of the unit may be transparent. [Ord. 2020-020]

ii. Windows and doors located on a façade that is perpendicular to the ZLL side may be transparent. [Ord. 2020-020]

iii. A ZLL side façade that is recessed off of the ZLL side less than five feet, may have transparent windows and doors constructed on the ZLL side façade that are parallel or angled towards the ZLL side. The height of the privacy wall or fence shall be increased and installed pursuant to Art. 3.D.2.B.3.d.1)c)(1), Exception. [Ord. 2020-020]

(2) ZLL Façade Constructed Greater Than or Equal to Five Feet from the ZLL Side Property Line

(a) A ZLL side façade that is recessed off of the ZLL side five feet or greater, may have transparent or translucent windows and doors constructed on the ZLL side façade that are perpendicular, parallel, or angled towards the ZLL side. [Ord. 2020-020]

(b) A privacy wall or fence is only required extending a minimum distance of ten feet beyond the rear of the home toward the rear property line pursuant to Art. 3.D.2.B.3.d.1)a). [Ord. 2020-020]

(3) Double ZLL Home

(a) For the portion of the ZLL home that is constructed at the ZLL side, all windows shall be constructed with translucent material, and doors shall be prohibited. Windows and doors located on a façade that is perpendicular to the ZLL side may be transparent. [Ord. 2020-020]

(b) For the portion of the ZLL home that is constructed ten feet from the ZLL side, windows and doors may be transparent or translucent material. [Ord. 2020-020]

(c) A privacy wall pursuant to Art. 3.D.2.B.3.d.1)a) is not required. [Ord. 2020-020]

c) Second Floor

(1) ZLL Façade Constructed Less Than Five Feet from the ZLL Side Property Line

(a) Windows located on a façade that is parallel or angled toward the ZLL side shall be constructed with translucent material. [Ord. 2020-020]

(b) Windows located on a façade that is perpendicular to the ZLL side may be transparent. [Ord. 2020-020]

(2) ZLL Façade Constructed Greater Than or Equal to Five Feet from the ZLL Side Property Line

(a) A ZLL side façade that is recessed off of the ZLL side five feet or greater, may have transparent or translucent windows constructed on the ZLL side façade that are perpendicular, parallel, or angled towards the ZLL side. [Ord. 2020-020]

(3) Double ZLL Home

(a) For the portion of the ZLL home that is constructed at the ZLL side, all windows shall be constructed with translucent material; and [Ord. 2020-020]

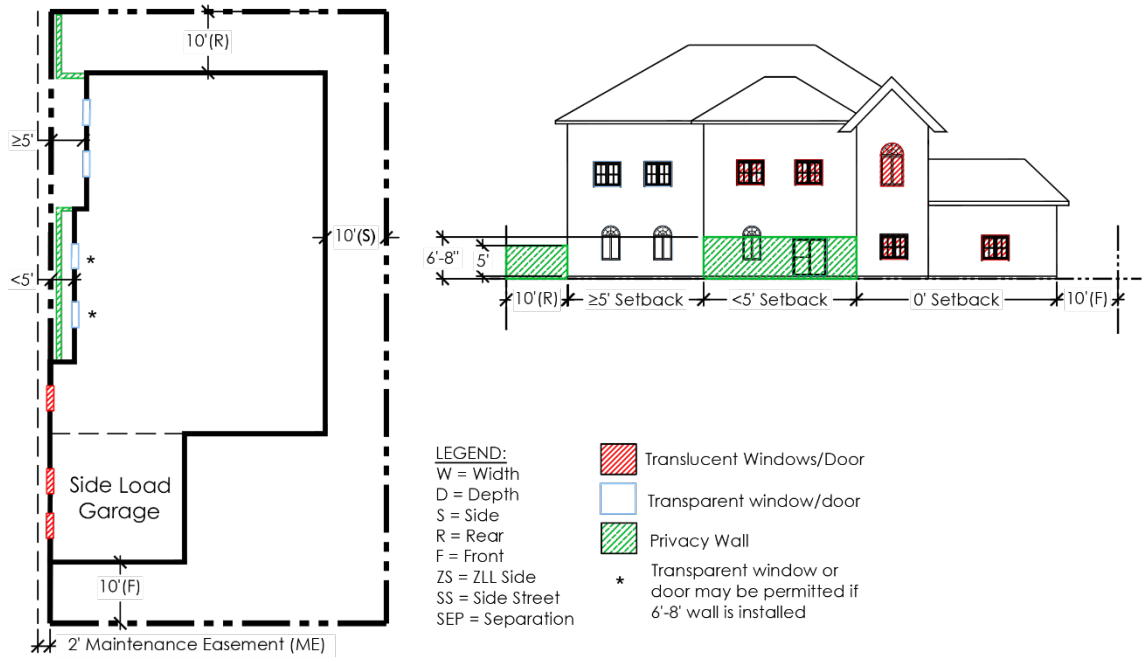
(b) For the portion of the ZLL home that is constructed ten feet from the ZLL side, windows and doors may be transparent or translucent material. [Ord. 2020-020]

d) Exception
Transparent windows may be permitted on the ZLL side (first or second story) if the ZLL side façade abuts a dedicated open space or landscape buffer a minimum of 50 feet in width. [Ord. 2020-020]

e) Surface Area
Use shall be limited to a maximum of 50 percent of the surface area of the wall along the portion of the home on the ZLL side.

f) Limitation
Use shall be limited to new construction only, unless consent from the HOA is submitted with the Building Permit.

Figure 3.D.2.B – ZLL Home Windows and Doors



[Ord. 2020-020]

c. Covered Porches, Courtyards, and Balconies

1) Covered Porch (Front of the ZLL Home)
A covered porch may be constructed along the ZLL side, at the front of the home. If windows and doors are constructed into the façade of the home adjacent to the porch, the following shall apply: [Ord. 2020-020]

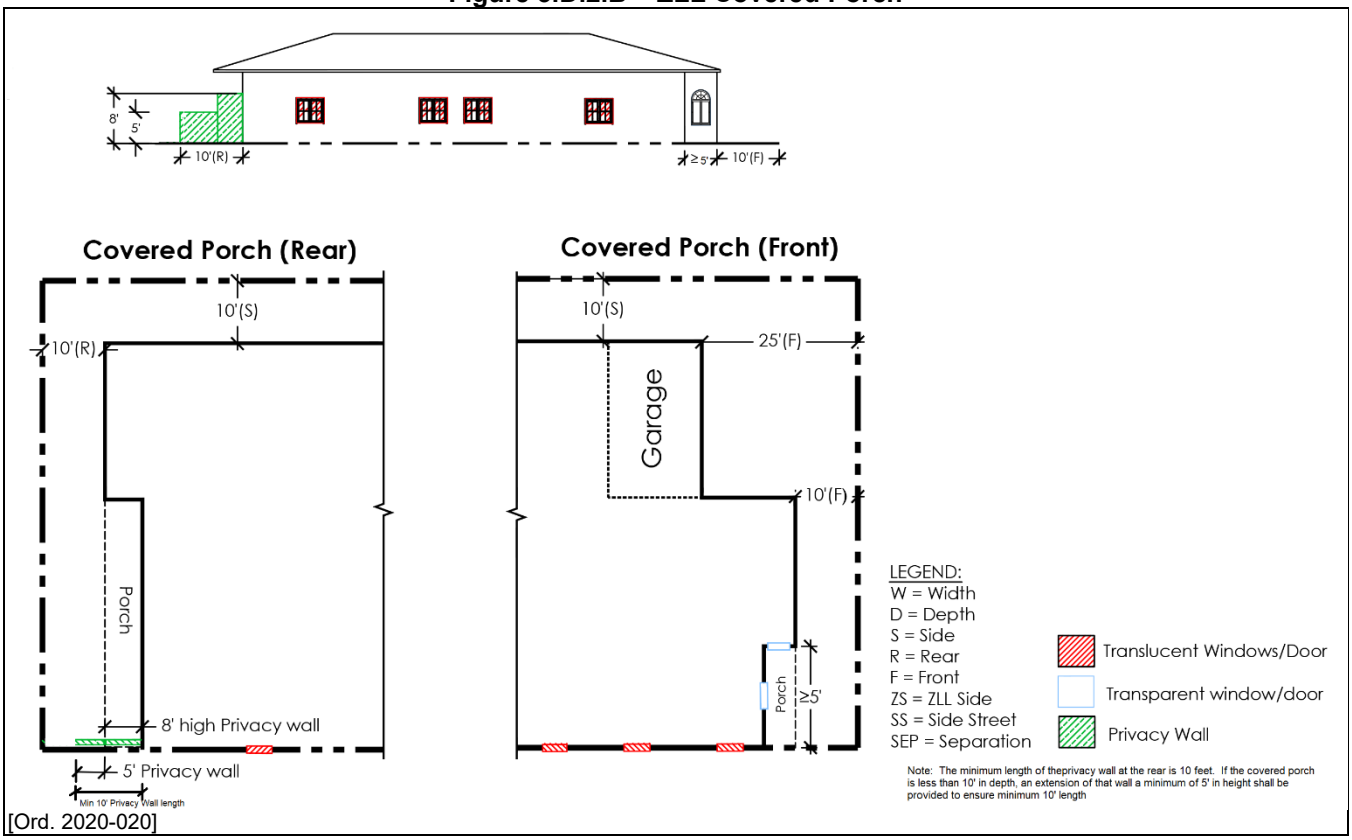
a) Windows or doors, parallel or angled toward and less than five feet from the ZLL side shall be constructed with translucent material. [Ord. 2020-020]

b) Windows or doors, parallel or angled toward and greater or equal to five feet or perpendicular to the ZLL side may be constructed with transparent material. [Ord. 2020-020]

c) No privacy wall is required adjacent to the covered porch. [Ord. 2020-020]

2) Covered Porch (Rear of the ZLL Home)
A covered porch, with a solid roof, may be constructed along the ZLL side, at the rear of the home. A wall shall be constructed the entire length of the porch along the ZLL side. The height of the wall shall be a minimum of eight feet. The privacy walls or fences shall be installed in accordance with ZLL wall Art. 3.D.2.B.3.d, Privacy Walls or Fences. [Ord. 2020-020]

Figure 3.D.2.B – ZLL Covered Porch



[Ord. 2020-020]

3) Courtyard

A courtyard may be constructed along the ZLL side. A gate shall be installed on the ZLL for emergency exit purposes provided the gate meets the following dimensions: [Ord. 2020-020]

a) Width: minimum of 36 inches; [Ord. 2020-020]

b) Height: minimum of five feet; [Ord. 2020-020]

(1) Exception

If the ZLL façade, within the courtyard, has windows and doors installed pursuant to Art. 3.D.2.B.3.b.3)b)(1)(d)ii, the privacy wall and gate shall be increased in height, six feet eight inches, pursuant to Art. 3.D.2.B.3.d, Privacy Walls or Fences.

c) The gate shall be opaque; and, [Ord. 2020-020]

d) Operable only from the inside with the gate opening inward toward the unit. [Ord. 2020-020]

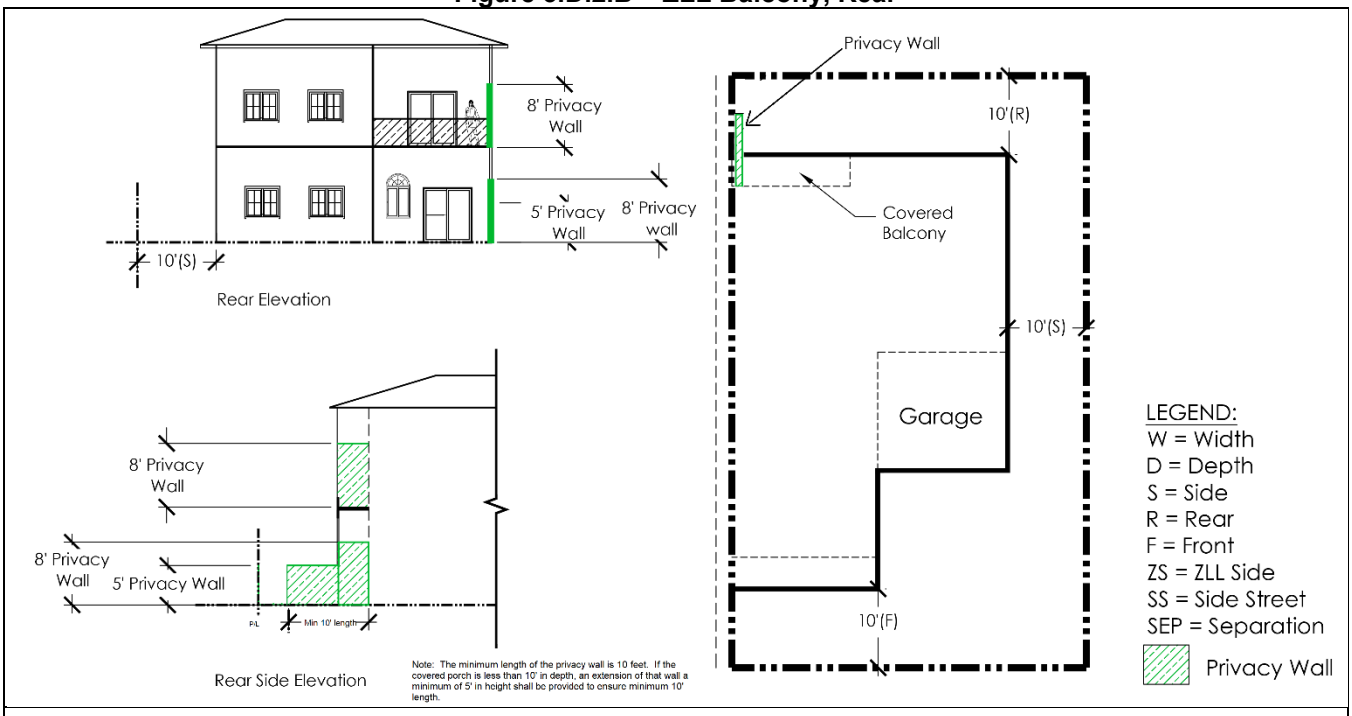
4) Balconies (Front or Rear of the Home)

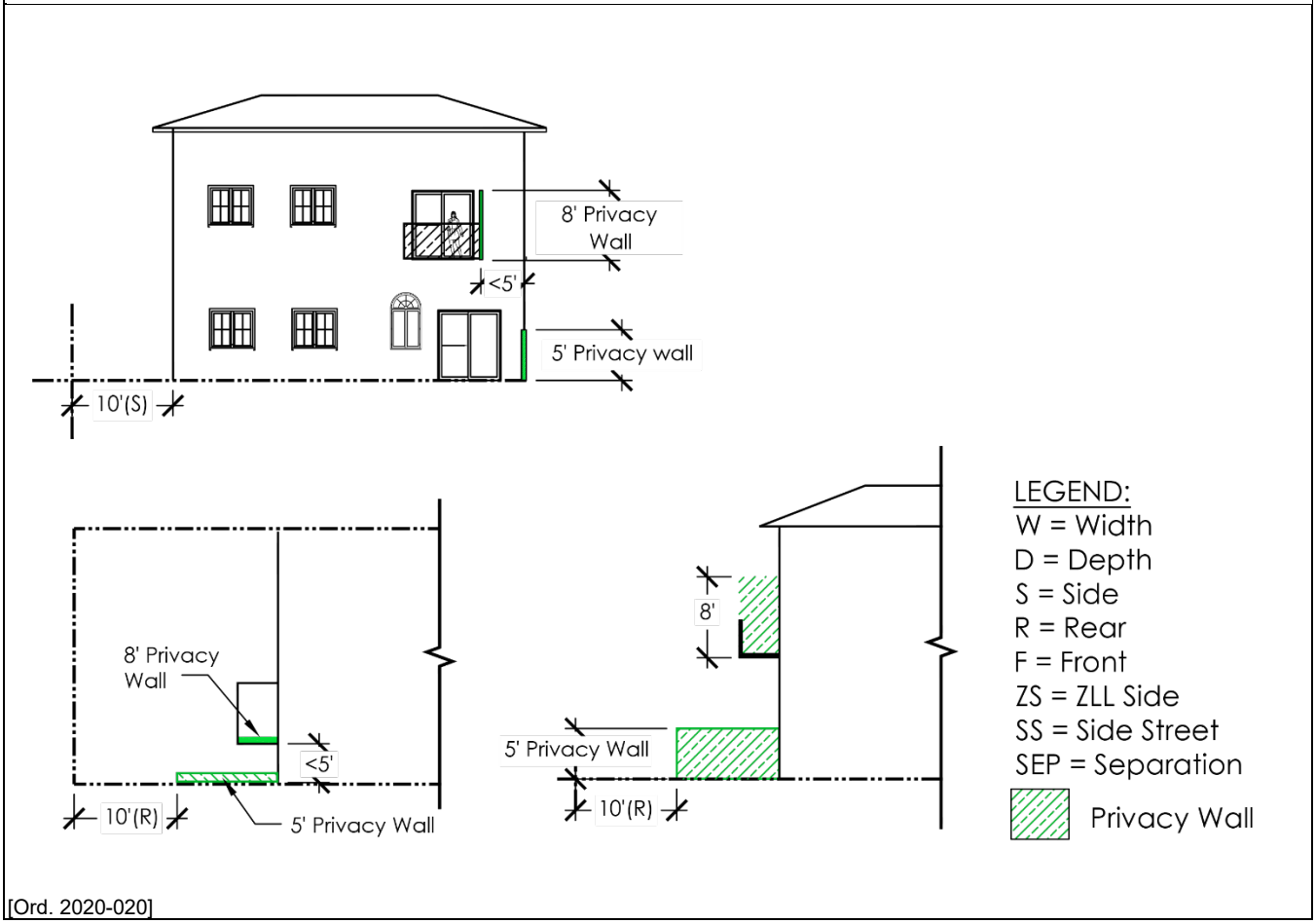
In addition to the requirements of Art. 3.D.1.D.5, Setback Exceptions, balconies located less than five feet from the ZLL side, shall construct a wall the entire length of the porch along the ZLL side subject to the following: [Ord. 2020-020]

a) No roof: The height of the wall shall be a minimum six feet eight inches. [Ord. 2020-020]

b) Roof: The height of the wall shall be a minimum of eight feet from the floor of the balcony. [Ord. 2020-020]

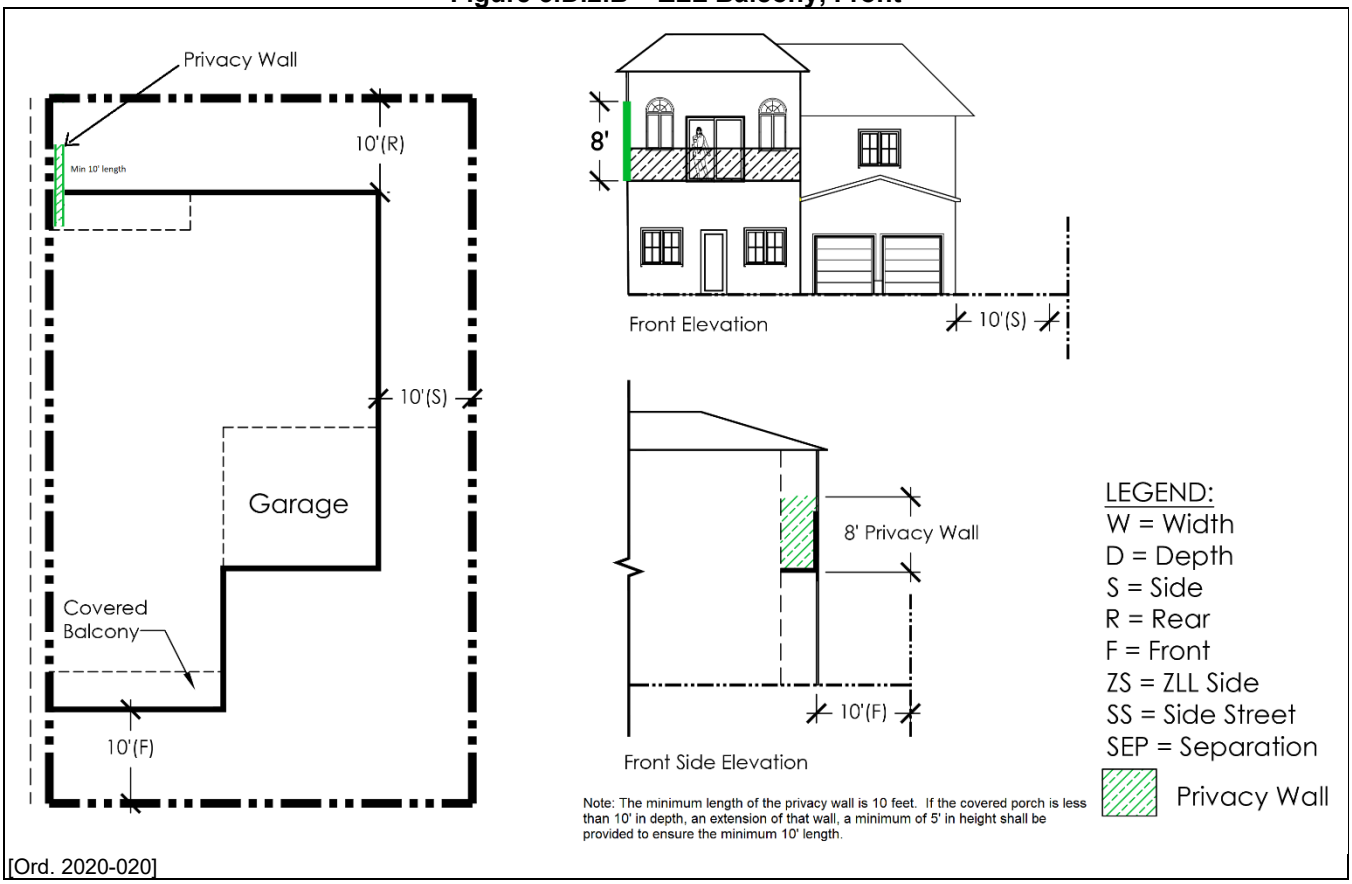
Figure 3.D.2.B – ZLL Balcony, Rear





[Ord. 2020-020]

Figure 3.D.2.B – ZLL Balcony, Front



[Ord. 2020-020]

d. Privacy Walls or Fences

1) Wall or Fence

a) A minimum five-foot-high opaque wall or fence shall be provided along the ZLL side of a ZLL home, beginning at the end of the home with a zero setback and extending a minimum distance of ten feet beyond the rear of the home toward the rear property line. [Ord. 2005-041] [Ord. 2020-020]

b) A minimum five-foot-high opaque wall or fence, including a gate, shall be constructed the entire length of an opening for a courtyard. [Ord. 2020-020]

c) Exception

(1) A wall or fence shall not be required if the ZLL side is adjacent to dedicated open space a minimum of 50 feet in width. [Ord. 2020-020]

(2) ZLL Façade Constructed Less Than Five Feet from the ZLL Side Property Line with Transparent Windows or Doors

(a) A minimum six-foot eight-inch-high opaque wall or fence and any courtyard gate shall be provided along the ZLL side of a ZLL home when transparent windows and doors are constructed parallel or angled toward the ZLL side, pursuant to Art. 3.D.2.B.3.b.3)b)(1)(d)ii. [Ord. 2020-020]

(b) The length of the wall shall begin at the end of the home with a zero setback and extend a minimum two feet beyond the window or door with transparent material. The remaining length of the wall or fence shall be constructed a minimum five feet high, pursuant Art. 3.D.2.B.3.d.1)a). The two-foot extension provision above shall not apply to courtyards fully enclosed by a minimum six-foot eight-inch-high opaque wall or fence and any courtyard gate. [Ord. 2020-020]

(3) ZLL Façade Constructed Greater Than or Equal to Five Feet from the ZLL Side Property Line

A privacy wall or fence is only required at the point extending a minimum distance of ten feet beyond the rear of the home toward the rear property line, pursuant to Art. 3.D.2.B.3.d.1)a). [Ord. 2020-020]

(4) Covered Porch (Rear) and Balconies (Front or Rear)
Privacy walls shall extend the length of the covered porch or balcony when less than five feet from the property line. The height of the wall shall be a minimum eight feet. [Ord. 2020-020]

2) Rear Lot Line
A minimum five-foot-high opaque wall or fence shall be provided along the rear lot line between lots with abutting rear lot lines and between lots with abutting side and rear property lines.

3) Design Requirements
If a wall is constructed, the required wall, including any extension, shall be constructed of the same material used to construct the adjoining ZLL wall of the home (e.g., brick home with a brick privacy wall) or any structurally sound, opaque, and permanent material with an exterior finish that matches the style, color, and surface texture of the exterior of the adjoining ZLL wall (e.g., CBS home with stucco finished wood frame wall painted to match the home).

4) Roof Enclosures
When a screened enclosure is attached to the ZLL wall, the length and height of the wall shall comply with Art. 5.B.1.A.11, Screen Enclosures. [Ord. 2020-020]

e. Access, Maintenance, and Roof Overhang Easement
The Subdivision Plan, plat, and subsequent surveys submitted with an application for a Building Permit, shall indicate an Access, Maintenance, and Roof Overhang Easement along the ZLL for each ZLL lot for the purpose of allowing access for emergency purposes of exiting the home and for the maintenance of the portion of the home with a zero setback and to accommodate any overhang of the roof eave and gutter. Should a fence or wall traverse or be located within the easement, written permission from the POA will be required prior to the issuance of a permit by PBC. A gate for access and maintenance purposes will be required. Access for the owner of the lot abutting the easement and the easement beneficiaries shall be provided after advanced notification and during reasonable hours except for emergency purposes as provided for above. No construction, landscaping, mechanical equipment, fence, or wall shall prevent perpetual access to said easement by the owner of the lot abutting the easement or the easement beneficiaries. [Ord. 2013-001] [Ord. 2015-031] [Ord. 2020-020]

1) Easement Width
This easement shall have a minimum width of two feet.

2) Roof Overhang
Roof eaves, gutters, and soffits may encroach the easement up to a maximum of 24 inches. Gutters shall be installed along the entire length of the ZLL side to prevent water runoff onto the adjacent property.

3) Drainage
This easement shall not overlap a drainage easement.

4) Plat
A dedication shall be included on the plat for each ZLL subdivision for an Access, Maintenance, and Roof Overhang Easement. The easement language will incorporate the purpose and intent as described in Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement, in a format approved by the County Engineer, and referenced in the Land Development Forms Manual. [Ord. 2020-020]

5) Easement Encroachments
Projections or improvements may be permitted to encroach into the ZLL Access, Maintenance, and Roof Overhang Easement, as follows: [Ord. 2014-025] [Ord. 2020-020]

a) Mounting hardware for impact shutters, accordion shutters, or roll-down shutters, projecting a maximum of six inches into the ZLL easement; and [Ord. 2014-025]
b) Decorative architectural treatment such as lintels, stone veneer, or stucco banding extending a maximum distance of three feet measured from the front façade, projecting a maximum of two inches into a ZLL easement. [Ord. 2014-025]

C. Mobile Home Park

1. Purpose and Intent

To recognize Florida State laws pertaining to the placement of Residential Manufactured Buildings (a.k.a. Modular Homes) in Mobile Home Park communities, to provide additional flexibility to allow for the redevelopment of fee simple Mobile Home Park lots with either Modular Homes or traditional Single Family dwelling units. [Ord. 2012-027]

2. Applicability

The provisions of this Section shall only apply to: [Ord. 2012-027]

a. Existing Mobile Home Parks identified in PZB PPM #MD-RI-003, Mobile Home Parks in Unincorporated Palm Beach County; and [Ord. 2012-027]

b. Provisions allowing for alternative PDRs and related requirements for Residential Manufactured Buildings or Single Family dwellings shall only be permitted for existing fee simple Mobile Home Subdivisions. [Ord. 2012-027]

3. Residential Manufactured Building (Modular Home)

An existing Mobile Home may be replaced with a Modular Home subject to the following: [Ord. 2012-027]

a. Requirements of PZB PPM #MD-RI-003; and [Ord. 2012-027]

b. Where applicable, subject to prior written approval of the Mobile Home Park owner in accordance with F.S. § 553.382, Placement of Certain Housing. [Ord. 2012-027]

4. Alternative Provisions for Fee Simple Lots

A Modular Home or a Single Family dwelling shall be permitted to be placed on a fee simple lot within an existing Mobile Home Subdivision, subject to the following: [Ord. 2012-027]

a. PDRs

The following PDRs shall apply to Modular Homes or SFDs. Setbacks for accessory structures shall be in accordance with Art. 5.B.1.A, Accessory Uses and Structures. [Ord. 2012-027]

1) Minimum lot width: 45 feet. [Ord. 2012-027]
2) Maximum lot coverage: 50 percent. [Ord. 2012-027]
3) Front and side street setback: 20 feet. [Ord. 2012-027]
4) Side setback: seven and one-half feet. [Ord. 2012-027]
5) Rear setback: 15 feet. [Ord. 2012-027]

b. Garages

Garages and carports may be permitted only on the rear portion of the lot. An attached garage may be permitted to encroach the front half of the lot, if set back a minimum of 20 feet from the front façade. Attached carports shall not extend past the front façade. [Ord. 2012-027]

c. Main Entrances and Porches

When located on lots less than 50 feet in width, main entrances shall be required to front a street, and include a porch a minimum of six feet deep, 12 feet wide, and 18 inches above grade. [Ord. 2012-027]

d. Changes to Lot Finished Grade

Any modifications to a lot that raises the grade for the proposed foundation shall not alter the existing grade within the required side setbacks unless demonstrated that such will not alter any historical drainage patterns for adjacent lots. Where foundation elevation is required, this may require the use of a retaining wall to ensure that existing grade and drainage patterns are not adversely impacted. [Ord. 2012-027]

D. Cottage Home

Cottage Homes are detached housing types that may be developed with one unit or multiple units on a single lot. [Ord. 2019-034]

Cottage Homes shall comply with the following PDRs: [Ord. 2018-018] [Ord. 2019-034]

Table 3.D.2.D – Cottage Home Property Development Regulations (1)

Lot Dimensions			Height	Building Coverage	Setbacks			
Size	Width and Frontage	Depth			Front	Side (3)	Side Street	Rear
Single Unit on a Single Lot (2)(5)								
1,000 to 2,500 sq. ft. (max.)	20 to 30' (max.); 30' – Side Street home (max.)	50'	35' (max.)	40% (max.)	20'	5'	10'	5'
Multiple Units on a Single Lot (Shared)								
(3)	65'	75'	35' (max.)	N/A	25' (4)	15' (4)(6)	25' (4)	15' (4)

[Ord. 2018-018] [Ord. 2019-034] [Ord. 2020-020]

Notes:

1.	Minimum property development regulations except where it stated as maximum.
2.	Apply to a Cottage Home that is located on a single lot. This may apply to either a subdivided lot of a pod in a PDD or in a Standard Zoning District. [Ord. 2019-034]
3.	The minimum lot size of the zoning district which multiple Cottage Homes are located shall apply. [Ord. 2019-034]
4.	Setbacks shall be measured from the lot. The front setback shall be measured from the property line or base building line, whichever is applicable, where the lot frontage is located. [Ord. 2019-034]
5.	A Cottage Home (Single Unit on a Single Lot) shall not abut a ZLL home. [Ord. 2020-020]
6.	A new subdivision may include ZLL and Cottage Homes (Multiple Units on a Single Lot). If a ZLL lot abuts the Cottage Homes (Multiple Units on a Single Lot), and the shared property line is the ZLL side, the side setback for the Cottage Homes (Multiple Units on a Single Lot) shall be a minimum of 15 feet. The Cottage Homes (Multiple Units on a Single Lot) lot shall have an Access, Maintenance, and Roof Overhang Easement recorded pursuant to Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement. [Ord. 2020-020]

Section 3 District Specific Regulations

A. District Specific Regulations

Additional PDRs shall apply in certain districts as follows:

1. CN District

a. Enclosed Uses

All uses shall be operated entirely within enclosed buildings, with the following exceptions: [Ord. 2005-002]

1) Air Curtain Incinerator, temporary; [Ord. 2005-002]
2) Commercial Communication Tower; [Ord. 2005-002] [Ord. 2017-007]
3) Electric Power Plant; [Ord. 2005-002] [Ord. 2017-007]
4) Passive Park; [Ord. 2005-002] [Ord. 2017-007]
5) Recycling Drop-Off Bin; [Ord. 2005-002] [Ord. 2013-001]
6) Minor Utility; and, [Ord. 2005-002] [Ord. 2017-007]
7) Water or Wastewater Treatment Plant. [Ord. 2005-002] [Ord. 2017-007]

2. CLO District

a. Enclosed Uses

All uses shall be operated entirely within enclosed buildings, with the following exceptions:

1) Air Curtain Incinerator, temporary;
2) Commercial Communication Tower; [Ord. 2017-007]
3) Electric Power Plant; [Ord. 2017-007]
4) Passive Park; [Ord. 2017-007]
5) Recreation facility, accessory;
6) Recycling Drop-Off Bin; [Ord. 2013-001]
7) Solid Waste Transfer Station; [Ord. 2017-007]
8) Minor Utility; and, [Ord. 2017-007]
9) Water or Wastewater Treatment Plant. [Ord. 2017-007]

3. IPF, Institutional and Public Facilities District with UT FLU Designation

Use of the IPF district with a UT FLU designation, shall only be permitted for privately-operated utility uses and related collocated or accessory uses. [Ord. 2017-007]

a. Accessory Uses

Heavy Equipment Repair and Maintenance and Light Repair and Maintenance may be allowed as an accessory use to a privately-operated utility use, subject to the approval process for the applicable utility use. [Ord. 2017-007]

b. Collocated Uses

Data and Information Processing or Warehouse uses may be allowed as a collocated use, subject to the approval process for the applicable utility use. Additional uses to allow for emergency management staging or operations may be permitted subject to Class A Conditional Use approval. [Ord. 2017-007]

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

A. General

1. Purpose and Intent

The purpose of PDDs is to provide opportunities for development patterns which exceed the expectations of the Standard Zoning Districts, and allow for the creative use of land. The types of development addressed in this Chapter include those encouraged by the Managed Growth Tier System (MGTS) in the Plan. The intent of this Chapter is to encourage ingenuity, and imagination on the part of, architects, landscape architects, engineers, planners, developers, and builders to create development that promotes sustainable living, addresses traffic impacts, encourages alternative modes of transportation, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, provides housing choices, provides services to the community, encourages economic growth, encourages infill development and redevelopment, and minimizes impacts on surrounding areas through the use of flexible and innovative land development techniques. [Ord. 2009-040]

2. Applicability

In addition to the other Articles in this Code, the requirements of this Chapter shall apply to all PDDs, modifications to previously approved PDDs, and modifications to previously approved Special Exceptions for Planned Developments, unless otherwise stated.

a. Previous Approvals

Previously Approved Planned Developments with a Development Order that does not conform to provisions in this Code shall be considered conforming in accordance with Art. 1.E, Prior Approvals, where in compliance with the requirements of Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016]

1) Development Order Amendment

Shall be in compliance with Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). [Ord. 2009-040] [Ord. 2011-016]

2) Additional Requested Uses

Previously approved "Additional Conditional Uses" shall remain conforming uses, and may be modified or expanded, subject to a DOA approval. [Ord. 2005-002] [Ord. 2009-040] [Ord. 2018-002]

b. Government Facilities

A parcel of land in any FLU category that supports Government Facilities shall be exempt from the PDD threshold provisions. [Ord. 2007-013] [Ord. 2009-040]

3. Conflicts

If a conflict exists between this Chapter and other Articles in this Code, the provisions of this Chapter shall apply to the extent of the conflict.

4. Site Plan/Subdivision Plan Approval Required

All pods shown on a Master Plan shall receive approval of a Final Site Plan or a Final Subdivision Plan pursuant to Art. 2.C, Administrative Processes. [Ord. 2020-020]

B. FAR, Density, and Use Standards

1. PDDs Split by FLU Designations

Uses allowed, PDRs, density, and intensity shall be determined by the land use designation on the affected area. In the U/S Tier, density may be transferred from one portion of the project to another based on the gross acreage of the project. An underlying designation is not a split FLU designation. [Ord. 2009-040] [Ord. 2019-005]

2. PDDs with Underlying FLU Designations

a. PDDs that have a non-residential FLU designation and an underlying residential FLU designation may utilize density and/or intensity for either or both FLU designations. [Ord. 2019-005]

b. PDDs that have two non-residential FLU designations may utilize either or both FLU designations. If the Development Order utilizes both FLU designations, a Preliminary Master Plan shall be approved by the BCC depicting the locations of each FLU designation as a pod. Each pod will be limited to the allowable uses, for the applicable FLU designation, pursuant to Art. 4.B, Use Classification and the property development regulations pursuant to Table 3.E.3.D, MUPD Property Development Regulations. The FAR shall be in accordance with FLUE Table 2.2-e.1 for each pod and the applicable FLU designation. Double counting of intensity is prohibited. [Ord. 2019-005] [Ord. 2021-023]

3. Density

The allowable density shall be pursuant to FLUE Table 2.2.1-g.1 and other related Policies. [Ord. 2019-005]

4. Uses Allowed

Uses allowed in a PDD shall be pursuant to Art. 4, Use Regulations. Previously Approved Planned Developments shall be governed by the FLU designation in the Plan or pod designation on the most recent approved Master Plan for the purpose of determining the uses allowed and applicability of this Code. Previously approved additional Conditional Uses shall be considered conforming uses, and any expansion, relocation, or increase in intensity shall be subject to BCC approval. [Ord. 2005-041] [Ord. 2017-007] [Ord. 2018-002]

5. Use Regulations

Uses permitted in a PDD shall be according to the pod designation on the Master Plan approved by the DRO, or the land use designation of the PDD, whichever is applicable. Uses may be further limited by the Development Order, Concurrency Reservation, or other applicable requirement. [Ord. 2009-040]

a. Conditional Use

Conditional Uses shall be shown on the Master Plan or Site Plan approved by the BCC and shall remain in the location shown. All prior approvals for a Requested Use shall correspond to a Conditional Use. [Ord. 2017-007]

C. Objectives and Standards

1. Design Objectives

Planned developments shall comply with the following objectives:

a. Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;

b. Provide a continuous, non-vehicular and pedestrian circulation systems which connect uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD; [Ord. 2019-005]

c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;

d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;

e. Screen objectionable features (e.g., mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;

f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs, and other primary elements to minimize the potential for any adverse impact on adjacent properties;

g. Minimize parking through shared parking and mix of uses;

h. Creation of a strong pedestrian system through the design and placement of buildings connected to a common public space or usable open spaces; and, [Ord. 2019-005]

i. For PDDs with non-residential uses, a minimum of one pedestrian amenity for each 100,000 square feet of non-residential GFA, or fraction thereof, shall be incorporated into the overall development to create a pedestrian-friendly atmosphere. Suggested amenities include, but are not limited to: [Ord. 2009-040] [Ord. 2019-005]

   1) public art; [Ord. 2009-040]
   2) clock tower; [Ord. 2009-040]
   3) water feature/fountain; [Ord. 2009-040]
   4) outdoor patio, courtyard, or plaza; and, [Ord. 2009-040]
   5) tables with umbrellas for open-air eating in common areas and not associated with tenant use (i.e., restaurant) or outdoor furniture. [Ord. 2009-040]

2. Performance Standards

Planned developments shall comply with the following standards:

a. Access and Circulation

1) Minimum Frontage

PDDs shall have a minimum of 200 linear feet of frontage along an Arterial or Collector Street unless stated otherwise herein; [Ord. 2010-022] [Ord. 2012-027]

a) Type 2 Waiver – Infill Development

The BCC may grant a Type 2 Waiver to reduce the frontage requirement in the U/S Tier upon demonstration by the Applicant that the requirements cannot be satisfied by any other means and by complying with the following standards: [Ord. 2005-002] [Ord. 2010-022] [Ord. 2012-027]

(1) the reduction is the minimum necessary to provide safe and adequate access to the project; [Ord. 2005-002]

(2) the reduction will not result in any undue hardship or adverse impact on adjacent Property Owners; [Ord. 2005-002]

(3) the reduction will not adversely affect the development of adjacent land in accordance with the Plan and this Code; [Ord. 2005-002]

(4) the reduction is supported by the County Engineer and PZB; [Ord. 2005-002]

b) PUD Minimum

The BCC shall not reduce the frontage requirements below the following thresholds: [Ord. 2005-002]

(1) 1,500 trips or less: 50 feet of frontage. [Ord. 2005-002]

(2) More than 1,500 trips: 80 feet of frontage. [Ord. 2005-002]

Further reductions from the frontage requirements shall only be allowed by the ZC as a Type 2 Variance in accordance with Art. 2.B.7.E, Type 2 Variance. [Ord. 2005-002]

2) PDDs shall have legal access on an Arterial or Collector Street;

3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes, and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;

4) Traffic improvements shall be provided to accommodate the projected traffic impact;

5) Cul-de-Sacs

The objective of this provision is to recognize a balance between dead-end streets and interconnectivity within the development. In order to determine the total number of Local Streets that can terminate in cul-de-sacs, the Applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Art. 1, General Provisions of this Code, and how the total number of streets is calculated. During the DRO certification process, the Addressing Section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20-foot-wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead-end streets. [Ord. 2008-037]

a) 40 percent of the Local Streets in a PDD may terminate in a cul-de-sac or a dead end by right. [Ord. 2007-001] [Ord. 2008-037]

b) An additional 25 percent of the Local Streets in a PDD may terminate in a cul-de-sac pursuant to a Type 2 Waiver application approved by the BCC. The BCC shall consider the following additional standards when deciding whether or not to approve the Waiver. [Ord. 2007-001] [Ord. 2008-037] [Ord. 2012-027]

(1) cul-de-sacs terminate in an open space that provides amenities accessible to the residents of the development; and [Ord. 2008-037]

(2) cul-de-sacs connect to a pedestrian system including but not limited to sidewalks, and designated path or trail systems. [Ord. 2008-037]

6) Non-residential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;

7) Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project; and,

8) Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.

b. Street Lighting

Street lights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Art. 5.E, Performance Standards.

c. Median Landscaping

Refer to the most recent Engineering and Public Works Operations – Streetscape Standards available from the PBC Engineering Department. [Ord. 2011-001]

d. Street Trees

Street trees shall meet the Canopy tree requirements of Art. 7, Landscaping and planting standards pursuant to Engineering and Public Works Operations – Streetscape Standards, and as follows: [Ord. 2011-001]

1) Street trees shall be spaced an average of 50 feet on center. Palms meeting the requirements of Art. 7, Landscaping and Engineering and Public Works Operations – Streetscape Standards, may be planted as street trees if spaced an average of 40 feet on center. [Ord. 2011-001]
2) Street trees shall be located along both sides of all streets 50 feet in width or greater and shall be planted between the edge of pavement and sidewalk. Appropriate root barrier techniques shall be installed where applicable. [Ord. 2011-001]
3) Street trees shall be installed in accordance with the phasing of the Planned Development pursuant to Art. 7.F.2.B.1, Developments with Phasing. For residential PDDs, planting of street trees shall be completed prior to the issuance of the final Certificate of Occupancy within that phase or pursuant to Conditions of Approval. [Ord. 2011-001]
4) This requirement may be waived or modified by the County Engineer if the location of the proposed street trees conflict with requirements of Art. 11, Subdivision, Platting, and Required Improvements. [Ord. 2011-001]

e. Bike Lanes

Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with Art. 11, Subdivision, Platting, and Required Improvements.

f. Mass Transit

All non-residential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:

1) The location of a Bus Stop Boarding and Alighting Area shall be shown on the Master Plan and/or Final Site Plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit Infrastructure in a manner acceptable to Palm Tran;
2) Prior to the issuance of the first Building Permit, the Property Owner shall convey to PBC an easement for a Bus Stop Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the Property Owner shall record an easement for a Bus Stop Boarding and Alighting Area in a manner and form approved by Palm Tran. The Property Owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and,
3) All PDDs with more than 100 units shall comply with the following requirement:
   Prior to the issuance of the Building Permit for the 100th unit, the petitioner shall construct a Palm Tran-approved Mass Transit shelter with appropriate access lighting, trash receptacle, and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

g. Utilities

All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

1) Exceptions

a) Primary facilities and high voltage wires.

b) Lift stations, transformers, and other above-ground structures necessary for the function of utility services. Such above-ground structures shall be screened from view from adjacent R-O-W by landscaping, fences, walls, or combination.

h. Parking

1) Residential Uses

Parking for residential uses shall comply with Art. 6, Parking, Loading, and Circulation. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

2) Non-Residential Uses

Non-residential uses located within a PDD may apply the parking standards indicated in Table 6.B.1.B, Minimum Parking and Loading Requirements, based on the use or the minimum/maximum parking standards below or a combination of both. The Site Plan shall clearly indicate which parking standards are being utilized for the entire site. [Ord. 2009-040] [Ord. 2019-005]

a) Minimum/Maximum Parking Standards

(1) Minimum: one space per 250 square feet of GFA (4/1,000)

(2) Maximum: one space per 166.66 square feet of GFA (6/1,000)

b) Exceptions – MLU/EDC

Parking for large-scale and regional facilities in excess of 500,000 gross square feet may be reduced to one space per 333.33 square feet of GFA (3/1,000).

3) Design

Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

4) Cross Access

Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

5) Location – Non-Residential PDDs

A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

6) Distance

All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

a) Remote Parking Areas

Paved pedestrian pathways shall be provided to all parking areas in excess of 400 feet from a public entrance. Pathways shall be unobstructed grade separated and/or protected by curbs, except when traversing a vehicular uses area, and clearly marked.

i. Way Finding Signs

Off-site directional signs, consistent with the on-site directional sign standards in Art. 8, Signage, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

j. Emergency Generators

A permanent emergency generator shall be required to meet the standards of Art. 5.B.1.A.19, Permanent Generators. [Ord. 2006-004] [Ord. 2010-022] [Ord. 2021-022]

D. Application Requirements

For a Rezoning to a PDD, the Applicant shall comply with the requirements in, Art. 2.B.7.B, Conditional Uses and Official Zoning Map Amendments (Rezoning) to a PDD or TDD, Art. 2.A.6.A, Zoning Application Requirements, and Art. 2.A.6.B, Plan Requirements for certification and Final Approval by the DRO. [Ord. 2009-040] [Ord. 2017-025]

1. Master Plan, Site Plan, or Subdivision Plan

See Art. 2.A.6.B, Plan Requirements for preparation of plan(s) and plan labeling requirements. [Ord. 2009-040]

a. Effect of BCC Approval

Approval of a Preliminary Master Plan, Site Plan, or Subdivision Plan, as applicable, by the BCC shall be binding upon the landowners subject to the Development Order, their successors, and assignees, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, intensity, access, configuration, and all other elements and conditions set forth on the plan(s) and in the Development Order. Administrative modifications to a Master or Site Plan may only be allowed in accordance with Art. 2.C.5.C, Administrative Modifications to Prior DOs and Art. 2.A.6.B, Plan Requirements. In granting an approval, the BCC relies on the oral and written representations of the petitioner both on the record and as part of the

application process. Deviations from or violation of these representations shall cause the approval to be reviewed by the BCC as a DOA. [Ord. 2009-040]

b. Pods

All land within the boundaries of a Master Plan shall be designated as one of the pod types indicated for the applicable PDD, or the FLU designation, whichever is applicable [Ord. 2009-040] [Ord. 2017-007]

1) Exceptions

Perimeter landscape buffers, water management tracts not located in pods, canals, Primary Streets, open space, and similar areas allowed by the DRO.

c. Tabular Data

Each pod shall clearly indicate the acreage and proposed density/intensity. Tabular data for the entire project shall be provided in a form acceptable to the DRO.

d. Density

The number of units shown on a Site Plan or Subdivision Plan shall correspond to the Master Plan.

e. Intensity

The intensity (e.g., square feet, beds, seats, number of children/occupants/rooms, etc.) shown on a Site Plan or Subdivision Plan shall correspond to the Master Plan.

E. Modifications

Modifications to a planned development with a valid Development Order shall comply with Art. 2.A.6.B, Plan Requirements and Art. 2.C.5.C, Administrative Modifications to Prior DOs. [Ord. 2009-040]

1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan, or Regulating Plan

The DRO shall have the authority to approve modifications to a Master Plan, Subdivision Plan, Site Plan, or Regulating Plan approved by the BCC or ZC, subject to the following limitations. In case of a conflict with Art. 2.A.6.B, Plan Requirements and, Art. 2.C.5.C, Administrative Modifications to Prior DOs the following standards shall apply. Modifications which do not comply with these procedures and requirements of this Section shall require approval by the BCC. [Ord. 2009-040] [Ord. 2018-018] [Ord. 2019-005]

a. Consistency

Modifications shall be consistent with the representations regarding the original approval, the Conditions of Approval, and the Development Order. Modifications which change the original goals or intent of the project, such as reduce internal trip capture, reduce non-vehicular circulation or cross access, reduce the amount of affordable housing without a corresponding decrease in density, or reduce the amount of land allocated to the preservation of agriculture, farmland, or wetlands, shall require approval by the BCC.

b. Pods

The re-designation of a pod from one pod type to another shall require approval by the BCC. The reconfiguration of pods may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties. [Ord. 2019-005]

c. Housing Classification

The housing classification(s) approved by the BCC for each Residential Pod may be changed through the ZAR process pursuant to Table 2.C.5.C, Administrative Modifications to Prior DOs or Full DRO, whichever is applicable, and subject to the limitations listed below: [Ord. 2018-002] [Ord. 2019-005]

Table 3.E.1.E – Housing Classification (2)(3)

From	To
Attached	Attached (1)
Attached	Detached
Detached	Detached

[Ord. 2018-002] [Ord. 2019-005]

Notes:

1.	Provided there is no height increase from the originally approved housing type.
2.	Housing classification Attached are Multifamily or Townhouse housing types. [Ord. 2019-005]
3.	Housing classification Detached are Cottage Home, Zero Lot Line, or Single Family housing types. [Ord. 2019-005]

d. Density Transfer

The Applicant may request a density transfer or a density decrease pursuant to the Criteria listed in Table 2.C.5.C, Administrative Modifications to Prior DOs. A density transfer may be processed in conjunction with a change in housing classification. [Ord. 2019-005]

e. Recreation

The amount of recreation and usable open space shown on a plan approved by the BCC shall not be reduced. Alternative locations may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

f. Traffic

There shall be no substantial increase in traffic impact above that approved by the BCC, as determined by the County Engineer.

g. Access

Access shall not be added to roads external to the project, internal roads indicated on the Thoroughfare Identification Map, or to roads external to a pod, except for: [Ord. 2018-018]

1) access to roads external to a Residential Pod, but internal to the project, may be added in accordance with Art. 11, Subdivision, Platting, and Required Improvements; [Ord. 2015-006]
2) a Civic Pod supporting a Fire Rescue station, Government-Owned Tower, or other Government Facilities having no substantial increase in traffic impact above that approved by the BCC as determined by the County Engineer. Prior to DRO approving modifications, Zoning Staff shall notify the District Commissioner; and, [Ord. 2018-018]
3) the addition of emergency access ways as required by PBC Fire Rescue. The DRO shall ensure the District Commissioner is notified of this request in advance of Final DRO approval. The access point shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. [Ord. 2018-018]

h. Non-Vehicular Circulation

Pathways, sidewalks, and bike lanes may be relocated, however, the resulting design shall maintain a continuous non-vehicular circulation system within the project. [Ord. 2019-005]

2. Modifications by the BCC

Modifications which exceed the thresholds in Art. 2.C.5.C, Administrative Modifications to Prior DOs, shall require a DOA in accordance with Art. 2.B.7.C, Development Order Amendment (DOA).

3. Modification to Reduce or Reconfigure Existing Golf Course

Any modifications to reduce the acreage or reconfigure the boundaries of the golf course previously approved on the Master Plan shall meet the following criteria: [Ord. 2006-004]

a. Courtesy Notice

1) Initial Submittal

At the time of submitting the Zoning application to amend the Master Plan, the Applicant shall provide documentation that the Property Owners of the PUD, as outlined in the latest PBC Property Appraisal list, were notified by first class mail, and shall post notice as may be allowed at appropriate common areas within the PUD. The notice mailed and posted shall describe the Applicant's request to reconfigure the boundaries of the golf course. The submitted Zoning application shall include the Property Owner list, a copy of the notice, and verification that the notice was provided as required by this Section. [Ord. 2006-004] [Ord. 2010-022] [Ord. 2023-020]

2) Additional Documentation

The Applicant shall submit documentation of all additional efforts to coordinate with the HOA/POA and Property Owners within the PUD of the proposed golf course reconfiguration following the initial submittal of the application, including but not limited to meeting dates and minutes/notes. [Ord. 2006-004] [Ord. 2023-020]

b. Reduction of Open Space or Recreation

The Applicant shall provide justification and documentation that the golf course land areas to be reduced in acreage or the reconfiguration of boundaries will not result in a reduction in required open space for the development. If a previously approved development was subject to zoning regulations for open space or recreation that have since been amended, the Applicant shall outline how the affected area for the proposed development complies with current ULDC requirements, while demonstrating that the unaffected area is consistent with the requirements in place at the time of the original or amended approval. [Ord. 2006-004]

c. Visual Impact Analysis Standards

The requirements of this Subsection shall be required for any application to reconfigure an existing golf course: [Ord. 2006-004]

1) Visual Analysis

To assess the compatibility and impact of a proposed reconfiguration of the golf course on adjacent properties, the Applicant shall submit a Visual Impact Analysis. [Ord. 2006-004]

2) Methodology

The Visual Impact Analysis shall be prepared and sealed by an Architect, Engineer, Landscape Architect, or Surveyor registered in the State of Florida. Digital imaging technology may be utilized to prepare the analysis, in a manner acceptable to the Zoning Director. In addition, non-digital methods may be required by the Zoning Director in order to implement the intent and purpose of this Section. The non-digital method shall, at a minimum, provide or include the information listed below. [Ord. 2006-004]

a) The location of the proposed structures/buildings illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1" = 300'). All adjacent structures/buildings located within a 1,000-foot radius of all property lines of the proposed site shall be indicated. [Ord. 2006-004]

b) A line of sight analysis, which shall include the following information: [Ord. 2006-004]

(1) Identification of all significant existing natural and man-made features within 1,000 feet of the boundary of the affected area and identification of features that may provide screening and buffering for adjacent properties; [Ord. 2006-004]

(2) Identification of at least three specific points within a 1,000-foot radius of the proposed site, subject to approval by the Zoning Director, for conducting the Visual Impact Analysis; [Ord. 2006-004]

(3) Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis; [Ord. 2006-004]

(4) Graphic illustration of the visual impact of the proposed structure(s)/building(s) on surrounding development, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points; and, [Ord. 2006-004]

(5) Identification of all screening and buffering materials within a designated planting area 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). [Ord. 2006-004]

(6) Any other graphic illustrations, such as perspectives, cross sections, or elevations, shall be at a scale consistent with the Master/Site Plan. The Zoning Director may request a scale that is necessary to clearly depict the detail of what the visual analysis is trying to convey to the BCC. [Ord. 2006-004]

F. Controlling Plan(s)

1. Approved Plan

The most recent approved Master Plan, Site Plan, or subdivision by the DRO shall be the controlling plan for the PDD. All land development shall be consistent with the controlling plan. The controlling plan shall supercede any previously approved Master Plan, Site Plan, or subdivision. [Ord. 2005-002]

2. Maximum Units/Square Feet

The number of units and total gross square feet shown on the most recent Master Plan, Site Plan, or subdivision approved by the DRO shall constitute the maximum number of units or square footage which can be constructed in the PDD and shall supersede the density or intensity approved by the BCC and the density or intensity shown on any previously approved Master Plan, Site Plan, or subdivision. In case of a conflict between plans, an approved Master Plan shall control to the extent of the conflict.

G. Sales Office and Models

1. General

A Real Estate Sales and Management Office is allowed as a Temporary Use in a PDD or TDD pursuant to Art. 4.B.11.C.5, Real Estate Sales and Management Office, PDD or TDD, and Art. 4.B.11.C.6, Real Estate Sales Model, PDD or TDD. A permanent Real Estate Sales Office is permitted in a Commercial Pod only, except where allowed otherwise within a Recreational Vehicle Park Development (RVPD). [Ord. 2014-025] [Ord. 2019-005]

2. Sales Models

See Art. 4.B.11.C.6, Real Estate Sales Model, PDD or TDD. [Ord. 2019-005]

H. Accessory Structures

1. Standards

Building Permits for gatehouses, entry features, and utilities may be issued prior to recording a Final Plat, but not before approval of a Final Site or Subdivision Plan by the DRO. The following accessory uses and structures in permanent or temporary structures shall comply with the following standards: [Ord. 2019-005]

a. Gatehouses

Gatehouses for security of the project may be permitted, subject to approval by the DRO.

b. Utilities

Public or private utilities, accessory buildings/structures, and related infrastructure shall be permitted, subject to compliance with all applicable rules and regulations governing such facilities.

c. Temporary Structures

Temporary structures, such as construction trailers, shall be permitted in accordance with Art. 5.B.1.C, Temporary Structures. [Ord. 2019-005]

d. Permits

Building Permits for temporary and accessory structures may be issued in accordance with Art. 4.B.11.C.6.b, Approval Process.

I. Unified Control

The Unified Control shall be demonstrated by the provision of a Unity of Control or a Property Owners' Association pursuant to Art. 5.F.1.F, Applicability and Document Requirements. [Ord. 2021-006]

J. Phasing and Platting

1. Phasing

PDDs shall be subject to the phasing, time limitations, and review requirements of Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, any Conditions of Approval, and shall proceed in a reasonably continuous and timely manner. If a PDD other than a PUD has multiple phases, each of the first two phases shall contain a minimum of 20 percent of the land area unless otherwise approved in the Development Order approved by the BCC. [Ord. 2005-002] [Ord. 2012-003]

2. Platting

All land in a PDD shall be platted in accordance with Art. 11, Subdivision, Platting, and Required Improvements. [Ord. 2005-002] [Ord. 2011-001] [Ord. 2012-003]

a. Exemptions

The following shall be exempt from platting requirements: [Ord. 2012-003]

1) Right-of-way dedicated to a government agency when approved by the County Engineer; or [Ord. 2012-003]
2) A DOA to a prior approval which includes a rezoning to a current PDD, where the proposed amendments do not involve any subdivision or other modifications which would require platting or a replat. [Ord. 2012-003]

b. Timing

All land within the PDD, including private civic tracts, golf courses, and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or industrial tract. [Ord. 2012-027]

c. Dedications

Required landscape buffers within or around Residential Pods, for the development of Single Family, Zero Lot Line, Townhouse, or Cottage Home (Single Unit on a Single Lot) housing types, within a Planned Development, shall be platted and dedicated as separate tracts of land. [Ord. 2018-002] [Ord. 2020-001]

Section 2 Planned Unit Development (PUD)

A. General

1. Purpose and Intent

The purpose of a PUD district is to offer a residential development alternative, which provides a living environment consisting of a range of living opportunities, recreation and civic uses, and a limited amount of commercial uses. Residential PUDs shall correspond to a range of land uses in the Plan.

The intent of a PUD is to promote imaginative design approaches to the residential living environments. These approaches include but are not limited to:

a. the preservation of the natural environment;
b. the integration and connection of land uses with perimeter landscape areas which provide vegetation preservation, buffering, and circulation areas;
c. the creation of a continuous non-vehicular circulation system;
d. the establishment of private civic and/or public civic and recreation area; [Ord. 2024-008]
e. provide for a limited amount of commercial uses; [Ord. 2024-008]
f. provide for efficient use of land and public resources by co-locating harmonious uses to share civic uses and public facilities and services for the residents of PBC;
g. the reduction of land consumption by roads and other impervious surface areas; and,
h. the provision for flexible PDRs to promote innovative and quality site design.

2. Applicability

The requirements of this Section shall apply to all PUDs, modifications to previously approved PUDs, and modifications to previous approvals specified in Art. 3.A.3.B.2, Special Exceptions or Conditional Use Approvals for Previously Approved Planned Developments. [Ord. 2009-040] [Ord. 2011-016]

3. Conflicts

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict.

4. Exemplary

A rezoning to the PUD Zoning District or a Development Order Amendment (DOA) to a previously approved PUD shall only be granted to a project consistent with the Goals, Objectives, and Policies (GOPs) of the Plan, and exceeds the minimum requirements of this Code and the design objectives and performance standards in this Article which include, but are not limited to, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing. A DOA to a previously approved PUD shall be reviewed pursuant to Art. 1.E.1.B, Prior Approvals. [Ord. 2006-055] [Ord. 2022-002]

B. Objectives and Standards

1. Design Objectives

A PUD shall comply with the following objectives:

a. Designed as a predominantly residential district;
b. Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;
c. Provide perimeter landscape areas to buffer incompatible land uses, or where residential uses are adjacent to other incompatible design elements such as roadways, usable open space areas, where a more intense housing type is proposed, or where residential setbacks are less than adjacent residential development outside the perimeter of the PUD; [Ord. 2006-055]
d. May offer limited commercial uses for the population of the PUD;
e. Establish neighborhood character and identity;
f. Preserve the natural environment to the greatest extent possible; and,
g. Provide incentives for civic uses to reduce public capital improvements and expenditures by encouraging joint acquisition, development, and operation of publicly-owned and operated facilities to serve the residents of the PUD and PBC.

2. Required Performance Standards

A PUD shall comply with the following standards; a through d are required and a minimum of two standards listed in e through i are required: [Ord. 2006-055] [Ord. 2022-002]

a. Proximity to Other Uses

All Residential Pods with five or more units per acre shall be located within 1,320 feet of a neighborhood park, Recreation Pod, Private Civic Pod, Commercial Pod, or public recreational facility. [Ord. 2006-055] [Ord. 2022-002]

1) Measurement of Distance

For the purpose of this Section, distance shall be measured by drawing a straight line between the property lines of a Residential Pod to the property line of a neighborhood park, Recreation Pod, Private Civic Pod, Commercial Pod, or public recreational facility. [Ord. 2022-002]

b. Focal Points

A focal point shall be provided at the terminus of 15 percent of the streets in the project. The focal point may be in the form of a plaza, fountain, landscaping, or similar amenity deemed acceptable to the DRO. The focal point shall not be located on a private residential lot. [Ord. 2006-055]

c. Neighborhood Park

Neighborhood parks shall have a direct connection to the pedestrian system and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity. Neighborhood parks shall not be used towards the Parks and Recreation Department's minimum recreation requirements and shall not be located within areas designated for drainage, stormwater management, or other utility purposes. [Ord. 2006-055]

d. Decorative Street Lighting

Decorative street lights shall be provided along the development entrances. [Ord. 2008-037]

e. Decorative Paving

Decorative pavers shall be provided at the development entrances and incorporated into recreational areas. [Ord. 2006-055]

f. Fountains

A minimum of one fountain shall be located in the main or largest lake or water body. [Ord. 2006-055]

g. Benches or Play Structures

Benches or play structures shall be provided in usable open space areas and along pedestrian pathways. [Ord. 2006-055]

h. Interspersed Housing

WHP units shall be interspersed with market rate units within a pod. [Ord. 2006-055] [Ord. 2022-002]

i. Pedestrian Circulation System

An interconnected pedestrian sidewalk, path, or trail system shall be provided linking pods to recreation amenities within the development. [Ord. 2008-037]

C. Thresholds

1. Thresholds

Projects that meet or exceed the acreage threshold indicated in Table 3.E.2.C, PUD Minimum Thresholds (Acerage) may be submitted and reviewed as a PUD. [Ord. 2006-004]

Table 3.E.2.C – PUD Minimum Thresholds (Acreage)

	AGR	RR	AGE	LR-1	LR-2	LR-3	MR-5	HR-8	HR-12	HR-18
Min. Acreage	40 (80/20) 250 (60/40)	100	100 (Rural TZ) 3 (Suburban TZ)	5	5	5	5	3	3	3

2. Land Use Mix

Table 3.E.2.C, PUD Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in a PUD.

Table 3.E.2.C – PUD Land Use Mix

	Residential	Civic (1)	Commercial	Recreation (2)	Open Space (3)	Preserve Area	Development Area
Min.	60%	2% (1)	-	0.006 ac. per du	40%	80/20 AGR – 80% 60//40 AGR – 60%	-
Max.	-	65%	2%	-	-	-	80/20 AGR – 25% (4) 60/40 AGR – 40%

[Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-001] [Ord. 2016-042] [Ord. 2024-008]

Notes:

1.	Minimum Civic Pod requirement may be waived, subject to the following: [Ord. 2011-001] • Public civic may not be required where two percent of the gross acreage of a PDD is less than one and one-half acres in size, subject to FDO approval; and [Ord. 2011-001] • If located in a CCRT area, shall be labeled as private civic unless waived by the BCC. [Ord. 2011-001]
2.	Minimum recreation area required for a CLF may be reduced in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards, Table 5.D.2.B, Property Development Regulations. [Ord. 2016-042] [Ord. 2020-001]
3.	Calculation of open space may include Recreation Pods, Civic Pods, and open space areas within residential. [Ord. 2006-004]
4.	See 80/20 option exception.

3. Land Use Calculation

The calculation for the mix of land uses shall be based on the gross acreage of the PUD. Neighborhood parks, water management tracts, and local roads, which are internal to a Residential Pod rather than a separate pod or tract may be credited toward the minimum residential land area requirement in Table 3.E.2.C, PUD Land Use Mix.

a. AGR Exceptions

In the AGR FLU designations, the required land use mix shall be based on the gross acreage of the development portion of the PUD only. [Ord. 2006-004]

4. Other Land Uses

The acreage for open space tracts, water management tracts, and R-O-W, shall be provided on the Master Plan.

D. Property Development Regulations (PDRs)

The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.2.D, PUD Property Development Regulations, unless otherwise stated. [Ord. 2019-005]

1. Setbacks

For residential development, except MF and Type 3 CLF, building setbacks shall be measured from the inside edge of the perimeter landscape buffers. For MF, Type 3 CLF, and non-residential development, building setbacks shall be measured from the property line, provided the structures do not encroach the landscape buffer. Rear or side setbacks may be reduced pursuant to Art. 3.D.1.D.4, Setback Reductions. [Ord. 2020-001]

Table 3.E.2.D – PUD Property Development Regulations

Pod	Lot Dimensions			Density	FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Residential										
SF (4)	Apply the RS Zoning District regulations in Table 3.D.1.A, Property Development Regulations.									
Cottage Home	Refer to Table 3.D.2.D, Cottage Home Property Development Regulations.									
ZLL (4)	Refer to Art. 3.D.2.B, Zero Lot Line (ZLL).									
TH	Refer to Art. 3.D.2.A, Townhouse.									
MF	Apply the RM Zoning District regulations in Table 3.D.1.A, Property Development Regulations.									
Civic										
Private	0.5 ac.	100'	100'	-	-	30%	25'	20'	25'	20'
Public	1.5 ac.	100'	200'	-						
Commercial										
Commercial	Apply the CC Zoning District regulations in Table 3.D.1.A, Property Development Regulations.									
Recreation										
Recreation Pod (5)	(3)	(3)	(3)	-	-	30%	25'	15'	25'	15'
Neighborhood Park	0.1 ac.	45'	75'	-	-	15%	15'	15'	15'	15'
Preservation (1)										
Preservation	Apply the AGR Zoning District regulations in Table 3.D.1.A, Property Development Regulations.									

[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2016-042] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2019-034] [Ord. 2020-001] [Ord. 2021-006] [Ord. 2021-023]

Notes:

1.	Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.
2	The maximum FAR shall be in accordance with FLUE Table 2.2-e.1 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001] [Ord. 2021-023]
3.	Recreation Pods required for Multifamily units, CLFs, or Cottage Homes in an MF Pod or lot may be exempt from the following: [Ord. 2020-001] a. Minimum lot frontage may be reduced or eliminated where the pod does not front on a street, and is located within the MF or CLF structures, surrounded by the MF, CLF, or Cottage Homes, or located on a shared driveway. A sidewalk shall be provided from the Recreation Tract to the internal pedestrian network; and [Ord. 2016-042] [Ord. 2020-001] b. Minimum PDRs may be reduced proportionate to or in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards, Table 5.D.2.B, Property Development Regulations. [Ord. 2016-042] [Ord. 2020-001]
4.	SF and ZLL residential units may be allowed to increase building coverage by ten percent subject to the following: [Ord. 2020-001] a. Maximum one story; and [Ord. 2020-001] b. Increase in building coverage cannot be in conjunction with other reductions, Waivers, or Variances for building coverage. [Ord. 2020-001]
5.	Setbacks for Outdoor Recreation Amenities shall be in accordance with Art. 5.B.1.A.10.b, Setbacks. [Ord. 2021-006]

E. Pods

1. Residential Pod

A Residential Pod shall be designated on the Master Plan as follows:

a. Range of Housing

A PUD in excess of 100 acres and 300 dwelling units shall provide a minimum of two residential use types. A minimum of ten percent of the residential dwellings in a PUD in excess of this threshold shall be of a second use type.

b. Side Loading Garage

A side loading garage is permitted in a SF Pod, subject to a minimum front setback of 15 feet.

2. Commercial Pod

A Commercial Pod is intended to provide personal services, retail opportunities, and professional or business offices intended to serve residential development, except as described in Art. 4.B.2.C.17, Hotel or Motel. A Commercial Pod shall be designated on the Master Plan as follows: [Ord. 2021-039] [Ord. 2024-008]

a. Location

A Commercial Pod shall comply with the following criteria: [Ord. 2024-008]

1) Access

A Commercial Pod shall be integrated into the development through a shared access into the planned development from a public Arterial or Collector Street that connects the Residential and Commercial Pods. An additional secondary access point to the Commercial Pod may also be allowed from an Arterial or Collector Street. [Ord. 2024-008]

2) Commercial Pod Created by a DOA

A Commercial Pod created by a DOA to an existing PUD shall be subject to the following requirements: [Ord. 2024-008]

a) A Commercial Pod shall be located a minimum of 1,000 feet from the perimeter of the PUD. [Ord. 2024-008]

b) A Commercial Pod shall be located a minimum of 1,000 feet from a public Arterial or Collector Street traversing the PUD. [Ord. 2024-008]

b. Design

1) Any single use exceeding 10,000 square feet of GFA shall obtain approval as a Conditional Use. [Ord. 2018-002]
2) A Type 3 Incompatibility Buffer, including a six-foot-high opaque concrete wall, shall be required adjacent to a Residential Pod.
3) In addition to the landscape requirements in Art. 7.C, Landscape Buffer and Interior Landscaping Requirements, R-O-W Buffers shall include a two to three-foot-high continuous or undulating berm.
4) Freestanding point of purchase signs shall be monument style only and shall be limited to a maximum of ten feet in height with a maximum sign face area of 80 square feet per side. A maximum of one freestanding point of purchase sign shall be allowed per frontage.
5) Outdoor lighting shall not exceed 30 feet in height, and shall be shielded, oriented, and directed away from residential uses.
6) Dumpsters, compactors, and loading areas shall be set back a minimum of 50 feet from the property line and oriented away from residential uses.
7) Outdoor storage of any merchandise, equipment, refuse, or similar material shall be prohibited.
8) A continuous non-vehicular circulation system shall provide access to commercial uses from adjacent Residential Pods.

c. Architecture

Proposed buildings shall be subject to Art. 5.C, Design Standards.

d. Property Development Regulations (PDRs)

The PDRs for a Commercial Pod are in Table 3.E.2.D, PUD Property Development Regulations.

1) Multiple Uses

A Commercial Pod meeting the requirements for an MUPD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.3.D, MUPD Property Development Regulations.

2) Market Place

A Commercial Pod meeting the requirements for TMD or a TMD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.D.1.A, Property Development Regulations. [Ord. 2021-023]

e. Accessory Commercial Areas

Ten percent of the floor area in a Recreation or Civic Pod may be utilized for commercial uses Permitted by Right in the CC Zoning District.

f. Non-Conforming Commercial Pods

In addition to the criteria in Art. 3.E.2.E.2.b, Design, above, the following standards shall apply to a Commercial Pod in a PUD approved prior to June 16, 1992, but which has not received Site Plan approval by the DRO:

1) A single use shall not exceed 15,000 square feet of GFA; and
2) Auto repair and gasoline sales shall be prohibited.

3. Recreation Pod

Recreation areas shall be designated on the Master Plan as Recreation Pods and shall comply with Art. 5.D, Parks and Recreation – Rules and Recreation Standards, in addition to the requirements of this Section. [Ord. 2011-001] [Ord. 2013-001] [Ord. 2016-042] [Ord. 2020-001]

4. Civic Pod

A Civic Pod is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately-owned civic, institutional, educational, and additional recreational uses for the community.

a. Applicability

1) Public Civic

Where two percent of a PUD is less than one and one-half acres, Public Civic Pods may not be required subject to FDO approval. [Ord. 2011-001]

2) Private Civic

If a Public Civic Pod is not required in a CCRT area, a Private Civic Pod shall be provided unless waived by the BCC. For any other PUD, Private Civic Pods shall be optional. [Ord. 2011-001]

b. AGR-PUD Calculation

A PUD in AGR FLU areas shall use two percent of the developable portion of the PUD. [Ord. 2011-001]

c. Public and Private Civic

All Civic Pods so designated shall be identified as public or private. PBC may require all or a portion of a Civic Pod to be dedicated to PBC for public purposes. [Ord. 2011-001]

1) Public Civic

a) Public Civic Pods shall be located adjacent to publicly-owned, or anticipated to be owned, lands. The location of, and access to, a Public Civic Pod shall be acceptable to FDO prior to certification of the Master Plan by the DRO. [Ord. 2019-005]

(1) Where a Public Civic Pod is located adjacent to publicly-owned, or anticipated to be owned, lands outside the boundary of the PUD, the required landscape buffer along the common boundary may be reduced or eliminated on both properties subject to the following: [Ord. 2019-005]

(a) A minimum five-foot setback shall be required for all permanent structures, measured from the common interior boundary; and

(b) The remaining setbacks for the Public Civic Pod shall be applied pursuant to Table 3.E.2.D, PUD Property Development Regulations. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2019-005]

b) Conveyance

Conveyance of a Civic Pod to PBC shall be in a form and manner acceptable to FDO as outlined in the FDO Property Acquisition Policy and Procedures, and by the County Attorney. Documentation, such as a deed, survey, environmental assessment, and evidence of a clear title shall be required to be provided by the Applicant prior to acceptance by PBC. Site shall also be conveyed with: [Ord. 2005-002]

(1) concurrency;
(2) drainage accommodated within and allowed to discharge into the stormwater management system of the PUD;
(3) filled and stabilized;
(4) sufficient sized water, sewer, and other associated utilities stubbed to the site; and,
(5) direct access to a utility easement for phone, electric, and cable.

c) Uses

Public civic parcels shall consist of civic uses and other typical uses provided by governmental agencies, which are required to provide services to meet concurrency requirements such as, but not limited to, regional parks, water treatment facilities, and fire stations, and services required to mitigate other impacts of the development to Service Providers such as, but not limited to, public schools, libraries, or other civic uses. [Ord. 2005-002]

d) Frontage

A Public Civic Pod shall have frontage on a Collector or Arterial Street unless waived by FDO. [Ord. 2005-002] [Ord. 2011-001]

e) Alternative Civic Pod Designation

A Public Civic Pod may have an alternative pod designation in addition to the Public Civic Pod designation on the Master Plan approved by the BCC. The alternative pod designation may only be utilized following preliminary approval by FDO and final approval by the BCC of a cash-out, off-site dedication agreement, or other proposal that satisfies a public civic obligation. A Public Civic Pod may be excluded from the Master Plan approved by the BCC or DRO provided that prior approval of a cash-out, off-site dedication agreement or other proposal that satisfies a public civic obligation has been rendered acceptable by FDO and granted by the BCC. [Ord. 2011-001]

2) Private Civic

Private civic parcels shall be labeled as "Private" on the Master Plan and may be underscored for a particular use as defined in this Section or as outlined in the Use Matrices contained in Art. 4, Use Regulations. Such pods may be located anywhere within the PUD but should remain as one singular parcel. [Ord. 2005-002]

a) Use Limitations

Private civic sites shall consist of civic uses which: provide services to PUD residents or fulfill recreational or educational needs for the residents of PBC; are customarily privately-owned and operated; such as but not limited to, private schools or libraries, day care centers, churches, temples, and Property Owners' Association meeting areas. Private civic uses may include parking if such use benefits the intended private civic site function. Private civic sites may not be used as PUD overflow parking areas or to fulfill any other non-civic site-related requirements. [Ord. 2005-002]

d. PDRs

The PDRs for a Civic Pod shall be in accordance with Table 3.E.2.D, PUD Property Development Regulations. Public Civic Pods may be exempt from Table 3.E.2.D, PUD Property Development Regulations, by the DRO if the PDRs hinder the proper functioning of the intended civic use. [Ord. 2011-001]

F. AGR-PUD

1. General

The following regulations have been created to fulfill Goals, Objectives, and Policies in the AGR FLU designations.

a. Purpose and Intent

In addition to provision in Art. 3.E.2.A.1, Purpose and Intent, a PUD is permitted in the AGR FLU designations in order to accommodate low-density residential development in conjunction with the preservation of agriculture, wetlands, or other significant open space areas. It is the intent of a PUD in this land use designation to provide for the residential development of land in a manner compatible with agriculture, wetlands, or other significant open space, which does not detract from the protection and perpetuation of such uses in the area.

b. Applicability

AGR-PUDs with AGR FLU designation, unless noted otherwise. [Ord. 2017-002]

2. Development Options

a. Options

The following two options are allowed with the AGR FLU designation: 80/20 and 60/40. [Ord. 2017-002]

1) Minimum Land Area

The minimum gross land area (GLA) for the 80/20 option is 40 acres and 250 acres for the 60/40 option.

2) Areas

Each PUD shall consist of two areas, the Preservation Area and the Development Area. Both areas shall be rezoned to the AGR-PUD district. [Ord. 2017-002]

b. Density

The maximum density for both options shall be based on the total GLA of the PUD calculated at one dwelling unit per acre. The residential density in the Development Area is not restricted, except as necessary to meet applicable development standards and to assure compatibility with adjacent land uses. [Ord. 2017-002]

c. Land Use Mix

The land area allocated for the Preservation Area and the Development Area shall be based on the ratio specified for each development option as described below.

1) 80/20 Option

A minimum of 80 percent of the GLA of the PUD shall be designated as Preservation Area on the Master Plan. The remaining land area (20 percent) may be designated on the Master Plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C, PUD Land Use Mix.

a) Exception

Up to an additional five percent of the GLA of the PUD may be allocated to the Development Area where the allocation can be accounted for as R-O-W for streets or water retention areas. In no event shall the Development Area, including R-O-W and water retention areas, exceed 25 percent of the GLA.

2) 60/40 Option

A minimum of 60 percent of the gross land area of the PUD shall be designated as a Preservation Area on the Master Plan. The remaining land area (40 percent) may be designated on the Master Plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C, PUD Land Use Mix.

3) Both Options

Credit shall not be given that would reduce the size of the Preservation Area for encroachment of R-O-W, water retention, open space, landscape buffers, or natural habitats preserved in the Development Area. Native vegetation required to be set aside in a Development Area by Art. 14.C, Vegetation Preservation and Protection, shall not be credited toward satisfying the minimum Preservation Area requirement.

3. Preserve Area

A Preserve Area is intended to support Bona Fide Agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preserve Area and shall not detract from its operation or function. [Ord. 2015-047]

a. Location and Access

A Preserve Area may be situated anywhere in the AGR Tier on a Legal Lot of Record with an AGR FLU designation, provided it is accessible by a street. [Ord. 2015-047] [Ord. 2017-002]

1) Exception

Lands owned by the Lake Worth Drainage District identified by FLUE Policies 1.5.1-i and 1.5.1-n and in Art. 3.E.2.F.3.c.1)a)(1)(c), below, are not required to be Legal Lots of Record. [Ord. 2021-033]

b. Uses

Uses allowed in a Preserve Area are indicated in the Use Matrices contained in Art. 4, Use Regulations, and where specified by the Preserve Management Plan as approved by ERM. [Ord. 2006-004] [Ord. 2012-027] [Ord. 2015-047] [Ord. 2017-002] [Ord. 2017-007]

c. Configuration

1) Property Development Regulations

A Preserve Area and any remaining portion of a lot used to create a Preserve Area shall meet the minimum PDRs for the AGR Zoning Dstrict, inclusive of Table 3.D.1.A, Property Development Regulations, with exception to the following: [Ord. 2006-004] [Ord. 2017-002] [Ord. 2021-033]

a) General Exceptions

(1) The minimum width of an AGR-PUD Preserve Area may be reduced as follows: [Ord. 2017-002]

(a) 100 feet for a Rural Parkway, as defined in the Plan; or [Ord. 2006-004] [Ord. 2015-047] [Ord. 2017-002]

(b) for an equestrian use that meanders through a 60/40 Development Area; or [Ord. 2006-004] [Ord. 2015-047] [Ord. 2017-007]

(c) for lands owned by the Lake Worth Drainage District identified by FLUE Policies 1.5.1-i and 1.5.1-n. [Ord. 2021-033]

(2) A Legal Lot of Record or land owned by the Lake Worth Drainage District identified by FLUE Policies 1.5.1-i and 1.5.1-n that does not meet the minimum acreage or dimensions of the AGR Zoning District may be used as a Preserve Area if in compliance with all other requirements of this Section; or [Ord. 2006-004] [Ord. 2017-002] [Ord. 2021-033]

b) Split Zoning

(1) In cases of split zoning, where a Legal Lot of Record is partially zoned AGR and AGR-PUD Preserve Area where permitted in accordance with FLUE Policy 1.5-j, the following shall apply: [Ord. 2017-002]

(a) Subdivision shall be prohibited unless each newly subdivided parcel meets the minimum PDRs for the AGR district; [Ord. 2017-002]

(b) The Preserve Area shall be configured in one reasonably compact contiguous location within the subject parcel; [Ord. 2017-002]

(c) That portion of the lot not designated as a Preserve Area, shall be configured as one reasonably compact and contiguous area; [Ord. 2017-002]

(d) Access to either zoning district may be through the designated Preserve Area on the subject parcel, or *vice versa*; [Ord. 2017-002]

(e) Where applicable, setbacks shall be measured from the perimeter of the subject parcel, unless stated otherwise herein; and, [Ord. 2017-002]

(f) A Farm Residence and all accessory structures accessory to the Farm Residence, excluding fences or walls, shall be set back a minimum of five feet from an AGR-PUD Preserve Area located on the same lot. [Ord. 2017-002]

(2) In cases of split zoning, where a Legal Lot of Record is partially zoned IPF and AGR-PUD Preserve Area where permitted in accordance with FLUE Policy 1.5-t, the following shall apply: [Ord. 2020-019]

(a) Subdivision shall be prohibited unless each newly subdivided parcel meets the minimum PDRs for the IPF or AGR district; [Ord. 2020-019]

(b) The Preserve Area shall be configured in one reasonably compact contiguous location within the subject parcel; [Ord. 2020-019]

(c) That portion of the lot not designated as a Preserve Area, shall be configured as one reasonably compact and contiguous area; [Ord. 2020-019]

(d) Access to either zoning district may be through the designated Preserve Area on the subject parcel, or *vice versa*; [Ord. 2020-019]

(e) Where applicable, setbacks shall be measured from the perimeter of the subject parcel, unless otherwise stated herein; and, [Ord. 2020-019]

(f) All structures and accessory structures within the IPF portion of the lot, excluding fences or walls, shall be set back a minimum of five feet from an AGR-PUD Preserve Area located on the same lot. [Ord. 2020-019]

2) General

Preserve Areas shall be arranged so as to maximize the purpose, function, and perpetuation of the preserve use. This shall be accomplished, in part, through the following: [Ord. 2015-047]

a) Agriculture

Agricultural areas shall have boundaries that allow for efficient agricultural operation, and shall not be encroached upon by a Development Area. [Ord. 2006-004]

b) Wetlands

The boundary of preserved wetlands shall be determined by the ecological function of the viable area, as determined by the BCC upon recommendations from ERM and/or the SFWMD. Wetland areas shall be preserved in the following order of priority: adjacent to off-site wetlands; open space; fallow land; or, agricultural land. Primary consideration shall be given to preserved wetland areas adjacent to off-site wetlands.

d. 80/20 Contiguity Requirement

The Preserve Area in the 80/20 option shall be located contiguous to the Development Area. [Ord. 2015-047]

e. Plans

Plans submitted to the DRO shall depict the Preservation Area as specified below.

1) Contiguous Area

When the Preservation Area is contiguous to the Development Area, the Preservation Area shall be shown and designated on the Master Plan and all applicable Subdivision Plans at the same scale and in the same detail as the Development Area.

2) Non-Contiguous Area

When the Preservation Area is not contiguous to the Development Area, the Preservation Area shall be referenced by a location sketch and notes on the Master Plan.

f. Perpetual Preservation

Prior to recording the first plat for a Development Area, the Preservation Area shall be established in perpetuity in a form acceptable to the County Attorney. The Preservation Area shall be established by fee simple dedication to and acceptance by the BCC, or by recordation of an agricultural conservation easement. [Ord. 2008-037]

4. Development Area

The Development Area shall contain the development-related pods, residential, commercial, civic, and recreational as described in Table 3.E.2.D, PUD Property Development Regulations, allowed in a Development Area are based on the pod designation indicated in the Use Matrices contained in Art. 4, Use Regulations. [Ord. 2017-007]

a. Location

The Development Area for the 60/40 option shall not be located west of SR 7 (U.S. Highway 441).

1) Frontage

All Development Areas shall have frontage on either SR 7, SR 806 (Atlantic Avenue), SR 804 (Boynton Beach Boulevard), Clint Moore Road, Lyons Road extending north of Boynton Beach Boulevard or Lyons Road extending south of Atlantic Avenue, and Acme Dairy Road extending south of Boynton Beach Boulevard to the L-28 Canal. [Ord. 2012-027]

2) Adjacency

Development Areas shall be located, to the greatest extent practical, adjacent to existing, planned, or projected Development Areas.

3) Connectivity

Development Areas adjacent to potential or existing TMD locations shall have at least one paved pedestrian and vehicular connection.

b. Configuration

1) General

The Development Area shall be a single, compact, contiguous area, which possesses the characteristics listed below. An equestrian community may deviate from these characteristics only to the extent that contiguous pasture land may meander throughout the Development Area:

a) at least two sides of the Development Area shall share a common border with the perimeter of the PUD;
b) the Development Area shall be designed as a single unified whole within a tightly compact area with continuous common boundaries with other pods in the PUD;
c) isolated Development Areas and Preservation Areas shall not be created within a contiguous PUD; and,
d) lakes, water retention areas, golf courses, and other similar amenities shall be located within the Development Area to provide a buffer from adjacent Preservation Areas or off-site agricultural uses.

c. Contiguity

A Development Area shall be situated in only one location and shall be contiguous within itself.

5. Special Provisions

a. Water and Sewer Service

All Development Areas shall utilize central water and wastewater service provided by WUD. The use of package treatment facilities shall not be permitted.

G. RR-PUD

1. Rural Residential

The following additional regulations apply to the PUDs in the RR FLU designation.

a. Purpose and Intent

A PUD is permitted in the RR FLU designations to accommodate low-density residential development in conjunction with the protection and maintenance of rural, equestrian, agricultural communities, or to address preservation of specific uses within the Lion Country Safari (LCS). It is the intent of a PUD in these land use designations to provide for the residential development of land in a manner compatible with agriculture, wetlands, or other significant open space and which does not detract from the protection and perpetuation of such uses in the area. The areas in which this development alternative is offered are characterized by agriculture, small farming operations, equestrian activities, and open spaces where residents are attracted to low-density lifestyles. [Ord. 2011-016]

b. Conflicts

If a conflict exists between this Section and other Sections of this Code, the provisions of this Section shall apply to the extent of the conflict.

c. Option 1 – Rural Cluster

1) Land Area

A minimum of 100 acres.

2) Open Space

A minimum of 60 percent of the land area shall be designated on the Master Plan as contiguous and compact open space, unless otherwise determined by the existing resources and site analysis. Open space satisfying this requirement shall have a minimum width of 150 feet and be designated as common area on the Master Plan or dedication in perpetuity as a preserve, in accordance with Art. 3.E.2.F.3.f, Perpetual Preservation.

a) Exception

(1) Existing environmental, geological, and historic resources identified in the site analysis required by Art. 3.E.2.G.4, Existing Resources and Site Analysis, and having a minimum area of five acres are not required to be contiguous.

(2) A PUD within the LCS may comply with minimum open space requirements through use of an Overall Master Plan which identifies Preserve Areas within the Lion Country Safari MUPD or RVPD, subject to the following: [Ord. 2011-016]

(a) Open space is limited to preservation, conservation, passive recreation, wetlands, Bona Fide Agriculture, regional water management projects, and equestrian trails; or [Ord. 2011-016]

(b) The Safari Park MUPD (excluding hotel site) and RVPD shall be permitted to count towards the 60 percent open space requirement provided that prior to issuance of the final Development Order, a deed restriction/conservation easement, subject to approval by the PZB Executive Director in consultation with the County Attorney, is recorded that limits the use of the site to those listed above, in the event commercial recreation uses were to cease. This shall not preclude any renovation or expansion of park facilities where permitted by this Code. [Ord. 2011-016]

b) Common Area

If designated as common area, maintenance of the open space shall be the perpetual responsibility of the HOA.

c) Separate Tract

All areas designated as open space on the Master Plan shall be platted and maintained as a separate tract of land. No area designated as open space on the Master Plan shall be platted with, nor made part of, a lot or land in the Development Area, excluding alternative LCS Open Space Preserve Areas. [Ord. 2011-016]

d) Plat

All open space shall be platted simultaneously with the first plat in the Development Area, excluding any previously platted areas identified on an LCS Overall Master Plan. [Ord. 2011-016]

3) Development Area

A maximum of 40 percent of the land area shall be designated on the Master Plan as the Development Area. All Residential, Civic, and Recreation Pods shall be limited to the Development Area. All improvements, including streets, water management tracts for on-site

and street drainage (including R-O-W), excavation, and accessory structures shall be limited to the Development Area.

a) Exception

Mitigation projects, excavation with jurisdictional wetlands, and excavation by public agencies, as defined as exempt in Art. 4.B.10, Excavation Uses, and regional water management facilities certified by the SFWMD, shall be permitted in open space areas. [Ord. 2017-007]

4) Design

The Development Area shall be designed to emphasize the open space areas identified in the site analysis in accordance with Art. 3.E.2.G.4, Existing Resources and Site Analysis. The Development Areas shall be designed so as to not interfere with the continued or future function of any designated open spaces, preserves, or areas, identified as environmentally, geologically, or historically significant in the site analysis required by Art. 3.E.2.G.4, Existing Resources and Site Analysis. Pods should be located and designed to ensure compatibility with open space and Preserve Areas. All streets shall terminate in a vista or focal point, such as a trail head, passive park, water view, open space, or an alternative acceptable to the BCC.

e. Option 2 – Variable Lot Size

1) Minimum Land Area

A minimum of 100 acres.

2) Open Space

No minimum percentage of open space shall be required in a PUD with an RR land use designation utilizing the variable lot size option (Option #2).

3) Development Areas

The Development Area shall be required to have an equestrian lifestyle. Development shall be designed so as to not interfere with the continued or future function of any area identified as environmentally, geologically, or historically significant in the site analysis required in Art. 3.E.2.G.4, Existing Resources and Site Analysis. Residential Pods should be located and designed to ensure compatibility with non-residential pods and open space areas. All streets shall terminate in a vista or focal point, such as a trail head, passive park, water view, agricultural structure, or an alternative acceptable to the BCC.

a) Exception

All drainage improvements, such as water management tracts, street drainage, and excavation for water management purposes, shall be developed as common areas and platted as separate tracts of land. Type 1 Excavation, for the purposes of building a Single Family residence, shall not be permitted on individual lots.

4) Design

A PUD with an RR land use designation utilizing the variable lot size option (Option #2) may subdivide parcels into a range of lot sizes as accepted by the BCC. The minimum lot size shall not be less than indicated in Table 3.E.2.G, RR-PUD Property Development Regulations. The gross density of the PUD shall not exceed the density assigned to the project by the Plan.

2. Pods

a. Residential Pod

Housing type and classification shall be limited to Single Family detached only, typical residential accessory uses/structures, and accessory agricultural or equestrian uses/structures.

1) Lion Country Safari Exception

Townhouses may be permitted within an LCS RR-PUD up to a maximum of 20 percent of all residential units, to the extent necessary to accommodate any density transferred from Open Space Preserve Areas, provided that the units are located within the center of the Development Area. [Ord. 2011-016]

b. Commercial Pod

A Commercial Pod is prohibited, with exception of allowances for a 3,500-square foot neighborhood store within the LCS. [Ord. 2011-016]

c. Civic Pod

Civic and institutional uses shall be limited to government services only. No private civic uses shall be permitted.

d. Recreation Pod

Active recreation uses, such as golf courses and common outdoor recreation areas shall be limited to the Development Area only. Equestrian uses shall be allowed in accordance with the AGR/P Pod provisions in the Use Matrices contained in Art. 4, Use Regulations. [Ord. 2017-007]

3. Property Development Regulations (PDRs)

The PDRs for residential lots are in Table 3.E.2.G, RR-PUD Property Development Regulations. Accessory residential uses/structures may use the setbacks in accordance with Art. 5.B.1.A.1.d.1), Residential Districts. [Ord. 2023-009]

Table 3.E.2.G – RR-PUD Property Development Regulations

Pod	Lot Dimensions			Density		FAR	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential Option 1 (1)	1.25 ac.	100'	125'	-	-	0.20	20%	50'	20'	25'	25'
Residential Option 2	2.5 ac.	200'	200'	-	-	0.20	20%	50'	40'	50'	50'
Public Civic	1%	Apply PUD Public Civic Pod PDRs.									
Recreation	Apply PUD Recreation Pod PDRs.										
[Ord. 2011-016]											
Notes:											
1.	The following PDRs shall be permitted within the Development Area of an LCS RR-PUD, to the extent necessary to accommodate density relocated from the Safari Park Open Space Preserve Areas within the MUPD or RVPD: [Ord. 2011-016] a. Where Townhouses are permitted, the PDRs of Art. 3.D.2.A, Townhouse; [Ord. 2011-016] b. SFD lots located within the center of the Development Area may apply the PDRs for the RS Zoning District, in accordance with Table 3.D.1.A, Property Development Regulations; and, [Ord. 2011-016] c. SFD lots located along the perimeter of the LCS adjacent to residential uses may apply the PDRs for the RT Zoning District (LR-1) in accordance with Table 3.D.1.A, Property Development Regulations. [Ord. 2011-016]										

a. Design Standards

The rural design standards in Art. 5.C, Design Standards, shall apply to all development not located on a Single Family lot (e.g., entry features, Recreation, Public Civic Pods, or when permitted within the LCS, a Commercial Pod). [Ord. 2011-016]

4. Existing Resources and Site Analysis

The application shall include an analysis and maps of existing environmental, geological, and historic conditions on the proposed site. At a minimum, the analysis shall contain the following information and be subject to review and approval by the DRO prior to certification of the project.

a. Natural Resources and Environmentally Sensitive Areas

Location and identification of environmentally sensitive lands, habitats of endangered species, significant areas of native vegetation, wetlands, canals, ditches, and natural drainage.

b. Historic Resources

Location and identification of all historically and archaeologically significant features, sites, and structures.

c. Preservation

Significant environmental, geological, and historic conditions identified in the site analysis shall be incorporated and preserved in open space areas on the Master Plan or as required by ERM and/or the SFWMD.

d. Open Space Management Plan

The Applicant shall submit an Open Space Management Plan for review and approval by the DRO, which ensures that all areas designated as open space on the Master Plan are maintained in perpetuity. The Open Space Management Plan shall include a bond, or the funding mechanism, in an amount necessary to ensure maintenance of the Preserve Area on a permanent basis. Bona Fide Agriculture land shall remain in agricultural production or returned to a natural state acceptable to ERM. Fallow land shall remain free of prohibited species and maintained to prevent the creation of a nuisance on adjacent properties. Wetlands shall remain viable and subject to the permitting and maintenance requirements of the SFWMD.

1) Lion Country Safari Exemption

The required bond or other funding mechanism shall not be required for any open space areas located within the LCS MUPD or RVPD that have been counted towards an LCS PUD, until such time as the Safari Park ceases operations. [Ord. 2011-016]

e. Plat

All open space shall be platted simultaneously with the first plat in the Development Area.

5. Landscape Buffer

A landscape buffer shall only be required around the Development Area, adjacent to the perimeter of the project. The buffer shall be a minimum of 150 feet in width and consist of 100 percent native vegetation. Landscape buffers providing continuity between open space areas to be preserved may be counted toward meeting the minimum open space requirement.

a. Landscape Requirements

Portions of the buffer which are not adjacent to a street shall comply with the compatibility landscape requirements in Art. 7, Landscaping. All landscape material shall be planted in groups and/or a naturalistic pattern.

b. Trails

A continuous equestrian trail, fitness trail, bike path, walking path, or similar trail system shall be incorporated into the internal street R-O-W sections, around lakes, and/or within the buffers in the Development Area. Trials and paths in open space areas shall only be paved with pervious materials.

6. Lion Country Safari Overlay (LCSO)

In addition to the standards for an RR-PUD, an application for an RR-PUD within the LCSO that includes the transfer of density from the Lion Country Safari MUPD or RVPD, shall be limited to Option 1, Rural Cluster, and the following: [Ord. 2011-016] [Ord. 2016-042]

a) Purpose and Intent

The purpose of the LCSO is to acknowledge the importance of the Lion Country Safari Park as a unique tourist attraction and recognize that the viability of the park is important for the County's tourism industry, pursuant to FLUE Objective 1.10, Lion Country Safari Overlay. The overlay establishes a mechanism to encourage the preservation of the Safari Park (MUPD), RV Park (RVPD), and related commercial recreation activities, while allowing for residential development at an overall density that is compatible with the surrounding area. This is accomplished by allowing the density of the Safari and RV Parks (excluding hotel approval) to be transferred to the Development Area of an RR-PUD within the boundaries of the overlay. [Ord. 2011-016] [Ord. 2016-042]

b) Applicability

The LCSO is approximately one square mile in size, generally located north of Southern Boulevard and west of Seminole Pratt Whitney Road in Section 23, Township 43, Range 40, as depicted on Map LU 3.1, Special Planning Areas, in the Map Series of the Plan. The provisions of the LCSO are optional, and shall only apply to projects that propose to relocate density from the Safari Park to a PUD within the boundaries of the overlay. [Ord. 2011-016] [Ord. 2016-042]

c) Application Requirements

Any application that proposes to relocate density from the Safari or RV Parks to an RR-PUD within the overlay shall comply with the following: [Ord. 2011-016]

1) Pre-Application Conference

Each application shall require a PAC in accordance with Art. 2.A.5.A, Pre-Application Conference (PAC). [Ord. 2011-016]

2) Master Plan

A Preliminary or Final Master Plan shall be required to depict the overall boundaries of the LCSO, include any Zoning approvals, identify Open Space Preserve Areas from which density will be relocated to the Development Area of an RR-PUD, location of access and interconnectivity, and related tabular data. [Ord. 2011-016] [Ord. 2016-042]

d) RR-PUD Development Area

In addition to the Development Area requirements for a Rural Cluster PUD, the following shall apply: [Ord. 2011-016]

1) Clustered residential units which provide a variety of lot sizes to allow for a range of housing choices; [Ord. 2011-016]
2) Smaller sized lots shall be located towards the center of the Development Area and should transition to larger lot sizes located at the edge, adjacent to the existing residential neighborhoods. [Ord. 2011-016]

e) Other Requirements

1) Existing native vegetation and other natural features located within the LCSO, including a minimum of 37 acres of upland native vegetation, shall be preserved. At the time a PUD is requested, higher quality upland native vegetation shall be preserved in accordance with Art. 14.C.7.B.3, Establishing Native Upland Preserves. This requirement shall not preclude the relocation of existing native upland preserves to other areas with higher quality upland native vegetation. [Ord. 2011-016] [Ord. 2016-042]
2) Interconnectivity shall be provided between uses within the LCSO. This shall not preclude the use of security gates within the RR-PUD. [Ord. 2011-016] [Ord. 2016-042]
3) A neighborhood-serving commercial store of up to 3,500 square feet shall be permitted within the RVPD to serve campers, or should the RVPD be abandoned, the neighborhood store may be incorporated into an RR-PUD. [Ord. 2011-016]
4) Golf courses are prohibited within the LCSO. [Ord. 2011-016] [Ord. 2016-042]

f) Additional Notification Requirements

Pursuant to the adoption of an LCSO Overall Master Plan, any subsequent applications for a Development Order Amendment within the boundaries of any designated Open Space Preserve Areas or associated RR-PUD shall provide for the following notification to all affected landowners and Property Owners' Associations, as follows: [Ord. 2011-016] [Ord. 2016-042]

1) The Notice shall describe the Applicant's request for a DOA; [Ord. 2011-016]
2) The list of landowners and Property Owners' Association(s) shall be pursuant to the latest PBC Property Appraisal list; [Ord. 2011-016]
3) The Notice shall be sent to the landowners and Property Owners' Association(s) by certified mail within ten days of filing its applications; and, [Ord. 2011-016]
4) The Applicant shall provide to the Zoning Division a copy of the Notice and written confirmation the Notice requirements have been satisfied. [Ord. 2011-016]

H. WCR-PUD

1. Purpose and Intent

To enable the appropriate transition between rural, suburban, and other uses including existing and future conservation areas, specifically the J.W. Corbett Wildlife Management Area and Everglades restoration programs and projects. It achieves compatibility with the existing residential development pattern in the surrounding area while furthering remediation of the historic land use imbalance in that area through additional non-residential uses, and residential support for other non-residential projects. This is accomplished through use of the Planned Unit Development (PUD) Zoning District, a WCR Site Specific FLUA amendment Conceptual Plan, hereinafter referred to as "FLUA Conceptual Plan," and the following additional standards. [Ord. 2017-011]

2. Applicability

The provisions of the WCRO shall apply properties within a Planning Conceptual Plan for a WCR FLU designation. [Ord. 2017-011]

3. Development Review Procedures

Any application for a Development Order shall be consistent with the FLUA Conceptual Plan. [Ord. 2017-011]

a. Rezoning

All land areas included within the FLUA Conceptual Plan shall be rezoned to a single PUD. [Ord. 2017-011]

b. FLUA Conceptual Plan Interpretation

Any interpretation of the FLUA Conceptual Plan shall be made by the Planning Director, or by the Zoning Director in consultation with the Planning Director. [Ord. 2017-011]

c. Commercial Pod(s) – BCC Preliminary Site Plan Approval

The BCC shall approve a Preliminary Site Plan for each Commercial Pod within a WCR-PUD, with Commercial Pods developed in accordance with the standards for a Traditional Marketplace Development (TMD). [Ord. 2017-011]

4. Planned Unit Development (PUD) Exceptions

a. Contiguity

For the purposes of contiguity, any land area included within the FLUA Conceptual Plan, shall be considered contiguous in accordance with FLUE Policy 1.12-d. [Ord. 2017-011]

b. Minimum Acreage

As indicated on the FLUA Conceptual Plan. [Ord. 2017-011]

c. PUD Land Use Mix

The following deviations shall be permitted from Table 3.E.2.C, PUD Land Use Mix, where specified otherwise on the FLUA Conceptual Plan. [Ord. 2017-011]

1) Minimum Residential

The minimum required residential may be reduced. [Ord. 2017-011]

2) Maximum Commercial

The maximum required commercial may be increased. [Ord. 2017-011]

3) Open Space

Minimum or maximum required open space area shall be in accordance with the FLUA Conceptual Plan. [Ord. 2017-011]

d. TMD Requirements for Commercial Pods

Commercial Pods shall be located in accordance with the FLUA Conceptual Plan, developed in accordance with the standards for a TMD as specified in Art. 3.F, Traditional Development Districts (TDDs), and exempt from the PUD Commercial Pod requirements for use regulations, location, design, and PDRs. [Ord. 2017-011]

e. Standards for Open Space

If designated on the FLUA Conceptual Plan, additional required open space set-aside areas not located within the Development Area of the WCR-PUD shall be further limited to preservation, conservation, passive recreation, perimeter landscape buffers, Rural Parkways, pedestrian/equestrian pathways and greenways, wetlands, agricultural uses in accordance with Art. 3.E.2.H.4.f, Agricultural Uses below, regional water management, and fallow land uses. [Ord. 2017-011]

f. Agricultural Uses

Agricultural uses shall be permitted within a WCR-PUD Development Area as an interim use, or where otherwise designated on the FLUA Conceptual Plan, provided that existing or new agricultural uses have or are eligible to be agriculturally classified by the Property Appraiser. Unless stated otherwise on the FLUA Conceptual Plan, agricultural uses shall be permitted in accordance with the standards for the AR or AP Zoning Districts, whichever is applicable based on the prior zoning for the subject area. [Ord. 2017-011]

g. Landscape Buffer Exceptions

The following exceptions to landscape buffer requirements may be allowed: [Ord. 2017-011]

1) Rural Parkways

Landscape buffers shall not be required adjacent to Rural Parkways approved as part of the FLUA Conceptual Plan. The Planning Division shall establish Conditions of Approval on the rezoning for all planting and pathway requirements. [Ord. 2017-011]

2) Contiguous Open Space

Landscape buffers shall not be required around the boundary of the required large contiguous open space land area (33.33 percent of the overall site) approved on the FLUA Conceptual Plan. [Ord. 2017-011]

3) Optional Agriculture Use Compatibility Buffer

Landscape buffers required between residential and agricultural uses located within a WCR-PUD, shall only be required to be a minimum five-foot-wide Compatibility Buffer, provided the residential lots and agricultural use(s) are separated by a minimum of 50 feet of dedicated open space. [Ord. 2017-011]

4) Section Line Easements within the WCRO

Within the WCRO, WCR-PUDs may be encumbered by ingress, egress, maintenance, drainage, and irrigation easements. Collectively, when specified in the Development Order for a WCR-PUD rezoning, these easements are hereinafter referred to as "Section Line Easements." The following may apply to Section Line Easements, except where encumbered by any other easements, including those dedicated to Palm Beach County, the Indian Trail Improvement District, a POA, or other similar: [Ord. 2017-011]

a) When road right-of-way dedication to Palm Beach County is required, Palm Beach County will accept these rights-of-way encumbered with only ingress, egress, irrigation,

maintenance, and drainage easements, provided the dedicator/grantor, on behalf of itself and its successors and assigns, agrees to rectify to the reasonable satisfaction of the County Engineer any impacts resulting from later construction of improvements within such right-of-way which are made by easement beneficiaries done without the consent of the County that materially and adversely impact the use or functionality of then-existing or future County improvements within the right-of-way. Other types of easements shall be released prior to dedication of rights-of-way to Palm Beach County. The limit of the right-of-way conveyance shall establish the WCR-PUD base building line; [Ord. 2017-011]

b) Overlap or encroachment of landscape buffer easements or tracts shall be prohibited in the Section Line Easements; [Ord. 2017-011]

c) A minimum five-foot-wide Compatibility Buffer may be allowed in lieu of a R-O-W Buffer, where adjacent to a Section Line Easement for ingress or egress, subject to the following: [Ord. 2017-011]

(1) The Section Line Easement is not used for ingress or egress purposes, and there are no proposed streets. [Ord. 2017-011]

(2) There is a minimum 50-foot-wide dedicated open space between the Development Area and adjacent uses. [Ord. 2017-011]

(3) Adjacent uses within the Development Area of the WCR-PUD are designated for agriculture, water management, residential, or conservation uses, or external parcels support residential, agricultural, or conservation uses, or have a residential or conservation FLU designation. [Ord. 2017-011]

d) Required landscape buffer material may be relocated into the Section Line Easements;

e) Improvements such as, but not limited to landscaping, undulating berms, pedestrian pathways, equestrian trails, signage, drainage, utilities, and irrigation may be allowed within Section Line Easements; and, [Ord. 2017-011]

f) The WCR-PUD property line shall establish the base building line. [Ord. 2017-011]

5. Traditional Marketplace Development (TMD) Exceptions

a. Minimum Square Footage

As designated on the FLUA Conceptual Plan. [Ord. 2017-011]

b. Permitted Locations

As designated on the FLUA Conceptual Plan. [Ord. 2017-011]

I. Supplemental Standards

1. HOA

Concurrent with the first recorded plat a POA shall be formed to manage the common areas and govern the operations of the HOA. The Preservation Area of an RR-PUD is not required to be governed by a POA.

2. Declaration of Covenants and Restrictions

All properties included in the legal description of a PUD shall be subject to a Declaration of Covenants and Restrictions acceptable to the County Attorney's Office which shall, among other things, provide for formation of a single “master” HOA, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's Office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended if additional units or land area are added to the PUD.

3. Incompatible Uses

The petitioner shall include in the homeowner’s documents, as well as written sales brochures and sales contracts, a disclosure statement identifying and notifying of the existence of agricultural, equestrian, or cellular communication towers in the vicinity of the development.

J. Phasing and Platting

A PUD shall be subject to the time limitation and review requirements of Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval and Art. 3.E.1.J, Phasing and Platting, and shall proceed in a reasonably continuous and timely manner complying with these phasing requirements and the requirements listed below.

1. Plat Requirements

All land within the PUD, including golf courses, shall be platted. All golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or civic site plat.

Section 3 Multiple Use Planned Development (MUPD)

A. General

1. Purpose and Intent

The purpose of an MUPD is to provide for the efficient use of land by the integration of multiple uses, or large single uses, within a unified development. The intent of an MUPD is to provide opportunities for enlightened and imaginative approaches to community planning and site design by: [Ord. 2014-025]

a. allowing flexibility from standard PDRs;
b. applying PDRs to the entire project rather than individual lots, such as: access, parking, lot dimensions, lot frontage, and landscaping;
c. encouraging the creation of a unified image between buildings and signage through architecture and linkages between land uses;
d. allowing the use of vertical or horizontal integration with residential and non-residential uses; [Ord. 2021-023]
e. promoting the design of a Site Plan which provides for the integration of residential and non-residential uses; and, [Ord. 2021-023]
f. promoting the design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles. [Ord. 2021-023]

2. Applicability

The requirements of this Section shall apply to all MUPDs, modifications to previously approved MUPDs, and modifications to previous approvals specified in Art. 3.E, Planned Development Districts (PDDs) unless otherwise stated. [Ord. 2009-040] [Ord. 2011-016]

3. Conflicts

If a conflict exists between this Section and other Sections of this Code, the provisions of this Section shall apply to the extent of the conflict.

B. Objectives and Standards

1. Design Objectives

An MUPD shall comply with the following objectives:

a. Allow for both residential and non-residential uses within a project that is designed to incorporate vertical or horizontal integration of residential uses, to foster compatibility within and adjacent to the project; [Ord. 2019-005] [Ord. 2021-023]
b. Provide innovative building location and orientation;
c. Protect adjacent residential uses from potential adverse impacts;
d. Provide a continuous, non-vehicular and pedestrian circulation system which connect uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the MUPD; [Ord. 2021-023]
e. Allow for landscape design that enhances the appearance of the project; and, [Ord. 2014-025]
f. An MUPD with an EDC FLU designation shall be primarily utilized by office and research parks, which may also include manufacturing and processing, research and development, wholesale distribution, and storage of products. [Ord. 2014-025]

2. Performance Standards

An MUPD shall comply with the following standards:

a. Non-Vehicular Circulation

An MUPD shall be designed to provide for a pedestrian and bicycle-oriented circulation system throughout the development. [Ord. 2021-006]

1) Sidewalks

Internal sidewalks shall connect to sidewalks located along adjacent streets. Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment. [Ord. 2021-023]

b. Landscape Buffers

A Type 3 Incompatibility Buffer shall be provided along the property lines of an MUPD, where mixed-use and non-residential uses are adjacent to a residential use type or undeveloped land with a residential FLU designation. The Applicant may request for an alternative buffer subject to a Type 2 Waiver process, unless exempted below. [Ord. 2018-002] [Ord. 2019-005] [Ord. 2021-023]

1) Mixed Use

No buffer shall be required between residential and non-residential uses within a mixed-use development. Internal vegetation shall be planted to promote integration of uses within the development. [Ord. 2021-023]

2) Vertical Integration

A Type 2 Incompatibility Buffer shall be permitted along the perimeter between a structure with vertical integration of residential and non-residential uses and adjacent properties with residential structures greater than 35 feet in height. [Ord. 2021-023]

c. Cross Access

Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between an MUPD and adjacent land with a non-residential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.

d. Parking

On-site parking areas shall comply with Art. 6, Parking, Loading, and Circulation, Art. 7, Landscaping, and the following:

1) Parking Areas

a) Ground cover or small shrubs 18 to 24 inches in height at installation, and maintained to achieve a maximum of 30 inches in height shall be planted in all landscape islands and divider medians. [Ord. 2018-002]

b) Where pedestrian access ways cross landscape islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar paving treatment. [Ord. 2018-002]

c) 20 percent of the required parking shall be located at the side or rear of non-residential uses, unless all spaces are provided within a parking structure per Art. 6.B.2.E, Parking Structures. [Ord. 2021-023]

d) All required on-site parking shall be located within 400 feet of a public entrance to any non-residential or individual access points of a residential building within the development. [Ord. 2021-023]

2) Loading Area Screening

Internally oriented loading areas, or loading areas between a building and an adjacent residential use, shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall. [Ord. 2021-023]

e. Residential

An MUPD with residential uses shall comply with the following additional performance standards: [Ord. 2019-005]

1) Proximity of Uses

All dwelling units shall be located within 1,320 linear feet of a recreation use or usable open space. [Ord. 2019-005]

2) Pedestrian Circulation

Internal sidewalks shall connect residential to both the non-residential use(s), and the usable open space(s). Elements of human scale shall be incorporated along these systems including but not limited to light fixtures, seating, gathering spaces, water features, statuary, and landscaping. [Ord. 2019-005]

3) Compatibility

The MUPD shall be designed to create an integration of non-residential and residential land uses within the project. The uses within the MUPD shall be designed to transition to less intensive residential housing located on abutting property to the MUPD. These transitional areas may vary in width based on the adjacent housing type or residential land use designations. The elements of transition between the use types may include but is not limited to changes in housing types, variations in buildings heights, increases in building setbacks and separations, orientation of buildings, and placement of open spaces. [Ord. 2019-005] [Ord. 2021-023]

a) Architectural

Within an MUPD, buildings that face a residential use(s), within or adjacent to the development, shall comply with Art. 5.C.1.B.2, Mixed Use. [Ord. 2021-023]

4) Usable Open Space

In addition to the requirements of Art. 5.D, Parks and Recreation – Rules and Recreation Standards for the residential use, a minimum of five percent of the total Development Area shall be usable, open space. This open space is encouraged to be located between, or in the common area of, the non-residential and residential uses as a central gathering area in order to integrate the two uses. Trees shall be installed within this area at one tree for each 1,000 square feet of usable open space. [Ord. 2019-005] [Ord. 2021-023]

3. Civic Dedication

The BCC may require that a portion of the gross acreage of the development be dedicated to PBC for public purposes, when insufficient facilities are available to allow for the provision of government services required for the proposed development. The dedication of such property shall be in accordance with Art. 3.E.2.E.4.c.1), Public Civic. The PDRs for the PO district shall apply to the civic parcel. [Ord. 2006-004]

4. EDC FLU – Use Limitations

All permitted commercial, public and civic, agricultural, utility, or industrial uses shall comply with the following: [Ord. 2014-025]

a. Shall be clustered within the overall project so as to minimize any adverse impacts, including heavy truck traffic, on office and research portions of the project; and [Ord. 2014-025]

b. Outdoor storage or activity areas shall be buffered and screened from view of office or research areas, or operate completely in enclosed buildings. [Ord. 2014-025]

C. Thresholds

Projects that meet or exceed the requirements of Table 3.E.3.D, MUPD Property Development Regulations, in addition to all other minimum MUPD requirements, may be submitted and reviewed as an MUPD. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2015-031] [Ord. 2019-005]

D. Property Development Regulations

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in the MUPD district are indicated in Table 3.E.3.D, MUPD Property Development Regulations, unless otherwise stated.

Table 3.E.3.D – MUPD Property Development Regulations

FLU Designations	Min. Lot Dimensions			Max. FAR (2)	Max. Building Coverage	Min. Setbacks (1)			
	Size (4)	Width and Frontage	Depth			Front	Side	Side Street	Rear
CL	3 ac.	200’	200’	-	25%	25’	C – 15’ R – 30’	25’	C – 20’ R – 30’
CH	5 ac.	300’	300’	-	40% (3)	30’	C – 15’ R – 30’	30’	C – 20’ R – 30’
CL-O	3 ac.	200’	250’	-	25%	25’	C – 15’ R – 30’	25’	C – 20’ R – 30’
CH-O	5 ac.	200’	200’	-	40% (3)	30’	C – 15’ R – 30’	30’	C – 20’ R – 30’
CMR	3 ac.	200’	200’	-	45%	30’	C – 15’ R – 40’	30’	C – 20’ R – 40’
IND	5 ac.	300’	300’	-	45%	30’	C – 15’ R – 40’	30’	C – 20’ R – 40’
EDC	5 ac.	300’	300’	-	45%	30’	C – 15’ R – 40’	30’	C – 20’ R – 40’
CR	5 ac.	300’	300’	-	30%	30’	C – 15’ R – 40’	30’	C – 20’ R – 40’
INST	5 ac.	300’	300’	-	30%	30’	C – 15’ R – 30’	30’	C – 20’ R – 30’
Residential Uses and Recreation									
ZLL	Refer to Art. 3.D.2.B, Zero Lot Line (ZLL).								
TH	Refer to Art. 3.D.2.A, Townhouse.								
MF	Apply the RM Zoning District regulations in Table 3.D.1.A, Property Development Regulations.								
Recreation Pod	Apply PUD Recreation Pod regulations.								
Neighborhood Park	Apply PUD neighborhood park regulations.								

[Ord. 2007-001] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2019-005] [Ord. 2021-023] [Ord. 2023-011]

Notes:

C	Indicates the building setback if the lot abuts a parcel with a non-residential zoning district or FLU designation, that does not support a residential use. [Ord. 2015-031]
R	Indicates the setback from an adjacent parcel with residential zoning. [Ord. 2015-031]
1.	Setbacks are measured in linear feet from the boundary of the MUPD.
2.	The maximum FAR shall be in accordance with FLUE Table 2.2-e.1 of the Plan, and other related provisions, unless otherwise noted, and shall include all residential and non-residential buildings. [Ord. 2019-005] [Ord. 2021-023]
3.	The maximum building coverage for CH and CH-O FLU designations may be increased to 60 percent for developments with both residential and non-residential uses. [Ord. 2021-023]
4.	An MUPD with split or multiple FLU designations shall apply the minimum acreage of the more restrictive FLU designation. [Ord. 2021-023]

1. **Setbacks, Commercial Districts**
   The front and side street setbacks in Table 3.E.3.D, MUPD Property Development Regulations, may be reduced to zero in a mixed-use development which provides vertically integrated live/work or residential uses in the structure. At least 50 percent of the square feet in the structure shall be provided on the second or higher floors as live/work or Multifamily dwelling units. The required landscape buffer may be relocated subject to approval of an ALP in accordance with Art. 7.B.4, Type 1 Waiver for Landscaping. [Ord. 2021-023]
2. **Integration**
   Vertically and horizontally integrated residential uses shall comply with Table 3.E.3.D, MUPD Property Development Regulations, for the applicable non-residential designation, Art. 4, Use Regulations and Art. 3.B, Overlays, or as otherwise allowed within this Code. [Ord. 2021-023]

E. Use Regulations

1. **MUPDs with Non-Residential and Residential Uses**
   a. **Hours of Operation**
      Hours of operation described in Art. 5.E.5, Hours of Operation, shall only apply to non-residential uses that meet the proximity to residential requirements to an abutting property. The hours of operation proximity to residential requirements do not apply to the residential within the same MUPD. [Ord. 2019-005]
   b. **Open Storage**
      No open storage or placement of any material, refuse equipment, or debris shall be permitted in the rear of any structure. [Ord. 2019-005]
   c. **Outdoor Speakers**
      No outdoor loudspeaker systems shall be permitted. [Ord. 2019-005]

F. AGR-MUPD

The following standards shall apply to MUPDs in the AGR Tier. [Ord. 2017-002]

1. **Conflict with Other Applicable Regulations**
   If a conflict exists between provisions for an AGR-MUPD and other Articles of this Code, the AGR-MUPD provisions shall prevail except where superseded by State or Federal laws. [Ord. 2017-002]
2. **60/40 Preserve/Development Requirements**
   New applications for an MUPD in the AGR Tier greater than 16 acres in size as of January 1, 2016, as determined by FLUE Policy 1.5.1-q of the Plan, shall consist of two areas, the Preservation Area and the Development Area. Both areas shall be rezoned to the MUPD district and comply with the following: [Ord. 2017-002]
   a. **Preserve Area**
      1) **Minimum Land Area**
         A minimum of 60 percent of the gross acreage, less roadways identified on the Thoroughfare Identification Map, shall be designated as an AGR Preserve Area. [Ord. 2017-002]
      2) **Standards and Requirements**
         a) **Use Regulations**
            Permitted uses shall be the same as those permitted in the Preserve Area of an AGR-TMD. [Ord. 2017-002]
         b) **Requirements**
            The Preserve Area shall comply with the requirements of Art. 3.E.2.F.3, Preserve Area, with exception to the following: [Ord. 2017-002]
            (1) References to residential development or PUD shall be considered synonymous with residential or non-residential development or MUPD, respectively; [Ord. 2017-002]
            (2) Art. 3.E.2.F.3.b, Uses; and, [Ord. 2017-002]
            (3) Art. 3.E.2.F.3.d, 80/20 Contiguity Requirement. [Ord. 2017-002]
   b. **Development Area**
      The remaining land area, not to exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map, may be developed as an MUPD, subject to the following: [Ord. 2017-002]
      1) **Agricultural Reserve Design Elements**
         The Development Area shall comply with FLUE Policy 1.5.1-r, Ag Reserve Design Elements. [Ord. 2017-002]
      2) **Residential Mixed Use**
         Residential uses shall be permitted in accordance with the standards for residential uses in an AGR-TMD. [Ord. 2017-002] [Ord. 2021-023]

Section 4 Planned Industrial Park Development (PIPD)

A. General

1. Purpose and Intent

The purpose of the PIPD district is to create an industrial development alternative, which provides employment opportunities for industries, manufacturing, research and development, and encourages internal trip capture by offering support uses. The intent of a PIPD is to promote creative design approaches to community planning and site design for planned industrial developments. Support uses, such as hotels, offices, commercial, institutional, residential, and recreation are intended to serve the PIPD workforce and residential populations, with exception to regional-serving recreation uses permitted within the Regional Recreation Pod. [Ord. 2004-040] [Ord. 2014-025] [Ord. 2017-032]

2. Applicability

The requirements of this Section shall apply to all PIPDs, modifications to previously approved PIPDs, and modifications to previous approvals specified in Art. 3.A.3.B.2, Special Exceptions or Conditional Use Approvals for Previously Approved Planned Developments, unless otherwise stated. [Ord. 2009-040] [Ord. 2011-016]

3. Conflicts

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict. [Ord. 2010-022] [Ord. 2016-042]

B. Objectives and Standards

1. Design Objectives

A PIPD shall comply with the following objectives: [Ord. 2014-025]

a. Provide a balanced mix of land uses to provide for the needs of the residential population (if proposed) and the projected workforce;
b. Be designed as a predominantly industrial development, with exception to: [Ord. 2016-042]
    1) the EDC FLU designation, which shall be primarily utilized by office and research parks, but may also include manufacturing and processing, research and development, wholesale distribution, and storage of products. [Ord. 2014-025]
c. Preserve natural features, scenic areas, and native vegetation to the extent possible;
d. Encourage the co-location of industrial processes, products, and services;
e. Provide for support uses intended to serve the PIPD workforce and residential populations, or on-site essential services for industries, employees, and clients; [Ord. 2017-032]
f. Protect nearby existing and future non-industrial land uses and activities;
g. Arrange buildings and land use intensities to minimize and mitigate negative impacts;
h. Be located near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping, and/or railroad lines; and,
i. Encourage the expansion to PBC's economic base through new industrial investment or regional-serving recreation uses. [Ord. 2017-032]

2. Performance Standards

A PIPD shall comply with the following standards:

a. Perimeter Buffers

Industrial Pods adjacent to the boundary of a PIPD shall provide a minimum 25-foot-wide Type 3 Incompatibility Buffer along the perimeter.

b. Residential – Proximity to Other Uses

All pods with residential units in a PIPD shall be located within 1,320 feet of commercial and personal service uses. A pedestrian accessible route shall be provided. For the purpose of this Section, distance shall be measured by drawing a straight line between the property line of a Residential Pod to the property line of the pod where the commercial/personal services are located. [Ord. 2004-040] [Ord. 2008-003]

c. Internal Trip Capture

A PIPD with Commercial or Residential Pod shall demonstrate the ability to achieve a ten percent internal trip capture concurrent with the build-out of the PIPD.

C. Thresholds

1. General

A PIPD shall comply with Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA), and with the following thresholds: [Ord. 2006-004]

a. Lot Size

The minimum gross land area required for a PIPD shall be as follows: [Ord. 2006-004] [Ord. 2014-025]

1) IND FLU designation: 40 contiguous acres; or [Ord. 2014-025]
2) EDC FLU designation: 20 acres, except for parcels approved with a lower acreage as part of a FLUA amendment. [Ord. 2014-025]

b. Land Use Mix

Land uses shall be grouped into pods which limit and define the types of uses within a specific area of a PIPD. Table 3.E.4.C, PIPD Land Use Mix, indicates the range of each pod within a PIPD. [Ord. 2014-025]

Table 3.E.4.C – PIPD Land Use Mix

Pods	Min.	Max.
Industrial	60%	100%
Light Industrial	20%	100%
General Industrial (1)	-	50%
Commercial	-	20% (Max. – 15 ac.) (2)
Residential	-	20%
Recreation	-	20%
Neighborhood Recreation	0.006 ac. (3)	20%
Regional Recreation	-	5%

[Ord. 2014-025] [Ord. 2017-032]

Notes:

1.	A General Industrial Pod shall only be permitted with an IND FLU designation. General Industrial Pods shall be prohibited with an EDC FLU designation. [Ord. 2014-025]
2.	The maximum commercial acreage shall not apply to an Economic Development Center (EDC).
3.	Minimum Recreation Pod requirement only applies to Residential Pods. Other residential uses such as live/work located in other than a Residential Pod shall still comply with Art. 5.D, Parks and Recreation – Rules and Recreational Standards. [Ord. 2014-025] [Ord. 2017-032]

c. Land Use Calculation

The calculation for the mix of land uses shall be based on the gross acreage of the PIPD, excluding Preserve Areas. Neighborhood parks, water management tracts, and local roads which are internal to a pod rather than a separate pod or tract shall be credited toward the maximum land area requirement in Table 3.E.4.C, PIPD Land Use Mix.

D. Property Development Regulations

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.4.D, PIPD Property Development Regulations: [Ord. 2004-040]

Table 3.E.4.D – PIPD Property Development Regulations

Pods	Lot Dimensions			Max. FAR (1)	Max. Building Coverage	Setbacks			
	Size	Width and Frontage	Depth			Front	Side (2)	Street	Rear (2)
Light Industrial	1 ac.	100’	200’	(1)	45%	25’	C – 15’ R – 40’	25’	C – 15’ R – 40’
General Industrial	2 ac.	200’	200’	(1)	45%	25	C – 20’ R – 40’	25’	C – 20’ R – 40’
Commercial	Apply MUPD or TMD regulations.								
Residential	Apply PUD regulations.								
Neighborhood Recreation	Apply PUD Recreation Pod and neighborhood park regulations.								
Regional Recreation	1 ac.	100’	200’	(1)	30%	25’	C – 20’ R – 40’	25’	C – 20’ R – 40’
Civic	Apply PUD civic regulations.								

[Ord. 2004-040] [Ord. 2014-001] [Ord. 2017-032] [Ord. 2021-023]

Notes:

C	Indicates the required building setback for land uses abutting a non-residential zoning district, a Civic, Mixed-Use Commercial, or Industrial Pod, or a recreation area.
R	Indicates the required building setback for land uses abutting a residential zoning district or a Residential Pod.
1.	The maximum FAR shall be in accordance with FLUE Table 2.2-e.1 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001] [Ord. 2021-023]
2.	Land uses, which abut open space 40 feet in width or greater, may substitute a 20-foot side or rear setback if a 40-foot setback is required. [Ord. 2004-040] [Ord. 2017-032]

E. Pods

1. Industrial Pods

An Industrial Pod is intended to provide areas for light and general industrial uses, and accessory uses. [Ord. 2004-040]

a. EDC Future Land Use Designation

1) Industrial Pods

General Industrial Pods are prohibited. [Ord. 2014-025]

2) Use Limitations

All commercial, public and civic, agricultural, utility, or industrial uses permitted within a Light Industrial Pod shall comply with the following: [Ord. 2014-025]

a) Shall be clustered within the overall project so as to minimize any adverse impacts, including heavy truck traffic, on office and research portions of the project; and [Ord. 2014-025]

b) Outdoor storage or activity areas shall be buffered and screened from view of office and research areas, or operate completely in enclosed buildings. [Ord. 2014-025]

2. Commercial Pod

A Commercial Pod is intended to provide commercial service, retail, and professional office uses to serve the needs of the population and workforce within a PIPD. Commercial uses within a PIPD shall comply with the following additional use regulations:

a. Additional Requirements

Commercial uses within a PIPD shall comply with the following additional use regulations: [Ord. 2004-040] [Ord. 2008-003] [Ord. 2017-007]

1) Outdoor Storage

Outdoor storage of any merchandise, equipment, or refuse or similar material shall be prohibited.

2) Outdoor Speakers

No outdoor loudspeaker systems shall be permitted.

b. Mixed Use

Mixed-use development is intended to provide residential and commercial land uses integrated vertically into one building or horizontally into groups of buildings. A PIPD with a BCC approval for a Commercial Pod may apply to the DRO to re-designate the pod as a Mixed-Use Pod on the Master Plan. A mixed-use development in a PIPD shall comply with the following:

1) Thresholds

A mixed-use development shall have a minimum land area equal to or larger than five acres or a minimum GFA of 50,000 square feet.

2) Development Regulations

A Mixed-Use Pod shall comply with the requirements for an MUPD or TMD. [Ord. 2021-023]

3. Residential Pod

A Residential Pod is intended to provide areas for residential housing, including units to aid in accommodating the workforce of a PIPD. [Ord. 2004-040]

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Residential Pod. [Ord. 2004-040] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2016-042] [Ord. 2017-007]

b. Transitional Land Uses

Housing or recreational land uses shall be located between the PIPD and adjacent residential uses outside of the PIPD, as determined by PZB to provide a transitional area between on-site non-residential uses and adjacent residential uses.

4. Recreation Pods

a. Neighborhood Recreation Pod

A PIPD with a Residential Pod shall provide recreation uses based on the number of units provided. Site improvements shall be provided in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards.

1. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Recreation Pod. [Ord. 2004-040] [Ord. 2008-003] [Ord. 2017-007]

2. Location

A Recreation Pod shall not have vehicular access from an Arterial or Collector that is not part of the interior circulation system of the PIPD. No recreation facility shall maintain direct physical access to any Arterial or Collector bordering or traversing the PIPD.

3. Recreation Area

In Residential Pods, recreation areas shall be provided in accordance with Art. 5.D, Parks and Recreation – Rules and Regulations Standards, for use by the residents of the pod and their guests. [Ord. 2017-007]

4. Neighborhood Park

Neighborhood parks shall be provided in Residential Pods developed in accordance with Table 3.E.2.D, PUD Property Development Regulations.

b. Regional Recreation Pod

A Regional Recreation Pod is intended to accommodate regional-serving recreation uses that further the intended economic activity center and value-added activities envisioned for and allowed within a PIPD. [Ord. 2017-032]

1. Use Regulations

Uses shall be limited to Outdoor Entertainment in accordance with the Supplementary Standards of Art. 4.B.3.C.4, Entertainment, Outdoor. [Ord. 2017-032]

2. Location

A Regional Recreation Pod shall have frontage on an Arterial or Collector. [Ord. 2017-032]

5. Civic Pod

A Civic Pod is intended to provide areas for the provision of civic needs for residents and the workforce of a PIPD. [Ord. 2004-040]

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Civic Pod. [Ord. 2008-003] [Ord. 2017-007]

Section 5 Mobile Home Planned Development District (MHPD)

A. General

1. Purpose and Intent

The purpose of the MHPD district is to offer a Mobile Home residential development alternative which allows a limited amount of commercial uses and corresponds to a range of residential FLU designations in the Plan. The intent of the MHPD is to promote the efficient design of Mobile Home communities, provide imaginative design approaches to community planning and, accommodate the housing needs of those residents who prefer Mobile Home living and those who desire an economic alternative to conventional dwellings.

2. Applicability

The requirements of this Section shall apply to all MHPDs, modifications to previously approved MHPDs, and modifications to previous approvals specified in Art. 3.A.3.B.2, Special Exceptions or Conditional Use Approvals for Previously Approved Planned Developments, unless otherwise stated. [Ord. 2009-040] [Ord. 2011-016]

3. Conflicts

If a conflict exists between this Section and other Sections in this Code, the provisions in this Section shall apply to the extent of the conflict.

B. Objectives and Standards

1. Design Objectives

An MHPD shall comply with the following objectives:

a. Provide sufficient separation between units to ensure privacy;
b. Provide creative and safe circulation systems;
c. Provide sufficient parking and storage areas;
d. Provide accessible recreation and civic opportunities; and,
e. Offer limited commercial opportunities.

2. Performance Standards

An MHPD shall comply with the following additional standards.

a. Separation

The minimum separation between units shall be ten feet.

b. Traffic Calming

Streets shall be designed to include traffic calming measures, such as chicanes, landscaped medians, speed humps, roundabouts, etc., if required by the County Engineer.

c. Parking

A minimum of one visitor space shall be provided for every five Mobile Homes.

d. Storage
The Site Plan shall contain an area for outdoor storage of boats, trailers, RVs, etc., if required by the DRO.

e. Proximity to Other Uses
Each residential lot shall be located within 600 feet of a neighborhood park or Civic, Commercial, or Recreation Pod.

C. Thresholds
An MHPD shall comply with Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA), and the following: [Ord. 2006-004]

1. Thresholds
The minimum gross land area required for an MHPD is ten contiguous acres. [Ord. 2006-004]

2. Density
The density in an MHPD shall be in accordance with the Plan. [Ord. 2006-004]

3. Land Use Mix
A mix of land uses shall be provided in an MHPD by designating pods on the Master Plan as residential, civic, commercial, or recreation. The mix of uses shall be calculated based on the gross acreage of the MHPD and Table 3.E.5.C, MHPD Land Use Mix.

Table 3.E.5.C – MHPD Land Use Mix

Pod	Min.	Max.
Residential	60%	100%
Civic	2%	-
Commercial	-	1%
Recreation	Apply PUD Recreation Pod regulations.	

a. Neighborhood parks internal to a Residential Pod may be credited toward the minimum residential land area requirement.

D. Property Development Regulations (PDRs)
The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.5.D, MHPD Property Development Regulations, unless otherwise stated. [Ord. 2019-005]

Table 3.E.5.D – MHPD Property Development Regulations

Pods	Min. Lot, Lease Lot, or Condo Unit Dimensions				FAR	Max. Building Coverage	Min. Building Setbacks or Separations			
	Size	Width and Frontage	Depth	Corner			Front	Side Street	Side (1)	Rear (1)
Mobile Home	4,200 sq. ft.	40’	70’	55’	-	50%	20’	20’	5’	10’
Recreational	-	65’	75’	-	0.35	30%	25’	25’	C – 20’ R – 40’	C – 20’ R – 40’
Private Civic	0.5 ac.	100’	100’	-	0.35	30%	25’	25’	C – 20’ R – 40’	C – 20’ R – 40’
Public Civic	1 ac.		200’							
Commercial	1 ac.	100’	200’	25’	0.25	20%	25’	25’	C – 20’ R – 40’	C – 20’ R – 40’

[Ord. 2005-002] [Ord. 2007-013] [Ord. 2020-001]

Notes:

C	Indicates the required building setback for land uses abutting a non-residential zoning district, a Civic, Mixed-Use Commercial, or Industrial Pod. [Ord. 2005-002]
R	Indicates the required setback for land uses abutting a residential zoning district or a Residential Pod.
1.	Pods that abut a lake, canal, or preserve area that is greater than or equal to 40 feet in width along the boundary of the land use, may reduce the required 40-foot setback by 50 percent. Setbacks shall be measured from the inside edge of perimeter landscape buffer and internal road R-O-Ws for recreation, civic, and commercial uses. Setbacks shall be measured from individual lot lines, rental lines, and from condominium lines. [Ord. 2005-002] [Ord. 2020-001]

E. Pods

1. General

The MHPD allows a limited amount of flexibility in establishing the proper amounts of pods. Land uses shall be grouped into pods which define the types of uses within a specific area of an MHPD (see Art. 3.E.5.C.3, Land Use Mix). Percentages of pods may vary as outlined in Table 3.E.5.C, MHPD Land Use Mix, and the requirements listed below.

a. An MHPD shall comply with the required site improvements for a Single Family subdivision in Art. 11, Subdivision, Platting, and Required Improvements.
b. The County Engineer shall approve a site improvement implementation schedule and all construction plans prior to construction.
c. The construction plans shall coincide with the approved Site Plans/Subdivision Plans.
d. The following improvements shall be provided, as required by Art. 11, Subdivision, Platting, and Required Improvements: bridges, grading, drainage, fire hydrants, monuments, potable water system, sanitary sewer system, streets, street markers, street lighting, and traffic controls.

2. Residential Pod

The site design and layout for each Residential Pod shall be indicated on a Site Plan and/or Subdivision Plan approved by the DRO. The site design shall include the fee simple, rental, lease, or condominium lot configuration and circulation systems. The layout shall indicate compliance with Table 3.E.5.D, MHPD Property Development Regulations, and the setbacks for accessory structures such as storage buildings, covered parking areas, screen enclosures, and pools. [Ord. 2006-004]

3. Civic Pod

The Civic Pod is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately-owned land uses to serve the community.

a. Threshold

An MHPD with a gross land area equal to or larger than 50 acres shall designate a minimum of two percent of the gross area of the MHPD as civic.

b. Public/Private Dedication

A Civic Pod in an MHPD shall comply with the standards for a Civic Pod in a PUD.

4. Commercial Pod

A limited amount of neighborhood-oriented commercial development may be provided in an MHPD for the convenience of the residents.

a. Location

A Commercial Pod in an MHPD shall comply with the standards for a Commercial Pod in a PUD.

b. Architecture

A Commercial Pod shall be subject to Art. 5.C, Design Standards.

c. Building Permits

Building Permits for commercial structures shall not be issued until tie-down permits have been finalized for a minimum of 20 percent of the total number of units.

5. Recreation Pod

a. Parking

Parking is not required for neighborhood parks or Recreation Pods less than one acre.

F. Supplementary Standards

1. Emergency Shelter

A permanent hurricane evacuation and emergency shelter shall be provided prior to the issuance of tie-down permits for 20 percent of the total number of units. The shelter shall be designed to accommodate the population of the MHPD based on a minimum of 40 square feet per person.

2. Temporary Structures

Temporary structures, such as construction trailers and security quarters, may be allowed, subject to Art. 5.B, Accessory Uses and Structures. A Mobile Home may be used as a rental office.

G. Rezoning or Other Application for Redevelopment of Mobile Home Parks

Any rezoning, or other application for a DO, for property having an existing Mobile Home Park shall comply with the requirements of F.S. § 723.083, Governmental Action Affecting Removal of Mobile Home Owners. [Ord. 2011-001] [Ord. 2017-025]

Section 6 Recreational Vehicle Planned Development District (RVPD)

A. General

1. Purpose and Intent

The purpose of the RVPD district is to promote the design of recreation-oriented development for land which has a Commercial, Industrial, Commercial Recreation, or Rural Residential FLU designation. The intent of an RVPD is to provide tourist-oriented uses in a park-like environment for temporary residents.

2. Applicability

The requirements of this Section shall apply to all RVPDs, modifications to previously approved RVPDs, and previous approvals specified in Art. 3.A.3.B.2, Special Exceptions or Conditional Use Approvals for Previously Approved Planned Developments, unless a rezoning is required pursuant to Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). [Ord. 2011-016]

3. Conflicts

If a conflict exists between this Section and other Sections in this Code, the provisions in this Section shall apply to the extent of the conflict.

B. Thresholds

1. Acreage

The minimum gross land area required for an RVPD is ten contiguous acres. [Ord. 2006-004]

2. Sites

The number of RV and campsites allowed shall be as specified in Table 4.B.3.C, Campground Intensity. Camping Cabins are allowed as an accessory use and subject to Art. 4, Use Regulations for Camping Cabin under the Campground use. [Ord. 2017-007] [Ord. 2025-016]

3. Land Use Mix

A mix of land uses shall be provided by designating pods on the Master Plan as recreation or commercial. The mix of uses shall be calculated based on the gross acreage of the RVPD and Table 3.E.6.B, RVPD Land Use Mix.

Table 3.E.6.B – RVPD Land Use Mix

Pod	Min.	Max.
Recreation	98%	100%
Commercial	-	2%

C. Pods

1. Recreation

A minimum of ten percent of the land area in a Recreation Pod shall be devoted exclusively to recreation uses.

2. Commercial

No commercial use, building, or structure shall front or have direct legal access on any Arterial or Collector Street bordering or traversing the RVPD. Commercial uses shall be intended for the use of temporary residents in the RVPD only, with exception to a permanent Real Estate Sales Office for the sale of RV sites located within the RVPD. [Ord. 2014-025]

D. Time Limitations

RV sites, campsites, and Camping Cabins shall comply with standards in Art. 4.B.3.C.2.f, Duration of Stay. [Ord. 2017-007]

E. Property Development Regulations (PDRs)

The PDRs for an RVPD are indicated in Table 3.E.6.E, RVPD Property Development Regulations. All other recreation buildings include the clubhouse and accessory structures. Lot dimensions are the minimum, except where noted.

Table 3.E.6.E – RVPD Property Development Regulations

Pod	Min. Lot Dimensions			Max. FAR	Max. Height
	Size	Width and Frontage	Depth		
Recreation – RV Site or Campsite	1,000 sq. ft.	20’	40’	-	25’
Recreation – All Other	-	100’	100’	0.35	35’
Commercial	1 ac. max.	100’	100’	0.25	35’
[Ord. 2025-016]					

1. Setbacks

The setbacks for the RV parking pad on an RV site or Campsite shall be a minimum of 25 feet. In the Agricultural Reserve Tier, setbacks shall be measured from the perimeter property line, and shall be measured from the inside edge of the perimeter landscape buffer in all other tiers. The setbacks for structures within the Recreation Pod shall be in accordance with Table 3.E.2.D, PUD Property Development Regulations and the setbacks for structures in the Commercial Pod shall be in accordance with the CC Zoning District per Table 3.D.1.A, Property Development Regulations. [Ord. 2025-016]

F. Landscape Buffer

Perimeter landscape areas shall comply with the following:

1. R-O-W Buffer

The R-O-W Buffer shall include a minimum six-foot-high opaque landscape barrier in the form of a berm, wall, fence, hedge, or combination.

2. Perimeter Buffer

A Type 3 Incompatibility Buffer shall be provided around the perimeter of an RVPD. This requirement may be modified by an ALP, pursuant to Art. 7.B.4, Type 1 Waiver for Landscaping.

G. Supplemental Standards

1. Permanent Structures or Additions

a. Permanent structures or additions attached to an RV, such as screen rooms, carports, or utility sheds, shall be prohibited except as provided for under Art. 3.E.6.G.1.b below. [Ord. 2014-001]

b. Detached accessory structures used for storage, utilities, or entertainment are permitted on individual RV sites subject to the following: [Ord. 2014-001]

1) Maximum of 200 square feet in size; [Ord. 2014-001]
2) Minimum ten-foot separation between buildings; [Ord. 2014-001]
3) Sleeping accommodations are prohibited; [Ord. 2014-001]
4) Full kitchens or cooking facilities shall be prohibited. Sinks, refrigerators, and cabinets/counters shall be allowed; and, [Ord. 2014-001]
5) HVAC and bathroom facilities may be permitted. [Ord. 2014-001]
6) Minimum RV site size shall be 3,000 square feet; [Ord. 2014-001]
7) Accessory structures shall be exempt from the requirements of Art. 5.C.1.H.1.g.4), Porches and Entryways; and, [Ord. 2014-001]
8) Accessory structures shall be exempt from the foundation planting requirements of Art. 7.C.3.B, Foundation Plantings, provided that a minimum of 40 percent of the perimeter façade shall have a foundation planting a minimum of two feet in width. [Ord. 2014-001]

2. Parking

Parking or storage of vehicles in areas not designed or designated for parking or storage is prohibited.

3. Temporary Structures

Temporary structures, such as construction trailers, RV site Real Estate Sales Office, and security quarters, may be allowed, subject to Art. 5.B.1.C, Temporary Structures. A Mobile Home may be used as a Caretaker Quarters, security quarters, Watchman Trailer, or temporary structure. [Ord. 2014-025] [Ord. 2019-005]

4. Storage

The Site Plan shall contain an area for outdoor storage of boats, trailers, RVs, etc. if required by the DRO.

5. Real Estate RV Site Sales

A permanent Real Estate Sales Office for RV sites may be collocated with an accessory management office in a Recreation Pod. [Ord. 2014-025]

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

Section 1 General Provisions for TDDs

A. Purpose and Intent

The purpose and intent of TDDs is to implement the Traditional Town Development (TTD), the Traditional Marketplace Development (TMD), and the Traditional Neighborhood Development (TND) provisions of the Plan and to:

1. Encourage mixed-use, compact development that is pedestrian in scale and sensitive to environmental characteristics of the land, and facilitates the efficient use of services within PBC;
2. Have residences, shopping, employment, and recreational uses located within close proximity with each other and efficiently organized to provide for the daily needs of the residents;
3. Provide for a range of housing types within pedestrian-oriented, human-scale neighborhoods;
4. Provide efficient circulation systems for pedestrians, non-motorized vehicles, and motorists that serve to functionally and physically integrate the various land use activities; and,
5. Allow for a cohesive neighborhood identity and focus.

B. Applicability and Definitions

1. Applicability

The requirements of this Chapter shall apply to all TDDs, whether new or amended, within unincorporated PBC, in accordance with Art. 1, General Provisions and Art. 1.E, Prior Approvals. To the extent this Section conflicts with other Sections of this Code, the provisions of this Section shall apply.

2. Definitions

See Art. 1.H, Definitions and Acronyms.

C. Review and Approval Process

All development within TDDs are subject to the review and approval procedures that apply to planned developments; see Art. 3.E, Planned Development Districts (PDDs).

1. Traditional Town Development (TTD) Required Plan Options

The BCC may approve a Preliminary Master Plan for a TTD, including TMD, MUPD, TND, and PUD Pods, and Conditional Uses, without concurrent submittal of Preliminary Site Plans or Subdivision Plans. The BCC shall approve a Preliminary Site Plan for a TMD, MUPD, and any Requested Uses prior to Final Site Plan approval. Preliminary Site Plan or Subdivision Plan approval shall not be required for a TND or PUD Pod, unless the Applicant is requesting Waivers or other standards requiring BCC approval. [Ord. 2014-031] [Ord. 2018-002]

D. Types of TDDs

TDDs include the following:

1. Traditional Neighborhood Development (TND)

TNDs are primarily residential areas with neighborhood-scale commercial, civic, and open space uses.

2. Traditional Marketplace Development (TMD)

TMDs are mixed-use commercial, residential, and office areas that function as town activity centers serving residents in the vicinity. The Lifestyle Commercial Center (LCC) is a type of TMD in the Urban/Suburban Tier limited only to sites required by Condition of Approval by Ordinance No. 2008-048 and Ordinance No. 2009-028. [Ord. 2017-025]

3. Traditional Town Development (TTD)

TTDs are intended for the coordinated development of larger sites that include a combination of Traditional Development Districts. Standards focus on connections between these districts.

E. FLUA Consistency, FAR, and Density

1. Land Use Categories

Any application for a Rezoning to a TDD shall be in accordance with Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). [Ord. 2005-002] [Ord. 2011-016]

2. TDDs Split by Land Use

a. TMD Exception

A TMD with more than one underlying non-residential FLU designation may utilize either land use, or combination, to satisfy the minimum required land use mix for a TMD. [Ord. 2005-002]

3. Density

The allowable density shall be in accordance with FLUE Table 2.2.1-g.1 and other related Policies of the Plan and related Policies. [Ord. 2019-005]

F. Use Regulations

Uses permitted in a TDD shall be according to the land use zone designation on the Master Plan approved by the DRO, or the land use designation of the TDD, whichever is applicable, and Art. 4, Use Regulations. Uses may be further limited by the Development Order, Concurrency Reservation, or other applicable requirement. [Ord. 2005-002] [Ord. 2017-007]

1. Conditional Use

The location, or alternative locations for each Conditional Use must be approved by the BCC, and the Conditional Use must be located in only one of the locations approved by the BCC. All prior approvals for a Requested Use shall correspond to a Conditional Use. [Ord. 2005-002] [Ord. 2005-041] [Ord. 2017-007]

G. Design Objectives

TDDs shall comply with the following design guidelines:

1. Neighborhoods

a. A mix of residential uses shall be required in a TND, to provide a variety of housing opportunities. [Ord. 2005-002] [Ord. 2021-022]

Figure 3.F.1.G – TDD Mixed Housing Types



Residential neighborhoods include a mixture of housing types from Multifamily buildings integrated with commercial and office uses, to Single Family detached houses.

b. Centrally located community focal points for the formal and informal interaction of neighborhood residents, such as a neighborhood square, community meeting hall, or neighborhood commercial center. These uses are within walking distance (within 1,320 feet) of all neighborhood residents. [Ord. 2005-002]

c. A variety of open spaces and recreation areas to allow for both passive and active recreation. Small neighborhood parks and playgrounds should be located throughout the neighborhood, so all residents are closely located (within 1,320 feet) to a neighborhood park. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than in central locations. [Ord. 2005-002]

Figure 3.F.1.G – TDD Focal Points



d. An interconnected network of streets, bike lanes, and sidewalks throughout the neighborhood, providing multiple routes for vehicle, bicycle, and pedestrian travel, diffusing traffic, and shortening walking distances. Streets are designed for slower speeds to encourage pedestrian safety. Alleys shall provide vehicular access to garages and open spaces in the rear of buildings. [Ord. 2005-002]

Figure 3.F.1.G – TDD Interconnected Street Grid





e. A safe and attractive pedestrian environment enhanced by the design of buildings which provide windows and entrances to reduce the amount of blank walls. Sidewalks include pedestrian amenities such as shade trees and street furniture.

2. Commercial Districts

a. Public spaces, such as plazas and squares, integrated within commercial development providing places for people to gather or rest. Walkways provide pedestrian connections throughout the development. Lighting and landscaping accent public spaces and provide for security and shading.

b. Parking is provided on street, behind buildings, and in shared parking lots. Parking lots in front of buildings create barriers between pedestrians and storefronts and shall be discouraged. [Ord. 2005-002]

c. Buildings are human-scaled in design with a range of architectural features, which create an attractive and varied streetscape. Building frontages shall be set near the sidewalk and building sizes are generally consistent, providing a sense of enclosure for the street, except where separations are permitted. Architectural detailing and applied decoration enliven façades and add texture. Building entrances and windows shall be located along street frontages to break up blank walls and enhance the pedestrian environment. [Ord. 2005-002]

H. Phasing and Platting

1. Phasing

TDDs shall be subject to the phasing, time limitations, and review requirements of Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2005-002]

2. Platting

All land in a TDD shall be platted in accordance with Art. 11, Subdivision, Platting, and Required Improvements. All land within the TDD, including private civic tracts and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential or commercial tract. [Ord. 2005-002]

I. Development Phasing

Phasing of TDD developments in the U/S Tier shall be limited to a maximum of four phases of up to three years each. The first phase of the project shall include a minimum of 25 percent of the total project, unless otherwise approved by the BCC. [Ord. 2005-041]

Section 2 General Standards

A. Applicability

The following standards shall apply to all TDDs:

1. Streets, Sidewalks, and Alleys

The circulation system within a traditional development shall allow for different modes of travel within the TDD and between adjacent uses, based upon a hierarchy of transportation methods. The street and sidewalk network shall be designed around a series of blocks which provide visual and functional links within and between residential, commercial, office, civic, and open space areas, and shall be connected to existing and proposed external development.

a. TDD Definition for Street

For the purposes of this Section, the term "streets" shall include private access ways. [Ord. 2005-002]

b. Block Structure

To ensure compact, contiguous development and to facilitate connectivity and pedestrian accessibility, the layout of streets and alleys shall conform to the following standards.

Table 3.F.2.A – Block Dimension Requirements

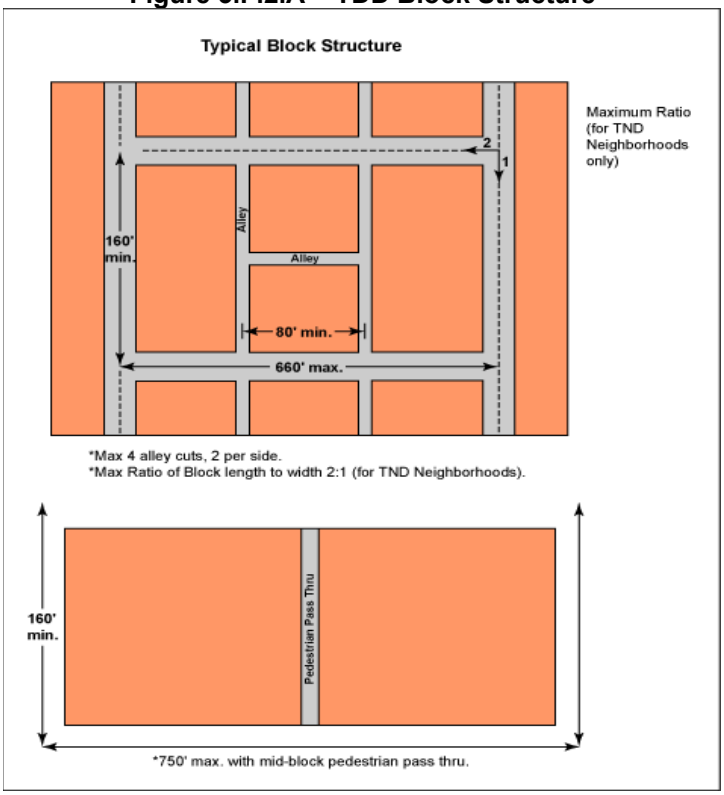
	Max. Length of Block		
No Pedestrian Pass-Through	660'		
With Pedestrian Pass-Through	750' (1)		
	Max. Block Perimeter (2)		
	Min.	**Average**	**Max.**
Traditional Marketplace Development (TMD)	500'	1,200-1,500'	2,500'
Traditional Neighborhood Development (TND)		1,500-1,800'	

[Ord. 2014-031]

Notes:

1.	The maximum block face within a TND district or pod may be increased to up to 1,000 feet subject to the following: • Pedestrian pass-through shall be a minimum of 50 feet in width, and comply with the TND requirements for neighborhood parks; • Pedestrian pass-through shall interconnect with other pedestrian pass-through or streets to provide enhanced interconnectivity between the outer edges of each TND and a required Neighborhood Center; and,
2.	Parcels located along the perimeter of a TDD may be exempt from the block perimeter requirements where a TMD or TND district or pod abuts open space, roads external to the development or pod, or where DEPW requirements preclude vehicular access points necessary to complete the block structure.

Figure 3.F.2.A – TDD Block Structure



[Ord. 2005-002]

1) Maximum Number of Alley Curb Cuts

Four per block and two per side.

2) Minimum Spacing between Alley Curb Cuts

80 feet.

c. Streets

1) Street Design

Public streets shall conform to the standards in Table 3.F.2.A, TDD Street Design Standards by Tier.

Table 3.F.2.A – TDD Street Design Standards by Tier (1)

Type of Street	Street R-O-W Width	Travel Lanes		Curb and Gutter	Parking Lane (2)	Bicycle Lane	Utility Corridor	Sidewalk Pathway	Private Utility Easement (3)
		Number	Width						
All Tiers									
Commercial Street	42-72' (4)	2	11'	2'	8' (both sides)	No	27'	15' (4)	No
U/S Tier									
Collector: Without On-Street Parking	64'	2	11'	2'	No	5' (both sides)	24'	6'	10'
Collector: With On-Street Parking	74'	2	11'	2'	8' (both sides)	5' (both sides)	27'	6'	10'
Local Residential Street	62-66'	2	10'	2'	8'	No	25'	5' (multi-purpose pathway)	10'
Exurban/Rural/Agricultural Reserve Tiers									
Plan Roadway Collector	104'	2	11'	4' shoulder. No curb and gutter.	No	No	27'	8' (multi-purpose pathway)	10'
Non-Plan Roadway Collector	100'	2	11'	2' shoulder. No curb and gutter.	No	No	27'	8' (multi-purpose pathway)	10'

[Ord. 2005-002] [Ord. 2008-003] [Ord. 2014-031]

Notes:

1.	Unless otherwise stated herein, exceptions to dimensions shall only be permitted to accommodate turn lanes at the perimeter of a TMD, TND, or TTD for turn lanes required by the PBC Engineering Department, or for roundabouts or other traffic calming measures typically associated with a TDD. This exception shall not be permitted for divider medians. [Ord. 2008-003]
2.	Parking lane dimensions include the curb and gutter dimensions. [Ord. 2008-003]
3.	Easements may be collocated with alleys. [Ord. 2008-003]
4.	Includes a minimum ten-foot-wide pedestrian sidewalk that may be reduced for arcades, and a minimum five-foot-wide strip for street trees and street lights. This dimension may be increased by up to ten feet in width (for a total of 20 feet) to accommodate outdoor dining areas, or larger street tree and street light areas. [Ord. 2008-003]

Figure 3.F.2.A – TDD Commercial Street

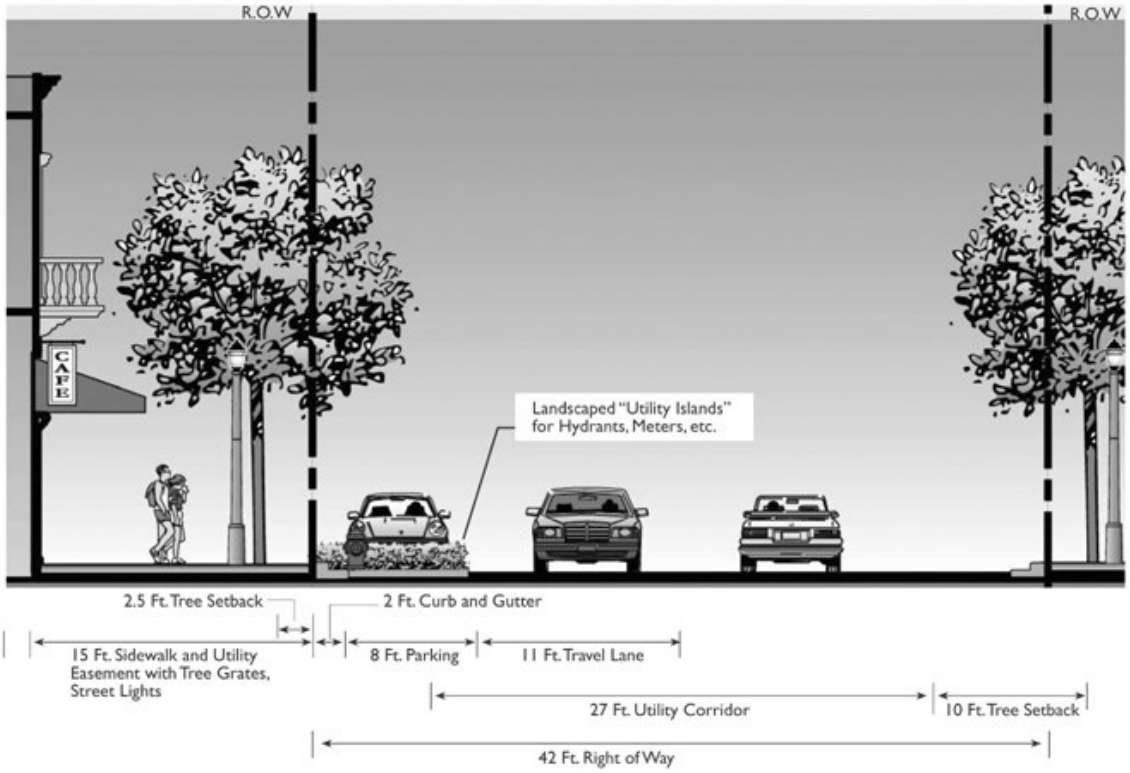


Figure 3.F.2.A – TDD U/S (Local Residential Street)

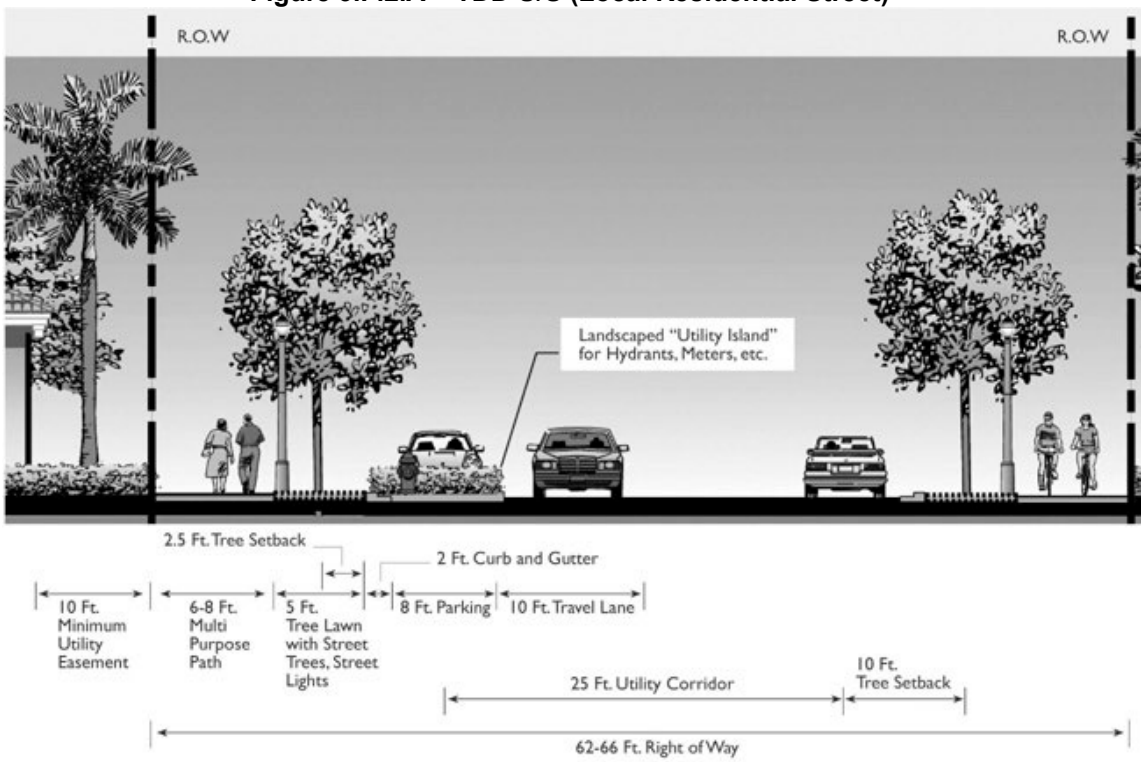


Figure 3.F.2.A – TDD U/S (Collector: With On-Street Parking)

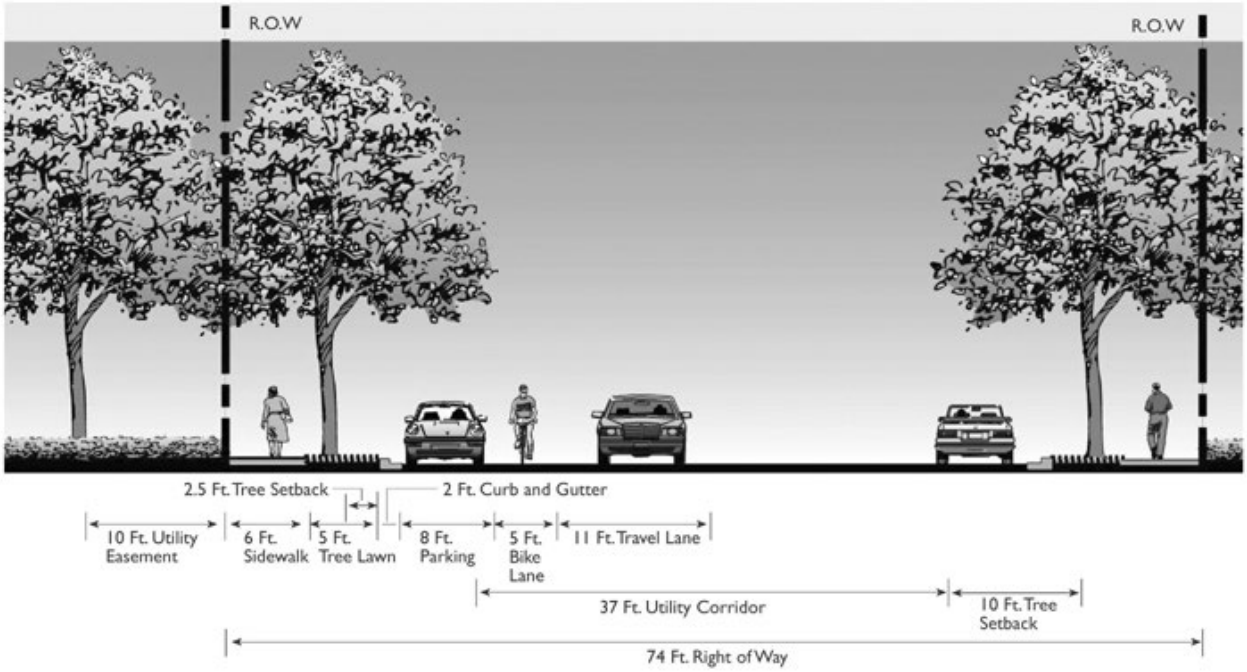


Figure 3.F.2.A – TDD U/S (Collector: Without On-Street Parking)

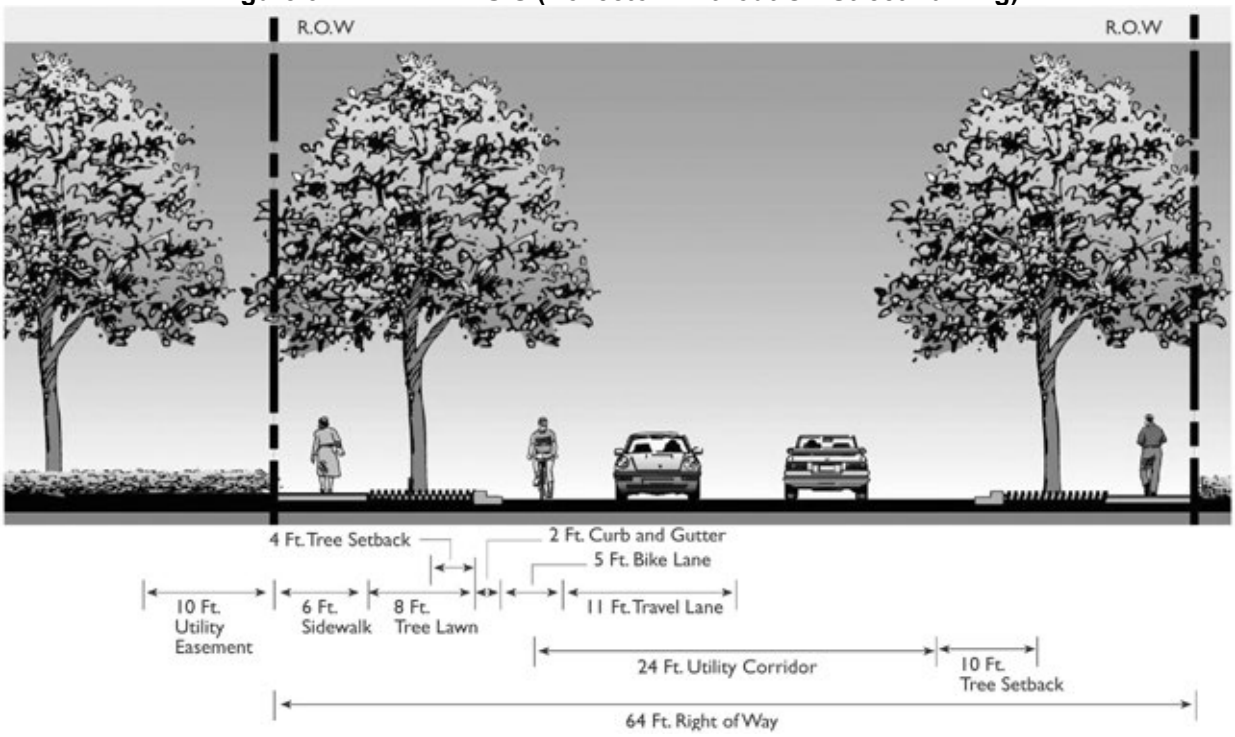


Figure 3.F.2.A – TDD Exurban/Rural/AGR (Non-Plan Roadway – Collector)

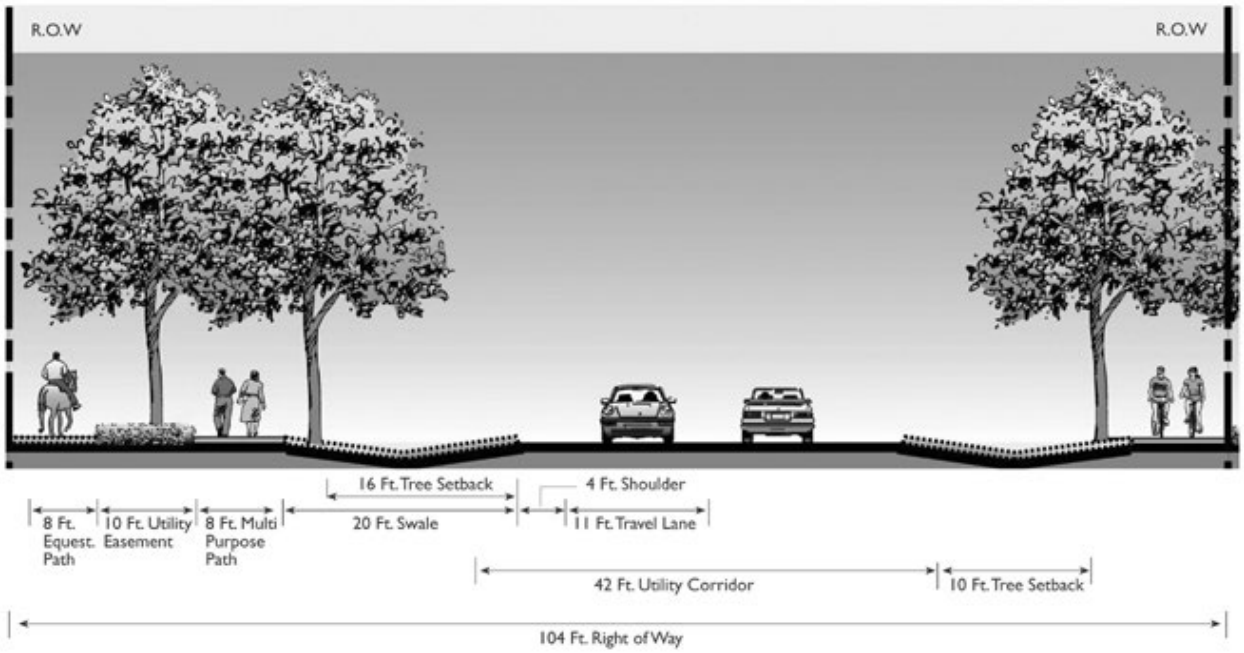
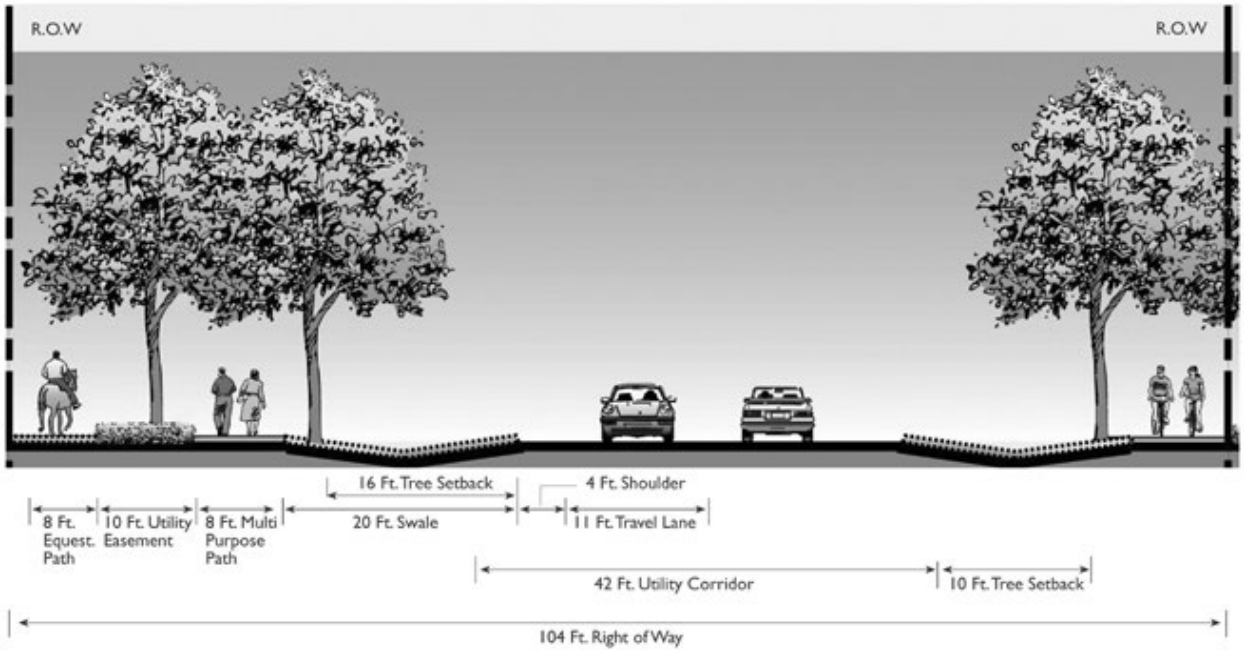


Figure 3.F.2.A – TDD Exurban/Rural/AGR (Plan Roadway – Collector)



2) Connectivity

All streets and alleys shall connect to other streets and alleys to form a continuous vehicular and pedestrian network within the district. Streets shall connect to streets in adjacent development or vacant parcels, except for AGR-TMDs. The use of gates or other preventative barriers shall not be permitted on Collector Streets. [Ord. 2005-041]

a) Dead-End Streets

No more than 20 percent of all streets may be dead-end streets, such as cul-de-sacs and T-turnarounds. The maximum length for dead-end streets shall be 660 feet and up to 750 feet, with a mid-block pedestrian pass-through. The maximum length for dead-end streets shall be: [Ord. 2005-002]

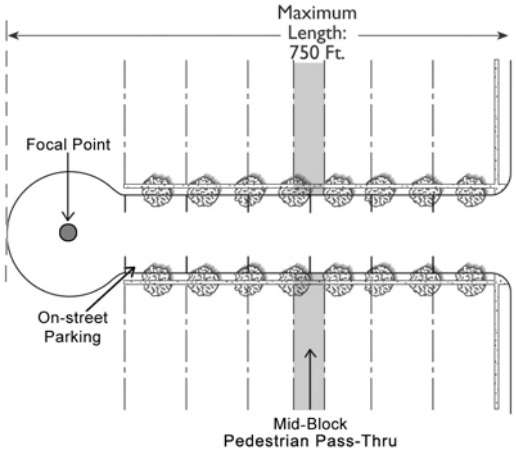
(1) Single Family Residential

660 feet. Up to 750 feet with a mid-block pedestrian pass-through.

(2) All Others

500 feet.

Figure 3.F.2.A – TDD Dead-End Streets



d. Sidewalks and Pathways

Sidewalks and/or pedestrian pathways shall connect to one another to form a continuous pedestrian network within the TDD and between all adjacent uses to a TDD. Unless otherwise indicated, sidewalks shall be provided along both sides of the street and shall conform to the standards in Table 3.F.2.A, Sidewalk/Pathway Design Standards.

1) Master Pedestrian Circulation Plan

A Master Pedestrian Circulation Plan, prepared in accordance with the requirements of Art. 11.E.2, Access and Circulation Systems shall be submitted with the Regulating Plan.

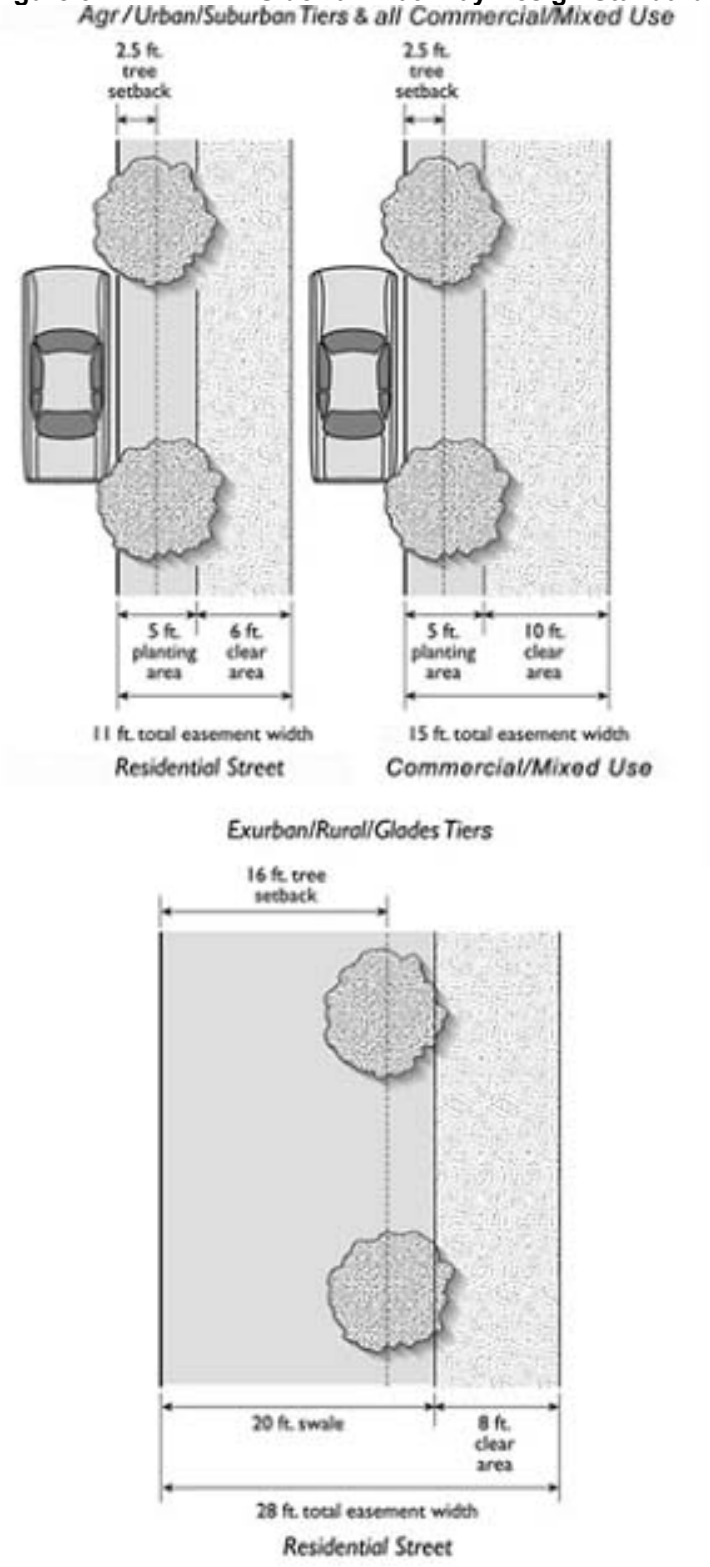
2) Accessibility

Sidewalks at street intersections and pedestrian crossings shall be grade accessible, with the use of curb cuts and/or ramps.

Table 3.F.2.A – Sidewalk/Pathway Design Standards

	Min. Clear Area for Pedestrian Travel	Min. Planting Area (Including Lighting Fixtures and Furniture) or Swale	Min. Required Tree Setback from Curb or Edge of Roadway	Min. Total Easement Width
AGR and Urban/Suburban Tiers				
Residential Street	6’	5’	2.5’	11’
Commercial Mixed Use	10’	5’	2.5’	15’
Exurban/Rural Tiers				
Residential Street	8’	20’	16’	28’
Commercial Mixed Use	10’	5’	2.5’	15’

Figure 3.F.2.A – TDD Sidewalk/Pathway Design Standards



e. Alleys

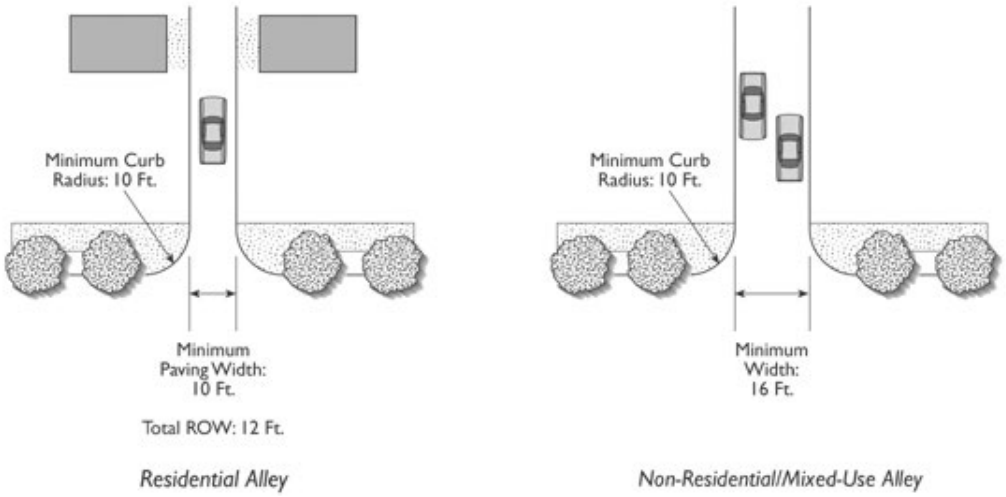
A minimum of one alley shall be required in all blocks, except blocks of Single Family and ZLL residential uses and AGR-TMDs. Alleys shall conform to the standards in Art. 11, Subdivision, Platting, and Required Improvements, and the following: [Ord. 2005-041]

1) Alleys shall conform to the design standards in Table 3.F.2.A, TDD Alley Design Standards. Alleys providing access to residential buildings shall be built to residential alley standards. Alleys providing access to commercial or office buildings shall be built to commercial alley standards. Where an alley provides access to a block with both residential and commercial uses, the alley shall be built to the commercial alley standards.

Table 3.F.2.A – TDD Alley Design Standards

Alley Type	Min. R-O-W	Min. Paving Width	Min. Curb Radius
One-Way	12’	10’	10’
Two-Way	16’	16’	10’

Figure 3.F.2.A – TDD Alley Design Standards



f. Utilities and Lighting

1) Utilities

Public utilities and lighting shall be installed in accordance with the standards of Art. 11.E.7, Utilities.

2) Lighting

a) Street Lighting

Street lighting shall be provided along all streets and alleys, subject to Art. 5.E.4.E, Outdoor Lighting, and the standards in Table 3.F.2.A, TDD Street Lighting Standards. A minimum of one light fixture shall be located at every crosswalk.

(1) Exurban/Rural Tiers

(a) Lights are optional for Residential Streets.

(b) All lights must be fully shielded utilizing full-cutoff luminaires per the Illuminating Engineer Society of North America (IESNA) definition for full cutoff which allows for zero percent of lumens above 90 degrees from nadir. [Ord. 2014-031]

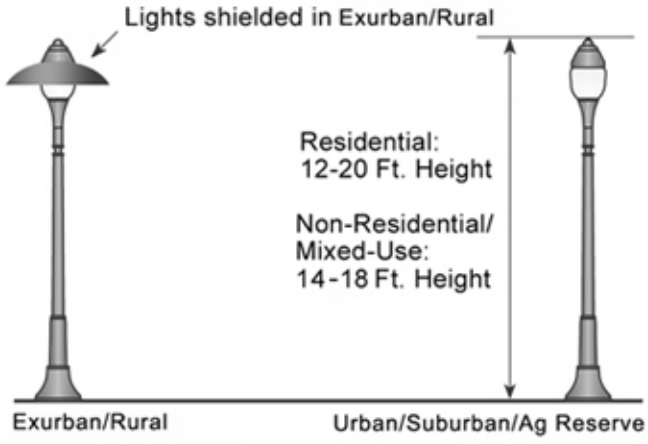
(2) AGEO

All lights must be fully shielded in accordance with the standards for the Exurban and Rural Tiers. [Ord. 2014-031]

Table 3.F.2.A – TDD Street Lighting Standards

Fixture Height	Residential	Non-Residential/Mixed Use
Max.	20'	22'
Min.	12'	14'
[Ord. 2005-041]		

Figure 3.F.2.A – TDD Street Lighting Standards



b) Parking Lot Lighting

All parking lot lighting shall be fully shielded. All lighting fixtures shall be a maximum of 35 feet in height.

2. Parking and Access

a. Number of Spaces

Parking shall be provided as follows. On-street spaces may be used to meet these parking requirements.

1) Residential

Parking shall be provided in accordance with Art. 6, Parking, Loading, and Circulation.

2) Non-Residential

a) Minimum Number of Parking Spaces

One parking space per 400 square feet of GFA (2.5/1,000). [Ord. 2005-002]

b) Maximum Number of Parking Spaces

(1) Exurban and Rural Tiers

One space per 250 square feet of GFA (4/1,000). [Ord. 2005-002]

(2) AGR Tier

One space per 200 square feet of GFA (5/1,000). [Ord. 2005-002]

b. Reduction in Requirement

The number of required spaces may be reduced by either of the following methods:

1) The shared parking requirements of Art. 6, Parking, Loading, and Circulation; or
2) A parking demand study prepared by a traffic engineer licensed by the State of Florida demonstrating that the parking demand for the project will be less than the requirements of this Section.

c. Location of Parking

On-site parking is prohibited in required front or side street setbacks. No parking space shall be located farther than 750 feet from a building entrance. Parking shall be equitably distributed throughout the project. [Ord. 2005-002]

d. Parking Structures

1) U/S and AGR Tiers

Structured parking is required for any spaces in excess of one space per 250 gross square feet of non-residential floor area.

a) Type 2 Waiver

The requirement for structured parking in the AGR Tier may be waived by the BCC upon approval of a Type 2 Waiver. [Ord. 2005-002] [Ord. 2012-027]

2) Exurban and Rural Tiers

Structured parking is prohibited. [Ord. 2005-002]

e. Bicycle Parking

One parking area shall be provided for every five units in Multifamily housing and for every 20 vehicle parking spaces serving non-residential uses. Bicycle parking spaces shall be indicated on the Site Plan in visible, well-illuminated areas. For each bicycle parking space required, a stationary object shall be provided to which a user can secure the bicycle. The stationary object may either be a freestanding bicycle rack or a DRO-approved alternative. [Ord. 2005-002]

3. Minimum Pervious Surface

a. U/S and AGR Tiers

20 percent of the gross Development Area. [Ord. 2005-002] [Ord. 2005-041]

b. Exurban and Rural Tiers

30 percent of the project site. [Ord. 2005-002] [Ord. 2005-041]

4. Landscaping and Buffering

In addition to the requirements in Art. 7, Landscaping, the following standards apply: [Ord. 2005-002]

a. Buffer around Districts

1) No buffers are required where one TDD abuts another TDD. [Ord. 2005-002]

2) AGR-TMD Perimeter Buffer

a) Incompatibility Buffer

A Type 3 Incompatibility Buffer shall be required between the Development Area and all abutting properties zoned AGR that support agricultural uses, or are vacant (unless deed restricted to non-agricultural or residential uses). The minimum buffer width shall be 25 feet. [Ord. 2005-002]

b) R-O-W Buffer

(1) The R-O-W Buffer width reduction permitted under Art. 7.C.2.A, R-O-W Buffer, shall only be permitted for any property line which abuts a 100-foot-wide Rural Parkway. In the AGR Tier, a R-O-W Buffer abutting open space a minimum of 100 feet in width and designated as a Rural Parkway may be deleted subject to DRO approval of a Regulating Plan that demonstrates that the landscaping in the Rural Parkway exceeds required R-O-W planting and buffering requirements. Required landscaping must be located within or adjacent to the Rural Parkway. [Ord. 2005-041]

(2) A minimum four-foot-high hedge, fence, or wall visual screen shall be required in a R-O-W Buffer adjacent to any surface parking area having more than two rows of parking. [Ord. 2005-041]

b. Internal Compatibility and Incompatibility Buffers

Buffers are not required within TDDs, except that a solid six-foot-high wall or five-foot-wide landscape planting area providing a visual screen at least six feet in height is required along an interior property line where a non-residential use abuts a residential use. The height of the wall or landscape screen shall not exceed three feet within required front setback areas. The internal buffer requirement for Multifamily and Townhouse units may be waived when the units are constructed on a Main Street; are attached to a commercial structure; are separated from a commercial structure by streets or an alley, pedestrian walkway, or plaza; or, when adjacent to open space,

plazas, or private recreational uses associated with units requiring a buffer. [Ord. 2005-002] [Ord. 2005-041]

c. On-Site Parking Areas

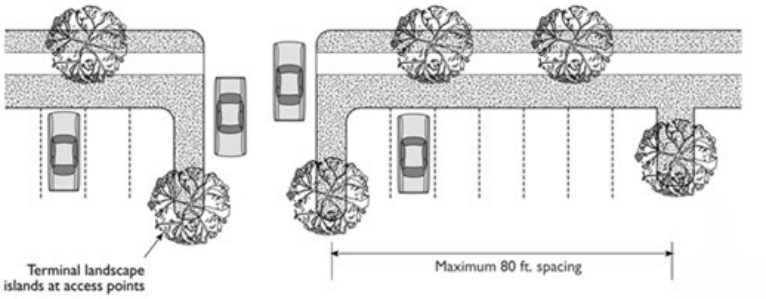
1) Trees

One Canopy tree shall be planted for every eight parking spaces. In a Neighborhood Center, one Canopy tree shall be planted for every six parking spaces. Trees shall not be spaced more than 80 feet apart.

2) Terminal Islands

Terminal landscape islands, subject to the requirements of Art. 7.C.4, Landscape Requirements for On-Site Parking. Terminal and interior landscape islands shall be provided on both sides of all vehicular access points.

Figure 3.F.2.A – TDD On-Site Parking Landscaping Standards



d. Street Trees

Street trees shall be provided along sidewalks, subject to the following standards:

1) Number

A minimum of one Canopy tree shall be required for every 40 lineal feet of street frontage. Palm trees may be substituted for a Canopy tree on a four-to-three basis along a frontage with a covered walkway. [Ord. 2014-031]

2) Minimum Height

14 feet.

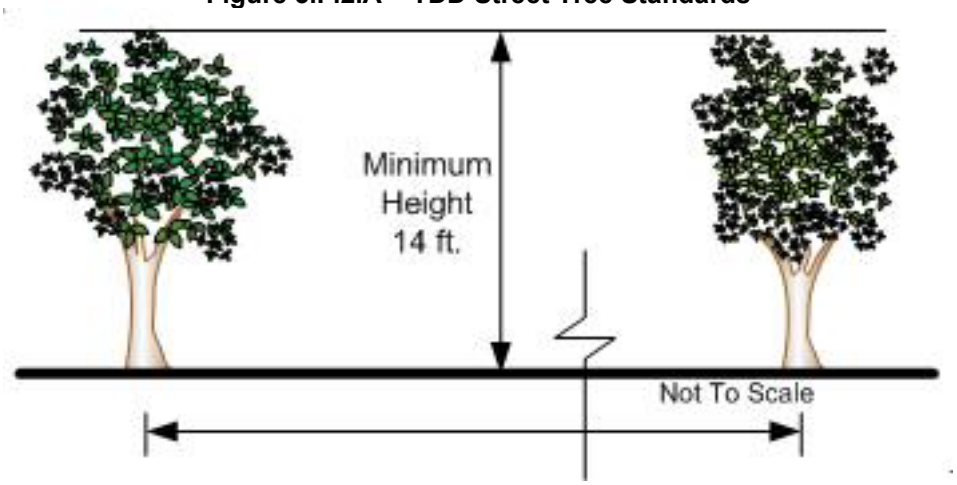
3) Minimum Diameter

Two and one-half inches, measured four and one-half feet above grade.

4) Spacing

Trees shall be spaced between a maximum of 40 feet on center. [Ord. 2014-031]

Figure 3.F.2.A – TDD Street Tree Standards



5. Fencing and Walls

Fences and walls shall be subject to the standards of Art. 5.B.1.A.2, Fences and Walls. Fences shall be made of wood, wrought iron, reinforced concrete with stucco, brick, vinyl-covered chain link, plastic composite, or a combination of these materials. Fences in the Exurban, Rural, and AGR Tiers shall be made of wood or other materials consistent with the rural design standards that demonstrate a vernacular or rural character.

6. Signage

All signs shall be located on site in a manner that ensures consistency within the development; with Site, Architectural, and Landscape Plans; site layout; ultimate maturity of vegetation; and, Final Architectural Elevation. When preparing a Sign Plan the Applicant shall consider and give attention to the placement of the sign to provide clear visibility for the tenants. In addition to the regulations in Art. 8, Signage, the following shall apply: [Ord. 2009-040]

a. Building-Mounted Signs

Building-mounted signs, including wall signs, awning and canopy signs, and projecting signs shall be permitted, subject to the following additional requirements: [Ord. 2009-040]

1) Size

Three-fourths square foot of signage for every linear foot of tenant frontage shall be permitted, up to a maximum of 64 square feet. [Ord. 2009-040]

2) Sign Placement

a) Signs shall be located between the first and second story of the building. If the second story is non-residential, the signage shall comply with the minimum vertical separation requirements in Table 8.G.1.A, Wall Sign Standards. [Ord. 2009-040]

b) All significant decorative elements on the building shall be considered when locating wall signs to ensure they are in harmony with each other. In addition, the architecture features, elements, or building lines shall not be modified to accommodate the location of the signs. [Ord. 2009-040]

3) Projection

Sign projection shall not exceed a maximum of 30 inches from any building face. [Ord. 2009-040]

b. Freestanding Signs

Unless otherwise provided herein, all freestanding signs shall be prohibited.

1) AGR-TMD Exceptions

Freestanding signs shall be permitted in an AGR-TMD pursuant to the following requirements: [Ord. 2009-040]

a) Maximum Size and Height

Signs shall not exceed 150 square feet of sign face area, and shall be limited to 15 feet in height. [Ord. 2009-040]

b) Maximum Number Allowed

One freestanding sign shall be permitted per right-of-way frontage. [Ord. 2009-040]

2) A-Frame Signs

Temporary freestanding A-frame signs shall be allowed in front of arcades and covered walkways for commercial or mixed-use buildings, provided they do not conflict with pedestrian walkways. [Ord. 2009-040]

c. Entrance Wall Signs

Entrance wall signs are permitted for the purpose of identification, subject to the standards in Art. 8, Signage. Sign copy and graphics shall identify only the name of the development and the address.

7. Recreation Clubhouse Emergency Generators

A permanent emergency generator shall be required for all TDD clubhouses 20,000 square feet or greater, and shall meet the standards of Art. 5.B.1.A.19, Permanent Generators. [Ord. 2006-004] [Ord. 2011-016]

Section 3 Traditional Neighborhood Development (TND)

A. Specific Purposes

The purpose of the TND district is to:

1. Establish a specific neighborhood identity and focus with a pedestrian-oriented design consistent with the tier in which the development is located;
2. Provide a range of residential, commercial, civic, and open space land uses in close proximity to one another within the neighborhood;
3. Encourage a variety of non-vehicular modes of transportation, such as walking, bicycling, Segways, equestrian, golf carts where permitted by the F.S., and water-oriented uses such as kayaks, canoes, or stand-up paddle boards, to reduce the need for local automobile trips; [Ord. 2014-031]
4. Offer a range of housing opportunities;
5. Preserve natural features and scenic areas; and,
6. Provide a safe and efficient circulation system for pedestrians, non-motorized vehicles, and automobiles, and emphasize connectivity within and to adjacent uses.

B. Thresholds

A TND shall comply with Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA), and the following: [Ord. 2006-004]

1. Minimum Size

The minimum gross land area required for a TND is 40 contiguous acres. Within the U/S Tier, the minimum size may be reduced to 25 acres for infill projects that are adjacent to existing residential, civic, or commercial development on at least two sides. [Ord. 2006-004]

2. Land Use Mix

TNDs shall provide residential, recreational, civic, and neighborhood commercial land uses, as provided in Table 3.F.3.B, TND Land Use. A TND developed as part of a TTD is subject to the minimum land use allocations provided in Table 3.F.5.C, Traditional Town Development Land Use Allocations. [Ord. 2006-004]

Table 3.F.3.B – TND Land Use

Land Use Mixes	Percent of Total Gross Area	
	Min.	Max.
Residential	-	-
Single Family	25	70
Zero Lot Line (ZLL)	-	50
Multifamily/Townhouse	20	50
Neighborhood Centers	2	10
Civic (1)	2	25
Open Space/Recreation	5	-
[Ord. 2006-004] [Ord. 2010-022]		
Notes:		
1.	Civic uses may be collocated with the Neighborhood Centers.	

3. Minimum Development Threshold

Any TND or single project of TNDs with more than 320 acres shall be developed as a TTD. [Ord. 2006-004] [Ord. 2010-022] [Ord. 2014-031]

C. General Standards

The following standards apply to all TND development:

1. Neighborhoods

The basic component of a TND is the neighborhood, organized in blocks around a Neighborhood Center. Each neighborhood within a TND shall not exceed 80 acres. No TND shall include more than four neighborhoods unless the TND is included within a TTD. Refer to Art. 3.F.5, Traditional Town Development (TTD).

2. Connections

All uses in a TND shall be connected by sidewalks or pedestrian paths, bicycle paths or bicycle lanes, and vehicular streets. A minimum of 80 percent of all streets shall connect at both ends to other streets at an intersection. All paths or trails, including bicycle paths or lanes, shall interconnect to form a continuous network throughout the TND and to paths or trails linking adjacent neighborhoods. Vehicular gates are prohibited on all streets, except alleys serving residential uses. Vehicular gates are not allowed on alleys serving commercial uses. [Ord. 2006-004]

D. Land Use Zones

1. Neighborhood Center

A Neighborhood Center is intended to accommodate neighborhood-oriented non-residential uses and services. It may include professional offices, community facilities, and civic uses to serve the population of the TND and adjacent neighborhoods. Multifamily is encouraged when located above non-residential uses. [Ord. 2012-027] [Ord. 2017-025]

a. General Standards

1) Location

Each Neighborhood Center shall be centrally located in its neighborhood and shall be adjacent to a minimum of one side of a neighborhood square. A non-central location is permitted on an infill site, provided it is within 1,320 linear feet of 100 percent of the units in the TND and also can serve the local shopping needs of an adjacent neighborhood.

2) Maximum and Minimum Site Area

Each individual Neighborhood Center shall be a minimum one-half acre and a maximum of two and one-half acres in size.

3) Parking

Parking shall be provided in accordance with Art. 3.F.2.A.2, Parking and Access.

4) Maximum Floor Area Ratio (FAR)

1.0, FAR for residential uses counted as density shall not be calculated as square footage subject to the maximum FAR. [Ord. 2012-027]

5) Maximum Building Coverage

50 percent.

6) Maximum Total Floor Area

40,000 square feet of GFA, excluding Multifamily units. [Ord. 2012-027] [Ord. 2017-025]

b. Building Standards

1) Maximum Floor Area per Tenant

8,000 square feet.

a) Exception

Up to 30,000 square feet is allowed for a food store. If a TND is developed as part of a TTD, the maximum allowed for a food store in a Neighborhood Center shall be 20,000 square feet.

2) Setbacks

Minimum and maximum building setbacks shall conform to the standards in Table 3.F.3.D, TND Non-Residential Setback Regulations.

Table 3.F.3.D – TND Non-Residential Setback Regulations

Regulation	Neighborhood Center and Civic	Open Space/Recreation
Front Setback	0' min. 10' max.	20'
Side Setback	0' – Attached buildings 5' min. – Detached buildings 10' – Adjacent to residential	20'
Rear Setback	10' min.	20'

3) Multifamily

Multifamily units shall only be permitted subject to the following: [Ord. 2012-027] [Ord. 2017-025]

a) Permitted residential uses are located above non-residential uses; and [Ord. 2012-027]

b) The FAR of residential uses shall not exceed 30 percent of the combined FAR of non-residential and residential uses. The calculation of residential FAR in determining compliance herein does not alter that residential uses are calculated as density, unless otherwise stated within the ULDC. [Ord. 2012-027]

c. Maximum Building Height

45 feet – U/S Tier, 25 feet – Rural/Exurban Tiers.

d. Building Orientation

Buildings shall front a street. All principal buildings shall have their entrance facing the street or an intersection.

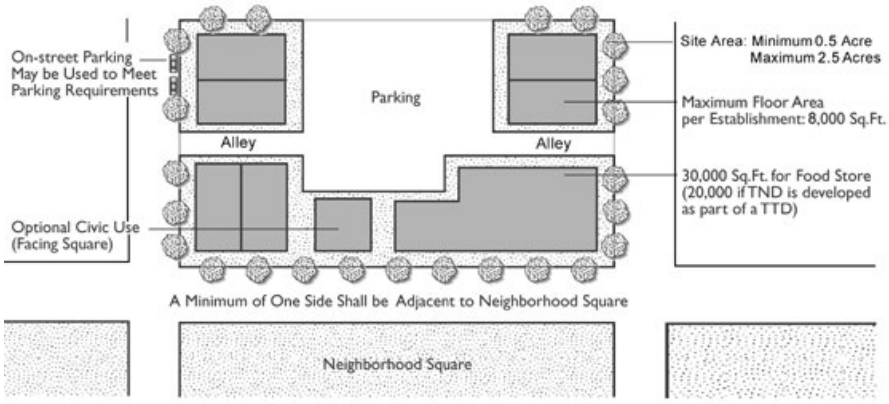
e. Build-to-Lines

A minimum of 50 percent of a commercial building shall have a zero setback. The remaining 50 percent may be set back a maximum of ten feet.

f. Covered Walkways

A minimum of 50 percent of all first floor building frontages shall be constructed as storefronts and be adjacent to a covered sidewalk, with features such as awnings, colonnades, or arcades. Colonnades and arcades shall be a minimum of ten feet in width, including any support column intrusions. All covered walkways shall have a minimum interior height clearance of 12 feet from ground to ceiling.

Figure 3.F.3.D – TND Neighborhood Center Standards



2. Civic

The civic designation is intended to accommodate publicly and privately-owned institutional land uses intended to serve the neighborhood.

a. Location

Civic parcels used for community buildings shall be located adjacent to a neighborhood square or park, or on a lot terminating in a street vista.

b. Public Land Dedication

Based on the proportional impacts of development on the demand for public services and facilities, a portion of a TND may be required to be conveyed or voluntarily committed in simple fee title to PBC for civic purposes. These conveyances shall be in a form approved by the County Attorney or in the form of a Development Agreement.

3. Open Space/Recreation

Areas designated for open space/recreation include neighborhood parks, neighborhood squares, and active or passive recreation uses.

4. Neighborhood Square

a. Each neighborhood within a TND shall include a centrally located neighborhood square or "commons." The square and abutting neighborhood commercial and civic uses should serve as a focal point for the surrounding residential neighborhoods.

1) Size

The square shall have a minimum lot size of 20,000 to 140,000 square feet, see Figure 3.F.3.D, TND Neighborhood Park and Square.

2) Street Access

A minimum of 75 percent of a square perimeter shall abut a street.

3) Minimum Pervious Area

The minimum required area of a neighborhood park that must be pervious surface is:

a) U/S Tier

25 percent.

b) Exurban and Rural Tiers

50 percent.

b. Neighborhood Parks

1) Minimum Area

A minimum of 25 percent of the open space/recreation area required by Table 3.F.3.B, TND Land Use, must be common open space or parks accessible to the public. Each neighborhood park shall have a minimum area of 20,000 square feet.

2) Location

Neighborhood parks shall be located within each neighborhood of a TND and shall be distributed so that 100 percent of all dwelling units are located within 1,320 linear feet from a park or other recreation area.

3) Minimum Pervious Area

The minimum required area of a neighborhood park that must be pervious surface is:

a) U/S Tier

50 percent.

b) Exurban and Rural Tiers

66 percent.

4) Pedestrian Access

A minimum of 50 percent of a neighborhood park perimeter shall abut a street.

5) Active Recreation Areas

Common active recreation uses, such as playing fields and swimming pools, shall be buffered by a perimeter landscape area that complies with the Compatibility Buffers in Art. 7, Landscaping. The neighborhood square shall be exempt from this requirement.

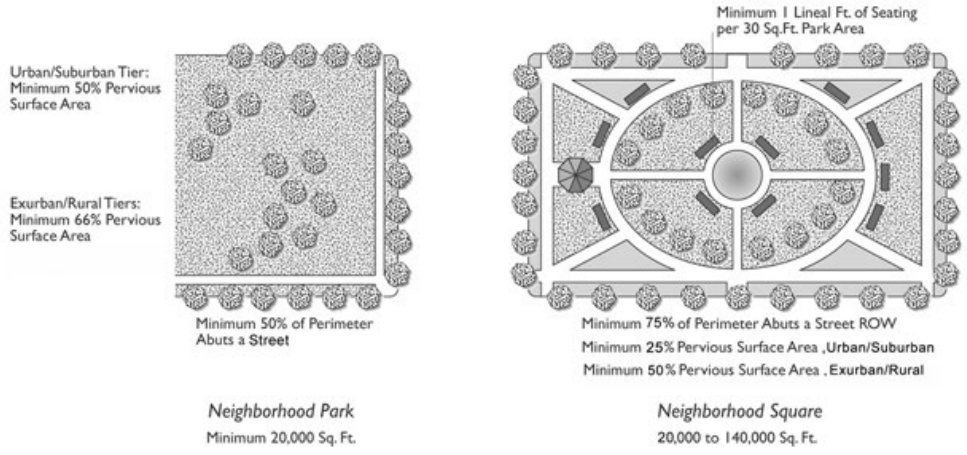
a) Active Recreation Areas in Residential Buildings

Penthouse and rooftop active and passive recreation shall not be counted towards the minimum open space/recreation area requirement.

6) Required Amenities

Neighborhood squares shall include street furniture for outdoor seating and other amenities such as gazebos, fountains, statuary, flagpoles, kiosks, and benches. At least one lineal foot of seating area shall be provided for each 100 square feet of park area. Seating area may include wooden benches, seating walls, and retaining walls where the seating area is between 16 inches and 30 inches above grade. [Ord. 2014-031]

Figure 3.F.3.D – TND Neighborhood Park and Square



5. Residential Uses

a. Lot Size and Setbacks

Minimum and maximum lot sizes and building setbacks shall conform to the standards in Table 3.F.3.D, TND Residential Lot Size and Setback Regulations, with exception to Multifamily units located in a Neighborhood Center. [Ord. 2012-027]

b. Maximum Building Height

35 feet.

1) U/S Tier

One foot of additional height may be allowed for Multifamily residential buildings for each additional foot of front and side setback, or upper story setback, provided beyond the minimum required setback, up to a total building height of 45 feet.

c. Building Orientation

Residential buildings shall front a street, neighborhood square, or neighborhood park and be directly accessible from a street.

d. Accessory Buildings

Accessory buildings shall not exceed 25 feet in height and may be used as a garage or Accessory Quarters. [Ord. 2017-007]

1) Calculation of Density

Accessory Quarters are not considered "dwelling units" for the purposes of calculating the maximum allowable density in a TND. [Ord. 2017-007]

2) Maximum Number

Up to one Accessory Quarters unit per principal dwelling unit is permitted. [Ord. 2017-007]

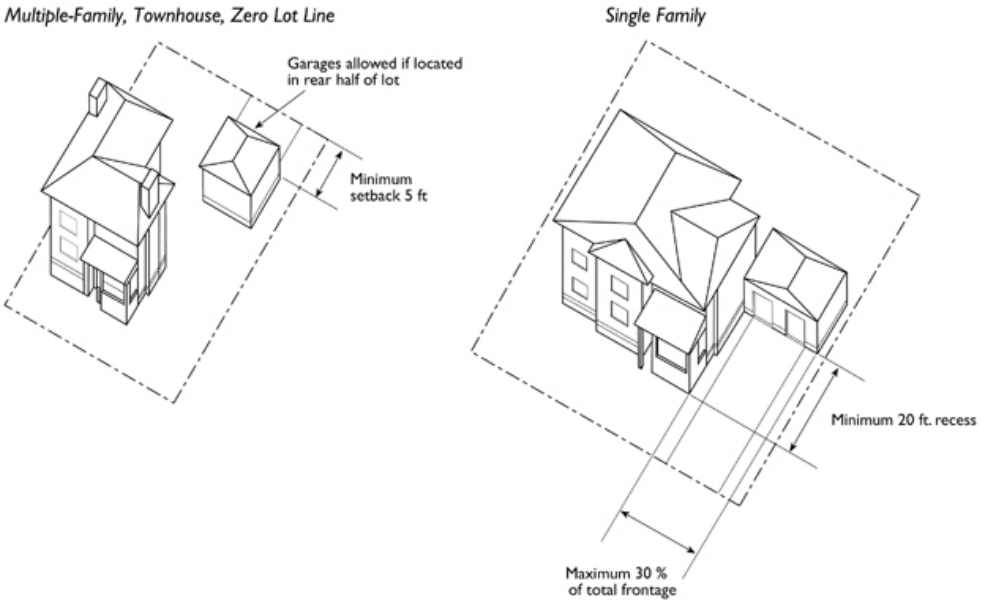
3) Required Parking

One additional parking space per Accessory Quarters is required. [Ord. 2017-007]

e. Garages

Garages are permitted in the rear half of the lot only. Garages accessible from an alley shall be set back a minimum of five feet from the rear property lot line.

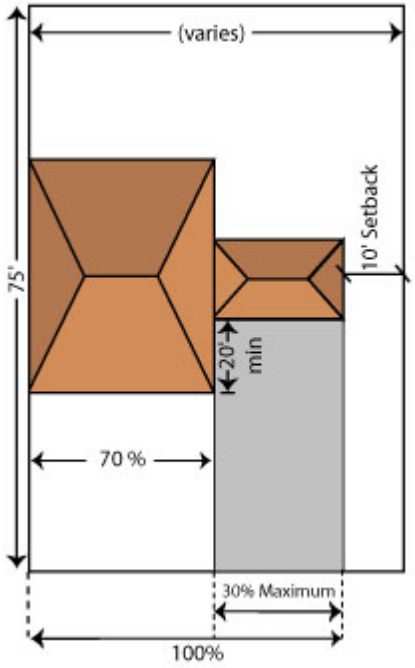
Figure 3.F.3.D – TND Garages



1) Exception for Single Family or ZLL

Garages may be attached to a Single Family house or ZLL if recessed a minimum of 20 feet from the front façade of the house. Attached garages shall occupy a maximum of 30 percent of the total frontage of the house, as determined by the total length between the two main exterior walls nearest to the interior property lines, including the garage but excluding any attached structures, such as a porch, deck, or patio. Attached garages may be increased to a maximum of 40 percent of the total frontage of the house, when a porte-cochère is connected to the dwelling and located in front of the garage, and the driveway is limited to a maximum of 16 feet in width. [Ord. 2014-031]

Figure 3.F.3.D – ZLL Garages



f. Main Entrances

All residential structures shall have their main entrance fronting a street or an intersection. Corner entries at street intersections are preferred for Multifamily structures.

g. Porches

All Single Family and ZLL dwellings shall have a front porch, raised a minimum of 18 inches from the finished grade, or from the sidewalk located in the front yard within the R-O-W. [Ord. 2014-031]

1) Size

Porches shall have a minimum depth of six feet and a minimum width of 12 feet.

2) Enclosure

Porches shall comply with the definition of TND, Porch in Art. 1.H, Definitions and Acronyms.

3) Setback Encroachment

A porch, and attached porte-cochère where applicable, may encroach a maximum of 25 percent into a front or side street setback, provided there is no utility easement overlap. [Ord. 2014-031]

h. Balconies and Patios

A minimum of 20 percent of the total number of dwelling units on each floor in a Multifamily structure shall have individual balconies and/or patios.

1) Setback Encroachment

A Single Family or ZLL patio may encroach a maximum of 25 percent into a front or side street setback, provided there is no utility easement overlap. A balcony may encroach a maximum of six feet into a front or side street setback, provided there is no utility easement overlap. [Ord. 2014-031]

Table 3.F.3.D – TND Residential Lot Size and Setback Regulations

Regulation	Single Family	ZLL	Townhouse	Multifamily (1)
Min. Lot Size	5,000 sq. ft.	3,000 sq. ft.	1,000 sq. ft.	-
Max. Lot Size	40,000 sq. ft.	15,000 sq. ft.	8,000 sq. ft.	-
Min. Lot Width	50’	40’	16’	50’
Min. Lot Depth	75’	75’	75’	75’
Front Setback	10’ min.	10’ min.	5’ min.	No min.
	20’ max.	20’ max.	10’ max.	30’ max.
Side Setback	5’ min.	0’ on ZLL side and 10’ on other	No min. 15’ separation	5’ min. 15’ separation
			10’ adjacent to Single Family or ZLL houses	20’ adjacent to Single Family or ZLL houses
Side Street Setback	10’ min.	10’ min.	10’ min.	10’ min.
Rear Setback	10’	10’ min.	15’ min.	15’ min.
	5’ min. for accessory structure	5’ min. for accessory structure or alley	5’ min. for accessory structure or alley	-
	5’ min. for a garage accessible from an alley	5’ min. for a garage accessible from an alley	5’ min. for a garage accessible from an alley	
[Ord. 2012-027] [Ord. 2014-031]				
Notes:				
1.	Multifamily units located in a Neighborhood Center shall be subject to the lot sizes of that use zone.			

Section 4 Traditional Marketplace Development (TMD)

A. Purpose

The purpose of the TMD district is to: [Ord. 2005-041]

1. Provide a concentrated area for shopping, entertainment, business, services, and cultural opportunities by allowing a mix of commercial and institutional uses and establishing physical development and design standards that create pedestrian-oriented development; [Ord. 2005-002]
2. Provide housing opportunities through integrated residential uses; [Ord. 2005-002] [Ord. 2014-031]
3. Promote a mix of uses in a manner that creates a stronger pedestrian orientation through design, placement, and organization of buildings, plazas, common public space, and dispersed parking; and, [Ord. 2005-002]
4. Ensure traditional marketplaces are compatible with the overall design objectives of the Plan and the MGTS. [Ord. 2005-041]

B. Purpose of the TMD District in the AGR Tier (AGR-TMD)

In addition to the above, the purpose of the AGR-TMD is to: [Ord. 2005-041]

1. Promote the preservation of agriculture by providing for compact commercial areas and preserved agricultural land; [Ord. 2005-002]
2. Provide for commercial uses serving AGR residents at accessible locations on major Arterials; [Ord. 2005-002]
3. Encourage design that is compatible with the surrounding agricultural or rural area; [Ord. 2005-002]
4. Implement the conceptual designs that were submitted to the BCC on April 6, 2005; and, [Ord. 2005-041]
5. Implement the requirements of FLUE Policies 1.5-m, 1.5.1-m, 1.5.1-n, and 2.4-c of the Plan, as amended, and FLUE Policy 1.5.1-r, Ag Reserve Design Elements, adopted in 2016. [Ord. 2005-041] [Ord. 2017-002]

C. Development Standards for all TMDs

The following standards apply to TMDs located in all tiers: [Ord. 2005-002]

1. General Standards

The following standards apply to all TMDs; however, additional standards or provisions shall apply to the AGR Tier, per Art. 3.F.4.D, Standards Applicable to AGR Tier, and Urban/Suburban Tier, per Art. 3.F.4.E, Urban/Suburban Tier – Lifestyle Commercial Center (LCC). [Ord. 2005-002] [Ord. 2005-041] [Ord. 2017-025]

a. Thresholds

A TMD shall comply with Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA), and the following: [Ord. 2006-004]

1) Minimum Site Area

The minimum gross land area required for a TMD is ten contiguous acres. [Ord. 2005-002] [Ord. 2006-004]

2) Minimum Total Floor Area

The following MGTS thresholds shall apply to all non-residential development within a TMD, unless stated otherwise herein: [Ord. 2010-022]

a) U/S Tier

In the U/S Tier, 200,000 square feet is required, with a minimum of 125,000 square feet in the first phase. [Ord. 2010-022]

b) Exurban/Rural Tiers

In the Exurban and Rural Tiers, 125,000 square feet is required. Additional development may be phased but shall not exceed a total of 200,000 square feet for the Exurban and Rural Tiers. [Ord. 2010-022]

(1) Agricultural Enclave (AGE) Exception

The minimum square footage for TMDs within an AGE shall be in accordance with an AGE Site Specific FLUA Conceptual Plan. [Ord. 2010-022]

c) AGR Tier

See Art. 3.F.4.D, Standards Applicable to AGR Tier, for AGR standards. [Ord. 2010-022]

d) Civic and Institutional Exception

Civic and institutional uses are not subject to these floor area limitations. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2010-022]

3) Minimum FAR

0.4 in the U/S Tier. [Ord. 2005-002] [Ord. 2006-004]

b. Permitted Locations

1) Within the CL designations in Exurban, Rural, and AGR Tiers. [Ord. 2005-002]
2) Within the CL/CH designations in the U/S Tier. [Ord. 2005-002]
3) Within an area designated as a TMD Pod within a TTD. [Ord. 2010-022] [Ord. 2014-031]
4) A TMD must have at least 200 feet of frontage along an Arterial or Collector Street. [Ord. 2005-002]

c. Maximum Floor Area per Single Tenant

1) U/S Tier

Variance from these requirements shall be prohibited. No single tenant may occupy more than 50,000 square feet, except as follows: [Ord. 2017-025]

a) CL FLU

A maximum of 65,000 square feet may be permitted subject to Class A Conditional Use approval. [Ord. 2017-025]

b) CH FLU

A maximum of 100,000 square feet may be permitted subject to Class A Conditional Use approval. [Ord. 2005-002] [Ord. 2017-025]

2) Exurban/Rural and AGR Tiers

No single tenant may occupy more than 25,000 square feet unless approved as a Conditional Use. Single tenants occupying 65,000 square feet or more are prohibited. [Ord. 2005-002] [Ord. 2017-025]

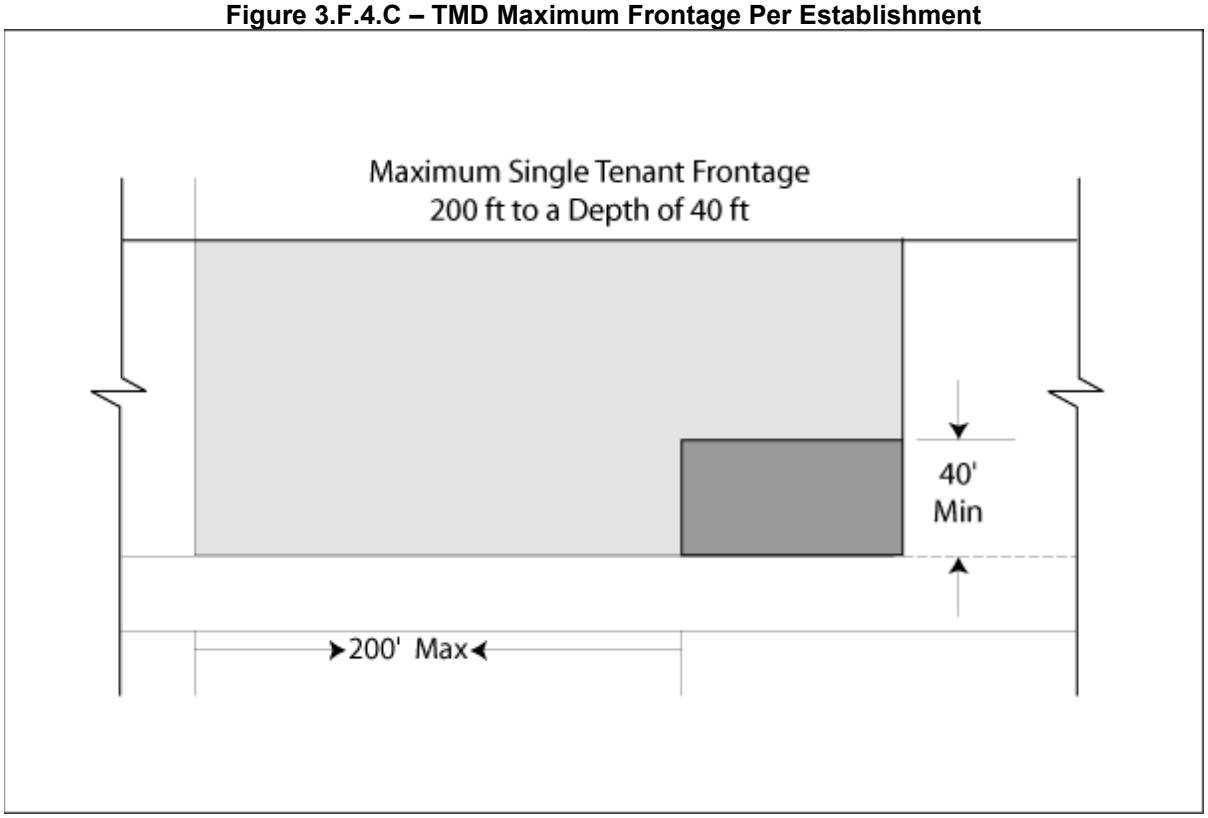
3) Maximum Ground Floor Area per Establishment

No single tenant may occupy more than 40 percent of the total ground floor area of a TMD. [Ord. 2005-002]

4) Maximum Frontage per Single Tenant

No single tenant may occupy more than 200 feet of frontage. An increase of up to 240 feet of frontage per single tenant is permitted in the AGR Tier, provided that any increase over 200 feet incorporates the appearance of a separate storefront on the subject façade, to include the following: a distinct architectural style a minimum of 40 feet in length, a similar percentage of transparency, and an additional building entrance, or appearance of an entrance. [Ord. 2005-002] [Ord. 2005-041] [Ord. 2019-005]

Figure 3.F.4.C – TMD Maximum Frontage Per Establishment



[Ord. 2005-002]

2. Street Designations and Configurations

All streets and alleys in a TMD dedicated to the public or meeting the definition of a private street shall conform to the standards of Art. 11, Subdivision, Platting, and Required Improvements. All Neighborhood Centers and the central plaza of a TMD shall be directly connected by a non-gated street network. [Ord. 2005-002]

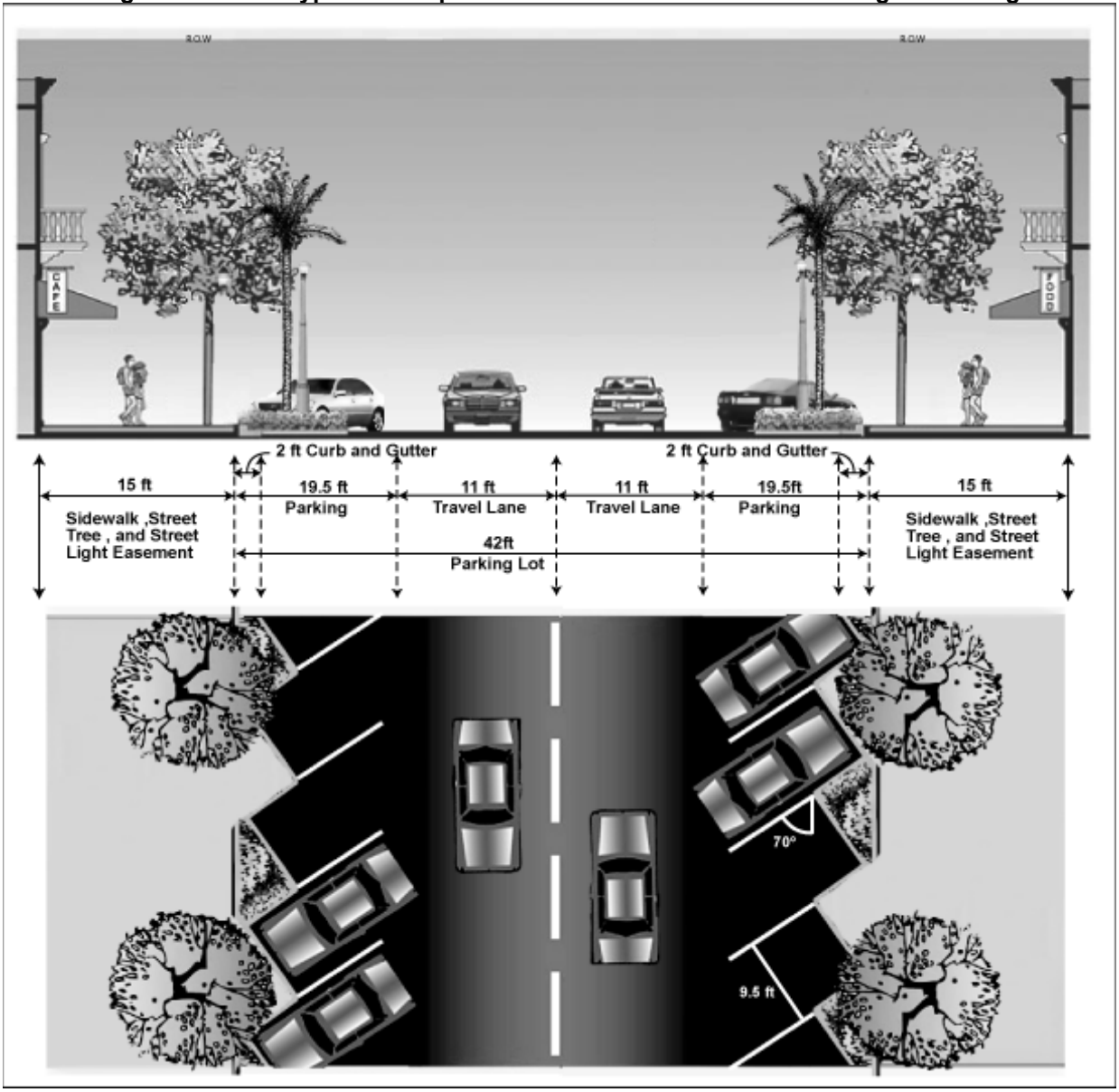
a. Main Street

At least two two-way streets forming an intersection shall be designated as Main Streets. A minimum of one Main Street shall cross through the entire length or width of a TMD, unless waived by the BCC. Main Streets shall be designed to be consistent with Figure 3.F.2.A, TDD Commercial Street. [Ord. 2005-002]

1) Design Exception

Main Streets designed as an access way or non-residential parking lot may increase the overall width to provide for angled parking, not to exceed a 70-degree angle, as indicated in Figure 3.F.4.C, Typical Example of TMD Commercial Street with Angled Parking. The required width of travel lanes shall be as approved by the County Engineer based upon such factors as anticipated Average Daily Traffic and overlap of back-out maneuvers. Parking stall dimensions shall be in accordance with Table 6.B.3.A, Minimum Parking Dimensions for Non-Residential Uses and Residential Uses with Shared Parking Lots. [Ord. 2005-002] [Ord. 2007-013]

Figure 3.F.4.C – Typical Example of TMD Commercial Street with Angled Parking



[Ord. 2005-002]

b. Sidewalks

Sidewalks are required on both sides of all streets and shall be designed to be consistent with Figure 3.F.2.A, TDD Commercial Street, except for: alleys; drive aisles between rows of parking or providing access to a surface parking lot; service streets; the side of a street abutting a Preserve Area of an AGR-TMD; and, where one side of a street abuts a surface parking lot or open space. All sidewalks shall conform to the requirements of Art. 3.F.2.A.1, Streets, Sidewalks, and Alleys. [Ord. 2005-002] [Ord. 2005-041]

c. Alley Access

Alley access is not allowed from a Main Street. [Ord. 2005-002]

d. Prohibition of Vehicular Gates

Vehicular gates are not allowed in a TMD. [Ord. 2005-002]

3. Building Form

a. Maximum Building Height

1) U/S Tier

a) 45 feet and two stories unless waived through a Type 2 Waiver. A third story is allowed if the top floor is dedicated to residential uses. [Ord. 2005-002] [Ord. 2017-025]

b) The height limit shall not apply to those exceptions listed in Art. 3.D.1.E.4, Height Exceptions. [Ord. 2005-002]

2) Exurban, Rural, and Agricultural Reserve Tiers

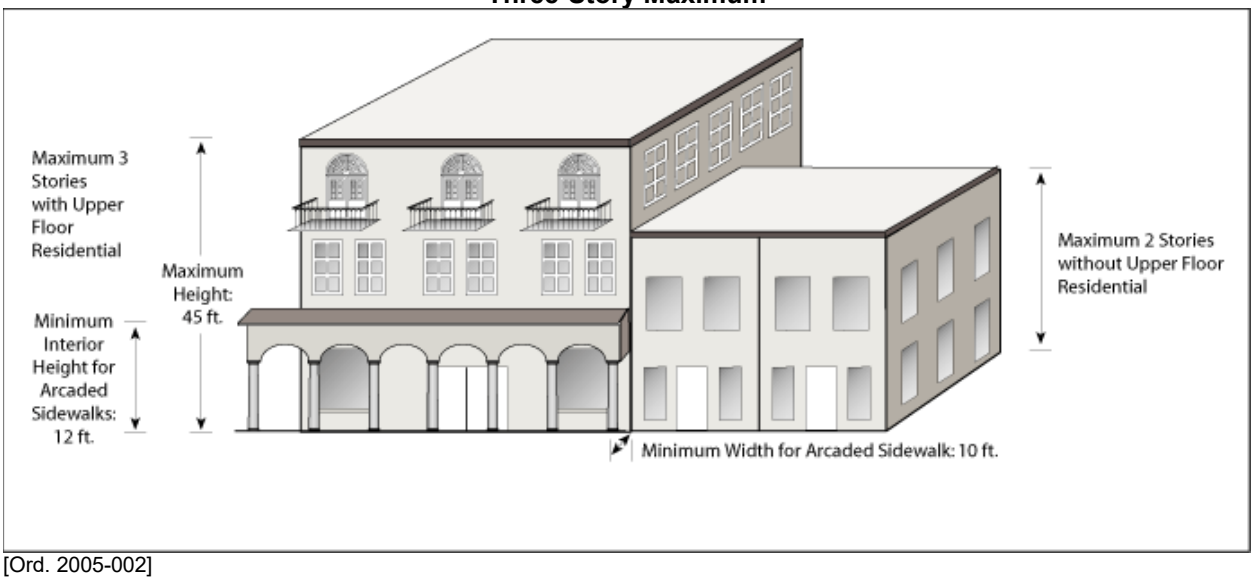
35 feet and two stories. [Ord. 2005-002]

a) AGR Tier Exception

(1) A third story is allowed if limited to residential uses where a garage is provided on the ground floor for each residential unit. [Ord. 2005-002]

(2) The height limit shall be 45 feet for those exceptions listed in Art. 3.D.1.E.4, Height Exceptions. [Ord. 2005-002]

Figure 3.F.4.C – TMD Building Form U/S Tier
Three-Story Maximum

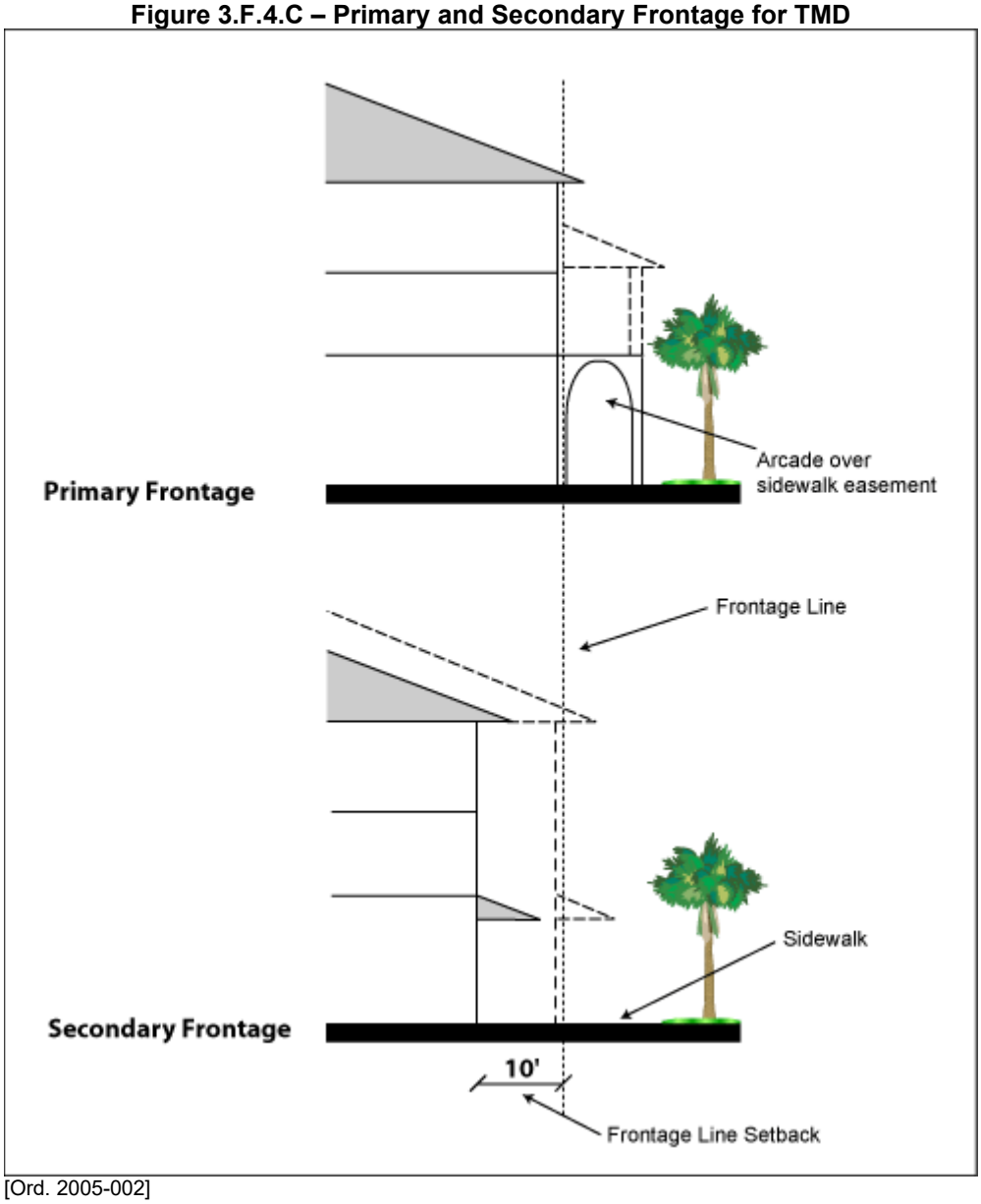


[Ord. 2005-002]

4. Frontages and Residential PDRs

All buildings shall be designated on the Site Plan as either Primary or Secondary Frontage and shall conform to the following requirements: [Ord. 2005-002] [Ord. 2005-041]

Figure 3.F.4.C – Primary and Secondary Frontage for TMD

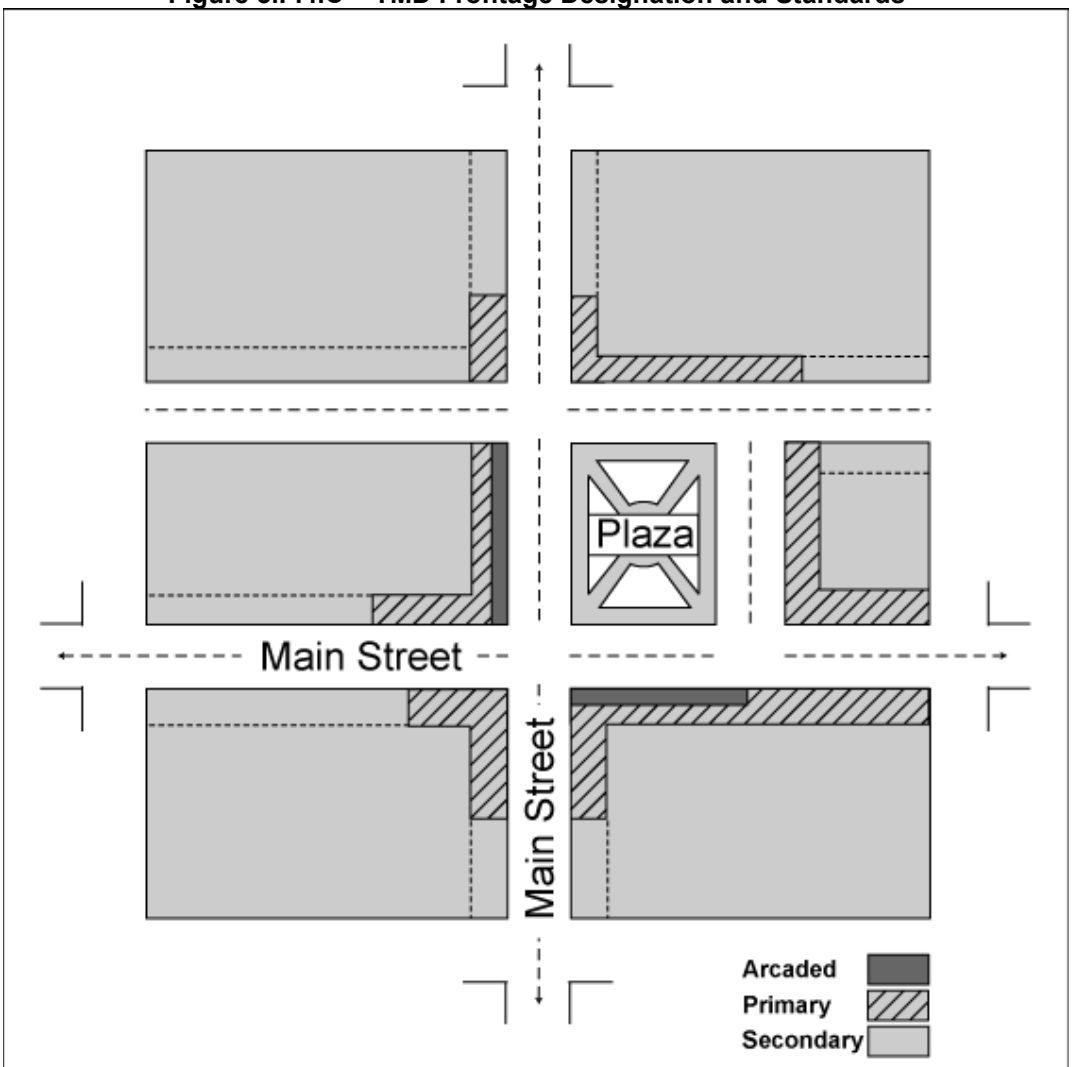


[Ord. 2005-002]

a. Standards for Primary Frontage

1) A minimum of 60 percent of the length of a Main Street shall be designated as a Primary Frontage. [Ord. 2005-002]

Figure 3.F.4.C – TMD Frontage Designation and Standards



* A minimum of 60 percent of the contiguous lenght of a Main Street shall be designated as a Primary Frontage.

* Whenever a plaza or square is bounded by buildings, the building frontages shall conform to Standards for a Primary Frontage, including requirements for arcaded walkways and buildings.

* At least 50 percent of contiguous Primary Frontages shall have arcaded sidewalks. Arcades shall be at least 10 feet in width, including any support column intrusions, and have a minimum height clearance of 12 feet from ground to ceiling. Building floor area is allowed above an arcade.

[Ord. 2005-002]

2) Continuity and Separations

Primary Frontage shall be continuous, except as follows: [Ord. 2005-002]

a) A central plaza or square may be located at the end of a block. [Ord. 2005-002]

b) One separation between buildings is allowed for each 120 linear feet of frontage, provided it is located a minimum of 120 feet from the end of a block. [Ord. 2005-002]

(1) The width of this separation shall not exceed: [Ord. 2005-002]

(a) 20 feet for pedestrian access to internal parking areas, on-site loading, refuse collection, or recessed building entrances. [Ord. 2005-002]

(b) 30 feet for outdoor dining areas or pedestrian shade and rest areas. [Ord. 2005-002]

(c) 60 feet for a mid-block plaza, other than the central plaza. [Ord. 2005-002]

3) Build-to-Lines

All buildings and structures along a Primary Frontage shall abut the required sidewalk. [Ord. 2005-002]

a) Exception

A maximum of ten percent of Primary Frontage structures may be set back a maximum of 20 feet from the build-to-line to provide for outdoor dining areas and/or usable open space, subject to the following: [Ord. 2005-002]

(1) No more than one area described above shall be permitted at any intersection or at any intersection created by permitted separations; and [Ord. 2005-002]

(2) The area shall not exceed 40 feet in length, nor be within 40 feet of any other setback area or building separation, except as permitted above. [Ord. 2005-002]

4) Arcaded Sidewalk

At least 50 percent of the Primary Frontages shall have arcaded sidewalks. Arcades shall be a minimum of ten feet in width, including any support column intrusions, and have a minimum height clearance of 12 feet from ground to ceiling. Building floor area is allowed above an arcade. The arcade shall provide for a pedestrian walkway a minimum of eight feet in width with no encumbrances such as support columns, but may be reduced to six feet in width to provide for outdoor dining areas, as illustrated in Figure 3.B.14.G, WCRAO Arcade and Gallery Standards. [Ord. 2005-002] [Ord. 2008-003]

b. Standards for Secondary Frontage

1) Secondary Frontage

A maximum of 40 percent of the length of a Main Street may be designated as Secondary Frontage. [Ord. 2005-002]

2) Separations

Secondary Frontage may include physical separations between buildings, as follows:

a) One separation between buildings for each 80 linear feet of frontage, provided it is located a minimum of 80 feet from the end of a block or from the edge of a plaza. [Ord. 2005-002]

b) The width of this physical separation shall not exceed:

(1) 20 feet for pedestrian access to internal parking areas or recessed building entrances; [Ord. 2005-002]

(2) 30 feet for an alley or vehicular access to internal parking, outdoor dining areas, or pedestrian shade and rest areas; or, [Ord. 2005-002]

(3) 60 feet for a mid-block plaza. [Ord. 2005-002]

3) Build-to-Lines

All building structures along a Secondary Frontage shall be located within ten feet of the required sidewalk. [Ord. 2005-002]

a) Exception

A maximum of ten percent of Secondary Frontage structures may be set back a maximum of 20 feet from the build-to-line to provide for outdoor dining areas and/or usable open space, subject to the following: [Ord. 2005-002]

(1) No more than one area described above shall be permitted at any intersection or at any intersection created by permitted separations; and [Ord. 2005-002]

(2) The area shall not exceed 40 feet in length, nor be within 40 feet of any other setback area or building separation, except as permitted above. [Ord. 2005-002]

c. Standards for Buildings Abutting Perimeter Frontages

Exterior façades of buildings that abut Arterial or Collector Streets shall be designed to provide views of building entrances or display windows. [Ord. 2005-002] [Ord. 2010-022]

d. Optional Standards for Residential PDRs

Residential buildings may use the TND Residential Lot Size and Setback Regulations, or the following: [Ord. 2005-041]

1) Multifamily Alley Frontage Design Alternative

Multifamily dwellings may be permitted to have frontage from a street built to alley standards, subject to the following: [Ord. 2005-041]

a) Build-to-Lines and Setbacks

Setbacks or build-to-lines must be measured from the inside alley edge, or sidewalk if provided. [Ord. 2005-041]

(1) Front setbacks must be a minimum of five feet, and a maximum of ten feet. Garages fronting the alley shall be set back at least 20 feet. [Ord. 2005-041]

(2) Side street setbacks must be a minimum of five feet, and a maximum of ten feet. An exception may be made for one side of a block which fronts on open space or a recreation use. [Ord. 2005-041]

(3) The rear of each unit shall have access to and be within 20 feet of a street, open space, or plaza a minimum of 40 feet in width, with sidewalks that connect to the project's pedestrian circulation system. [Ord. 2005-041]

b) Continuity and Separations

One separation between buildings is allowed for each 80 feet of frontage, provided it is located a minimum of 80 feet from the end of a block. The width of this separation shall not exceed 25 feet for pedestrian access, or 40 feet for a mid-block plaza. One mid-block plaza may be permitted to have a separation of up to 120 feet in the AGR Tier only. [Ord. 2005-041]

5. Pedestrian Circulation

In addition to the sidewalk requirements of Art. 3.F.2.A.1, Streets, Sidewalks, and Alleys, all internal sidewalks shall provide a minimum clear width of six feet. [Ord. 2005-002]

6. Foundation Planting

Notwithstanding the requirements of Art. 7.C.3.B, Foundation Plantings, foundation plantings shall not be required for primary and secondary building frontages, buildings along an alley or access way to a parking area, where the alley or access way is located in between non-residential buildings, or where buildings front on a plaza or square. [Ord. 2005-002] [Ord. 2005-041]

7. Parking

On-street parking is required on both sides of all two-way streets and on at least one side of one-way streets, except within 25 feet of a street intersection or alley, or ten feet of a fire hydrant, or along Arterials, Plan Collector Streets, alleys, or a vehicular access way to internal parking. [Ord. 2005-002] [Ord. 2005-041]

8. Plazas

Plazas are required to provide a focal point for pedestrians, and must meet the minimum standards of Table 3.F.4.C, Minimum Dimensions for Required Plazas, and the following: [Ord. 2005-002] [Ord. 2005-041]

Table 3.F.4.C – Minimum Dimensions for Required Plazas

	Min. Size	Min. Length	Min. Width
Central Plaza	10,000 sq. ft.	120'	80'
Other Plazas	5,000 sq. ft.	60'	40'

a. Minimum Total Area

20,000 square feet or five percent of the gross Development Area within a TMD, whichever is greater, shall be used for public plazas or squares. [Ord. 2005-002]

b. Required Location

The central plaza shall front on a Main Street; other plazas shall be bounded by a street on at least one side. [Ord. 2005-002] [Ord. 2005-041]

c. Required Landscaping and Pedestrian Amenities

1) A minimum of 15 percent of each plaza shall be shaded by landscaping or shade structures, at time of installation. Landscaping shall provide a minimum of 50 percent of required shade. [Ord. 2005-002] [Ord. 2005-041]

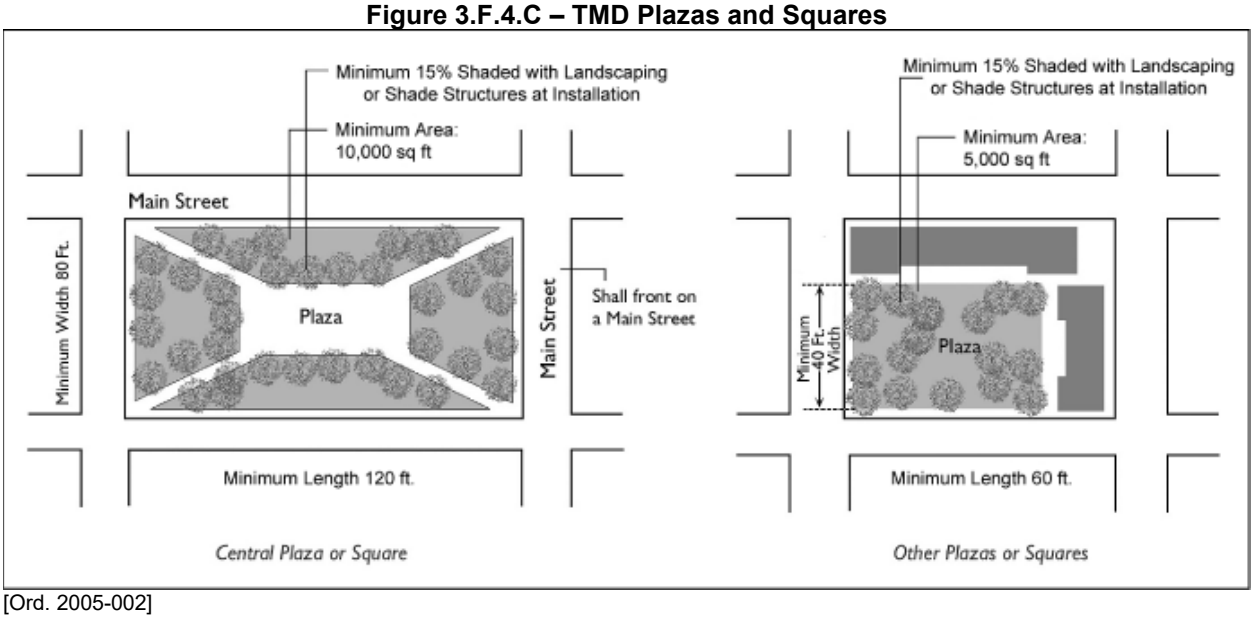
2) A minimum of 40 percent of the overall plaza areas shall be pervious. [Ord. 2005-002] [Ord. 2005-041]

3) Each plaza must provide a minimum of one linear foot of seating for each 200 square feet of overall area. [Ord. 2005-002] [Ord. 2005-041]

d. Corner and Mid-Block Plaza Abutting Buildings

Wherever a plaza is bounded by buildings, the building frontages must conform to the standards for a Primary Frontage, including requirements for arcaded walkways and buildings. See Art. 3.F.4.C.4, Frontages and Residential PDRs. [Ord. 2005-002] [Ord. 2005-041]

Figure 3.F.4.C – TMD Plazas and Squares



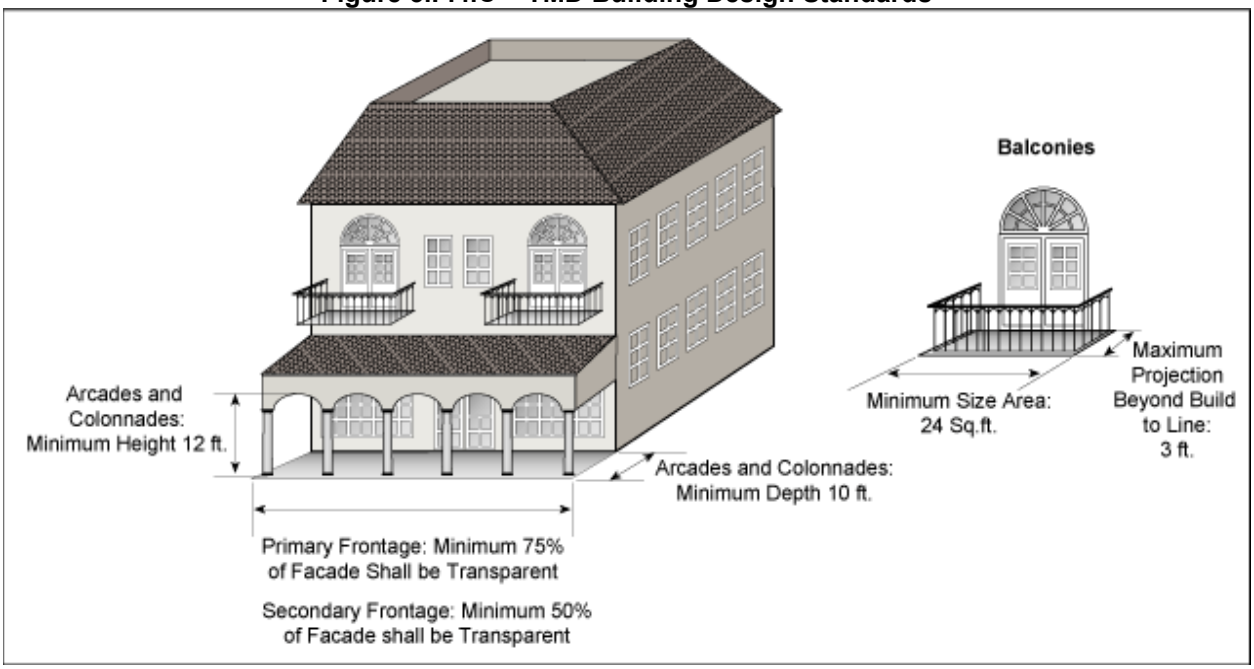
[Ord. 2005-002]

9. Building Design

a. Transparency

All commercial first story façades shall consist of transparent glass that provides views into a commercial use or window display. Calculation of transparency shall be pursuant to Art. 1.C.4.K, Building Transparency. [Ord. 2005-002] [Ord. 2010-022]

Figure 3.F.4.C – TMD Building Design Standards



[Ord. 2005-002]

1) **Percentage**
   a) Primary Frontage – 60 percent. [Ord. 2010-022]
   b) Secondary Frontage – 50 percent. [Ord. 2010-022]
   c) Perimeter Frontage – 25 percent. [Ord. 2005-002] [Ord. 2010-022]
2) **Exemption**
   Indoor movie or any type of theater shall be exempt from the Secondary and Perimeter Frontage transparency requirements. The minimum transparency requirement may be reduced by up to 75 percent for medical offices and other similar uses that require privacy as determined by the Zoning Director, subject to the following: [Ord. 2010-022] [Ord. 2014-031]
   a) Documentation that there is no interior layout options to maximize use of lobby, reception, or other similar areas to attain required transparency; and [Ord. 2014-031]
   b) Use of architectural embellishment that provides the appearance of glazing commensurate with the reduction in required transparency. [Ord. 2010-022] [Ord. 2014-031]

b. Balconies
Balconies may project beyond build-to-lines, subject to the following standards: [Ord. 2005-002]
1) **Maximum Projection**
   Three feet. [Ord. 2005-002]
2) **Maximum Size**
   24 square feet. [Ord. 2005-002]

10. Phasing

a. Phasing
TMDs shall be subject to the phasing and time limitations in Art. 3.F.1.H, Phasing and Platting, as well as Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2005-002]

b. First Phase
The following elements shall be constructed before the issuance of the first CO: [Ord. 2005-002]
1) All plazas and squares located on required Main Streets, including required landscaping. [Ord. 2005-002]
2) 50 percent of required Primary Frontage buildings located on required Main Streets. [Ord. 2005-002]
3) All Main Streets, including all sidewalks, landscaping, and lighting required to service the above. [Ord. 2005-002]

D. Standards Applicable to AGR Tier

1. Minimum Site Area
25 acres, including Preserve Area. [Ord. 2005-002]

2. Maximum Development Area
40 percent of gross acreage. [Ord. 2005-002]

3. Minimum Retail and Commercial Floor Area
175,000 square feet of commercial/civic uses (inclusive of work/live space). Of these, 125,000 square feet shall be retail and office space. [Ord. 2005-002]

4. Maximum Retail and Commercial Floor Area
375,000 square feet. [Ord. 2005-002]

5. Maximum Floor Area Ratio (FAR)
1.0. [Ord. 2005-002]

6. Maximum Residential Density
One dwelling unit per acre. Residential density shall be transferred from the Preserve Area to the Development Area at a ratio of one to one. [Ord. 2005-002]

7. Permitted Locations
A TMD shall only be located within 1,320 feet of the intersections of Lyons Road and Boynton Beach Boulevard and Lyons Road and Atlantic Avenue, on a site with a CL FLU designation. A maximum of one TMD is allowed at each of these intersections. [Ord. 2005-002]

8. Preserve Area and Open Space Requirements
A TMD shall conform to FLUE Objective 1.5 of the Plan, Art. 1.E, Prior Approvals, and the following additional requirements: [Ord. 2005-002]

a. Minimum Preserve Area
A minimum of 60 percent of the gross acreage, less roadways identified on the Thoroughfare Identification Map, shall be designated as Preserve Area. Rural Parkway easements may be counted toward the preserve requirement. [Ord. 2005-002]

b. Location

The Preserve Area shall be contiguous with the TMD, or non-contiguous provided it has a common border with other land that is at least 150 acres and: [Ord. 2005-002]

1) In a conservation district; [Ord. 2005-002]
2) Designated as an AGR preserve; or, [Ord. 2005-002]
3) Has had development rights removed and is permanently restricted to usable open space or agricultural uses through a conservation easement or other legal instrument approved by the County Attorney's Office. [Ord. 2005-002]

c. Preserve Areas

An AGR Preserve Area shall comply with the requirements of Art. 3.E.2.F.3, Preserve Area and Art. 4, Use Regulations; all other development regulations that are applicable to the AGR Tier and proposed use(s); and, Policies under Objective 1.5 of the FLUE of the Plan. Nothing herein shall be misconstrued as requiring a Preserve Area to conform to Art. 3.F.4.C, Development Standards for all TMDs. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-013] [Ord. 2017-007]

9. Block Structure

a. Type 2 Waiver

An AGR-TMD shall comply with Art. 3.F.2.A.1.b, Block Structure, except for the provision below, unless waived through a Type 2 Waiver by the BCC upon the BCC determining that the block structure proposed is functionally equivalent for the purpose of Art. 3.F.1.A.4, and Art. 3.F.4.A Purpose. The Type 2 Waiver may be granted only upon the Applicant's agreement to be bound by the block configuration of the Site Plan approved by the BCC. [Ord. 2005-002] [Ord. 2005-041] [Ord. 2012-027]

b. AGR-TMD Freestanding Structures

A maximum of ten percent of the overall allowable square footage of an AGR-TMD may be permitted to be developed as freestanding structures, provided that a minimum of one façade is developed according to the standards for Primary or Secondary Frontage. Buildings developed under this provision shall not be required to have circulation on all four sides, nor be subject to continuity and separation requirements. [Ord. 2005-002]

10. Definition for Street

Streets for TMDs may also include access aisles in a parking lot for commercial blocks, only when located along the side or rear of a block; non-residential alleys; and, alleys in residential blocks, subject to the standards or Art. 3.F.4.C.4.d.1), Multifamily Alley Frontage Design Alternative. [Ord. 2005-041]

11. Agricultural Reserve Design Elements

Shall comply with FLUE Policy 1.5.1-r, Ag Reserve Design Elements. [Ord. 2017-002]

E. Urban/Suburban Tier – Lifestyle Commercial Center (LCC)

1. Applicable to existing sites assigned a commercial FLU designation and Condition of Approval requiring the use of the LCC within the boundaries of two Site Specific FLUA amendments: [Ord. 2017-025]
   a. LGA 2008-009, Lake Worth Commercial Amendment, Ordinance No. 2008-048. [Ord. 2017-025]
   b. LGA 2009-006, Lake Worth/Turnpike SW Commercial, Ordinance No. 2009-028. [Ord. 2017-025]
2. Unless stated otherwise, TMD provisions shall apply to all Site Specific FLUA amendments noted above. [Ord. 2017-025]

Section 5 Traditional Town Development (TTD)

A. Specific Purpose

The purpose of the TTD district is to:

1. Provide a framework for the coordinated development of compact, walkable neighborhoods with a well-developed traditional marketplace center and a mixture of office, open space and recreation, and civic uses serving local residents;
2. Ensure an interconnected street and pedestrian circulation network that serves the needs of pedestrians, vehicles, and other non-motorized forms of transportation and that functionally and physically integrates the various land use activities;
3. Provide for larger-scale community development that retains a strong neighborhood identity through a compatible scale of development, an identifiable center and edge, and well-defined public spaces for recreation and civic activities;
4. Accommodate optional development districts to provide additional employment opportunities and housing choices interconnected with traditional neighborhoods and within close proximity to the commercial, civic, and recreation and open space amenities of the traditional town; and,
5. Make traditional towns compatible with the overall design objectives of the Plan and its MGTS.

B. Organization and Applicability

The requirements of this Section, Art. 3.F.1, General Provisions for TDDs, and Art. 3.F.2, General Standards, shall apply to all TTDs. In addition, the components of a TTD shall be subject to the following requirements:

1. Traditional Neighborhood Development (TND)

The requirements of Art. 3.F.3, Traditional Neighborhood Development (TND) shall apply to Residential Pods in a TTD.

2. Traditional Marketplace Development (TMD)

The requirements of Art. 3.F.4, Traditional Marketplace Development (TMD) shall apply to Commercial Pods in a TTD.

3. Residential Planned Unit Development (PUD)

A residential Planned Unit Development (PUD) may be included within a TTD, subject to the requirements of Art. 3.E.2, Planned Unit Development (PUD) district.

4. Multiple Use Planned Development (MUPD)

An MUPD may be included within a TTD with a minimum of 320 acres, subject to the requirements for a Multiple Use Planned Development (MUPD) with an EDC FLU designation. [Ord. 2014-025]

C. General Requirements

1. Thresholds

The minimum gross land area required for a TTD is 200 contiguous acres. [Ord. 2006-004]

2. Land Use Mix

TTDs shall consist of a balanced mix of land uses subject to the minimum land use allocations in Table 3.F.5.C, Traditional Town Development Land Use Allocations.

Table 3.F.5.C – Traditional Town Development Land Use Allocations

	Allowable Gross Acreage (Percent of Total)	
	Min.	Max.
Traditional Neighborhood (TND)	60	90
Traditional Marketplace (TMD)	10	25
Civic/Institutional (1)	-	20
Recreation and Open Space	-	25
Residential PUD	-	10
MUPD (2)	-	5
Notes:		
1.	Regional-serving civic and institutional uses may be located outside a TND but may not be used to fulfill the civic/institutional requirements of a TND as established by Table 3.F.3.B, TND Land Use.	
2.	Requires a TTD with a minimum of 320 acres.	

3. Connectivity

An interconnected network of streets, and sidewalks or pathways shall be provided that connects all pods within the TTD and to any adjacent thoroughfare roads.

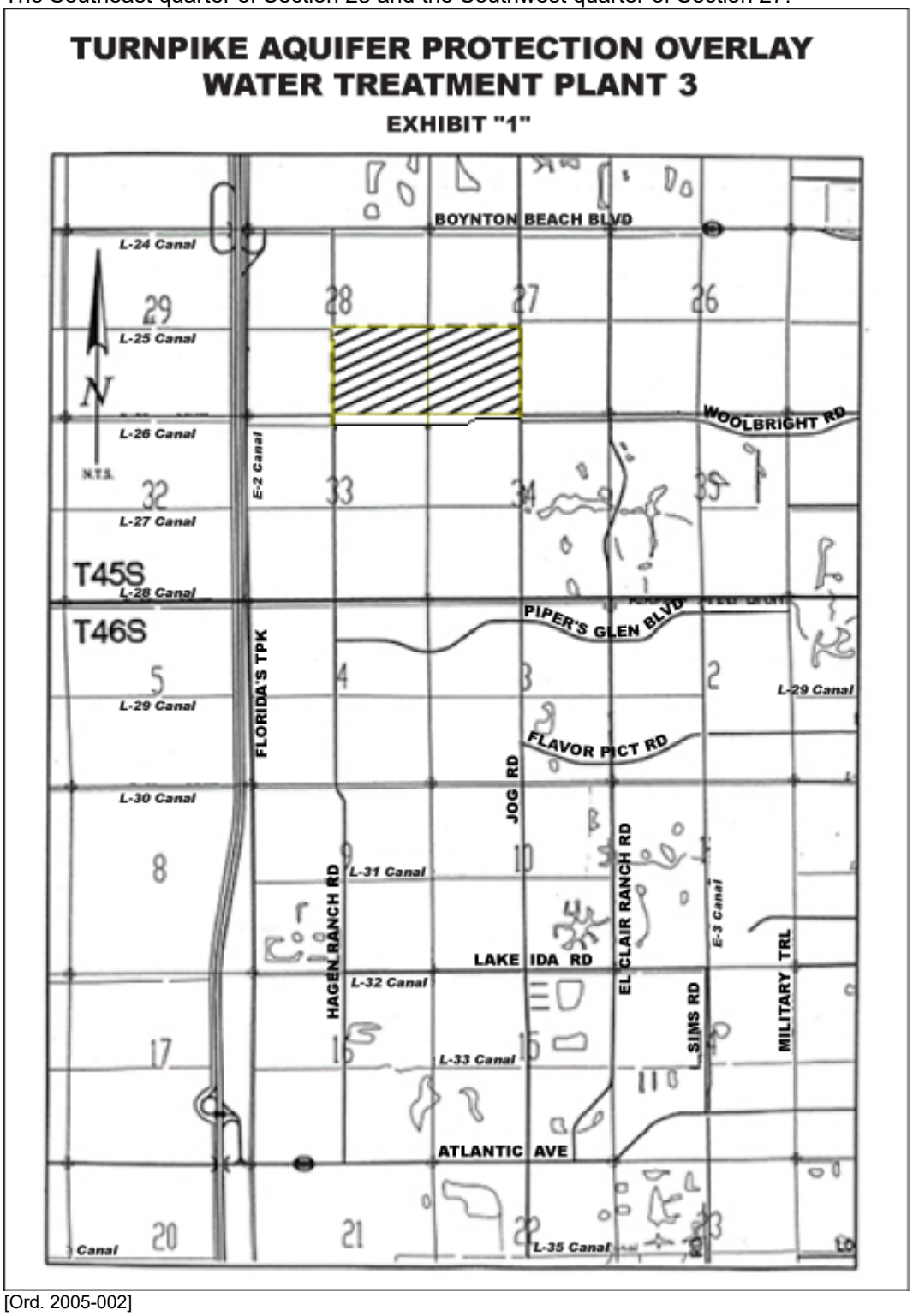
4. Landscape Buffer

A minimum 50-foot-wide Type 3 Incompatibility Buffer shall be provided around the perimeter of a TTD.

APPENDIX 1 – LEGAL DESCRIPTION WATER OR WASTEWATER TREATMENT PLANT NO. 3
To Accompany Sketch of Turnpike Aquifer Protection Overlay District

Those tracts of land lying in Sections 27 and 28, Township 45 South, Range 42 East, PBC, Florida, being more particularly described as follows:

The Southeast quarter of Section 28 and the Southwest quarter of Section 27.



[Ord. 2005-002]

APPENDIX 2 – LEGAL DESCRIPTION WATER OR WASTEWATER TREATMENT PLANT NO. 8

To Accompany Sketch of Turnpike Aquifer Protection Overlay District

Those tracts lying in Sections 27, 33, and 34, Township 43 South, Range 42 East, PBC, Florida, being more particularly described as follows:

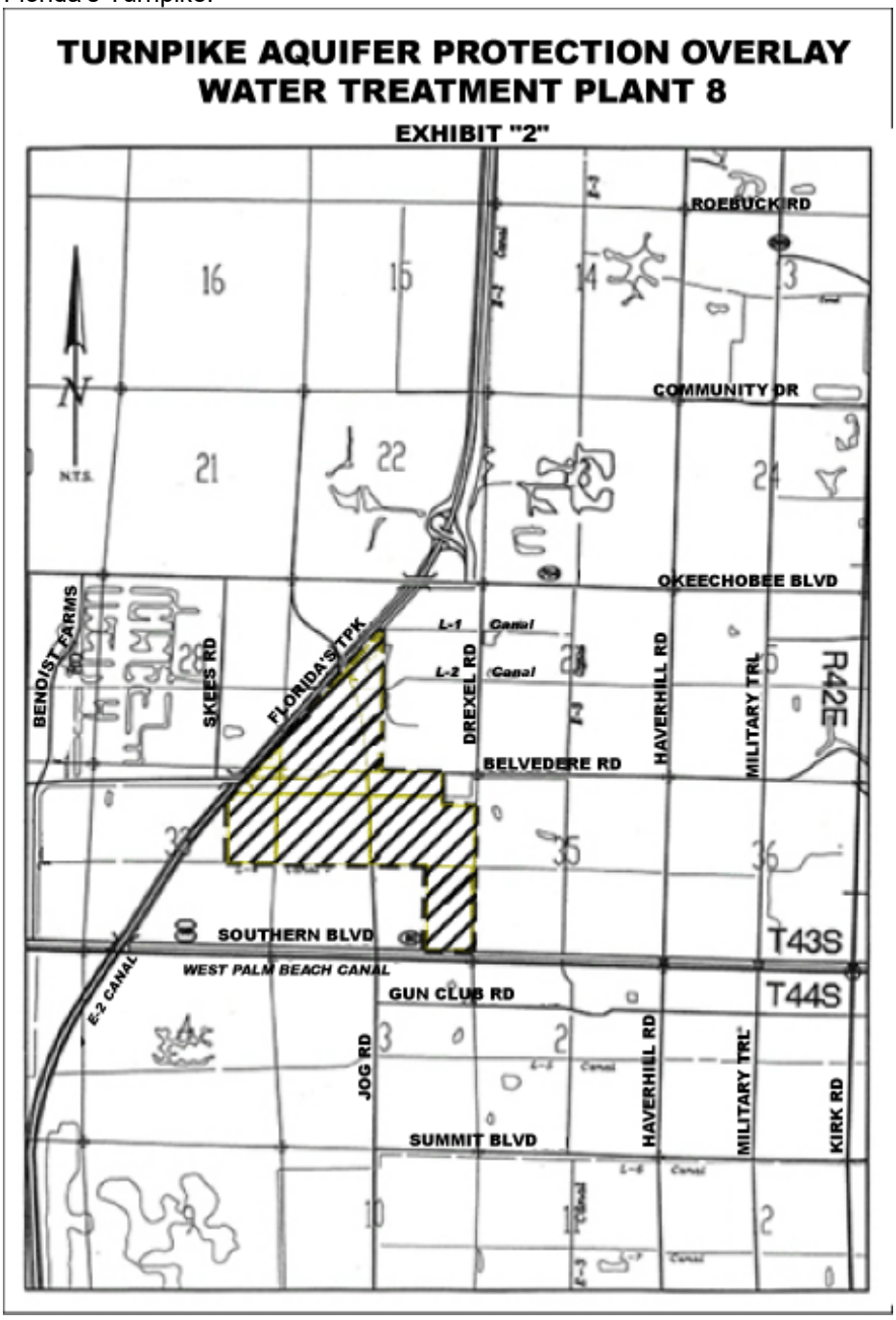
The part of the West half of Section 27 laying east of Florida's Turnpike;

The part of the Southeast quarter of Section 28 laying east of Florida's Turnpike; [Ord. 2005-002]

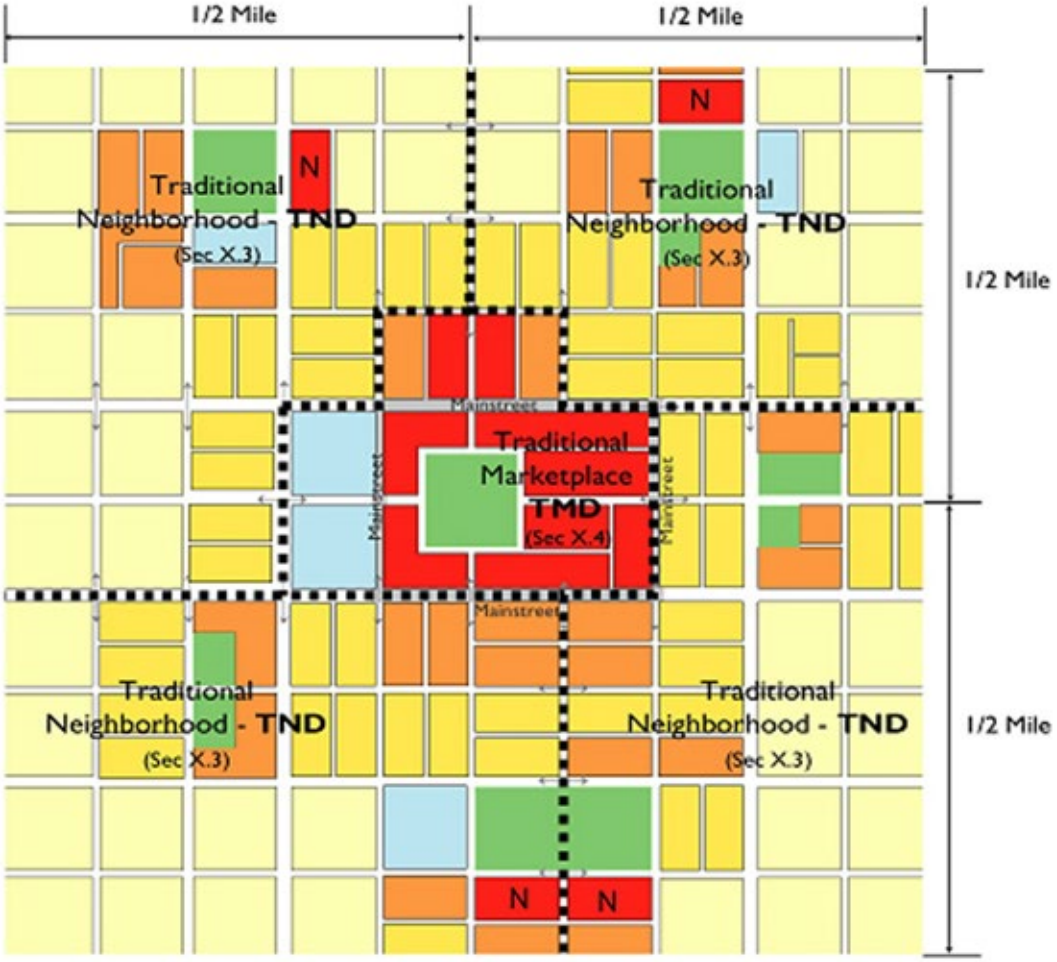
The North half of Section 34 less the Northeast quarter of the Northeast quarter section;

The East half of the Southeast quarter of Section 34; and,

The part of the East half of the Northeast quarter of Section 33 laying east of Florida's Turnpike.



APPENDIX 3 – TRADITIONAL DEVELOPMENT PROTOTYPES EXAMPLE OF LAYOUT MARKETPLACE, NEIGHBORHOODS, AND STREET NETWORK

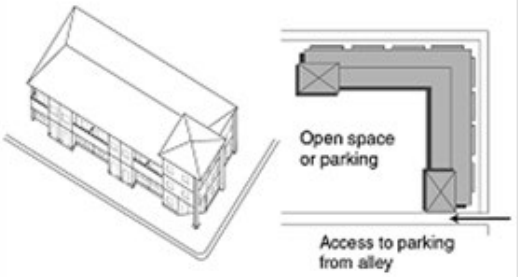


Traditional Town Development (Sec X.5)

- Residential (Primarily Single Family and Zero Lot Line)
- Residential (Mixed Building Types)
- Residential (Primarily Town Houses + Multi-Family Buildings)
- N Neighborhood Center
- Traditional Marketplace
- Civic / Institutional
- Plaza / Recreation / Open Space

APPENDIX 4 – TRADITIONAL NEIGHBORHOODS
EXAMPLE OF RESIDENTIAL DEVELOPMENTS

Multi-Family





Two to three story Multi-Family buildings with parking garages or structured parking facing an alley

Zero Lot Line





Zero Lot Line homes with garage along back alley

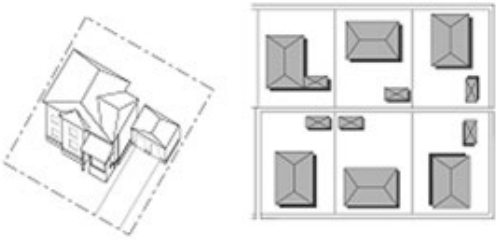
Town House





Two story town houses with parking along back alleys

Single - Family





Single-family detached houses with garage at side or rear

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2004-040; October 21, 2004] [Ord. 2004-051; November 24, 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. 2006-055; December 1, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2008-003; January 30, 2008] [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. 2010-022, September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2011-016; September 6, 2011] [Ord. 2012-003; February 1, 2012] [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. 2014-001; February 3, 2014] [Ord. 2014-025; September 3, 2014] [Ord. 2015-006; February 3, 2015] [Ord. 2014-031; July 7, 2015] [Ord. 2015-031; September 3, 2015] [Ord. 2015-047; December 4, 2015] [Ord. 2016-016; February 2, 2016] [Ord. 2016-020; March 24, 2016] [Ord. 2016-042; September 27, 2016] [Ord. 2017-002; January 31, 2017] [Ord. 2017-007; March 2, 2017] [Ord. 2017-011; March 28, 2017] [Ord. 2017-025; August 28, 2017] [Ord. 2017-032; October 31, 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. 2020-001; January 28, 2020] [Ord. 2020-019; September 3, 2020] [Ord. 2020-020; September 3, 2020] [Ord. 2021-006; March 2, 2021] [Ord. 2021-022; September 3, 2021] [Ord. 2021-023; September 3, 2021] [Ord. 2021-033; December 20, 2021] [Ord. 2021-039; December 22, 2021] [Ord. 2022-002; February 4, 2022] [Ord. 2022-018; July 29, 2022] [Ord. 2023-009; February 28, 2023] [Ord. 2023-011; March, 23, 2023] [Ord. 2023-012; March, 23, 2023] [Ord. 2023-020; May 30, 2023] [Ord. 2023-021; May 30, 2023] [Ord. 2024-008; April 26, 2024] [Ord. 2024-014; July 18, 2024] [Ord. 2025-009; April 29, 2025] [Ord. 2025-016; June 20, 2025]

ARTICLE 4

USE REGULATIONS

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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 Matrices, are prohibited in that zoning district, unless otherwise expressly stated under the Supplementary Use Standards for the use, or within any applicable Zoning Overlays. [Ord. 2019-005]

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 Supplementary 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 Commissioners 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 Commissioners Approval (1)

FLU Designation	Threshold
Residential (Excluding RR FLU)	200 du (including density bonus), or 50 ac.
AGR (with Residential)	250 ac.
CL-O, CL	30,000 sq. ft.
CH-O, CH, CR, MLU, INST	50,000 sq. ft.
IND, CMR, EDC	100,000 sq. ft.
[Ord. 2023-011]	
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 Art. 14.C, Vegetation Preservation and Protection, excluding AGR or Sector Plan Preserve Areas, shall not be counted toward the maximum acreage threshold.

C. Density Bonus

Any amendment to an existing development, or new construction of projects, which includes an existing or proposed WHP, AHP, TDR, or WCRAO Density Bonus Program residential density bonus, shall require confirmation of any applicable thresholds for approval process in accordance with Art. 5.G, Density Bonus Programs, or Art. 3.B.14.H, WCRAO Density Bonus Program. [Ord. 2017-025] [Ord. 2021-006]

D. Agricultural 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

| Standard Zoning Districts | | |

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B. General Residential Standards

1. Accessory Affordable Housing

Multifamily, Single Family, Townhouse, or Zero Lot Line Homes 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. A permanent or temporary group living arrangement for people without disabilities, or a group living arrangement in which normalization and/or community integration are not integral elements, or a group living arrangement for people undergoing treatment in a program under the same or affiliated ownership, or congregate housing for people with disabilities who pose a direct threat to the health or safety of others including as an alternative to incarceration, or intermediate care or assisted living facilities that do not emulate a family. [Ord. 2021-022]

b. Typical Uses

Typical uses may include, but are not limited to: [Ord. 2021-022]

1) Group home or other CLF for housing for people without disabilities that does not emulate a family; [Ord. 2021-022]
2) Group home or other CLF arrangement for people who may be considered a direct threat to the health or safety of others, that requires monitoring; [Ord. 2021-022]
3) Intermediate care facility for people with developmental disabilities that does not emulate a family; [Ord. 2021-022]
4) Assisted Living Facilities for adults with disabilities or elderly for the number of people that exceed the thresholds to be considered a Community Residence and do not emulate a family; [Ord. 2021-022]
5) Shelters for victims of domestic abuse; [Ord. 2021-022]
6) Previously approved Type 3 CLF, for people with disabilities that do not meet the requirements of a Community Residential Home pursuant to F.S. § 419.001, and the residents are: [Ord. 2021-022]
   a) Frail elders or disabled adults (F.S. § 429.65); [Ord. 2021-022]
   b) Persons with disabilities (F.S. § 760.22(3)(a)); [Ord. 2021-022]
   c) Persons who have a developmental disability (F.S. § 393.063); [Ord. 2021-022]
   d) Non-dangerous person who has a mental illness (F.S. § 394.455); [Ord. 2021-022]
   e) A child who is found to be dependent (F.S. § 39.01 or § 984.03); [Ord. 2021-022]
   f) A child in need of services (F.S. § 984.03 or § 985.03); or, [Ord. 2021-022]
7) Previously approved Type 1 CLF or Type 2 CLF for people without disabilities that do not meet the definition and requirements for Family Community Residence or Transitional Community Residence. [Ord. 2021-022]

c. Approval Process

1) RS Zoning District

A 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 CLF in the RS Zoning District with an LR-1, LR-2, and LR-3 FLU designation shall be prohibited. [Ord. 2019-005] [Ord. 2021-022]

d. Maximum Occupancy

A CLF may include multiple dwelling units on a single lot. 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] [Ord. 2021-022]

e. Location

1) A CLF shall have a front or side street property line abutting a Local Commercial, Collector, or an Arterial Street, except for the following: [Ord. 2021-022]
   a) A CLF having 25 residents or less may have frontage and access from a Local Street. [Ord. 2021-022]

b) A CLF having 250 or fewer residents may be located in a Residential Pod with attached housing, and may have access to a Local Residential Street or a Residential Access Street. [Ord. 2021-022]

2) A proposed CLF with 14 or fewer residents shall be located a minimum of 660 feet or seven lots whichever is greater, from an existing Community Residence, Recovery Community, or other CLF. A proposed CLF with more than 14 residents shall be located a minimum of 1,200 feet from an existing Community Residence, Recovery Community, or other CLF with more than 14 residents. The separation requirement in this Section shall be measured in linear feet from the closest points between the property lines. [Ord. 2021-022]

a) Exception

A CLF approved as a Type 3 CLF prior to the effective date of Ordinance No. 2021-022, shall be considered a legal conforming use and not subject to these separation requirements, unless the proposed request is to add land area and will decrease the existing separation from the closest Community Residence, Recover Community, or other CLF. [Ord. 2021-022]

f. Drop-Off Area

A drop-off area shall be provided for group transportation, such as vans or similar vehicles, when more than 14 residents. [Ord. 2021-022]

g. Accessory Commercial Uses

A limited amount of commercial uses may be Permitted by Right as accessory uses in a CLF. Such uses shall be limited to Medical or Dental Office, Personal Services, and Retail Sales uses designed exclusively to serve the residents of the facility, such as a barber or beauty shop, banking services, and convenience retail sales. 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 non-residents. [Ord. 2021-022]

h. Congregate Living, Assistive Care Services

Assistance with activities of daily living and limited nursing services. [Ord. 2021-022]

i. Cooking Facilities

A CLF shall provide and continuously maintain a central dining facility. Individual kitchen facilities may be provided in the living quarters of a CLF. [Ord. 2021-022]

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. Family Community Residence

a. Definition

A Community Residence that provides a relatively permanent living arrangement for five to ten people with disabilities which, in practice and/or under its rules, charter, or other governing document, does not limit how long a resident may live there. The intent is for residents to live in the dwelling unit on a long-term basis, of at least a year. A Family Community Residence emulates a biological family to foster normalization of its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter; foster and facilitate life skills; and, meet the physical, emotional, and social needs of the residents in a mutually supportive family-like environment. Medical treatment is incidental, as in any home. [Ord. 2021-022]

b. Typical Uses

Typical uses shall conform to the definition and include, but not are limited to the following: [Ord. 2021-022]

1) Oxford House or other long-term housing for people in recovery from substance use disorder, and with no limit on tenancy in practice or in rules; [Ord. 2021-022]
2) Community Residential Home (F.S. ch. 419); [Ord. 2021-022]
3) Assisted Living Facility for the elderly or other people with disabilities (F.S. § 429.02(5)); [Ord. 2021-022]
4) Adult Family-Care Home (F.S. § 429.60); [Ord. 2021-022]
5) Intermediate Care Facility for people with developmental disabilities (F.S. § 400.960); [Ord. 2021-022]
6) Housing licensed by F.S. ch. 394; [Ord. 2021-022]
7) Recovery Residences certified pursuant to F.S. ch. 397 currently the Florida Association of Recovery Residences, typically Levels 1-2 certified homes, when residency is one year or longer; or, [Ord. 2021-022]
8) Previously approved Type 1 CLF or Type 2 CLF for people with disabilities that meets the definition and requirements for a Family Community Residence. [Ord. 2021-022]

c. Approval Process

1) Permitted by Right

a) CL/CH/CHO-MUPD, IND/L-PIPD, TND Residential Use Zone Exurban/Rural Tier, TMD U/S, Exurban/Rural Tiers, or AGR Development Area Zoning Districts

A Family Community Residence may be Permitted by Right within previously approved Single Family, Zero Lot Line, Cottage Home, Townhouse, or Multifamily dwelling units, subject to compliance with Licensing, Certification, or Charter, Occupancy, and Location. [Ord. 2021-022]

2) DRO Approval

a) CL/CH/CHO-MUPD Zoning Districts

A Family Community Residence may be allowed in a proposed Zero Lot Line, Townhouse, or Multifamily dwelling units, subject to the approval procedures for those housing types. [Ord. 2021-022]

3) Type 2 Waiver

A Family Community Residence may request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the requirements of one or more of the following: [Ord. 2021-022]

a) Art. 4.B.1.C.3.d.1), Licensing or Certification, when licensing or certification is not required or available from the State of Florida or Florida Association of Recovery Residences or the Family Community Residence is not eligible for an Oxford House Charter. This does not apply when the Family Community Residence has been denied a license, certification, or Oxford House Charter, or it has been revoked; [Ord. 2021-022]
b) Art. 4.B.1.C.3.e.2)a), Number of Residents, Including Staff That Reside in the Dwelling Unit, are more than ten, but still meets the definition of Family Community Residence; or, [Ord. 2021-022]
c) Art. 4.B.1.C.3.f, Location, when the proposed Family Community Residence does not meet the minimum distance between other Community Residences, Recovery Communities, or Congregate Living Facilities. [Ord. 2021-022]

4) Zoning Confirmation Letter

An Applicant proposing to have a Family Community Residence shall apply for a Zoning Confirmation Letter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility, in order to confirm compliance with Licensing or Certification, Occupancy, and Location requirements. [Ord. 2021-022]

d. Licensing, Certification, or Charter

1) A Family Community Residence shall be licensed or certified by one of the licensing entities referenced in F.S. § 419.001, § 397.311, or § 397.487; or obtain an Oxford House Charter, as follows: [Ord. 2021-022]
   a) The appropriate available license, or certification that the State of Florida, or Florida Association of Recovery Residences, offers or requires to operate the proposed Family Community Residence, including any provisional license or certification issued prior to granting a full license or certification; pursuant to F.S. § 419.001, ch. 394, or § 397.487. [Ord. 2021-022]

b) A “conditional” Oxford House Charter within 30-calendar days of the date on which the first individual occupies the Oxford House and a “permanent” Oxford House Charter within 180-calendar days after the “conditional” charter was issued. [Ord. 2021-022]

2) An existing Type 1 or Type 2 CLF, or other facility or use that conforms to the definition of Family Community Residence, located in the unincorporated area of Palm Beach County as of the effective date of Ordinance No. 2021-022, that is not currently licensed or certified by the State of Florida, and that does not receive licensure, certification, or recertification from the designated state entity within one calendar year from the effective date of Ordinance No. 2021-022, shall not be considered a conforming use and shall cease operation one calendar year from the effective date of Ordinance No. 2021-022 or within 60-calendar days of the date on which certification, recertification, or the required license is denied, whichever date comes first. The operator of the unlicensed or uncertified Family Community Residence must return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]

3) An existing use that conforms to the definition of Family Community Residence, and located in the unincorporated area of Palm Beach County that was previously licensed or certified by the State of Florida, or has an Oxford House Charter as of the effective date of Ordinance No. 2021-022, shall provide proof of license, certificate, or charter to the Zoning Division, within one calendar year from the effective date of Ordinance No. 2021-022. Should the operator fail to provide proof of license, certificate, or charter, they shall: [Ord. 2021-022]

a) Cease operation and vacate the premises within 60-calendar days and the operator shall return residents to their families or relocate them to a safe and secure living environment; or [Ord. 2021-022]

b) Request approval for the applicable use pursuant to adopted Ordinance. [Ord. 2021-022]

4) Annual Notification of License, Certificate, or Charter

The Applicant shall annually provide proof of the valid license, certification, or charter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility. Failure to provide proof of final licensure or certification from the State of Florida, or an Oxford House Charter will result in revocation of the approval for the use. [Ord. 2021-022]

e. Occupancy

1) Residents of a Family Community Residence may include, but are not limited to non-dangerous persons who are: [Ord. 2021-022]

a) Frail elders or other adults with disabilities (F.S. § 429.65); [Ord. 2021-022]

b) Persons with disabilities (F.S. § 760.22(3)(a)); [Ord. 2021-022]

c) Persons with developmental disabilities (F.S. § 393.063); [Ord. 2021-022]

d) Persons who have a mental illness (F.S. § 394.455); [Ord. 2021-022]

e) A child who is found to be dependent (F.S. § 39.01 or § 984.03); [Ord. 2021-022]

f) A child in need of services (F.S. § 984.03 or § 985.03); [Ord. 2021-022]

g) Residents of an Oxford House or persons recovering from a substance use disorder; or, [Ord. 2021-022]

h) Staff who reside in the home as part of the Family Community Residence and play an integral part of emulating a family. [Ord. 2021-022]

2) Number of Residents, Including Staff That Reside in the Dwelling Unit

a) Minimum five and no more than ten residents; or [Ord. 2021-022]

b) Minimum five and no more than 14 residents defined pursuant to F.S. § 419.001. [Ord. 2021-022]

f. Location

A Family Community Residence shall be located at least 660 feet or seven lots whichever is greater, from another Community Residence, Recovery Community, or Congregate Living Facility. The separation requirement in this Section shall be measured in linear feet from the closest points between the property lines. [Ord. 2021-022]

1) Exemption

Per State law, Family Community Residences for people with developmental disabilities located in a “planned residential community” as defined by F.S. § 419.001(1)(d), are exempt from the spacing requirements between Community Residences, Recovery Communities, and Congregate Living Facilities established in this Code. [Ord. 2021-022]

g. Revocation

An operator must provide evidence of license, certificate, or charter prior to the expiration of the 12-month Zoning Confirmation Letter for Family Community Residence, as issued. An operator who has not received licensure, certification, or charter; or where a license, certification, or charter was denied, revoked, or suspended, shall not be allowed to operate in PBC and the Zoning Confirmation Letter for the Family Community Residence shall become null and void. An operator must notify the Zoning Director, or designee, that its license, certification, or Oxford House Charter has been suspended or revoked within five-calendar days of the operator being notified of the suspension or revocation. Such an operator shall cease operation and vacate the premises within 60-calendar days and the operator of the Family Community Residence shall return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]

4. 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.

5. 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) Existing RM Zoning

The property was zoned RM prior to the 1989 adoption of the Plan, and for lots less than three acres, provided that the proposed Multifamily development does not introduce Multifamily housing into a subdivision that is exclusively Single Family. [Ord. 2021-006] [Ord. 2023-009]

(2) Density Bonus

The property is three acres or greater, utilizes the Transfer of Development Rights and/or Workforce Housing Program to increase density, and provided that the

proposed Multifamily development does not introduce Multifamily housing into a subdivision that is exclusively Single Family. [Ord. 2023-009]

(3) Approval Process

The approval process shall be as follows:

(a) Permitted by Right for projects with one to four dwelling units; [Ord. 2023-009]
(b) DRO for projects with five to eight dwelling units; [Ord. 2023-009]
(c) Class B Conditional Use for projects with nine to 24 dwelling units; [Ord. 2023-009]
(d) Class A Conditional Use for projects with 25 or greater dwelling units. [Ord. 2023-009]

(4) Development Order

Prior approvals for Multifamily units in the RM Zoning District with an 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, Development Thresholds 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).

d) Multifamily Units in Single Family Subdivisions

Multifamily units in the RM Zoning District shall not be approved on lots less than three acres within an existing exclusively Single Family subdivision. [Ord. 2023-009]

6. Recovery Community

a. Definition

Multiple dwelling units in Townhouses or Multifamily housing, or a group of Single Family or other detached dwellings, that are not held out to the general public for rent or occupancy, that provides a drug-free and alcohol-free mutually supportive living arrangement for people in recovery from substance use disorder, which, taken together, do not emulate a biological family and are under the auspices of a single entity or group of related entities. Recovery Communities include land uses for which the operator is eligible to apply for certification or licensing from the State of Florida. The term does not include any other group living arrangements for people who are not disabled nor any Community Residence, Congregate Living Facility, institutional or medical use, shelter, lodging or boarding house, extended-stay hotel, nursing home, vacation rental, or other use defined in this this Code. [Ord. 2021-022]

b. Non-Conformities

1) An existing Type 1 or Type 2 CLF, or other facility or use that conforms to the definition of Recovery Community, located in the unincorporated area of Palm Beach County as of the effective date of Ordinance No. 2021-022, that is not currently licensed or certified by the State of Florida, and that does not receive licensure, certification, or recertification from the designated State entity within one calendar year from the effective date of Ordinance No. 2021-022, shall not be considered a conforming use and shall cease operation one calendar year from the effective date of Ordinance No. 2021-022 or within 60-calendar days of the date on which certification, recertification, or the required license is denied, whichever date comes first. The operator of the unlicensed or uncertified Recovery Community must return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]
2) An existing use that conforms to the definition of Recovery Community, and located in the unincorporated area of Palm Beach County that was previously licensed or certified by the State of Florida, as of the effective date of Ordinance No. 2021-022, shall provide proof of license or certificate to the Zoning Division, within one calendar year from the effective date of Ordinance No. 2021-022. Should the operator fail to provide proof of license, certificate, or charter, they shall: [Ord. 2021-022]
   a) Cease operation and vacate the premises within 60-calendar days and the operator shall return residents to their families or relocate them to a safe and secure living environment; or [Ord. 2021-022]
   b) Request approval for the applicable use pursuant to adopted Ordinance. [Ord. 2021-022]

c. Approval Process

1) Permitted by Right

a) Residential Pod – PUD within Townhouse or Multifamily Housing

A Recovery Community may be located within an existing or proposed pod for attached housing subject to the approval process for the specific housing structure, and compliance with Art. 4.B.1.C.6.d, Licensing or Certification and Art. 4.B.1.C.6.e, Location. [Ord. 2021-022]

2) RM Zoning District

A Recovery Community may be allowed in the RM Zoning District as follows: [Ord. 2021-022]

a) MR-5 FLU Designation

(1) Existing RM Zoning

The property was zoned RM prior to the 1989 adoption of the Plan. [Ord. 2021-022]

(2) Previous Approval for Multifamily in the RM Zoning District with an MR-5 FLU Designation

A Recovery Community may be Permitted by Right when located within existing Multifamily units in the RM Zoning District with an MR-5 FLU designation, subject to compliance with Art. 4.B.1.C.6.d, Licensing or Certification and Art. 4.B.1.C.6.e, Location. Where a Multifamily with five or more units does not exist, the Applicant shall seek approval for a Multifamily use pursuant to Art. 4.B.1.C.5.d.2), RM District. [Ord. 2021-022]

(3) A proposed Recovery Community with a maximum of four units may be Permitted by Right in the RM Zoning District with an MR-5 FLU designation, subject to compliance with Art. 4.B.1.C.6.d, Licensing or Certification and Art. 4.B.1.C.6.e, Location. [Ord. 2021-022]

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

A Recovery Community located on a parcel(s) with an HR-8, HR-12, or HR-18 FLU designation, may be Permitted by Right unless Development Thresholds in Art. 4.A.9, Development Thresholds are triggered, subject to compliance with Art. 4.B.1.C.6.d, Licensing or Certification and Art. 4.B.1.C.6.e, Location. [Ord. 2021-022]

c) Limestone Creek

A Recovery Community 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). [Ord. 2021-022]

3) Type 2 Waiver

A Recovery Community may request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the minimum distance between other Community Residences, Recovery Communities, or CLFs pursuant to Art. 4.B.1.C.1.e.2), Location. [Ord. 2021-022]

4) Zoning Confirmation Letter

An Applicant proposing a Recovery Community shall apply for a Zoning Confirmation Letter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility, in order to confirm compliance with Art. 4.B.1.C.6.d, Licensing or Certification and Art. 4.B.1.C.6.e, Location requirements. [Ord. 2021-022]

d. Licensing or Certification

A Recovery Community shall be licensed or certified by one of the certifying entities referenced in F.S. § 397.487 and be actively managed by a certified recovery residence administrator. Certificate of Compliance and/or renewal shall be provided for application review. [Ord. 2021-022]

1) Annual Notification of License, Certificate, or Charter

The Applicant shall annually provide proof of the valid license, certification, or charter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility. Failure to provide proof of final licensure or certification from the State of Florida, will result in revocation of the approval for the use. [Ord. 2021-022]

e. Location

A proposed Recovery Community shall be located at least 1,200 feet or ten lots whichever is greater, from the closest Recovery Community, Community Residence, or Congregate Living Facility. [Ord. 2021-022]

1) The separation requirement in this Section shall be measured in linear feet from property line to property line. [Ord. 2021-022]
2) The separation requirement, when developed as a group of Single Family or other detached dwellings and located on separate adjacent lots, shall be measured in linear feet from the perimeter property lines of the combined lots to the property line of the closest Recovery Community, Community Residence, or Congregate Living Facility. [Ord. 2021-022]

f. Revocation

An operator must provide evidence of licensure or certification prior to the expiration of the 12-month Zoning Confirmation Letter for Recovery Community, as issued. An operator who has not received licensure or certification; or where a license or certification was denied, revoked, or suspended, shall not be allowed to operate in PBC and the Zoning Confirmation Letter for the Recovery Community shall become null and void. An operator must notify the Zoning Director, or designee, that its license, certification, or Oxford House Charter has been suspended or revoked within five-calendar days of the operator being notified of the suspension or revocation. Such an operator shall cease operation and vacate the premises within 60-calendar days and the operator of the Recovery Community shall return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]

7. Single Family

a. Definition

The use of a lot or a structure for one detached dwelling unit. [Ord. 2019-034]

8. 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 an 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.

9. Transitional Community Residence

a. Definition

A Community Residence that provides a relatively temporary living arrangement for unrelated people with disabilities with a limit on length of tenancy less than a year which may be measured in weeks or months as determined either in practice or by the rules, charter, or other governing document of the Transitional Community Residence. A Transitional Community Residence may service residents with substance use disorder who may be undergoing detoxification at another location. A Transitional Community Residence emulates a biological family to foster normalization of its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter; foster and facilitate life skills; and, meet the physical, emotional, and social needs of the residents in a mutually supportive family-like environment. Medical treatment is incidental, as in any home. Transitional Community Residences include, but are not limited to, those residences that comport with this definition that are licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elder Affairs, the Florida Agency for Health Care Administration, and the Florida Department of Children and Families, under F.S. ch. 419, and Recovery Residences certified by the State's designated credentialing entity established under F.S. § 397.487. [Ord. 2021-022]

b. Typical Uses

Typical uses shall conform to the definition, with less than one year of tenancy, and include but are not limited to the following: [Ord. 2021-022]

1) Halfway houses for people with disabilities that emulate a family, including people with illness, substance use disorder, physical disabilities, or mental illness; [Ord. 2021-022]
2) Community Residential Facility licensed under F.S. ch. 419; [Ord. 2021-022]
3) Housing licensed by F.S. ch. 394 with only outpatient treatment; [Ord. 2021-022]

4) Recovery Residences certified pursuant to F.S. ch. 397 currently the Florida Association of Recovery Residences, typically Levels 1-4 certified homes, when residency is less than one year; [Ord. 2021-022]
5) Short-term group home; [Ord. 2021-022]
6) The Community Housing component associated with a day or night residential treatment center licensed under F.S. § 397.311; or, [Ord. 2021-022]
7) Previously approved Type 1 CLF or Type 2 CLF for people with disabilities with less than one year of tenancy and meeting the definition of Transitional Community Residence. [Ord. 2021-022]

c. Approval Process

1) Permitted by Right

a) AGR, AR, RE, RT, or RS Zoning Districts, Detached Units Residential Pod of a PUD, or Residential Land Use Zone of a TND; or ZLL or Cottage Homes within CL/CH/CHO-MUPD or IND/L-PIPD Zoning Districts; or the NR Sub-area of the WCRAO shall meet the following: [Ord. 2021-022]
   (1) Art. 4.B.1.C.9.d, Licensing, Certification, or Charter; [Ord. 2021-022]
   (2) Art. 4.B.1.C.9.e.2)a)(1), Occupancy, maximum six residents defined pursuant to F.S. § 419.001; and, [Ord. 2021-022]
   (3) Art. 4.B.1.C.9.f, Location. [Ord. 2021-022]

b) IRO, UC, UI, or RM Zoning Districts; or existing attached housing within a Residential Pod of a PUD, CL/CH/CHO-MUPD, Residential or Neighborhood Center Land Use Zones of a TND, or TMD Zoning Districts shall meet the following: [Ord. 2021-022]
   (1) Art. 4.B.1.C.9.d, Licensing, Certification, or Charter; [Ord. 2021-022]
   (2) Art. 4.B.1.C.9.e.2)b), Occupancy; and, [Ord. 2021-022]
   (3) Art. 4.B.1.C.9.f, Location. [Ord. 2021-022]

2) Type 2 Waiver

a) Use Approval

A Transitional Community Residence, when the residents are not defined pursuant to F.S. § 419.001, shall request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, to allow the use within the AGR, AR, RE, RT, or RS Zoning Districts, Detached Units Residential Pod of a PUD, or Residential Land Use Zone of a TND; or ZLL or Cottage Homes within CL/CH/CHO-MUPD or IND/L-PIPD Zoning Districts; or the NR Sub-area of the WCRAO subject to the following requirements: [Ord. 2021-022]
   (1) Art. 4.B.1.C.9.d, Licensing or Certification; [Ord. 2021-022]
   (2) Art. 4.B.1.C.9.e.2)a)(2), Occupancy; and, [Ord. 2021-022]
   (3) Art. 4.B.1.C.9.f, Location. [Ord. 2021-022]
   (4) An Applicant may seek additional Type 2 Waivers, when the Transitional Community Residents does not meet the requirements of one or more of the following: [Ord. 2021-022]
      (a) Art. 4.B.1.C.9.d, Licensing or Certification, when licensing or certification is not required or available from the State of Florida or Florida Association of Recovery Residences. This does not apply when the Transitional Community Residence has been denied a license or certification, or it has been revoked; [Ord. 2021-022]
      (b) Art. 4.B.1.C.9.e.2)a)(2), Occupancy, when the number of residents including staff that reside in the dwelling unit, are more than ten, but still meet the definition of Transitional Community Residence; or, [Ord. 2021-022]
      (c) Art. 4.B.1.C.9.f, Location, when the proposed Transitional Community Residence does not meet the minimum distance from other Community Residences, Recovery Communities, or Congregate Living Facilities. [Ord. 2021-022]

b) A Transitional Community Residence may request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the requirements of one or more of the following: [Ord. 2021-022]
   (1) AGR, AR, RE, RT, or RS Zoning Districts, Detached Units Residential Pod of a PUD, or Residential Land Use Zone of a TND; or ZLL or Cottage Homes within CL/CH/CHO-MUPD or IND/L-PIPD Zoning Districts; or the NR Sub-area of the WCRAO
      (a) Art. 4.B.1.C.9.d.1), Licensing or Certification, when licensing or certification is not required or available from the State of Florida or the Florida Association of Recovery Residences. This does not apply when the Transitional Community

Residence has been denied a license or certification, or it has been revoked; [Ord. 2021-022]

(b) Art. 4.B.1.C.9.e.2)a)(1), Number of Residents, including staff that reside in the dwelling unit, are more than six but not exceeding 14 residents; or, [Ord. 2021-022]

(c) Art. 4.B.1.C.9.f, Location, when the proposed Transitional Community Residence does not meet the minimum distance from the closest Community Residence, Recovery Community, or Congregate Living Facility. [Ord. 2021-022]

(2) IRO, UC, UI, or RM Zoning Districts; or Existing Attached Housing within a Residential Pod of a PUD, CL/CH/CHO-MUPD, Residential or Neighborhood Center Land Use Zones of a TND, or TMD Zoning Districts

A Transitional Community Residence may request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the requirements of one or more of the following: [Ord. 2021-022]

(a) Art. 4.B.1.C.9.d.1), Licensing or Certification, when licensing or certification is not required or available from the State of Florida or Florida Association of Recovery Residences. This does not apply when the Transitional Community Residence has been denied a license or certification, or it has been revoked; [Ord. 2021-022]

(b) Art. 4.B.1.C.9.e.2)b)(1), Number of Residents, including staff that reside in the dwelling unit, are more than ten, but still meets the definition of Transitional Community Residence; or, [Ord. 2021-022]

(c) Art. 4.B.1.C.9.f, Location, when the proposed Transitional Community Residence does not meet the minimum distance from the closest Community Residence, Recovery Community, or Congregate Living Facility. [Ord. 2021-022]

3) Zoning Confirmation Letter

An Applicant proposing to establish a Transitional Community Residence shall apply for a Zoning Confirmation Letter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility, in order to confirm compliance with Licensing or Certification, Occupancy, and Location requirements. [Ord. 2021-022]

d. Licensing, Certification, or Charter

1) A Transitional Community Residence shall be licensed or certified by one of the licensing entities referenced in F.S. § 419.001, § 397.311, or § 397.487; as follows: [Ord. 2021-022]

a) The appropriate available license or certification that the State of Florida or Florida Association of Recovery Residences, offers or requires to operate the proposed Transitional Community Residence, including any provisional license or certification issued prior to granting a full license or certification pursuant F.S. § 419.001, § 397.311, or § 397.487. [Ord. 2021-022]

2) An existing Type 1 or Type 2 CLF, or other facility or use that conforms to the definition of Transitional Community Residence, located in the unincorporated area of Palm Beach County as of the effective date of Ordinance No. 2021-022, that is not currently licensed or certified by the State of Florida, and that does not receive licensure, certification, or recertification from the designated State entity within one calendar year from the effective date of Ordinance No. 2021-022, shall not be considered a conforming use and shall cease operation one calendar year from the effective date of Ordinance No. 2021-022 or within 60-calendar days of the date on which certification, recertification, or the required license is denied, whichever date comes first. The operator of the unlicensed or uncertified Transitional Community Residence must return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]

3) An existing use that conforms to the definition of Transitional Community Residence, and located in the unincorporated area of Palm Beach County that was previously licensed or certified by the State of Florida, as of the effective date of Ordinance No. 2021-022, shall provide proof of license or certificate to the Zoning Division, within one calendar year from the effective date of Ordinance No. 2021-022. Should the operator fail to provide proof of license, certificate, or charter, they shall: [Ord. 2021-022]

a) Cease operation and vacate the premises within 60-calendar days and the operator shall return residents to their families or relocate them to a safe and secure living environment; or, [Ord. 2021-022]

b) Request approval for the applicable use pursuant to adopted Ordinance. [Ord. 2021-022]

4) Annual Notification of License, Certificate, or Charter

The Applicant shall annually provide proof of the valid license, certification, or charter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility. Failure to provide proof of final licensure or certification from the State of Florida, will result in revocation of the approval for the use. [Ord. 2021-022]

e. Occupancy

1) Residents of a Transitional Community Residence may include but are not limited to: [Ord. 2021-022]
   a) Frail elders or other people with disabilities (F.S. § 429.65); [Ord. 2021-022]
   b) Persons with disabilities (F.S. § 760.22(3)(a)); [Ord. 2021-022]
   c) Persons with development disabilities (F.S. § 393.063); [Ord. 2021-022]
   d) Non-dangerous person who has a mental illness (F.S. § 394.455); [Ord. 2021-022]
   e) A child who is found to be dependent (F.S. § 39.01 or § 984.03); [Ord. 2021-022]
   f) A child in need of services (F.S. § 984.03 or § 985.03); [Ord. 2021-022]
   g) Persons recovering from substance use disorder; [Ord. 2021-022]
   h) Staff who reside in the home of the Transitional Community Residence and play an integral part of emulating a family. [Ord. 2021-022]

2) Number of Residents, Including Staff That Reside on the Property

a) AGR, AR, RE, RT, or RS Zoning Districts, Detached Units Residential Pod of a PUD, or Residential Land Use Zone of a TND; or ZLL or Cottage Homes within CL/CH/CHO-MUPD Zoning Districts

(1) Maximum six residents defined pursuant to F.S. § 419.001; [Ord. 2021-022]
(2) Residents not defined pursuant to F.S. § 419.001 require a Type 2 Waiver to allow the use with a minimum of five and a maximum of ten residents. [Ord. 2021-022]

b) IRO, UC, UI, or RM Zoning Districts; or Existing Attached Housing within a Residential Pod of a PUD, CL/CH/CHO-MUPD, Residential or Neighborhood Center Land Use Zones of a TND, or TMD Zoning Districts

(1) Minimum five and a maximum of ten; or [Ord. 2021-022]
(2) Minimum five and a maximum of 14 for residents defined pursuant to F.S. § 419.001. [Ord. 2021-022]

f. Location

A Transitional Community Residence shall be located at least 660 feet or seven lots whichever is greater, from another Community Residence, Recovery Community, or Congregate Living Facility. The separation requirement in this Section shall be measured in linear feet from property line to property line. [Ord. 2021-022]

1) Exemption

Per State law, Transitional Community Residences for people with developmental disabilities located in a "planned residential community" as defined by F.S. § 419.001(1)(d), are exempt from the spacing requirements between Community Residences, Recovery Communities, and Congregate Living Facilities established in this Code. [Ord. 2021-022]

g. Revocation

An operator must provide evidence of a license or certificate prior to the expiration of the 12-month Zoning Confirmation Letter for Transitional Community Residence, as issued. An operator who has not received licensure or certification; or where a license or certification was denied, revoked, or suspended, shall not be allowed to operate in PBC and the Zoning Confirmation Letter for the Transitional Community Residence shall become null and void. An operator must notify the Zoning Director, or designee, that its license, certification, or Oxford House Charter has been suspended or revoked within five-calendar days of the operator being notified of the suspension or revocation. Such an operator shall cease operation and vacate the premises within 60-calendar days and shall either return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]

10. 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 an 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:

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

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

Accessory Use	Principal Use													
	Mobile Home Dwelling	Multifamily	Single Family	Townhouse	Zero Lot Line	Bona Fide Agriculture	Stable, Commercial/ Stable, Private	Agricultural Uses	Commercial Uses	Industrial Uses	Institutional, Public, and Civic Uses	Recreation Uses	Utility and Excavation Uses	Transportation Uses
Accessory Quarters	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Caretaker Quarters	-	-	-	-	-	P	P	P	P	P	P	P	P	P
Employee Housing	-	-	-	-	-	-	-	-	-	-	-	A	-	-
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-based Business	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Kennel, Type 1	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Limited Pet Boarding	-	-	A (3)	-	-	-	-	-	-	-	-	-	-	-

[Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001] [Ord. 2023-023] [Ord. 2024-004]

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 Uses and Standards

1. Accessory Quarters

a. Definition

A complete, separate living quarter equipped with a kitchen and provisions for sanitation and sleeping, located on the same lot as the owner-occupied principal dwelling. [Ord. 2023-023]

b. Approval

One Accessory Quarter is Permitted by Right as accessory to a Single Family, Townhouse, and Zero Lot Line principal use. [Ord. 2023-023]

c. 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-cochère, carport, or garage shall not exceed 500 square feet.

d. Architectural Character

The Accessory Quarters shall be architecturally complementary in character and materials with the principal dwelling. [Ord. 2023-023]

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. [Ord. 2023-023]

2. Caretaker Quarters

a. Definition

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

b. Approval

One Caretaker Quarter is Permitted by Right as accessory to all non-residential uses. [Ord. 2023-023]

c. 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.

d. 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.

e. Temporary Use

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

f. 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.4.c, Accessory Use – Bona Fide Agriculture. [Ord. 2018-002]

g. 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. Employee Housing

a. Definition

On-site living quarters within attached or detached structures owned by a business or corporation, or other entity that serve as housing for its employees. [Ord. 2023-023]

b. Approval and Applicability

Employee Housing is subject to a Class A Conditional Use approval as an accessory use to a principal Recreational Use for a Golf Course and/or Country Club. The Employee Housing use shall not be converted to another housing type or use. [Ord. 2023-023]

c. Ownership or Rental

1) The Employee Housing and the Recreational Use shall be owned by the same entity or person. [Ord. 2023-023]
2) There shall be no fee simple subdivision of lots, or sale of individual quarters for ownership. If the Employee Housing is sold or transferred to a different entity or person, the Employee Housing use will no longer be a permissible accessory use to the Recreational Use. [Ord. 2023-023]
3) There shall be no rental or subleasing of individual quarters to persons not employed by the owners of the principal Recreational Use. [Ord. 2023-023]

d. Location

The Employee Housing shall be located within the Recreation Pod of a PUD or the CRE Zoning District within the same development as the principal non-residential Recreational Use. [Ord. 2023-023]

e. Number of Employees and Building Type

1) The land dedicated to Employee Housing may be approved for a maximum 20 employees per acre subject to the Class A Conditional Use approval process. [Ord. 2023-023]
2) The Employee Housing shall consist of individual living quarters that provide separate living facilities equipped with a kitchen, living/dining area, bathroom(s), and bedroom(s). [Ord. 2023-023]
    a) The structures may be developed as detached single quarters or attached such as multiple quarters in one structure. [Ord. 2023-023]
    b) Each quarter shall provide from one to four bedrooms. One full bathroom shall be provided for quarters with one or two bedrooms, and two full bathrooms shall be provided for quarters with three or four bedrooms. [Ord. 2023-023]
    c) Each bedroom shall accommodate a maximum of two employees. [Ord. 2023-023]
    d) The height of the structures shall not be more than one story higher than any residential dwelling units adjacent to the parcel with the Employee Housing, unless separated by a distance of more than 100 feet with the provision of additional landscaping and buffering. [Ord. 2023-023]
    e) The architecture shall be complementary (material, roof lines, fenestration) with the residential dwelling units adjacent to the parcel with the Employee Housing within the development. [Ord. 2023-023]
    f) Parking shall be provided pursuant to Multifamily requirements in Art. 6, Parking, Loading, and Circulation. A Type 2 Waiver may reduce the number of parking spaces concurrent with the Employee Housing request (see Employee Housing Standards of Review). [Ord. 2023-023]
    g) A Type 2 Waiver may reduce or eliminate landscaping requirements concurrent with the Employee Housing request. [Ord. 2023-023]
    h) The land area dedicated to Employee Housing shall include recreational amenities for its residents. [Ord. 2023-023]

f. Standards for Review

In addition to the Standards for a Class A Conditional Use under Art. 2.B.7.B.2, Standards, the BCC shall utilize the Standards indicated below when considering applications for Employee Housing: [Ord. 2023-023]

1) Demonstration for the need of the requested number of employees and housing units considering the operation of the specific Recreational Use; [Ord. 2023-023]
2) Demonstration that the floor plans are consistent with the housing requirements for the employees; [Ord. 2023-023]
3) Demonstration that the recreation amenities on the Site Plan and justification for the types of amenities and recreation provided; [Ord. 2023-023]
4) Demonstration that Employee Housing is compatible with the surrounding properties, and if a Type 2 Waiver for buffering or landscaping is requested, demonstration that the Employee Housing is adequately buffered and landscaped to ensure compatibility with adjacent uses; and, [Ord. 2023-023]

5) Demonstration of adequate parking considering factors such as transportation provided by the facility, and if a Type 2 Waiver to reduce the number of parking spaces is requested, demonstration that the reduction in parking doesn't impact the adjacent properties. [Ord. 2023-023]

4. 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.

5. 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.

6. 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. Approval

A Farm Residence is Permitted by Right as accessory to a Bona Fide Agriculture principal use limited to the AGR and AP Zoning Districts. [Ord. 2023-023]

c. Principal Dwelling

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

7. 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 operation.

b. Approval

Farm Workers Quarters are Permitted by Right as accessory to a Bona Fide Agriculture principal use. [Ord. 2023-023]

c. 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 square feet of GFA under a solid roof.

d. AGR Tier

AGR-PUD or TMD Preserves 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.

e. 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.

8. 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.

9. Groom's Quarters

a. Definition

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

b. Approval

Groom's Quarters are allowed as accessory to a principal equestrian use with equestrian Stables, with the approval process varying by number of Groom's Quarters. The approval process for Groom's Quarters shall be based upon the number of Groom's Quarters proposed as provided below: [Ord. 2023-023]

1) 1 to 4 are Permitted by Right; [Ord. 2023-023]
2) 5 to 20 are subject to DRO approval; [Ord. 2023-023]
3) 21 to 100 are subject to Class B Conditional Use approval; [Ord. 2023-023]
4) 101 and greater are subject to Class A Conditional Use approval. [Ord. 2023-023]

c. 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 Quarters and shall not exceed a maximum reduction of one-half of the number of dwelling units associated with the Preservation Area.

d. 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.

e. 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.

f. Kitchen Facilities Removal

Groom's Quarters may contain individual kitchen 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 the Building Permit for 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. [Ord. 2023-023]

10. Guest Cottage

a. Definition

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

b. Approval

A Guest Cottage is Permitted by Right as accessory to a Single Family, Townhouse, and Zero Lot Line principal use. [Ord. 2023-023]

c. 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-cochère, or carport shall not exceed 500 square feet of GFA.

d. Kitchen Facilities

There shall be no kitchen facilities in a Guest Cottage. [Ord. 2023-023]

e. Architectural Character

A Guest Cottage shall be architecturally complementary in character and materials with the principal dwelling unit. [Ord. 2023-023]

f. 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.

11. Home-based Business

a. Definition

A business, profession, occupation, trade, artisan, or handcraft for commercial gain by a resident of the unit on the property. A Home-based Business shall not include those businesses that are open to the public including those required by State of Florida agencies. [Ord. 2024-004]

b. Approval Process

Home-based Businesses on residential properties are Permitted by Right unless otherwise regulated by this Article. Home-based Businesses within certain zoning districts may be approved subject to additional standards and approval processes for Home-based Businesses with Limited Pet Boarding, limited Landscape Service, or limited Contractor Storage Yard pursuant to this Article. [Ord. 2018-018] [Ord. 2024-004]

c. Location

The Home-based Business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property. Instructional services, which by their nature must be conducted outside of the residential dwelling, such as swimming lessons, shall be located in a rear or side yard. [Ord. 2024-004]

d. Incidental Nature

The activities of the Home-based Business shall be secondary to the property's use as a residential dwelling and shall be clearly incidental and subordinate to the residential use of the property. As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a Home-based Business must conform to the residential character and architectural aesthetics of the neighborhood. [Ord. 2024-004]

e. Employees

The employees of the Home-based Business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the residential dwelling. The business may have additional remote employees that do not work at the residential dwelling. [Ord. 2024-004]

f. Advertising

No external evidence or sign shall advertise, display, or otherwise indicate the presence of the Home-based Business, nor shall the street address of the Home-based Business 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. [Ord. 2024-004]

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-based Business shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services or incidental retail sales. [Ord. 2024-004]

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. [Ord. 2024-004]

j. Nuisances and Hazards

The Home-based Business activities shall comply with Art. 5.E.4, Nuisances, and with any Local and State regulations with respect to signage and equipment or processes that create noise, vibration, heat, glare, smoke, dust, fumes, or noxious odors. All Home-based Business activities shall comply with any relevant Local, State, and Federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. [Ord. 2019-034] [Ord. 2024-004]

k. Vehicles, Parking, and Outside Storage

1) Parking

The need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces on the lot operating the Home-based Business and shall not be parked within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. The operation of refrigeration units is prohibited while the vehicle is parked or stored on the property. [Ord. 2024-004]

2) Employee Parking

One parking space shall be provided on the property for each employee working at the residence. [Ord. 2024-004]

3) Hours of Operation

The loading or unloading, or movement of any parked or stored Commercial Vehicles, equipment, or other similar activities, or arrival/departure of employees shall be prohibited between the hours of 8:00 p.m. and 6:00 a.m. [Ord. 2024-004]

4) Commercial Vehicle Registration and Ownership

The Commercial Vehicles parked on the Home-based Business property must be registered to the Home-based Business and/or owned by a resident of the dwelling unless approved as a Home-based Business Contractor Storage Yard pursuant to the approval process in this Article. [Ord. 2024-004]

5) Number of Commercial Vehicles

a) A maximum of two Commercial Vehicles and two trailers shall be allowed in the AR/RSA Zoning District; [Ord. 2024-004]

b) A maximum of one Commercial Vehicle and one trailer shall be allowed on all other residential properties. [Ord. 2024-004]

6) Commercial Vehicle Maximum GVWR

Commercial Vehicles shall be limited to the following categories and GVWR: [Ord. 2024-004]

a) Residential Properties Except AR/RSA

Class 1, 2, and only those vehicles in Class 3 up to a maximum of 12,500 pounds GVWR and a trailer up to a maximum of 10,000 pounds GVWR shall be allowed on all residential properties, except AR/RSA; and [Ord. 2024-004]

b) AR/RSA Zoning District

Class 1, 2, 3, and 4 up to a maximum of 16,000 pounds GVWR and trailers up to a maximum of 10,000 pounds GVWR shall be allowed in the AR/RSA Zoning District. [Ord. 2024-004]

12. 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 Ordinance No. 98-22, as amended.

13. 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 pick-up 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.

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Section 2 Commercial Uses

A. Commercial Use Matrix

Table 4.B.2.A – Commercial Use Matrix

| Standard Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Use Type | Supplementary Use Standards # | Planned Development Districts (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | | | | | Traditional Development Districts (TDDs) | | | | | | | | | | | | | |
|---|---|---

Table 4.B.2.A – Commercial Use Matrix

Standard Zoning Districts																																Use Type		Planned Development Districts (PDDs)																								Traditional Development Districts (TDDs)											
AG/CON			Residential						Commercial																	CMR	IND		INST				PUD					MUPD										PIPD		MHPD	RVPD	TND						TMD					
																																		Pods					FLU										Pods				Tier											

Table 4.B.2.A – Commercial Use Matrix

| Standard Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Use Type | Supplementary Use Standards # | Planned Development Districts (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | Traditional Development Districts (TDDs) | | | | | | | | | | |
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B. General Commercial Standards

1. Bay Doors

Unless stated otherwise in this 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 door 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 Art. 4.B.2.C.1.b.16), Specified Anatomical Areas and this Subsection.

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 establishments or legal non-conforming establishments exceeding the thresholds in Art. 1.F, Non-Conformities, 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. The 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 15th 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 result 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, unblighted, 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 M. 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), Specified Anatomical Areas and Art. 4.B.2.C.1.b.17), 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), Specified Anatomical Areas and Art. 4.B.2.C.1.b.17), 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), Specified Anatomical Areas and Art. 4.B.2.C.1.b.17), 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 non-conforming 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. Non-Conformity

1) Establishment of Non-Conformity

An Adult Entertainment use shall be deemed a non-conforming 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 non-conforming 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 Non-Conformance

A non-conforming Adult Entertainment use as determined in Art. 4.B.2.C.1.n, Non-Conformity, above shall be subject to the following Supplementary Use Standards, in addition to Art. 1.F, Non-Conformities.

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 non-conforming structure, modifications or improvements to conforming or non-conforming site elements or exterior architecture shall be permitted. The total cost associated with these improvements will not be used in determining the allowable improvements to the interior of the structure, pursuant to Art. 1.F, Non-Conformities.

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 setback 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 outdoors 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

Examples of a Cocktail Lounge include but are not limited to bars, taverns, pubs, nightclubs, and similar uses. [Ord. 2023-011]

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.

h. Brewery-Distillery

A Cocktail Lounge with MUPD zoning and a CL or CH FLU designation may include a Manufacturing and Processing Brewery-Distillery use on up to 50 percent of the gross floor area, including outdoor seating, for that establishment. [Ord. 2023-011]

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 indoors; 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 Day Care

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 Day Care uses shall be licensed and regulated in accordance with ACC Ordinance No. 98-22, as amended.

c. Waste Disposal

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

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 Day Care is sole use of property; and,
3) Waste shall be picked up immediately and disposed of properly within the establishment. [Ord. 2023-012]

10. Financial Institution

a. Definition

An establishment engaged in deposit banking.

b. Typical Uses

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

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

A Financial Institution 5,000 square feet or less in the CC Zoning District, PDD with CL or CL-O 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.

11. 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 CL-O 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. 2017-025] [Ord. 2019-005]

a) CC;
b) PDD with CL or CL-O FLU designation; and, [Ord. 2017-025] [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 CH-O 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 CH-O 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 District – 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.

12. Financial Institution – Freestanding ATM

a. Definition

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

b. Zoning District – 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. [Ord. 2017-025]

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.

13. 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.

14. 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.

15. Gas and Fuel Sales, Retail

a. Definition

An establishment engaged in the sale of gasoline or motor fuels to the general public.

b. Non-Conformities

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 Ordinance No. 2001-029 (August 3, 2001), shall be exempt from the location criteria of Art. 4.B.2.C.15.e.1), Intersection Criteria, and Art. 4.B.2.C.15.e.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 District – 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. [Ord. 2017-025]

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 Agricultural 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 Art. 4.B.2.C.15.e.1), Intersection Criteria, and Art. 4.B.2.C.15.e.2), Separation Criteria, listed above.

b) MUPD

Retail Gas and Fuel Sales located within an MUPD may be exempt from the location criteria for Art. 4.B.2.C.15.e.1), Intersection Criteria, and Art. 4.B.2.C.15.e.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 with an IND or EDC FLU designation, subject to Class A Conditional Use approval, and the following: [Ord. 2023-011]

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

16. Green Market

a. Definition

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

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. 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] [Ord. 2021-006]

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]

d. Duration

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

e. 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.

17. 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.

e. Commercial Pod of a PUD

1) Approval Process

A Hotel or Motel may be allowed in a Commercial Pod of a PUD subject to a Class A Conditional Use approval and the following requirements: [Ord. 2021-039]

a) Compliance with Art. 3.E.2.E.2, Commercial Pod; and [Ord. 2021-039]

b) The Hotel or Motel shall be subject to the following location criteria: [Ord. 2021-039]

(1) Shall be located abutting a Recreation Pod with a Golf Course; and [Ord. 2021-039]

(2) Shall be located within a 1,000-foot radius of a Golf Course clubhouse facility, and pedestrian access shall be provided to connect these uses. [Ord. 2021-039]

18. 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. 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. [Ord. 2021-006]

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.

e. 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.

19. 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.

20. 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-based Business pursuant to Art. 4.B.1.E.11, Home-based Business; Art. 4.B.2.C.20.i, 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 29 sites, subject to the restrictions contained herein: [Ord. 2020-016] [Ord. 2021-004]

a) 24 sites within the AGR-PUD Zoning District Preserve Area, as depicted in the list of AGR-PUD Preserve sites attached as Exhibit B in Ordinance No. 2021-004. [Ord. 2020-016] [Ord. 2021-004]

b) Five additional sites within the AGR Zoning District, as depicted in the list of AGR-PUD Preserve sites attached as Exhibit B in Ordinance No. 2021-004. [Ord. 2020-016] [Ord. 2021-004]

(1) These five sites 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 site to the AGR-PUD Zoning District Preserve Area. [Ord. 2020-016] [Ord. 2021-004]

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 24 sites 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] [Ord. 2021-004]

c) Prior to January 1, 2021, the five sites 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 sites 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] [Ord. 2021-004]

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, 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] [Ord. 2021-023]

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, 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] [Ord. 2021-023]

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 Districts

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-based Business

A limited Landscape Service, not including yard waste or landscape installation services, may be allowed as a Home-based Business subject to the requirements of Art. 4.B.1.E.11, Home-based Business. [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-based Business having Landscape Service shall be exempt from the Incompatibility Buffer requirements. [Ord. 2018-018]

21. Laundry Service

a. Definition

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

b. Typical Uses

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

c. Approval Process

1) In all commercial zoning districts including Commercial Pod of PIPD and PUD, where the use is allowed, the use may be:
   a) Permitted by Right if less than 3,000 square feet of GFA.
   b) Allowed subject to DRO approval if less than 5,000 square feet of GFA.

2) Industrial Districts, Except with CMR FLU Designation and Commercial Pod of a PIPD

May be allowed subject to DRO approval if less than 15,000 square feet of GFA. [Ord. 2023-011]

d. Zoning District – CN

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

e. Zoning Districts – Industrial Except with CMR FLU Designation and Commercial Pod of a PIPD

1) The use shall be limited to facilities serving the hospitality industry and commercial cleaner centers; and [Ord. 2023-011]
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, a Laundry Service Permitted by Right shall provide documentation demonstrating that the use is approved by ERM.

22. Marina

a. Definition

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

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

23. 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, Ordinance No. 2006-005;
2) SCA 2008-015, Jog/Joe Delong Institutional, Ordinance No. 2008-005;

3) SCA 2009-002, Atlantic/Sims Medical Office, Ordinance No. 2009-008;
4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ordinance No. 2010-031; and,
5) LGA 2012-002, AGR Boynton Beach Institutional, Ordinance 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] [Ord. 2023-011]

24. 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; payday 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; or
2) Areas of a building dedicated to the administrative operation of a use listed in the Use Matrices.

25. 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 Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

26. 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.

27. 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 CL-O and CH-O 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.

28. Repair and Maintenance, Heavy

a. Definition

An establishment engaged in the repair and maintenance of automobiles, recreational vehicles, boats, motorcycles, or 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, and 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 with an IND FLU designation, and PDDs with an IND FLU designation, where in compliance with Art. 5.B.1.A.3, Outdoor Storage and Activities. [Ord. 2023-011]

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 with an IND FLU designation, and PDDs with an IND FLU designation. [Ord. 2023-011]
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 pick-up may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period.

29. 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 pick-up may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period.

30. 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.

31. 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 take-out who place orders through a window or remote transmission device; or sales to patrons for take-out 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 outparcel, 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.31.f.3), Location Criteria, Exceptions.

d. Zoning District – TMD

A Type 1 Restaurant shall be limited to: [Ord. 2017-025]

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 Art. 4.B.2.C.31.f.1), Intersection Criteria, and Art. 4.B.2.C.31.f.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.31.b.1), DRO Approval, Art. 4.B.2.C.31.b.2), Permitted by Right, is located within a TMD, or complies with the design requirements outlined under Art. 4.B.2.C.31.f.3), Exceptions.

h. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 1 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Special Permit from the Zoning Division in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233. [Ord. 2021-027] [Ord. 2022-001]

a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area. [Ord. 2021-027]

b) A participating restaurant shall ensure that the Dog Friendly Dining Special Permit is available for inspection during hours of operation. [Ord. 2021-027] [Ord. 2022-001]

c) A Dog Friendly Dining Special Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale. [Ord. 2021-027] [Ord. 2022-001]

32. 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) TND NCs

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. [Ord. 2023-011]

2) CHO District; and PDDs with a CH-O FLU

If contained in an office, or 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. Brewery-Distillery

A Restaurant may include a Manufacturing and Processing Brewery-Distillery use on up to 50 percent of the gross floor area, including outdoor seating, for that establishment. [Ord. 2023-011]

d. Accessory Alcohol Sales

A Type 2 Restaurant may include the on-premises accessory sale, service, and consumption of alcoholic beverages. [Ord. 2023-011]

e. Accessory Take-Out Service

Accessory take-out service shall be allowed provided there are no vehicle take-out windows that include exterior menu boards, queuing lanes, or order services. [Ord. 2023-011]

f. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 2 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Special Permit from the Zoning Division in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233. [Ord. 2021-027] [Ord. 2022-001]

a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area. [Ord. 2021-027]

b) A participating restaurant shall ensure that the Dog Friendly Dining Special Permit is available for inspection during hours of operation. [Ord. 2021-027] [Ord. 2022-001]

c) A Dog Friendly Dining Special Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale. [Ord. 2021-027] [Ord. 2022-001]

33. 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, and 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, or IPF Zoning District or MUPD with an INST FLU designation when collocated with 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 farther 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 façade 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]

34. 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.

35. 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) Façades
The exterior façades 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 Aisles
No aisleways 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 aisleways between storage structures shall be 20 feet for one-way traffic, and 30 feet if two-way traffic.

2) Flow
Traffic flow patterns in aisleways 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.

36. 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]

37. 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.

38. 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 semi-trailers.

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 with IND FLU Designation, 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. [Ord. 2023-011]

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 with IND FLU Designation

A minimum of one acre. [Ord. 2023-011]

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.

39. 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 (RVs), off-highway vehicles (OHVs), 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 allowed subject to DRO approval and the following criteria. [Ord. 2021-006]

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**

A stand-alone facility may be exempt from the limitations of a) through c) above, provided that all vehicle display, storage, detailing, or other collocated uses or activities occur indoors. [Ord. 2021-006]

2) **Neighborhood Vehicle Rental Facility**

A Neighborhood Vehicle Rental Facility may be allowed 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: [Ord. 2021-006]

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. [Ord. 2017-025]

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 with IND FLU Designation – Automobile Rental
An Automobile Rental may be allowed in the IL Zoning District where the front or side street property line is adjacent to a Major Street, subject to a Class A Conditional Use approval. [Ord. 2021-006] [Ord. 2023-011]

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
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.

40. 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, CL-O FLU Designation

1) A Veterinary Clinic may be Permitted by Right in the AR, CLO Zoning District, and MUPD with CL or CL-O 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. [Ord. 2017-025]

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, or IPF Zoning District or MUPD with an INST FLU designation when collocated with 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]

41. 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. Industrial FLU Designation

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 an IND FLU designation excluding Commercial Pod of a PIPD. [Ord. 2023-011]

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.

42. 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.

Section 3 Recreation Uses

A. Recreation Use Matrix

Table 4.B.3.A – Recreation Use Matrix

| Standard Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Use Type | Supplementary Use Standards # | Planned Development Districts (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | | | Traditional Development Districts (TDDs) | | | | | | | | | | | |
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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

There shall be a minimum of 200 feet of lot frontage along a Major Street from which primary point of vehicular access shall be provided. [Ord. 2021-006]

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		Number of Sites/ac. (2)	
Standard		Campsites	RVs
AP (1)		10/ac.	N/A
PC		10/ac.	N/A
PO		12/ac.	6/ac.
IPF		12/ac.	
CRE		12/ac.	
PDD			
MUPD	CR FLU	16/ac.	8/ac.
RVPD	RR FLU (3)	10/ac. (3)	4/5 ac.
	CR FLU	24/ac.	12/ac.

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-cochère, 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 with CL or CH FLU Designation, and PIPD Zoning Districts

An Indoor Entertainment use encompassing less than 3,000 square feet of floor area may be Permitted by Right. [Ord. 2021-023] [Ord. 2023-011]

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 prohibited from Local Residential or Residential Access Streets. [Ord. 2021-006]

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	Min. Setback
Non-Residential and Streets	50’
Residential District or Use (1)	100’ (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 individual and/or group recreational sport activities. [Ord. 2023-011]

b. Typical Activities

Typical sport activities may include but are not limited to aerobic exercises, weight lifting, running, swimming, racquetball, pickle-ball, gymnastics, dance studios, and martial arts studios. [Ord. 2023-011]

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. IND, EDC, and CMR FLU Designations

No more than 20 percent of the square footage of the development may be utilized as a Fitness Center. [Ord. 2023-011]

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. Recreation 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.

Section 4 Institutional, Public, and Civic Uses

A. Institutional, Public, and Civic Use Matrix

Table 4.B.4.A – Institutional, Public, and Civic Use Matrix

| Standard Zoning Districts | | |

Table 4.B.4.A – Institutional, Public, and Civic Use Matrix

| Standard Zoning Districts | | |

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 non-profit 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 Ordinance No. 98-22, as amended. The owner or operator shall obtain Zoning approval prior to application for an ACC Operational Permit.

d. Access

Access from either Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

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 non-profit 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. Revitalization, Redevelopment, 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 non-profit 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. Location

Where permitted in a residential zoning district, a Cemetery shall have the front or side street property line adjacent to an Arterial or a Collector Street. Access from either Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

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 five acres, and equal to or greater than two acres, which provides only single-level ground burial.
   b) County and municipal Cemeteries.
   c) Community and non-profit 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) Where permitted in a residential zoning district, a College or University shall have the front or side street property line adjacent to an Arterial, Collector, or Local Commercial Street. Access from either Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

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.

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

(4) Site Egress
Shall not allow backward egress from a driveway or parking area into a street.

(5) Signage
Shall not be permitted.

4) Family Day Care Home
See Supplementary Use Standards under Residential Use Classification, Accessory Residential Use Standards.

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

d. Airport Land Use Compatibility Zoning
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]

e. Floor Area

1) Child Care
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]
b) An additional 35 square feet of floor area or the amount required by the PBCHD shall be provided for each child over 40 children.

2) Adult Care
For an Adult Day Care, 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.

f. Outdoor Activity Area for Child Care

1) General
An outdoor activity area shall be provided on the same lot as the Day Care. The area shall not be located in the required front setback or adjacent to any outdoor storage area of any existing use.

2) Square Footage
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.

3) Location of Outdoor Play Equipment
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.

4) Shade Trees
A minimum of one 12-foot-tall native Canopy tree shall be provided or preserved within the interior of the outdoor activity area per 1,500 square feet of area provided.

5) Fence/Wall
A minimum four-foot-high fence or wall shall surround the outdoor activity area.

g. Drop-Off Access

1) Drop-Off

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.

2) Sidewalk Access

A minimum four-foot-wide sidewalk running in front of, or adjacent to the drop-off spaces and connecting to the Day Care entrance shall be provided.

8. Funeral Home

a. Definition

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. 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.

13. 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.

14. 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 Schools

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, Commercial Communication Towers.

(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, Commercial Communication Towers. 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 and drainage, turn lanes, traffic circulation, sidewalks, and driveway connections as determined by the County Engineer and warranted by the School District's Traffic Study.

15. Skilled Nursing or Residential Treatment 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. In addition to nursing care, patients may require medical or psychiatric treatment for a disability, disease, or other condition, in an institutional or medical setting. [Ord. 2021-022]

b. Licensing

Shall be required to be licensed by the State of Florida. [Ord. 2021-022]

c. Typical Uses

Typical uses may include, but are not limited to: [Ord. 2021-022]

1) Addiction receiving facility; [Ord. 2021-022]
2) Detoxification Treatment Facility; [Ord. 2021-022]
3) Residential Treatment Facility (F.S. ch. 394 and 397) and includes inpatient treatment; [Ord. 2021-022]
4) Nursing Home; [Ord. 2021-022]
5) Convalescent Facility; or, [Ord. 2021-022]
6) Hospice larger than a Single Family Dwelling unit. [Ord. 2021-022]

d. Lot Size

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

e. Frontage

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

f. Access

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

g. Maximum Number of Patient Beds

One bed per 1,000 square feet of lot area. [Ord. 2021-022]

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Section 5 Industrial Uses

A. Industrial Use Matrix

Table 4.B.5.A – Industrial Use Matrix

| Standard Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Use Type | Supplementary Use Standards # | Planned Development Districts (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | Traditional Development Districts (TDDs) | | | | | | | | | | | |
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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) Non-Conformities

Uses approved prior to March 2, 2017 shall be considered legal conforming uses.

c. Home-based Business – AR/RSA

A limited Contractor Storage Yard may be allowed as a Home-based Business subject to the requirements of Art. 4.B.1.E.11, Home-based Business. [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-based Business 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; or 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-bases Business 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, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001] [Ord. 2021-023]

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 the front or side street property line adjacent to an Arterial or Collector Street. Access from either Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

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 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 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 Cryongenic 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, and radioactive materials; fat rendering plants; slaughterhouses and tanneries; and, steel works.

c. FLU Designation – EDC and CMR

Heavy Industry shall be prohibited in the EDC and CMR FLU designations. [Ord. 2023-011]

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 of products, 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. [Ord. 2023-011]

b. Typical Uses

Typical uses include factories, large-scale production, publishing, and food and beverage manufacture and processing. [Ord. 2023-011]

c. Zoning Districts with a CH FLU Designation

A facility located in these zoning districts: CG, IRO, MUPD, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001] [Ord. 2021-023]

1) Outdoor Storage shall be prohibited. [Ord. 2020-001] [Ord. 2023-011]

d. Heavy Industry Manufacturing and Processing

A facility engaged in manufacturing and/or processing that causes or results in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted shall be considered a “Heavy Industry” use. Heavy industrial uses can include those that engage in the processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions. [Ord. 2023-011]

e. Brewery-Distillery

A Brewery-Distillery is a Manufacturing and Processing use primarily engaged in the manufacturing, purifying, bottling, and distribution of alcoholic beverage products. [Ord. 2023-011]

1) No drive-up, drive-through, or drive-in facilities shall be allowed. [Ord. 2023-011]
2) No food or beverage service is allowed on premises on sites with an IND, EDC, or CMR FLU designation unless approved with a Taproom. [Ord. 2023-011]

3) Taproom

A Brewery-Distillery allows a Taproom (also called Tasting Room) for consumption of beverages by the public on the premises, including indoor and outdoor seating areas and event hosting, subject to the following: [Ord. 2023-011]

a) Approval Process

A Brewery-Distillery Manufacturing and Processing use with MUPD or PIPD zoning may include a Taproom on up to 30 percent of the gross floor area, including square footage for outdoor dining, for that establishment by Class A Conditional Use approval. [Ord. 2023-011]

b) Location

The MUPD or PIPD shall front an Arterial Street. In addition, in the Agricultural Reserve Tier, development shall be limited to sites fronting Boynton Beach Boulevard or Atlantic Avenue east of SR 7. [Ord. 2023-011]

c) Hours of Operation
Hours for the Taproom, tasting room, and/or facility tours shall not be open to the public after 10:00 p.m., except Fridays and Saturdays, whereby it may remain open until 11:00 p.m. [Ord. 2023-011]

d) Separation
The Taproom shall not be located within 500 feet from a School as required by F.S. § 562.45, as periodically amended. [Ord. 2023-011]

e) Parking
The Taproom shall be subject to the parking requirements for a Cocktail Lounge. [Ord. 2023-011]

f) Food Service
Food service and preparation is allowed within the Taproom. Mobile Retail Sales limited to selling food (e.g., food trucks) are allowed. [Ord. 2023-011]

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. Location
Shall have the front or side street property line adjacent to an Arterial or Collector Street. Access from either Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

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; and 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 Local Residential or Residential Access Streets shall be prohibited. Entrances shall be gated to prevent access from unauthorized persons. [Ord. 2021-006]

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 runoff associated with the stored material. Runoff 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 Commissioners 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 with an IND FLU designation; [Ord. 2023-011]
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

Shall have a minimum of 200 linear feet of the front or side street property line adjacent to an Arterial Street. [Ord. 2021-006]

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 Facilities;
9) Financial Institution – Freestanding ATM;
10) Gas and Fuel Sales, 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, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001] [Ord. 2021-023]

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] [Ord. 2021-006]

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, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001] [Ord. 2021-023]

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 Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Planned Development Districts (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Traditional Development Districts (TDDs) | | | | | | | | | | | | | | | | | | |

Table 4.B.6.A – Agricultural Use Matrix

| Standard Zoning Districts | | |

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 preempted by State law.

b. Groves and Row Crops

The cultivation of fruits and vegetables as groves and row crops shall be subject to the following additional standards in all zoning districts: [Ord. 2023-009]

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.

c. Dipping Vats

Dipping vats shall not be allowed in the AR Zoning District, unless approved as a Class B Conditional Use.

d. 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.

e. 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 FWC, shall require Class A Conditional Use approval and shall have a minimum lot size of five acres. [Ord. 2023-009]

f. Livestock Raising

The breeding, raising, and caring for horses, poultry, and livestock. [Ord. 2023-009]

1) Residential Zoning Districts

a) Lot Size

A minimum of one acre. [Ord. 2023-009]

g. Agritourism

Refer to F.S. § 570.85-§ 87 for applicability. [Ord. 2019-034]

h. Accessory Agricultural Uses

These uses include “U-Pick-Em” operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work, and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing, cutting, and packing of farm products; canning, dehydration, and basic preparation of raw food products prior to shipment; and, outdoor storage of equipment.

i. Agriculture Marketplace

A use that is accessory, incidental and subordinate, to a Bona Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona Fide Agriculture use, adding economic viability to farming operations.

1) Approval Process

Class A Conditional Use.

2) Location Criteria

a) Tier and Zoning District

An Agriculture Marketplace is limited to sites within the AGR Tier and one of the following: [Ord. 2024-025]

(1) AGR Zoning District; or [Ord. 2024-025]

(2) AGR-MUPD Zoning District Preserve Area, limited to sites that have an Agriculture Marketplace with a Development Order approved prior to May 31, 2013. [Ord. 2024-025]

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

An Agriculture Marketplace requires a minimum of 70 contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use. [Ord. 2024-025]

a) Agricultural Reserve Parcels

The minimum acreage requirements may include parcels under an agricultural conservation easement, identified as an AGR-PUD Preserve, AGR-MUPD Preserve, or AGR-TMD Preserve, or other similar protections. [Ord. 2024-025]

b) Agricultural 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 sale 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 are 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 Supplementary 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, restrooms, 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 on-site 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.

j. 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.

k. 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 Agricultural 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 Map 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 Agricultural Storage
         Outdoor Agricultural Storage is only permitted in the RE, RT, RS, RM, CN, CC, and CG Zoning Districts as a Class B Conditional Use. [Ord. 2023-009]
         (a) Exception
            Outdoor Agricultural 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. [Ord. 2023-009]

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 to 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) A minimum lot size of two acres;
d) Shelters, cages, and accessory structures 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. [Ord. 2019-005]

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. [Ord. 2023-009]

b. Frontage
The project in which an Equestrian Arena is located shall have frontage on a paved street. [Ord. 2023-009]

c. Hours of Operation
Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily. [Ord. 2023-009]

d. Loudspeakers
Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.

e. Setbacks
Riding, spectator viewing areas, and show rings shall not be located within 100 feet of any property line.

f. 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 this Section. [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 Zoning Districts (Except AR)

ZAR (1)	≤ 5 ac.
DRO	> 5 ac. < 20 ac.
Class B Conditional Use	≥ 20 ac.
[Ord. 2018-002] [Ord. 2023-009]	
Notes:	
1.	If no approved Final Site or Subdivision Plan on record, the application shall be subject to the Full DRO process. [Ord. 2023-009]

Table 4.B.6.C – AR Zoning District

Permitted	≤ 10 ac.
ZAR (1)	> 10 ac. < 40 ac.
DRO	≥ 40 ac.
[Ord. 2018-002] [Ord. 2023-009]	
Notes:	
1.	If no approved Final Site or Subdivision Plan on record, the application shall be subject to the Full DRO process. [Ord. 2023-009]

c. AR Zoning District

May be operated in conjunction with a residence. [Ord. 2023-009]

d. 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.

e. Parking and Loading

All parking and loading shall occur on site.

f. 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 this Section. [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.

g. 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.

h. 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.

i. Limitations of Sales

Sales from a Wholesale Nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.

j. 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; and the 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] [Ord. 2023-009]

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 and AGR Zoning Districts

In addition to the standards above, permanent Produce Stands shall comply with the following: [Ord. 2023-009]

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 Zoning 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 house plants.

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’
Side and Rear	7.5’

Table 4.B.6.C – Minimum Setbacks over 12 Feet in Height

Front and Street	25’
Side and Rear	15’

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 FLUE Table 2.2-e.1 of the Plan, or with five or more acres of building coverage must be approved by the DRO. [Ord. 2021-023]

2) Property Development Regulations

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with Table 3.D.1.A, Property Development Regulations. Setbacks for greenhouses less than 25 feet in height may be reduced by 50 percent. FAR and building coverage may be increased up to a maximum of 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 project's 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.

Section 7 Utility Uses

A. Utility Use Matrix

Table 4.B.7.A – Utility Use Matrix

| Standard Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Use Type | Supplementary Use Standards # | Planned Development Districts (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | Traditional Development Districts (TDDs) | | | | | | | | | | | |
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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 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. 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 biosolids 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 set back 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 set back 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 Plants. 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 on site 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 Power 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, 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 Art. 4.B.7.C.6.c.1)a) and Art. 4.B.7.C.6.c.1)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, 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

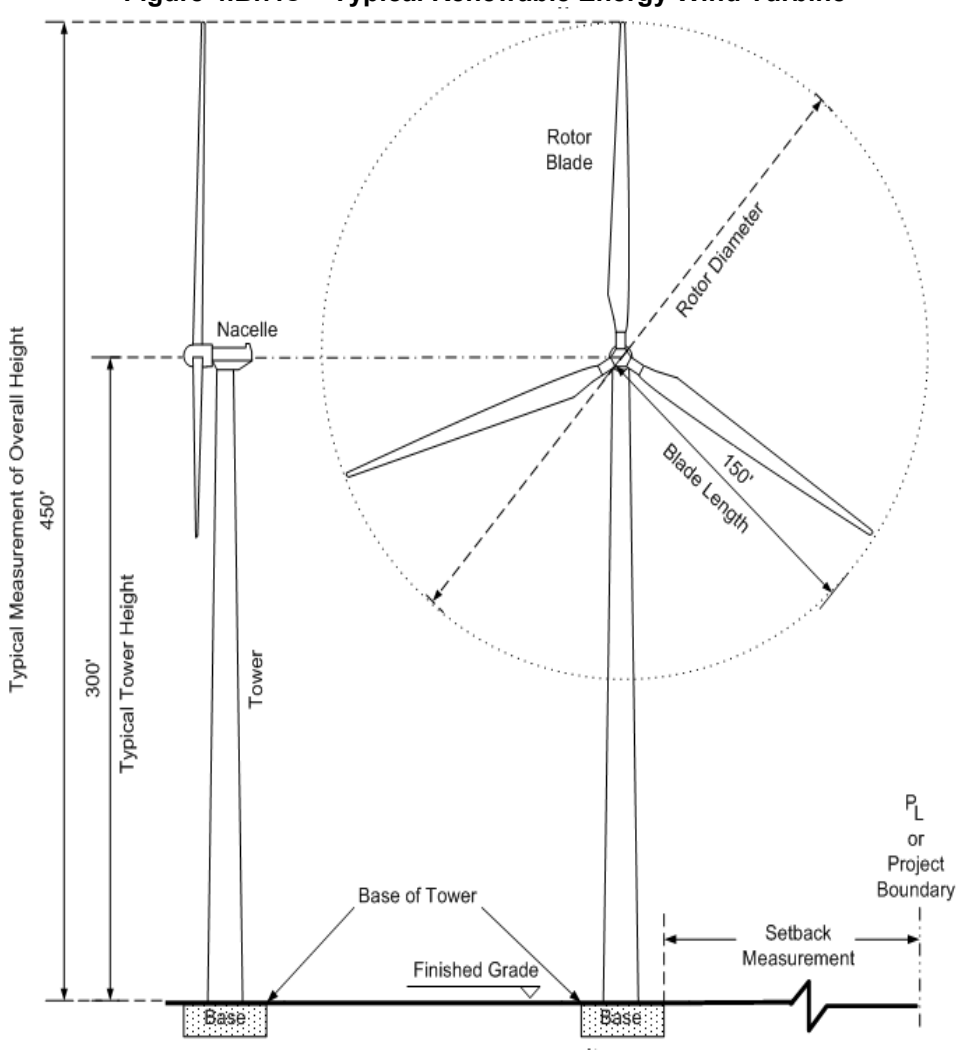
Solar facilities located on a site with an existing Electric Power Plant may be approved pursuant to the approval process indicated in the appropriate Use Matrix, and shall not be subject to a Development Order Amendment pursuant to Art. 2.B.7.C, Development Order Amendment (DOA).

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.7.C – 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.

c. Lot Size

Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements. Non-conforming 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.

d. 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	Min. Separation (1)(2)			Min. Setback (1)		
				Project Boundary		
	Occupied Buildings within Project Boundary	Habitable Buildings within Project Boundary	Occupied or Habitable Buildings Outside of Project Boundary	Non-Residential FLU	Residential or Conservation FLU	Public R-O-W
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 one and one-tenth times the height of the structure;

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. 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 timeframe 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 subparagraph, 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 runoff. Runoff 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/U.S. Highway 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 and Handling Facilities without Odor Control	750'	500'
	Head Works, Clarifiers, Sludge Treatment and Handling Facilities with Odor Control	300' (2)	200' (1)
	Chemical Storage Facilities	300'	200'
	Accessory Facilities	200'	100'
Wastewater Treatment Plants Up to One Million Gallons per Day Capacity including Package Treatment Facilities	Treatment Units without Odor Control	150'	150'
	Treatment Units with Odor Control	100' (1)	100' (1)
	Chemical Storage Facilities	100'	100'
	Accessory Facilities	100'	100'
Water Reclamation Production Facility (Any Capacity Stand-Alone Facility Larger than a Minor Utility Which Is Filtering Already Treated Wastewater (Secondary Effluent) (3)(4)	Storage Tanks, Filtration System, Hypochlorite Tanks, Office/Lab/Generator Buildings, and Accessory Facilities	50' front; 15' side; 25' side street; and, 20' rear or the min. district setback, whichever is greater	50' front; 15' side; 25' side street; and, 20' rear or the min. district setback, whichever is greater
Membrane Bioreactor (MBR) System	Storage Tanks, Enclosed Reinforced Hollow Fiber or Flat Plate Membranes, Clarification, Aeration, and Filtration of Wastewater for Discharge or Reuse Applications	50' front; 15' side; 25' side street; and, 20' rear or the min. district setback, whichever is greater	50' front; 15' side; 25' side street; and, 20' rear or the min. 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 on-site 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'
	Units Which Cause Airborne Sulfides	500' (1)
	Accessory Facilities	100'
Water Treatment Plants Up to Two Million Gallons per Day Capacity, including Package Treatment Facilities	Treatment Units and Chemical Storage	100'
	Units Which Cause Airborne Sulfides	250' (2)
	Accessory Units	100'

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'
	Side	50'
	Rear	50'
	Chemical Storage	200' (1)
Water Treatment Plants Up to Two Million Gallons per Day Capacity, including Package Treatment Facilities	Front	80'
	Side	50'
	Rear	50'
	Chemical Storage	100'

Notes:	
1.	Chemical storage setbacks may be reduced by 50 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 in 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 Technologies 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.

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Section 8 Transportation Uses

A. Transportation Use Matrix

Table 4.B.8.A – Transportation Use Matrix

| Standard Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Use Type | Supplementary Use Standards # | Planned Development Districts (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | | | | | Traditional Development Districts (TDDs) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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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 take-off and landing rotorcraft, including facilities and structures, needed for heliport businesses to function. [Ord. 2017-025]

b. Accessory Uses

Except where otherwise allowed as a principal or collocated use, a Heliport limited to landing and take-off 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 a 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. Definition

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 a 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. Definition

A facility, on land or water, designed to accommodate the landing and take-off 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’
Width	300’
Depth	4’

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 onshore 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.

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Section 9 Commercial Communication Towers

A. Commercial Communication Towers Matrix

Table 4.B.9.A – Commercial Communication Towers Matrix

| Standard Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Use Type | Supplementary Use Standards # | Planned Development Districts (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | Traditional Development Districts (TDDs) | | | | | | | | | | | |
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Table 4.B.9.A – Commercial Communication Towers Matrix

| Standard Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Use Type | Supplementary Use Standards # | Planned Development Districts (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | Traditional Development Districts (TDDs) | | | | | | | | | | | |
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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' 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 this Section										

[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	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' 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' setback from abutting residential property line																
	Non-Residential	75' setback from abutting non-residential property line																

[Ord. 2017-016] [Ord. 2017-025] [Ord. 2021-023]

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	PIPD
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] [Ord. 2021-023]

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

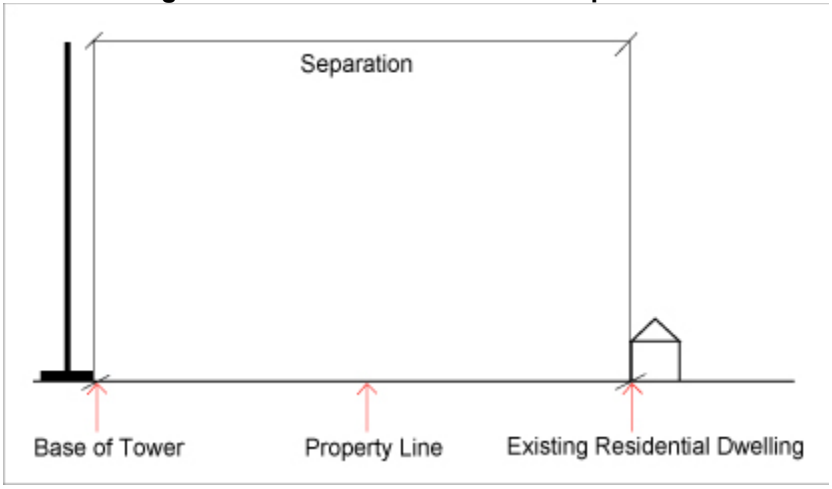
Construction of any lawful residential or non-residential structure within the required separation distance shall not create a non-conforming use or structure when an existing communication tower is established pursuant to the provisions in Art. 4.B.9.B.2, Separation and Setbacks.

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.

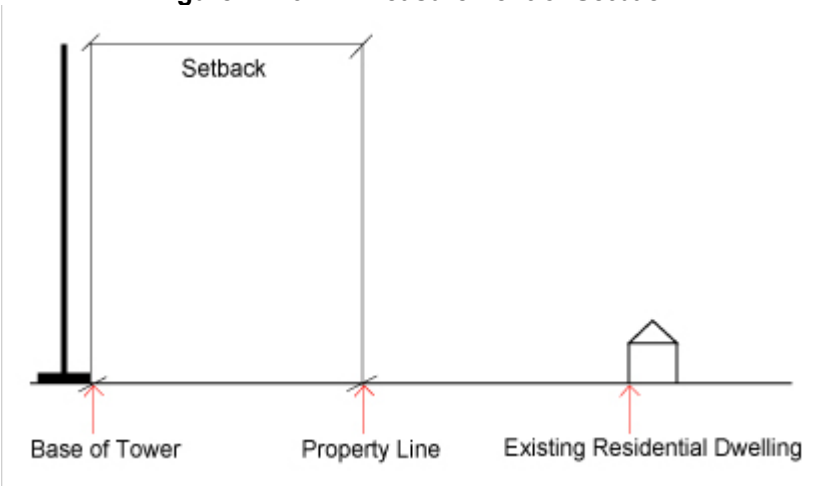
Figure 4.B.9.B – Measurement of Separation



   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:

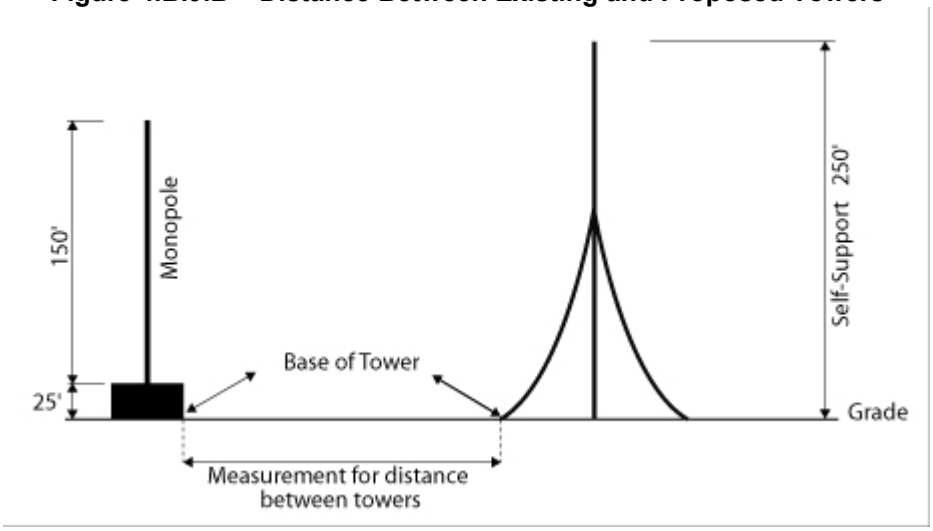
Table 4.B.9.B – Distance between Towers

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, 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] [Ord. 2017-025] [Ord. 2021-023]								

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. 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. [Ord. 2022-002]

10. 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.

11. 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. Wind Load Standards

All antennas and other tower attachments shall meet the required wind load standards pursuant to Building Division review. Documentation indicating compliance with the wind load 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.

12. 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)		Min. Number of Providers
Stealth		2 providers (2)
Camouflage		1 provider for a max. 100' height tower
		2 providers for a max. 125' height tower
		3 providers for a max. 150' height tower
Monopole, Self-Support/Lattice, and Guyed		2 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.	

13. Antenna

Antennas attached to towers shall be subject to the standards contained in this Section. Standards for antennas attached to other type of structure are addressed in Art. 5. Supplementary Standards.

14. Inspections

All towers shall be inspected in compliance as required by the Building Division.

15. 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 the 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 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.

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, 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; Water or Wastewater Treatment Plant; or, 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 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.

f. Associated Uses in RT, RS, 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 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; Water or Wastewater Treatment Plant; or, 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 a 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 Substation 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 back-up 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 Electrical 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]

b) Subject to Class A or Class B Conditional Use Approval

May be allowed subject to DRO approval provided the increase in height is either:

(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]

2) Full Array Urban

a) Subject to DRO Approval

May be Permitted by Right where allowed in agricultural, commercial, industrial, or institutional zoning districts, provided the increase in height is: [Ord. 2017-016]

(1) less than 35 percent; and [Ord. 2017-016]

(2) the tower is located a minimum of 2,500 feet from a public street or any parcel with a residential FLU designation or use. [Ord. 2017-016]

b) Subject to Class A or Class B Conditional Use Approval

May be allowed subject to DRO approval, where allowed in agricultural, commercial, industrial, or institutional zoning districts, 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 any public street, or parcel with a residential FLU designation or use. [Ord. 2017-016]

c) Residential Districts Including Residential Pod of PUD

May be allowed to be collocated within an Electric Distribution Substation or Electric Transmission Substation subject to Class A Conditional Use approval. [Ord. 2017-016]

3) Full Array Rural

a) Subject to DRO Approval

May be Permitted by Right where allowed in agricultural, commercial, industrial, or institutional zoning districts, subject to the following: [Ord. 2017-016]

(1) the increase in height is less than 50 percent; [Ord. 2017-016]

(2) located a minimum of: [Ord. 2017-016]

(a) 2,500 feet from any public street; [Ord. 2017-016]

(b) one mile from any Arterial or Collector; and, [Ord. 2017-016]

(c) parcel with a residential FLU designation or use. [Ord. 2017-016]

b) Subject to Class A or Class B Conditional Use Approval

May be allowed subject to DRO approval, where allowed in agricultural, commercial, industrial, or institutional zoning districts, provided the increase in height is less than 50 percent, and the tower is located a minimum of 2,500 feet from any public street, and one mile from any Arterial or Collector or parcel with a residential FLU designation or use. [Ord. 2017-016]

f. Exceptions to Separation and Setback Requirements

The following exceptions may be allowed from the minimum separation or setbacks established in Art. 4.B.9.B.2, Separation and Setbacks: [Ord. 2017-016]

1) General Exceptions

a) Stealth

Modifications to Stealth Transmission Poles or Electric Distribution Substation or Electric Transmission Substation utility structures that do not exceed 35 percent of the height of the original pole or structure. [Ord. 2017-016]

b) R-O-W with Collocated Minor Utility on Adjacent Parcel

Setbacks from adjacent parcels that are included in the Development Order for the purposes of providing for a supporting collocated Minor Utility (excluding separations from residential or occupied buildings). [Ord. 2017-016]

c) Adjacent Properties with Bona Fide Agriculture Uses
Parcels with an agricultural FLU designation and zoning district, supporting Bona Fide Agriculture, provided that separation distances from occupied structures are a minimum of 150 percent of the tower height. [Ord. 2017-016]

2) Towers Located on Residential Parcels
Measurement may exclude open space areas designated on an approved plan for non-residential uses such as water management tracts or landscape buffers, but excluding any common areas located within 50 feet of a recreation amenity or public or civic use such as 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 Plan 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 Florida's 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 back-up 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 Art. 4.B.9.E.1.a.1) and Art. 4.B.9.E.1.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 Art. 4.B.9.E.1.a.1) and Art. 4.B.9.E.1.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 preexisting 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 Art. 4.B.9.E.1.g.1) through Art. 4.B.9.E.1.g.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 back-up 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 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. Collocation Procedures for New Towers Prior to Submitting a Tower Application

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 shall comply with the procedures indicated below. [Ord. 2021-006]

1. Notification

All communication tower Applicants shall provide a Notice by certified mail to all users on the Communication Tower Users List. The Notice shall invite potential communication tower users to apply, to the Applicant, for space on the proposed tower to encourage collocation. A copy of the Notice shall be mailed to the Electronic Services and Security and the Zoning Divisions. The Notice mailing date shall be within one year prior to submitting the Zoning application. The following information shall be included in the Notice: [Ord. 2021-006]

a. description of the proposed tower; [Ord. 2021-006]
b. general location; [Ord. 2021-006]
c. longitude and latitude; [Ord. 2021-006]
d. identify any pre-reserved space on the tower and upon the land area itself; [Ord. 2021-006]
e. provide any lease provisions being made available: such as equipment shelter space, space for third-party equipment shelter, and provisions of back-up power; [Ord. 2021-006]
f. general rate structure for leasing space, which shall be based on reasonable local charges; [Ord. 2021-006]
g. proposed tower height; [Ord. 2021-006]
h. a phone number to locate the Applicant or Agent for the communication tower; and, [Ord. 2021-006]
i. an Applicant's Collocation Application. [Ord. 2021-006]

2. Applicant's Collocation Application

Potential communication tower users shall respond to the Applicant's Notice within 20 days of receipt of certified mailing. Responses shall be submitted utilizing the Applicant's Collocation Application. A completed Collocation Application 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 Applicant shall provide the responses to the Collocation Application as part of the Zoning application request for the new tower. [Ord. 2021-006]

3. Feasibility

The feasibility of each collocation use request shall be evaluated by the Applicant. The evaluation shall document the feasibility of collocation on the proposed communication tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of collocation 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 collocation; and, other applicable Code requirements. [Ord. 2021-006]

4. Rejection or Dispute

If the Applicant rejects one or more request(s) for collocation and if potential tower lessees dispute the rejection(s) for collocation, the following procedure shall occur within ten working days after the collocation response deadline. [Ord. 2021-006]

a. Submittal

The Applicant shall submit two copies of the following to the Zoning Division: the Collocation Applications submitted by potential users; 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. [Ord. 2021-006]

b. Consultant

The Zoning Division shall forward copies of all applications for collocation 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. [Ord. 2021-006]

c. Evaluation

Within ten working days of receiving the collocation 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. [Ord. 2021-006]

5. Acceptance with No Dispute

If the Applicant did not reject any requests for collocation or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary. [Ord. 2021-006]

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 Art. 4.B.9.G.3, Tower Height Increases and Art. 4.B.9.G.4, 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 Art. 4.B.9.G.3, Tower Height Increases and Art. 4.B.9.G.4, 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.G, Tower Height Increases.

Table 4.B.9.G – 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 Tower 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 this Section 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) through Art. 4.B.9.H.5.d.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) though Art. 4.B.9.H.5.d.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

The 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

The 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;
d) historical sites;
e) Indian religious sites;
f) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
g) night use of high-intensity lights in residential areas;
h) environmentally sensitive lands acquired or leased by PBC; or,
i) 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 sight 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 screening and buffering 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 Arterial and Plan 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 sight 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 screening or buffering 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 sitting 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 processes 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 website.

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.

Section 10 Excavation Uses

A. Excavation Use Matrix

Table 4.B.10.A – Excavation Use Matrix

| Standard Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Use Type | Supplementary Use Standards # | Planned Development Districts (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | | | Traditional Development Districts (TDDs) | | | | | | | | | | | |
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B. Common Provisions and General Standards

1. Purpose and Intent

The purpose of this Section 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 PBC's natural resources and to achieve these goals, it is the intent of this Section to:

a. ensure that excavation and mining 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 excavation and mining 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 excavation and mining 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.a, Content of Application.

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, Non-Conformities.

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 (1995). 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,
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.

Items 1 and 2 (preliminary plat) shall be signed and sealed by a certified Engineer or Surveyor as applicable, recognized and approved by the Florida Department of Professional Regulation (FDPR).

c. Agriculture Excavation
All Agricultural and WCAA Excavation shall submit a detailed explanation of the proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of Bona Fide Agriculture pursuant to Art. 4.B.6.C, Definitions and Supplementary Use Standards for Specific Uses.

d. Type 3 Exceptions
A Type 3 application shall include documentation of an approval for a 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 this Section.

(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 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 reestablishment 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 through 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 understory 18-inch-high seedlings shall be planted for each tree required to be planted.

e) Upland Planting Reclamation Standards

The upland reclamation plantings may be clustered in one area of the reclaimed upland area or dispersed throughout the reclaimed upland area. No minimum or maximum area is required, except as a Condition of Approval, as long as the vegetation is planted in accordance with standards set forth in Art. 7.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

The 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

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 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 landowner 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 storage, maintenance, 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 landowner 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 excavation or mining 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 permitable, 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 reconsideration 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 groundwater 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. 4.B.6.C, Definitions and Supplementary Use Standards for Specific Uses. 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, 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 groundwater sampling prior to construction. Additional sampling may be required during and after construction.

4) Sediment Sump

A sediment sump 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. 4.B.6.C, Definitions and Supplementary Use Standards for Specific Uses. 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 one-fifth 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 Programs (OSP). [Ord. 2022-019]

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 Programs (OSP). [Ord. 2022-019]

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 this Section, 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, the 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

The 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 street, 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 earth moving 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, or earth moving 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 this Section. 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 PZB.

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 non-compliance/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 recalibrated 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 BMPs 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’	50’	50’	50’
Processing Equipment	600’	200’	200’	200’
Stockpiles	300’	200’	100’	200’
Accessory Buildings and Structures	100’	100’	100’	200’

(2) Stockpile Height

Stockpile height shall be limited to 30 feet.

(3) Buffer

A buffer shall be preserved or installed along 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 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:

i. all streets;
ii. all residential zoning districts;
iii. 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,
iv. 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 in 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			
	1 Mile	2 Miles	1/4 Mile	1/8 Mile
Mined Lake Edge	50'	100'	500'	1,200'
Processing Equipment	100'	300'	800'	1,400'
Stockpiles	100'	300'	700'	1,300'
Accessory Buildings and Structures	100'	100'	100'	100'

(2) Mining Impact Study

A Mining Impact Study shall be submitted for a Type 3B 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 PBC's 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 street, 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:

i. All residential zoning districts; and

ii. 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 Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Use Type | Supplementary Use Standards # | Planned Development Districts (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | Traditional Development 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 façade 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, 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 Marshall shall review and approve the location of the sale of the sparklers and issue a certificate of registration.

b) Affidavit of Compliance
A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshall. The affidavit shall be submitted affirming that only products on the State Fire Marshall's Approved List of Sparklers will be sold and that violation of the affidavit may result in an injunction.

c) Documentation
Copies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used, and driver's licenses for the Applicant's authorized Agents.

i. Parking
Parking shall be provided on site, on a stabilized surface with defined ingress/egress. Vehicles shall enter and leave the site in a forward motion.

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] [Ord. 2021-004; January 29, 2021] [Ord. 2021-006; March 2, 2021] [Ord. 2021-022; September 3, 2021] [Ord. 2021-023; September 3, 2021] [Ord. 2021-027; November 4, 2021] [Ord. 2021-039; December 22, 2021] [Ord. 2022-001; February 4, 2022] [Ord. 2022-002; February 4, 2022] [Ord. 2022-019; July 29, 2022] [Ord. 2023-009; February, 28, 2023] [Ord. 2023-011; March, 23, 2023] [Ord. 2023-012; March, 23, 2023] [Ord. 2023-023; June 23, 2023] [Ord. 2024-004; July 1, 2024] [Ord. 2024-025; December 13, 2024]

APPENDIX A – ARTICLE 4, USE REGULATIONS
USER GUIDE AND GENERAL PROVISIONS

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CHAPTER A GENERAL OVERVIEW

Section 1 Introduction

As established by Art. 4.A.1, the Zoning Director shall maintain and publish a User Guide to assist the public with applicability of Art. 4, Use Regulations, which includes determining the appropriate use type that is allowed in each Zoning District, identify all applicable standards related to the use, and Thresholds that may trigger additional levels of approvals, such as, DRO or Public Hearing.

The information provided in this User Guide will offer general steps to follow when trying to identify the use classification and approval process for a site in a specific zoning district as follows:

Section	Tool	Objective
B.1.	GeoNav	• Identify the site location and zoning district • Identify the Future Land Use (FLU) designation of the site
B.2.	ezInfo	• Identify if the site is located in an Overlay
B.3.	ULDC Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA) (Interactive Code or pdf format)	• Check that the zoning district is consistent with the FLU designation
B.4.		• Determine the proposed use function
B.5.	ULDC Art. 4, Use Regulations (Interactive Code or pdf format)	• Determine the approval process for the proposed use • Check the Use Matrix footnote to determine the "Use approval process key".
B.6.		• Determine if there are General Standards applicable to all uses in the classification and Supplementary Standards specific to the use.
B.7.		• Determine if there are applicable thresholds specific to the use.
B.8.		• Identify additional factors to be considered when determining uses approval process

Section 2 General Organization of Art. 4, Use Regulations

A. Uses are grouped in Art. 4, Use Regulations, by classifications as follows:
1. Residential;
2. Commercial;
3. Recreation;
4. Institutional, Public and Civic;
5. Industrial;
6. Agricultural;
7. Utilities;
8. Transportation;
9. Commercial Communication Towers;
10. Excavation; and,
11. Temporary.

B. Each use classification includes the following:

1. Use Matrix

The Use Matrix consolidates use approvals in standard zoning districts, Planned Development Districts (PDDs), Traditional Development Districts (TDDs), and two Overlays; Urban Redevelopment Area Overlay (URAO) and Infill Redevelopment Overlay (IRO). Each Matrix

identifies uses in alphabetical order, zoning districts, and approval processes. The number in the "Supplementary Use Standard" column of the Use Matrix refers to the definition and Supplementary Use Standards applicable to each use.

2. **General Standards**
   This portion includes requirements that are applicable to all uses under the specific Use Classification.
3. **Definitions and Supplementary Use Standards**
   Each use includes a definition and multiple Supplementary Use Standards organized to be consistent with the order in which site plans are typically reviewed. Example of standards include: Approval Process, Tier, Overlay, Future Land Use (FLU) Designation, Zoning District, and Lot Size.

CHAPTER B INSTRUCTIONS FOR RESEARCHING A PROPOSED USE

Index of Interactive URL to be used with this User Guide

- **A.** PZB Zoning Web page: http://discover.pbcgov.org/pzb/zoning/Pages/default.aspx
- **B.** MyGeoNav map system: http://maps.co.palm-beach.fl.us/cwgis/mygeonav.html
- **C.** PZB ezInfo page: http://www.pbcgov.com/epzbcommon/asp_html/epzbMenu.aspx?ReferrerID=ezinfo&FROM=EZ

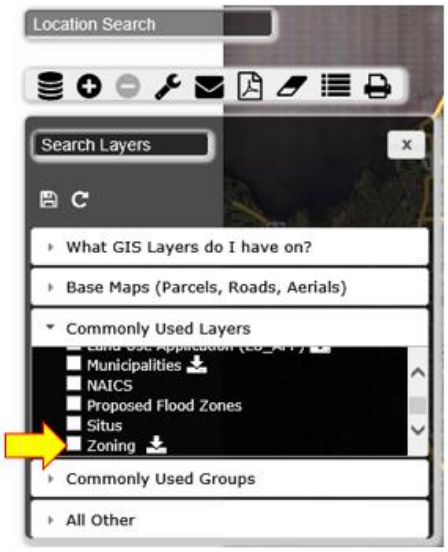
Section 1 Identify the Site Location, Zoning District and Future Land Use (FLU) Designation

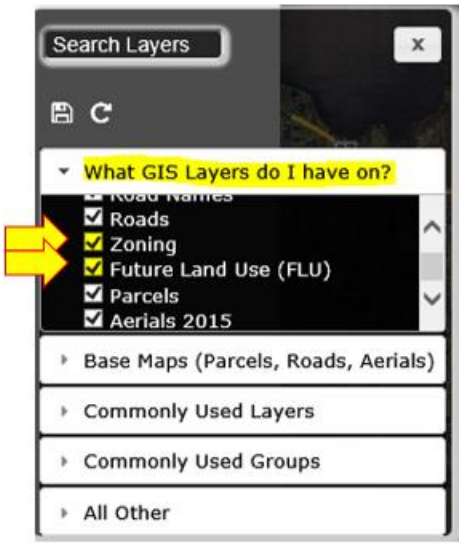
Identify the site location and current zoning district for the specific site by following these simple steps:

A. Begin by accessing *MyGeoNav* online navigation map at http://maps.co.palm-beach.fl.us/cwgis/mygeonav.html

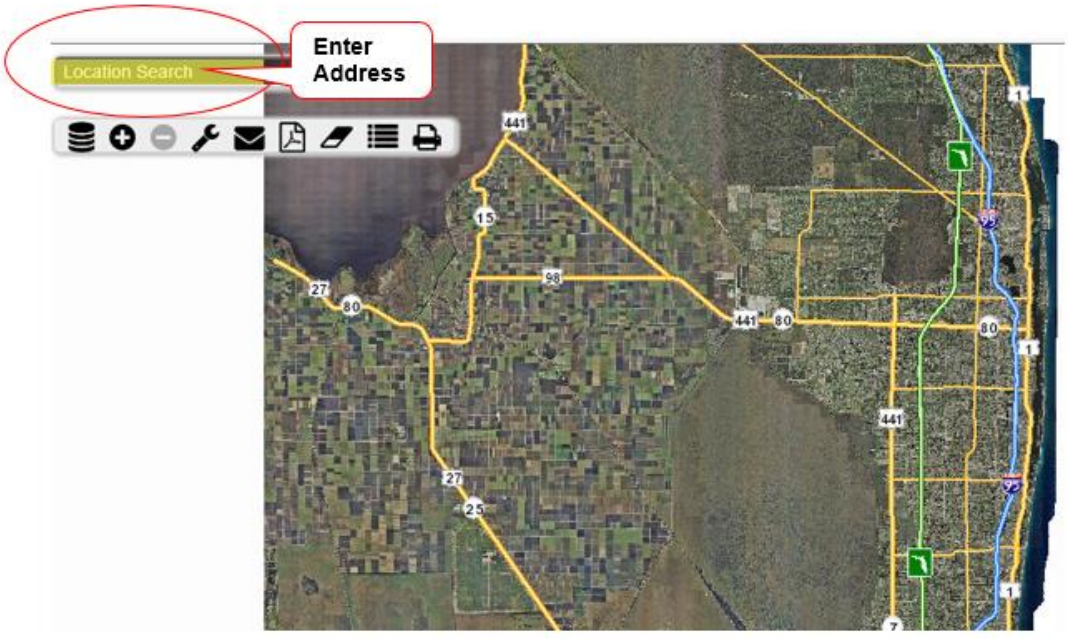


B. Add GIS layers by clicking on  and see the drop down menu with default layers. Check ☑ Zoning and Future Land Use layers:

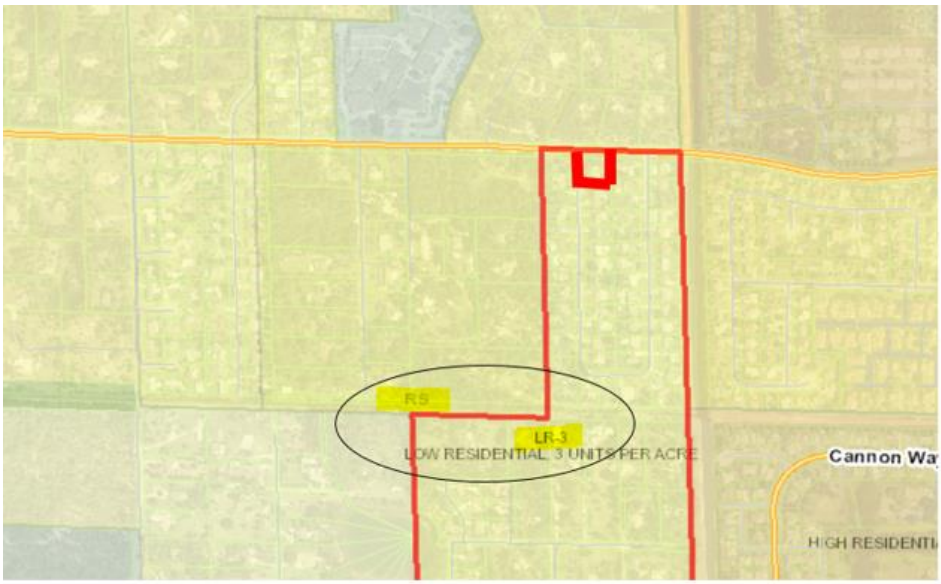




C. Locate the site by entering the address



D. User will be able to locate the existing Zoning District and click on the Future Land Use (FLU) for the current Site Zoning District and FLU.



MyGeoNav Map Results – Site outlined in red

Using the Daycare example listed above:

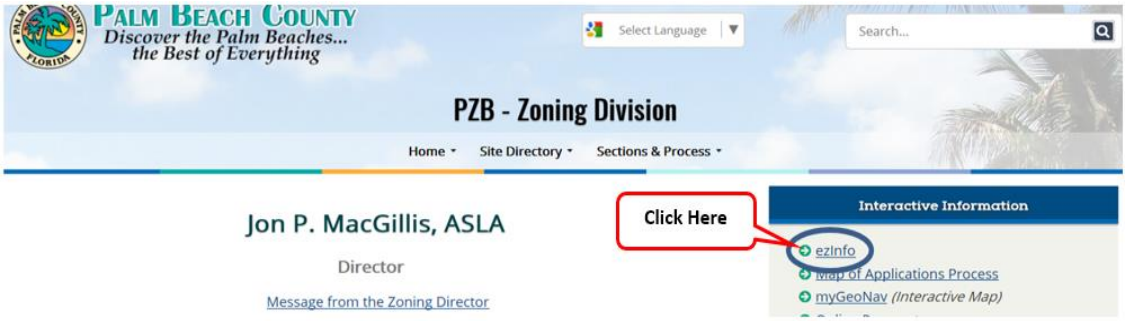
*The research above indicates that the Site has a current Zoning District of **RS** (Residential Single) and a FLU of **LR-3***

Section 2 Identify the Overlay of the Site

Overlay provisions contained in Art. 3 of the ULDC, prevail over other regulations in the Code. Checking the Overlay will provide additional information related to approval process, specific use regulations, site design requirements or additional requirements only applicable in parcels located in the Overlay.

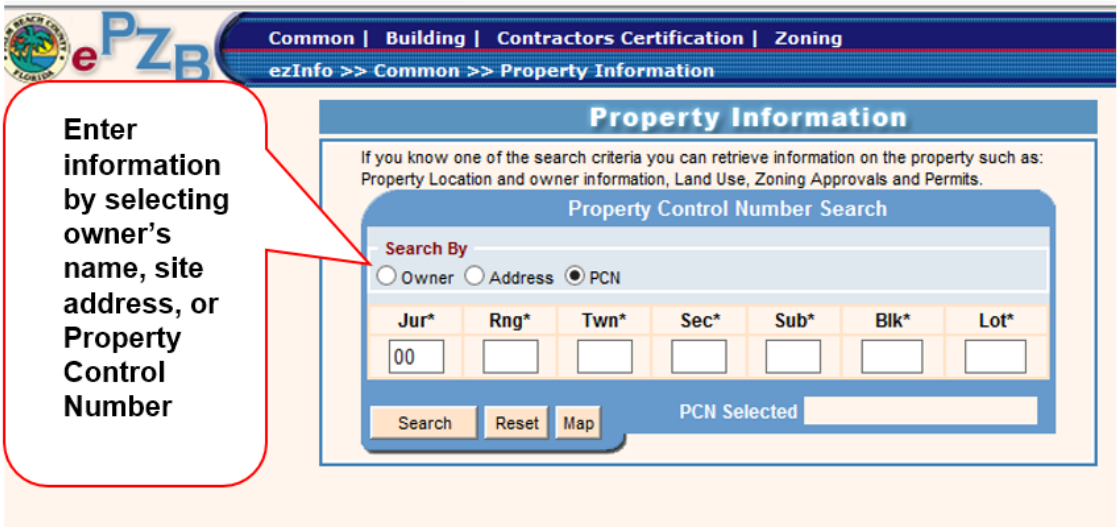
To identify the Overlay, login to the ezInfo database, which can be accessed through the Zoning Web site at http://discover.pbcgov.org/pzb/zoning/Pages/default.aspx.

A. Using the PZB Website ezInfo; click on link.

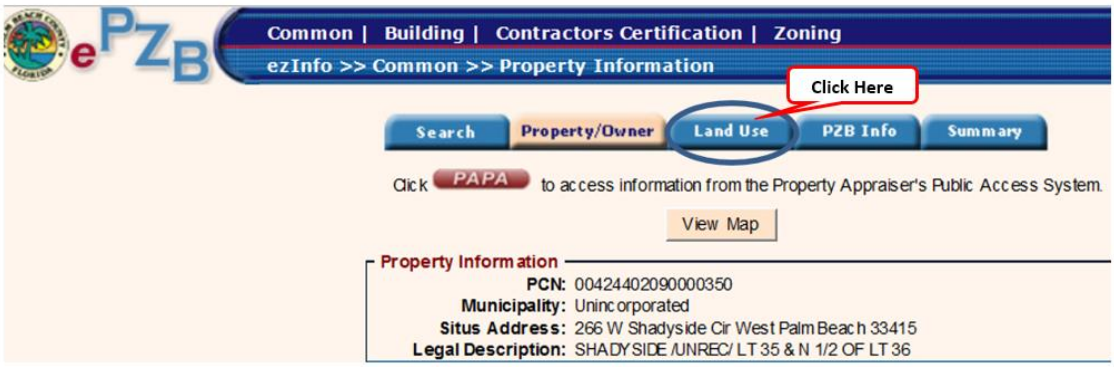


B. Enter the site information into the "Property Information" screen as indicated below.

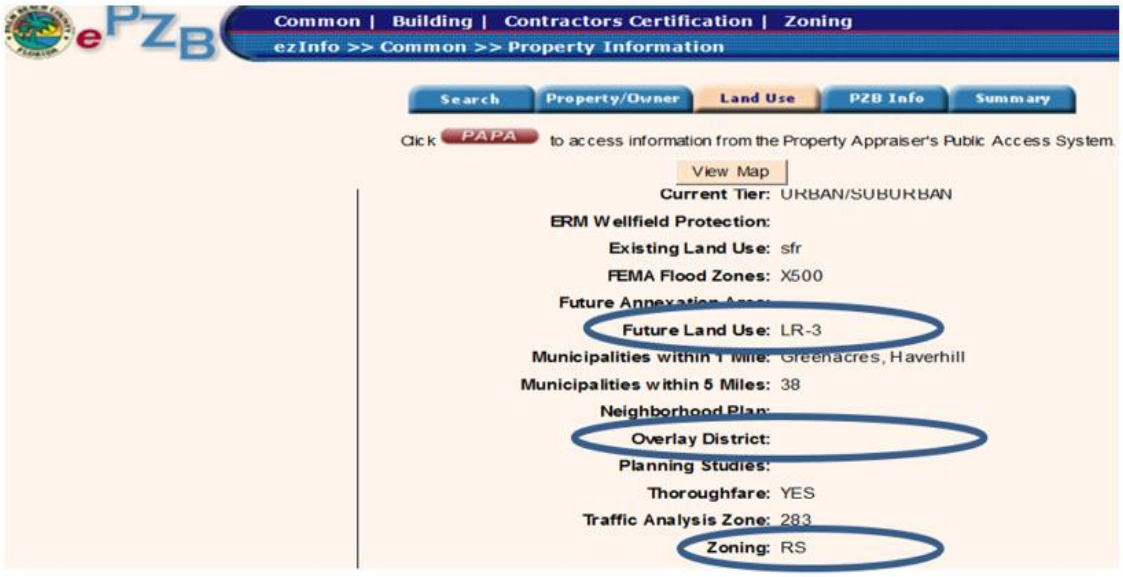




C. From the results screen as below, click on tab labeled "LAND USE"



D. Take note of the Zoning District, FLU and Overlay assigned to the Site.



Daycare example:

*The Zoning Database above indicates that the Site has no Overlay District; Zoning District is Single Family Residential (**RS**); and FLU is Low Residential 3 (**LR-3**).*

Section 3 Zoning District Consistency with FLU Designation

Ensure the Zoning District of the property is consistent with the FLU designation. Article 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA) indicates such consistency. That article includes tables for Standard zoning districts, Planned Development Districts (PDDs) and Traditional Development Districts (TDDs), that help identify consistency with FLU designations; Exceptions and limitations applicable to specific zoning districts; and, exceptions for prior approvals.

Table 3.A.3.B - Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1) (3)

FLU Designation	Zoning District					
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR	AGR				
Residential						
RR-20	AR					
RR-10	AR	CRE				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR (2)	RE	RT	RS		
LR-2	AR (2)	RE	RT	RS		
LR-3	AR (2)	RE	RT	RS		
MR-5	AR (2)	RE	RT	RS	RM	
HR-8	AR (2)	RE	RT	RS	RM	
HR-12	AR (2)	RE	RT	RS	RM	
HR-18	AR (2)	RE	RT	RS	RM	
Commercial						
CL-O	CLO	IR				
CL	CN	CC	CLO	IR		
CH-O	CLO	CHO	IR			
CH	CN	CC	CLO	CHO	CG	IR
CR	CRE					
UI	UI					
UC	UC					
Industrial						

If the zoning district is not consistent with the FLU designation, a rezoning will be required. Ensure the zoning district to which the site will be rezoned still allows the use of your interest.

Daycare example:

RS Zoning District is consistent with the LR-3 FLU designation.

Section 4 Determine the Proposed Use

The user shall determine the proposed use for the subject site based on the following definitions that describe the use functionality:

A. Principal

As defined in Art. 1, a Principal use is "**the primary and major purpose for which land or building is used as allowed by the applicable Zoning District**." Only those Uses listed within the use matrices in Art. 4 Use Regulations, may be considered a principal use. A site may have more than one principal use.

B. Collocated

As defined in Art.1, a Collocated use is referred to as "**two or more uses classified with the definition of a use listed in Article 4.B**." Some principal uses that are not normally allowed within a Zoning District, as noted in the Use Matrices, may be allowed as a collocated use if, expressly stated under the Supplementary Use Standards. All collocated uses are required to comply with all of the Supplemental Use Standards applicable to the use.

C. Accessory

As defined by Art. 1, "**a permitted use that is customarily associated with the principal use and clearly incidental to the principal use, and is subordinate in area, extent, or purpose to and serves only the principal use**." Uses not allowed in a Zoning District shall not be accessory to a principal use unless stated otherwise in the Supplementary Use Standards of the use intended to be accessory. Additional accessory use limitations and requirements are contained in Art. 5.B, Accessory Uses and Temporary Structures.

D. Flex Space

Flex space is only allowed when approved in accordance with Art. 5.B.1.C, Flex Space.

1. Limited office or retail opportunities are provided in industrial zoning districts where otherwise prohibited, or
2. Limited type of industrial uses are allowed in commercial zoning districts consistent with the CH FLU designation.



Daycare example:

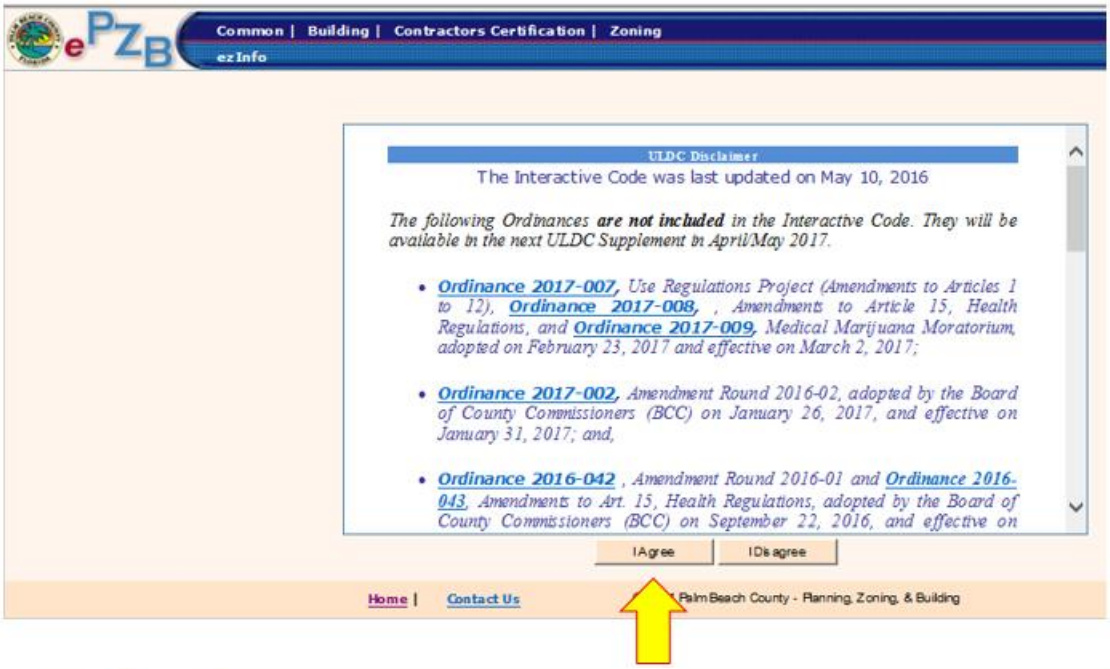
The Proposed Use for the Site is a Daycare; therefore, the proposed Daycare will be considered Principal Use. B,C & D above do not apply by definition.
All principal uses are listed in the table of content of Art. 4 by Use Classification. Daycare is listed under the Institutional, Public and Civic Use Classification, therefore approval process and Supplementary Use Standards will be under that use classification.

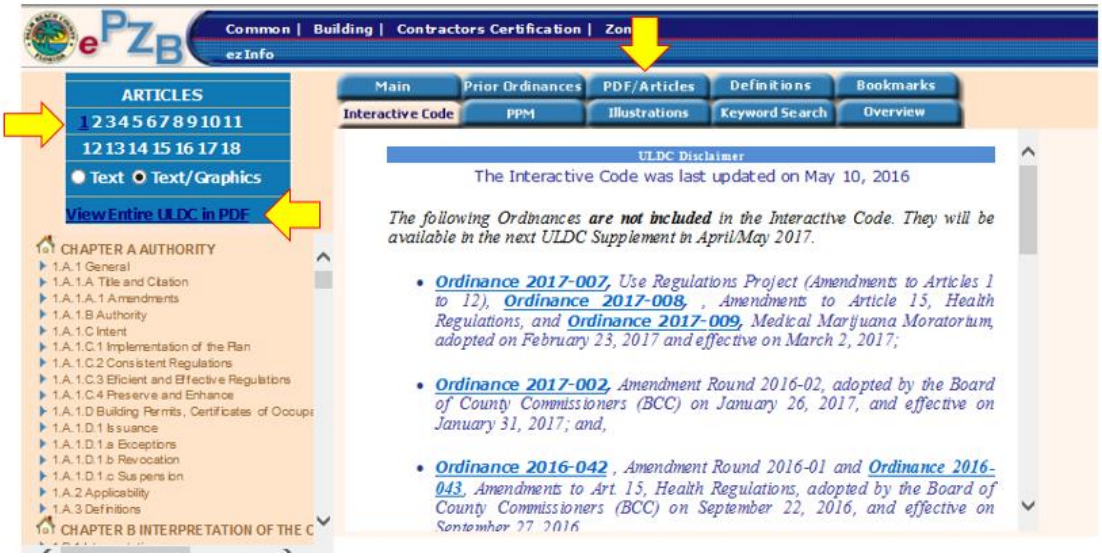
Section 5 Determine the Approval Process

The following steps will assist you in determining the approval process for the proposed use:

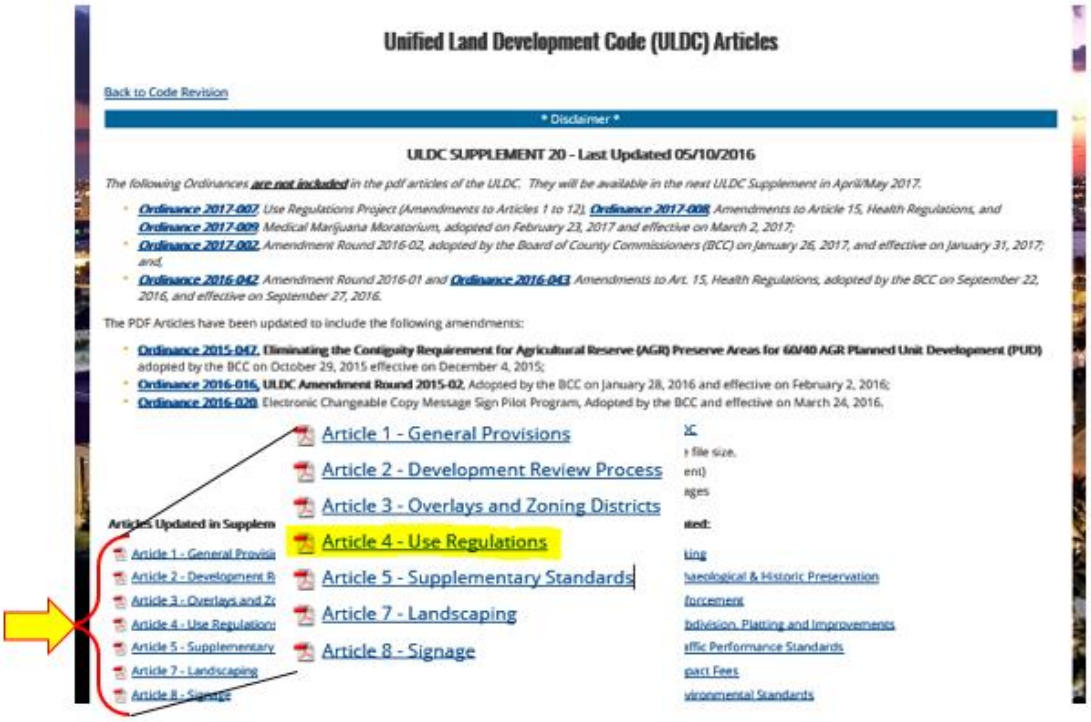
A. Refer to the index on the first few pages of ULDC Article 4, Use Regulation to identify what classification includes the use in question.

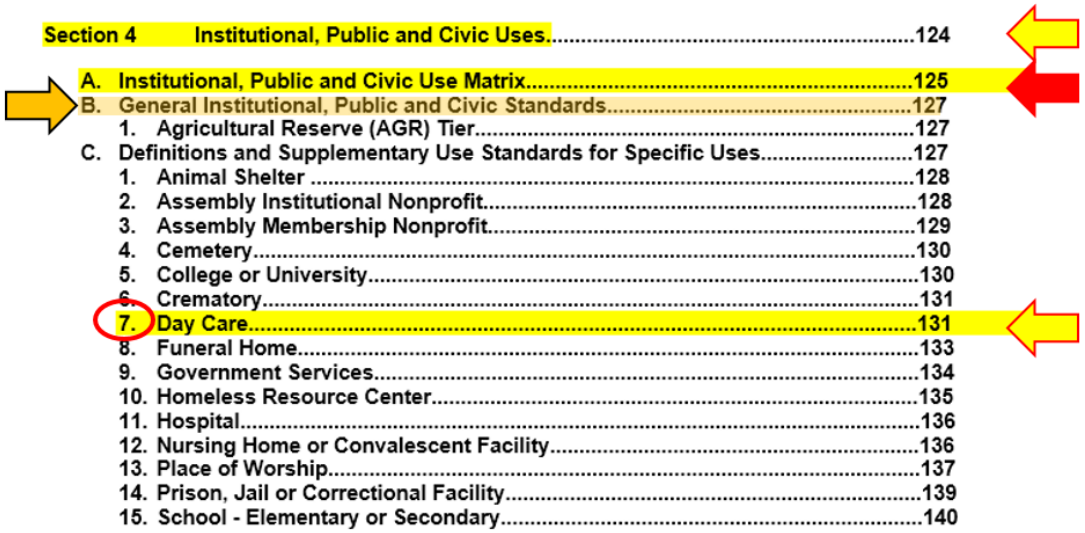
The Interactive ULDC Article 4 can be accessed by visiting http://www.pbcgov.com/epzbcommon/asp_html/epzbMenu.aspx?ReferrerID=ezinfo&FROM=EZ&TargetMenuItem=ULDC+Interactive+Code where all ULDC articles are available in pdf.





All articles are also available in pdf at http://discover.pbcgov.org/pzb/zoning/ULDC/Articles.aspx.

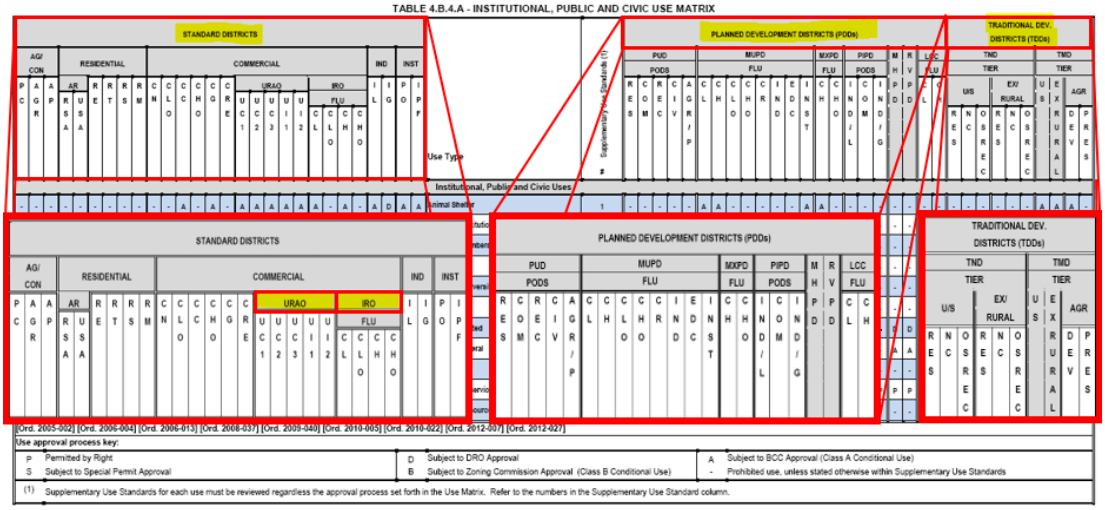



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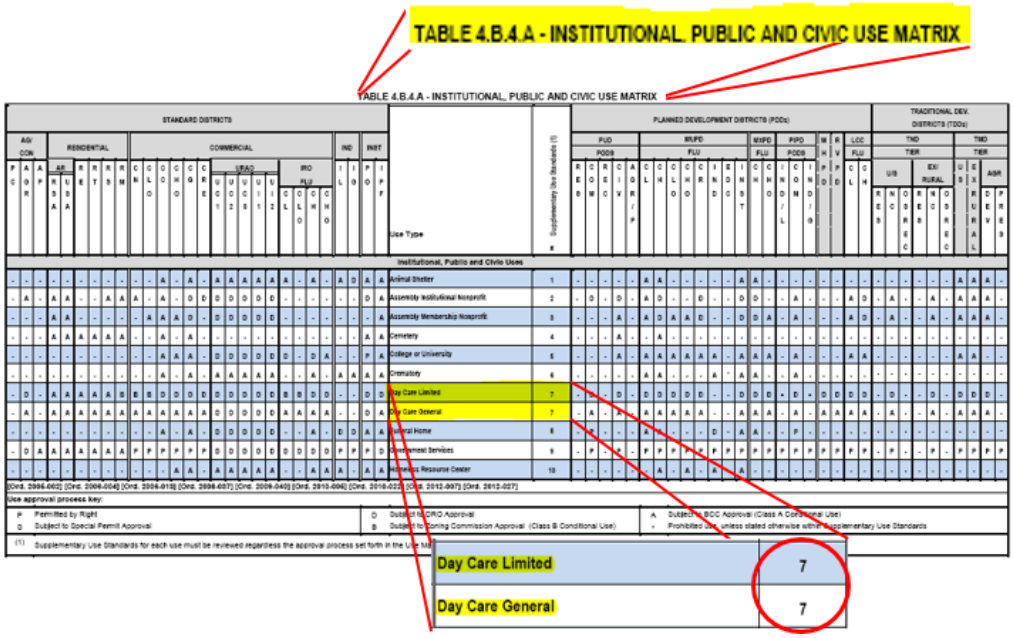
B. Keep in mind the corresponding page number for the Use Matrix and the page number for the specific Supplementary Use Standards.

Daycare example:
All principal uses are listed in the table of content of Art. 4 by Use Classification.
Daycare is listed under the Institutional, Public and Civic Use Classification, therefore approval process (page 125), General Standards applicable to all uses in that classification (page 127), and Supplementary Use Standards (Page 131) need to be considered to apply to the use.

C. The Use Matrix consolidates standard zoning districts, Planned Development Districts (PDDs), and Traditional Development Districts (TDDs). It also includes approvals for uses in the Urban Redevelopment Area (URA) Overlay and Infill Redevelopment Area (IRO) Overlay.



D. Refer to the Institutional, Public and Civic Use Matrix and locate the row where the use is listed to determine approval processes applicable to the use in the different zoning districts.



E. Once the use is identified in the Use Matrix, look for the approval process applicable to the zoning district (determined in Sections 1 and 2) of the intended site to locate the use.

Daycare example:

It will be necessary to determine if the Daycare is Limited or General. The difference is determined in the use definition or under Supplementary Use Standards. In this case, they differ in the number or children or adults, therefore the approval process also differs.

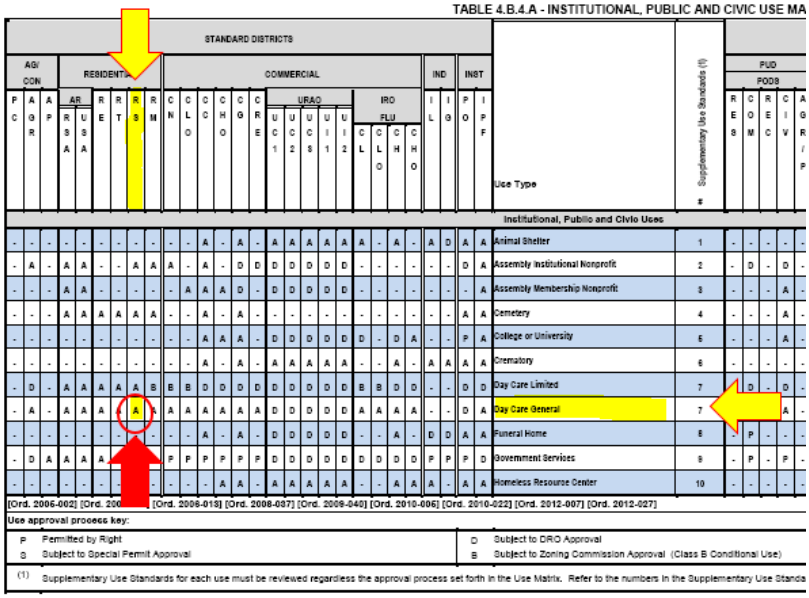


TABLE 4.B.4.A - INSTITUTIONAL, PUBLIC AND CIVIC USE MA

| STANDARD DISTRICTS | | |

G. There are various processes to obtaining approval for specific Uses that are identified by the letters (P,S,D,B,A) or dash (-) under each zoning district. An expanded definition for each approval process can be found in the ULDC Article 4.A.7.C

The Use Matrix shows the most restrictive approval process; some uses may be shown as prohibited but the Supplementary Use Standards may allow the use limited to specific provisions or thresholds. -

H. Zoning applications for use approval as noted in the Use Matrices, can be as follows:
- Public Hearings - Conditional Uses A and B
- Administrative Approval - DRO (D) and Special Permit (S)

I. Prohibited uses (indicated with a dash) are not allowed in the Zoning District unless the Supplementary Use Standard indicates an approval process based on specific thresholds or design standards.

TABLE 4.B.2.A - COMMERCIAL USE MATRIX

CH	CHO	IL	IG	PO	IPF	Use Type	Supplementary Use Standards (1) #	RES	COM	REC	CIV	AGR/P
		IND		INST				PUD PODS				
						Commercial Uses						
D	-	P	P	-	-	Repair and Maintenance, Light	30	-	A	-	-	-
D	-	P	-	P	-	Repair Services Limited	31	-	P	-	-	-
A	-	-	-	-	-	Restaurant, Type 1	32	-	A	-	-	-
D	-	-	-	-	-	Restaurant, Type 2	33	-	A	-	-	-
D	-	-	-	-	-	Retail Sales	34	-	P	-	-	-
-	-	-	-	-	-	Rooming and Boarding House	35	-	-	-	-	-
D	-	D	-	-	-	Self Service Storage, Limited Access	36	-	A	-	-	-
D	-	D	-	-	-	Self Service Storage, Multi-Access	36	-	-	-	-	-
-	-	-	-	-	-	Single Room Occupancy (*SRO*)	37	-	-	-	-	-
A	-	-	-	A	-	Theater and Performance Venue	38	-	A	-	-	-
A	-	A	-	-	-	Vehicle Equipment Sales and Rental, Heavy	39	-	-	-	-	-
D	-	-	-	-	-	Vehicle Sales and Rental, Light	40	-	A	-	-	-
D	-	P	-	-	-	Veterinary Clinic	41	-	P	-	-	-

40. Vehicle Sales and Rental, Light

e. Zoning Districts

1) Commercial Pod of PUD and Neighborhood Center of TND
Shall be limited to a Neighborhood Vehicle Rental Facility.

2) LCC and TMD
Shall be limited to Indoor Vehicle Showroom.

3) Districts with Commercial Low FLU Designation
The sale or rental of OHVs, RVs, boats, or motorcycles shall be subject to the standards for Accessory Uses.

4) IL District - Automobile Rental
Automobile rental may be permitted in the IL district when located on an Arterial Street, subject Class A Conditional Use approval.

J. Uses noted in the Use Matrix as Permitted by Right (P) are subject to Building Permit, Business Tax Receipt (BTR) or similar process.

In some cases, the Supplementary Use Standard indicates a lower level of approval is permitted when the use is subject to specific requirements, such as but not limited to, lot size or building square footage.

25. Office, Business or Professional

a. Definition

An establishment providing executive, management, administrative, or professional services.

b. Typical Uses

A Business or Professional Office may include but is not limited to property and financial management firms; employment, travel, advertising, or real estate agencies; pay day lending offices, check cashing services and currency exchange agencies; contract post offices; professional or consulting services; and business offices of private companies, utility companies, public agencies, and trade associations.

c. Approval Process

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

1) A maximum of 10,000 square feet of GFA per parcel in the CN Zoning District.
2) A maximum of 15,000 square feet of GFA per parcel in the CLO Zoning District.
3) A maximum of 20,000 square feet of GFA per parcel in the CC Zoning District.

TABLE 4.B.2.A - COMMERCIAL USE

STANDARD DISTRICTS																				Use Type	Supplementary Use Standards (1) #
	COMMERCIAL						URAO					IRO FLU				IND		INST			
R W	CN	CLO	CC	CHO	CG	CRE	UC1	UC2	UC3	UI1	UI2	CL	CLO	CH	CHO	IL	IG	PO	IPF		
																				Commercial Uses	
-	A	-	A	-	A	-	A	A	A	A	A	A	-	A	-	-	-	-	-	Gas and Fuel Sales, Retail	15
-	D	-	D	-	D	-	D	D	D	D	D	D	D	D	D	-	-	-	-	Green Market	16
-	-	-	A	A	P	-	D	D	D	D	D	A	-	D	-	-	-	-	-	Hotel or Motel	17
-	-	-	-	-	D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Kennel, Type 2 (Commercial)	18
-	-	-	D	-	P	-	D	D	D	D	D	P	-	P	-	-	-	-	-	Kennel, Type 3 (Commercial Enclosed)	19
-	-	-	B	-	B	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Landscape Service	20
-	P	-	A	-	A	-	D	D	D	D	D	A	-	A	-	A	A	-	-	Laundry Service	21
-	-	-	-	-	A	B	-	-	-	-	-	-	-	D	-	P	P	D	-	Marina	22
-	A	A	P	A	P	-	D	D	D	D	D	D	D	P	P	-	-	P	-	Medical or Dental Office	23
-	-	-	-	-	A	-	A	A	-	A	-	-	-	A	-	D	D	-	-	Microbrewery	24
-	A	A	A	-	P	-	-	-	D	-	D	D	D	P	P	-	-	-	-	Office, Business or Professional	25
-	-	-	-	A	D	A	A	A	A	A	A	-	-	A	-	-	-	P	-	Parking, Commercial	26
-	-	-	-	-	A	-	A	A	A	A	A	A	-	D	-	-	-	-	-	Pawnshop	27

Section 6 Determine General and Supplementary Use Standards

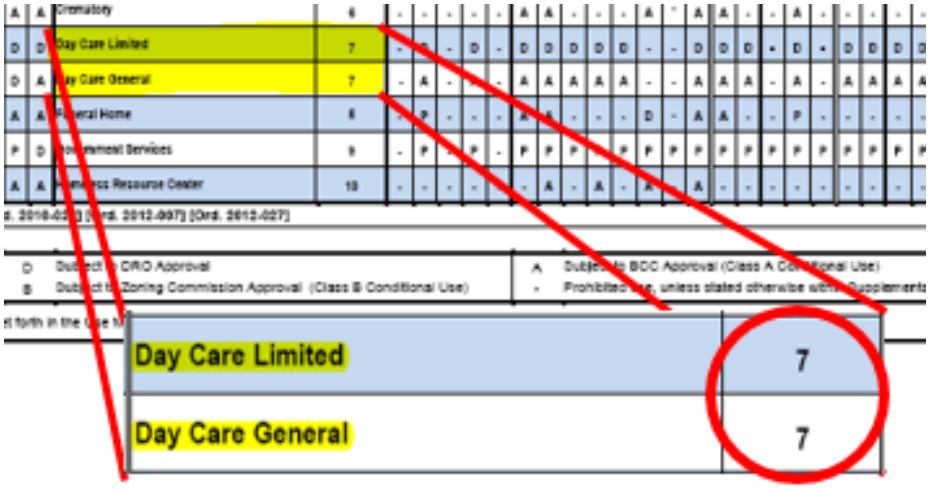
A. General Standards

ATTENTION
General Standards at the beginning of the use classification are applicable to all uses in the classification.

These standards are in addition to the specific ones listed under each use.

B. Supplementary Use Standards

The uses identified in the Matrices may have additional standards that must be satisfied in order for a use to be considered for approval. In each Matrix next to the use of interest is a number that corresponds to the specific Supplementary Use Standards.



In the electronic version of the ULDC as well as in ePZB the number is also a hyperlink to the use definition and Supplementary Use Standards in Article 4.

Using the Daycare example above:
The Supplementary Standard number found next to Daycare-Limited, as in the Matrix is # 7. Refer to the Supplemental Standards in the General Section and in #7 of the Institution, Public and Civic classification for standards that apply to the particular use of Daycare.

The Supplementary Use Standards section includes:

1. **Use Definition:**
   Read carefully the specificity in the use definition as it may include aspects that make the use different from other uses, particularly those of similar nature.
2. **Typical Uses:**
   Many uses include a section titled “Typical Uses”, which is a list of similar uses designed to assist the reader in identifying business activities or operations that fit within the definition of the principal use.

21. **Laundry Service**

a. **Definition**

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

b. **Typical Uses**

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

3. **Standards:**

Mostly organized in the common form in which a site plan is revised and following the order of standards contained in the different articles of the ULDC, the standards include regulations for nonconformities, approval process, tier, Overlay, FLU designation, zoning district, location, lot size, setbacks, separation, building area, building height, collocated or accessory use, accessory structures, architecture, nuisances, parking, landscaping, signage, and others, typically labeled with terms specific to the use.

Section 7 Determine the applicable Development Thresholds

The user shall verify if there are any additional requirements for approval in the specific Supplementary Use Standards including thresholds such as building square footage, frontage or location to mention some.

30. 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. **[Ord. 2006-004]**

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. **[Ord. 2005 – 002]**

Requirements under Article 4.A.9, Development Thresholds; need to be considered at all times. If any development triggers those thresholds the approval of the use or uses may be different than the one shown in the Use Matrix.

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

FLU Designation (3)	Number of Square Footage or Units (4)	Acreage
Residential (Excluding RR FLU)	200 du	50 acres
AGR (Residential Only) (2)	-	250 acres
CLO	30,000	-
CHO	50,000	-
CL	30,000	-
CH	50,000	-
IND	100,000	-
INST	50,000	-
CR	100,000	-
MLU	50,000	-
EDC	100,000	-

Notes:

1. Land area devoted to retention pursuant to the requirements of the C-51 drainage basin, or land area devoted to vegetation preservation pursuant to the Environmentally Sensitive Lands Ordinance, excluding AGR or Sector Plan preserve areas, shall not be counted toward the maximum acreage threshold. **[Ord. 2006-004]**
2. PDDs or TDDs in the AGR Tier are limited to the 80/20 PUD, 60/40 PUD or AGR TMD (FLUE Policy 1.5.1-a).
3. There are no thresholds for the UC or UI FLU designations. **[Ord. 2011-016]**
4. Dwelling units shall include any density awarded as part of a density bonus program. **[Ord. 2006-004] [Ord. 2011-016]**

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

Zoning District	Number of Units or Square Feet
RM	16 du
CN	3,000 square feet
CLO	3,000 square feet
CC	8,000 square feet
CHO	8,000 square feet
CG	10,000 square feet
CRE	15,000 square feet
IL	20,000 square feet
IG	20,000 square feet
IPF	20,000 square feet 16 du
IR	Any project utilizing the Infill Redevelopment Overlay
[Ord. 2010-005] [Ord. 2010-022]	
Notes:	
1. Approval of a subdivision plan is required for all subdivision of land for which a plat or plat waiver has not been granted pursuant to Article 11, Subdivision, Platting and Required Improvements or which exceeds the threshold above.	
2. Projects exceeding the thresholds above shall comply with Article 5.C, Design Standards.	

Section 8 Other Factors that May Affect the Approval Process

The user should determine if there are other factors that may affect the proposed use approval. The list below is not definite and further discussion with the zoning division staff may assist in identifying other requirements in accordance with the ULDC.
Some factors to consider are:

A. Variance relief from any of the requirements or standards of Article 4 shall be prohibited unless expressly stated otherwise
B. Uses in Airport Zones may be further restricted or subject to special regulations as specified in Article 16, Airport Regulations.
C. Specific Regulations shall apply in certain Zoning Districts, as specified under Art. 3.D.3, Zoning District Specific Regulations.
D. Uses not specifically listed in the Use Matrices but consistent with the definition of a listed use, may be classified by the Executive Director of PZB pursuant to Article 1.B, Interpretation of the Code.
E. All uses shall comply with all requirements of the ULDC unless expressly exempted otherwise.
F. In addition to the standards noted in Art. 4, uses are also subject to other requirements in the Code such as Parking, Signage, Landscaping or specific regulations that relate to Overlays, Planned Development District or Traditional Development Districts, depending on the use location.
G. The Zoning Division may be able to clarify any additional requirements or concerns regarding the application process or any ULDC requirements for the proposed use.

ARTICLE 5

SUPPLEMENTARY STANDARDS

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ARTICLE 5

SUPPLEMENTARY STANDARDS

CHAPTER A GENERAL

Section 1 Purpose and Intent

The purpose and intent of this Article is to establish minimum standards for accessory and temporary uses, design standards, Parks and Recreation, performance standards, legal documents, and density bonus programs.

Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

Section 3 Deviations

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. 2010-022] [Ord. 2019-005]

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

1. General

The following provisions in this Section shall apply to all development in Standard, PDD, or TDD Zoning Districts, unless otherwise stated. [Ord. 2007-001] [Ord. 2017-007]

a. Standards

Uses indicated in the Use Matrices as a dash (-) for a zoning district shall not be allowed as an accessory use unless stated otherwise in Art. 4, Use Regulations. An accessory use or structure shall be subject to the same regulations that apply to the principal use or structure, except as otherwise stated. [Ord. 2017-007] [Ord. 2023-009]

b. Location

All accessory uses and structures except for approved off-site parking, shall be located on the same lot as the principal use. No accessory structure shall be located in the front or side street yard except for dumpsters, or unless stated otherwise herein. [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002]

1) General Exceptions

Structures such as: fences and walls; entry features for access ways internal to a PUD; bike racks; outdoor recreation amenities and support structures such as cabanas, located within a Neighborhood Recreation Facility or Recreation Pod; or, structures, projections, and improvements listed in Art. 3.D.1.D.5, Setback Exceptions, excluding mechanical equipment accessory to a building, may be allowed within front or side street yards. [Ord. 2017-025]

2) Exceptions for Buildings Accessory to Residential

A detached garage, cabana, Accessory Quarters, or Guest Cottage, may be allowed within the front or side street yard, subject to the following: [Ord. 2017-025]

a) The building is consistent with the architectural characteristics of the principal building, including roofing materials, fenestration, and paint color, where applicable; [Ord. 2017-025]

b) When accessory to a principal residential use, such as a Single Family home, accessory structures shall be connected to the principal building by common shared driveways, sidewalks, or pathways; and, [Ord. 2017-025]

c) An application for a DO or Building Permit for any building proposing to utilize this provision shall include an affidavit from a licensed Architect or general contractor, delineating how the proposed building will be in compliance with the requirements above. [Ord. 2017-025]

3) Accessory Solar

Accessory solar in the form of mechanical equipment attached to other permitted structures, or Solar Trees, in accordance with the standards of Art. 5.B.1.A.27, Accessory Solar Energy Systems. [Ord. 2017-025]

c. Floor Area

1) Non-Residential Zoning Districts

Where allowed, accessory uses and structures shall not exceed 30 percent of the GFA or business receipts of the principal use or uses, whichever is more restrictive. Minor Utility use is not subject to this provision. [Ord. 2017-007]

2) Residential Zoning Districts

Accessory uses and structures in the U/S Tier shall not exceed the square footage of the principal use.

d. Setbacks, Accessory Structure

1) Residential Districts

Accessory structures shall be allowed subject to the requirements below, provided they are not located in an established easement or required landscape buffer unless exempted by Art. 5.F.2.A, Easement Encroachment. [Ord. 2023-009]

a) Accessory Living Quarters

Accessory dwellings, such as Guest Cottages, Grooms Quarters, and other Accessory Quarters, shall meet the minimum setback in Table 3.D.1.A, Property Development Regulations, with the exception of properties with an RR FLU designation which shall be subject to a 25-foot side or rear setback. [Ord. 2016-042] [Ord. 2023-009] [Ord. 2023-021]

b) Townhouse

Accessory structures shall meet the setback and separation requirements in Table 3.D.2.A, Townhouse Property Development Regulations. No detached accessory building or structure other than permitted fences or walls shall be permitted on any lot less than 30 feet in width.

c) ZLL

Accessory structures shall meet the setback requirements of Table 3.D.2.B, ZLL Property Development Regulations. [Ord. 2008-037]

d) Single Family and Multifamily

(1) Residential Zoning Districts and AR Lots Less than One Acre

Accessory structures ten feet or less in height shall meet a minimum five-foot setback from the side and rear property lines. Accessory structures over ten feet in height shall meet the minimum setbacks in Table 3.D.1.A, Property Development Regulations. [Ord. 2016-042] [Ord. 2023-009] [Ord. 2023-021]

(2) Within AR Zoning District on Lots One Acre and Greater

Accessory structures shall be set back from the side and rear property lines as follows: [Ord. 2023-009]

(a) Lots five acres or greater; minimum of 25 feet. [Ord. 2023-009]

(b) Lots one acre or greater and less than five acres; minimum of 15 feet. [Ord. 2023-009]

e) Minimum Setback from Easements for AR Districts

Accessory structures, excluding fences, shall be a minimum of five feet from all established drainage easements unless the Applicant can demonstrate that drainage requirements are met through the Building Permit process. [Ord. 2016-042] [Ord. 2023-009]

2) Prohibition in Landscape Buffers

Accessory structures shall not be located within a required landscape buffer. [Ord. 2016-042]

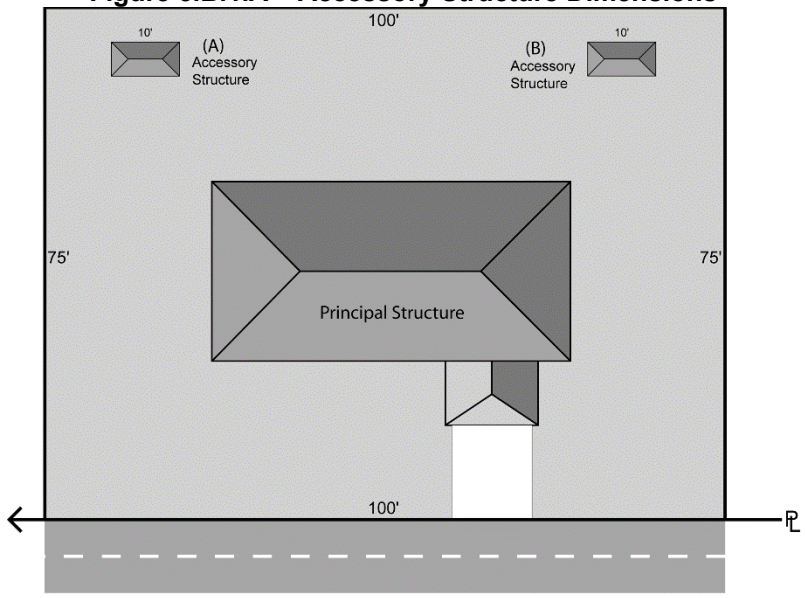
3) Non-Residential Districts

Accessory structures shall meet the setback requirements in Table 3.D.1.A, Property Development Regulations.

4) U/S Tier – Maximum Accessory Structure Dimensions

In the U/S Tier, all accessory structures located on a parcel in a residential district shall not occupy more than 25 percent of the distance between property lines. [Ord. 2008-037] [Ord. 2016-042]

Figure 5.B.1.A – Accessory Structure Dimensions



In the U/S Tier, all accessory structures located on a parcel in a residential district shall not occupy more than 25 percent of the distance between property lines.

This Example:
Distance between property lines 100'
Total of A+B accessory structures 10'+10'=20'
100' X 25% = 25' maximum allowed by Code

e. Specific Accessory Uses

1) Office

a) Areas of a building dedicated to the administrative operation and incidental to a principal use or uses listed in the Use Matrices may be Permitted by Right. [Ord. 2017-007]

b) One parking space shall be provided for every 250 square feet of accessory office. [Ord. 2017-007] [Ord. 2020-001]

2) Incidental Sales

Sales of products incidental to a principal use may be Permitted by Right in commercial, industrial, or institutional, public, and civic Use Classifications subject to the following, unless stated otherwise: [Ord. 2017-007]

a) Maximum ten percent of the GFA; [Ord. 2017-007]

b) One parking space for every 200 square feet of accessory sales; [Ord. 2017-007]

c) Merchandise is not stored outside or visible from any street; and, [Ord. 2017-007]

d) Commercial signage is only to advertise the principal use. [Ord. 2017-007]

2. Fences and Walls

a. Height Measurement

The height shall be measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall, unless stated otherwise below: [Ord. 2015-006] [Ord. 2016-016]

1) Located on Berm

Height shall be measured from the elevation of the berm where the fence or wall is constructed, unless in conflict with standards for Grade Change below. [Ord. 2015-006]

2) Grade Change

a) Residential

Height may be increased when the fence or wall is located on a retaining wall, subject to the requirements of Art. 5.B.1.A.2.b.5), Residential District Grade Changes. [Ord. 2016-016]

b) PDD or Non-Residential Perimeter Buffers

Height may be increased when the fence or wall is located on a retaining wall, subject to the requirements of Art. 7.D.5, Landscape Buffers with Grade Changes. [Ord. 2016-016]

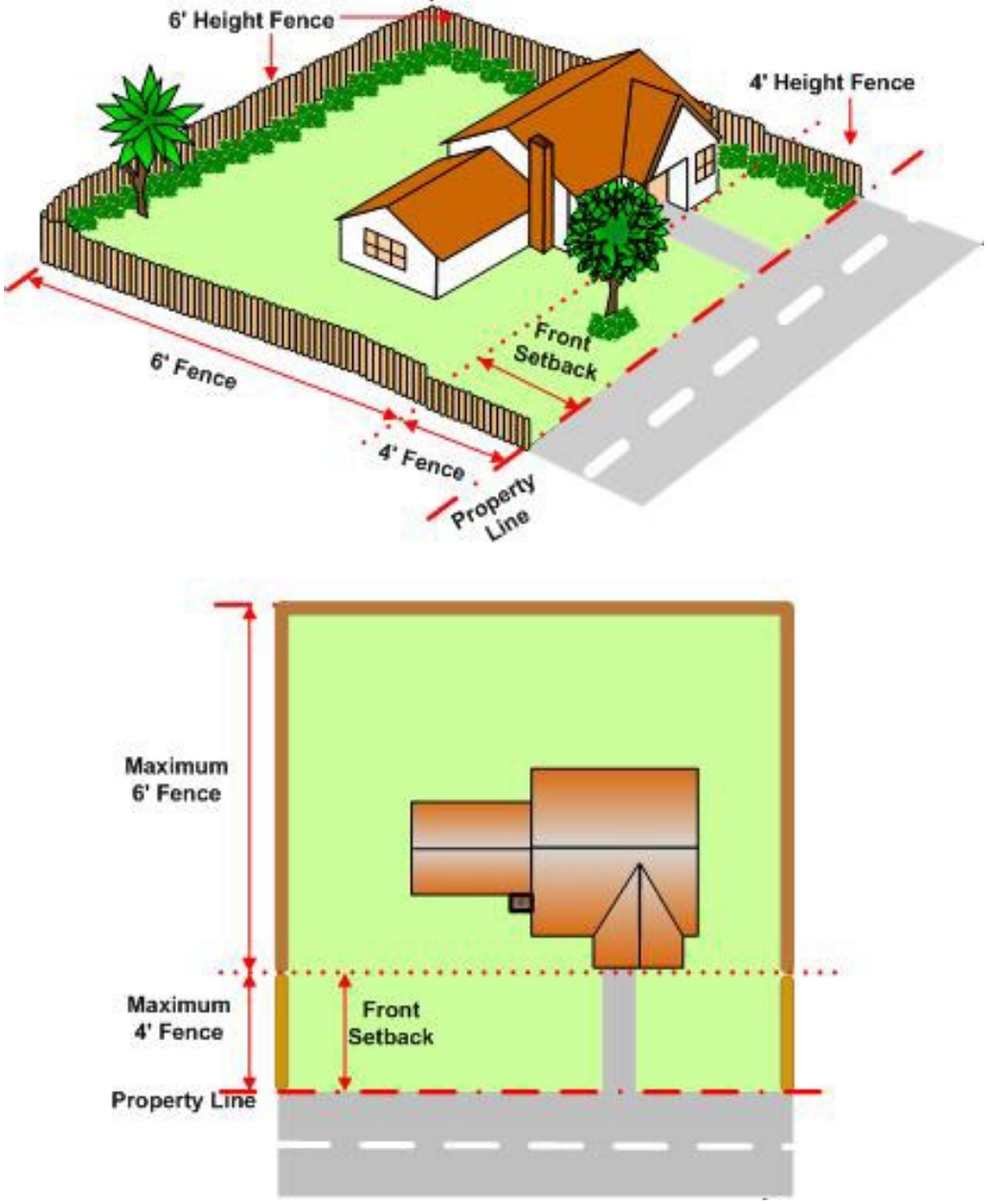
b. Height and Related Standards

1) Residential Uses

The maximum height for a fence or wall on or adjacent to a residential lot line or in a landscape buffer shall be as follows: [Ord. 2015-006] [Ord. 2019-023] [Ord. 2019-034]

a) Within required front setback:
   (1) four feet, or [Ord. 2005-041] [Ord. 2015-006]
   (2) six feet for property owned by PBC for preservation or conservation purposes. [Ord. 2005-041] [Ord. 2015-006]
   (3) six feet for all rail fencing in the AR/RSA Zoning District. [Ord. 2024-004]
b) Within required side, side street, and rear setback: six feet. [Ord. 2015-006]
c) Within a landscape buffer: six feet. [Ord. 2015-006]

Figure 5.B.1.A – Typical Example of Residential Fence and Wall Height



[Ord. 2005-041] [Ord. 2015-006]

2) Non-Residential Uses

The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows: [Ord. 2015-006] [Ord. 2019-023] [Ord. 2019-034]

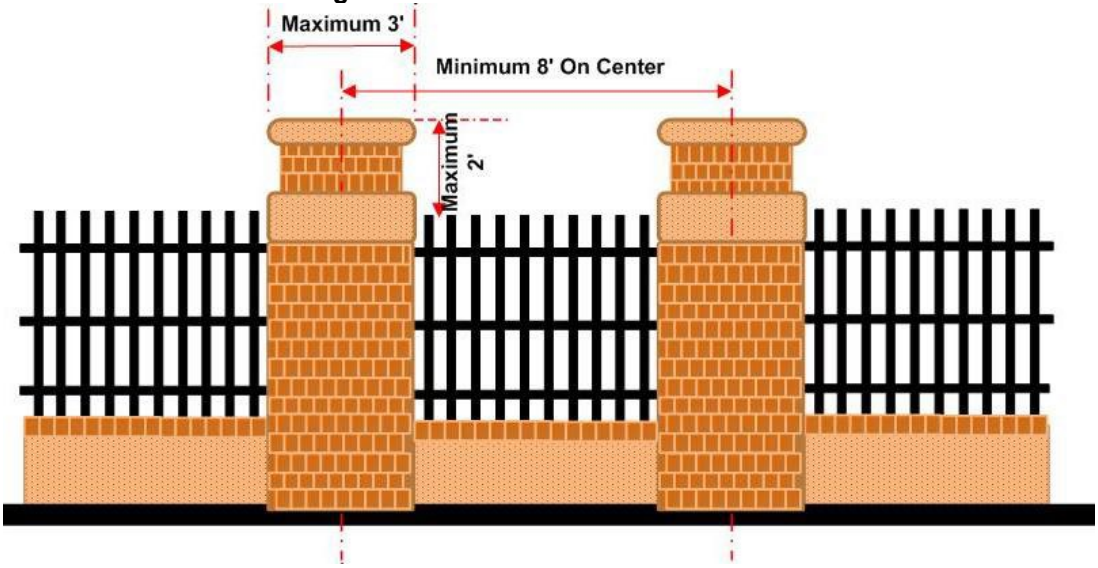
a) Within the required front setback: six feet. [Ord. 2015-006]

b) Within the required side, side street, and rear setback: eight feet. [Ord. 2015-006]

3) Attachments

Gates, gateposts, decorative features, and lights attached to a fence or wall in a setback or perimeter buffer shall not exceed three feet in any horizontal distance or two feet in height above the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet apart, measured on center. [Ord. 2015-006]

Figure 5.B.1.A – Attachments to Walls



[Ord. 2015-006]

4) General Exceptions

a) Fences and walls up to eight feet in height shall be permitted within a street buffer adjacent to a golf course. [Ord. 2015-006]

b) Fences around tennis courts may exceed six feet in height, subject to the setback requirements in Table 5.B.1.A, Setbacks. [Ord. 2015-006]

c) The ZC and BCC may require increased heights to ensure adequate screening and buffering between incompatible uses. [Ord. 2015-006] [Ord. 2016-016]

d) The DRO may approve increased fence heights and modify allowable locations for fences with and without barbed wire for Minor Utilities and Water or Wastewater Treatment Plants. [Ord. 2007-013] [Ord. 2015-006]

e) Schools may increase the fence height to eight feet along the perimeter of the site. [Ord. 2017-007]

f) Walls subject to noise mitigation shall comply with Art. 7.D.4.B.2, Noise Mitigation Walls. [Ord. 2018-002]

5) Residential District Grade Changes

The height of a fence or wall located within the front, side, or rear setback of a lot supporting a Single Family dwelling unit, may be increased when located adjacent to a lot having a different elevation where a retaining wall is installed along the property line, in accordance with the following: [Ord. 2015-006] [Ord. 2016-016]

a) Grade Measurement

The difference in grade shall be determined by measuring the elevation where the fence or wall is constructed and the elevation of the abutting lot at the property line. [Ord. 2015-006]

b) Maximum Height Increase

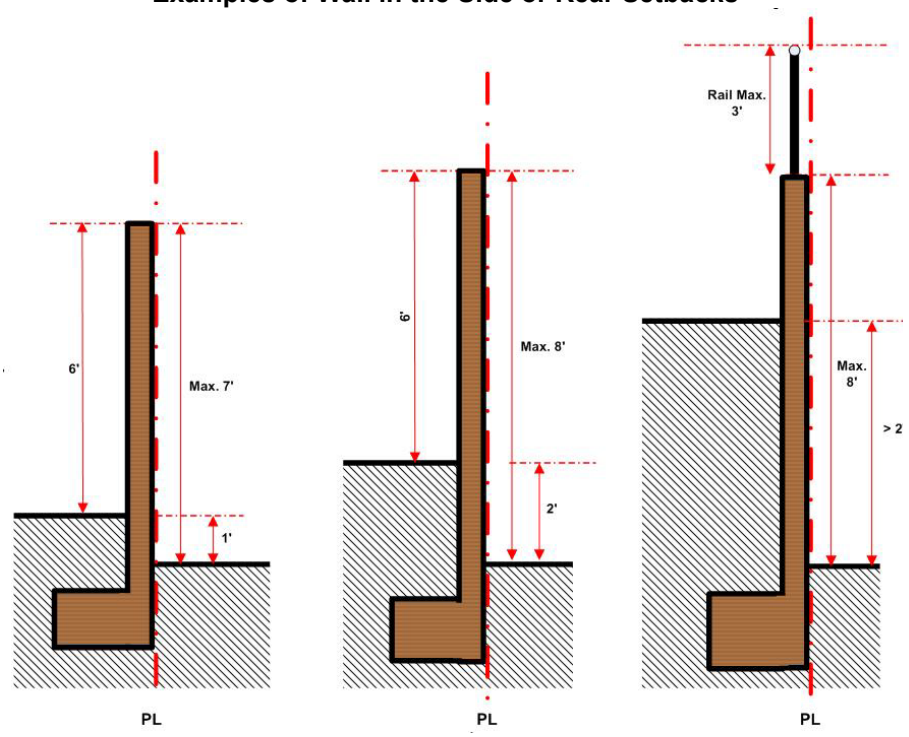
The height of the fence or wall may be increased by the difference in grade up to a maximum of two feet, whichever is less, as follows: [Ord. 2015-006]

(1) Within the required front setback: Up to a maximum of six feet. [Ord. 2015-006]

(2) Within a side or rear setback: Up to a maximum of eight feet. [Ord. 2015-006]

(3) A guard railing not to exceed three feet in height may be permitted where the grade difference is greater than two feet, provided the mass of the railing does not exceed the mass necessary to meet the opening limitations and strength requirements of the Florida Building Code, Residential. [Ord. 2015-006]

Figure 5.B.1.A – Residential District Grade Changes
Examples of Wall in the Side or Rear Setbacks



Typical Example of a 1' Grade Difference | **Typical Example of a 2' Grade Difference** | **Typical Example of a Grade Difference > 2'**

[Ord. 2015-006]

c. Walls – Appearance

The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.

d. Sight Distance

Walls and fences shall comply with Art. 11.E.9.C, Minimum Safe Sight Distance and Corner Clips at Intersection.

e. Dangerous Materials

Fences or walls in any zoning district, shall not be electrified or contain any substance such as broken glass, spikes, nails, barbed wire, razors, or any other dangerous material designed to inflict discomfort, pain, or injury to a person or animal, except as allowed below. [Ord. 2010-005] [Ord. 2011-001]

1) Barbed Wire Exceptions and Regulations

The use of barbed wire is prohibited except in instances as detailed below. The County recognizes that barbed wire may be necessary to secure certain non-residential uses or structures. Therefore, the County allows the installation of barbed wire on top of the fence or wall, subject to the following: [Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001] [Ord. 2017-007]

a) Allowable Uses for Barbed Wire

(1) Commercial Communication Towers [Ord. 2017-007]
(2) Electric Power Plant; [Ord. 2017-007]
(3) Electric Transmission Facility; [Ord. 2017-007]
(4) Minor Utility; [Ord. 2017-007]
(5) Prison; [Ord. 2017-007]
(6) Solid Waste Transfer Station; [Ord. 2017-007]
(7) Water or Wastewater Treatment Plant; and, [Ord. 2017-007]
(8) Zoo. [Ord. 2017-007]

(9) Except when located adjacent to a parcel having a residential FLU designation, residential zoning district, or residential use, barbed wire that is not visible from any public street, may be installed with the following uses: [Ord. 2017-007]
(a) Contractor Storage Yard; [Ord. 2017-007]
(b) Salvage or Junk Yard; [Ord. 2017-007]
(c) Self-Service Storage; [Ord. 2017-007]
(d) Sugar Mill or Refinery; and, [Ord. 2017-007]
(e) Towing Service and Storage. [Ord. 2017-007]

(10) Bona Fide Agriculture Use Located in AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels

When Bona Fide Agriculture is located in the AR Zoning District other than nurseries, barbed wire shall be set back a minimum of 25 feet from any property line. [Ord. 2017-007]

(11) Properties with a conservation FLU designation, for the purposes of protecting publicly-owned natural areas; [Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]

(12) Properties where the owner can document a valid Development Permit for the use of barbed wire; [Ord. 2010-005] [Ord. 2011-001] [Ord. 2017-007]

(13) The Zoning Director shall have the authority to allow the installation of barbed wire for any uses pursuant to Art. 4.B, Use Classification, when the Applicant demonstrates a need to comply with Federal, State, or Local Government regulations. In support of the barbed wire installation, the Zoning Director may require the Applicant to perform mitigation in order to address compatibility with adjacent properties or visibility from adjacent street right-of-way; and, [Ord. 2010-005] [Ord. 2011-001] [Ord. 2017-007]

(14) A removal agreement shall be executed to remove the barbed wire, prior to issuance of a Building Permit. This agreement shall require the removal of the barbed wire in the event the use changes to another use not allowed in the list above. [Ord. 2017-007]

b) Standards

(1) Height

The barbed wire shall not exceed 20 percent of the overall permitted height of the fence or wall or two feet whichever is less. [Ord. 2017-007]

(2) Height Exemption

Bona Fide Agriculture, Prisons, and other uses as authorized by the Zoning Director pursuant to provisions in Art. 5.B.1.A.2.e.1)a)(13), shall be permitted to exceed the 20 percent provision. The calculation of the overall height of a fence or wall is inclusive of any barbed wire. [Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001] [Ord. 2017-007]

2) Electrified Fences – Exceptions and Regulations

The use of electrified fences is prohibited except in instances as detailed below. The County recognizes that electrified fences may be necessary to secure certain non-residential uses or structures. Therefore, the County allows the installation of electrified fencing, subject to the following: [Ord. 2013-018]

a) Allowable Uses for Electrified Fences

Electrified fences shall only be allowed for the following uses: [Ord. 2013-018]

(1) Commercial uses, as follows: [Ord. 2013-018]
(a) Auction, Outdoor; [Ord. 2013-018]
(b) Contractor Storage Yard; [Ord. 2013-018]
(c) Flea Market, Outdoor; [Ord. 2013-018] [Ord. 2017-007]
(d) Landscape Service; [Ord. 2013-018]
(e) Laundry Services; [Ord. 2013-018]
(f) Marina; [Ord. 2017-007]
(g) Parking, Commercial; [Ord. 2013-018] [Ord. 2017-007]
(h) Repair and Maintenance, Heavy; [Ord. 2013-018] [Ord. 2017-007]
(i) Self-Service Storage, Limited Access; [Ord. 2013-018] [Ord. 2017-007]
(j) Self-Service Storage, Multi-Access; [Ord. 2017-007]
(k) Towing Service and Storage; [Ord. 2013-018] [Ord. 2017-007]
(l) Vehicle Sales and Rental, Light; and, [Ord. 2013-018] [Ord. 2017-007]
(m) Vehicle or Equipment Sales and Rental, Heavy. [Ord. 2017-007]

(2) Institutional, public, and civic uses, as follows: [Ord. 2013-018] [Ord. 2017-007]
  (a) Airport; and [Ord. 2013-018]
  (b) Government Services. [Ord. 2013-018]
(3) Recreation uses, as follows: [Ord. 2013-018]
  (a) Zoo. [Ord. 2013-018] [Ord. 2017-007]
(4) All uses listed as agricultural uses in Art. 4.B.6.A, Agricultural Use Matrix. [Ord. 2013-018] [Ord. 2017-007]
(5) All uses listed under the utility Use Classification in Art. 4.B.7.A, Utility Use Matrix. [Ord. 2013-018] [Ord. 2017-007]
(6) All uses listed under the excavation Use Classification in Art. 4.B.10.A, Excavation Use Matrix. [Ord. 2017-007]
(7) All uses listed as industrial uses in Table 4.B.5.A, Industrial Use Matrix. [Ord. 2013-018]
(8) Accessory Outdoor Storage in accordance with Art. 5.B.1.A.3, Outdoor Storage and Activities. [Ord. 2013-018]
(9) Properties with a conservation FLU designation, for the purposes of protecting publicly-owned natural areas. [Ord. 2013-018]
(10) To secure permanent mechanical equipment except on individual residential lots. [Ord. 2013-018]
(11) The Zoning Director shall have the authority to allow the installation of electrified fences for any uses pursuant to Art. 4.B, Use Classification, when the Applicant demonstrates a need to comply with Federal, State, or Local Government regulations. The Zoning Director may require the Applicant to perform mitigation in order to address compatibility with adjacent properties or visibility from adjacent street right-of-way. [Ord. 2013-018]
(12) An agreement to remove an electrified fence shall be executed prior to issuance of a Building Permit. The agreement shall require removal of the electrified fence if the use changes to other than an allowable use listed above. [Ord. 2013-018]

b) Standards

Electrified fences shall be installed, operated, or maintained in compliance with the following: [Ord. 2013-018]

(1) Technical Standards

All electrified fences are subject to permitting and review by the Building Division and shall be designed, installed, operated, and maintained in a manner not to be injurious to individuals. [Ord. 2013-018]

(2) Exterior Non-Electrified Fence or Wall

Electrified fences and gates shall be attached to the interior of, or completely surrounded on the side facing the property exterior, by a non-electrified fence or wall that meets the following requirements: [Ord. 2013-018]
  (a) Minimum of six feet in height; [Ord. 2013-018]
  (b) The separation between the exterior, non-electrified fence or wall, and the electrified fence shall be a minimum of four inches and a maximum of eight inches; [Ord. 2013-018]
  (c) When adjacent to or within 50 feet of a parcel of land with a residential FLU designation or use, the non-electrified fence shall include a solid material that will screen the electrified fence from view and prevent a person from being able to penetrate the non-electrified fence; and, [Ord. 2013-018]
  (d) Exterior fences such as chain link shall have openings no larger than two and three-eighths inches. [Ord. 2013-018]

(3) Public Warning Signage

Provide and maintain signage, subject to prior review by the Building Division, which satisfies the intent of the requirements contained in ISO 3864 or a current equivalent internationally accepted standard, and that such signage be placed within ten feet of all corners, not more than 45 feet apart, so as to be plainly visible. Exceptions to screening or landscaping requirements may be permitted where necessary to ensure visibility of signage. [Ord. 2013-018]

(4) Height

The maximum height of an electrified fence and any attachments shall not exceed the height of any required exterior non-electrified fence or wall, or other required screening, by more than a maximum of two feet in height. Any portion of an electrified fence that exceeds the height of the non-electrified fence shall be limited to a maximum of two horizontally placed strands per vertical foot, a maximum of 12.5 gauge in diameter, with attachments spaced not less than 20 feet on center, excluding gates. [Ord. 2013-018]

(5) Location, Landscaping, or Screening

(a) Within Required Setbacks

Electrified fences shall not be permitted within any required setback or within 50 feet from property lines, whichever is greater, unless the perimeter landscape buffer is in compliance with Art. 7, Landscaping, unless stated otherwise herein. [Ord. 2013-018]

(b) Within 50 Feet of Any Property Line

Any electrified fence located within 50 feet of any property line (excluding within a required perimeter buffer) and abutting a non-conforming landscape buffer, shall be screened from view by landscaping, fences, walls, or buildings, excluding the top two feet. [Ord. 2013-018]

(c) Outdoor Storage

The use of electrified fences in outdoor storage areas shall only be permitted when in compliance with the following screening requirements, excluding the top two feet: [Ord. 2013-018]

i. When located in non-residential districts, the screening requirements of Art. 5.B.1.A.3, Outdoor Storage and Activities; and [Ord. 2013-018]

ii. When located in residential districts or for uses which allow outdoor storage by definition or in another Section, shall be screened from view by landscaping, fences, walls, or buildings. [Ord. 2013-018]

(d) Mechanical Equipment

The use of electrified fences with mechanical equipment shall only be permitted when in compliance with the screening requirements of Art. 5.B.1.A.20, Mechanical Equipment, excluding the top two feet. [Ord. 2013-018]

(6) Non-Conforming Dangerous Materials

If a property has non-conforming dangerous materials in areas that will be secured by the installation of electrified fences, the dangerous materials shall be removed prior to electrification or the issuance of a Certificate of Completion by the PBC Building Division for the electrified fence. [Ord. 2013-018]

(7) URAO, IRO, WCRAO, and TDD Limitations

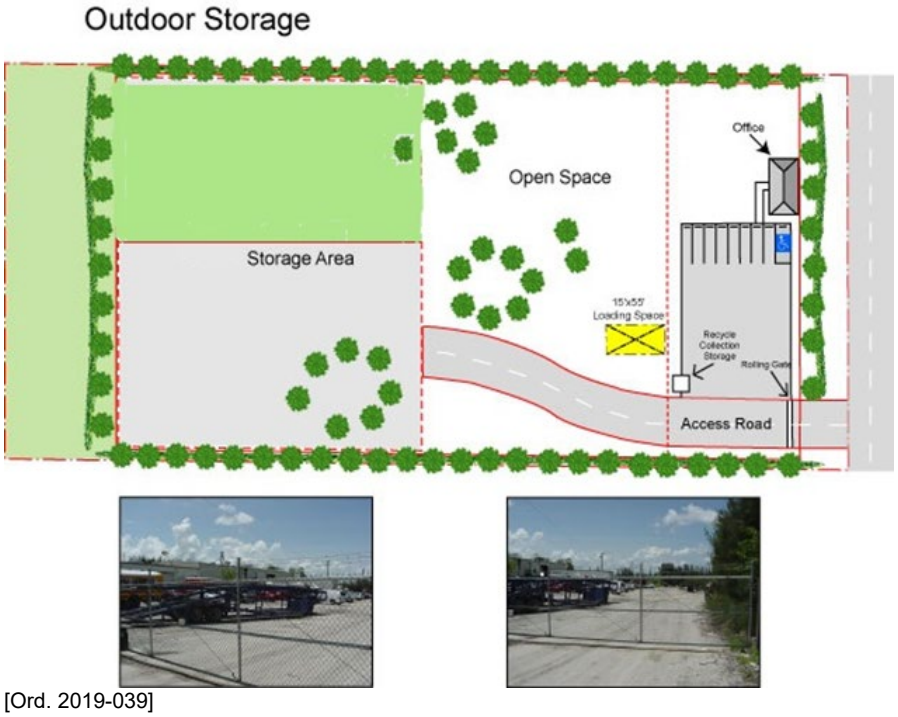
(a) Electrified fences shall not be permitted in any URAO, IRO, or TDD developments constructed with a required build-to-line or any other area unless located behind buildings and in areas not accessible by the public. [Ord. 2013-018] [Ord. 2017-025]

(b) Electrified fences within the WCRAO shall be prohibited in all sub-areas except for the UI Sub-area. [Ord. 2013-018]

3. Outdoor Storage and Activities

Outdoor storage of merchandise, inventory, vehicles and trailers used in operation of a business, equipment, refuse, or similar materials, and outdoor activities associated with a use operation in all zoning districts shall be subject to the following standards, unless stated otherwise: [Ord. 2017-007] [Ord. 2019-039]

Figure 5.B.1.A – Outdoor Storage



[Ord. 2019-039]

a. General

Outdoor Storage and Activities may only be allowed when incidental to the use located on the premises. [Ord. 2017-007]

b. Location

Outdoor Storage and Activity areas shall not be located in any of the required setbacks. Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations. [Ord. 2017-007]

c. Height

Outdoor Storage material shall not exceed 15 feet in height or the height of the screening, whichever is less. The height could be less if required by Chapter 62-709, F.A.C., as amended. [Ord. 2017-007]

d. Screening

Outdoor Storage and Activity areas shall be completely screened from all property lines by landscaping, fences, walls, or buildings. [Ord. 2017-007]

e. Industrial FLU Designation, Zoning Districts, or Uses

1) Outdoor Storage and Activity areas adjacent to parcels of land with an industrial FLU designation or use and not visible from any street shall be exempted from the screening requirements. [Ord. 2017-007]
2) Outdoor Activity areas in industrial uses shall have a Type 3 Incompatibility Buffer along property lines adjacent to parcels with a civic, conservation, commercial, recreational, or residential FLU designation, or use, or where visible from a public R-O-W. The Incompatibility Buffer shall be a minimum of 25 feet in width. [Ord. 2017-007]
3) Outdoor Activities such as chipping, crushing, grinding, manufacturing, or processing shall be restricted to uses in the IG Zoning District and Industrial General Pod of PIPD unless approved as a Class A Conditional Use. [Ord. 2017-007]

f. Exceptions

The following uses or material are exempt from this Section:

1) Storage and sales of landscape plant material.
2) Temporary storage of material used for road construction on a lot directly adjacent to the roadway under construction. [Ord. 2017-007]

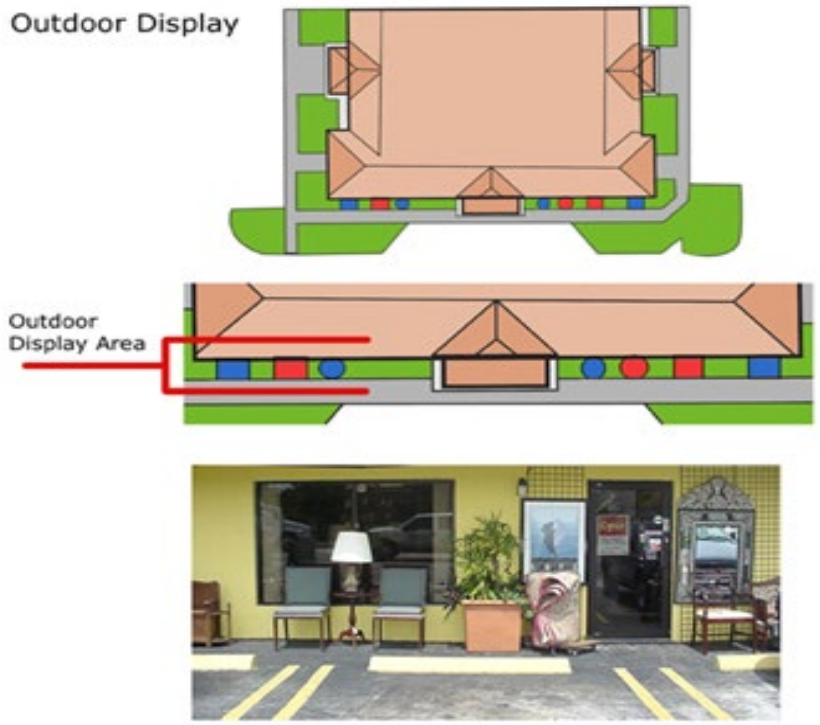
g. Parking/Storage

The parking and storage of vehicles and trailers, used in operation of a business, shall be on an improved surface as described in Art. 6.B.3.B.1, Paved, Art. 6.B.3.A.2.e, Drainage or Art. 6.B.3.A.2.f, Maintenance. [Ord. 2019-039]

4. Outdoor Display

a. Merchandise must be mobile and stored indoors overnight daily.
b. Merchandise must be accessory to a principal use located on the same property.
c. Merchandise shall not be located in any required setback, parking space, loading space, loading area, vehicular use area, fire lane, landscape buffer, required sidewalk, ADA accessibility route, or drainage easements.

Figure 5.B.1.A – Outdoor Display



5. Docks

a. Accessory Docks

Applicants shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. This requirement does not apply to Single Family docks and only applies to expansion of existing marine facilities or development of new marine facilities with five or more slips. Accessory docks located on the same lot as a residence shall meet a five-foot setback from the side property lines. Accessory docks not located on the same lot as a residence shall comply with the following setbacks: [Ord. 2009-040]

1) Dock in Publicly-Owned Waterway

A minimum five-foot side setback measured from the extension of the property lines into the waterway. The property lines shall be extended into the waterway in the same direction and bearing as the side lot lines.

2) Dock in Privately-Owned Waterway

The setback shall be determined by the Person asserting ownership in interest or jurisdiction over the waterway. Signed consent by this Person must be in place prior to permit being issued. Owner sign-off and consent shall be required. The dock shall be located directly adjacent to, and abutting, the lot on which the residence is located.

6. Entry Features

Unless exempt in Art. 3.D.1.D.5, Setback Exceptions, entry features shall comply with Table 5.B.1.A, Entry Feature Setbacks. Setbacks may be taken from the edge of the pavement for access ways internal to a PDD. [Ord. 2005-002]

Table 5.B.1.A – Entry Feature Setbacks

Front	25'
Side, Street, and Rear	15'

7. Fuel, Gas, or Chemical Storage Tanks

Above-ground accessory fuel, gas, or chemical storage tanks, three feet or greater in height shall be subject to the zoning district setbacks or the minimum setbacks required by the Florida Building and Fire Prevention Codes, whichever is greater, and screening. New and replacement storage tanks shall be screened from view if adjacent to a residential use or FLU designation and visible from an adjacent R-O-W. The screening shall consist of an opaque barrier or equivalent landscaping a minimum height equal to the highest point of the storage tanks. [Ord. 2019-034]

8. Dumpsters

Each use shall provide a method for the removal of refuse when individual collection, from a licensed solid waste hauler is not provided. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable material, such as dumpsters, trash compactors, and recycling containers, shall meet the following standards:

a. Storage Area

A minimum of one refuse container and one recycling container shall be provided for each non-residential project and Multifamily projects with 16 units or more. All outdoor receptacles shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet. [Ord. 2018-002] [Ord. 2021-023]

b. Location

Shall be located to minimize turning and back-up movements by pick-up and removal vehicles, and shall not encroach into easements, landscape buffers, or parking spaces. [Ord. 2018-002] [Ord. 2021-023]

c. Setback

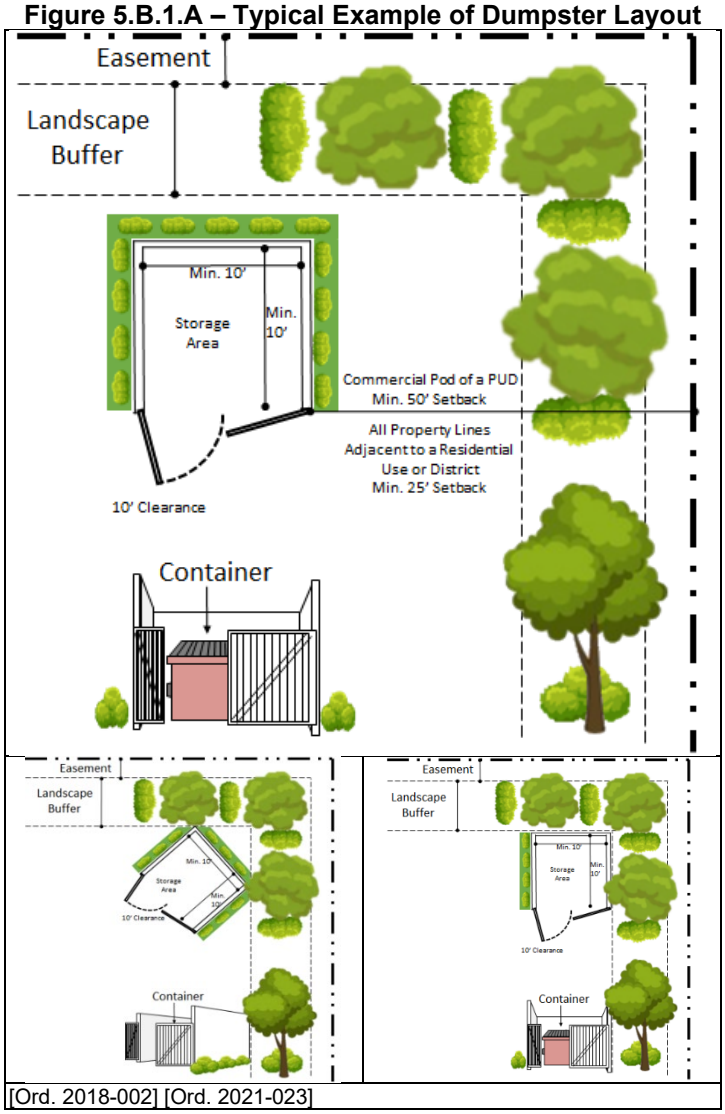
1) Shall comply with Art. 3.E.2.E.2.b, Design when located in a Commercial Pod of a PUD. [Ord. 2018-002] [Ord. 2021-023]
2) Shall be set back a minimum of 25 feet from all property lines adjacent to residential zoning districts and uses. If adjacent to a non-residential zoning district or use, the landscape buffer width shall serve as the setback. [Ord. 2018-002] [Ord. 2021-023]

d. Screening

Shall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch-high shrub planted 24 inches on center. If improvements are proposed for previously approved storage areas, screening shall be provided to the greatest extent possible. Enclosure vegetation

planting shall not be required in any location where the planting overlaps a buffer. [Ord. 2018-002] [Ord. 2021-023]

Figure 5.B.1.A – Typical Example of Dumpster Layout



[Ord. 2018-002] [Ord. 2021-023]

e. Retrofitting of Existing Developments

The retrofitting of existing developments to comply with the standards of this Section is permitted at a ratio of deletion of one parking space for each outdoor receptacle, not to exceed ten percent of the total required parking spaces.

9. Neighborhood Recreation Facility

A non-profit facility designed and intended for recreational use by occupants of a residential development or subdivision owned and operated by a POA or equivalent. Recreation facilities shall be subject to the following standards: [Ord. 2011-001] [Ord. 2013-001]

a. Property Development Regulations (PDRs)

1) PDRs shall be in accordance with the standards for a Recreation Pod in Table 3.E.2.D, PUD Property Development Regulations. [Ord. 2011-001]
2) PDRs for outdoor recreation amenities shall be in accordance with Art. 5.B.1.A.10, Outdoor Recreation Amenities. [Ord. 2013-001]

b. Parking

Parking shall be in accordance with Art. 6, Parking, Loading, and Circulation. [Ord. 2011-001] [Ord. 2020-001]

1) The POA or its equivalent shall be responsible for ensuring adequate on-site parking is provided during Special Events. [Ord. 2011-001]

c. Landscaping

Landscaping shall be in accordance with Art. 7, Landscaping, except that perimeter buffers shall not be required for golf course greens (excluding driving ranges or other recreation amenities) abutting internal streets or residential lots if approved by the BCC on a Preliminary Master Plan or Subdivision Plan. [Ord. 2011-001]

d. Additional Requirements for Standard Zoning Districts

In addition to the above, recreation facilities in a Standard Zoning District shall also comply with the following: [Ord. 2011-001]

1) Shall be subject to a Class A Conditional Use approval. [Ord. 2011-001]
2) Shall be located within the residential subdivision it serves; [Ord. 2011-001]
3) Shall not front on an Arterial or Collector Street; and, [Ord. 2011-001]
4) The Applicant shall provide documentation of ownership and management by the POA or an equivalent. [Ord. 2011-001]

Figure 5.B.1.A – Typical Recreational Facilities



10. Outdoor Recreation Amenities

An open-air amenity designed and intended to support recreation activities including but not limited to: basketball courts, tennis courts, playgrounds, and tot lots, excluding those uses regulated elsewhere such as Outdoor Entertainment. [Ord. 2013-001]

a. Principal and Accessory Use

1) Principal Use

Any outdoor recreation amenities owned and operated as a commercial enterprise or in combination with commercial recreation uses on the same property shall be considered a principal use subject to the PDRs of the applicable district. [Ord. 2011-001] [Ord. 2013-001] [Ord. 2021-006]

2) Accessory Use

Any outdoor recreation amenities operated by a non-profit assembly, social, civic organization, Property Owners' Association (POA), or resident of a dwelling unit shall be considered an accessory use. The accessory use shall be located on the same lot as the principal use except if operated by a residential POA. If operated by a POA, the accessory use shall be located within the boundaries of the development, or a Neighborhood Recreation Facility. [Ord. 2011-001] [Ord. 2013-001]

b. Setbacks

The following setbacks shall apply to outdoor recreation amenities and equipment, excluding swimming pools and spas, and shall be measured to the edge of the court surface or fence, whichever is more restrictive: [Ord. 2006-004] [Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001] [Ord. 2021-006]

1) Common Recreation Amenities

Outdoor recreation amenities operated by a non-profit assembly, social, civic organization, or Property Owners' Association (POA) on a community Recreation Pod, tract, or designated area, shall comply with the setbacks or separations pursuant to Table 5.B.1.A, Setbacks. [Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001] [Ord. 2021-006]

2) Residential Lot Recreation Equipment

Recreation equipment located on a residential lot with a Single Family, ZLL, Townhouse, Cottage Home, or Mobile Home Dwelling, which require issuance of a Building Permit shall comply with the setbacks in Table 5.B.1.A, Setbacks. [Ord. 2014-001] [Ord. 2021-006]

Table 5.B.1.A – Setbacks

Zoning	Setbacks (4)			
	Front	Side	Side Street	Rear
Residential Lot with a Residential Use	25'	7.5' (3)	15'	7.5' (3)
Recreation Pod, Tract, or Area ≥ 1 ac. (1)(2)	25' (5)	50' (R) 15' (C)	25' (5)	50' (R) 15' (C)
Recreation Pod, Tract, or Area ≥ 7,500 sq. ft. < 1 ac.	25' (5)	25' (R) 15' (C)	25' (5)	25' (R) 15' (C)
Recreation Pod, Tract, or Area < 7,500 sq. ft.	15'	15'	15'	15'

[Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001] [Ord. 2021-006]

Notes:

C	Indicates the setback if the lot is adjacent to a parcel with a non-residential zoning district, FLU, pod, or open space 50 feet or greater in width, and does not support a residential use. [Ord. 2021-006]
R	Indicates the setback if the lot is adjacent to the residential use. [Ord. 2021-006]
1.	Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally conforming. [Ord. 2011-001]
2.	Golf course greens, excluding driving ranges, shall be exempt from these setbacks.
3.	Setbacks for recreation amenities and equipment may be reduced to five feet on a residential lot with a Single Family, ZLL, Townhouse, Cottage Home (Single Unit on a Single Lot), or Mobile Home Dwelling, excluding the AR Zoning District. [Ord. 2014-001] [Ord. 2021-006]
4.	The minimum separation between a recreation amenity to a Multifamily or CLF structure, or to the property line of an adjacent residential unit, shall correspond to the setback dimensions described above based on the size of the Recreation Pod, Tract, or Area. [Ord. 2021-006]
5.	Setbacks may be reduced to 15 feet provided that the recreation amenity is located a minimum 50 feet from the nearest residential property line. A minimum 36-inch-high opaque hedge at the time of planting, shall be planted along the recreation amenity adjacent to the street, with the planting area being five feet in width and no easement overlap. [Ord. 2021-006]

c. Standards for Swimming Pools and Spas

1) Setbacks

a) The following setbacks shall apply to pool and spas, and shall be measured to the water's edge:

Table 5.B.1.A – Pool/Spa Setbacks

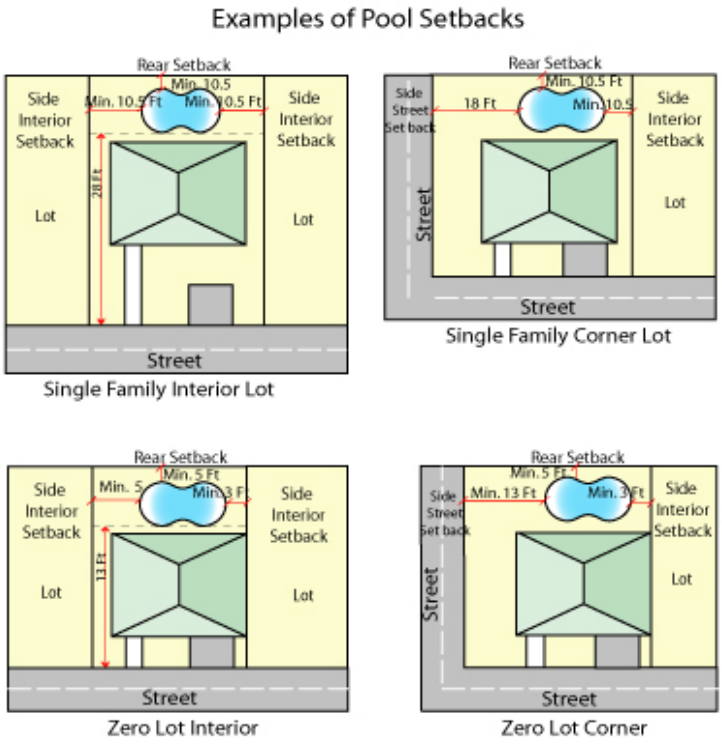
Setbacks	Front	Side	Side Street	Rear
Single Family	28'	10.5'	18'	10.5'
Cottage Home (1)	20'	5'	12'	5'
ZLL	13'	3' – ZLL; 5' – Non-ZLL	13'	5'
Townhouse	13' – Parking tract; 28' – Street	3'	18'	5'
Multifamily	28'	18'	28'	15'
Neighborhood Recreation Facility < 1 ac.	25' setback or separation to the nearest residential lot line			
Neighborhood Recreation Facility ≥ 1 ac.	50' setback or separation to the nearest residential lot line			

[Ord. 2013-001] [Ord. 2018-018] [Ord. 2019-034]

Notes:

1.	Shall apply only to a Cottage Home that is on a single lot. [Ord. 2019-034]

Figure 5.B.1.A – Pool Setbacks



b) Exceptions

(1) Single Family Design Clusters

Single Family design clusters are a type of Single Family dwellings no longer permitted. Swimming pools and spas for projects with previously approved Single Family design clusters shall comply with the setbacks indicated on the PBC Site Plan. If setbacks are not indicated on Site Plan, setbacks for ZLL homes shall be applied.

(2) Single Family and ZLL Homes Adjacent to Open Space

Swimming pools or spas may be constructed with a three-foot rear or side interior setback if adjacent to dedicated open space 50 feet in width or greater. [Ord. 2013-001]

(3) Neighborhood Recreation Facility

Swimming pools or spas may be constructed with a ten-foot rear or side interior setback if adjacent to dedicated open space 50 feet in width or greater. [Ord. 2008-037] [Ord. 2013-001]

2) Building Coverage

Swimming pools and spas shall not be included in the building coverage calculation unless enclosed within a building or a screen enclosure with a solid roof.

3) Fencing, Screening, and Access

Swimming pools and spas shall be enclosed by a safety barrier, wall, fence, or other structure in accordance with the 2001 Florida Building Code, as amended. [Ord. 2005-002]

4) Common Area

The construction of private swimming pools and spas for individual dwelling units within a common area is prohibited, unless the swimming pools and spas were legally constructed prior to April 21, 1995. If 30 percent of the existing dwelling units in a pod or subdivision have existing legally constructed swimming pools or spas in the common area, the remaining dwelling units within the same pod or subdivision may construct a swimming pool or spa as shown on the Final Subdivision Plan or Final Site Plan. If the Final Subdivision Plan or Final Site Plan does not graphically depict the placement of swimming pools or spas in common area, application shall be made to DRO to amend the Final Subdivision Plan or Final Site Plan to depict the placement of the swimming pool or spa if in compliance with the following criteria:

a) Legally Permitted
The Applicant demonstrates that existing swimming pools and spas were legally permitted and constructed in common areas;

b) Joint Applicant
The POA or equivalent must be included as part of a Joint Applicant on the Building Permit application; [Ord. 2011-001]

c) Setbacks
The swimming pool or spa must comply with all setback requirements measured from the outer boundary of the common area or have a 15-foot separation from primary structures, whichever is greater;

d) Perimeter Landscape Area
Accessory structures and improvements shall not be permitted in a required perimeter landscape area;

e) Open Space
The entire development must continue to meet open space requirements;

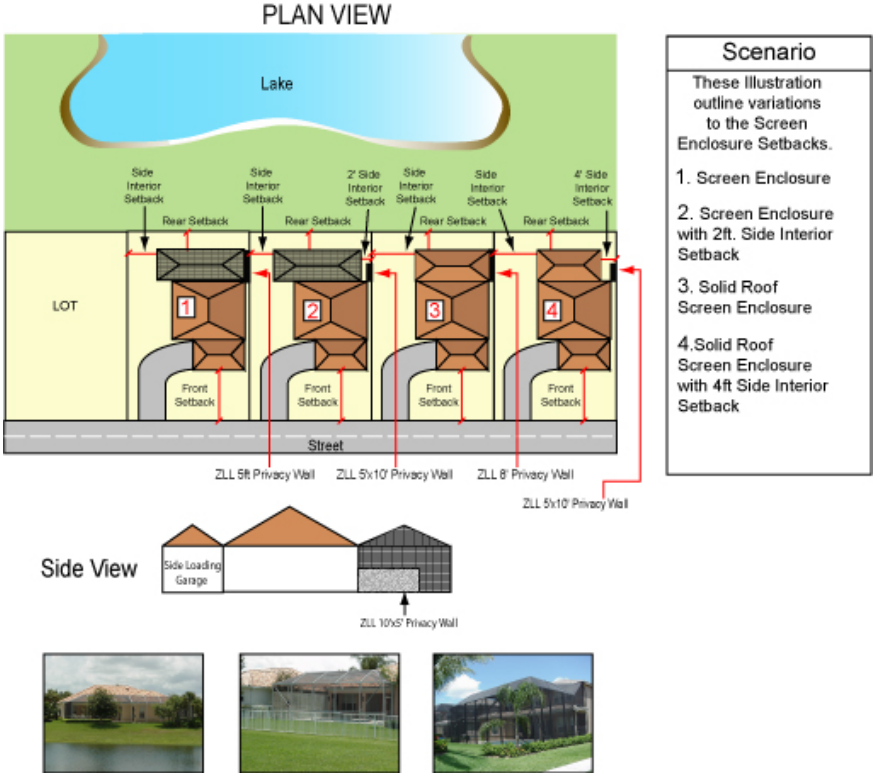
f) Documents
The homeowners' documents shall be amended to include provisions that allow private use of the common area upon association approval; and,

g) Prohibitions
Swimming pools or spas shall not be permitted in a common area that is designed as a water management tract.

11. Screen Enclosures

a. General
Screen enclosures may be covered with a screened or solid roof, as follows:

Figure 5.B.1.A – Typical Screen Enclosure Setbacks



b. Setbacks for Screen Enclosures with Screened Roofs

Setbacks for screen enclosures with screen roofs shall be measured as specified in the Table below:

Table 5.B.1.A – Screen Enclosure Setbacks

Setback	Front	Side Interior	Side Street	Rear
Single Family	25'	7.5'	15'	7.5'
Cottage Home (1)	20'	2'	10'	2'
Multifamily	25'	15'	25'	12'
ZLL				
Interior Lot	10' – Parking tract; 25' – R-O-W	0' – ZLL; 2' – Non-ZLL	N/A	2'
Corner Lot		0'	10'	
Side Street Home		2'	10'	
Townhouse	**Front (Setback)**	**Side (Setback/Separation)**	**Side Street (Setback)**	**Rear (Setback/Separation)**
Property Line	10' – Parking tract; 25' – R-O-W	0'	3' – Property line; 15' – Street	0'
From Inside Edge of Landscape Buffer, PUD, or Tract Boundary		15'	15'	15'
Separation Between Groups	25'	15'	N/A	15'
Recreation Parcels	**Front**	**Side**	**Side Street**	**Rear**
Property Line	25'	20'	20'	20'

[Ord. 2013-001] [Ord. 2018-018] [Ord. 2019-034]

Notes:

1. Shall apply only to a Cottage Home that is on a single lot. [Ord. 2019-034]

1) Exceptions

a) Single Family Design Clusters

Single Family design clusters are a type of Single Family dwellings no longer permitted. Screen enclosures with screen roofs for projects with previously approved Single Family design clusters shall comply with the setback indicated on the approved Site Plan. If setbacks are not indicated on an approved plan, setbacks for ZLL homes shall be applied.

b) Single Family and ZLL Homes Adjacent to Open Space

Screen enclosures with a screen roof may be constructed with zero-foot rear or side interior setbacks in accordance with Art. 3.D.1.D.4.a, Open Space. [Ord. 2008-037]

c) Recreation Facilities

Screen enclosures may be constructed with a minimum of seven-foot rear or side setback if adjacent to dedicated open space 50 feet in width or greater.

2) Townhouses

a) Setbacks are required to be in compliance with the Townhouse standards of Art. 3.D.2.A, Townhouse;

b) Screen enclosure shall maintain a minimum separation between other screen enclosures or the principal structure of Townhouse groups, as specified in Table 5.B.1.A, Screen Enclosure Setbacks;

c) Separations between two Townhouse groups shall be measured by drawing a centerline between the two adjacent groups and measuring a minimum distance of equal to one-half of the required separation from the centerline between structures to ensure an equidistant separation; and,

d) Screen enclosures for Townhouses may cover 100 percent of the total lot area provided minimum separations between Townhouse groups are met.

3) ZLL Developments

A minimum five-foot-high opaque privacy fence or wall shall be provided on the zero side of ZLL extending from the rear of the structure to the rear corner of the screen enclosure. The screen enclosure may be attached to the fence or wall. The wall shall be constructed of materials consistent with Art. 3.D.2.B.3.d, Privacy Walls or Fences. A screen enclosure which is not attached to the privacy wall shall be set back a minimum of two feet from the ZLL side.

4) Building Coverage
Screen enclosures with screen roofs shall not be included in the building coverage calculation.

5) Maximum Allowable Size
Screen enclosures shall be permitted to cover a maximum of 30 percent of the total lot area, except for Townhouses.

6) Height
The height of the screen enclosure shall not exceed the height of the home to which it is attached.

7) Screen Enclosures within Common Areas of a Residential Development
See procedures under Art. 5.B.1.A.10.c.4), Common Area.

c. Screen Enclosures with Solid Roofs

1) Setbacks
Screen enclosures with a solid roof shall meet the minimum setbacks of the principal use of the lot.

2) Special Townhouse Provisions
If the roof of the enclosure is solid, there shall be a minimum eight-foot-high wall on the shared lot line extending from the dwelling to the rear corner of the portion of the enclosure that is roofed. The wall shall be fire-rated in accordance with applicable Building Codes. The screen enclosure may be attached to the masonry wall.

3) Height
The height of the screen enclosure with a solid roof shall not exceed the height of the dwelling unit to which it is attached.

4) Screen Enclosures with Solid Roofs within Common Areas of Residential Developments
See procedures under Art. 5.B.1.A.10.c.4), Common Area.

5) ZLL Setback
A screen enclosure which is not attached to the privacy wall shall be set back a minimum of four feet from the ZLL side.

12. Communication Antennas

A transmitting and/or receiving device used for AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communications. This excludes amateur radio antennas and satellite dish antennas. [Ord. 2017-007]

a. Applicability
Unless an eligible facilities request for a modification is approved pursuant to Art. 4.B.9.E, Eligible Facilities Request for Modification, these standards below shall apply to antennas mounted on roofs, or attached to buildings or legal billboards (collocations). [Ord. 2006-004] [Ord. 2017-007]

b. Review Process

1) Antennas, excluding whip antennas not exceeding eight feet in height and six inches in diameter, may be permitted and shall be reviewed as follows: [Ord. 2017-007]

Table 5.B.1.A – Antenna Review Process

	Zoning District or Use			
Structure Height	**Single Family Residential**	**Multifamily Residential**	**IG, IL, PO Zoning Districts**	**All Other Non-Residential Zoning Districts**
< 25'	Not permitted	Not permitted	Building Permit review	Not permitted
25-45'	Development Review Officer	Development Review Officer	Building Permit review	Development Review Officer
> 45'	Class B Conditional Use	Building Permit review	Building Permit review	Building Permit review
[Ord. 2017-007]				

2) Building Permit
A Building Permit shall be required for the installation of all antennas in addition to any other review process. [Ord. 2017-007]

c. Architectural Compatibility
Demonstrate architectural compatibility (color and/or texture) with the structure on which it is located. [Ord. 2017-007]

d. Screening
If the antenna is attached to a pole support structure, the pole shall be concealed by an opaque screen. [Ord. 2017-007]

e. Size Limitations for Panel Antenna

Each panel shall not exceed a maximum height of eight feet; maximum depth of four feet; and, maximum width of four feet. [Ord. 2017-007]

f. Supplemental Application Requirements

In addition to the requirements indicated above, plans depicting cross sections or elevations of the panel attached to the structure shall be provided at the time of submittal of the application package. [Ord. 2017-007]

g. Setbacks

1) Accessory Structures

Roof-mounted accessory structures shall meet a minimum 25-foot setback from the edge of the roof or comply with the architectural compatibility standards pursuant to Art. 5.B.1.A.12.c, Architectural Compatibility. [Ord. 2017-007]

2) There shall be no minimum setback required for antennas. [Ord. 2017-007]

h. Whip Antennas

Whip antennas not exceeding eight feet in height and six inches in diameter shall be permitted in any zoning district. Whip antennas may be attached to residential structures, utility poles, etc. Whip antennas, unless attached to a residential structure, shall be installed at least 50 feet from any existing residential structure. [Ord. 2017-007]

13. Accessory Radio Tower

A radio tower for non-commercial electronic communication purposes may be permitted as an accessory structure to civic, institutional, recreational, and agricultural uses subject to the following standards:

a. Height

The radio tower shall not exceed 100 feet in height from ground level; and

b. Setbacks

An accessory radio tower shall be set back a distance equal to the height of the tower. The radio tower shall be located in such a manner that it will not fall on any power line.

c. Exceptions for SFWMD Telemetry Towers in the Glades Tier

SFWMD telemetry towers may be considered an accessory use within the Glades Tier, subject to the following: [Ord. 2014-025]

1) DRO approval of an FSP; [Ord. 2014-025]
2) Located on parcels owned by the SFWMD or leased from the Board of Trustees of the Internal Improvement Trust Fund (TIITF) of the State of Florida; [Ord. 2014-025]
3) Height may exceed 80 feet; [Ord. 2014-025]
4) The DRO may approve setback reductions for property lines or lease tracts within parcels owned by the SFWMD or TIITF, when it is demonstrated to DRO that the tower will collapse within the property or the adjoining parcels owned by the SFWMD or TIITF. [Ord. 2014-025]
5) If located within the USA of the Glades Tier, rezoning for consistency with the parcel's FLU designation shall not be required. [Ord. 2014-025]

14. Government-Owned Towers

The following regulations shall be applicable to Government-Owned Towers providing governmental services, including but not limited to emergency services. [Ord. 2018-002]

a. New or modification of towers 100 feet or less in height, may be Permitted by Right in any zoning district, provided the setbacks, separation, and distance between towers is at least 100 percent of the tower height, unless stated otherwise. All government towers in excess of 100 feet in height shall be subject to the standards in Table 5.B.1.A, Antenna Review Process. [Ord. 2018-002]
b. Government-Owned Towers that do or will support commercial antennas shall be subject to the approval and Supplementary Use Standards pursuant to Art. 4.B.9 Commercial Communication Towers. [Ord. 2018-002]

Table 5.B.1.A – New, Modified, or Relocated Government Towers Related to an Emergency (1)

Improvement	Tower Height	Approval Process (2)	Regulations
New Tower	**Towers ≤ 100' in height that do not comply with Art. 5.B.1.A.14.a, above**	BCC hearing (3)	(5)
	Towers > 100'	Subject to approval in the Use Matrix of Art. 4.B.9, Commercial Communication Towers (4)	Setbacks, separation, and distance between towers are at least 100 percent of the tower height. (5)
Modification	**Towers > 100'**	Permitted by Right	• Tower height, base station, and location are the same as in the original approval; or • Subject to the limitations in Art. 4.B.9.E, Eligible Facilities Request for Modification; or • Stealth or Monopole Towers shall comply with the limitations in Art. 4.B.9.D.1.e.1), Stealth; or • Modifications of the tower requires relocation of the tower on the same parcel and the setbacks, separation, and distance between towers are at least 100 percent of the tower height.
		BCC hearing (3)	Modification of towers, not subject to the limitations in Art. 4.B.9.E, Eligible Facilities Request for Modification, resulting in setbacks, separation, and distance between towers less than 100 percent of the tower height. (5)

[Ord. 2018-002]

Notes:

1.	As defined in Art. 1.H.2.E.15, Emergency. [Ord. 2018-002]
2.	Applications subject to public hearing shall comply with and be limited to only the notification requirements in Art. 2.B.5.B, Public Notice and Art. 2.B.5.D, Signs. [Ord. 2018-002]
3.	For government entities other than Palm Beach County, coordination shall be undertaken with the County's Facilities Development and Operation Department (FDO) for placement on the next available BCC meeting or hearing following receipt of a sufficient written request and fulfillment of required public notification. [Ord. 2018-002]
4.	A government agency looking to locate a tower in a prohibited zoning district per Table 4.B.9.A, Commercial Communication Towers Matrix, may request BCC approval of the tower as an emergency conditional approval provided that: [Ord. 2018-002] • There are no properties owned by that government agency that are available within the defined service area in the zoning districts where towers are allowed; [Ord. 2018-002] • The tower is the minimum necessary to protect the public health, safety, or welfare of PBC residents; and, [Ord. 2018-002] • The Applicant makes a presentation to the BCC at a scheduled meeting or hearing on the merits of the request. [Ord. 2018-002]
5.	Setbacks, separation, or distance between towers may be reduced or exempted by the BCC based on findings of fact, including but not limited to: [Ord. 2018-002] • Demonstrate that the tower is the minimum necessary to maintain the level of service to protect the public health, safety, or welfare of PBC residents. [Ord. 2018-002] • Setbacks, separation, and distance between towers are the minimum necessary to protect adjacent uses and structures. [Ord. 2018-002] • All setbacks less than 100 percent of the tower height shall be substantiated by a Registered Engineer in the State of Florida certifying breakpoint calculations. The breakpoint calculations shall confirm that should tower failure occur, the failed portion of the tower shall fall within the property where the tower is located on. [Ord. 2018-002]

Table 5.B.1.A – New, Modified, or Relocated Government Towers Not Subject to an Emergency

Improvement	Height or Base Station Area	Approval Process	Regulations
New Tower	**≥ 101' of any tower type**	Subject to the provisions in Art. 4.B.9, Commercial Communication Towers (1)	
Modification	**Tower height, base station area, and location are the same as in the original approval**	Permitted by Right	Consistent with the original approval.
			Replacement of towers, subject to Art. 4.B.9.G.2, Replacement.
	Modification to tower location	Permitted by Right	Setbacks, separation, and distance between towers are at least 100 percent of the tower height.
	Modifications to the tower height, base station area, and/or location other than above	Subject to the limitations in Art. 4.B.9.E, Eligible Facilities Request for Modification	
		Stealth or Monopole Tower comply with the limitations in Art. 4.B.9.D.1.e.1), Stealth	
		All other towers subject to Art. 4.B.9.G.3, Tower Height Increases	
		BCC hearing	All other dimensions not noted above shall comply with Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria.

[Ord. 2018-002]

Notes:

1.	A government agency proposing to locate a tower in a prohibited zoning district per Table 4.B.9.A, Commercial Communication Towers Matrix, may request approval of the tower as a Class A Conditional Use. [Ord. 2018-002]

15. Amateur Radio and Television Antennas

a. Purpose and Intent

The purpose and intent of this Section is to provide for the safe and effective installation and operation of amateur radio, citizens band radio, and television antenna support structures, and the beam, satellite, or other antennas installed on those support structures. It is also the purpose and intent of this Section to provide for a reasonable accommodation of amateur radio communications, in accordance with 47 CFR 95 and 97, while reflecting PBC's legitimate interest of protecting and promoting the health, safety, welfare, neighborhood aesthetics, and morals of its citizens.

b. Applicability

All amateur and citizens band radio and television transmission and receiving antennas, including satellite dish antennas, shall be governed by the standards of this Section.

c. Antennas and Antenna Support Structures

All antenna support structures and the beam, satellite, or other antenna installed on those antenna support structures, shall be considered accessory uses, allowed only in conjunction with a Single Family dwelling, and shall comply with this Section and Art. 16, Airport Regulations.

d. Use Approval

1) Existing Uses

All antenna support structures and the beam, satellite, or other antennas installed on these support structures which have been constructed, installed, and are operational as of February 1, 1990, shall be considered legal, non-conforming uses which are vested.

2) New Uses

Antenna support structures and their antennas shall be permitted as accessory uses to residential uses and be reviewed and approved as provided below:

a) All Lots

A maximum of two antenna support structures and their antennas, 40 feet or less in height, shall be permitted on any lot. Two additional antenna support structures and their antennas shall be allowed, one to a maximum of 75 feet in height, and the second to a maximum of 100 feet in height. Additional support structures or structures that exceed these height limitations shall require a Class B Conditional Use approval.

b) Permits

All applicable permits shall be obtained.

e. Standards

1) Base Size

The base dimension for each antenna support structure shall be limited to a maximum five feet in overall width at grade. The foundation for each antenna support structure shall be no more than one foot above grade.

2) Setbacks

a) Antenna Support Structure

(1) Location

Antenna support structures shall not be located in the front setback.

(2) Lots Less than One Acre

Antenna support structures shall be located to comply with the district setback standards or a minimum of 25 feet, as measured from the center of the support structure, whichever is greater.

(3) Lots on One Acre or More

Antenna support structures shall be located to comply with the greater of the following:

(a) The minimum district setback standards as measured from the center of the support structure;

(b) 25-foot setback for support structures and their antennas less than 75 feet in height; or,

(c) A setback of 50 percent of the height of the support structure and its antenna equal to or greater than 75 feet in height.

(4) All Lots

Antenna support structures shall be located on the property so as to provide adequate setbacks from above-ground utility power lines other than Applicant’s service lines as follows:

(a) Set back a minimum distance equal to 50 percent of the height as calculated from grade to the highest point of the antenna support structure and its antenna; or

(b) The owner shall submit a breakpoint calculation certified by a Professional

Engineer, or the owner shall submit the manufacturer's specifications that demonstrate a clear fall radius.

f. Antennas

In addition to complying with the setback standards, beam array, satellite, or other antennas shall be mounted so as to provide for removal at approach of hurricanes, if necessary, or provide for the lowering of such beam. The antenna or any element thereof shall be set back a minimum of ten feet from all R-O-Ws, easements, or property under different ownership.

g. Anchors

All peripheral anchors shall be located entirely within the boundaries of the property. If said supports and anchors are closer than five feet to property under different ownership, and if such support or anchor extends greater than three feet above the ground, it shall be effectively screened against direct view from abutting properties and shall extend no greater than six feet above ground.

16. Satellite Dish Antennas

a. Applicability

All satellite dish antennas shall be governed by the standards of this Section unless exempted below or regulated as part of an amateur radio antenna.

1) Exemptions

a) Residential Uses

Satellite dish antennas 40 inches or less in diameter shall be exempt from these requirements.

b) Non-Residential Uses

Satellite dish antennas under 80 inches in diameter shall be exempt from these requirements.

b. Standards

1) Residential Uses

a) Number

A maximum of one satellite dish antenna over 40 inches in diameter shall be allowed on a residential lot.

b) Location and Setbacks

Satellite dish antennas shall be mounted on the wall, ground, or a support structure in the side or rear yard and shall not be located on a wall facing the front property line or within an easement.

(1) Setbacks

Satellite dish antennas shall meet setback requirements of the district as measured from the outermost point of the dish on the side closest to the applicable setback or property line.

c) Screening

Satellite dish antennas, if located in the side or rear yard, shall be screened by an opaque fence or hedge.

d) Height

Satellite dish antennas shall not exceed the height limitations of the district.

2) Non-Residential Uses

a) Number

No limitation.

b) Location and Setbacks

Satellite dish antennas shall be wall, roof, or ground mounted, and shall not be located in the front or side corner yard.

(1) Setbacks

Satellite dish antennas shall meet setback requirements of the district as measured from the outermost point of the dish on the side closest to the applicable setback or property line.

c) Screening

Satellite dish antennas shall be completely screened from adjacent residential districts by an opaque wall (including parapet walls), fence, or hedge, or combination thereof, pursuant to Art. 5.B.1.A.2, Fences and Walls and Art. 7.D.4.A, Hedges.

17. Neighborhood Commercial Development (NCD)

a. General

It is the purpose of this Section to allow a limited amount of commercial uses in certain residential developments which developed prior to the establishment of planned development regulations in Ordinance No. 73-2 (1973). Residential developments which meet the criteria in this Section will be allowed a limited amount of commercial area within the project without Rezoning to a Planned Development District. It is the purpose of this Section to allow limited neighborhood-serving commercial uses in residential areas under the control of an HOA without a commercial FLU designation or rezoning to a commercial district.

b. Procedure

Residential developments which meet the criteria in this Section may create a Master Plan showing existing development and the proposed commercial area. The area shall be subject to approval as a Class A Conditional Use.

c. Criteria

1) Property Owners' Association (POA)

The application for a NCD shall be submitted by an HOA under the control of the residents.

2) Minimum Threshold

The HOA must contain a minimum of 500 units.

3) Location

The NCD shall meet the location criteria for a Commercial Pod in a PUD in Art. 3.E.2, Planned Unit Development (PUD).

4) Number

A maximum of one NCD shall be permitted for each HOA.

5) Size

A NCD shall not exceed three acres in area.

6) Limitation

Uses shall be limited to the regulations of the CN district, excluding Real Estate Sales Offices. [Ord. 2005-041]

18. Bike Racks

a. Number of Bikes

Each bike rack shall accommodate a minimum of five bikes.

b. Multifamily Uses

Multifamily projects with more than 100 units shall provide one bike rack per 50 units.

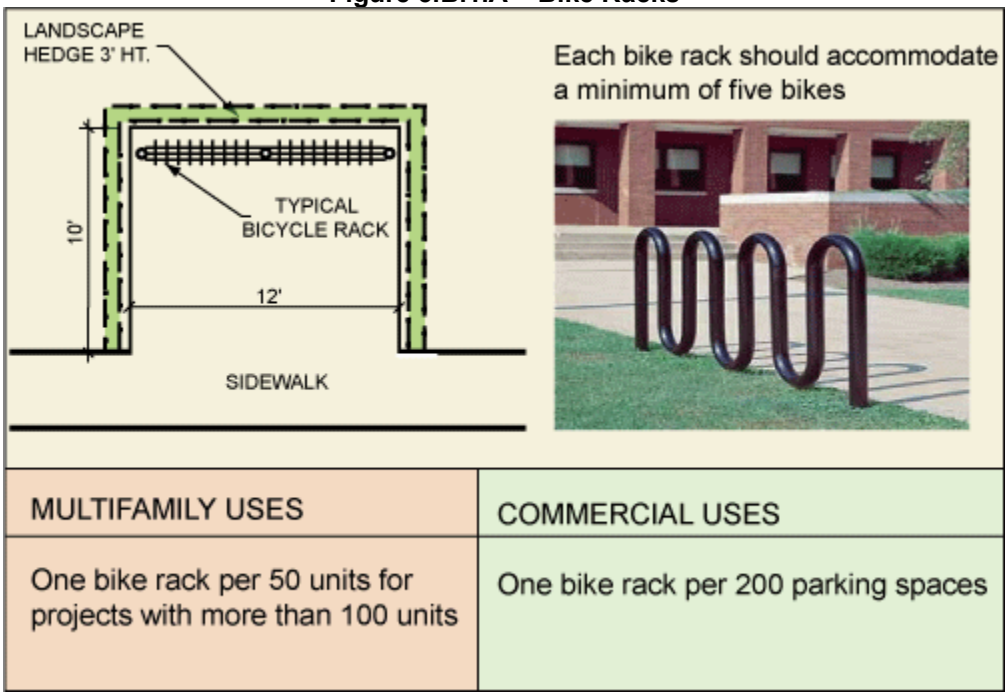
c. Commercial Uses

All commercial projects subject to Site Plan approval by the DRO shall provide one bike rack per 200 parking spaces.

d. Recreation Pod or Neighborhood Recreation Facility

Shall provide a minimum of one bike rack. [Ord. 2020-001]

Figure 5.B.1.A – Bike Racks



MULTIFAMILY USES	COMMERCIAL USES
One bike rack per 50 units for projects with more than 100 units	One bike rack per 200 parking spaces

19. Permanent Generators

a. Applicability

1) Permitted Use

Use of permanent generators shall be permitted during periods of electrical power outages in utility systems maintained by the utility service provider or when the BCC declares a State of Emergency. [Ord. 2006-004] [Ord. 2007-013]

2) CLFs, Clubhouses, and Skilled Nursing or Residential Treatment Facilities

A permanent emergency generator or alternative power source shall be required for all assisted living facilities, excluding personal residences (owner occupied) used as an assisted living facility for five or fewer residents, nursing homes, intermediate care facilities for people with developmental disabilities, or transitional living facilities for brain and spinal cord injury patients, pursuant to F.S. § 400.492 and Rule 59A-8.027, F.A.C., and PDD or TDD clubhouses 20,000 square feet, or greater. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2021-022]

a) Exemptions

(1) Developments that have a BCC or DRO-approved plan that graphically indicates a clubhouse(s) shall be exempt from the generator requirement except for projects that exceed 75 percent or more of the Improvement Value as stated below. [Ord. 2007-013] [Ord. 2013-001]

(2) Renovations or additions that do not exceed 75 percent or more of the Improvement Value may be exempt from these requirements. [Ord. 2007-013] [Ord. 2011-016]

(3) A PDD or TDD clubhouse located in the Coastal High Hazard Area as defined by the Plan, shall be exempt from this requirement. [Ord. 2007-013]

(4) A PDD or TDD that has one or more clubhouses with a generator meeting the requirements of this Section, shall be exempt for any other remaining clubhouses within the development. [Ord. 2007-013]

b. Standards

1) General

The following standards shall apply to all permanently installed generators. [Ord. 2006-004]

a) Maximum Permissible Sound Level

Refer to Art. 5.E.4.B.2, and Table 5.E.4.B, Maximum Sound Levels. [Ord. 2006-004]

b) Screening

Generators that are not located within, or completely screened by a building, shall be screened from view when adjacent to or visible from a public R-O-W or parcels with a conservation or residential FLU designation or use. Screening may include the use of fences, walls or hedges, or a combination thereof. [Ord. 2006-004]

c) Maintenance Cycle

Generators may be operated for exercising purposes one time per week, excluding Sundays, for a period not exceeding 30 minutes between the hours of 10:00 a.m. to 5:00 p.m. [Ord. 2006-004]

d) Location and Setbacks

Generators shall meet the district setback requirements for principal structures, but shall not be located between the front or side street façade of a building and a R-O-W or in an easement, unless: [Ord. 2006-004] [Ord. 2007-001]

(1) Encroachment is limited to ten percent of setback; [Ord. 2007-001]
(2) Where applicable, the Applicant indicates that an HOA has been notified of the application for Building Permit; [Ord. 2007-001]
(3) The generator shall be screened from view from any public rights-of-way or adjacent property lines by an opaque fence/wall; and, [Ord. 2007-001]
(4) If this criteria cannot be met, the Applicant may apply for a Type 1 Variance, pursuant to Art. 2.C.5.F, Type 1 Variance. [Ord. 2007-001]

2) Residential

The following shall be applicable to Art. 4.B.1, Residential Uses: [Ord. 2006-004] [Ord. 2024-020]

a) Number

A maximum of one generator shall be allowed on a lot with a single dwelling unit. A maximum of one generator per structure shall be permitted for Multifamily developments, with exception to condominiums, which shall be permitted one generator per unit. [Ord. 2006-004] [Ord. 2024-020]

b) Generator Setback Exceptions

Generators less than five feet in height measured from the top of the supporting platform may be allowed within the required side and rear setbacks. The generator rear and side setbacks shall be a minimum of five feet. For SFDs and residential uses within a SFD, the generator side setback shall be a minimum of three feet, and rear setback shall be a minimum of five feet. [Ord. 2006-004] [Ord. 2024-020]

3) CLFs, PUD Clubhouses, Skilled Nursing or Residential Treatment Facilities, and Other Uses Referenced in Article 5.B.1.A.19.a.2)

Required generators or alternative power source shall have a minimum operating capacity to provide service for the following: [Ord. 2006-004] [Ord. 2021-022]

a) Essential Functions

Essential electrical systems within the building, including but not limited to, exit lighting, emergency lighting, elevators, fire alarm system, bathroom exhaust fans, and, bathroom hot water heaters. [Ord. 2006-004]

b) General Lighting

Lighting for a minimum of 30 percent of the building's GFA, including but not limited to, main meeting or gathering area, hallways, and bathrooms. [Ord. 2006-004]

c) Multi-Purpose Room

Air conditioning for 30 percent of the building's GFA including the largest meeting or gathering room. [Ord. 2006-004]

d) Fuel Storage

Sufficient to operate the generator for the minimum of 72 hours at the full load capacity. [Ord. 2006-004]

4) Non-Residential

There is no limitation to the number of generators. [Ord. 2006-004]

20. Mechanical Equipment

a. Applicability

This Section shall apply to the installation of improvements associated with mechanical equipment. [Ord. 2008-037]

1) Location and Setbacks

a) Setback Exceptions

Setback exceptions shall be applied pursuant to Art. 3.D.1.D.5, Setback Exceptions. [Ord. 2008-037]

b) Height Exceptions

Height exceptions shall be applied pursuant to Art. 3.D.1.E.4, Height Exceptions. [Ord. 2008-037]

2) Screening Requirements

a) New and replacement equipment, shall be screened on all sides by an opaque barrier constructed of materials, and color compatible with the building or structure, or equivalent landscaping for ground-mounted equipment, to a minimum height equal to the highest point of the equipment. [Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-016]

b) Exemption

(1) Screening shall not be required for roof-mounted mechanical equipment for the following: [Ord. 2006-004] [Ord. 2011-016] [Ord. 2019-005]

(a) if the equipment is less than one foot in height, measured from the roof deck, and is painted to match the color of the structure it is attached to or servicing; [Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-016]

(b) for any industrial use with an industrial FLU designation if adjacent to a parcel with an industrial use and industrial FLU designation; [Ord. 2011-016] [Ord. 2019-005]

(c) if an existing roof cannot structurally support additional weight associated with required screening materials. A certified letter, from a structural Engineer or Architect registered in the State of Florida, shall be submitted with the applicable permit substantiating that the roof cannot support the additional weight; or, [Ord. 2008-037] [Ord. 2011-016]

(d) for any industrial use with an industrial FLU designation if the equipment cannot be viewed from an adjacent R-O-W. A line of sight plan prepared in accordance with Art. 5.C.1.G.2, Line of Sight Analysis, shall be submitted with the applicable permit demonstrating that equipment cannot be viewed from the adjacent R-O-W. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2019-005]

c) Screening Exemptions

(1) Solar Energy Systems

Solar Energy Systems, including Solar Trees, are exempt from the screening requirements. [Ord. 2014-001] [Ord. 2017-025]

(2) Existing Multifamily Condominium

Replacement of roof-mounted mechanical equipment located on a Multifamily condominium may be exempt from new screening requirements, subject to the following: [Ord. 2015-006] [Ord. 2017-025]

(a) Shall not be relocated closer to the edge of a roof, with exception to the minimum necessary to accommodate current technology requiring larger equipment, such as a heat pump or high-efficiency air compressor; and [Ord. 2015-006]

(b) Increase in height shall only be permitted to accommodate elevated stands required to comply with the Building Code or upon demonstration that replacement equipment is larger due to current technology. [Ord. 2015-006]

21. Livestock

a. Standards of Approval

Domesticated livestock shall be allowed accessory to a Single Family residential use on lots a minimum of one acre. [Ord. 2012-027] [Ord. 2023-009]

22. Pot Bellied Pigs

Pot bellied pigs may be kept as pets in a Single Family or Zero Lot Line Home, subject to the following: [Ord. 2013-001]

a. Maximum Number

No more than two pot bellied pigs per household are allowed. [Ord. 2013-001]

b. Residence

Pot bellied pigs shall reside within the residence (Single Family or ZLL Home) of its owner. [Ord. 2013-001]

c. Limitations

The commercial care, boarding or grooming, and the breeding of domesticated miniature or pot bellied pigs is prohibited. [Ord. 2013-001]

23. Mobile Home

The use of a Mobile Home shall be prohibited unless stated otherwise in Art. 4, Use Regulations and this Article. [Ord. 2017-007]

Table 5.B.1.A – Mobile Home (1) Applicability

Dwelling Unit	Structure
MHPD or Existing Approved Mobile Home Park (2)	Accessory to Bona Fide Agriculture (2)
	Farm Workers Quarters (2)
	Caretaker Quarters (2)
	Watchman Trailer (3)
	While Constructing a SF Dwelling (3)

[Ord. 2017-007]

Notes:	
1.	Mobile Home shall not be used for storage or display.
2.	Supplementary Use Standards are indicated in Art. 4, Use Regulations.
3.	Specific regulations are stated in this Article.

24. Air Curtain Incinerator

A combustion device used to burn trees and brush. [Ord. 2017-007]

a. Standards

1) Exemptions

The following temporary air curtain incinerators are exempt from the requirements of this Section: incinerators operating under written approval from the PBC Health Department in accordance with the "Palm Beach County Open Burning Ordinance" (Ordinance No. 2005-020); and incinerators used for the emergency burning of storm-generated debris by a Local Government. [Ord. 2006-004] [Ord. 2017-007]

2) Storage

Except in the AP Zoning District, on-site outdoor storage of unprocessed material shall be limited to 45 days. Pile height shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line adjacent to a residential district or use. Storage areas shall be screened from view pursuant to this Chapter. [Ord. 2006-004] [Ord. 2017-007]

3) Hours of Operation

Hours of operation are limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. The incinerator shall not be charged before 9:00 a.m. and shall be completely extinguished one hour before sunset. [Ord. 2006-004] [Ord. 2017-007]

4) No Burn Days

The incinerator shall not operate on "no burn days" as designated by the PBC Fire Rescue Department. [Ord. 2006-004] [Ord. 2017-007]

5) Setback

The incinerator shall be set back a minimum of 1,200 feet from any property line abutting a residential district or use. [Ord. 2006-004] [Ord. 2017-007]

b. Supplemental Application Requirements

1) Site Plan

A Site Plan illustrating how the operation functions; circulation routes; and, square footage, height, and location of buildings, incinerator, and storage piles. [Ord. 2017-007]

2) Waste

An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day. [Ord. 2017-007]

3) Dust Control

A plan which addresses dust control in traffic, storage, and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator, and watering or enclosing storage piles. If facility with an air curtain incinerator also includes chipping, mulching, or composting, adherence to the Supplementary Use Standards applicable to such use shall also be required. [Ord. 2017-007]

25. Air Stripper

A remedial system which treats contaminated groundwater. [Ord. 2017-007]

a. Duration

The length of time a remedial system may remain on a site shall be determined by ERM. [Ord. 2017-007]

b. Setback

If the Applicant is unable to meet the property development regulations, in lieu of a Variance, the Zoning Division shall be authorized to determine the location of the structure and set necessary conditions for landscaping and screening. [Ord. 2017-007]

26. Kennels and Runs

Runs applicable to any Kennel use shall be subject to the following:

a. Fences

Safety fences around the outdoor runs shall not exceed six feet in height. [Ord. 2017-007]

b. Hedge

If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. [Ord. 2017-007]

c. Setbacks

1) General

a) Enclosed structures or enclosed runs shall comply with the minimum setbacks applicable to the principal dwelling unit. [Ord. 2006-036] [Ord. 2017-007]

b) Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036] [Ord. 2017-007]

2) Hobby Breeders

Outdoor runs or non-enclosed structures used by hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036] [Ord. 2017-007]

d. Guard Dog Shelter Exemption

Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ordinance No. 98-22 may be allowed in any zoning district. A shelter for a permanent on-site guard dog, associated with guard duty, shall be exempt from the setback requirements of this Section when adjacent to non-residential zoning districts or uses. [Ord. 2008-036] [Ord. 2017-007]

27. Accessory Solar Energy Systems

Accessory Solar Energy Systems may be allowed as an accessory use, subject to the following: [Ord. 2017-025]

a. Incidental and Subordinate

Applications for the installation of an accessory Solar Energy System shall include documentation from the manufacturer, architect, engineer, or contractor performing installation, verifying the system is the maximum necessary to meet on-site energy usage. This limitation does not prohibit the use of net metering where permitted. [Ord. 2017-025]

b. Collocation with Buildings

Solar Energy Systems are classified as mechanical equipment, and may be placed on principal or accessory buildings, including those permitted within a front or side street yard. [Ord. 2017-025]

c. Standards for Other Structures

Solar Energy Systems installed on other structures shall be limited to the side or rear yard in accordance with the Standards of this Chapter, except as follows: [Ord. 2017-025]

1) Exception

Where the conditions of the side or rear yard prohibit installation, a Solar Energy System may be installed in the front or side street yard, subject to the following: [Ord. 2017-025]

a) Structures greater than six feet in height shall meet the minimum setbacks for the district. Structures less than six feet in height may be permitted within required setbacks, but in no case shall the system be located within 25 feet of the property line; and [Ord. 2017-025]

b) The system is completely screened from view from any other parcel or R-O-W through use of landscaping, fences, or walls. [Ord. 2017-025]

2) Solar Trees

A Solar Energy System installed on a structure intended to provide shade, provide for public art, or other similar function, may be allowed provided that the structure complies with setbacks, does not adversely impact any required or preserved landscaping, be placed so as to conflict with any vehicular or pedestrian circulation system, nor shade more than ten percent of any Open Space area. [Ord. 2017-025]

3) Associated Solar – with Mechanical Structures

Where used to power electric gates, environmental monitoring stations, street lights, or other similar, provided the solar panel does not exceed a maximum of four square feet, and all electrical cables or equipment are hidden within the structure. [Ord. 2017-025]

d. Incorporation of Solar in Vehicular and Pedestrian Surfaces

The incorporation of Solar Energy Systems into any parking lot, sidewalk, bike path, or similar surface, shall be exempt from any setback or front or side street yard limitation. [Ord. 2017-025]

B. Government or Utility Emergency or Temporary Structures

This Section is intended to facilitate the placement or construction of structures or facilities that are temporary. These structures or facilities are utilized to ensure the health, safety, and welfare of the public from natural or pending disasters; or construction staging activities for infrastructure improvements. Typical uses may include: fire stations, hurricane shelters, utility facilities, or construction staging areas. [Ord. 2011-001] [Ord. 2018-002] [Ord. 2019-005]

1. Review and Approval Process

Emergency or temporary structures shall be subject to the approval by the DRO through a ZAR process. The ZAR process may be waived by the Executive Director of PZB or designee as stated below: [Ord. 2018-002] [Ord. 2019-005]

a. Emergency Structures

The Executive Director of PZB may waive the ZAR process, and authorize the issuance of a Building Permit for the temporary structure upon determination that a public emergency, pending natural disaster, or actual natural disaster exists. [Ord. 2011-001] [Ord. 2018-002] [Ord. 2019-005]

b. Temporary Structures

The Zoning Director may require a PAC with the DRO in order to seek input from the various County Agencies on the temporary structure or staging area, or may seek direction from the BCC through an AI pursuant to Art. 2.C.8.B, Administrative Inquiry (AI). The Zoning Director shall consider documentation from the Applicant and any other input from County Agencies before issuance of a DO. [Ord. 2011-001] [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-005]

1) Duration

The DO shall be valid for up to a period of six months from date of issuance, with one three-month extension by the Zoning Director. The BCC may extend the timeframe through an AI by the Zoning Director. [Ord. 2011-001] [Ord. 2018-002]

2) Construction Staging Areas for Rights-of-Way (R-O-W)

In addition to the requirements listed above, the following shall apply to those construction staging areas located on or adjacent to residentially zoned parcels. [Ord. 2008-003] [Ord. 2018-002]

a) Hours of Operation

Activity on the site shall not commence prior to 7:00 a.m. and must be completed prior to 10:00 p.m. A Type 1 Variance may be applied for to request modification from this provision. [Ord. 2008-003] [Ord. 2018-002]

b) Setbacks or Separations

Stored materials shall not be located within the required minimum district setback. [Ord. 2008-003] [Ord. 2018-002]

c) Screening

Temporary screening material, a minimum of five feet in height and 85 percent opacity shall be provided around the perimeter of the staging area, adjacent to residential uses, to mitigate visual impact. [Ord. 2008-003] [Ord. 2018-002]

d) Dust Control

Appropriate measures shall be taken, pursuant to Health Department requirements, to control dust or other airborne particulate matter. [Ord. 2008-003] [Ord. 2018-002]

e) Exceptions

Projects with a duration of 30 days or less shall be exempt from the requirements of this Section. [Ord. 2008-003] [Ord. 2018-002]

C. Temporary Structures

The purpose of this Section is to supplement regulations for temporary structures pursuant to the latest edition of the Florida Building Code, Building Section 108, Temporary Structures and Uses, and Section 3103, Temporary Structures. If there is a conflict between this Section and the provisions of the Florida Building Code, as amended, the latter shall apply. Temporary structures may be temporarily located on a property to facilitate the construction or development of an approved project, or for a Temporary Use. [Ord. 2019-005]

1. Types of Temporary Structures

Temporary structures may include, but are not limited to the following: trailer, shipping container, or construction fence. Temporary structures may be utilized for residential and non-residential related activities, except for tents. Tents may be utilized for non-residential activities only. All temporary structures shall be subject to the following, except stated otherwise: [Ord. 2019-005]

a. Residential

Temporary structures may be utilized for on-site security, or as a temporary dwelling while a Single Family residence is under construction, and may be allowed only in the AR Zoning District in the Rural Service Area (AR/RSA). No additions shall be allowed except for awnings and demountable screen panels, stairs, decks, and trellises. Construction fences shall be exempt from the above limitations. [Ord. 2017-007] [Ord. 2019-005]

b. Non-Residential

Temporary structures may be utilized as an office for professions who are actively involved on the construction site; or for the storage of goods or equipment, or to accommodate employees and business operation during the construction or renovation of a permanent structure. [Ord. 2019-005]

2. Approval Process

All temporary structures or construction fences that are listed in this Section may be subject to Building Permit approval process or applicable State law. The Building Division shall determine which permits would apply at the application submittal. The application may be submitted concurrently with other permit applications for permanent or temporary structures. The applications may be forwarded to the Zoning Division or other County Agencies for review. [Ord. 2019-005]

a. Concurrent Applications

A permit for the temporary structure shall be submitted concurrent with the permit application for the permanent structure. [Ord. 2019-005]

b. Plans or Survey

The Applicant may utilize a plan or the most current survey of the property to indicate the location of the proposed temporary structures to demonstrate compliance of the requirements in this Chapter or any other applicable codes or Conditions of Approval. [Ord. 2019-005]

c. Agency Approval

Sanitary sewage facilities and potable water wells may be required for certain temporary structures by the governmental agencies having appropriate jurisdiction, permits, and inspections for the installation. If applicable, the approval must be obtained from the PZB Department and Health Department. [Ord. 2017-007] [Ord. 2019-005]

3. Additional Requirements for Temporary Structures

Temporary structures shall be subject to the following additional requirements, where applicable: [Ord. 2019-005]

a. Placement or Erection of Temporary Structure

Temporary structure may only be placed or erected on the site after or concurrent with the issuance of a demolition permit or a Building Permit for land development activities, subject to the approval of the Building Division. [Ord. 2019-005]

b. Duration

The temporary structure shall remain on the property only for the length of time necessary to construct a permanent structure. [Ord. 2019-005]

c. Location

The structure and related parking shall be located on the site so as not to interfere with access to developed areas or areas under construction. A Watchman Trailer and required parking shall be allowed to be located in areas under construction. [Ord. 2019-005]

d. Setbacks

Setbacks shall be in accordance with Table 3.D.1.A, Property Development Regulations, and the applicable zoning district in which the property is located. [Ord. 2019-005]

e. Construction Fence

All construction sites shall be enclosed and secured by a continuous fence at least six feet in height and shall be installed in accordance with the Florida Building Code. All fences installed pursuant to this Section shall be subject to the visibility at intersections requirements of Art. 11.E.9.C, Minimum Safe Sight Distance and Corner Clips at Intersection of this Code. [Ord. 2019-005]

f. Parking

Parking to serve the temporary structure shall be within the construction site. [Ord. 2019-005]

g. Removal

The temporary structure shall be removed from the site after issuance of the final Certificate of Occupancy (CO) or a Certificate of Completion (CC) of the permanent structure, unless a time extension is granted by the Building Official. Construction fences may be required to remain or be installed for safety purposes after the construction ceases. [Ord. 2019-005]

4. Portable Storage Container

Portable storage containers may be used for the temporary storage of goods for residential uses subject to the following requirements, and shall be exempt from the Zoning Division and Building Permit review: [Ord. 2017-025] [Ord. 2019-005]

a. A maximum of one container 16 feet in length, eight feet in width, and eight feet in height may be allowed, for no more than two times a year for a maximum of 15 days each time; [Ord. 2017-025]
b. Shall be located on driveways not to overlap easements, sidewalks, or R-O-W; [Ord. 2017-025]
c. Shall be set back a minimum of seven and one-half feet from the side property lines, except where no other driveway areas are available, the setback may be reduced subject to the dimensions in Art. 6.B.3.A.2.a.3)a)(1)(a), Local or Residential Access Streets; and, [Ord. 2017-025]
d. Code Enforcement Division shall utilize the above requirements for any citation of violations. [Ord. 2019-005]

D. 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]

1. Review Process

Applications for flex space shall be reviewed pursuant to Art. 2, Application Processes and Procedures, in addition to one of the following options: [Ord. 2010-005]

a. Option 1 – Uses requiring BCC approval shall be subject to the applicable review process pursuant to Art. 2.B.7, Types of Applications. The Applicant shall identify the portion of the building designated for flex space on the Site Plan. All other uses subject to an administrative review process shall be permitted in the BCC-approved building. [Ord. 2010-005] [Ord. 2017-007]
b. Option 2 – Uses requiring DRO approval shall be subject to the review process pursuant to Art. 2.C, Administrative Processes. The Applicant shall identify the portion of the building designated for flex space on the Site Plan. All other uses subject to the Building Permit review process shall be permitted in the DRO-approved building. [Ord. 2010-005]
c. Option 3 – Uses subject to the Building Permit review process may occupy a bay or the entire building as long as they comply with the applicable Supplementary Use Standards and additional ULDC requirements (parking, signage, etc.). The Applicant shall identify the portion of the building designated for flex space on the Site Plan. The Applicant has the option of applying flex space provisions to a specific bay in the building or having the entire building (single-use tenant) dedicated to flex space. The Applicant shall submit the Building-approved Site Plan to the Zoning Division for informational purposes indicating the area designated as flex space and demonstrating that the overall site is in compliance with the applicable ULDC regulations. [Ord. 2010-005]

2. Development Standards

a. CH FLU

Flex space located on parcels with a CH FLU shall be permitted to have the following mix of uses: a minimum of 50 percent industrial, not to exceed 75 percent, with the balance consisting of office or retail. [Ord. 2010-005]

b. IND or EDC FLU

Flex space located on parcels with an IND FLU shall be permitted to have the following mix of uses: a maximum of 30 percent retail, with the balance consisting of industrial. [Ord. 2010-005] [Ord. 2017-007]

c. Parking and Loading Requirements

1) CH FLU

Parking shall be calculated at the rate of three spaces per 1,000 square feet of floor area. [Ord. 2010-005]

2) IND FLU

Parking shall be calculated at the rate of two and one-half spaces per 1,000 square feet of floor area. [Ord. 2010-005]

3) Reserve Parking or Parking Covenant

a) Additional parking shall be reserved on site in the event that the flex space is converted back to regular commercial or industrial use, the minimum requirements based upon the proposed use as indicated in Table 6.B.1.B, Minimum Parking and Loading Requirements; or [Ord. 2010-005]

b) A restrictive parking covenant informing current and future owners of the required parking requirements for the uses. If the flex space is converted at a future date the site must comply with the minimum parking requirements based upon the use as indicated in Table 6.B.1.B, Minimum Parking and Loading Requirements prior to Final DRO or Building Permit approval, whichever is applicable. In the event the on-site parking is not sufficient for the proposed use or parking spaces cannot be accommodated on the site, the owner shall be limited to uses that generate parking consistent with existing parking. The covenant shall be submitted to the Zoning Division for County Attorney review and approval at the time of Final DRO or Building Permit application. The approved covenant shall be recorded in the Office of the Clerk of the Circuit Court of PBC, and a copy of the approved and recorded covenant shall be submitted to the Zoning Division prior to issuance of a Building Permit. [Ord. 2010-005]

d. Thresholds

Proposed flex space uses shall comply with the established review thresholds pursuant to Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, and Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioners Approval. [Ord. 2010-005]

3. Uses Allowed

The uses indicated in the Table below, may utilize flex space provisions pursuant to the applicable approval process indicated in Review Process above. [Ord. 2017-007]

Table 5.B.1.D – Uses Allowed as Flex Space Component

Commercial Uses	Industrial Uses
Retail Sales (1)	Contractor Storage Yard (2)
	Manufacturing and Processing (2)
	Warehouse (2)
	Wholesaling (2)
[Ord. 2017-007]	
Notes:	
1.	Flex space use to be allowed in IND or EDC FLU designation subject to DRO approval.
2.	Flex space use to be allowed in CH FLU designation subject to Class A Conditional Use approval.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

A. Purpose and Intent

The purpose of these guidelines is to encourage development to contribute to PBC as a unique place by enhancing the built environment. These guidelines are intended to ensure that new development and redevelopment will be compatible with the surrounding area and enhance the appearance of the local community.

B. Threshold

This Chapter shall apply to the following projects, buildings, and related signs:

1. General

a. All non-residential projects or buildings requiring approval by the BCC or ZC; [Ord. 2006-036]
b. All non-residential projects or buildings requiring approval by the DRO in accordance with the Use Matrices in Art. 4, Use Regulations, and Table 3.D.1.A, Property Development Regulations, or those exceeding the thresholds in Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval; [Ord. 2006-036] [Ord. 2017-007]
c. Multifamily buildings with more than 16 units or three or more stories; [Ord. 2006-036] [Ord. 2009-040] [Ord. 2010-005]
d. Substantial renovations of existing built projects or buildings meeting the threshold of this Chapter; and, [Ord. 2006-036]
e. The following uses, regardless of building size: [Ord. 2006-036]
    1) Heavy or Light Repair and Maintenance; [Ord. 2006-036] [Ord. 2012-027] [Ord. 2017-007]
    2) Retail Sales for automotive parts and accessories; [Ord. 2006-036] [Ord. 2012-027] [Ord. 2017-007]
    3) Type 1 Restaurants with drive-through requesting location criteria exception pursuant to Art. 4.B.2.C.31, Restaurant, Type 1; and, [Ord. 2012-027] [Ord. 2017-007]
    4) Type 3 CLF. [Ord. 2017-007]

2. Mixed Use

Mixed-use development that includes a combination of residential and one or more non-residential uses that do not trip the thresholds listed above, shall comply with the following guidelines to ensure the project is vertically or functionally integrated: [Ord. 2006-036]

a. Art. 5.C.1.H.1.a, General; [Ord. 2006-036]
b. Art. 5.C.1.H.1.d, Entries; [Ord. 2006-036]
c. Art. 5.C.1.I.3.d, Pedestrian Amenities; and, [Ord. 2006-036]
d. Art. 5.C.1.I.3.b.4), Covered Walkways. [Ord. 2006-036]

3. Any mixed-use project in the WCRAO. [Ord. 2006-004]

C. Exemptions

1. Agricultural or industrial buildings not visible from a public street or residential zoning district.
2. Buildings which are exempt from local Building Permits or government review pursuant to State of Florida or Federal Statutes.
3. Recreational buildings and accessory structures within a PUD or a Standard Zoning District. [Ord. 2009-040]
4. Primary and secondary building frontages within a TMD, and buildings in the NRM, NG, and NC Sub-areas of the WCRAO that have a side setback of less than 15 feet, shall be exempt from the requirements of Art. 5.C.1.H.1.c.1)a), Recesses/Projections. [Ord. 2005-041] [Ord. 2006-004]
5. Palm Beach County Water Utility Facilities which are not visible from a public street or residential zoning district or are limited access, high security facilities not open to the general public. [Ord. 2007-013]
6. All of the uses/features (except for parapet screening of mechanical equipment) noted in the height exceptions in Art. 3.D.1.E.4, Height Exceptions, are also exempt from architectural requirements. These uses/features include: [Ord. 2007-013]
    a. Tanks; [Ord. 2007-013]
    b. Water towers; [Ord. 2007-013]
    c. Cooling towers; [Ord. 2007-013]
    d. Miscellaneous, unoccupied utility support structures of 1,000 square feet or less (proposed addition to list). [Ord. 2007-013] [Ord. 2017-025]

D. Effect

1. Effect on Prior BCC and ZC Approvals

These guidelines shall apply to all previously approved projects as a BCC or ZC Condition of Approval as part of a DOA or Status Report. Previously approved architectural Conditions of Approval shall remain in full effect unless amended by the BCC or ZC. Non-residential projects previously approved by the BCC or ZC shall comply with Art. 5.C.1.H.1.a, General. [Ord. 2006-004]

2. Effect on Prior DRO Approvals

These guidelines shall not apply to projects or buildings which have a previously approved Site Plan by the DRO, unless within a PDD or for any use specifically identified within Art. 4.B, Use Classification. Non-residential projects previously approved by the DRO or ZC shall comply with Art. 5.C.1.H.1.a, General. [Ord. 2006-004]

3. Effect on Other Regulations

These guidelines shall supplement architectural requirements of an Overlay District, Neighborhood Plan, or other applicable regulations. In case of a conflict, the more strict regulation shall apply.

E. Review Process

PZB shall review all applicable buildings for compliance with this Chapter during the Building Permit or Zoning review process, and provide a written determination of compliance with the requirements of this Chapter. An application submitted for any type of review process listed below may apply for Type 2 Waiver for a Unique Structure designation or Type 2 Variance, pursuant to Art. 2.B.7, Types of Applications: [Ord. 2009-040] [Ord. 2017-007]

1. Methods

An Applicant or PBC may request review for compliance with this Chapter in accordance with any one of the following methods: [Ord. 2005-002]

a. Type 1 – Projects Requiring BCC Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the application. A written determination of compliance with this Chapter shall be made in the Staff Report containing the recommendation for the Development Order. The request for a determination shall be submitted no less than 30 days prior to the public hearing. [Ord. 2005-002] [Ord. 2009-040]

b. Type 2 – Projects Requiring ZC Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the ZC application. A written determination of compliance with this Chapter shall be made in the Staff Report containing the recommendation for the Development Order. The request for a determination shall be submitted no less than 30 days prior to the ZC public hearing. [Ord. 2009-040]

c. Type 3 – Projects Requiring DRO or Site Plan Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the original DRO or Site Plan approval application. A written determination of compliance with this Chapter shall be made in the comment letter regarding the Development Order for the project. The request for a determination shall be included in the initial DRO application. [Ord. 2009-040]

d. Type 4 – Projects Requiring Building Permit Approval

Buildings requiring a Building Permit only shall be reviewed for compliance through the standard Building Permit review process. The request for a determination shall be submitted prior to or concurrent with the Building Permit application. [Ord. 2009-040]

2. Unique Structure

a. Purpose and Intent

To recognize structures that comply with the definition in Art. 1.H.2.A.76.m, Unique Structure, that by the nature of their: scale, massing, proportion, rhythm, style, harmony, order, balance, etc., warrant a special designation. PBC has diverse architectural styles in the various tiers that are reflective of the historical evolution of the community. The architecture guidelines were established to preserve and enhance those communities through common building design elements. The allowance for Unique Structures will continue to foster preservation of key design elements while recognizing new and creative design and materials. An Applicant may apply for Unique Structure designation pursuant to Art. 2.B.7.D, Type 2 Waiver, for any of the types of review outlined in Art. 5.C.1.E, Review Process. A Unique Structure designation will require the Applicant to clearly demonstrate that by complying with the standard architectural guidelines in Art. 5.C.1.H, Guidelines, the overall design would be compromised. A structure classified as unique does not have to apply for Variances, but shall comply with the standards in Art. 2.B.7.D.4, Standards for a Unique Structure. The Unique Structure process shall not be requested if the Applicant can seek

Variances in Art. 2.B.7.E, Type 2 Variance. [Ord. 2009-040] [Ord. 2011-001]

b. Applicability

An Applicant seeking a Unique Structure designation shall submit the request on forms specified by the PBC Official responsible for reviewing the application, pursuant to Art. 5.C.1.F, Application Requirements. [Ord. 2009-040]

c. Review Process

The Unique Structure shall be reviewed pursuant to Art. 5.C.1.E, Review Process and Art. 2.B.7.D.4, Standards for a Unique Structure. Staff shall review the request and prepare a staff report for approval, approval with conditions, or denial to the Zoning Commission. The Zoning Commission will make a finding and recommendation to the BCC that the request is consistent with the required Standards. The BCC shall make the final decision to approve, approve with conditions, or deny the designation of Unique Structure. [Ord. 2009-040]

3. Type 1 Waiver – Green Architecture

a. Purpose and Intent

To encourage and promote the design and construction of Green Architecture. This Section provides for Type 1 Waivers from the architecture design guidelines, provided the Applicant can achieve the minimum points necessary to be classified as Green Architecture. In order to design sustainable architecture, certain allowances for Type 1 Waivers in Art. 5.C.1.H, Guidelines, need to be recognized and allowed if minimum standards are met. The provisions in Table 5.C.1.E, Green Architecture Designation Rating Program, provide alternative design solutions to achieve Green Architecture while still complying with the general intent of the architecture guidelines. [Ord. 2009-040] [Ord. 2012-027]

b. Applicability

An Applicant proposing to utilize the Green Building Architecture Waiver provisions for the construction of new or structurally renovated buildings shall be required to comply with the following: [Ord. 2009-040]

1) Submit an application as required in Art. 5.C.1.F, Application Requirements, [Ord. 2009-040]
2) Comply with the review process outlined below in Art. 5.C.1.E.3.c, [Ord. 2009-040]
3) Comply with the requirements outlined in Table 5.C.1.E, Green Architecture Designation Rating Program. [Ord. 2009-040]

c. Review Process

The Green Architecture designation application shall be reviewed and approved, approved with conditions, or denied in conjunction with one of the review processes outlined in Art. 5.C.1.E, Review Process. The Registered Architect shall complete the required Zoning application, which will require compliance with Table 5.C.1.E, Green Architecture Designation Rating Program. [Ord. 2009-040] [Ord. 2011-016]

1) Calculating Points

The Registered Architect shall be responsible for calculating the total points obtained for requirements listed in Table 5.C.1.E, Green Architecture Designation Rating Program. For any requirement that does not have specific qualitative and/or quantitative measurements, the Registered Architect shall refer to the USGBC Green Building Council rating system to determine acceptable national measurements. In order for the Zoning Director to grant the Green Architecture designation, the Applicant shall obtain a minimum of 30 out of a total of 50 points from Table 5.C.1.E, Green Architecture Designation Rating Program. The Applicant may choose one or any combination of these categories to achieve the minimum 30-point requirement. If a minimum of 30 points cannot be achieved, then the architecture shall comply with Art. 5.C.1.H, Guidelines. The Registered Architect of the building shall be required to monitor the building construction until final Certificate of Occupancy to ensure compliance with the Green Architecture approval. [Ord. 2009-040]

Table 5.C.1.E – Green Architecture Designation Rating Program

	Requirements	Allocated Points	Total Points
	Roof Configuration		**12**
*	Flat planted green roof for cooling and stormwater management on a minimum of 50 percent of the roof area.	2	
*	30 percent of the gross area of the roof surface is planted with vegetative plants.	2	
*	Roof that incorporates clear story glazing, solar tubes, and/or light wells.	1	
*	Roof that incorporates energy strategies (photovoltaic solar panels; solar thermal panels for hot water) and specific slopes related to the sun's solar path through the sky.	1	
*	Roof that incorporates thermal chimneys as passive cooling devices.	1	
*	Roof that is designed to harvest rain water for non-potable uses.	1	
*	Roof materials that are highly reflective (light colored standing seam metal; white single membrane for flat roofs and green planted roofs).	2	
*	Roof materials that have a Solar Reflectance Index of 78 for low-sloped roof and 29 for steep-sloped roof for a minimum of 75 percent of the roof surface (refer to the USGBC for roof type, slope, and reflectance/emittance information).	2	
	Façade, Exterior Treatment, Fenestration Details, Entries, and Color		**33**
	Façade		
*	The building exterior design treatments vary based on the orientation related to the sun (south façade might have an expanse of glazing and shading devices and light shelves; east and west façade have a limited surface area with a small amount of glazing area; north façade opens to allow the cool north daylight to enter the facility).	5	
*	Building form takes on natural shapes that relate to the solar system.	5	
	Exterior Treatment		
*	The building shape, form, and orientation take advantage of the sun's path across the sky (innovative building forms inspired by nature; building forms are shaped to harvest daylight; building forms are shaped to harvest solar energy from photovoltaic panels for the generation of electric and heat energy for solar water systems).	5	
*	The following typical architectural features or details such as: windows, awnings, covered arcades, sills, shutters, relief's trims, columns, pilasters, quoins, reveals, cornices, horizontal banding, arches, decorative vents, and/or accent tile, shall be integrated into the façade to avoid blank walls.	N/A	
	Fenestration Details		
*	Achieve a minimum glazing factor of two percent in a minimum of 75 percent of all regularly occupied areas.	4	
*	The building has an expanse of glazing and permanent shading devices and light shelves to harvest daylight.	4	
*	The use of high performance glazing and/or automatic photocell-based controls.	4	
	Entries		
*	All public entries are easily identifiable and integrated into the building architecture.	N/A	
*	Each freestanding principal structure does have a minimum of one clearly defined primary public entrance feature and does incorporate a minimum of one primary entry feature design element such as: canopies, porte-cochère, or porticos; wall recess or projection a minimum of 12 inches in depth; covered arcades, a minimum of eight feet clear in width; peaked roof forms; arches, columns, or pilasters.	N/A	
*	A minimum of one secondary decorative treatment has been provided such as: overhangs, cornices, and eaves; decorative moldings or trims around windows and doors; covered public outdoor patio or plaza incorporated with entry area which are not part of a tenant space; special pavers, bricks, decorative concrete, or other similar pavement treatment; architectural details, such as tile work or moldings.	N/A	
	Color		
*	Specialty coatings such as: radiation control and anti-corrosive paint.	3	
*	The use of light colored reflective paint.	3	
	Recycled Materials		**5**
*	Minimum of 50 percent of non-hazardous building construction materials, components, and demolition debris is reused, recycled, or salvaged.	2.5	
*	Minimum of five percent of the sum, based on cost of the total value of building materials, with recycled content are used and permanently installed. Mechanical, electrical, and plumbing components and specialty items.	2.5	
Notes:			
N/A	No points are allocated for these requirements. If the Registered Architect can demonstrate these Code requirements, if applied would conflict with Green Architecture, Waivers may be granted. [Ord. 2009-040]		

d. Appeals

If the application is denied, the Applicant may appeal the decision to the Zoning Commission in compliance with the standards of Art. 2.C.5.G, Type 1 Waiver. [Ord. 2011-016] [Ord. 2012-027]

4. Administrative Amendments by DRO

Minor amendments to BCC or ZC-approved Architectural Elevations pursuant to Review Types 1 and 2 may be approved by the Zoning Director provided the changes do not reduce compatibility with surrounding properties. Changes shall be limited to the following: [Ord. 2009-040]

a. A maximum increase of 25 percent or ten feet in overall building height, from finished grade to highest point, whichever is less;

b. Modifications to the architectural composition which are equal to or enhance the approved elevation; and,

c. Modifications to ensure consistency with this Chapter.

F. Application Requirements

The application form and requirements for Architecture Review, including Unique Structure and Green Architecture shall be submitted on forms specified by the PBC Official responsible for reviewing the application. All application documents shall be consistent with the Technical Manual. [Ord. 2009-040]

G. Visual Impact Analysis

A Visual Impact Analysis shall be submitted with the chosen method of review only for projects or buildings which are contiguous to a public street or to a residentially zoned property. The Visual Impact Analysis shall be prepared and certified by a design professional and include:

1. Environmental Assessment

An assessment of the natural and man-made environments surrounding the proposed building utilizing a minimum of four views taken from the subject property of all contiguous public streets and/or residentially zoned properties and one aerial photograph with the proposed building superimposed on the site.

2. Line of Sight Analysis

A line of sight analysis of the proposed building in relation to the surrounding area. This may be accomplished by submitting a two-dimensional cross section(s) of the site showing the proposed building elevations in relation to contiguous public R-O-Ws and residentially zoned properties.

3. Prevalent Theme

A written description by the design professional of the prevalent architectural character of the surrounding area, or desirable architectural character, if no prevalent architectural character exists. If a prevalent architectural character does not exist, the use of architectural styles such as Spanish Eclectic, Mediterranean Revival, Florida Vernacular, or Bermuda/Island is encouraged.

4. Architectural Compliance Statement

A written description by the qualified design professional that the Visual Impact Analysis indicates that the architectural composition of the proposed project or building creates focal points in scale with the pedestrian environment, and complements or enhances existing structures in the surrounding area.

H. Guidelines

1. Non-Residential Design Elements

The following guidelines shall apply to all non-residential projects or buildings that meet the threshold in Art. 5.C.1.B, Threshold, and are not exempt in Art. 5.C.1.C, Exemptions: [Ord. 2005-002]

a. General

An overall unified architectural character and image shall be created by the use of common elements such as consistent forms, colors, materials, and details. Similar, but not identical, architectural treatment between pods within a multi-pod project may be permitted to allow diversity within the project.

1) Similar architectural composition and treatment shall be provided on all sides of each building contiguous to or visible from a public street or residential zoning district. [Ord. 2009-040]
2) Outparcels and accessory buildings within a project shall be constructed of compatible materials, color, and character as the principal building.

b. Roofline

The roofline along each elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H, Primary Roof Design Element, and Table 5.C.1.H, Secondary Roof Treatment, below. The same features are not required on each elevation.

Table 5.C.1.H – Primary Roof Design Element

a.	Articulated parapet along 30 percent of the roofline for each elevation. (1)(2)
b.	Pitched roof with minimum 12-inch overhanging eaves.
c.	Two or more plane breaks or slopes per façade elevation.
d.	Any combination of the above.
Notes:	
1.	Parapet length used as part of wall signage shall not be counted as articulation.
2.	Maximum spacing between articulation = 100 feet. Spacing may vary for recognized architectural styles such as Art Deco, which cannot comply with this requirement.

Table 5.C.1.H – Secondary Roof Treatment

a.	Decorative roof details, such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams.
b.	Cornices with decorative moldings.
c.	Pediments, porticos, architectural features at entryways, or decorative towers.

c. Façade

The front, side, and rear façades, if contiguous to a public street or residential zoning district of every building, shall incorporate recesses, projections, and architectural elements such as columns, arches, etc., as provided below:

1) Required Design Elements

All applicable façades, unless exempted above, shall meet the following standards:

a) Recesses/Projections

Façades greater than 50 feet in length shall incorporate recesses and projections a minimum of 12 inches in depth along a minimum of 20 percent of the total length of the façade. The recesses or projections shall be distributed along the façade with a maximum spacing of 100 feet between each recess or projection. Façades with four or more bay doors may exclude the combined length of the bay doors from the total façade length.

b) Walls

Blank walls shall not exceed ten feet in height or 20 feet in length. Control and expansion joints shall constitute a blank wall, unless used in a decorative pattern with varied materials or textures and spaced a maximum of ten feet on center. Relief and reveal depth shall be a minimum of three-quarters of an inch.

c) Storefronts

Individual ground-level retail uses with exterior public access that are part of a larger freestanding building, other than regional commercial facilities, shall have display windows along a minimum of 20 percent of the façade length. Windows shall be defined with details such as frames, sills, shutters, planters, relief trims, or lintels. Storefront design, relief features, and decorative treatments shall complement contiguous storefronts.

2) Additional Design Elements

In addition to Art. 5.C.1.H.1.c.1), Required Design Elements, the front and side façades shall include a minimum of one of the following design elements:

a) Exterior Treatment

The exterior treatment of the front elevation shall consist of a minimum of two different building materials, textures, or finishes at a ratio of a maximum of 80 percent for the primary treatment and a minimum of 20 percent for the secondary treatment. Exterior finishes such as stucco, brick, wood, coquina, or cut stone are encouraged. The surfaces of multiple exterior storefronts within a building, except regional commercial facilities, shall compliment contiguous storefronts.

b) Fenestration Details

Architectural features or details such as, windows, awnings, covered arcades, sills, shutters, reliefs, trims, columns, pilasters, quoins, reveals, cornices, horizontal banding, arches, decorative vents, and/or accent tile, shall be integrated into the façade to avoid the appearance of a blank wall and shall be provided along a minimum of 60 percent of the façade length of the front, side, and rear façades if contiguous to a public street or residential zoning district.

d. Entries

All public entries shall be easily identifiable and integrated into the building architecture. Each freestanding principal structure shall have a minimum of one clearly defined primary public entrance feature. The primary entrance shall incorporate a minimum of one design element each from Table 5.C.1.H, Primary Entry Feature Design Element, and Table 5.C.1.H, Secondary Decorative Treatment, below.

Table 5.C.1.H – Primary Entry Feature Design Element

a.	Canopies, porte-cochère, or porticos.
b.	Wall recess or projection a minimum of 12 inches in depth.
c.	Covered arcades, a minimum of eight feet clear in width.
d.	Peaked roof forms.
e.	Arches, columns, or pilasters.

Table 5.C.1.H – Secondary Decorative Treatment

a.	Overhangs, cornices, and eaves.
b.	Decorative moldings or trims around windows and doors.
c.	Covered public outdoor patio or plaza incorporated with entry area which are not part of a tenant space.
d.	Special pavers, bricks, decorative concrete, or other similar pavement treatment.
e.	Architectural details, such as tile work or moldings.

e. Color

Color shall be considered to achieve architectural compatibility with architecture in the surrounding area and to complement structures within a development. [Ord. 2009-040]

f. Design Elements Subject to ZC or BCC Approval

The following elements are prohibited, unless approved by the ZC or BCC pursuant to the review process of this Chapter:

1) structures which are of symbolic design for the purpose of advertising;
2) high-intensity, metallic, neon, or fluorescent colors;
3) neon tubing, fiber optics, or similar lighting, excluding those used for signage;
4) high-gloss vinyl and plastic awnings;
5) awnings with horizontal ribbing, flowered, or similarly patterned designs;
6) unpainted or plain/unfinished exterior façades, excluding Galvalume and galvanized steel roof; and,
7) smooth-faced, painted, concrete masonry block.

g. Rural Design Elements

The following standards shall also apply to non-residential projects, buildings, and signs in the Rural and Exurban Tiers.

1) Roof

The roofline along each elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H, Rural Roof Design Element, and Table 5.C.1.H, Rural Decorative Roof Treatment, below. The same features are not required on each elevation. [Ord. 2018-002]

Table 5.C.1.H – Rural Roof Design Element

1.	Articulated roofline for each 200 linear feet with pitched roof (e.g., hip-on-deck, hip, gable, gambrel, or a combination of them) along a minimum of 70 percent of the length of the façade, and, a minimum 12-inch overhanging eave; or
2.	Full pitched roof (e.g., hip, gable, gambrel, etc.) with two or more plane breaks or slopes; or
3.	Combination of items 1 and 2 above.
[Ord. 2018-002]	

Table 5.C.1.H – Rural Decorative Roof Treatment

1.	Decorative roof details such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams;
2.	Cornices with decorative moldings; or,
3.	Pediments, porticos, or architectural features at entryways, or decorative towers.
[Ord. 2018-002]	

a) Material

Roof materials shall be limited to standing seam metal, corrugated, or 5V Crimp made of copper, terne-coated stainless steel, Galvalume or galvanized steel, slate, dimensional, or architectural wood shingles, or metal shingles.

2) Exterior Building Finishes

Exterior building and sign finishes shall be limited to:

a) vinyl, lap cedar, or hard textured concrete siding with rough or smooth horizontal planks, six-inch lap siding, shingles, or vertical board and batten;
b) brick or brick veneer;
c) stone;
d) textured stucco; and,
e) split face, pre-formed, or textured masonry block.

3) Façades

a) Single-Story Buildings

A minimum of three of the following architectural details or other similar treatment shall be integrated into all applicable single-story building façades to avoid the appearance of a blank wall:

(1) columns or pilasters;
(2) decorative cornices;
(3) horizontal banding;
(4) arches;
(5) decorative vents or louvers;
(6) moldings and trims;
(7) decorative shutters; and,
(8) bay windows.

b) Multi-Story Buildings

In addition to the required architectural details above, multi-story buildings shall also have breaks such as a canopy, balcony, overhang, or other horizontal projections.

4) Porches and Entryways

All buildings shall have prominent entryways with well-defined porches and railings. Porches shall be provided along the entire front façades, and 50 percent of the side or rear façades if contiguous to a public street or residential zoning district. The design of a porch may be interrupted by required exits, paved pedestrian entrances, loading areas, and shall include the following: [Ord. 2018-002]

a) Width

Porches shall have a minimum clear, unobstructed width of eight feet.

b) Railings and Posts

Porches shall incorporate decorative railings with posts at a maximum of 12 feet on center along the entire length, excluding pedestrian access points.

5) Windows and Doors

All windows and doors shall have architectural details such as panels, transoms, crossbucks, shutters, decorative trims, or moldings. All glass areas shall appear to be multi-paned.

2. Multifamily Design Elements

In addition to the guidelines for non-residential projects, Multifamily projects shall adhere to the following guidelines: [Ord. 2010-005]

a. Master Elevations

Master elevation approvals may be reused within a project, provided the master elevation complies with Art. 5.C.1.G, Visual Impact Analysis, for each location in which that elevation is used.

b. Balconies and Patios

Individual balconies and/or patios shall be provided for a minimum of 20 percent of the total number of units within each building.

I. Large Scale Commercial Development

Large Scale Commercial Development shall be defined as any large single-tenant retail use, with or without accessory tenants, in a single building, between 65,000 and 200,000 gross square feet. These regulations shall apply to all new developments and developments meeting the requirements of Art. 5.C.1.D, Effect. [Ord. 2005-002]

1. Single Tenant Limit

Variances from these requirements shall be prohibited. [Ord. 2005-002] [Ord. 2011-001]

a. CL FLU

The maximum building size for a single tenant shall be less than 65,000 gross square feet except as follows: [Ord. 2005-002] [Ord. 2013-001] [Ord. 2017-025]

1) The commercial development of the parcel located at the northwest corner of Southern Boulevard and Seminole Pratt Whitney Road and identified in the legal description in Ordinance No. 2010-030 (LGA 2010-012); and [Ord. 2005-002] [Ord. 2013-001] [Ord. 2017-025]
2) Sites approved under Ordinance No. 2008-048 and Ordinance No. 2009-028 as an LCC in the Urban/Suburban Tier are allowed to have up to a maximum of 100,000 square feet. [Ord. 2017-025]

b. CH FLU

The maximum building size for a single tenant shall be 200,000 gross square feet. [Ord. 2005-002]

1) Exception

An additional 10,000 square feet shall be permitted, for a total of 210,000 gross square feet, subject to Class A Conditional Use approval and the following requirements: [Ord. 2005-002] [Ord. 2018-002]

a) Perimeter landscaping buffer widths and plant material required by Art. 7.C, Landscape Buffer and Interior Landscape Requirements, shall be increased by twenty percent. [Ord. 2005-002]
b) One additional pedestrian amenity shall be required in addition to the requirements of Art. 5.C.1.I.3.d, Pedestrian Amenities. [Ord. 2005-002]
c) A minimum of 50 percent of the walkways required by Art. 5.C.1.I.3.d.2), shall be covered, providing overhead shelter from the elements. Covered areas shall be evenly distributed between the furthest parking stalls and public entrances. [Ord. 2005-002]
d) A maximum of two outparcels shall be permitted, subject to the following: [Ord. 2005-002]
   (1) Walkways consistent with those required by Art. 5.C.1.I.3.d.2), shall be provided to both outparcels from a public entrance for any single tenant having greater than 200,000 gross square feet. [Ord. 2005-002]
   (2) Building square footage for Convenience Stores with Gas Sales and/or Automotive Service Stations shall be deducted from the additional 10,000 square feet permitted under this exception. [Ord. 2005-002]

If the project is to be phased, all of the above improvements shall be installed in the first phase. [Ord. 2005-002]

2. Façade Orientation

For the purposes of this Section, façade orientation shall be defined as follows: [Ord. 2005-002]

a. Front façade: The wall of a building containing the principal public entrance. The front façade is generally located parallel with and facing the principal parking area for the building. [Ord. 2005-002]
b. Side A façade: The wall of a building containing a secondary public entrance. The side A façade is generally located parallel with and facing the secondary parking area for the building. [Ord. 2005-002]
c. Side B façade: Any side building façade not having a secondary public entrance. [Ord. 2005-002]
d. Rear façade: The rear wall of a building generally opposite the front façade. [Ord. 2005-002]

3. Single Tenants 65,000 Gross Square Feet or More

Developments with single tenants occupying 65,000 gross square feet or more shall be subject to the requirements of Table 5.C.1.I, Large Scale Commercial Development. [Ord. 2005-002]

Table 5.C.1.I – Large Scale Commercial Development

Façade Requirements	Front	Side A (1)	Side B	Rear
Roofline – Parapet Articulation	5’	5’	2.5’ (2)	2.5’ (2)
Façade – Recesses and Projections (3)	Option 1: 15’ depth for 20%; or Option 2: 15’ depth for 15%, and 5’ depth for 15%	10’ depth for 20% (2)	5’ depth for 20% (2)	5’ depth for 20%
Fenestration Details – Windows (3)	1.6 sq. ft. per linear foot of façade	0.8 sq. ft. per linear foot of façade	Not required	Not required
Exterior Treatment – Use of Building Materials	Min. of 2 types – 70%/30% ratio			
Covered Walkways/Arcades	70%	30%	Not required	Not required
Location of Required Parking	75% max.	25% min. side and/or rear (6)		
Foundation Planting Percentage of Façade Length (4)	Min. – 50%	Min. – 50%	Min. – 50%	Min. – 20%
Width of Foundation Plantings (5)	50% of façade height	50% of façade height	12’	12’
Perimeter Buffers	Perimeter buffers shall be in accordance with Art. 7.C.7, Large Scale Commercial Development			

[Ord. 2005-002]

Notes:

1.	Any side or rear façade with a secondary public entrance shall meet the requirements of side A above.
2.	Front façade requirements shall be used for any façade that is oriented towards a street.
3.	Percentage as a total length of façade.
4.	The percentage length shall be in accordance with this Table, or Table 7.C.3.B, Foundation Planting and Dimensional Requirements, whichever is greater.
5.	Minimum width: 12 feet.
6.	A minimum of 15 percent of the parking shall be located immediately fronting a side A entrance. [Ord. 2005-002]

a. Roofline

1) Parapet Articulation

a) Articulation in parapet shall be required with a minimum of five feet for front and side A façades, and any façade oriented towards a street; and two and one-half feet for side B and rear façades. [Ord. 2005-002]

b) A parapet return is required with a length equal to or exceeding the required parapet articulation. [Ord. 2005-002]

b. Façade

1) Recesses/Projections

Façades greater than 100 feet in length shall incorporate recesses and projections along the total length of the façade, in accordance with Table 5.C.1.I, Large Scale Commercial Development. Required recesses and projections shall be distributed along the façade with a maximum spacing of 150 feet. Recesses and projections shall be from finished grade to roofline. [Ord. 2005-002]

2) Fenestration Details

a) Windows

Windows shall be provided in accordance with Table 5.C.1.I, Large Scale Commercial Development. [Ord. 2005-002]

(1) A minimum of 70 percent of windows on front and side A façades shall be transparent, or window box displaying only merchandise. The remaining 30 percent may be non-transparent. [Ord. 2005-002]

(2) Windows shall be at pedestrian scale. [Ord. 2005-002]

3) Exterior Treatment

a) A minimum of two different types of building materials shall be used, with a 70 percent/30 percent ratio. A change in stucco or use of windows will not count toward meeting this requirement. [Ord. 2005-002]

b) Exposed gutters or rain leaders are permitted if decorative in nature. [Ord. 2005-002]

4) Covered Walkways

a) Façades with a public entrance shall provide covered walkways along a minimum of 70 percent of the overall length of the front façade, and 30 percent of the overall length of side A façades. [Ord. 2005-002]

b) Covered walkways shall be a minimum of 10 feet in width, unobstructed, with appropriately spaced columns and pitched roofs. [Ord. 2005-002]

c. Public Entrances

1) A minimum of one public entrance shall be provided along the front façade. [Ord. 2005-002]

2) One additional secondary public entrance shall be provided on a side façade, subject to the following: [Ord. 2005-002]

a) The secondary entrance shall be accessible to the public during the same business hours as the primary entrance, or from 10 a.m. to 6 p.m., whichever is less. [Ord. 2005-002]

b) Secondary public entrances shall be located a minimum distance of 25 percent of the length of the side A façade, from the corner of the front façade. [Ord. 2005-002]

d. Pedestrian Amenities

1) One public amenity shall be provided for every 50,000 square feet, or fraction thereof, including but not limited to public art; (not depicting any advertising); fountains (of at least eight feet in height and 16 feet in diameter); pergolas; bell or clock tower; and, public seating areas (not in conjunction with a restaurant). Required pedestrian amenities shall be a minimum of 800 square feet and 25 feet in width. [Ord. 2005-002]

2) A minimum of two pedestrian pathways a minimum of ten feet in width leading from the furthest parking spaces to public entrances shall be required. These pathways shall incorporate the use of decorative pavement, trellises, seating, pergolas, arbors, gazebos, and landscaping. [Ord. 2005-002]

J. Appeal

1. Non-Judicial Remedies

Any Applicant aggrieved by an administrative interpretation or decision regarding this Chapter who wishes to appeal the interpretation or decision shall file an appeal to the ZC and follow the appeal procedures established in Art. 2.C.5.G, Type 1 Waiver. [Ord. 2005-002] [Ord. 2011-016] [Ord. 2012-027]

2. Exhaustion of Non-Judicial Remedies

Any Applicant, the Executive Director of PZB, the BCC member representing the district in which the project or building is to be located, aggrieved by a decision of the ZC regarding an interpretation or decision regarding this shall, within 30-calendar days from the date a decision by the ZC is rendered, file an appeal to the BCC. [Ord. 2005-002] [Ord. 2011-016]

CHAPTER D PARKS AND RECREATION – RULES AND RECREATION STANDARDS

Section 1 General

The Director of Parks and Recreation shall be responsible for implementing, applying, interpreting, and modifying the standards of this Chapter.

A. Purpose and Intent

The purpose and intent of this Chapter is to ensure the provision of parks, on-site recreation areas, and facilities in proportion to the demand created by development. By requiring such facilities, it is the intent of this Section to ensure the provision of functionally adequate, aesthetically pleasing, and safe park and recreation areas. The specific objectives of this Chapter are as follows:

1. Establish recreational standards for the development of land within unincorporated PBC;
2. Aid in the coordination of land development in PBC in accordance with orderly physical patterns;
3. Provide public and private park and recreation areas in accordance with the Objectives of the Recreation and Open Space Element of the Plan; and,
4. Ensure that necessary recreational improvements will be provided for residents concurrent with residential development.

B. Applicability

The standards of this Chapter shall apply to all development in unincorporated PBC, or existing development that is modified to the extent that it includes residential uses or site design changes or features that were not specifically shown on the previously approved plans. All recreation areas established by this Chapter shall be continuously maintained according to the standards of this Chapter.

Section 2 Types of Parks

A. Countywide Parks and Preservation/Conservation Areas

1. Countywide Parks

The PBC Parks and Recreation Department supplies a Countywide system of public park and recreational facilities for which Level of Service (LOS) standards are established in the Recreation and Open Space Element of the Plan. For purposes of park concurrency, Regional, Beach, and District Park LOS are established and Park Impact Fees assessed on new residential development to maintain the Countywide park systems LOS concurrent with growth. The CIE is updated annually to include projects needed to meet Countywide Comprehensive Plan LOS that will be funded through the Parks and Recreation Department's ongoing Capital Improvement Program. [Ord. 2006-004]

2. Countywide Park Impact Fees

Park Impact Fees shall be assessed according to the provisions of Art. 13.B, County District, Regional, and Beach Parks Impact Fees, as amended, to meet Countywide LOS needs for public regional, beach, and district parks.

3. Reservations

Where a planned Countywide Beach, Regional, District park, or Preservation/Conservation area is shown in the Plan, and a proposed development application is located in whole or part within the planned Beach, Regional, District park, or Preservation/Conservation area, such area shall be reserved for a period not to exceed two years during which time PBC shall either acquire the land or release the reservation. The time period initiating the reservation shall commence with the filing of an application for Development Order.

B. Community and Neighborhood Park Recreation Standards

1. Required Recreational Areas

All proposed residential development shall make adequate provisions for recreation areas to accommodate the community and neighborhood park-level recreational needs of the residents of the development. The recreation areas shall consist of a developed parcel of land that includes recreational facilities of a type consistent with the needs of the residents. The recreation parcel shall be located so as to provide convenient and safe pedestrian access for the residents of the development. The recreation area shall be reserved by the developer for the perpetual use of the residents of the development. The owner of the land or a Property Owners' Association and their successors in interest shall be responsible for the perpetual maintenance of the recreation area.

2. Calculation of Required Recreation

The required recreation area shall be the equivalent of two and one-half acres of developed land per 1,000 people population, based on the 2010 Census average Person Per Household (PPH) rate of 2.39 people per unit. Development of recreational facilities shall be of a type suitable for general community or neighborhood park use. The dollar amount to be spent on recreational improvements per acre shall be no less than 75 percent of PBC's average cost per acre for developing community and neighborhood park-type facilities as calculated by the Parks and Recreation Department based on the current PBC cost per acre to develop community or neighborhood park facilities. The minimum dollar amount to be spent on recreation facilities shall be determined by the Parks and Recreation Department at the time of Final Site Plan submission. [Ord. 2016-042]

a. WCRAO

The required recreation area shall be the equivalent of one and one-quarter acres of developed land per 1,000 people population, based on 2.39 people per unit. [Ord. 2008-037]

3. Approval

Prior to DRO certification, projects proceeding to the Public Hearing process shall indicate the character and location of the proposed recreation in the application for review and approval by the Parks and Recreation Department. For projects requiring Final Site Plan approval, the proposed location and configuration of the recreation area(s) and the recreational improvements shall be indicated on the plan for review and approval by the Parks and Recreation Department.

4. Reduction in Recreation Area Land Requirement

The Parks and Recreation Department may allow reduction of the recreation land area requirement by not more than 25 percent when other open space tracts are platted and made available to residents for recreational purposes and the combined value of the recreation facilities to be constructed and the resulting reduced land area exceeds the total value of the recreation land area and facilities requirement of Art. 5.D.2.B.2, Calculation of Required Recreation, by a minimum of 25 percent. [Ord. 2006-004]

5. Cash-Out Option

At the option of the Parks and Recreation Department, the developer may, in lieu of or in combination with Art. 5.D.2.B.2, Calculation of Required Recreation, contribute the dollar value of the total recreational area requirement of this Chapter including land and improvements of this Chapter for the entire development at the time the first plat is submitted for recording. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, or on a PBC-approved certified MSA appraisal of the average value of the land in the development at the time of first plat. All such funds collected shall be held in a non-lapsing Park and Recreation Trust Fund for the acquisition and improvement of community or neighborhood parks according to the provisions of Art. 5.D.2.B.6, Park and Recreation Trust Fund.

a. WCRAO

At the option of the Parks and Recreation Department, with a positive recommendation from the WCRA, the developer may, in lieu of or in combination with Art. 5.D.2.B.2, Calculation of Required Recreation, contribute the dollar value of the total recreational area requirement, or convey land of equal value within the WCRA-targeted area to the County, as identified by the Parks and Recreation Department or the WCRA Plan, including land and improvements for the entire development, or a portion thereof, at the time the first plat is submitted for recording or issuance of the first residential or mixed-use Building Permit. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, issuance of the first residential or mixed-use Building Permit, or on a PBC-approved certified MSA appraisal of the average value of the land in the development at the time of first plat or issuance of the first residential or mixed-use Building Permit. All such funds collected shall be held in a non-lapsing Park and Recreation Trust Fund for the acquisition and improvement of the WCRA community or neighborhood parks according to the provisions of Art. 5.D.2.B.6, Park and Recreation Trust Fund. [Ord. 2008-037]

6. Park and Recreation Trust Fund

Monies deposited by a developer pursuant to this Chapter shall be expended within a reasonable period of time for the purpose of acquiring and/or developing land necessary to meet the need for community or neighborhood-type recreational facilities created by the development in order to provide a system of parks which will be available to and sufficiently benefit the residents of the development. Monies deposited by a developer pursuant to this Chapter shall be expended to acquire and/or develop land for park purposes not farther than five miles from the perimeter of the development.

7. Other

The BCC shall establish an effective program for the acquisition of lands for the development of public parks in order to meet, within a reasonable period of time, the existing need for public parks. The annual budget and Capital Improvement Program of PBC shall provide for appropriation of funds as may be necessary to carry out PBC's program for the acquisition and/or development of land for public parks. The funds necessary to acquire lands to meet the existing need for PBC parks must be provided from a source of revenue other than from the amount deposited in the Trust Fund.

8. Open Space Credit

Where developed recreational facilities are provided within lands required or credited for other open space purposes pursuant to this Code (i.e., buffer areas, natural preserves, utility easements, R-O-W, drainage, or water management tracts), only credit for the cost of approved facilities may be applied towards the recreation area requirement of Art. 5.D.2.B.2, Calculation of Required Recreation, and only if the facilities are reserved for the use of the residents of the development.

9. Property Development Regulations

Any parcel of land used to satisfy Parks and Recreation Standards shall meet the following requirements: [Ord. 2006-004] [Ord. 2020-001]

Table 5.D.2.B – Property Development Regulations (1)

Number of Units	Min. Lot Size (2)(3)(4)(5)	Min. Lot Width (4)(5)	Min. Lot Depth (4)(5)
≤ 10 Units (6)	2,500 sq. ft.	50'	50'
> 10 Units ≤ 20 Units	4,200 sq. ft.	60'	70'
> 20 Units	7,500 sq. ft.	Average 75', but not less than 50' at any given point	Average 100', but not less than 75' at any given point

[Ord. 2020-001]

Notes:

1.	The Parks and Recreation Department may reduce the minimum recreation parcel dimensions by not more than ten percent when considering location, abutting land uses, accessibility, recreation facilities to be offered, and the parcel's function in the overall recreation and open space network of the development. [Ord. 2006-004]
2.	Exclusive of above-ground easements and landscape buffers, underground easements are permitted in the recreation parcel with prior approval by the Director of the Parks and Recreation Department, and as long as the utility of the recreation parcel is not adversely impacted. [Ord. 2016-042] [Ord. 2020-001]
3.	Projects providing recreation sites with less than 7,500 square feet in size may not include the parking within the minimum size for a recreation parcel. [Ord. 2020-001]
4.	CLFs may be exempt from the minimum parcel size and minimum dimensions, with prior approval by the Director of the Parks and Recreation Department. [Ord. 2016-042]
5.	CLF recreational requirements may be satisfied using a combination of interior and exterior recreation areas, with prior approval by the Director of the Parks and Recreation Department. [Ord. 2016-042]
6.	Projects with four or fewer dwelling units, may use Art. 5.D.2.B.5, Cash-Out Option for compliance with their minimum recreation site. [Ord. 2020-001]

C. Passive Park

See Art. 4.B.3.C.8, Park, Passive.

D. Public Park

See Art. 4.B.3.C.9, Park, Public.

E. Infill Neighborhood Park

See Art. 4.B.3.C.7, Park, Neighborhood Infill.

F. Phasing

Any development required to provide recreation shall follow one of the following Phasing Plans:

1. Single Phasing

When the development is to be constructed in a single phase, or where each phase will provide recreational facilities specifically for the residents of that phase, then the recreational site(s) for that phase shall be site planned, or platted, concurrent with that phase of construction. No more than 40 percent of the Building Permits for residential units shall be issued for the phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, or unless a Phasing Plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department. [Ord. 2006-004]

2. Multiple Phasing

When the development is to be constructed in multiple phases or plats and one or more required recreational site(s) is/are intended to serve the residents of two or more phases of the development, then the following sequence shall be adhered to:

a. The recreation site(s) shall be site planned concurrent with the site plan for the first phase of residential development for which the recreational site will serve.

b. The recreation site(s) shall be platted concurrent with the plat for the residential development phase they will serve. No more than 40 percent of the Building Permits for residential units shall be issued for any phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, or unless a Phasing Plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department. [Ord. 2006-004] [Ord. 2016-042]

3. Multifamily and Congregate Living Facilities

No more than 20 percent of the Certificates of Occupancy for the residential units shall be issued for the phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, or unless a Phasing Plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department. [Ord. 2016-042]

G. Public Park Landscape Standards

This Section recognizes that public parks require flexibility in landscape design to address unique natural and man-made resources that serve the public. Public park landscape standards are applicable in all development tiers and promote open views and vistas into natural landscapes, lakes, greenways, blueways, and open spaces for appreciation and benefit of the public. Deviations for publicly-owned and operated public parks from the landscaping requirements of Art. 7, Landscaping, are as follows: [Ord. 2006-004] [Ord. 2008-003] [Ord. 2011-001]

1. General Standards

a. Minimum Tree Quantities

A minimum of one tree is required per 1,200 square feet of overall area, excluding lakes, natural areas, and recreation areas. [Ord. 2006-004] [Ord. 2008-003]

b. Minimum Shrub Quantities

A minimum of one shrub is required per 1,250 square feet of impervious area, excluding lakes and wetlands. [Ord. 2006-004] [Ord. 2008-003]

c. Interior and Perimeter Buffer Trees

A minimum of 75 percent of required trees shall be Canopy trees. Palms or pines may be counted as one Canopy tree, not to exceed 25 percent of the total number of required trees. [Ord. 2006-004]

d. Foundation Planting

1) Exemption

Open-air pavilions, bathrooms, scoreboxes, mechanical vaults, and similar park structures less than 2,000 square feet are exempt from foundation planting requirements. [Ord. 2006-004]

2) Dimensions

Foundation planting shall be provided along a minimum of 50 percent of front and side façades, and the rear façade if oriented towards any public-use area. Width shall be a minimum of five feet along front and rear façades, where required, and eight feet along side façades. [Ord. 2006-004]

2. Perimeter Buffer Landscape Requirements

a. R-O-W Buffers

1) Applicability

R-O-W Buffers pursuant to Art. 7, Landscaping for public parks, open space, and golf courses, shall be exempt from the planting requirements of Table 7.C.2.A, R-O-W Buffer Landscape Requirements. Required R-O-W Buffer trees may be planted in a natural pattern within and adjacent to the designated landscape buffer. [Ord. 2006-004] [Ord. 2008-037]

2) Required Plantings

Where parking lots, maintenance buildings, and/or loading areas are located immediately adjacent to R-O-W Buffers, the standards in Art. 5.D.2.G.2.a.1), Applicability, shall not apply. Where shrub and hedge plantings are required, the minimum number of layers of shrubs indicated in Table 7.C.2.A, R-O-W Buffer Landscape Requirements may be reduced to two in all tiers. [Ord. 2008-037]

b. Compatibility Buffers

Compatibility Buffers shall be a minimum of five feet in width. Public park uses adjacent to other public park open space and civic uses or pods shall be exempt from Compatibility Buffer requirements. Required Compatibility Buffers shall be exempt from the shrub planting requirements of Table 7.C.2.B, Compatibility Buffer Landscape Requirements. Required trees may be planted in a natural pattern within or adjacent to the designated landscape buffer. [Ord. 2006-004] [Ord. 2008-037]

c. Incompatibility Buffers

Incompatibility Buffers shall be a minimum of 15 feet in width. The minimum number of layers of shrubs indicated in Table 7.C.2.C, Incompatibility Buffer Landscape Requirements may be reduced to two in all tiers. [Ord. 2006-004] [Ord. 2008-037]

d. Pathways in Buffers

Pedestrian pathways, exercise trails, and other related recreational trails may be allowed to meander in required R-O-W and Compatibility Buffers. [Ord. 2006-004]

e. Berms

Berms shall be permitted in any perimeter buffer in all tiers. [Ord. 2006-004]

f. Fences and Walls
Walls and fences may be located along the property line, and may be exempt from the tree, shrub, and hedge requirements of Art. 7.D.4.B, Walls and Art. 7.D.4.C, Fences. Vinyl-coated chain link fences are permitted in any perimeter buffer in any tier, and may be exempt from the requirements of Art. 7.D.4.C.1, Chain Link Fences. [Ord. 2006-004]

g. WCRAO
Landscape buffers shall not be required if the proposed park and recreation areas are internally integrated within the development. [Ord. 2008-037]

3. On-Site Parking Requirements

a. Landscape Islands
One landscape island a minimum of ten feet in width shall be required per ten spaces, in all tiers (maximum 100 feet apart), excluding spaces that are designated for vehicles with trailers. [Ord. 2006-004] [Ord. 2018-002] [Ord. 2018-018]

CHAPTER E PERFORMANCE STANDARDS

Section 1 Major Intersection Criteria

As specified in this Code, certain specific uses shall be located at major intersections or internal to a PDD that is located at a major intersection. For the purpose of this Chapter, to be considered a major intersection each roadway at the intersection, shall meet at least one of the following standards:

A. Four Lanes
The roadway currently exists at four lanes or more, Link to Link, and is shown on the Thoroughfare R-O-W Protection Map. Dedication of R-O-W or construction of additional lanes solely in front of a property shall not satisfy this standard;

B. Five-Year Road Plan
The roadway appears in the Five-Year Road Plan to be constructed as a major Arterial of at least four lanes;

C. Traffic Volume
The current average traffic volume on the roadway is greater than 10,000 trips per day as shown on the Peak Season Traffic Volume Table published by the Palm Beach County Traffic Division; [Ord. 2009-040]

D. R-O-W
The roadway is shown on the Thoroughfare Plan as 120-foot R-O-W or greater; or,

E. Upgrade Agreement
The Applicant agrees to improve the roadway system to meet the standards in this Chapter as a Condition of Approval.

Section 2 Location Criteria

A. Purpose and Intent
To mitigate the adverse impacts created by excessive concentrations of specific uses at intersections and along roadways that adversely impact traffic flow, pedestrian circulation, and visual impacts related to site layout. [Ord. 2006-004]

B. Intersection Criteria
Applicable uses shall be limited within 1,000 feet of any intersection, measured from the intersection of the centerlines of each street to the nearest exterior wall or outdoor dining area of the use. [Ord. 2006-004]

C. Separation Criteria
Any use within 1,000 feet of an intersection pursuant to the location criteria above shall be exempt from this requirement. A use shall meet the following separation criteria of any other same and existing or approved use, measured by drawing a straight line between the nearest point of the exterior wall or outdoor dining area of the proposed use to the same for an existing or approved use: [Ord. 2006-004]

1. 1,000 feet; or
2. 500 feet.

D. Existing Uses
The locational and separation criteria in this Section shall have no effect on any existing uses that are conforming uses as of the effective date of this Code. Where applicable, any DOA to an existing use shall comply with Art. 4.B.2.C.31.f.3), Exceptions, to the greatest extent feasible. [Ord. 2006-004]

Section 3 Drainage

For all development in all districts, drainage shall be designed and constructed in accordance with the drainage and stormwater management standards of Art. 11, Subdivision, Platting, and Required Improvements, except that the requirements for legal positive outfall, pursuant to Art. 11.E.1.A.3, Stormwater Management System, shall not apply to:

A. Development That Meets Both of the Following Criteria

1. The primary use is a parking lot, open storage, open-sided structure with no utilities, or similar use as determined by the County Engineer.
2. The property is not located adjacent or contiguous to a drainage facility which provides access to a point of legal positive outfall.

B. Industrial Designations

Individual lots designated as Industrial on the FLUA which have a zoning designation of IL, IG, MUPD, or PIPD are limited to industrial uses, are located 300 feet or more away from connecting to legal positive outfall, and which provide either:

1. Adequate on-site lake area to store the 100-year, three-day rainfall event within the limits of the lake; or
2. Store a 100-year, three-day rainfall event on this site in a combination of lake and surface storage conditioned upon providing a hydrological study showing that inundation of the parking lot areas and driveways does not persist for more than 72 hours following cessation of the 100-year, three-day rainfall event.

C. Security Trailers or Caretaker Quarters allowed in conjunction with an exempted use.

Any parcel meeting the above listed exemptions from the provisions of legal positive outfall shall connect to a central sewer system and shall not utilize a septic tank system.

D. Lands with Paola or St. Lucie Soil Types

Projects that are planned on lands located approximately along the I-95 corridor that consist of Paola or St. Lucie soil types which are excessively drained and have a depth to water table in excess of eight feet, as measured from the average natural elevation of the property. In lieu of providing legal positive outfall for projects meeting the above criteria, projects shall be developed utilizing a water management system that contains the 100-year, three-day storm event entirely within a designated retention area, after accounting for soil storage. Calculations showing total on-site retention shall be provided utilizing the rainfall distribution as detailed in SFWMD's Vol. IV Manual, latest edition. [Ord. 2005-002]

Section 4 Nuisances

A. General

1. Purpose and Intent

The purpose and intent of this Chapter is to regulate possible nuisances, such as excessive noise, vibration, odors, and outdoor lighting which could interfere with the peaceful enjoyment of land.

2. Applicability

This Chapter shall apply to all land in the unincorporated area of PBC, unless exempt pursuant to Art. 5.E.1.E, Upgrade Agreement.

3. Conflicts

Any conflict between this Chapter and any other provision in this Code or any other Ordinance adopted by the BCC, or provision, regulation, standard, or law adopted by Statute, the more stringent shall apply.

4. Definitions

See Art. 1.H, Definitions and Acronyms.

5. Exemptions

The following are exempt from this Chapter:

a. Transportation

Sound generated from motor vehicles legally operating on any public R-O-W regulated by F.S. ch. 316 (Uniform Traffic Control Law). Sound generated by interstate rail carriers operating on any railroad R-O-W. Sound generated by an airport, including all airport-related operations. All other uses of land preempted by applicable State of Florida or Federal laws or regulations.

b. Sanctioned Activities

Sound generated by a government sanctioned activity conducted on public land or in a public R-O-W (e.g., parades).

c. Crowd Noise
Non-amplified sound generated by crowd noises at sporting events.

d. Research and Technology Overlay (RTO)
Sound generated from a source located within the RTO.

e. Farm Operation
Bona Fide Agriculture operations conforming to generally accepted agricultural and best management practices.

f. AGR District
Noise, vibration, smoke, emissions, particulate matter, and odors by farm operations conforming to generally accepted agricultural and management practices in the AGR district. [Ord. 2005-041]

g. Temporary, Portable Power Generators
Sound generated by temporary, portable power generators used only during periods of electrical power outages in utility distribution systems maintained by the utility service provider. [Ord. 2005-041]

B. Noise Limitations and Prohibitions

In addition to the maximum sound levels set forth in Table 5.E.4.B, Maximum Sound Levels, the following activities shall be limited or prohibited as follows:

1. Prohibitions

a. Horns
Sounding a horn or other audible signal device, except as required by law or as a warning of imminent danger. The sounding of any device for an unnecessary reason or unreasonable period of time is prohibited.

b. Parks
Operating or playing any radio, television, phonograph, musical instrument, or similar device on public land or in a public R-O-W at a distance of 100 feet from the source which generates excessive noise.

c. Amplified Sound
Operating, playing, or using any loudspeaker, loudspeaker system, sound amplifier, radio, television, phonograph, musical instrument, or similar device which generates excessive noise at the property line of inhabited residential land. This provision shall not apply to special events but shall apply to lounges, restaurants, or nightclubs.

d. Advertising
Operating, playing, or using any device which generates excessive noise at the property line that is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public.

e. Machinery and Construction Work
The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tool, equipment of a semi-mechanical device, or undertaking construction work which generates excessive noise at the property line of inhabited residential land between the hours of 10:00 p.m. and 7:00 a.m. Construction work other than minor repairs by a homeowner and work permitted to an owner-builder shall be prohibited on Sunday. This restriction shall not prohibit the use of pumps or machinery which, because of their nature and purpose, are required to be in operation 24 hours a day.

f. Lawn Equipment
The operation of lawn or garden maintenance equipment or machinery which generates excessive noise at the property line of inhabited residential land between the hours of 10:00 p.m. and 7:00 a.m.

2. Maximum Sound Levels

a. No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth below in Table 5.E.4.B, Maximum Sound Levels, for more than ten percent of any measurement period, which period shall not be less than ten minutes. Sound Level Measurement Compliance shall be determined with a Type 2 or equivalent sound level meter using the A-Weighting Scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at or within the boundary of the complaining landowner within the property lines of the receiving land.

Table 5.E.4.B – Maximum Sound Levels

Receiving Land Use Type	Sound Source	Time of Day	Max. Sound Level	
			USA	RSA
Residential	Fixed mechanical equipment	Any time	60 dB	60 dB
Residential	Permanent generator	See Art. 5.B.1.A.19, Permanent Generators	75 dB	75 dB
Residential	All other sources	7:00 a.m. to 8:00 p.m.	60 dB	55 dB
		8:00 p.m. to 10:00 p.m.	55 dB	50 dB
		10:00 p.m. to 7:00 a.m.	50 dB	50 dB
Commercial Non-Residential	All sources	Any time	70 dB	70 dB
Non-Residential	Permanent generator	See Art. 5.B.1.A.19, Permanent Generators	75 dB	75 dB
[Ord. 2006-004]				

3. Public Nuisance

a. Injunctive Relief

Any emission of noise, the generation of sound from any source in excess of the limitations established in, or pursuant to, this Chapter shall be deemed and is hereby declared to be a public nuisance. Upon receipt of written complaint of violation of this Chapter, the Code Enforcement Officer may investigate and request the County Attorney to file injunctive proceedings to abate the nuisance. Such proceedings shall be cumulative and in addition to the penalties provided herein.

b. Civil Action

The generation of sound from any source not limited by this Code shall be considered a civil issue and addressed accordingly by law.

C. Vibration

1. Non-Industrial Districts

In all districts, except with an Industrial (IND) FLU designation, no use shall operate so as to produce ground vibration noticeable by a person of reasonable sensitivity at the property line.

D. Smoke, Emissions, and Particulate Matter

1. General Requirements

No use or activity shall be operated except in full compliance with the standards controlling air pollution as provided in the laws of the State of Florida and the Ordinances. [Ord. 2006-004]

2. Smoke

In all districts, unless otherwise covered by a specific visible emission limiting standard by a FDEP Rule or County Ordinance, every use shall be operated so as to prevent the emission of smoke from any source whatever, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart, or the opacity of which is equal to or greater than 20 percent. For the purpose of grading the density of smoke, the Ringelmann Chart, as published and used by the United States Bureau of Mines, or Method 9, as published in Chapter 62-296, F.A.C., is incorporated herein by reference. All measurements shall be at the point of emission. [Ord. 2006-004]

3. Dust and Particulate

Every use shall be operated to prevent the emission into the air of dust or other solid particulate matter which may cause danger to land and the health of persons or animals at or beyond the lot line of the premises on which the use is located, in accordance with Chapter 62-296, F.A.C. [Ord. 2006-004]

4. Objectionable Odors

No person shall cause, suffer, allow, or commit the discharge of air pollutants which contribute to an objectionable odor in accordance with Rule 62-296.320(2), F.A.C. [Ord. 2006-004]

5. Toxic or Noxious Matter

No use shall for any period of time, discharge across the boundaries of a lot on which it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, land, or the use of land, or render unclean the waters of the State to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial purposes, recreation, or other legitimate and necessary uses. [Ord. 2006-004]

E. Outdoor Lighting

1. Purpose and Intent

It is the intent of this Section to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures, luminaires, and lighting systems are designed, constructed, and installed to: control glare and light trespass; minimize obtrusive light; eliminate the increase of lighting levels on competing sites;

provide safe roadways for motorist, cyclists, and pedestrians; conserve energy and resources while maintaining safety, security, and productivity; and, curtail the degradation of the nighttime visual environment. [Ord. 2005-041]

2. Applicability

All outdoor lighting shall be subject to the requirements of Table 5.E.4.E, Illumination Levels, and Table 5.E.4.E, Maximum Permitted Luminaire Height, unless exempted or permitted to deviate as described herein. Lighting not specifically listed may be classified by the Executive Director of PZB pursuant to Art. 1.B, Interpretation of the Code. In addition to the standards in this Section, outdoor lighting shall be consistent with Art. 14, Environmental Standards. [Ord. 2005-041] [Ord. 2011-016] [Ord. 2019-034]

a. Conflict

In the case of a conflict between this Section and other provisions of this Code, or other applicable codes, the more strict regulation shall apply. [Ord. 2005-041]

b. Non-Conforming Lighting

All luminaires that do not comply with the standards of this Section shall be subject to the limitations on expansion, maintenance, relocation, damage repair, and renovations pursuant to Art. 1.F, Non-Conformities. [Ord. 2005-041]

c. Exemptions

The following shall be exempt to the extent listed below: [Ord. 2005-041] [Ord. 2019-034]

1) Residential

Single Family, Townhouses, and Multifamily with a maximum of two units shall not be subject to the requirements of Art. 5.E.4.E.3, Submittal Requirements and Art. 5.E.4.E.4, Standards. All permitted outdoor lighting shall be oriented and directed away from adjacent residential uses or adjacent streets that are internal or external to the subject property. [Ord. 2005-041] [Ord. 2019-034]

2) Street Lights

Street lights in any public R-O-W that meet the requirements of the appropriate public utility. [Ord. 2005-041]

3) Temporary Lighting

The temporary use of low-wattage or low-voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. [Ord. 2005-041]

4) Landscape and Accent Lighting

Landscape and accent lighting fixtures that comply with the Florida Building Code, Building Section 13-415.AB.2.1 efficiency requirements shall be exempt. All exempt landscape and accent lighting fixtures must have a locking mechanism and a glare shield so that light is aimed, and remains aimed at the surface intended. [Ord. 2008-037]

5) Public Park and Recreation Facilities

Government-owned or operated public parks and recreation facilities that are only open between dawn and dusk, shall not be subject to the requirements of this Section. [Ord. 2018-018]

6) Temporary Uses pursuant to Art. 4.B.11, Temporary Uses. [Ord. 2019-034]

d. Prohibited Outdoor Lighting

The following types of outdoor lighting are prohibited in unincorporated PBC: [Ord. 2005-041]

1) Any light that creates glare observable within the normal range of vision onto a street or creates a safety hazard; [Ord. 2005-041]
2) Any light that resembles an authorized traffic sign, signal, or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the Zoning Director or Traffic Director; [Ord. 2005-041]
3) Beacon or searchlights, except for temporary grand openings and special events, as limited by State of Florida or Federal law; [Ord. 2005-041]
4) Any drop lens fixture or fixture that does not meet the IESNA full-cutoff classification of zero percent of lumens above 90 degrees from nadir. This includes, but is not limited to, parking lot fixtures, building façade fixtures, and other non-landscape lighting fixtures; and, [Ord. 2008-037]
5) Animated lighting, unless authorized under Art. 8, Signage. [Ord. 2005-041]

e. Deviations

Lighting may vary from this Section to the extent necessary to comply with the following: [Ord. 2005-041]

1) F.S. § 655.962, related to ATM lighting; [Ord. 2005-041]

2) F.S. § 812.173, related to parking lots for convenience businesses; [Ord. 2005-041]
3) Lighting on Public Schools required by Florida Building Code, Building Section 423, and the SDPBC Electrical Design Criteria; [Ord. 2005-041] [Ord. 2012-027]
4) Airport lighting regulated by State or Federal law; [Ord. 2005-041]
5) Lighting for obstructions to air navigation as provided in U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K; [Ord. 2005-041]
6) Lights required on vehicles under State Uniform Traffic Control Statutes or for vessels under Vessel Safety Statutes under F.S. ch. 316 and F.S. ch. 327; [Ord. 2005-041]
7) Lighting for public health required by F.S. ch. 381; [Ord. 2005-041]
8) Electrical Code Statute requirements under State Building Code; [Ord. 2005-041]
9) F.S. § 553.963 and F.S. § 553.904, Efficiency and Energy Conservation Statutes under Building Code Standards; [Ord. 2005-041]
10) Lighting for outdoor theaters under F.S. § 555.07; [Ord. 2005-041]
11) Lighting for Commercial Communication Towers under Art. 4.B.9.B.9, Lighting of the ULDC; and, [Ord. 2005-041] [Ord. 2017-007]
12) Other Federal, State, and Local laws and regulations that may apply. [Ord. 2005-041]

3. Submittal Requirements

a. Photometric Plan

All Building Permit applications that include the use of external luminaires, or luminaires visible from the exterior of a structure shall include an outdoor lighting plan and an outdoor security lighting plan showing location, type, and height of all luminaires, and photometrics in foot-candle output of all proposed and existing luminaires on site. On-site lighting to be included in the calculations shall include, but is not limited to, lighting for parking lot, canopies, recessed lighting along the building, and/or overhang. Each plan shall include any calculations or modifications required to comply with items listed in Art. 5.E.4.E.2.e, Deviations. The photometric plans shall include the following: [Ord. 2005-041]

1) A table showing the average, minimum, and maximum foot-candles, average to minimum ratio, and maximum to minimum ratio on the site, and maximum luminaire heights. Maximum photometric calculation grid shall not exceed ten feet. [Ord. 2005-041]
2) Manufacturer's catalog cuts that provide a description of the luminaires, including wattage, lumen output, glare reduction/control devices, lamps, on-off cycle control devices, and mounting devices. [Ord. 2005-041]
3) All photometric plans must be signed and sealed by a licensed Engineer, Architect, or Landscape Architect. [Ord. 2005-041] [Ord. 2008-037]
4) A Certificate of Compliance signed and sealed by a licensed Engineer, Architect, or Landscape Architect, must be submitted prior to the issuance of a Certificate of Occupancy. [Ord. 2005-041] [Ord. 2008-037]
5) The photometric plan shall not include time averaging or other alternative methods of measurement. A Light Loss Factor (LLF) shall be used for the calculations in a photometric plan. The values of the LLF shall be a maximum value of 0.72 for Metal Halide, 0.81 for High Pressure Sodium, and 0.95 for LED, based on manufacturers' initial lamp lumens. [Ord. 2005-041] [Ord. 2008-037]

4. Standards

a. Confinement

All outdoor lighting shall utilize full-cutoff luminaires per the Illuminating Engineering Society of North America (IESNA) definition of full cutoff which allows for zero percent of lumens above 90 degrees from nadir. No luminaires other than landscape lighting exempted per Art. 5.E.4.E.2.c.4), Landscape and Accent Lighting, shall be directed upwards to avoid urban sky glow. In the U/S Tier, accent and landscape luminaires not exceeding 100 watts. [Ord. 2005-041] [Ord. 2008-037]

b. Light Trespass

The maximum illumination at the property line of an adjoining residential parcel or public R-O-W is 0.33 horizontal and vertical foot-candles measured at six feet above grade level. Said illumination likewise measured at the property line of an adjoining non-residential parcel, shall not exceed 3.0 horizontal and vertical foot-candles measured at six feet above grade level. [Ord. 2005-041]

c. Security Lighting and Time Restrictions

1) Full-cutoff luminaires shall be used for all security lighting and dusk-to-dawn area lighting. [Ord. 2005-041]
2) Outdoor illumination, including but not limited to, areas used for outdoor sales and display, eating, parking, assembly, service, storage of equipment and freight, loading and unloading,

repair, maintenance, commercial activities, and industrial activities shall not continue after 11:00 p.m., or no more than one hour after active use of the area ceases, whichever is later, except for security lighting. [Ord. 2005-041]

3) Security lighting shall be required for all active entrances to buildings, parking lots, and access to buildings or parking lots. All security lighting shall maintain an average of 0.75fc, a minimum of 0.3fc, and a maximum of 3fc from dusk until dawn. [Ord. 2005-041] [Ord. 2008-037]
4) No outdoor recreational facility shall be illuminated after 11:00 p.m. except to conclude a scheduled and sanctioned recreational or sporting event by PBC or other authorized agency in progress prior to 11:00 p.m. The luminaires shall be extinguished after outdoor recreational events are completed and the site has been vacated. [Ord. 2005-041]
   a) Exceptions
   Public recreational facilities such as boat ramps, fishing piers, or other similar facilities that operate or are open to the public on a 24-hour basis. [Ord. 2005-041]
5) Automatic timing devices with a photosensor or an astronomical timeclock, which control the hours of illumination shall be required for all parking lots, car dealerships/outdoor display lots, and parking garages. These devices may remain on Eastern Standard Time throughout the year. [Ord. 2005-041] [Ord. 2008-037]

d. Illumination Levels

Table 5.E.4.E, Illumination Levels, indicates the minimum and maximum illumination levels for specific site elements, as well as the maximum to minimum, and average to minimum ratios. [Ord. 2005-041]

Table 5.E.4.E – Illumination Levels

Outdoor Lighting	Max. Illumination (1)	Min. Illumination (1)	Max. to Min. Ratio	Average to Min. Ratio
Buildings and Accessory Structures				
a. Pathway Lighting (2)	5.0 (5)	-	-	-
b. Canopies, Drive-Through, and Overhangs	30.0	3.0	10:1	2.5:1
Parking Lots				
a. Multifamily Residential	3.0	0.3	10:1	-
b. All Other Uses	12.0	1.0	12:1	3:1
Parking Structures				
a. Parking Area	10.0	1.0	10:1	4:1
b. Ramps – Day	20.0	2.0	10:1	-
c. Ramps – Night	10.0	1.0	10:1	-
d. Entrance Area – Day	50.0	5.0	10:1	-
e. Entrance Area – Night	10.0	1.0	10:1	-
f. Stairways	-	10.0	-	-
Property Boundary	Refer to Light Trespass			
Specialty Lighting (4)				
a. Golf Courses	Per IESNA Lighting Handbook			
b. Outdoor Entertainment				
c. Parks				
Other Lighting Types				
a. Outdoor Display and Storage for Vehicle Sales and Rental	15 (3)	1.0	15:1	4:1
b. Other Outdoor Display and Storage Areas	20	1.0	15:1	4:1
c. Outdoor Work Areas	20	1.0	15:1	4:1

[Ord. 2005-041] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2019-034]

Notes:

1.	Measured in foot-candles.
2.	Building or accessory-mounted luminaires used to light parking lots shall comply with parking lot illumination levels.
3.	May be increased to 20 foot-candles for the first row of display parking located adjacent, but not more than 100 feet from a R-O-W.
4.	Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive aisles, pathways, building, and landscape lighting.
5.	Fully shielded bollards not greater than 42 inches in height may be permitted up to 20 foot-candles.

e. Luminaire Heights

Table 5.E.4.E, Maximum Permitted Luminaire Height, identifies the maximum height for any freestanding or structure-mounted luminaires.

Table 5.E.4.E – Maximum Permitted Luminaire Height

Location	Max. Height	
	U/S Tier	Rural, Exurban, Glades, and AGR Tiers
Buildings and Accessory Structures		
a. Buildings	25' or eave overhang, whichever is lower (unless required by the Florida Building Code)	
b. Accessory Structures	10'	8'
Parking Lot		
a. Residential	20'	15'
b. Industrial	40'	-
c. Commercial, Civic, and Institutional	30', or equal to the height of the building up to a max. of 40'	25'
Parking Structures		
a. Luminaires on Top Parking Level	20' or 25' (4)	15'
Property Boundary		
a. Luminaires within 100' of Residential (2)	20'	15'
Specialty Lighting (3)		
a. Golf Course	Per IESNA Lighting Handbook	
b. Outdoor Entertainment		
c. Parks		

[Ord. 2005-041] [Ord. 2019-034]

Notes:

1.	For the purposes of this Table, residential parcel shall include any residential use, or any vacant parcel with a residential FLU designation.
2.	The height of any lighting luminaire within 100 feet of a parcel with a residential use or FLU designation shall be limited in accordance with the height limitations for Property Boundary, Residential.
3.	Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive aisles, pathways, building, and landscape lighting.
4.	Minimum setback shall be 45 feet from exterior edge of wall for all luminaires, except luminaires mounted to interior face of perimeter wall, which do not exceed the height of the perimeter wall.

f. Measurement

1) Illumination levels shall be measured in foot-candles with a direct-reading, calibrated, portable light meter. The light meter shall be placed not more than six inches above grade level. [Ord. 2005-041]
2) For the purpose of measuring light trespass, the light meter shall be placed at the property line of the subject parcel six feet above the grade level. [Ord. 2005-041]

Section 5 Hours of Operation

Hours of operation relate to the time during which the use is open to the public for business. For uses not open to the public, hours of operation shall be the time in which the use has employees working. [Ord. 2017-007]

A. Proximity to Residential

Any non-residential use shall be subject to the hours of operations indicated in Table 5.E.5.A, Hours of Operation, when located within 250 feet of a parcel of land with a residential FLU designation or use, unless stated otherwise. Mixed uses located in the following zoning districts shall not be considered residential uses for the purposes of hours of operation: Neighborhood General (NG), Neighborhood Commercial (NC), and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MUPD, and TMD. [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-018] [Ord. 2021-023]

Table 5.E.5.A – Hours of Operation

Non-Residential Use Classification	Hours (1)
Commercial	6:00 a.m. to 11:00 p.m.
Recreation	6:00 a.m. to 11:00 p.m.
Institutional, Public, and Civic	6:00 a.m. to 11:00 p.m.
Industrial with Outdoor Activities	7:00 a.m. to 7:00 p.m. (Monday through Saturday)
Industrial without Outdoor Activities	6:00 a.m. to 11:00 p.m. (Monday through Saturday)
Transportation	7:00 a.m. to 11:00 p.m.
Temporary	6:00 a.m. to 11:00 p.m.
Accessory Non-Residential Uses to Residential Uses	7:00 a.m. to 7:00 p.m.
[Ord. 2017-007] [Ord. 2018-018]	
Notes:	
1.	Stocking activities or deliveries for non-residential uses are subject to the hours listed above when located within 250 feet of a parcel of land with a residential use or FLU designation. [Ord. 2018-018]

B. Measurement

Measurement shall be taken by drawing a straight line from the property line of the residential use or FLU designation to the closest point of the loading area, the exterior wall, structure, or bay housing the non-residential use. [Ord. 2009-040] [Ord. 2017-007] [Ord. 2018-018]

C. Existing Uses

Uses existing prior to this amendment may comply with the requirements existing at the time the use was established, unless modified by a subsequent Development Order. [Ord. 2009-040] [Ord. 2017-007]

D. Exemptions

Uses owned or operated by a governmental entity that provide essential services for the public, as determined by the Zoning Director, shall be exempt from these standards. [Ord. 2009-040] [Ord. 2017-007]

E. Type 2 Waiver

Hours of operation may be altered pursuant to Art. 2.B.7.D, Type 2 Waiver. [Ord. 2018-018]

CHAPTER F LEGAL DOCUMENTS

Any legal documents requiring PBC approval shall be reviewed prior to submission by a licensed attorney. This shall include documents required by Code or as a condition of any land use approval. For the purposes of the provisions, “legal documents” shall include, but not be limited to, the following types of documents: restrictive covenants, easements, agreements, access agreements, removal agreements, Unity of Control, and Unity of Title. Any document that follows exactly the language of a PBC-approved form is exempt from this requirement.

Section 1 Maintenance and Use Documents

A. Purpose and Intent

This Chapter is established to ensure that adequate ownership and maintenance measures will be provided in residential and other developments to protect and perpetually maintain all common areas or other required areas (including improvements located upon or within the common areas) required pursuant to this Code or other applicable PBC Ordinances or regulations. This Chapter is also established to ensure the continued availability and utility of the common areas for the residents or occupants of the development and to prevent such facilities or the need for such facilities from becoming an unnecessary burden or nuisance to PBC or surrounding property. Nothing in this Chapter shall be construed as creating any obligation upon PBC to maintain such common areas or their improvements or to otherwise ensure their availability and condition.

B. Applicability

This Chapter shall apply to all developments subject to review by the DRO as delineated elsewhere in this Code. Developments for which waivers of platting are administratively obtained shall also comply with the requirements of this Chapter. [Ord. 2010-022]

C. Exception

Generally, the maintenance and use documents requirement shall not apply to lands or improvements to be owned and maintained under a condominium or cooperative. The developer of any lands to be owned and maintained under a condominium or cooperative shall establish and regulate those in accordance with the requirements set forth by the State of Florida. If the condominium or cooperative is located within a PUD, though, additional PBC document requirements may apply.

D. General Requirements

A developer shall submit documents establishing maintenance and use of the common areas of a proposed development and other required areas at the point in the development process set forth in Art. 11.D, Platting, or as required as a Condition of Approval by any Decision Making or Administrative Body of PBC. All documents shall be reviewed and approved by the County Attorney's Office prior to recording in the Public Records. The recording of the documents and all associated fees shall be the responsibility of the developer. All documents shall be recorded as approved by the County Attorney's Office, and copies of the recorded documents shall be submitted to PBC when requested.

E. Documents Establishing Maintenance and Use

The type of document required to establish use rights and responsibility for maintenance of the common areas and private preserve areas of a development depends upon the nature of the development.

1. Developments Including a Subdivision of Five or More Lots

A POA shall be required. Developer shall submit a Declaration of Covenants and Restrictions, Articles of Incorporation, and By-Laws. If there are to be party walls within the development, the Declaration of Covenants and Restrictions shall include a Declaration of Party Wall. This requirement applies to both residential and non-residential developments.

2. Subdivisions of a Maximum of Four Lots

A POA may or may not be required depending upon the individual subdivision. Prior to the approval of the Final Subdivision Plan or Plat, if the DO includes common areas, the Applicant shall be required to establish a POA or a Unity of Control pursuant to the requirements below. If there are to be party walls within the development, a Declaration of Party Wall shall be included in the submission. [Ord. 2021-006]

F. Applicability and Document Requirements

The following shall be the minimal requirements for specific maintenance and use documents described below. Provisions, which do not conflict with any PBC requirements, may also be included. [Ord. 2023-026]

1. Property Owners' Association (POA) Documents

a. Declaration of Covenants and Restrictions

1) Legal Description

a) For Master Property Owners' Associations

Where applicable, all property included within the Master Plan for a Development Order, regardless of how many phases, shall be subjected to the terms of the declaration at the time the first plat of the development is recorded. Property shall not be withdrawn from the terms of the declaration unless it is also withdrawn from the Master Plan. This shall also apply to any affected portion of an AGE Allocation Plan with a Development Order for a Rezoning, Conditional Use, or related Development Order Amendment subject to the requirements of the AGEO. [Ord. 2010-022] [Ord. 2017-007]

b) For Sub-Associations

All property included within a plat in which a sub-association is named in a dedication/reservation shall be subjected to the terms of the declaration for that sub-association at the time the plat is recorded.

2) Definitions

There shall be a declaration in which, minimally, the following terms (or similar terms) are defined: association, common areas, member, properties, declarant/developer, unit/lot/parcel. The definition of association shall include the name of the POA responsible for maintaining the common areas of the development. The association named here must be the same association that accepts the dedications/reservations on any plat of the development. The association shall be a State of Florida corporation not for profit. The definition of common areas shall include the phrase "any area dedicated to or reserved for the association on any recorded plat or replat of the Properties."

The definition of member shall reflect the requirement that all persons or entities holding title to any portion of the properties shall be voting members of the association. In the case of a master association, this may be accomplished either by direct membership by all owners or by the owners' sub-association membership with the sub-association(s) being the voting member(s) of the master association. The definition must specifically allow direct membership for any owner who is not a member of a represented sub-association.

The definition of properties shall include all the property subject to the terms of the declaration including any added by amendment to the declaration. The definition of declarant/developer shall include successors and assigns. The definition of unit/lot/parcel shall identify the division of property by which membership in the association is defined and shall be consistent with the terms used to define member in the declaration.

3) Association Structure and Responsibilities

There shall be provisions for the following:

a) All persons or entities owning any portion of the development shall automatically become members of the association;
b) All members of the association shall be entitled to vote on association matters;
c) The association shall have the authority to assess all members for association expenses including, but not limited to, the cost of maintaining the common areas;
d) All members of the association, except any governmental entity, which may own property in the development, shall be subject to assessments by the association. The developer shall either pay assessments or fund the deficit in the association's operating budget until he has turned over control of the association. After he has turned over control of the association, he shall pay assessments for any lot(s) he may still own;
e) The association shall have the authority to place a lien on a member's property for any unpaid assessment;
f) The developer may control the association while development is ongoing. He must, however, establish in the declaration a definite time by which he will turn over control of the association to the owners; and,
g) The declaration shall provide that the association shall be responsible for the maintenance of the common areas and private preserve areas. Maintenance responsibility may be delegated to a sub-association or to an individual lot owner (in the case of certain limited use areas), but the delegating association shall be responsible in the event the sub-association or the lot owner fails to maintain any portion of the common area or other required areas.

4) Common Areas

The common areas shall be defined to include any area dedicated to or reserved for the association on any recorded plat of the properties. The developer shall state at what point he will deed the common areas to the association.

5) Easements

The following easements shall be granted or confirmed if already established by recorded plat or grant of easement:

a) Ingress/egress easements for members, their guests, and licensees;
b) Utility easements for installation, maintenance, and repair by any utility company, including cable, servicing the development;
c) Drainage easements;
d) Maintenance easements for maintenance of the common areas. If the association will need access to an owner's property to fulfill its maintenance obligation, the easement should be granted here;

e) Encroachment easements for accidental encroachment onto the common area;
f) Common area easement for use by all members of the association and their guests;
g) Developer's easement to allow developer access as needed to complete construction of development;
h) Public service for police protection, fire protection, emergency services, postal service, and meter reading;
i) Zero Lot Line (ZLL) easement, if applicable. An easement with a minimum of two feet in width, and contiguous to the ZLL boundary shall be established for the purpose of incidental encroachment, access, and maintenance; or, [Ord. 2013-001]
j) All easements, with the exception of the developer's easement, shall be perpetual.

6) Architectural Control

Any provisions included in the declaration regarding architectural control should be consistent with PBC regulations. It should be noted in the declaration that nothing in the declaration should be interpreted as an exemption from compliance with PBC regulations.

7) General Provisions

There shall be provisions for the following:

a) Duration

The declaration shall run with the land for a minimum of 20 years with provision for automatic renewal;

b) Enforcement

The association, the individual members, and the developer shall all have the ability to enforce the terms of the declaration;

c) Amendment

The method by which the declaration may be amended shall be established. If the developer is given a separate right for amending the declaration, his right shall not survive the turnover of control. No amendment that withdraws property from the terms of the declaration shall be recorded unless approved in writing by the County Attorney's Office. No amendment inconsistent with the requirements of this Chapter shall be recorded unless approved in writing by the County Attorney's Office. Nothing contained herein shall create an obligation on the part of the County Attorney's Office to approve any amendment.

d) Dissolution

Any owner may petition the Circuit Court for the appointment of a receiver to manage the affairs of the association in the event of dissolution of the association.

b. Articles of Incorporation

1) All terms shall be consistent with the terms of the Declaration and By-Laws.
2) The POA shall be a State of Florida corporation not for profit with, minimally, the authority to maintain common areas or other required areas, assess members for operating costs, place liens on members' property for failure to pay assessments, and enter into agreements with governmental entities.

c. By-Laws

All terms shall be consistent with the terms of the Declaration and Articles of Incorporation.

2. Declaration of Party Wall

A Declaration of Party Wall shall be recorded whenever there are shared walls in a development. The declaration may be a part of a Declaration of Covenants and Restrictions or it may be recorded as a separate instrument. It should address the following:

a. Repair of the wall is a joint obligation and expense unless damage is caused by the negligence of one party. In that case the cost of repair is the obligation of that party alone;
b. Repair or replacement of the wall shall be to its original construction;
c. Each party shall have the right to file a lien for the cost of repairs;
d. The mortgagee shall have the same rights as the mortgagor;
e. Structural changes in the wall are prohibited;
f. If there is a common roof, the same provisions shall apply;
g. If access and/or parking are to be shared, there should be an easement granted to accommodate that; and,
h. This shall be a covenant running with the land.

3. Unity of Control

All PDDs and projects in Standard Zoning Districts with multiple uses, shall be contiguous, unless otherwise stated, and owned or under the control of the Applicant or subject to a Unity of Control. The Unity of Control shall be in a form acceptable to the County Attorney and shall provide for the perpetual

operation and maintenance of all shared/common facilities and improvements, which are not provided, operated, or maintained at the public's expense. The Unity of Control shall be recorded and tied to all properties within the Development Order, unless stated otherwise below: [Ord. 2019-005] [Ord. 2021-006]

a. Subdivisions of a Maximum Four Lots

The Unity of Control shall be recorded prior to approval of a plat or issuance of a Building Permit, whichever occurs first, and shall contain the following: [Ord. 2021-006]

1) Legal description of the property subject to the terms of the Unity of Control. This shall include all property included in the Master Plan for the development; [Ord. 2021-006]
2) Creation of perpetual cross-access, parking, drainage, and utility easements for the benefit of all owners of the development;
3) Maintenance responsibilities for all common areas of the development and method by which maintenance costs shall be shared; and,
4) Establishment of these provisions as covenants running with the land.

b. PDDs

For a PDD with a subdivision of a maximum four lots, a Unity of Control shall be recorded prior to approval of a plat or issuance of a Building Permit, whichever occurs first. [Ord. 2021-006]

1) Exception

Public civic uses and AGR Preservation Areas shall not be subject to Unified Control, unless required by a Condition of Approval.

2) The Unity of Control shall contain the following: [Ord. 2021-006]
   a) Legal description of the property subject to the terms of the Unity of Control. This shall include all property included in the Master Plan for the development; [Ord. 2021-006]
   b) Creation of perpetual cross-access, parking, drainage, and utility easements for the benefit of all owners of the development; [Ord. 2021-006]
   c) Maintenance responsibilities for all common areas of the development and method by which maintenance costs shall be shared; and, [Ord. 2021-006]
   d) Establishment of these provisions as covenants running with the land. [Ord. 2021-006]
   e) Architectural Guidelines

   All buildings and signage shall maintain architectural consistency between all building, signage, and project identification. Consistency shall include, a minimum, an overall unified image and character created by the use of common elements such as building and roofing materials, rooflines, consistent colors, fenestration, architectural features, and architectural elements. Infrastructure, such as Minor Utilities and Water or Wastewater Treatment Plants which are approved for construction in a PDD prior to the approval of other buildings will not be used to set the architectural standards for a PDD. [Ord. 2007-013] [Ord. 2017-007] [Ord. 2021-006]

3) Successive Owners

The Unified Control shall run with the land and shall be binding on all successors in interest to the property.

4) Amendments

Prior to approval of a modification to a Master Plan, Site Plan, or subdivision by the DRO, the Unified Control shall be amended to include/exclude all land added to/deleted from the PDD, and incorporate any revisions modified by the new Development Order that may be in conflict with the original Unified Control. [Ord. 2019-005]

4. Unity of Title

The Unity of Title process shall comply with subdivision and platting requirements pursuant to Art. 11, Subdivision, Platting, and Required Improvements, except as provided below. A Unity of Title and a Release of Unity of Title shall be pursuant to Art. 2.C, Administrative Processes and the Zoning Technical Manual. [Ord. 2021-006] [Ord. 2021-023] [Ord. 2023-026]

a. The Property Owner may record a Unity of Title to unify two or more abutting residentially zoned Legal Lots of Record in order to allow a Single Family residence and its accessory structure(s) on separate individual lots. Lots separated by a roadway or a platted right-of-way are not considered to be abutting, for the purposes of this Section. The Unity of Title, which shall be a covenant running with the land, provides that the properties shall be considered one unified lot or parcel and that no portion of the property may be sold, transferred, devised, assigned, or conveyed to a different person or entity, except in its entirety as one parcel of land. A Unity of Title shall not be used in lieu of a plat, lot combination, or plat waiver, pursuant to Art. 11, Subdivision, Platting, and Required Improvements. [Ord. 2023-026]

1) Structures shall be subject to the following: [Ord. 2023-026]
   a) The principal structure and accessory structure(s) shall meet the minimum setbacks for the individual lot where it is located. Compliance with the setbacks will ensure if there is a Release of Unity of Title, the structures will comply with setbacks for the individual lots; [Ord. 2023-026]
   b) The principal structure and accessory structure(s) shall share utilities; [Ord. 2023-026]
   c) An Accessory Quarter on the individual lot without a principal structure shall meet principal structure setbacks; and, [Ord. 2023-026]
   d) Accessory structure(s) on the individual lot without a principal structure shall not exceed the square footage of the principal structure. [Ord. 2023-026]

b. Release of Unity of Title

The Property Owner may request to release a Unity of Title if the Property Owner demonstrates that the conditions that required the Unity of Title no longer exist, or if the Property Owner agrees to record covenants establishing maintenance and use, in accordance with this Section and Art. 11.B.2.A, Land Development Permit Application Submittal, approved by Zoning and Land Development Divisions in consultation with the County Attorney's Office. [Ord. 2023-026]

1) If applicable, prior to release of the Unity of Title, the Property Owner must demolish or convert the accessory structure to a dwelling unit. If the accessory structure has been converted to a residential dwelling unit, the Property Owner must install separate utilities. [Ord. 2023-026]
2) When a Release of Unity of Title is approved, the Property Owner will be responsible for recording the release in the Public Records of the County prior to selling, transferring, devising, assigning, or conveying any portion of the unified lot. [Ord. 2023-026]

3) Recordation

The cost of recording the Unity of Title and/or a Release of Unity of Title shall be the responsibility of the Property Owner. [Ord. 2023-026]

Section 2 Easements

A. Easement Encroachment

1. Minor Encroachments

Minor encroachments of buildings and structures may be allowed within an easement in accordance with this Chapter.

2. Major Encroachments

Buildings or structures designed for human occupancy, screen enclosures, pools, or spas shall be prohibited within any easement. [Ord. 2010-005] [Ord. 2019-005]

3. Incompatible Uses

No construction shall be permitted within any easement where such construction is incompatible with the use for which the easement was established. If the terms of the easement, statute, law, ordinance, rule, regulation, or approval pursuant to which the easement was established prohibits or excludes the use, such use shall be considered incompatible. The burden shall be on the Applicant to demonstrate that the proposed construction is or will not become incompatible with the purpose for which the easement was established, or impair the rights of the easement holders and beneficiaries. The determination of whether a use is incompatible with the purpose for which an easement was established shall be made by the appropriate regulating agency(s) in accordance with this Chapter.

4. Application Process

Buildings and structures, which are not prohibited pursuant to Art. 5.F.2.A.2, Major Encroachments, shall be subject to the following:

a. If an application for a Building Permit includes construction in an easement, the application shall include consent from all easement holders and beneficiaries. The consent shall be specific to the proposed construction and in a form acceptable to PZB; and
b. Prior to the issuance of the Building Permit, the Applicant shall record an executed removal and indemnification declaration. The removal and indemnification declaration shall inure to the benefit of the easement holders and beneficiaries.

5. All Other Approvals Required

a. All other government permits, approvals, or consents necessary for the construction shall be obtained prior to commencement of the construction.

b. Compliance with this Chapter shall not be construed to relieve the Applicant from obtaining any required approvals, if applicable, for encroaching into the affected easement.

c. Nothing herein shall be construed as affecting any right to construct except to the limited and strict extent of any approval granted hereunder. An approval granted in accordance with this Chapter is for the limited purpose of complying with this Chapter only.

6. Accountability

The Applicant is responsible for providing and representing true, accurate, and correct information. Except as specifically set forth herein, no PBC Official, employee, or agent shall have the duty of:

a. searching the Official Records of the Clerk of the Circuit Court; or

b. conducting any other investigation to determine whether a permit application or request for PBC approval is inconsistent with the use for which an easement was established; whether an easement exists in the area within which a permit for construction/development is sought; or [Ord. 2005-002]

c. whether any other government or private approvals are required for construction or development for which the permit is sought. However, PZB, DEPW, or any other department, official employee, or agent may undertake an investigation, search, or inquiry to determine the aforestated. [Ord. 2005-002]

7. Modifications

a. If, upon inspection, the construction is found to be materially different than that which was approved by PBC, then the approval shall be of no force and effect and the construction shall be removed immediately, unless the modification is approved by the Department having jurisdiction pursuant to this Chapter.

B. Drainage Easement Encroachments

1. All construction in a drainage easement shall be subject to approval by the beneficiary of said easement. Further, the Land Development Division (LDD) shall approve all encroachments into easements which drain County roads. [Ord. 2010-005] [Ord. 2010-022]
2. If a Building Permit is required, the Applicant shall obtain approval from the LDD or appropriate entity prior to submitting the Building Permit application to PZB. [Ord. 2010-005] [Ord. 2010-022]
3. When approval is required from LDD, the Applicant shall submit a request to encroach a drainage easement in or on a form established by the LDD and include a copy of the recorded deed to the parcel on which the easement is located; the document creating the easement; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction in relation to the location of existing drainage improvements in the easement; and, such other documentation as the LDD reasonably deems appropriate. [Ord. 2010-005] [Ord. 2010-022]
4. When encroachments are proposed in easements which drain County roads, the LDD may deny, approve, or approve with conditions the construction. [Ord. 2010-005] [Ord. 2010-022]
5. When approval is required from LDD, no approval shall be given before the LDD has received specific written consent from all easement holders, easement beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement. The LDD is hereby authorized to effect consent on behalf of PBC when PBC is the easement holder or beneficiary of a drainage easement. The LDD may require that consent be in or on a form established by the LDD. [Ord. 2010-005] [Ord. 2010-022]
6. For easements which drain County roads, the LDD shall also have executed in proper form, and shall cause to be recorded against the Applicant's land involved, a removal and indemnification declaration (with the necessary consents) on a form approved by County Attorney's Office. Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the Property Owner, its heirs, successors, assignees, and grantees; that the aforestated person(s) shall indemnify and hold PBC, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as the LDD or the County Attorney deems appropriate. Proof of the recording of the document shall be furnished to PZB with the application for a Building Permit. [Ord. 2010-005] [Ord. 2010-022]
7. Construction in or overlapping a drainage easement approved by the LDD shall comply with the provisions of Sections: Art. 5.F.2.A.5, All Other Approvals Required, Art. 5.F.2.A.6, Accountability, and Art. 5.F.2.A.7, Modifications of this Chapter. [Ord. 2010-005]

CHAPTER G DENSITY BONUS PROGRAMS

The WHP, AHP, or the TDR Programs are the required methods for increasing density above the maximum density permitted by a property's FLUA designation within unincorporated PBC, unless a Site Specific FLUA Amendment is adopted pursuant to Art. 2.H, FLU Plan Amendments. [Ord. 2008-003] [Ord. 2010-005] [Ord. 2019-033]

Section 1 Workforce Housing Program (WHP)

A. General

1. Purpose and Intent

The WHP is intended to increase the supply of housing opportunities for persons employed in PBC in jobs that residents rely upon to make the community viable. The WHP implements Policies 1.1-o and 1.5-g of the Housing Element of the Comprehensive Plan, among others, by establishing an inclusionary WHP to provide Low, Moderate 1, Moderate 2, and Middle-Income housing. The program mandates the provision of workforce housing for all new developments in the Urban/Suburban Tier with a residential component of ten or more dwelling units; encourages the development of additional workforce housing through a density bonus and other incentives; encourages the equitable geographic distribution of workforce housing units; and, ensures a minimum affordability period. The WHP is implemented by the Planning Division of the Planning, Zoning and Building Department, and the Department of Housing and Economic Development (HED). [Ord. 2019-033] [Ord. 2023-036]

2. Applicability

a. Conflicts

In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Chapter shall apply. In cases of conflict between this Chapter and Conditions of Approval imposed by the Board of County Commissioners, the more restrictive shall apply. [Ord. 2019-033]

b. Thresholds

The WHP shall apply to all new developments with a residential component of ten or more dwelling units. [Ord. 2019-033]

c. Prior Approvals

For existing projects proposing ten or more additional dwelling units, the program shall apply to those units being added. For projects approved under versions of this Section in effect prior to October 26, 2023 and having rental WHP units subject to the requirement for either an annual report or Utility Allowance, or both, the Property Owner may request an amendment to the Master Restrictive Covenant in order to forgo either the annual report or Utility Allowance requirement, or both. [Ord. 2019-033] [Ord. 2023-036]

d. Location

1) Urban/Suburban Tier

The WHP applies for all new developments with a residential component in the Urban/Suburban Tier, except as follows: [Ord. 2019-033]

a) URA Priority Redevelopment Areas

The WHP obligation for developments with a UC or UI FLU shall be met through the provision of a minimum of 15 percent of all new units, pursuant to Policy 1.2.2-b of the Future Land Use Element of the Comprehensive Plan. The Limited Incentive Option shall not be available to these developments, nor any incentives offered through the WHP. All other applicable provisions of the WHP shall apply. [Ord. 2019-033]

b) WCRAO

Developments of ten or more units in the WCRAO shall not be subject to the WHP if Density Bonus Pool Units are used pursuant to Art. 3.B.14.H.1, Density Bonus Pool. [Ord. 2019-033] [Ord. 2021-006]

2) Other Tiers

The WHP may be required by the Board of County Commissioners in developments in other tiers through Conditions of Approval. [Ord. 2019-033]

e. Exemptions

1) Developments utilizing the AHP. [Ord. 2019-033]
2) Congregate Living Facilities (CLFs). [Ord. 2019-033] [Ord. 2021-022]

f. Developments with Both WHP and AHP

If a development includes both WHP and AHP units or units restricted to occupancy by households with Annual Household Incomes below 60 percent of Median Family Income, the Planning Director or designee shall make a determination as to the applicability of the WHP to the development, considering the affordable housing programmatic requirements of the governmental or other agency providing affordable housing funding. [Ord. 2019-033] [Ord. 2023-036]

3. Program Standards

a. Definitions

1) Subject Development

For the purposes of the WHP, the Subject Development is the boundaries of the overall project generating the WHP obligation, regardless of whether the required WHP units will be provided on that site. [Ord. 2019-033]

2) Developer

The developer of the Subject Development. [Ord. 2019-033]

3) Exchange Builder

The builder of the Exchange Project. [Ord. 2019-033]

4) Exchange Project

The development where the WHP units will be delivered through the Off-Site Construction/Exchange Builder Option. [Ord. 2019-033]

5) Annual Household Income

For WHP rental units, documentable gross income before taxes received annually by income earners residing in the WHP tenant's household only. At least one income earner must be employed in Palm Beach County. Annual Household Income is used to determine the income category, and subcategory if applicable. Annual Household Income does not include investment, retirement, or checking/savings account balances, but may include distributions to the WHP tenant from retirement accounts, and periodic determinable allowances such as alimony and child support. Irregular income such as overtime and bonus payments may be considered income at the discretion of the WHP rental unit owner or designee. [Ord. 2023-036]

6) Maximum WHP Rent

The maximum price published and updated annually by the Planning Director, or designee, for each income category, and subcategory if applicable, by the number of bedrooms, based on the monthly rent limits published annually for the Florida Housing Finance Corporation Multifamily Rental Programs. [Ord. 2023-036]

7) WHP Rent

The amount that is charged to the WHP tenant that includes all Mandatory Fees, and reflects the Utility Allowance if applicable. [Ord. 2023-036]

8) Mandatory Fees

Fees required to be paid by all tenants in a rental development that includes WHP rental units. These fees include but are not limited to charges assigned by virtue of ratio utility billing or similar unmetered allocation arrangements. For projects subject to a Utility Allowance pursuant to a Master Restrictive Covenant, Mandatory Fees shall not include charges assigned by virtue of ratio utility billing or similar unmetered allocation arrangements for water, sewer, gas, or electric service provided directly to the unit and not to common areas. [Ord. 2023-036]

9) Voluntary Fees

Fees for optional services or features offered to and selected by the WHP tenant, and not mandatory for all units in the development. [Ord. 2023-036]

10) Utility Allowance

A monthly rent reduction to help offset WHP tenant-paid costs of water, sewer, gas, and/or electric service provided directly to the unit and not to common areas, that are billed to the WHP tenant by the WHP rental unit owner or designee, the utility, or a third party. If the cost of one or more of these utilities is borne by the WHP rental unit owner and not billed to the WHP tenant by the WHP rental unit owner or designee, the utility, or a third party, the Utility Allowance is applied against such cost and any difference is credited or charged to the WHP tenant. [Ord. 2023-036]

b. Income Categories

There are four targeted income categories in the WHP. Income categories are derived from the Median Family Income (MFI), also known as the Area Median Income (AMI), published annually for Palm Beach County by the U.S. Department of Housing and Urban Development, as follows: [Ord. 2019-033]

1) Low-Income (> 60 to 80 percent MFI); [Ord. 2019-033]
2) Moderate 1 Income (> 80 to 100 percent of MFI); [Ord. 2019-033]
3) Moderate 2 Income (> 100 to 120 percent of MFI); and, [Ord. 2019-033]
4) Middle-Income (> 120 to 140 percent of MFI). [Ord. 2019-033]

c. Pricing

The Planning Director or designee shall annually set and publish WHP sale prices and rent ranges for all income categories and subcategories. [Ord. 2019-033] [Ord. 2023-036]

1) WHP for-sale units shall target the Low, Moderate 1, and Moderate 2 categories. The sale prices shall be derived as follows: Median Family Income for Palm Beach County (West Palm Beach/Boca Raton Metropolitan Statistical Area) published annually by the U.S. Department of Housing and Urban Development, multiplied by three, and adjusted to the midpoint of each of the income categories: Low (70 percent), Moderate 1 (90 percent), and Moderate 2 (110 percent). [Ord. 2019-033]
2) WHP rental units shall target all four WHP income categories, unless otherwise specified by the project's development approval. Rent ranges shall be published annually by the Planning Director or designee, based on the Florida Housing Finance Corporation Multifamily Rental Programs Rent Limits by number of bedrooms. [Ord. 2019-033] [Ord. 2023-036]
3) For the purposes of annual price updates, the WHP prices initially established for the for-sale unit's income category at the time of approval of the Subject Development shall be the sales floor throughout the affordability period. No WHP for-sale unit is required to be sold at a price below the sales floor, though a seller may opt to do so. The WHP rent range initially established for the rental unit's income category at the time of approval of the Subject Development shall be the rental floor throughout the affordability period. No WHP rental unit is required to be rented below the rental floor, though a rental unit owner may opt to do so. [Ord. 2019-033] [Ord. 2023-036]

d. Assignment of the Required WHP Units

WHP required units are intended to be distributed equally among all required income categories pursuant to Art. 5.G.1.B, Program Options or Conditions of Approval. When assigning units to income categories, units shall be assigned first to the highest income category, proceeding downward to low income. This does not prohibit a Developer or rental unit owner from providing higher numbers of lower-income units. [Ord. 2019-033] [Ord. 2023-036]

e. Calculations

Calculations shall be performed using two decimal places, and standard rounding applied for density and WHP density bonus calculations; standard rounding is applied at the end for the WHP obligation calculation. [Ord. 2019-033] [Ord. 2023-036]

f. Unencumbered Units

WHP units shall not be subject to restrictions beyond WHP income qualifications. Units used to meet a WHP obligation shall not be income restricted as a result of funding or other requirements of any other program, unless: [Ord. 2019-033] [Ord. 2023-036]

1) The workforce housing units result from the Off-Site Construction/Exchange Builder Option of the Workforce Housing Program, and the Board of County Commissioners approves the income restriction to be applied due to another program; or [Ord. 2023-036]
2) The restrictions result from funding sources used to provide purchase assistance to qualified buyers of a for-sale workforce housing unit with terms that are consistent with or equal to County terms. [Ord. 2023-036]

g. Affordability Periods

1) For-Sale Units

All WHP for-sale units shall be income restricted for a period of 15 years (recurring), from the date of sale. In the event a unit is resold before the 15-year period concludes, a new 15-year period shall take effect on the date of resale. [Ord. 2019-033] [Ord. 2023-036]

2) Rental Units

All WHP rental units shall be income restricted for a period of 30 years (non-recurring), from the date of occupancy of the first WHP unit. [Ord. 2019-033]

h. Design Standards

1) Compatible Design and Unit Features for All WHP Units

a) The exteriors of WHP units shall be designed compatible with market rate units in the development. [Ord. 2019-033] [Ord. 2023-036]

b) One of more of the following shall be provided: [Ord. 2019-033]

(1) a representative WHP model at the WHP site; [Ord. 2019-033]

(2) a representative WHP model at a different location in Palm Beach County; or, [Ord. 2019-033]

(3) a market rate model with information delineating the differences between the market rate model and the WHP units. [Ord. 2019-033]

2) Requirements for WHP For-Sale Units

a) At minimum, all WHP for-sale units shall include a refrigerator, range, built-in microwave, dishwasher, washer, and dryer. [Ord. 2019-033] [Ord. 2023-036]

b) All WHP for-sale units shall have a minimum of two bedrooms, and 25 percent of the WHP for-sale units shall have a minimum of three bedrooms. All WHP for-sale units shall have a minimum bedroom size of 100 square feet. [Ord. 2019-033] [Ord. 2023-036]

3) Requirements for WHP Rental Units

No minimum number or size of bedrooms applies to WHP rental units. [Ord. 2019-033] [Ord. 2023-036]

B. Program Options

The WHP offers the choice of either a "limited" or a "full" program option, which determines the amount of required workforce housing and the availability of other incentives. These options are not available to Subject Developments that are subject to FLUA amendment Conditions of Approval establishing a specific percentage of required workforce housing. [Ord. 2019-033] [Ord. 2023-036]

1. Limited Incentive Option

a. Intent

The Limited Incentive Option minimizes the WHP obligation, and allows only a limited density bonus as an incentive. [Ord. 2019-033]

b. Incentives Available

The only incentive available through the Limited Incentive Option shall be a density bonus; the density bonus shall not exceed 50 percent of the permitted density. [Ord. 2019-033]

c. Amount of WHP Required

The required percentage of WHP units shall be two and one-half percent of standard density; eight percent of maximum density; and, 17 percent of any WHP density bonus. The WHP obligation may be further modified by the disposition option selected, per Art. 5.G.1.C.4, Methods Available. The number of WHP units required shall be identified by the Planning Director or designee in a WHP Letter of Determination. [Ord. 2019-033]

d. Pricing of Workforce Housing Units

50 percent of the required WHP units shall be provided in the Low-Income category and 50 percent of the required WHP units shall be provided in the Moderate 1 Income category. [Ord. 2019-033]

e. WHP Letter of Determination for Limited Incentive Developments

Developments opting for the Limited Incentive Option are eligible for a maximum density bonus of 50 percent of the permitted density. No additional incentives are available for the developments using the Limited Incentive Option. For the purposes of this Subsection, permitted density shall be the number of units allowed by the standard and maximum density pursuant to the Comprehensive Plan; TDR units or any other density bonus shall not be included as part of the permitted density for purposes of calculating the WHP density bonus. [Ord. 2019-033]

Upon request, the Planning Director or designee shall provide a WHP Determination Letter identifying the density bonus requested, and the total number of WHP units required. This WHP Determination Letter is to be submitted by the Developer with the Zoning or Building Permit application. [Ord. 2019-033]

2. Full Incentive Option

a. Intent

The Full Incentive Option offers several incentives, including a density bonus, and requires an increased amount of workforce housing. [Ord. 2019-033]

b. Incentives Available

A development selecting the Full Incentive Option shall have available all applicable WHP incentives provided in this Section below, including a density bonus of up to 100 percent of the permitted density, pursuant to the Density Bonus process in Art. 5.G.1.B.2.e, Density Bonus Determination for Full Incentive Developments. [Ord. 2019-033]

c. Amount of WHP Required

For WHP for-sale units, the required percentage of WHP units shall be four and three-eighths percent of standard density; 14 percent of maximum density; and, 29.75 percent of any WHP density bonus used. For WHP rental units or in-lieu fee purposes, the required percentage of WHP units shall be five percent of standard density; 16 percent of maximum density; and, 34 percent of any WHP density bonus used. The WHP obligation may be further modified by the disposition option selected, per Art. 5.G.1.C.4, Methods Available. The number of WHP units required shall be identified by the Planning Director or designee in a WHP Letter of Determination, pursuant to the Density Bonus process in Art. 5.G.1.B.2.e, Density Bonus Determination for Full Incentive Developments below. [Ord. 2019-033]

d. Pricing of Workforce Housing Units

Units shall be priced in all applicable income categories, pursuant to Art. 5.G.1.A.3.c, Pricing. [Ord. 2019-033]

e. Density Bonus Determination for Full Incentive Developments

Developments opting for the Full Incentive Option are eligible for a density bonus of up to 100 percent of permitted density. For the purposes of this Subsection, permitted density shall be the number of units allowed by the standard and maximum density pursuant to the Comprehensive Plan; TDR units or any other density bonus shall not be included as part of the permitted density for purposes of calculating the WHP density bonus. [Ord. 2019-033]

1) Full Incentive Developments Requesting a WHP Density Bonus up to and including 50 Percent

For Full Incentive Developments requesting a WHP density bonus of up to and including 50 percent, upon request the Planning Director or designee shall provide a WHP Determination Letter identifying the density bonus requested, and the total number of WHP units required. This WHP Determination Letter is to be submitted by the Developer with the Zoning or Building Permit application. [Ord. 2019-033]

2) Full Incentive Developments Requesting a WHP Density Bonus Greater Than 50 Percent

For developments requesting a WHP density bonus of greater than 50 percent, the Planning Director or designee shall review the request pursuant to the following process: [Ord. 2019-033]

a) Density Bonus Pre-Application Appointment

Requests received for density bonuses greater than 50 percent shall be scheduled for the next available Pre-Application Appointment, which shall be conducted regularly by the Planning Division, according to a schedule published by the PZB Department. Pre-Application Appointments shall include other appropriate County Departments and Agencies, as determined by the PZB Department. The Developer shall be required to participate in the Pre-Application Appointment for the proposed development, to discuss the proposed development and unit types, characteristics of the site and surrounding area, and other relevant factors. [Ord. 2019-033]

b) Factors for Consideration

Staff shall consider the following factors in developing a maximum density and density bonus recommendation. [Ord. 2019-033]

(1) The extent of which the proposed WHP units further County objectives: [Ord. 2019-033]

(a) The intent to provide the workforce housing units on site; [Ord. 2019-033]

(b) The intent to provide Single Family and for-sale workforce housing units; [Ord. 2019-033]

(c) The proximity of the location where the WHP units are to be provided to employment centers; [Ord. 2019-033]

(d) The concentration of households with incomes in the WHP income categories, in the location where the WHP units are to be provided. [Ord. 2019-033]

(2) The potential impact of the proposed density bonus: [Ord. 2019-033]

(a) The total number of units proposed, including any Transfer of Development Rights; and [Ord. 2019-033]

(b) The compatibility with the character of the adjacent and surrounding area in the location of the Subject Development. [Ord. 2019-033]

c) Density Bonus Recommendation

Within ten days following the Pre-Application Appointment, the Planning Director or designee shall provide a written WHP Letter of Determination identifying the recommended maximum density bonus and the total number of WHP units required, subject to further limitations due to property development regulations and other factors in the development review process. The Planning Director or designee shall provide the WHP Letter of Determination to the Developer, DRO, ZC, or BCC, whichever is appropriate and may include recommended Conditions of Approval for the resulting Development Order. [Ord. 2019-033]

f. Incentives Available under Full Incentive Option

1) Traffic Performance Standards Mitigation

a) WHP Special Methodologies

TPS mitigation shall be permitted for developments where the required WHP units are being provided in accordance with Policy 1.2-d(4) of the Transportation Element of the Comprehensive Plan. [Ord. 2019-033]

b) WHP Traffic Concurrency Hall Pass

TPS mitigation shall also include the option of applying for a WHP Traffic Concurrency Hall Pass separate from a Development Order application. The WHP Traffic Concurrency Hall Pass serves as a provisional traffic concurrency approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrency Reservation approval. The WHP Traffic Concurrency Hall Pass is described further in Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2019-033]

2) Expedited Review

The following expedited review processes may apply to a development where the required WHP units are being provided: [Ord. 2019-033]

a) Design Review

Review of Multifamily or Townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with Final DRO review, prior to permit application. [Ord. 2019-033]

b) Platting

(1) If only a boundary plat is required for an existing single lot, Building Permits may be issued after submittal of the Final Plat for recordation. [Ord. 2019-033]

(2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat. [Ord. 2019-033]

(3) Pursuant to Art. 3.E.1.H.1, Standards, Building Permits may be issued for Sales Offices, Sales Models, gatehouses, entry features, and utilities prior to the recording of the Final Plat. [Ord. 2019-033]

3) Flexibility in Property Development Regulations

a) Purpose and Intent

To provide flexibility from property development and other related regulations in order to provide greater opportunity for cost-effective development of WHP units. These provisions are not intended to supersede deviations that are normally addressed through the Variance process. These options shall only be granted at the time of approval for the entire development, and shall not be granted on a lot-by-lot basis. [Ord. 2019-033]

b) Applicability

Full Incentive Option developments providing all the required WHP units on site may utilize the flexibility in property development regulations listed herein. This flexibility shall be granted for all units of the same unit type as the WHP units, in all pods where WHP units are being provided. [Ord. 2019-033]

c) Justification Report

Use of these provisions shall not be granted by right, and shall require submittal of a justification report that demonstrates that deviations are the minimum needed to allow for the use of density bonus incentives. The report shall include the following: [Ord. 2019-033]

(1) The regulations that are proposed to be modified. [Ord. 2019-033]
(2) The amounts and specifics of the requested deviation(s). [Ord. 2019-033]
(3) The areas within the development that the deviation(s) will be applied to. [Ord. 2019-033]
(4) Graphic representations such as, but not limited to, Site Plans, elevations, perspectives, and typical examples, showing how the deviations will meet the intent of the district and WHP with emphasis on open space, privacy, maintenance, and public health, safety, and welfare. [Ord. 2019-033]

d) Site Plan Approval

Any deviations sought pursuant to this Subsection shall be reflected on Site Plans submitted for DRO approval. [Ord. 2019-033]

e) Drainage

Any reduction in lot size or open space area, or increase in building coverage shall be subject to approval of a drainage study demonstrating that reduced pervious surface area will not create adverse drainage issues. [Ord. 2019-033]

f) Option 1 – RT District

The zoning for parcels electing to use this option must be in compliance with Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). [Ord. 2019-033]

(1) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with an LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.1.B, RT Deviations for WHP, only for those developments that exceed the standard density in the footnote in FLUE Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, and utilize a minimum density bonus of 20 percent. [Ord. 2019-033]

Table 5.G.1.B – RT Deviations for WHP

Zoning District	Applicability	FLU	Lot Dimensions		Setbacks			
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	TDR, WHP	LR-2	12,000 sq. ft.	85'	35%	100'	ND	ND
RT	TDR, WHP	LR-3	9,000 sq. ft.	65'	40%	80'	1st floor – 10'	1st floor – 15'
[Ord. 2006-055] [Ord. 2019-033]								
Key:								
ND	No deviation.							

g) Option 2 – TND Regulations

Developments eligible for this option shall be permitted to utilize the PDRs of Table 3.F.3.D, TND Residential Lot Size and Setback Regulations, subject to meeting the requirements of Art. 3.F.3.D.5, Residential Uses and the following limitations: [Ord. 2019-033]

(1) U/S Tier only; [Ord. 2019-033]
(2) Development does not qualify to be a TND or use Option 1 or 3; and, [Ord. 2019-033]
(3) If the development has an LR-1, LR-2, LR-3, or MR-5 FLU designation, the development shall meet all requirements for and be approved as a PDD. [Ord. 2019-033]

h) Option 3 – Flexible Regulations

Developments with MR-5, HR-8, HR-12, or HR-18 FLU designations, or if approved as a PDD or TDD, may deviate from the residential requirements of Table 3.D.1.A, Property Development Regulations, or Table 3.D.2.B, ZLL Property Development Regulations, as follows: [Ord. 2019-033]

(1) SFD units may be permitted up to a maximum ten percent deviation for the following PDRs: lot size; width and frontage; building coverage; and, side and rear setbacks. [Ord. 2019-033]

(2) SFD units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following PDRs: building coverage; and front and side street setbacks. [Ord. 2019-033]

(3) ZLL lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages. [Ord. 2019-033]

i) Option 4 – PDD Open Space Reduction

Developments which elect to utilize a density bonus of not less than 15 percent, may reduce the 40 percent open space requirement of Table 3.E.2.C, PUD Land Use Mix, to not less than 30 percent open space, provided the development incorporates common usable open space areas as defined in Art. 1.H.2.O.13, Open Space, Usable for WHP. [Ord. 2019-033]

j) Option 5 – Internal Incompatibility Buffers

Required Incompatibility Buffers between SFD and MF units within a development shall not be required. [Ord. 2019-033]

k) Option 6 – Relocation of Units to Civic Tracts

Residential units may be permitted in a Civic Pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall development: [Ord. 2019-033]

(1) In the case of a civic site cash out, the deletion of the Civic Pod and increase in Residential Pod area; or [Ord. 2019-033]

(2) The relocation of residential units to a Civic Pod, or the relocation of residential units where the Civic Pod is deleted. [Ord. 2019-033]

3. Approval Process

Subject Developments requesting density bonuses greater than 50 percent are subject to a Class A Conditional Use approval; approval processes for developments with density bonuses up to and including 50 percent are determined by the applicable thresholds in Art. 3, Overlays and Zoning Districts and Art. 4, Use Regulations of the Code. [Ord. 2019-033]

C. Disposition of WHP Obligation

1. Declaration of Method to Meet WHP Obligation

The Developer is required to declare the selected method to meet the WHP requirement prior to certification for public hearing for approval of the proposed Subject Development, or at DRO if the Subject Development is not subject to public hearing. The declared method shall be included as a Condition of Approval. [Ord. 2019-033]

2. Change of Declared Method

A change to the selected method cannot be requested after Building Permits have been issued for more than 25 percent of the units in the Subject Development. A change to the declared method shall be subject to the same approval process through which the Subject Development received approval. For developments subject to public hearing, approval of a change in declared method shall be at the discretion of the Board of County Commissioners. The Developer may request Expedited Application Consideration for a Development Order Amendment pursuant to Art. 2, Application Processes and Procedures. Any necessary amendments to the recorded Master Restrictive Covenant for the Subject Development as a result of the change of declared method shall be recorded by the Developer no later than 60 days following the approval of the change. [Ord. 2019-033] [Ord. 2023-036]

3. Recalculation

A change to a Subject Development's unit total, unit type, unit tenure, or declared method or WHP unit location shall require a recalculation of the workforce housing obligation, and shall include reassessment of the density bonus pursuant to the process outlined in Art. 5.G.1.B.2.e, Density Bonus Determination for Full Incentive Developments. Any recalculation that reduces the number of units approved on the Subject Development's Final Site Plan may require that the Final Site Plan be amended to reflect the reduced unit count, or the purchase of Transfer of Development Rights in the amount of the reduction. [Ord. 2019-033] [Ord. 2023-036]

4. Methods Available

Several alternative methods are available for the disposition of a Subject Development's WHP obligation: [Ord. 2019-033]

a. WHP On-Site Construction Option

WHP units may be located on site. For Single Family or Townhouse for-sale developments using the Full Incentive Option, the number of required WHP units may be reduced by 20 percent if all

required WHP units are to be provided as on-site, for-sale, Single Family units, or reduced by ten percent if provided as on-site, for-sale, Townhouse units. Prior to Final DRO approval, the Developer shall identify on the plan the total number of WHP units proposed for the Subject Development within each pod or phase, as applicable. 50 percent of WHP units must receive Certificates of Occupancy prior to the issuance of 50 percent of market rate unit Building Permits in the Subject Development. All WHP units must receive Certificates of Occupancy prior to issuance of no more than 85 percent of the residential Building Permits in the Subject Development. [Ord. 2019-033]

b. WHP Off-Site Options

WHP units may be located off site using the options listed below. For-sale Subject Developments that opt to provide the required WHP units as off-site rental units through off-site constriction, through the Purchase of Market Rate Units, or through an Exchange Builder, shall have a WHP obligation one and one-half times the number of WHP units required if developed on site not including the on-site reduction. Off-site options may be accommodated in municipalities located within Palm Beach County. When the obligation is to be met in a municipality, the Developer shall provide written confirmation to the Planning Director or designee that the administrator or manager of the municipality has been notified that the WHP unit obligation is to be met in the municipality, prior to the issuance off the first WHP Building Permit; or prior to the recordation of a deed restriction or deed transfer to the County for a market rate unit pursuant to Art. 5.G.1.C.4.b.3), Off-Site Option 3 – Purchase of Market Rate Units. The enforcement of any requirements of this Section for units provided in municipalities shall be the responsibility of Palm Beach County. For Subject Developments outside the Westgate Community Redevelopment Area Overlay that opt to locate WHP units in the WCRAO, no more than ten percent of the development's WHP units to be located in the WCRAO shall be in the Low-Income category. The Developer shall provide written confirmation to the Planning Director or designee that the WCRA has been notified that WHP units will be provided in the WCRAO. [Ord. 2019-033]

1) Off-Site Option 1 – Off-Site Construction/Same Developer

Prior to issuance of the first residential Building Permit or Final DRO approval for the Subject Development, whichever comes first, all contracts or related agreements for any off-site option evidencing site control and necessary approvals shall be approved by the County Administrator, or designee. Certificates of Occupancy shall be issued for a minimum of 50 percent of the required WHP units to be constructed off-site prior to the issuance of no more than 50 percent of the Building Permits in the Subject Development. All off-site WHP units must receive Certificates of Occupancy prior to issuance of no more than 85 percent of the Building Permits in the Subject Development. The Site Plan, the Master Restrictive Covenant, or other appropriate document shall be amended to reflect the number of WHP units, including the number in each applicable WHP income category, to be located on the receiving site(s). The Planning Director or designee shall determine the appropriate document and the timeframe for the modification, which shall be no later than the 85 percent threshold identified in this paragraph. [Ord. 2019-033] [Ord. 2023-036]

2) Off-Site Option 2 – Off-Site Construction/Exchange Builder

Provision of required WHP units may be arranged by the Developer of the Subject Development through an Exchange Builder who will provide them off site, subject to the following: [Ord. 2019-033] [Ord. 2023-036]

a) The exchange price shall be set by the County at 80 percent of the in-lieu fee associated with the Subject Development. [Ord. 2019-033] [Ord. 2023-036]

b) All Exchange Projects that propose to utilize other programs in addition to WHP exchange payments that will result in income restrictions on WHP units will require the approval of the Board of County Commissioners. This approval is required prior to the earlier of Final DRO or first Building Permit. [Ord. 2019-033] [Ord. 2023-036]

c) Prior to issuance of the first residential Building Permit for the Subject Development, the Developer of the Subject Development shall record a Notice of Disposition for the Subject Development indicating that the Exchange Builder Option has been selected to meet some or all of the WHP obligation, and shall select one of the following two options: [Ord. 2019-033] [Ord. 2023-036]

(1) Demonstrate engagement of an Exchange Builder, who shall provide: [Ord. 2019-033]

(a) Evidence of receipt of payment of the required exchange price; [Ord. 2019-033]

(b) A detailed description of the proposed Exchange Project, including site location; the site's land use designation, zoning, and density bonus determination if

applicable; the total number of proposed units by type, size, and income category; proposed Exchange Project layout including the number and type of buildings; proposed Exchange Project schedule; status of any development approvals; *pro forma* financial statements demonstrating the Exchange Project's financial viability; and, documentation evidencing availability of all sources of funding required for the Exchange Project development budget, including documentation from the financing source(s) providing a firm or a conditional commitment to financing and identifying all financing terms and conditions. [Ord. 2019-033]

(c) Evidence of control of the proposed Exchange Project site, through a recorded deed or title, or an executed purchase agreement or purchase option, approved by the County Attorney for legal sufficiency and by the County Administrator or designee; [Ord. 2019-033]

(d) A recorded Master Restrictive Covenant, or deed restriction if a Master Restrictive Covenant is not practical, for the Exchange Project site; and, [Ord. 2019-033] [Ord. 2023-036]

(e) Guarantee acceptable to Palm Beach County and approved by the County Attorney's Office for an amount equal to 80 percent of the full in-lieu fee. The guarantee shall be for a term not to exceed 39 months, and of a type described in Art. 11.B.2.A.6, Guarantees. [Ord. 2019-033]

(2) Provide guarantee acceptable to Palm Beach County and approved by the County Attorney's Office, for an amount equal to 100 percent of the in-lieu fee. The guarantee shall be for a term not to exceed 39 months, and of a type described in Art. 11.B.2.A.6, Guarantees. Prior to issuance of no more than 25 percent of the Building Permits in the Subject Development, the Developer of the Subject Development shall have the option to replace the guarantee provided at first Building Permit with items meeting the requirements of Art. 5.G.1.C.4.b.2)c)(1) above. If at 25 percent of Building Permits the required information has not been provided or is not approved by the County Administrator or designee, the Developer may pay the full in-lieu fees, and if not Palm Beach County shall file a claim against the guarantee for 100 percent of the in-lieu fees. Prepayment of the in-lieu fee by the Developer shall not be allowed. [Ord. 2019-033]

d) Prior to the end of the 36th month of the guarantee, all WHP units shall be issued COs or a renewed guarantee shall be delivered by the Exchange Builder to Palm Beach County. The terms of the renewed guarantee shall be at the discretion of Palm Beach County, but in no case shall exceed an additional three months beyond the term of the original guarantee. The amount of the renewed guarantee shall be prorated to reflect any WHP units already issued Certificates of Occupancy. The Exchange Builder may request additional time beyond the three-month extension; approval of such a request will be at the discretion of the Board of County Commissioners and will require a renewed guarantee for the extension approved by the Board. If neither the required WHP units nor an acceptable renewed guarantee is delivered, Palm Beach County shall collect the guarantee. [Ord. 2019-033]

e) The Site Plan, the Master Restrictive Covenant, or other appropriate document shall be amended to reflect the number of WHP units, including the number in each applicable WHP income category, to be located on the Exchange Project(s). The Planning Director or designee shall determine the appropriate document and the timeframe for the modification, which shall be no later than the 85 percent threshold identified in Art. 5.G.1.C.4.b.2)c) above. [Ord. 2019-033] [Ord. 2023-036]

3) Off-Site Option 3 – Purchase of Market Rate Units

Purchase of existing market rate units to be deeded to the County, sold to eligible households and deed restricted, or retained by the Developer subject to recordation of a deed restriction that meets the intent of this provision and subject to the conversion factor pursuant to Art. 5.G.1.C.4.b, WHP Off-Site Options if applicable. Prior to issuance of the first residential Building Permit or Final DRO approval for the Subject Development, whichever comes first, all contracts or related agreements for any off-site option evidencing site control and necessary approvals shall be approved by the County Administrator, or designee. A minimum of 50 percent of the units must be purchased and deeded to the County or deed restricted prior to the issuance of no more than 50 percent of the residential Building Permits in the Subject Development. All market rate units shall be purchased and deeded to the County or deed restricted prior to

issuance of no more than 85 percent of the COs in the Subject Development. The market rate units shall be approved by the Department of Housing and Economic Development, and must meet housing quality standards and criteria established by PBC. The Site Plan, the Master Restrictive Covenant, or other appropriate document shall be amended to reflect the number of WHP units, including the number in each applicable WHP income category, to be located on the receiving site(s). The Planning Director or designee shall determine the appropriate document and the timeframe for the modification, which shall be no later than the 85 percent threshold identified in this paragraph. [Ord. 2019-033] [Ord. 2023-036]

c. Donation of Buildable Land Option

Donation of developable land acceptable to the County in an amount equal to the buyout costs of the affected units. Donated land must be approved by the Property and Real Estate Management Division prior to submittal of the Subject Development's application in the Zoning process. The donated land must be deeded to the County prior to issuance of 50 percent of the residential Building Permits in the Subject Development. [Ord. 2019-033] [Ord. 2023-036]

d. In-Lieu Fee Option

1) In-lieu fees shall be published by the Palm Beach County Planning, Zoning and Building Department for Single Family units, Townhouse units, and Multifamily units as defined by Art. 4, Use Regulations. The in-lieu fee amounts shall be adjusted annually in accordance with the annual All Items Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City Average, not seasonally adjusted, as published by the U.S. Bureau of Labor Statistics. [Ord. 2019-033] [Ord. 2023-036]
2) The in-lieu fees assessed for a Subject Development shall be based on the unit type of the Subject Development. For Subject Developments with a mix of unit types, the in-lieu fees shall be calculated based on the unit type distribution in the Subject Development. [Ord. 2019-033]
3) Fees shall be paid prior to the issuance of 50 percent of residential unit Building Permits for the Subject Development. Fees shall be made payable to the Palm Beach County Board of County Commissioners and submitted to the Department of Housing and Economic Development. The payment shall be deposited in the WHP Trust Fund maintained by the PBC Department of Housing and Economic Development. [Ord. 2019-033] [Ord. 2023-036]

5. Banking of WHP Units

A Developer may opt to bank or restrict WHP units for the purpose of applying those units toward the obligation of a future development subject to the WHP. The Developer shall record, in a form provided by the County, a Master Restrictive Covenant or deed restriction for the banked unit site which shall include the applicable restriction for WHP for-sale or WHP rental units, pursuant to Art. 5.G.1.D, Delivery of WHP Units below. The affordability period for the banked units shall begin upon the effective date established by the Master Restrictive Covenant or deed restriction recorded for the banked unit site. The Developer may claim a banked unit for a future Subject Development through the Master Restrictive Covenant or deed restriction for the Subject Development, provided that the income category of the banked units is consistent with or lower than the income category of the WHP units required for the Subject Development. [Ord. 2023-036]

D. Delivery of WHP Units

Except as noted, the following Section applies to Subject Developments that opt to dispose of the WHP obligation through the following methods: On-Site Construction, Off-Site Construction/Same Developer, Off-Site Construction/Exchange Builder, or Purchase of Market Rate Units. Required WHP units may be delivered as for-sale or for-rent units. [Ord. 2019-033]

1. For-Sale Units

a. Master Restrictive Covenant

1) Except for Subject Developments using Off-Site Construction/Exchange Builder Option for the Subject Development's entire WHP obligation, prior to first Building Permit on the Subject Development, the Developer of the Subject Development shall record in the Public Records of Palm Beach County a Master Restrictive Covenant binding the entire Subject Development, in a form provided by the County, which identifies the WHP unit requirement for the Subject Development and addresses the requirements of this Subsection. Subject Developments that use the Exchange Builder Option to meet some or all of the WHP obligation may record a Notice of Disposition instead of a Master Restrictive Covenant for that portion of the obligation met through the Exchange Builder Option. [Ord. 2019-033] [Ord. 2023-036]
2) The Master Restrictive Covenant shall include but not be limited to restrictions requiring: that all identified WHP units shall be sold or resold only to a purchaser certified by the Department of Housing and Economic Development, at or below the price established annually by Palm

Beach County for the income category of the WHP for-sale unit, subject to the affordability requirements and provisions of this Article; that the County shall have the exclusive option to purchase WHP units that are unsold at day 150 of the required marketing period; that rental of units is permitted only under specific circumstances, for limited periods of time, and with prior approval by the Director of the Department of Housing and Economic Development; that these restrictions remain in effect for 15 years recurring from the date of sale that in the event a unit is resold before the 15-year period concludes, a new 15-year period shall take effect on the date of resale; and, that the 15-year period shall be extended by the amount of time a Code Enforcement magistrate or a judge finds the Developer or unit owner out of compliance with the WHP. The Master Restrictive Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with the WHP, and provide that every deed for sale of a WHP housing unit shall include: a statement that the units are subject to covenants, conditions, and restrictions including the Master Restrictive Covenant; the date and the Book and Page of the Official Record of recordation of the Master Restrictive Covenant; and, the income category associated with the unit. [Ord. 2019-033] [Ord. 2023-036]

b. Process for Initial Sale of WHP Units

1) Pricing/Affordability

a) WHP units shall be sold at or below the current designated price for the unit's income category. In the even that an income-certified purchaser seeks to purchase a WHP unit whose price has increased through annual price adjustments pursuant to this Article, the Developer of that WHP unit shall honor the price in effect at the time of the purchaser's income certification, provided that the purchaser enters into a purchase contract within one year of the date of income certification. [Ord. 2019-033]

b) Developers shall not be required to provide units in an income category when the category price is greater than the median sales price for the County. These units are eligible for the In-Lieu payment pursuant to Art. 5.G.1.C.4.d, In-Lieu Fee Option, or can be distributed equally among the remaining income categories. [Ord. 2019-033]

c) The price of a WHP for-sale unit shall not be raised once a unit is under contract to a purchaser. Purchase price of the WHP unit, including all charges imposed by the seller, cannot exceed the maximum WHP price for the income category. Options selected by the purchaser, including but not limited to upgraded finishes or premium lots, shall not be reflected in the sales price of WHP units, but may be paid by the purchaser at the time of contract execution, or included as a line item on the closing/settlement statement. Earnest money deposit required of purchasers shall not exceed two percent of the sales price. [Ord. 2019-033] [Ord. 2023-036]

d) Affordability restrictions remain in effect for 15 years recurring from the date of sale of the unit; in the event a unit is resold before the 15-year period concludes, a new 15-year period shall take effect on the date of resale. [Ord. 2019-033] [Ord. 2023-036]

e) Rental of WHP for-sale units is permitted only under specific circumstances, for limited periods of time, to income-qualified renters, at or below the Maximum WHP Rents established annually by Palm Beach County for the unit's designated income categories, and with prior approval by the Director of the Department of Housing and Economic Development based on criteria established by the Department. [Ord. 2019-033] [Ord. 2023-036]

2) Qualification and Certification for For-Sale Purchasers

WHP units shall be sold only to a purchaser certified by the Department of Housing and Economic Development. HED shall qualify prospective purchases and issue a certification letter confirming eligibility to purchase the WHP unit. Palm Beach County retains the right to qualify purchasers for units in categories above or below their income category. When available, down payment assistance may be offered for all workforce housing purchasers; Palm Beach County shall not be obligated to provide down payment assistance to any purchaser. The amount of financial assistance, if any, that is available for purchase of the WHP unit shall be identified in the certification letter. The HED certification process shall be implemented according to procedures established and published by the Department. [Ord. 2019-033] [Ord. 2023-036]

3) Closing

a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures. [Ord. 2019-033]

b) Every warranty deed documenting a sale of a WHP unit shall include a statement that a unit is subject to covenants, conditions, and restrictions including the Master Restrictive Covenant, and shall include the date of recordation of the Master Restrictive Covenant, and the Book and Page of the Official Record. [Ord. 2019-033] [Ord. 2023-036]

4) Compliance Reporting during Initial Sales Period

Beginning with the commencement of sales of WHP units, until such time as all WHP units have been sold, the Developer or Exchange Builder will provide to the County monthly reports detailing the number of WHP and market rate units built, the number under contract, and the number sold. The Developer shall also provide notice to the Planning Director or designee if ownership of the Subject Development, or Exchange Project, has been transferred. [Ord. 2019-033]

5) Marketing of WHP For-Sale Units

a) WHP Units Delivered through the Exchange Builder or Purchase of Market Rate Options

The marketing of WHP units delivered through an Exchange Builder, and the marketing of Purchase of Market Rate WHP Units which are intended to be sold by the Developer, shall be the responsibility of the Developer or Exchange Builder. If requested, the County may provide, at the County's sole discretion, a list of interested parties, WHP brochures, informational packets, or other information or assistance for the marketing of WHP for-sale units delivered through these options. [Ord. 2019-033] [Ord. 2023-036]

b) WHP Units Delivered through the On-Site Construction or Off-Site/Same Developer Options

The County shall prepare and publish minimum marketing requirements applicable to WHP units provided through the WHP On-Site Construction Option or Off-Site Construction by Same Developer Option. The marketing requirements shall address the following, at minimum: [Ord. 2019-033]

(1) The intent that the Developer will act in good faith to market and sell the WHP units in the same manner as the market rate units and for the same period of time. [Ord. 2019-033]

(2) The marketing of WHP units shall commence concurrent with the marketing of market rate units, and shall continue until at least 75 percent of the for-sale market rate units have been issued Certificates of Occupancy, but not less than 180 days. [Ord. 2019-033]

(3) Prior to commencement of sales, the Developer shall obtain from the Director of HED or designee a list of interested parties, WHP brochures, and informational packets which provide the qualification standards, terms of the Master Restrictive Covenant, where to go to get qualified, and other relevant information regarding the WHP units. [Ord. 2019-033] [Ord. 2023-036]

(4) The Developer shall provide notice of commencement of sales to the Planning Director or designee, the Director of HED, and the list of interested parties. The notice shall include the address where the WHP units are located, the address of the sales office, the hours of the sales office, the floor plan and construction specifications for the WHP units, and the pricing of the WHP units. The Developer shall provide to the Planning Director or designee proof of notice to the interested parties list, in the form of a copy of the email or letter sent, and a copy of the distribution list. [Ord. 2019-033] [Ord. 2023-036]

(5) Within ten days of receipt, the County shall provide written acknowledgement of the notice of commencement of sales. [Ord. 2019-033]

(6) The Developer shall maintain in the sales office and sales office of the Subject Development if the WHP units are located off site, hard physical copies of informational packets obtained from HED, available to any and all potential buyers. The Developer shall also maintain hard physical copies of the County's WHP brochure and prominent displays indicating certain units are available for purchase for qualified households subject to the WHP provisions, and shall identify the location and availability timeframe for WHP units. [Ord. 2019-033] [Ord. 2023-036]

(7) The Developer shall attend all housing workshops, fairs, orientations, and other WHP events requested by HED during the marketing period, and shall present information about the WHP units and purchase options. [Ord. 2019-033] [Ord. 2023-036]
(8) The Developer shall maintain publicly accessible website landing pages for the WHP units that are prominently displayed on the Subject Development's primary webpage, starting at the time of commencement of sales of the market rate units. [Ord. 2019-033]
(9) The Developer shall provide monthly documentation to the Planning Director or designee demonstrating that the required materials are available in the sales office and prominently displayed, that the Developer is participating in County WHP events, that the website for the WHP units is active and easily accessed, and that marketing efforts for the WHP units are consistent with the marketing efforts for the market rate units. Documentation shall include photographs of the required materials and displays demonstrating a prominent location in the sales office, screenshots of webpages, copies of mailers, photos of billboards, proof of television, radio, newspaper, or online advertisements, for both market rate and WHP units, and shall include a log of visitors and callers interested in the WHP units. [Ord. 2019-033]

c) The County may conduct site visits and inspections to verify compliance with the requirements of this Section. [Ord. 2019-033]

6) Release of Obligation

It is the County's intent that each Subject Development fulfill its obligation pursuant to this Chapter. Release of obligation is available only for Subject Developments delivering WHP required units as for-sale units through the WHP On-Site Construction or the Off-Site Construction by Same Developer disposition options. It is not the intent of the WHP provisions to require a Developer to commence construction on any WHP for-sale unit for which a valid and binding contract for purchase between Developer and purchaser has not been executed. In the event WHP units have been marketed according to the requirements of this Article, then the WHP units are eligible to be released from the WHP obligations indicated in the Master Restrictive Covenant pursuant to the process below. [Ord. 2019-033] [Ord. 2023-036]

a) The Developer shall provide a written notice to the Planning Director or designee requesting release of obligation and confirmation of the In-Lieu cash payment amount. The request shall include documentation demonstrating that at least 75 percent of the for-sale market rate units in the Subject Development have received Certificates of Occupancy. [Ord. 2019-033]
b) The County shall provide a written response to the Developer, within ten business days of receipt, indicating the County's agreement/disagreement with request for release of obligation and confirming the amount of the required In-Lieu cash payment. [Ord. 2019-033]
c) Upon payment of the required In-Lieu cash payment, the WHP unit shall thereafter be released from any and all obligations of the WHP requirements of this Code and the County shall provide written confirmation that the unit has been released, inclusive of release from the Master Restrictive Covenant. [Ord. 2019-033] [Ord. 2023-036]
d) Should a Developer wish to appeal the Planning Director's determination that a Subject Development has not met the requirements for a release of obligation; the appeal shall be pursuant to Art. 2.A.14.C.2.d, Interpretations of the ULDC. [Ord. 2019-033]

c. Process for Subsequent Sales

1) Pricing/Affordability

a) Affordability restrictions remain in effect for 15 years recurring from the date of sale; in the event a unit is resold before the 15-year period concludes, a new 15-year period shall take effect on the date of resale. [Ord. 2019-033] [Ord. 2023-036]
b) An owner intending to sell a WHP unit during the affordability period must notify the Planning Director or designee in writing of the intent to sell, and request a resale price determination. The Planning Director or designee will determine the current maximum resale price based on the income category of the WHP unit and the current sales price for that category. The WHP price initially established for the for-sale unit's income category at the time of approval of the Subject Development shall be the sales floor throughout the affordability period. No WHP unit is required to be sold at a price below the sales floor, though a seller may opt to do so. [Ord. 2019-033]

2) HED Review

a) Qualification and Certification of For-Sale Purchasers

WHP units shall be sold only to a purchaser certified by the Department of Housing and Economic Development. Unit owners shall refer prospective purchasers to HED, who shall qualify prospective purchasers and issue a certification letter confirming eligibility to purchase the WHP unit. Palm Beach County retains the right to qualify purchasers for units above or below their income category. When available, down payment assistance may be offered for all workforce housing buyers; Palm Beach County shall not be obligated to provide down payment assistance to any purchaser. The amount of financial assistance, if any, that is available for purchase of the WHP unit shall be identified in the certification letter. The HED certification process shall be implemented according to procedures established and published by the Department. [Ord. 2019-033] [Ord. 2023-036]

3) Closing

a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures. [Ord. 2019-033]

b) Every warranty deed documenting a sale of a WHP unit shall include a statement that a unit is subject to covenants, conditions, and restrictions including the Master Restrictive Covenant, and shall include the date of recordation of the Master Restrictive Covenant, and the Book and Page of the Official Record. [Ord. 2019-033] [Ord. 2023-036]

d. Annual Compliance Reporting

The owner of the WHP unit shall submit to the Planning Director or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP. The County may conduct site visits at reasonable times, or perform other independent investigation to verify continued compliance with the WHP. [Ord. 2019-033]

2. Rental Units

a. Master Restrictive Covenant

1) Except for Subject Developments using Off-Site Construction/Exchange Builder Option for the Subject Development's entire WHP obligation, prior to first Building Permit on the Subject Development, the Developer of the Subject Development shall record in the Public Records of Palm Beach County a Master Restrictive Covenant binding the entire project, in a form provided by the County, which identifies the WHP unit requirement for the Subject Development and addresses the requirements of this Subsection. Subject Developments that use the Exchange Builder Option to meet some or all of the WHP obligation may record a Notice of Disposition instead of a Master Restrictive Covenant for that portion of the obligation met through the Exchange Builder Option. [Ord. 2019-033] [Ord. 2023-036]

2) The Master Restrictive Covenant shall include but not be limited to restrictions requiring: that all required WHP units shall be rented only to an income-qualified household, in an income category corresponding to the WHP obligation of the Subject Development, at or below the Maximum WHP Rents established for the income category annually by Palm Beach County, subject to the affordability requirements and provisions of this Article; that these restrictions remain in effect for a period of 30 years (non-recurring) for each unit, from the date of occupancy of the first WHP unit; that the 30-year period will be extended by the amount of time a Code Enforcement magistrate or judge finds that the Subject Development is out of compliance with the WHP; and that in the event a rental complex is resold before the 30-year period concludes, the new owner assumes the requirement for the number of remaining years; and the number of years remaining shall be determined by the Planning Director or designee; and shall take effect on the date of resale. The Master Restrictive Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with the WHP. Every deed for a rental development with WHP units and every rental agreement for each WHP unit shall incorporate by reference the Master Restrictive Covenant. [Ord. 2019-033] [Ord. 2023-036]

b. Marketing of WHP Rental Units

Marketing of WHP rental units is the responsibility of the WHP rental unit owner or designee. Information regarding the WHP, including eligible income ranges and the availability of workforce housing units, shall be posted in the leasing office and website for the rental project, if any. The WHP rental unit owner or designee shall also maintain current the information provided to the County regarding the rental project. [Ord. 2019-033] [Ord. 2023-036]

c. Notifications to Palm Beach County

The WHP rental unit owner or designee shall notify the Planning Director, or designee, in writing prior to the commencement of leasing, to obtain the current income and rent ranges. The WHP rental unit owner or designee shall provide the Planning Director, or designee, with written notice of the date of occupancy of the first WHP unit no later than five days after occupancy. The WHP rental unit owner or designee shall also provide written notice to the Planning Director or designee of a change in WHP rental unit owner or designee no later than 30-calendar days after the change occurs. [Ord. 2019-033] [Ord. 2023-036]

d. Rents/Affordability

1) All required WHP units shall be rented only in the designated income categories corresponding to the WHP obligation of the Subject Development, at or below the prices established by Palm Beach County. [Ord. 2019-033] [Ord. 2023-036]
2) Affordability restrictions remain in effect for a period of 30 years (non-recurring) for each rental unit, from the date of occupancy of the first WHP unit; in the event a rental complex is resold before the 30-year period concludes for all units, the new owner assumes the requirement for the remaining number of years; as shall be determined by the Planning Director or designee based on the date of resale. [Ord. 2019-033]
3) The rent ranges shall be updated annually by the Planning Director, or designee, based on the monthly rent limits published annually for the Florida Housing Finance Corporation Multifamily Rental Programs, by number of bedrooms. The rent ranges shall address the following income subcategories: > 60 to 70 percent; > 70 to 80 percent; > 80 to 90 percent; > 90 to 100 percent; > 100 to 110 percent; > 110 to 120 percent; > 120 to 130 percent; and, > 130 to 140 percent of MFI. The maximum rent established by Palm Beach County for each income category and subcategory, by number of bedrooms, constitutes the Maximum WHP Rent for that category or subcategory. [Ord. 2019-033] [Ord. 2023-036]
4) WHP Rents for required WHP rental units are set by the rental unit owner or designee, and shall: [Ord. 2023-036]
    a) include any Mandatory Fees required to be paid by all tenants. Mandatory Fees cannot be charged in addition to the Maximum WHP Rent, even if such charges are designated as “Additional Rent” per the lease. [Ord. 2023-036]
    b) reflect the Utility Allowance if applicable. [Ord. 2023-036]
    c) not exceed the Maximum WHP Rent minus any applicable Utility Allowance. [Ord. 2023-036]

    Voluntary Fees may be charged in addition to the WHP Rent, even if these cause the Maximum WHP Rent to be exceeded. [Ord. 2023-036]

5) Utility Allowance

A Utility Allowance is required to be applied if the WHP rental units are subject to a Utility Allowance pursuant to the Master Restrictive Covenant governing the WHP rental units. The amount of the Utility Allowance shall be as established by the Master Restrictive Covenant. For the purposes of this provision, utilities are limited to water, sewer, gas, or electric service provided directly to the unit, and not for common areas. Owners of WHP rental units subject to a Utility Allowance must either: [Ord. 2023-036]

a) reduce the rent by the amount of the Utility Allowance, if the cost of all the identified utilities is billed to the WHP tenant by the WHP rental unit owner or designee, the utility, or a third party; or [Ord. 2023-036]
b) apply the Utility Allowance amount against the actual cost of the utilities provided to the unit, if the cost of any of the identified utilities are borne by the WHP unit owner and not billed to the WHP tenant by the WHP rental unit owner or designee, the utility, or a third party. If the utility costs are less than the prescribed Utility Allowance, the difference shall be credited to the WHP resident’s rent cost. If the cost of the utilities exceeds the Utility Allowance, the excess cost may be charged to the WHP tenant, even if it exceeds the Maximum WHP Rent for the WHP tenant’s income category or subcategory. Reasonable, reliable, and verifiable documentation is required to confirm utility costs. [Ord. 2023-036]

6) Rentals Below Low-Income Category

The owner of a WHP unit may request approval from the Executive Director of the Planning, Zoning and Building Department, or designee to rent the unit to a household having an income below 60 percent of Area Median Income, at a rent below the minimum rent for the Low-Income category, but not to exceed 33 percent of the WHP tenant's monthly household income. The Executive Director of the Planning, Zoning and Building Department, or designee, in consultation with the Department of Housing and Economic Development, shall consider the income characteristics of the census block(s) or tract(s) where the development is located and any other relevant information in determining whether to grant the request. [Ord. 2019-033] [Ord. 2023-036]

7) The rent ranges initially established for the rental unit's income category at the time of approval of the Subject Development shall be the rental floor throughout the affordability period. No WHP unit is required to be rented below the rental floor, though a rental unit owner or designee may opt to do so. [Ord. 2019-033] [Ord. 2023-036]

e. Income Qualification of WHP Tenants

WHP units shall be rented only to an income-qualified household. The verification of prospective WHP tenants as income qualified for the income category or subcategory, pursuant to the requirements of this Article and procedures established by the Department of Planning, Zoning and Building, is the responsibility of the rental unit owner or designee. [Ord. 2019-033] [Ord. 2023-036]

1) At Initial Lease Execution

The household's income eligibility must be verified through completion of the County's WHP lease addendum and WHP Rent calculation worksheet, which are available on the County's website or from the Planning Director or designee. The WHP rental unit owner or designee may request financial documents it deems reasonably necessary to ensure the household is eligible pursuant to the WHP. The WHP lease addendum and WHP Rent calculation worksheet are submitted by the WHP rental unit owner or designee to the Planning Director or designee for compliance review prior to or at the time of lease execution, but no later than the timeframe specified in the Master Restrictive Covenant for submittal of the lease addendum, or no later than ten days after lease execution if no timeframe is specified. [Ord. 2023-036]

2) At Lease Renewal or at Income Reverification

At renewals of the lease, the WHP rental unit owner or designee may choose to reverify the Annual Household Income and assigned income category, but is not required to do so. If the WHP tenant's income is to be reverified at lease renewal, the WHP rental unit owner shall provide the tenant a minimum of 60 days' notice prior to renewal date of the intent to reverify. If no new income reverification is completed at lease renewal, no new WHP lease addendum is required, but the WHP rental unit owner or designee is required to provide the WHP Rent calculation worksheet within ten days of lease renewal, indicating the WHP Rent amount pursuant to the renewed lease, to the Planning Director or designee for compliance review. [Ord. 2023-036]

The WHP rental unit owner or designee may also reverify the income, adjust the income category or subcategory, and adjust the WHP Rent of the WHP rental unit during the course of the lease if requested by the WHP tenant due to changed household circumstances, but is not required to do so. [Ord. 2023-036]

In considering any income category reassignment as a result of the income reverification, the required number of WHP rental units in each category shall not be exceeded, except when opting to shift a WHP rental unit to a lesser income category. [Ord. 2023-036]

In the event of any reverification of Annual Household Income, a new completed WHP lease addendum and WHP Rent calculation worksheet must be provided to the Planning Director or designee for compliance review prior to or at the time of lease execution, but no later than the timeframe specified in the Master Restrictive Covenant for submittal of the initial WHP lease addendum, or no later than ten days after lease execution if no timeframe is specified in the Master Restrictive Covenant. [Ord. 2023-036]

f. Compliance Review and Compliance Determination

It is the County's intent that each Subject Development fulfill 100 percent of its workforce housing obligation pursuant to its Development Order and this Chapter. For each WHP rental unit, the Planning Director or designee shall review the WHP lease addendum and/or WHP Rent calculation worksheet documenting the Annual Household Income verified by the WHP rental unit owner or designee, the household's WHP category and subcategory if applicable, and the WHP Rent to be charged. [Ord. 2023-036]

A WHP rental unit shall only be considered compliant once an accurate, complete, and fully notarized WHP lease addendum and/or WHP Rent calculation worksheet are provided to the Planning Director or designee, and the Planning Director or designee verifies that the correct income category, income subcategory if applicable, and rent are applied. [Ord. 2023-036]

The Planning Director or designee shall notify the WHP rental unit owner or designee of the result of the review of the submitted documents within three business days of receipt. [Ord. 2023-036]

If compliance issues are identified, the WHP rental unit owner or designee shall address the issues identified by the Planning Director or designee to the Planning Director or designee's reasonable satisfaction and resubmit the required documentation for review within ten business days of the Planning Director or designee's request. [Ord. 2023-036]

A copy of the completed WHP lease addendum and WHP Rent calculation worksheet shall be provided to the WHP tenant by the WHP rental unit owner or designee within three business days of verification of compliance by the County. [Ord. 2023-036]

If the documents are deemed compliant, the WHP rental unit shall be considered compliant from the date of the event (lease start, lease renewal, or income reverification), or the date the compliant documents were submitted to the County, whichever is later. [Ord. 2023-036]

The Planning Director or designee shall maintain a record of the project's WHP unit compliance using the WHP lease addenda form and WHP Rent calculation worksheets and other documentation provided by the WHP rental unit owner or designee. [Ord. 2023-036]

The Planning Director or designee may conduct site visits at reasonable times, request rent rolls, unit ledgers, or other documentation, and/or perform other independent investigation to verify compliance with the WHP. [Ord. 2019-033] [Ord. 2023-036]

It is a violation of this Code if the project has failed to maintain a minimum of 90 percent of its WHP unit obligation for more than 60 consecutive days, has failed to make a non-compliant WHP rental unit compliant within ten business days of written notice provided by the Planning Director or designee, or has failed to provide additional compliance documentation requested by the Planning Director or designee within ten business days of the written request provided by the Planning Director. In the event of a violation of this part or any other part of this Section, the 30-year period will be extended by the amount of time a Code Enforcement magistrate or judge finds that the Subject Development was out of compliance. [Ord. 2023-036]

g. Deed Restriction

The warranty deed documenting a sale of WHP rental units shall include a statement that the units are subject to covenants, conditions, and restrictions including the Master Covenant, and shall include the date of recordation of the Master Covenant, and the Book and Page of the Official Record. [Ord. 2019-033]

E. Enforcement

The County may enforce the requirements of the WHP through the County's Code Enforcement process or by bringing an action in the 15th Judicial Circuit Court in and for Palm Beach County, Florida by any cause of action available at law or equity, and seek remedies including but not limited to, specific performance, injunctive relief, rescission of any unauthorized sale or lease, reclassification of a market rate unit to a WHP unit, reclassification of the WHP unit income categories to lower categories, and extensions of the 15-year recurring term of for-sale units or the 30-year non-recurring term for rental units. These remedies are not exclusive and may be awarded in combination with each other and in addition to any other remedy available to the County. [Ord. 2019-033] [Ord. 2023-036]

Section 2 Affordable Housing Program (AHP)

A. Purpose and Intent

The AHP implements HE Policies 1.1-o and 1.5-g of the Plan, among others, by establishing an AHP. The AHP is a voluntary program used by an Applicant seeking additional density for an affordable housing development. An AHP Applicant elects to provide at a minimum 65 percent of the total number of dwelling units targeted to households at incomes of 60 percent of Area Median Income (AMI) and below. In any proposal a maximum of 20 percent of all units will target incomes of 30 percent and below AMI. The program ensures a minimum affordability period, and provides for a density bonus and other incentives. The program is intended to increase the supply of housing opportunities for persons employed in PBC in jobs that residents rely upon to make the community viable. Consideration may be given to developments requesting income percentage targets that are different from those previously indicated, based on programmatic requirements imposed by a governmental agency providing affordable housing funding or another entity with different programmatic requirements, with the final determination made by the Executive Director of Planning, Zoning and Building or designee. [Ord. 2009-040] [Ord. 2012-003]

B. Applicability

In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Chapter shall apply. The AHP shall apply to developments with a residential component of ten or more dwelling units with all units being built on site. This shall include the expansion of existing projects that add ten or more dwelling units, where the program shall apply to those units being added. Requirements and limitations are further defined in Table 5.G.2.B, Affordable Housing Program. [Ord. 2009-040]

1. Exemptions

Congregate Living Facilities (CLFs). [Ord. 2009-040] [Ord. 2021-022]

2. Limitation on Restrictions

AHP units shall not be subject to restrictions beyond income qualifications except those restrictions imposed by a governmental agency providing affordable housing financing. [Ord. 2009-040]

Table 5.G.2.B – Affordable Housing Program

Applicability		
Location	**Tier or Overlay**	U/S
	FLU (1)	LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
Density Bonus Incentive		
LR-1 through LR-3		0-30% (3)
MR-5 through HR-18 (2)		0-100% (3)
[Ord. 2009-040]		
Notes:		
1.	Shall also apply to mixed-use projects with applicable underlying FLU designations for commercial and industrial mixed-use development. [Ord. 2009-040]	
2.	A density bonus of greater than 30 percent shall be permitted subject to meeting the additional standards of Art. 5.G.2.E, Additional Requirements for Density Bonus. [Ord. 2009-040]	
3.	Percentages shall be rounded up to the nearest whole number. [Ord. 2009-040]	
Affordability: A minimum of 65 percent of all units at 60 percent of AMI or below and a 20 percent maximum of all units at 30 percent and below AMI. [Ord. 2009-040]		

C. Design Requirements

AHP units shall be designed to be compatible with the overall project, as follows: [Ord. 2009-040]

1. All AHP units shall be constructed on site; [Ord. 2009-040]
2. All units shall be designed to a compatible exterior standard as other units within the development or pod; and, [Ord. 2009-040]
3. AHP units may be clustered or dispersed throughout the project. [Ord. 2009-040]

D. AHP Incentives

All projects with ten or more residential units shall be eligible for AHP incentives. [Ord. 2009-040]

1. Density Bonus

Table 5.G.2.B, Affordable Housing Program, delineates the ranges of density bonus allowed for the AHP by land use category. For the purposes of this Section, permitted density shall be the number of units allowed by the standard density allowed by the Plan; or the maximum density allowed by the Plan, where developed as a PDD, TDD, or other density provision of the Plan. TDR units or any other density bonus shall not be included as part of the permitted density for purposes of calculating the AHP density bonus. To ensure compliance with the compatibility requirement of HE Objective 1.5 of the Plan, projects requesting a density bonus shall be subject to the requirements of Table 5.G.2.D, Review

Process, and Art. 5.G.2.E, Additional Requirements for Density Bonus. [Ord. 2009-040]

Table 5.G.2.D – Review Process

Density Bonus	DRO Approval	Class A Conditional Use
Standard District > 30-50%	X	
Standard District > 50-100%		X
PDD or TDD > 30-100%		X
[Ord. 2009-040] [Ord. 2017-025]		

2. Traffic Performance Standards Mitigation

a. AHP Special Methodologies

TPS mitigation shall be permitted for AHP projects in accordance with County Comprehensive Plan Transportation Element Policy 1.2-d(4). [Ord. 2009-040] [Ord. 2011-016]

b. AHP Traffic Concurrency Hall Pass

TPS mitigation shall also include the option of applying for an AHP Traffic Concurrency Hall Pass separate from a Development Order application. The AHP Traffic Concurrency Hall Pass serves as a provisional traffic concurrency approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrency Reservation approval. The AHP Traffic Concurrency Hall Pass is described further in Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2009-040]

3. Expedited Review

The following expedited review processes may apply to a proposed AHP development: [Ord. 2009-040]

a. Design Review

Review of Multifamily or Townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with Final DRO review, prior to permit application. [Ord. 2009-040]

b. Platting

1) If only a boundary plat is required for an existing single lot, Building Permits may be issued after submittal of the Final Plat for recordation. [Ord. 2009-040]
2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat. [Ord. 2009-040]
3) Pursuant to Art. 3.E.1.H.1, Standards, Building Permits for Sales Offices, Sales Models, gatehouses, entry features, and utilities may be issued prior to the recording of a Final Plat. [Ord. 2009-040]

4. Density Bonus Development Options

a. Purpose and Intent

To provide flexibility from property development and other related regulations in order to provide greater opportunity for cost-effective development of AHP units. These provisions are not intended to supersede deviations that are normally addressed through the Variance process. These options shall only be granted at the time of approval for the entire project, and shall not be granted on a lot-by-lot basis. [Ord. 2009-040]

b. Applicability

Projects with ten or more units that utilize a density bonus incentive and are subject to the requirements of the AHP may utilize the Development Options listed herein. [Ord. 2009-040]

c. Justification Report

Use of Density Bonus Development Options shall not be granted by right, and shall require submittal of a justification report that demonstrates that deviations are the minimum needed to allow for the use of density bonus incentives. The report shall include the following: [Ord. 2009-040]

1) The regulations that are proposed to be modified. [Ord. 2009-040]
2) The amounts and specifics of the requested deviation(s). [Ord. 2009-040]
3) The areas within the development that the deviation(s) will be applied to. [Ord. 2009-040]
4) Graphic representations such as, but not limited to, Site Plans, elevations, perspectives, and typical examples, showing how the deviations will meet the intent of the district and AHP with emphasis on open space, privacy, maintenance, and public health, safety, and welfare. [Ord. 2009-040]

d. Site Plan Approval

All projects requesting Density Bonus Development Options shall submit an application and Site Plan to the DRO for certification where applicable, and for Final Site Plan approval for all others. The Site Plan shall indicate in the tabular data all Development Options requested and where feasible, a Regulating Plan shall be included to provide typical examples. Approval shall be granted

only for the minimum deviations needed to allow for the use of density bonus incentives and where the requirements of all applicable reviewing Agencies have been met. [Ord. 2009-040]

e. Drainage

Any reduction in lot size or open space area, or increase in building coverage shall be subject to approval of a drainage study demonstrating that reduced pervious surface area will not create adverse drainage issues. [Ord. 2009-040]

f. Option 1 – AR and RT Districts

The zoning for parcels electing to use this option must be in compliance with Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). [Ord. 2009-040]

1) AR FAR Calculations

New SFD lots in the AR district shall be permitted to calculate FAR based on the acreage of the FLU designation. [Ord. 2009-040]

2) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with an LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.2.D, RT Deviations for AHP, only for those projects that exceed the standard density in the footnote in FLUE Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, and utilize a minimum density bonus of 20 percent. [Ord. 2009-040] [Ord. 2019-005]

Table 5.G.2.D – RT Deviations for AHP

Zoning District	Applicability	FLU	Lot Dimensions			Setbacks		
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	TDR, WHP, AHP	LR-2	12,000 sq. ft.	85’	35%	100’	ND	ND
RT	TDR, WHP, AHP	LR-3	9,000 sq. ft.	65’	40%	80’	1st floor – 10’	1st floor – 15’
[Ord. 2009-040] [Ord. 2019-005]								
Key:								
ND	No deviation. [Ord. 2019-005]							

g. Option 2 – TND Regulations

Projects eligible for this option shall be permitted to utilize the PDRs of Table 3.F.3.D, TND Residential Lot Size and Setback Regulations, subject to meeting the requirements of Art. 3.F.3.D.5, Residential Uses and the following limitations: [Ord. 2009-040]

1) U/S Tier only; [Ord. 2009-040]
2) Project does not qualify to be a TND or use Option 1 or 3; [Ord. 2009-040]
3) If the subject site has an LR-1, LR-2, LR-3, or MR-5 FLU designation, the project shall meet all requirements for and be approved as a PDD; [Ord. 2009-040]

h. Option 3 – Flexible Regulations

Projects with MR-5, HR-8, HR-12, or HR-18 FLU designations, or if approved as a PDD or TDD, may deviate from the residential requirements of Table 3.D.1.A, Property Development Regulations, or Table 3.D.2.B, ZLL Property Development Regulations, as follows: [Ord. 2009-040]

1) SFD units may be permitted up to a maximum ten percent deviation for the following PDRs: lot size; width and frontage; building coverage; and, side and rear setbacks. [Ord. 2009-040]
2) SFD units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following PDRs: building coverage; and front and side street setbacks. [Ord. 2009-040]
3) ZLL lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages. [Ord. 2009-040]

i. Option 4 – PDD Open Space Reduction

Projects which elect to utilize a density bonus of not less than 15 percent, may reduce the 40 percent open space requirement of Table 3.E.2.C, PUD Land Use Mix, to not less than 30 percent open space, provided the project incorporates common usable open space areas as defined in Art. 1.H.2.O.13, Open Space, Usable for AHP. [Ord. 2009-040]

j. Option 5 – Internal Incompatibility Buffers

Required Incompatibility Buffers between SFD and MF units within an AHP development shall not be required. [Ord. 2009-040]

k. Option 6 – Relocation of Units to Civic Tracts

Residential units may be permitted in a Civic Pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall project: [Ord. 2009-040]

1) In the case of a civic site cash out, the deletion of the Civic Pod and increase in Residential Pod area; or [Ord. 2009-040]
2) The relocation of residential units to a Civic Pod, or the relocation of residential units where the Civic Pod is deleted. [Ord. 2009-040]

l. Option 7 – Type 2 Waiver for Affordable Housing Program Parking Reduction

Multifamily projects may request a Type 2 Waiver to reduce parking pursuant to Art. 6.C.1.A.3.a, Affordable Housing Program Parking Reduction. [Ord. 2025-007]

E. Additional Requirements for Density Bonus

Projects requesting a density bonus shall comply with the following: [Ord. 2009-040]

1. Sector Analysis

AHP projects shall be equitably distributed so that there is no undue concentration of very-low and low-income housing throughout the County. Table 5.G.2.E, AHP Density Bonus Guide (Step 1) indicates the Step 1 density bonus permitted. The concentration of very-low and low-income housing within a sector will be taken into consideration when determining the Step 1 density bonus permitted. Additional density may be added in accordance with Table 5.G.2.E, AHP Density Bonus Multipliers (Step 2). This Step 2 analysis considers the proposed development and its location to neighborhood amenities; a public transit option; employment and shopping opportunities; grocery store (excluding convenience store); public school; medical facilities; social services; and, public recreation facilities. Prior to submittal of an AHP pre-application, the Applicant shall meet with the Planning Director or designee to establish the sector within which the distribution analysis shall be conducted. The boundaries of the sector shall be approved by the Planning Director or designee. The maximum AHP density bonus, total Step 1 plus Step 2, not to exceed a 100 percent bonus as recommended by the Planning Director or designee. [Ord. 2009-040]

Table 5.G.2.E – AHP Density Bonus Guide (Step 1)

Percentage of Very-Low and Low-Income Housing (≤ 60% of AMI) in Sector	> 40%	40-30%	30-20%	20-0%
Step 1 Density Bonus	≤ 30%	≤ 50%	≤ 80%	≤ 100%
[Ord. 2009-040]				

Table 5.G.2.E – AHP Density Bonus Multipliers (Step 2)

Proximity to Proposed Development	**Public Transit Option**	**Employment and Shopping Opportunities 150,000 sq. ft., Guide** (Office, Industrial, Business, Government, Community/ Regional Commercial, Retail Center)	**Grocery Store** (Excluding Convenience Store)	**Public School** (Elementary, Middle, High Schools or Community College)	**Medical Facilities** (Hospital, Health Care, Urgent Care, Medical Offices)	**Social Services** (Day Care, Full-Service Community Centers, Public Library)	**Public Recreation Facilities Off Site** (Public Parks, Ballfields, etc.)	**Max. AHP Density Bonus**
> 0 Miles ≤ 1/4 of a Mile*	20%	20%	20%	20%	20%	10%	10%	100%
> 1/4 of a Mile ≤ 1/2 of a Mile*	15%	15%	15%	15%	15%	5%	5%	
> 1/2 of a Mile ≤ 1 Mile*	0%	10%	10%	10%	10%	2.5%	2.5%	
> 1 Mile ≤ 2 Miles*	0%	5%	5%	5%	5%	0%	0%	
[Ord. 2009-040]								
Notes:								
*	For each multiplier column, only one of the four options (the closest amenity) may apply.							

a. The sector shall be proportional to the size and character of the proposed development. At a minimum, the sector shall consist of one or more neighborhoods that include features such as schools, shopping areas, an integrated network of Residential and Collector Streets bounded by Arterial Roads, civic uses, localized shopping, and employment opportunities. For data and analysis purposes, the sector shall be adjusted to accommodate census tracts or census block groups but shall not extend beyond important physical boundaries that may include a major Arterial Roadway or a wildlife refuge. [Ord. 2009-040]

b. Housing characteristics (such as household family incomes and affordable housing stock data), for the sector shall be derived from the most current available census data. The analysis of housing and demographic data within the sector shall be in a manner and form approved by the Planning Director. [Ord. 2009-040]

2. Pre-Application

An application for density bonus shall require the submittal of a pre-application prior to submittal of a Zoning or Building Permit application for purposes of establishing a density bonus determination. [Ord. 2009-040]

a. Contents

The pre-application shall be in a form established by the Planning Director, and made available to the public. [Ord. 2009-040]

b. Sufficiency Review

The pre-application shall be subject to the provisions of Art. 2.B.2, or Art. 2.C.2, Sufficiency Review. [Ord. 2009-040]

c. Compliance

The density bonus shall not be granted until the project is found in compliance with Policy HE 1.5-h in the Plan. [Ord. 2009-040]

d. Density Determination

The Planning Director or designee shall provide a written density determination letter within ten working days of determining the pre-application is sufficient. The determination shall be based on the sector analysis, size, location, and development characteristics of the project with consideration given towards affordability, accessibility, proximity to mass transit or employment centers, compatibility, quality of design, pedestrian and vehicular circulation, open space, and resource protection. The Planning Director shall prepare a report for the Applicant, DRO, ZC, or BCC, whichever is appropriate, making a determination of compliance with this Chapter, consistency with the Plan, and recommend approval, approval with conditions, or denial of the request. [Ord. 2009-040]

F. Affordability Requirements

1. Sales and Rental Prices of AHP Units

All AHP units shall be offered for sale or rent at an attainable housing cost for the targeted AHP income range (60 percent of AMI or below). The sale and rent prices will be based on the Area Median Income (AMI), and the household income limits for PBC (West Palm Beach/Boca Raton Metropolitan Statistical Area) as published annually by HUD and based on the annual Florida Housing Finance Corporation Multifamily Rental Figures. [Ord. 2009-040]

2. Master Covenant

Prior to Final DRO approval, the Applicant shall record in the Public Records of Palm Beach County a Covenant binding the entire project, in a form provided for by the County, which identifies each AHP unit. An extension of up to six additional months to record the Covenant may be requested only in order to secure government funding for the proposed development. [Ord. 2009-040]

a. For-Sale Units

The Covenant shall include but not be limited to restrictions requiring: that all identified AHP units shall be sold or resold only to an income-qualified purchaser at an attainable housing cost for the targeted AHP income range (60 percent of Area Median Income (AMI) or below). The sale prices will be based on the AMI and the household income limits for PBC (West Palm Beach/Boca Raton Metropolitan Statistical Area) as published annually by HUD; that these restrictions remain in effect for 15 years recurring from the date of the Certificate of Occupancy for each unit; and, that in the event a unit is resold before the 15-year period concludes, a new 15-year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited those set forth below to ensure compliance with the AHP. Every deed for each AHP for-sale housing unit shall incorporate by reference the controlling Covenant. [Ord. 2009-040] [Ord. 2011-001]

b. Rental Units

The Covenant shall include but not be limited to restrictions requiring: that all identified AHP units shall be rented only to an income-qualified renter at an attainable housing cost for the targeted AHP income range (60 percent of AMI or below). The rental prices will be based on the AMI and the household income limits for PBC (West Palm Beach/Boca Raton Metropolitan Statistical Area) as published annually by HUD and based on the annual Florida Housing Finance Corporation Multifamily Rental Figures; that these restrictions remain in effect for a period of 30 years (non-recurring) from the date of occupancy of the first AHP unit; and that in the event a rental complex is resold before the 30-year period concludes, the new owner assumes the requirement for the number of remaining years; and the number of years remaining shall be determined by the Planning Director or his designee; and shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with the AHP. Every deed for a rental development with AHP housing units and every rental agreement for each AHP unit shall incorporate by reference the controlling Covenant. [Ord. 2009-040] [Ord. 2011-001]

3. Monitoring and Compliance

At the time of sale, resale, or rent of any AHP unit established pursuant to this program, the seller shall provide the County Administrator, or designee, documentation sufficient to demonstrate compliance with the AHP. Such documentation shall include but not be limited to information regarding the identity and income of all occupants of the AHP unit. The owner or lessee of the AHP unit shall submit to the County Administrator, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the AHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. The County may conduct site visits at reasonable times, or perform other independent investigation to verify continued compliance with the AHP. [Ord. 2009-040]

4. Enforcement

The County may enforce the requirements of the AHP through any cause of action available at law or equity, including but not limited to seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease, and tolling of the 15-year term (for-sale units) or the 30-year term (rental units) of the AHP, or the term required by the funding agency/source if more restrictive. [Ord. 2009-040]

5. Compatibility

The resulting development shall be compatible with surrounding residential land uses, as described herein. [Ord. 2009-040]

G. Annual Report

The Executive Director of PZB shall submit an annual report to the BCC indicating the status of the AHP. [Ord. 2009-040]

Section 3 Transfer of Development Rights (TDRs) – Special Density Program

A. Purpose and Intent

The purpose of this Chapter is to provide for a TDR Program, including the establishment of a TDR Bank, to facilitate both the protection of environmentally sensitive lands, the preservation of agriculture on lands designated as AGR on the FLUA, and to promote orderly growth in PBC. This is accomplished by allowing development rights to be severed from environmentally sensitive lands and lands designated as AGR and transferred to sites where additional development can be accommodated. The TDR Program is designed to redistribute population densities, or development potential, to encourage the most appropriate and efficient use of resources, services, and facilities.

Further, it is the purpose and intent of this Chapter to provide an alternative to the development of environmentally sensitive lands and lands designated as AGR on the FLUA by establishing a mechanism to seek economic relief from the limitation of development imposed on these lands. TDR can mitigate inequities in the valuation of land by providing a means of compensating landowners whose property is restricted, by permitting the sale of development rights, and making landowners in more intensively developed areas pay for the right to develop beyond the existing density, by purchasing development rights.

The TDR Program allows a Property Owner to achieve a density bonus by purchasing the increase in density from the PBC TDR Bank, or from a Property Owner with land in a designated sending area, without going through the land use amendment process. In order to increase density, the site must meet the requirements to become a designated receiving area and follow the procedures as described in this Chapter. After development rights have been transferred from the sending area to the receiving area, an appropriate conservation easement or an agricultural conservation easement shall be attached to the sending area and recorded in the Public Records of PBC, restricting future development potential. [Ord. 2005-002] [Ord. 2008-003]

B. Authority

The BCC has the authority to adopt this pursuant to Art. VIII, § 1, Fla. Const., the PBC Charter, F.S. § 125.01 *et seq.*, and F.S. § 163.3161 *et seq.*

C. Applicability

This Chapter shall apply to property in unincorporated PBC which is located within designated sending areas, as defined in Art. 5.G.3.F, Sending Areas. Development rights may be transferred from sending areas pursuant to the procedures contained in this Chapter, to property which meets the qualifications to receive such density according to Art. 5.G, Density Bonus Programs, and the standards contained herein.

The use of TDR shall be allowed in all residential zoning districts within the U/S Tier and shall be approved pursuant to this Chapter. TDR units may be utilized for all housing types. Additionally, TDR units may be converted to CLF beds subject to the provisions of Art. 4.B.1.C.1, Congregate Living Facility (CLF), whereby the total approved density, including TDR units, is utilized when calculating permissible CLF occupants. [Ord. 2021-022]

D. Previous Approvals

All previously approved Transfers of Development Rights, as long as they remain in force, shall remain valid and shall not be affected nor changed by subsequent revisions to the TDR Program.

E. Administration

1. General

Except as otherwise specified, the TDR Program shall be administered by the Executive Director of PZB or designee. [Ord. 2010-005]

2. Responsibilities

The Executive Director of PZB shall be responsible for:

a. Establishing, administering, and promoting PBC's TDR Program;
b. Establishing and administering the TDR Bank;
c. Ensuring the orderly and expeditious processing of TDR applications under this Chapter;
d. Executing contracts for sale and purchase of TDR units being purchased from the County's TDR Bank, including related escrow or similar bonding agreements, and TDR deeds as part of the DRO approval process; [Ord. 2010-005]
e. Ensuring the Contracts for Sale and Purchase of Development Rights are executed and all deeds and conservation easements are filed in the Public Records of PBC;
f. Ensuring that the Property Appraiser's Office is notified of all TDRs;
g. Ensuring that the densities approved through the TDR Program are placed on the FLUA as

notations following approval of the TDR receiving area; and, [Ord. 2008-003]

h. Ensuring that the FLUA is amended by a Staff-initiated Site Specific Plan amendment to reflect an appropriate land use designation for land acquired by PBC whose units are placed in the TDR Bank. [Ord. 2008-003]

F. Sending Areas

1. General

Sending areas represent those areas of PBC that are designated by the BCC to warrant protection. The owner of property in a designated sending area may transfer the development rights to a parcel of land in a designated receiving area, subject to the provisions of this Chapter.

2. Eligible Sending Areas

a. Lands designated RR-20 on the FLUA;

b. Lands designated as priority acquisition sites by the Environmentally Sensitive Lands Acquisition Selection Committee (ESLASC) or the Conservation Land Acquisition Selection Committee (CLASC) that meet the criteria listed below:

1) Rarity in PBC of native ecosystems present on the environmentally sensitive lands site;

2) Diversity of the native ecosystems present on the environmentally sensitive lands site; or,

3) Presence of species listed as endangered, threatened, rare, or of special concern by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals, or the Florida Department of Agriculture.

c. Lands designated AGR on the FLUA;

d. Privately-owned lands designated CON on the FLUA; and,

e. Other sites determined by the BCC to be worthy of protection, provided that the sites:

1) Further the purpose of the TDR Program in keeping with the criteria listed above; or

2) Further other PBC Goals, Objectives, and Policies. At such a time that the BCC determines that a parcel of land is environmentally sensitive, or preservation of the site is in the public interest, the parcel is eligible to become a sending area. The site shall be designated by Resolution of the BCC.

3. Overlap in Sending Areas

In such cases where a parcel of land is both a priority acquisition site and designated RR-20 or AGR on the FLUA, all provisions in this Chapter pertaining to the priority acquisition sites shall prevail.

4. Transfer Rate

The owner of land which is designated as a sending area may elect to transfer development rights as provided in this Chapter. Development rights may be transferred from sending areas according to the following schedule. For the purposes of this Subsection, acres means gross acreage.

a. Development rights may be transferred from property designated RR-20 on the FLUA at the rate of one development right per five acres. The minimum land area eligible for the TDR as a sending area shall be ten acres.

b. Development rights may be transferred from property designated AGR on the FLUA at the rate of one development right per one acre. The minimum land area eligible for the Transfer of Development Rights as a sending area shall be 20 acres unless the sending area parcel is located adjacent to other preserved properties, in which case the minimum land area shall be five acres.

c. Development rights may be transferred from priority acquisitions sites (both residential and non-residential) located outside of the U/S Tier at a transfer rate of one development right per five acres. The minimum land area eligible for the TDR as a sending area shall be five acres.

d. Development rights may be transferred from privately-owned lands designated CON on the FLUA at a rate of one development right per ten acres. The minimum land area eligible for the Transfer of Development Rights as a sending area shall be ten acres.

e. Development rights may be transferred from all environmentally sensitive sites described in Art. 5.G.3.F.2, Eligible Sending Areas, at a rate which equals the maximum density permitted by the future land use designation for the property. The minimum land area eligible for the Transfer of Development Rights as a sending area shall be determined by the BCC, upon a recommendation from PZB and ERM.

5. **Computation of Development Rights**
   The number of development rights assigned to a sending area parcel of land shall be determined by the Executive Director of PZB pursuant to Art. 5.G.3.F.2, Eligible Sending Areas, and Art. 5.G.2.J, TDR – Sending Area Procedure, as calculated below:
   a. All development rights shall be in whole numbers, no fractions shall be permitted. Any fractional residential unit that may occur during calculations shall be converted upward, if one-half or more of a whole unit, or downward, if less than one-half of a whole unit, to the nearest whole unit.
   b. The amount of development rights assigned to a sending area parcel shall be reduced by one dwelling unit for every conforming residential structure situated on the property at the time of approval.
6. **Restriction on Future Use**
   Upon BCC or DRO approval of the TDR transfer, a conservation easement or agricultural conservation easement shall be recorded in the Public Records of PBC. The BCC or DRO shall determine which easement is appropriate for the sending area as part of the approval of the TDR transfer. Prior to recordation of the easement, a legally enforceable Maintenance Plan providing for perpetual maintenance of the sending area shall be established by the Property Owner and approved by ERM. No further Development Permit or Development Order for the designated receiving area shall be issued by PBC until the applicable easement is recorded in the Public Records of PBC. The easement shall restrict the use of the sending area in perpetuity. In particular, a conservation easement shall require that the sending area be maintained in its natural state while an agricultural conservation easement shall restrict the use of the sending area to Bona Fide Agriculture, fallow land, or uses permitted in the Conservation Water Resources Area (WRA) Future Land Use category; all other development rights of the subject property shall be considered transferred in perpetuity.
7. **Existing Uses**
   Conforming residential dwelling units which existed prior to making application to transfer development rights shall be permitted to remain as legal conforming uses. All other existing uses on the sending area shall cease.
8. **Remaining Land Area**
   If all of the development rights assigned to a sending area are not transferred off the site, the remaining land, if proposed for development, shall be developed in accordance with this Code and in a manner which is compatible with the surrounding area. This provision shall not apply to sending areas designated AGR on the FLUA; these parcels are required to transfer all development rights off the site.

   If the owner of land in a sending area only transfers a portion of the development rights available for the property, PBC, upon a recommendation from PZB and ERM, reserves the right to determine which portion of the land is subject to the applicable conservation easement. The intent is to link environmentally sensitive land, to link agricultural land, and to link open space areas, when feasible, and allow compatible development to occur on the remainder of such sites.

G. Transfer of Development Rights (TDR) Bank

1. **General**
   The purpose of this Chapter is to authorize the establishment of a TDR Bank. The TDR Bank is hereby created in order to, among other things, facilitate the purchase and Transfer of Development Rights as hereinafter provided and maintain an inventory of those development rights purchased by PBC.
2. **Establishment of Development Rights for the Bank**
   Development rights for the TDR Bank shall be generated from environmentally sensitive lands purchased by PBC, including the priority acquisition sites meeting the criteria in Art. 5.G.3.F.2, Eligible Sending Areas, through August 30, 1999. Priority acquisition sites in the unincorporated area of PBC which are not purchased as part of the acquisition program shall maintain the opportunity to transfer development rights on the private market. The TDR Bank shall be maintained by the Executive Director of PZB and shall be reviewed in accordance with the FLUE of the Plan to determine the need for additional units.

   Development rights in the TDR Bank generated under the TDR Program shall remain in the TDR Bank until sold by PBC, the TDR Bank is dissolved, or the units are otherwise disposed of.

3. **Transfer Rate from the Purchase of Environmentally Sensitive Lands**
   a. **Land Purchased inside the U/S Tier**
      The number of development rights within the bank shall equal the maximum density allowed by the FLU designation as established by the applicable PBC or municipal Comprehensive Plan.
   b. **Land Purchased outside the U/S Tier**
      The number of development rights severed, or generated for the bank, shall equal the TDR transfer rate established in Art. 5.G.3.F, Sending Areas.
4. **Pricing and Sale of TDR Bank Development Rights**
   PBC may sell development rights to Property Owners who meet the receiving area criteria pursuant to this Chapter. [Ord. 2022-029]
   a. A Property Owner seeking an increase in density must apply to become a receiving area and submit a draft Contract for Sale and Purchase of Development Rights. [Ord. 2011-001]
   b. The price of a development right shall be set annually pursuant to a methodology approved by the BCC. No TDR price or price reduction other than those included in this Section shall be permitted. The County shall utilize the median sales price data for Palm Beach County, as published by the Broward, Palm Beaches and St. Lucie Realtors association, using data for the month of March to set the price each year: [Ord. 2011-001] [Ord. 2012-027] [Ord. 2022-029]
      1) For Single Family units (Single Family and Zero Lot Line) the full price shall be ten percent of the median sales price of single-family, existing homes. [Ord. 2011-001] [Ord. 2022-029]
      2) For Multifamily units, the full price shall be ten percent of the median sales price of existing condominiums and townhouses. For TDR pricing purposes, the Multifamily price applies to Townhouses, Cottage Homes, and CLF units. [Ord. 2011-001] [Ord. 2022-029]
   c. For proposals including a mix of Single Family and Multifamily units, the pricing of TDR units shall proportionally reflect the proposal's unit type mix. [Ord. 2011-001] [Ord. 2022-029]
   d. Additional prices adjustments are available for TDR units as indicated below: [Ord. 2011-001] [Ord. 2022-029]
      1) For TDR receiving areas located within an area that has a BCC-accepted Neighborhood Plan pursuant to FLUE Policy 2.4-b, and the proposed density is identified within and supported by the Neighborhood Plan, the TDR price shall be 75 percent of full TDR price; [Ord. 2011-001] [Ord. 2012-003] [Ord. 2022-029]
      2) For TDR receiving areas located within the RRIO as depicted on Map LU 1.1, Managed Growth Tier System, in the Map Series of the Plan, the TDR price shall be 25 percent of full TDR price; [Ord. 2011-001] [Ord. 2022-029]
      3) The price for TDRs used to provide workforce housing units on site shall be five percent of the applicable TDR price as established in Art. 5.G.3.G.4.b.1) or Art. 5.G.3.G.4.b.2), or Art. 5.G.3.G.4.d.1) or Art. 5.G.3.G.4.d.2) above. This discount is not available for TDRs purchased for CLF purposes; and, [Ord. 2011-001] [Ord. 2022-029]
      4) Affordable Housing TDR units are required to be provided on site and shall be priced at one percent of the applicable TDR price as established in Art. 5.G.3.G.4.b.1) or Art. 5.G.3.G.4.b.2), or Art. 5.G.3.G.4.d.1) or Art. 5.G.3.G.4.b.2) above. The discount is not available for TDRs purchased for CLF purposes. The dollar difference between the TDR price and the Affordable Housing TDR price can be used as a price waiver to be counted as part of the Local Government contribution for housing funding application purposes. [Ord. 2011-001] [Ord. 2022-029]
5. **Revenue from the Sale of TDRs**
   The revenue generated from the sale of development rights from the TDR Bank shall be allocated to the Natural Areas Fund administered by ERM for acquisition and management of environmentally sensitive lands and wetlands.

H. TDR Receiving Areas

Development rights shall only be transferred to those parcels which meet the qualifications for designation as receiving areas.

1. **Eligible Receiving Areas**
   a. **PDDs and TDDs**
      The total density of the project, including the TDR units, shall be utilized for calculating the minimum PDD or TDD acreage threshold; and
   b. Residential subdivisions which are not within a PDD or TDD.
2. **Qualify as a Receiving Area**
   a. Be located within the U/S Tier; [Ord. 2004-040] [Ord. 2008-003]
   b. Be compatible with surrounding land uses and consistent with the Plan;

c. Meet all concurrency requirements;
d. Meet all requirements as outlined in this Code; and,
e. Be compatible with adjacent environmentally sensitive lands.

3. Compatibility with Adjacent Environmentally Sensitive Lands

A receiving area shall not degrade adjacent environmentally sensitive lands. Receiving areas, therefore, shall reduce the intensity/density of that portion of the development which is contiguous to any regionally significant natural resource as defined by the Treasure Coast Regional Planning Council, environmentally sensitive land as defined by the ESLASC or CLASC, or sites designated as preserve areas according to Art. 14.C, Vegetation Preservation and Protection, so that the development is compatible with, and does not negatively impact the environmentally sensitive area, by providing a buffer zone of native vegetation according to the following Table.

Table 5.G.3.H – Required Buffer Zone

Density of Adjacent Pod/Development Area	Required Buffer Zone of Native Vegetation
Net Density ≤ 3 Units per ac.	50' buffer
Net Density > 3 Units per ac. ≤ 5 Units per ac.	100' buffer
Net Density > 5 Units per ac.	200' buffer

4. Applicability – TDR Increased Buffer and Setbacks for LR-1, LR-2, and LR-3 PDDs

The perimeter buffer and building setbacks for a TDR receiving area in a PDD with an LR-1, LR-2, or LR-3 FLU designation shall be upgraded where ZLL, TH, MF, or SFD using RS PDRs are located within 125 feet of any SFD with a lot size of 14,000 square feet or greater, or any vacant parcels with an LR-1, LR-2, or LR-3 FLU designation. [Ord. 2008-037]

a. Increased Buffer Widths

Where applicable, the perimeter buffer shall be increased by 15 feet for projects having ZLL or SFD units, and 20 feet for TH and MF units. [Ord. 2008-037]

b. Upgraded Landscaping

Where an increased buffer width is required, an additional native palm or tree shall be provided for each 30 linear feet, with a maximum spacing of 90 feet between clusters. [Ord. 2005-002] [Ord. 2008-037]

c. Increased Setbacks

Where applicable, when a development has a more intense housing classification, an additional ten-foot rear setback shall be required. For the purposes of this Section, housing classification shall be ordered from least intense to most intense, as indicated in Table 5.G.3.H, Housing Classification. [Ord. 2005-002] [Ord. 2008-037]

Table 5.G.3.H – Housing Classification

Intensity by Group	Housing Type
1 – Low	Single Family residential (RT PDRs); or Zero Lot Line homes.
2 – Medium	Single Family residential (RS PDRs); Mobile Homes; Townhouses; or, Multifamily.
3 – High	Congregate Living Facilities.
[Ord. 2005-002] [Ord. 2008-037]	

5. Prohibitions

Under no circumstances shall a receiving area contain a sending area as defined in Art. 5.G.3.F.2, Eligible Sending Areas. This shall not apply if the project is providing all of the units at prices attainable by persons making between 30 to 120 percent of AMI. The County shall establish the actual prices for each unit and each unit shall be deed restricted consistent with Art. 5.G.2.F, Affordability Requirements. [Ord. 2008-003]

I. Housing Program Requirements

1. WHP

In accordance with FLUE Policy 2.4-a.5 of the Plan TDR density bonus units acquired from the TDR Bank shall have a workforce housing obligation of 34 percent. The 34 percent requirement does not apply to TDRs used for CLF purposes All WHP units resulting from TDRs shall comply with the requirements of Art. 5.G.1, Workforce Housing Program (WHP). [Ord. 2008-003] [Ord. 2011-001] [Ord. 2019-033] [Ord. 2022-029]

2. AHP

When using the voluntary AHP, all TDR density bonus units shall be provided as AHP units. These AHP units shall be constructed on site and shall comply with the affordability range requirements of Art. 5.G.2, Affordable Housing Program (AHP). [Ord. 2009-040] [Ord. 2022-029]

3. WHP and AHP Units

Consideration may be given to developments requesting both WHP and AHP units within the proposal. In this instance, the Planning Director or designee will determine which program's (WHP or AHP) density bonus criteria will be utilized based on the programmatic requirements imposed by a governmental agency providing affordable housing funding or another entity with programmatic requirements (e.g., Habitat for Humanity or a Community Land Trust). [Ord. 2009-040]

4. Permitted Density Ranges

The maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with Art. 5.G.3.H, TDR Receiving Areas, Art. 5.G.3.K, TDR – Receiving Area Procedure, and the following: [Ord. 2008-003]

a. Standard Density Bonus

Approved receiving areas may receive a bonus density as follows: [Ord. 2008-003] [Ord. 2008-037]

1) Receiving areas in the U/S Tier west of Florida's Turnpike: up to two dwelling units per acre; or [Ord. 2008-003]
2) Receiving areas in the U/S Tier east of Florida's Turnpike, but not in a Revitalization, Redevelopment, and Infill Overlay: up to three dwelling units per acre; or [Ord. 2008-003] [Ord. 2009-040]
3) Receiving areas in a Revitalization, Redevelopment, and Infill Overlay: up to four dwelling units per acre. [Ord. 2008-003] [Ord. 2009-040]
4) The bonus density may be less than the total bonus density indicated in Art. 5.G.3.I.4.a.1), Art. 5.G.3.I.4.a.2), and Art. 5.G.3.I.4.a.3) above when an additional WHP or AHP density bonus has also been utilized. (see Art. 5.G.3.I.4.d below) [Ord. 2009-040]

b. Additional Density Bonus

Receiving areas meeting one or both of the following criteria shall be eligible for an additional one dwelling units per acre density bonus above the aforementioned density bonus ranges. [Ord. 2008-003] [Ord. 2008-037]

1) Receiving areas within one-quarter mile radius of a public park, (excluding golf courses), community commercial facility, or mass transit facility within the U/S Tier; and [Ord. 2008-003] [Ord. 2009-040]
2) Receiving areas within one-quarter mile radius of a regional commercial facility or a major industrial facility within the U/S Tier. [Ord. 2008-003]

In order to be eligible for the additional one dwelling unit per acre density bonus, at least 25 percent of the receiving area must be located within the required radius. The density bonus shall apply to the entire receiving area. [Ord. 2008-003]

c. LR-1, LR-2, and LR-3 FLU Density Limitation

To mitigate any potential adverse impacts in low-density residential neighborhoods (as determined by residential FLU designation), the maximum TDR density bonus in the LR-1, LR-2, and LR-3 FLU designations shall not exceed 100 percent of the standard or maximum density, exclusive of any other density bonus allowed on the subject site. Exceptions shall be permitted for any project that is located in the URA or entirely surrounded by one or more of the following: [Ord. 2008-037]

1) Parcels with an MR-5 or higher FLU designation; or [Ord. 2008-037]
2) Parcels with a non-residential FLU designation or use; or [Ord. 2008-037]
3) Open space 100 feet in width or greater; or [Ord. 2008-037]
4) A Major Street. [Ord. 2008-037]

d. A development's WHP or AHP density bonus increase will be given consideration when assigning the number of TDR units recommended to the development. Other factors to be considered include: the location of the proposed development and its relationship to the study area; the housing type(s) proposed; if the development site is located within one-quarter mile radius of a public park (neighborhood or regional park, not a golf course); civic uses (schools/libraries); a mass transit facility; child care facilities; medical facilities; a supermarket; a community commercial facility; employment opportunities; and, within one-half mile radius of social services; a regional commercial facility; an industrial facility; additional civic uses and employment opportunities. [Ord. 2009-040]

J. TDR – Sending Area Procedure

1. Sending Parcel Application

The Property Owner of lands which are designated sending areas as defined under Art. 5.G.2.F.2, Eligible Sending Areas, must make application to PZB for an administrative determination in order to be formally designated as a sending area. The purpose of this administrative determination is to ascertain the exact number of development rights the Property Owner is entitled to. The application shall include, at a minimum:

a. Proof of ownership;
b. A legal description of the property; and,
c. Contract, or option, for the purchase and sale of development rights (unless requesting a TDR Certificate, as outlined in Art. 5.G.3.J.6, Development Rights Certificates). The application shall be submitted to the Executive Director of PZB. Applications for a sending area designation may be accepted for review and processing at any time.

2. Review Process

a. Environmentally Sensitive Lands and Lands Designated RR-20 or CON on the FLUA

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall notify ERM of the application and request that a site check be conducted.

ERM shall complete a site check to ensure that the site has not been altered and the site meets the criteria provided in Art. 5.G.3.F.2, Eligible Sending Areas. ERM shall complete a written recommendation to the Executive Director of PZB regarding the site.

b. Land Designated AGR on the FLUA

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall complete a site check to ensure that the site is suitable for Bona Fide Agriculture or other open space purposes consistent with the AGR provisions in the Plan.

Sending area applications which are not submitted in conjunction with a receiving area application shall be reviewed and acted upon within 25 days.

3. Written Determination

The Property Owner shall receive a written determination from the Executive Director of PZB indicating how many development rights can be transferred from the property. The number of development rights for the site shall be documented and be kept on file in the PZB Department.

The written document shall be valid for a period of 12 months. If any modifications or alterations are made to the property during the 12-month period, the Property Owner shall not be permitted to participate in the TDR Program.

4. Easement Agreement/Restriction

Prior to Site Plan certification, the applicable conservation easement, in a form and content acceptable to the County Attorney shall be recorded in the Public Records of PBC. The easement shall restrict future use of the land consistent with the requirements in Art. 5.G.3.F.6, Restriction on Future Use. Prior to recordation of the easement, a legally enforceable Maintenance Plan providing for perpetual maintenance of the sending area shall be established by the Property Owner and approved by ERM.

5. Resubmittal of Application

The owner of a sending parcel may reapply until all development rights have been severed from the property.

6. Development Rights Certificates

Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA must be deeded to, and accepted by PBC, subject to the discretion of the BCC, before the Certificate can be issued. Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA deeded to, and accepted by PBC, shall be managed by PBC or its designee. AGR lands shall be managed by the Property Owner in perpetuity as provided in the Maintenance Plan.

a. Eligibility

Development Rights Certificates shall only be issued to Property Owners of ESL or RR-20 land that deed without compensation environmentally sensitive land to PBC or Property Owners of AGR land that record an agricultural conservation easement, and follow the procedures in this Chapter.

The Development Rights Certificate shall require that restrictions be placed on the sending area prior to the sale of those development rights. A minimum transfer of five acres is required.

b. Issuance of the Certificate

Upon completion of the application process, and recordation of the deed transferring ownership of the property to PBC, or recordation of the agricultural conservation easement and approval by ERM of a legally enforceable Maintenance Plan providing for perpetual maintenance of the sending area, the Property Owner shall be issued a Development Rights Certificate. The Certificate shall indicate the exact number of development rights which can be sold, transferred, or traded, by the holder of such Certificate. The Certificate shall remain in effect until applied to a TDR receiving area in accordance with provisions of this Chapter.

c. Unused Certificates

A Property Owner of AGR land, with an agricultural conservation easement recorded, may reassociate development rights to the original sending parcel provided that no development rights have been sold. A written request to reassociate the development rights shall be submitted to the Executive Director of PZB along with proof of ownership and a legal description of the property. Prior to approval of a request to the reassociate development rights, the Applicant must petition and receive BCC approval to release the easement recorded against the sending area parcel.

7. Limitations

The amount of development rights assigned to a sending area parcel, or indicated on a Certificate, shall be reduced by one for every conforming residential structure situated on the property at the time of application.

K. TDR – Receiving Area Procedure

1. General

Receiving areas shall be approved concurrent with issuance of a Development Order for a PDD, TDD, or a residential subdivision. The following procedures shall be followed in order to become a receiving area to obtain the density bonus. [Ord. 2005-002] [Ord. 2010-005]

2. Pre-Application Conference

Prior to submittal of an application requesting a receiving area density bonus, the Applicant must attend a Pre-Application Conference with the appropriate PZB Staff, pursuant to Art. 2.A.5, Pre-Application Conference (PAC) and Pre-Application Appointment (PAA), to review the proposed development, and the requirements and procedures of the TDR Program.

3. Review Process

The review process for TDR applications is based upon the density and type of residential development proposed as provided below, with the exception of the transfer of density required by a FLUA amendment Ordinance which shall be reviewed by the DRO subject to the provisions of Art. 2.C, Administrative Processes. [Ord. 2023-036]

a. The transfer of two units per acre or less to a residential subdivision is reviewed by the DRO and shall be subject to the provisions of Art. 2.C, Administrative Processes, except as provided below. Parcels which meet the minimum acreage thresholds for a PDD or TDD shall not utilize this Chapter option;

b. The transfer of more than two units per acre to a residential subdivision is reviewed as a Class A Conditional Use and shall be subject to the provisions of Art. 2.B, Public Hearing Processes, except as provided below. Parcels which meet the minimum acreage thresholds for a PDD or TDD are allowed to utilize the option contained in this paragraph, provided the parcel meets the PDD or TDD PDRs contained in Art. 3.E, Planned Development Districts (PDDs), or contained in Art. 3.F, Traditional Development Districts (TDDs);

c. The transfer of any density to a planned development is reviewed as a Conditional Use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs). A general application by a Property Owner for receiving area status and a density bonus shall be accepted for review and processing. [Ord. 2005-002] [Ord. 2010-005] [Ord. 2017-007]

d. BCC approval is required for any project that is requesting a combined density increase/transfer through the WHP and TDR Program that exceeds two units per acre. [Ord. 2005-041]

4. Contents of Application

In conjunction with the general application for a Rezoning, Development Order Amendment, or Development Review Officer approval, an Applicant for receiving area status and a density bonus must submit a supplemental TDR application. The application shall: [Ord. 2011-001]

a. be submitted in a form established by the Zoning Director of PZB; [Ord. 2011-001]

b. submit a Preliminary Plan; and, [Ord. 2011-001]

c. submit Preliminary Architectural Elevations for TDR applications that exceed DRO thresholds prior

to certification of the application for public hearing pursuant to Art. 5.C.1.B, Threshold. Elevations shall not be required for Single Family dwellings or Multifamily dwellings less than 16 units as they are exempt from the provisions of Art. 5.C, Design Standards. However, the Applicant shall ensure these units are architecturally compatible with the other units in the development by using consistent colors, materials, layouts, etc. [Ord. 2011-001]

5. Standards

In addition to fulfilling the requirements of Art. 5.G.3.H, TDR Receiving Areas, to qualify as a receiving area and be eligible for an increase in density, all applications requesting receiving area designation shall comply with these standards:

a. The Transfer of Development Rights is by deed, and the deed shall be recorded before Final Site Plan approval;
b. The transfer is to a parcel of land which meets all the requirements of this Code and within which the transferred densities have been included and amended;
c. The proposed development meets all concurrency requirements at the level of impact calculated to include the TDR density;
d. If the transfer is between two private parties, at the time the transfer is approved, the sending area from which the transfer will occur shall be subject to a conservation easement and shall be identified on the Zoning Map. Pending recording of the conservation easement, no Development Order approvals shall be issued for the sending area or receiving area; [Ord. 2010-022]
e. If the transfer of rights is from the PBC TDR Bank, all rights have been accounted for and there are enough development rights in the bank to cover the project;
f. The proposed development and density are compatible with the surrounding area and land use; and,
g. The proposed development and density do not negatively impact adjacent environmentally sensitive lands.

6. Contract for Sale and Purchase of Development Rights

A Contract for Sale and Purchase of Development Rights is required. A deed of TDR shall also be required as part of the approval of a TDR transfer. The contract shall be executed prior to Final DRO approval of a TDR receiving area. 100 percent of the funds must be received by PBC prior to subdivision approval or issuance of the first Building Permit, whichever occurs first. The deed must be recorded before issuance of the first Building Permit for a project designated as a receiving area. This paragraph shall not apply to Building Permits for Sales Models or temporary Real Estate Sales and Management Offices permitted pursuant to this Code. [Ord. 2009-040] [Ord. 2011-001]

L. Notification to Property Appraiser's Office

Upon recordation of the deed of transfer, the Executive Director of PZB shall notify, within 20 days, the Property Appraiser's Office in writing that development rights have been transferred from the sending area or TDR Bank to the receiving area in perpetuity.

M. County Initiated Land Use Amendment

Following recording of the deed, the Planning Division, upon direction from the BCC, shall initiate a Site Specific Plan amendment to designate the property with a CON designation or place a notation which reflects the use of the property as an Agricultural Reserve Preservation Area (AGR/P). Densities obtained through the TDR Program shall be placed on the FLUA as notations following approval of the TDR receiving area.

N. Overall Accounting System for TDR Density

PZB shall maintain an overall accounting system for monitoring density availability and density transfers in the TDR Program. The accounting system shall include both private development rights and development rights in PBC's TDR Bank.

Density needed for the TDR Program may be derived from different sources including, but not limited to:

1. Density Reduction

Approved Site Specific Plan amendments since 1990 which resulted in a density reduction; and

2. PUD Unused Density

At such a time that the TDR Program, any subsequent density bonus programs, or amendments to the Plan requesting an increase in density, deplete the number of units available from previous amendments, PZB shall begin to monitor the PUD units which have been approved through the Zoning process, but which have remained unused. The later units may at that time be considered as a source for density for the TDR Program.

CHAPTER H MASS TRANSIT STANDARDS

Section 1 General

A. Authority

The Executive Director of Palm Tran shall be responsible for implementing, applying, interpreting, and modifying the standards of this Chapter. [Ord. 2008-003]

B. Purpose and Intent

The purpose and intent of this Chapter is to ensure adequate, and consistent Mass Transit Infrastructure/Facilities are available to accommodate development concurrent with their associated impacts. The specific objectives of this Chapter are as follows: [Ord. 2008-003]

1. Establish Mass Transit Infrastructure/Facilities standards for unincorporated PBC. [Ord. 2008-003]
2. Provide Mass Transit Infrastructure/Facilities in accordance with the objectives of the Transportation Element of the Plan. [Ord. 2008-003]
3. Ensure that necessary Mass Transit Infrastructure/Facilities will be provided concurrently with development. [Ord. 2008-003]

Section 2 Applicability and Standards

The standards of this Chapter shall apply to all residential and non-residential development or redevelopment in unincorporated PBC, as follows: [Ord. 2008-003]

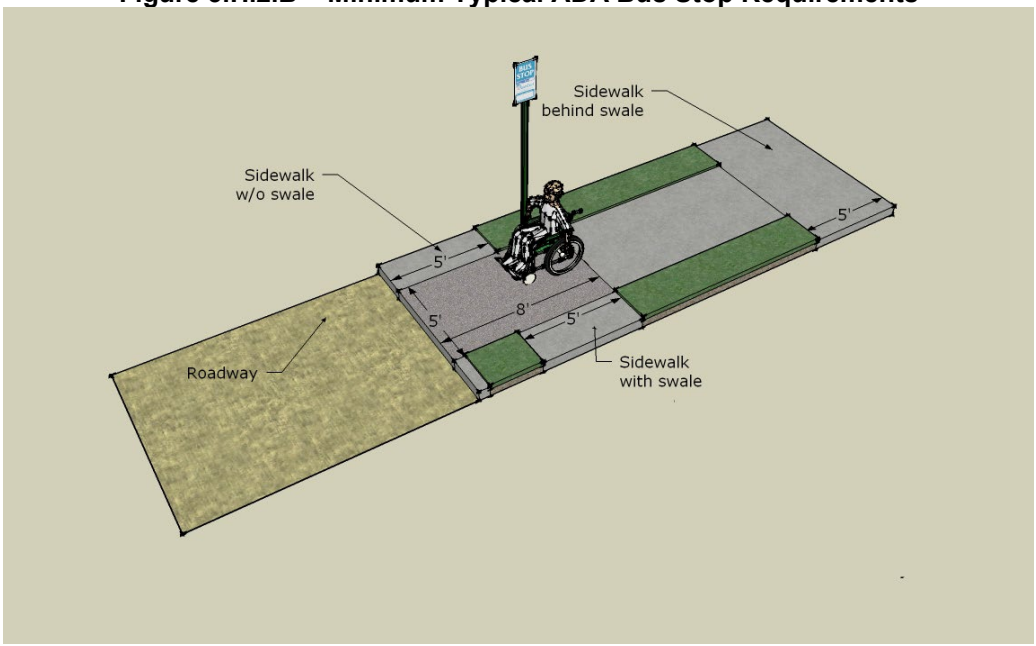
A. Modifications to Previous Approvals

Modifications to previous approvals shall comply with this Chapter for unbuilt projects without an approved DRO plan, or to the greatest extent possible in the affected area without the loss of density, intensity, or parking, for unbuilt projects with a DRO-approved plan, built projects that have constructed less than 80 percent of approved density or intensity, structural renovations in excess of 75 percent or more of the current Improvement Value of the structure, and parking lot alternations or additions. [Ord. 2008-003] [Ord. 2013-001]

B. Thresholds and Standards

For the purposes of this Chapter, non-residential development shall be defined as all commercial, civic/public, recreation, and industrial uses that are open to the public. Unmanned or minimal commuter generating facilities, such as Commercial Communication Towers or Electric Transmission Substations, or as determined by Palm Tran shall be excluded from this definition. Where applicable, the requirements of this Chapter shall be approved by Palm Tran and shown on all Preliminary Development Plans, Preliminary Subdivision Plans, Preliminary Site Plans, Final Master Plans, Final Subdivision Plans, and Final Site Plans, prior to DRO certification or approval. The Palm Tran Transit Design Manual provides an understanding of transit operating criteria and, access requirements (www.palmtran.org/wp-content/uploads/2022/05/TRANSIT-DESIGN-MANUAL.pdf). Section 810 of the ADA and ABA Accessibility Guidelines provides curbside ADA requirements for Transportation Facilities (www.access-board.gov/ada/#ada-810). FDOT Transit Facilities Guidelines provide more detailed requirements for the location of transit infrastructure (https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/transit/documents/transitfacilityguidelines-8-4-2017.pdf?sfvrsn=6d929e38_2). [Ord. 2008-003] [Ord. 2017-007]

Figure 5.H.2.B – Minimum Typical ADA Bus Stop Requirements



[Ord. 2008-003]

1. **All Residential Developments of at Least 50 Units and All Non-Residential of at Least Five Acres or 50,000 Square Feet**
   All development exceeding this threshold shall provide a minimum ten-foot by 30-foot easement for Bus Stop Boarding and Alighting Area(s) spaced no less than one-tenth mile along all public R-O-W, or at intersections or recognizable landmarks. Easements shall be dedicated by plat in accordance with Art. 5.H.2, Applicability and Standards. [Ord. 2008-003]

Figure 5.H.2.B – Ten-Foot by 30-Foot Bus Stop Boarding and Alighting Area with Typical Bus Shelter Alignment



[Ord. 2008-003]

a. Standards

The following types of bus stop and alighting areas may be used to meet the requirements of this Section. [Ord. 2008-003]

1) Near Side

Near Side Bus Stops are located immediately before an intersection. Associated Bus Stop Boarding and Alighting Areas are located before the intersection, no closer than five feet from the corner clip. The Bus Stop Zone requires a minimum 100-foot no parking zone. The length of the Bus Stop Zone shall be increased by 50 feet in length for each additional bus expected to stop simultaneously. [Ord. 2008-003]

2) Far Side

Far Side Bus Stops are located immediately after an intersection. Associated Bus Stop Boarding and Alighting Areas are located after the intersection, no closer than 15 feet from the corner clip. The Bus Stop Zone requires a minimum 90-foot no parking zone for a single bus. This is also applicable to Far Side Bus Stops after a turn. The length of the Bus Stop Zone shall be increased by 50 feet in length for each additional bus expected to stop simultaneously. [Ord. 2008-003]

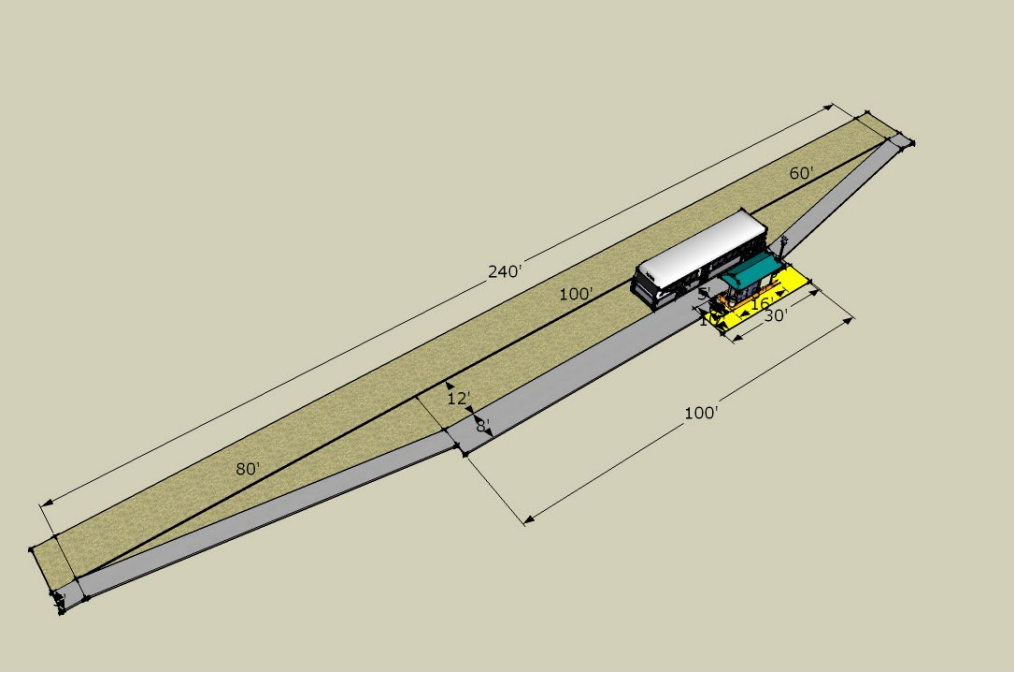
3) Mid-Block/Landmark

Mid-Block/Landmark Bus Stops are located between intersections where distance or other restrictions limit intersection placement. Associated Bus Stop Boarding and Alighting Areas are located at landmarks that take advantage of perpendicular Wheel Chair Accessible Routes into the development. The Bus Stop Zone requires a minimum 150-foot no parking zone. The length of the Bus Stop Zone shall be increased by 50 feet in length for each additional bus expected to stop simultaneously. [Ord. 2008-003]

b. Additional Site-Specific Requirements

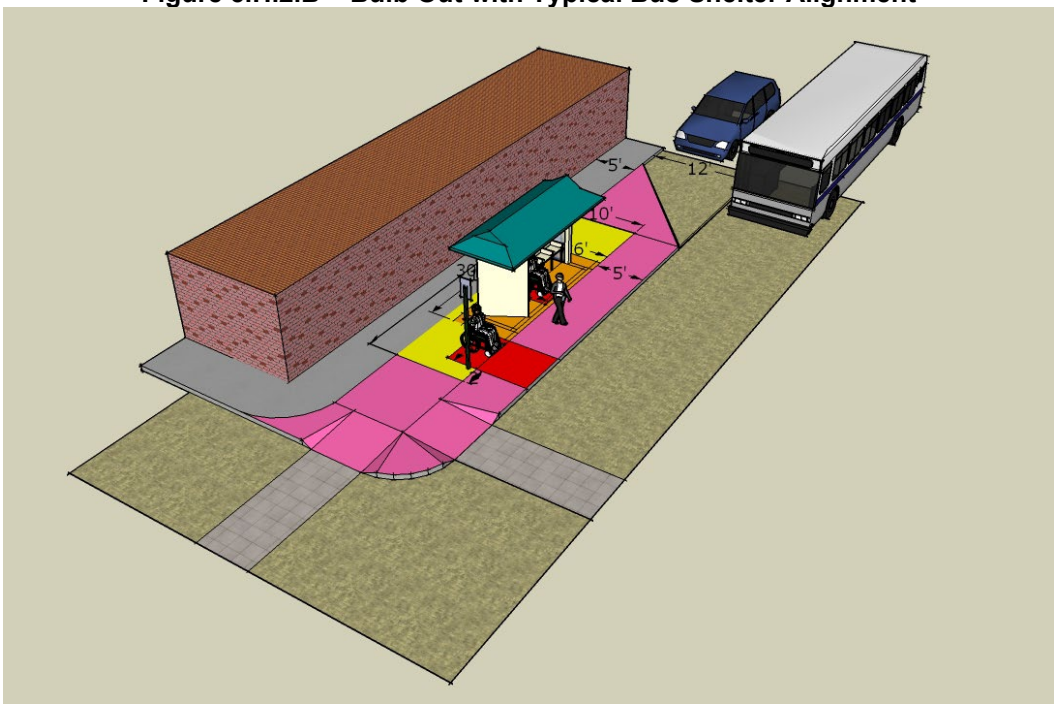
Where applicable additional street side infrastructure (bus bays, bulb outs, exclusive transit treatments) and curbside infrastructure (to meet ADA and other requirements) shall be specified by Palm Tran and shall be required at major intersections and Mass Transit traffic generators. [Ord. 2008-003]

Figure 5.H.2.B – Bus Bay with Typical Bus Shelter Alignment



[Ord. 2008-003]

Figure 5.H.2.B – Bulb Out with Typical Bus Shelter Alignment



[Ord. 2008-003]

2. **Non-Residential Developments of 100,000 Square Feet or More**
   In addition to the above requirements, all non-residential development of 100,000 square feet or more shall provide a Mass Transit Circulation Plan prior to Final DRO approval. Mass Transit Circulation Plans apply to an area inside a development designated for internal Mass Transit circulation, bus stop(s), bus access, bus recovery, and any or all of the above Mass Transit Infrastructure/Facilities on or adjacent to the development. Bus access or bus stops should include, at a minimum, provisions for a covered or sheltered bus boarding and alighting, continuous paved pedestrian and bicycle access from the bus stop to the use(s) it is intended to serve, and bicycle rack. Bus recovery areas should accommodate all bus routes within a six to eight-mile radius including a 25 percent growth ratio factor. [Ord. 2008-003]
3. **Development of Regional Impact (DRI)**
   In addition to the above requirements, an Intermodal Transfer Center requirement to promote public transportation shall be applicable to DRI projects. Prior to Final DRO approval, the Property Owner shall consult with Palm Tran to ensure a suitable Intermodal Transfer Center is provided on the Master Site Plan. In addition, provisions shall be made to fund any necessary improvements to accommodate Palm Tran specifications for the following: [Ord. 2008-003]
   a. When Design Guidelines are provided, the Property Owner shall describe the optimal characteristics of a fixed-route transit (Palm Tran) and community-based (shuttle/trolley) circulator system to include: [Ord. 2008-003]
      1) Bus stops with unrestricted pedestrian access within one-quarter mile of all structures. [Ord. 2008-003]
      2) Community circulator service for movement within the site and interconnected with the fixed-route service and the Intermodal Transfer Center. [Ord. 2008-003]
      3) The location (spacing every one-tenth mile), timing, size, and appearance of bus stops and stations as well as details facilitating integration of bus stops with adjacent development. [Ord. 2008-003]
   b. Construction of an Intermodal Transfer Center (typically two to three acres) shall commence with the first Building Permit and shall include, at a minimum, the following: [Ord. 2008-003]
      1) Park-N-Ride (typically 100-car capacity, convenient, and adjacent commuter parking). [Ord. 2008-003]
      2) Accommodation for fixed-route transit and community-based circulator service for intermodal connections to include bus bays and access to major roadway(s). [Ord. 2008-003]

3) Convenient and adjacent public restrooms (in accordance with Florida Building Code, Plumbing Sections 403.1 and 403.6, and Table 403.1.A-3). [Ord. 2008-003]
4) Transit shelters (minimum 50 commuter accommodation). [Ord. 2008-003]
5) Kiosks for Mass Transit schedule information. [Ord. 2008-003]
6) Trash receptacles. [Ord. 2008-003]
7) Lighting. [Ord. 2008-003]
8) Bicycle storage. [Ord. 2008-003]
9) Other seating and related infrastructure. [Ord. 2008-003]
10) Adjacent newspaper and other vending facilities that no not impede commuter movements and connections. [Ord. 2008-003]

Section 3 Site Plan and Plat Dedication Language

A. Site Plan Language

All Site Plans meeting or exceeding the minimum thresholds identified in Section 2.C above shall include the following language: [Ord. 2008-003]

1. Bus Stop Boarding and Alighting Area(s)

"Proposed 10'x30' Palm Tran Bus Stop Boarding & Alighting Area Easement" with arrow to designated area measuring ten feet inside and perpendicular to the property line and 30-foot parallel and along the property line. [Ord. 2008-003]

2. Mass Transit Circulation Plan

"Proposed Mass Transit Circulation Route" with arrow to the designated route identified by a dashed line "Palm Tran may exercise the right of Mass Transit Circulation, Bus Access, and or Bus Stops on or adjacent to major ingress/egress and building entrances" should also appear on the Site Plan. [Ord. 2008-003]

B. Plat Dedication Language

Prior to plat recordation or issuance of the first Building Permit, whichever occurs first, the Property Owner shall convey and/or dedicate to Palm Beach County an easement for Bus Stop Boarding and Alighting Area(s) in a form with terms and conditions approved by Palm Tran. Supporting documentation, shall include but not be limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion, and other related documents as deemed necessary by Palm Tran. All recorded plats meeting or exceeding the minimum thresholds identified in Section 1.C above shall include the following language: The Mass Transit Easement as shown hereon is dedicated in perpetuity, by Owner, to the Board of County Commissioners of Palm Beach County, its successors and assigns (hereafter "County"), for the construction, installation, maintenance and use of a public transit boarding and alighting area, which use includes but is not limited to a public transit bus shelter, transfer station, and advertising. The Owner, its successors and assigns (hereafter "Owner"), shall maintain the easement area until such time as the County constructs improvements in the easement area for its intended use and purposes, at which time the County will assume maintenance of the easement area so long as the improvements are located thereon and County uses the easement area for its intended purposes. The maintenance obligation shall automatically revert to the Owner upon County's temporary or permanent cessation of use of the improvements or removal of the improvements. [Ord. 2008-003]

C. Easement Language (If Dedicating as a Separate Document)

Standard Easement document language has been developed by PBC Attorney's Office. Required supporting documentation includes an original signed and sealed legal description of the Bus Stop Boarding and Alighting Area consistent with the State of Florida Technical Standards for surveys and legal descriptions; an Opinion of Counsel letter from the Grantor's legal counsel certifying title and authority; and an Affidavit of Managing Member of Limited Liability Company. Other supporting documentation may be required. [Ord. 2008-003]

D. Property Owned by Palm Beach County

All Mass Transit Infrastructure/Facilities shall be located, referenced, and established in a form and manner that is mutually agreeable to Palm Tran and the applicable Palm Beach County Department(s). [Ord. 2008-037]

CHAPTER I MURALS

Section 1 Purpose and Intent

The purpose of this Chapter is to establish standards, and review and approval procedures for murals. Murals are intended to contribute to and advance: streetscape aesthetics; architectural features or character of a building; a unique identity; sense of place; civic pride; community interaction; or, the preservation of local history or culture. [Ord. 2013-021]

Section 2 Restrictions on Placement

A. Non-Residential Buildings and Structures
Murals shall be limited to non-residential buildings or structures supporting commercial, industrial, civic, recreation, cultural, or utility uses, as identified in the Use Matrices in Art. 4.B, Use Classification. [Ord. 2013-021]

B. Adjacent to Interstate Highways
Murals in the vicinity of any interstate highways shall comply with the Federal Highway Beautification Act as implemented through Chapter 14-10, F.A.C., as amended. [Ord. 2013-021]

C. Adjacent to Residential
Murals shall not be located on a mural surface within 200 feet of any property line adjacent to a parcel with a residential use, district, or FLU designation, unless: [Ord. 2013-021]

1. oriented so it cannot be seen from an adjacent residential parcel; [Ord. 2013-021]
2. the adjacent parcel supports non-residential uses; [Ord. 2013-021]
3. separated by a Collector or Arterial Street; or, [Ord. 2013-021]
4. separated from view by a building, structure, or Incompatibility Buffer. [Ord. 2013-021]

Section 3 Application Procedures

A. General
No murals may be placed on any buildings or structures unless in compliance with this Chapter, and approved by the County Administrator. [Ord. 2013-021]

B. Application Requirements
An application form and requirements shall be specified by the County Administrator, and shall include, but not be limited to, the following: [Ord. 2013-021]

1. Scale drawing depicting the proposed mural, including color and materials. [Ord. 2013-021]
2. A scale drawing of the site depicting which building or structure elevation(s) will act as the mural surface(s). [Ord. 2013-021]
3. A detailed written and graphic description of the method which will be used to securely affix the mural to the mural surface, including any drawings or specifications deemed necessary by the Building Official, or designee. [Ord. 2013-021]
4. A notarized letter from the Property Owner: [Ord. 2013-021]
    a. authorizing the placement of the mural on the building or structure; and [Ord. 2013-021]
    b. stating that the owner of the property will maintain, repair, or remove the mural if deemed necessary, in the event the artist fails to complete the installation of the mural, or due to deterioration or damage to the mural. [Ord. 2013-021]
5. A proposed timeline for completion of the mural, upon approval of a mural application (not to exceed six months). [Ord. 2013-021]

C. Review
Mural applications shall be reviewed in accordance with procedures established in the Public Art Committee Resolution No. R-2010-2092, as amended, and the following: [Ord. 2013-021]

1. Unless determined to be insufficient, within ten days of accepting a mural application, the Building Division shall forward to FDO for review by the Public Art Committee. [Ord. 2013-021]
2. FDO shall schedule a meeting of the Public Art Committee. [Ord. 2013-021]

3. The Public Art Committee shall conduct a public meeting and make a recommendation to the County Administrator, to approve, approve with conditions, continue pending submittal of additional materials or clarification, or deny, in accordance with the following: [Ord. 2013-021]
    a. Not less than ten or more than 60 days after submittal of a complete application, the Public Art Committee shall meet and review the application. Once the public meeting is scheduled, the following public notice requirements shall be satisfied: [Ord. 2013-021]
        1) Public Notice Boards
        The Applicant shall provide public notice of the meeting by the posting of the property with signs in the following fashion: [Ord. 2013-021]
        a) The subject property shall have notices posted by the Applicant with information provided by FDO regarding the public hearing on one or more signs at least 15 days in advance of any public meeting. One sign shall be posted for each 250 feet of frontage along a street up to a maximum of ten signs. All signs shall be: [Ord. 2013-021]
            (1) Evenly spaced along the street when more than one sign per property is required; [Ord. 2013-021]
            (2) Set back no more than 25 feet from the property line; and, [Ord. 2013-021]
            (3) Erected in full view of the public. [Ord. 2013-021]

            Where the property does not have sufficient frontage on a street, signs shall be in a location acceptable to FDO. The Applicant shall submit photographs confirming the signs have been posted. The failure of any such posted notice to remain in place after it has been posted shall not be deemed a failure to comply with this requirement or be grounds to challenge the validity of any decision made by the approving authority. The Applicant shall also be required to ensure the signs have been removed no later than five days after the final meeting. [Ord. 2013-021]

        b) Exceptions
        Signs posted by a public agency or the BCC may be posted on the nearest street or at major intersections leading to and within the subject property. [Ord. 2013-021]
    b. The Public Art Committee recommendation to the County Administrator shall be based upon the following findings: [Ord. 2013-021]
        1) The mural will accomplish the stated purpose and intent of this Chapter; [Ord. 2013-021]
        2) The artist is capable of completing the work in accordance with the plans and specifications; [Ord. 2013-021]
        3) The durability and expected maintenance requirements are appropriate; and, [Ord. 2013-021]
        4) The materials to be used and the manner of application will not require excessive maintenance by its owner. [Ord. 2013-021]
    c. In making its determination, the Public Art Committee may consider evidence and the opinions of the owners and occupants of affected properties. Absent favorable findings as required hereby, the Public Art Committee shall recommend that a mural permit not be issued by the County Administrator. [Ord. 2013-021]
4. Within 30 days of the Public Art Committee rendering a final recommendation, FDO shall forward the Committee's recommendation and application to the County Administrator for final action. The County Administrator shall approve, approve with conditions, or deny the application based upon the completeness and accuracy of the application materials and the reasonableness of the Public Art Committee's findings. The Administrator shall have 30 days from receipt of Committee action to render a decision. The decision of the County Administrator shall be final. [Ord. 2013-021]
5. When a mural application is initiated by FDO, FDO Staff shall forward the Public Art Committee's recommendation and application to the BCC on the Zoning Hearing agenda for final action. [Ord. 2013-021]

Section 4 Design Criteria

A. Placement

1. Murals may be located on any mural surface (except as limited in the following Subsections) of a building or structure; and [Ord. 2013-021]
2. Murals may wrap around from one side of a building to the next. [Ord. 2013-021]

B. Size

Murals may cover the entire plane of the side of a building or structure, but shall not extend beyond the edge of the façade surface or roofline. [Ord. 2013-021]

C. Obstructions

No mural may obstruct: [Ord. 2013-021]

1. The proper function of any exterior mechanical or electrical equipment; or [Ord. 2013-021]
2. Any emergency exits. [Ord. 2013-021]

D. Restrictions

Except as stipulated in provisions for Signs within Murals below, no mural shall contain the following: [Ord. 2013-021]

1. Any commercial content such as logos, icons, trademarks, or brand name. [Ord. 2013-021]
2. Any moving, mechanical, or electrical parts, or any material creating the illusion of movement or flashing. [Ord. 2013-021]
3. Any material projecting more than six inches from the vertical face of the mural surface. [Ord. 2013-021]
4. Any content that may be construed as a commercial message for the owner of the building or business, or the artist. The artist may sign the mural with their full name or initials, within an area limited to five percent of the area of the mural, excluding any imbedded signage, or up to four square feet in size, whichever is less. [Ord. 2013-021]
5. Anything that alters the intended purpose or function of an improvement (or element thereof) expressly required by the ULDC or the Florida Building Code. [Ord. 2013-021]

E. Signs within Murals

Murals may contain or encompass a sign. Signage shall be permitted separately in accordance with Art. 8, Signage. Signage shall be clearly delineated on all applicable mural drawings as being separate and distinct from the mural. [Ord. 2013-021]

F. Illumination

Murals shall only be illuminated in accordance with Art. 8.F.5, Illumination. [Ord. 2013-021]

G. Applicability of Article 8, Signage

Unless otherwise specified, murals approved in accordance with this Chapter, shall be exempt from all other standards of Art. 8, Signage. [Ord. 2013-021]

Section 5 Installation and Time for Completion of Mural

A. Installation

Murals shall be installed in compliance with the drawings and specifications reviewed by the Public Art Committee and approved by the County Administrator. [Ord. 2013-021]

B. Time for Completion

An Applicant shall adhere to the timeline approved by the County Administrator. Time for the completion and successful inspection of the mural shall not exceed six months from the issuance of the mural permit. After six months, the mural site improvement permit will expire, and the work may not continue, unless the Applicant requests, and is granted a mural permit renewal by the Building Division. In no case shall a mural permit be renewed more than one time without reconsideration of the renewal by the County Administrator. In the event the time for completion has exceeded the approved timeline, and a request for a renewal has not been requested and granted, the County Administrator may declare the approval of the mural void, and the project to be abandoned. If declared abandoned the surface(s) of the building shall be restored to a condition consistent with the PBC Property Maintenance Code. [Ord. 2013-021]

Section 6 Inspection

Upon completion of the mural, the Applicant shall contact FDO Staff to arrange for an inspection for compliance with the drawings contained in the approved mural application. [Ord. 2013-021]

Section 7 Enforcement

In the event the County Administrator declares the project abandoned, or the mural as installed or maintained fails to materially comply with the drawings and specifications approved by the County Administrator, or with the permit or permit conditions, the owner of the property on which the mural is located shall be subject to enforcement proceedings before the PBC Code Enforcement Special Masters pursuant to Art. 10, Enforcement. Should the owner be found non-compliant, the Special Master may order the mural removed, or impose fines and penalties under Art. 10.B.3, Administrative Fines; Costs; Liens. The remedies contained in this Section shall be in addition to any other remedy available at law. [Ord. 2013-021]

CHAPTER J BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE RECEIVED FROM OFF-SITE SOURCES

Section 1 Purpose and Intent

The purpose and intent of these regulations is to mitigate potential adverse environmental impacts, pathogens, and other nuisances associated with the inappropriate use or disposal of livestock waste received from off-site sources. Adverse impacts include but are not limited to: ground and surface water pollution due to excessive nutrient discharge, specifically nitrogen or phosphorus; odors or other nuisance from improperly stored, composted, or spread livestock waste. [Ord. 2013-021]

Section 2 Applicability

The standards shall apply to the storage or receiving of livestock waste that is received from off-site sources. [Ord. 2013-021]

A. Exemptions

1. Where preempted by State law, including but not limited to, the Right to Farm Act. Where applicable, documentation of implemented Best Management Practices or other method of preemption shall be required; [Ord. 2013-021]
2. A SWA Designated Disposal Facility; [Ord. 2013-021]
3. The commercial application of fertilizer on non-agricultural property when in compliance with the Palm Beach County Fertilizer Ordinance (Ordinance No. 2012-039); [Ord. 2013-021]
4. Composted manure applied by a homeowner or tenant to residential lawns or gardens; and, [Ord. 2013-021]
5. Ten cubic yards per acre up to a maximum of 20 cubic yards in any 12-month period, with all requirements being met, as listed under Art. 5.J.3, Storage or Spreading of Livestock Waste below. [Ord. 2013-021]

Section 3 Storage or Spreading of Livestock Waste

The storage or spreading of livestock waste that is received from off-site sources is prohibited, unless in compliance with the following: [Ord. 2013-021]

A. Storage

Storage areas shall be covered or contained to prevent runoff or seepage of liquids or materials from the storage area. Storage of livestock waste shall comply with the following: [Ord. 2013-021]

1. Shall not be located within five feet of any structure, unless placed within a structure intended for the storage or composting of such waste; [Ord. 2013-021]
2. Shall not be located within 25 feet of any property line, with exception to internal lot lines of parcels owned by the same entity; and, [Ord. 2013-021]
3. Shall not be within 100 feet of a potable water supply well, a storm drainage system, wetland, pond, canal, or other water body. [Ord. 2013-021]

B. Spreading

Livestock waste received from off-site sources shall be spread within 72 hours of delivery, except for less than ten cubic yards that is actively being composted, or as otherwise approved in a Nutrient Management Plan. Storage shall comply with any applicable livestock waste Storage and Separation requirements. Spreading of livestock waste shall comply with the following: [Ord. 2013-021]

1. Nutrient Management Plan

Prior to receiving livestock waste, an application shall be submitted to the Cooperative Extension Service (CES) for review. Upon completion of the review, the CES shall develop a Nutrient Management Plan which indicates whether application of any livestock waste is appropriate for the soil condition, and if so, in what amount. [Ord. 2013-021]

a. Application Form and Requirements

The application form and requirements shall be in a manner established by the CES. [Ord. 2013-021]

b. Validity of Nutrient Management Plan

The Nutrient Management Plan shall remain current for three years after its issuance by the CES. A current Nutrient Management Plan must be in place prior to receiving of livestock waste at any time. It shall be a violation of the ULDC, if livestock waste is stored or spread in a manner inconsistent with the current Nutrient Management Plan. [Ord. 2013-021]

2. Separation

The spreading of livestock waste shall not occur: [Ord. 2013-021]

a. Within 25 feet of any property line, with exception to internal lot lines of parcels owned by the same entity; and [Ord. 2013-021]

b. Within 100 feet of a potable water supply well, a storm drainage system, wetland, pond, canal, or other water body. [Ord. 2013-021]

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. 2006-036; August 29, 2006] [Ord. 2006-055; December 1, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037, September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2009-047; December 18, 2009] [Ord. 2010-005; February 2, 2010] [Ord. 2010-022; September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2011-016; September 6, 2011] [Ord. 2012-003; February 1, 2012] [Ord. 2012-027; August 31, 2012] [Ord. 2013-001; January 31, 2013] [Ord. 2013-018; July 2, 2013] [Ord. 2013-021; August 30, 2013] [Ord. 2014-001; February 3, 2014] [Ord. 2014-025; September 3, 2014] [Ord. 2015-006; February 3, 2015] [Ord. 2014-031; July 7, 2015] [Ord. 2016-016; February 2, 2016] [Ord. 2016-042; September 27, 2016] [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. 2019-023; July 2, 2019] [Ord. 2019-034; August 27, 2019] [Ord. 2019-033; September 29, 2019] [Ord. 2019-039; December 5, 2019] [Ord. 2020-001; January 28, 2020] [Ord. 2020-020; September 3, 2020] [Ord. 2020-021; September 30, 2020] [Ord. 2021-006; March 2, 2021] [Ord. 2021-022; September 3, 2021] [Ord. 2021-023; September 3, 2021] [Ord. 2022-029; November 2, 2022] [Ord. 2023-009; February 28, 2023] [Ord. 2023-021; May 30, 2023] [Ord. 2023-026; July 26, 2023] [Ord. 2023-036; October 26, 2023] [Ord. 2024-004; July 1, 2024] [Ord. 2024-020; October 7, 2024] [Ord. 2025-007; March 28, 2025]

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] [Ord. 2024-004]

a. 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]

b. Delivery and Service Vehicles

The routine deliveries by tradesmen, or the use of trucks in making service calls. [Ord. 2007-013]

c. 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 Non-Conformities

See Art. 1.E, Prior Approvals and Art. 1.F, Non-Conformities. [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	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, Recovery Community, and Cottage Homes (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, Community 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] [Ord. 2021-022]		

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 Day Care	3-12' by 20' 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
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
Skilled Nursing or Residential Treatment Facility	1 space per 3 beds; plus 1 space per 250 sq. ft. of office space	A (12)

[Ord. 2006-004] [Ord. 2006-013] [Ord. 2009-040] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001] [Ord. 2021-022]

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 Revitalization and Redevelopment 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 CLF with more than 20 beds or a Skilled Nursing or Residential Treatment 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, F.S. § 553.5041, and the current effective version of the Florida Building Code, Accessibility. [Ord. 2005-002] [Ord. 2011-016] [Ord. 2020-001] [Ord. 2021-022]

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 back-up 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.

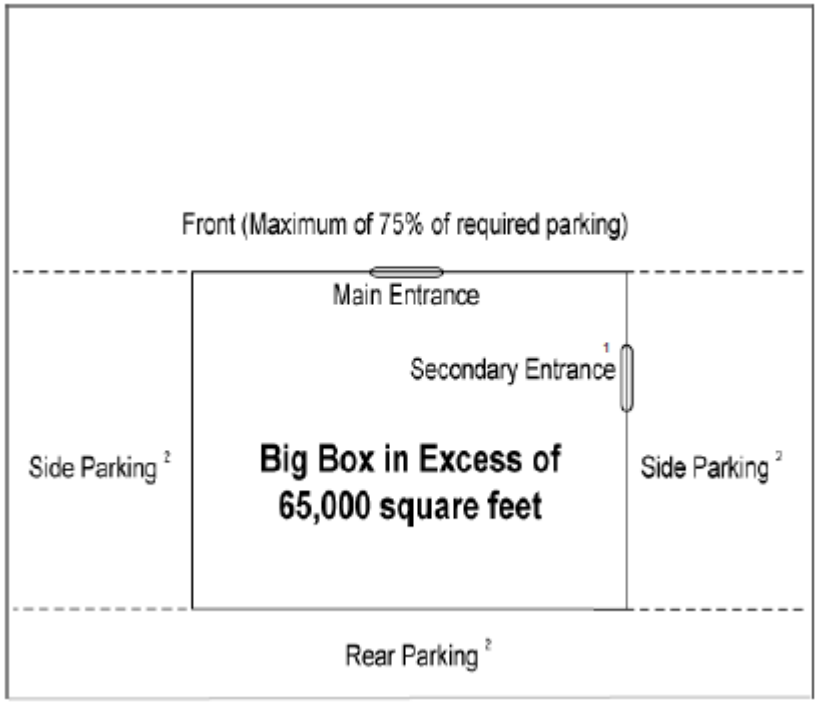
b) A minimum of 15 percent of required parking shall be located immediately fronting a side or secondary entrance. [Ord. 2020-001]

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 back-up 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

a) 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]
b) Shall not be subject to the minimum parking length and width dimensions. [Ord. 2020-001]
c) Queuing is prohibited within any R-O-W. [Ord. 2020-001]
d) Maximum sound levels shall not exceed applicable thresholds as stipulated in Table 5.E.4.B, Maximum Sound Levels. [Ord. 2020-001]
e) Details of the interior traffic circulation, parking space, and aisle dimensions hall 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. Parking spaces may be side-by-side or parallel. End-to-end parking spaces are allowed for Multifamily and Congregate Living Facilities when the parking provided exceeds the minimum number of required spaces and provided that the end-to-end spaces are assigned to specific dwelling units. [Ord. 2020-001] [Ord. 2024-020]

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]

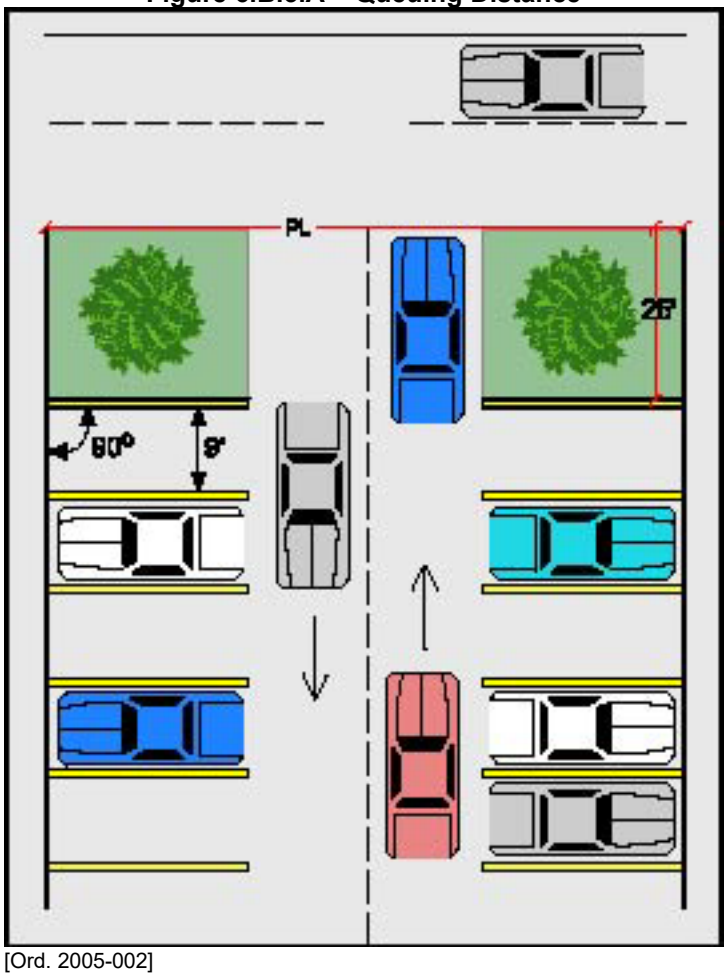
2) Queuing Distance

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

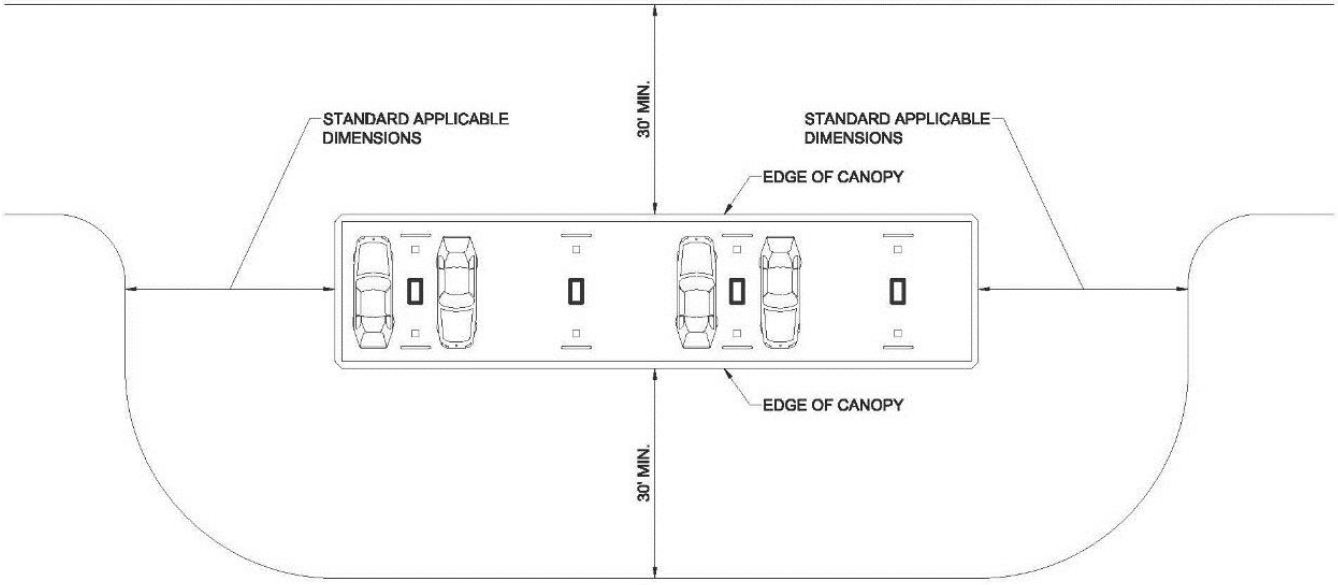
A Angle	Use (1)	B Space Width (Feet)	C Space Depth (Feet)	D (3)(4) Aisle Width (Feet)	E Curb Length (Feet)	F Module Width (Feet)
45	General	9.0	17.5	12.0	12.5	47.0
60	General	9.0	19.0	16.0	10.5	54.0
		9.5	19.0	15.0	10.5	53.0
70	General	9.0	19.5	19.0	9.5	58.0
		9.5	19.5	18.0	9.5	57.0
75	General	9.0	19.5	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:

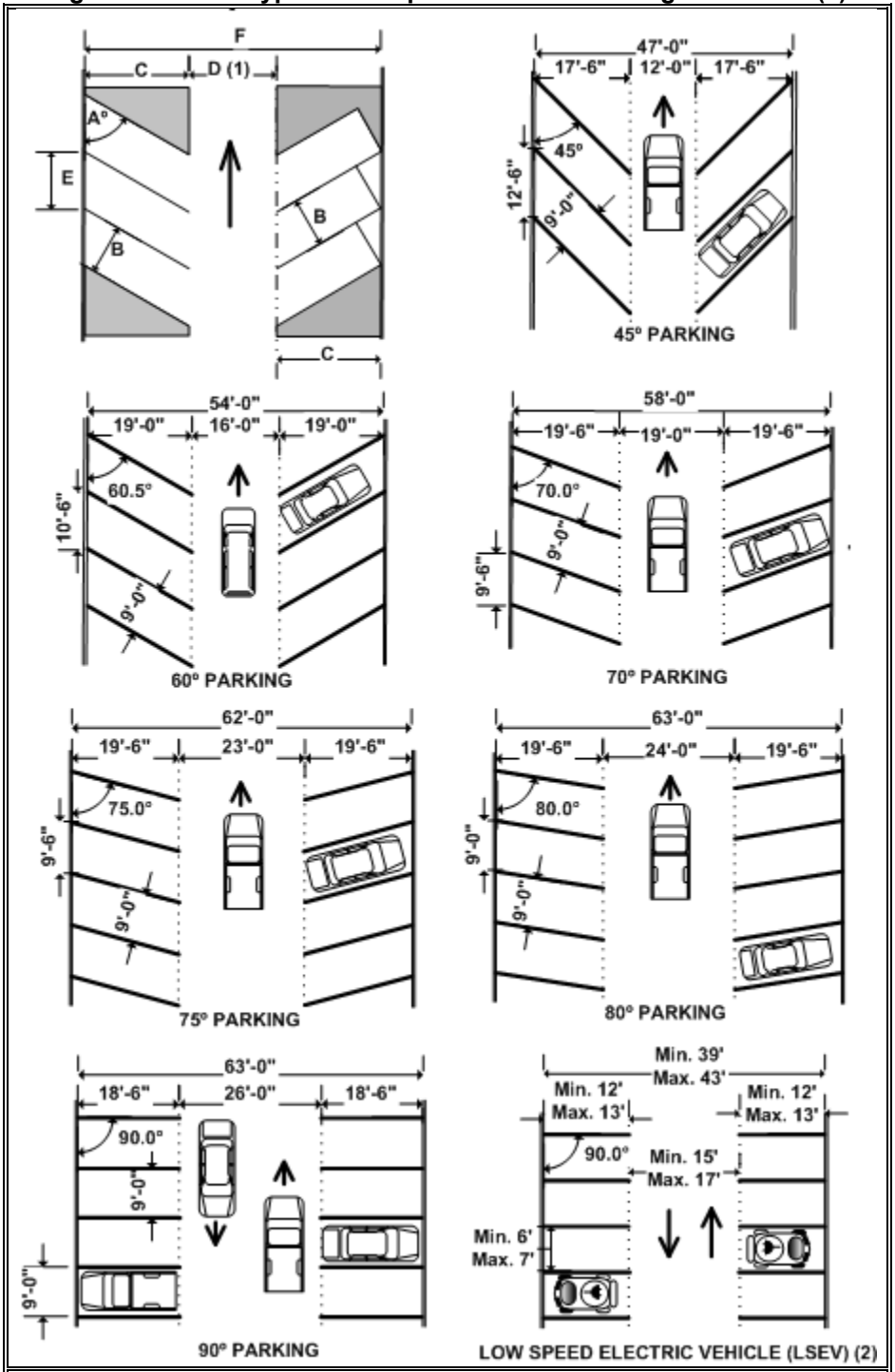
1.	Use – See Art. 6.B.3.A, Dimensions and Layout. [Ord. 2020-001]
2.	Where drive aisles in LSEV parking areas are not intended solely for use by LSEVs, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard-sized vehicles.
3.	Angled parking with two-way 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)



[Ord. 2012-027]

Key:

A	Parking Angle	**C**	Space Depth	**E**	Curb Length
B	Space Width	**D**	Aisle Width (1)	**F**	Wall to Wall Width

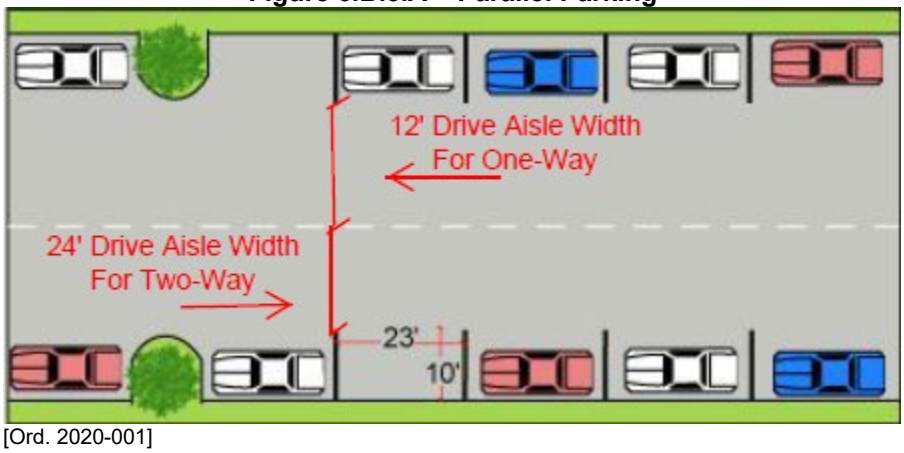
Notes:

1.	All angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90-degree parking spaces, or unless stated otherwise herein.
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.

c. Parallel Parking

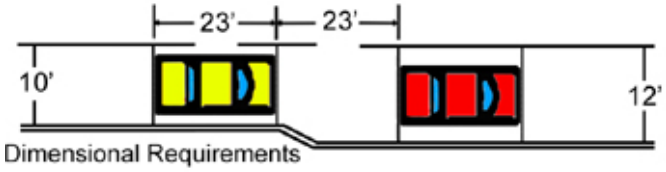
Parallel parking spaces shall have a minimum length of 23 feet. Parallel parking spaces shall have a minimum width of ten feet for on-street parking, and a minimum width of nine feet for on-site parking. [Ord. 2024-020]

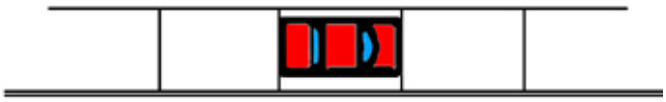
Figure 6.B.3.A – Parallel Parking



[Ord. 2020-001]

Figure 6.B.3.A – Parallel Parking Dimensional Standard





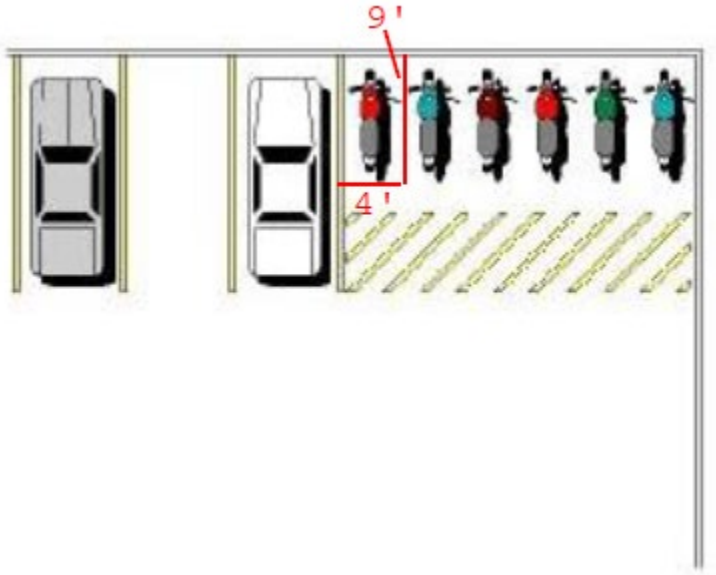


d. Alternative Vehicle Parking

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]

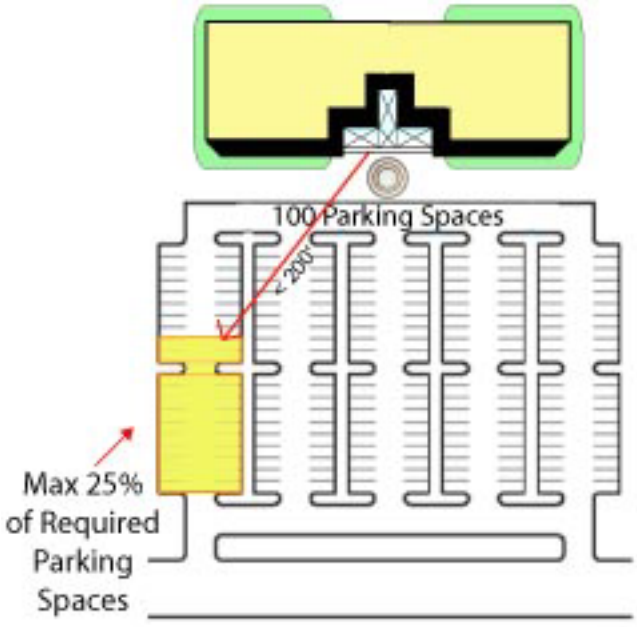
a) Maximum Number

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)

An Electric Vehicle Charging Parking Space (EVCPS) is a parking space where an electric vehicle can be charged by an Electric Vehicle Charging Station (EVCS), the infrastructure that supplies electric energy. [Ord. 2019-034] [Ord. 2020-001] [Ord. 2023-012]

a) Approval Process

An EVCPS is Permitted by Right. [Ord. 2019-034] [Ord. 2023-012]

b) Parking Requirements

Up to 50 percent of the required number of parking spaces pursuant to Table 6.B.1.B, Minimum Parking and Loading Requirements may be EVCPSs. [Ord. 2019-034] [Ord. 2023-012]

c) Design and Construction Standards

(1) Landscaping and Screening

(a) The EVCS may encroach into landscape buffers and islands up to a maximum of five feet, provided that required trees are not removed and/or that minimum tree requirements are met. [Ord. 2023-012]

(b) The EVCS is exempt from the screening requirements of Art. 5.B.1.A.20.a.2), Screening Requirements. [Ord. 2023-012]

(2) The EVCS may be installed in front of the space or on the side. An optional pedestrian access aisle (between 18 inches to two feet) may be provided between the unit and the vehicle. Two adjacent EVCPSs may utilize the same access aisle. [Ord. 2018-018] [Ord. 2023-012]

(3) The EVCPS shall not occupy the parking spaces closest to the building front façades and/or entrance(s). [Ord. 2023-012]

(4) The EVCPS shall be painted green, or shall be marked by green painted lines or curbs; [Ord. 2018-018] [Ord. 2023-012]

(5) A canopy, if provided for the EVCPS, shall not exceed 15 feet in height over the charging unit. [Ord. 2018-018] [Ord. 2023-012]

(6) Each EVCPS 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] [Ord. 2023-012]

(a) Safety information; and [Ord. 2018-018] [Ord. 2023-012]

(b) Contact information for the owner or operator of the charging station, to allow a consumer to report issues relating to the charging station. [Ord. 2018-018] [Ord. 2023-012]

(7) A generator, if provided, shall comply with Art. 5.B.1.A.19, Permanent Generators. [Ord. 2018-018] [Ord. 2023-012]

(8) Exception

The requirements above shall not apply to areas designated for outdoor storage or display of vehicles for Vehicle Sales and Rental uses, and an EVCPS installed by a residential Property Owner for personal use. This exception shall include EVCPSs installed in deeded parking spaces and within a private parking space, garage, or driveway of a SFD, Townhouse, Cottage Home, or ZLL. [Ord. 2023-012]

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]

i. Single Family or Multifamily: 2 feet
ii. Zero Lot Line: 1 foot
iii. 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 DEPW. [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]

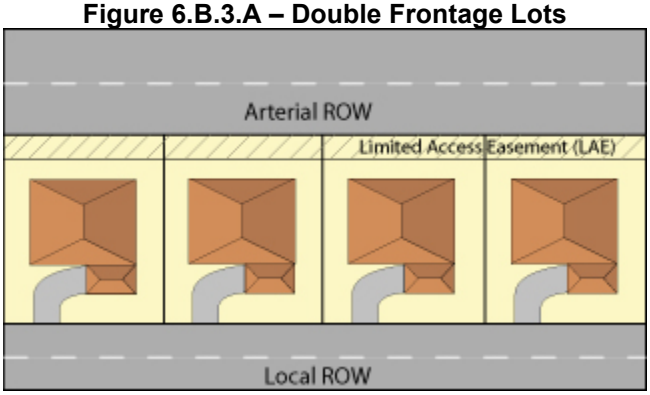
2) The projected daily and Peak Hour Traffic impacts of the development; [Ord. 2007-013]
3) Proposed land use; [Ord. 2007-013]
4) Traffic operations and safety on the major roadway network; [Ord. 2007-013]
5) Existing or anticipated traffic volume along adjoining R-O-W; [Ord. 2007-013]
6) Access connections 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

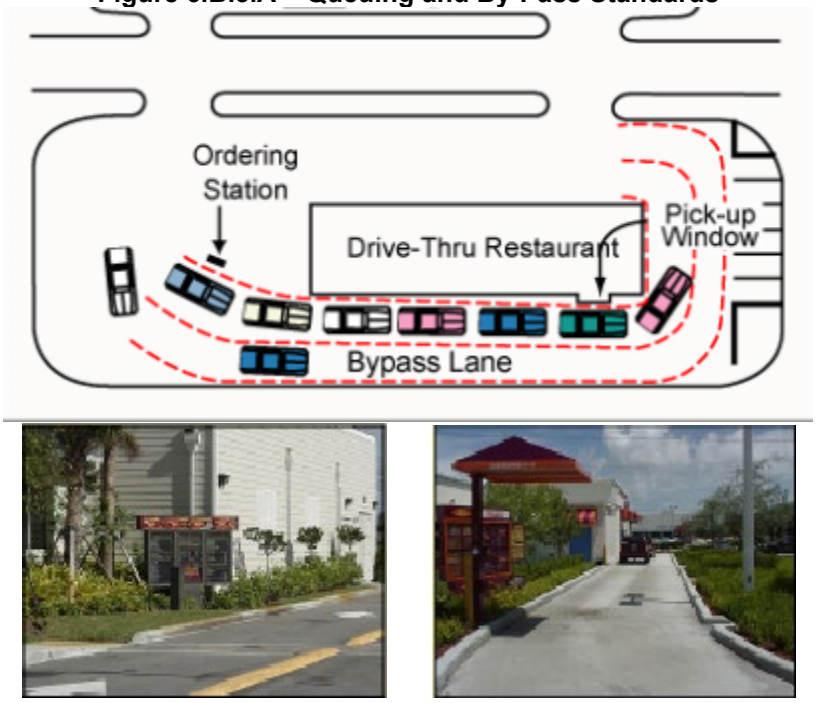
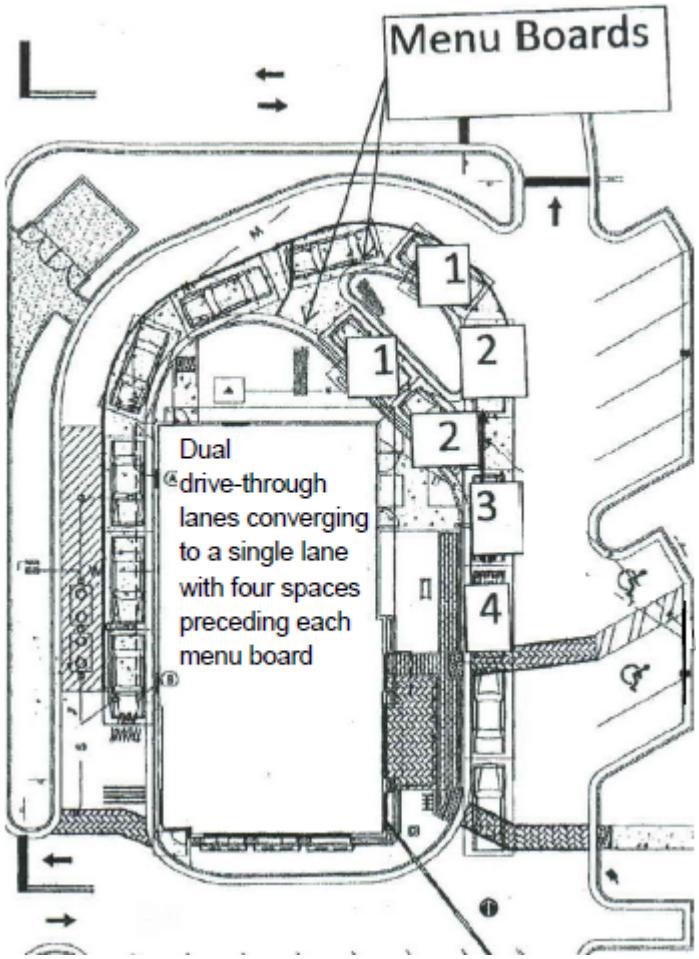


Figure 6.B.3.A – Queuing and By-Pass Standards for Dual Drive-Through



[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 lane 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

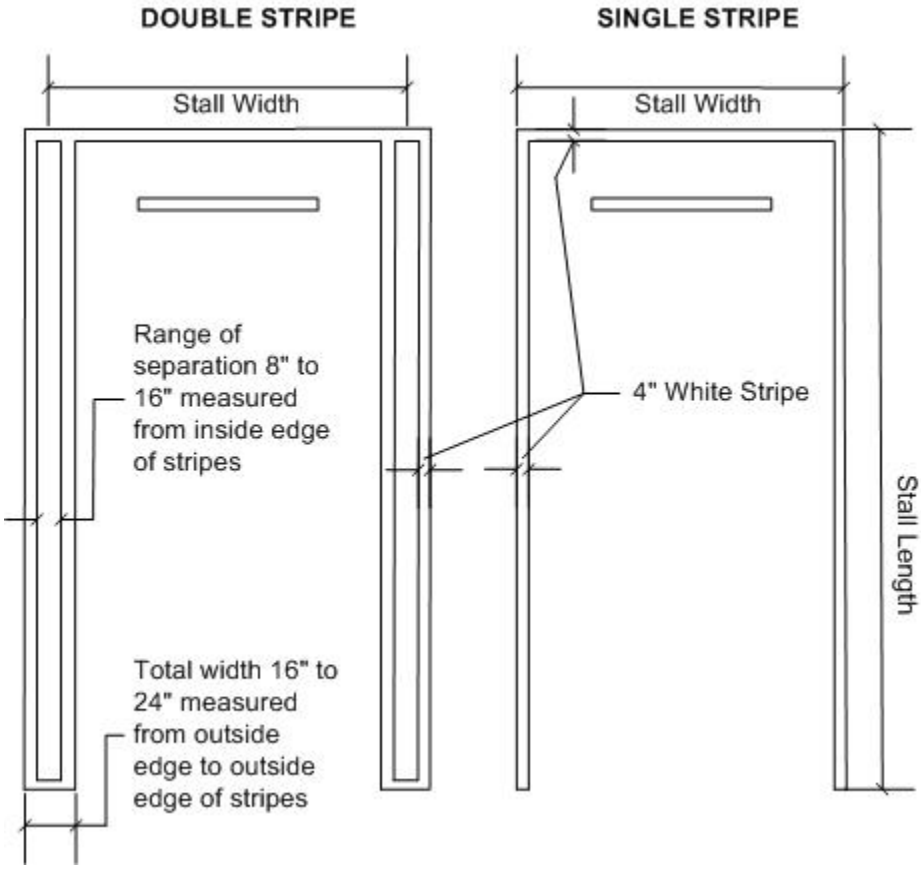
All parking lots shall be maintained in good condition to prevent any hazards, such as cracked asphalt or potholes.

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



[Ord. 2011-016]

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 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. 2007-010] [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. Waivers

A Type 1 or Type 2 Waiver may be requested to reduce or increase required parking subject to the Standards as outlined in Art. 2, Application Processes and Procedures and the following: [Ord. 2020-001] [Ord. 2024-020]

1. Supplemental Application Requirements

For all Waiver requests, the Applicant shall submit a Parking Demand Statement and any additional documentation justifying the need for reduced or increased parking. The Parking Demand Statement shall be based on evidence of actual parking demand for similar uses or reliable traffic engineering and planning information prepared by a Professional Engineer registered in the State of Florida. [Ord. 2024-020]

2. Type 1 Waiver

a. 15 Percent Reduction

Projects that require 20 or more parking spaces may request a Type 1 Waiver for up to a 15 percent parking reduction. [Ord. 2020-001] [Ord. 2024-020]

b. Fitness Center Reduction

A Fitness Center that has indoor or outdoor recreation courts may request a Type 1 Waiver from the parking calculations of Table 6.B.1.B, Minimum Parking and Loading Requirements, to reduce the parking calculation to three parking spaces per court for the area of the recreation courts only. The remainder of the Fitness Center facility that does not have recreation courts may be reduced to a parking calculation of one parking space per 250 square feet. [Ord. 2024-020]

c. Required Recreation Areas, Recreation Pods, or Neighborhood Recreation Facilities Reduction

The redevelopment or expansion of the recreation facilities within an existing residential development, subdivision or PDD, and under the ownership of the Property Owners' Association, may request a Type 1 Waiver for a parking reduction provided that the request is not accompanied by an increase in density. [Ord. 2024-020]

d. 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] [Ord. 2024-020]

1) 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.

3. Type 2 Waiver

a. Affordable Housing Program Parking Reduction

Affordable Housing Program Multifamily projects located within the URA and within one-quarter mile of a Fixed-Route Bus System may request a Type 2 Waiver to reduce parking as follows: [Ord. 2025-007]

1) Affordable Housing Program units shall provide a minimum of 1 parking space per efficiency unit, 1 parking space per one bedroom unit, 1.5 parking spaces per two-bedroom unit, 1.75 parking spaces per three-bedroom unit, and 0.20 guest parking space per unit. [Ord. 2025-007]

2) In addition to the required Parking Demand Statement, the Applicant shall provide a parking analysis and management plan in order to ensure that transportation and on-site parking needs will be met. The parking analysis and management plan shall include the following items: [Ord. 2025-007]

a) Parking inventory and needs assessment comparative analysis, including: current and proposed parking ratios; number of parking spaces current and required, including guest parking spaces; and, number of vehicles currently owned by residents. [Ord. 2025-007]

b) A narrative statement demonstrating how property management will accommodate anticipated parking needs and enforce parking provisions. [Ord. 2025-007]

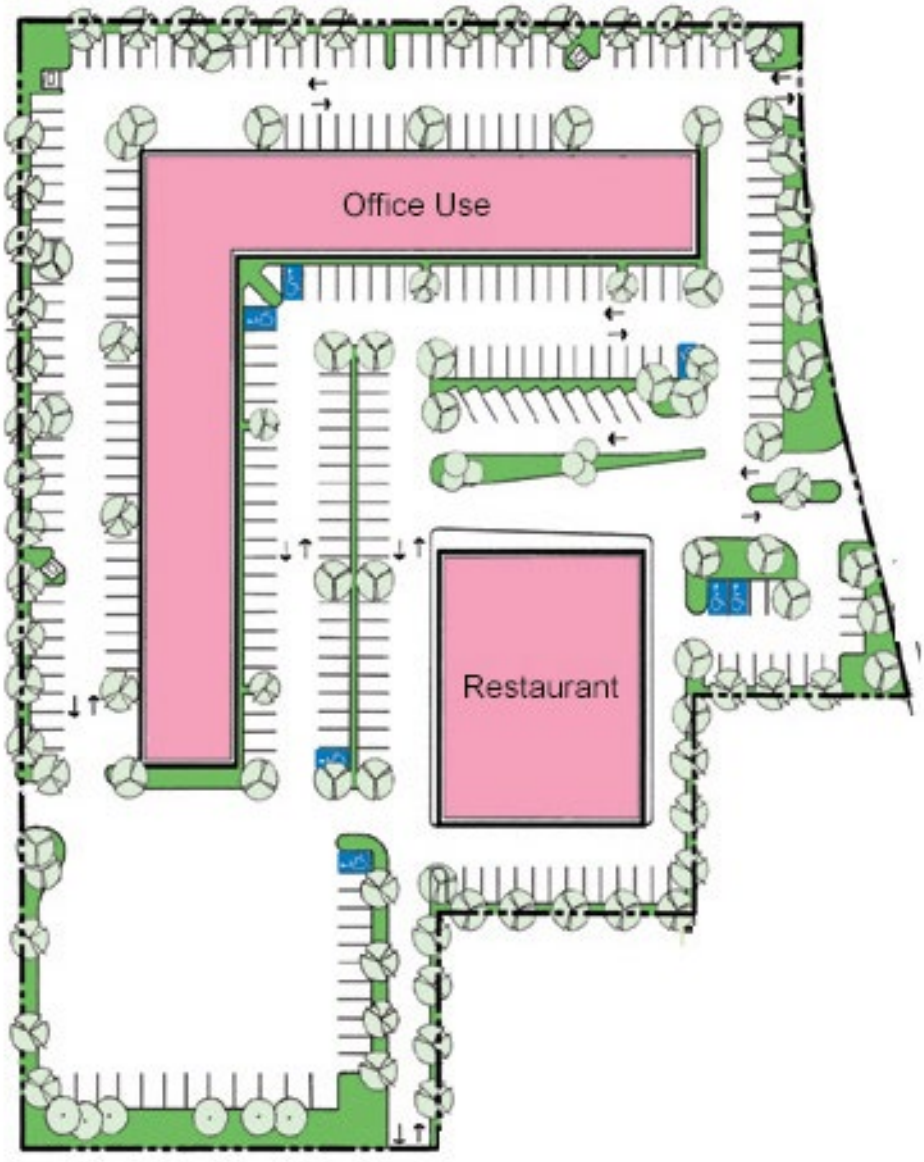
c) Identification of mass transit access: bus stops and routes, shelters, benches, and other infrastructure. [Ord. 2025-007]

d) Identification of pedestrian connectivity within the neighborhood and adjacent area, including, but not limited to, bicycle paths and racks. [Ord. 2025-007]

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 based on the feasibility of the uses to share parking due to their particular peak parking and trip generation characteristics. [Ord. 2020-001]

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 Court 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 Parking and Storage

A. Parking of Equipment, Vehicles, Marine Vessels, and Trailers

The following regulations shall apply to the parking of equipment (including construction equipment), Motor Vehicles, recreational vehicles, sports vehicles, marine vessels, and trailers on residential parcels in any zoning district, vacant parcels in a residential district or subdivision, or adjacent streets in residential districts. [Ord. 2007-013] [Ord. 2019-005] [Ord. 2020-001] [Ord. 2024-004]

1. General Prohibition

a. On-Street

No person shall park, store, or keep any equipment, Motor Vehicles, recreational vehicles, marine vessels, sports vehicles, or trailers, on any public street, or other thoroughfare or any R-O-W 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] [Ord. 2024-004]

b. On-Site

1) It shall be unlawful for any owner of land to park on, cause to be parked on, or allow to be parked on land any unlicensed or unregistered Motor Vehicle or equipment, 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, with the exception of one unregistered or unlicensed vehicle which may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots. [Ord. 2007-013] [Ord. 2019-005] [Ord. 2019-034] [Ord. 2020-001] [Ord. 2024-004]

2) Vehicles shall only be parked on an improved surface in the Urban/Suburban Tier. [Ord. 2019-034] [Ord. 2024-004]

c. Vacant Lot Prohibitions

Parking shall be prohibited on all vacant properties. [Ord. 2007-013] [Ord. 2024-004]

2. Commercial Vehicles

The parking of Commercial Vehicles as defined by Art. 1, General Provisions on residential parcels in any zoning district is subject to the following: [Ord. 2024-0004]

a. In the absence of a Home-based Business, a maximum of one Commercial Vehicle shall be parked per dwelling unit, providing all of the following conditions are met: [Ord. 2024-0004]
   1) vehicle is registered or licensed;
   2) used by a resident of the premises;
   3) limited to Class 1, 2, and only those vehicles in Class 3 up to a maximum of 12,500 pounds gross vehicle weight rating (GVWR); [Ord. 2024-0004]
   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. When parked in conjunction with a Home-based Business, the maximum number, weight, and regulations of Commercial Vehicles shall be subject to the requirements of Art. 4, Use Regulations, Home-based Business, Home-based Business with Limited Landscape Service, or Home-based Business Limited Contractor Storage Yard. [Ord. 2024-0004]

3. Recreational Vehicles, Sports Vehicles, Marine Vessels, and Trailers 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 the ZAR process upon demonstration that the Property Owner, family member, or legal tenant has a physical

disability which requires a vehicle which cannot meet these requirements. [Ord. 2018-002] [Ord. 2024-004]

4. Recreational Vehicles, Sports Vehicles, Marine Vessels, and Trailers Indoor Storage
Motor Vehicles, marine vessels, and related trailers used for non-commercial purposes, whether licensed and operational or not, may be located in a fully enclosed garage or permitted roofed structure. [Ord. 2007-013] [Ord. 2019-005] [Ord. 2024-004]

CHAPTER E LOADING STANDARDS

Section 1 General

A. Prohibitions

1. A street or driveway shall not be used for loading or unloading. [Ord. 2020-001]
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] [Ord. 2020-001]

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 greater than 10,000 square feet, plus one space for each additional 40,000 square feet of GFA. [Ord. 2020-001]

2. Standard "B"
One space for GFA that is greater than 10,000 square feet, 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

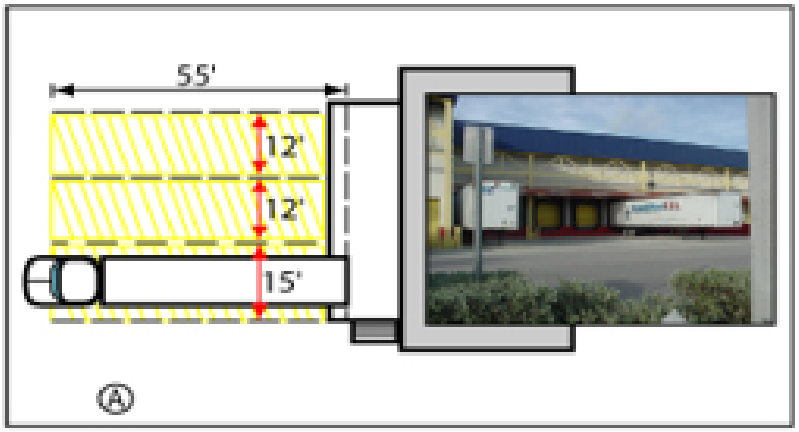
1. Dimensions

a. Loading Space

Table 6.E.4.A – Dimensions

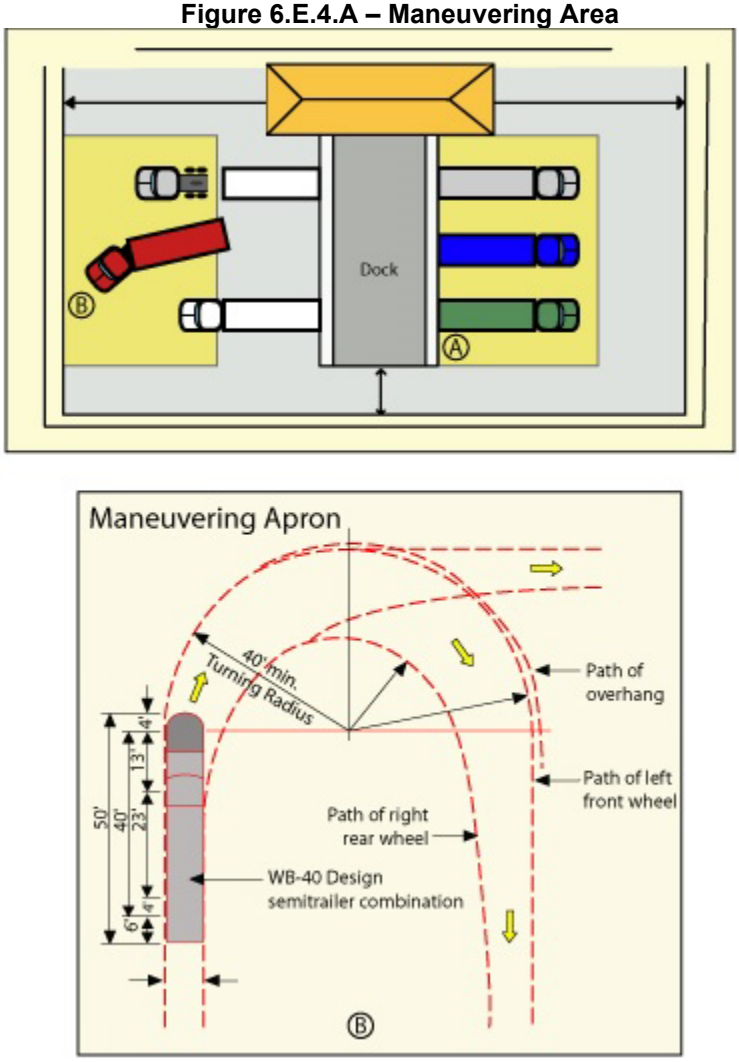
	Square Footage of Gross Floor Area	Number of Required Loading Spaces
Standard "A" (12' Wide by 18.5' Long)	**0-10,000 sq. ft.**	0
	10,001-40,000 sq. ft.	1
	Each Additional 40,000 sq. ft.	1
Standard "B" (15' Wide by 55' Long)	**0-10,000 sq. ft.**	0
	10,001-50,000 sq. ft.	1
	Each Additional 50,000 sq. 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

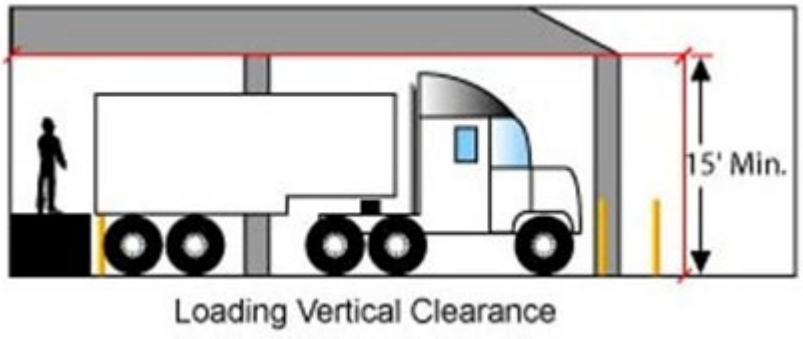


[Ord. 2020-001]

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] [Ord. 2021-022; September 3, 2021] [Ord. 2023-012; March 23, 2023] [Ord. 2024-004; July 1, 2024] [Ord. 2024-020; October 7, 2024] [Ord. 2025-007; March 28, 2025]

ARTICLE 7

LANDSCAPING

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ARTICLE 7

LANDSCAPING

CHAPTER A GENERAL

Section 1 Purpose and Intent

This Article provides general direction and establishes minimum standards related to the following: [Ord. 2018-002]

A. Design principles to ensure compliance with the Managed Growth Tier System (MGTS); [Ord. 2018-002]
B. Review process and decision-making standards for the evaluation of Landscape Plans; [Ord. 2018-002]
C. Requirements for buffers, interior, and other service areas of a property; [Ord. 2018-002]
D. Standards for plant materials and other landscape barriers or structures; [Ord. 2018-002]
E. Preservation of existing native vegetation, elimination of prohibited, and reduction of controlled plant species; [Ord. 2018-002]
F. Installation and continued maintenance; and, [Ord. 2018-002]
G. Enforcement of the Code requirements. [Ord. 2018-002]

Section 2 MGTS Compliance

Landscape design shall comply with the relevant MGTS characteristics in both plant material selection and overall landscape composition. [Ord. 2018-002]

A. U/S Tier

Landscaping in the U/S Tier should have a higher level of detail and more structure, such as pedestrian accents, formal or meandering arrangements in perimeter landscape buffers, street tree plantings, and interconnections between pedestrian and vehicular areas. The WCRAO, IRO, and URAO, among others, serve to promote urbanized forms of development that accommodate walkability and other attributes of the urban environment. Greater flexibility and alternative landscape solutions are available to promote development within the boundaries of these areas. [Ord. 2010-005] [Ord. 2010-022] [Ord. 2014-025] [Ord. 2018-002]

B. AGR and Glades Tiers

Landscaping in the AGR and Glades Tiers should consist of large open spaces with equestrian and agricultural elements, and an increased percentage of native plant species. [Ord. 2018-002]

C. Exurban and Rural Tiers

Landscaping in the Exurban and Rural Tiers should incorporate more informal design patterns that include: reduced impervious areas; preservation of native vegetation; and, more naturalistic landscaped areas. Non-residential uses shall accommodate increased amounts of landscape materials in the parking areas and building foundation plantings. [Ord. 2009-040] [Ord. 2018-002]

Section 3 Landscape Design Principles

This Section establishes standards for landscape design. It is the intent of this Article to encourage creativity in landscape design while providing general direction and criteria for the evaluation of a specific type of plan: Planting, Landscape, or ALP in order to issue a Landscape Permit. The following design principles are general standards to be applied by the Applicant, and used by the DRO and other County Agencies in evaluating whether the proposed Landscape Plans are in compliance with the requirements of this Article: [Ord. 2009-040] [Ord. 2018-002]

A. Appearance and Composition

To improve the aesthetic appearance of development through creative landscaping that helps to enhance the natural and built environment. [Ord. 2018-002]

The quality of landscape design is dependent upon the quantity, selection, and arrangement of plant materials. Landscape materials should be designed in a manner as to provide the following qualities and characteristics: [Ord. 2018-002]

1. Texture

Landscape designs should provide a textured appearance through the use of a variety of plant materials with varying leaf sizes, textures, and height. Formal landscape designs benefit from a uniform spacing of plants, whereas varied spacing and clustering of trees is more compatible with a naturalistic design. [Ord. 2018-002]

2. **Color**
   Landscape designs should include a variety of plants that provide contrasting colors. Designs should include a mix of plants that flower throughout the year. [Ord. 2018-002]
3. **Form**
   Landscape designs should consider the complete three-dimensional form of the landscaping, not simply the form of individual elements. The interrelationship of all landscape elements, whether they are plant materials, shade structures, pavement, and amenities should be considered so that the final design presents a coherent whole. Trees, shrubs, and hedges, especially those used for screening and buffering, should display a fullness at maturity that is typical of the species. [Ord. 2018-002]

B. Environmental Quality

To improve the environment by maintaining permeable land area essential to surface water management; reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of vegetation; promoting energy conservation through the creation of shade; and, reducing heat gain in or on buildings or paved areas. [Ord. 2018-002]

1. **Energy Conservation and Sustainable Design**
   Attention should be given to locating landscape elements in a manner that provides energy conservation benefits. Landscape designs should also consider natural drainage features and the use of pervious surfaces and areas to minimize runoff.

C. Water Conservation

To promote water conservation by encouraging: the installation of native and drought-tolerant plant materials in appropriate areas; the use of water conserving irrigation practices; and, the adherence to landscape installation standards and maintenance procedures that promote water conservation. [Ord. 2018-002]

1. **Use of Native and Drought-Resistant Plants**
   Landscape designs should feature native plant species, especially in areas adjacent to existing native vegetation. Where feasible, the reestablishment of native habitats should be incorporated into the landscape design. The use of drought-tolerant plants should enrich the existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water. [Ord. 2018-002]

D. Preservation of Existing Native Vegetation and Removal of Prohibited Plant Species

To encourage the preservation and planting of native vegetation as part of landscape design and eradicate prohibited species. [Ord. 2018-002]

1. **Incorporation of Existing Vegetation**
   Landscape designs should incorporate and enhance existing specimen trees and native vegetation. Particular care should be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs should seek to reestablish natural landscape patterns and plantings. Landscape designs should also include the eradication of prohibited plant species that have become nuisances because of their tendency to disrupt or destroy native ecosystems. [Ord. 2018-002]

E. Compatibility

To promote efficiency in the development of limited land resources by improving the compatibility of adjacent incompatible land uses, particularly residential development that is adjacent to non-residential development, through the use of landscape buffers. [Ord. 2018-002]

1. **Screening and Buffering**
   Whenever possible landscape materials should be utilized to provide a spatial transition between different land uses; buffering between adjacent properties; and, screening for parking, storage areas, or other service areas. Plants may be used with fences, walls, or berms to achieve the desired screening or buffering effect. Plant material should be mature enough at the time of planting to provide an effective screen or buffer, and should be planted in an appropriate location to allow for desired growth within a reasonable period of time. [Ord. 2018-002]

F. Quality Pedestrian Environment

In the U/S Tier, as well as pedestrian-oriented development types such as TDDs, landscape designs should give special attention to ensuring a safe and visually pleasant pedestrian environment. In high activity areas, such as commercial and workplace areas, benches, kiosks, artwork, and other streetscape elements should be incorporated into landscape designs. Pedestrian access to sidewalks or buildings should be considered in all landscape designs. Landscaping shall not obstruct pedestrian sightlines, especially at crosswalks. [Ord. 2018-002]

G. Enhancing Architecture

Landscape designs should be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals. When foundation planting is required, plantings and planters should incorporate artistic elements and be compatible with a building's architectural character. [Ord. 2018-002]

Figure 7.A – Visual Interest for Pedestrian and Vehicular Traffic



Meandering sidewalks flanked by well-composed curvilinear landscaping can add visual interest for pedestrian and vehicular traffic. [Ord. 2018-002]

Figure 7.A – Streetscape Elements



Effective use of landscaping to frame the sidewalk and buffer the pedestrians from the street. Streetscape elements such as benches and potted plants enhance the pedestrian experience.

CHAPTER B APPLICABILITY AND APPROVAL PROCESS

Section 1 Applicability

The provisions of this Article shall be considered minimum standards and shall apply to all new development unless stated otherwise herein. [Ord. 2018-002]

A. Relation to Art. 14.C, Vegetation Preservation and Protection

Landscape requirements shall also be consistent with the standards of Art. 14.C, Vegetation Preservation and Protection; nothing in this Article shall be applied to contradict these requirements. [Ord. 2018-002]

B. Exemptions

The following developments are exempt from the standards and requirements of this Article:

1. Enlargement or repair of a Single Family dwelling unit, two-unit Townhouse, or two-unit Multifamily structure on a single lot.
2. Parking areas located within an enclosed parking structure.
3. Bona Fide Agriculture uses, unless stated otherwise in Art. 4.B.6, Agricultural Uses. Where the property has a use that is classified as Bona Fide Agriculture, with agricultural activities or accessory agricultural uses, the Property Owner shall provide a six-foot-high hedge along the frontage of the property where it is abutting a public street R-O-W. [Ord. 2018-002]
4. Uses such as airports, major utilities, and stockades which have planting requirements regulated by Federal or State law. Off-site planting of required landscaping may be approved in areas where there is a direct public benefit, such as in schools, parks, libraries, streets, and medians.
5. Projects in the Glades Area Economic Development Overlay (GAO) that have provided in-lieu funds to the Glades Thoroughfare Beautification Fund.
6. Community Vegetable Gardens located in the WCRAO or CCRT areas, unless stated otherwise in Art. 4.B.6.C, Definitions and Supplementary Use Standards for Specific Uses. [Ord. 2019-005]

C. Public Park Exception or PO Deviations

Deviations or exceptions from the minimum standards of this Article may be permitted as follows: [Ord. 2019-005]

1. Public parks, as specified in Art. 5.D.2.G, Public Park Landscape Standards; and [Ord. 2006-004] [Ord. 2007-013] [Ord. 2018-002] [Ord. 2019-005]
2. 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. 2006-004] [Ord. 2007-013] [Ord. 2019-005]

D. Overlay Exceptions

Modifications of the requirements of this Article may be permitted pursuant to Art. 3.B.14.J, WCRAO Landscape Modifications, Art. 3.B.15.F.11, Landscape Standards in the IRO, and Art. 3.B.16.F.10, Landscape Standards in the URAO. [Ord. 2018-002]

Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

Section 3 Approval Process for Landscape Plans

Approval process for Landscape Plans shall be subject to the requirements pursuant to Art. 2, Application Processes and Procedures. [Ord. 2016-042]

An Applicant may request review for compliance with this Article concurrent with an application that requires approval by the BCC, ZC, or DRO by submitting Preliminary or Final Landscape Plans. Final Landscape Plans shall be part of the Building Permit application unless a Condition of Approval requires Landscape Plans to be submitted at Final Approval by the DRO. An application for a Landscape Plan review shall be submitted directly to the Zoning Division, and shall comply with the following requirements: [Ord. 2018-002]

A. Submittal Requirements

If the application is submitted at BCC, ZC, or DRO, the application shall consist of the appropriate forms as established by the Zoning Division, otherwise the application shall be included as part of the Building Permit application. The plans shall be prepared in accordance with Art. 2, Application Processes and Procedures, the Zoning Technical Manual, and shall comply with applicable Code requirements and Conditions of Approval. [Ord. 2018-002]

B. Review of Landscape Plans

Landscape Plan applications shall be submitted to the DRO, and if applicable, the DRO will review in coordination with ERM and other County Agencies. [Ord. 2018-002]

C. Issuance of Landscape Permits

When all requirements are satisfied, the DRO shall issue a Landscape Permit referencing the approved Landscape Plan(s) associated with the permit in addition to any necessary inspections, Conditions of Approval, and maintenance obligations. The permit shall be maintained on site until the Final Landscape Inspection is signed off by the DRO. A copy of the Landscape Permit shall be maintained in the associated official Building Permit record, as well as the Zoning Division file. [Ord. 2009-040] [Ord. 2018-002]

D. Landscape Inspections

Unless otherwise stated in this Article, all developments subject to this Article may be inspected by PZB prior to and after installation of required landscaping. Required landscaping shall be approved by PZB prior to the issuance of a CO, or Certificate of Completion, whichever occurs first. Various types of Landscape Inspection shall be conducted at different stages of the development, as follows: [Ord. 2018-002]

1. Types of Landscape Inspection

a. Preliminary Inspection – required to verify existing grades, vegetation, and necessary site preparation has been completed prior to any plant material being installed on the site to comply with the Landscape Permit; [Ord. 2009-040] [Ord. 2018-002]

b. Final Inspection – required as part of the typical Building Permit process to ensure landscape material, irrigation, and Conditions of Approval on a Development Order are in compliance prior to final sign-off that the landscape is completed and installed in accordance to the Landscape Permit. [Ord. 2009-040] [Ord. 2018-002]

c. Annual Inspection – scheduled on the one-year anniversary date from the date of the Final Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all landscape and irrigation continually complies with the Landscape Permit. If material or irrigation is missing, dead, or damaged the Property Owner shall be provided with a notice to correct, pursuant to Art. 10, Enforcement. [Ord. 2009-040] [Ord. 2018-002]

d. Monitoring Inspection – performed in response to a complaint or Code Enforcement case as it relates to vegetation violations (e.g., missing or damaged plant material or changes to the landscape not previously approved in accordance with the Landscape Permit). [Ord. 2009-040] [Ord. 2018-002] [Ord. 2020-001]

E. Certification of Compliance

In addition to Final Inspection and certification by PZB, the Applicant shall submit a Certificate of Compliance to the PZB as a condition of issuance of a CO or Certificate of Completion. This Certificate shall be prepared and signed by a Landscape Architect licensed by the State of Florida and demonstrate that all of the provisions of this Article have been met. The certification statement, included in this Article, as Appendix B, Certification of Compliance, shall be made part of the documentation in the official Building Permit file. [Ord. 2009-040] [Ord. 2018-002]

1. Field Verification of Certification

PZB may elect to conduct a field inspection to verify the Certificate of Compliance. [Ord. 2018-002]

2. Acceptance of Certification

If no field verification is conducted by PZB within 30 days, the Certificate of Compliance shall be deemed to have been accepted provided it is complete with all the required information. Upon acceptance, the Certificate of Compliance shall be filed and maintained with the official records of the development. [Ord. 2018-002]

F. Optional Special Certification

In lieu of the Landscape Inspections and certification by PZB, the Applicant may submit a request for a Special Certificate of Compliance to the Zoning Director, and on a form established by the Zoning Division. [Ord. 2018-002]

1. Special Certification Procedures by the Applicant

a. The Applicant shall employ a Landscape Architect licensed in the State of Florida, or a qualified professional as authorized by F.S. ch. 481, pt. II, as amended. The Landscape Architect or qualified professional shall perform the following: [Ord. 2018-002]
   1) Be familiar with the Final Landscape Plans approved by the DRO; [Ord. 2018-002]
   2) Conduct inspections of the site; [Ord. 2018-002]
   3) Certify that landscaping was properly installed and meets all requirements of the Code or Conditions of Approval. The Certificate shall be signed and sealed by the Landscape Architect or qualified professional; [Ord. 2018-002]
   4) Understands that any misrepresentations or misstatements in the Special Certificate of Compliance shall constitute a violation of this Article and of State law; and, [Ord. 2018-002]
   5) Understands that any misrepresentations or misstatements in the Special Certificate of Compliance may also become the grounds for professional disciplinary action pursuant to State law. [Ord. 2018-002]

b. The Applicant shall submit the completed Special Certification Form with the approved Landscape Plans to the PZB prior to issuance of a Building Permit, Paving Permit, a CO, or a Certificate of Completion, whichever is applicable. [Ord. 2018-002]

2. Verification of Special Certification by PZB

PZB may, at its option, conduct a Landscape Inspection to verify representation made in the Special Certificate of Compliance. [Ord. 2018-002]

3. Acceptance of Special Certification

If no verification is conducted by PZB, the Special Certificate of Compliance shall be deemed to have been accepted. Upon acceptance by PZB, the Certificate of Compliance shall be filed and maintained with the official records of the development. [Ord. 2018-002]

Section 4 Type 1 Waiver for Landscaping

An Applicant may seek minor modifications to the requirements of this Article that are identified in Table 7.B.4.A, Type 1 Waivers for Landscaping. Any requirements that are not listed herein may be eligible to be modified through other applicable processes pursuant to Art. 2, Application Processes and Procedures. The Applicant shall demonstrate in the Justification Statement and provide supporting documents that Art. 2.C.5.G.3, Standards for a Type 1 Waiver, and the applicable Criteria in the following Table have been met. [Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]

A. Applicability

Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same requirements. [Ord. 2018-002]

Table 7.B.4.A – Type 1 Waivers for Landscaping

Article/Table Reference and Title	Maximum Waiver	Criteria
R-O-W Buffer		
Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer, Canopy Tree Planting for R-O-W Buffer	Allow a reduction of 25 percentage of required Canopy trees to be located on the exterior side of the wall or fence for R-O-W Buffers.	• Since a wall or fence is not a requirement for a R-O-W Buffer, the Applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. • The required trees shall be located on both sides of the wall or fence.
Incompatibility Buffer		
Art. 7.C.2.C.1, Elimination of Incompatibility Buffer (1)	Allow to eliminate the requirement of an Incompatibility Buffer for Residential Pods in a PDD or tracts within a residential subdivision.	• The pod or tract is located adjacent to open space that is 100 feet or greater in width; or • The site layout of the pod or tract will integrate recreation amenities with Multifamily and Congregate Living Facilities (CLFs). [Ord. 2021-022]
Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer, Canopy Tree Planting for Incompatibility Buffer	Allow a reduction of 25 percent of required Canopy trees to be located on the exterior side of the wall or fence for Incompatibility Buffers.	• The Applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. • The required trees shall be located on both sides of the wall or fence.
Berm		
Art. 7.D.6.A, Berm Tier Restrictions	Allow landscape berms within the Exurban, Rural, Agricultural Reserve, or Glades Tiers.	• Berms are utilized to improve screening of loading, parking, or vehicular use areas, and to address compatibility issues.
Foundation Planting		
Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Façades to be Planted	Allow a 50 percent relocation of required foundation planting.	• The foundation planting shall be relocated to another façade of the same building or structure; or to an expanded sidewalk that is located within 30 feet of the same building or structure; • The relocated foundation planting shall have the minimum planting width; and, • The overall total square feet for the foundation planting meets or exceeds the required foundation planting.
Landscape Islands and Parking Structures		
Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements, Landscape Island Width	Allow the reduction of width of landscape island to five feet excluding curbs.	• For infill sites with less than 25 parking spaces.
Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements, Divider Median Shrub Planting	Allow relocation of shrubs from divider medians to other areas of the site.	• For industrial developments that do not have significant public visitation and the nature of the use does not benefit for interior plantings in parking areas.
Art. 7.C.4.A.1, Landscape Island Maximum Spacing	Allow to increase the number of spaces or distance to provide larger interior islands.	• To allow existing vegetation to be preserved or existing vegetation to be relocated within parking areas.

Table 7.B.4.A – Type 1 Waivers for Landscaping

Article/Table Reference and Title	Maximum Waiver	Criteria
Art. 7.C.4.F, Parking Structures	Allow perimeter planter requirement be altered if the planters are in conflict with the architectural design of the parking structure.	• The Applicant is required to submit Architectural Elevations of the parking structure for Staff review and evaluation. • The required planting for the planters shall be relocated to other areas of the same property where the parking structure is located.
Art. 7.C.5.A.1, Underground Easement – Relocation of Trees	Allow required trees to be relocated on the same site. [Ord. 2018-018]	• There is no reduction in the total quantity of the required trees; [Ord. 2018-018] • A maximum of ten percent of the required trees within the same buffer may be relocated; and, [Ord. 2018-018] • The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]
Art. 7.C.5.B, Easements in On-Site Parking Areas – Existing Utilities	Allow existing easements to overlap the landscape islands. [Ord. 2018-018]	• The Applicant shall provide documentation from the utility easement holder that the easement(s) are recorded, and are not subject to a change in the location; [Ord. 2018-018] • The Applicant may utilize a small tree or a palm to satisfy the Canopy tree requirement. If the minimum separation between the tree and the utilities cannot be met, the required tree in the island may be relocated within the same site; [Ord. 2018-018] • The minimum percentage of Canopy tree pursuant to Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements, may be reduced to 50 percent and palms may be increased up to 50 percent, and, [Ord. 2018-018] • The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]

[Ord. 2005-002] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2021-022]

Notes:

1.	Multifamily also includes Cottage Homes (Multiple Units on a Single Lot); and Community Residences and Recovery Communities located in a Multifamily housing type. [Ord. 2021-022]

B. Pre-Application Appointment (PAA) for a Type 1 Waiver

The Applicant shall be required to schedule and attend a PAA with the Zoning Division Staff to review and discuss preservation of existing vegetation, possible design alternatives, and any Waivers that may be requested as part of the application. [Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]

C. Alternative Landscape Plan (ALP)

The Applicant shall submit an ALP to the DRO to graphically depict the proposed Type 1 Waiver request(s). The DRO may allow the alternative designs or Waiver requests be incorporated on a Site or Subdivision Plan or any other types of Zoning Plan in lieu of the ALP. Upon the approval of the Type 1 Waiver(s), the Applicant shall finalize the ALP as Final Landscape Plans, and shall include it as part of the Building Permit review, if applicable. [Ord. 2018-002] [Ord. 2020-001]

Section 5 Vegetation Removal and Replacement

For the purpose of this Section, the term “vegetation” shall include tree(s), palm(s), and pine(s). Vegetation that is required to be planted on a property per Code requirements or through a Condition(s) of Approval shall not be removed without first applying for and being issued a Vegetation Removal and Replacement Permit. Removal of vegetation without a valid permit shall be considered a violation of the Code or the DO, unless otherwise exempted by the F.S. [Ord. 2019-005] [Ord. 2020-001]

A. Exception

The following exceptions shall apply to parcels with residential uses: [Ord. 2020-001]

1. No permit is required for a Single Family residence as long as the minimum required vegetation is maintained in accordance with standards set forth in Table 7.C.3.A, Interior Landscaping Requirements. [Ord. 2020-001]
2. Residential properties may be exempt from permitting requirements in accordance with F.S. § 163.045. Residential properties are properties that are developed with a residential use and may be located within either a residential or non-residential zoning district. [Ord. 2020-001]

B. Approval Process

An Applicant may request the removal of existing vegetation by submitting an application to the Zoning Division, and subject to the following procedures: [Ord. 2019-005] [Ord. 2020-001]

1. Pre-Application Site Meeting

Prior to the submittal of an application, the Applicant shall schedule an on-site meeting with Staff of the Permit Review/Landscape Section of the Zoning Division to discuss and inspect the vegetation that is proposed to be removed. Staff shall determine whether the vegetation is eligible for removal based on the standards listed below. If the vegetation is eligible for removal, Staff shall provide the Applicant a Vegetation Removal and Replacement application to be completed for submittal. [Ord. 2019-005] [Ord. 2020-001]

2. Application Submittal Requirements

The Applicant shall submit the application to the Permit Review/Landscape Section. The application shall include a Justification Statement providing the reason for the proposed removal of the vegetation. The Applicant shall also submit either a Final Site, Subdivision, or Regulating Plan, or a survey of the subject property. The Applicant shall identify the following: species, size, and location of the vegetation to be removed, and the required replacement of the vegetation and their proposed species, size, and location. [Ord. 2019-005] [Ord. 2020-001]

3. Application Review and Final Decision

Staff shall review the application utilizing the Standards for Removal that are listed below to consider whether to approve or deny the request. A Vegetation Removal and Replacement Permit shall be issued upon the approval of the application. The DRO may approve, approve with a Condition of Approval, or deny the request. [Ord. 2019-005] [Ord. 2020-001]

4. Standards for Removal and Replacement

In reviewing an application for Vegetation Removal and Replacement, Staff shall consider the following standards to determine whether the removal permit is granted: [Ord. 2019-005] [Ord. 2020-001]

a. The Applicant's justification for the removal; [Ord. 2019-005]
b. The site condition of the area where the existing vegetation is located, and whether the location has easement overlap or proximity of the vegetation to the overhead electric utilities; [Ord. 2019-005] [Ord. 2020-001]
c. The health condition of the vegetation; or, [Ord. 2019-005] [Ord. 2020-001]
d. Any valid safety concerns that may arise if the removal of the vegetation is not allowed. [Ord. 2019-005] [Ord. 2020-001]

C. Replacement

All replacement of vegetation, shrubs, landscape barriers, and ground treatment shall be in compliance with Art. 7.E.3, Credit and Replacement, unless stated otherwise in Art. 7.B.1.B, Exemptions. [Ord. 2019-005] [Ord. 2020-001]

D. Timeline

Staff shall indicate the timeline of removal and replacement of the tree on the permit to ensure the replacement of the tree is done in accordance with the approval. The permit is valid for six months from the date of issuance. Failure to comply with the permit requirements, which include the established dates or any imposed Conditions of Approval, shall result in enforcement action, pursuant to Art. 7.G, Enforcement. [Ord. 2019-005] [Ord. 2020-001]

E. Inspection

The Applicant shall contact Staff when the trees are removed, and Staff shall schedule a site inspection to confirm that the trees have been removed, and that any required replacement of trees have been installed in conformance with the permit. [Ord. 2019-005]

CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS

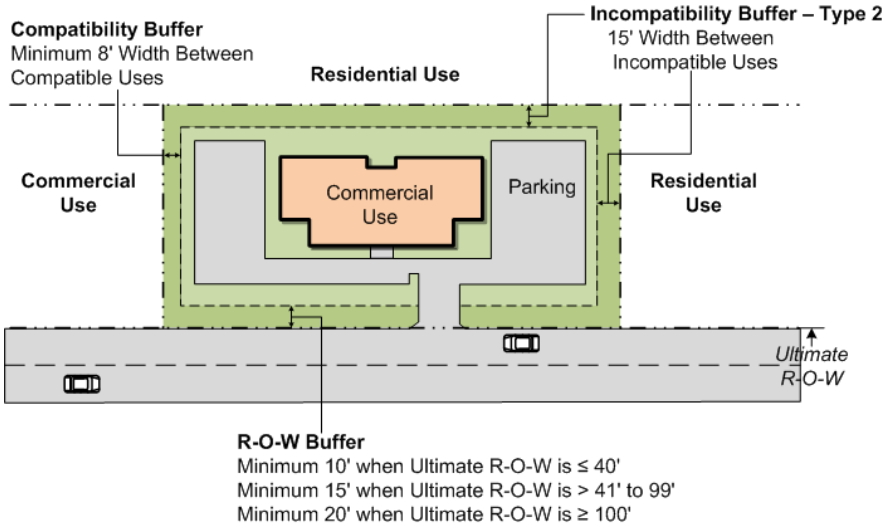
Section 1 General

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, ground cover. 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]

a. Where the R-O-W is an alley; [Ord. 2018-002]
b. A lot with a Single Family, ZLL, or Townhouse unit; [Ord. 2018-002]
c. Cottage Home (Single Unit on a Single Lot); [Ord. 2019-034]
d. 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]
e. 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)

Min. 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 Min. Height (7)
20'	1 Canopy tree per 25 linear feet	1 palm or pine per 30 linear feet	1 row of each: Ground cover – 1 per 1 linear foot; Small shrubs – 1 per 2 linear feet; and, Medium and large shrubs – 1 per 4 linear feet	No
15'	1 Canopy tree per 25 linear feet	1 palm or pine per 30 linear feet	1 row of each: Ground cover and small shrubs – 1 per 2 linear feet; and Large shrubs – 1 per 4 linear feet	No
10'	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:

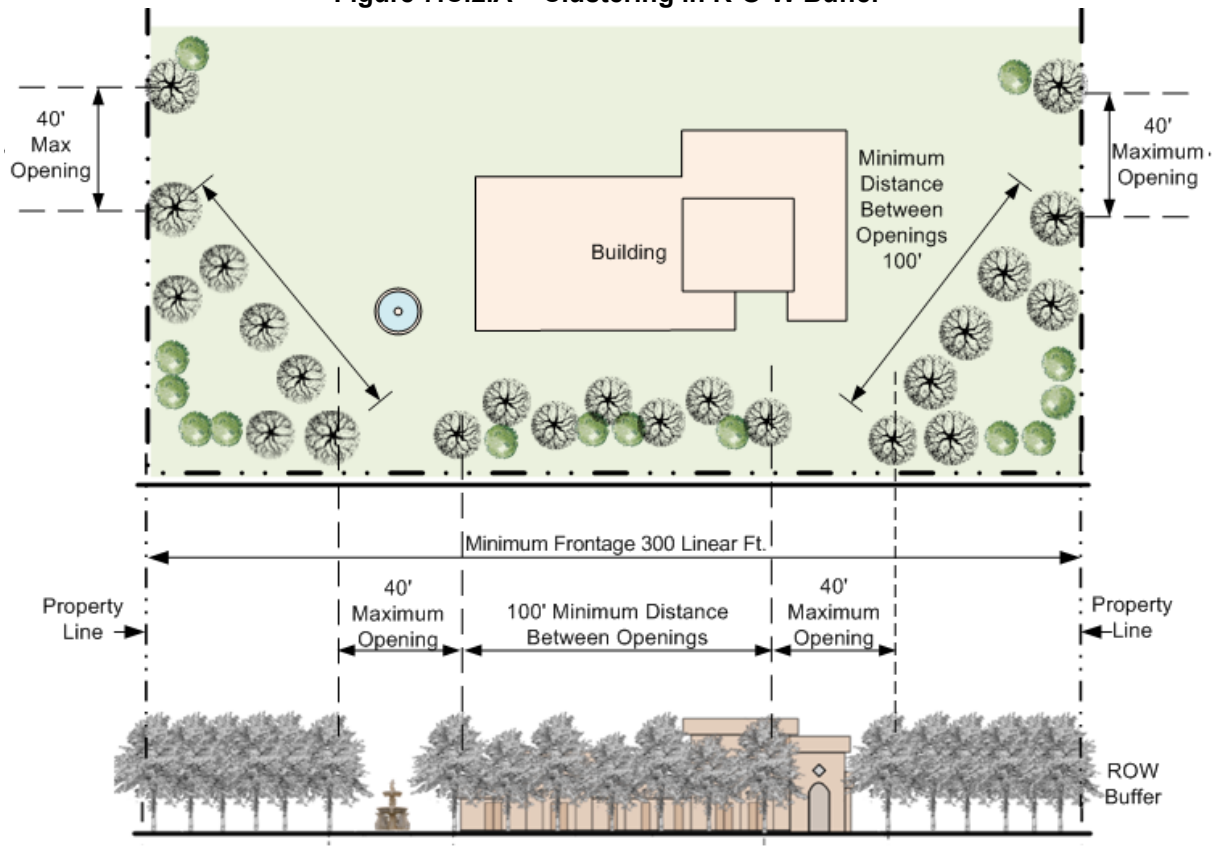
1.	Linear feet is based on the property line where the landscape buffer is located. [Ord. 2018-002]
2.	Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of the plant materials. [Ord. 2018-002]
3.	Palms or pines may substitute 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.	Ground cover 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]

a. Shall comply with or exceed the total amount of required plant material; [Ord. 2018-002]
b. 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 follows: [Ord. 2018-002]
c. A maximum of four openings shall be allowed based on the lot frontage: [Ord. 2018-002]
    1) 300 linear feet to 600 linear feet – two openings; [Ord. 2018-002]
    2) 601 to 1,000 linear feet – three openings; [Ord. 2018-002]
    3) 1,001 linear feet and over – four openings. [Ord. 2018-002]
d. 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]
e. 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]

a. 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]

b. Internal buffers within TDDs, unless specifically stated otherwise; [Ord. 2018-002]

c. 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]

d. 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]

e. 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)

Min. Width	Quantity of Canopy Trees (1)(2)(3)	Quantity of Shrubs (1)(2)	Landscape Barrier and Min. Height (5)
8'	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 (4)	◄►	**Residential, Attached (3)**	Type 1
Residential, Detached (4)	◄►	**Congregate Living Facility**	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] [Ord. 2021-022]

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.	Attached Residential classification includes Multifamily, Cottage Homes (Multiple Units on a Single Lot), or Townhouse housing types. This shall also include Community Residences and Recovery Communities located within attached housing types. [Ord. 2021-022]
4.	Detached Residential classification includes Cottage Home (Single Unit on a Single Lot), Zero Lot Line, or Single Family housing types. This shall also include Community Residences and Congregate Living Facilities located within detached housing types. [Ord. 2021-022]

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, Incompatibility Buffer Landscape Requirements, as follows: [Ord. 2018-002]

Table 7.C.2.C – Incompatibility Buffer Landscape Requirements (6)

Buffer Type	Min. Width	Quantity of Canopy Trees (1)(2)(3)	Quantity of Palms or Pines (1)(2)	Quantity of Shrubs (1)(2)	Landscape Barrier and Min. Height
Type 1 Incompatibility	10’	1 Canopy tree per 20 linear feet	-	1 row of each: Small shrubs – 1 per 2 linear feet	6’ high opaque fence or hedge (7)
Type 2 Incompatibility	15’	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’ high fence or hedge (7)
Type 3 Incompatibility	20’	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’ 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 ground cover). [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]

(1) the buffer is within a non-residential pod and adjacent to a R-O-W greater than 50 feet in width; [Ord. 2018-002]

(2) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or, [Ord. 2018-002]

(3) 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

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 ground cover 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
Min. Tree Quantities			
Residential Lot – SF, Cottage Home, ZLL, TH, and MF	1 per 1,250 sq. ft. (max. 15 trees) (1)(2)	1 per 1,000 sq. ft. (max. 30 trees) (1)(2)	1 per 800 sq. ft. (max. 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.
Min. Shrub Quantities			
Residential Lot – SF, Cottage Home, ZLL, TH, and MF	3 per 1,250 sq. ft. (max. 45 trees) (1)(2)	3 per 1,000 sq. ft. (max. 90 trees) (1)(2)	3 per 800 sq. ft. (max. 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

Min. Requirements	U/S Tier (2)	AGR and Glades Tiers	Exurban and Rural Tiers
Planting Width for All Sides	8'	10'	12'
Façades to be Planted (3)	Front and sides	Front, sides, and rear	Front, sides, and rear
Length – Percentage of Façade (1)	40%	50% for front and sides 30% for rear	60% for front and sides 40% 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 Ground Cover	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			
Min. Planting Width	3'	3'	3'
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%	85%	100%
Small Shrub or Ground Cover	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:

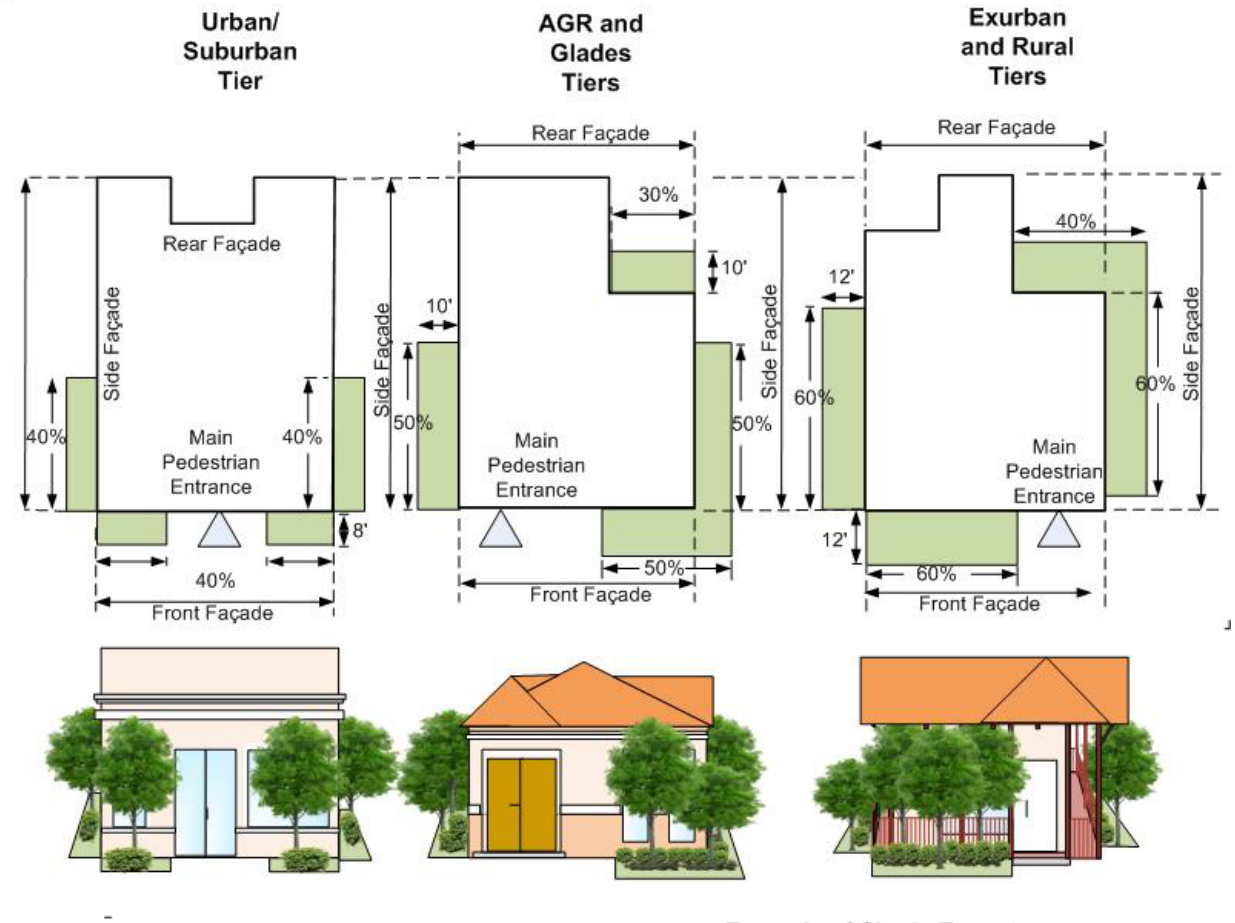
1.	The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays. [Ord. 2018-002]
2.	U/S Tier standards may be applied to a PUD or a TDD with a Village Center, civic site, or suburban center, general or edge subarea. [Ord. 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 Waivers for Landscaping. [Ord. 2018-002]
4.	For Freestanding ATMs or Unmanned Retail Structures, 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]

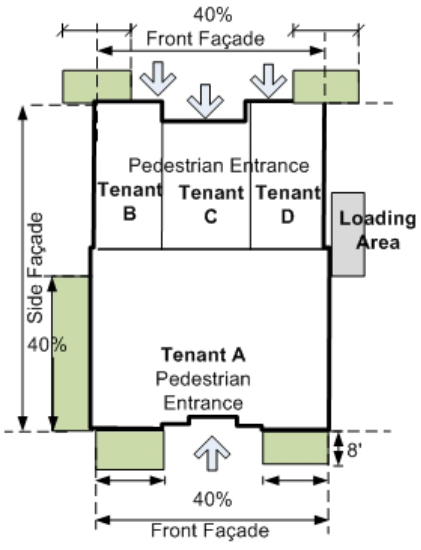
b. The Applicant shall identify on the Zoning Plan(s) the primary pedestrian entrance of each building. [Ord. 2018-002]

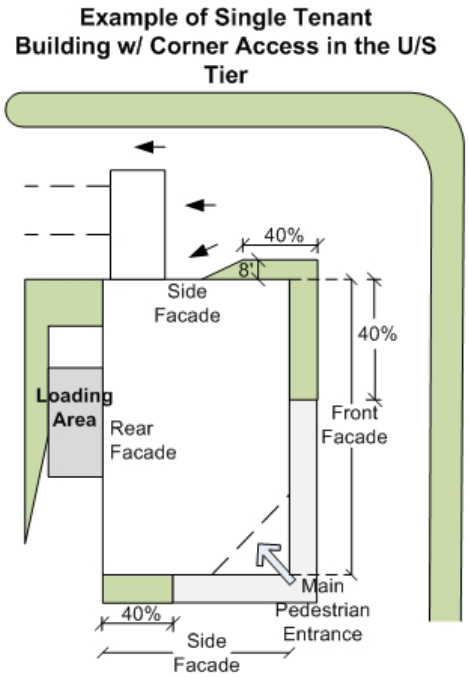
1) For building(s) with a single tenant and multiple entrances, the façade where the primary pedestrian entrance is located will be considered as the front façade. [Ord. 2018-002]

2) For a building with multiple tenants that has individual primary pedestrian entrances 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]

Figure 7.C.3.B – Foundation Planting Requirements



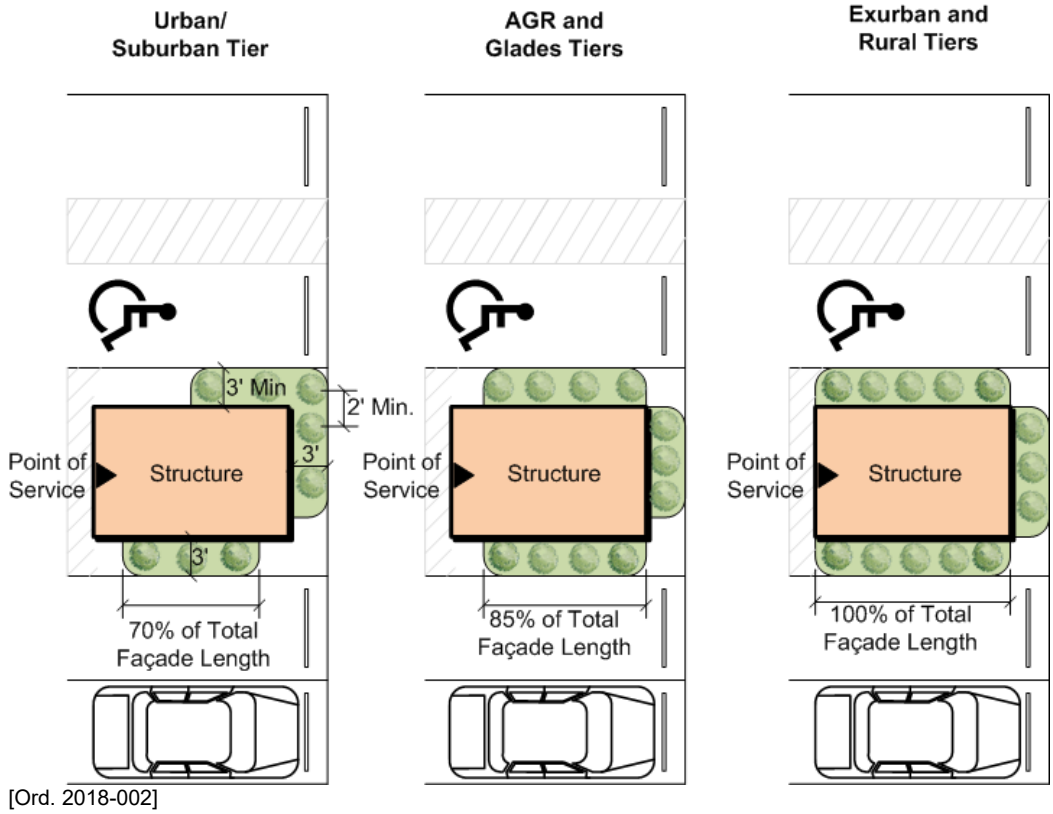




[Ord. 2018-002]

2. **Exemptions**
   a. Agricultural or industrial buildings that are not visible from a public street or residential zoning district. [Ord. 2018-002]
   b. Buildings which are exempt from local Building Permits or government review pursuant to State or Federal Statutes. [Ord. 2018-002]
   c. 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. 2017-025] [Ord. 2018-002]
   d. Properties where the required planting area would overlap a required buffer. [Ord. 2018-002]
   e. 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]

Figure 7.C.3.B – Establishments with Drive-Throughs, Freestanding ATMs, and Unmanned Retail Structure



[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]

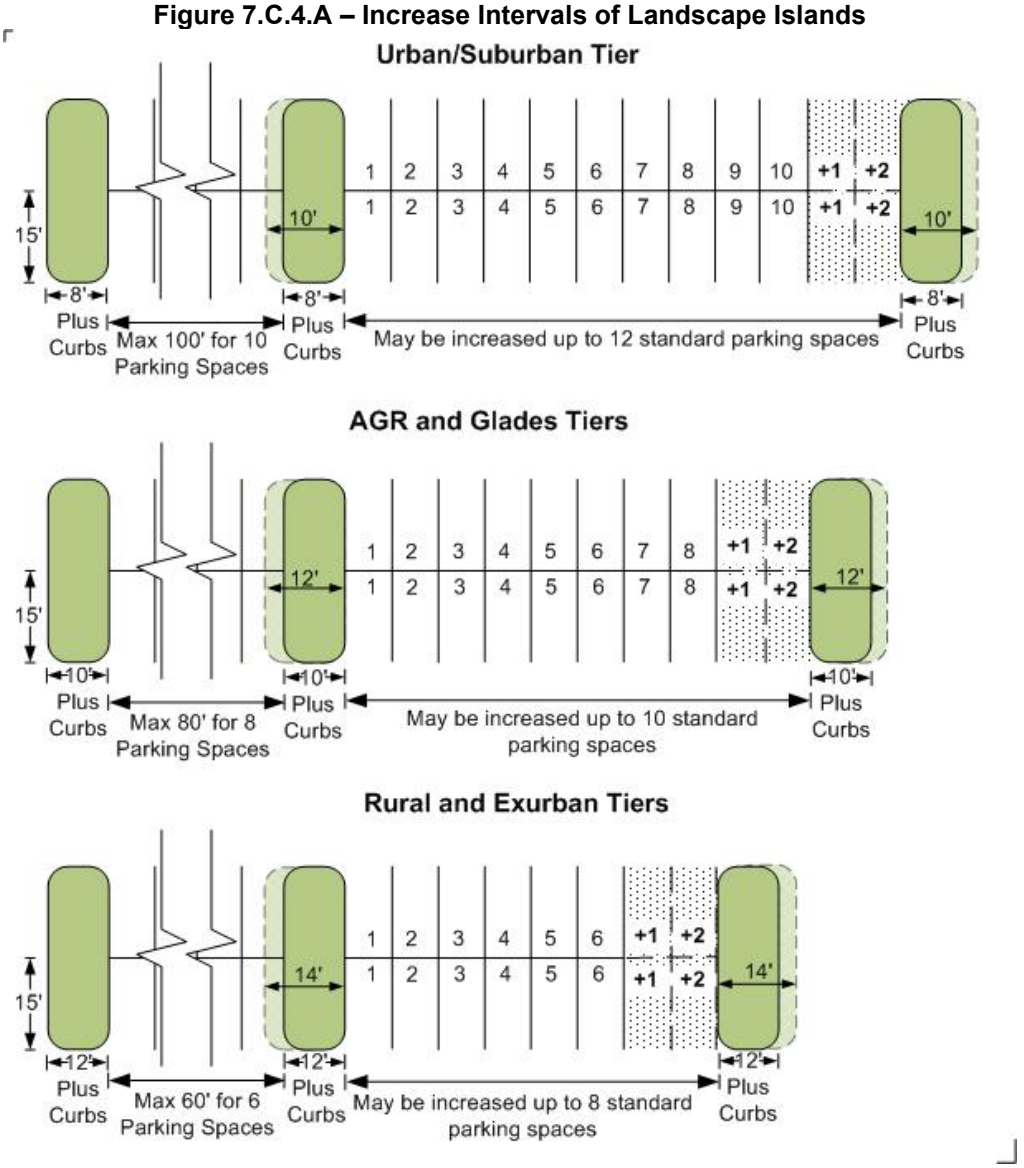
2. Increased Interval of Landscape Islands

The distance between landscape islands may be increased to a maximum of 12 side-by-side parking spaces or five parallel parking spaces for the U/S Tier, ten side-by-side spaces for the AGR and Glades Tiers, and eight side-by-side 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] [Ord. 2024-020]

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)

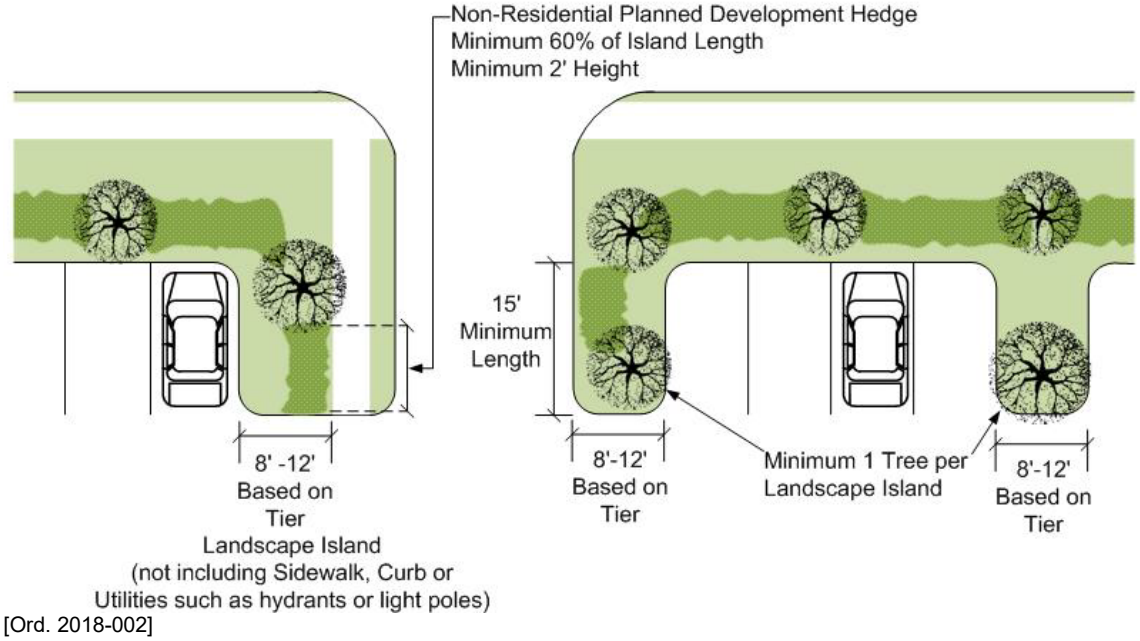
	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Landscape Island (4) and Divider Median Min. Dimensions			
Landscape Island Min. Width (1)(3)	8’	10’	12’
Landscape Island Min. Length (3)	15’		
Divider Median Min. Width (1)	10’		
Landscape Diamond (Width x Length)	5’x 5’		
Min. Tree Planting Requirements (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		
Min. Shrub and Ground Cover Planting Requirements			
Ground Cover Planting – Landscape Island (3)	Grass or appropriate ground cover to be planted in island		
Shrub Planting – Divider Median (5)	Medium shrubs planted at 30” on center, and appropriate ground cover		
Landscape Diamond	Appropriate ground cover 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



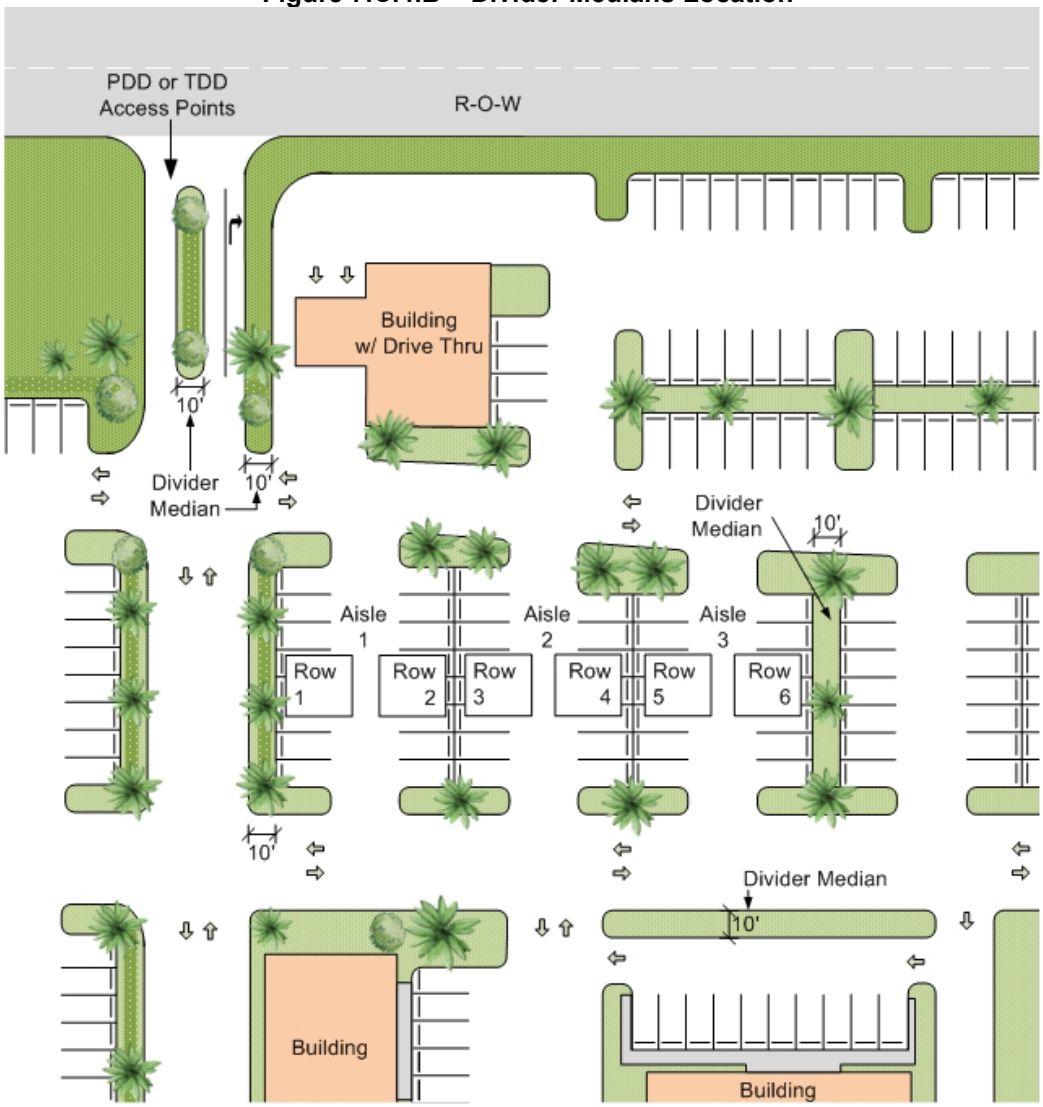
[Ord. 2018-002]

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

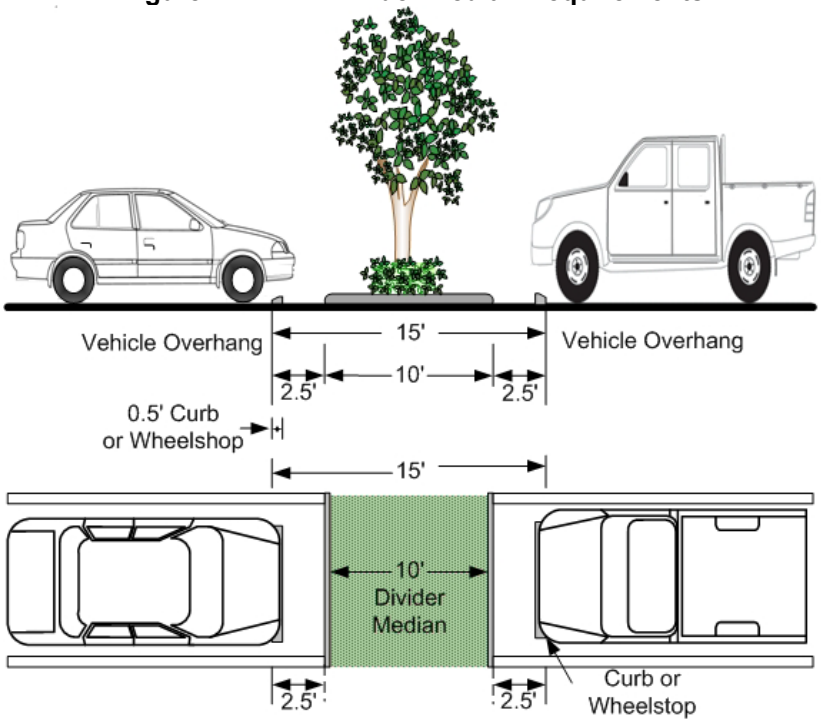
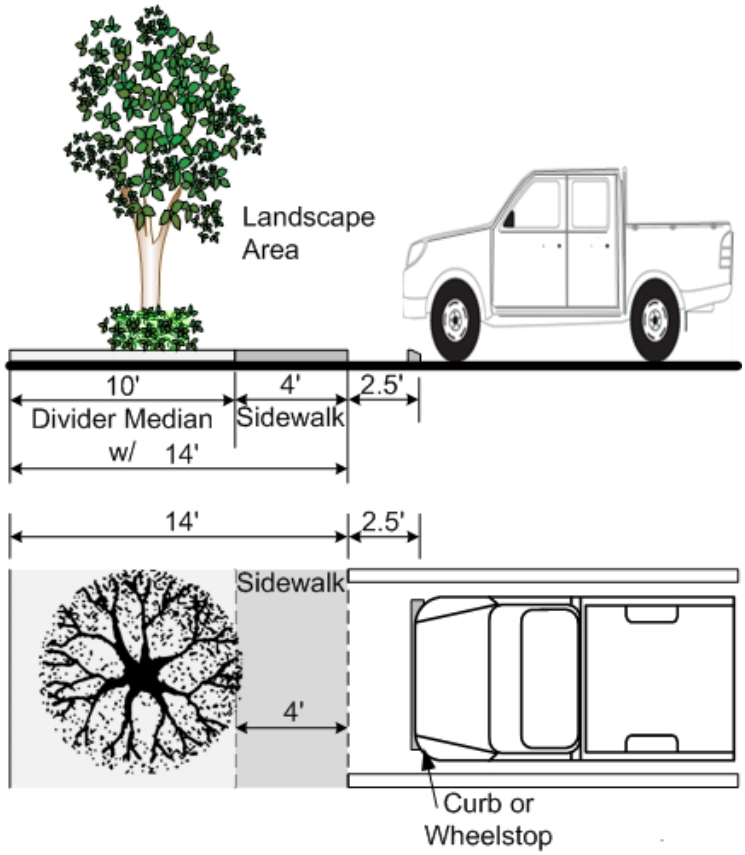


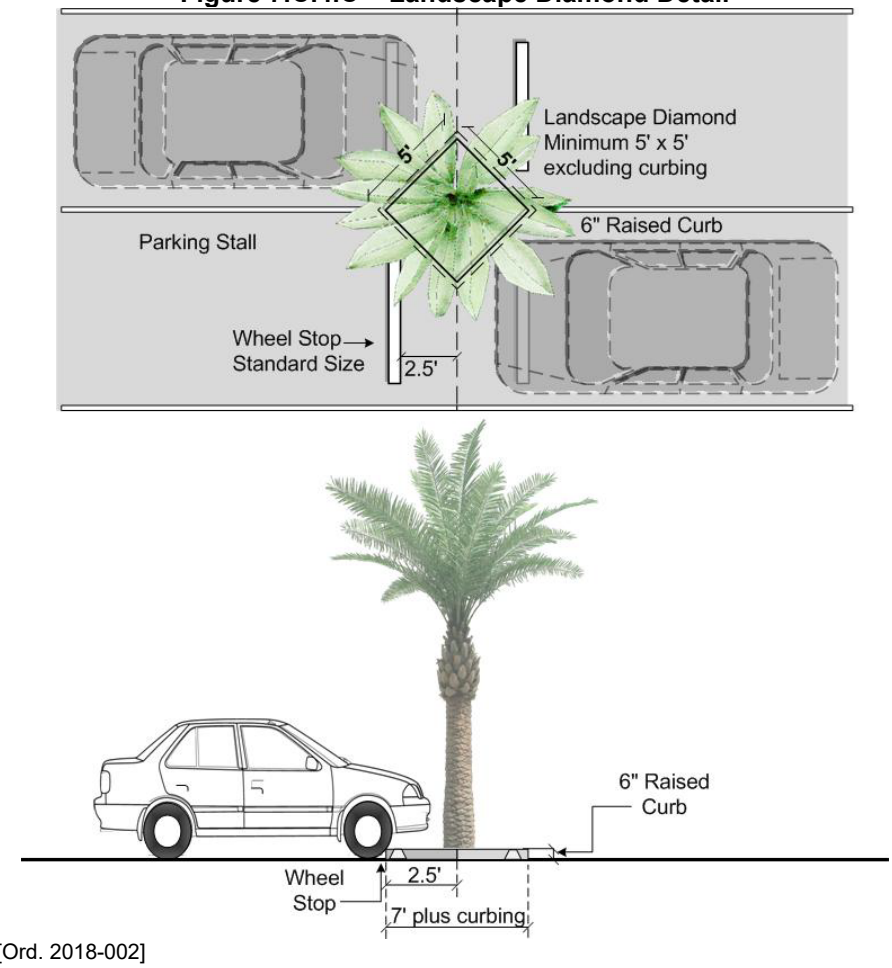
Figure 7.C.4.B – Divider Median Requirements (with Sidewalk)



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, AGR-PUD Preservation Area, 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 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

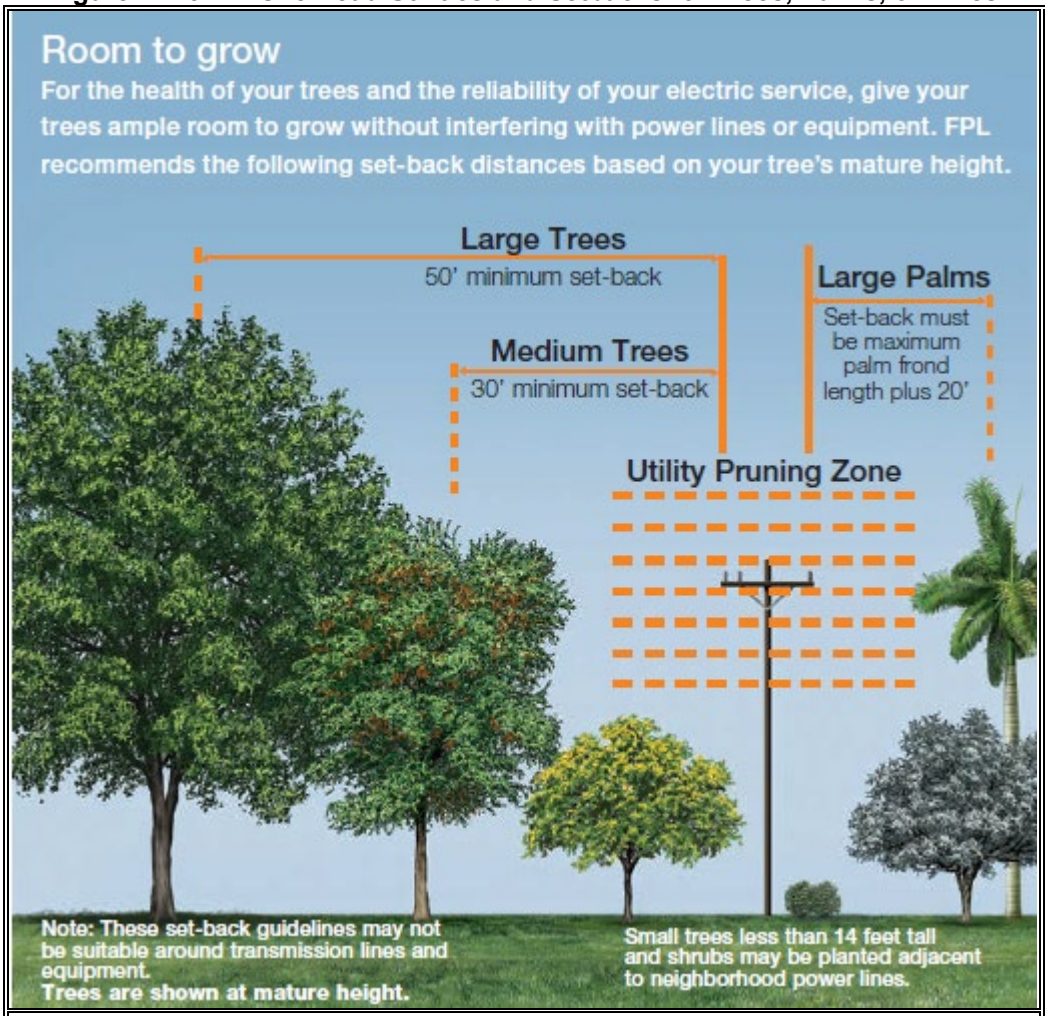
Vegetation that is planted within or abutting any easement with overhead utilities shall comply with the planting and maintenance requirements in FP&L's publication "Right Tree, Right Place," available from the Zoning Division. The Applicant shall take into consideration the mature height and spread 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



[Ord. 2019-005]

Notes: Figure above from FP&L's publication "Right Tree, Right Place." [Ord. 2019-005]

b. Transformer Cabinet in the Overhead Electric Utilities Easement

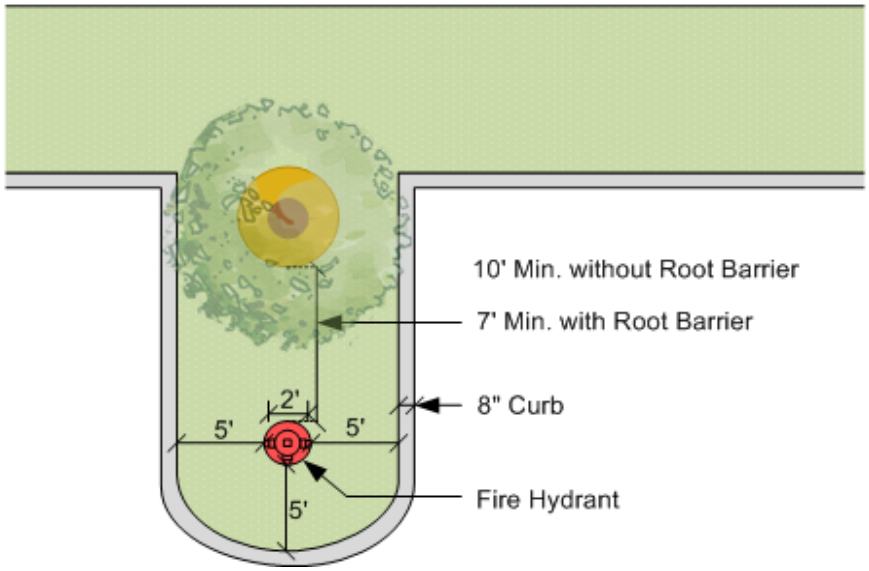
Planting around transformer cabinet shall be set back from the cabinet a minimum of eight feet on the front and three feet on the sides and rear. [Ord. 2019-005]

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

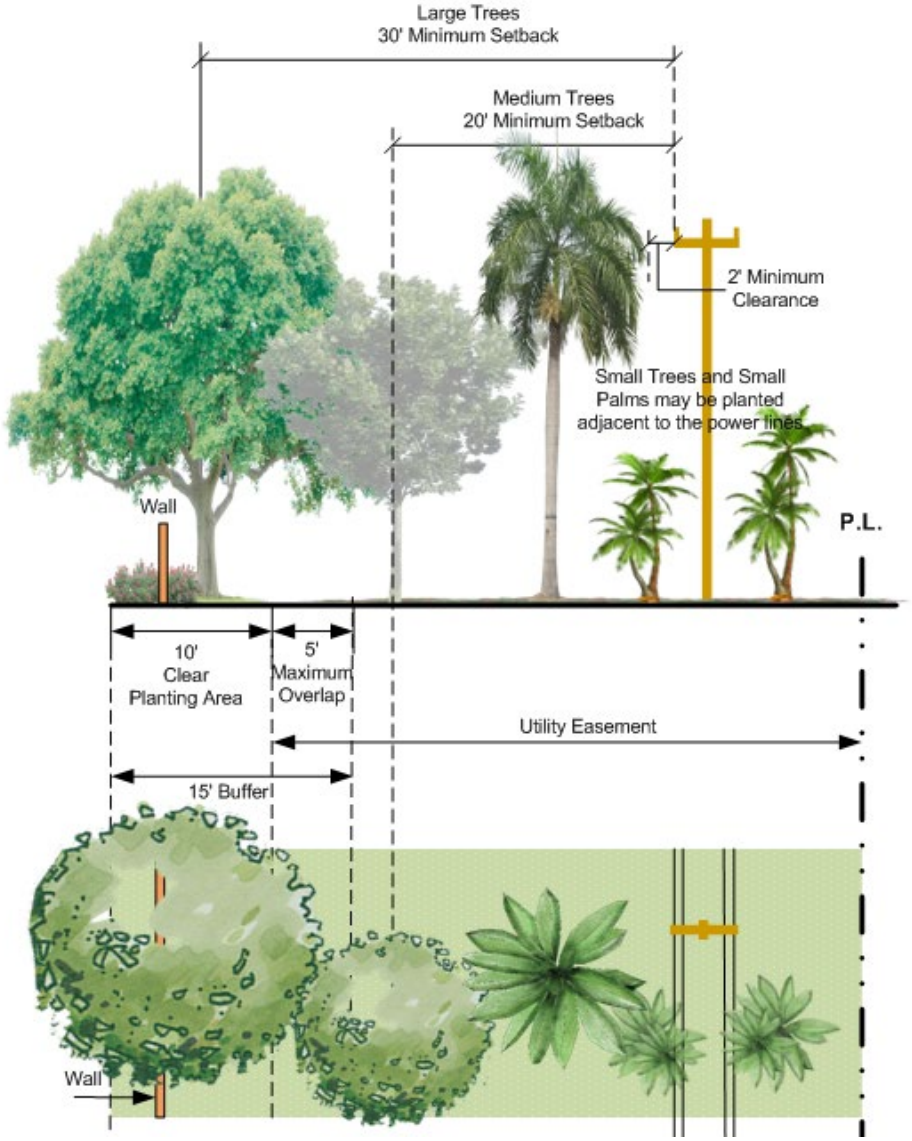
1. **Underground Utilities**
   Utility easements may encroach landscape islands provided there is a sufficient area for the growth of the required tree within the same island. The width and length of the island may be increased by the minimum amount necessary to meet the separation requirements of the 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 (LMEs)

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

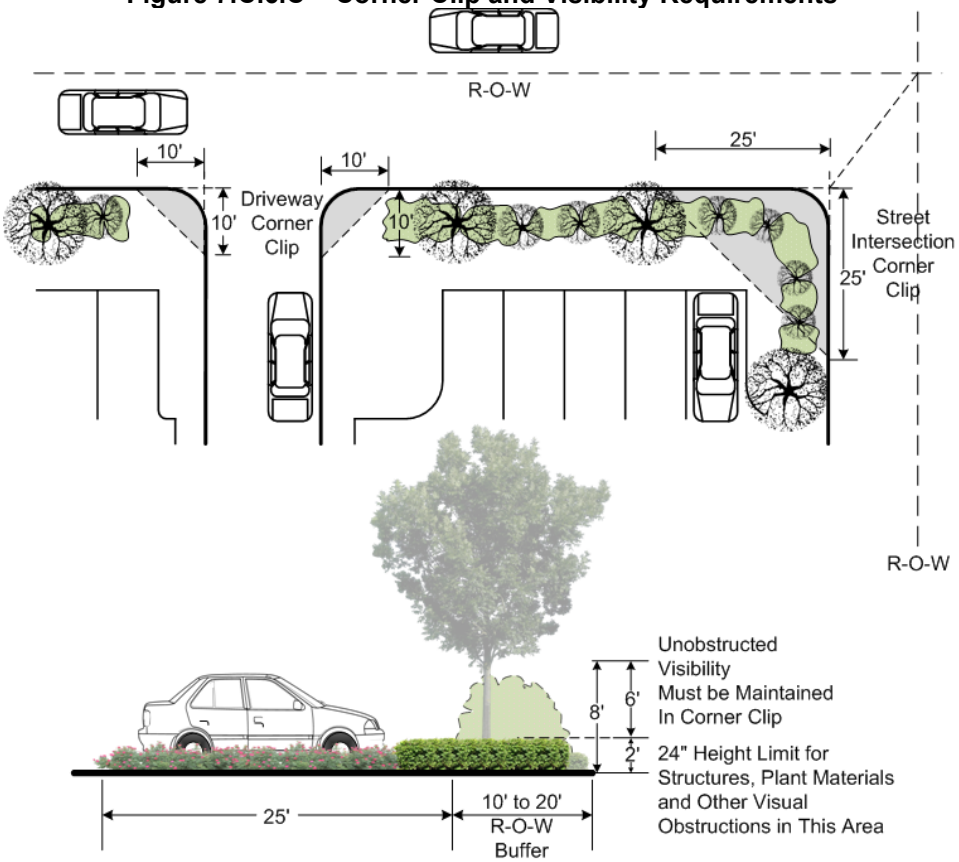
Landscaping within corner clips and safe sight distances required by Art. 11, Subdivision, Platting, and Required Improvements, shall be subject to the following: [Ord. 2018-002]

A. An area of unobstructed visibility shall be maintained between 30 inches and eight feet above the crown of the adjacent roadway. [Ord. 2018-002]

B. 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]

C. 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



[Ord. 2018-002]

Section 7 Large Scale Commercial Development

A. Perimeter Buffer

In addition to the requirements of this Code, developments with single tenants 65,000 gross square feet or more shall be subject to the following standards: [Ord. 2005-002] [Ord. 2018-002]

1. R-O-W Buffers

The width, berm, and planting requirements along streets, thoroughfares, and/or other means of vehicular access shall be upgraded as follows: [Ord. 2005-002] [Ord. 2018-002]

a. U/S Tier

1) A minimum 25-foot-wide buffer. [Ord. 2005-002] [Ord. 2018-002]
2) A three-foot-high berm. [Ord. 2005-002] [Ord. 2018-002]

b. Glades and Rural/Exurban Tiers

1) A minimum 50-foot-wide buffer. If a lake/retention area is located along a R-O-W, the buffer may be split to border the perimeter of the lake, 25 feet along the street, and 25 feet along the interior side of the lake. [Ord. 2005-002] [Ord. 2018-002]
2) Required trees, palms, and shrubs shall be double the quantities required under Art. 7.C.2.A, R-O-W Buffer. [Ord. 2005-002] [Ord. 2018-002]

2. Compatibility Buffers

The width, berm, and planting requirements along property lines adjacent to compatible uses shall be upgraded as follows: [Ord. 2005-002] [Ord. 2018-002]

a. U/S Tier

1) A minimum 25-foot-wide buffer. [Ord. 2005-002] [Ord. 2018-002]
2) A three-foot-high berm. [Ord. 2005-002] [Ord. 2018-002]

b. Glades and Rural/Exurban Tiers

1) A minimum 50-foot-wide buffer. [Ord. 2005-002] [Ord. 2018-002]
2) Required trees, palms, and shrubs shall be double the quantities required under Art. 7.C.2.A, R-O-W Buffer. [Ord. 2005-002] [Ord. 2018-002]

3. Incompatibility Buffers

The width, berm, and planting requirements along property lines adjacent to residential and other incompatible uses, and vacant properties with a residential FLU designation, shall be upgraded as follows: [Ord. 2005-002] [Ord. 2018-002]

a. U/S Tier

1) A minimum 50-foot-wide buffer. [Ord. 2005-002] [Ord. 2018-002]
2) A four-foot-high berm. [Ord. 2005-002] [Ord. 2018-002]
3) Required trees, palms, and shrubs shall be double the quantities required under Art. 7.C.2.A, R-O-W Buffer. [Ord. 2005-002] [Ord. 2018-002]

b. Glades and Rural/Exurban Tiers

1) A minimum 50-foot-wide buffer. [Ord. 2005-002] [Ord. 2018-002]
2) Required trees, palms, and shrubs shall be double the quantities required under Art. 7.C.2.A, R-O-W Buffer. [Ord. 2005-002] [Ord. 2018-002]

B. Foundation Planting

Foundation planting shall meander along building façade, and shall not be entirely located at the base of the building. Dimensions and planting for the required foundation planting shall be based on the tier of which the proposed development is located within, and subject to Table 7.C.3.B, Foundation Planting and Dimensional Requirements. [Ord. 2005-002] [Ord. 2018-002]

C. Encroachment

No easement encroachment shall be permitted in required perimeter buffers, except for bisecting utility easements and required safe sight distance easements not to exceed a maximum of 50 percent of the required buffer width. [Ord. 2005-002] [Ord. 2018-002]

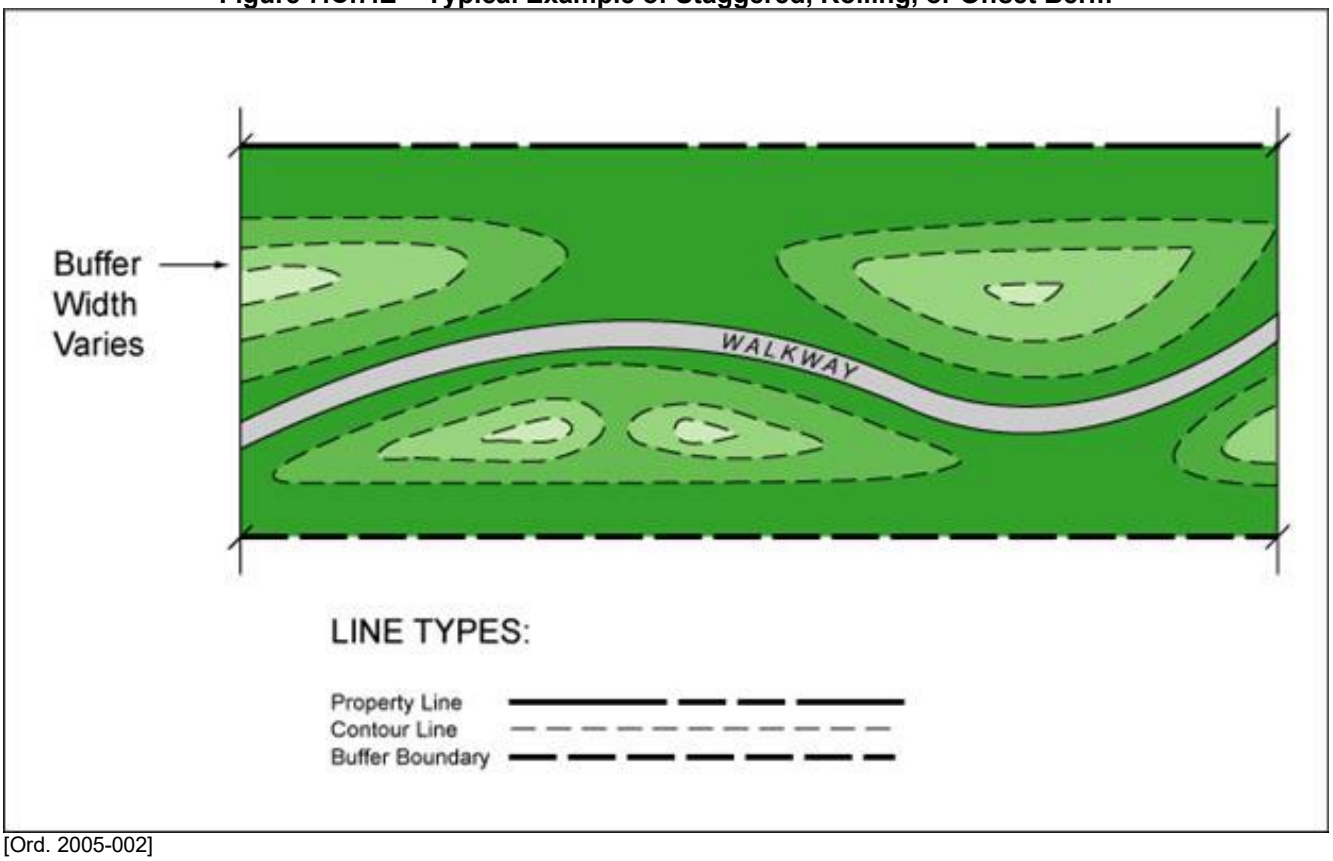
D. Perimeter Sidewalk

A perimeter sidewalk a minimum of five feet shall be required in all R-O-W Buffers 50 feet in width, and shall meander through the buffer. [Ord. 2005-002] [Ord. 2018-002]

E. Berm

Berms shall be staggered, rolling, or offset, as indicated in Figure 7.C.7.E, Typical Example of Staggered, Rolling, or Offset Berm. [Ord. 2005-002] [Ord. 2018-002]

Figure 7.C.7.E – Typical Example of Staggered, Rolling, or Offset Berm



[Ord. 2005-002]

CHAPTER D LANDSCAPE STANDARDS

Section 1 General

This Chapter provides the minimum standards for plant materials, which includes trees, palms, pines, shrubs, and ground treatment. It also addresses requirements for landscape barriers, which consist of hedges, walls, and fences. [Ord. 2018-002]

A. Plant Species

All plants shall comply with Grades and Standards for Nursery Plants, latest edition, prepared by the Florida Department of Agriculture and Consumer Services. A minimum of 60 percent of required plant material shall be selected from Appendix A, PBC's Preferred Species List – Plant Materials Database, As Amended, published by the Zoning Division, or the list of native and drought-tolerant species in the most recent edition of the SFWMD's "Waterwise Florida Landscapes." A minimum of 60 percent of required plant materials shall be native species. [Ord. 2018-002]

Section 2 Trees, Palms, and Pines

A. Trees

The size of a Canopy tree shall include the height and caliper pursuant to the Shade Trees, Types One through Five Matrices of the Grades and Standards for Nursery Plant. The minimum size of a Canopy tree shall be 12 feet in height with a two and one-half-inch caliper at installation, unless stated otherwise below. [Ord. 2014-025] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005]

1. Average Height

Required Canopy tree size may be achieved by utilizing the average height calculation.

a. Average height of total quantity of trees shall have a minimum of 12 feet. A maximum of 25 percent of the required trees shall be at a minimum height of eight feet. [Ord. 2018-002]

2. **Overhead Utilities with or without an Easement**
   a. May be exempt from Art. 7.D.2.A.1, Average Height; [Ord. 2019-005]
   b. Shall be a minimum of eight feet in height at installation and comply with Art. 7.C.5.A.2, Overhead Utilities; and, [Ord. 2019-005]
   c. Shall comply with FP&L's publication "Right Tree, Right Place." [Ord. 2019-005]

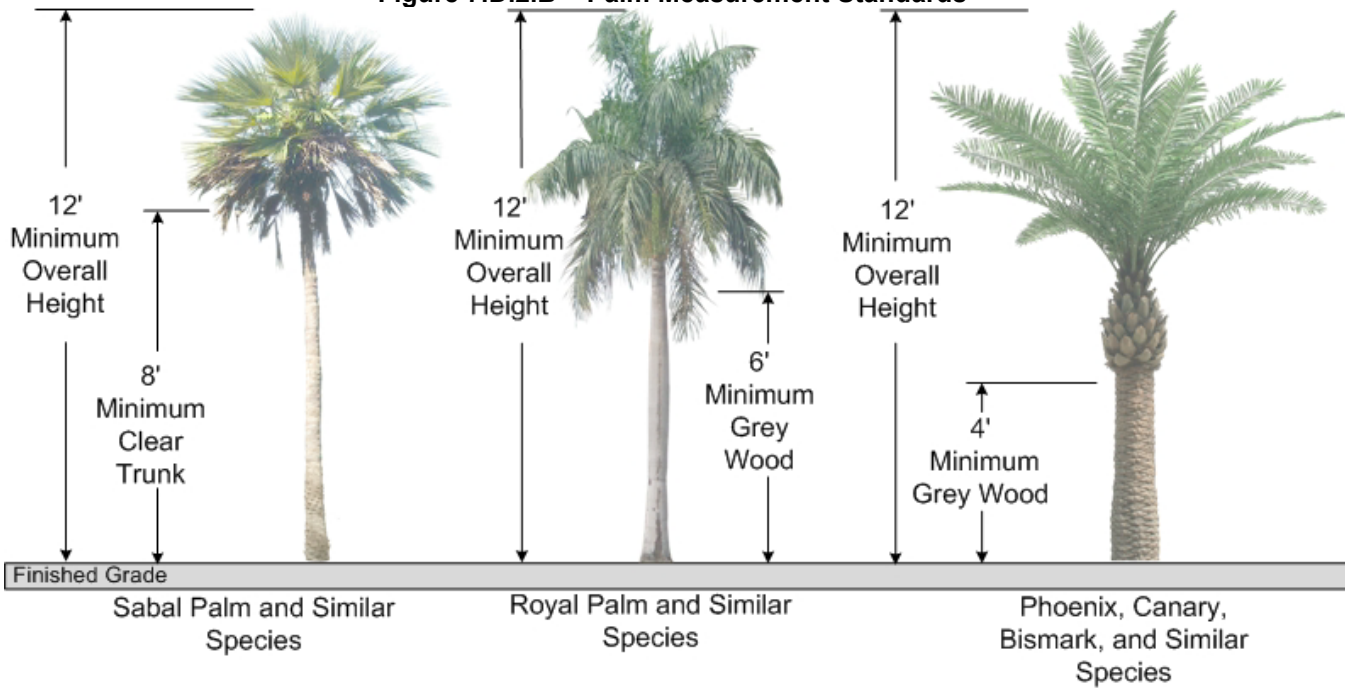
B. Palms

The size of a palm shall be measured by the height of the clear trunk or the grey wood pursuant to Figure 7.D.2.B, Palm Measurement Standards. The minimum overall height of a palm shall be 12 feet, and the minimum height for different species of palms shall be in accordance with Table 7.D.2.B, Palm Height Standards.

Table 7.D.2.B – Palm Height Standards (1)

Min. Height	8' clear trunk for Sabals and similar species
	6' grey wood for Royals and similar species
	4' grey wood for Phoenixes, Canary, Bismarck, and similar species
[Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005]	
Notes:	
1.	May be exempt from the minimum overall height, where there are adjacent overhead utilities with or without an easement, and shall comply with FP&L's publication "Right Tree, Right Place." [Ord. 2019-005]

Figure 7.D.2.B – Palm Measurement Standards



[Ord. 2018-002]

1. **Canopy Tree Substitute**

   Palms planted in groups of three or more may be counted as one required Canopy tree, up to a maximum of 25 percent of all trees required in each buffer, subject to the Standards in Table 7.D.2.B, Palm Height Standards. In the case of palm species, Paurotis or similar palm species, that characteristically grow in clumps, each clump may be counted as one Canopy tree. [Ord. 2018-002]

   a. Exception

   Royal, Bismarck, Phoenix, Canary, Date, or similar palm species determined to be acceptable by the Zoning Director may be counted as one required Canopy tree. These palms shall be spaced a maximum of 20 feet on center, and the clear trunk or grey wood shall be increased by 40 percent of the minimum requirements. [Ord. 2018-002]

C. Pines

The size of a pine shall include the height and the caliper of the pine. The minimum size of a pine shall be 12 feet in height with a two and one-half-inch caliper at installation. [Ord. 2014-025] [Ord. 2016-042]

1. Canopy Tree Substitute

a. Three pines may substitute for one required Canopy tree, provided the overall accumulated height of the three pines is 24 feet or more; or [Ord. 2016-042]

b. One pine with a minimum height of 14 feet. [Ord. 2016-042]

Pines may not be used in excess of 25 percent of the total number of required Canopy trees. When using pines in a perimeter buffer, refer to Art. 7.D.2.C, Pines. [Ord. 2014-025]

D. Tree Species Mix

When more than 15 trees are required to be planted to meet the standards of this Article, a mix of species is required. The number of species to be planted shall vary according to the overall number of trees that are required to be planted pursuant to Table 7.D.2.D, Tree Species Mix. Vegetation preserved in accordance with Art. 14.C, Vegetation Preservation and Protection, is exempt from the tree species mix requirement.

Table 7.D.2.D – Tree Species Mix

Required Number of Trees	Min. Number of Species
16-30	2
31-45	3
46-60	4
61-75	5
76-90	6
≥ 91	7

Section 3 Shrubs

A. Shrub Planting Requirements

Shrubs shall be installed according to Table 7.D.3.A, Shrub Planting Requirements and the quantity of shrubs for each type of buffer shall be established in accordance with the following: [Ord. 2018-002]

1. Table 7.C.2.A, R-O-W Buffer Landscape Requirements, Table 7.C.2.B, Compatibility Buffer Landscape Requirements, and Table 7.C.2.C, Incompatibility Buffer Landscape Requirements for quantity requirements; and [Ord. 2009-040] [Ord. 2018-002]
2. Height and spacing requirements pursuant to Table 7.D.3.A, Shrub Planting Requirements. [Ord. 2018-002]

Table 7.D.3.A – Shrub Planting Requirements

Shrub Type	Min. Height at Installation (Size)	Max. Spacing at Installation	Max. Maintained Height (1)
Ground Cover	6”	6”	N/A
Small Shrubs	18”	24”	36”
Medium Shrubs	24”	48”	48”
Large Shrubs	36”	48”	72”
[Ord. 2009-040] [Ord. 2018-002]			
Notes:			
1.	Maximum height is established to maintain the hierarchical visual effect for landscape buffer. Height may be increased unless stated otherwise herein. [Ord. 2009-040] [Ord. 2018-002]		

Section 4 Landscape Barriers

Landscape barriers consist of hedges, walls, or fences. They are utilized to provide continuous opaque screening, and are required for an Incompatibility Buffer. Landscape barriers may be installed in other types of landscape buffers; the requirement may be modified based on the site situations. [Ord. 2018-002]

A. Hedges

1. Height and Spacing at Installation

Hedge shall be planted at a minimum of 36 inches in height for a minimum mature height of six feet with a maximum spacing of 24 inches on center at installation to achieve a continuous screening effect. Adjustment shall be based upon the type of plants utilized, with spacing not exceeding 36 inches on center. [Ord. 2005-002] [Ord. 2014-025] [Ord. 2018-002] [Ord. 2024-004]

a. Single Family Residential Lot

Hedges may be planted and maintained along or adjacent to a residential lot line, as follows: [Ord. 2005-002] [Ord. 2014-025] [Ord. 2015-006] [Ord. 2018-002]

1) Hedges shall not exceed six feet in height in AR/RSA zoning, and four feet in height in all other residential zoning districts, when located within the required front setback. [Ord. 2005-002] [Ord. 2014-025] [Ord. 2018-002] [Ord. 2024-004]
2) Hedges shall not exceed ten feet in height when located on or adjacent to the side, side street, or rear property lines. [Ord. 2005-002] [Ord. 2014-025] [Ord. 2018-002] [Ord. 2024-004]

b. PDD and Non-Residential Perimeter Buffer Hedge Height

Hedges shall not exceed 12 feet in height. Height may be increased to a maximum of 20 feet for an industrial PDD for the purpose of screening outdoor industrial activities. [Ord. 2005-002] [Ord. 2014-025] [Ord. 2018-002]

2. Hedge and Berm Combination

Hedges may be used in place of required shrubs in Compatibility and Incompatibility Buffers. Hedges, in combination with a berm, may be located on top of a berm in the landscape buffer if it is installed in a manner that provides the minimum height required for continuous solid opaque screen at time of planting. [Ord. 2018-002]

3. Height Measurement

The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge, unless stated otherwise below. [Ord. 2016-016]

a. Located on Berm

Height shall be measured from the elevation of the berm pursuant to Art. 7.D.6, Berms where the hedge is installed, unless in conflict with standards for Art. 7.D.4.A.3.b, Grade Change below. [Ord. 2016-016] [Ord. 2018-002]

b. Grade Change

Height may be increased when the hedge abuts a retaining wall, subject to the following: [Ord. 2016-016]

1) Residential

The height of the hedge located within the front, side, or rear setback of a lot supporting a Single Family dwelling unit, may be increased when located adjacent to a lot having a different grade when a retaining wall is installed along the property line, in accordance with the following: [Ord. 2016-016]

a) Grade Measurement

The difference in grade shall be determined by measuring the elevation of the retaining wall and the elevation of the abutting lot at the property line. [Ord. 2016-016]

b) Maximum Height Increase

The height of the hedge may be increased by the difference in grade up to a maximum of two feet, whichever is less, as follows: [Ord. 2016-016]

(1) Within the required front setback: Up to a maximum of six feet. [Ord. 2016-016]
(2) Within a side or rear setback: Up to a maximum of ten feet. [Ord. 2016-016]
(3) A guardrail shall be installed on the retaining wall if required by the Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-042]

2) PDD or Non-Residential

Height may be increased when the hedge abuts a retaining wall subject to the requirements of Art. 7.D.5, Landscape Buffers with Grade Changes. [Ord. 2016-016]

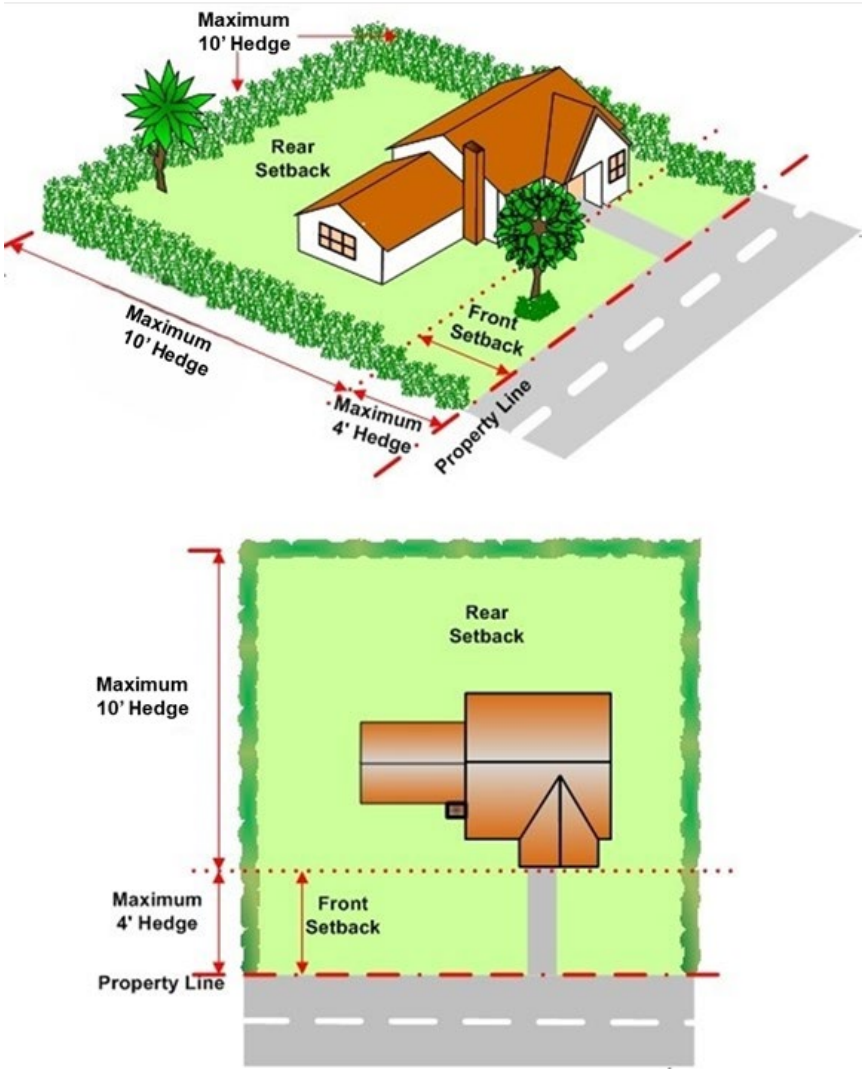
4. Setback

Hedges shall be set back a minimum of two feet from the property line to allow for maintenance, or additional landscape material if required, unless stated otherwise herein. [Ord. 2016-016] [Ord. 2018-002]

5. Sight Distance

Hedges shall comply with Art. 11.E.9.C, Minimum Safe Sight Distance and Corner Clips at Intersection. [Ord. 2015-006]

Figure 7.D.4.A – Maximum Hedge Height, except AR/RSA



[Ord. 2005-002] [Ord. 2015-006] [Ord. 2024-004]

B. Walls

Walls shall be composed of, but not be limited to: concrete panels, or concrete blocks with continuous footer. In the Exurban and Rural Tiers, walls shall be constructed from natural stone, concrete with a stone veneer, or embossed concrete with a natural stone or wood grain. Product samples shall be submitted to the Zoning Division for approval prior to submittal of the Building Permit for the wall. [Ord. 2018-002]

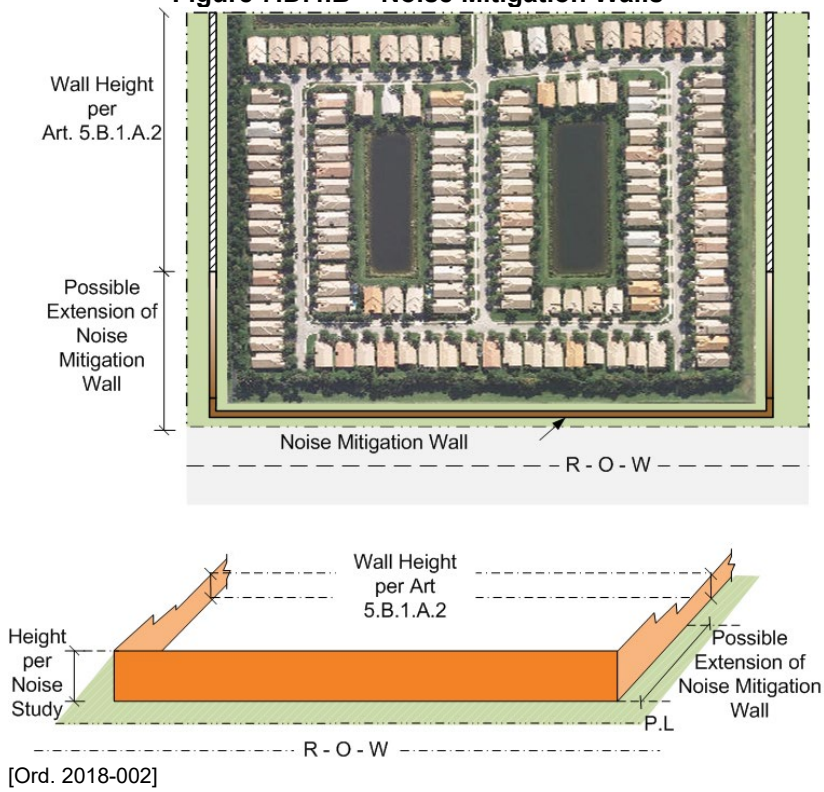
1. Architectural Treatment

Both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent developments. [Ord. 2007-013] [Ord. 2018-002]

2. Noise Mitigation Walls

Walls that abut Florida's Turnpike or any public street and any portion of an attached wall required to comply with the Noise Study, may increase the height to be consistent with the noise analysis acceptable to the FDOT, provided there is a Condition of Approval recommended by Land Development and imposed by the ZC or BCC specifying the requirement for the noise mitigation wall. [Ord. 2018-002]

Figure 7.D.4.B – Noise Mitigation Walls



[Ord. 2018-002]

C. Fences

Fence material shall include, but not be limited to: wood, vinyl panel, or vinyl-coated chain link. In addition, in the AR/RSA Zoning District, rail and wire fencing may be used. [Ord. 2018-002] [Ord. 2024-004]

1. Chain Link Fences

Chain link fences are prohibited in Incompatibility or R-O-W Buffers unless they are vinyl coated. Vinyl-coated chain link fences are only permitted in a R-O-W or Incompatibility Buffer, and when installed behind an opaque six-foot-high hedge. [Ord. 2007-001] [Ord. 2007-013] [Ord. 2016-016] [Ord. 2018-002]

a. Exception

An electrified fence in accordance with Art. 5.B.1.A.2.e.2), Electrified Fences – Exceptions and Regulations, shall not be required to be vinyl coated. [Ord. 2013-018] [Ord. 2018-002]

D. Location of Wall or Fence in a Landscape Buffer

Walls or fences that are utilized in a landscape buffer should have sufficient area with minimum easement encumbrances for planting on both sides of the wall or fence. [Ord. 2018-002] [Ord. 2019-005]

1. Exception

Electrified fencing in accordance with Art. 5.B.1.A.2.e.2), Electrified Fences – Exceptions and Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is adjacent to. [Ord. 2013-018] [Ord. 2018-002]

Table 7.D.4.D – Requirements for a Wall or Fence in a Landscape Buffer

Min. Requirements	R-O-W	Incompatibility	Compatibility
Setback for the Wall or Fence	10' from the edge of the ultimate R-O-W or base building line, whichever is applicable (1)	10' from the edge of the property line	No setback required Allowed to be located along the property line or inner edge of the buffer
Planting Width	7.5' on both sides of the wall or fence, or 10' if a wall with continuous footer is used (2)(3)	7.5' on both sides of the wall or fence, or 10' if a wall with continuous footer is used (2)(3)	7.5' on one side of the fence If a wall is installed, 10' on one side of the wall (2)(3)
Berm	If a continuous berm is proposed, the wall may be located on top of the berm	If a continuous berm is proposed, the wall may be located on top of the berm	No requirement
Canopy Tree Planting	75% of required trees shall be located along the exterior side of the wall or fence (4)	75% of required trees shall be located along the exterior side of the wall or fence (4)	No percentage requirement
Shrub Planting	Shrubs shall be planted on both sides of the wall or fence	Shrubs shall be planted on both sides of the wall or fence	No percentage requirement

[Ord. 2018-002] [Ord. 2019-005]

Notes:

1.	Unless waived or reduced by the County Engineer, provided there remains a minimum of seven and one-half feet clear for planting. [Ord. 2018-002]
2.	No easement encumbrances. [Ord. 2018-002]
3.	If a wall is installed, the minimum width of the landscape buffer shall be increased to have sufficient area for the required planting. [Ord. 2018-002]
4.	Percentage of required trees to be located on the exterior side of the wall or fence may be reduced subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002]

E. Conflict with Easements

If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with Art. 5.F.2.A, Easement Encroachment. [Ord. 2007-013] [Ord. 2018-002]

Section 5 Landscape Buffers with Grade Changes

The height of a hedge, wall, or fence may be increased when located on a lot abutting a property with grade difference or in a landscape buffer where a retaining wall is used, subject to the following: [Ord. 2016-016] [Ord. 2018-002]

A. Grade Measurement

The difference in grade shall be determined by measuring the elevation of the retaining wall and the elevation of the abutting lot at the property line. [Ord. 2016-016] [Ord. 2018-002]

B. Compatibility Buffer – Maximum Height Increase

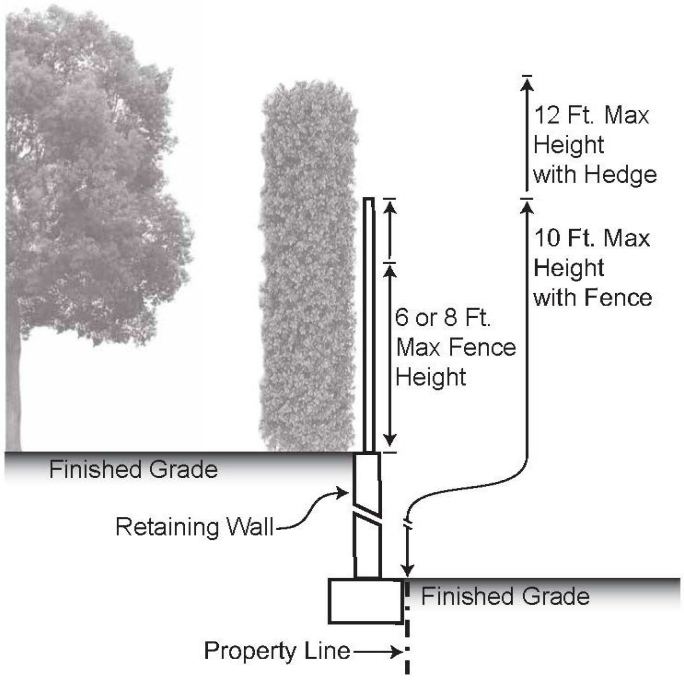
1. Fences

The height of a fence located on a retaining wall in a Compatibility Buffer may be increased by the difference in grade up to a maximum of four feet, whichever is less, as illustrated in Figure 7.D.5.B, Height Requirements for Compatibility Buffers with Grade Changes Using Retaining Walls. The fence shall be of the minimum height necessary to comply with Florida Building Code requirements for guardrails. [Ord. 2016-016] [Ord. 2018-002]

2. Hedges

Maximum permitted hedge height abutting a retaining wall may only be increased subject to the requirements of Art. 7.D.4.A.3, Height Measurement. A guardrail shall be installed on the retaining wall if required by the Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-016] [Ord. 2018-002]

Figure 7.D.5.B – Height Requirements for Compatibility Buffers with Grade Changes Using Retaining Walls



[Ord. 2016-016]

C. Incompatibility or R-O-W Buffer – Maximum Height Increase

The height of a fence, wall, or hedge located in an Incompatibility or R-O-W Buffer with a retaining wall may be increased by the difference in grade in accordance with Figure 7.D.5.C Height Requirements for Incompatibility or R-O-W Buffers with Grade Changes Using Retaining Walls, and the following: [Ord. 2016-016] [Ord. 2018-002]

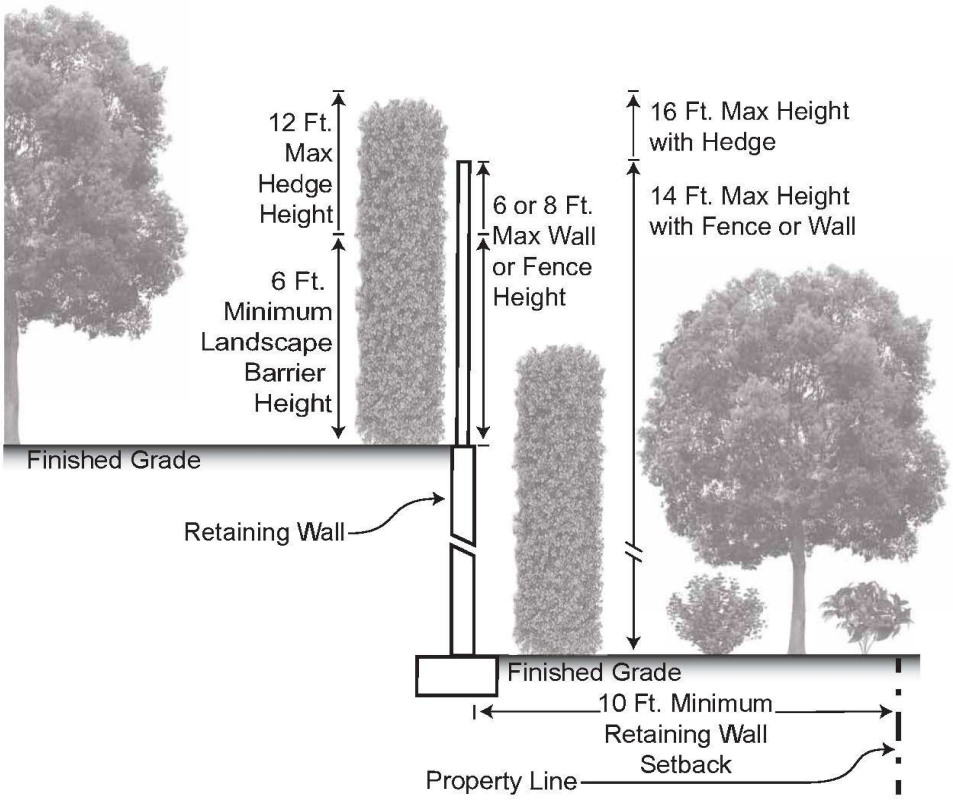
1. Fences and Walls

The height of a fence or wall located on a retaining wall setback a minimum of ten feet from the outer edge of the perimeter buffer may be increased by the difference in grade, up to a maximum overall height of 14 feet, whichever is less. The fence or wall shall be of the minimum height necessary to comply with Florida Building Code requirements for guardrails, or minimum required landscape barrier height. [Ord. 2016-016] [Ord. 2018-002]

2. Hedges

The height of a hedge abutting a retaining wall set back a minimum of ten feet from the outer edge of the perimeter buffer may be increased by the difference in grade, up to a maximum height of 16 feet, whichever is less. A guardrail shall be installed on the retaining wall if required by the Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-016] [Ord. 2018-002]

Figure 7.D.5.C – Height Requirement for Incompatibility or R-O-W Buffers with Grade Changes Using Retaining Walls



[Ord. 2016-016]

Section 6 Berms

Berms may be used as non-living landscape barriers only when used in conjunction with plant materials and where existing natural vegetation is not disturbed. Berms may be used in conjunction with fences, walls, or hedges to meet the total height requirements.

A. Tier Restrictions
Landscape berms are not allowed within the Exurban, Rural, Agricultural Reserve, or Glades Tiers, unless approved through a Type 1 Waiver for Landscaping or located along a Rural Parkway. [Ord. 2016-042]

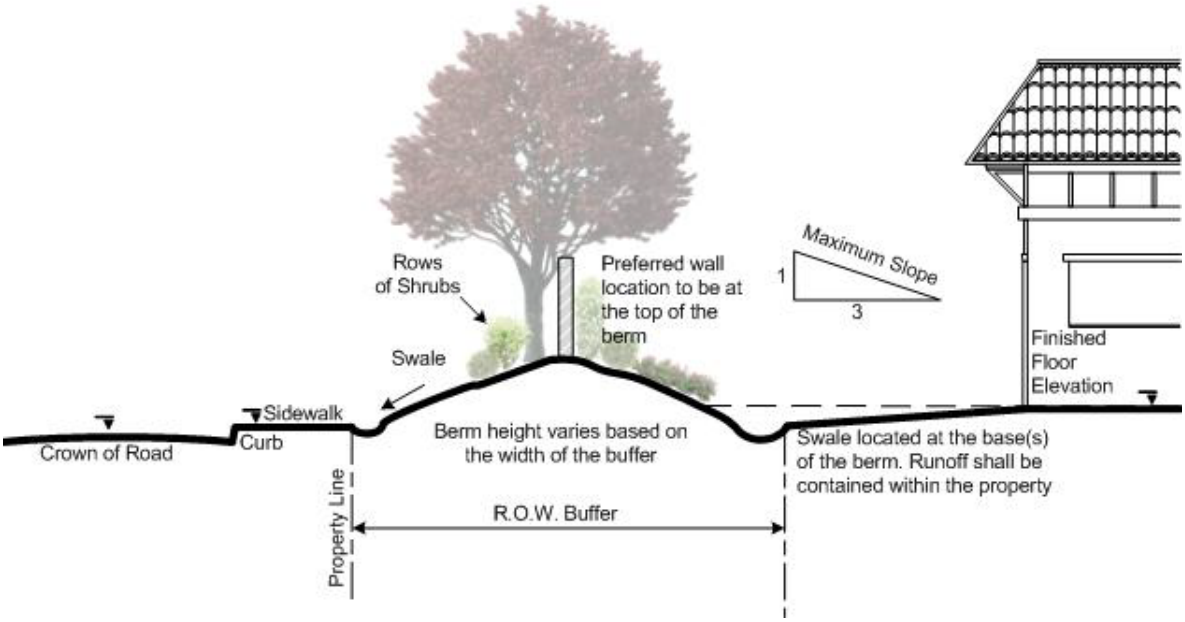
B. Maximum Slope
The slope of a berm shall not exceed three to one. Runoff from berms shall be contained within the property, as illustrated in Figure 7.D.6, Berm Elevation and Drainage Requirements, or in a manner approved by the County Engineer. [Ord. 2018-002]

C. Height Measurement
Berm height shall be measured from the nearest adjacent top of the curb (parking lot) or the nearest adjacent crown of the road or the nearest adjacent finished floor elevation, whichever is higher. [Ord. 2005-002]

D. Incompatibility Buffer
Incompatibility Buffers, as illustrated in Figure 7.D.6, Berm Elevation and Drainage Requirements, provided that hedges and shrubs are installed at the height necessary to provide the total six-foot screen at the time of planting. [Ord. 2018-002]

E. Preservation Areas
Berms may be installed in preservation areas only where they will not affect the viability of preserved trees and vegetation. [Ord. 2018-002]

Figure 7.D.6 – Berm Elevation and Drainage Requirements



[Ord. 2005-002] [Ord. 2018-002]

Section 7 Ground Treatment

The ground within required landscaped areas shall receive appropriate ground treatment at installation. Ground treatment shall not be required in preservation areas. Mulch that originated from a plant species that will create an environmental impact shall be discouraged for application. Sand, gravel, shell rock, or pavement is not considered appropriate ground treatment. The following standards shall apply to the installation of ground treatment: [Ord. 2016-042] [Ord. 2018-002]

A. Ground Cover

Containerized ground cover shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within six months. Seeded ground cover such as native wildflowers, shall provide a minimum of 50 percent coverage after six months of planting and 50 percent coverage within one year. 100 percent coverage shall be achieved at the second year of planting. [Ord. 2016-042] [Ord. 2018-002]

B. Mulch

Mulch shall be installed and maintained at all times in all planted areas not containing ground cover. All mulch material shall be free of seeds and weeds to prevent tree sprouting and regrowth. The application of cypress mulch shall be discouraged. [Ord. 2016-042] [Ord. 2018-002]

C. Alternative Materials

Alternative materials such as pebbles, egg rocks, or decorative sand may be used up to a maximum of ten percent of ground coverage and only in areas needed to accommodate limited roof water runoff. [Ord. 2018-002]

D. Lawn and Turf

Grassed areas shall be planted with species suitable as permanent lawns and shall reach 100 percent coverage within six months of planting. Grassed areas may be sodded, plugged, sprigged, or seeded. However, grass shall be required between landscape buffers and swales and in other areas subject to erosion. In areas where grass seed is used, millet or rye shall also be sown. These areas shall be properly maintained to ensure complete coverage. Because of their drought-resistant characteristics, it is recommended that Bahia grass species be used. Use of drought-tolerant ground cover instead of lawn and turf grass is encouraged. Undeveloped parcels shall be planted as required in Art. 7.F.3.C, Maintenance of Vacant Lots. [Ord. 2016-042] [Ord. 2018-002]

E. Artificial Turf

Artificial turf may be installed in the interior, terminal, or divider medians of a bull pen vehicle storage area. The Applicant shall receive product approval from the Zoning Director, prior to indicating it on the Landscape Plan or installation. [Ord. 2016-042] [Ord. 2018-002]

CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT SPECIES

Section 1 Purpose

To establish standards and requirements for the preservation of existing native vegetation, removal of prohibited species, and reduction of controlled species. For the purpose of this Article, existing native vegetation includes native trees, palms, and pines and shall be incorporated with the vegetation required pursuant to this Article for any application that is subject to a DO. Existing native vegetation may satisfy the landscape requirements in this Article, in total or in part. In determining whether native vegetation satisfies the requirements of this Article and the goals of Art. 14.C, Vegetation Preservation and Protection, either one or both of the following shall be considered: [Ord. 2018-002] [Ord. 2021-023]

A. The effectiveness of utilizing the existing vegetation as visual screening and reestablish a natural habitat for the existing vegetation; or [Ord. 2018-002]
B. The quality and species of the vegetation being preserved. [Ord. 2018-002]

Section 2 Authority and Review Procedures

The Zoning Director shall have the authority to require the preservation of vegetation on site that is not covered under Art. 14.C, Vegetation Preservation and Protection, subject to the following: [Ord. 2016-016] [Ord. 2018-002]

A. Pre-Application Appointment (PAA)

The Applicant shall meet with the Zoning Division and the Department of Environmental Resources Management (ERM) prior to the submittal of the application. Staff shall coordinate with the Applicant and ERM to address the preservation of native vegetation and to resolve design issues to the greatest extent, without impacting the timeline for certification or approval of the application. Staff shall conduct a site visit with the Applicant to determine whether the existing vegetation is worthy of preservation, whether the vegetation falls under Zoning or ERM authority, and inform the Applicant of the necessary application requirements, including a Vegetation Survey to be submitted as part of the Zoning application. Vegetation that has been determined to be under the authority of ERM, shall be subject to the requirements of Art. 14.C, Vegetation Preservation and Protection. [Ord. 2018-002] [Ord. 2021-023]

B. Review and Permit Procedures

The Zoning Division shall review all applications that require preservation of existing vegetation through: PAA, site visits, site design to maximize preservation, and when appropriate, Conditions of Approval shall be imposed to ensure the requirements are being monitored at Land Development review and Building Permit stages. [Ord. 2018-002] [Ord. 2021-023]

1. Application Submittal

a. In addition to all the required forms and related documents pursuant to Art. 2, Application Processes and Procedures, the Applicant shall include a description of the proposed site development, and indicate any proposal for preservation of existing native vegetation in the Justification Statement; [Ord. 2018-002]
b. The Applicant shall submit a Vegetation Survey with estimated preliminary finished grade of the areas where the proposed preservation of vegetation is located; and, [Ord. 2018-002]
c. Any preservation or relocation of vegetation shall be shown on the applicable Zoning Plan(s) with a Vegetation Disposition Chart pursuant to Title 3, Landscaping, Chapter C, Existing Native Vegetation – Preservation of the Zoning Technical Manual for the template and notes. [Ord. 2018-002]

2. Site Visit

If a PAA is not requested by the Applicant prior to the submittal of the Zoning application, Staff shall conduct a site visit to determine if a Vegetation Survey and a Vegetation Disposition Chart are required. If necessary, the requirement shall be listed as a certification issue at the issuance of the first set of DRO comments. [Ord. 2018-002]

3. Agreement on Preservation

a. Staff shall set up an appointment with the Applicant to discuss the recommendations related to the site design and preservation. If the recommendations require a redesign of the site layout, the Applicant shall address issues related to the preservation and relocation of vegetation before certification of the application for public hearings or Final Approval by the DRO. [Ord. 2018-002]
b. Prior to the certification or approval of an application, the Applicant shall agree to the specific requirements which includes, preservation, relocation, mitigation, replacement of the existing native vegetation, and shall be shown on the plan(s) and Vegetation Disposition Chart. [Ord. 2018-002]

c. The Zoning Director shall have the authority to impose Conditions of Approval on the Development Order to require the incorporation of existing vegetation into the site design. [Ord. 2016-016] [Ord. 2018-002]

4. ERM Vegetation Protection

For applications that are approved by the ZC or BCC, the Applicant shall submit a Protection of Native Vegetation application to ERM prior to Final Approval by the DRO. For applications that are approved by the DRO, the Applicant shall submit the Protection of Native Vegetation approval application concurrent with the Vegetation Barricade Permit. A Vegetation Permit shall be issued by ERM if the requirements are consistent with the approved Zoning Plans, Conditions of Approval, or in compliance with Code. [Ord. 2018-002]

5. Vegetation Barricade Permit

a. Prior to any land clearing activity, removal of vegetation, or issuance of any other Building Permits for the site, the Applicant shall: [Ord. 2018-002]
   1) Submit a Vegetation Barricade Permit application to the Building Division; [Ord. 2018-002]
   2) Tag all existing vegetation as identified on the approved plans and Vegetation Disposition Chart to ensure there are no discrepancies between the approved documents and the site situations; and, [Ord. 2018-002]
   3) Install all barricades around tagged vegetation that is to be preserved or relocated on the site. [Ord. 2018-002]

b. The Vegetation Barricade Permit application shall be reviewed by the Zoning Division and ERM. Staff shall schedule inspections for the installation of the tags and barricades prior to the approval of the permit. [Ord. 2018-002]

c. PZB shall inspect the site for compliance with the Vegetation Barricade Permit to ensure all barricades are properly installed around the vegetation to be preserved or relocated. Once the final inspection for the Vegetation Barricade Permit is signed off by the Zoning Division, other permits for the property may be issued. [Ord. 2018-002]

Section 3 Credit and Replacement

This Section clarifies when existing vegetation can be utilized to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements and Art. 7.D, Landscape Standards. In addition, this Section also establishes requirements for quantity and size for replacement. Replacement of vegetation may be required due to injury, damage, or removal, which includes: improper pruning, hatracking, or other actions that render existing vegetation unable to achieve its natural and intended form. The quantity and the size of the replaced vegetation is based on the size of the individual vegetation at the time when the vegetation was injured, damaged, or removed. For the purpose of this Section, the term “vegetation” shall include trees, palms, or pines. [Ord. 2018-002] [Ord. 2019-005]

A. Vegetation Credit

Credit to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements, and Art. 7.D, Landscape Standards shall be granted for on-site preservation of existing vegetation when accompanied by an approved Vegetation Survey with a Vegetation Disposition Chart, and indicated on the Final Landscape Plan or Final ALP. [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]

1. Approval

The credited vegetation shall be approved by both the Department of ERM and the Zoning Division. The Vegetation Survey, Vegetation Disposition Chart, and Final Landscape or Final ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this Article. [Ord. 2020-001]

2. Excluded from Credit

Credits shall not be permitted for vegetation: [Ord. 2018-002] [Ord. 2019-005]

a. Required for preservation by Art. 14.C, Vegetation Preservation and Protection (i.e., located in required preservation areas, heritage, or champion trees);

b. Irreparably damaged during the construction process; [Ord. 2018-002] [Ord. 2019-005]

c. Classified as prohibited or invasive non-native species as defined in Art. 14.C, Vegetation Preservation and Protection; [Ord. 2018-002]

d. Dead, dying, diseased, or infested with harmful insects; or, [Ord. 2018-002]

e. Located in a sub-area of a planned development that is not intended to be developed for residential, commercial, or industrial use, such as a golf course on an adjacent open space parcel. [Ord. 2018-002]

B. Replacement

Required vegetation, landscape barriers, or ground treatment that become damaged, diseased, removed, or are dead shall be immediately replaced, and where specified, are subject to the Vegetation Removal and Replacement Permit process. Replacement shall comply with the following: [Ord. 2005-002] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]

1. Trees shall be in accordance with Table 7.E.3.C, Vegetation Credit and Replacement, and subject to the Tree Removal and Replacement Permit pursuant to Art. 7.B.5, Tree Removal and Replacement. [Ord. 2019-005] [Ord. 2020-001]
2. Shrubs shall be in accordance with the original size as required under each type of buffer consistent with this Article or Conditions of Approval. [Ord. 2019-005]
3. A wall or fence shall be in accordance with the original height, and the same construction material as required under each type of buffer consistent with this Article or Conditions of Approval, and subject to a permit approval process. [Ord. 2019-005]
4. A hedge shall be in accordance with the original height as required under each type of buffer consistent with this Article or Conditions of Approval, where applicable. [Ord. 2019-005]
5. Ground treatment shall be in accordance with Art. 7.D.7, Ground Treatment or Conditions of Approval, where applicable. [Ord. 2019-005]

C. Vegetation Credit and Replacement Formula

Existing vegetation that is given credit towards required vegetation, or for the purpose of a replacement shall be subject to the following Table. In addition, the size of the credited or replaced vegetation shall be in compliance with the size requirements pursuant to Art. 7.D.2, Trees, Palms, and Pines. [Ord. 2019-005]

Table 7.E.3.C – Vegetation Credit and Replacement

Tree or Pine Diameter at 4.5' Above Grade (1)(2)(3)	=	Quantity for Credits or for Replacements (4)
< 2"	=	0
2-6"	=	1
7-11"	=	2
12-16"	=	3
17-21"	=	4
22-26"	=	5
27-31"	=	6
32-36"	=	7
≥ 37"	=	8

[Ord. 2014-025] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]

Notes:

1.	Fractional measurements shall be rounded in accordance with Art. 1.C.1.A.2, Interpretation and Application. [Ord. 2018-002] [Ord. 2020-001]
2.	Pines with a diameter of six inches or more, measured at a height of four and one-half feet above grade shall be subject to preservation, mitigation, or replacement. [Ord. 2019-005]
3.	Quantity: replacement of palms shall be one for one. [Ord. 2019-005]
4.	Replacement of vegetation for sites found in violation with irreparable or irreversible harm shall be pursuant to Art. 7.G.3.C, Corrective Actions. [Ord. 2020-001]

1. Natural Disaster Replacement

The replacement standards of vegetation damaged by natural disaster, as determined by the Executive Director of PZB, pursuant to Art. 7.G.2, Temporary Suspension of Landscape Standards, shall be subject to the following, unless exempt by F.S. § 163.045. [Ord. 2020-001]

a. Each tree, palm, or pine that has been damaged by a natural disaster, and impacts the life of the vegetation, shall be replaced by a similar tree, palm, or pine, and subject to the following: [Ord. 2019-005] [Ord. 2020-001]
   1) Quantity – one for one; [Ord. 2019-005] [Ord. 2020-001]
   2) Size – pursuant to Art. 7.D.2, Trees, Palms, and Pines, or a size specified pursuant to DO Conditions of Approval; [Ord. 2019-005] [Ord. 2020-001]
   3) Timing – replacement shall be completed in accordance with the dates established by the Executive Director of PZB, pursuant to Art. 7.G.2, Temporary Suspension of Landscape Standards; and, [Ord. 2020-001]
   4) Documentation shall be provided by an Applicant when utilizing these reduced standards, or if there are any modifications from the previously approved Final Landscape Plan or Final ALP, and shall be indicated on a revised Planting or Landscape Plan, whichever is applicable. [Ord. 2020-001]

Section 4 Prohibited Plant Species

The planting or installation of the following plant species is prohibited. Each Planting Plan, Landscape Plan, or ALP shall include a program to eradicate and prevent the reestablishment of these species. [Ord. 2018-002]

A. Prohibited plant species listed in Art. 14.C, Vegetation Preservation and Protection. [Ord. 2018-002]
B. Any plant species classified in Art. 14.C, Vegetation Preservation and Protection, as an "invasive non-native species." [Ord. 2018-002]

Section 5 Controlled Plant Species

The following species may be planted or maintained under controlled conditions: [Ord. 2018-002]

A. Black Olives and Mahogany

Black olives and mahogany shall not be installed within 15 feet of any vehicular use area, sidewalk, paved pathway, or bike lane. [Ord. 2018-002]

B. Ficus Species

Ficus species may be planted under the following conditions but shall not exceed a maximum of ten percent of the total number of required trees. [Ord. 2018-002]

1. Planted as individual trees provided they are no closer than 30 feet from any structure or utility; [Ord. 2018-002]
2. Contained in a planter or root barrier; or, [Ord. 2018-002]
3. Maintained in accordance with the restrictions for hedges pursuant to Art. 7.D.4.A, Hedges. Ficus hedges in interior landscape areas shall not exceed a maximum of 12 feet in height, measured from the lowest grade adjacent to the hedge. [Ord. 2005-002] [Ord. 2018-002]

C. Silk Oak and Rosewood

Silk oak and rosewood trees shall not be planted within 500 feet of a preserve area. [Ord. 2018-002]

D. Trees

Citrus trees shall not qualify as a required tree, except for Single Family lots. [Ord. 2018-002]

Section 6 Artificial Plants

No artificial plants or vegetation shall be used to meet any standard of this Article. [Ord. 2018-002]

CHAPTER F INSTALLATION AND MAINTENANCE

This Chapter establishes standards for the installation and maintenance of plant material. [Ord. 2009-040]

Section 1 Plant Quality

Plants installed pursuant to this Article shall conform to or exceed the minimum standards for Florida Number 1, as provided in the most current edition of Florida Grades and Standards for Nursery Plants, as amended, prepared by the Florida Department of Agriculture and Consumer Services. All plants shall be clean and free of noxious pests and/or diseases. [Ord. 2018-002]

Section 2 Installation

All landscaping shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. Before planting, a plant or tree's growth characteristics shall be considered to prevent conflicts with views, lighting, infrastructure, utilities, or signage. Proposed infrastructure, lighting, and signage plans shall be submitted concurrent with Landscape Plans prior to issuance of a Building Permit.

A. Planting Specifications

Required trees and palms may be securely guyed, braced, and/or staked at the time of planting until establishment. All plants shall be installed so that the top of the root ball remains even with the soil grade. The top one-third of burlap shall be removed from the root ball at planting. If used, nylon strapping and wire cages shall be completely removed at installation. All guys and staking material should be removed when the tree is stable and established but in no case more than one year after initial planting of tree. Construction debris shall be kept clear from the planting area. [Ord. 2018-002]

B. Phasing

Required landscaping may be installed in phases, and if designated on the approved Zoning Plan, as follows: [Ord. 2018-002]

1. Developments with Phasing

The required plant materials shall be installed in accordance with the approved phasing of a planned development. The quantity of the required plant materials for each development phase shall be a proportion of the total number of plant materials required to be planted in the overall planned development. This proportion shall be determined by comparing the area of the plan to the area of the entire planned development as shown on the approved plan. Areas of vegetation required to be preserved shall be excluded from this calculation. R-O-W Buffers along the development frontage shall be installed under phase one. [Ord. 2018-002]

2. Developments without Phasing

The perimeter landscaping shall be installed prior to the issuance of the first CO.

a. Developments with Multiple Buildings

R-O-W Buffers along the development frontage shall be installed prior to the issuance of the first CO for the first building. [Ord. 2018-002]

b. PO Zoning District and Public Civic Pods of a PUD

Installation of a proportion of the required plant materials shall be permitted subject to the approval of a Phasing Plan by the DRO. The Phasing Plan shall indicate the affected area of each Building Permit application and general location of plant material that will be installed. [Ord. 2007-013]

3. Suspended Phasing

Required installation may be phased into a project for up to one year from the initial occupancy, subject to the approval of an installation schedule by the DRO. [Ord. 2018-002]

Section 3 Maintenance

A. General

PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned property, unless provided for otherwise by DO Condition of Approval. For all other properties, which includes vegetation required to be installed under a DO, or existing preserved vegetation, the Property Owner or successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the requirements of this Section. Maintenance of the premises shall also be subject to the Palm Beach County Property Maintenance Code, Chapter 14, Article I of the PBC Code. [Ord. 2018-002]

1. Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices.
2. Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.
3. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscape and preservation areas.
4. Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard. All trees and palms shall be allowed to grow to their natural mature height and to full canopy. [Ord. 2018-002]
5. Landscape areas, which are required to be created or preserved by this Article, shall not be used for temporary parking or the storage/display of materials or sale of products or services.

B. Maintenance of Vacant Lots

Vacant lots and vacant residential parcels shall be maintained by the Property Owner, and shall be subject to the requirements as listed below. [Ord. 2018-002] [Ord. 2020-001]

1. Vacant Lots or Parcels with Demolition Permits

a. Demolition Permits

Demolition permits for vacant lots or parcels shall be subject to the review and sign-off by the Zoning Division. The Building Division shall not issue the demolition permit until a Planting Plan is approved by the Zoning Division unless the Property Owner signs an affidavit in accordance with the requirements below. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2018-002]

1) Planting Plan

The Property Owner shall submit a Planting Plan indicating the proposed method of ground treatment, preservation of existing native trees, and if applicable, replacement of trees; and irrigation simultaneously with the application for a demolition permit. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2018-002]

a) Review of Planting Plan

The DRO shall determine if the Planting Plan is sufficient and includes the information necessary to evaluate the plan within five days of receipt. The DRO shall approve, approve with conditions, or deny the plan within ten days of the determination of sufficiency. If necessary, the DRO or Environmental Resources Management Department shall conduct a site visit as part of the plan review. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2018-002]

b) Standards

The DRO shall consider the following criteria in reviewing the Planting Plan: whether or not the ground treatment and other landscape materials are consistent with the established character of the neighborhood; and whether or not alternative or temporary irrigation methods such as hand-watering are acceptable. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2018-002]

c) Plant Installation, Maintenance, Pruning, and Irrigation

The vacant lot shall be subject to the requirements or Conditions of Approval as indicated in the Planting Plan related to installation and maintenance. Native vegetation, or ground treatment shall be installed, maintained, pruned, and irrigated in accordance with the requirements of this Section. Temporary irrigation methods may be approved for native vegetation only, subject to a maintenance/replacement agreement. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2018-002]

2) Vacant Lot Maintenance and Planting Requirements

Native vegetation shall be preserved if required by ERM and ground treatment shall be installed and maintained, in accordance with the requirements of this Section. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2018-002]

a) Ground Treatment

Vacant lots or parcels shall be cleared of construction materials and debris, and must be planted with sufficient ground treatment to cover the entire lot or parcel in accordance with one of the choices pursuant to Art. 7.D.7, Ground Treatment. Existing ground treatment may be used to meet the requirements of this Section. The clearing and installation of ground treatment must be completed within 120 days of the completion of demolition, within 120 days of the effective date of this Section, or within 30 days of approval of a Planting Plan, whichever is later. Slab foundations or other structural features remaining from demolished houses, or from other demolished structures, must also be removed from vacant lots and parcels. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2018-002]

b) Existing Vegetation

All existing native vegetation shall be preserved, and prohibited and controlled species shall be eliminated pursuant to Art. 7.E, Existing Native Vegetation, Prohibited, and Controlled Plant Species. [Ord. 2018-002]

c) Irrigation

Temporary irrigation methods may be approved for native vegetation only, subject to a maintenance or replacement agreement. [Ord. 2018-002]

2. Vacant Lots or Parcels with Pending Redevelopment Permits

A Property Owner shall initiate redevelopment of a vacant lot or parcel within 120 days of demolition, or shall actively proceed in good faith to redevelop based on submittal of a Building Permit application or other applicable Development Permit application. The Applicant shall submit evidence demonstrating good faith efforts to redevelop within 120 days of completion of the demolition, or shall submit a Planting Plan within 30 days of the expiration of the 120-day period. The Property Owner shall execute an affidavit in conjunction with the demolition permit on a form established by the Zoning Division. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2018-002]

Section 4 Pruning after Installation

Pruning is permitted after installation to allow for healthy growth, to promote safety considerations, and enhance the aesthetic value of plant material. Trees that conflict with views, signage, or lighting shall not be pruned more than the maximum allowed. Trees shall not be pruned in a manner that reduces the canopy spread to less than 20 feet. Pruning practices shall comply with the guidelines in American National Standards Institute (ANSI) A300, and the provisions of this Chapter. The Zoning Director may suspend the provisions of this Chapter upon recommendation from County Landscape Staff additional pruning is necessary for plant growth, safety, or aesthetics. [Ord. 2018-002] [Ord. 2020-001]

A. General Pruning Requirements

1. A maximum of one-fourth of the tree canopy may be removed from a tree within a one-year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the most recent published version of the American National Standards Institute (ANSI) A300 provisions related to tree, shrub, and other woody plant maintenance, as amended. The crown of a tree required by this Code or Condition of Approval shall not be reduced below the minimum spread or height requirements of Art. 7.D.2.A, Trees, or specific Conditions of Approval. A tree which is pruned in excess of these requirements shall be replaced with a tree that meets the minimum requirements of Art. 7.D.2.A, Trees, and Table 7.E.3.C, Vegetation Credit and Replacement. [Ord. 2014-025] [Ord. 2020-001]
2. If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved Site Plan, Planting Plan, or Landscape Plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall landscape design. A maintenance program shall be clearly outlined on the approved Landscape Plan to explain the care and upkeep of a shaped tree.
3. When cutting back trees, care shall be taken to promote the shape and form typical of the tree's species in similar settings in PBC.
4. Tree topping (hatracking) is prohibited.

5. No large or medium Canopy tree shall be pruned before it has reached a minimum 20-foot canopy height and spread.

B. Palm Pruning Requirements

1. No more than one-third of fronds shall be removed.
2. No pruning above the horizon line, except for dead or diseased fronds.

C. Pruning Exemptions

The following are exempt from these pruning standards: [Ord. 2020-001]

1. Vegetation affected by FAA and airport safety regulations, to the extent required to comply with these regulations. [Ord. 2020-001]
2. Vegetation that interfere with corner clips, utility lines, or utility structures, to the extent required to comply with regulations for these areas or structures. [Ord. 2020-001]
3. Vegetation that have insect or disease damage, crown dieback, or decay greater than one-third of the tree canopy. [Ord. 2020-001]
4. Vegetation that have suffered damage due to natural or accidental causes. [Ord. 2020-001]
5. Vegetation on Single Family lots unless pruned by a commercial tree service business, landscape company, lawn service business, or other related businesses. [Ord. 2020-001]
6. Vegetation in botanical gardens or botanical research centers. [Ord. 2020-001]
7. Vegetation under DOT, DEPW, and FP&L management. [Ord. 2020-001]
8. Vegetation pruned in accordance with F.S. § 163.045. [Ord. 2020-001]

Section 5 Irrigation

The licensed professional or irrigation contractor responsible for the installation of irrigation shall demonstrate compliance with the irrigation standards. Landscaped areas shall be irrigated to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards:

A. All landscaped areas requiring irrigation shall be provided with an automated irrigation system that provides 100 percent coverage. Areas requiring minimal irrigation to establish plants shall use drip irrigation.
B. Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent schedule than lawn areas. A rain sensor switch shall be installed on systems with automatic controllers.
C. Irrigation systems shall be designed as not to overspray water-impervious areas. All irrigation systems shall be continuously maintained in working order.
D. Where feasible, irrigation systems shall not be installed or maintained on areas adjacent to a public street which causes water from the system to spray onto the roadway or strike passing pedestrian or vehicular traffic.
E. The use of irrigation quality or reused water is encouraged for parks and recreation facilities:
   1. Within the Irrigation Quality (IQ) effluent water service area of the PBCWUD; or
   2. Where irrigation quality or reused water is available and where such reuse is approved by the regulatory agencies.
F. Permanent irrigation systems are not required for areas set aside on approved site development plans for preservation of existing native vegetation.
G. Temporary irrigation systems installed pursuant to acceptable xeriscape practices may be used to meet the standards of this Section, upon approval of the Zoning Division.

CHAPTER G ENFORCEMENT

Section 1 Purpose

This Chapter establishes enforcement procedures to ensure compliance with the ULDC and applicable DOs. [Ord. 2019-005]

Section 2 Temporary Suspension of Landscape Standards

The Executive Director of PZB may temporarily suspend the standards of this Article and establish timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental PPM in the following situations: a hurricane; a freeze resulting in unavailability of landscape materials; a period of drought resulting in restrictions on water usage imposed by a governmental authority; or, a similar event. [Ord. 2005-041]

A. Performance Surety

If the landscape standards of this Article are suspended pursuant to this Article, the Property Owner may enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of Completion provided the Property Owner includes as part of this agreement adequate guarantee or surety that the

terms of this Article will be met after the suspension period has been lifted. The guarantee shall consist of a performance bond or other surety agreement approved by the County Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other costs incidental to the installation of the required landscaping completion agreement. Performance bonds or other guarantees required pursuant to this Subsection shall name PBC as a beneficiary and specify the timeframe for the completion of the landscape standards of this Article. [Ord. 2005-041]

B. Application Requirements

An application for a temporary suspension of landscape standards shall be accompanied by a Landscape Plan identifying the plantings that have been postponed, the proposed planting schedule, and the costs of the suspended planting. Planting cost estimates may be independently verified by PBC.

Section 3 Enforcement

Failure to install or maintain landscape requirements, or when vegetation has irreparable or irreversible harm, shall constitute a violation of the Code or a DO. PZB may issue a cease and desist order or withhold a CO or Certificate of Completion until the provisions of this Article have been met. In the alternative, PZB may refer any violation of this Article to Code Enforcement for corrective action or penalties set forth in Art. 10, Enforcement. [Ord. 2019-005] [Ord. 2020-001]

A. Violations

The following deficiencies shall be considered a separate and continuing violation of this Article or a DO: [Ord. 2019-005]

1. Each required tree, palm, pine, or other vegetation not properly installed or maintained shall be considered a separate and continuing violation of the ULDC or applicable DO. Each row of shrubs and ground treatment shall be considered as a separate and continuing violation. Each wall or fence not properly installed or maintained shall be considered a separate and continuing violation. [Ord. 2019-005]
2. Each required tree, palm, pine, or other vegetation that has irreparable or irreversible harm. [Ord. 2020-001]
3. Each day in which required vegetation is not properly installed or properly maintained on site as required by this Section or by the order of the Special Master. [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]

B. Determining Extent of the Violation

1. Code Enforcement Staff receives a complaint of non-compliance of the Code or DO; [Ord. 2020-001]
2. Zoning Division Staff shall conduct a site inspection with the Code Enforcement Staff to assess if there is a violation of the Code or any DO, which may include Conditions of Approval that requires vegetation to be installed at a larger size, or a previously approved Landscape Plan or ALP. The assessment will confirm if the violation is reparable or if there is irreparable or irreversible harm pursuant to the definition of Art. 1.H.2.I.32, Irreparable or Irreversible Harm; and, [Ord. 2020-001]
3. If it is determined by Staff that there is a violation, then the Zoning Staff shall provide a recommendation for compliance and Code Enforcement Staff shall issue a Notice of Violation (NOV) to the Property Owner to correct the violation. [Ord. 2020-001]

C. Corrective Actions

PBC shall determine appropriate corrective actions, including, but not limited to Code Enforcement proceedings, the requirement to obtain an after-the-fact permit(s), the replacement of landscape material, and the requirement to amend the applicable Landscape Plan or DO pertaining to the property. [Ord. 2019-005] [Ord. 2020-001]

1. Reparable

For improper pruning or hatracking violations that are deemed reparable, the corrective action shall be based upon Staff inspection of the site and assessment of the violation and damage. The violation shall be corrected by implementing proper pruning practices in accordance to ANSI A300 standards. One or more monitoring site inspections may be required to confirm the damaged vegetation is being properly pruned over time to ensure prior balance in regrowth of the canopy or form. Repeated violations shall be processes pursuant to Art. 10.B, Enforcement by the Code Enforcement Special Masters. [Ord. 2020-001]

2. Irreparable/Irreversible Harm

For a violation that is deemed irreparable or irreversible damage to the vegetation, the violation shall be corrected by the removal of the damaged vegetation and stump, and replacement of the vegetation utilizing one or a combination of the following two options: [Ord. 2020-001]

a. Additional Quantity Option

Utilize Table 7.G.3.C, Violation of Vegetation Replacement to establish the quantity and the individual replacement size pursuant to Art. 7.D.2, Trees, Palms, and Pines. This option may require planting additional trees, palms, or pines. [Ord. 2020-001]

1) If the property has a prior approved Landscape Plan, ALP, or a DO that depicts the location of the vegetation, the approval shall be revised to show the new location of the additional vegetation. [Ord. 2020-001]
2) If the property is subject to Conditions of Approval requiring larger size trees, palms, or pines, the size of the replacement vegetation shall be in compliance with the conditions, and the vegetation shall be installed in the same or approximate location where the original vegetation was shown on the approved Landscape Plan or ALP. If additional vegetation is required to be planted on the property as a result of this option, then additional sanctions will be placed. [Ord. 2020-001]
3) If a tree or pine is removed with only the stump remaining, the following formula shall be utilized to determine the size of the removed tree or pine. [Ord. 2019-005]
   a) measure the diameter of the tree or pine stump and reduce the measurement by 25 percent; and [Ord. 2019-005]
   b) replacement of the quantity of the tree or pine shall be based on the reduced diameter measurement, and subject to, the requirements of Table 7.G.3.C, Violation of Vegetation Replacement for estimating the number of trees or pines to be replaced. [Ord. 2019-005] [Ord. 2020-001]

Table 7.G.3.C – Violation of Vegetation Replacement

Tree or Pine Diameter at 4.5' Above Grade (1)(2)(3)	=	Quantity for Credits or for Replacements
< 2"	=	2
2-6"	=	3
7-11"	=	4
12-16"	=	5
17-21"	=	6
22-26"	=	7
27-31"	=	8
32-36"	=	9
≥ 37"	=	10

[Ord. 2020-001]

Notes:

1.	Fractional measurements shall be rounded in accordance with Art. 1.C.1.A.2, Interpretation and Application. [Ord. 2020-001]
2.	Pines with a diameter of six inches or more, measured at a height of four and one-half feet above grade shall be subject to preservation, mitigation, or replacement. [Ord. 2020-001]
3.	Quantity: replacement of palms shall be one for one. [Ord. 2020-001]

b. Same Quantity and Larger Size Option

The option allows the Property Owner to install larger size vegetation to replace irreparable or irreversible vegetation. The replacement quantity may be one for one only if the size of each replacement tree, palm, or pine exceeds the minimum size by 20 percent of the size indicated in Art. 7.D.2, Trees, Palms, and Pines. If there are prior Conditions of Approval requiring larger size vegetation, then the replacement vegetation shall comply with the conditions. [Ord. 2020-001]

D. Additional Sanctions

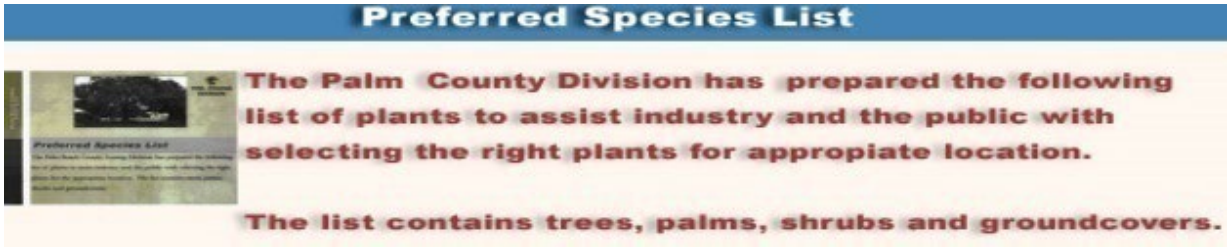
PBC may take any appropriate legal action, including, but not limited to requiring replacement of landscape material which has been hatracked, damaged, and rendered unable to achieve its natural and intended form, administrative action, requests for temporary and permanent injunctions, and other sanctions to enforce the provisions of this Section. [Ord. 2005-002]

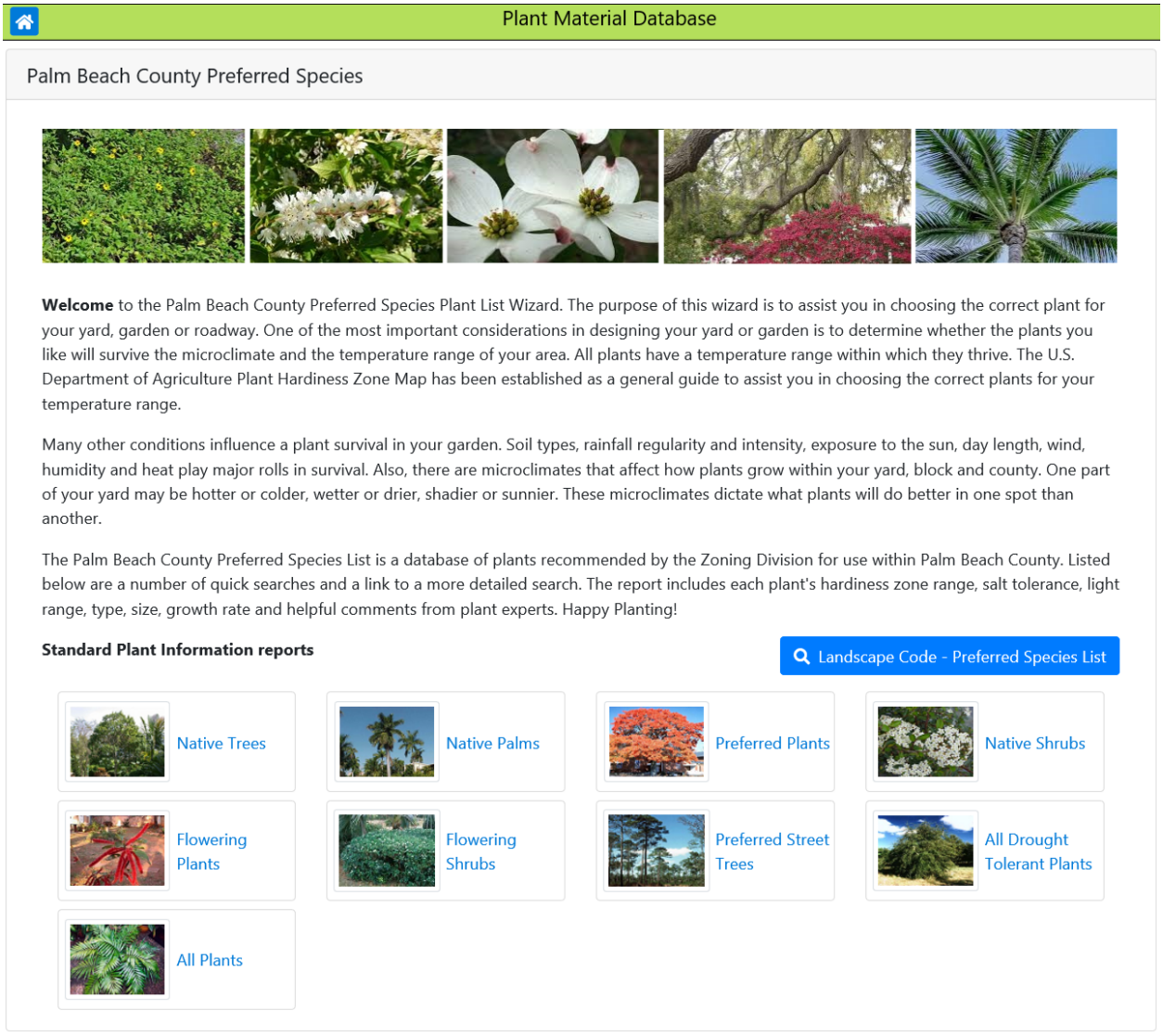
E. Follow-Up Compliance

A follow-up compliance monitoring inspection from Landscape Staff may be required to confirm the vegetation violation has been satisfied. [Ord. 2020-001]

APPENDIX A – PBC'S PREFERRED SPECIES LIST – PLANT MATERIALS DATABASE, AS AMENDED

PBC's Preferred Species List is available at the PZB Zoning Division or on ePZB at: [Ord. 2020-001]
https://www.pbcgov.org/ePZB.Admin.WebSPA/#/Container/Plant_Material_Database





[Ord. 2020-001]

APPENDIX B – CERTIFICATION OF COMPLIANCE

The following certification statement must appear on the Certification of Compliance required by Art. 7.B.3.E, Certification of Compliance. [Ord. 2018-002]

> I HEREBY NOTIFY THE PALM BEACH COUNTY DEPARTMENT OF PLANNING, ZONING AND BUILDING OF THE COMPLETION OF THE INSTALLATION OF LANDSCAPING FOR THE REFERENCED PROJECT AND CERTIFY THAT THE INSTALLATION OF PLANT MATERIAL AND IRRIGATION COVERAGE ARE IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS PERMITTED BY THE COUNTY. (A COPY OF THE APPROVED PROJECT DRAWINGS IS ATTACHED, WITH DEVIATIONS, IF APPLICABLE). SEAL, THIS DAY OF _____, 20__.
>
> Signature and seal: _____ Date: _____
>
> Name: _____ Registration Number:

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. 2006-055; December 1, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-005; February 2, 2010] [Ord. 2010-022; September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2012-027; August 31, 2012] [Ord. 2013-018; July 2, 2013] [Ord. 2013-018; July 2, 2013] [Ord. 2013-021; August 30, 2013] [Ord. 2014-025; September 3, 2014] [Ord. 2015-006; February 3, 2015] [Ord. 2014-031; July 7, 2015] [Ord. 2015-031; September 3, 2015] [Ord. 2016-016; February 2, 2016] [Ord. 2016-042; September 27, 2016] [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. 2019-023; July 2, 2019] [Ord. 2019-034; August 27, 2019] [Ord. 2020-001; January 28, 2020] [Ord. 2020-019; September 3, 2020] [Ord. 2021-022; September 3, 2021] [Ord. 2021-023; September 3, 2021] [Ord. 2024-004; July 1, 2024] [Ord. 2024-020; October 7, 2024]

ARTICLE 8

SIGNAGE

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ARTICLE 8

SIGNAGE

CHAPTER A GENERAL

Section 1 General

A. Purpose and Intent

The purpose of this Section is to establish standards for the placement and use of signs and other advertising consistent with State of Florida and Federal law. These standards are designed to protect the health and safety of PBC and to assist in the promotion of tourism, business, and industry. More specifically, this Section is intended to:

1. **Identification**
   Promote and aid in the identification, location, and advertisement of goods and services, and the use of signs for free speech;
2. **Aesthetics**
   Preserve the beauty and the unique character of PBC, protect PBC from visual blight, and provide a pleasing environmental setting and community appearance which is deemed vital to the continued economic development of PBC;
3. **Land Values**
   Protect property values by assuring compatibility with surrounding land uses;
4. **Safety**
   Promote general safety and protect the general public from damage or injury caused by, or partially attributed to, the distractions, hazards, and obstructions that result from improperly designed or located signs; and,
5. **Compatibility**
   Make signs compatible with the overall design objectives of the Plan and the Managed Growth Tier System (MGTS); ensure signs are compatible with the character of adjacent architecture and neighborhoods; and, to provide the essential identity of, and direction to, facilities in the community.

B. General Design Principles

The following principles are general design guidelines that should be considered in the design of all signs. Signs which enhance a project are encouraged, and signs should make a positive contribution to the aesthetic appearance of the street or commercial area where they are located.

1. **Visibility**
   A sign shall be conspicuous and readily distinguished from its surroundings.
2. **Legibility**
   The size and proportion of the elements of the sign's message, including logos, letters, icons, and other graphic images, shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.
3. **Readability**
   A sign message should be easily recognized and designed in a clear, unambiguous, and concise manner, so that a viewer can understand or make sense of what appears on the sign. Excessive use of large areas of several colors can create competition for the eye and significantly reduce readability.
4. **Architectural Compatibility**
   A sign (including its supporting structure, if any) shall be designed as an integral design element of a building’s architecture, and shall be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign which covers a window, or which spills over “natural” boundaries or architectural features and obliterates parts of upper floor of buildings is detrimental to visual order and may not be permitted.
5. **Consistency with Area Character**
   A sign should be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. In Traditional Development Districts (TDDs) projecting signs are encouraged and should be located and sized to be viewed by people on foot. Where signs are located in close proximity with a residential area, the signs should be designed and located so they have little or no impact on adjacent residential neighborhoods.

Figure 8.A.1.B – Visibility and Legibility



C. Applicability

The provisions of this Article shall apply to all signs in unincorporated PBC, unless exempt by Art. 8.B, Exemptions.

1. **Non-Conforming Signs**
   Previously permitted signs that do not meet the current standards of this Code are non-conforming structures, subject to Art. 1.F.3, Non-Conforming Structure. A non-conforming sign may not be enlarged, structurally altered, or moved unless the entire sign is brought into compliance with this Section. A sign face on a non-conforming sign may be replaced but not enlarged.
2. **Billboards and Off-Site Signs**
   There shall continue to be a prohibition on billboards and similar off-site signs, however, this prohibition does not restrict the repair, maintenance, relocation, or replacement of billboards constructed consistent with applicable codes and permit procedures prior to November 15, 1988, and included within the billboard stipulated settlement agreement and billboard survey (approved February 6, 1996). The stipulated settlement agreement referred to herein shall be the primary source of information for implementing the intent and purpose of the regulations governing billboards and similar off-site signs.
3. **Conflict with Graphics and Other Provisions**
   Where there is a conflict between the text and a graphic in this Section, the more restrictive provision shall prevail. Where other sign or outdoor advertising regulations are in effect and are more restrictive than the provisions of this Section, the more restrictive provisions shall prevail.
4. Unless exempt, signs and supporting structures shall be installed in accordance with the Florida Building Code; [Ord. 2022-029]
5. All signs and supporting structures shall be maintained in the condition originally permitted; and, [Ord. 2022-029]
6. If a sign is removed from its supporting structure for longer than 90 days, the supporting structure shall be removed pursuant to the procedures in Art. 8.I.4, Removal of Signs in Violation of this Article. [Ord. 2022-029]

Section 2 Definitions

A. In addition to the applicable definitions set forth under Art. 1.H, Definitions and Acronyms, the following definitions shall apply to this Article: [Ord. 2022-029]
   1. **Advertising Structure –** a sign representing or directing attention to a business, commodity, service, or entertainment, conducted, sold, or offered.
   2. **Alter Structurally –** in the case of a sign means to make a change in the supporting members of a structure, such as bearing walls, columns, beams, sign poles or posts, or girders, that will prolong the life of the structure.
   3. **Civic and Assembly –** for the purposes of this Article shall only consist of the following uses: Assembly Institutional Nonprofit, Assembly Membership Nonprofit, College or University, Government Services,

Place of Worship, School – Elementary or Secondary, and government-owned Public Parks. [Ord. 2022-029]

4. **Conceptual Master –** a conceptual plan indicating the total number, location, and sign area of all proposed signs on a Site Plan or typical building elevation.
5. **Height –** 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.
6. **Illumination –** a source of any artificial or reflected light, either directly from a source of light incorporated in, or directly from an artificial source. [Ord. 2022-029]
   a. **External –** artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property. [Ord. 2022-029]
   b. **Internal –** a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message Center signs, Digital Display signs, and signs incorporating neon lighting shall not be considered internal illumination. [Ord. 2022-029]
   c. **Halo –** a sign using a three-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect (a.k.a. backlit illumination). [Ord. 2022-029]
7. **Marquee –** a permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements. [Ord. 2022-029]
8. **Master Sign Plan (MSP) –** 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.
9. **Non-Conforming Sign –** a sign or advertising structure or parts therein existing within the unincorporated area on the effective date of this Code which, by its height, square foot area, location, use, operating characteristics, or structural support does not conform to the requirements of this Article.
10. **Regional Facility –** 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 shall only consist of the following: Arenas, Stadiums, Amphitheaters, Regional Public Parks, State-chartered fairgrounds, and live performance venues with a capacity of 2,000 or more.
11. **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 –** 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 –** 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 –** a sign representing or directing attention to a business, commodity, service, or entertainment, conducted, sold, or offered.
       4) **Advertising Structure –** any structure erected for advertising purposes, with or without any advertisement displayed thereon, situated upon or attached to land, upon which any poster, bill, printing, painting, device, or other advertisement may be placed, posted, painted, tacked, nailed, or otherwise fastened, affixed, or displayed. "Advertising structure" does not include buildings.
       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 –** 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 –** 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 –** 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 –** a sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters

or symbols on a panel mounted in or on a track system. The three types of Changeable Copy include: Manual Changeable Copy, Message Center, and Digital Display. [Ord. 2022-029]

10) **Channel Letter –** a sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source. [Ord. 2022-029]
11) **Construction –** erected on the parcel on which construction is taking place, or will take place within one year, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supports, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
12) **Digital Display –** the portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital Display signs may include but are not limited to LCD, LED, or plasma displays. [Ord. 2022-029]
13) **Directional –** any sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy. Directional signs intended for residential planned developments may be on or off premise such as model home complex signs.
14) **Directory –** a sign intended to show the relative locations of or direction to the several commercial or industrial activities within an outdoor shopping center or multiple use industrial or business park, or multiple building residential complex.
15) **Double-Faced –** a sign with two faces which are usually parallel and back to back.
16) **Entrance Wall –** an identification structure located along the main access to a PBC-approved subdivision or a development. The only advertising on the structure shall be the subdivision or development name and logo.
17) **Equipment –** 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]
18) **Face –** the surface(s) used for the display of a sign message as seen from any one direction.
19) **Fixed Projecting –** any sign which is attached to a building and extends beyond the wall of the building to which it is attached.
20) **Flashing –** any illuminated sign, which exhibits changes in light or color. Illuminated signs which indicate the time, temperature, weather, or other similar information shall not be considered flashing signs.
21) **Freedom of Speech –** a sign communicating a message or ideas for non-commercial purposes, including political free speech and which does not constitute, among others, any of the following: construction sign, directional sign, billboard, grand opening sign, holiday sign, on-premises real estate sign, or political campaign sign.
22) **Freestanding –** a detached sign which shall include any sign supported by uprights or braces placed upon or in or supported by the ground and not attached to any building.
23) **Fuel Price –** a Message Center sign that only displays words for cash or credit, fuel grades, and numerals for fuel prices. [Ord. 2013-025] [Ord. 2015-031] [Ord. 2022-029]
24) **Grand Opening –** a temporary sign for introduction, promotion, or announcement of a new business, store, shopping center, or office, or the announcement, introduction, or promotion of an established business or the changing of ownership. A business may have a grand opening sign when it has been closed to the public and is reopened.
25) **Ground-Mounted –** any sign which is permanently erected or standing on the ground and supported from the ground by one or more poles, columns, uprights, braces, or anchors and includes all freestanding signs, monument signs, and electronic message signs. [Ord. 2014-025]
26) **Holiday –** a temporary sign, for non-commercial purposes, communicating only a holiday's name and event.
27) **Identification –** a sign, other than a bulletin board sign, or nameplate sign, indicating the name of the primary use, the name or address of a building, or the name of the management thereof.
28) **Illegal –** any sign erected in violation of this Code.
29) **Illuminated –** a sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface. [Ord. 2022-029]

30) **Instructional –** any sign conveying instructions with respect to the premises on which it is maintained, such as the entrance or exit of a parking area, a no trespassing sign, a danger sign, and similar signs.
31) **Interactive –** an electronic or animated sign that reacts to the behavior of electronic signals of motor vehicle drivers. [Ord. 2022-029]
32) **Marquee –** a sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center or cinema, it may also advertise films or productions. [Ord. 2008-003] [Ord. 2022-029]
33) **Message Center –** a type of illuminated, Changeable Copy sign that consists of electronically changing alphanumeric text, typically for fuel price display, time and temperature, Planned Unit Development or Residential Subdivision Informational signs, and athletic scoreboards. [Ord. 2022-029]
34) **Mobile Vendor –** signs fixed to mobile vending carts that identify or advertise the name, product, or service provided by the vendor. [Ord. 2006-036]
35) **Monument –** a freestanding sign not erected on one or more poles or similar structures but erected to rest on the ground or to rest on a monument base designed as an architectural unit.
36) **Moving –** 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]
37) **Nameplate –** a sign indicating the name, address, profession, or occupation of an occupant or a group of occupants.
38) **Neon –** a sign with tubing that is internally illuminated by neon or other electrically charged gas.
39) **Off-Premises –** any framework for signs announcing or advertising merchandise, services, or entertainment available, sold, produced, manufactured, or furnished at a place other than the lot on which the sign is erected.
40) **Off-Site Directional –** a sign offering directional information to a business, location, or place located in an area different from where the sign is located.
41) **On-Site –** a permanent sign, identifying a business, commodity, service, or product conducted, sold, or offered on the same premises as those upon which the sign is located.
42) **Painted Wall –** any sign painted on any surface or roof of any building, visible from any public R-O-W.
43) **Parking and Directional –** on-site parking and directional signs, that do not include any advertising messages or symbols may be wall or ground mounted. [Ord. 2006-036]
44) **Permanent –** any sign which is intended to be, and is so constructed as to be a lasting and enduring condition remaining unchanged in character, condition beyond normal wear and tear, and in a permanent manner affixed to the ground, wall, or building; provided the sign is permitted by this Code.
45) **Planned Unit Development or Residential Subdivision Informational –** a ground-mounted Changeable Copy sign that is owned and maintained by a Property Owners' Association (POA) to provide notice to residents of upcoming events. [Ord. 2015-031] [Ord. 2022-029]
46) **Plastic –** any sign, embellishment, or sign area made of flat sheet, corrugated panels, formed or molded plastic on one or more faces.
47) **Point of Purchase –** any structure with characters, letters, or illustrations placed thereto, thereon, or thereunder by any method or whatsoever where the matter displayed is used for advertising on the premises, a product actually or actively offered for sale or rent thereon or therein or services rendered.
48) **Political Campaign –** a temporary sign, which indicates an individual, party, or issue that will be placed on the Federal, State, or Local election ballot in the subject calendar year.
49) **Portable –** any sign not permanently attached to the ground or other structure.
50) **Project Identification –** a sign placed on the perimeter of a recorded subdivision, planned development, shopping center, business office park, industrial park, or mixed-use complex at a major street or driveway entrance to identify the name of the project. Project identification signs include entrance signs.
51) **Projecting –** any sign viewed from directly overhead is affixed at an angle or perpendicularly to the wall of any building in such a manner to read perpendicularly or at an angle to the wall on which it is mounted and located under a canopy or cover, and usually has two message surfaces.
52) **Public Service Information –** any sign intending to promote items of general interest to the community, such as time, temperature, date, weather, news, or traffic information.

53) **Real Estate –** any sign erected by the owner, or an agent, advertising the land upon which the sign is located for rent or for sale.
54) **Recreational Vehicle Park –** any sign erected by the owner, or an agent, advertising the land upon which the sign is located for rent or for sale a land area under Unified Control designed and intended to accommodate short-term, overnight parking of recreational vehicles and not for permanent residential use.
55) **Roof –** any sign erected, constructed, and maintained wholly upon or over the roof of any building.
56) **Sale, Lease, and Rent –** temporary signs, which indicate that a parcel or building is currently for sale, lease, or rent.
57) **Single-Faced –** only one side of a double-faced sign.
58) **Snipe –** any sign made of any material, including paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which the sign is located.
59) **Temporary Balloon-Type –** temporary display using a balloon to display a sign message for the introduction, promotion, or announcement of a new product or new business.
60) **Vehicular –** 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]
61) **Wall –** 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]

CHAPTER B EXEMPTIONS

The following signs or murals shall comply with the following requirements, but shall be exempt from the review and approval process of this Code, and may be constructed or attached without a Building Permit, except as prohibited in Art. 8.C, Prohibitions. An electrical permit shall still be required for signs using electrical service. [Ord. 2005-002] [Ord. 2006-036] [Ord. 2018-002]

Section 1 Change of Ownership Signs

A temporary attachment or covering of wood, plastic, or canvas over a permanent sign may be displayed no longer than 30 days following the change of ownership or activity for which the sign is intended, or up to 90 days following issuance of a Building Permit. The sign shall be no larger than the previously permitted permanent sign. [Ord. 2006-036] [Ord. 2018-002]

Section 2 Small Signs

Small signs shall include but not be limited to the following types of temporary or permanent signage: equipment; real estate sale or rental; freedom of speech; campaign, provided they are removed within ten days after the election date; public warning; official government; and, commemorative plaques. Sign location shall comply with the provisions indicated in Art. 8.F.1, Minimum Setbacks. The size and height of the signs shall comply with the following: [Ord. 2008-003] [Ord. 2018-002]

A. Signs located on residential parcels five acres or less in size shall not exceed eight square feet of sign face area and eight feet in height. [Ord. 2008-003] [Ord. 2018-002]
B. Signs located on any non-residential parcel and residential parcels greater than five acres in size shall not exceed 32 square feet of sign face area and ten feet in height. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]

Section 3 Transportation-Related Signs

Signs on public transportation vehicles regulated or licensed by Federal, State, PBC, or municipal officials or organizations, including public buses and taxicabs; and all off-premises signs incorporated into PBC-owned, controlled, or operated bench, bus shelter, or waste receptacle attached to a bench or shelter, pursuant to the PBC contract dated August 22, 1989, as may be amended.

Section 4 Window Signs

Window signs not exceeding 20 percent coverage of each glass window or glass door to which the sign is attached. Any sign either hung within two feet of a window or attached to a display located within two feet of a window is considered a window sign. Message Center or Digital Display are prohibited for window signs. [Ord. 2022-029]

Figure 8.B.4 – Window Signs



Section 5 Ground-Mounted Signs Damaged during Natural Disaster

In the event of a natural disaster, which destroys or damages legally permitted ground-mounted signs, a temporary sign may be erected or an existing sign modified subject to the following limitations and requirements: [Ord. 2006-036]

A. Temporary Sign Certificate
A temporary sign certificate shall be issued by the Building Division in conjunction with a complete Building Permit application for the replacement of the damaged sign. This certificate will allow a temporary sign, as stated above, for a period no more than six months from the date of issuance. A copy of the temporary sign certificate shall be provided to Code Enforcement. [Ord. 2006-036]

B. Damaged Sign Face
A temporary attachment or covering of plastic, or canvas may be installed over an existing sign, which was damaged during a natural disaster. The attachment shall be no larger than the previous legally permitted permanent sign. [Ord. 2006-036]

C. Damaged Structure
A temporary sign may be installed, in place of a previously permitted sign, not more than 32 square feet in sign face area and not more than five feet in height. The temporary sign shall meet the minimum setback requirements, as stated in this Article or any Conditions of Approval, whichever is more restrictive. [Ord. 2006-036]

Section 6 Murals

Unless otherwise specified, murals approved in accordance with Art. 5.I, Murals, shall be exempt from all other standards of this Article. [Ord. 2013-021]

CHAPTER C PROHIBITIONS

The following prohibitions apply to all signs and structures, notwithstanding the provisions in Art. 8.B, Exemptions:

Section 1 Banners, Streamers, Pennants, or Inflatable Signs

Banners, streamers, pennants, inflatable signs, and other signs made of lightweight fabric, plastic, or similar material unless stated otherwise in this Article. [Ord. 2007-001] [Ord. 2007-013] [Ord. 2008-003] [Ord. 2018-002]

Section 2 Emissions

Signs that produce noise or sounds capable of being heard, excluding voice units at drive-throughs, and signs that emit visible smoke, vapor, particles, or odor.

Section 3 Movement

Signs with visible moving, revolving, or rotating parts, caused by forced air, mechanical equipment, or by any other means. [Ord. 2018-002]

Section 4 Mobile Signs

Any sign not permanently attached to a wall or the ground or any other approved supporting structure, or a sign designed to be transported, such as signs transported by wheels, mobile billboards, “A-frame” or sandwich-type, sidewalk or curb signs, blank copy signs, and unanchored signs, except where otherwise stated in this Article. [Ord. 2008-003]

Figure 8.C.4 – Mobile Signs



Portable signs, not permanently affixed to the ground or an approved structure, are prohibited.

Section 5 Motion Picture or Video

Motion picture and video mechanisms used in such a manner as to permit or allow images to be visible from any street.

Section 6 Obscenities

Signs that depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” as defined in Art. 4.B.2.C.1, Adult Entertainment. [Ord. 2018-002]

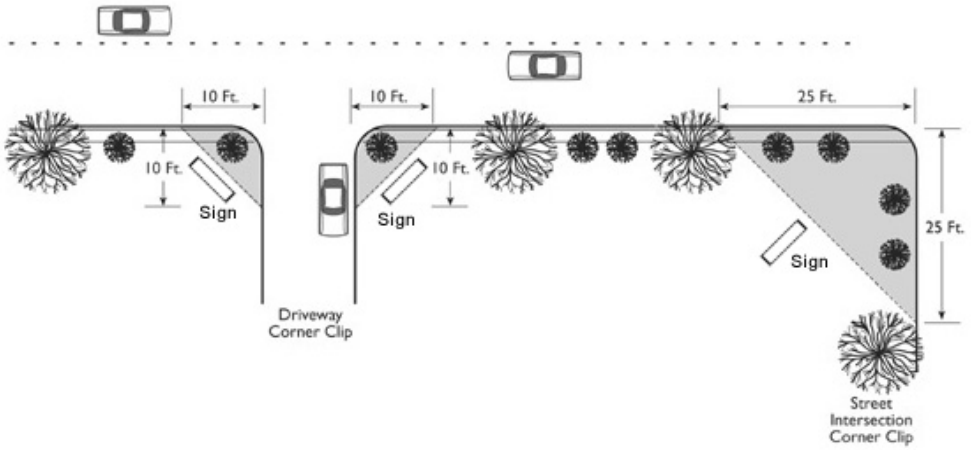
Section 7 Obstruction of Fire-Fighting Equipment

Signs erected, constructed, or maintained so as to obstruct any fire-fighting equipment; unless approved by the Fire Marshall.

Section 8 Obstructions to Driver Visibility

Signs in corner clips and safe sight distance in accordance with PBC Standards that do not meet the visibility requirements in accordance with PBC Standards. [Ord. 2018-002]

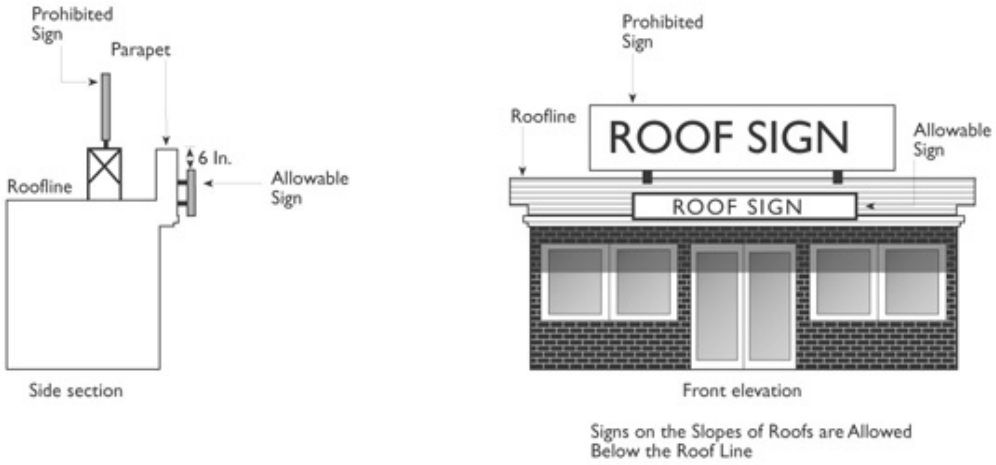
Figure 8.C.8 – Corner Clip Visibility



Section 9 Roof Signs

Signs erected above the roofline or parapet, and signs on rooftop structures, such as penthouse walls or mechanical enclosures. Signs on a sloped roof, a mansard roof, or a parapet located a minimum of six inches below the roof deck or top of the parapet are allowed, subject to the standards for building-mounted signs in Art. 8.G.1, Building-Mounted Signs.

Figure 8.C.9 – Roof Signs



Section 10 Signs Creating Traffic Hazards

Signs that may be confused with any authorized traffic sign, signal, or device; or which make use of the words “stop,” “look,” “danger,” or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers.

Section 11 Signs on Public Bus Shelters

Any sign placed upon a bench, bus shelter, or any waste receptacle attached to a bench or shelter, except as exempted by Art. 8.B.3, Transportation-Related Signs, and authorized by PBC or approved by Palm Tran. [Ord. 2018-002]

Section 12 Signs on Water Vessels

Any non-exempt sign painted on or attached to a vessel, for the purpose of displaying advertisements, which is docked or anchored in the coastal waterways of PBC. This restriction does not apply to vessels passing through PBC on the Intracoastal Waterway. [Ord. 2006-036]

Section 13 Snipe Signs

All off-site signs, tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, trailers, or other supporting structures, except where otherwise stated for in this Article.

Section 14 Vehicle Displays

Unless there is only one row of parking between a building and the street, motor vehicles with business names, business addresses, telephone numbers, contractor certification numbers, logos, and similar information painted or embossed on vehicle surfaces shall not park or be stored in the row of parking or any area within 25 feet of the front property line longer than four hours in a 24-hour period. This prohibition does not apply to vehicles with advertising, where the vehicles are making deliveries to that business (e.g., U.S. Postal Service, UPS, Federal Express, DHL, Airborne, etc.) or vehicles used in conjunction with a special promotion with a valid permit, vehicles with advertising signs with letters less than eight inches in height and eight square feet in area, public transportation vehicles, and vehicles in industrial zones parked in vehicle use areas.

Section 15 Message Center or Digital Display Elements

The following are prohibited elements for Message Centers or Digital Displays: [Ord. 2022-029]

A. Message units that change copy, light, intensity, words, or graphics more times per second than allowed pursuant to Art. 8.F.5.D, Message Duration. Any change in message shall be completed instantaneously. There shall be no special effects in between messages; [Ord. 2014-025] [Ord. 2016-020] [Ord. 2017-025] [Ord. 2018-002] [Ord. 2022-029]
B. Reflectorized lamps; [Ord. 2015-031]
C. Lamps, light-emitting diodes, or bulbs in excess of the amount and intensity of light generated by a 30-watt incandescent lamp or 300 lumens, whichever is less; and, [Ord. 2014-025] [Ord. 2015-031]
D. The message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or varying of light intensity during the message. Messages shall not scroll, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise give the appearance of optical illusion or movement as it comes onto, is displayed on, or leaves the sign board. [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-020]

CHAPTER D TEMPORARY SIGNS

Signs that are intended to be used for a specific purpose for a limited time, may be permitted as set forth in this Chapter. These signs may be in ground or building mounted, banner, or balloon form. Temporary signs may be sought for those uses pursuant to Art. 4.B.11, Temporary Uses. Other temporary signs may be allowed subject to the requirements in Table 8.D.2, Temporary Sign Standards. [Ord. 2018-002]

Section 1 Approval

Temporary signs shall be approved through the ZAR process, or in the alternative, may be approved as part of a Master Sign Plan or an Alternative Sign Plan pursuant to Art. 8.E.3, Master Sign Program Plan or Art. 8.E.4, Alternative Sign Plan (ASP) of this Article as appropriate. [Ord. 2018-002]

Section 2 Signs Sought in Conjunction with Temporary Uses, and Other Temporary Signs

All temporary signs shall be permitted subject to the following Table. Additional regulations specific to residential development signs, non-residential development signs, and balloons area shall also be applied. [Ord. 2018-002]

Table 8.D.2 – Temporary Sign Standards

	Residential Properties ≤ 5 ac.	Non-Residential and Residential Properties > 5 ac.
Number of Signs per Event or Occurrence	1 (1)	1 for every 5 ac. or fraction thereof (1)
Frequency	No more than 3 times during any 12 consecutive calendar months	
Duration (2)	30-calendar days prior to the event or occurrence; Max. of 60-calendar days in total	
Removal (3)	No later than 10 days after the event or occurrence	
Max. Area	8 sq. ft.	32 sq. ft.
Max. Height	5’	10’
Min. Setback	Pursuant to Art. 8.F.1, Minimum Setbacks	
[Ord. 2018-002]		
Notes:		
1.	Temporary signs shall not be illuminated. [Ord. 2018-002]	
2.	In no event shall signs installed in conjunction with a Temporary Use exceed the time limitations allowed pursuant to Art. 4.B.11.C, Definitions and Supplementary Use Standards for Specific Uses. [Ord. 2018-002]	
3.	All temporary signs not removed within the time limit shall be removed subject to the provisions of Art. 8.I.4, Removal of Signs in Violation of this Article. [Ord. 2018-002]	

A. Residential Development

A maximum of two temporary residential development signs shall be permitted per frontage for up to three years or until 95 percent of the development has received a CO, whichever occurs later. An additional sign shall be permitted for each 660 feet of frontage in excess of 1,320 feet. [Ord. 2008-037] [Ord. 2018-002]

B. Non-Residential Development

For projects with DRO approval, no more than one temporary development sign shall be permitted, per frontage, for up to two years or until the development has received a CO. [Ord. 2018-002]

C. Balloon

Balloon signs are allowed in the CG, PO, CRE, IL, IG, or PDD Zoning Districts, subject to the standards listed in the Table below. Only cold air shall be used in the balloon. Balloons shall not be located within any required vehicular use area. [Ord. 2018-002]

Table 8.D.2.C – Balloon Sign Standards

Max. Width	30’
Max. Height	30’; 60’ for balloons on top of buildings (allowed on 1 or 2-story buildings only)
Min. Separation Between Other Permitted Balloon-Type Signs	1 mile
Min. Setback from Base Building Line	15’
[Ord. 2018-002]	

1. **Permit Requirements**
   The following information shall be provided to the Zoning Division with the application when applying for a temporary sign. No project shall be issued more than two balloon permits in any calendar year. The maximum duration of any permit shall be for ten days. There shall be a minimum of 30 days from the day the first balloon is removed before a second permit for a balloon may be issued. [Ord. 2018-002]
   a. Legal description, property control number (PCN), and address of location;
   b. Written permission of Property Owner or owner's designated Agent;
   c. Cold air balloon installation Business Tax Receipt; [Ord. 2007-013]
   d. Evidence of installer's liability and property damage insurance;
   e. Site Plan or survey showing location of balloon and centerline of adjacent R-O-W demonstrating compliance with these regulations; and,
   f. A photograph of the balloon.
2. **Prohibitions in the WCRAO**
   Balloon-type signs are prohibited in the WCRAO. [Ord. 2006-004]

CHAPTER E PROCEDURES FOR SIGNAGE

All signs, except signs exempted by Art. 8.B, Exemptions, shall receive a Building Permit prior to construction, erection, attachment, or placement from PBC. Non-exempt signs not erected or repaired pursuant to a valid permit are considered illegal. No sign shall be structurally altered, enlarged, or relocated except in conformity with this Article. The repair or changing of movable parts, sign copy, display, or graphic material is not deemed an alteration.

Section 1 Required Permits and Approvals

All development requiring DRO, ZC, or BCC approvals, shall submit an approved MSP pursuant to this Chapter. [Ord. 2005-002]

Section 2 Required Tag

A. Every sign for which a Building Permit is required shall be plainly marked with the corresponding permit number issued for the sign. The permit number shall be marked on permanent material with a contrasting color in numbers at least one inch in height.
B. Tags shall be displayed on signs or at the base of the structure in a visible location. Tags for freestanding signs must be located on the structure between one and three feet above grade. [Ord. 2005-041]
C. The absence of the required tag shall be evidence that the sign is in violation of this Article.

Section 3 Master Sign Program Plan

A. Purpose and Intent
The purpose and intent of a MSP is to provide a unified record of signs and to promote coordinated signage for all development subject to DRO, ZC, BCC approval, or architectural review. A MSP also may be required as a Condition of Approval. The MSP shall demonstrate how the intent of this Section is met in whole or in part, in regard to the following objectives:
1. Improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;
2. Provides for sign design or placement appropriate with the MGTS tier in which the signs are located;
3. Incorporates sign design and placement related to architectural and landscape features on site; and,
4. Incorporates sign design, scale, and placement oriented to pedestrian traffic.

B. Submittals
1. **Preliminary Master Sign Plan (PMSP)**
   A PMSP shall be submitted to the Zoning Division at the time of initial application, and shall be subject to the same review and approval process as the development itself. The initial PMSP shall include the total number of all proposed signs or sign types, the location of sign types on a plan, and general building elevations, drawings, sketches of generic sign types, a computation of the total allowable sign area for each sign and sign type (the sign budget), the height of each sign, and the proposed location of each sign on a plan or general building elevations. A PMSP shall also describe proposed public artwork that would be exempt from sign area calculations. Subsequent Development Orders for Zoning approval or Building Permits, submitted following the initial approval of a development without a Final

Master Sign Plan, shall only be required to submit signage information related to the affected area. [Ord. 2009-040]

2. Final Master Sign Plan (FMSP)

A FMSP shall be reviewed and approved, approved with conditions, or denied at Final DRO. The specific requirements for the FMSP shall be prepared pursuant to the requirements in the Technical Manual. In addition, the DRO shall make the following determinations: [Ord. 2009-040]

a. The proposed signs are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site; [Ord. 2009-040]
b. Future tenants will be provided adequate opportunities to construct, erect, or maintain a sign for identification; and, [Ord. 2009-040]
c. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access. [Ord. 2009-040]

C. Conditions of Approval

The DRO, ZC, or BCC, may impose conditions necessary to carry out the intent of the MSP while still permitting each sign user opportunities for effective identification and communication. These conditions may include reductions in the allowable number of signs, total sign face area, location of signs, and types of signs allowed.

Section 4 Alternative Sign Plan (ASP)

An Applicant may demonstrate the intent of this Section provision can be exceeded, in whole or in part, through an ASP. The ASP shall be prepared in accordance with the design principles set forth below and shall clearly detail the modifications being requested from the provisions of this Section and how they enhance the design principles.

A. Design Principles

To qualify for consideration, an ASP shall demonstrate compliance with the following principles:

1. Innovative use of materials and design techniques in response to unique characteristics of the specific MGTS tier and site;
2. Placement of sign preserves or incorporates existing native vegetation;
3. Integrates architectural features and pedestrian facilities in a manner compatible with the tier in which the development is located. In the U/S Tier and in TDDs, this may include pedestrian-oriented signage;
4. Consistency with approved neighborhood plans, studies, area plans, or special planning or design studies; and,
5. Preservation of historic signs based on the following criteria:
   a. signs 40 years or older;
   b. signs which are particularly unique in character, design, or history; or,
   c. signs that are part of the historic character of a building, business, or district.

B. Applicability

An ASP may be submitted for any of the following:

1. PDDs;
2. TDDs; or,
3. Conditional Uses. [Ord. 2017-007]

C. Allowable Modifications to Standards

Subject to approval, an ASP may provide for the following modifications to the standards of this Section:

1. Transfer up to 20 percent of the total sign area allowed for building-mounted signs to another sign type;
2. Decrease the minimum separation required for signs within properties under common ownership;
3. Transfer freestanding sign area to building-mounted signs;
4. Adjust the standards of this Section to allow for the preservation of historic signs; and,
5. Vary the geometry and rules used in the measurement of sign area to allow for creative and unique sign shapes.

D. Submittals and Approvals

In addition to the requirements of a MSP, an ASP shall be submitted in conjunction with a Zoning application, subject to the following requirements:

1. Submittal Requirements

The ASP shall be submitted with a supplemental application and justification form to include project information, specific Code references, and proposed alternatives. The ASP shall require approval of the requested deviations from the requirements of this Section by the ZC or BCC and may be subject to Conditions of Approval.

CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

This Section establishes the physical standards and requirements applicable to all signs and the districts in which they are located. More detailed standards applicable to specific types of signs follow this Section.

Section 1 Minimum Setbacks

Unless otherwise specified in this Section, signs shall be set back as follows:

A. Temporary Signs
Five feet from the property line.

B. Permanent Signs
Five feet from the base building line. If the PBC Engineer waives the requirement that the setback be measured from the base building line, the setback shall be measured from the property line.

C. WCRAO Exemption
Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue, and Belvedere Road are excluded from the five-foot minimum setback, for properties that have been altered by eminent domain takings for R-O-W expansions. [Ord. 2006-004]

Section 2 Computation of Maximum Sign Area

The methodology for computing the sign area for all sign types shall be as follows:

A. Single-Faced Signs
Single-faced signs shall measure the sign area to include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and contrasting colored background and materials, unless stated otherwise herein. Supporting structures such as poles, sign bases, decorative elements, details, or columns are not included in the sign area calculation provided no lettering or graphics except for addresses or required tags. [Ord. 2006-036]

1. Channel Letters, Including Neon Channel Letters and Individual Letters
20 percent may be added to the calculation of the maximum area of a sign comprised solely of channel letters or neon channel letters or other individual freestanding letters, for developments that require a MSP. [Ord. 2005-002]

B. Double-Faced Signs
Double-faced signs shall be counted as a single-faced sign. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.

C. Multi-Faced Signs
Signs with three or more sign faces, or signs with two sign faces with a distance greater than three feet apart or an interior angle greater than 45 degrees, shall calculate the sign area as the sum of all the sign faces.

D. Three-Dimensional Signs
Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculptures, or statue-like trademarks), shall have a sign area of the sum of all areas using the four vertical sides of the smallest cube that will encompass the sign.

Figure 8.F.2.D – Measurement of Sign Area

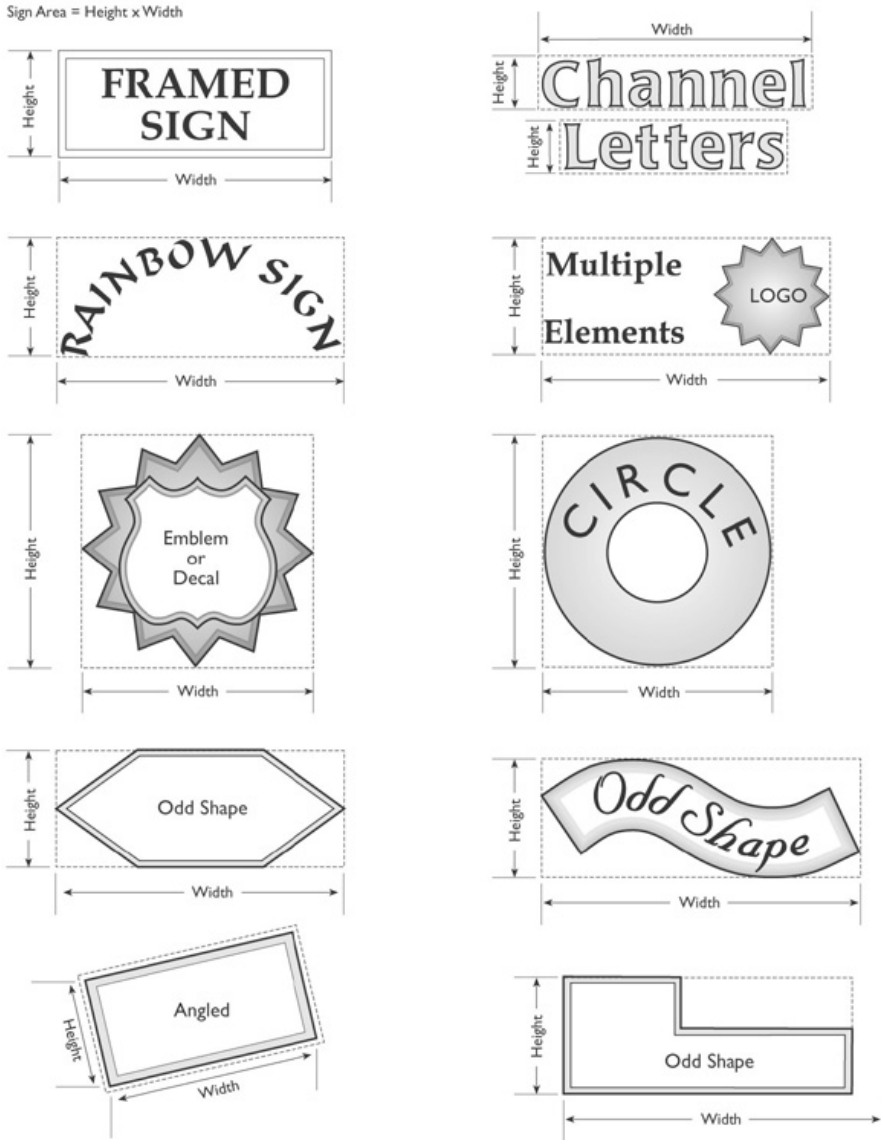


Figure 8.F.2.D – Measurement of Double-Faced Signs

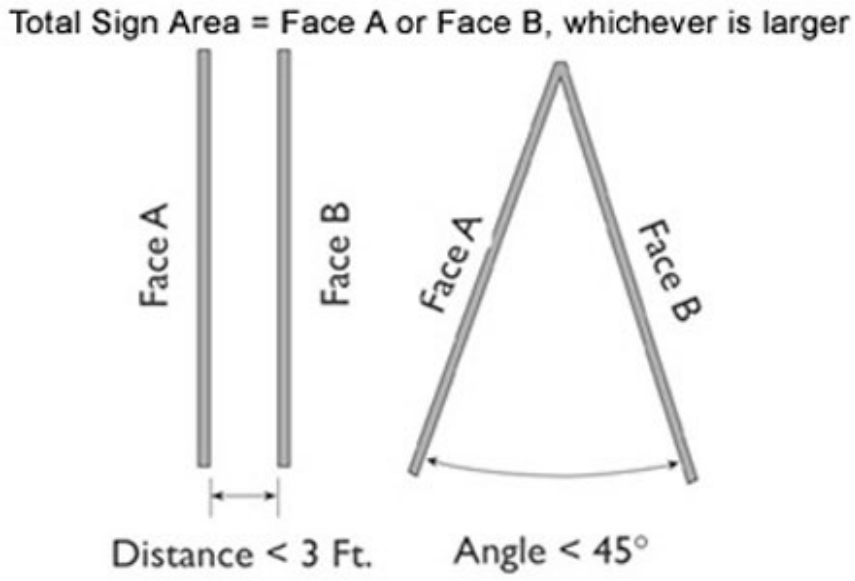


Figure 8.F.2.D – Measurement of Multi-Faced Signs

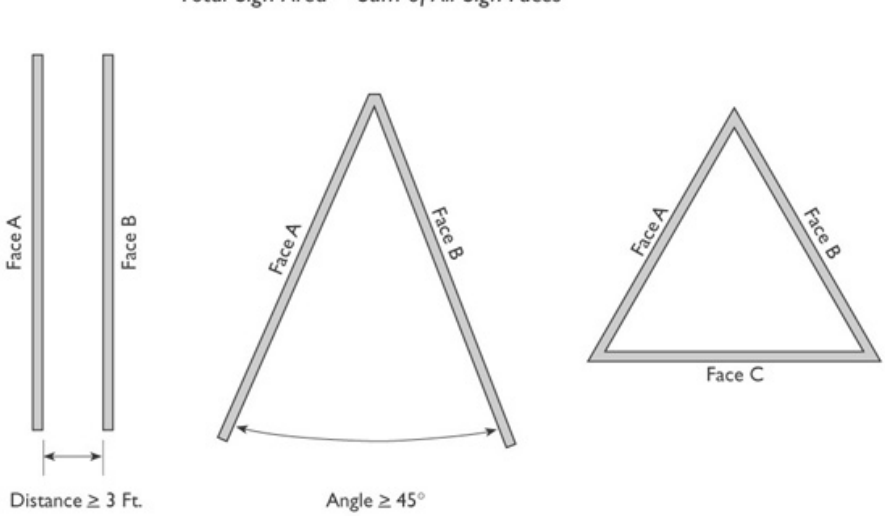
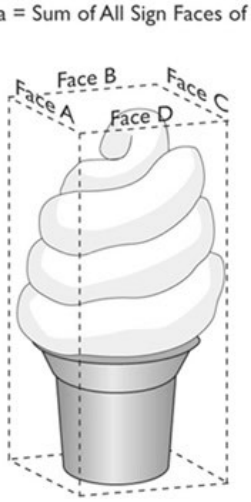


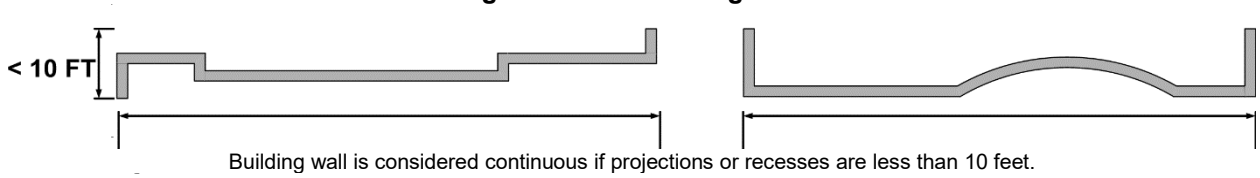
Figure 8.F.2.D – Measurement of Three-Dimensional Signs



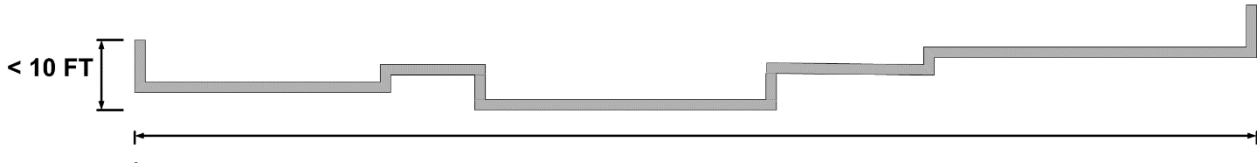
Section 3 Building Wall

For the purpose of this Section, a building's wall is considered continuous if projections or recesses in a building wall do not exceed ten feet in any direction. For the purpose of Art. 5.C.1.I, Large Scale Commercial Development, a building's wall is considered continuous if projections or recesses in a building do not exceed 25 feet. [Ord. 2009-040] [Ord. 2012-027]

Figure 8.F.3 – Building Wall



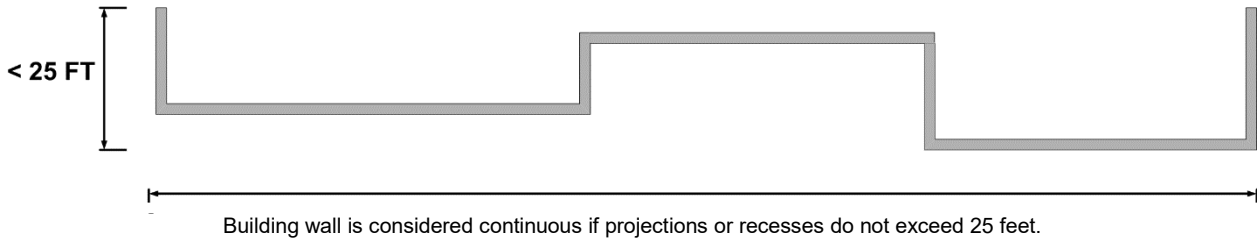
Building wall is considered continuous if projections or recesses are less than 10 feet.



Building wall is considered continuous if projections or recesses are less than 10 feet.

[Ord. 2012-027]

Figure 8.F.3 – Building Wall for Large Scale Commercial Development



Building wall is considered continuous if projections or recesses do not exceed 25 feet.

[Ord. 2009-040] [Ord. 2012-027]

Section 4 Materials

Paper, cardboard, or other material subject to rapid deterioration shall be limited to signs displayed for no more than 30 days.

Section 5 Illumination

Signs, other than temporary signs, may be illuminated subject to the following standards: [Ord. 2018-002]

A. General Requirements

1. Ground-mounted and building-mounted signs adjacent to a residential zoning district or residential use shall be illuminated only during hours when the establishment is open for business; [Ord. 2017-025]
2. External lighting shall be properly shielded to prevent glare on adjacent streets or properties; [Ord. 2017-025]
3. Illumination shall be constant and shall not consist of flashing, animated, or changing lights, except for permitted change of message for Message Centers or Digital Displays; and, [Ord. 2014-025] [Ord. 2017-025] [Ord. 2018-002] [Ord. 2022-029]
4. Message Centers or Digital Displays shall be exempt from AGR, Exurban, Rural, or Glades Tier prohibitions on internally illuminated signage. [Ord. 2017-025] [Ord. 2022-029]

B. Specific Requirements by Tier

1. U/S Tier Requirements

a. Signs may be illuminated by silhouette, internal, and external lighting, except where located in or oriented towards the NRM or NG Sub-areas of the WCRAO; and [Ord. 2006-004] [Ord. 2022-029]

b. Neon signs are allowed in the U/S Tier, except where located in or oriented towards the NRM or NG Sub-areas of the WCRAO, as part of a wall sign or window sign only. The sign area for a neon sign shall not exceed eight square feet. [Ord. 2006-004]

2. AGR Tier Requirements

a. Signs may be illuminated by external or silhouette lighting only, with exception to the following: [Ord. 2017-025]

1) Message Centers or Digital Displays subject to Art. 8.F.7, Message Center and Digital Display; and [Ord. 2017-025] [Ord. 2022-029]

2) Signs on properties with a commercial future land use designation. [Ord. 2017-025]

b. All sign lighting is restricted to the hours of operation of the entity or establishment with which the sign is associated.

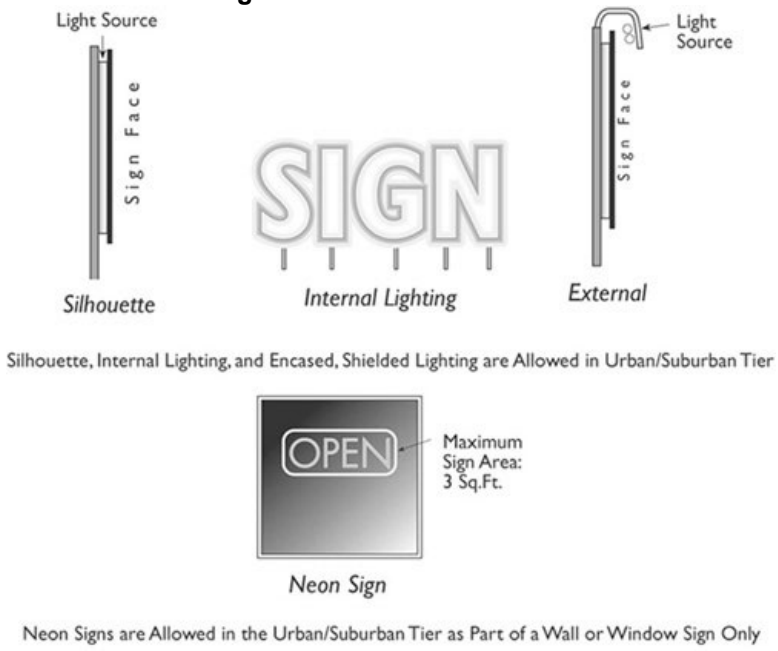
c. Neon signs are allowed as a window sign only. The sign area shall not exceed six square feet.

3. Exurban, Rural, and Glades Tier Requirements

a. Signs may be illuminated by external lighting only, with the exception of permitted Message Centers or Digital Displays subject to Art. 8.F.7, Message Center and Digital Display. [Ord. 2017-025] [Ord. 2022-029]

b. All sign lighting is restricted to the hours of operation of the entity or establishment with which the sign is associated.

Figure 8.F.5.B – Illumination



C. Brightness

Message Center and Digital Display are subject to the following brightness limitations: [Ord. 2022-029]

1. Each sign shall have a light sensing device that automatically adjusts brightness as ambient light conditions change in order to ensure that the message meets the standard for maximum brightness; [Ord. 2014-025]
2. The maximum brightness shall be 0.2 foot-candles above ambient light measured 150 feet perpendicular from the sign face area from a height of six feet. No sign shall display light of such intensity to cause glare or otherwise impair the vision of a driver, or interferes with the effectiveness of an official traffic sign, signal, or device; and, [Ord. 2014-025]
3. The sign shall be equipped with a default mechanism or setting that will cause the sign to turn off or show a full black or similar image if a visible malfunction or failure occurs. [Ord. 2014-025] [Ord. 2015-031] [Ord. 2018-002]

D. Message Duration

The minimum duration time for each message displayed on a Message Center or Digital Display is based upon the adjacent roadway speed limit. The message duration time shall be no less than the following: [Ord. 2022-029]

1. Roadways with speed limits less than 45 miles per hour – minimum 12 seconds. [Ord. 2022-029]
2. Roadways with speed limits greater than or equal to 45 miles per hour – minimum eight seconds. [Ord. 2022-029]

E. Types of Illumination

1. External

Externally illuminated signs, where permitted, are subject to the following regulations: [Ord. 2022-029]

a. The source of the light must be concealed by translucent covers. [Ord. 2022-029]
b. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color. [Ord. 2022-029]

2. Internal

Internally illuminated signs are subject to the following regulations: [Ord. 2022-029]

a. Internal illumination, including neon lighting, must be static in intensity and color. [Ord. 2022-029]
b. Message Centers and Digital Displays are permitted pursuant to Art. 8.F.7, Message Center and Digital Display. [Ord. 2022-029]

Section 6 Manual Changeable Copy

Manual Changeable Copy is permitted only when integrated into a freestanding, Marquee, or portable sign. Manual Changeable Copy shall cover no more than 50 percent of the total sign area, except for the following uses which are exempt from this restriction: all public and civic uses, Theaters and Performance Venues, fuel price signs, and signs that flash the time and temperature subject to Art. 8.F.7, Message Center and Digital Display. [Ord. 2014-025] [Ord. 2017-007] [Ord. 2022-029]

Section 7 Message Center and Digital Display

Message Center and Digital Display may be integrated into a ground-mounted freestanding sign, outparcel identification sign, or a building-mounted Marquee sign. In addition to the illumination requirements of Art. 8.F.5. Illumination, the following regulations apply: [Ord. 2022-029]

A. Uses

1. Regional facilities, as defined in Art. 8.A.2.A.10, Regional Facility, within the CG, CRE, PO, or IL Zoning District or in a non-residential planned development. [Ord. 2022-029]
2. Civic and Assembly facilities, as defined in Art. 8.A.2.A.3, Civic and Assembly in all zoning districts. [Ord. 2022-029]

B. Approval Process

1. If a Master Sign Plan (MSP) is required, the details of the Message Center and Digital Display shall be depicted on the MSP. [Ord. 2022-029]
2. If a MSP is not required, the Message Center or Digital Display shall be permitted through the Building Permit process and procedures. [Ord. 2022-029]
3. If the proposed Message Center or Digital Display of the sign is greater than 50 percent of the sign area, it shall be subject to a Class A Conditional Use, excluding PO Deviations. [Ord. 2022-029]

C. Height

Shall be limited to the height of the specific sign type in which the Message Center or Digital Display is integrated. [Ord. 2022-029]

D. Area

1. The Message Center or Digital Display shall not exceed 50 percent of the total sign area for any one ground-mounted freestanding sign, outparcel identification sign, or building-mounted Marquee sign, unless approved as a Class A Conditional Use, excluding PO Deviations. [Ord. 2022-029]
2. Message Centers or Digital Displays that are integrated into marquees shall comply with Art. 8.G.1.D, Marquee Signs. [Ord. 2022-029]

E. Message Display

1. No sign may contain text which flashes, pulsates, moves, or scrolls. [Ord. 2022-029]
2. Each complete message must fit on one screen. [Ord. 2022-029]
3. The content of the sign must transition by changing instantly (e.g., no fade-out or fade-in). [Ord. 2022-029]

F. Location

1. Signs less than 100 feet from a residential zoning district, undeveloped property with a residential FLU designation, or residential use shall be limited to a Manual Changeable Copy sign. [Ord. 2022-029]
2. Signs shall not be located adjacent to a Local Residential Street or a Residential Access Street. [Ord. 2022-029]
3. Signs with a Message Center or Digital Display area greater than 50 percent of the total sign area shall not be located within 1,000 feet of a signalized intersection or sign that integrates a Message Center or Digital Display. [Ord. 2022-029]
4. Signs that integrate a Digital Display are prohibited in the WCRAO unless the WCRA provides written support for the sign. [Ord. 2006-004] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2022-029]
5. Maximum number of signs per frontage: one. [Ord. 2022-029]

G. Setbacks

1. The setback for a sign that integrates a Message Center shall be the setback for the specific sign type in which the Message Center is integrated. [Ord. 2022-029]
2. Setbacks for signs that integrate a Digital Display are as follows: [Ord. 2022-029]
   a. Front: 15 feet [Ord. 2022-029]
   b. Side and Rear: 30 feet [Ord. 2022-029]
   c. Side Street: 15 feet [Ord. 2022-029]

H. The addition of any Digital Display to a non-conforming sign is prohibited. [Ord. 2022-029]

Section 8 Abandoned Signs

Sign faces with commercial messages shall be removed within 60 days after the activity, product, business, service, or other use which was being advertised has ceased or vacated the premises. Any commercial message not removed or replaced with a site-related message within this time may be removed pursuant to the removal procedures set forth in Art. 8.I.4, Removal of Signs in Violation of this Article.

Section 9 Substitution of Sign Message

Any sign authorized by this Article may contain non-commercial copy in lieu of any other copy.

Section 10 Encroachment into Public Street or Sidewalk

Any sign projecting over a public street or sidewalk requires approval of the Department of Engineering and Public Works (DEPW) or other applicable Agency.

Section 11 Required Address Signs

One address sign, between eight and 12 inches in height, is required for each freestanding building, and at least one address sign if a parcel has freestanding signs, subject to the following provisions: [Ord. 2005-002]

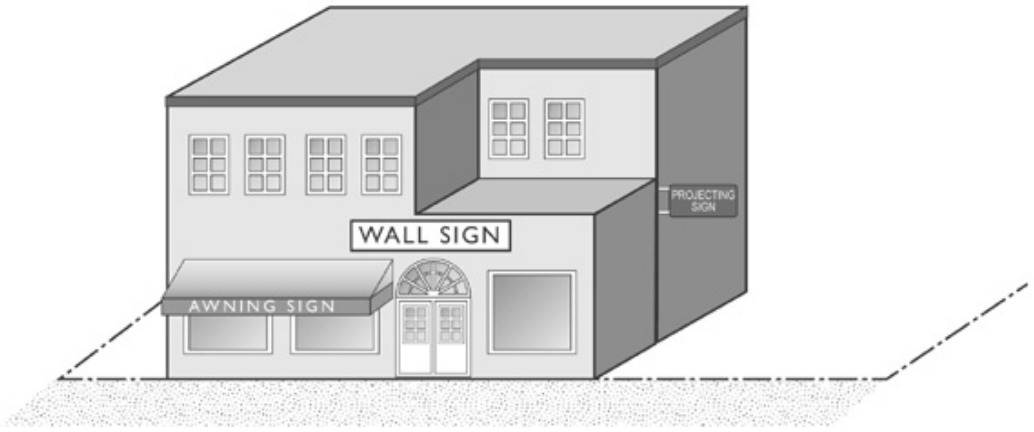
A. Where a multi-tenant building has a freestanding sign, the building address shall be posted on that sign in a contrasting color with letters of sufficient size to be plainly visible and legible from the roadway;
B. Where a building has multiple addresses, the address range shall be posted;
C. Numbers posted on signs shall be in a contrasting color and shall be proportionate to the total sign area. Address numbers shall not be included in the sign face measurement; and,
D. Where multiple address signs are provided in a development, they shall be of uniform size and color.

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 1 Building-Mounted Signs

Building-mounted signs consist of wall signs, awning and canopy signs, projecting signs, and Marquee signs. There is no limit on the maximum number of wall signs and awning and canopy signs provided that the total size of all such signs does not exceed the total maximum signage area permitted for wall signs. Projecting signs over a pedestrian sidewalk and not under a canopy, awning, or arcade, and Marquee signs are not included in the maximum sign area calculation for building-mounted signs.

Figure 8.G.1 – Building-Mounted Sign Types



A. Wall Signs

Wall signs, including signs mounted on a mansard roof or parapet, are subject to the standards in Table 8.G.1.A, Wall Sign Standards. No wall sign may cover wholly or partially any required wall opening.

Table 8.G.1.A – Wall Sign Standards

	U/S Tier	AGR Tier	Exurban, Rural, and Glades Tiers
Max. Sign Area (per Linear Foot of the Wall to Which the Sign Is Attached)	1.0 sq. ft. along any one side of the building (1)	0.75 sq. ft. along any one side of the building (1)	0.5 sq. ft. along any one side of the building (1)
	0.5 sq. ft. along any of the remaining sides of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use (3)		
Min. Wall Sign per Tenant Space (4)	24 sq. ft.	24 sq. ft.	24 sq. ft.
Min. Horizontal and Vertical Separation between Signs	3’	3’	3’
Max. Projection from Surface of Building (2)	24”	24”	24”
Min. Vertical Separation between Sign and Roofline	6”	6”	6”
Min. Horizontal Separation between Sign and Wall Edge	6”	6”	6”

[Ord. 2005-002] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2014-031] [Od. 2017-007]

Notes:

1.	For projects that are not subject to a MSP approval under Art. 8.E.3, Master Sign Program Plan, the maximum wall sign area for the storefront shall be one and one-half times the length of the storefront wall, building bay, or tenant space occupied by the retail business. This provision shall not apply to Freestanding ATMs or Unmanned Retail Structures. [Ord. 2005-002] [Ord. 2013-021] [Ord. 2017-007]
2.	Signs that project more than 24 inches are considered projecting signs, subject to Art. 8.G.1.C, Projecting Signs.
3.	This provision does not apply to a building separated from residential by a 110-foot R-O-W; buildings completely screened from view from another building of similar height; or, a Civic Pod, a Recreation Pod, or open space greater than 110 feet in width. [Ord. 2012-027]
4.	This standard shall not apply to Freestanding ATMs or Unmanned Retail Structures, which shall be limited to “Max. Sign Area” standards above. [Ord. 2013-021] [Ord. 2017-007]

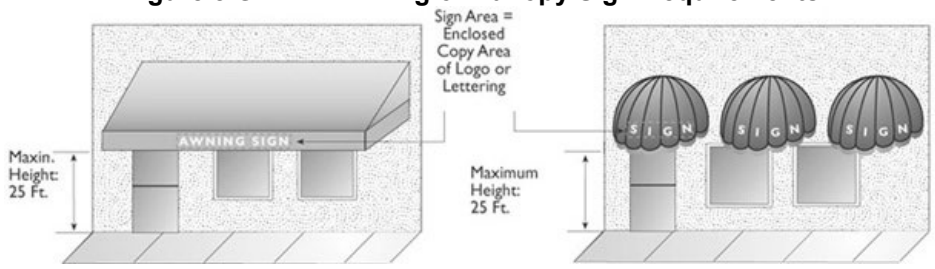
B. Awning and Canopy Signs Standards

Awning and canopy signs are included in the maximum allowable signage area for wall signs. Awning and canopy signs are permitted on the ground floor of buildings and shall be made of durable, long-lasting fabric and designed to fit the storefront. Awning and canopy signs shall be subject to the standards in Table 8.G.1.B, Awning and Canopy Signs Standards. [Ord. 2006-004]

Table 8.G.1.B – Awning and Canopy Sign Standards

Max. Sign Area	24 sq. ft.
Max. Height	25' above grade

Figure 8.G.1.B – Awning or Canopy Sign Requirements



1. WCRA Overlay

Awning signs shall be prohibited in the NRM, NG, and NC Sub-areas of the WCRAO. [Ord. 2006-004]

2. Gas Station Canopies

No more than two canopy signs per station may be allowed in addition to the maximum allowable signage area for wall signs. Gas station canopy signs shall not exceed 18 inches in height. [Ord. 2006-004]

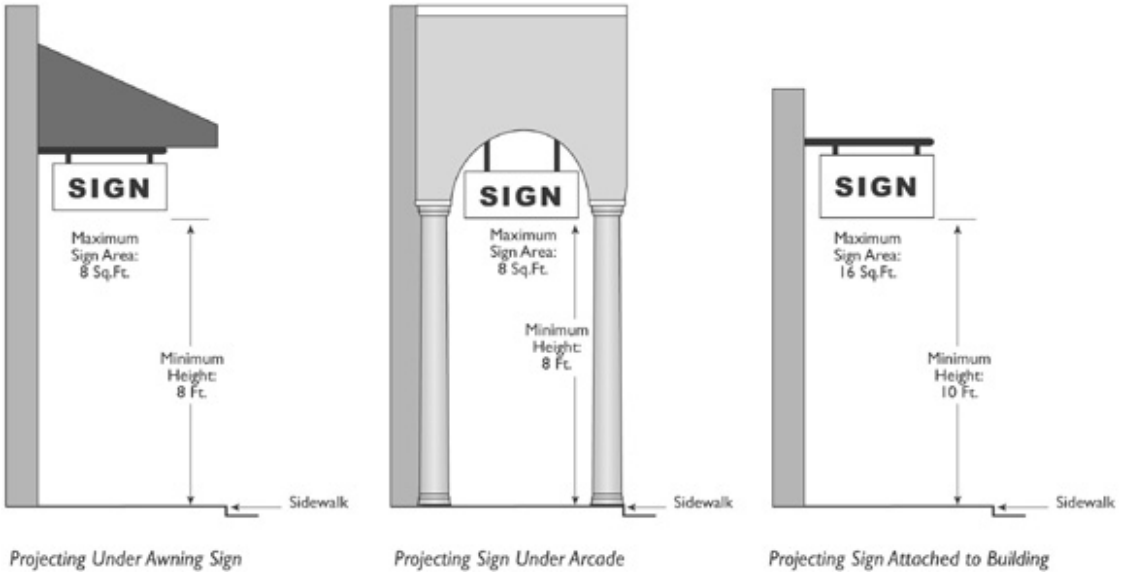
C. Projecting Signs

Projecting signs under canopies or covers in conjunction with pedestrian walkways are not included in the maximum allowable signage area for wall signs; however are subject to the standards in Table 8.G.1.C. Projecting Signs Standards, shall be placed perpendicular to the building façade, and not project above the roofline. Projecting signs over a public sidewalk are included in the maximum allowable signage for wall signs. Projecting signs may include banners provided the sign and sign area conforms to the standards in Table 8.G.1.C, Projecting Sign Standards. [Ord. 2005-002]

Table 8.G.1.C – Projecting Sign Standards

	Under Awnings, Canopies, or Arcades	Other Locations
Max. Sign Area	8 sq. ft.	16 sq. ft.
Min. Height	8'	10'
Max. Height	N/A	20'
Min. Setback	N/A	5'

Figure 8.G.1.C – Projecting and Under Awning Sign Standards



D. Marquee Signs

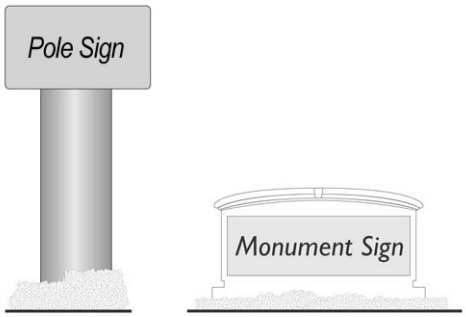
Marquee signs are allowed for theaters, stadiums, auditoriums, and similar uses subject to Class A Conditional Use approval. Marquee signs are not subject to wall sign area limits, but the maximum sign area shall not exceed one square foot for each foot of building wall. Marquee signs may be Changeable Copy. [Ord. 2012-027] [Ord. 2014-025] [Ord. 2018-002] [Ord. 2022-029]

1. Marquee signs shall be located only above the principal public entrance of a building facing a public street or parking lot. [Ord. 2022-029]
2. No Marquee sign shall be wider than the entrance it serves, plus two feet on each side thereof. [Ord. 2022-029]
3. No Marquee sign shall extend within three feet of the curb of a drive aisle or street. [Ord. 2022-029]
4. **Sign Height**
   a. No portion of a Marquee sign shall extend vertically above the eave line. [Ord. 2022-029]
   b. The lowest edge of the Marquee sign shall be at least ten feet above the finished grade. [Ord. 2022-029]

Section 2 Ground-Mounted Signs

Ground-mounted signs consist of freestanding signs such as monument signs, outparcel identification signs, and entrance signs.

Figure 8.G.2 – Ground-Mounted Sign Types



A. Freestanding Signs

Freestanding signs are subject to the standards in Table 8.G.2.A, Freestanding Sign Standards, and Table 8.G.2.A, Freestanding Signs Maximum Heights.

1. Prohibitions

Freestanding signs shall be prohibited in the NRM, NG, and NC Sub-areas of the WCRAO. [Ord. 2006-004]

2. Minimum Separations

Freestanding signs shall have a minimum separation of 75 feet from a residential zoning district or freestanding signs on abutting parcels. Freestanding signs in the same project, shall have a minimum separation of 50 feet.

Table 8.G.2.A – Freestanding Sign Standards

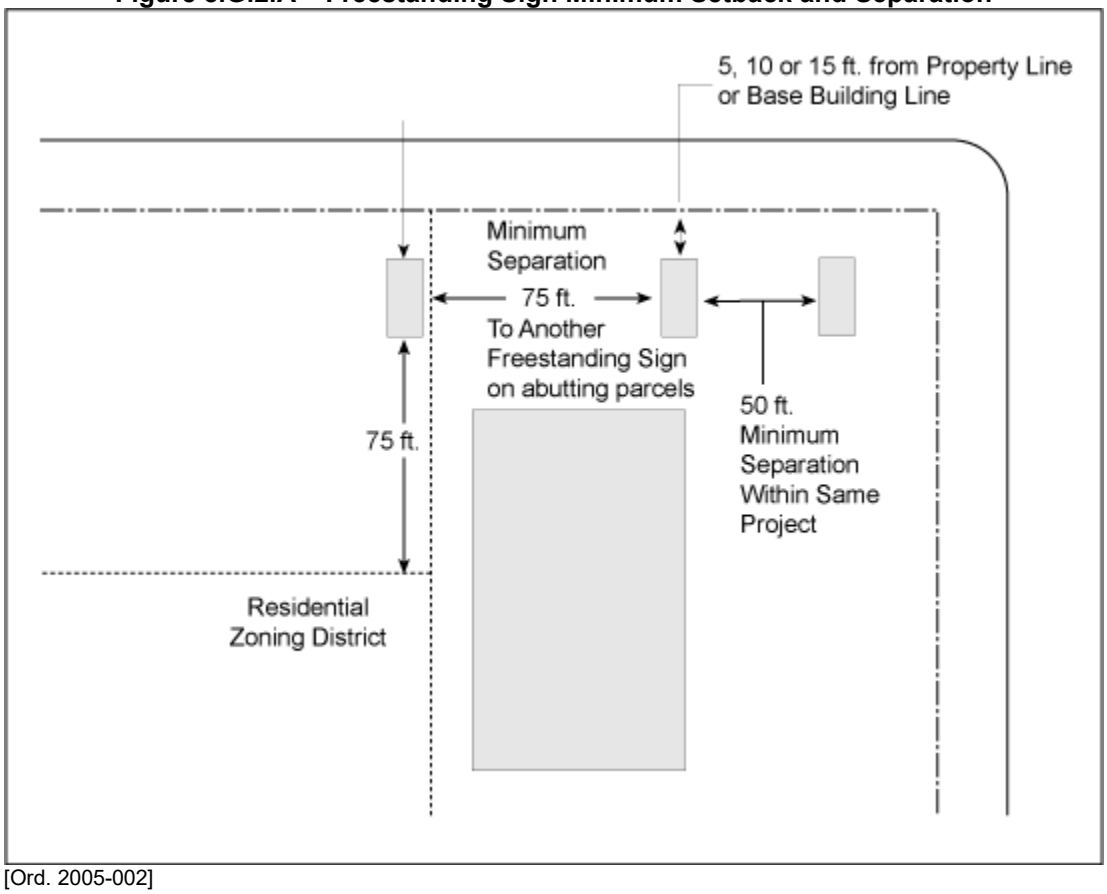
	U/S Tier	AGR Tier	Exurban, Rural, and Glades Tiers
Max. Number (per Project Frontage)	3 (1)	2 (2)	1 (with min. 150' frontage)
Max. Sign Area (per Lineal Foot of Frontage)	1 sq. ft.	0.75 sq. ft.	0.5 sq. ft.
Max. Sign Area (per Individual Sign)	200 sq. ft.	150 sq. ft.	100 sq. ft.
Min. Setback (3)	5'	10'	15'

[Ord. 2005-002] [Ord. 2006-036] [Ord. 2010-022] [Ord. 2014-031]

Notes:

1.	Number per frontage based on the frontage of the entire project or development (one sign per 200 feet or less, two signs per 201 to 300 feet, three signs maximum per 301 feet or greater in U/S Tier only).
2.	Number per frontage based on the frontage of the entire project or development (one sign per 200 feet or less, two signs per 201 feet or more in the AGR Tier only).
3.	Freestanding signs shall have a minimum setback of 75 feet from a residential zoning district.

Figure 8.G.2.A – Freestanding Sign Minimum Setback and Separation



[Ord. 2005-002]

Table 8.G.2.A – Freestanding Signs Maximum Heights

R-O-W Width	Max. Height					
	C/C		C/R		R	
	S	PDD	S	PDD	S	PDD
≥ 110'	20	15	15	12	10	10
≥ 80', or < 110'	15	10	10	8	8	8
< 80'	10	8	8	6	6	6

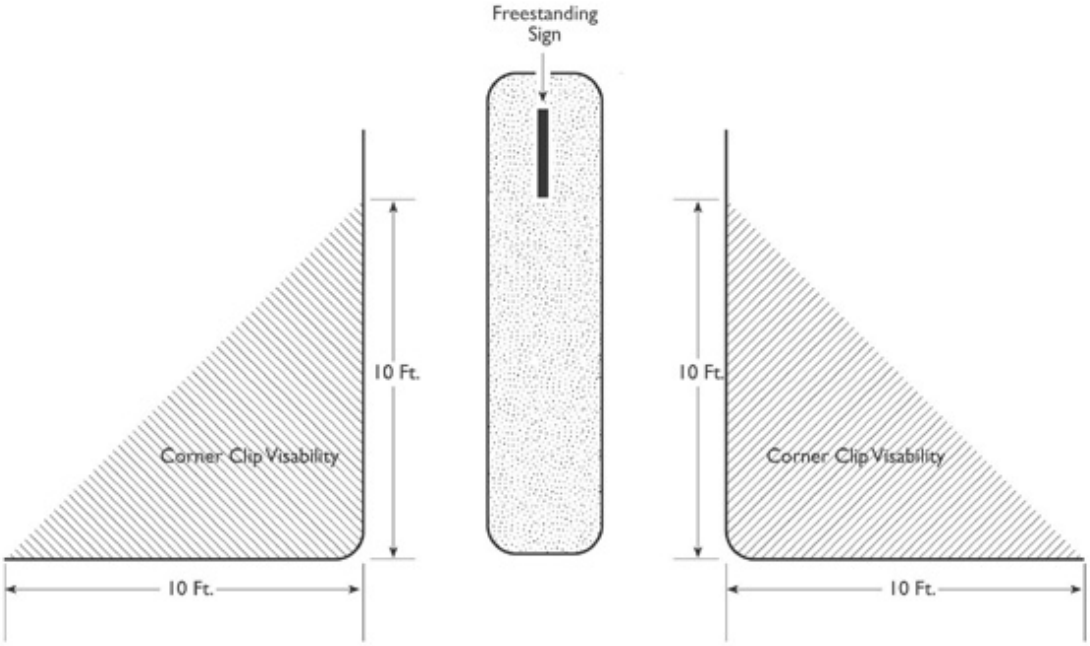
[Ord. 2007-013] [Ord. 2011-016]

Key:	
C/C	Commercial, industrial, or non-residentially zoned parcels adjacent to commercial, industrial, or non-residentially zoned parcels
C/R	Commercial, industrial, or non-residentially zoned parcels adjacent to any residentially zoned parcel
R	Residentially zoned parcel
S	Standard Zoning District
PDD	Planned Development District

3. Limitations in Median

Freestanding signs erected in a median within a driveway to a development shall not be located in corner clips or safe sight distance unless they are less than 30 inches high and shall be set back a minimum of five feet from the face of curb, or from the edge of adjacent pavement where no curb exists. Signs that overhang a driveway shall be a minimum of 13.5 feet above the adjacent pavement. [Ord. 2018-002]

Figure 8.G.2.A – Limitation In Median



4. Relationship of Sign Base to Sign Width

The total width of the sign base for signs shall be at least 30 percent of the width of the sign.

B. Outparcel Identification Signs

One freestanding outparcel identification sign may be allowed for each outparcel, subject to the standards in Table 8.G.2.B, Freestanding Outparcel Identification Signs, in addition to freestanding signs for PDDs and TDDs. This sign is excluded from the standards of Table 8.G.2.A, Freestanding Sign Standards. [Ord. 2005-002]

Table 8.G.2.B – Freestanding Outparcel Identification Signs

	U/S Tier	AGR Tier	Exurban, Rural, and Glades Tiers
Max. Number	1 per outparcel		
Max. Sign Area	20 sq. ft.		
Max. Height	6’		
Min. Separation	30’		
Min. Setback	5’	10’	15’
[Ord. 2005-002]			

1. Relationship of Sign Base to Sign Width

The total width of the sign base for signs shall be at least 30 percent of the width of the sign.

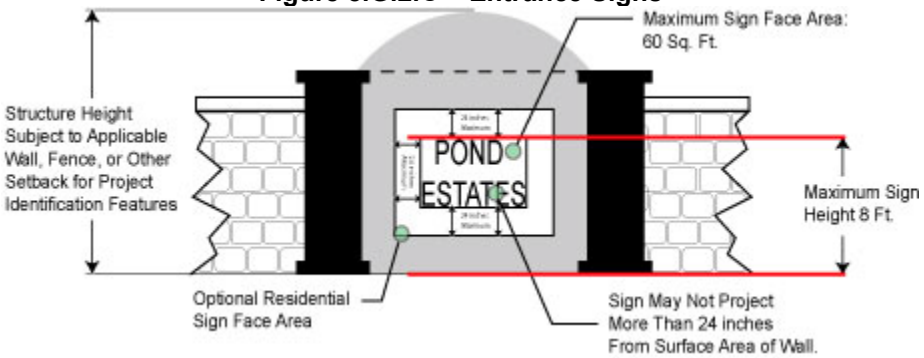
C. Entrance Signs

Entrance signs shall be permitted for the purpose of identifying a development, subject to the standards in Table 8.G.2.C, Entrance Sign Standards. [Ord. 2006-036]

Table 8.G.2.C – Entrance Sign Standards

Max. Number	2 signs per entrance
Max. Sign Face Area Per Sign	60 sq. ft.
Additional Residential Sign Face Area Option	If a decorative background element such as tile, stucco, or other building material or color is used, the maximum sign face area for such decorative treatment may be expanded 24 inches measured from the sign face area in each cardinal direction.
Max. Height	8’
Additional Residential Height Option	The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to ten feet for a R-O-W greater than 80 feet or equal to 110 feet in width, or 12 feet for a R-O-W greater than 110 feet, subject to a 25-foot setback or the district setback, whichever is greater. (1)
Max. Projection	24” from surface of wall
Location	Attached to a wall, fence, or project identification feature located at or within 100 feet of the entrance to a development.
Sign Copy and Graphics	Shall be limited to the name and address of the development.
[Ord. 2006-036]	
Notes:	
1.	The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to 20 feet for signs fronting on the Rural Parkway in the AGR Zoning District. [Ord. 2006-036]

Figure 8.G.2.C – Entrance Signs



[Ord. 2006-036]

Section 3 Other Sign Types

The following signs are permitted subject to their own specific maximum allowable sign area and standards.

A. Mobile Signs

A-frame-type signs are allowed at business entrances on arcaded sidewalks in the U/S Tier and in front of commercial or mixed-use buildings in TDDs. [Ord. 2022-029]

B. PUD or Residential Subdivision Informational Signs

A PUD or Residential Subdivision Informational sign shall be permitted through the Building Permit process and procedures. [Ord. 2015-031] [Ord. 2022-029]

1. Type: a ground-mounted sign, monument-style only, with Message Center; [Ord. 2015-031] [Ord. 2022-029]
2. Height: maximum six feet; [Ord. 2015-031]
3. Maximum sign face area per side: 24 square feet; [Ord. 2015-031]
4. Shall not be located within 100 feet of any residential structure or lot line, unless approved as a Type 1 Waiver where it is demonstrated that the sign is either oriented away from, or screened from view of the affected residential uses; [Ord. 2015-031]
5. Shall not be visible from outside of the PUD or residential subdivision, including any public roadways that bisect the development; and, [Ord. 2015-031] [Ord. 2022-029]
6. Shall not advertise any information, services, or activities relating to any product or commercial activity external to the development. [Ord. 2015-031] [Ord. 2022-029]

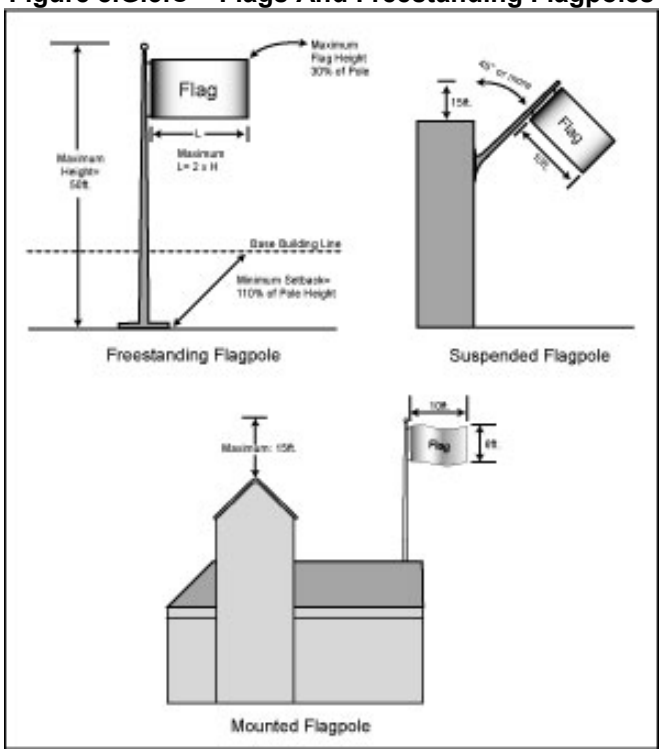
C. Flags and Freestanding Flagpoles

Flags and flagpoles are subject to the standards in Table 8.G.3.C, Flag and Flagpole Standards. Flagpoles and related structures designed to display a flag require a Building Permit. [Ord. 2008-003]

Table 8.G.3.C – Flag and Flagpole Standards

Flags	
Max. Number	3 flags per parcel
Max. Ratio of Length to Height	2 to 1
Freestanding Flagpoles	
Max. Flagpole Height	50’
Max. Flag Height	30% of total flagpole height
Min. Setback	110% of pole height
Wall-Mounted or Suspended Flagpoles	
Max. Height	15’ above the highest point of the building or structure
Max. Flag Size	6’ by 10’
[Ord. 2005-002]	

Figure 8.G.3.C – Flags And Freestanding Flagpoles



[Ord. 2005-002] [Ord. 2006-036]

D. On-Site Directional Signs

Directional signage within developments and subdivisions shall be for communicating directions and facility information including on-site services. Directional signage shall contain no advertising copy other than the project logos, and shall be of a similar type and style throughout the development. Directional signs shall be subject to the standards in Table 8.G.3.D, On-Site Directional Sign Standards.

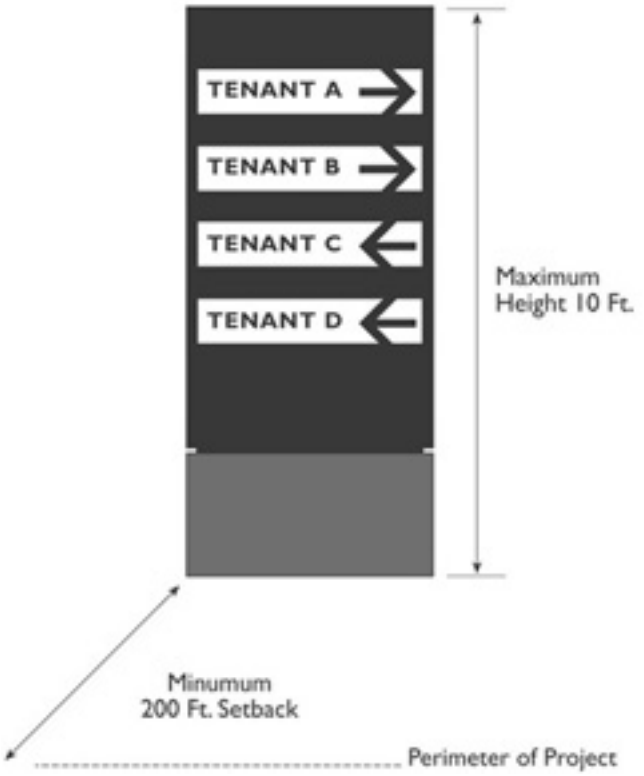
Table 8.G.3.D – On-Site Directional Signs Standards

	Residential Zoning Districts	Non-Residential Zoning Districts
Max. Number	N/A	4 per parcel
Max. Sign Area per Sign	24 sq. ft.	20 sq. ft.
Max. Height	7’	10’

1. Large Developments

Developments with more than 250,000 square feet, 1,500 dwelling units, 2,200 feet frontage, or having a combination of these uses that exceed these thresholds on a proportional basis[1], may be allowed an unlimited number of direction signs up to ten feet in height, provided all signs are a minimum of 200 feet from the perimeter of the project.

Figure 8.G.3.D – Multiple Direction Signs



E. Project Identification Signs

Project identification signs are allowed for residential projects for the purpose of identifying the limits of the project. Project identification signs shall be subject to the standards in Table 8.G.3.E, Project Identification Sign Standards, and the following:

1. Project identification signs shall be attached to a buffer wall or project identification feature.
2. Project identification signs shall contain no advertising copy other than the project name or logo.
3. Project identification signs shall be permitted at the project corners only.

Table 8.G.3.E – Project Identification Sign Standards

Max. Number	2 signs per road frontage with PUD access
Max. Sign Area per Sign	24 sq. ft.
Additional Residential Sign Face Area Option	If a decorative background element such as tile, stucco, or other building material or color is used, the maximum sign face area for such decorative treatment may be expanded 24 inches measured from the sign face area in each cardinal direction.
Max. Height	U/S Tier: 8' AGR Tier: 6' Exurban, Rural, and Glades Tiers: 6'
Min. Setback from Base Building Line	U/S Tier: 5' AGR Tier: 10' Exurban, Rural, and Glades Tiers: 15'
[Ord. 2006-036]	

[1] If half of the total floor area in a mixed-use development is non-residential, then the proportional threshold is 125,000. Similarly, if half of the total floor area is residential, then the proportional threshold is 750 units.

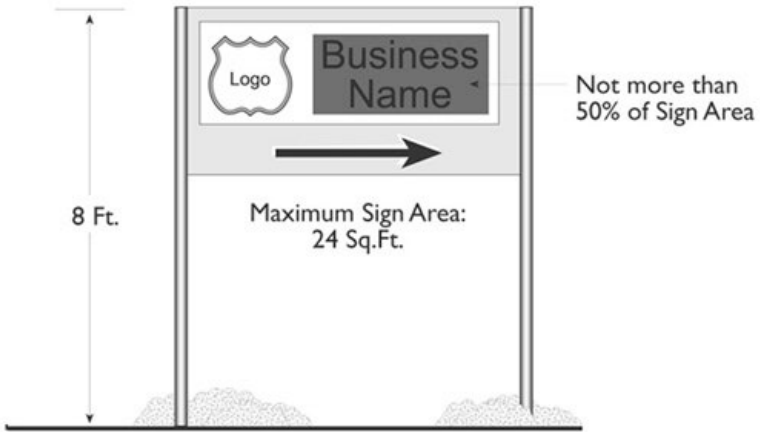
CHAPTER H OFF-SITE SIGNS

Off-site signs are allowed subject to the following standards.

Section 1 Off-Site Directional Signs Standards

Off-site, freestanding directional signs are allowed to communicate directional information, provided they meet the following requirements and the standards in Table 8.H.1, Off-Site Directional Sign Standards. Off-Site directional signs are permitted only for parcels that have access to, but no frontage on Arterial or Collector Streets.

Figure 8.H.1 – Off-Site Directional Sign



A. Structure Type

Off-site directional signs shall be completely independent, freestanding structures and not attached to any other structure, nor shall any structure, including other signs, be attached to an off-site sign.

B. Locations

Off-site directional signs shall be located in the following areas:

1. On a parcel abutting the parcel identified on the directional sign;
2. On a parcel subject to a recorded document insuring ingress and egress to the parcel identified on the directional sign;
3. On a parcel adjacent to an Arterial or Collector Street;
4. Within 50 feet of the point of ingress;
5. A minimum of five feet from all base building lines; and,
6. Not in a public R-O-W or public easement.

Table 8.H.1 – Off-Site Directional Sign Standards

Max. Number	1 per parcel for each access or frontage
Max. Sign Area per Sign	24 sq. ft.
Max. Height	U/S Tier: 8' AGR Tier: 6' Exurban, Rural, and Glades Tiers: 4'

Section 2 Billboards

A. Purpose and Intent

It is the purpose and intent of the BCC to restrict billboards and similar off-site signs in order to improve the aesthetic appearance of unincorporated PBC and minimize the visual and aesthetic degradation caused by these structures and to achieve the goal of an aesthetically improved built environment. It is the purpose and intent of this Section to leave the regulations that were adopted consistent with the billboard stipulated settlement agreement in place after the expiration of the agreement. Existing billboards with valid billboard registrations permits may be relocated or replaced subject to the requirements of this Section. No new billboards are permitted in unincorporated Palm Beach County other than those relocated or replaced pursuant to this Section. [Ord. 2016-016]

B. WCRAO Prohibitions

Billboard signs are prohibited in the WCRAO unless existing as of January 10, 2004 and the subject of a valid billboard registration issued pursuant to this Section. Billboards may not be relocated within the WCRAO. [Ord. 2006-004] [Ord. 2016-016]

C. Annual Billboard Registration Renewal

The 1998 billboard inventory of registered billboards is required to be renewed annually by the respective owner(s) in compliance with the terms of this Section. [Ord. 2016-016]

1. Renewals for billboard registrations shall be submitted by the billboard owners at least 60 days prior to expiration date of the existing registration. The owners have the responsibility to notify the County of any billboards that have been annexed or are otherwise removed from the registration list in a format acceptable to the Zoning Director. [Ord. 2016-016]
2. PBC may establish a fee by Resolution in the Official Schedule of Fees to be charged for the renewal of each registered billboard. This fee may be increased by the BCC from time to time. [Ord. 2016-016]
3. Billboard registration shall be transferable if ownership of the billboard or billboard company changes. [Ord. 2016-016]
4. This billboard registration system shall not require "tagging" of the billboard structure by the owner. [Ord. 2016-016]
5. **Violations**
   a. If a registration holder fails to submit fees required by this Section prior to or upon the annual expiration date, PZB shall: [Ord. 2016-016]
      1) Immediately issue a notice of violation as specified below; and
      2) Suspend acceptance of any new applications for Special Permit for demolition, relocation, replacement, or maintenance of billboards from the same registration holder. No new Special Permit applications shall be accepted from the same registration holder until final resolution of any disputes arising from the PZB's actions. [Ord. 2016-016]
   b. In the event that disputes arise regarding the amount of annual license fees charged, the registration holder may establish an escrow account into which he/she shall pay an amount equal to that portion of fees and other charges assessed by PZB which is in dispute. PZB shall be named as the beneficiary of the escrow account. This escrow account shall be established prior to the annual expiration date and shall remain in effect until final resolution of the dispute. Affected billboards shall continue to be treated as illegal signs; however, as long as the escrow account remains in effect, they shall not be removed as provided in this Subsection. [Ord. 2016-016]
   c. The notice of violation in accordance with Art. 10.B.1.A, Issuance of Notice of Violation shall be sent by certified mail, return receipt requested. At a minimum, it shall:
      1) Indicate the total amount of annual fees due.
      2) Indicate that the registration holder has 30 days from the date of mailing in which to pay the total fee due. [Ord. 2016-016]
      3) Assess an additional delinquency fee equal to 25 percent of the amount due.
      4) Inform the registration holder that failure to pay all required fees within the time allowed shall constitute a violation of this Section and his/her billboard shall thereupon be considered to be illegal. [Ord. 2016-016]
      5) Inform the registration holder of the process established by this Article for the removal of illegal signs. [Ord. 2016-016]
      6) Inform the registration holder of his right to appeal the action of PZB, as provided in this Subsection. [Ord. 2016-016]
   d. A copy of the notice of violation may also be prominently affixed to each billboard. [Ord. 2016-016]

D. Demolition, Relocation, Replacement, or Maintenance of Billboards

Billboard maintenance requiring Building Permits, and billboard demolition, relocation, or replacement shall be subject to the provisions indicated below: [Ord. 2016-016]

1. **Submittal Process**

   A billboard company shall submit an application for a Special Permit to the Zoning Division requesting its intent for demolition, relocation, replacement, or maintenance of a billboard in the format acceptable to the Zoning Director. The application shall be submitted at least 30 days prior to the requested date for the Special Permit. Each Special Permit application shall include the registration issued in 1998 that is associated with the subject billboard. [Ord. 2016-016]
2. **Demolition**
   a. For each billboard demolition Special Permit issued by the Zoning Division, the billboard owner shall also submit an application to the Building Division requesting a demolition permit. The application shall include the Zoning Division's demolition Special Permit. Upon demolition of the

billboard, a Certificate of Completion of demolition issued by the Building Division shall act as the verification of the demolition. A copy of the Certificate of Completion shall be submitted to the Zoning Division. [Ord. 2005-002] [Ord. 2016-016]

b. Each billboard demolished subject to this Section may be relocated. The combination of a proof of billboard registration from the Zoning Division, a billboard demolition Special Permit from the Zoning Division, and a Certificate of Completion of demolition from the Building Division shall be required prior to submitting application for a billboard relocation Special Permit. [Ord. 2005-002] [Ord. 2016-016]

c. A billboard relocation Special Permit application shall be submitted within four years from the issuance of the Certificate of Completion of demolition from the Building Division. The relocation of the billboard shall be confirmed with a Building Division Certificate of Completion submitted to the Zoning Division no later than the end of the fifth year. Failure of the Applicant to submit to the Zoning Division the Certificate of Completion from the Building Division for the relocation of the billboard by the end of the fifth year, or by date specified in a Condition of Approval in the Special Permit, shall result in the relocation Special Permit becoming null and void. [Ord. 2005-002] [Ord. 2016-016]

3. Relocation

a. A billboard relocation Special Permit shall allow construction of a billboard with the same or lesser number of faces as contained on the demolished billboard. Two relocated single face, single billboard structures may be combined into a new two-face billboard structure. [Ord. 2016-016]

b. A relocated billboard may be constructed only within the following Comprehensive Plan land use categories: “CH” (Commercial High), “CL” (Commercial Low), or “I” (Industrial).

c. Within the CH, CL, and I future land use Plan categories, a relocated billboard may only be located within the following zoning districts: CG, CC, IL, IG, MUPD, and PIPD.

d. Any billboard proposed for relocation within a Conditional Use, planned development, or similar project with an approved signage plan shall obtain approval for the relocation from the BCC, which shall retain the same discretion it exercised when granting the original development approval. If the billboard relocation requires modification of a signage plan that does not require BCC approval, the relocation shall be approved by the DRO, subject to the requirements of this Section. [Ord. 2016-016]

e. Relocation of a billboard to a PDD shall comply with the height and setback requirements for structures approved on the Master Plan. If modification of signage located within a PDD does not require BCC approval, such modification of signage shall be approved by the DRO.

f. A relocated billboard shall not be relocated on property assigned a residential, agricultural, or conservation zoning designation. For the purposes of this Section, residential, agricultural, and conservation zoning districts are the corresponding zoning districts to the residential, agricultural, or conservation FLU designations as indicated in Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA) of the ULDC. For purposes of this Section, Traditional Development Districts are considered residential districts. Billboards may not be relocated to property assigned a Traditional Development District. Billboards may not be relocated to the Residential, Recreation, and Civic Pods of a PIPD. [Ord. 2016-016]

g. All relocated billboards shall be located within an area containing a front dimension containing at least 500 linear feet. This linear dimension may include property abutting a public R-O-W.

h. The height of any relocated billboard shall not exceed 40 feet above finished grade, excluding temporary embellishments.

i. A relocated billboard shall comply with the setbacks listed below:
   1) Front: the lesser of 15 feet or the required district setback.
   2) Side: the lesser of the billboard's previous setback or the required district setback.
   3) Rear: the lesser of the billboard's previous setback or the required district setback.
   4) Side corner: the lesser of the billboard's previous setback or the required district setback. If applicable, the required district side corner setback may be reduced to 15 feet when the specific lot configuration makes relocation of the sign structure impossible based on application of the required district setback.

j. A relocated billboard shall not be constructed within a lateral distance of at least 250 feet of any residential zoning district located on the same side of the street. The lateral distance shall be measured along the street R-O-W, and shall include public R-O-W. This requirement shall supersede any other setback requirements established by this Section.

k. When a relocated billboard will be placed on a public R-O-W which:
   1) is designated by PBC for an ultimate width of 120 feet less, and
   2) abuts a residential zoning district across the street, then a residential "clear zone" shall be established.

l. The "clear zone" shall extend at least 170 feet from the front setback of the billboard. The "clear zone" shall be the public R-O-W. Any portion of the "clear zone" located within the abutting residential district shall not contain any existing or proposed residential use.

m. When a relocated billboard will be placed on a public R-O-W which:
   1) is designated by PBC for an ultimate width of more than 120 feet but less than 170 feet; and
   2) abuts a residential zoning district across the street;
   3) then a residential "clear zone" shall be established;
   4) the "clear zone" shall extend at least 170 feet from the front setback of the billboard. The "clear zone" shall be include the public R-O-W. Any portion of the "clear zone" located within the abutting residential district shall not contain any existing or proposed residential use.

n. When a relocated billboard will be placed on a public R-O-W which:
   1) is designated by PBC for an ultimate width of more than 170 feet; and
   2) abuts a residential zoning district across the street, then a residential "clear zone" is not required.

o. For the purposes of this Section, a residential "clear zone" may include such uses as landscaping, perimeter buffers, vegetation preservation areas, drainage facilities, roads, recreational areas, and similar non-residential uses.

p. A relocated billboard shall not be placed within 120 feet of any residential zoning district located across from, but not directly abutting, a public R-O-W. For the purposes of this Section, the 120-foot distance shall be measured from the rear of the billboard to the nearest point of the residential zoning district.

q. For relocated billboards, the setback shall be measured from the property line.

r. A billboard shall not be relocated to a site on a road with a R-O-W width of less than 80 feet.

s. A minimum separation of at least 500 feet from any other existing or relocated billboard that is not on the same structure must be maintained.

4. Replacement

A replacement for an existing billboard may be constructed consistent with the provisions of this Section.

a. Shall be located within the permitted billboard location.

b. A replacement billboard shall remain on the same side of the public R-O-W.

c. Existing billboard or the setbacks provided by the zoning district.

d. For replacement billboards, the front setback shall be measured from the property line.

e. A replacement billboard may be constructed at the same or lesser height of the existing billboard.

f. The sign face or faces of the replacement billboard shall not exceed the size of the sign face or faces of the existing billboard.

g. A replacement billboard shall contain the same number, or lesser number, of sign faces as the existing billboard.

h. When an existing billboard is located on property that is being or has been acquired for public road R-O-W purposes, the billboard location criteria of this Section may be waived subject to approval of a Type 1 Waiver. The DRO may approve the Type 1 Waiver for billboard location criteria when the width of the R-O-W to be acquired will not allow billboard replacement consistent with the intent of this Section. [Ord. 2012-027]

   1) Supplemental Billboard Regulations

   a) Roof-mounted billboards are prohibited.
   b) Billboards shall not be relocated to a site on a road with a R-O-W width of less than 80 feet.
   c) Billboard illumination shall be directed only towards the billboard face.
   d) Billboards with valid registration shall be legal, conforming structures, and may be repaired and maintained as provided by the applicable Building Codes of PBC. [Ord. 2016-016]
   e) Registered billboards may be sold, transferred, or exchanged. [Ord. 2016-016]

E. Repair and Maintenance of Billboards

All billboards shall be maintained in good repair. Repair and maintenance of billboards shall be exempt from the limitations of Art. 1.F, Non-Conformities. Repair and maintenance of billboards shall not include any improvement which increases the height, size, or number of billboard faces. Temporary embellishments may be included as part of normal maintenance and repair of billboards.

F. Effect of Annexation

1. Any billboard that is annexed shall not be eligible for relocation into the unincorporated area. [Ord. 2016-016]
2. Any registered billboard that is annexed shall be void upon annexation. [Ord. 2016-016]

G. Appeals

Appeals of any decision by the Zoning Director or Building Director regarding interpretation or implementation of this Section shall be made to a Hearing Officer in accordance with Art. 2.A.14, Appeal of the ULDC. [Ord. 2016-016]

CHAPTER I ADMINISTRATION AND ENFORCEMENT

Section 1 Zoning Division Review

The Zoning Division shall complete its review of all final approvals required by this Article within 30 days from the date of a fully completed application for a Building Permit, as determined by the Zoning Division, that has been submitted for Zoning Division review. For the purposes of this Article, final approval shall mean approval from the Zoning Division issued in conjunction with a Building Permit for the ultimate placement and construction of a sign. The Zoning Division shall either approve or deny the application within this review period. Upon expiration of this review period, the Applicant may demand the required approval and proceed with the Building Permit approval process as though the Zoning Division approval required under this Article has been granted. If a Building Permit is issued, the Applicant may display the sign until the Zoning Division either grants the required approval, or notifies the Applicant of a denial of the application and states the reasons for the denial.

Section 2 Enforcement

PBC may enforce the provisions of this Article by all means available to it including but not limited to enforcement proceedings before the PBC Code Enforcement Special Masters pursuant to Art. 10, Enforcement, imposition of fines under Art. 10.B.3, Administrative Fines; Costs; Liens, and initiation of any civil or administrative proceeding to prevent, restrain, or abate any act prohibited by the Article.

Section 3 Persons Responsible for Compliance

Persons who will be charged with violations of this Article are:

A. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or exists; and
B. Any person who knowingly commits, takes part, or assists in such violation.

Section 4 Removal of Signs in Violation of this Article

Any sign, banner, or sign structure not constructed or located in conformance with this Code is an illegal sign and is subject to the following procedure for notification, removal, and storage:

A. Tagged Notice

If a sign is erected, constructed, or located in violation of this Code, PBC shall attach a notice to the sign stating the violation and any corrective measures needed to bring the sign into compliance with this Article. The notice shall further specify that the sign may be removed after ten days have lapsed from the date the tagged notice was placed on the sign, if the specified corrective measures have not been taken.

B. Storage and Removal

If corrective measures have not been complied with after ten days of placement of the tag on the sign, PZB may remove and store the sign in an appropriate storage facility at the expense of the sign owner. The storage period shall be for at least 30 days.

C. Mailed Notice

Upon removal and storage of the sign by PZB, a Notice of Violation and Removal and Storage shall be sent directly to the named owner of the sign, if the owner's address can be readily ascertained from the sign or the address where the sign was located. The notice shall also provide information as to where the sign is stored, how the sign may be reclaimed, and the owner’s right to appeal.

D. Return or Destruction

Any sign which has been removed from private property pursuant to the above provisions may be claimed by and returned to the Property Owner. Release of any sign shall be by written authorization of the Director of Code Enforcement upon proof of ownership and payment of a sum appropriate to compensate PBC for the expense of locating, tagging, mailing notice, removing, and storing the sign. Any sign that remains

unclaimed after 30 days from the date of removal shall become the property of PBC and may be disposed of in any manner deemed appropriate by PBC.

E. Destruction and Unpaid Fees

Destruction of the illegal sign shall not extinguish any claim for payment of unpaid fees. Any cost associated with removal of an illegal sign, including cost of collecting unpaid permit, may also be assessed to the sign owner. No new sign permit application will be accepted from the owner of an illegal sign until all fees and costs associated with removal and storage of any illegal sign(s) are paid.

F. Illegal Signs in Public R-O-W

Illegal signs in the public R-O-W may be immediately removed by PBC. Such signs need not be stored and may be immediately disposed of in any manner deemed appropriate by PBC. However, if the approximate value of the sign or other structure is determined to be greater than 500 dollars and the sign bears the name of the owner, the sign owner shall be notified and the sign shall be removed, stored, or returned, as the case may be, in accordance with the procedures in this Section. [Ord. 2008-003]

Section 5 Appeals

An aggrieved Person has the right to immediately appeal a denial of an application for a permit or other approval required by this Article, or any notice of intent to remove or destroy a sign in violation of this Article, to the Circuit Court in the 15th Judicial Circuit of the State of Florida. Any such appeal to the Circuit Court shall be filed within 30 days of the mailing of the written notice of a denial of a permit or other approval contemplated by this Article, or within 30 days of the mailing of a notice of violation and removal and storage issued pursuant to this Article.

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. 2006-036; August 29, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-022; September 1, 2010] [Ord. 2011-016; September 6, 2011] [Ord. 2012-027; August 31, 2012] [Ord. 2013-021; August 30, 2013] [Ord. 2014-025; September 3, 2014] [Ord. 2014-031; July 7, 2015]; [Ord. 2015-031; September 3, 2015] [Ord. 2016-016; February 2, 2016] [Ord. 2016-020; March 24, 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. 2022-029; November 2, 2022]

ARTICLE 9

ARCHAEOLOGICAL AND HISTORIC PRESERVATION

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ARTICLE 9

ARCHAEOLOGICAL AND HISTORIC PRESERVATION

CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

Section 1 General

A. Purpose and Intent

It is hereby declared that the protection, enhancement, and examination of significant archaeological resources is in the interest of the health, safety, and welfare of the people of PBC. It is acknowledged that within PBC there exist sites which are of significant archaeological value as prehistoric, historic, and cultural resources. A map identifying known archaeological sites, potential archaeological sites, and archaeological conservation areas has been prepared by a qualified archaeologist and is adopted as part of this Article. [Ord. 2005-002]

1. Establish a procedure for review of development proposals on lands which have been identified as containing archaeological resources and archaeological conservation areas; [Ord. 2005-002]
2. Establish a method to review the potential archaeological and paleontological value of previously unidentified sites after the discovery of prehistoric and historical artifacts, skeletal or fossilized human remains, or non-human vertebrate fossils during development; [Ord. 2005-002]
3. Establish a mechanism to protect, when appropriate, resources of significant archaeological value identified pursuant to this Article that are deemed important by a qualified archaeologist to the prehistory or history of PBC, the County, the State, or Nation; and,
4. Facilitate protection and documentation of resources of significant archaeological value without substantially delaying development. [Ord. 2005-002]

B. Applicability

This Article is applicable in the unincorporated area of PBC and regarding PBC-owned property in municipalities unless otherwise regulated by municipal archaeological protection regulations and shall apply to:

1. All parcels of land which are identified as archaeological sites on the map entitled “Map of Known Archaeological Sites and Archaeological Conservation Areas;” [Ord. 2005-002]
2. A parcel on which previously unidentified artifacts, archaeological human remains, archaeological sites or features, or vertebrate fossils of significant archaeological and paleontological value are found during site development or during any other activity which may disturb an archeological site; and, [Ord. 2005-002]
3. All applications for Type 3 Excavation, pursuant to Art. 4.B.10, Excavation Uses. [Ord. 2005-002] [Ord. 2017-007]
4. All parcels of land within Palm Beach County that are identified as a known resource in the records of the Florida Master Site File or from documentation from the State Historic Preservation Officer or State Archaeologist. [Ord. 2008-037]
5. All parcels of land which are not identified on the “Map of Known Archaeological Sites and Archaeological Conservation Areas” but other resources, documents, conditions, and reasonable accounts indicate there is an increased probability that they contain previously undocumented historic resources. [Ord. 2008-037]
6. All parcels of land that are within 300 feet of a parcel depicted on the “Map of Known Archaeological Sites and Archaeological Conservation Areas” shall be considered to have a high probability of containing previously undocumented historic resources. [Ord. 2008-037]
7. The Planning, Zoning and Building Department may require a CTD/COA for any property that has a high probability of containing previously undocumented historic resources. [Ord. 2008-037]

Section 2 Development Subject to Archaeological Review

A. Development Subject to Archaeological Review

Development shall be subject to this Article as follows:

1. Parcels on Identified Sites

Parcels on the Map of Known Archaeological Sites and Archaeological Conservation Areas and proposals for Type 3 Excavation. Owners of parcels located on the Map of Known Archaeological Sites and Archaeological Conservation Areas or owners of parcels requesting approval for Type 3 Excavation

must receive a Certificate to Dig prior to issuance of a Development Order. [Ord. 2005-002] [Ord. 2017-007]

2. Parcels with Previously Unidentified Sites

Previously unidentified archaeological sites discovered during development. When one or more artifacts, archaeological human remains, or vertebrate fossils are found on a parcel during development or during other activity disturbing the site, all development or disruptive activity directly over the find shall cease. Before any further development or disruptive activity continues, the following procedure shall apply: [Ord. 2005-002]

a. The area directly over the find shall be staked by the Property Owner or agent of the Property Owner, contractor or subcontractor, or other party discovering the potential find;
b. Within one working day of discovering the potential find, the Department and, if applicable, the Property Owner shall be notified;
c. Within three days, the County Archaeologist shall inspect and evaluate the site for the purpose of determining whether artifacts or human skeletal or vertebrate fossils are located on the parcel. If the qualified archaeologist determines a significant archaeological resource is on or likely to be on the parcel, the Director of PZB shall issue an order suspending construction and define the area where the order suspending construction applies, based upon the archaeologist's assessment. Such order does not have the effect of a stop work order and shall not stop construction activity not directly impacting the defined potential archaeological or paleontological site; [Ord. 2005-002]
d. The County Archaeologist shall evaluate the significance of the archaeological find and send a written Archaeological Evaluation Report to the Property Owner and Executive Director of the PZB postmarked within seven working days from issuance of the suspension order;
e. In the Archaeological Evaluation Report, the County Archaeologist shall require an application for a Certificate to Dig be prepared if the archaeologist determines the site contains artifacts of significant archaeological value. If the County Archaeologist determines that there is no reasonable possibility that artifacts of significant archaeological value are contained on the site, the archaeologist shall make such a finding to the Department in the Archaeological Evaluation Report and PZB shall immediately lift the suspension order;
f. In order to encourage individuals to bring potential significant archaeological discoveries to PBC's attention, private citizens engaged in disruptive activity which does not require a Development Order or Permit and uncover a potential artifact, fossil, or remains, may request a waiver of application fees and shall not be subject to the timeframes required in this Subsection. [Ord. 2005-002]

3. Sites Containing Human Skeletal Remains

If human skeletal remains are found, then F.S. § 872.05 (1989), as amended from time to time, controls.

Section 3 Procedures

A. Historic Designation Procedures

1. Nomination and Designation Procedure

The Historic Resources Review Board (HRRB) and County Archaeologist will have the authority to nominate areas, places, buildings, structures, landscape features, archaeological, and paleontological sites as being significant to Palm Beach County's history. All nominations will be sent to the BCC for final approval, official designation, and listing on Palm Beach County's Register of Historic Places. [Ord. 2008-037]

2. Criteria for Evaluating Significances of Historic Resources

Historic resource significances will be determined by meeting one or more of the following criteria/conditions: [Ord. 2008-037]

a. are 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 Palm Beach County, the State of Florida, the Nation; or [Ord. 2008-037]
b. are associated with the lives of persons significant in our past; or [Ord. 2008-037]
c. 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 [Ord. 2008-037]
d. have yielded or are likely to yield information in history or prehistory; [Ord. 2008-037]
e. is listed on the National Register of Historic Places (NRHP). [Ord. 2008-037]

B. Map of Known Archaeological Sites

A Map of Known Archaeological Sites and Archaeological Conservation Areas shall be maintained by the County Archaeologist and Planning Director. The above referenced map shall consist of Florida Master Site File (FMSF) data provided by the Florida Department of State, Division of Historical Resources. The map shall be revised by PBC whenever updated information is provided by the FMSF. At a minimum, the map and the FMSF, shall be reviewed annually by department staff and the County Archaeologist to ensure the map is consistent with FMSF data. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2018-018]

C. Certificate to Dig

1. Application

Owner of parcels required by Art. 9.A.1, General, and Art. 9.A.2, Development Subject to Archaeological Review, parcels on the Map of Known Archaeological Sites, Archaeological Conservation Areas and proposals for Type 3 Excavation, and Previously Unknown Archaeological Sites discovered during development, to make application for a Certificate to Dig to the PZB for review shall make such application prior to the issuance of a Development Order. The application for a Certificate to Dig shall be made on a form available from the PZB. Only one Certificate to Dig shall be required to develop a site unless additional resources not addressed in the initial Certificate to Dig are found during site development. The Department shall determine whether the application is a standard or special Certificate to Dig. A special Certificate to Dig will be required for any application that will potentially alter or destroy more than ten percent of any known or previously recorded archeological site. All special Certificates to Dig will be forwarded by the Department to the Palm Beach County Historic Resources Review Board (HRRB) for review. All standard Certificates to Dig will be reviewed by the Department Staff and the County Archaeologist. [Ord. 2005-002] [2008-037] [Ord. 2017-007]

D. Certificate to Dig Procedures

1. Preliminary Testing Consultation Meeting

The cultural resource management firm or archaeologist contracted to assess the presence of historic resources and develop mitigation plans to address adverse effects to a historic resource is required to meet with the County Archaeologist to discuss testing strategies prior to the start of the project. [Ord. 2008-037]

2. Joint in-Field Consultation

The County Archaeologist will be available for field consultations should the need arise during the testing phase of the project. If previous testing strategies prove to be ineffective all parties can request that the testing strategy be modified. [Ord. 2008-037]

3. Certificate to Dig Report Requirements

A report prepared by a qualified archaeologist shall be prepared with the application of a certificate and as requirement of the Certificate to Dig. The report shall at minimum contain a documented search of the Florida Master Site File (FMSF), a brief history of the area, an archaeological survey and field inspection performed in a professionally acceptable manner, an assessment of the archaeological significance of the site, and a proposed plan for archaeological management, which in some instances, may include recommendations for monitoring of proposed developmental activities by a qualified archaeologist. All reports submitted to the PZB on properties determined to be of archaeological significance shall include the preparation of a FMSF form, which shall be forwarded by the PZB to the Division of Historical Resources of the Florida Department of State. [Ord. 2005-002] [Ord. 2008-037]

4. Standards for Issuance of a Certificate to Dig

Within three working days of receiving an application, the Department shall make a determination of the completeness of the application and whether it shall be processed as a Special or Standard Certificate to Dig. A Special Certificate to Dig will be required if the application is for a previously recorded site where more than ten percent of the known or potential site surface or volume will be adversely affected by the proposed development or improvements. A Standard Certificate to Dig will be required if the application is for a previously recorded site where less than ten percent of the known or potential site surface or volume will be altered or destroyed by the proposed development. A Standard Certificate to Dig will be required for any application within an archaeological conservation area that is not the location of a previously recorded site. If the application is determined to be incomplete, the Department shall request additional information by certified mail. When the application is complete, if the Certificate to Dig is determined by the Department to be a Special Certificate to Dig the Department shall forward the application to the HRRB. The HRRB shall hold a public hearing within 30 days of the date of receipt of the application by the HRRB. The Department shall prepare its evaluation of the application and notify the Applicant of its findings at least ten working days prior to the public hearing. Evaluation of the application by the Department and the HRRB shall be based upon guidelines in this Section, recommendations included in the archaeologist's report, and the

recommendation of the County Archaeologist, if required. If the Department determines that the application is a Standard Certificate to Dig, then a Certificate to Dig will be issued to the Applicant within 30 days of the date of receipt of the application by the Department. The HRRB's or Department's evaluation shall do one of the following: [Ord. 2005-002] [Ord. 2008-037]

a. In the Archaeological Evaluation Report, the County Archaeologist shall require an application for a Certificate to Dig be prepared if the archeologist determines the site contains artifacts or cultural remains of significant archaeological value. If the County Archaeologist determines that there is no reasonable possibility that artifacts of significant archaeological value are contained on the site, the County Archaeologist shall make such a finding to the Department in the Archaeological Evaluation Report and the Department shall immediately lift the suspension order. [Ord. 2005-002] [Ord. 2008-037]
b. If the property is determined to contain or potentially include a site of significant archaeological value, the HRRB or the Department shall issue a Certificate to Dig with conditions that are deemed necessary to protect or mitigate any part of the site determined to be of significance, including conditions regarding development design. In order to protect archaeological resources of significant value, the HRRB or the Department may require the Applicant to do one or more of the following as part of receiving the Certificate to Dig: [Ord. 2005-002] [Ord. 2008-037]
    1) preserve part or all of the archaeological site within open space of the development; [Ord. 2008-037]
    2) redesign the development to accommodate preservation of all or a portion of the archaeological site; [Ord. 2005-002] [Ord. 2008-037]
    3) the Property Owner may voluntarily fund or seek funding for excavation of the resource, if agreed to by PBC. [Ord. 2008-037]
c. The Department shall charge a fee covering the direct and indirect costs associated with reviewing an application for a Certificate to Dig, issuing the certificate and monitoring compliance with the certificate. Fees for the issuance of a Certificate to Dig shall be added to the Department Fee Schedule by Resolution approved by the BCC. [Ord. 2005-002] [Ord. 2008-037]

E. Single Family Homeowner Certificate to Dig

1. Application

A Single Family Homeowner Certificate to Dig (SFHCTD) will be issued to individuals whose properties are depicted on the Map of Known Archaeological Sites and Archaeological Conservation Areas or when previously unknown archaeological or historic resources are encountered during construction or other means of exposure. There is no fee associated with this certificate and the County Archaeologist will perform the initial investigation at no charge upon receiving the permit for review. [Ord. 2018-018]

Single Family homeowners of parcels required by Art. 9.B.1, General, or Art. 9.A.2, Development Subject to Archaeological Review, parcels on the Map of Known Archaeological Sites, Archaeological Conservation Areas, and Previously Unknown Archaeological Sites discovered during development shall apply for a SFHCTD to the PZB for review, and shall make such application prior to the issuance of a Development Order or Building Permit. The application for the SFHCTD shall be made on a form available from the PZB. Only one SFHCTD shall be required to develop a site unless additional resources not addressed in the initial certificate are found during site development. All Single Family Homeowner Certificates to Dig will be reviewed by the Department Staff and the County Archaeologist. The County Archaeologist will perform initial investigation upon receiving the permit for review at which time the proposed project will be classified as either ground disturbing or non-ground disturbing: [Ord. 2008-037]

a. Ground-Disturbing Activities

These include excavating soil for the placement of pilings, footers, telephone poles, fence posts, pools, septic tanks, in-ground water features, extensive grading of virgin soil, drainage ditches, and the placement of water/sewer lines. [Ord. 2008-037]

b. Non-Ground Disturbing Activities

These include slab-on-grade construction techniques, driveway placement, shed installation, sprinkler irrigation systems, on-grade patios, above-ground pools, landscaping, placement of fill soil, placement of underground conduit two inches in diameter or less, and building on an existing foundation.

If a permit including only non-ground disturbing activities is submitted, approval is immediate.

If ground-disturbing activities are indicated, the County Archaeologist will review the proposed plan by comparing it to known archaeological site locations, previously tested properties, geological/ecological features, and areas of significant soil disturbance. If conditions warrant a field investigation, the County Archaeologist or designee will begin the process within ten working days of original notice.

If a significant historic resource(s) as those defined by this Chapter is encountered during the field investigation, a suspension of work order will be issued for the area of impact. During this time one or more of the following may occur depending on the nature and size of the resource. [Ord. 2008-037]

a. The homeowner will be responsible for securing and financing the services of a professional archaeologist or archaeological firm to mitigate the adverse impacts to the resource. [Ord. 2008-037]
b. For simple non-midden resources less than six-by-six feet (two-by-two meters) in size and less than two feet in depth the County Archaeologist or the Office's designee will monitor/mitigate ongoing construction. [Ord. 2008-037]
c. The homeowner, contractor(s), and appropriate County Departments, will discuss, develop, and implement methods to avoid adverse impact to the historic resource. [Ord. 2008-037]

If the resource is determined not to be significant as defined by this Chapter, approval to proceed will be issued within three working days of the initial site visit.

If a significant historic resource as defined by this Chapter is discovered the location and nature of the resource will be listed with the County and State offices of historic preservation and possibly the National Register of Historic Places. [Ord. 2008-037]

2. Single Family Homeowner Certificate to Dig Report Requirements

A report shall only be required if significant historic resources as defined by this Chapter are recovered. The report shall at minimum contain a documented brief history of the area, an archaeological survey and field inspection performed in a professionally acceptable manner, an assessment of the archaeological significance of the site, and a proposed plan for archaeological management, which in some instances, may include recommendations for monitoring of proposed developmental activities by a qualified archaeologist. All reports submitted to the PZB on properties determined to be of archaeological significance shall include the preparation of a FMSF form, which shall be forwarded by the PZB to the Division of Historical Resources of the Florida Department of State.

Regardless if significant historic resources are recovered or not the Map of Known Archaeological Sites and Archaeological Conservation Areas will be modified to reflect the actual status of the property. [Ord. 2008-037] [Ord. 2018-018]

3. Hearings of Findings

Only CTD or SFHCTD that encountered significant historic resources as defined by this Article will be discussed with the Historic Resources Review Board (HRRB). These discussions shall take place within 45 days after completion of the application at which time the resident or developer will be allowed to comment on the findings of either the CTD or the SFHCTD. [Ord. 2008-037]

4. Appeals

Within 30 days of a written decision by the HRRB regarding an application for a Certificate to Dig or Single Family Homeowner Certificate to Dig, an aggrieved party may appeal the decision by filing a written notice of appeal and pay a filing fee established by the BCC, with the Clerk of the BCC. A copy of the notice of appeal shall be filed with the Executive Director of Planning, Zoning and Building, PZB. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 45 days of the filing of the appeal or the first BCC meeting which is scheduled, whichever is later in time, the BCC shall conduct a public hearing at which time they may affirm, modify, or reverse the decision of the HRRB or PZB. The Applicant shall be notified by certified mail, return receipt requested, of the date, time, and place of such hearing. At this hearing, the party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in this Code; however, no new materials or evidence shall be presented to or considered by the BCC. The BCC shall vote to approve, modify, or overrule the decision of the HRRB or PZB. The decision of the BCC shall be in writing and a copy of the decision shall be forwarded to the appealing party. An Applicant may appeal a final decision of the BCC within 30 days of the rendition of the decision by filing a Petition for Writ of *Certiorari* in Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida. [Ord. 2005-002] [Ord. 2008-037]

5. Procedure for Addressing Violations, Hearing, and Penalties

Upon detection by PBC that a Property Owner, agent of Property Owner, contractor, or subcontractor has violated this Section, PBC shall notify the violator(s) and the Property Owner, if applicable, that a hearing has been set before the Code Enforcement Special Master. The notice, hearing, and fines shall occur pursuant to Art. 10.B, Enforcement by Code Enforcement Special Masters. Further, if the Code Enforcement Board finds that a willful violation of this Article has occurred, PBC shall fine the violator a fine of up to 500 dollars per day or impose imprisonment in the PBC jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. § 125.69. In addition to the sanctions contained above, PBC may take any other appropriate legal action, including, but not limited to, requests for temporary and permanent injunctions to enforce the provisions of this Section. It is the purpose of this Section to provide additional cumulative remedies. [Ord. 2008-037]

Section 4 Definitions

See Art. 1.H, Definitions and Acronyms.

CHAPTER B HISTORIC PRESERVATION PROCEDURES

Section 1 General

The purpose and intent of this Article is to promote the health, safety, and welfare of existing and future residents of PBC by protecting, enhancing, and examining the historic resources of PBC. It is recognized that there are within unincorporated PBC and on PBC-owned property in municipalities historic sites worthy of preservation and concentrations of historic buildings worthy of designation as historic districts. This Article provides mechanisms to promote historic preservation in PBC by the designation of historic sites and districts, and the regulation of construction and demolition of historic sites and within historic districts.

Section 2 Historic Sites, Structures, and Districts

A. Register of Historic Places

1. If the BCC approves the nomination of a property for designation as a historic site or group of properties for designation as a historic district, said site or district shall be listed on the PBC Register of Historic Places and recorded in the Official Records of PBC. The PBC Register of Historic Places shall be administered by the BCC.
2. The BCC shall issue an official Certificate of Historic Significance to the owner of properties listed individually on the PBC Register of Historic Places or judged as contributing to the character of a historic district listed on the PBC Register of Historic Places. The County Administrator, or his/her appointee, is authorized to issue and place official signs denoting the geographic boundaries of each historic district listed on the PBC Register of Historic Places.

B. Criteria for Designation of Historic Site(s)/Structure(s) and District(s)

1. To qualify as a designated historic site(s)/structure(s) or historic district(s), individual properties, structures, sites, or buildings, or groups of properties, structures, sites, or buildings, the proposed site or district shall meet one or more of the following criteria: [Ord. 2008-037]
   a. is associated in a significant way with the life or activities of a major person important in PBC, the State, or National history (i.e., the homestead of a local founding family); or
   b. is the site of a historic event with significant effect upon PBC, the State, or Nation; or
   c. is associated in a significant way with a major historic event whether cultural, economic, military, or political; or
   d. exemplifies the historic, political, cultural, or economic trends of the community in history; or
   e. is associated in a significant way with a past or continuing institution which has contributed to the life of PBC;
   f. portrays the environment in an era of history characterized by one or more distinctive architectural styles; or
   g. embodies those distinguishing characteristics of an architectural style, period, or method of construction; or
   h. is a historic or outstanding work of a prominent architect, designer, landscape architect, or builder; or
   i. contains elements of design, detail, material, or craftsmanship of outstanding quality or which represented, in its time, a significant innovation or adaptation to the South Florida environment.

2. A building, structure, site, or district will be deemed to have historic significance if, in addition to, or in the place of the previously mentioned criteria, the building, structure, site, or district meets the historic development standards as defined by and listed in the regulations of and criteria for the National Register of Historic Places, as prepared by the U.S. Department of the Interior under the National Historic Preservation Act of 1966, as amended.
3. Properties not generally considered eligible for designation include cemeteries, birthplaces or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, buildings or sites primarily commemorative in nature, reconstructed historic buildings, and properties that have achieved significance less than 50 years prior to the date the property is proposed for designation. However, such properties will qualify if they are integral parts of districts that do meet the previously described criteria or if they fall within one or more of the following categories.
    a. A religious property deriving primary significance from architectural or artistic distinction of historic importance.
    b. A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic event or person.
    c. A birthplace or grave of a historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.
    d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
    e. A property primarily commemorative in nature if design, age, tradition, or symbolic value have invested it with its own historic significance.
    f. A building, structure, site, or district achieving significance less than 50 years from the date it is proposed for designation if it is of exceptional historic importance.

Section 3 Procedures

A. Application for Historic Site or District Designation

1. Applications for historic site or district status may only be initiated by the BCC, the HRRB, or the Property Owner of an individual site. A neighborhood or community association may initiate an application for historic district status. Application for historic district or historic site status for public property may also be initiated by any resident of PBC.
2. Upon receipt of an application for historic or district site status, the Department shall conduct a preliminary evaluation of the application to determine whether or not it has sufficient information to process the application. The Department shall make the determination that an application is sufficient within ten working days of receipt of an application. If the application is not sufficient to process, the Department shall specify what additional information is necessary.
3. In the event the application as submitted is sufficient, the Department shall prepare a Designation Report for consideration at the next scheduled HRRB meeting which shall contain the following information:
    a. Proposed legal boundaries of the historic building, archaeological site, structure, or district; and
    b. Any proposed waiver of development regulations per Art. 9.B.4.B, Waiver of the Code Provisions.
    c. Any conditions beyond the standards contained in the Code or conditions based on the standards of Art. 9.B.4.A, Development Standards for Historic Districts and Sites.
    d. An analysis of historic significance and character of the nominated property; and
    e. An analysis of public historic interiors for those buildings and structures with interior features of exceptional architectural, aesthetic, artistic, or historic significance of those buildings which have public access.

B. Public Hearings Required for Historic Site or District Designation

1. After the Department prepares its Designation Report, the HRRB shall conduct a public hearing to evaluate and receive comments regarding the application.
2. The Department shall transmit, by certified mail, a copy of the Designation Report and a notice of public hearing to the Property Owner(s) of record as of the date of nomination. This notice shall serve as notification of the intent of the HRRB to consider designation and must be mailed at least 30-calendar days prior to the public hearing. In addition, all Property Owners within a 300-foot radius of the nominated site or district shall be sent courtesy notice of the public hearing. However, failure to receive such courtesy notice shall not invalidate the hearing. Notice shall also be provided by publishing a copy thereof in a newspaper of general circulation in PBC at least ten-calendar days prior to the date of the hearing. All interested parties shall be given an opportunity to be heard at the public hearing.

3. After a public hearing, the HRRB shall vote on the designation within 45-calendar days at a public meeting. [Ord. 2008-037]
4. The BCC shall hold a public hearing at the next available meeting to consider the recommendation of the HRRB regarding the designation of historic sites and districts.
5. At the conclusion of the public hearing the BCC shall consider the application, all relevant support materials, the Designation Report, the recommendations of the HRRB, and the standards contained in Art. 9.B.4.A, Development Standards for Historic Districts and Sites, thereby adopting a Resolution enacting or denying the historic district or site designation. The Resolution designating a historic site shall be approved or denied by not less than a majority of the quorum present unless an affected Property Owner objects to the designation of a historic site, in which case a majority of the total membership of the BCC is required to approve the designation. The BCC shall take no action upon a proposed district designation if a majority of Property Owners in the proposed district or the owners of a majority of the land area in the proposed district object in writing filed with the BCC before the hearing. The identity of the Property Owners shall be determined by PBC property tax roll. The Resolution designating the historic site or historic district shall be recorded in the Public Records of PBC, Florida. The designation shall be noted on the Official Zoning Atlas by placing the designation "H" on the appropriate atlas page and indicating the boundaries of the historic district or site on the Zoning Atlas.
6. Any agency with authority to issue demolition permits shall be notified of all historic site or district designations. No later than 18 months after the first property or district is designated pursuant to this Code, PBC shall amend the Plan to include an inventory of historic district boundaries and historically significant structures designated pursuant to this Ordinance. Subsequent to the initial inclusion of the historic inventory in the Plan, the inventory shall be updated consistent with provisions for evaluation and appraisal of the Plan as provided in F.S. § 163.3191, and submitted to the Florida Department of State for inclusion into the FMSF.

C. Review Guidelines for Certificate of Appropriateness

1. The HRRB shall utilize the most recent U.S. Secretary of the Interior's Standards for Rehabilitation as the standards by which applications for Certificate of Appropriateness are to be evaluated.
2. Applications for Certificates of Appropriateness must be made on forms approved and provided by the HRRB. Applications must be accompanied by appropriate Site Plans, scaled drawings, architectural drawings, photographs, sketches, descriptions, renderings, surveys, documents, or any other pertinent information the HRRB may require to understand the Applicant's planned alteration, construction, reconstruction, relocation, restoration, renovation, or demolition.
3. The application shall be submitted to PZB for review by the HRRB with a non-refundable application fee that is established by the BCC from time to time to defray the actual costs of processing the application.
4. An Applicant may request a pre-application conference with the HRRB or appropriate PBC Staff members to obtain information and guidance regarding the application process. The HRRB may designate subcommittees of at least one member to hold these conferences with potential Applicants. The purpose of the pre-application conference will be to discuss and clarify preservation objectives and HRRB regulations and guidelines and any other questions which may arise during the Certificate of Appropriateness process. If at least two HRRB members are present, these conferences shall be public meetings subject to appropriate public meetings laws and notice requirements. However, in no case will any statement or representation made prior to official HRRB review of an application bind the HRRB, the BCC, or any PBC Departments regarding for the certification process.
5. If or when the application is determined sufficient, the Executive Director of PZB shall place the application on the agenda of the next available meeting of the HRRB. The HRRB shall receive an application at least 30 days prior to the public hearing. If no meeting of the HRRB is scheduled within 60 days of the date an application is determined sufficient, a special meeting shall be scheduled by the Chairperson.
6. If it is determined that the application is not sufficient, written notice shall be delivered to the Applicant specifying the deficiencies. The Executive Director of PZB shall take no further action on the application until the deficiencies are remedied. If the Applicant fails to correct the deficiencies within 20 working days, the application shall be considered withdrawn.
7. The HRRB shall act upon the application within 60 days of the determination of an application sufficiency. Nothing herein will prohibit a continuation of a hearing on an application which the Applicant requests or to which the Applicant consents.
8. The HRRB may advise the Applicant and make recommendations in regard to the appropriateness of the application. The HRRB may delay final action until its next regularly scheduled meeting, or, if the HRRB so chooses and the Applicant agrees, until a special meeting to be held within 14-calendar days

of the meeting at which the application was first considered. In no case will the HRRB delay taking action by approving, denying, or deferring any application more than 30-calendar days after such application is formally brought before the HRRB.

9. The HRRB may approve, modify, or deny an application for a Certificate of Appropriateness. For purposes of granting a Certificate of Appropriateness, the HRRB shall have access to the designated site. If the HRRB approves the application, a Certificate of Appropriateness shall be issued. The issuance of a Certificate of Appropriateness shall not relieve the Applicant from obtaining other Development Permits, Orders, and approvals required by PBC. A Development Permit shall be invalid if it is obtained without the Certificate of Appropriateness required for the work. Construction for which a Certificate of Appropriateness is issued shall commence within 18 months from the date of issuance, and said certificate shall expire if 25 percent of the approved improvements have not been completed within 24 months from the date of issuance. The HRRB may not approve extensions for Certificates of Appropriateness. If the HRRB denies the application, a Certificate of Appropriateness shall not be issued. The HRRB shall state its reasons for denial in writing and present these written reasons to the Applicant within ten-calendar days of the HRRB's denial. [Ord. 2010-022]
10. Within 30 days of a written decision by the HRRB regarding an application for a Certificate of Appropriateness, an aggrieved party may appeal the decision by filing a written notice of appeal and pay a filing fee, established by the BCC, with the Clerk of the BCC. A copy of the notice of appeal shall be filed with the Executive Director of PZB. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 45 days of the filing of the appeal or the first BCC meeting which is scheduled, whichever is later in time, the BCC shall conduct a public hearing at which time they may affirm, modify, or reverse the decision of the Department. The Applicant shall be notified by certified mail, return receipt requested, of the date, time, and place of such hearing. At this hearing, the appealing party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in this Code; however, no new material or evidence shall be presented to or considered by the BCC. The BCC shall vote to approve, modify, or overrule the decision of the HRRB. The decision of the BCC shall be in writing and a copy of the decision shall be forwarded to the appealing party. An Applicant may appeal a final decision of the BCC within 30 days of the rendition of the decision by filing a Petition for Writ of *Certiorari* in Circuit Court of the 15th Judicial Circuit in and for PBC, Florida.

Section 4 Regulations Affecting Historic Sites

A. Development Standards for Historic Districts and Sites

1. For the purpose of this Ordinance, exterior architectural features shall include those characteristics as defined in this Article.
2. A historic building, structure, appurtenance, site, or district shall only be moved, reconstructed, altered, or maintained in accordance with this Ordinance in a manner that will preserve the historic and architectural character of the historic building, structure, appurtenance, site, or district.
3. In considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.
4. A historic site, building, structure, archaeological site, improvement, or appurtenance either within a historic district or individually designated, shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, as same may be amended from time to time.
5. Relocation of historic buildings and structures to other sites shall not take place unless it is shown that their preservation on their existing or original sites is inconsistent with the purposes of this Ordinance or would cause undue economic hardship to the Property Owner. Relocation of any structures shall not affect the designation of an underlying archaeological site.
6. Demolition of historic sites, or buildings, structures, improvements, and appurtenances within historic districts shall be regulated by the HRRB in the manner described in Art. 9.B.4.D, Demolition of Designated Historic Sites and within Historic Districts, of this Code.
7. The construction of new buildings or structures, or the relocation, alteration, reconstruction, or major repair or maintenance of a non-contributing building or structure within a designated historic district shall meet the same compatibility standards as any material change in the exterior appearance of an existing contributing building. Any material change in the exterior appearance of any existing non-contributing building, structure, or appurtenance in a designated historic district shall be generally compatible with the form, proportion, mass, configuration, building material, texture, color, and location

of historic buildings, structures, or sites adjoining or reasonably proximate to the contributing building, structure, or site.

8. All improvements to buildings, structures, and appurtenances within a designated historic district shall be visually compatible. Visual compatibility shall be defined in terms of the following criteria:

a. Height

The height of proposed buildings or modifications should be visually compatible in comparison or relation to the height of existing structures and buildings.

b. Front Façade Proportion

The front façade of each building or structure should be visually compatible with and in direct relationship to the width of the building and to the height of the front elevation of other adjacent or adjoining buildings within a historic district.

c. Proportion of Openings – Windows and Doors

The openings of any building within a historic district should be visually compatible with the openings exemplified by the prevailing historic architectural styles within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings within the district should be visually compatible.

d. Rhythm of Solids to Voids – Front Façades

The relationship of solids to voids in the front façade of a building or structure should be visually compatible with the front façades of historic buildings or structures within the district.

e. Rhythm of Buildings on Streets

The relationship of building(s) to open space between it or them and adjoining building(s) should be visually compatible with the relationship between historic sites, buildings, or structures within a historic district.

f. Rhythm of Entrance and/or Porch Projections

The relationship of entrances and porch projections to the sidewalks of a building should be visually compatible with the prevalent architectural styles of entrances and porch projections on historic sites, buildings, and structures within a historic district.

g. Relationship of Materials, Texture, and Color

The relationship of materials, texture, and color of the façade of a building should be visually compatible with the predominant materials used in the historic sites, buildings, and structures within a historic district.

h. Roof Shapes

The roof shape of a building or structure should be visually compatible with the roof shape(s) of a historic site, building, or structure within a historic district.

i. Walls of Continuity

Appearances of a building or structure such as walls, wrought iron, fences, evergreen landscape masses, or building façades, should form cohesive walls of enclosure along a street to insure visual compatibility of the building to historic buildings, structures, or sites to which it is visually related.

j. Scale of a Building

The size of a building, the building mass in relation to open spaces, windows, door openings, balconies, and porches should be visually compatible with the building size and building mass of historic sites, buildings, and structures within a historic district.

k. Directional Expression of Front Elevation

A building should be visually compatible with the buildings, structures, and sites in its directional character: vertical, horizontal, or non-directional.

B. Waiver of the Code Provisions

1. General

The HRRB may recommend that the BCC approve a waiver of Code requirements for designated historic resources or contributing properties to a designated historic district. The waiver may occur concurrently with the designation process or may be requested regarding any property subject to the historic site or district designation. Waivers may include setbacks, lot width, depth, area requirements, height limitations, open space requirements, vehicular requirements, design compatibility requirements, non-conforming provisions pursuant to Art. 1.F.1.B.4, Exemption for all Designated Historic Sites/Structures by the BCC, and other similar development regulations other than changes in permitted uses, density increases, or waiver of environmental or health standards. [Ord. 2010-022]

a. Findings

Before granting a waiver of Code requirements, the HRRB shall recommend and the BCC shall make a finding that all of the provisions 1) through 5) have been satisfied: [Ord. 2010-022]

1) that the waiver will be in harmony with the general appearance and character of the community; [Ord. 2010-022]
2) that the waiver will not be injurious to the area involved or otherwise detrimental to the public health, safety, or welfare; [Ord. 2010-022]
3) that the project is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent properties while affording the owner(s) a reasonable use of their land; and, [Ord. 2010-022]
4) the waiver is the minimum necessary to allow reasonable use of the property while maintaining the historic attributes of the property. [Ord. 2010-022]
5) existing uses and structures proposing maintenance, renovation, and natural disaster damage repair shall receive special consideration from the non-conforming limitations when maintaining a designated historic site or building. [Ord. 2010-022]

2. In approving a waiver, the BCC may prescribe any appropriate conditions necessary to protect and further the interests of the area and abutting properties, including but not limited to:
   a. landscape materials, walls, and fences as required buffering;
   b. modifications of the orientation of any openings; and,
   c. modifications for site arrangements.
3. The waiver shall be incorporated into the Resolution designating the historic site or district with conditions and standards applicable to the property or district. If the waiver process occurs separately from the designation process, the notification and public hearings procedures required for historic designation shall be followed and a Resolution approving the waiver shall be recorded in the Public Records of PBC, Florida.

C. Certificate of Appropriateness

1. Activities Requiring Certificate of Appropriateness

a. No building, structure, appurtenance, improvement, or landscape feature within PBC, which has been designated a historic site, pursuant to Art. 9.B.2.B, Criteria for Designation of Historic Site(s)/Structure(s) and District(s), shall be erected, altered, restored, renovated, excavated, relocated, or demolished until a Certificate of Appropriateness regarding any exterior architectural features, landscape feature, or site improvements has been issued by the HRRB pursuant to the procedures of this Ordinance.

b. A Certificate of Appropriateness shall be required for the erection, alteration, restoration, renovation, excavation, relocation, or demolition of any building, structure, or appurtenance within any historic district established by PBC.

c. A Certificate of Appropriateness shall be required for any material change in existing walls, fences, and sidewalks, change of color, or construction of new walls, fences, and sidewalks.

d. Landscape Features

Landscape features and site improvements shall include, subsurface alterations, site regrading, fill deposition, paving, landscaping walls, fences, courtyards, signs, and exterior lighting.

e. Plan Approval Required

No Certificate of Appropriateness shall be approved unless the architectural plans for said construction, reconstruction, relocation, alteration, excavation, restoration, renovation, or demolition has been approved by the HRRB.

2. Certificate Not Required

a. A Certificate of Appropriateness shall not be required for general and occasional maintenance and repair of any historic building, structure, or site, or any building or structure within a historic district, except where proscribed or regulated by archaeological considerations.

b. A Certificate of Appropriateness shall not be required for any interior alteration, construction, reconstruction, restoration, or renovation. General and occasional maintenance and repair shall include lawn and landscaping care and minor repairs that restore or maintain the historic site or current character of the building or structure. General and occasional maintenance and repair shall also include any ordinary maintenance which does not require a Building Permit from the County. General and occasional maintenance and repair shall not include any of the activities described in Art. 9.B.4.C.1, Activities Requiring Certificate of Appropriateness, above, nor shall it include exterior color change, addition or change of awnings, signs, or alterations to porches and steps, or other alterations which require excavation or disturbance of subsurface resources.

D. Demolition of Designated Historic Sites and within Historic Districts

1. Public agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites and districts, pursuant to this Chapter. The HRRB shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said public agency

regarding demolition of any designated property. The HRRB may make recommendations and suggestions to the public agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.

2. A Certificate of Appropriateness for demolition shall not be required when a building, structure, or appurtenance designated as a historic site, or a contributing building, structure, or appurtenance within a designated historic district, has been condemned by PBC. A demolition permit shall not be issued unless the HRRB has been notified of the proposed demolition and provided an opportunity to provide input as provided in this Subsection.
3. In the event the HRRB determines that a historic site is in the course of being demolished by neglect, it shall notify the owner of record of such preliminary finding stating the reason therefore and shall give the owner of record 30-calendar days from the date of notice in which to commence work rectifying the evidences of neglect cited by the HRRB. Such notice shall be accomplished in the following manner:
    a. by certified mailing to the last known address of the owner of record; or
    b. in the event the procedure outlined in this Subsection above is not successful, then by attaching such notice to the historic site twice within a week.
    c. upon the owner of record's failing to commence work within 30-calendar days of such notice, the HRRB shall notify the owner of record in the manner provided above to appear at the next public hearing of the HRRB. The HRRB shall cause to be presented at said public hearing the reasons for the notice, and the owner of record shall have the right to present any rebuttal thereto. If, thereafter, the HRRB shall determine that the historic site is being demolished by neglect, the HRRB shall forward a complaint to the Code Enforcement Division for action.
4. When an Applicant seeks a Certificate of Appropriateness for the purpose of demolition of a non-condemned, contributing building, structure, or appurtenance, the Applicant must satisfactorily demonstrate to the HRRB the Applicant's plans to improve the property.
5. The HRRB's refusal to grant a Certificate of Appropriateness for the purpose of demolition will be supported within 15-calendar days by a written statement describing the public interest that the HRRB seeks to preserve.
6. The HRRB may grant a Certificate of Appropriateness for demolition which may provide for a delayed effective date of up to six months from the date of HRRB's action. The effective date of the certificate will be determined by the HRRB based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The HRRB may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six months, while demolition of non-contributing buildings within historic districts may be delayed for up to three months.
7. During the demolition delay period, the HRRB may take such steps as it deems necessary to preserve the structure concerned. Such steps may include, but not be limited to, consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.
8. In connection with any Certificate of Appropriateness for demolition of buildings, structures, or appurtenances as defined in this Article, the HRRB may request the owner, whether public or private, at the owner's expense, to salvage and preserve specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of other historic properties. The HRRB may require, at the owner's expense, recording of the historic resource's details for archival purposes prior to demolition by an interested, qualified, non-profit group(s) selected by the HRRB. The recording may include, but will not be limited to, photographs, documents, and scaled architectural drawings. The HRRB may also require the owner, at the owner's expense, to excavate, record, and conserve archaeological resources threatened by the alterations so permitted. With the owner's consent, an interested, qualified, non-profit group selected by the HRRB may salvage and preserve building materials, architectural details and ornaments, textures, and the like at their expense respectively.
9. The HRRB shall consider, at a minimum, the guidelines listed below in evaluating applications for a Certificate of Appropriateness for demolition of designated historic sites or buildings, structures, or appurtenances within designated historic districts:
    a. Is the structure of such interest or quality that it would reasonably fulfill criteria for designation for listing on the National Register?
    b. Is the structure of such design, texture, material, detail, size, scale, or uniqueness of location that it could be reproduced only with great difficulty and/or economically unreasonable expense?
    c. Is the structure one of the few remaining examples of its kind in the neighborhood, PBC, or designated historic district?

d. Would retaining the structure promote the general welfare of PBC by providing an opportunity to study local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage?
e. Are there definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect will those plans have on the architectural, historic, archaeological, or environmental character of the surrounding area and district?
f. Does the building or structure contribute significantly to the historic character of a designated historic district and to the overall ensemble of buildings within the designated historic district?
g. Have reasonable measures been taken to save the building from further deterioration, collapse, arson, vandalism, or neglect?
h. Has demolition of the designated building or structure been ordered by the appropriate public agency due to unsafe conditions?

10. Notice of application for demolition shall be posted on the premises of the building, structure, or appurtenance proposed for demolition in a location and manner clearly visible from the street by the Applicant using signs provided by PZB. Such notice shall be posted within three working days of receipt of the application for demolition by the HRRB.
11. Notice of demolition shall also be published in a newspaper of general circulation at least three times prior to demolition, the final notice of which shall not be less than 15-calendar days prior to the date of the issuance of the demolition permit. The first notice shall be published not more than 15-calendar days after the application for a Certificate of Appropriateness for demolition is filed with the HRRB.

E. Relocation of Historic Resources

The HRRB shall consider the following criteria for applications for Certificates of Appropriateness for the relocation of all historic resources and contributing properties or historic resources and contributing properties located within a designated historic district.

1. The historic character of the building or structure contributes to its present setting.
2. The reasons for the proposed move.
3. The proposed new setting and the general environment of the proposed new setting.
4. Whether the building or structure can be moved without significant damage to its physical integrity, or change in or loss of significant characteristics. Elements removed in order to move the building or structure shall be replaced following relocation.
5. Whether the proposed relocation site is compatible with the historical and architectural character of the building or structure.
6. When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.
7. The effect of relocation on subsurface resources.

F. Amendments to Designations

Applications for amendments to existing designated historic sites or designated historic districts shall be processed according to the provisions and procedures, of Art. 9.B.3, Procedures, of this Code. Where the HRRB has issued a Certificate of Appropriateness for demolition or relocation, the historic designation classification shall only be changed through the amendment process as described herein.

G. Undue Economic Hardship

No decision of the HRRB shall result in undue economic hardship for the Property Owner. The HRRB shall have the authority to determine the existence of such hardship in accordance with the criteria for undue economic hardship set forth in this Code. In any instance where there is a claim of undue economic hardship as defined in the Code, the Property Owner may submit, by affidavit, to the HRRB, at least 15-calendar days prior to the public hearing, the following information.

1. For all property:
   a. the amount paid for the property, the date of purchase, or other means of acquisition, such as gift or inheritance, and the party from whom purchased;
   b. the assessed value of the land and improvements thereon, according to the two most recent assessed valuations;
   c. real estate taxes for the previous two years;
   d. annual debt service, or mortgage payments, if any, for the previous two years;
   e. all appraisals, if any, obtained within the previous two years by the owner(s) or Applicant(s) in connection with the purchase, financing, or ownership of the property; and,
   f. any information that the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
      1) any real estate broker or firm engaged to sell or lease the property;

2) reasonableness for the price or rent sought by the Applicant; and,
3) any advertisements placed for the sale or rent of the property.

g. Any information regarding the infeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:
1) a report from a registered Professional Engineer in the State of Florida or an architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
2) an estimate of the cost of construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the HRRB concerning the appropriateness of the proposed alterations;
3) the estimated market value of the property in the current condition, after completion of the demolition, after completion of the proposed construction, and after renovation of the existing property for continued use;
4) in the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or use of the existing structure on the property;
5) financial documentation of the ability to complete the replacement project which may include but is not limited to a performance bond, a letter of credit, or letter of commitment from a financial institution; and,
6) the current fair market value of the property, as determined by at least two independent certified appraisals.

h. Any State or Federal income tax returns relating to the property for the past two years; and,
i. Any other information the Applicant feels is relevant to show extreme economic hardship.

2. For income property (actual or potential):
a. annual gross income from the property for the previous two years, if any;
b. depreciation, deduction, and annual cash flow, if any, for the previous two years before and after debt service;
c. status of leases, rentals, or sales for the previous two years;
d. itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed; and,
e. any other information, including the income tax bracket of the owner, Applicant, or principal investors in the property, considered necessary by the HRRB to a determination as to whether the property does yield or may yield a reasonable return to the owners.

3. The Applicant shall submit all necessary materials to the HRRB staff by the closing date for the next scheduled HRRB hearing in order that staff may review the documentation. The staff comments shall be forwarded to the HRRB for review and made available to the Applicant for consideration prior to the hearing.

4. In the event that any of the required information is not reasonably available to the Property Owner and cannot be obtained by the Property Owner, the Property Owner shall file with his/her affidavit, a statement of the information which cannot be obtained and the reasons why such information cannot be reasonably obtained. Where such unobtainable information concerns required financial information, the Property Owner will submit a statement describing estimates which will be as accurate as are feasible.

5. The HRRB may require that an Applicant furnish such additional information as the HRRB believes is relevant to the HRRB's determination of any alleged undue economic hardship. The HRRB may also require, in appropriate circumstances, that information be furnished under oath.

Section 5 Enforcement Penalties

A. Enforcement of Maintenance and Repair Provisions

Where the HRRB determines that any improvements within the exterior of a designated historic site, or within a designated historic district, are endangered by lack of ordinary maintenance and repair, or of deterioration, or that other improvements in visual proximity to a designated site or designated historic district are endangered by lack of ordinary maintenance and repair, or of deterioration, to such an extent that it detracts from the desirable character of the designated historic site or designated historic district, the HRRB shall request appropriate Officials or Agencies of the PBC Government to require correction of such deficiencies under the authority and procedures of applicable Ordinances, laws, and regulations.

B. General Enforcement Procedures

Violators of this Article shall be subject to a hearing before the PBC Code Enforcement Special Master. The Code Enforcement Special Master may require any person deemed to be in violation of this Ordinance to repair or cause to be repaired, or otherwise restore, the subject improvement, building, site, structure, appurtenance, landscape, or design feature to its appearance as it existed prior to the action taken by the violator which caused the violation. Further, if the Code Enforcement Special Master finds that a willful violation of this Code has occurred, PBC shall fine the violator a fine of up to 500 dollars per day or impose imprisonment in the County jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. § 125.69. In addition to the sanctions contained above, PBC may take any other appropriate legal action, including, but not limited to, requests for temporary and/or permanent injunctions to enforce the provisions of this Article.

Amendment History:

[Ord. 2003-067; January 2, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2008-037; September 4, 2008] [Ord. 2010-022; September 1, 2010] [Ord. 2017-007; March 2, 2017] [Ord. 2018-018; August 29, 2018]

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ENFORCEMENT

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ARTICLE 10

ENFORCEMENT

CHAPTER A GENERAL

The provisions of this Code shall be enforced by: (1) the Code Enforcement Special Master pursuant to the authority granted by F.S. § 162.01 *et seq.*, as may be amended; (2) the Environmental Control Hearing Board (ECHB) pursuant to the "Palm Beach County Environmental Control Act" (Chapter 77-616, Special Acts, Laws of Florida); (3) the Groundwater and Natural Resources Protection Board (GNRPB), an alternate Code Enforcement Board created pursuant to the authority granted by F.S. § 162.03(2) *et seq.*, as may be amended; (4) the Board of County Commissioners (BCC) through its authority to enjoin and restrain any person violating the Code; or, (5) PBC through the prosecution of violations in the name of the State of Florida pursuant to the authority granted by F.S. § 125.69 as may be amended. The powers of each are described in Art. 2.G, Decision Making Bodies.

CHAPTER B ENFORCEMENT BY CODE ENFORCEMENT SPECIAL MASTERS

The Code Enforcement Special Master (hereinafter also referred to as Special Masters), shall have the jurisdiction and authority to hear and decide alleged violations of the Codes and Ordinances enacted by PBC including, but not limited to the following codes: building, electrical, fire, gas, landscape, plumbing, sign, zoning, and any other similar type codes which may be passed by PBC in the future which regulate aesthetics, construction, safety, or location of any structure on real property in PBC. Further, any violation(s) of this Code may be prosecuted pursuant to the following standards and procedures.

Section 1 Procedure

Alleged violation of any PBC Codes or Ordinances as described herein may be filed with the Code Enforcement Division by citizens or those administrative officials who have the responsibility of enforcing the various Codes or Ordinances.

A. Issuance of Notice of Violation

Except as set forth in Art. 10.B.1.B, Repeat Violation, and Art. 10.B.1.C, Public Health, Safety, and Welfare Violations, if a violation(s) of a Code or Ordinance is believed to exist, the Code Enforcement Division shall specify a reasonable time to correct the violation(s). Should the violation(s) continue beyond the time specified for correction, the Code Enforcement Division shall give notice to the alleged violator that a Code Enforcement hearing will be conducted concerning the alleged violation(s) as noticed. The notice shall state the time and place of the hearing, as well as the violation(s) which is alleged to exist. If the violation is corrected and then repeated or if the violation is not corrected by the time specified for correction by the Code Inspector, the case may be brought for hearing even if the violation has been corrected prior to hearing, and the notice of violation shall so state. If the Code Enforcement Officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the Code Officer shall make a reasonable effort to notify the violator and may immediately notify the Special Master and request a hearing.

B. Repeat Violation

If a repeat violation is identified, the Code Inspector shall notify the violator but is not required to give the violator reasonable time to correct the violation. The Code Inspector, upon notifying the violator of a repeat violation, may request a hearing. The Code Enforcement Division shall give notice to the alleged violator as set forth in Art. 10.B.1.A, Issuance of Notice of Violation. The case may be brought for hearing even if the repeat violation has been corrected prior to hearing, and the notice shall so state. For the purposes of this Chapter, the term “repeat violation” shall mean a violation of a provision of a Code or Ordinance by a person who has been found through a Code Enforcement Special Master or any other quasi-judicial or judicial process within the prior five years to have violated or who has admitted violating the same provision notwithstanding the violations occur at different locations.

C. Public Health, Safety, and Welfare Violations

If the Code Enforcement Officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the Code Enforcement Officer shall make reasonable effort to notify the violator and may immediately request a Code Enforcement hearing.

D. Persons Charged with Violations

Persons charged with such violation(s) may include:

1. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist.
2. Any person who knowingly commits, takes part, or assists in such violation.
3. Any person who maintains any land, building, or premises in which such violation shall exist.

E. Transfer of Property

If the owner of the property which is subject to a Code Enforcement proceeding transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

1. Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
2. Deliver to the prospective transferee a copy of the notices and other materials relating to the Code Enforcement proceeding received by the transferor.
3. Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable Code and with orders issued in the Code Enforcement proceeding.
4. File a notice of the transfer of the property with the Code Enforcement Division with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days of the date of the transfer.

A failure to make the disclosure described in this Subsection, before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the hearing shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

Section 2 Hearings

A. Convene Hearing

Upon request of the Code Enforcement Officer, or at such other times as may be necessary, a hearing before the Special Master may be convened. Minutes shall be kept of all Code Enforcement hearings, and all hearings shall be open to the public.

B. Burden of Proof

At the hearing, the burden of proof shall be upon the Code Enforcement Division to show by a preponderance of the evidence that a violation(s) does exist.

C. Absence of Alleged Violator

Where proper notice of the hearing has been provided to the alleged violator as provided for herein, a hearing may proceed even in the absence of the alleged violator. Proper notice shall be assumed where a notice of violation has been mailed to the alleged violator by certified mail and the alleged violator, his or her agent, or other person in the household or business has accepted the notice of violation, or where a Code Enforcement Officer, under oath testifies that he/she did hand deliver the notice to the alleged violator, or as otherwise provided in Art. 10.B.6, Notices.

D. Testimony

All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. Upon determination of the Special Master, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form.

E. Witnesses

The Special Master may inquire of or question any witness present at the hearing. The alleged violator (hereinafter also referred to as respondent), his/her attorney, Code Enforcement Officers, or attorney representing the Division shall be permitted to inquire of or question any witness present at the hearing. The Special Master may consider testimony presented by Code Enforcement Officers, the respondent, or any other witnesses.

F. Decision

At the conclusion of the hearing, the Special Master shall orally render his or her decision (order) based on evidence entered into the record. The decision shall then be transmitted to the respondent in the form of a written order including findings of fact, and conclusions of law consistent with the record. The order shall be transmitted by mail to the respondent within ten days after the hearing. The order may include a notice that it must be complied with by a specified date and that a fine and costs may be imposed and, under the circumstances set forth in Art. 10.B.1.C, Public Health, Safety, and Welfare Violations, the cost of repairs

or other corrective action may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the Public Records of PBC and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the Public Records pursuant to this paragraph and the order is complied with by the date specified in the order, the Special Master shall issue an order acknowledging compliance that shall be recorded in the Public Records. A hearing is not required to issue such an order acknowledging compliance.

G. Powers

The Special Master shall have the power to:

1. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by a Sheriff or other authorized persons consistent with Rule 1.410(d), Florida Rules of Civil Procedure upon request by the Special Master.
2. Subpoena records, surveys, plats, and other documentary materials.
3. Take testimony under oath.
4. Issue orders having the full force and effect of law to command whatever steps are necessary to bring a violation into compliance.
5. Assess fines, lien property, and assessment costs pursuant to Art. 10.B.3, Administrative Fines; Costs; Liens of this Article, including costs relating to the prosecution of cases before the Special Master in those cases where the governing body prevails.

Section 3 Administrative Fines; Costs; Liens

A. Assessing Fines

The Special Master, upon notification by the Code Inspector that a Code Enforcement Order has not been complied with within the set time, or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this Section for each day the violation continues past the date for compliance set forth in the order, or in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Enforcement Officer. In addition, if the violation is a violation described in Art. 10.B.1.C, Public Health, Safety, and Welfare Violations, the Special Master shall notify the BCC, which may make all reasonable repairs or other corrective actions which are required to bring the property into compliance and charge the violator with the reasonable costs of the repairs or other corrective actions along with the fine imposed pursuant to this Section. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the Local Government body for damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine.

B. Recovery of Costs

If PBC prevails in prosecuting a case before the Special Master, it shall be entitled to recover all costs incurred. Whether and to what extent such costs are imposed shall be within the discretion of the Special Master but shall not exceed the costs incurred.

C. Amount of Fines

A fine imposed pursuant to this Section shall not exceed 1,000 dollars per day for a first violation and shall not exceed 5,000 dollars per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to Art. 10.B.3.A, Assessing Fines. If, after due notice and hearing, the Special Master finds a violation to be irreparable or irreversible in nature, he or she may impose a fine not to exceed 15,000 dollars per violation or as otherwise authorized by Florida State Statute. In determining the amount of fine, if any, the Special Master shall consider the following factors:

1. the gravity of the violation;
2. any actions taken by the violator to correct the violation; and,
3. any previous violations committed by the violator.

D. Modification of Fines

The Special Master may reduce a fine imposed pursuant to this Section in accordance with the procedures and conditions set forth in a Resolution adopted by the BCC. The Special Master may authorize the Code Enforcement Division to propose a Consent Order which sets forth agreed terms for payment of any fine. The Special Master may in his or her discretion adopt such Consent Order in lieu of execution or foreclosure as set forth in Art. 10.B.3.F, Foreclosure.

E. Lien

A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the Public Records in the Office of the Clerk of the Circuit Court in and for PBC, Florida. Once recorded, the certified copy of an order shall constitute a lien against the land on which the violation(s) exists and upon any other real or personal property owned by the violator; and it shall be enforceable in the same manner as a court judgment by the Sheriffs of this State, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this Section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien, filed pursuant to this Section, whichever comes first. Once recorded, the lien shall be superior to any mortgages, liens, or other instruments recorded subsequent to the filing of the Code Enforcement lien.

F. Foreclosure

After three months from the filing of any such lien which remains unpaid, PBC may foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien shall bear interest at the rate allowable by law from the date of compliance set forth in the recorded order acknowledging compliance. The Local Government body shall be entitled to collect all costs incurred in recording and satisfying a valid lien. No lien created pursuant to the provisions of this Ordinance may be foreclosed on real property which is a homestead under Art. X, § 4, Fla. Const.

Section 4 Other Legal Remedies

A. Legal Remedies

In addition to the criminal penalties and enforcement procedures provided herein the BCC may institute any lawful civil action or proceeding to prevent, restrain, or abate:

1. the unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance, or use of any building or structure; or
2. the occupancy of such building, structure, land, or water; or
3. the illegal act, conduct, business, or use of, in or about such premises.

B. Administrative Remedies

1. Cease and Desist Orders

The Executive Director of PZB shall have the authority to issue cease and desist orders in the form of written official notices given to the owner of the subject building, property, or premises, or to his agent, lessee, tenant, contractor, or to any person using the land, building, or premises where such violation has been committed or shall exist.

Section 5 Appeal

Any aggrieved party may appeal an order of the Special Master, including PBC, to the Circuit Court of PBC. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Special Master. Any appeal filed pursuant to this Article shall be considered timely if it was filed within 30 days of the execution of the order to be appealed. PBC may assess a reasonable charge for the preparation of the record to be paid by the Petitioner in accordance with F.S. § 119.07.

Section 6 Notices

All notices required by this Ordinance shall be by certified mail, return receipt requested, or by hand delivery by a Code Enforcement Officer. Notice may also be provided by publication, posting, or any other method consistent with the provisions of F.S. ch. 162, as may be amended from time to time. Notice placed shall contain at a minimum, the date, and time of the scheduled meeting of the Special Master during which time the alleged violator is required to appear; the name and address of the alleged violator; the address or legal description of the property wherein the alleged violation(s) has occurred; and, those Codes or provisions of a Code for which the alleged violator has been cited.

CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD

ERM may refer alleged violations of Art. 14, Environmental Standards, or Art. 4.B.10, Excavation Uses, of this Code and Ordinance No. 2003-020, Petroleum Storage Systems, Ordinance No. 2003-021, Petroleum Contamination Cleanup Criteria, Ordinance No. 2004-050, Stormwater Pollution Prevention, and Ordinance No. 93-3, Water and Irrigation Conservation as amended to the Groundwater and Natural Resources Protection Board (GNRPB) for prosecution pursuant to the following standards and procedures. [Ord. 2006-004] [Ord. 2017-007]

Section 1 Procedures

A. Warning of Violation
If an alleged violation is found, the Director of ERM shall notify the alleged Property Owner or violator and give the alleged Property Owner or violator reasonable time to correct the violation.

B. Issuance of Violation Citation
Should the violation continue beyond the time specified for correction, or irreparable or irreversible harm has occurred, or the violation presents a serious threat to the public health, safety, and welfare, the Director of ERM shall make a reasonable effort to notify the violator and may immediately notice the GNRPB and request a hearing.

C. Notice Content
The Notice of Hearing shall contain a statement of the time, place, and nature of the hearing before the GNRPB.

1. Notice Delivery

a. All notices required herein shall be provided to the alleged violator by:

1) Hand delivery; or

2) Certified Mail, Return Receipt Requested
If such notice is sent under this Subsection to the owner of the property in question at the address listed in the Tax Collector's Office for tax notices, and at any other address provided to PBC by such owner and is returned as unclaimed or refused, notice may be provided by posting as described below or by first class mail directed to the addresses furnished to PBC with a properly executed proof of mailing or affidavit confirming the first class mailing; or

a) Leave the notice at the alleged Property Owner's or violator's usual place of residence with any person residing therein who is above 15 years of age and informed of the contents of the notice; or

b) In case of commercial premises, leaving the notice with the manager or other person in charge.

3) In addition to providing notice as set forth in this Section, at the option of the GNRPB, notice may also be served by publication or posting, as follows.

a) In lieu of notice as described in this Section, notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the front door of the courthouse in PBC.

b) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

4) Evidence that an attempt has been made to hand deliver or mail notice as provided in this Section, together with proof of posting as provided in this Section, shall be sufficient to show that the notice requirements of this Article have been met, without regard to whether or not the alleged violator actually received such notice.

Section 2 Correction of Violation

If the alleged violation is corrected and then recurs, or if the violation is not correct by the time specified for correction, the Director of ERM may issue a Violation Citation and a Notice of Hearing to the alleged Property Owner or violator and schedule a hearing. The GRNPB may hear the alleged violation in this instance, even if it has been corrected prior to the GRNPB hearing and every notice shall so state.

Section 3 Transfer of Property

If the owner of property which is subject to a Code Enforcement proceeding transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

A. Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
B. Deliver to the prospective transferee a copy of the notices and other materials relating to the GNRPB proceeding received by the transferor.
C. Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable Code and with orders issued in the GNRPB proceeding.
D. File a notice with the Department of ERM of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days of the transfer.

A failure to make the disclosures described in paragraphs above before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the hearing shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

Section 4 Hearings

Alleged violations of any of the Sections described herein may be filed with the GNRPB by citizens or those officials who have the responsibility of enforcing such Sections.

A. The GNRPB shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. Each case before the GNRPB shall be presented by the Director of ERM. The GNRPB shall take testimony from PBC Staff, if relevant, the alleged Property Owner or violator, and other relevant testimony. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings. Upon determination of the Chairperson, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. The burden of proof shall be upon the Director of ERM to show by a preponderance of the evidence that a violation does exist.
B. Any member of the GNRPB, or the attorney representing the GNRPB, may inquire of or question any witness before the GNRPB. Any member of the GNRPB, an alleged violator (hereinafter also referred to as respondent), his/her attorney, or Code Officers shall be permitted to inquire of any witness before the GNRPB. The GNRPB may consider testimony presented by ERM, the respondent, or any other witnesses.
C. At the conclusion of the hearing, the GNRPB shall orally render its decision (order) based on evidence entered into the record. The decision shall be by motion approved by the affirmative vote of those members present and voting, except that at least four members of the GNRPB must vote for the action to be official. The GNRPB's decision shall then be transmitted to the respondent in the form of a written order including finding of facts, and conclusions of law consistent with the record. The order shall be transmitted by certified mail or hand delivery to the respondent within ten days after the hearing. The order may include a notice that it must be complied with by a specified date and that a fine and costs may be imposed and under the circumstances set forth in Art. 10.C.5, Administrative Fines; Costs; Liens. The cost of repairs or other corrective action may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the Public Records of PBC and shall constitute a notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator, and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the Public Records pursuant to this paragraph and the order is complied with by the date specified in the order, the GNRPB shall issue an order acknowledging compliance that shall be recorded in the Public Records. A hearing is not required to issue such an order acknowledging compliance.

If PBC prevails in prosecuting a case before the GNRPB, it shall be entitled to recover all costs incurred. Whether and to what extent such costs are imposed shall be within the discretion of the GNRPB but shall not exceed the costs incurred.

Section 5 Administrative Fines; Costs; Liens

A. Whenever one of the GNRPB's orders has not been complied with by the time set for compliance, or upon finding that a repeat violation has been committed, the GNRPB may order the violator to pay a fine in an amount specified in this Section for each day the violation continues past the date for compliance set forth in the order, or in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Inspector. In addition, if the violation is a violation described in Art. 10.C.1.B, Issuance of Violation Citation, the GNRPB shall notify the BCC, which may make all reasonable repairs or other corrective actions which are required to bring the property into compliance and charge the violator with the reasonable costs of the repairs or other corrective actions along with the fine imposed pursuant to this Section. Making such repairs does not create a continuing obligation on the part of PBC to make further repairs or to maintain the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. A repeated violation shall mean a violation of this Ordinance by a person who, within five years prior to the violation, has been previously found by the GNRPB to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occurred at different locations.

   Persons charged with such violation(s) may include:
   1. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist.
   2. Any person who knowingly commits, takes part, or assists in such violation.
   3. Any person who maintains any land, building, or premises in which such violation shall exist.

B. A fine, imposed pursuant to this Section, shall not exceed 1,000 dollars per day for a first violation and shall not exceed 5,000 dollars per day for a repeat violation, and in addition, may include all costs of repairs pursuant to Art. 10.C.5.A, whenever one of the GNRPB. For violations deemed irreparable or irreversible by the GNRPB, the GNRPB may impose a fine not to exceed 15,000 dollars per violation, pursuant to F.S. § 162.09, as may be amended. In determining the amount of a fine, the GNRPB shall consider the following factors: (1) the gravity of the violation(s); (2) any actions taken by the violator to correct the violation(s); and, (3) any previous violations committed by the violator. Notwithstanding the foregoing, penalties and fines imposed for violation of the “Palm Beach County Pollutant Storage Tank System Compliance Ordinance” or “Palm Beach County Petroleum Contamination Cleanup Criteria Ordinance,” as either Ordinance may be amended, shall be imposed as set forth in F.S. § 403.121, as amended periodically, pursuant to the agreement approved by the Palm Beach County Board of County Commissioners on June 19, 2001 (R-2001-0941) and January 12, 2010 (R-2010-0095). [Ord. 2013-021]

C. The Director of ERM may record a certified copy of an order imposing a fine, or a fine plus repair costs, in the Public Records in the Office of the Clerk of the Circuit Court in and for PBC, Florida. Once recorded the certified copy of an order shall constitute a lien against the land on which the violation(s) exists, and upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment, by the Sheriff, including levy against the personal property of the violator. Once recorded the lien shall be superior to any mortgages, liens, or other instruments recorded subsequent to the filing of the GNRPB lien.

D. After six months from the filing of any such lien which remains unpaid, PBC may foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien shall be superior to all other liens except liens for taxes, and shall bear interest at the rate of ten percent *per annum* from the date recorded. No lien created pursuant to the provisions of this Ordinance may be foreclosed on real property which is a homestead under Art. X, Fla. Const.

Section 6 Appeal

Any aggrieved party may appeal an order of the GNRPB, including PBC, to the Circuit Court of PBC, Florida. Such appeal shall not be a hearing *de novo*, but shall be a Petition for Writ of *Certiorari* and the Court shall be limited to appellate review of the record created before the GNRPB. Any appeal filed pursuant to this Article shall be considered timely if it was filed within 30 days of the execution of the order to be appealed after the hearing at which the order was announced. The County may assess a reasonable charge for the preparation of the record to be paid by the Petitioner in accordance with F.S. § 119.07.

Section 7 Irreparable or Irreversible Harm

A. A tree resource is irreparably harmed when an action alters the resource as a whole so that it cannot be restored to or returned to its original or pre-disturbance condition in a reasonable time. A non-renewable resource (such as groundwater, sea turtles, etc.) is irreparably harmed when it is destroyed, removed, or consumed. [Ord. 2006-036]
B. A renewable resource is irreparably harmed when it is destroyed, removed, or consumed without reasonable provision for the renewal of the resource. [Ord. 2006-036]
C. Injury is not remote or speculative but actual or imminent. [Ord. 2006-036]
D. The injury must be of a peculiar nature (such as a specimen tree), so that a monetary award is not adequate compensation or cannot atone for the harm done. This may include damage to the surrounding habitat (worms, birds, squirrels, etc.) and/or damage to the quality of life (shade, beauty, etc.). [Ord. 2006-036]
E. The damage may be incalculable. [Ord. 2006-036]
F. Further judicial action (appeal/injunction) is incapable of preventing the injury. A remedy at law is not full, complete, and adequate because the resource cannot be restored. No fair and reasonable redress may be had in a court of law. [Ord. 2006-036]
G. The harm must be substantial in extent, duration, or magnitude. [Ord. 2006-036]
H. The resource being harmed must constitute an environmental resource. [Ord. 2006-036]
I. Irreparable harm will not be found where mitigation measures can substantially restore or replace the benefits provided by the resource. [Ord. 2006-036]

PBC has the burden of proving irreparable harm by the preponderance of evidence—a determination that a greater amount of credible evidence supports one side of an issue more than the other. The maximum penalty the BCC can impose is 15,000 dollars per violation. In determining the fine, the BCC shall consider: [Ord. 2006-036]

1. The gravity of the violation; [Ord. 2006-036]
2. Any actions of the violator to correct the violation; and, [Ord. 2006-036]
3. Any previous violations committed by the violator. [Ord. 2006-036]

CHAPTER D ENVIRONMENTAL CONTROL HEARING BOARD

Any alleged violation of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP) and/or Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems (health, sewage treatment, or drinking water), may be prosecuted by the Environmental Control Hearing Board (ECHB). In addition, ERM may refer any alleged violation of Wetlands Protection to the ECHB for prosecution. [Ord. 2022-019]

Section 1 Procedure

A. Warning Violation
If an alleged violation of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP) and/or Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems is determined by the PBC Health Department (PBCHD), the PBC Health Director shall issue a formal notice of violation to the Property Owner or violator. The notice shall specify the corrective actions and a reasonable period of time to correct the violation. [Ord. 2022-019]

B. Show Cause
Should the violation continue beyond the specified time for correction or if an activity was conducted without a required permit/approval or if the violation creates a health threat, the PBC Health Director shall refer the matter to the Environmental Control Office for enforcement. The Environmental Control Officer shall request the ECHB to issue an Order to Show Cause to the Property Owner or violator.

C. Notice of Hearing
If the ECHB issues an Order to Show Cause, the subject order along with the Notice of Hearing, shall be made in the same way as the Florida Rules of Civil Procedure provide for service of process of initial pleadings. Subsequent notices of hearing may be mailed.

Section 2 Hearings

A. Procedure at Hearings
The ECHB shall proceed to hear the cases scheduled for the day. All testimony shall be under oath and shall be recorded. Each case will be presented by the Environmental Control Officer with testimony and evidence from PBCHD Staff. The Property Owner or violator may be represented by an attorney and the formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.

B. Action by ECHB
At the conclusion of the hearing, the ECHB shall issue findings of fact, based on evidence in the record, and conclusions of law and shall issue an order consistent with powers granted in Chapter 77-616, Special Acts, Laws of Florida. The order may include a notice of corrective action that must be completed by a specified date and the amount of fine to be paid by a specified date. The order shall have the force of law to command whatever steps are necessary to bring a violation into compliance. The findings shall be by motion approved by a majority of those present and voting, except that a quorum of at least three members shall be present for the action to be official.

C. Notification of Action
Notification of the ECHB action including findings of fact and conclusions of law (order) consistent with the record shall be delivered (mailed) to the ECO, Petitioner, respondent, and to every person who filed an answer or who appeared as a party at the hearing mailed within 15 days of ECHB action.

Section 3 Administrative Fines and Liens

A. Fine
The ECHB may order the Property Owner or violator to pay a fine of up to 500 dollars per day for each violation.

B. Fine Constitutes Lien
If the fine imposed by the ECHB is not paid within the time specified in the Board Order, a certified copy of the order may be recorded in the Public Records of the Office of the Clerk of the Circuit Court for PBC, Florida and thereafter shall constitute a lien against the land on which the violation exists.

Section 4 Appeal

Any Person aggrieved by any action of the ECHB may seek judicial review as provided by F.S. § 120.68. No action shall be taken to collect fines imposed for violation of this act until judgment becomes final.

CHAPTER E REMEDIES

Section 1 Administrative Remedies for Article 14 and Article 4.B.10

In order to provide an expeditious settlement that would be beneficial to the enforcement of the provisions of Art. 14, Environmental Standards and Art. 4.B.10, Excavation Uses, and be in the best interest of the citizens of PBC, the Director of ERM is authorized to enter into voluntary consent (settlement) agreements with alleged violators. Any such agreement shall be a formal written agreement between the Director of ERM on behalf of PBC and any such alleged violators, and shall be approved as to form and legal sufficiency by the County Attorney's Office. [Ord. 2017-007]

A. Conditions
Such consent agreements may be conditioned upon a promise by the alleged violator to:

1. Restore, mitigate, or maintain sites; or
2. Remit payment of a monetary settlement not to exceed the maximum amount allowed per violation, as set forth in the applicable act, delegated authority, or Code, such monies to be deposited in the PBC Pollution Recovery Trust Fund; or
3. Remit payment for compensatory damages and non-performance penalties and costs and expenses of PBC in tracing the source of the discharge, in controlling and abating the source of the pollutants and the pollutants themselves, and in restoring the waters and property, including animal, plant, and aquatic life, of PBC to their former conditions; and costs of PBC for investigation, enforcement, testing, monitoring, and litigation; such monies to be deposited in the PBC Pollution Recovery Trust Fund; or
4. Any other remedies or corrective action provided for in the applicable act, delegated authority, or Code, deemed necessary and appropriate by the Director of ERM to ensure compliance with such act or Code.

Section 2 Agreements

Such consent agreements shall not serve as evidence of a violation of any applicable act or Code, and shall expressly state that the alleged violator neither admits nor denies culpability for the alleged violations by entering into such agreement. In addition, prior to entering into any such consent agreement, each alleged violator shall be apprised of the right to have the matter heard in accordance with the provisions of the applicable act or Code, and that execution of the agreement is not required.

Section 3 Validity

Such consent agreements shall be valid and enforceable in a court of competent jurisdiction in PBC and shall abate any enforcement proceedings available to the Director of ERM for so long as the terms and conditions of such agreement are complied with. In the event an alleged violator fails to comply with the terms and conditions set forth in the executed agreement, the Director of ERM may either:

A. Consider the consent agreement void and pursue any remedies available for enforcement of the applicable provisions of the Code; or
B. Initiate appropriate legal proceedings for specific performance of the consent agreement.

Section 4 Civil Remedies

The BCC or any aggrieved or interested Person shall have the right to apply to the Circuit Court of PBC, to enjoin and restrain any person violating the provisions of this Code, and the Court shall, upon proof of the violation of same, have the duty to forthwith issue such temporary and permanent injunctions as are necessary to prevent the violation of same.

Section 5 Criminal Remedies

Pursuant to F.S. § 125.69(1), violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Any person violating any of the provisions of this Code or who shall fail to abide by and obey all orders and Resolutions promulgated as herein provided, shall, upon conviction, be punished by a fine not to exceed 500 dollars or imprisonment for not more than 60 days, or both for each violation, and payment of all costs and expenses involved in prosecuting the offense. Each day that a violation continues shall constitute a separate violation.

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2013-021; August 30, 2013] [Ord. 2017-007; March 2, 2017] [Ord. 2022-019; July 29, 2022]

ARTICLE 11

SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS

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ARTICLE 11

SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS

CHAPTER A GENERAL REQUIREMENTS

Section 1 General Provisions

A. Applicability

The regulations set forth in this Article shall be applicable to all subdivision of land in unincorporated PBC, Florida, or as hereafter established. Pursuant to Art. 2.G.4, Staff Officials, the Director of Land Development shall be responsible for review and rendering interpretations on behalf of the County Engineer. Deviations from the provisions of this Article may be permitted for development supporting Government Facilities within the PO Zoning District, subject to approval by the County Engineer utilizing the following Standards: [Ord. 2007-013] [Ord. 2018-018]

1. the proposed deviation(s) creates no hindrances, restraints, or incompatibilities for the uses, structures, and lands surrounding and in the vicinity of the land proposed for development; [Ord. 2007-013]
2. the proposed deviation(s) maintains proper and adequate access to the land proposed for development; [Ord. 2007-013]
3. the proposed deviation(s) allows for development in a logical, timely, and functionally adequate manner; [Ord. 2007-013]
4. special or unique circumstances or factors exist that are applicable to the land proposed for development; [Ord. 2007-013]
5. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; [Ord. 2007-013]
6. approval of the deviation(s) is consistent with the purpose, Goals, Objectives, and Policies of the Plan and this Code; and, [Ord. 2007-013]
7. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. [Ord. 2007-013]

B. Purpose and Intent

The specific provisions of this Article shall be applied and interpreted in a manner consistent with PBC's purpose and intent to:

1. Establish procedures and standards for the subdivision of real estate;
2. Ensure proper legal description, identification, monumentation, and recording of subdivisions;
3. Aid in the coordination of land development in accordance with orderly physical patterns;
4. Implement the Plan with respect to installation of on-site improvements for new development, which improvements are necessary to meet or maintain the levels of service required under the Concurrency Management System of the Plan;
5. Ensure provision of safe, convenient, legal, and physical access to and circulation among lots for vehicular and pedestrian traffic;
6. Ensure provision of adequate utilities to support development of each lot;
7. Regulate the subdivision and associated development of lands subject to seasonal or periodic flooding, and provide for adequate stormwater management to minimize adverse impacts of development on water resources while ensuring acceptable levels of protection from inundation for residents and improvements;
8. Ensure that the citizens and taxpayers of PBC will not have to bear the costs resulting from haphazard subdivision of land or failure by the developer to provide adequate and necessary physical improvements of lasting quality; and,
9. Assure the purchaser of land in a subdivision that necessary infrastructure improvements have been provided in accordance with PBC Standards for design and construction, and that associated rights and obligations have been established for the use and maintenance of said improvements.

Section 2 Interpretation

A. Minimum Requirements
In their interpretation and application, the requirements of this Article shall be deemed to be the minimum requirements necessary for the promotion of public health, safety, and general welfare.

B. Relationship to Other Agency Requirements
The requirements of this Article are intended to complement and expand upon rules, regulations, and permit requirements of other State, Regional, and Local agencies applicable to the design, construction, and/or operation of facilities for access and circulation of vehicles and pedestrians, construction of streets and related facilities, power and communication services, wastewater and water services, and stormwater management and flood protection in PBC. Compliance with the requirements of this Article shall not relieve the developer from the necessity to comply with all requirements and obtain all permits required by the regulations of such other agencies.

C. Conflicting Requirements
In the event of conflict between a specific requirement of this Article and that of another agency's rule, compliance with this Article shall be interpreted by the County Engineer to avoid the conflict where such avoidance is not inconsistent with the general purposes and intent of this Article and is affirmatively demonstrated as necessary to meet the purposes and intent of the conflicting rule. However, if the difference between said requirements is solely a matter of degree, the more restrictive requirement shall prevail and no conflict will be considered to exist.

Section 3 General Requirements

A. Platting Requirement
Any developer planning to subdivide land shall record a Final Plat in accordance with the requirements of this Article unless such requirement is specifically waived by the County Engineer in accordance with the provisions of Art. 11.A.8, Exceptions to General Requirements. [Ord. 2011-016] [Ord. 2012-003]

B. Required Improvements Installation Requirement
The adequacy of necessary public or private facilities and services for traffic and pedestrian access and circulation, solid waste, wastewater disposal, potable water supply, stormwater management, and similar facilities and services, and potential adverse impacts on adjacent land uses and facilities shall be considered in the review of all development proposals. No Final Plat or certified boundary survey shall be recorded until all required improvements set forth in Art. 11.E.1, Required Improvements, except those specifically waived pursuant to Art. 11.A.8.F, Exceptions to Installation of Improvements Requirement, are either completed in accordance with the requirements of Art. 11.B.5, Construction of Required Improvements, or are guaranteed to be completed by the developer in accordance with the provisions of Art. 11.B.2.A, Land Development Permit Application Submittal. [Ord. 2011-016] [Ord. 2014-025]

C. Standards and Responsibility for Required Improvements
All required improvements shall be designed pursuant to the standards and specifications as prescribed in this Article and PBC Standards, or as otherwise required by the County Engineer, in accordance with acceptable standards of engineering principles. All such improvements shall be installed by and at the expense of the developer in conformance with approved construction plans as referenced by the applicable Land Development Permit.

D. Conformity with Land Use, Density, and Concurrency Regulations
Prior to consideration of any subdivision for approval under the terms of this Article, the land proposed to be subdivided shall:

1. Be of sufficient land area to comply with the density and consistency requirements and provisions of the Administration and Land Use Elements of the Plan;
2. Be in the proper zoning district and have the necessary Zoning approvals required for the intended use; and,
3. Have received a concurrency approval, non-expired Concurrency Exemption, or Concurrency Exemption Extension, pursuant to Art. 2.F, Concurrency (Adequate Public Facility Standards).

E. Site Suitability
Subdivision of land unsuitable for the proposed type or extent of development shall not be approved unless adequate methods of correction or mitigation are formulated and approved in accordance with the provisions of this Article. The County Engineer may determine that land is unsuitable for subdivision due to unstable or poorly drained soils, frequent inundation, existence of environmentally sensitive or protected areas, inadequate legal or physical access to the proposed subdivision, or conditions or features deemed to be harmful to the health, safety, and general welfare of future residents or the public.

Section 4 Application of Ordinance

A. General Application

No person shall create a subdivision or develop any lot within a subdivision in unincorporated PBC except in conformity with this Article. No Final Plat or certified boundary survey of any subdivision shall be recorded unless such subdivision meets all applicable provisions of this Article, the provisions of other applicable PBC Ordinances, and the applicable laws of the State of Florida. However, the subdivision of contiguous lands shall not be subject to compliance with the provisions of this Article where the lands are under single ownership with none of the resulting lots being less than 40 acres or where the remaining land is part of a development being platted in phases in accordance with a Master Plan approved by the DRO, unless such compliance is required as a specific condition of a Development Order for a Conditional Use or Special Use approved pursuant to Art. 2, Application Processes and Procedures. [Ord. 2011-016] [Ord. 2014-025] [Ord. 2020-001]

B. Building Permits and Other Approvals

1. Except as provided in this Section, or elsewhere in the Code, no Building Permit shall be issued for any structure on any lot created by subdivision of land in violation of this Article unless and until such lot is shown on a plat or certified boundary survey, as applicable, recorded in the manner prescribed in this Article. [Ord. 2011-016] [Ord. 2014-025]
2. Temporary structures, permanent structures having a Temporary Use, model homes, and ancillary structures such as fences, buffer walls, and guardhouses may receive a Building Permit prior to recordation of the Final Plat for the property only when the use and location have been approved by the DRO and shown on the approved Final Subdivision Plan. Such approval, however, shall not in any way relieve the developer from the obligation to correct any and all non-conforming setbacks, separations, or encroachments due to inconsistencies between the location of said structures and lot, street, or easement boundaries as established by the applicable recorded plat. [Ord. 2014-025]

Section 5 Previously Approved or Platted Subdivisions

A. Active Subdivision Development

All active subdivision developments and all modifications to previously platted subdivisions shall be subject to the requirements of this Article in accordance with the provisions of Art. 1.E, Prior Approvals.

1. Subdivision Developments Which Are Committed Developments or Deemed Vested

Any development which constitutes a committed development under the Plan and the "Concurrency Exemption Ordinance of Palm Beach County, Florida" (Ordinance No. 89-35), or which has otherwise been deemed vested under State of Florida law, is hereby deemed an active Subdivision Plan or Preliminary Plat, as applicable.

2. Modifications to an Active Subdivision Plan or Preliminary Plat

Modifications to an active Subdivision Plan or Preliminary Plat shall subject the development to the requirements of this Article when:

a. The modification of an active Subdivision Plan for a Planned Development cannot be approved by the DRO if it exceeds threshold of Art. 2.C.5.C, Administrative Modifications to Prior DOs; or [Ord. 2018-018]
b. The modification of an active Subdivision Plan or Preliminary Plat constitutes more than a minor deviation such that, in the opinion of the County Engineer, the construction plans for the required improvements require a new submittal and review.

3. Fees Waived for Applications by the County Engineer

Any fee required for an application made pursuant to this Section is hereby waived for all applications made by the County Engineer.

B. Non-Conforming Subdivisions

The Official Records of PBC contain plats recorded prior to February 5, 1973. Such plats show areas within PBC which have been platted as subdivisions, but which have either been partially improved or developed or remain unimproved or undeveloped. These areas, if developed or improved further as platted, would not conform to the Objectives and Policies of the Plan for such areas.

1. Vacate Non-Conforming Plats

The BCC shall have the power, on its own motion, to order the vacation and reversion to acreage of all or any part of a subdivision within unincorporated PBC, including the vacation and abandonment of streets or other parcels of land dedicated for public purposes and the vacating of streets and other parcels of land reserved for the use of the owners, including lands maintained by a Property Owners' Association, when:

a. The subdivision plat was recorded as provided by law prior to February 5, 1973; and
b. within the subdivision plat or part thereof proposed to be reverted to acreage, not more than ten percent of the total number of platted lots have been sold to individual owners by the original subdivider or his successor in title.

C. Subject to Vacation by the Board

The owner or owners of a subdivision subject to vacation and reversion to acreage by motion of the BCC may either abandon the subdivision or portion thereof in accordance with the procedures of the Board, or may improve undeveloped or partially improved streets and drainage facilities at their cost and expense, provided such improvements shall comply with the provisions of this Article.

1. Public Hearing Required

Prior to ordering such a vacation and reversion to acreage, the BCC shall hold a public hearing relative to the proposed vacation and reversion to acreage, with prior notice thereof being given by publishing in a newspaper of local circulation the date of and the subject matter of the hearing once within 14-calendar days prior to the date of such public hearing. At such public hearing, the vacation and reversion to acreage of subdivided land must be shown to either conform to the Plan or reduce the non-conformity with the Plan.

2. Legal Access to Be Maintained

No owner of any parcel of land in a subdivision vacated and returned to acreage or abandoned by the owners shall be deprived, by reversion to acreage or abandonment of any part of the subdivision, of reasonable access to such parcel nor to reasonable access to existing facilities to which such parcel has theretofore had access. Such access remaining or provided after such vacation and reversion or abandonment may not necessarily be the same as theretofore existing, but shall be reasonably equivalent thereto.

D. Not Subject to Vacation

The improvement of non-conforming subdivisions not subject to vacation and reversion to acreage by motion of the BCC shall comply with the requirements of this Article and the following:

1. Streets

The existing R-O-W for a Local Street shall be considered sufficient provided it is at least 50 feet wide and the improvements conform to the 50-foot typical section or 60 feet wide and the improvements conform to the 60-foot typical section for Local Street construction as contained in PBC Standards. If the existing R-O-W is less than 50 feet wide, additional R-O-W shall be provided to make a total width of not less than 50 feet.

2. Positive Drainage

Positive drainage shall be established or its existence proven, meeting all requirements for connection to a point of legal positive outfall. Easements for proper drainage shall be provided where necessary at a width adequate to accommodate the drainage facilities, but in no case shall said easement width be less than 12 feet. Where canals or ditches are permitted, the easement width shall be adequate to accommodate the full width of drainage facilities plus 20 feet on one side to permit access by equipment for maintenance purposes.

Section 6 Planned Developments

A. General

Any Planned Development which is to be subdivided shall comply with the requirements of this Article after approval of a Final Subdivision Plan by the DRO pursuant to Art. 2.C, Administrative Processes. For the purpose of this Article, "Planned Development" shall mean any development within a Planned Development District as defined by this Code and regulated pursuant to Art. 3.E, Planned Development Districts (PDDs).

B. Subdivision of Commercial and Industrial Sites

A building site which constitutes all or a portion of a pod or lot designated for commercial or industrial use within a Planned Development, and for which the detailed development configuration and Building Permit issuance are subject to prior approval by the DRO of a Final Site Plan, may be exempted by the County Engineer from the subdivision recordation requirement of Art. 11.A.4.B.1, and may be subdivided by fee title conveyance of individual internal lots. Such exemption may be granted by the County Engineer provided that: [Ord. 2014-025] [Ord. 2019-034]

1. Legal access to each interior lot is provided by a common parking lot in full compliance with all requirements of Art. 11.E.2.A.2.b;
2. The layout, location, and construction limits of structures within the building site are regulated by required separation distances between structures rather than by setbacks from interior lot lines;
3. Individual interior lots are not subject to requirements for minimum area or dimensions under the property development regulations of Art. 3.D, Property Development Regulations (PDRs), applicable to the building site;
4. A statement of the developer's intent to subdivide the property pursuant to the platting exemption of this Subsection, and proposed subdivision lines with bearings and distances are included on the approved Final Site Plan for the building site, in which case said Site Plan shall constitute the approved Final Subdivision Plan for purposes of compliance with this Article; [Ord. 2011-001]
5. All lands within the perimeter of the building site are subject to a common recorded Unity of Control or other such maintenance and use covenants for access, parking, stormwater management, and other required common areas or facilities, as approved by the County Attorney pursuant to Art. 5.F, Legal Documents; and,
6. The building site is delineated within a single platted lot. [Ord. 2019-034]

Section 7 Phased Developments

A. Phasing Plan

The property encompassed by a Master Plan or Final Subdivision Plan may be developed in two or more phases pursuant to the terms of this Section and applicable phasing provisions of Art. 2.E.2.C, Time Limitations for Commencement. Construction plans and Preliminary Plats shall coincide with their respective phases as shown on the Final Subdivision Plan or Master Plan. [Ord. 2014-025]

B. Improvements

The improvements of each phase shall be capable of operating independently of any unconstructed phase with respect to drainage, access, utilities, and other required improvements, except as provided herein. A dependent phase may be platted only if the foundation phase plat has been recorded and required improvements have been completed or are under construction pursuant to a Land Development Permit and are secured pursuant to a guarantee posted for completion of required improvements. A dependent phase shall not be acknowledged as completed until the improvements in the foundation phase are acknowledged as completed; provided, however, that such acknowledgment of completion may occur simultaneously and provided that the County Engineer may permit the posting of a guarantee to ensure the installation at a later time of those required improvements which are not deemed necessary to provide drainage, access, or utilities to such dependent phases. [Ord. 2014-025]

C. Sequence of Phases

When the Preliminary Subdivision Plan is to be constructed in phases, the following sequence must be adhered to:

1. All required recreation areas and facilities to serve the entire development shall be platted or otherwise provided pursuant to the procedures and phasing provisions of Art. 5.D, Parks and Recreation – Rules and Recreation Standards; and [Ord. 2015-006]
2. Where all or any portion of a water management tract is required to serve a proposed phase of development, and has not been previously recorded and constructed, said water management tract and its associated lake maintenance easement(s) shall be included and constructed in their entirety as part of the plat and required improvements for that phase.

Section 8 Exceptions to General Requirements

A. Authority

The County Engineer is hereby empowered to make certain exceptions to the platting requirement of Art. 11.A.3.A, Platting Requirement, and required improvements installation requirement of Art. 11.A.3.B, Required Improvements Installation Requirement, in accordance with the standards and procedures set forth in this Section.

B. Legal Lots of Record

1. A lot that was created pursuant to one of the options below will be considered a Legal Lot of Record and shall not be subject to future subdivision approval: [Ord. 2019-034]
   a. The lot is depicted in its entirety on either a plat of record, affidavit of exemption, affidavit of waiver, plat waiver, or lot combination; or [Ord. 2019-034]
   b. The lot existed prior to February 5, 1973 in its current configuration; or [Ord. 2019-034]
   c. The lot was created after February 5, 1973 and before June 16, 1992 by subdivision of a legal lot or lots into no more than two lots. [Ord. 2019-034]

2. Legal Access

The lot has legal access that ultimately connects to a right-of-way currently identified on the PBC Thoroughfare R-O-W Identification Map, as follows: [Ord. 2007-001] [Ord. 2013-001]

   a. In accordance with this Article, Table 11.E.2.A, Chart of Access Hierarchy; or [Ord. 2007-001]
   b. For existing Legal Lots of Record for a Single Family home from a recorded easement exclusively for the purposes of ingress and egress access, a minimum of 20 feet in width, granting the owner, its successors, and assigns a perpetual right of usable access across all properties lying between said lot and a street. [Ord. 2007-001] [Ord. 2013-001] [Ord. 2019-034]

C. Certified Abstracted Boundary Survey

When approved by the County Engineer, a certified abstracted boundary survey may constitute the Subdivision Plan and when the subdivision is not encompassed by a Final Subdivision Plan approved by the DRO. [Ord. 2014-025]

D. Plat Waiver with Certified Boundary Survey

If, after review of the Preliminary Subdivision Plan, the County Engineer determines that the proposed subdivision meets one of the conditions specified in Art. 11.A.8.D.1, Application for Plat Waiver, the requirement to file a plat may be waived and an abstracted boundary survey shall be recorded in lieu of a plat along with an affidavit documenting approval of said waiver and restrictive covenants applicable to the subdivision, as prescribed by this Article. [Ord. 2011-016] [Ord. 2014-025]

1. Application for Plat Waiver

In order to determine whether platting may be waived, the developer shall submit a certified abstracted boundary survey or Preliminary Subdivision Plan, together with a statement demonstrating that the subdivision meets at least one of the following conditions: [Ord. 2014-025]

   a. The division is for the purpose of constructing not more than one Townhouse building in compliance with applicable use regulations and standards pursuant to Art. 3.D, Property Development Regulations (PDRs);
   b. The division is to create no more than three contiguous lots and all of the following circumstances apply:
      1) Dedications or reservations are not required for the installation or maintenance of the required improvements; and
      2) The improvements and dedications existing on the land are substantially in accordance with the requirements of this Article.
   c. The division is of a contiguous land area not exceeding 80 acres into lots of at least ten acres each and which area meets all of the following additional conditions:
      1) The area to be subdivided has existing legal access via a street of Local or higher classification, accepted for maintenance by a Local Governmental agency, a special district, or a legally incorporated Property Owners' Association (POA);
      2) Legal access to the proposed lots exist or will be established and dedicated to and be maintained by a POA or a special district; and,
      3) Legal positive outfall exists and the appurtenant drainage easements are dedicated to, maintained, and accepted by either by a POA or water control district.
   d. The division consists of a change in lot lines for the purpose of combining lots or portions thereof, shown on a record plat, into no more than three contiguous lots where each of the resulting lots meet the requirements of the Plan and this Code or reduce the degree of non-conformity to the requirements of the Plan and this Code, as applicable, and the establishment of streets or

installation of improvements either would not be required pursuant to this Article or would be required and their installation would be guaranteed by the developer pursuant to the provisions of this Article. Provided, however, that any application hereunder for lands shown on a record plat recorded after February 5, 1973, shall be limited to those changes necessary to correct errors in the record plat or to make a lot line adjustment to accommodate an isolated instance of error in construction of a dwelling unit or other building. In such cases, the improvements shall be in compliance with the standards in effect at the time of recording the plat or with any approved Variance to such standards;

e. The lot or lots were created as part of an antiquated subdivision and the County Engineer finds that the subdivision substantially complies with the intent, purposes, and requirements of this Article. In making such determination, the County Engineer shall consider the following factors and any other information he deems appropriate:
   1) The total area of land encompassed by the antiquated subdivision;
   2) The number of lots created within the antiquated subdivision;
   3) The prior and subsequent subdivision of the area encompassed by the antiquated subdivision and whether such subdivision was platted or otherwise surveyed and placed of record;
   4) The need for dedications or reservations to ensure installation and continued maintenance of the required improvements;
   5) The extent of deviation from the requirements of this Article;
   6) The extent of ownership fragmentation, including the number of lots sold and the number of lots developed;
   7) The degree of compliance with other PBC land development regulations, including but not limited to the Plan and this Code;
   8) The number of lots to be created; and,
   9) The extent of development in the surrounding area.

f. The combination or recombination of lots is required in order for the new lot or lots to meet the density requirements of the Plan.

2. Decision by County Engineer

In determining if platting may be waived, the County Engineer shall make a determination of the Agencies required for review, distribute to these Agencies accordingly, and consider recommendations received from the Agencies regarding conformance with requirements of their respective regulations and program responsibilities. The Agencies that may be considered for review by the County Engineer are: [Ord. 2010-022]

a. The Directors of the Land Development and Traffic Divisions, and Survey Section of the Engineering Department;
b. The Directors of the Planning and Zoning Divisions; [Ord. 2006-004]
c. The Director of Environmental Resources Management;
d. The County Health Director;
e. The Director of Water Utilities; and,
f. The County Attorney. [Ord. 2006-004]

3. Effect of Approval

The granting of a plat waiver in no manner reduces or waives the requirements of Art. 11.B.1, Technical Compliance, through Art. 11.B.5, Construction of Required Improvements, governing construction plan approval, Land Development Permit issuance, and installation of the required improvements. Failure by the Applicant to submit all documents required for the recordation of the affidavit of waiver within six months of approval by the County Engineer shall void said approval. [Ord. 2011-016] [Ord. 2014-025]

E. Lot Combination with Abandoned Right-of-Way and Combination of Lots

Right-of-way abandoned by Resolution of the BCC may be combined into an adjoining lot of record. A lot may also be combined with an adjoining lot or lots resulting in an overall decrease in the number of lots provided that there are no interior easements along the common lot line(s) that prevent the combination of the lots and that the new lot configuration decreases any existing non-conformities. The revised single lot of record may be created by one of the following: [Ord. 2010-022] [Ord. 2014-025]

1. The Property Owner may record a revised abstracted boundary survey into the Public Records of PBC, if approved by the Director of Land Development. In determining whether this process is acceptable, the revised abstracted boundary survey must be submitted for review to the Director of Land Development. The Agencies that may be considered for review of the revised abstracted boundary survey are Land Development, Survey, and Zoning. The abstracted boundary survey shall be prepared by a State of Florida-licensed Surveyor and Mapper. The document recorded in the Public Records shall include the approval from the Director of Land Development. In determining eligibility for creation

of a new single lot of record through this option, the Director of Land Development and reviewing Agencies shall consider the following criteria at a minimum: [Ord. 2010-022]

a. Designated zoning of lots to be combined; [Ord. 2010-022]
b. Existence of landscape tracts, buffers, or easements along property lines; and, [Ord. 2010-022]
c. Existence of utility easements along property lines; or [Ord. 2010-022]

2. The Property Owner may record a waiver of plat in accordance with Art. 11.A.8.D, Plat Waiver with Certified Boundary Survey. [Ord. 2010-022]
3. The Property Owner may record a plat in accordance with Art. 11.D, Platting. [Ord. 2010-022]

F. Exceptions to Installation of Improvements Requirement

If, after review of the Preliminary Subdivision Plan, the County Engineer determines that certain improvements already existing on the proposed subdivision site are adequate to meet the intent of the required improvements requirement of this Article, the installation of those required improvements may be waived.

1. Application for Required Improvement Installation Waiver

The developer shall submit a Preliminary Subdivision Plan, or when approved a certified abstracted boundary survey, together with a statement demonstrating that the applicable improvement(s) and associated dedications existing on the land and serving the proposed lot(s) are substantially in accordance with the requirements of this Article. [Ord. 2014-025]

2. Effect of Approval

The granting of a required improvement(s) installation waiver in no manner reduces or waives the requirement of this Article to file a plat and to comply with applicable provisions of Art. 11.B.1, Technical Compliance, through Art. 11.B.5, Construction of Required Improvements, with regard to all required improvements not specifically waived. [Ord. 2014-025]

G. Contents of Applications

Applications made pursuant to this Article shall be submitted in a form established by the County Engineer, prescribed in the Land Development Forms Manual, and made available to the public. [Ord. 2014-025]

H. Administration of Exceptions to General Requirements

The County Engineer shall review and act on applications for exceptions to this Article pursuant to this Section. Such authority shall include the power to:

1. Waive compliance with the procedures of Art. 11.B.1, Technical Compliance, through Art. 11.B.5, Construction of Required Improvements, when the County Engineer finds that compliance with such procedures is unnecessary because: [Ord. 2014-025]
   a. The proposed subdivision has been granted both a plat waiver and a waiver for all required improvements for the property; or
   b. The proposed subdivision has been granted both a plat waiver and a waiver for some of the required improvements and installation of the remaining improvements will be assured by one of the following methods:
      1) contribution of cash; or
      2) construction of the required improvements will occur at the time of building construction and the installation of such improvements can be monitored as part of the Building Permit process or other PBC permitting process. Such improvements include, but are not limited to, drainage improvements requiring lot grading only, and installation of well and/or septic tank; or
      3) a combination of Art. 11.A.8.H.1.b.1) and Art. 11.A.8.H.1.b.2) above.
2. Review any and all restrictive covenants applicable to a subdivision under review for a plat waiver;
3. Require additional information or reviews deemed necessary for its consideration. Such information may include, but is not limited to, written and oral statements with respect to the nature, condition, and maintenance responsibility of the streets, stormwater management facilities, or other required improvements, and reviews by other PBC and State of Florida agencies, and any information necessary to assure that the proposal would conform to the Plan or reduce the degree of non-conformity to the Plan; and,
4. Upon determining the facts of each application, determine whether the proposal makes adequate provisions for public requirements, including safe and convenient vehicular and pedestrian circulation, access, stormwater management, utilities, water supply, and wastewater disposal. [Ord. 2014-025]

Section 9 Standard Forms

A. General

The forms and formats contained in the Land Development Forms Manual have been approved as standard by the County Attorney and the County Engineer, as appropriate. All specific agreements, guarantees, certifications, and other legal documents are subject to the approval of the County Attorney. Alternate form(s) may be approved for use pursuant to this Article, provided the County Attorney has first approved such alternate form(s) in writing.

B. Dedications and Reservations

Dedications and reservations shall be specified in accordance with the substantive requirements of Art. 11.D.1.B.15, Certification and Approvals, and shall be subject to approval by the County Attorney prior to plat recordation.

Section 10 Definitions

See Art. 1.H, Definitions and Acronyms.

CHAPTER B SUBDIVISION REQUIREMENTS

Section 1 Technical Compliance

A. Purpose

The purpose of Technical Compliance is to provide a multi-Agency review of the proposed subdivision plat and all applicable required improvement construction plans for conformance with technical and legal requirements of this Article, other applicable provisions of this Code, PBC Standards, and the approved Final Subdivision Plan or certified abstracted boundary survey (including any special Conditions of Approval) prior to application by the developer for issuance of a Land Development Permit and submittal of the Final Plat for recordation. [Ord. 2014-025]

B. Application

Prior to the expiration of the Final Subdivision Plan approval, where applicable, and prior to commencing construction of required improvements, the developer shall have prepared and shall submit to the County Engineer an application for Technical Compliance review, which shall be accompanied by the required fee and the required number, as established by the County Engineer, of the following documents and information, as applicable to the subdivision or approved phase thereof. Within three days of receipt of an initial application submittal for Technical Compliance, the County Engineer shall review the submittal for completeness and shall send written notification to the Applicant if the submittal is determined to be incomplete. Failure by the Applicant to complete the application submittal within 60 days of the date of said notification shall be considered an abandonment of the application and any subsequent submittal shall require a new Technical Compliance application. [Ord. 2014-025]

1. **Preliminary Plat**

   The developer shall submit the Preliminary Plat meeting the requirements of Art. 11.D.1.A, Preliminary Plat.

2. **Certified Abstracted Boundary Survey**

   The developer shall submit a certified abstracted boundary survey meeting the requirements of Art. 11.B.7, Requirements for Certified Abstracted Boundary Survey. [Ord. 2011-016] [Ord. 2014-025]

3. **Construction Plans and Supplemental Engineering Reports**

   Except for those required improvements have been specifically waived pursuant to Art. 11.A.8.F, Exceptions to Installation of Improvements Requirement, construction plans and supporting design information for all the required improvements shall be submitted for each subdivision. Construction plans and required engineering reports shall comply with the requirements of Art. 11.B.4, Construction Plans and Supplemental Engineering Information. [Ord. 2005-002] [Ord. 2014-025]

4. **Certified Opinion of Cost**

   The developer's engineer shall prepare and submit a certified opinion of cost, which shall include the cost of installing all required improvements required pursuant to Art. 11.E.1.A, Minimum Required Improvements for All Subdivisions. In the alternative, the County Engineer may, at his sole discretion, accept the contract price received by the developer for the construction of the required improvements.

C. Review of the Technical Compliance Submittal

1. Agency Comments

The County Engineer shall forward copies of appropriate submittal documents to the following Agencies for written comments regarding conformance with requirements of their respective regulations and program responsibilities: [Ord. 2014-025]

a. Director, Land Development Division of DEPW: construction plans and Preliminary Plat;
b. Director, Traffic Division of DEPW: construction plans and Preliminary Plat;
c. Director, Survey Section of DEPW: Preliminary Plat;
d. Director, Zoning Division of PZB: Preliminary Plat;
e. Addressing Section, Administration Division of PZB: Preliminary Plat;
f. Director, Parks and Recreation Department: Preliminary Plat;
g. Director, Roadway Production Division of DEPW: construction plans and Preliminary Plat; [Ord. 2018-018]
h. Director, Environmental Resources Management: Preliminary Plat;
i. Florida Department of Transportation: Preliminary Plat for lands abutting State roads;
j. Local water control district: Preliminary Plat for lands abutting water control district facilities, easements, or R-O-W;
k. County Attorney: Preliminary Plat; and,
l. Director of Property and Real Estate Management: Preliminary Plat.

The County Engineer shall have up to five-calendar days to forward the submittal to the review Agencies. Said Agencies shall be given up to 20-calendar days to forward comments to the County Engineer. Within five days of the end of this 20-day period, the County Engineer shall forward all comments to the developer in writing, with a copy to the developer's engineer, or other authorized agent. [Ord. 2014-025]

2. Submittal Fails to Meet Requirements

When the County Engineer determines that the Technical Compliance application submittal does not meet the provisions of this Article, the written statement shall reference the specific Section or standard with which the submittal does not comply. Within 60 days of receipt of the comments letter, the developer shall cause all corrections or revisions referenced in the comments letter to be made, and shall resubmit the required documents and information. Failure to resubmit within the required time shall be deemed an abandonment of the application and any subsequent submittal shall require a new Technical Compliance application.

3. Submittal Meets Requirements

When the County Engineer determines that the Technical Compliance application submittal meets the provisions of this Article, the submittal shall be deemed to technically comply with the provisions of this Article and a written statement of Technical Compliance shall be issued.

D. Technical Compliance Approval

The statement of Technical Compliance shall be in writing and furnished to the developer and the developer's engineer. The statement shall contain the following conditions and information:

1. The name of the documents reviewed;
2. The amount of guarantee for the construction of required improvements, established in accordance with Art. 11.B.2.A.6, Guarantees; [Ord. 2014-025]
3. The amount of recording fees due for recordation of the Final Plat or certified boundary survey, which fees are payable to the Clerk of the Circuit Court of PBC; [Ord. 2011-016]
4. A requirement to submit with the Land Development Permit application a copy of all applicable Property Owners' Association documents; and,
5. Requirements for submittal of supplementary documentation deemed necessary by the County Engineer, such as deeds, easements, covenants, and other recorded instruments creating rights or obligations for access, drainage, or utility services, which rights or obligations could not be established through dedications or reservations on the plat.

E. Expiration of Technical Compliance

The statement of Technical Compliance shall expire six months after its date of issuance. Failure to make a Land Development Permit application submittal prior to the expiration of the statement of Technical Compliance shall void the Technical Compliance approval and any subsequent submittal shall require a new Technical Compliance application unless the County Engineer has granted an extension to the Technical Compliance expiration. [Ord. 2014-025]

F. Effect of Changes to Final Subdivision Plan

Any change to a Final Subdivision Plan, however approved, which would either increase or decrease the number of units in, or would, in the opinion of the County Engineer, cause a substantial change or revision to any Preliminary Plat or associated construction plans under review or approved for Technical Compliance, shall void any approvals issued for same pursuant to this Article and shall require a new submittal and fee for such plat and construction plans, unless a modification to such plat and construction plans is approved by the County Engineer. [Ord. 2014-025]

Section 2 Land Development Permit

A. Land Development Permit Application Submittal

A Land Development Permit shall be required prior to commencement of construction of any required improvement. The effective date of the Land Development Permit shall be the date the County Engineer signs it. The Land Development Permit shall expire not more than 21 months from the effective date, unless extended pursuant to Art. 11.B.5.B, Time of Completion of Required Improvements. Except when the installation of all required improvements has been waived pursuant to Art. 11.A.8.F, Exceptions to Installation of Improvements Requirement, the Final Plat or certified boundary survey, as applicable, shall not be recorded until the developer has either installed the improvements or has guaranteed the installation of the improvements pursuant to the requirements of Art. 11.B.2.A.6, Guarantees, below. As the final step in the review procedures to obtain development approval under this Article, the developer shall have prepared and shall submit, prior to expiration of the Technical Compliance, an application for Land Development Permit. The application for Land Development Permit shall be accompanied by the required fee and the required number, as determined by the County Engineer, of the following documents applicable to the subdivision or approved phase thereof: [Ord. 2011-016] [Ord. 2014-025]

1. **Final Plat**

   The developer of a subdivision for which plat recordation is required shall submit the Final Plat complying with Art. 11.D.1.B, Final Plat, and a check for the plat recordation, payable to the Clerk of the Circuit Court of PBC, in the required amount.

2. **Certified Abstracted Boundary Survey**

   The developer of a subdivision for which the requirement to plat has been waived pursuant to this Article shall submit a check payable to the Clerk of the Circuit Court of PBC for the recordation of the certified boundary survey. When construction plans are not required, the certified abstracted boundary survey may be recorded without further review; provided, however, that the County Engineer shall review any documents submitted in compliance with Art. 11.B.2.A.3, Maintenance and Use Documents. [Ord. 2011-016] [Ord. 2014-025]

3. **Maintenance and Use Documents and Other Documents**

   A copy of the maintenance and use covenants and any other documents required by the County Engineer as a condition of Technical Compliance shall be submitted. The maintenance and use covenants shall indicate the maintenance responsibility for all common areas and improvements within the subdivision, and shall comply with all applicable requirements as specified in Art. 5.F, Legal Documents.

4. **Construction Plans and Supplemental Engineering Information**

   Construction plans shall conform to the plans which received Technical Compliance or, if modified, shall be accompanied by a written statement from the developer's engineer which details, explains, and justifies the modifications. Construction plans shall comply with the requirements of Art. 11.B.4, Construction Plans and Supplemental Engineering Information, and prior to issuance of a Land Development Permit, shall have received all applicable approvals of requisite governmental agencies. [Ord. 2014-025]

5. **Developer's Acknowledgment of Responsibility for Construction of Required Improvements**

   The application shall indicate whether the required improvements are to be constructed prior to recordation or after recordation of the plat or certified boundary survey. When the required improvements are to be constructed after recordation, the developer shall submit a statement acknowledging responsibility for completion of said required improvements. The statement shall be in the form contained in the latest version of the Land Development Forms Manual and shall be executed by all owners shown on the applicable Final Plat. The statement shall be accompanied by a guarantee for completion of required improvements, pursuant to Art. 11.E.1.A, Minimum Required Improvements for All Subdivisions. Said guarantee shall meet the applicable requirements of Art. 11.B.2.A.6, Guarantees. [Ord. 2011-016] [Ord. 2014-025]

6. Guarantees

All guarantees required pursuant to Art. 11.E.1.A, Minimum Required Improvements for All Subdivisions, shall be in one of the forms prescribed in the Land Development Forms Manual or in an alternate form approved by the County Attorney. The initial guarantee shall be in an amount equal to 110 percent of the construction cost of the required improvements. The guarantee shall be in one of the following types: [Ord. 2014-025]

a. Cash Bond

Completion of the required improvements may be secured by cash deposited by the developer with PBC or in an account subject to the control of PBC in accordance with an agreement on such deposit or account. The developer shall be entitled to receive any interest earned on such deposit or account.

b. Letter of Credit

Completion of the required improvements may be secured by a clean irrevocable letter of credit issued to PBC in accordance with the PBC Letter of Credit Policy. The expiration date of the letter of credit shall be at least three months after the completion date for construction of required improvements pursuant to the initial Land Development Permit or any subsequent extension thereto.

c. Performance or Surety Bond

Completion of the required improvements may be secured by a performance or surety bond obtained from a company acceptable to PBC in accordance with the PBC policy on performance bonds. It shall guarantee that all work will be completed in full accordance with the approved Land Development Permit.

d. Escrow Deposit

Completion of the required improvements may be secured by an executed escrow agreement, between the developer, a bank approved by PBC, and PBC as the third-party beneficiary. The escrow agreement shall require that release of the funds, or any part thereof, shall be subject to PBC approval.

B. Action by the County Engineer

The County Engineer shall examine the submittal for completeness in compliance with this Article. Within 30 days of receipt of a complete submittal, the County Engineer shall review the submittal for conformity with this Article and shall advise the developer of his findings in writing, with a copy to the developer's engineer.

1. Submittal Fails to Meet Ordinance

When deficiencies exist, the County Engineer shall reference in writing the specific Section or standard with which the Land Development Permit submittal does not comply. The developer shall correct such deficiencies within 30 days of receipt of the written report. Failure to respond within the given time shall deem the submittal abandoned and any subsequent submittal shall require a new application and submittal for a Land Development Permit.

2. Submittal Meets Ordinance

When the submittal meets the provisions of this Article, the County Engineer shall sign the Land Development Permit and, if applicable, shall sign and seal the Final Plat and submit said approved plat to the Clerk of the Circuit Court for recordation.

Section 3 Substitution of Developers

A. Voluntary Substitution of Developers

When there is a voluntary substitution of developers after the Land Development Permit has been issued but before PBC has acknowledged completion of the required improvements, it shall be the responsibility of both developers to transfer the rights and responsibilities from the original developer to the succeeding developer. The original and succeeding developers shall make a joint application to the County Engineer for a transfer of the original developer's Land Development Permit. If the original developer posted a guarantee with PBC for completion of required improvements, the succeeding developer must post a substitute guarantee in the current amount of the original developer's guarantee and in a form acceptable to PBC. The application for transfer shall include the executed acknowledgment of responsibility for completion of required improvements pursuant to Art. 11.B.2.A.5, Developer's Acknowledgment of Responsibility for Construction of Required Improvements. [Ord. 2014-025]

B. Involuntary Substitution of Developers

When a developer becomes the succeeding developer through foreclosure or some similar action and it is not possible to obtain the original developer's signature on a joint application for transfer of the Land

Development Permit, the succeeding developer must comply with all provisions of Art. 11.B.3.A, Voluntary Substitution of Developers, except that, in lieu of said original developer's signature, the succeeding developer shall submit a current certification of title, foreclosure judgment, or other proof of ownership of the lands encompassed by the plat referred to in the Land Development Permit. Where the Land Development Permit has expired, the County Engineer may approve a Land Development Permit extension pursuant to Art. 11.B.5.B.2, as long as the Land Development Permit is otherwise in compliance with this Article. [Ord. 2014-025] [Ord. 2022-018]

Section 4 Construction Plans and Supplemental Engineering Information

A. Duties of Developer's Engineer

When the development is to be engineered by more than one firm, the developer shall appoint a single engineering firm or engineer to coordinate submission of the construction plans and construction of the required improvements.

B. Submittal Requirements

Construction plans and supplemental engineering information shall be submitted under separate cover for each of the categories of improvements listed in this Section. Plan sets shall be submitted in the number required in the Land Development Forms Manual. [Ord. 2014-025]

1. Required Improvements

The following construction plans, signed and sealed by the preparing engineer, shall be submitted for the required improvements set forth in Art. 11.E.1, Required Improvements, when applicable:

a. paving, grading, and drainage;
b. bridges;
c. water and sewer systems:
    1) for Technical Compliance submittal: the proposed plans submitted for PBC Health Department approval;
    2) for Land Development Permit submittal: construction plans stamped with PBC Health Department approval.

2. Submittals for Other Improvements

Construction plans shall be submitted for the following additional improvements which the developer may be required to install or otherwise elect to provide:

a. Landscaping within streets;
b. Guardhouse, gates, or other structures within streets;
c. Landscaping or structures in lake maintenance easements (see Art. 11.B.6.A, Construction and Landscaping in Lake Maintenance Easements and Water Management Tracts). [Ord. 2014-025]

C. Completeness of Construction Plans

All construction plan submittals shall be so complete as to be suitable for contracting and construction purposes. Design data, calculations, and analyses shall be submitted to address important features affecting design and construction and shall include, but not be limited to, those for design high water, drainage facilities of all kinds, subsurface soil data, alternate pavement and subgrade types, and any proposed deviation from PBC Standard design requirements.

D. Format and Content of Construction Plans

All construction plan submittals for the installation of required improvements shall consist of and contain, but shall not be limited to:

1. A cover sheet showing the applicable plat name, sheet index, category of improvements, and vicinity sketch;
2. Typical sections;
3. Construction details showing compliance with PBC Standards, or with any alternate design approved by the County Engineer pursuant to Art. 11.B.6.C, Alternate Design, Construction Standards, and Types of Materials;
4. Special profile sheets as required to show special or unique situations;
5. Benchmark, based on NAVD88; and, [Ord. 2010-022]
6. Notes regarding special conditions and specifications applicable to the construction, addressing:
    a. required compliance with construction requirements of this Article and PBC Standards;
    b. required compliance with State standards applicable to the work;
    c. minimum standards for materials;
    d. test requirements for compaction or stabilization of subgrade, base, and backfill;
    e. required installation of underground utilities and storm drainage located within the streets prior to construction of subgrade for street pavement;

f. special construction or earthwork requirements for site work in areas of impervious or unstable soils, or to cope with unsuitable soil conditions.

E. Final Stormwater Management Plan

The Technical Compliance application shall include the final stormwater management plan, based upon and consistent with the preliminary stormwater management plan, in separate report form detailing the design of all secondary and tertiary stormwater management facilities, including, as a minimum, the following design data and information:

1. Pre-development and post-development drainage basin maps showing site topography, drainage basins, catchment areas, and stormwater inflow/outflow locations for the site;
2. Pre-development and post-development site characteristics affecting runoff such as ground cover, soil profile, wet season mean high water table elevations, and recurring high-water elevations in receiving watercourses or water bodies;
3. Individual catchment area characteristics used for design, including area, times of concentration, runoff factors, and quantitative breakdown of pervious/impervious areas;
4. A statement of applicable design and/or performance assumptions and criteria for each part of the system providing drainage, treatment, or discharge control;
5. Evidence of existing access to legal positive outfall(s);
6. Complete hydrologic and hydraulic calculations for design of storm sewers, retention/detention area, and discharge structures;
7. Identification of standard methods and/or proprietary models used for hydrologic and hydraulic analysis, noting that methods or models other than those of the Department of Transportation, SFWMD, SCS, the rational method, the SBUH method, the Puls method, or common modifications of such methods, may require additional documentation;
8. A listing of specific PBC and SFWMD requirements used as the design basis for street drainage, lot grading, finished floor elevations, floodplain storage compensation, retention/detention volumes, and discharge limits; and,
9. Requirements for construction and maintenance of any temporary or phased stormwater management facilities necessary to ensure proper stormwater control and treatment during site development.

F. Soils Report

The Technical Compliance application shall include a soils report describing soil profiles of the work site to such depth and extent necessary to determine special design or construction needs. In lieu of Art. 11.B.4.F.4 and Art. 11.B.4.F.5, the developer may submit as part of the report a certified statement from an engineer that he has investigated the subsurface conditions of the site and has determined that such conditions are suitable for the work as shown on the construction plans. The soils report shall include: [Ord. 2014-025]

1. A map, drawn to stated scale, showing boring, penetrometer, and/or test pit locations;
2. Results of each boring or other soil test, keyed to the map;
3. Soil profiles with horizons described according to the USDA, ASTM, or Unified Soil Classification System standard;
4. Location and extent of muck, hardpan, marl, or other deleterious materials which may require special consideration in design or construction; and,
5. A description of groundwater conditions which may require special consideration in design or construction.

Section 5 Construction of Required Improvements

A. Developer's Duty

Upon issuance of the Land Development Permit, the developer shall coordinate the construction with the County Engineer.

B. Time of Completion of Required Improvements

1. The time of completion of all required improvements shall not exceed 21 months from the date of issuance of the Land Development Permit unless an extension is granted pursuant to this Section. For Government Facilities within the Public Ownership (PO) Zoning District, the completion of required improvements shall be permitted to: [Ord. 2007-013]
   a. coincide with a Certification of Occupancy (CO) for the first building on a parcel of land that adjoins a required street improvement; or [Ord. 2007-013]
   b. be phased to coincide with a CO for the first building within each phase of development that is accessed by a required street improvement. [Ord. 2007-013] [Ord. 2014-025]

2. A time extension for up to and including one year may be granted by the County Engineer after review of the written application for extension of the developer. The developer should submit the application for extension, including but not limited to a statement of justification and proof that an acceptable guarantee will remain in place for the duration of the extension. The application shall be submitted not less than two months prior to expiration of the Land Development Permit, except pursuant to Art. 11.B.3.B, Involuntary Substitution of Developers. The County Engineer shall review and advise the developer in writing of his decision within 30-calendar days of receipt of the application. [Ord. 2014-025] [Ord. 2022-018]

C. Completion Prior to Plat Recordation

When the developer elects to complete required improvements prior to recording of the Final Plat or certified boundary survey, the following procedures shall apply, as applicable. [Ord. 2011-016]

1. Upon approval of the Final Plat and acknowledgment of completion of the required improvements pursuant to Art. 11.B.5.G, Acknowledgment of Completion and Maintenance of Required Improvements, the plat shall be submitted to the Office of the Clerk of the Circuit Court for recordation. [Ord. 2014-025]
2. When the County Engineer finds that the certified boundary survey and completion of the required improvements are in compliance with all requirements of this Article, he shall cause the certified boundary survey to be recorded in the Office of the Clerk of the Circuit Court. [Ord. 2011-016]

D. Completion after Plat Recordation

When the developer elects to guarantee the construction of the required improvements in order to complete same after recordation, the County Engineer may approve reductions of the amount of the guarantee and release the guarantee in accordance with the requirements and procedures prescribed in this Subsection. All requests for reduction shall be by application to the County Engineer. A complete application shall include, at a minimum, a certified cost estimate from the developer's engineer for both the completed and the remaining required improvements. The County Engineer shall have the right to reduce the amount of any requested reduction based on his review of the application and required improvements. The County Engineer shall also have the right to refuse to approve any requested reduction so long as the developer fails to be in compliance with any of the terms and conditions of this Article, the plat, or the plans and specifications for the required improvements. The County Engineer shall give written notification to the developer and the surety of his decision on the application within one month of the application being deemed complete. Any approval under this Section shall be conditioned upon the surety providing, within one month of receipt of the County Engineer's written notification, written confirmation of the reduction in a form acceptable to the County Attorney.

1. Frequency of Reductions in Amount of Guarantee

Reductions in the amount of the guarantee may be approved by the County Engineer in accordance with the following schedule.

a. Cash Deposits and Escrow Agreements

The deposit or account may be reduced as installations progress at stages of construction established by the County Engineer, but not more frequently than monthly.

b. Letters of Credit and Performance or Surety Bonds

Quarterly during the process of construction and upon request by the developer, the County Engineer may reduce the dollar amount of the guarantee.

2. Amount of Reductions in Guarantee

The County Engineer shall not reduce the amount of any guarantee below 20 percent of the original cost estimate amount. In addition to this limitation, no reduction in the dollar amount of the guarantee shall be made unless sufficient funds will remain to complete the remaining required improvements and the cost of required improvements installed equals or exceeds the amount of the request. To ensure that sufficient funds remain for completion of the remaining required improvements, the County Engineer shall release not more than 90 percent of the dollar amount of required improvements certified as completed during the period for which a reduction is requested, provided the amount is not reduced to less than 20 percent of the original cost estimate amount. [Ord. 2014-025]

3. Release of Guarantee

The guarantee shall only be released upon acknowledgment of completion of the required improvements pursuant to Art. 11.B.5.G, Acknowledgment of Completion and Maintenance of Required Improvements. Two weeks prior to the release of the guarantee, the County Engineer shall notify the appropriate District Commissioner of intent to release. [Ord. 2014-025]

E. PBC Use of Funds; Failure of Developer to Complete

The County Engineer, as the authorized agent of the Board, shall have the right to any funds available under the guarantee to secure satisfactory completion of the required improvements in the event of default by the developer or failure of the developer to complete such improvements within the time required by Art. 11.B.5.B, Time of Completion of Required Improvements. The County Engineer shall send the developer a courtesy written notice of PBC's intent to expend any drawn funds or demand performance, as applicable. Such notice shall be sent at least 30-calendar days prior to said expenditure or demand, and shall be mailed to the last known address of the developer or his authorized agent according to the Land Development Permit records on file with the County Engineer. [Ord. 2014-025]

F. Administration of Construction

1. Construction Standards

Construction standards shall be those prescribed in the current PBC Standards.

2. Inspections, Reports, and Stop Work Orders

The County Engineer shall be notified in advance of the date of commencement of construction pursuant to the Land Development Permit, and of such points during the progress of construction for which joint review by the County Engineer and developer's engineer are required.

a. Construction shall be performed under the surveillance of, and shall at all times be subject to, review by the County Engineer; however, this in no way shall relieve the developer of the responsibility for ensuring close field coordination and final compliance with the approved plans, specifications, and the requirements of this Code.

b. The developer's engineer shall provide progress reports of the construction of the required improvements to the developer. The developer's engineer may also be required to submit construction progress reports directly to and at points of progress prescribed by the County Engineer. The developer's engineer shall coordinate joint reviews of the construction with the County Engineer at points specified by the County Engineer. [Ord. 2014-025]

c. The County Engineer and his or her designees shall have the right to enter upon the property for the purpose of reviewing the construction of required improvements during the progress of such construction. The County Engineer shall have the authority to stop the work upon failure of the developer or his engineer to coordinate the construction of the required improvements as required by this Subsection. [Ord. 2014-025]

3. Measurements and Tests

During construction, the developer's engineer shall make or cause to be made such measurements, field tests, and laboratory tests necessary to certify that the work and materials conform with the approved development plans and the provisions of this Article. The County Engineer may require, at his discretion, specific types and locations of tests and measurements which he deems necessary to demonstrate conformance with approved plans and specifications.

4. Engineer's Certificate of Completion

The required improvements shall not be considered complete until a Certificate of Completion, certifying to construction in conformance with the approved plans, and the final project records have been submitted to, reviewed, and approved by the County Engineer. The certificate shall be signed and sealed by the developer's engineer and shall be in a form established by the County Engineer, as prescribed in the Land Development Forms Manual. Said certificate shall make specific reference to, and be accompanied by copies of measurements, tests and reports made on the work and materials during the progress of construction, along with a record drawing copy of each of the construction plans, showing the original design in comparison to the actual finished work with all material deviations noted thereon. [Ord. 2018-018]

G. Acknowledgment of Completion and Maintenance of Required Improvements

1. Developer's Warranty on Workmanship and Material

The developer shall execute and submit a warranty guaranteeing the required improvements against defect in workmanship and material for a period of one year after acknowledgment of completion pursuant to this Section. Said warranty shall be submitted to the County Engineer along with the completion certificate and project records. The warranty shall be in a form approved by the County Attorney and prescribed in the Land Development Forms Manual.

2. Acknowledgment of Completion by County Engineer; Release of Guarantee

Upon submittal of the documents and records required by Art. 11.B.5.F.4, Engineer's Certificate of Completion, and Art. 11.B.5.G.1, Developer's Warranty on Workmanship and Material, and recorded copies of the approved maintenance and use covenants, the County Engineer shall determine the completeness of the required improvements in accordance with the provisions of this Article and the Land Development Permit. When the County Engineer determines that the required documentation is

acceptable and the required improvements have been installed as required by this Article, he shall acknowledge completion of the required improvements and, when a guarantee has been posted, release the guarantee in accordance with the following: [Ord. 2014-025]

a. If the Final Plat Has Been Recorded

When the applicable plat has already been recorded, the County Engineer shall issue a written statement to the developer acknowledging completion of required improvements and releasing the guarantee.

b. If the Final Plat Has Not Been Recorded

When the Final Plat has not been recorded, at the time of acknowledgment of completion the County Engineer shall review said Final Plat for conformance with current certification and approval requirements. Upon determining that the Final Plat meets said requirements, the County Engineer shall approve the plat and submit it to the Clerk of the Circuit Court for recordation.

c. Effect of Release

Issuance of the statement acknowledging completion and, when applicable, releasing the guarantee shall relieve the developer of his obligations for construction of required improvements but shall not relieve the developer of his obligations under the warranty for required improvements required under Art. 11.B.5.G.1, Developer's Warranty on Workmanship and Material. [Ord. 2014-025]

3. Acceptance of Dedications and Maintenance of Improvements

The acceptance by the Board of any dedication to the Board of public space, parks, R-O-W, easements, or the like on a plat shall not in itself constitute an acceptance by PBC of any responsibility to construct or maintain improvements within the dedicated area. Acceptance of dedications and maintenance responsibility for improvements within areas dedicated to the Board shall be made as follows:

a. Acceptance of Dedications

The recordation of a Final Plat, subsequent to the County Engineer's approval of said Final Plat for recordation, shall constitute acceptance by the Board of any and all dedications to the Board as stated and shown on the plat.

b. Acceptance of Dedications of Real Property

For those dedications to the Board of real property, including rights-of-way, parks, and other tracts, an executed deed transferring title to such lands, plus such documentation of title and absence of encumbrances as required pursuant to PBC policy for acceptance of deeds, shall be submitted to the County Engineer at the time of submittal of the applicable Final Plat for recordation. Said deed(s) shall be on a form approved by the County Attorney, and shall be recorded by PBC subsequent to recordation of the applicable Final Plat.

c. Acceptance of Improvements for PBC Maintenance

At such time as the County Engineer has issued a statement acknowledging completion of the required improvements and the applicable plat has been recorded, the County Administrator or the County Engineer, on behalf of PBC, shall accept maintenance responsibility for the required improvements to streets and to such other areas dedicated to the Board in accordance with the dedications shown on said record plat, and shall issue a written statement confirming acceptance of said maintenance responsibility.

4. PBC Completion in Recorded Subdivisions

PBC may complete the required improvements, under the guarantee provided by the developer, when the corresponding plat has been recorded and the developer fails to complete the required improvements as required by this Article. In such case, the County Engineer shall call upon the guarantee to secure satisfactory completion of the required improvements. Notice of said call shall be deemed upon posting via certified mail. Upon the completion of such action, the County Engineer shall report to the Board and the Board may accept by Resolution the dedication and maintenance responsibility as indicated on the plat. In such cases, the remaining guarantee posted by the developer shall be retained for a period of one year after completion in lieu of the agreement. Any defects occurring during this period shall be repaired using funds remaining in the guarantee.

5. Developer's Failure to Complete Improvements in Unrecorded Subdivisions

Where a developer has elected to install the required improvements prior to recordation of the plat and fails to complete such improvements within the time limits prescribed in Art. 11.B.5.B, Time of Completion of Required Improvements, except pursuant to Art. 11.B.3.B, Involuntary Substitution of Developers, all previous approvals applicable to the proposed subdivision shall be deemed void. [Ord. 2014-025] [Ord. 2022-018]

Section 6 Supplemental Procedures

A. Construction and Landscaping in Lake Maintenance Easements and Water Management Tracts

1. Purpose

It is the purpose of this Subsection to allow for the construction or placement of structures and plants adjacent to, or over, water bodies within water management tracts or areas established for associated maintenance access, while taking measures to ensure that such structures or plants shall not interfere with the proper functioning of the stormwater management system nor be otherwise detrimental to the health, safety, welfare, or convenience of the public or of persons responsible for or affected by a water body within a water management tract.

2. Prohibition

The placement or construction of trees, shrubs, or structures within any water management tract established for purposes of wet detention/retention in an open water body, or easement or berm adjacent thereto established for purposes of access for maintenance of the water body or water management tract or structures and facilities therein is hereby prohibited, except in strict conformance with the provisions of this Subsection.

3. Application Requirements for Bulkheads, Docks, or Piers

Persons desiring to construct bulkheads, docks, or piers over or along a water body contained within a water management tract shall apply to the Director of ERM in accordance with the applicable provisions of Art. 4.B.10, Excavation Uses. [Ord. 2017-007]

4. Application Requirements for Structures or Plantings in LMEs

Persons desiring to place trees or shrubs or construct or place structures within a LME shall apply to the County Engineer. Approval by the County Engineer shall be required prior to installation when said planting or construction is to encroach a lake maintenance easement within a plat for which the associated required improvements have not been acknowledged as complete, pursuant to the applicable Land Development Permit and Art. 11.B.5.G, Acknowledgment of Completion and Maintenance of Required Improvements, or when the County Engineer determines that there is a continuing PBC or public beneficiary interest in said easement. Prior to granting such approval, the County Engineer shall ensure that adequate conditions are imposed, and appropriate documents are executed and, if appropriate, recorded to ensure compliance with the provisions of this Subsection and approvals granted pursuant to this Article. [Ord. 2014-025]

5. Structures or Plantings

The provisions herein shall be applied to required approvals by the County Engineer for the installation of structures or plantings in, on, or over lake maintenance easements. The following criteria shall apply to the installation of such structures and plantings:

a. No structure or above-grade construction, except that which may be easily removed, shall be permitted in lake maintenance easements. Examples of impermissible structures are houses, garages, screened enclosures, concrete block walls, concrete decks, affixed permanent sheds, and pools. Examples of permissible structures are thatch sheds, wood decks, and non-concrete fences, contingent on said structures not being structurally affixed to the ground;

b. Trees or shrubs shall not be planted, nor structures placed, in the lake maintenance easement where the planting or placement of such would obstruct access by equipment to outfalls or water control structures;

c. A removal declaration in a form acceptable to the County Attorney shall be recorded, at the expense of the Property Owner;

d. The POA consent to the specific structure(s), tree(s), or shrub(s) shall be required where a POA has responsibility for lake maintenance. If any other entity has a beneficiary interest in the easement or a responsibility for lake maintenance, that entity's consent shall be required; and,

e. Trees or shrubs planted pursuant to this Subsection shall be limited to those species permitted under Art. 7, Landscaping, Appendix A, PBC's Preferred Species List – Plant Materials Database, As Amended, and shall not include any portion of the minimum site landscaping required pursuant to Art. 7.C, Landscape Buffer and Interior Landscaping Requirements. [Ord. 2018-018]

6. Repair, Replacement, or Modification

Any repair, replacement, or modification, except ordinary maintenance, to any planting or structure approved pursuant to this Subsection, shall be done only after being approved as new planting or construction pursuant to this Subsection.

B. Dredge, Fill, and Construction in Waters of the State

1. Applicability

Subdivision of lands containing or abutting existing or proposed waters of the State, including canals, lakes, streams, and wetlands, shall comply with and conform to the requirements of this Subsection.

2. Easements or Rights-of-Way (R-O-W)

Where land within a proposed subdivision abuts existing or proposed waters of the State, there shall be provided a floodway or floodplain easement or a drainage R-O-W conforming substantially with the lines of such watercourse or water body and of such further width or construction or both as will be adequate for the purpose. Additional easement or R-O-W width may be required where necessary for maintenance, safety, and convenience. Each required easement and R-O-W shall be deeded or dedicated to an appropriate public agency. Maintenance responsibility and use limitations applicable to said easements and rights-of-way, or any facilities placed therein, shall be in accordance with all applicable permit conditions and shall be stated or referenced by note on the appropriate plat(s).

3. Permits

Where proposed dredging or filling affects waters of the State of Florida or sovereign land, said activities shall be approved by the governing agency having jurisdiction in such matters. Prior to the construction of any seawall, bulkhead, dock, or pier, a construction permit shall be obtained from the Building Division in addition to all required permits or expressed exemption from permitting for construction in waters of the State of Florida.

C. Alternate Design, Construction Standards, and Types of Materials

1. Applicability

Alternate designs, construction standards, and types of materials which, in the opinion of the County Engineer, are equal or superior to those specified may be approved in accordance with this Subsection.

2. Contents of Application

The application shall be submitted in a form established by the County Engineer, prescribed in the Land Development Forms Manual, and made available to the public. Said application shall be accompanied by written data, calculations and analyses, and drawings which are necessary to show, by accepted engineering principles, that the proposed alternates are equal or superior to those specified, or are necessary due to environmental considerations. Within 45 days of receipt of such application, the County Engineer shall either approve or deny the application and shall advise the developer's engineer and the developer in writing of the decision.

3. Environmental Considerations

In the interest of the preservation of existing trees and other natural features at the developer's request, or as required by other regulations, the County Engineer may vary the design and construction requirements upon presentation by the developer of substantial evidence that environmental conditions will be enhanced, that proper performance of the approved stormwater management system will not be impaired, and that safety, stability, and design life of structural improvements will not be compromised.

Section 7 Requirements for Certified Abstracted Boundary Survey

A. General

The County Engineer shall adopt and amend, from time to time, the criteria for the certified boundary survey. At a minimum, the certified boundary survey shall meet the requirements for boundary surveys established by the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Rules 5J-17.050-.052, F.A.C., pursuant to F.S. § 472.027. [Ord. 2011-016]

B. Alternatives

The County Engineer shall reserve the right to require a certified sketch and legal description in lieu of a certified boundary survey. The certified sketch and legal description shall meet the requirements for certified sketches and descriptions set forth by Rules 5J-17.050-.052, F.A.C., pursuant to F.S. § 472.027, as amended, and the PBC Description Checklist pursuant to policies and procedures established by the County Engineer and made available to the public. [Ord. 2011-016]

C. Recordation

The certified boundary survey or sketch and legal description shall not require approval of the Board prior to recordation. [Ord. 2011-016]

CHAPTER C RURAL SUBDIVISIONS

Section 1 Alternate Designs for Rural Subdivisions

A. Applicability

This Section provides for a means of establishing a rural subdivision, as defined by this Code, in harmony with the character of surrounding development while meeting the general purpose and intent of this Article. Due to the rural nature of proposed development, standard requirements for certain required improvements may be deemed inappropriate and alternative standards for such improvements may be approved under this Section.

B. Application Requirements

Upon submission of the Subdivision Plan, and an application for a rural subdivision designation, the DRO may approve the application for election to comply with this Section. A rural subdivision shall meet the platting requirement of this Article.

C. Exceptions to Requirements

All requirements of this Article shall apply except that the following required improvement design options shall be allowed under this Section.

1. Access and Circulation Systems

Local Streets may be developed without a wearing surface but shall otherwise conform to the standards specified by this Article. All other streets of higher classification, as defined in this Article, shall be constructed to meet or exceed PBC Standards. Streets constructed without a wearing surface shall be privately maintained and shall not be considered for dedication or acceptance as public streets until paved, reconstructed, and tested, as necessary, to meet PBC Standards. Costs of maintenance and further development of the Local Streets in a rural subdivision shall be borne solely by the owners of the property within the subdivision. Sidewalks and bike paths shall not be required when Local Streets are constructed without a wearing surface. The developer and any subsequent owner/seller shall fully disclose to the purchaser the method of payment of costs of maintenance and improvements of Local Streets developed without a wearing surface. The developer shall adequately warrant, by recorded covenant, that PBC will not be liable for cost of maintenance or further development of Local Streets constructed without a wearing surface. The method and form of said disclosures and covenants shall be subject to approval by the County Attorney, prior to recordation of a Final Plat for such subdivision.

2. Wastewater System

Rural subdivisions may utilize an individual system in accordance with Art. 11.E.1.A.4, Wastewater System.

3. Potable Water System

Rural subdivisions may utilize an individual system in accordance with Art. 11.E.1.A.5, Potable Water System.

4. Utilities Installation

Utilities may be installed above ground in rural subdivisions.

CHAPTER D PLATTING

Section 1 Requirements for the Preliminary and Final Plat

A. Preliminary Plat

The Preliminary Plat shall meet the requirements of the Final Plat, except that it shall be submitted without the required signatures and seals. It may also be submitted without maintenance and use covenants, condominium documents, deeds, or other legal documents not related to the boundary survey or engineering design of the project. [Ord. 2011-016]

B. Final Plat

The plat shall be prepared in accordance with the provisions of F.S. ch. 177, as amended, and shall conform to the requirements of this Section.

1. Material

The plat shall be drawn or printed on 24-inch by 36-inch stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency, or other approved material. [Ord. 2010-022]

2. **Preparation**
   The plat shall be prepared by a Surveyor and Mapper, and is to be clearly and legibly drawn with black permanent drawing ink or veritype process to a scale of not smaller than one inch equals 100 feet, or as otherwise determined by the County Engineer.
3. **Name of Subdivision**
   The plat shall have a name acceptable to PBC. When the plat is a new subdivision, the name of the subdivision shall not duplicate or be phonetically similar to the name of any existing subdivision. When the plat is an addition to or replat of a recorded subdivision, it shall carry the same name as the existing subdivision followed by a suitable phase designation or similar modifier, when applicable.
4. **Title**
   The plat shall have a title printed on each sheet in bold legible letters containing:
   a. The name of the subdivision, printed above and in letters larger than the balance of the title;
   b. The name of the County and State;
   c. The section, township, and range as applicable or if in a land grant, so stated;
   d. When the plat is a replat of or addition to an existing plat of record, the words “section,” “unit,” “replat,” etc.; and,
   e. When the plat encompasses lands in a Planned Unit Development, the abbreviation “PUD.” Likewise, all other Planned Developments shall contain the appropriate abbreviation for such designation within the title.
5. **Description**
   There shall be lettered or printed upon the plat a full and detailed description of the land embraced in the plat. The description shall show the section, township, and range in which the lands are situated or if a land grant, so stated, and must be so complete that from it without reference to the map the starting point can be determined and the boundaries run.
6. **Index**
   If more than one sheet is required for the map, the plat shall contain an index map on the first page, showing the entire subdivision and indexing the area shown on each succeeding map sheet. Each map sheet shall contain an index delineating that portion of the subdivision shown on that sheet in relation to the entire subdivision. When more than one sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines between map segments.
7. **Survey Data**
   The plat shall show the length of all arcs together with central angles, radii, and points of curvature. Centerlines shall include chord and chord bearing to the above mentioned. Sufficient survey data shall be shown to positively describe the boundary of each lot, block, R-O-W, street, easement, and all other areas shown on the plat and all areas shall be within the boundary of the plat as shown in the description. The plat shall also include the following items in the manner described below:
   a. The scale, both stated and graphically illustrated, shall be shown on each sheet;
   b. A prominent north arrow shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend;
   c. The point of beginning shall be boldly shown together with the letters “P.O.B.” in bold letters;
   d. All intersecting street lines shall be joined to form required corner clips pursuant to PBC Standards, and all dimensions shall be shown;
   e. All adjoining property shall be identified by a subdivision name, Plat Book, and Page or, if unplatted, the land shall be so designated;
   f. Permanent reference monuments shall be shown in the manner prescribed by F.S. ch. 177, as amended or as otherwise required by the County Engineer. All information pertaining to the location of “P.R.M.s” shall be indicated in note form on the plat. Permanent control points, permanent reference monuments, and monuments shall be designed and set as prescribed by F.S. ch. 177, as amended or as otherwise required by the County Engineer. It is the responsibility of the Surveyor and Mapper to furnish the Clerk and Comptroller of Palm Beach County with their certificate that the “P.C.P.s” and all monuments according to F.S. § 177.091(9), have been set and the dates said “P.C.P.s” and monuments were set; [Ord. 2010-022]
   g. There shall be reserved on each sheet of the plat a three-inch by five-inch space in the upper-right hand corner to be used by the Clerk and Comptroller of Palm Beach County for recording information and each sheet shall reserve three inches on the left margin and a half-inch margin on all remaining sides; [Ord. 2010-022]

h. The map shall mathematically close within one-hundredth of a foot and shall be accurately tied to all PBC or reestablished township, range, and section lines occurring within the subdivision by distance and bearing; [Ord. 2010-002]
i. The initial point in the description shall be accurately tied to the nearest quarter section corner or section corner or government corner. Each government corner being used shall be identified. If the subdivision being platted is a resubdivision of a previously recorded subdivision, then a tie to a permanent reference monument from the parent plat is sufficient. If the subdivision is a resubdivision of a part of a previously recorded subdivision, sufficient ties to controlling lines appearing on the parent plat must be provided to permit an overlay. The position and orientation of the plat shall conform to the Florida State Plane Coordinate System in the manner established by the County Engineer and prescribed in the Land Development Forms Manual; [Ord. 2010-022]
j. The cover sheet or first page of the plat shall show a vicinity sketch, showing the subdivision's location in reference to other areas of PBC; [Ord. 2010-022]
k. A complete legend of abbreviations shall be shown;
l. All lettering on the plat shall be at a minimum one-tenth of an inch in height;
m. The plat boundary and all parcels shown on subdivision plats intended to be conveyed in fee title shall be delineated by solid lines;
n. Lines intersecting curves shall be noted as radial or non-radial as the case may be;
o. A note addressing any abandoned underlying lands or easements, including record information, shall be shown; and,
p. Tabulation of Survey Data
1) The use of tangent tables is not permitted. However, at the discretion of the County Engineer on a case-by-case basis, the use of a tangent table to reflect corner clip chords, centerline chords, and chord bearings may be permitted if deemed necessary to meet requirements of neatness and clarity of the plat. Scale factors shall not be considered. Such tables, when permitted, must appear on the map sheet to which they refer and tangents shall be numbered consecutively through the entire presentation.
The possible exception noted above shall be limited to use on plats and shall not be carried into any other survey documents submitted for approval to the County Engineer.
2) Curve data may be tabulated subject to the following conditions or exceptions:
a) External boundary data may not be tabulated;
b) Where data is tabulated, a minimum of the arc length and the curve designation number or letter will be shown on site; and,
c) Curve tables reflecting the tabulated data will appear on the map sheet on which the curves appear.

8. Lot and Block Identification
Each lot and block shall be numbered or lettered. All lots shall be numbered or lettered by progressive numbers or letters individually throughout the subdivision or progressively numbered or lettered in each block. Blocks in each incremental plat shall be numbered or lettered consecutively throughout a subdivision.

9. Street Names
The plat shall show the name of each street as shown on the Final Subdivision Plan and conforming with Art. 11.E.2.A.20, Street Names.

10. Not Included Parcels
Not included or excepted parcels must be marked “not a part of this plat.” Where a not included parcel is completely surrounded by areas included within the plat, sufficient easements or rights-of-way to provide necessary access, utilities, and drainage to the not included parcel shall be provided. No parcel of land shall be reserved by the owner unless the same is sufficient in size and area to be of some particular use or service. The intended use of all reserved areas shall be shown on the plat in note form on the cover sheet.

11. Streets and Easements
All street, R-O-W, and easement widths and dimensions shall be shown on the plat. Easements are to be tied at both ends at intersecting boundary, lot, or R-O-W lines. The plat shall show the name, location, and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat, accurately tied to the boundary of the plat by bearings and distances.

12. Maintenance and Use Documents
Maintenance and use covenants, as required by Art. 5.F.1, Maintenance and Use Documents, shall be submitted with the Final Plat and approved by the County Attorney prior to recordation of the Final Plat. All areas of the plat that are not to be sold as individual lots and all easement shall be dedicated or

reserved in accordance with the terms of the maintenance and use covenants, and their purposes shall be clearly stated on the plat.

13. Streets

All streets and their related facilities which are designed to serve more than one lot or dwelling unit shall be dedicated to the Board for public use, unless otherwise required or permitted by this paragraph or elsewhere in this Article. Any street which is to be reserved, as a private street shall be identified as a tract for private street purposes. Such street tracts shall be reserved in accordance with Art. 11.D.1.B.15.a, Dedication and Reservation. Private streets may only be permitted when such streets are subject to a recorded declaration of covenants subjecting the streets to the jurisdiction and control of all lot owners deriving access from such streets, their successors, and assigns. When parking areas are required to be constructed by Art. 11.E.2, Access and Circulation Systems, they shall be reserved to and shall be the perpetual maintenance responsibility of a POA, which association shall have jurisdiction over the parking area and the lots. Such parking areas shall be clearly identified and reserved as tracts for parking and access purposes.

14. Restriction on Obstruction of Easements

The plat shall contain a statement that no buildings or any kind of construction or trees or shrubs shall be placed on any easement without prior written consent of all easement beneficiaries and all applicable PBC approvals or permits as required for such encroachment or as otherwise exempted for ZLL maintenance and overhang easements in accordance with Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement. [Ord. 2015-031]

15. Certification and Approvals

The plat shall contain on any of the title pages the following certifications and approvals, acknowledged as required by law, all being in the form set forth below. However, the County Engineer's approval certification and seal shall be contained on the face or first page. [Ord. 2014-025]

a. Dedication and Reservation

All areas dedicated for public use shall be dedicated by the owner of the land at the time the plat is recorded. Such public areas include, but are not limited to: civic sites, parks, R-O-W for streets, or alleys, however the same may be designated; easements for utilities; R-O-W and easements for drainage purposes; and, any other area, however designated. All areas reserved for use by the residents of the subdivision shall be reserved by the owner of the land at the time the plat is recorded. All dedications and reservations shall be perpetual and shall contain:

1) The name of the recipient or beneficiary of the dedication or reservation (including successors and assigns);
2) The purpose of the dedicated or reserved area; and,
3) The name of the entity responsible for the perpetual maintenance of the dedicated or reserved area (including successors and assigns). In the event PBC is not the recipient or beneficiary of the dedication or reservation, the statement of maintenance responsibility shall include the phrase “without recourse to the County.”

If so required, certain dedications or reservations shall grant PBC the right but not the obligation to maintain. The dedications and reservations shall be executed by all owners having a record interest in the property being platted. The acceptance on the plat of the dedications or reservations shall be required of any entity to whom a dedication or reservation is made, except the Board. All dedications, reservations, and acceptances shall be executed in the same manner in which deeds are required to be executed according to Florida Statutes.

Although the term “dedication” is meant to imply a public use while the term “reservation” is meant to imply a private use, the terms may inadvertently be used interchangeably. Inadvertent misuse shall not invalidate any PBC requirement or plat dedication or reservation.

b. Mortgagee's Consent and Approval

All mortgages along with the mortgagee's consent and approval of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged in the same manner as mortgages are required to be witnessed and acknowledged. The form for the mortgagee's consent shall be as prescribed in the Land Development Forms Manual.

c. Certification of Surveyor and Mapper

The Final Plat shall contain the signature, registration number, and official seal of the Surveyor and Mapper, certifying that the plat is a true and correct representation of the land surveyed under his responsible direction and supervision and that the survey data compiled and shown on the plat

complies with all of the requirements of F.S. ch. 177, as amended, and this Article. If the Surveyor and Mapper is part of a legal entity, the name, address, and certificate of authorization number of said entity shall be shown. The certification shall also state that permanent reference monuments ("P.R.M.s") have been set in compliance with F.S. ch. 177, as amended, and this Article. When the permanent control points ("P.C.P.s") and monuments according to F.S. § 177.091(9), are to be installed after recordation, the certification shall also state that the "P.C.P.s" and said monuments will be set under the direction and supervision of the Surveyor and Mapper under the guarantee posted for required improvements within the plat. When required improvements have been completed prior to the recording of a plat, the certification shall state that "P.C.P.s" and monuments have been set in compliance with the laws of the State of Florida and Ordinances of PBC. The form for the Surveyor's certificate shall be as prescribed in the Land Development Forms Manual. [Ord. 2010-022]

d. PBC Approval

Signing and sealing of the Final Plat by the County Engineer shall constitute PBC approval of the plat for recordation. The plat shall contain the approval and signature block for the County Engineer in the form prescribed in the Land Development Forms Manual. Upon approval of the plat, the County Engineer shall present the plat to the Clerk and Comptroller of Palm Beach County for recording. [Ord. 2010-022]

e. Certification of Title

The title sheet of the plat shall contain a title certification. The title certification must be an opinion of an attorney at law licensed in the State of Florida, or the certification of an abstractor or a title insurance company licensed in the State of Florida, and shall state that:

1) The lands as described and shown on the plat are in the name, and apparent record title is held by the person, persons, or organizations executing the dedication;
2) All taxes have been paid on said lands as required by F.S. § 197.192, as amended;
3) All mortgages on the land are shown and indicated by their Official Records Book and Page number;
4) There are no encumbrances of record on said lands that would prohibit the creation of the proposed subdivision; and,
5) All Palm Beach County special assessment items and all other items held against said lands have been satisfied. [Ord. 2010-022]

The form for the title certification shall be as prescribed in the Land Development Forms Manual.

f. Preparing Surveyor and Mapper

The name and address of the natural person who prepared the plat shall be shown on the plat in the form prescribed in the Land Development Forms Manual.

C. Mobile Home, Recreational Vehicle, and Manufactured Housing Subdivisions

Areas to be subdivided for the purpose of a Mobile Home, recreational vehicle, or manufactured housing development shall also comply with this Subsection. Except as to the lots indicated for other purposes, the dedications and reservations on the plat of a Mobile Home Subdivision shall include the following additional provisions or wording equal thereto: "Said owner(s) hereby reserve(s) the lots shown on the plat exclusively for mobile home, recreational vehicle, or manufactured housing, parking and uses incidental thereto, and, except as to these lots, mobile home or trailer parking is prohibited elsewhere." Areas indicated as parks or playgrounds are to be reserved for the use of the owners of the lots shown on the plat.

CHAPTER E REQUIRED IMPROVEMENTS

Section 1 Required Improvements

A. Minimum Required Improvements for All Subdivisions

Except when waived pursuant to Art. 11.A.8.F, Exceptions to Installation of Improvements Requirement, the improvements set out herein shall be the minimum required improvements for all subdivisions in order to provide the physical improvements necessary to implement certain performance standards, Objectives and Policies of the Capital Improvement Element, and other Elements of the Plan. These required improvements shall be installed prior to recordation of the corresponding plat or certified boundary survey unless the developer furnishes a guarantee assuring their installation in accordance with the provisions of this Article. Except as provided in this Section, the cost of all required improvements shall be guaranteed. [Ord. 2011-016] [Ord. 2014-025]

1. **Access and Circulation Systems**
   All streets and required sidewalks, and, when required under Art. 11.E.2, Access and Circulation Systems, parking areas shall be constructed by the developer in accordance with the design and construction requirements of Art. 11.E.2, Access and Circulation Systems. The guarantee for these requirements shall be as follows:
   a. The cost of installing all street improvements shall be guaranteed.
   b. The cost of installing parking areas need not be guaranteed since the plat establishes legal access and such areas are required to be installed prior to issuance of the Certificate of Occupancy (CO).
   c. The cost of installing all sidewalks and paths pursuant to the approved pedestrian circulation system shall be guaranteed, except that the required guarantee may be waived by the County Engineer for portions of Local Streets abutting residential lots when the paving, grading, and drainage plans contain a note, acceptable to the County Engineer, stating that such sidewalks or paths will be constructed concurrent with construction of the dwelling unit for such abutting lot. Installation of sidewalks and paths in streets abutting open space, common areas, recreation areas, water management tracts, and other areas which will not have a dwelling unit constructed thereon shall be guaranteed.
2. **Land Preparation**
   The developer shall grade and fill the land pursuant to Art. 11.E.3, Clearing, Earthwork, and Grading.
3. **Stormwater Management System**
   The developer shall install the secondary and tertiary stormwater systems for the development in accordance with Art. 11.E.4, Stormwater Management. On lots intended for building construction, the final grading of each lot, consistent with Art. 11.E.4, Stormwater Management, or the applicable approved grading plan, shall be done in conjunction with and pursuant to the Building Permit for said construction.
4. **Wastewater System**
   The developer shall install the required wastewater collection and/or disposal system for the development in accordance with Art. 11.E.5, Wastewater Systems.
5. **Potable Water System**
   The developer shall install the required potable water distribution system for the development in accordance with Art. 11.E.6, Potable Water Systems.
6. **Utilities**
   The developer shall satisfy the requirements for underground installation of utility services and for utility site location, when applicable, of Art. 11.E.7, Utilities.
7. **Fire-Rescue Services**
   The developer shall comply with the requirements of Art. 11.E.8, Fire-Rescue Services. The cost of installing the required hydrants may be included in the cost for the central water system.
8. **Subdivision Design and Survey Requirements**
   The developer shall install all required permanent control points in accordance with Art. 11.E.9, Subdivision Design and Survey Requirements. When the permanent control points are to be installed after plat recordation, the cost of installing permanent control points shall be guaranteed.

B. General Design Requirements

The design of the required improvements shall be in accordance with acceptable engineering principles. The design and construction of required improvements shall, at a minimum, be in accordance with current PBC Standards, including those contained in this Article. Should the developer elect to provide improvements of a type or design proposed to equal or exceed the minimum requirements, standards for design and construction of such improvements shall be evaluated for adequacy on an individual basis. All such alternatives shall be submitted for approval by the County Engineer in accordance with Art. 11.B.6.C, Alternate Design, Construction Standards, and Types of Materials.

Section 2 Access and Circulation Systems

A. Vehicular Circulation Systems

1. **Required Improvements to be Constructed by Developer**
   All streets, required alleys, and related facilities required to serve the proposed development shall be constructed by the developer. Construction shall consist of, but not be limited to, grading, base preparation, surface course, and drainage. All streets, whether intended for dedication to the BCC or reservation for private use and maintenance, shall be constructed to the minimum standards established by this Article and PBC Standards. Additionally, the developer shall construct any parking tracts which provide access to any lots that do not have direct, primary access from a Local Street or

Residential Access Street. Construction of such parking tracts shall be completed prior to issuance of any CO for any dwelling unit located on a lot served by such parking tract. Construction of the parking tract may be done in conjunction with building construction on the lot the tract is to serve; provided, however, that such construction shall be noted on the approved paving, grading, and drainage plans in a form acceptable to the County Engineer. When the parking tract is to be completed in conjunction with building construction, the developer shall execute a Certificate of Compliance on a form approved by the Building Director prior to issuance of the CO for any dwelling unit or building served by such parking tract. Said Certificate of Compliance shall state that the parking tract was completed in accordance with the requirements of Art. 6, Parking, Loading, and Circulation.

2. Minimum Legal Access Requirement

There is hereby established a hierarchy of legal access as shown on Table 11.E.2.A, Chart of Access Hierarchy. Except as provided below, each lot shall abut a street of suitable classification to provide said lot with legal access consistent with the standards set forth in Table 11.E.2.A, Chart of Minor Streets.

a. A 32-foot Residential Access Street may, with prior approval by the County Engineer, be utilized for legal access to a group of not more than four abutting lots where said lots would otherwise have no reasonable means of obtaining direct access to or required frontage on an adjacent street. Said Residential Access Street shall be delineated and reserved on the applicable plat for purposes of perpetual access to the lots served. [Ord. 2014-025]

b. A common parking lot may be utilized for legal access to individual lots created by subdivision of a shopping center or similar building site developed solely for commercial or industrial uses where all lots within the boundary of such subdivision are served by said access and are subject to recorded shared access, maintenance, and use covenants approved by the County Attorney pursuant to Art. 5.F.1, Maintenance and Use Documents. Where such access is utilized, direct lot access on any street adjacent to the boundary of the subdivision shall be prohibited except at common access points approved for the subdivision as a whole.

c. Traditional Development Districts shall utilize special access streets as defined in Art. 3.F, Traditional Development Districts (TDDs).

3. General Design Considerations

The proposed street layout shall be integrated with PBC's traffic circulation network, and shall be coordinated with the street system of the surrounding area. Streets shall be classified and designed in accordance with the Transportation Element of the Plan, Table 11.E.2.A, Chart of Minor Streets, as applicable, and PBC Standards. Consideration shall be given to:

a. The need for continuity of existing and planned streets;
b. Barriers imposed by topographical conditions and their effect on public convenience or safety;
c. The proposed use of the land to be served by such streets;
d. The need for continuation of existing Local Streets in adjoining areas not subdivided;
e. The proper projection of Non-Plan Collector and Plan Collector Streets;
f. The feasibility of extending the proposed street system to the boundary of the proposed subdivision to promote reasonable development of adjacent lands and to provide continuity of street systems; and,
g. Discouraging through traffic in the design of Local and Residential Access Streets.

4. Double Frontage Lots and Corner Lots

Where a lot has two frontage lines, legal access to the lot shall be restricted as follows:

a. Residential Lots

Where a lot abuts both a street of Non-Plan Collector or higher classification and a Local Street, access to said lot shall be by the Local Street. [Ord. 2014-025]

b. Non-Residential Lots

Where a lot abuts streets of Local or higher classification, access to the lot shall be by the street of lower classification, unless otherwise permitted by this Code; provided, however, that access shall not be permitted on a Local Residential or Residential Access Street as prescribed on Table 11.E.2.A, Chart of Minor Streets, unless the street cross section is improved to meet Local Commercial standards. [Ord. 2018-018]

5. Construction in Muck or Clay Areas

Construction in muck or clay areas shall be done in accordance with PBC Standards.

6. Street Intersections and Street Jogs

The centerline intersections of Local or Residential Access Streets with Non-Plan or Plan Collector Streets shall be spaced a minimum distance of 200 feet, as measured along the centerline of the Collector Street, or as otherwise required by the County Engineer. Connection of Local Streets to

Arterial Streets may be permitted by the County Engineer only where other access is unavailable. Local Street connections with centerline offsets of less than 125 feet are prohibited, unless the offset is to allow through lanes to align and is approved by the County Engineer. [Ord. 2014-025]

7. **Through and Local Traffic**
   Through traffic shall be directed along Non-Plan Collector Streets within the subdivision. Local Streets shall be laid out to accommodate local or neighborhood traffic and to discourage their use by through traffic.
8. **Railroads in or Abutting Subdivisions**
   When a subdivision borders on or contains a railroad R-O-W, a street approximately parallel to and on each side of such right-of-way may be required at a distance suitable for an appropriate use of the intervening land.
9. **Alleys**
   Alleys may be allowed in subdivisions when they are necessary, in the opinion of the County Engineer, for the safe and convenient movement of traffic and pedestrians. Alley intersections and sharp changes in alignment shall be avoided and alleys shall be constructed in accordance with the following:
   a. **Residential Areas**
      Alleys shall be paved ten feet wide in a minimum 12-foot R-O-W, with appropriate radii for the intended use.
   b. **Commercial and Industrial Areas**
      Alleys shall be paved 18 feet wide in a minimum 20-foot right-of-way, with appropriate radii for the intended use.
10. **Bridges and Culverts**
    Bridges or culverts shall be provided as necessary to facilitate the proposed vehicle and pedestrian system. The bridge or culvert requirement is subject to approval by the agency having jurisdiction over the facility being crossed. Bridges shall be designed in general accord with the current Department of Transportation practices and shall include planning for utility installation. They shall be reinforced concrete, unless, other low-maintenance materials are approved by the County Engineer. Bridges shall have a clear roadway width between curbs two feet in excess of the pavement width in each direction, and shall have sidewalks six feet wide on each side. All bridge structures shall be designed for HL-93 and all Florida Legal Loads, incorporating adequate corrosion protection for all metal work and erosion protection for associated shorelines and embankments. [Ord. 2014-025]
11. **Street Markers**
    Street markers shall be provided at each intersection in the type, size, and location required by the current PBC Standards. Street name signs shall carry the street name shown on the plat of record and shall be in compliance with the current PBC Standards.
12. **Traffic Control Devices**
    The developer shall install traffic control devices and, where warranted, traffic signals on roads within and interfacing with the subdivision. A traffic impact analysis meeting the approval of the County Engineer shall be used to assist in establishing the need for such signals.
    a. **Pavement Markings or Lane Delineators**
       Pavement markings and/or lane delineators meeting the requirements of PBC shall be installed on all Arterial and Collector Streets. Pavement markings or delineators may be required on other streets such as project entrances, as determined by the County Engineer.
    b. **Design**
       The design of traffic control devices shall be in accordance with the Manual on Uniform Traffic Control Devices and the applicable PBC Standards.
13. **Pavement Widths**
    Pavement widths for streets shall be in accordance with Table 11.E.2.A, Chart of Minor Streets. [Ord. 2018-018]
14. **Dead-End Streets**
    Dead-end streets shall be designed and constructed with an appropriate terminal turnaround in accordance with the PBC Standards. Dead-end streets shall not exceed 1,320 feet in length, except where natural geographic barriers exist necessitating a greater length.
15. **Materials and Construction**
    Pavement construction shall consist of, at a minimum, a subgrade, base, and wearing surface. All materials and construction shall be in accordance with the current PBC Standards.
16. **Shoulders**
    All unpaved shoulders shall be constructed and grassed in accordance with the PBC Standards. Grassing, with seed and mulch or with solid sod, as required, shall be completed prior to

acknowledgment of completion of the required improvements by the County Engineer. No time extensions to any contract for the construction of required improvements will be granted on the basis of incomplete shoulder treatment.

17. Street Grades

The longitudinal grade of street pavement shall be parallel to the design invert slope of the adjacent roadside drainage swale or gutter. Minimum longitudinal and transverse grades shall be in accordance with PBC Standards. Street grades shall be shown on the construction plans by indicating the direction and percent of slope. The horizontal distance along the centerline between, and pavement elevation at all points of vertical intersection shall also be shown.

18. Non-Conforming Streets

Streets which do not meet the design and constructions standards of this Article and the PBC Standards shall not be permitted except where satisfactory assurance is provided for dedication of the remaining part of the street or reconstruction of the street in accordance with current standards. Whenever a tract to be subdivided abuts an existing partial street, the other part of the street may be required to be dedicated and constructed within such tract. A proposed subdivision that includes an existing street which does not conform to the minimum street width requirements of these regulations shall provide for the dedication of additional land for such street along either one or both sides of said street so that the minimum cross-section dimension requirements of these regulations can be met. PBC shall not accept non-conforming streets for ownership or maintenance through the procedures established by this Article.

19. Limited Access Easements

Limited access easements five feet in width may be required along Non-Plan Collector Streets and Major Streets in order to control access to such streets from abutting property, when necessary. Easements for controlling access to Local and Residential Access Streets may also be required by the County Engineer in order to ensure continued control of access to such streets from abutting property. All limited access easements shall be conveyed or dedicated to PBC. [Ord. 2013-001] [Ord. 2014-025]

20. Street Names

Proposed streets which are in alignment with existing named streets should bear the name of the existing street. All street names shall have a suffix and in no case, except as indicated in the preceding sentence, should the name of the proposed street duplicate or be phonetically similar to existing street names. All proposed street names shall be submitted to the Executive Director of the PZB for approval prior to submittal of the Final Subdivision Plan application.

21. Alignment, Tangent, Deflection, Radii

Streets shall be laid out to intersect as nearly as possible at right angles. Intersections involving the junction of more than two streets shall be prohibited. The point of curvature of any Local Street or Residential Access Street shall not be closer than 100 feet to any intersection, measured along the centerline from the extension of the intersecting street lines unless the Engineer of Record provides documentation assuring adequate safe sight distance is provided as prescribed in the most recent FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways or the “Florida Greenbook.” Reverse curves shall be prohibited. Reversals in alignment shall be connected by straight tangent segment at least 50 feet in length. All intersections shall be designed to provide at least the minimum stopping and turning sight distances, in accordance with criteria prescribed in the most recent edition of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. When the centerline of a Local Street deflects by more than ten degrees, it shall be curved with a radius adequate to assure safe sight distance and driver comfort. [Ord. 2014-025]

22. Street Lighting

If street lighting is installed it shall be maintained by a POA and said association should not be created exclusively for the purpose of maintaining street lighting. Unless street lighting installation conforms to the standards of the requisite utility company, street lights shall be placed outside of R-O-W, road tracts, or any other areas designated for road purposes. Streets lighting shall be wired for underground service except where aerial service is permitted pursuant to Art. 11.C.1.C, Exceptions to Requirements, or Art. 5.C, Design Standards.

23. Median Strips

Median strips which are part of a public street may not be utilized for any purpose other than by PBC or public utility. However, a developer or Property Owner may install landscaping in a median strip or within shoulders in accordance with requirements as established by the County Engineer pursuant to the PBC Streetscape Standards manual. [Ord. 2014-025]

24. Subdivision Entranceways

Subdivision entranceways consisting of signs, walls, fences, gates, rock piles, or other entrance features are not permitted within the median strip or other areas in a public street. Decorative entranceways must be constructed in compliance with applicable PBC Codes and placed so as not to constitute a traffic hazard. [Ord. 2014-025]

25. Guardhouses

A guardhouse, located so as not to create a traffic hazard, may be constructed in the median of an entrance to a subdivision having only private streets. The minimum setback to a guardhouse shall be 150 feet, measured from the extension of the intersecting street lines, unless waived by the County Engineer. Two lanes shall be required on each side of the median in the area of the guardhouse.

26. Access Waiver for Collocated Landscape Service in the AR Zoning District

The dimensional requirement pursuant to Table 11.E.2.A, Chart of Minor Streets shall be allowed if Standards a through c of Art. 2.B.7.D, Type 2 Waiver and the following is met: [Ord. 2020-007]

a. The Waiver shall not be injurious to the area involved or otherwise detrimental to the public welfare. [Ord. 2020-007]

Table 11.E.2.A – Chart of Access Hierarchy

Major Streets: Streets which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category:
Expressway
Arterial
Plan Collector
Minor Streets: Streets which constitute the internal circulation network of a development and which are not classified as a Major Street. Listed from highest to lowest category:
Non-Plan Collector
Frontage Road
Local
Residential Access: **40**-foot **32**-foot
Alley (secondary access only)
[Ord. 2014-025] [Ord. 2019-034]

Table 11.E.2.A – Chart of Minor Streets

Classification	Min. Width (Feet)		Max. Allowable ADT	Allowed as Legal Access For (1)	
	Street (2)	Pavement (3)		Commercial	Residential
Non-Plan Collector (6)	80	24	13,100	X	
Marginal Access	50	24	N/A	X	X
Local Residential (4)					
Gutters	50	20	1,500		X
Swales	60	20	1,500		X
Local Commercial (6)	80	24	13,100	X	X
Residential Access					
One Sidewalk	40	20	800		X
No Sidewalk (5)	32	20	40		X
[Ord. 2014-025] [Ord. 2019-034] [Ord. 2020-007]					
Notes:					
1.	An "X" under the Commercial or Residential column indicates the corresponding street classification is allowed as legal access.				
2.	Street width refers to standard R-O-W or private street tract width.				
3.	Pavement width represents two travel lanes of equal width and does not include the additional width of paved shoulder where required.				
4.	Allowed as legal access for any type of residential provided that the maximum allowable ADT is not exceeded. Also, streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface. [Ord. 2018-018]				
5.	Use is restricted to streets providing access to up to four lots. [Ord. 2014-025] [Ord. 2019-034]				
6.	Collocated Landscape Service in the AR/RSA and AR/USA shall have legal access from a Local Commercial or higher classification street, unless a lesser width is granted by a Type 2 Waiver. [Ord. 2020-007]				

B. Pedestrian Circulation System

1. Requirement for Sidewalks

Except as provided in this Section, sidewalks shall be constructed on both sides of all streets. For frontage roads and streets with a width of less than 50 feet and greater than 32 feet, a sidewalk on one side at a minimum dimension of five feet is required. No sidewalk is required in streets with a width of 32 feet or less. Required sidewalks shall be constructed by the developer except as provided in Art. 11.E.1.A.1, Access and Circulation Systems. [Ord. 2014-025] [Ord. 2018-018]

2. Maintenance Responsibility of Sidewalks and Paths

The control, jurisdiction, and maintenance obligation of paths not located wholly within a street and of sidewalks within private streets shall be placed with a Property Owners' Association or an improvement district. Where such control and maintenance obligation is to be placed with an improvement district, the district shall expressly accept said obligation upon the plat or by a separate instrument filed in the Public Records.

C. Reduction of Street Width

When pedestrian circulation is to be accomplished solely by paths constructed outside the streets, the County Engineer through the DRO may approve a concurrent request by the developer to reduce Local Street widths from those required pursuant to Art. 11.E.2.A.2, Minimum Legal Access Requirement, by no more than eight feet if such reduction would neither reduce the vehicular carrying capacity and safety of the streets nor compromise the safety of pedestrians. [Ord. 2014-025]

D. Crosswalks

When the block length exceeds 660 feet, a pathway between streets may be required where deemed essential by the County Engineer to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

Section 3 Clearing, Earthwork, and Grading

A. Minimum Required Improvement

The developer shall be required to clear all R-O-W and to make all grades for streets, parking tracts, lots, and other areas proposed to be developed, compatible with on-site tertiary drainage patterns established by the approved drainage design.

B. Unsuitable Materials

The developer shall remove and replace unsuitable materials, as determined pursuant to Art. 11.A.3.E, Site Suitability, and Art. 11.B.4.F, Soils Report. Replacement of unsuitable materials within streets and proposed public areas shall be satisfactory to and meet with the approval of the County Engineer, who shall require such soil tests of the backfill and the underlying strata at the cost of the developer as may be deemed necessary to ascertain the extent of required removal, suitability of replacement material, and acceptability of the proposed method of placement.

Section 4 Stormwater Management

A. Minimum Required Improvement

The following shall be the minimum required improvements for all developments to implement the level of protection under the Utilities Element of the Plan.

1. A complete, fully functional tertiary stormwater drainage system, including necessary lot grading, ditches, canals, swales, storm sewers, drain inlets, manholes, headwalls, endwalls, culverts, and other appurtenances, shall be required for the positive drainage of stormwater runoff in conformance with the approved drainage plans.
2. A complete and fully functional secondary stormwater system shall be required in conformance with the approved stormwater management plan.
3. A means to convey all stormwater discharge from the development site to at least one point of legal positive outfall shall be provided as an integral part of the required stormwater management system, including construction of all necessary conveyance facilities and establishment of appropriate easements for operation and maintenance of said off-site facilities.
4. Adequate physical and legal means shall be provided to ensure the continued conveyance of all pre-development flow of surface waters into or through the development site from adjacent lands. Unless otherwise specified by Ordinance, regulation, or condition of development approval, such conveyance may be accomplished by incorporating the inflow into the on-site stormwater management system or diverting the inflow to its pre-development location of outflow from the development site, including

construction of all necessary conveyance facilities and establishment of appropriate easements to accommodate said inflow.

5. All facilities necessary to meet requirements for stormwater treatment, off-site discharge control, and conveyance of existing inflows applicable to that portion of the site under construction must be in place and operational at the time of commencement of construction of required improvements, and shall be maintained by the developer until such time that all required improvements are acknowledged as complete.

B. General Criteria

Secondary and tertiary stormwater facilities for each subdivision, and for each lot, street, and other development site within the subdivision, shall be designed and constructed so as to:

1. Prevent flooding and inundation to a degree consistent with levels of protection adopted by the Plan for buildings, streets, lots, parking areas, recreational areas, and open space;
2. Maintain stormwater runoff rates at levels compatible with safe conveyance and/or storage capacities of drainage facilities and established legal limits applicable to receiving waters at the point of discharge;
3. Mitigate degradation of water quality and contravention of applicable State water quality standards in surface and groundwaters receiving stormwater runoff;
4. Provide facilities for conveyance to legal positive outfall of all allowable discharges of stormwater runoff from each development site without causing or contributing to inundation of adjacent lands;
5. Provide for continued conveyance of pre-development stormwater runoff and surface waters that flow into or through the development site from adjacent lands;
6. Provide for long-term, low-maintenance, low-cost operation by normal operating and maintenance methods;
7. Provide for necessary maintenance of the pre-development range of groundwater levels to prevent adverse impacts on land uses and water resources of the development site and adjacent lands; and,
8. Promote percolation, recharge, and reuse of stormwater.

C. Hydrologic Design Data

Unless otherwise specified by a particular design or performance standard, or approved by the County Engineer based on justification submitted by the developer's engineer for an individual case, hydraulic and hydrologic data used in design of stormwater management facilities shall be based on:

1. Rainfall intensity-duration-frequency curves for FDOT – Zone 10;
2. Rainfall hyetographs of 24-hour total rainfall as published in SFWMD – Management and Storage of Surface Waters, Permit Information Manual, Volume IV;
3. Rainfall quantity (or intensity) versus time distributions in accordance with those published by SFWMD or FDOT, or the SCS – Type II (South Florida Modified) distribution;
4. Post-development runoff characteristics, such as slopes, available soil storage, runoff coefficients, ground cover, channelization, and overland flow routing, applicable to the development site and contributory off-site areas after complete development has occurred; or,
5. Maximum operating tailwater elevations at the outlet of each conveyance or discharge facility, determined as the maximum hourly average receiving water surface elevation resulting from a 24-hour duration rainfall with a return period equal to that of the design storm applicable to the facility, or as otherwise established by the agency having operational jurisdiction over the receiving water elevation.

D. Design Flood Elevation Determination

Unless otherwise specified by a particular design or performance standard, the 100-year flood elevation applicable to a development site shall be determined as the highest of:

1. The base flood elevation specified for the area of development located within zones designated A, AH, or A1-30 as delineated on the appropriate FIRM;
2. The wind or current-driven wave elevation specified for the area of development located within zones designated V1-V30 as delineated on the appropriate FIRM;
3. The inundation elevation obtained by adding the depth of shallow flooding to the area-weighted mean pre-development elevation of the area of development located within zones designated AO as delineated on the appropriate FIRM;
4. The 100-year inundation elevation established by SFWMD within specific sub-areas of the C-51 Canal and C-18 Canal watersheds pursuant to Chapter 40E-41, F.A.C., and as amended; or, [Ord. 2018-018]
5. Where not otherwise established by Chapter 40E-41, F.A.C., as amended, or by a PBC drainage plan adopted pursuant to the Plan, the maximum inundation elevation resulting from the total on-site storage of runoff produced by the 100-year, three-day rainfall event assuming fully developed site conditions and no discharge of surface water from the development site. [Ord. 2018-018]

E. Tertiary Stormwater System Design and Performance

The tertiary system shall consist of all drainage features and facilities such as storm sewerage, swales, gutters, culverts, ditches, erosion protection, and site grading necessary for the immediate drainage and rapid removal of stormwater from building sites, streets, and areas of other land uses subject to damage or disruption by inundation in accordance with acceptable levels of service as established by the Plan.

1. Lot and Building Site Drainage

In order to provide for such levels of service, tertiary drainage for lots and buildings shall meet the following minimum requirements:

a. The minimum finished floor elevation of the principal building(s) to be constructed on a lot or portion thereof shall be at or above the 100-year flood elevation applicable to the building site.

b. Site grading immediately adjacent to the perimeter of each building shall be sloped so as to drain away from the structure.

c. Each Single Family residential lot shall be graded to drain along or within its property lines to the street or parking area providing immediate access, unless adequate common drainage facilities in expressed drainage easements with an established maintenance entity are provided to accommodate alternative drainage grading.

d. Each residential lot with gross area of one-quarter acre or less shall have a finished grade not lower than the maximum water surface elevation produced by the three-year, 24-hour rainfall event in any detention or retention facility receiving stormwater runoff from the lot.

e. Each residential lot with a gross area greater than one-quarter acre shall have a finished grade as specified in Art. 11.E.4.E.1.d within 20 feet of any principal building site, unless alternate construction methods such as stem walls are approved by the County Engineer. The remainder of the lot shall be graded at sufficient elevation to ensure that inundation does not persist for more than eight hours following cessation of the three-year, 24-hour rainfall event, unless such area is designated for stormwater management purposes and included in an expressed easement for drainage, floodplain, or the like. [Ord. 2014-025]

2. Minor Street Drainage

Except as provided in Art. 11.E.4.E.3, Non-Plan Collector Street Drainage, Minor Streets shall have tertiary drainage meeting or exceeding the following minimum requirements.

a. The minimum edge of pavement elevation of any street segment shall be no lower than two feet above the control elevation of any detention or retention facility receiving runoff from that segment.

b. Roadside swales shall conform to applicable PBC Standards and shall be designed and constructed such that:

1) The flowline gradient is at least three-tenth percent, but not greater than two and one-half percent unless approved erosion protection is provided;

2) The flowline gradient is equal to or slightly exceeds the longitudinal gradient of adjacent pavement;

3) The water surface elevation of swale flow resulting from peak runoff based on the three-year rainfall event shall not exceed the adjacent edge of pavement at any point along the swale run. However, at least one storm sewer inlet or other acceptable discharge facility shall be provided for every 600 linear feet of swale, and no single swale run shall exceed 400 feet to an inlet; and,

4) The soil adjacent to each inlet is protected from local scour by installation of a four-foot-wide perimeter apron of sod or concrete.

c. Curb and gutter drainage shall conform to applicable PBC Standards and shall be designed and constructed such that:

1) The flowline gradient is at least one-fifth percent;

2) The water surface elevation of flow resulting from peak runoff based on the three-year rainfall event shall not exceed the adjacent centerline elevation of pavement at any point. However, at least one storm sewer inlet or other acceptable discharge facility shall be provided for every 600 linear feet of pavement, and no single gutter run shall exceed 400 feet to an inlet; and,

3) Surface flow of runoff across street intersections is prevented by provision of corner inlets and cross drains or by grading of gutters to flow away from the intersection.

3. Non-Plan Collector Street Drainage

Non-Plan Collector Streets shall have tertiary drainage meeting all appropriate requirements for Minor Streets except that:

a. Conveyance capacity of road drainage facilities shall be based on peak runoff resulting from the five-year rainfall event; and

b. The water surface elevation of gutter flow resulting from peak runoff based on the five-year rainfall event shall not exceed the adjacent centerline elevation of the outermost travel lane at any point.

4. Parking Tract and Parking Area Drainage

Each residential parking area serving three or more dwelling units and all non-residential parking areas shall have a finished grade elevation not lower than the maximum water surface elevation produced by the three-year, 24-hour rainfall event in any retention, detention, or conveyance facility receiving stormwater runoff from the lot. However, where detention or retention is provided by subsurface exfiltration systems the finished grade shall be no lower than the maximum storage elevation produced by the five-year, 24-hour event.

5. Storm Sewerage

Storm sewerage shall be designed and constructed so as to meet or exceed the following requirements:

a. Where not otherwise specified, all storm sewer system capacity design shall, at a minimum, provide for conveyance of peak inflow from the applicable catchment, based on the three-year rainfall event, such that the hydraulic gradient elevation does not exceed the grate or cover elevation at any inlet or manhole under tailwater conditions pursuant to Art. 11.E.4.C.5.

b. Inlet times assumed for determining required street drainage system capacity shall not exceed ten minutes, unless adequate justification for use of longer times is submitted.

c. Storm sewer pipe shall have a nominal diameter of not less than 15 inches, or equivalent oval pipe size. However, for stormwater sewerage systems to be maintained by PBC, storm sewer pipe shall have a nominal diameter of not less than 18 inches, or equivalent oval pipe size, unless otherwise approved by the County Engineer. The storm sewer pipe minimum diameter size may be reduced when the pipe is not within a right-of-way or Residential Access Street, subject to County Engineer approval. [Ord. 2013-001]

d. Storm sewerage shall be designed to attain design flow velocities of not less than two and one-half feet per second in all pipe runs serving two or more inlets, nor greater than ten feet per second in any pipe run.

e. A suitable access structure such as a manhole, junction box, or inlet must be installed at each junction or change in pipe size, slope, or direction.

f. The maximum pipe run between access structures shall be:
   1) 300 feet for 15-inch and 18-inch pipe.
   2) 400 feet for 24 to 36-inch pipe.
   3) 500 feet for 42-inch and larger pipe.

g. All pipe used in the storm sewer system shall be either reinforced concrete or metal, or as otherwise approved by the County Engineer, and covered by and conforming to current ASTM, AASHTO, or ANSI standard specifications for materials and fabrication of barrel and joints, and shall meet current FDOT standard specifications and policies applicable to the intended use. [Ord. 2011-001]

h. Concrete pipe shall have gasket joints.

i. Metal pipe shall not be used beneath pavement within a street. [Ord. 2013-001]

j. Drainage pipe shall be fitted with headwalls, endwalls, inlets, and other appropriate terminating and intermediate structures. Structure design shall meet or exceed FDOT standard specifications and policies applicable to the intended use. [Ord. 2013-001]

F. Secondary Stormwater System Design and Performance

The secondary system, including all facilities and appurtenant structures for detention, retention, discharge, and conveyance to legal positive outfall, shall be designed and constructed to provide the degree of treatment and control of all stormwater runoff discharged from a development site necessary to meet the requirements of the agency having jurisdiction over receiving waters at each point of legal positive outfall.

1. In addition to requirements expressly stated herein:
   a. Secondary facilities for development subject to permitting by individual or general permit from SFWMD pursuant to Chapter 40E-4, F.A.C., Chapter 40E-40, F.A.C., or Chapter 40E-41, F.A.C., shall meet all requirements for issuance of the applicable permit; and
   b. Secondary facilities for each residential, commercial, and industrial development exempt from SFWMD permitting pursuant to Chapter 40E-4, F.A.C., except an individual residential lot containing not more than two dwelling units, shall be designed and constructed on site, or otherwise be provided through authorized connection to off-site secondary facilities, so as to limit the discharge rate at the point of legal positive outfall to not more than the peak runoff rate produced by the site under pre-development conditions for both the three-year, one-hour and the 25-year, 72-hour rainfall events, and either:
      1) Detain the greater of the first one inch of runoff or the total runoff from the three-year, one-hour rainfall event; or

2) Retain the initial portion of runoff in an amount equal to one-half of that required to be detained.

2. No discharge of stormwater runoff resulting from rainfall up to and including the 25-year, 72-hour event shall take place from a development site except by means of one or more approved control structures, other than those existing inflows from off site for which separate, approved means of conveyance through the site have been provided. Further, the overflow weir within the approved discharge structures shall be set with an invert at the 25-year, 72-hour event unless otherwise permitted by the authority having jurisdiction over the property's point of legal positive outfall. [Ord. 2014-025]
3. Facilities for conveyance of discharge to each point of legal positive outfall shall be designed and constructed with adequate capacity to accommodate the combined flow from the applicable discharge structure(s) and all inflows from other contributory areas resulting from the 25-year, 72-hour rainfall event without overflow to adjacent lands.
4. Except where bulkheading is approved in accordance with Art. 4.B.10, Excavation Uses, each wet detention/retention facility designed for storage of stormwater runoff in an open impoundment shall have: [Ord. 2017-007]
   a. Side slopes no steeper than four horizontal to one vertical extending to a depth of at least two feet below the design control elevation;
   b. Side slopes no steeper than two horizontal to one vertical from two feet below control elevation to the bottom of the facility; and,
   c. For properties requiring a Land Development Permit in accordance with Art. 11.B.2, Land Development Permit, a continuous berm, at least 20 feet wide with a cross slope no steeper than eight horizontal to one vertical, graded adjacent to the shoreline. Where said berm abuts any residential lot, it shall be graded at an elevation not lower than the maximum design water surface elevation resulting from the three-year, 24-hour rainfall event. Along portions of the impoundment where the design water surface is less than 40 feet wide at control elevation a berm shall be required on only one side, provided that adequate legal and physical access is established from a Minor Street to each separate segment of the remaining berm. [Ord. 2014-025]
5. Dry detention/retention facilities designed for storage in open impoundments shall have side slopes no steeper than four horizontal to one vertical, except where bulkheading is approved. [Ord. 2018-018]
6. All normally exposed side slopes and maintenance berms of open impoundments shall be fully grassed or otherwise protected from erosion.
7. Each piped inlet to an open impoundment shall have a concrete or sand-cement riprap endwall designed and constructed with suitable foundation for installation on the slope or bed of the impoundment as applicable. However, the endwall may be eliminated on inlets to wet detention impoundments where the pipe is installed with the crown at least two feet below the control elevation and with the pipe invert protruding at least two feet beyond the side slope.
8. Stormwater runoff from pavement, roofs, and unpaved areas of compacted soil surfaces with no significant vegetative cover shall be directed over grassed, pervious soil surfaces as diffused flow prior to entering wet detention/retention facilities or dry detention facilities in order to promote infiltration, particulate deposition, nutrient removal, and interception of debris or other undesirable materials which may overload, pass through, cause nuisance conditions in, or increase maintenance needs of said facilities.
9. In order to protect against overdrainage of surrounding lands, no control elevation shall be lower than the pre-development average annual mean water table elevation of the detention facility site. In areas with variable water table elevations, the County Engineer may require soil testing or additional information to determine on-site water table elevations. [Ord. 2014-025]
10. A perimeter berm with a top elevation equal to or greater than the stage for the on-site 25-year, 72-hour event shall be provided on site within a minimum of three feet from the property line such that all required grading occurs on site unless written approval is obtained from abutting Property Owners. Perimeter berms established on site greater than three feet from the property line shall include drainage provisions to prevent off-site stormwater discharge. [Ord. 2014-025]
11. If exfiltration trench is utilized for on-site water storage, the County Engineer may require stormwater stage calculations for the relationship between the exfiltration trench and rising water table. [Ord. 2014-025]

G. Stormwater Management and Maintenance Access Rights

1. Each secondary system facility for detention or retention of stormwater runoff in an open impoundment shall be placed entirely within a water management tract dedicated or deeded to an acceptable entity responsible for operation and maintenance of the stormwater management system.
2. Except as otherwise provided pursuant to this Article, there is hereby required around each water management tract established for purposes of wet detention or retention in an open impoundment a

lake maintenance easement a minimum of 20 feet in width and graded at a slope no steeper than eight horizontal to one vertical, coinciding with the required maintenance berm. The width of the easement shall be measured from the point at which the grade is not steeper than eight horizontal to one vertical. Lake maintenance from an abutting Local Street may be permitted by the County Engineer in accordance with good engineering practices. Access to a lake maintenance easement from at least one Minor Street shall be established as part of said easement or, when necessary, by separate express easement or other instrument of record. A lake maintenance easement shall be required on only one side of the water body or water management tract where the water surface at control elevation does not exceed 40 feet in width; provided, however, that elimination of said easement does not isolate any remaining lake maintenance easement from proper access. If the water surface at the control elevation is greater than 40 feet wide, a lake maintenance easement shall be required on both sides. No lake maintenance easement shall be required behind bulkheads; provided, however, an easement not less than ten feet in width shall be provided behind bulkheads where necessary to provide access to outfalls and, further, that elimination of said portion of lake maintenance easement does not result in isolating any remaining lake maintenance easement from required access. In a residential subdivision, lake maintenance easements, including required access, shall be established over common areas only, and shall not encroach residential lots.

3. Easements shall be provided where necessary at a width adequate to accommodate the stormwater management facilities. A minimum width of 12 feet shall be provided for underground storm drainage installations. Where swales are used, the width shall be adequate to accommodate the entire design section between tops of slope. Where canals or ditches are permitted, the width shall be adequate to accommodate drainage facilities plus 20 feet on one side for maintenance purposes. Drainage easements shall be provided to accommodate existing drainage of surface waters from off-site contributory areas. When a subdivision is traversed by existing canals, watercourses, streams, drainage ways, or channels, there shall be provided a drainage easement or R-O-W conforming substantially with the lines of such watercourse and of such further width or construction or both as will be adequate for access, maintenance, and floodplain purposes.

H. Certificate of Compliance for Lots

When the finished lot grading required by Art. 11.E.4.E.1, Lot and Building Site Drainage, and Art. 11.E.4.E.4, Parking Tract and Parking Area Drainage, is to be completed in conjunction with building construction, prior to issuance of the Certificate of Occupancy the developer shall submit to the Building Director a Certificate of Compliance from a State of Florida-registered Professional Surveyor and Mapper, Engineer, or Landscape Architect. Such statement shall be in a form approved by the Building Division and shall state that lot grading was done in accordance with either the approved grading plan for the subdivision or, in the absence of such plan, in accordance with the applicable requirements of Art. 11.E.4.E.1, Lot and Building Site Drainage, and Art. 11.E.4.E.4, Parking Tract and Parking Area Drainage. [Ord. 2010-022]

Section 5 Wastewater Systems

A. General Requirement

Except in rural subdivisions, or where otherwise approved pursuant to Art. 11.E.5.B.2, a sewage collection/transmission system with appropriate service connection to each lot shall be provided for connection to a central sewer system. Such system shall be designed and installed in accordance with the Department of Environmental Protection (DEP) requirements, applicable permits or approvals obtained from the utility responsible for the central sewer system, and the appropriate permits secured from the PBCHD.

B. Individual System

1. In rural subdivisions, a septic tank system is an acceptable method of sewage disposal for each lot, when permitted by the PBCHD as per the standards prescribed in Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP). [Ord. 2022-019]
2. In subdivisions other than rural subdivisions, and in which each lot has an area of at least one acre, a septic tank system is an acceptable method of sewage disposal for each lot, conditioned upon the following:
   a. The subdivisions maximum build-out is 20 acres.
   b. The applicable central wastewater system utility service provider approving the use of septic tanks, based upon the utility's determination that provision of central wastewater service to the subdivision would require all of the following:
      1) the installation of a wastewater lift station and force main; and

2) the installation of more than half a mile of wastewater force main from an existing available public wastewater collection system to the nearest boundary of the subdivision.

c. The PBCHD permitting the use of septic tanks per the standards prescribed in Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP). [Ord. 2022-019]

Section 6 Potable Water Systems

A. General Requirement

Except in rural subdivisions, a potable water distribution system with appropriate service connection to each lot shall be provided for connection to a central water system. Such system shall be designed and installed in accordance with the DEP requirements, applicable permits or approvals obtained from the utility responsible for the central water system, and the appropriate permits secured from the PBCHD.

B. Individual System

In rural subdivisions, or where otherwise allowed, an individual well system is an acceptable method of providing potable water for each lot, when permitted by the PBCHD pursuant to the standards prescribed in Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems.

Section 7 Utilities

A. Required Improvement

All utilities, including power and light, telephone and telegraph, cable television, wiring to street lights, and gas shall be installed underground, unless such requirement is waived by the County Engineer, as provided in this Section. Utilities shall be constructed in easements as prescribed by this Section. The developer shall make arrangements for utilities installation with each entity furnishing utility service involved. [Ord. 2014-025]

B. Easements

Utility easements 12 feet wide shall be provided where necessary for the particular development or for continuity purposes to accommodate all required utilities across lots and shall have convenient access for maintenance. Where possible, utility easements shall be centered on lot lines and should be provided for underground utilities across the portion(s) of the lot abutting a street or parking area. When a utility easement is to abut a street, the width may be reduced as approved by the County Engineer. Additional utility easements may be required by PBC when, in the opinion of the County Engineer, such easements are necessary for continuity of utility service between subdivisions or other development and where necessary for maintenance and service. Utility easements and drainage easements shall not be combined. Where crossings occur, drainage easements shall take precedent. Easements shall be coordinated with requisite utility authorities and shall be provided as prescribed by this Article for the installation of underground utilities or relocating existing facilities in conformance with the respective utility authority's rules and regulations. [Ord. 2013-001]

C. Exceptions to Underground Installation

1. Applicability

This Section shall apply to all cables, conduits, or wires forming parts of an electrical distribution or communications system, including service lines to individual properties and main distribution feeder electrical lines delivering power to local distribution systems. This Section shall not apply to wires, conduits, or associated and supporting structures whose exclusive function is to transmit or distribute electricity between subdivisions, generating stations, substations and transmission lines of other utility systems, or perimeter lines located adjacent to a subdivision.

2. Standard Exception for Appurtenant, on-the-Ground Facilities

Appurtenances such as transformer boxes, pedestal-mounted terminal boxes, meter cabinets, service terminals, telephone splice closures, pedestal-type telephone terminals, or other similar “on-the-ground” facilities normally used with and as a part of the underground distribution system may be placed above ground, but shall be located so as not to constitute a traffic hazard.

3. Exceptions Requiring Approval of County Engineer

All other proposals for above-ground installation of utilities shall be submitted to the County Engineer at the time of the preliminary submittal. Such request shall be made in writing and noted on the construction plans. The County Engineer shall, at the time of the preliminary review, consider the request and all pertinent information, including but not limited to the construction plans, existing installations, and other information the County Engineer deems necessary. Any approval or denial pursuant to this Subsection shall be set forth in writing, which may be by separate statement to the

developer and the developer's engineer or may be part of the County Engineer's response to the preliminary review.

4. Convertibility

Any new service which, by virtue of an approved waiver granted pursuant to this Section, is allowed to be supplied by overhead utilities shall be connected to a service panel that is convertible for underground utility service at a future date.

D. Installation in Streets

After the subgrade for a street has been completed, and before any material is applied, all underground work for the water mains, sanitary sewers, storm sewers, gas mains, telephone, electrical power conduits and appurtenances, and any other utility shall be installed completely through the width of the street to the sidewalk area or provisions made so that the street will not be disturbed for utility installation. All underground improvements installed for the purpose of future service connections shall be properly capped and backfilled.

Section 8 Fire-Rescue Services

A. Required Improvement

Fire hydrants shall be provided where central water systems are provided. Fire hydrants shall be provided in the manner prescribed in this Section.

B. Single Family Developments of Less than Five Units per Acre

Fire hydrants shall be spaced no greater than 600 feet apart and not more than 300 feet to the center of any lot in the subdivision and shall be connected to mains no less than six inches in diameter. The system shall provide capability for fire flow of at least 700 gallons per minute in addition to a maximum day requirement at pressures of not less than 20 pounds per square inch. The system shall have the capability of sufficient storage or emergency pumping facilities to such an extent that the minimum fire flow will be maintained for at least four hours or the current recommendations of the Insurance Services Office, whichever is greater.

C. Multifamily Developments of over Five Dwelling Units per Acre, Commercial, Institutional, Industrial, or Other High Daytime or Nighttime Population Density Developments

In these areas fire hydrants shall be spaced no greater than 500 feet apart and the remotest part of any structure shall not be more than 300 feet from the hydrant and shall be connected to mains no less than six inches in diameter. Fire flow shall be provided at flows not less than 1,200 gallons per minute in addition to a maximum day requirement at pressures of not less than 30 pounds per square inch.

D. Charges for Use

Charges made for the use of the fire hydrant or water consumed therefrom when a fire protection authority uses the fire hydrant in the performance of its official duty shall be as regulated by the Public Service Commission.

Section 9 Subdivision Design and Survey Requirements

A. Maximum Length of Blocks

Block lengths shall not exceed 1,320 feet between intersecting streets. Provided, however, that greater lengths may be approved by the County Engineer on an individual basis after considering such factors such as but not limited to, lot size, the ADT, number of through streets, street layout, emergency vehicle accommodations, and other engineering considerations, in accordance with acceptable engineering practices. [Ord. 2014-025] [Ord. 2018-018]

B. Lots

All lots shall have the area, frontage, width, and depth required by this Code or applicable Zoning approval for the prevailing or approved use zone wherein said lots are located.

1. Existing Structures

When a subdivision is proposed upon land with existing structures that are proposed to be retained, lots are to be designed so as not to cause said existing structures to become non-conforming.

2. Lots Abutting Major Streets

a. Residential

When lots are platted abutting a Major Street or Non-Plan Collector Street, access shall be provided by and limited to Local Streets or Residential Access Streets. No access from individual lots shall be permitted directly to a Major Street. [Ord. 2018-018]

b. Non-Residential

When lots are subdivided abutting a Major Street, no access from individual lots shall be permitted directly to a Major Street. This does not apply to lots in the Planned Development zoning district that have multiple uses sharing common access drives to Major Streets. [Ord. 2018-018]

3. Through Lots with Street Frontage on Two or More Sides

Multiple-frontage lots or through lots shall be avoided except where essential to provide separation of residential development from Major Streets or to overcome specific disadvantages of topography or orientation. [Ord. 2018-018]

C. Minimum Safe Sight Distance and Corner Clips at Intersections

Street lines at the intersection of two streets shall be connected by a diagonal line in accordance with current PBC Standards for corner clips. Corner lots shall be designed to facilitate a safe intersection with respect to minimum stopping and turning sight distances in accordance with criteria prescribed in the most recent edition of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. A restriction shall be placed on the plat prohibiting structures or landscaping over 30 inches high within any additional safe sight area required to be established over an individual lot in order to accommodate unusual conditions in the design of the lot or alignment of adjacent streets, said height being measured from the street crown elevation at the intersection.

D. Survey Requirements

1. Permanent Reference Monuments (P.R.M.s)

Where monuments occur within street pavement areas, they shall be installed in a typical water valve cover as prescribed in the current PBC Standards.

2. Permanent Control Points (P.C.P.s) and Monuments

Permanent control points and monuments according to F.S. § 177.091(9), shall be installed as follows.

a. Installation Prior to Plat Recordation

Where required improvements are constructed prior to recordation, the permanent control points and monuments shall be set prior to submission of the Final Plat and certified by the Surveyor and Mapper in accordance with Art. 11.D.1.B.15.c, Certification of Surveyor and Mapper. [Ord. 2010-022]

b. Installation after Plat Recordation

Where required improvements are constructed after recordation, the permanent control points shall be set under the guarantees as required by Art. 11.E.9, Subdivision Design and Survey Requirements. In such case, the Surveyor and Mapper's certificate shall comply with Art. 11.D.1.B.15, Certification and Approvals. The signing Surveyor and Mapper shall provide the County Engineer with a copy of the recorded certification required by Art. 11.D.1.B.7.f, as to his placement of the permanent control points and monuments. [Ord. 2010-022]

CHAPTER F VARIANCES

Section 1 Variances

A Variance from the literal or strict enforcement of the provisions of this Article may be granted in accordance with the provisions set forth in Art. 2, Application Processes and Procedures. [Ord. 2011-001]

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2010-022; September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2011-016; September 6, 2011] [Ord. 2012-003; February 1, 2012] [Ord. 2013-001; January 31, 2013] [Ord. 2014-025; September 3, 2014] [Ord. 2015-006; February 3, 2015] [Ord. 2015-031; September 3, 2015] [Ord. 2017-007; March 2, 2017] [Ord. 2018-018; August 29, 2018] [Ord. 2019-034; August 27, 2019] [Ord. 2020-001; January 28, 2020] [Ord. 2020-007; June 10, 2020] [Ord. 2022-018; July 29, 2022] [Ord. 2022-019; July 29, 2022]

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TRAFFIC PERFORMANCE STANDARDS

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ARTICLE 12

TRAFFIC PERFORMANCE STANDARDS

CHAPTER A GENERAL

Section 1 Intent and Authority

A. Intent

The BCC finds that safe, convenient, and orderly flow of vehicular traffic is necessary for the health, safety, welfare, and convenience of the public. It is the intent of this Article to ensure that roadways are in place and adequate to provide a Level of Service (LOS) that will provide safe, convenient, and orderly traffic flow.

It is the intent of this Article to implement the Goals, Objectives, Policies, and standards of the Plan by amending and readopting the TPS Ordinance No. 90-40.

The BCC finds that the safe, convenient, and orderly flow of traffic will be achieved by the standards set forth herein.

Nothing in this Article shall preclude the BCC or other authority with the responsibility of issuing Development Orders from considering traffic, roadway, or Project conditions not specifically required by this Article or which are peculiar to the location, size, configuration, use, or relationship to the area of the proposed Project or the proposed Project itself; and to impose conditions necessary to serve the public interest.

B. Authority

The BCC has the authority to adopt this Article pursuant to Art. VIII, § 1(g), Fla. Const. and to Art. VIII, § 1, Fla. Const., the PBC Charter, F.S. § 125.01 *et seq.*, F.S. § 163.3161, and F.S. § 163.3202 *et seq.*

Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

A. Other Definitions

1. For purposes of this Article, except as specifically provided herein or unless the context clearly indicates otherwise, the terms defined in the Code of PBC, Florida, and the Plan shall have the meaning therein. In the event of a conflict between the Code and the Plan, the Plan shall prevail. The capitalization of defined terms herein is for the reader's convenience only. Failure to capitalize shall not be construed as an intent not to use the term in its defined meaning.

Section 3 Applicability

A. General

1. Unless otherwise provided herein, this Article shall apply to all Site Specific Development Orders or any other official action of a Local Government having the effect of permitting the Development of land.
2. **Applicability to Incorporated Areas**
   The PBC Charter provides authorization to the BCC to adopt this Article for roads which are “not the responsibility of any municipality.” The Major Thoroughfare system identified in the Plan includes some roads which are the responsibility of a Municipality. The Charter precludes the applicability of this Article to roads that, while being on the Major Thoroughfare system, are the responsibility of a Municipality. Accordingly, in the case of setting the LOS, this Article shall not apply so as to restrict the issuance of Development Orders adding traffic to roads which are the responsibility of a Municipality.

B. Credits Against Project Traffic

This Section establishes a method for calculating credits against Project Traffic that may apply when seeking to amend a Previously Approved Development Order, or when applying for a Site Specific Development Order on property, which has an existing use. The burden shall be on the Applicant to demonstrate the eligibility and the amount of credit for a proposed Project. [Ord. 2011-016]

1. Any proposed amendment to a Previously Approved Development Order shall receive a credit for Project Traffic subject to the provisions of this Section. The credit shall be calculated by applying current Trip Generation rates and pass-by rates to the land use or uses previously approved by the Site Specific Development Order. The credit shall be adjusted as necessary to account for changes in traffic distribution resulting from modifications to the Previously Approved Development Order. The credit shall be reduced as applicable based on any subsequent reduction of square footage or number of units built pursuant to Master Plan or Site Plan amendment, and in accordance with any subsequent amendment to applicable Municipal rules, policies, or land development regulations.
2. Any application for a Site Specific Development Order on property on which there is an existing use shall receive a credit against Project Traffic subject to the provisions of this Section. The credit shall be calculated by applying current Trip Generation rates and pass-by rates that would be generated by the most recent existing use at the time of application. The credit shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed Project. A proposed Project shall not be eligible for an existing use credit if the structure or land on the property has been discontinued or abandoned for more than five years prior to the time of application.
3. A Project shall be eligible for a 100 percent credit against Project Traffic if the Previously Captured non-residential Project has received CO for interior tenant improvements for at least 80 percent of the gross leasable area for more than five years or the Previously Captured residential Project has received Building Permits for 80 percent of the units as set forth in the Master Plan or Site Plan as applicable. [Ord. 2007-013] [Ord. 2011-016]
4. An Urban Redevelopment Project located within a defined and mapped Existing Urban Service Area shall not be subject to the standards of Art. 12.B, Standard of this Article, for up to 110 percent of the traffic generation of the previously existing Development. The credit shall be calculated by applying current Trip Generation rates and pass-by rates that would be generated by the most recent existing use at the time of application. The credit shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed Project. A proposed Project shall not be eligible for an existing use credit if the structure or land on the property has been discontinued or abandoned for more than five years prior to the time of application. [Ord. 2007-013]

C. Non-Applicability

1. Local Government Applications

The Standards of this Section shall not apply to Local Government-initiated district boundary changes as part of an area-wide review and district boundary-change program, or any district boundary changes to conform with the Local Government Plan which does not authorize Development.

2. Development Order Time Limit Criteria

This Section shall not apply to PBC-initiated petitions to lower density/intensity under Development Order Time Limit Criteria in Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, of the Code. Nothing herein shall preclude the review of approvals under Development Order Time Limit Criteria, for consistency with this Section.

3. Entitlement

The Standards of this Section shall not apply to Site Specific Development Orders not exceeding Entitlement Densities/Intensities established in the Plan or Art. 12.E, Entitlement.

4. Special Events

The Standards of this Section shall not apply to Site Specific Development Orders issued for special events as described below:

a. For purposes of this Section, a special event is an activity which does not exceed three consecutive weeks a year, occurs no more frequently than once a year, and is open to the general public. It includes auto races, Fourth of July activities, parades, and festivals. It does not include recurring events such as baseball games, football games, concerts, races, and the like held in stadiums, amphitheaters, or other permanent facilities even if such facilities are used for special events. Each special event shall constitute a separate special event for purposes of calculating the number of weeks of the event. If the Plan is amended to provide more stringent provisions as to this exception, the Plan shall control.
b. For the purposes of this Section, a special part-time demand event is a Development that does not have more than 200 scheduled events during any calendar year and does not put traffic on the roadway system during the 100 highest traffic hours.
    1) The 100 highest traffic hours for the area of the special part-time demand shall be determined by the County Engineer based on information from permanent count stations.

2) The Development shall not be permitted if the daily traffic generated during a scheduled event has an impact that exceeds five percent of the LOS D standard volume on a roadway on the Florida Intrastate Highway System.
3) The Development shall be restricted to areas identified as Urban Infill, Urban Redevelopment, Existing Urban Service, or Downtown Revitalization areas in the Local Government's comprehensive plan.
4) A traffic report shall be prepared that identifies the Trip Generation of the Development, the modal split (if any), the location of the Development, and the month and time of day of scheduled events. The Development Order for the Development shall include monitoring and enforcement provisions restricting the Development to the number and timing of the events.

5. Subsequent or Amendments to Development Orders

a. Subsequent Implementing Development Orders

The standards of this Article shall not apply to Site Specific Development Orders which are subsequent implementing Development Orders to Previously Approved Site Specific Development Orders which were captured by this Article or the Palm Beach County Traffic Performance Standards Municipal Implementation Ordinance (Ordinance No. 90-6), but which are required by Local Government as part of the Development approved under the captured or Previously Approved Site Specific Development Order. Examples of these subsequent implementing Site Specific Development Orders are Subdivision approvals and Building Permits issued in a planned unit development (PUD) where the PUD is a Previous Approval or met the requirements of this Article (either directly or through the Palm Beach County Traffic Performance Standards Municipal Implementation Ordinance).

b. Amendments to Previously Captured Approvals

Amendments to Site Specific Development Orders which were captured by this Article or the Palm Beach County Traffic Performance Standards Municipal Implementation Ordinance (Ordinance No. 90-6) which do not increase the captured Site Specific Development Order's Net Trips or Net Peak Hour Trips on any Link or Major Intersection (including increases resulting from redistribution) shall not be subject to the standards of this Article. For purposes of this determination, the generation rates and capture rates of the captured Site Specific Development Order shall be updated to current generation and capture rates, if applicable, and shall be used to calculate whether there is any increase. If there is an increase, Net Trips shall be subject to the standards of this Article. In making this determination, all parcels or lots in their entirety taken together of any Previously Captured Approval shall be considered if it was approved as a single Project. [Ord. 2010-022]

6. Vested Rights

Notwithstanding the provisions of this Article to the contrary, the requirements of this Article shall not apply in any manner to impair vested rights established pursuant to Florida law, to the extent that any Project, or portion thereof, is vested as against the requirements of this Article.

7. Exceptions

The standards of this Article shall not apply to Site Specific Development Orders for the Coastal Residential use as set forth in Art. 12.I, Coastal Residential Exception and the special events, as set forth in Art. 12.A.3.C.4, Special Events. [Ord. 2011-016]

8. Requirements

The exceptions to the standards of this Article (LOS standards) do not obviate the requirement to report the Site Specific Development Order, or provide the Traffic Impact Study (where required), to the County Engineer.

D. Municipal Determination of Previous Approval

1. Validity

Only Valid Site Specific Development Orders which meet the definition of Previous Approval shall be considered valid Previous Approvals.

2. Procedures

The Municipality shall establish procedures for determining what Previous Approvals have been granted. The procedures shall be at the sole discretion of the Municipality. The Municipality shall send its determination as to each Previous Approval to the Traffic Division of the County Engineer within 15 days of its determination.

3. Timing

The County Engineer shall have ten working days, exclusive of tolled days, from the receipt of the determination of the Municipality to review and determine if additional information is required.

4. Additional Information

If the County Engineer requests additional information, he shall have 30 days, exclusive of tolled days, from the receipt of the additional information to notify the Property Owner and Municipality as to, and file, an action for judicial review.

5. Period to File

The Municipality's determination shall not be effective, and the period to file an action shall not commence, until either: (1) the County Engineer has not requested additional information within the ten-day period; or (2) if additional information is requested, the County Engineer has received all additional information requested.

6. Delivery

The documents sent pursuant to Art. 12.A.3.D.2, Procedures and Art. 12.A.3.D.4, Additional Information, shall be sent certified mail, return receipt requested, or hand delivered.

7. Appeals

The appeal or review shall be to a court of competent jurisdiction and may be filed by any substantially affected person, including any Local Government.

8. Limitation on PBC's Review/Appeal

a. The timeframes set forth in Art. 12.A.3.D.3, Timing, and Art. 12.A.3.D.4, Additional Information, above as to PBC are jurisdictional. Any failure on the part of PBC to timely send the notification shall result in the Municipality's determination being conclusive and binding.

b. Clerical errors in long-standing otherwise Valid Site Specific Development Orders on which Development commenced prior to February 1, 1990, shall not be grounds for appeal or review.

c. Any Municipal determination that there is a Previous Approval on a lot upon which building construction or infrastructure improvements have been made within the last three years which are consistent with the Development Order considered to be the Previous Approval shall not be appealed by PBC.

d. Any Municipal determination that a Valid Site Specific Development Order (as determined by PBC) issued prior to February 1, 1990, and within three years prior to February 1, 1990, is a Previous Approval and shall not be appealed by PBC.

9. Completion of Previous Approvals

The Municipality shall complete its review and determination of all properties within its jurisdiction as to Previous Approvals by July 1, 1991.

E. Municipal Concurrency Management System

A Municipality may, with the consent of PBC, enter into an intergovernmental agreement with PBC whereby the Municipality, by a concurrency management ordinance, implements the standards and requirements of this Article at different points in the land development approval process than those set forth in this Article. The agreement and ordinance shall ensure that all Development is subject to the standards and requirements of this Article, and that data is forwarded to PBC for capacity management and review consistent with this Article.

CHAPTER B STANDARD

Section 1 General

There is hereby established a TPS for all Major Thoroughfares within PBC. Except as specifically provided in this Article, no Site Specific Development Order shall be issued for a proposed Project which would violate this standard. This standard consists of two tests. The first test relates to the Buildout Period of the Project and requires that the Project not add traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Buildout Period. The second test relates to the evaluation of traffic five years in the future and requires that the Project not add traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Five-Year Analysis Period. Total Traffic for Test 2 is based in part upon Background Traffic information from the TPS Database. Where a CRALLS has been adopted, those volumes shall apply. Where a CRALLS service volume has been adopted for one or more of the Links that constitute the legs of the intersection, the allowable service volume for the intersection shall be calculated as follows: allowable CRALLS intersection volume = [sum of CRALLS Link volume(s) or Link LOS D volumes (for those Links without CRALLS), whichever is applicable, for all legs of intersection / (sum of Link LOS D volume(s) for all legs of intersection)] x 1,400. For Test 2 purposes, LOS E volumes and a 1,500 critical sum shall be used in the preceding formula for determination of the allowable CRALLS intersection volumes. [Ord. 2006-043] [Ord. 2007-013] [Ord. 2009-040]

Section 2 Project Buildout/Five-Year Standard

A. Buildout Test – Test 1, Part One and Two

No Project shall be approved for Site Specific Development Order unless it can be shown to satisfy the requirement of Parts One and Two of Test 1 as outlined below. [Ord. 2009-040]

1. Part One – Intersections

This Part requires analysis of Major Intersections, within or beyond the Radius of Development Influence, where a Project's traffic is Significant on a Link within the Radius of Development Influence. For purposes of this Part One, Major Intersections also includes intersections of a Major Thoroughfare and a non-thoroughfare road or other point of access where: (1) the intersection is signalized or where projected traffic volumes warrant a signal; and (2) the non-thoroughfare approach is projected to carry at least 200 two-way peak hour trips; and (3) the non-thoroughfare approach represents 20 percent or more of the intersection critical sum volume. [Ord. 2005-002]

a. The following Major Intersections shall be analyzed: [Ord. 2007-013]
   1) The Major Intersections in each direction nearest to the point at which the Project's traffic enters each Project Accessed Link, and where the Project Traffic entering or exiting the intersection from/to the Project Accessed Link is Significant. The intersections analyzed shall not exceed two intersections per Project Accessed Link. [Ord. 2007-013] [Ord. 2011-016]
   2) For the Projects on Southern Boulevard, the Urban Interchange(s) when it is the nearest Major Intersection to the point at which the Project's traffic enters the Project Accessed Link and when the Project Traffic entering and exiting the intersection is Significant. For purposes of determining Significance of the traffic entering and exiting the interchange, the traffic entering and exiting the ramps shall be considered against a directional ramp LOS D service volume of 2,100 vehicles per hour per lane. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2014-025]
   3) All Major Intersections where the Project Traffic comprises ten percent or more of the Total Traffic on at least one approach. [Ord. 2005-002] [Ord. 2007-013]

b. For signalized intersections that are not part of the SIS, SIS Connectors, FIHS, TRIP Funded Facilities, or grade-separated interchanges, analyze the Major Intersections using the Highway Capacity Manual (HCM) 1985 planning methodology (CMA). In the event that one or more intersections exceed the Critical Volume threshold identified in Table 12.B.2.C, LOS D Intersection Thresholds, are grade-separated interchanges, or the intersections are part of the SIS, SIS Connectors, FIHS, or TRIP Funded Facilities, the Applicant shall conduct the intersection analysis of those intersections using the HCM operational analysis using the most recent version of the HCM. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2011-016]
   1) The HCM CMA and operational analysis shall comply with the default input values published by the County Engineer no more frequently than twice per year. Revisions to the input values may be made subject to approval by the County Engineer to reflect actual or projected field conditions where substantial differences from the published values can be demonstrated. [Ord. 2009-040]

2) If the intersection average total delay or the Critical Volume is at or below the thresholds identified in Table 12.B.2.C, LOS D Intersection Thresholds, the Project passes Part One of Test 1 and continues with the Part Two, Link analysis. If the intersection average total delay or the Critical Volume exceeds the thresholds identified in Table 12.B.2.C, LOS D Intersection Thresholds, the Project fails Part One of Test 1. [Ord. 2007-013] [Ord. 2009-040]

c. For unsignalized Major Intersections, the intersections shall be analyzed using the most recent version of the HCM unsignalized intersection analysis and all minor movements of Rank 2 or higher shall operate at LOS E or better. In addition, a signal warrant analysis with Total Traffic for the intersection may be required by the County Engineer. [Ord. 2009-040]

1) If a minor movement is not projected to operate at LOS E or better, then the Applicant may make intersection improvements in accordance with applicable Palm Beach County or FDOT Design Standards to satisfy the LOS standard. If these improvements require signalization of the intersection and if signalization is expected to be warranted at any time up to 24 months after the Project's final Certificate of Occupancy, then the Project may also be required to fund signalization. If, with these improvements, all minor movements of Rank 2 or higher will operate at LOS E or better, the Project passes Part One of Test 1. [Ord. 2009-040]

2) If no geometric intersection improvements are determined to be feasible by the County Engineer, then the Applicant shall agree to fund signalization of the intersection if warranted at any time up to 24 months after the Project's final Certificate of Occupancy. If the Applicant is not willing to agree to fund signalization of the intersection if warranted, the Project fails Part One of Test 1. [Ord. 2009-040]

2. Part Two – Links

a. This Part requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is Significant on a Link within the Radius of Development Influence. The Total Traffic in the peak hour on the Link shall be compared to applicable thresholds in Table 12.B.2.C, LOS D Link Service Volumes, Peak Hour Traffic; Peak Direction volume threshold. The applicable facility class for each Link shall be determined on the basis of the number of traffic signals per mile anticipated by the County Engineer to be in place by the buildout timeframe of the proposed Project being evaluated. Additionally, for all Links where the Total Traffic peak hour directional volumes exceed the applicable threshold and for all Links where the uninterrupted flow service volume has been utilized, the Major Intersections on each end of the Link shall be analyzed. If the Link is on Southern Boulevard, the at-grade intersection created by an Urban Interchange shall not be considered the intersection at the end of the Link since the intersection is actually not on Southern Boulevard. The Project shall include the next intersection with Southern Boulevard for analysis and compliance. [Ord. 2010-022]

The Project shall pass Part Two of Test 1 if: [Ord. 2010-022]

1) The Total Traffic peak hour directional volume on the Link is less than the applicable thresholds in Table 12.B.2.C, LOS D Link Service Volumes; and [Ord. 2007-013] [Ord. 2010-022]

2) For Links utilizing the uninterrupted flow service volume, the intersections are below the 1,400 Critical Volume or below the Delay Threshold in Table 12.B.2.C, LOS D Intersection Thresholds. [Ord. 2010-022]

For Links not utilizing the uninterrupted flow service volumes: where the Total Traffic peak hour directional volumes exceed the applicable threshold, where the Buildout Period is five years or fewer, and where the intersections at the end of the failing Link are less than or equal to the 1,400 Critical Volume or less than or equal to the Delay Threshold in Table 12.B.2.C, LOS D Intersection Thresholds a more detailed analysis as outlined in the Optional Analysis may be completed to demonstrate compliance with Part Two. [Ord. 2010-022]

For Links not utilizing the uninterrupted flow service volumes: where the Total Traffic peak hour directional volumes exceed the applicable threshold and where the Buildout Period is greater than five years or where the intersections at the end of the failing Link are greater than the 1,400 Critical Volume or greater than the Delay Threshold in Table 12.B.2.C, LOS D Intersection Thresholds, the Project fails Part Two of Test 1. [Ord. 2010-022]

For Links utilizing the uninterrupted flow service volumes: where the Total Traffic peak hour directional volumes exceed the applicable threshold, the Project fails Part Two of Test 1. [Ord. 2005-002] [Ord. 2007-013] [Ord. 2010-022]

b. Optional Analysis

The HCM arterial analysis operational methodology shall be conducted. For these Links, the Project shall demonstrate that the Total Traffic peak hour directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS D as defined in Table 12.B.2.C, LOS D Speed Thresholds. If the speed is equal to or higher than the LOS D speed threshold, then the Project shall pass Part Two of Test 1. If the speed is lower than the LOS D speed threshold, then the Project fails Part Two of Test 1. [Ord. 2005-002] [Ord. 2007-013] [Ord. 2010-022]

c. The Applicant may make Link or intersection improvements in accordance with published Palm Beach County or Florida Department of Transportation Design and Traffic Engineering Standards, as applicable, in order to satisfy Part Two of Test 1. [Ord. 2010-022]

B. Five-Year Analysis – Test 2

No Project shall be approved for a Site Specific Development Order unless it can be shown to satisfy the requirements of Test 2. This test requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is Significant on a Link within the Radius of Development Influence. This analysis shall address the Total Traffic anticipated to be in place at the end of the fifth year of the Florida Department of Transportation five-year Transportation Improvement Program in effect at the time of traffic analysis submittal. The existing road network and State and County Five-Year Road Program improvements with construction scheduled to commence before the end of the Five-Year Analysis Period shall be the Test 2 Road Network assumed in the analysis. [Ord. 2006-043] [Ord. 2010-022]

1. The Total Traffic peak hour directional volumes shall be compared to the applicable thresholds in Table 12.B.2.C, LOS E Link Service Volumes. The applicable facility class for each Link shall be determined on the basis of the number of traffic signals per mile anticipated to be in place at the five-year analysis timeframe. Additionally, for all Links where the Total Traffic peak hour directional volumes exceed the applicable threshold and for all Links where the uninterrupted flow service volume has been utilized, the Major Intersections on each end of the Link shall be analyzed. If the Link is on Southern Boulevard, the at-grade intersection created by an Urban Interchange shall not be considered the intersection at the end of the Link since the intersection is actually not on Southern Boulevard. The Project shall include the next intersection with Southern Boulevard for analysis and compliance. The Project shall pass Test 2 if: [Ord. 2006-043] [Ord. 2007-013] [Ord. 2010-022]
   a. The Total Traffic peak hour directional volume on the Link is less than the applicable thresholds in Table 12.B.2.C, LOS E Link Service Volumes; and [Ord. 2006-043] [Ord. 2010-022]
   b. For Links utilizing the uninterrupted flow service volume, the intersections are below the 1,500 Critical Volume or below the Delay Threshold in Table 12.B.2.C, LOS E Intersection Thresholds. [Ord. 2010-022]

      For Links not utilizing the uninterrupted flow service volumes, where the Total Traffic peak hour directional volumes exceed the applicable threshold but the intersections at the end of the failing Link are below the 1,500 Critical Volume or below the Delay Threshold in Table 12.B.2.C, LOS E Intersection Thresholds a more detailed analysis as outlined in the Optional Analysis may be completed to demonstrate compliance with Test 2. Otherwise, the Project fails Test 2. [Ord. 2010-022]

2. Optional Analysis

The HCM arterial analysis operational methodology shall be conducted. For these Links, the Project shall demonstrate that the Total Traffic peak hour directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS E as defined in Table 12.B.2.C, LOS E Speed Thresholds. If the speed is lower than LOS E, then the Project fails Test 2. If the speed is equal to or higher than the LOS E speed threshold, then the Project shall pass Test 2. [Ord. 2006-043] [Ord. 2007-013] [Ord. 2010-022]

3. The Applicant may make Link or intersection improvements in accordance with published Palm Beach County or Florida Department of Transportation Design and Traffic Engineering Standards, as applicable, in order to satisfy Test 2. [Ord. 2010-022]

C. Level of Service Standard

1. The LOS D standard service volumes as to Average Daily Traffic, Peak Hour Traffic two-way, and Peak Season, Peak Direction (Test 1 for Links) are set forth in Table 12.B.2.C, LOS D Link Service Volumes. The LOS D thresholds relative to intersections are set forth in Table 12.B.2.C, LOS D Intersection Thresholds. The LOS D threshold associated with the HCM arterial analysis in terms of speed is provided in Table 12.B.2.C, LOS D Speed Thresholds.

2. The LOS E standard service volumes for Average Daily Traffic, Peak Hour Traffic two-way, and Peak Season, Peak Direction (Test 2 for Links) are set forth in Table 12.B.2.C, LOS E Link Service Volumes. The LOS E thresholds relative to intersections are set forth in Table 12.B.2.C, LOS E Intersection Thresholds. The LOS E thresholds associated with the HCM arterial analysis in terms of speed are provided in Table 12.B.2.C, LOS E Speed Thresholds. [Ord. 2006-043]
3. For roads on the SIS, SIS Connectors, FIHS, and TRIP Funded Facilities, the LOS standard shall be LOS D in Urban Areas, LOS C in Transitioning Urban Areas, Urban Areas, or Communities; and LOS B in Rural Areas as adopted by the FDOT. This standard must be met for roadways on a peak hour peak direction basis, in accordance with the methodologies specified in FDOT Chapter 14-94, F.A.C. [Ord. 2007-013]
4. A different service volume may be adopted for a specific road or intersection as part of the Plan as a CRALLS. A required roadway improvement that is the subject of a Development Order condition may not be necessary due to the adoption of a CRALLS. An Applicant with a Project that has a Development Order condition for a roadway improvement or is phased to the unnecessary roadway improvement may request the appropriate governing body to remove the applicable roadway phasing condition. The application may be approved provided that the Concurrency Reservation (for Unincorporated Projects) or determination of the County Engineer (for Municipal Projects) has been amended to delete the applicable roadway phasing condition. If a Project has relied upon a CRALLS volume on a roadway and/or intersection to meet the standard, the subsequent Subdivision of that Project into separate lots shall still require all parcels or lots in their entirety taken together of that Subdivision to be addressed against the standard and any required CRALLS mitigation for the overall Project to be completed by the developers of the separate lots. [Ord. 2010-022]

Table 12.B.2.C – LOS D Link Service Volumes

Facility Type		ADT	Peak Hour Two-Way	Peak Hour Peak Direction		
				Class I	Class II	Uninterrupted Flow
2 Lanes Undivided (2)	2L	15,200	1,480	880	810	1,140
2 Lanes One-Way	2LO	19,900		2,350	2,120	
3 Lanes Two-Way	3L	15,200	1,480	880	810	
3 Lanes One-Way	3LO	30,200		3,530	3,220	
4 Lanes Undivided (2)	4L	31,500	3,060	1,860	1,680	3,150
4 Lanes Divided	4LD	33,200	3,220	1,960	1,770	3,320
5 Lanes Two-Way	5L	33,200	3,220	1,960	1,770	
6 Lanes Divided	6LD	50,300	4,880	2,940	2,680	4,980
8 Lanes Divided	8LD	67,300	6,530	3,940	3,590	
4 Lanes Expressway	4LX	73,600	6,770	3,720		
6 Lanes Expressway	6LX	110,300	10,150	5,580		
8 Lanes Expressway	8LX	146,500	13,480	7,420		
10 Lanes Expressway	10LX	184,000	16,930	9,320		

[Ord. 2005-002] [Ord. 2007-013] [Ord. 2010-022]

Notes:

1. Based on the 2009 FDOT Quality/Level of Service Handbook.
2. Service volumes for "undivided" roadways assume exclusive left-turn lanes are provided at signalized intersections. If there are no left-turn lanes, reduce these values by 20 percent.

Table 12.B.2.C – LOS D Intersection Thresholds

LOS	Critical Movement	HCM Operational Analysis
D	1,400	Greater than 35.0 to 55.0 seconds of delay

Notes:

1. The delay identifies seconds of delay greater than 35.0 and less than or equal to 55.0.

Table 12.B.2.C – LOS D Speed Thresholds

Urban Street Class	I	II	III
Range of Free Flow Speeds (FFS)	55 to 45 miles per hour	45 to 35 miles per hour	35 to 30 miles per hour
Typical FFS	50 miles per hour	40 miles per hour	35 miles per hour
LOS	Average Travel Speed (Miles per Hour)		
D	Greater than 21 to 27	Greater than 17 to 22	Greater than 14 to 18

Notes:

1. Speed values refer to a "range" of values that will achieve LOS D. For example speeds greater than 21 but less than or equal to 27 miles per hour will all be LOS D for a Class I roadway.

Table 12.B.2.C – LOS E Link Service Volumes

Facility Type		ADT	Peak Hour Two-Way	Peak Hour Peak Direction		
				Class I	Class II	Uninterrupted Flow
2 Lanes Undivided (2)	2L	16,200	1,570	880	860	1,440
2 Lanes One-Way	2LO	21,100		2,350	2,240	
3 Lanes Two-Way	3L	16,200	1,570	880	860	
3 Lanes One-Way	3LO	31,900		3,530	3,400	
4 Lanes Undivided (2)	4L	33,300	3,230	1,860	1,780	3,570
4 Lanes Divided	4LD	35,100	3,400	1,960	1,870	3,760
5 Lanes Two-Way	5L	35,100	3,400	1,960	1,870	
6 Lanes Divided	6LD	53,100	5,150	2,940	2,830	5,650
8 Lanes Divided	8LD	70,900	6,880	3,940	3,780	
4 Lanes Expressway	4LX	79,400	7,300	4,020		
6 Lanes Expressway	6LX	122,700	11,290	6,200		
8 Lanes Expressway	8LX	166,000	15,270	8,400		
10 Lanes Expressway	10LX	209,200	19,250	10,580		

[Ord. 2005-002] [Ord. 2007-013] [Ord. 2010-022]

Notes:

1. Based on the 2009 FDOT Quality/Level of Service Handbook.
2. Service volumes for "undivided" roadways assume exclusive left-turn lanes are provided at signalized intersections. If there are no left-turn lanes, reduce these values by 20 percent.

Table 12.B.2.C – LOS E Intersection Thresholds

LOS	Critical Movement	HCM Operational Analysis
E	1,500	Greater than 55.0 to 80.0 seconds of delay

Notes:

1. The delay identifies seconds of delay greater than 55.0 and less than or equal to 80.0.

Table 12.B.2.C – LOS E Speed Thresholds

Urban Street Class	I	II	III
Range of Free Flow Speeds (FFS)	55 to 45 miles per hour	45 to 35 miles per hour	35 to 30 miles per hour
Typical FFS	50 miles per hour	40 miles per hour	35 miles per hour
LOS	Average Travel Speed (Miles per Hour)		
E	Greater than 16 to 21	Greater than 13 to 17	Greater than 10 to 14

Notes:

1. Speed values refer to a "range" of values that will achieve LOS E. For example speeds greater than 16 but less than or equal to 21 miles per hour will all be LOS E for a Class I roadway.

D. Radius of Development Influence/Project Significance

Table 12.B.2.D, Radius of Development Influence represents the Radius of Development Influence for the specific volume of the proposed Project's Net Trips. [Ord. 2006-043] [Ord. 2007-013]

Table 12.B.2.D – Radius of Development Influence

Net External Peak Hour		Two-Way Trip Generation	Radius
1	**through**	**20**	Directly accessed Link(s)
21	**through**	**50**	0.5 miles
51	**through**	**100**	1 mile
101	**through**	**500**	2 miles
501	**through**	**1,000**	3 miles
1,001	**through**	**2,000**	4 miles
2,001	**and**	**Up**	5 miles
[Ord. 2005-002] [Ord. 2006-043] [Ord. 2007-013] [Ord. 2010-022]			

Table 12.B.2.D – Test 1 Levels of Significance

Facility	All Links (except I-95 and the Turnpike)	I-95 and the Turnpike
Significance Level	1 percent LOS D within Radius, 5 percent LOS D outside Radius	5 percent LOS D
[Ord. 2006-043]		

Table 12.B.2.D – Test 2 Levels of Significance

Facility	All Links (except I-95 and the Turnpike)	I-95 and the Turnpike
Significance Level	3 percent LOS E within Radius, 5 percent LOS E outside Radius	5 percent LOS E
[Ord. 2006-043]		

1. For Test 1, a Project must address those Links within the Radius of Development Influence on which its Net Trips are greater than one percent of the LOS D of the Link affected on a peak hour peak direction basis AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS D of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C, LOS D Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS D of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C, LOS D Link Service Volumes. [Ord. 2006-043] [Ord. 2007-013] [Ord. 2010-022]
2. For Test 2, a Project must address those Links within the Radius of Development Influence on which its Net Trips are greater than three percent of the LOS E of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C, LOS E Link Service Volumes AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS E of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C, LOS E Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS E of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C, LOS E Link Service Volumes. [Ord. 2006-043] [Ord. 2007-013] [Ord. 2010-022]
3. Pursuant to F.S. § 163.3180(6), any Project which is below the Significance level identified in Table 12.B.2.D, Test 1 Levels of Significance on a Link within its Radius of Development Influence that has been identified as ineligible for *de minimis* exception by the Florida Department of Community Affairs (DCA) must still meet the requirements of Test 1 for that Link. This Subsection shall not apply to a Project that consists of one Single Family home on an existing lot. [Ord. 2007-013] [Ord. 2008-003] [Ord. 2020-001]

E. Phasing

Phasing may be utilized by the Applicant to establish compliance with this standard if all of the following conditions are met:

1. The proposed Project is able to comply with all the other Concurrency Requirements of the Plan in the Unincorporated Area.
2. The proposed phasing results in the proposed Project complying with the standards set forth in this Chapter.
3. The proposed phasing comports with the extent and timing of the Assured Construction.
4. The County Engineer confirms that construction is in fact Assured Construction.
5. For any Assured Construction which is to be completed by the Applicant as to the Unincorporated Area, the Applicant must agree in writing prior to approval of the Traffic Impact Study that a Condition of Approval must be imposed or an Agreement executed and sufficient Performance Security must be required; and as to the Incorporated Area either an Agreement must be executed by all parties prior to or concurrent with the issuance of the Site Specific Development Order, or the Site Specific Development Order must have as a condition the completion of the Assured Construction and timely posting of Performance Security. [Ord. 2007-013]
6. Building Permits for that portion of a Project approved with phasing which if standing alone would be the entitlement phase of the Project may be issued notwithstanding the standards in this Chapter.
7. Conditions of the Development Order are imposed or an Agreement is entered which ensure permits are restricted in accordance with the phasing.
8. Phasing shall be controlled by the non-issuance of Building Permits. Phasing may not occur by issuing Building Permits for any of the phased units or square feet and withholding the CO, inspections, or other items subsequent to the issuance of Building Permits. A Local Government may control phasing by a means prior to the issuance of Building Permits.
9. For any Project that has an approved buildout timeframe of 20 years or greater (including buildout time extensions) and is required to phase to intersection improvements more than three miles from the Project site, the Level of Service at the intersection may be reevaluated in light of existing and projected turning movement volumes from the TPS Database after the Project has received Certificates of Occupancy for Development generating more than 50 percent of its approved trips on a peak hour basis. If it is projected that the Adopted LOS can be maintained at buildout of the Project, then the Project may continue to pull Building Permits past the intersection improvement phasing threshold and the improvement no longer needs to be assured. The Project shall be required to monitor the intersection on a biennial basis until two years after the final Certificate of Occupancy to determine the need for any improvements to maintain the Adopted Level of Service. If subsequent monitoring shows that the originally-required intersection improvement or an alternative improvement is necessary to maintain the Adopted LOS at the originally-required intersection, then the phasing condition in the Project Development Order for the intersection improvement shall be administratively amended to include the new phasing threshold, after which no Building Permits may be issued until construction of the improvement has commenced. Construction of the intersection improvement shall be assured within six months of the date of the amended Project Development Order. If, however, it is a DRI with a Project Buildout of more than five years, then construction of the improvement shall be assured no less than three years prior to the date of the new phasing threshold. [Ord. 2010-022]

F. Reliance on Assured Road Construction

If a Project is approved or phased based on Assured Construction, Building Permits shall be granted for the phase or portion of the Project approved based on the Assured Construction no sooner than the award of a contract by a governmental agency for the construction of the improvement, or commencement of construction, subject to the following:

1. If intersection improvements are required to meet Test 1 and there is a scheduled road construction Project which would incorporate all or a portion of such intersection improvements, then the County Engineer, in his/her sole and exclusive discretion, may require payment for the cost of such intersection improvement provided all other requirements of the TPS have been satisfied. In that event, upon receipt of the payment, Building Permits shall be granted for a portion of the Project which is phased to such intersection improvements. The payment shall be based on a certified engineering estimate accepted by the County Engineer.
2. If the Assured Construction is in the "Palm Beach County Five Year Road Program Ordinance" as construction, or the FDOT's Adopted Work Program for construction, and was relied upon for the issuance of the Site Specific Development Order and the construction is subsequently deleted from the "Palm Beach County Five Year Road Program Ordinance," or the FDOT's Adopted Work Program, Building Permits for Development that was phased to that Assured Construction shall be issued, but not sooner than the end of the fiscal year construction was to commence. For purposes of this paragraph, "deleted" shall mean the elimination of the construction Project, the material reduction in the scope of construction work or funding thereof (as it affects the construction Project), the postponement of the construction Project for more than two years (one year for Projects approved prior to June 16, 1992) beyond the year the construction was originally programmed in PBC's Five-Year Road Program, or the FDOT's Adopted Work Program. [Ord. 2007-013]
3. **Three-Year Grace Period**

   Notwithstanding the requirements in this Subsection, a Project may receive a Building Permit if the required roadway improvements are in the first three years of PBC's Five-Year Road Program, and the Project is one of the following:

   a. located in the residential exception area per Transportation Element Policy 1.2-a;
   b. located in the Glades communities, delineated as the areas in the Urban/Suburban (U/S) Tier immediately east of Lake Okeechobee, and the areas with urban densities in the rural towns of Lake Harbor and Canal Point;
   c. located in the Revitalization and Redevelopment Overlay; or,
   d. the Project is a facility that is wholly owned and operated by State or Local Governments, or a public or private school as defined in the Introduction and Administration Element of the Plan.

G. Development of Regional Impact (DRI)

Development Orders for a DRI with a Project Buildout of more than five years may meet Test 1 based on Development Order conditions that phase Building Permits to the commencement of Assured Construction for the first five years of the Project and the construction of identified roadway Links in the 2020 Plan Network beyond the first five years of the Project. Any roadway improvement required beyond the first five years must be Assured Construction not less than three years before the date that the roadway improvement is required. No Building Permits within the DRI that are phased to a roadway improvement may be issued until the roadway improvement that the Building Permits are phased to is under construction.

Notwithstanding the provisions above, any Project which is a DRI, located east of I-95, which is phased to any single roadway Project costing in excess of 15 million dollars, may consider that roadway Project to be under construction for the purpose of issuing Building Permits if the roadway Project is in the first three years of an adopted work program. The DRI Development Order must include a condition that the roadway Project must be under construction no more than three years after the CO (or functional equivalent) for the portion of the Development that precipitated the need for the roadway Project.

CHAPTER C TRAFFIC IMPACT STUDIES

Section 1 Traffic Impact Study

A. Scope

A Traffic Impact Study shall be required for any proposed Project, except as set forth in Art. 12.D.1.C, No Study Needed. It shall be presented concisely using maps whenever practicable; and shall state all assumptions and sources of information. [Ord. 2007-013]

B. Criteria

The following criteria shall be addressed:

1. Level of Service (LOS)

The Adopted LOS for Test 1 and Test 2, as applicable, for all Major Thoroughfares within the applicable Radius of Development Influence shall be used.

2. Radii of Development Influence

The traffic study shall use the Radius of Development Influence for Test 1 and Test 2. [Ord. 2007-013]

3. Projected Buildout Period

a. Assumption

The Buildout Period of the Project shall be set forth in the Traffic Impact Study and shall be subject to the review and approval of the County Engineer, based on the following criteria: [Ord. 2007-013]

1) The size, type, and location of the proposed Project. [Ord. 2007-013]
2) Customary Buildout Periods for Projects of similar size, type, and location. [Ord. 2007-013]
3) Any other factors or conditions relevant to the specific Project, including special market conditions and schedules of Assured Construction. [Ord. 2007-013]

b. Enforcement

For enforcement purposes, the Buildout Period of the Project shall be deemed complete if any of the following is true: [Ord. 2007-013]

1) In the case of a non-residential Project, final COs have been issued for interior tenant improvements for 80 percent of the gross leasable area. [Ord. 2007-013]
2) In the case of residential Projects with: [Ord. 2007-013]
   a) a Development Order issued on or before August 27, 2007; [Ord. 2007-013]
   b) a Project Buildout Condition of Approval in the Development Order; and, [Ord. 2007-013]
   c) 80 percent or more of the total lots platted not more than four years after the expiration of the Project Buildout Condition of Approval in the Development Order, the completion of the proposed Project shall be issuance of Building Permits for 50 percent plus one of the total Project units as set forth in the Master Plan or Site Plan as applicable. [Ord. 2007-013]
3) In the case of residential Projects with: [Ord. 2007-013]
   a) a Development Order issued on or before August 27, 2007; [Ord. 2007-013]
   b) a Project Buildout Condition of Approval in the Development Order; and, [Ord. 2007-013]
   c) less than 80 percent of the total lots platted no more than four years after the expiration of the Project Buildout Condition of Approval in the Development Order, the completion of the proposed Project shall be issuance of Building Permits for 80 percent of the total Project units as set forth in the Master Plan or Site Plan as applicable. [Ord. 2007-013]
4) In the case of residential Projects with: [Ord. 2007-013]
   a) a Development Order issued on or before August 27, 2007; [Ord. 2007-013]
   b) that do not have a Project Buildout Condition of Approval in the Development Order; and, [Ord. 2007-013]
   c) that have received Building Permits for 80 percent of the total Project units as set forth in the Master Plan or Site Plan as applicable the Project shall be deemed complete for the purposes of this Section. [Ord. 2007-013]
5) In the case of residential Projects with: [Ord. 2007-013]
   a) a Development Order issued after August 27, 2007; and [Ord. 2007-013]
   b) a buildout Condition of Approval in the Development Order, the completion of the proposed Project shall be the issuance of Building Permits for 80 percent of the total Project units as set forth in the Master Plan or Site Plan as applicable. [Ord. 2007-013]

6) For the purpose of implementing the aforementioned rules: [Ord. 2007-013]
   a) residential Projects which have received Building Permits for 50 percent or less of the total Project units (as set forth in the Master Plan or Site Plan as applicable) as of the date of expiration of the buildout Condition of Approval shall not receive any additional Building Permits until such time as a time extension for the buildout Condition of Approval is approved by the County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request; [Ord. 2007-013]
   b) residential Projects which have received Building Permits for 80 percent or more of the total Project units (as set forth in the Master Plan or Site Plan as applicable) as of the date of expiration of the buildout Condition of Approval shall be considered complete; [Ord. 2007-013]
   c) residential Projects which have received Building Permits for at least 50 percent plus one, but less than 80 percent, of the total Projects units (as set forth in the Master Plan or Site Plan as applicable) as of the date of expiration of the buildout Condition of Approval shall not receive any additional Building Permits until either: [Ord. 2007-013]
      (1) 80 percent or more of the total lots have been platted no more than four years after the expiration of the Project Buildout Condition of Approval in the Development Order, in which case the Project shall be deemed complete; [Ord. 2007-013]
      (2) a time extension for the buildout Condition of Approval is approved by the County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request. [Ord. 2007-013]

4. Project Phasing

The traffic study may reflect a proposed phasing schedule for the Development of the proposed Project. This schedule shall address the time at which each phase will place traffic impacts on the Major Thoroughfares within the Radius of Development Influence and shall include the following:

a. Generation

Project Traffic figures and assignments for each proposed phase; and

b. Assured Construction

Where the evaluation of phased traffic impact includes the effect of Assured Construction, sufficient information regarding the proposed construction to ensure that the roadways realistically will be constructed at the times stated.

5. Peak Hours

Generally, the study shall address the a.m. and p.m. peak hours, total Peak Hour Traffic, unless traffic characteristics dictate that only one of the peak hours is analyzed. In some cases, the County Engineer, may still require analysis of other peak hours where indicated by accepted traffic engineering principles. The total peak hours analyzed shall not exceed two in number.

a. The afternoon peak hour between four and seven p.m. during the Peak Season shall be studied in all cases. Generally, the morning peak hour between six and nine a.m. during the Peak Season shall be also studied, unless higher volumes occur outside of the six-to-nine a.m. period at the intersection are observed. In that case other peak hours outside of the six-to-nine a.m. period during the Peak Season shall be used.
b. Each a.m. and p.m. peak hour shall be the highest sum of the volume on the approaches to the intersection. It shall be the highest sum of four continuous 15-minute periods.
c. Once the a.m. and p.m. peak hours are established, the Peak Hour Net Trips shall be assigned to the Major Intersection and Link for the peak hours studied.

6. Off-Peak to Peak Season Factors

Off-Peak to Peak Season factors shall be established by the County Engineer for various areas of PBC based upon the best available data and generally accepted traffic engineering principles. Other factors based on generally accepted traffic engineering principles shall be used to update data where newer data cannot be obtained.

7. Compliance

The analysis must demonstrate compliance with the standards contained in Test 1 and Test 2.

8. Professional Services

The traffic study shall be prepared, sealed, and signed by a qualified Professional Engineer, licensed to practice in the State of Florida and practicing traffic engineering.

9. List

A list of Municipalities within the proposed Project's Radius of Development Influence.

10. Site-Related Improvements

In addition to the Link and intersection standards and studies, all peak hour(s) turning movements (including Pass-by-Trips) shall be shown and analyzed for all points where the Project's traffic meets the Project Accessed Links and other roads where traffic control or geometric changes may be needed, as determined by the County Engineer. Recommendations shall be made concerning signalization, turn lanes, or other improvements. PBC may require such improvements in the Unincorporated Areas to ensure the safe and orderly flow of traffic.

C. Traffic Volume Components

The Traffic Impact Study shall address the Total Traffic volumes at the Project Buildout Year and the Five-Year Analysis Period as outlined for Test 1 and Test 2. [Ord. 2006-043] [Ord. 2007-013]

1. Existing Traffic (Peak Season Peak Hour Traffic)

Peak Hour Traffic, two-way and directional shall be counted by PBC during the Peak Season as defined in this Article. Where current data (collected no more than 30 months prior to submittal of the Traffic Impact Study) are not available the Project shall conduct counts or upon approval by the County Engineer may establish the Peak Hour Traffic using approved K and D Factors. [Ord. 2007-013]

a. Counts

The Applicant may provide traffic counts in accordance with accepted traffic engineering principles. Counts shall be made during any continuous two-hour period on a weekday between 6:00 a.m. and 9:00 a.m. for any a.m. counts and 4:00 p.m. and 7:00 p.m. for p.m. counts. There shall be no counts on Fridays and legal holidays, unless otherwise authorized or required by the County Engineer, in accordance with accepted traffic engineering principles. All data are subject to review and acceptance by the County Engineer based upon accepted traffic engineering principles.

b. Factors

Where a Peak Season, Off-Peak Season, or directional traffic count is not readily available, the count for the Link or Intersection may be established using factors established by the County Engineer for various areas of PBC based on the best available data and generally accepted traffic engineering principles. [Ord. 2007-013]

2. Traffic Generation

Traffic generated by the Project shall be computed in the following manner:

a. Rates

To estimate daily and peak hour trips generated from the Project, trip rates published on the PBC Traffic Engineering website shall be used. If the use in the proposed Project is not listed in the PBC Traffic Engineering website Trip Generation tables, then the latest available Trip Generation Manual published by the Institute of Transportation Engineers (ITE) shall be used. A prior consultation with the County Traffic Engineer is required before using trip rates, other than that published on the PBC Traffic Engineering website. If the Applicant feels that any other method to estimate trips would provide more realistic trip estimate for the proposed Project, prior consultation and approval from the County Engineer is required. [Ord. 2014-025]

b. Local Conditions

The County Engineer shall publish, and update from time to time, Trip Generation rates for local conditions and, if applicable, these rates shall be used instead of the ITE rates.

c. Similar Developments

Actual traffic counts which establish the generation rate at three similar Developments located in similar areas as the one proposed may be used if approved by the County Engineer in accordance with accepted traffic engineering principles. These counts shall be made for the weekdays (excluding legal holidays) as set forth in Art. 12.C.1.B.5, Peak Hours, for each site and averaged.

d. Internal Traffic

It is acknowledged that some trips generated by mixed-use Projects do not exit the Project or enter the Major Thoroughfare system. Unless approved by the County Engineer, credit against the Trip Generation of a proposed Project shall not exceed ten percent of the gross Trip Generation of the Project, not including internalization between Service Station and Convenience Store uses. Additionally, credit for any individual land use within the proposed Project shall not exceed ten percent of the gross Trip Generation for the land use, except as provided herein. Internalization between Service Station and Convenience Store uses is established at 32 percent of the gross Trip Generation of the Convenience Store use.

e. Pass-by-Trips

It is acknowledged that some trips generated by a proposed non-residential Project are from Existing Traffic passing the proposed Project and are not newly generated trips. Credit against the Trip Generation of the proposed Project may be taken for these trips as published on the PBC Traffic Engineering website Trip Generation tables or in the latest Trip Generation Handbook, published by the Institute of Transportation Engineers (ITE), or as approved by the County Engineer. The study must detail: (1) all traffic generated from the Project; and (2) the number of Pass-By-Trips subtracted from the traffic generated by the Project during the Buildout Period of the Project. Pass-by rates for uses other than those listed in the PBC Traffic Engineering website or the ITE Trip Generation Handbook, and any percentage credit proposed to be taken in excess of that mentioned in this Article, must be justified based on accepted traffic engineering principles to the satisfaction of the County Engineer as part of the required traffic study, based upon the peculiar characteristics and location of the proposed Project. Factors which should be considered in determining a different pass-by rate include type and size of land use, location with respect to service population, location with respect to competing uses, location with respect to the surrounding Major Thoroughfare system, and existing and projected traffic volumes. In no case shall the number of Pass-By-Trips exceed 25 percent of Existing Traffic plus Background Traffic on the Link, unless demonstrated otherwise to the satisfaction of the County Engineer based on generally accepted traffic engineering principles. [Ord. 2014-025]

3. Traffic Assignment

Total Traffic shall be computed, and traffic assignments of the Net Trips made, for each Link and Major Intersection within the Project's Radius of Development Influence and Test 2 Radius of Development Influence in conformity with accepted traffic engineering principles for both Test 1, and Test 2. The assignments shall address phasing and cover the Buildout Period of the Project for Test 1 and a five-year period for Test 2. [Ord. 2006-043]

4. Background Traffic

a. General

Existing Traffic volumes will likely change during the Buildout Period of the proposed Project and during the five-year Test 2 analysis period. The traffic study must account for this change in traffic based on Background Traffic during the Buildout Period of the proposed Project and five-year Test 2 analysis periods. The projection of Background Traffic shall generally be based upon the information set forth in the TPS Database, and shall be established in accordance with the requirements set forth in this Article and accepted engineering principles. It is recognized that errors and omissions may occur in the TPS Database which may need to be accounted for in a traffic study. The traffic study shall be amended to include any correction of errors or omissions in the TPS Database, so long as either the engineer preparing the traffic study or the County notifies the other party within 30 days of the initial submission of the traffic study and the error or omission should have been included in the database prior to the date of the initial submission of the traffic study. This change in traffic shall be shown as it relates to the proposed phasing. The projection of Background Traffic during the Buildout Period of the proposed Project and five-year Test 2 analysis period shall generally be based upon the TPS Database, and subject to the review and approval of the County Engineer, using the following criteria: [Ord. 2006-043] [Ord. 2011-016]

1) Historical growth shown on tables of County Engineer;
2) Characteristics of growth in the Radius of Development Influence;
3) Extent of existing, approved, and anticipated Development in the Radius of Development Influence;
4) Types and sizes of Development in the area;
5) Traffic circulation in the area;
6) Major Projects' impact;
7) New and assured road construction.

b. Historical Growth Tables

Using the Historical Traffic Growth Tables of the County Engineer, the study shall forecast the change in traffic volumes based on Background Traffic within the proposed Project's Radius of Development Influence during the Buildout Period of the proposed Project. The historical growth tables shall be based on historical daily traffic volumes. However, this change shall be applied on an average peak hour basis and a Peak Season, Peak Hours, Peak Direction basis if optional analyses are selected. The effect of residential and non-residential Projects shall be considered in projecting the increase or decrease in traffic volumes so as to ensure that there is no double counting or omission in Background Traffic. In using the historical growth tables, engineering

judgment shall be used to take into account special circumstances such as the opening of a parallel road or a high traffic generation that may distort the growth trend. For Projects with a lengthy buildout time (five years or more) an area-wide growth rate using a number of locations in the tables may be appropriate. No growth rate less than zero percent may be used without approval of the County Engineer when the growth rate is a negative. Zero percent shall be used unless approved by the County Engineer. [Ord. 2006-043] [Ord. 2007-013]

c. TPS Database

Using the TPS Database, all traffic from the unbuilt portion of Projects which have received a Concurrency Reservation prior to the County Engineer's approval of the proposed Project's traffic study which will add Significant trips to any Link within the proposed Project's Radius of Development Influence during the Buildout Period of proposed Project shall be specifically accounted for in projecting traffic for Test 1. For Major Intersections, the TPS Database shall specifically account for all Project Traffic volumes if at least one approach to the intersection has a Project Traffic volume greater than or equal to one percent of the Adopted LOS D. No double counting of trips shall occur. For Test 2, only the traffic generated from the unbuilt portions of the Projects as set forth above which are projected to be built during the Five-Year Analysis Period shall be considered. [Ord. 2005-002] [Ord. 2006-043] [Ord. 2009-040]

5. Assured Construction

Assured Construction shall be considered completed as scheduled at the time of submittal of the Traffic Impact Study for the purpose of preparation of the study. Whether it is in fact Assured Construction and the timing of the Assured Construction shall be subject to the confirmation of the County Engineer. The Traffic Impact Study shall specifically identify the need for phasing based on Assured Construction. [Ord. 2007-013]

Section 2 Conditions

The Concurrency Reservation or Site Specific Development Order shall contain such conditions as are necessary to ensure compliance with this Article. The Local Governments, including the legislative and administrative boards, the DRO, and officials, issuing Concurrency Reservations or Site Specific Development Orders are authorized to, and shall, impose such conditions. The Local Governments including the legislative and administrative boards, the DRO, and officials shall require where necessary to ensure compliance with this Section that an Agreement be executed prior to the issuance of the Site Specific Development Order. Performance Security shall be required to ensure compliance with the conditions or performance under the Agreement or Condition of Approval. The Agreement or Conditions of Approval shall be binding on the owner, its successors, assigns, and heirs; and it, or notice thereof, shall be recorded in the Official Records of the Clerk of the Circuit Court in and for PBC, Florida.

CHAPTER D PROCEDURE

Section 1 Required Submission of Impact Study

A. Application Procedure

Prior to acceptance of any application for a Site Specific Development Order in the Unincorporated Area, or issuance of a Site Specific Development Order in the Incorporated Area, a non-refundable application fee established by the BCC from time to time to defray the actual cost for processing the application, shall be submitted along with the Traffic Impact Study or documentation sufficient to establish that the application is not subject to the standards of this Article.

In order to receive a time extension pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, the Applicant shall be required to submit either: [Ord. 2007-013]

1. A new Traffic Impact Study that meets the standards of this Article in effect at the time the extension is requested; or [Ord. 2007-013]
2. Documentation sufficient to establish that the Project with the additional time provided by the extension meets the standards of this Article in effect at the time the extension is requested. [Ord. 2007-013]

B. Review by County Engineer

The County Engineer or Municipal Engineer, as applicable, shall review the information submitted pursuant to this Article and determine whether the proposed Project complies with this Article. In the Unincorporated Area the County Engineer shall coordinate with the Planning Division whether the Site Specific Development Order meets the other Concurrency Requirements of the Plan. The procedures set forth in the Adequate Public Facilities Chapter, shall control; except as to any appeals from this Article, in which

case Art. 12.F, Appeals, of this Article shall control. Nothing herein or in the Adequate Public Facilities Chapter shall preclude direct informal communication between the County Engineer and the Applicant or his Agents. In the Unincorporated Area, a statement that an application for a Site Specific Development Order is being considered shall be sent to any Municipality within the proposed Project's Radius of Development Influence 30 days prior to the issuance of the Site Specific Development Order for all proposed Projects generating more than 100 Gross Peak Hour Trips. The statement shall be sent by U.S. Mail, or hand delivered.

C. No Study Needed

1. Residential

New residential Projects generating fewer than or equal to 20 Gross Peak Hour Trips based on PBC's adopted Trip Generation rates shall not be required to submit a Traffic Impact Study. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer in accordance with generally accepted traffic engineering principles.

2. Non-Residential

Non-residential Projects generating less than or equal to 20 Gross Peak Hour Trips based on PBC's adopted Trip Generation rates shall not be required to submit a Traffic Impact Study. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer or in accordance with generally accepted traffic engineering principles.

3. Amendments

Projects generating less than or equal to 20 Gross Peak Hour Trips based on PBC's adopted Trip Generation rates shall not be required to submit a Traffic Impact Study for an amendment, provided the total Project, including the amendment, does not exceed 20 Gross Peak Hour Trips. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer in accordance with generally accepted traffic engineering principles.

Section 2 Review of Traffic Impact Study

A. County Engineer Review

On all proposed Projects having more than 100 Gross Peak Hour Trips, the County Engineer shall have sole authority for reviewing Traffic Impact Studies for purposes of determining compliance with this Article.

B. Municipal Review

On all other proposed Projects the Municipality shall perform such review unless the Municipality provides in writing, delivered to the County, that the Municipality elects to require review by the County Engineer. If the Municipality elects to perform the review, it shall be done by a Municipal Engineer. The review shall be in accordance with the requirements of this Article. In the case of Municipal review, 30 days prior to approval of the application for the Site Specific Development Order, the Traffic Impact Study, along with the determination of the reviewing traffic engineer, shall be sent to the County Engineer, c/o Traffic Division, 2300 North Jog Road, West Palm Beach, Florida, 33411. A statement that the Municipality is considering an application for a Site Specific Development Order shall also be sent to any Municipality within the Project's Radius of Development Influence involved 30 days prior to issuance of the Site Specific Development Order for all proposed Projects generating more than one 100 Gross Peak Hour Trips. All documents under this Article shall be sent by U.S. Mail, or hand delivered.

C. Prohibitions

1. In the case of all Site Specific Development Orders issued by the DRO, no application shall be certified for inclusion on the DRO agenda if issuance of the Site Specific Development Order would be prohibited by this Article.
2. In the case of all other Site Specific Development Orders in the Unincorporated Area, no application shall be accepted if issuance of the Site Specific Development Order would be prohibited by this Article.
3. In all cases in the Unincorporated Area if the Site Specific Development Order does not meet the other Concurrency Requirements of the Plan, no application shall be certified for inclusion on an agenda of a reviewing body or accepted, as the case may be, except as otherwise provided by Art. 2.F, Concurrency (Adequate Public Facility Standards).
4. In the case of all Site Specific Development Orders in the Incorporated Area, no Site Specific Development Order shall be issued if such issuance would be prohibited by this Article. In no case shall the Site Specific Development Order be issued prior to 30 days following delivery of the notice in accordance with Art. 12.D.2.B, Municipal Review.

D. Appeals

Determinations of the County Engineer or Municipal Engineer must be in writing and any denial shall state the reasons thereof. Determinations of denial may be appealed pursuant to Art. 12.F, Appeals.

Section 3 Approval of Traffic Impact Study

When the County Engineer has found the proposed Traffic Impact Study to comply with the requirements of this Article, the County Engineer shall issue an approval letter to the Applicant with copies to the appropriate local governing bodies. This approval letter shall contain, at a minimum, a summary of the Project, its impacts on the surrounding roadway network, and any Conditions of Approval necessary to ensure compliance with this Article. The approval letter shall be valid no longer than one year from date of issuance, unless an application for a Site Specific Development Order has been approved, an application for a Site Specific Development Order has been submitted, or the approval letter has been superseded by another approval letter for the same property. [Ord. 2007-013] [Ord. 2009-040]

CHAPTER E ENTITLEMENT

Section 1 General

The BCC recognizes that a reasonable and beneficial economic use of property should be afforded a Property Owner. This Section is intended to implement the provisions in the Plan that allows a reasonable and beneficial economic use of property while minimizing Trip Generation.

Section 2 Unincorporated Area

As to the Unincorporated Area, a Site Specific Development Order may be issued for a Project not exceeding Entitlement Density or Intensity set forth in the Plan, provided the order is otherwise consistent with the requirements of the Plan and land development regulations of PBC.

Section 3 Incorporated Area

As to the Incorporated Area, a Site Specific Development Order may be issued for a Project not exceeding Entitlement Density or Intensity as set forth in the Plan. As to residential land uses it shall be based on the densities set forth in Figure 2 of the Land Use Element of the Plan, that correspond to the Municipal density in its comprehensive plan, with any density exceeding 18 dwelling units per acre receiving the entitlement level set forth in the five to 18 dwelling unit-per-acre range. As to commercial and industrial, entitlement shall be two and one-half percent of the maximum square footage of floor area allowed under the land use category or zoning district of the Municipality.

Section 4 Discretion of Board

The BCC may exceed the limitations set forth in the Plan upon a determination by the Board that the limitations permitted by the Article would likely constitute a taking of land for public use for which compensation would have to be paid pursuant to law. This Section may only be exercised upon the special petition of the Property Owner to the BCC which affirmatively demonstrates by substantial competent evidence that no other economically feasible land use which would generate less traffic for the subject property is available because of: (1) this Article; (2) the nature of the land uses in the area; (3) the size and configuration of the property; and, (4) other relevant factors. The BCC shall receive the advice of the County Attorney and the County Administrator, and any other person it deems appropriate in exercising its discretion under this Section. If the subject lot is in the Incorporated Area, the BCC shall consider the advice, if any, of the Municipality in which the lot is located.

CHAPTER F APPEALS

Section 1 Board

Except as specifically provided in this Article, appeals from the decisions of the County Engineer or Municipal Engineer, and from all traffic engineering decisions made pursuant to this Article, shall be taken to the TPSAB. Appeals may be brought by the Applicant, any Municipality within the Project's Radius of Development Influence, and the County. The TPSAB shall consist of the Director of the MPO, a professional traffic engineer employed by a Municipality as a traffic engineer, a professional traffic engineer employed by another Florida county, a professional traffic engineer employed by the FDOT, District IV, and a professional traffic engineer who generally represents developers. Any individual serving on the TPSAB shall not be a person who participated in the decision being appealed, or who works for or is retained by a party to the appeal or a person who would be directly affected by the matter being appealed or the proposed Project to which the appeal relates. [Ord. 2011-016]

Section 2 Request/Notice

The appeal shall be requested in writing within 30 days of the decision of the County Engineer or Municipal Engineer, as applicable. The written request for the appeal shall state the grounds for objection. The appellant shall be given written notice of the date, time, and place of the TPSAB's consideration of the appeal. The appeal shall be limited to the issues raised in the objection.

Section 3 Hearing

A. Burden of Proof
The appellant shall present all relevant information to the TPSAB. The appellant shall have the burden of affirmatively demonstrating that the decision of the County Engineer or Municipal Engineer was in error. The County Engineer or Municipal Engineer shall be entitled to present information.

B. Reimbursement
Members shall serve without compensation but shall be reimbursed in accordance with PBC rules and regulations.

C. Quorum
A quorum shall consist of three members and a decision shall be made by affirmative vote of a majority of the members.

D. Decision
The TPSAB shall base its decision on the requirements of this Section and accepted traffic engineering principles. It shall state the reasons for the decision. A decision shall be rendered within 60 days of receipt of the written request for appeal.

Section 4 Appeal from the TPSAB

The decision of the TPSAB may be appealed by Petition for Writ of *Certiorari* to the 15th Judicial Circuit Court by either the Applicant or a Local Government within 30 days of the decision. Consideration shall be limited to the record established before the TPSAB.

Section 5 No Impairments of Judicial Rights or Remedies

Nothing in this Section shall be construed as a limitation on the rights or remedies of any person. Appeals from decision of persons other than the County Engineer or Municipal Engineer, and traffic engineering decisions, shall be by appropriate action to a court of competent jurisdiction, except as provided otherwise by law, including this Section.

CHAPTER G CONSTRAINED FACILITIES

Section 1 Purpose and Intent

It is recognized by the BCC that some Links and Major Intersections are not planned to be widened to width, laneage, or geometrics that can accommodate traffic from the density/intensity and location of land uses at the generally Adopted LOS. The BCC may determine that additional traffic impacts from new Development should be permitted on these Constrained Links and Major Intersections which are improved (or presumed to be improved under Test 2) to their ultimate width, laneage, and geometrics as contemplated by the Thoroughfare R-O-W Identification Map, Future Roadway System by Number of Lanes Map, and/or MPO Cost Feasible Long-Range Plan. In some cases, the BCC may designate a Link or Major Intersection as a temporary CRALLS in order to allow Development to occur prior to a planned roadway improvement Project. When the BCC makes a determination that a reduced LOS is appropriate on a Constrained Facility, it shall be designated a Constrained Roadway at Lower Level of Service (CRALLS). A County amendment to consider a CRALLS designation will rely upon, as appropriate, the data and analysis provided by the Local Government requesting the CRALLS designation. This Section establishes the procedures by which a proposed CRALLS amendment is reviewed in order to ensure an appropriate level of review. [Ord. 2011-016]

Section 2 Procedure

A. General
Constrained Facilities shall not automatically receive a reduced LOS. Determinations of whether a reduced LOS shall be set on a Constrained Facility, and what that LOS should be, shall be made by the BCC as

part of a text amendment to the Transportation Element of the Comprehensive Plan. The BCC may adopt a reduced LOS and shall specifically establish the LOS on the Constrained Facility, if reduced. The CRALLS may be available for all Project Applicants to utilize, or it may be limited for use by a Project or Projects specified by the BCC. Implementation of mitigation strategies shall be a requirement for use of the CRALLS by a Project. Any proposed reduction in the LOS on a SIS or FIHS roadway shall be reviewed and approved by the State if required by Florida law, and the applying Local Government shall be responsible for coordinating with and obtaining State approval that may be required. [Ord. 2011-016]

B. Letter of Intent

Local Governments shall request a reduced LOS on a Constrained Facility by letter of intent up to 60 days and no later than 30 days prior to the window closing date for the applicable Amendment Round. At least ten days prior to delivering the letter of intent, the Local Government shall provide written notice to the County Commissioner for the Commission District in which the facility is located. Proof of such written notice provided to the District Commissioner, and the letter of intent, shall be delivered to the County Engineer and Planning Director and shall contain supporting information relating to the Determination Criteria of this Section. Upon receiving the letter of intent, the Planning Director shall schedule a Pre-Application Conference prior to the Planning Commission meeting at which initiations for the next Comprehensive Plan Amendment Round will be discussed. [Ord. 2011-001] [Ord. 2011-016]

C. Pre-Application Conference

Representatives from the following Agencies shall be invited to attend the Pre-Application Conference: (1) Local Government making application; (2) County including the Planning Division and County Engineering; (3) FDOT, District IV; (4) Treasure Coast Regional Planning Council; (5) MPO; and, (6) Other impacted Local Governments as determined by the County Engineer. Other interested governmental agencies may also attend the Pre-Application Conference at their option. The purpose of the Pre-Application Conference shall be to identify the issues for consideration, the likely impact of the proposal, the assumptions and changes made in socioeconomic data (including justification for such), the application requirements (including which should be waived, if any), and to coordinate review. [Ord. 2011-016]

D. Amendment Review

Within 30 days after BCC initiation, the applying Local Government shall, unless it has already done so, submit a complete CRALLS application, including data and analysis which addresses the Determination Criteria listed herein. The level of data and study needed for existing and future land use to review an application for a CRALLS designation shall be determined in the Pre-Application Conference. The decision shall be made by the County Engineer based upon the Major Thoroughfare Links and Major Intersections involved (whether they are or will be Collectors, minor Arterials, or principal Arterials), the extent of the proposed lowering of the LOS, the size of the area affected, the extent to which the affected area is built out to its ultimate FLU, and the amount and quality of existing data and planning. The application shall be forwarded to all affected Local Governments, the County Engineer, the FDOT, District IV, in the case of State Highways, and the MPO for review. The advice of the MPO shall be considered by the PLC and the BCC when considering an application for a reduced LOS. [Ord. 2011-016]

Section 3 Determination Criteria

In determining whether a Constrained Facility shall have a reduced LOS and, if so, what that LOS should be, and any conditions that shall be imposed, the Applicant, PLC, and the BCC shall consider the following public policy criteria. The application and amendment Staff Report shall include an analysis of the proposed CRALLS against these criteria: [Ord. 2011-001] [Ord. 2011-016]

A. Cause of the constraint; e.g., whether the laneage or geometrics are insufficient to accommodate projected traffic as a result of concerns relating to physical limitations, fiscal limitations, environmental areas, aesthetics, historically significant Development, or the character-of-area or neighborhood and the impact of adding lanes or changing the geometrics on such concerns. [Ord. 2011-016]
B. When more than one cause is identified, the extent to which each contributes to the constraint shall be considered.
C. Existence of, or proposed, “reliever” facilities and the proximity and continuity of such, and the extent to which they presently, or are projected to, relieve the Constrained Link.
D. The existing and projected Volume-to-Capacity Ratio given the adopted FLUE of Local Governments' comprehensive plans.
E. The extent of vested Development Orders, and non-vested land use, zoning district designations, or Development Orders.

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F. The impact on the ability of Local Governments to allow Development consistent with their comprehensive plans; and the interjurisdictional compatibility of the various Local Government comprehensive plans as related to the Constrained Facility.
G. The practicability of adjusting land uses, zoning districts, and uses therein.
H. The impact on the ability of the overall Major Thoroughfare system in the area affected to function at the generally Adopted LOS.
I. The length of the Constrained Link(s).
J. The option of modifying the Plan, including the Thoroughfare R-O-W Identification Map, or other regulations to add lanes, improve geometrics, or reliever facilities.
K. Whether modifications can be made that would add capacity, and how much capacity would be added.
L. A description of mitigation measures required to be implemented by the Project(s) that would benefit from the proposed CRALLS. These include vehicular and non-vehicular travel options to alleviate traffic congestion that is anticipated to result from exceedance of the Adopted LOS on the CRALLS Link or Major Intersection. [Ord. 2011-016]

CHAPTER H MODIFICATION OR ELIMINATION OF LINK OR INTERSECTION

Section 1 Application to Modify or Eliminate Adopted Link or Intersection

A. Who May Apply
Only a Local Government may apply to the BCC to amend the adopted width, proposed geometrics, or number of lanes of, or to eliminate a Link or Major Intersection improvements. [Ord. 2011-016]

B. Contents
The application shall contain a detailed and comprehensive traffic evaluation of all affected Links and Major Intersections, taking into account existing, committed, and FLU Development. [Ord. 2011-016]

C. Criteria
The following criteria shall be considered by the BCC in considering whether a Link's lanes, proposed geometrics, a Major Intersection's proposed geometrics, or the R-O-W width adopted in the Plan should be amended or a Link should be eliminated: [Ord. 2011-016]

1. Whether improvements are proposed to the Link or Major Intersection under consideration. [Ord. 2011-016]
2. Whether improvements are proposed to reliever Links or Major Intersections and the extent that such a reliever would impact traffic on the Link under consideration. [Ord. 2011-016]
3. The physical characteristics of the property adjacent to the Link or Major Intersection under consideration. [Ord. 2011-016]
4. The character of the area businesses or neighborhood adjacent to the Link or Major Intersection under consideration, and the extent of impact on such. [Ord. 2011-016]
5. The projected cost of adding additional capacity to the Link or Major Intersection, or reliever facilities and the amount of capacity that would be added. [Ord. 2011-016]
6. The existing and projected volume-to-capacity of the Link and the surrounding Major Thoroughfares before and after the proposed modification. [Ord. 2011-016]
7. The projected revenue for improving the Major Thoroughfare system and the likely priority of various improvements to the Major Thoroughfare system. [Ord. 2011-016]
8. Environmental character and the extent of impact on such. [Ord. 2011-016]
9. Historical significance and the extent of impact on such. [Ord. 2011-016]
10. Aesthetics and the extent of impact on such. [Ord. 2011-016]
11. Amount of existing R-O-W, and cost to obtain additional R-O-W. [Ord. 2011-016]
12. Impact on the provision of other public facilities. [Ord. 2011-016]

D. Procedure/Extraordinary Vote

1. When an application is made to eliminate a Link, narrow the adopted width of a Link, modify the proposed geometrics of a Link, or Major Intersection, in a manner that would reduce capacity, or reduce the number of lanes in the Plan, and that elimination, narrowing, modification, or reduction would materially impede: (1) the ability to achieve the Adopted LOS on the particular Link or Major Intersection, or the Major Thoroughfare system; or (2) the ability of Local Governments to allow Development consistent with their FLU elements of their plans; the BCC shall require a review and determination of whether a reduced LOS (CRALLS designation) should be set on the Link or other Links before the BCC eliminating the Link, narrowing the R-O-W width, modifying the proposed geometrics, or reducing the number of lanes. In such a case, eliminating the Link, narrowing the width or reducing the number of lanes shall require a majority-plus-one vote of the members of the BCC. No

elimination of the Link, narrowing of the width, or modifying of the proposed geometrics in a manner that would reduce capacity, or reducing the number of lanes on a Link shall be effected until any necessary adjustments are made to: (1) the Major Thoroughfare system (including capacity improvements or lower the Levels of Service, as appropriate); or (2) the land uses have been made to accommodate the elimination, narrowing, modification, or reduction. [Ord. 2011-016]

2. If it is clear that no impediment to: (1) achieving the Adopted LOS; or (2) Local Governments allowing Development consistent with the FLUE of their plans would result, the BCC may, by a majority vote of its members narrow the adopted width, modify the proposed geometrics of a Link, or Major Intersection, or reduce the number of lanes in the Plan without PLC review. Nothing herein shall require CRALLS review, application to the PLC, or notice to any Local Government for minor modifications to the proposed Major Thoroughfare system which do not reduce capacity of the Link, Major Intersection, or Major Thoroughfare system. Nothing herein shall require PLC review for waivers of expanded intersection requirements or R-O-W protection pursuant to Policy 2-d of the Transportation Element of the Plan. [Ord. 2011-001] [Ord. 2011-016]

CHAPTER I COASTAL RESIDENTIAL EXCEPTION

Section 1 Intent

The Coastal Residential exception to the LOS requirements of this Article promotes Urban Infill and deters urban sprawl. It also promotes redevelopment. It provides closer proximity of residential uses to commercial uses and employment bases, thereby reducing the impact on the overall Major Thoroughfare system, pollution, the use of fossil fuels and other resources, and the travel time and needs of the public. Because it applies only to the Incorporated Area, it also promotes annexation of Unincorporated Areas. Therefore, the public benefits of an uncrowded and efficient road system promoted by this Article are also promoted generally (but not necessarily on a specific Link or Major Intersection) by the creation of a Coastal Residential exception to the LOS requirements of this Article. The Coastal Residential exception may also result in more integration in the PBC School system.

Section 2 Creation

Because of these public benefits there is hereby established pursuant to Policy 1.2-a of the Transportation Element of the Plan a Coastal Residential exception which shall be within the Incorporated Area east of I-95, north of the Broward County Line, west of the Atlantic Ocean (excluding the barrier island), and south and east of a boundary from I-95 along PGA Boulevard to Prosperity Farms Road, then north to the western prolongation of the northern boundary of Juno Isles, then east to a point 600 feet west of U.S. Highway One, then north to the northern boundary of Juno Beach, then east to the Atlantic Ocean. It shall also be the Incorporated Area bounded on the south by the north boundary of the Jupiter Hospital, and its eastern and western prolongation between the Atlantic Ocean and Military Trail; bounded on the west by Military Trail and its northern prolongation to the North Fork of the Loxahatchee River, then meandering northwest along the northeast shore of the North Fork of the Loxahatchee River to the Martin County Line; bounded on the north by the Martin County Line; and, bounded on the east by the Atlantic Ocean, excluding the barrier island. It shall allow such residential Projects, and the residential portion of mixed-use Projects that otherwise meet the standards of this Article, in Incorporated Areas to receive a Site Specific Development Order notwithstanding the standards of this Article. The Coastal Residential exception shall not apply to conditions or limitations placed on residential Projects or the residential component of mixed-use Projects that are located within the boundaries of a Transportation Concurrency Exemption Area as designated pursuant to Art. 12.L, Transportation Concurrency Exemption for Projects That Promote Public Transportation. [Ord. 2005-002]

Section 3 Traffic Impact Study Information

The Applicant shall submit a traffic study providing traffic generation, assignment throughout the Test 1 Radius of Development Influence, and projections of future traffic at the site access. Traffic Impact Studies for mixed-use Projects must provide separate distributions and assignments for the residential and non-residential components.

Section 4 Municipal Levels of Service

Nothing in this Article shall be construed as derogating the requirement under F.S. ch. 163 that Municipalities set the LOS on PBC and State roads consistent with the PBC and State LOS to the maximum extent feasible. [Ord. 2019-005]

CHAPTER J TRANSPORATION CONCURRENCY MANAGEMENT AREAS (TCMA)

Section 1 Intent

The purpose and intent of this optional alternative transportation concurrency approach is to promote infill development within selection portions of urban areas in a manner that supports the provision of more efficient mobility alternatives, including public Transit. As a coordinated approach to land use and transportation development, the use of an area-wide LOS standard and an accommodation and management of traffic congestion may be employed. A TCMA is a compact geographic area within existing or proposed multiple, viable alternative travel paths, or modes for common trips.

Section 2 Area-Wide Level of Service

An area-wide LOS standard may be established for specific facilities in common corridors within a TCMA. The area-wide Level of Service standard must be maintained, as a basis for the issuance of Development Orders and Permits within the TCMA. The area-wide LOS standard may only be established for facilities on common corridors with similar functions, serving common origins and destinations.

A. The designation of a TCMA and the establishment of an area-wide LOS standard must be supported by data and analysis which:
    1. Demonstrate that the TCMA is compatible with and furthers the various portions and Elements of the Plan. When in a Municipality, the data and analysis shall also demonstrate that the TCMA is compatible with and furthers the various portions and elements of the Local Government's comprehensive plan.
    2. Provide justification for the size and boundary of the TCMA for consistency with the purpose of promoting the stated purpose of a TCMA.
    3. Demonstrate that the TCMA contains an integrated and connected network of roads and provides multiple, viable alternative travel paths, or modes for common trips.
    4. Demonstrate the basis for establishing the area-wide LOS standard and determine the existing and projected transportation facilities and services requirements that will support the requested area-wide LOS standards.
    5. Demonstrate that the area-wide LOS standard and other transportation services and programs will support infill development and redevelopment.
    6. Demonstrate that the planned roadway improvements and other transportation services and programs will accomplish mobility within and through the TCMA. The programs may include, but not be limited to Transportation System Management (TSM), Transportation Demand Management (TDM), and incentives to promote public Transit such as parking policies and provisions for intermodal transfer.
    7. Identify the impacts on other Local Governments, if any.
B. The Local Government shall establish and maintain an internally consistent transportation, land use, and capital improvement planning program. These programs shall be sufficient to meet and maintain the established area-wide LOS standard.

Section 3 Procedure

A. At least 30 days prior to a Local Government submitting a Plan amendment for a TCMA, a Pre-Application Conference shall be held. This pre-application meeting will be coordinated with the Planning Director. It will include representatives from the Local Government initiating the Plan amendment, the County Traffic Division and Planning Division, the MPO, the FDOT, District IV, and the Treasure Coast Regional Planning Council.
B. Another conference shall be held with the representatives identified above within 30 days of receipt by the initiating Local Government of the State planning agency's Objection, Recommendation and Comments Report.
C. The TCMA shall not become effective until the following actions are taken:
    1. The BCC finds the designation of the TCMA to be consistent with the Plan.
    2. The BCC finds the area-wide LOS standard to be appropriate, and can be maintained.
    3. The BCC adopts an amendment to the Plan establishing the TCMA.
    4. A Final Order is issued by the DCA finding the amendment or amendments in compliance.

CHAPTER K TRANSPORATION CONCURRENCY EXCEPTION AREAS (TCEA)

Section 1 Intent

The purpose and intent of this flexible transportation concurrency option approach is to reduce the adverse impact transportation concurrency may have on Urban Infill Development and Redevelopment and the achievement of other goals and policies of the State comprehensive plan, such as promoting the development of public transportation. Under limited circumstances, it allows exceptions to the standards of this Article in defined urban areas. The exceptions provide flexibility for concurrency management in order to encourage the application of a wide range of planning strategies that correspond with the local circumstances of a specific geographic area. The exceptions apply to all land uses and Development and types of facilities within the expressly excepted area.

Section 2 Area Types

A Local Government must designate a TCEA in its comprehensive plan. A TCEA will be allowed only in one of the following areas:

A. A specific geographic area delineated in the Local Government comprehensive plan for Urban Infill Development. Such an area shall meet the following requirements:
    1. The area shall contain no more than ten percent developable vacant land. Developable vacant land shall not include water bodies and land designated for conservation use, natural reservations, public road R-O-W, public recreation sites, or other areas or uses designated in the Local Government's comprehensive plan as unavailable for Development.
    2. For areas where residential uses are the dominant types of uses, comprising greater than 60 percent of the developed land, the average residential density shall be at least five dwelling units per gross residentially developed acre of land.
    3. For areas where non-residential uses are the dominant types of uses, comprising greater than 60 percent of the developed land, the average non-residential intensity shall be at least a FAR of 1.0 per gross non-residentially developed acre of land.
    4. If neither residential nor non-residential uses comprise more than 60 percent of the developed land, then both the existing residential uses and non-residential uses shall meet the appropriate density and intensity criteria prescribed in Art. 12.K.2.A.2 and Art. 12.K.2.A.3 above. The term “gross developed acre” shall include all uses associated with the predominant land use including roads, parking, drainage, open space, landscaping, and other support facilities.
B. A specific geographic area delineated in the Local Government comprehensive plan for Urban Redevelopment. The Urban Redevelopment area must be within an Urban Infill area or within an Existing Urban Service Area that does not contain more than 40 percent developable land.
C. A specific geographic area delineated in the Local Government Plan for Downtown Revitalization within the designated central business district.

Section 3 Criteria

A. The designation of a TCEA must be supported by data and analysis which:
    1. Demonstrate that the TCEA is compatible with and furthers the various portions and Elements of the Plan. When in a Municipality, it shall also demonstrate that the TCEA is compatible with and furthers the various portions and elements of the Local Government Plan.
    2. Provide justification for the size and boundary of the TCEA for consistency with the purpose of promoting the stated purpose of a TCEA.
    3. Identify the impacts on other Local Governments, if any.
B. To implement the TCEA, the Local Government's comprehensive plan must contain guidelines and policies which specify programs to meet the transportation needs of the TCEA. The guidelines may contain a wide range of strategies that include: timing and staging plans, parking control and pricing policies, TSM, TDM, incentives to promote public Transit, and the utilization of creative financing tools for the provision of transportation services and facilities.
C. The guidelines and policies and programs to implement the TCEA must demonstrate by supporting data and analysis, including short and long-range traffic analysis, that consideration has been given to the impacts of the proposed Development within the TCEA on the FIHS and SIS. [Ord. 2009-040]

Section 4 Procedure

A. At least 30 days prior to a Local Government transmitting a Plan amendment for a TCEA to the DCA, a Pre-Application Conference shall be held. This pre-application meeting will be coordinated with the Planning Director. It will include representatives from the Local Government initiating the Plan amendment, PBC Traffic Division and Planning Division, the MPO, the FDOT, District IV, and the Treasure Coast Regional Planning Council.
B. Another conference shall be held with the representatives identified above within 30 days of receipt by the initiating Local Government of the State planning agency's Objection, Recommendation and Comments Report.
C. The TCEA shall not become effective until the following actions are taken:
    1. The BCC finds the designation of the TCEA to be consistent with the Plan.
    2. The BCC adopts an amendment to the Plan establishing the TCEA.
    3. A Final Order is issued by the DCA finding the amendment or amendments in compliance.

Section 5 Traffic Impact Study Information

A traffic study providing traffic generation, assignment throughout the Test 1 Radius of Development Influence and projections of future traffic at the site access must be submitted to PBC for proposed Project within the limits of a TCEA.

CHAPTER L TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION

Section 1 Intent

The purpose and intent of this Chapter is to allow a Local Government to grant an exception from the concurrency requirements for transportation facilities for Projects which promote public transportation. F.S. § 163.3164(38) defines Projects that promote public transportation as those that "directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or Projects that include fixed-rail or transit terminals as part of the building, and Projects which are transit oriented and designed to complement reasonably proximate planned or existing public facilities." Under limited circumstances, it allows exceptions to the standards of this Article in defined urban areas. The exception requires that Projects establish meaningful facilities and programs that promote public transportation.

Section 2 Project Types

This exception is limited to Projects that meet the requirements of Art. 12.L.2.A and Art. 12.L.2.B, below:

A. The Project must be determined to be a Project which promotes economic development through job creation. At a minimum, the Project shall be 200 acres in size, and create, at Project Buildout, not less than 5,000 jobs at the Project site.
    1. For a Project located in the Unincorporated Area, the BCC shall make a determination that the jobs created shall be of a type and within a salary range that promote economic development.
    2. For a Project located in the Incorporated Area, the BCC and the Municipal commission shall make determinations that the jobs created shall be of a type and within a salary range that promote economic development.
B. The Project must be developed, owned, and operated by a not-for-profit agency. The Project and agency shall provide essential public services. At a minimum, the Project shall be 20 acres in size, and create, at build-out, not less than 2,000 jobs at the Project site.
    1. For a Project located in the Unincorporated Area, the BCC shall make a determination that the Project and agency provide essential public services.
    2. For a Project located in the Incorporated Area, the BCC and the Municipal commission shall make determinations that the Project and agency provide essential public services.
C. A Project that meets the requirements of Art. 12.L.2.A or Art. 12.L.2.B above may be a mixed-use Project, incorporating residential and/or commercial components. However, in no event shall residential and/or commercial retail uses combine to comprise more than 45 percent of the square footage of the GFA.

Section 3 Project Location

This exception is limited to Project that meet the following location criteria:

A. The Project shall not be located within the Coastal High Hazard Area.
B. All Projects must be located within PBC's U/S Tier and be adjacent to (i.e., abutting or separated only by other public or governmental R-O-W) the Tri-County Commuter Rail Authority line, or be adjacent to a street which is served by Palm Tran.

Section 4 Required Provisions to Promote Public Transportation

All Projects shall, at a minimum, provide all of the following transportation amenities:

A. The Project shall provide a site to Tri-Rail at the Project site, adjacent to the Tri-Rail tracks, for a station platform, ticket booth, and parking for at least 400 automobiles. When a Project is not adjacent to Tri-Rail, it shall provide a bus stop facility capable of handling two or more Palm Tran buses at a time with a covered waiting area of sufficient size to accommodate at least two percent of its employees.
B. The Project shall provide a financial incentive in the form of a subsidy of at least 50 percent of the annual ticket cost to at least five percent of the persons employed at the Project site for riding Tri-Rail and/or Palm Tran to and from the Project site for a minimum of 200 working days per year. As an alternative, the Development may provide equivalent funds directly to Palm Tran to subsidize this service.
C. The Project shall provide a Ridesharing information service to persons employed at the Project site.
D. The Project shall provide emergency transportation to those employees using mass Transit, Ridesharing, or other alternative modes of transportation (i.e., bicycles or pedestrian).
E. The Project shall apply access management techniques along all roadways fronting the Project.
F. The Project shall provide external pedestrian access to the Project, as well as an internal pedestrian system, accommodating persons with disabilities, as well as persons using alternative modes of transportation to the automobile.
G. The Project shall enter into an agreement with PBC to provide the provisions to promote public transportation detailed in Art. 12.L.4.A, Art. 12.L.4.B, Art. 12.L.4.C, and Art. 12.L.4.D above, in perpetuity. The Project will submit an annual monitoring report to the Palm Beach Planning Director that demonstrates that the requirements in Art. 12.L.4.A, Art. 12.L.4.B, Art. 12.L.4.C, and Art. 12.L.4.D above are being met. Each annual report shall be due on the anniversary of the first CO.

Section 5 Required Traffic Study

Projects utilizing this exemption will submit a traffic study that is consistent with all of the provisions of this Article. They shall also provide a transportation analysis that illustrates their impact on the FIHS and SIS to ensure that those impacts are considered in the approval process. [Ord. 2009-040]

Section 6 Required Roadway Improvements

Projects utilizing this exemption may be required to provide roadway, intersection, and/or signalization improvements to minimize their impact on the road network. These improvement will be determined by the County Engineer.

Section 7 Parking

Projects meeting the above requirements may apply for parking reductions pursuant to applicable codes.

CHAPTER M FIVE-YEAR ROAD PROGRAM

Section 1 Intent

The BCC of PBC Florida finds that the 1990 Traffic Performance Code adopted by Art. 12.A, General, through Art. 12.L, Transportation Concurrency Exemption for Projects That Promote Public Transportation is premised on PBC's commitment to adhere to and implement the adopted "Palm Beach County Five Year Road Program Ordinance," referred to as "Five-Year Road Program" in this Article and the 1989 PBC Plan, as amended, (referred to as "Plan" in this Section). PBC's failure to maintain its commitment to adhere to and implement its adopted Five-Year Road Program as set forth in this Section, shall result in a review and reconsideration of the Adopted LOS contained in this Article, and in the Plan.

Section 2 Description of Five-Year Road Program

The Five-Year Road Program was adopted by the BCC of PBC by Ordinance No. 85-40. In that Ordinance, as amended, and in the Plan, PBC adopted a reasonably attainable program of roadway construction for a five-year period and matched the construction of Projects with projected funding. Ordinance No. 85-40, as amended, further provides that prior to December of each year, the BCC shall consider the Ordinance to modify the list of Projects to create a viable list of funded Projects for the succeeding five years. The modification to the Five-Year Road Program shall continue to include, at a minimum, a description of the road Project, the type of road construction required, and the amount of money to be spent each fiscal year for plan preparation, R-O-W acquisition, and actual construction.

Section 3 Modification of Five-Year Road Program

A. Semi-Annual Modification of Five-Year Road Program

The deletion of construction Projects from the Five-Year Road Program may be done no more frequently than twice a year. For purposes of this Section, "deletion of a construction Project" shall mean the elimination of the construction Project, the failure to let a road construction contract, the removal of or failure to establish funding of the construction Project, the material reduction in the scope of work or funding (as it affects the construction Project), or the postponement of the construction Project in the Five-Year Road Program for more than two years beyond the year the construction was originally programmed in the 1988-92 Five-Year Road Program or in the Five-Year Road Program in which the construction was first added after 1987. It does not include delays associated with R-O-W acquisition as a result of judicial decision, redesign after the contract has been let, construction, or other delays not under the control of PBC.

B. Findings Required Prior to Deletion in the Adopted Five-Year Road Program

Prior to approving the deletion of any construction Project from the County's Five-Year Road Program, the BCC must find: (1) that the deletion of the construction Project will not result in any Link or intersection on the road network operating at greater than the Adopted LOS as defined in this Article if such Link would not have operated at greater than the Adopted LOS as defined in this Article had the Project been constructed as originally programmed in the adopted Five-Year Road Program; and (2) that no Project which was approved and phased based upon such Assured Construction would be denied Building Permits because of the deletion of the construction. If both findings can be made, then the construction Project may be eliminated by a majority vote except, if the Project is in the current fiscal year, in which case a majority-plus-one vote is required. If only the second finding can be made, then a Project not in the current fiscal year could be deleted by a majority-plus-one vote. However, in no case may a Project be deleted when the second finding cannot be made.

Notwithstanding the above, a Project may be deleted if an equivalent substitute Project replaces the original Project, in the same fiscal year. An equivalent substitute Project is a roadway Project in the same area that will serve substantially the same trips as the original Project. This substitution may be made by a majority-plus-one vote.

Section 4 Standards of Five-Year Road Program

Concurrent with the adoption of the annual Five-Year Road Program, the BCC shall determine whether PBC has adhered to and implemented its Five-Year Road Program. In order to make the determination that PBC had adhered to and implemented its adopted Five-Year Road Program, the BCC must find the following based upon substantial competent evidence:

A. Funding

The amount of funding of the current fiscal year of the Five-Year Road Program is, at a minimum, as contemplated in the Plan and the Five-Year Road Program.

B. New Fifth Year

The new fifth year being added to the Five-Year Road Program with Projects added to the Five-Year Road Program at a rate contemplated in the Plan.

C. Projects on Schedule

Fewer than 20 percent of the programmed road construction Projects (on a line-item basis) from the preceding fiscal year over which PBC has control are more than 12 months behind schedule.

Section 5 Effect of Failure of County to Adhere to and Implement its Adopted Five-Year Road Program

If the BCC does not continue to fund the Five-Year Road Program in accordance with the Plan, or does not continue to add Projects to the Five-Year Road Program at a rate contemplated in the Plan, as corrected, updated, or modified as permissible in F.S. § 163.3177(3)(b); or construction Projects consisting of 20 percent or more of the programmed construction Projects (on a line-item basis) from the preceding fiscal year over which PBC has control are more than 12 months behind schedule as determined after the effective date of this Section, above, the BCC shall review the Adopted LOS to determine whether it is realistic, adequate, and financially feasible.

CHAPTER N METHOD OF PRIORITIZING THROUGHFARE IMPROVEMENTS

PBC shall undertake data collection and review of such regarding Major Intersection capacity and peak hour Link capacity, along with ADT capacity. It shall use this information in programming Major Thoroughfare system improvements in the Five-Year Road Program.

The objective shall be to effectively spend available funds so as to maximize capacity, balancing the amount of capacity added, the cost of improvements, the time the improvements will be utilized, and the "expandability" of those improvements to the ultimate section of road. Volume to ADT capacity ratios shall be the preliminary criterion for prioritizing funding of improvements. Due consideration shall be given to the amount of area opened up for Development as a result of the various improvements. Deferral or elimination of Link improvements made unnecessary as a result of: (1) other Major Thoroughfare system improvements, such as intersection improvements; or (2) refined capacity analysis, shall not be considered the deletion of a road improvement, unless the deletion is of a Project scheduled for construction of the first year of the Five-Year Road Program or was scheduled for construction in the first year of a previous Five-Year Road Program. When evaluating whether a particular improvement should be deleted from the Five-Year Road Improvement Program, due consideration shall be given to previous reliance of improvements scheduled in the Five-Year Road Program.

In addition, the analysis shall identify improvements to relieve traffic demands on all deficient facilities which are not included in the Five-Year Road Program. PBC shall estimate traffic volumes to be on the roadway network at the end of the last year in the Five-Year Road Program and determine what additional improvements will be needed to meet those future traffic demands. These plans will be developed initially in 1991 and presented to the BCC annually in conjunction with the review and approval of the Five-Year Road Program, beginning in 1992. Consideration will be given to staging improvements by constructing intersection improvements or other spot roadway improvements such that maximum roadway system and funding efficiency are achieved. These improvements shall be included in the analysis but will not be required to be identified for construction in a certain year.

CHAPTER O PROJECT AGGREGATION

Section 1 Applicability

This Chapter concerning Project aggregation shall apply only to a lot in existence on or after March 31, 2003 or to a Project with a Development Order, an Agreement, or both, approved after March 31, 2003 that is subject to a Condition of Approval that expressly provides for Project aggregation. This Subsection shall not apply to Developments located within a designated Community Redevelopment Area (CRA) or "urban infill" area as defined in F.S. § 163.3164.

Section 2 Aggregation Criteria

Two or more land uses, or group of land uses, or land development activity or activities, or amendment(s) thereto (hereafter "Developments"), which require a Development Order(s), represented by their owners or developers to be separate Developments, shall be aggregated and treated as a single Project when each of the following criteria in paragraphs (1) through (3) is met.

A. The Developments generate more than 500 two-way peak hour trips when aggregated.
B. The same Person owns or has a significant legal or equitable interest or an option to obtain significant legal or equitable interest in each Development. A "significant legal or equitable interest" means that the same Person has an interest or an option to obtain an interest of more than 25 percent in each Development for the following types of interests: (1) a fee simple estate; (2) a leasehold estate of more than 30 years' duration; (3) a life estate; or, (4) similar equitable, beneficial, or real property interests in the Developments. A lessor's interest in a lease of more than 30 years is not a significant legal or equitable interest.

C. The Developments are part of a unified plan of Development as evidenced by meeting at least two of the following:
   1. There is a period of two years or less between the issuance of the first Building Permit, or issuance of a Development Order if the first Building Permit has not been issued, for one Development and subsequent traffic concurrency application for another Development. This subparagraph shall apply only if any portion of the parcels that contain the Developments: (1) presently share a common boundary; or (2) previously shared a common boundary or existed as a single parcel within two years from the date the earliest of the Developments received traffic concurrency approval.
   2. The Developments are physically proximate to one other. Two or more Developments shall be considered "physically proximate" when any portion of two or more Developments is contiguous or separated by a road R-O-W or public canal easement of 140 feet or less.
   3. A Master Plan or series of plans or drawings exists covering the Developments sought to be aggregated which have been submitted to a local general-purpose government, SFWMD, local drainage or improvement special district, the Army Corps of Engineers, the FDEP, or the Division of Florida Land Sales, Condominiums, and Mobile Homes for authorization to commence Development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose Local Government or a master drainage plan shall not be the sole determinant of the existence of a Master Plan which aggregates Developments; or
   4. The voluntary sharing of infrastructure that is indicative of a common Development effort or is designated specifically to accommodate the Developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government, SFWMD, local drainage or improvement special district, the Army Corps of Engineers, the FDEP, the Division of Florida Land Sales, Condominiums, and Mobile Homes, or the Public Service Commission. "Sharing of infrastructure" means the voluntary joint use by two or more Developments of internal roadways, internal recreational facilities or parks, amenities, or water, sewage, or drainage facilities specifically constructed to accommodate the Developments sought to be aggregated. Shared infrastructure does not include:
      a. Any joint or shared use of private or public infrastructure specifically required under an established policy of general applicability as set forth under a comprehensive plan adopted pursuant to F.S. ch. 163, an adopted Local Government ordinance or resolution, State Statute, or by adopted rule of Regional or State regulatory agencies;
      b. Any joint or shared use of public recreational facilities or parks so long as they were not conveyed by a Person with a significant legal or equitable interest in the Developments sought to be aggregated;
      c. Any joint or shared use of publicly-financed drainage or stormwater management facilities, roadways, or water or sewer facilities which were not constructed or financed specifically to accommodate the Developments considered for aggregation;
      d. Design features, financial arrangements, donations, or construction that is specified in and required by an Agreement between PBC and two or more Developments; or,
      e. Cross access or shared driveways.
   5. There is a common advertising scheme or promotional plan in effect for the Developments sought to be aggregated. "Common advertising scheme or promotional plan" means any depiction, illustration, or announcement which indicates a shared commercial promotion of two or more Developments as components of a single Development and is designed to encourage sales or leases of property.

Section 3 Exceptions

This Chapter concerning Project Aggregation is intended to prevent the division of one large Project into several smaller Projects in order to circumvent the purpose of this Article, not to aggregate separate and discrete Projects. Certain activities and circumstances, including the following, shall not be used by the County Engineer to aggregate two or more Developments:

A. Activities undertaken leading to the adoption or amendment of any Plan element described in F.S. ch. 163, pt. II.
B. The sale of unimproved parcels of land, where the seller does not retain significant legal or equitable interest in the future Development of the parcels.
C. The fact that the same lender has a financial interest, including one acquired through foreclosure, in two or more parcels, so long as the lender is not an active participant in the planning, management, or Development of the parcels in which it has an interest.

D. Drainage improvements that are not designed to specifically accommodate the Developments sought to be aggregated.
E. Use of the same real estate broker to market and sell two or more Developments.
F. Agreements to authorize owners or developers to pool impact fees or impact fee credits, or to enter into front-end agreements or other financing arrangements by which they collectively agree to design, finance, donate, or build such public infrastructure, facilities, or services.
G. Nothing herein shall prevent the Development of a portion of a parcel owned by one Person where no unified plan of Development for the remainder of the parcel, or portion thereof, is evidenced.

Section 4 Procedure

A. In order to aggregate two or more Developments pursuant to this Chapter, the County Engineer shall provide written notice of intent to aggregate. This notice shall be delivered by certified mail to all affected Applicants seeking traffic concurrency approval. The notice of intent to aggregate shall: identify the Developments sought to be aggregated; explain the effect of aggregation on the Developments in the event a final determination has been made by PBC to aggregate the Developments; and, indicate that an affected current owner may appeal the decision of the County Engineer pursuant to Art. 12.D, Procedure, of this Article.
B. If the County Engineer's notice of intent to aggregate is not appealed, or if the TPSAB, or a court of competent jurisdiction, ultimately affirms the decision of the County Engineer to aggregate, the Developments shall be considered a single Project for the purposes of traffic concurrency. Once aggregated, the Applicant or Applicants seeking traffic concurrency approval shall prepare and submit to the County Engineer a single Traffic Impact Study that analyzes the aggregated Developments as a single Project. The Traffic Impact Study shall be subject to the review and procedural standards set forth in Art. 12.A.1.A, Intent, of this Code. Such review and procedural standards shall not affect the terms and conditions of an already approved Development Order, a prior Agreement, or both, related to traffic concurrency approval of an aggregated Development.

Section 5 Traffic Impacts

This Chapter shall be applied only for the purpose of evaluating the traffic impacts of a Project pursuant to the requirements of this Article.

Section 6 Traffic Concurrency

The application materials used for traffic concurrency approval shall be amended to require an Applicant to state whether or not the Project is subject to aggregation as set forth in this Chapter.

Section 7 Aggregation

Portions of this Chapter concerning aggregation are based on the aggregation regulations for DRI, codified in F.S. § 380.0651. Unless the context clearly indicates otherwise, the terms used in this Chapter shall have the same meaning and application as those terms that are provided for in the State regulation.

CHAPTER P OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM

Section 1 Purpose and Intent

The purpose of the Okeechobee Boulevard CRALLS Point System is to provide a means for approving new land development/redevelopment Projects that will have significant traffic impacts on Okeechobee Boulevard, but will provide acceptable mitigation for those impacts. In the case of Okeechobee Boulevard, there are few undeveloped properties without Development approvals that could still have significant traffic impact on the roadway. To allow for reasonable and beneficial economic use of these properties, the PBC BCC has determined that Okeechobee Boulevard from Military Trail to Jog Road is a constrained roadway facility where significant traffic impacts from new Development can be evaluated at a lower LOS standard than what is normally allowed. The mitigation of impacts for Okeechobee Boulevard by the strategies contained in this Point System will be accomplished in the following ways: [Ord. 2006-036] [Ord. 2010-022]

A. Reduction of single-occupant vehicle trips by encouraging Ridesharing, diversion to alternate travel modes, and Telecommuting. [Ord. 2006-036]
B. Reduction of peak hour vehicle trips by shifting these trips to other time periods. [Ord. 2006-036]

C. Reduction of land use densities and intensities for proposed development/redevelopment. [Ord. 2006-036]
D. Increase in land use densities and intensities for proposed development/redevelopment only in cases where land use mix maximizes Internal Trip capture and promotes feasibility of mass Transit modes. [Ord. 2006-036]

Section 2 Applicability

In addition to the standards imposed by this Article, all proposed Projects with significant Project Traffic on the Okeechobee Boulevard corridor from Jog Road to Military Trail shall be subject to the Okeechobee Boulevard CRALLS Point System. [Ord. 2006-036] [Ord. 2010-022]

Section 3 Procedure

A. General
Applicants must choose from 14 mitigation strategies set forth in this Chapter to accumulate points necessary for Development Order approval. Point totals shall be calculated pursuant to the Point System methodology. Applicants meeting the minimum required point totals will receive traffic concurrency approval provided all of the other standards of this Article have been met. [Ord. 2006-036]

B. Application Requirements
Applications must include a traffic study demonstrating compliance with Test 1 and Test 2 of this Article. Applications must also include a study identifying the mitigation strategies to be used by the Project, and a calculation of total points earned as a result. Applications shall initially be submitted to the County Engineer for review and comment to determine completeness. An application shall be found complete if it contains sufficient and accurate data and analysis for the County Engineer to determine whether or not the application complies with this Chapter. Any deficiencies in the completeness of an application identified by the County Engineer must be corrected and resubmitted in order for the application to be considered. [Ord. 2006-036]

C. Conditions of Approval
PBC shall impose Conditions of Approval and the recording of restrictive covenants as necessary to ensure compliance with the requirements of this Chapter. All Conditions of Approval shall be made part of the traffic concurrency and Development Order approved by the County or Municipality, as the case may be. [Ord. 2006-036]

D. Condition Monitoring
Development Order conditions imposed upon Projects in the Unincorporated Area will be monitored by the County Engineer. For Development Orders imposed upon Projects within Municipalities, monitoring reports with prescribed format and documentation shall be submitted to the relevant Municipality, as well as the County Engineer as required in Art. 12.P.4, Mitigation Strategies. Failure to meet the requirements of any strategy, any Condition of Approval imposed pursuant to this Chapter, or any monitoring report required by this Chapter, may result in enforcement action including but not limited to Code Enforcement actions and actions to modify or revoke the concurrency approval, Development Order, or both. [Ord. 2006-036]

E. Substitution of Alternative Strategies or Alteration of Existing Strategy at a Later Date
If the Property Owner wishes to alter an existing strategy or substitute another mitigation strategy or strategies after receiving initial Development Order Conditions of Approval for qualification under the Point System, then an application for a Development Order Amendment must be filed for approval by PBC. For Projects located in Municipalities, alteration or substitution of alternative strategies must be reviewed and approved by the County Engineer before the application for Development Order Amendment is submitted to the Municipality. If an approvable mitigation strategy of equivalent or greater points is substituted, or if the County Engineer determines that an alteration of an existing strategy provides mitigation equal to or greater than originally approved, the Development will not need to qualify again for approval under the Point System. [Ord. 2006-036]

F. Time Limits
Each approval shall be subject to specific time limitations. Expiration of the concurrency or failure to commence Development as set forth in Art. 2.E.2.C, Time Limitations for Commencement, will result in actions to modify or revoke the concurrency approval, Development Order, or both. If revoked, the capacity reserved will be returned to the system. [Ord. 2006-036]

G. Municipal Review

Notwithstanding the peak hour trip threshold set forth in Art. 12.D, Procedure, Projects located in Municipalities that require the Okeechobee Boulevard CRALLS in order to meet the County Traffic Performance Standards shall be subject to the requirements of this Chapter. Additional land use regulations may be imposed by the Municipality in conjunction with Point System review. [Ord. 2006-036]

Section 4 Mitigation Strategies

A. Strategy 1. Mixed-Use Development around Transit Corridors

1. Applicability

This strategy consists of providing a mixed-use Development near a Transit Corridor. This strategy cannot be combined with Strategy 2, Mixed-Use Development around Transit Centers. [Ord. 2006-036]

2. Qualifying Criteria

a. The Transit Corridor must be no more than one-quarter mile walking distance from the nearest building entrance, and must include ADA accessible pedestrian pathways and provide access to Transit services and adjoining uses. [Ord. 2006-036]

b. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. [Ord. 2006-036]

c. A Master Plan or Site Plan must be developed to show how parcels will integrate with one another, and to dictate the build-out timeframe. [Ord. 2006-036]

d. Uses must be identified within the Master Plan or Site Plan. [Ord. 2006-036]

e. The Master Plan or Site Plan shall be approved as part of the Development Order. [Ord. 2006-036]

f. Minimum floor area ratio must be 0.5 per Net Acre. [Ord. 2006-036]

g. Minimum residential floor area must equal 60 percent of total and net residential trips must constitute at least one-quarter of total net a.m. or p.m. trips for the Development. [Ord. 2006-036]

h. Non-residential land uses shall include retail or a combination of retail and office or industrial, with retail constituting a minimum of ten percent of the total floor area for all land uses. Retail uses shall constitute a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a Local, Collector, or Arterial Street. [Ord. 2006-036]

3. Implementation Timeframe

The implementation timeframe will be defined as part of the Master Plan/Development Order. Master Plans and Development Orders for phased Developments must include interim qualifying criteria consistent with the above criteria. At each phase of Development, before CO will be granted, the interim criteria must be met. [Ord. 2006-036]

4. Monitoring and Enforcement

a. At the conclusion of each phase of Development, the County Engineer must confirm that the interim or final criteria are met prior to issuance of the first CO for the following phase. [Ord. 2006-036]

b. As part of the Development approval process, a restrictive covenant must be recorded against all parcels of the Development indicating the minimum and maximum percentages allowed for each land use. PBC shall be granted the authority to enforce the covenants, along with other parties, if any, to be determined during Development review. PBC shall not allow the conversion of uses that would result in a Project's failure to meet specified requirements. [Ord. 2006-036]

c. By April 1 of each year, starting April 1 after the first full year after the first CO, the developer, or their agent, must supply a service report to the County Engineer as well as Municipality if applicable, identifying the uses on site and the percentage or square footage each use encompasses. [Ord. 2006-036]

d. Two years following Project Buildout, the developer, owner, or agent as appropriate may request alteration of existing strategy or substitution of alternative strategies pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

a. 0.4 for FAR 0.5 or higher per Net Acre, and at least 60 percent of the total square footage must be dedicated to residential use; [Ord. 2006-036]

b. 0.6 for FAR 0.75 or higher per Net Acre, and at least 70 percent of the total square footage must be dedicated to residential use; or, [Ord. 2006-036]

c. 0.8 for FAR 1.0 or higher per Net Acre, and at least 80 percent of the total square footage must be dedicated to residential use. [Ord. 2006-036]

B. Strategy 2. Mixed-Use Development around Transit Centers

1. Strategy

This strategy consists of developing a mixed-use Project near a Transit Center located on a Transit Corridor as either a unified or parcelized Development. This strategy cannot be combined with Strategy 1, Mixed-Use Development around Transit Corridors. [Ord. 2006-036]

2. Qualifying Criteria

a. The Transit Center must be no more than one-quarter mile walking distance from the nearest building entrance, and must include ADA accessible pedestrian pathways and provide access to Transit services and adjoining uses. [Ord. 2006-036]

b. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. [Ord. 2006-036]

c. A Master Plan must be developed to show how parcels will integrate with one another, and to dictate the build-out timeframe. [Ord. 2006-036]

d. Uses must be identified within the Master Plan. [Ord. 2006-036]

e. Minimum floor area ratio must be 0.5 per Net Acre. [Ord. 2006-036]

f. Minimum residential floor area must equal 60 percent of total and net residential trips must constitute at least one-quarter of total net a.m. or p.m. trips for the Development. [Ord. 2006-036]

g. Non-residential land use shall include retail or a combination of retail and office or industrial, with retail constituting a minimum of ten percent of the total floor area for all land uses. Retail uses shall constitute a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a Local, Collector, or Arterial Street. [Ord. 2006-036]

3. Implementation Timeframe

The implementation timeframe will be defined as part of the Master Plan or Development Order. Master Plans and Development Orders for phased Developments must include interim qualifying criteria consistent with the above criteria. At each phase of Development, before CO will be granted, the interim criteria must be met. [Ord. 2006-036]

4. Monitoring

a. At the conclusion of each phase of Development, the County Engineer must confirm that the interim or final criteria are met prior to issuance of the first CO for the following phase. [Ord. 2006-036]

b. As part of the Development approval process, a restrictive covenant must be recorded against all parcels of the Development indicating the minimum and maximum densities and intensities allowed for each land use. PBC shall be granted the authority to enforce the covenants, along with other parties, if any, to be determined during Development review. PBC shall not allow the conversion of uses that would result in a Project's failure to meet specified requirements. [Ord. 2006-036]

c. By April 1 of each year, starting April 1 after the first full year after the first CO, the developer, or their agent, must supply a service report to the County Engineer as well as Municipality if applicable, identifying the uses on site and the percentage or square footage each use encompasses. [Ord. 2006-036]

d. Two years following Project Buildout, the developer, agent, or Property Owner as appropriate may request alteration of existing strategies or substitution of alternative strategies pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

a. 0.6 for FAR of 0.5 or higher per Net Acre, and at least 60 percent of the total square footage must be dedicated to residential use; [Ord. 2006-036]

b. 0.8 for FAR of 0.75 or higher per Net Acre, and at least 70 percent of the total square footage must be dedicated to residential use; or, [Ord. 2006-036]

c. 1.0 for FAR of 1.0 or higher per Net Acre, and at least 80 percent of the total square footage must be dedicated to residential use. [Ord. 2006-036]

C. Strategy 3. Feeder Transit Service to Rail Stations or Multi-Modal Transit Centers; New Commuter Bus Service; Local Bus/Shuttle Service; Employee Transit Passes

1. Strategy

This strategy consists of providing feeder service between the Project site and a rail station or multi-modal Transit Center, providing new Commuter Bus service between the Project site and residential areas, providing local or shuttle bus service between the Project site and major employers in the Okeechobee Boulevard corridor, or offering all employees free Transit passes for commuting to and from work. [Ord. 2006-036]

2. Qualifying Criteria

a. Developers must specify dedicated funding commitments to provide for direct costs of feeder services or Transit passes for a minimum of two years, or make a fair share contribution to be

determined by and paid to the appropriate local Transit agency for new or expanded services. [Ord. 2006-036]

b. Vehicles must be classified as either buses or minibuses. [Ord. 2006-036]
c. The Transit service must be no more than one-quarter mile walking distance from the nearest building entrance. [Ord. 2006-036]
d. The Project Site Plan must include provisions for Transit service infrastructure, including pick-up/drop-off areas and Transit circulation plans. Additionally, pedestrian connectivity between the Transit stop infrastructure and the primary use of the Development that complies with ADA criteria must be specified. [Ord. 2006-036]
e. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. [Ord. 2006-036]
f. Combining this strategy with Strategy 4, Parking Management, is encouraged. [Ord. 2006-036]
g. Proposed route(s) shall be subject to approval by PBC in consultation with Palm Tran. [Ord. 2006-036]
h. Proposed service associated with a non-residential site shall be operated at a minimum during the a.m. and p.m. peak hours during which the majority of site employees commute to and from work on all weekdays that the business(es) at the Project site is open. Proposed service associated with a residential site shall be operated at a minimum during the highest a.m. peak hour and highest p.m. peak hour on all weekdays that major employment centers along the Okeechobee corridor are open. [Ord. 2006-036]

3. Implementation Timeframe

This strategy must be in place one year from date of issuance of final Certificate of Occupancy for a single-building Project and one year from date of issuance of Certificate of Occupancy equaling 50 percent completion of a multiple-building Project. [Ord. 2006-036]

4. Monitoring and Enforcement

a. The Transit service is specified as part of a Master Plan or Site Plan, and the Development Order. Annual documentation of marketing efforts, funding, and participation for the free Transit pass program shall be provided to the Palm Beach County Engineer. [Ord. 2006-036]
b. Two years following Project Buildout, the Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]
c. By April 1 of each year, starting April 1 after the first full year after initiation of the Transit service, the developer, or their agent, must supply a report to the County Engineer as well as Municipality if applicable, identifying average daily and weekly ridership, the number of employees from the Project using the service, fees charged and revenues collected, and an evaluation of service operation with potential recommendations to increase the use of the service. [Ord. 2006-036]

5. Credit Factor

a. 0.05 for subscription bus service that operates with at least 50 percent employer subsidy; [Ord. 2006-036]
b. 0.05 for feeder service/Transit passes on routes with 30-minute peak hour headways; [Ord. 2006-036]
c. 0.10 for feeder service/Transit passes on routes with 20-minute peak hour headways; [Ord. 2006-036]
d. 0.15 for feeder service/Transit passes on routes with 10-minute peak hour headways; or, [Ord. 2006-036]
e. A 50 percent credit bonus will be given for feeder service that is operated with a peak headway as shown above and at least one-hour non-peak hour headways for a total period of at least 12 hours each weekday. The credit will double for feeder services offered free to the general public (not just site employees or residents). [Ord. 2006-036]

D. Strategy 4. Parking Management

Parking Management Strategy applies only to employee parking for non-residential Projects of at least 50,000 square feet of building area and mixed-use Projects with non-residential components of at least 50,000 square feet of building area. This strategy consists of the following: [Ord. 2006-036]

1. Qualifying Criteria

a. Parking lot must clearly identify separate parking areas for employees and customers, if any. Separate parking areas, including areas for employee preferred parking, shall be delineated on the Site Plan. [Ord. 2006-036]
b. Notwithstanding Art. 6, Parking, Loading, and Circulation, or other jurisdiction parking requirements, at least ten percent of the minimum number of parking spaces required by the

applicable County or Municipal code must be eliminated from the portion of the lot reserved for employees. [Ord. 2006-036]

c. Employees who drive to work must pay a daily fee of six dollars to park in the lot. The parking spaces for these employees must be located at the most remote point from the nearest building entrance relative to all other parking spaces. Employees who fail to pay the fee or park in an unauthorized space shall be subject to penalties including a fine equal to double the daily fee imposed, and in cases of repeated violations, towing. [Ord. 2006-036]

d. All fees and penalties collected from the employees who pay to park must be deposited in a separate parking fee fund. Monies in the fund shall be used to reduce traffic impacts by offering payments to employees who use public transportation or Vanpools in accordance with Strategy 5, Ridesharing Programs, offering payments to provide or fund in part shuttle service for employees in accordance with Strategy 3, Feeder Transit Service to Rail Stations or Multi-Modal Transit Centers; New Commuter Bus Service; Local Bus/Shuttle Service; Employee Transit Passes, or both. [Ord. 2006-036]

e. Employees who Rideshare do not pay a daily fee to park and may park in spaces designated for Ridesharing participants. Because of the above relationships, this strategy should be combined with Strategy 5, Ridesharing Programs. [Ord. 2006-036]

f. Applicant must specify a dedicated funding commitment from a source other than the parking fee to provide on-site monitoring and parking fee fund management. [Ord. 2006-036]

2. Implementation Timeframe

Parking lot configuration must be in place at the time of CO for any phase of the Project. Implementation timeframes for parking fees and use of parking fees to reduce traffic impacts shall be specified in the Development Order but in no event shall full implementation occur more than six months after Project Buildout. [Ord. 2006-036]

3. Monitoring

a. Beginning April 1 after the first full year of program, and every April 1 thereafter, the Applicant, or successor in interest, must provide to the County Engineer an annual report. The annual report shall at a minimum contain monthly and cumulative statistics providing: [Ord. 2006-036]

1) The number of total employees employed during each month and average number for the calendar year; [Ord. 2006-036]
2) The number of employees who paid parking fees; [Ord. 2006-036]
3) The number of employees who participated in Ridesharing or shuttle programs; [Ord. 2006-036]
4) The amount of fees collected; [Ord. 2006-036]
5) A report on the expenditure of the fees and fund balance at the end of each month and calendar year; [Ord. 2006-036]
6) An on-site monitoring report providing average number of Rideshare vehicles and paid parking vehicles in the lot each month, and the number of vehicles cited for improperly parking or parking without paying a fee per month. [Ord. 2006-036]

The report shall also include copies of all materials used in the Project informing employees of the strategy including lot regulations, daily fees, and opportunities for Ridesharing, public transportation, and shuttle service as appropriate. [Ord. 2006-036]

b. Two years following Project Buildout, the developer, owner, or agent as appropriate may request alteration of existing strategy or substitution of alternative strategies pursuant to Art. 12.P.3.F, Time Limits. In the event a substitution is authorized, all funds collected under this strategy shall be deposited in the Okeechobee Boulevard Mitigation Fee Trust Fund established in Strategy 14, Additional Mitigation Fee Payment. [Ord. 2006-036]

4. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.D, Strategy 4 Credit Factor Calculation. [Ord. 2006-036]

Table 12.P.4.D – Strategy 4 Credit Factor Calculation

$\text{Credit Factor} = \frac{P}{10 \times (\sqrt{S})}$
P = number of parking spaces eliminated by parking management
S = total size of non-residential building area in 1,000 sq. ft.
[Ord. 2006-036]

E. Strategy 5. Ridesharing Programs

Ridesharing Programs shall apply only to non-residential Projects and non-residential portions of mixed-use Projects with 20 or more employees. [Ord. 2006-036]

1. Qualifying Criteria

a. At least 15 percent of the Project employees must participate in Ridesharing within nine months of Project Buildout or as otherwise specified in the Master Plan. The Master Plan shall specify an alternate, backup mitigation strategy or corrective/incentive plan to be implemented if after nine months, 15 percent of the Project employees do not participate in Ridesharing. [Ord. 2006-036]

b. Projects must identify and fund a Ridesharing coordinator to assist participants, promote and facilitate the Ridesharing Program, and track performance of the Ridesharing Program for monitoring purposes. As an alternative, the Project may elect to participate in the existing South Florida Commuter Services Ridesharing Program by paying an annual membership fee. [Ord. 2006-036]

c. Applicants must identify a dedicated funding commitment to fund all aspects of the Ridesharing Program. This funding commitment shall include a commitment to provide at least a 50 percent subsidy of the out-of-pocket cost of any employee Vanpool utilizing the South Florida Vanpool Program. [Ord. 2006-036]

d. Preferential parking must be allocated for Ridesharing Program participants. Preferential parking spaces must be located closest to building entrances, with the exception of reserved spaces required by the ADA and delineated on the Site Plan. [Ord. 2006-036]

e. Combining this strategy with Strategy 4, Parking Management, is encouraged. [Ord. 2006-036]

f. No credit shall be received for Strategy 5, Ridesharing Programs, for those employees qualifying for credit under the non-peak hour work hours part of Strategy 13, Compressed Work Week/Non-Peak Hour Work Hours. [Ord. 2006-036]

2. Monitoring

a. Beginning April 1 after the first full year of program, and every April 1 thereafter, the Applicant, or successor in interest, must provide to the County Engineer an annual report. The annual report must be certified by an independent financial auditor and shall at a minimum contain monthly and cumulative statistics providing: [Ord. 2006-036]

1) The number of total employees employed during each month and average number for the calendar year; [Ord. 2006-036]
2) The number of employees who participated in Ridesharing; [Ord. 2006-036]
3) The number of days each employee participated in Ridesharing per reporting period; and, [Ord. 2006-036]
4) An accounting detailing the amount expended to fund the Ridesharing Program, including coordinator salary and amounts spent on promoting and monitoring the Ridesharing Program. [Ord. 2006-036]

The report shall also include copies of all materials used in promoting the Ridesharing Program. [Ord. 2006-036]

b. Two years following Project Buildout, the developer, owner, or agent as appropriate may request alteration or substitution of strategies pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

3. Implementation Timeframe

This strategy must be fully implemented within nine months of Project Buildout, or as otherwise set forth in the Master Plan or Site Plan. [Ord. 2006-036]

4. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.E, Strategy 5 Credit Factor Calculation. [Ord. 2006-036]

Table 12.P.4.E – Strategy 5 Credit Factor Calculation

$\text{Credit Factor} = \frac{E \times 2 \times D / 5}{50 \times (\sqrt{S})}$
E = number of on-site employees that are required to participate
D = number of weekdays per week that employees are required to participate
S = total size of non-residential building area in 1,000 sq. ft.
[Ord. 2006-036]

F. Strategy 6. Telecommuting Programs

1. Strategy

This strategy applies only to larger employers implementing formal policies, based on specific criteria, to allow and encourage employees to Telecommute. [Ord. 2006-036]

2. Qualifying Criteria

a. Project must be an employer of at least 20 people. [Ord. 2006-036]
b. Project must develop a formal policy and contract between employees and managers. The policy shall identify which job categories are suitable for Telecommuting, and what employees must do to participate. [Ord. 2006-036]
c. Employees must participate in the Telecommuting program an average of at least two weekdays per week. [Ord. 2006-036]
d. The projected level of participation, i.e., the number of employees participating and days per week Telecommuting, must be established in the Master Plan or Site Plan and maintained. [Ord. 2006-036]
e. Combining this strategy with Strategy 5, Ridesharing Programs, is encouraged. [Ord. 2006-036]

3. Implementation Timeframe

One year from Project Buildout to meet projected level of participation, or as otherwise specified in the Master Plan or Site Plan. [Ord. 2006-036]

4. Monitoring

a. By April 1 of each year, starting April 1 after the first full year after initiating the program, the owner, developer, or their agent, must supply a service report to the County Engineer, identifying the number of employees from the Development participating in the program and the number of days each employee Telecommutes. This monitoring report shall also include a copy of the Telecommuting policy and copies of each of the signed Telecommuting contracts entered during the reporting period. [Ord. 2006-036]
b. Two years following initiation of this strategy, the Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.F, Strategy 6 Credit Factor Calculation. [Ord. 2006-036]

Table 12.P.4.F – Strategy 6 Credit Factor Calculation

$\text{Credit Factor} = \frac{\text{E} \times 2 \times \text{D} / 5}{50 \times (\sqrt{\text{S}})}$
E = number of on-site based employees that Telecommute
D = number of weekdays per week that employees Telecommute
S = total size of non-residential building area in 1,000 sq. ft.
[Ord. 2006-036]

G. Strategy 7. Bicycle Parking Facilities

1. Strategy

This strategy consists of providing secure bicycle parking at residential and non-residential Developments. [Ord. 2006-036]

2. Qualifying Criteria

Minimum requirements for Bicycle Parking Facility shall be in accordance with the Table below: [Ord. 2006-036]

Table 12.P.4.G – Minimum Requirements for Bicycle Parking Facility

Use Type	Number of Parking Spaces
Commercial, Retail, and Institutional	1 bicycle space per 25 vehicle parking spaces
Multifamily and Mixed-Use Development	1 bicycle space per 4 dwelling units
[Ord. 2006-036]	

a. The secure bicycle parking facility must be provided within 75 feet of the entrance to buildings that cyclists will most likely use. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. All bicycle parking facilities shall be covered and may be fully enclosed. [Ord. 2006-036]
b. Combining this strategy with Strategy 4, Parking Management, is encouraged. [Ord. 2006-036]

3. Implementation Timeframe

Secured bicycle facility must be completed prior to issuance of the first CO. [Ord. 2006-036]

4. Monitoring and Enforcement

When this strategy is used, the provision of bicycle facilities, including the number and general location, shall be included in the Development Order/Master Plan. [Ord. 2006-036]

5. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.G, Strategy 7 Credit Factor Calculation, below: [Ord. 2006-036]

Table 12.P.4.G – Strategy 7 Credit Factor Calculation

$\text{Credit Factor} = \frac{0.5\ (P_B)}{2\ (P_T) + 9\ (R_U)}$
P_B = number of bicycle parking spaces created per above qualifying criteria a and b
P_T = total number of non-residential parking spaces
R_U = total number of residential housing units
[Ord. 2006-036]

H. Strategy 8. Provide Access Between Developments

1. Strategy

a. This strategy applies to vehicle and pedestrian connections between adjacent Projects and encourages the use of such interconnections to reduce the need to access abutting roadways. The Credit Factor is based on the standard internalization criteria used by the Traffic Division. [Ord. 2006-036]

b. For Projects on a CRALLS roadway, the credit will be based on the reduction of trips on the CRALLS roadway. Projects not directly on a CRALLS roadway will receive one-half the credit amount. [Ord. 2006-036]

2. Qualifying Criteria

a. The connection between the adjacent parcels must be conveniently located and designed to accommodate both vehicles and pedestrians. [Ord. 2006-036]

b. The pedestrian connection must be ADA accessible. [Ord. 2006-036]

c. Pedestrian connections between adjacent parcels or between building clusters within a single parcel shall be provided at a minimum of every 500 feet of building frontage or property line, and should be designed and located to maximize access to roadway corridors, Transit stops, and parking areas. [Ord. 2006-036]

d. The cross-access easement shall be shown on the parcel's plat, or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur. A letter of agreement from the adjacent Property Owner shall be provided at the time of application in order to initially qualify for use of this strategy. If the Project is subsequently approved conditioned upon implementation of this strategy, the condition shall require a reciprocal cross-access easement at the same location on the adjacent property be recorded prior to the issuance of the first CO for the Project. Pedestrian crossings should incorporate treatments that provide the highest degree of visibility and safety for pedestrians. Recommended treatments include countdown signals, in-pavement lighting at crosswalks, raised pedestrian crosswalks, curb bulb-outs, and other traffic calming measures. These treatments should be applied where suitable, with special emphasis given in locations where pedestrians will cross Collector and Arterial Roadways, and in parking and circulation areas of large Developments. [Ord. 2006-036]

e. The cross access must be provided in addition to any other cross access required by government land development regulations or driveway permit conditions. [Ord. 2006-036]

f. Access for pedestrian use only will receive a reduced Credit Factor as set forth in Art. 12.P.4.H.5, Credit Factor, below. [Ord. 2006-036]

3. Implementation Timeframe

The precise timetable shall be determined as part of the Development Order approval process but the cross-access easements on both properties must be in place, as depicted on the plat or in the restrictive covenant, prior to issuance of the first CO for the Project. [Ord. 2006-036]

4. Monitoring and Enforcement

Since providing access between Developments is part of the Development Order/Master Plan, Code Enforcement or the Metropolitan Planning Organization Bicycle/Pedestrian Coordinator, or other County Departments, as appropriate, shall be able to inspect the cross-access connection at any time. [Ord. 2006-036]

5. Credit Factor

a. Project where the First Directly Accessed Link is a CRALLS roadway: [Ord. 2006-036]
   1) 0.1 of smaller retail for retail to retail; [Ord. 2006-036]
   2) 0.1 of residential for residential to retail; [Ord. 2006-036]
   3) 0.1 of office for office to retail; and, [Ord. 2006-036]
   4) 0.05 of office for office to residential [Ord. 2006-036]

b. Project where the First Directly Accessed Link is not on CRALLS roadway: [Ord. 2006-036]
   1) 0.05 of smaller retail for retail to retail; [Ord. 2006-036]
   2) 0.05 of residential for residential to retail; [Ord. 2006-036]
   3) 0.05 of office for office to retail; and, [Ord. 2006-036]
   4) 0.025 of office for office to residential [Ord. 2006-036]

c. The Credit Factor for pedestrian-only connections shall be one-tenth of the above numbers. [Ord. 2006-036]

I. Strategy 9. Provide Access to More Than One Road

1. Strategy

a. This strategy applies to properties that have access to two or more thoroughfare roadways, either directly, via non-thoroughfare roadways, or via shared access with an adjacent property. It is intended to allow better distribution of traffic onto the major roadway system as compared to Projects with single access. [Ord. 2006-036]

b. For Projects that directly access a CRALLS roadway, the credit is associated with the reduction of trips on the CRALLS roadway. The secondary access must be an alternative to access to a CRALLS roadway. For Projects that do not directly access a CRALLS roadway, the access must be on two or more thoroughfare roadways. These Projects will receive a lesser credit. [Ord. 2006-036]

2. Qualifying Criteria

a. Secondary access must be at an existing median opening to qualify for the full credit. If there is no median opening, the credit will be 50 percent less. Full credit shall be given if a median opening will be established concurrent with Development. [Ord. 2006-036]

b. The secondary access must be designed to accommodate both vehicles and pedestrians. [Ord. 2006-036]

c. The secondary access for the pedestrian connection must be ADA accessible. [Ord. 2006-036]

d. The access easement should be shown on the parcel's plat, or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur. [Ord. 2006-036]

e. The secondary access must be provided in addition to any secondary access required by government land development regulations or driveway permit. [Ord. 2006-036]

f. For Projects not on CRALLS roadways, the secondary access will not necessarily reduce traffic on the CRALLS roadway, but will better distribute Project Traffic on the roadway system. The Credit Factor is reduced by 50 percent in these cases. [Ord. 2006-036]

g. Secondary access shall meet the access management requirements of the Municipality, County, or FDOT, as applicable; if not, then it must have been granted a Variance from the access management requirements prior to qualifying for credit. [Ord. 2006-036]

h. The secondary access may be an access point onto the CRALLS roadway that aligns with another thoroughfare and thus allows dispersion of some Project Traffic without impacting the CRALLS roadway except at the intersection. [Ord. 2006-036]

3. Implementation Timeframe

The precise timetable shall be determined as part of the Development Order approval process but the easement must be in place, as depicted on the plat or in the restrictive covenant, no later than issuance of the first CO for the Project. [Ord. 2006-036]

4. Monitoring

The Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

a. 1.0 at median opening for access to thoroughfare secondary to CRALLS roadway; [Ord. 2006-036]

b. 0.5 not at median openings for access to thoroughfare secondary to CRALLS roadway; [Ord. 2006-036]

c. 0.2 at median opening to another thoroughfare for Projects not on CRALLS roadway; [Ord. 2006-036]

d. 0.1 not at median opening to another thoroughfare for Projects not on CRALLS roadway; or, [Ord. 2006-036]

e. 0.4 for access onto CRALLS roadway that aligns with full median opening with another thoroughfare. [Ord. 2006-036]

J. Strategy 10. Low Generation Traffic Sensitive Uses

1. Strategy

This strategy consists of developing the Project with a low generation traffic sensitive use, with the intent of reducing traffic congestion. [Ord. 2006-036]

2. Qualifying Criteria

a. Credit will be given for this strategy only if credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]
b. Restrictive covenants on the parcel shall be filed describing the uses and associated densities and intensities that are allowed. [Ord. 2006-036]
c. The Master Plan or Site Plan shall identify, on a building and parcel basis, the building areas allocated to specific land uses for the Development. [Ord. 2006-036]

3. Implementation Timeframe

Determined during concurrency review. [Ord. 2006-036]

4. Monitoring

By April 1 of each year, starting April 1 after the first full year after occupying the site, the developer, or their agent, must supply a use report to the County Engineer, identifying uses, and their densities and intensities, active on the site. [Ord. 2006-036]

Two years following Project Buildout, the Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

a. Credit shall be determined by multiplying by three the percent reduction (expressed as a decimal) in two-way peak hour trips as compared to the typical average net external two-way peak hour trips per gross acre for Development in the area per the land use designation as of the effective date of adoption of this Section. The typical Development density and intensities based on an analysis of existing Developments in area of CRALLS are as follows: [Ord. 2006-036]
   1) Residential: as per maximum allowable under land use designation. [Ord. 2006-036]
   2) Retail commercial: 0.18 gross lot area coverage by buildings. [Ord. 2006-036]
   3) Office: 0.16 gross lot area coverage by buildings. [Ord. 2006-036]
   4) Industrial: 0.22 gross lot area coverage by buildings. [Ord. 2006-036]
   5) Institutional: 0.09 gross lot area coverage by buildings. [Ord. 2006-036]
b. It is further assumed that, for purposes of calculation and comparison, the typical gross lot area coverage intensities are based upon single-story buildings occupying the parcels. Also, for purposes of comparison, the typical density/intensity for the land use designations listed above shall be calculated using the general Trip Generation rate for that designation as published by the PBC Engineering and Public Works Department/Traffic Division, whereas the proposed Project shall be calculated using the specific Trip Generation rate for the proposed use if it is a Conditional Use under the applicable zoning district. [Ord. 2006-036] [Ord. 2017-007]
c. Credit Factor shall be calculated in accordance with Table 12.P.4.J, Strategy 10 Credit Factor Calculation, below: [Ord. 2006-036]

Table 12.P.4.J – Strategy 10 Credit Factor Calculation

$\text{Credit Factor} = \frac{3 \times (T_A - T_P)}{T_A}$
T_A = average net external 2-way peak hour trips per gross acre in area for applicable land use designation
T_P = Project net external 2-way peak hour trips per gross acre
[Ord. 2006-036]

6. Example

a. Proposed self-storage Development of 60,000 square feet on ten-acre parcel with industrial land use designation = 0.14 gross lot area coverage [Ord. 2006-036]
b. Average industrial gross lot area coverage = 0.22 [Ord. 2006-036]
c. Project net external two-way p.m. peak hour trips per gross acre = (60 x 0.26)/10 = 1.56 trips per gross acre [Ord. 2006-036]
d. Average net two-way p.m. peak hour trips per gross acre = 0.98 x (0.22 x 10 x 43,560/1,000)/10 = 9.39 trips per gross acre [Ord. 2006-036]
e. Credit Factor = 3 x [(9.39 - 1.56) / 9.39] = 2.5 [Ord. 2006-036]

K. Strategy 11. Intersection Modifications

1. Strategy

This strategy consists of improvements to signalized intersections on the CRALLS roadway. The intersection modification can include additional turn lanes or additional through lanes. [Ord. 2006-036]

2. Qualifying Criteria

a. This strategy applies only to intersections projected to exceed a critical sum of 1,200 during either the a.m. or p.m. peak hour by Project Buildout. [Ord. 2006-036]

b. Credit will only be given for this strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]

c. Credit will not be given for that portion of the intersection modification that is required to mitigate just the traffic impacts of the proposed Development. [Ord. 2006-036]

3. Methodology for Analyzing Improvement

The intersection will be analyzed using the "sum of critical movements" approach as detailed in Art. 12.B, Standard. [Ord. 2006-036]

4. Implementation Timeframe

Determined during Site Plan review. [Ord. 2006-036]

5. Monitoring and Enforcement

When this strategy is used, the provision of intersection modifications shall be included in the Development Order as well as the Master Plan or Site Plan. The Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

6. Credit Factor

Equal to five times the percentage reduction (expressed as a decimal) of the "sum of critical movement" in the operation of the intersection during either the a.m. or p.m. peak hour. The reduction in the critical movement sum is calculated without considering the component of traffic attributable to the proposed Development itself. Credit Factor shall be calculated in accordance with Table 12.P.4.K, Strategy 11 Credit Factor Calculation, below: [Ord. 2006-036]

Table 12.P.4.K – Strategy 11 Credit Factor Calculation

Credit Factor = $5 \times (1 - CS_M / CS_E)$
CS_M = the existing sum of critical movements for the intersection
CS_E = the sum of critical movements for the intersection after the modification
[Ord. 2006-036]

7. Pooling Improvement by Multiple Developments

Multiple Developments may pool their resources to implement an intersection improvement if the combined trips from the Developments do not exceed the improvement to the intersection. In this case, the credit will be given proportionately according to each Development's contribution. [Ord. 2006-036]

8. Example

An intersection has an existing "sum of critical movements" of 1,500. A proposed improvement will result in a "sum of critical movements" of 1,350. The improvement is 5 x [1 - (1,350 / 1,500)] = 5 x (1 - 0.9) = 0.5. [Ord. 2006-036]

L. Strategy 12. Grade-Separated Interchange Improvement

1. Strategy

This strategy consists of dedicating R-O-W for a proposed grade-separated interchange or interchange modification. [Ord. 2006-036]

2. Qualifying Criteria

a. The interchange improvement must be approved by the Florida Department of Transportation District 4, PBC and/or Florida's Turnpike District, as appropriate. [Ord. 2006-036]

b. Credit will only be given for this strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]

c. The dedication of R-O-W must be in addition to what is required by government land development regulations and must not be site-related. [Ord. 2006-036]

3. Implementation Timeframe

Determined during Site Plan review. [Ord. 2006-036]

4. Monitoring and Enforcement

When this strategy is used, the provision of grade-separated interchange improvements shall be included in the Palm Beach County Comprehensive Plan on either the Thoroughfare Right-of-Way Identification Map or Adopted Long Range Plan Map and the area to be dedicated shall be designated

in the Project's Development Order/Master Plan. The Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

Percentage of total required grade-separated interchange improvement R-O-W dedicated by developer expressed as a decimal. [Ord. 2006-036]

M. Strategy 13. Compressed Work Week/Non-Peak Hour Work Hours

1. Strategy

A work site policy implementing a work schedule for full-time (i.e., working at least 35 hours per week) employees for a less than five-day work week by extending hours of work during the remaining work days, with start and end work times that fall outside the normal a.m. (seven to nine a.m.) and p.m. (four to six p.m.) peak hours. [Ord. 2006-036]

2. Qualifying Criteria

a. 20 percent or more of on-site employees must be working the compressed work week schedule. [Ord. 2006-036]
b. Either the start or end work time or both must fall outside the normal a.m. and p.m. peak hours of on-street traffic. [Ord. 2006-036]
c. The work schedules for the affected on-site employees need to be documented on an annual basis. [Ord. 2006-036]
d. Projects must include an on-site coordinator to assist participants in the program, as well as to facilitate program performance tracking and reporting. [Ord. 2006-036]
e. Project must develop a formal policy and contract between employees and managers that shall identify which job categories are eligible for the compressed work week/non-peak work hours option. [Ord. 2006-036]
f. Project must be an employer of 20 or more people. [Ord. 2006-036]
g. For those employees qualifying for credit under the non-peak hour work hours part of Strategy 13, Compressed Work Week/Non-Peak Work Hours, no credit shall be received for Strategy 5, Ridesharing Programs. [Ord. 2006-036]

3. Implementation Timeframe

One year from date of issuance of the first CO for the Project. [Ord. 2006-036]

4. Monitoring and Enforcement

a. By April 1 of each year, starting April 1 after the first full year after initiating the program, the owner, developer, or their agent, must supply a report to the County Engineer identifying the number of employees from the Development participating in the program and the total number of employees employed during the reporting period, and the work schedules of each participant. This monitoring report shall also include a copy of the compressed work week policy and copies of each of the signed compressed work week contracts entered during the reporting period. The County Engineer shall analyze the data for compliance with the Development Order. If the program fails to meet the plan's specified criteria within one year of Project Buildout, the owner, developer, or agent shall undertake remedial action, or institute an alternate mitigation strategy. [Ord. 2006-036]
b. Two years following initiation of the strategy, the Project's developer, owner, or t as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.M, Strategy 13 Credit Factor Calculation, below: [Ord. 2006-036]

Table 12.P.4.M – Strategy 13 Credit Factor Calculation

$\text{Credit Factor} = \frac{E \times (D + H / (5 - D))}{50 \times (\sqrt{S})}$
E = number of on-site based employees that participate in program
D = number of weekdays per week that the employees do not have to drive to work due to their participation in program
H = number of peak hours per week on work days during which participating employees will not drive to work
S = size of Project in 1,000 sq. ft.
[Ord. 2006-036]

N. Strategy 14. Additional Mitigation Fee Payment

1. Strategy

This strategy involves the payment of mitigation fees in excess of the amount required by the Code for Road Impact Fees. These fees shall be deposited in a separate Okeechobee Boulevard Mitigation Fee Account and shall be used by the BCC to fund road improvements or other Programs designed to improve traffic flow in the Okeechobee Boulevard corridor. [Ord. 2006-036]

2. Qualifying Criteria/Implementation Timeframe

a. Prepayment of the additional mitigation fees shall be required prior to issuance of the first Building Permit. [Ord. 2006-036]

b. Credit will only be given for this strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]

3. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.N, Strategy 14 Credit Factor Calculation, below: [Ord. 2006-036]

Table 12.P.4.N – Strategy 14 Credit Factor Calculation

0.001 x (additional amount of payment in $1,000s) + 0.005 x (percentage excess payment above required impact fee expressed as whole number - up to a maximum of 100%)
[Ord. 2006-036]

4. Example

A Project with a Road Impact Fee of 132,000 dollars agrees to pay 100 percent of its fee as an additional mitigation fee payment. The Project will thus qualify for a Credit Factor of (0.001 x 132) + (0.005 x 100) = 0.632. [Ord. 2006-036]

Section 5 CRALLS Mitigation Strategies – Point System Methodology

The following Section outlines the methodology for a preliminary Point System to be used in conjunction with CRALLS mitigation strategies. This system operates within the context of PBC's Traffic Performance Standards, in that it assigns trips impacting CRALLS facilities as part of the overall Trip Generation function. CRALLS Facilities Assigned Trips are defined to include the highest number of Project Net Trips that pass through any single point (intersection or Link) along the Okeechobee corridor that is within the Project's Radius of Development Influence (RDI). For example, this would include Project Trips assigned to all approaches to an Okeechobee intersection that lies within the RDI, including U-turn movements that must occur at the intersection. Once those assigned trips are understood and classified, a weighting factor can be applied to reflect the intensity of mitigation required by the developer. The "Credit Factor" used in this system corresponds to the sum of the Credit Factors derived from the mitigation strategies utilized. [Ord. 2006-036] [Ord. 2010-022]

Table 12.P.5 – Point System Methodology

CRALLS Facilities Assigned Trips (Net 2-way peak hour trips)	**Weighting Factor**	**Min. Points Needed to Fulfill Mitigation** (divide assigned trips by 10)
1-100	5	≤ 10
101-200	10	11-20
201-400	20	21-40
401-800	40	41-80
801-1,000 (1)	80	81-100
[Ord. 2006-036]		
Notes:		
1.	Net two-way peak hour trips in excess of this number shall be categorized and assigned weighting factors in a proportionate manner to the above Table. [Ord. 2006-036]	

A. Calculation to Determine Mitigation

The method of calculation to determine mitigation shall be in accordance with Table 12.P.5.A, Calculation to Determine Mitigation, below: [Ord. 2006-036]

Table 12.P.5.A – Calculation to Determine Mitigation

$\frac{\text{Number of assigned trips (1)} \times \text{Credit Factor}}{\text{Weighting factor}} = \text{Points earned}$	
[Ord. 2006-036]	
Notes:	
1.	The assigned trips include only those trips that are impacted by the specific mitigation strategy. [Ord. 2006-036]
2.	All Credit Factor calculations for each strategy are to be rounded off to the nearest one-hundredth prior to summing them to derive total points. [Ord. 2006-036]

B. Example Calculation

1. Impact

a. Development will impact 100 trips onto CRALLS facility. [Ord. 2006-036]

b. Developer needs ten points to achieve CRALLS mitigation. [Ord. 2006-036]

2. Mitigation Examples

a. Developer chose to implement an access to thoroughfare secondary to CRALLS roadway: [Ord. 2006-036]

$\frac{100 \times 0.10}{0.5} = 20 \text{ points}$
[Ord. 2006-036]

b. Developer chose to implement a feeder route with 30-minute headways: [Ord. 2006-036]

$\frac{100 \times 0.05}{0.5} = 10 \text{ points}$
[Ord. 2006-036]

CHAPTER Q PROPORTIONATE SHARE PROGRAM

Section 1 Purpose and Intent

The purpose of this Chapter is to establish a program that meets the requirements of to F.S. § 163.3180(5)(h), as may be amended, by allowing an Applicant to satisfy the traffic concurrency requirements of the ULDC and Plan by entering into a binding agreement to pay for or construct its proportionate share of required improvements. [Ord. 2006-043] [Ord. 2018-018]

Section 2 Applicability

The Proportionate Share Program shall apply to all Projects that fail to meet the standards of this Article on a Collector or Arterial Road that is not the responsibility of a Municipality, or that fail to meet the standards of this Article on a transportation facility maintained by FDOT. The Proportionate Share Program does not apply to Developments of Regional Impact (DRIs) using proportionate share under to F.S. § 163.3180(12), or to Projects exempted from this Article. [Ord. 2006-043] [Ord. 2018-018]

Section 3 General Requirements

A. An Applicant may satisfy the transportation concurrency requirements of Palm Beach County by making a proportionate share contribution, pursuant to the following requirements: [Ord. 2006-043] [Ord. 2018-018]

1. The proposed Development is consistent with the comprehensive plan and applicable land development regulations. [Ord. 2006-043]
2. Any improvement Project proposed to meet the developer's share obligation must meet Palm Beach County's design standards for locally maintained roadways and those of the FDOT for the State Highway System. [Ord. 2006-043] [Ord. 2018-018]
3. The proportionate share contribution is applied toward one or more mobility improvements that will benefit a regionally significant transportation facility. [Ord. 2018-018]
4. For Projects located within a Municipality, any Proportionate Share Agreement required by an Applicant in order to meet traffic concurrency must be entered into by the Applicant and PBC prior to receiving a DO from the Municipality. The County Engineer may rescind a traffic concurrency approval in the event the Project receives a Municipal DO prior to entering into a Proportionate Share Agreement with PBC. [Ord. 2018-018]

Section 4 Intergovernmental Coordination

Pursuant to Policies in the Intergovernmental Coordination Element of the Plan, Palm Beach County shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the Local Government receiving the application for proportionate share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose. [Ord. 2006-043] [Ord. 2018-018]

Section 5 Application Process

A. In the event of a lack of capacity to satisfy transportation concurrency, the Applicant shall have the opportunity to satisfy transportation concurrency through the Proportionate Share Program pursuant to the requirements of Art. 12.Q.3, General Requirements. [Ord. 2006-043] [Ord. 2018-018]
B. Eligible Applicants shall submit an application to the County Engineer. The County may establish an application fee that does not exceed the cost to the County of reviewing the application. [Ord. 2006-043] [Ord. 2018-018]
C. The County Engineer shall review and evaluate the application as part of the Traffic Impact Study as set forth in Art. 12.D, Procedure. [Ord. 2006-043] [Ord. 2018-018]
D. When an application is deemed sufficient, complete, and eligible, a proposed proportionate share obligation and binding agreement will be prepared by the County Engineer or the Applicant and delivered to the appropriate parties for review. [Ord. 2006-043] [Ord. 2018-018]
E. No Proportionate Share Agreement will be effective until approved by the County. [Ord. 2006-043] [Ord. 2018-018]

Section 6 Determining Proportionate Share Obligation

A. Proportionate share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, and construction and contribution of facilities. [Ord. 2006-043] [Ord. 2018-018]
B. A Project eligible for participation under the Proportionate Share Program shall not be required to pay more than its proportionate share. The fair market value of the proportionate share mitigation for the impacted facilities shall not differ regardless of the method of mitigation. [Ord. 2006-043] [Ord. 2018-018]
C. The methodology used to calculate a Project's proportionate share obligation shall be as provided for in F.S. § 163.3180(5)(h), as follows: [Ord. 2018-018]

The cumulative number of trips from the proposed Development expected to reach roadways during peak hours from the complete build-out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the Adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the Adopted LOS.

OR

Proportionate Share = Σ [[(Development Trips$_i$) / (SV Increase$_i$)] x Cost$_i$]

Where:	
Development Trips =	Those trips from the stage or phase of Development under review that are assigned to roadway segment "i" and have triggered a deficiency per TPS.
SV Increase =	Service volume increase provided by the eligible improvement to roadway segment "i" per Art. 12.Q.3, General Requirements.
Cost =	Adjusted cost of the improvement to segment "i." Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering review, inspection, administration, and physical Development costs directly associated with construction at the anticipated cost, including contingencies, in the year it will be incurred.

[Ord. 2006-043]

D. For the purposes of determining proportionate share obligations, the County Engineer shall determine costs of the improvement at the time of application, but shall be subject to an adjustment calculation to account for changes in road Development costs that may occur between the date of Proportionate Share Agreement and the date each Proportionate Share Payment is due. The method of calculating said adjustment and appropriate Producer Price Index for Commodities shall be included in the Proportionate Share Agreement. [Ord. 2006-043] [Ord. 2018-018]
E. If the County has accepted an improvement proposed by the Applicant, then the value of the improvement shall be based on an engineer's certified cost estimate provided by the Applicant and approved by the County Engineer or other method approved by the County Engineer. [Ord. 2006-043]

Section 7 Impact Fee Credit for Proportionate Share Mitigation

A. Proportionate share contributions shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate share mitigation is used to address the same capital infrastructure improvements contemplated by Art. 13, Impact Fees. [Ord. 2006-043] [Ord. 2018-018]
B. Impact fee credits for the proportionate share contribution will be determined when the transportation impact fee obligation is calculated for the proposed Development. Impact fees owed by the Applicant will be reduced per the Proportionate Share Agreement as they become due pursuant to Art. 13, Impact Fees. Once the credit has been exhausted, payment of Road Impact Fees shall be required for each permit issued. The impact fee credit shall be established when the proportionate share contribution is received by the County, or when the share amount is secured by Performance Security. [Ord. 2006-043] [Ord. 2018-018]
C. The proportionate share obligation is intended to mitigate the transportation impacts of a proposed Project. As a result, any Road Impact Fee credit based upon proportionate share contributions for a proposed Project cannot be transferred to any other Project. [Ord. 2006-043] [Ord. 2018-018]

Section 8 Proportionate Share Agreements

A. Upon execution of a Proportionate Share Agreement ("Agreement"), the Applicant shall receive a certificate of concurrency approval. Should the Applicant fail to apply for a Development Permit within 12 months, then the Agreement shall be considered null and void, and the Applicant shall be required to reapply. [Ord. 2006-043] [Ord. 2018-018]
B. Payment of the proportionate share contribution shall be non-refundable. [Ord. 2006-043] [Ord. 2018-018]
C. In the event an Agreement requires the Applicant to build one or more road improvements, all such improvements must be commenced prior to issuance of a Development Permit and assured by a binding agreement that is accompanied by a Performance Security sufficient to ensure the completion of all required improvements. It is the intent of this Section that any required improvements be completed before issuance of Certificates of Occupancy. [Ord. 2006-043]
D. Any requested change to a Development Project subsequent to a Development Order may be subject to additional proportionate share contributions to the extent the change would generate additional traffic that would require mitigation. [Ord. 2006-043]
E. Applicants may submit a letter to withdraw from the Proportionate Share Agreement at any time prior to the execution of the Agreement. The application fee and any associated advertising costs paid to Palm Beach County will be non-refundable. [Ord. 2006-043] [Ord. 2018-018]
F. Palm Beach County may enter into Proportionate Share Agreements for selected corridor improvements to facilitate collaboration among multiple Applicants on improvements to a shared transportation facility. [Ord. 2006-043] [Ord. 2018-018] [Ord. 2020-001]

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-036; August 29, 2006] [Ord. 2006-043; September 1, 2006] [Ord. 2006-055; December 1, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2010-005; February 2, 2010] [Ord. 2010-022; September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2011-016, September 6, 2011] [Ord. 2014-025; September 3, 2014] [Ord. 2017-007; March 2, 2017] [Ord. 2018-018; August 29, 2018] [Ord. 2019-005; January 29, 2019] [Ord. 2020-001; January 28, 2020]

ARTICLE 13

IMPACT FEES

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ARTICLE 13

IMPACT FEES

CHAPTER A GENERAL

Section 1 Intent, Authority, and Findings

A. Intent

This Article is intended to implement and be consistent with the Comprehensive Plan and to regulate the use and development of land. It is the intent of PBC that new development shall bear a proportionate share of the cost of capital expenditures necessary to provide park, fire-rescue, library, law enforcement, public building, schools, and road capital facilities in PBC as is contemplated in the Plan. Impact fees shall not be used to collect more than is necessary to fund such capital facilities. The impact fees in this Article are based on the Impact Fee Report, as amended, which establish a fair and equitable allocation of costs and recognize past and future payments from new development, as well as credits for in-kind contributions, and municipal provision of like facilities under certain circumstances. Funds collected from impact fees shall not be used to replace existing capital facilities or to fund existing deficiencies, but only to provide for new capital facilities which are necessitated by new development.

B. Authority

The provisions of this Article are authorized by Art. VIII, § 1(g), Fla. Const., F.S. § 125.01 *et seq.*, F.S. § 163.3161 *et seq.*, F.S. § 163.31801, F.S. § 1011.19, and F.S. § 380.06, Sec. 1.3(2), the PBC Charter, and the Capital Improvement Element of the Plan. In addition, the provisions of this Article are necessary for the implementation of the Plan. The inclusion of certain capital facilities in these impact fees shall not be construed as a limitation on the authority of PBC to impose impact fees for additional capital facilities consistent with Florida law. [Ord. 2005-047] [Ord. 2014-025]

C. Findings

PBC finds that the provisions of this Article are land development regulations which are: necessary for the implementation of the Plan; needed to ensure that Developments of Regional Impact are assessed impact fees under F.S. § 380.06; innovative land development regulations authorized by F.S. § 163.3202(3); necessary to ensure the coordination of new development and the provision of capital facilities, especially sites for new schools; a mandatory responsibility of PBC under the Local Government Comprehensive Planning and LDR Act, F.S. § 163.3161 *et seq.*; consistent with the requirements in F.S. § 163.31801; and, necessarily and reasonably related to the public health, safety, and welfare. [Ord. 2014-025]

D. Definitions

See Art. 1.H, Definitions and Acronyms.

Section 2 Applicability

This Article shall apply to the unincorporated area of PBC and to the municipalities in PBC to the extent permitted by the PBC Charter and Art. VIII, § 1(g), Fla. Const., unless otherwise expressly stated in this Article.

Section 3 Exemptions

The following development shall be exempt from payment of respective impact fees, as applicable:

A. Any development that results in no new impact on a capital facility for which the impact fee is assessed.
B. The construction of accessory buildings or structures which will not produce new additional impact on a capital facility over and above that produced by the principal building or use of the land.
C. For the purpose of School Impact Fees, the construction of adult-only residences that meet the Fair Housing Act exemption codified at 42 U.S.C. 3607, as may be amended; provided, however, that the feepayer files a Declaration of Restrictive Covenants prepared and signed by the Impact Fee Manager which prohibits persons 19 years of age or younger from residing in the residence for more than 60 days per calendar year. The School Impact Fee Declaration of Restrictive Covenants must be filed with the Clerk of the 15th Judicial Circuit Court. [Ord. 2005-047] [Ord. 2022-026]
D. The construction of publicly-owned and operated governmental buildings or facilities.

All applications for exemption must be approved by the Impact Fee Manager. A final decision of the Impact Fee Manager may be appealed pursuant to Art. 13.A.6.G, Appeal. All applications for exemption must be made in writing to the Impact Fee Manager prior to Building Permit issuance. In the event that the feepayer wishes to obtain Building

Permits prior to the Impact Fee Manager's final approval, the feepayer may apply for the exemption and deposit the required impact fee assessment into an escrow account, pursuant to an escrow agreement in a form provided for by the Impact Fee Manager. PBC may assess a reasonable fee not to exceed its actual cost in processing the escrow agreement to be paid by the feepayer. [Ord. 2022-026]

Section 4 Imposition of Fee

A. New Land Use

Any new land development creating an impact on any public facility as defined in this Code shall be required to pay impact fees in the amount and manner set forth in this Article to help regulate the new land development's impact on those public facilities. No Building Permit for any land development requiring payment of an impact fee pursuant to this Article shall be issued until the impact fee has been paid by the feepayer. No Building Permit for any land development requiring payment of an impact fee pursuant to this Article shall be renewed or extended until the impact fee in effect at the time of the renewal or extension has been paid by the feepayer; provided, however, that additional impact fees will not be required where the development has completed and passed all applicable rough inspections for the proposed Building Permit. For those land uses that do not require a Building Permit, the impact fee shall be paid prior to issuance of a Development Order that initiates impact on public facilities. Payment of the impact fee shall not relieve the feepayer from the obligation to comply with Art. 2.F, Concurrency (Adequate Public Facility Standards), or any other portion of this Code. [Ord. 2005-047]

B. Expansion, Replacement, or Change of Use of Existing Land Uses

Any existing land use that is expanded, replaced, or changed shall be required to pay impact fees based on the new or additional impact as a result of the expansion, replacement, or change of use. The feepayer may be eligible for credit for the existing land use pursuant to Art. 13.A.11.A.1, Submission of Application.

Section 5 Computation of Impact Fee

A. General

At the option of the feepayer, the amount of the impact fee may be determined either by the impact fee schedules for each impact fee component as provided for in this Article, or by an independent calculation pursuant to Art. 13.A.6, Independent Fee Calculation Study. If the amount of the impact fee for the land use is not determined in the impact fee schedule and the feepayer opts not to conduct an independent calculation, the impact fee shall be determined by the Impact Fee Manager as described in this Article. [Ord. 2005-047] [Ord. 2022-026]

B. Impact Fee Schedule

The impact fees in the impact fee schedules have been calculated using the data and methodologies described in the Impact Fee Report, as amended. Impact fees are applicable to new development in unincorporated PBC and the municipalities within PBC, and the impact fee schedules establish impact fees based on the proportional impacts of, and benefits to, new development on and from capital facilities provided by PBC and the School Board.

C. Land Uses Not Specified in Impact Fee Schedule

Except for Road Impact Fees, if the type of land development for which a Building Permit or other appropriate permit is applied, is not specified on the impact fee schedule, the Impact Fee Manager shall use the impact fee applicable to the most nearly comparable type of land use on the fee schedule. For Road Impact Fees, the Impact Fee Manager shall select the most comparable type of land use from the most current edition of Trip Generation, a publication of the Institute of Transportation Engineers (ITE). The Impact Fee Manager shall follow the procedure pursuant to Art. 13.A.6, Independent Fee Calculation Study. [Ord. 2005-047] [Ord. 2022-026]

D. Mixed Use

For mixed-use development where there is a Development Order expressly identifying the type and proportion of uses within the development, the impact fee shall be determined by applying the fee schedule to the uses and proportions of use specified in the Development Order. For mixed-use development where there is no Development Order specifically limiting the type and proportion of uses within the development, the impact fee shall be determined using the fee schedule for the most intense use.

E. Errors and Omissions

Errors and omissions, including computational and clerical errors, identified within four years of Building Permit issuance may be subject to correction by the affected parties, including the feepayer. Computational or clerical errors do not excuse the affected parties, including the feepayer, from paying all impact fees due. [Ord. 2005-047]

F. Quadrennial Review

Quadrennially beginning in January 2023, the Impact Fee Manager shall recommend to the BCC whether any changes should be made to the fee schedules to reflect changes in the factors that affect the fee schedules. This recommendation shall be as a result of a review of the data from which the fee schedules are calculated. The purpose of this review is to evaluate the level of service for each impact fee component to determine whether it should be adjusted based on changed conditions, to analyze the effects of inflation and other cost factors on the actual costs of capital facilities, to assess any changes in credits and generation rates, and to ensure that the impact fee charged new land use activity impacting capital facilities will not exceed its *pro rata* share for the reasonably anticipated costs of capital facilities necessitated by the new land development. [Ord. 2022-026]

Section 6 Independent Fee Calculation Study

A. General

If a feepayer opts not to have the impact fee determined according to the fee schedule, then the feepayer shall, at the feepayer's expense, prepare and submit to the Impact Fee Manager an independent fee calculation study for the proposed land use. An independent fee calculation study for Road Impact Fees shall be submitted simultaneously to the Impact Fee Manager and the County Engineer. The independent fee calculation study shall follow the methodologies used in the Impact Fee Report. The independent fee calculation study shall be conducted by a professional in impact analysis. An independent fee calculation study for Road Impact Fees shall be conducted by a professional in Road Impact Fee analysis or by a Registered Engineer. The burden shall be on the feepayer to provide the Impact Fee Manager all relevant data, analysis, and reports which would assist the Impact Fee Manager in determining whether the impact fee should be adjusted. [Ord. 2022-026]

B. Submission of Application

The application for an independent calculation study shall be submitted to the Impact Fee Manager, except that an independent calculation study for Road Impact Fees shall be submitted simultaneously to the Impact Fee Manager and the County Engineer. In the event that the feepayer wishes to obtain Building Permits prior to the Impact Fee Manager's final approval, the feepayer may submit an application and deposit impact fees as set forth in the impact fee schedule into an escrow account, pursuant to an escrow agreement in a form provided for by the Impact Fee Manager. A feepayer failing to submit an independent fee calculation study, or, if necessary, an executed escrow agreement to the Impact Fee Manager prior to permit issuance is deemed to have waived the right to an impact fee adjustment based on the independent fee calculation study. [Ord. 2022-026]

C. Contents of Application

The application shall be in a form established by the Impact Fee Manager and made available to the public. The independent fee calculation study shall follow the methodologies used in the Impact Fee Report. A feepayer wishing to perform an independent fee calculation study for Road Impact Fees shall prepare a traffic impact analysis, which shall include, as appropriate, documentation of: [Ord. 2022-026]

1. Trip generation rates appropriate for the proposed land use;
2. Trip distribution and traffic assignments;
3. Trip length data appropriate for the proposed land use;
4. Any other trip data employed in the independent fee calculation that is appropriate for the proposed land development; and,
5. Economic documentation included, but not limited to:
    a. Costs for roadway construction, including the cost of right-of-way, design, and engineering appropriate for the necessary road improvements.
    b. Credits attributable to the proposed land use for roadway improvements which can be expected to be available to replace the portion of the service volume used by the traffic generated by the proposed land development.
    c. The shortfall when the credits attributable to the proposed land use are considered.

D. Determination of Sufficiency

The Impact Fee Manager shall determine if the application is sufficient within five working days of its receipt. If the Impact Fee Manager determines the application is not sufficient, a written notice shall be mailed to the Applicant specifying the deficiencies. No further action shall be taken on the application until the deficiencies are remedied. [Ord. 2022-026]

E. Action by Impact Fee Manager

1. Impact Fees Other Than Roads

For other than Road Impact Fees, within ten working days after the application is determined to be sufficient, the Impact Fee Manager shall review the application, and if the application clearly demonstrates by the methodology described in the Impact Fee Report that the proposed land will use capital facilities less than that projected in the impact fee component, the Impact Fee Manager shall appropriately adjust the impact fee. [Ord. 2022-026]

2. Road Impact Fees

For Road Impact Fees, within 15 working days after the application is determined to be sufficient, the County Engineer shall review the application and, if the application clearly demonstrates that the proposed land use will create fewer trips than projected in the Road Impact Fee component, the County Engineer shall make a written recommendation to the Impact Fee Manager on adjusting the Road Impact Fee. If the Impact Fee Manager concurs, the Impact Fee Manager shall appropriately adjust the impact fee within five working days of receipt of the County Engineer's recommendation. [Ord. 2005-047] [Ord. 2022-026]

3. Responsibility of Feepayer

The burden shall be on the feepayer to provide all relevant data, analysis, and reports which would assist the Impact Fee Manager and, in the case of roads, the County Engineer in making a determination of the appropriate impact fee. The analysis and report must be based on generally accepted methods and the formulas for the specific impact fee component in the Impact Fee Report, or in the case of roads, the methods described in this Chapter and below in Art. 13.H, Road Impact Fees. A feepayer wishing to provide additional information after submitting the initial independent fee calculation study must do so no later than 30 days after the date of the Impact Fee Manager's determination of sufficiency. The Impact Fee Manager will not accept additional information relevant to an independent fee calculation study after this deadline. If the impact fee is adjusted, the feepayer shall provide a copy of the Impact Fee Modification Certificate at the time of permit issuance. Failure to provide a copy of the certificate at the time of permit issuance shall constitute a waiver of any adjusted impact fee. [Ord. 2005-047] [Ord. 2022-026]

4. Decision in Writing

The decision of the Impact Fee Manager to adjust or to refuse to adjust the impact fee shall be in writing and shall be transmitted to the Applicant by certified mail within five days of the decision. An approved adjustment shall be issued in the form of an “Impact Fee Modification Certificate” which shall include information regarding:

a. project location and name if available;
b. square footage of project;
c. adjusted trip generation; and,
d. property control numbers.

F. Covenant Running with the Land

The Impact Fee Manager shall require that a covenant running with the land be executed and recorded in the Official Records of the Clerk of the Circuit Court on the development's land before the Building Permit is issued in cases where: [Ord. 2022-026]

1. The independent fee calculation is based on a use of land having a lesser impact than set forth in the impact fee schedule; or
2. The development could be put to a use having a greater impact than that proposed in the independent fee calculation study without being required to secure a permit or approval for the use; or
3. For such other reasons that make a covenant necessary to ensure compliance with this Article.

G. Appeal

1. Hearing Officers, as established in Art. 2.G.3.G, Hearing Officers, are hereby authorized to hear and decide appeals of decisions by the Impact Fee Manager concerning independent fee calculations and interpretations of this Article. [Ord. 2014-025] [Ord. 2022-026]
2. An Applicant shall file an appeal with the Impact Fee Manager by filing a letter of appeal within 15 working days of a decision by the Impact Fee Manager. The letter of appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the Applicant seeks to rely. The Impact Fee Manager may establish a reasonable fee to be paid by the Applicant upon filing an appeal. This fee shall not exceed the cost to the County in processing the appeal. [Ord. 2005-047] [Ord. 2014-025] [Ord. 2022-026]

3. The Impact Fee Manager shall schedule a hearing before the Hearing Officer no later than 90 working days after an appeal has been filed. The Impact Fee Manager shall notify the Applicant of the hearing date at least 15 working days in advance of the hearing and invite the Applicant or the Applicant's representative to attend the hearing. Any of the time limitations set forth in this paragraph may be waived upon mutual agreement of the Impact Fee Manager and the party filing the appeal. [Ord. 2014-025] [Ord. 2022-026]
4. At the hearing, the Hearing Officer shall provide the Applicant and the Impact Fee Manager an opportunity to present testimony and evidence, provided such information was part of the review before the Impact Fee Manager. The Hearing Officer shall reverse the decision of the Impact Fee Manager only if there is substantial competent evidence in the record that the Impact Fee Manager erred from the standards in this Chapter. [Ord. 2011-016] [Ord. 2014-025] [Ord. 2022-026]
5. Any aggrieved party, including PBC, may appeal an order of the Hearing Officer to the 15th Judicial Circuit Court of PBC. Such appeal shall not be a hearing *de novo*, but shall be a Petition for Writ of *Certiorari* and the Court shall be limited to appellate review of the record created before the Hearing Officer. PBC may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. § 119.07, as amended from time to time. [Ord. 2011-016] [Ord. 2014-025]

Section 7 Collection and Administrative Fees

A. Timing and Collection of Payment

1. Collected at Building Permit or Other Development Order

The person applying for issuance of a Building Permit shall pay the impact fee to the PZB Department, or to the person designated by a municipality to collect the fee (if the municipality is collecting the fee), prior to the issuance of a Building Permit, or if a Building Permit is not required, prior to issuance of the Development Order that authorizes development which places impact on capital facilities for which impact fees are charged.

2. Municipality May Require Direct Payment to County

A municipality reviewing its own applications for Development Permits may opt to have PBC collect the impact fees, pursuant to interlocal agreement. If PBC is the permitting authority for the municipality by interlocal agreement, no additional interlocal agreement is necessary for PBC to collect impact fees for permits issued for that municipality. If PBC collects the impact fees, the municipality shall not be entitled to the administrative fee. PBC shall not charge the municipality for collecting the impact fee. The municipality shall be responsible for ensuring that all impact fees are paid before issuing any Building Permit or other permit. One municipality may opt to have a second municipality review Development Permits and collect impact fees on behalf of the municipality, provided the municipality that collects impact fees maintains separate records to account for the collection and remittance of the impact fees to PBC in accordance with this Article. [Ord. 2010-018] [Ord. 2012-003]

3. Municipalities are Collecting Agents

Municipalities collecting impact fees under this Section are acting only as collecting agents for PBC. Such municipalities shall be responsible to PBC for the proper collection and remittance of impact fees, but shall not be liable for the inadvertent miscalculation of impact fee amounts.

B. Administrative Fees

The Local Government collecting the impact fee shall be entitled to retain three and two-fifths percent of the funds collected as an administrative fee not to exceed the costs associated with the collection of the impact fees. [Ord. 2008-015]

C. Fees Transferred to Trust Funds

1. Fees Collected by County

All impact fees collected by the County, less the administrative fee, shall be properly identified by benefit zone for each impact fee component and transferred daily for deposit in the appropriate impact fee trust fund to be held in separate accounts for each impact fee component and each benefit zone. [Ord. 2010-018]

2. Fees Collected by Municipalities

a. On-Time Remittance

All impact fees collected by the municipalities, less the administrative fee, shall be remitted to the County Finance Department within 15-calendar days following the month in which the impact fees are collected. One draft may be used to remit the funds to PBC. Funds received from the municipalities shall be deposited promptly in the appropriate impact fee trust fund. [Ord. 2008-015]

b. Late Remittance

In the event a municipality fails for two or more consecutive months or for any three months in a calendar year period to remit impact fees by the 25th calendar day of the month following the end of the month in which the impact fees are collected, the municipality shall pay simple interest at the Statutory rate on the entire amount collected but not yet remitted to PBC. Interest shall accrue beginning the first day of the month following the end of the month in which the affected impact fees were collected by the municipality. For the purposes of this Section, funds shall be considered to have been remitted to PBC on the date postmarked, if transmitted by certified mail with the proper postage. [Ord. 2005-047]

c. Transfer of Receipts

If receipts are transferred in accordance with this Section, the municipalities may retain any interest earned on impact fees collected prior to the transfer of the funds to PBC in addition to the administrative fee to offset the costs of collecting, remitting, and accounting for the funds. [Ord. 2005-047] [Ord. 2008-015]

D. Record Keeping

Records shall be maintained by all Local Governments to ensure proper accounting controls. PBC shall have the authority to audit the records of any municipality to ensure the procedures and standards of this Section are being met by the municipality. Public reports on impact fees shall be provided by the Impact Fee Manager on at least an annual basis and distributed to each municipality. Such reports will account for receipts of impact fees for each impact fee, by benefit zone and municipality, and encumbrances and expenditures of the funds by benefit zone. [Ord. 2022-026]

E. Impact Fee Manager to Furnish Information and Advice to the Municipalities

The Impact Fee Manager shall furnish such information and advice to the municipalities necessary to ensure proper collection, remittance, accounting, controls, and auditability. [Ord. 2022-026]

Section 8 Benefit Zones and Trust Funds

A. Establishment of Benefit Zones

One or more impact fee benefit zones are hereby established for each impact fee component, as set forth in this Article. [Ord. 2005-047]

B. Establishment of Trust Funds

Separate impact fee trust funds for each impact fee benefit zone for each impact fee component are hereby established for the purpose of earmarking all impact fees so that all expenditures of impact fees sufficiently benefit new development in the benefit zone from which the impact fees were collected.

Section 9 Use of Impact Fees

A. Investment in Interest-Bearing Accounts

All impact fees on deposit in the trust funds shall be invested in interest-bearing sources, and the income derived shall be applied to the applicable trust fund.

B. Limitation within Benefit Zones

Impact fees collected shall be used exclusively for new capital facilities for the impact fee component within the impact fee benefit zones from which the impact fees were collected, except that if an impact or traffic analysis made by a professional experienced in impact analysis and approved by the Impact Fee Manager demonstrates that a planned development substantially impacts the need to expand the capacity of specific public capital facilities in another benefit zone, then impact fees paid by that planned development may be expended on those specific capital facilities in another benefit zone. [Ord. 2022-026]

C. Expenditures Shall Benefit New Development

Impact fees shall be used only for capital facility costs for which the impact fees are levied and which add capacity needed to serve new development.

D. Non-Lapsing

The respective trust funds shall be non-lapsing.

E. Annual Capital Facility Programs

Annually, the County Administrator shall present to the BCC a proposed Capital Improvement Program for each public facility for which an impact fee is charged, assigning funds, including any accrued interest, from the several impact fee trust funds to specific improvement projects and related expenses. Monies, including any accrued interest not assigned in any fiscal period shall be retained in the same impact fee trust funds until the next fiscal period, except as provided by the refund provisions of this Article.

Section 10 Refunds

A. General

1. Non-Commencement of Construction

If a Building Permit or other permit requiring payment of an impact fee expires or is canceled or revoked, the structure has not been completed, and no Certificate of Occupancy has been issued, or if the permit is modified prior to completion of construction so as to change the land use or structure to one of lower impact than that on which the permit was originally issued, then the feepayer, or if the property has been conveyed after payment of the fee, the successor in interest to the real property, shall be entitled to a refund provided: an application for refund is submitted within three years of the payment of the impact fee; within one year of the permit's expiration, cancellation, revocation, or modification, or of the event giving rise to the refund; and the impact fee paid for approval of the permit has not been encumbered or spent by PBC or the School District as applicable. PBC shall retain an additional three and two-fifths percent of the impact fee to offset the costs of administering the refund. [Ord. 2010-018] [Ord. 2014-025]

2. Untimely Encumbrance

a. Untimely Encumbrance

Notwithstanding Art. 13.A.10.A.1, Non-Commencement of Construction, above, if PBC fails to encumber the impact fees paid by the feepayer by the end of the calendar quarter immediately following six years from the date the impact fees are paid, and fails to spend the impact fee within nine years of the end of the calendar quarter in which the impact fees are paid, the feepayer, or if the property has been conveyed after payment of the fee the successor in interest to the real property, shall be entitled to a refund except that PBC shall retain an additional three and two-fifths percent of the impact fee to offset the costs of refund. The feepayer, or if the property has been conveyed after payment of the fee, the successor in interest shall submit an application for refund to the Impact Fee Manager, within one year following the end of the calendar quarter in which the right to a refund occurs. In determining whether the impact fee paid by the feepayer has been encumbered or spent, monies in the trust funds shall be considered to be expended on a first-in, first-out basis; that is, the first impact fees paid shall be considered the first monies withdrawn. [Ord. 2010-018] [Ord. 2014-025] [Ord. 2022-026]

b. Notification of Potential Refund

If more than five percent of the impact fees collected in any fiscal year within any trust fund are unencumbered after the end of the sixth fiscal year following the fiscal year in which the impact fees were collected, PBC shall notify the present owners of lands for which the unencumbered impact fees were paid of the possibility of a refund. Any claim for a refund of impact fees shall be deemed waived if an application for refund is not received within six months of the mailing or delivery of such notice.

3. Computational or Clerical Errors and Omissions

During the period of time specified in this Article for the correction of errors and omissions, the feepayer or a successor in interest to the real property against which an impact fee was incorrectly assessed through computational or clerical error may request a refund from the Impact Fee Manager in the manner set forth in Art. 13.A.10.B, Procedure to Obtain Refund of this Section. [Ord. 2005-047] [Ord. 2022-026]

B. Procedure to Obtain Refund

1. Submission of Application

An application for refund shall be submitted to the Impact Fee Manager on a form provided by the Impact Fee Manager. [Ord. 2022-026]

2. Contents of Application

The application shall be in a form established by the Impact Fee Manager and made available to the public, and shall contain the following:

a. Receipt

A copy of the dated receipt issued for payment of the impact fee;

b. Permit

If the refund is requested due to non-commencement of construction, and the permit was issued by PBC, the Building Permit or other permit for which the impact fees were paid;

c. Evidence

If the refund is requested due to non-commencement of construction, evidence that the Applicant is the feepayer or a successor in interest to the feepayer;

d. Documents

If the refund is requested, a notarized sworn statement that the Applicant is the current owner of the land for which the impact fee was paid, a certified copy of the current deed, and a copy of the most recent *ad valorem* tax bill; if refund is requested due to computational or clerical error, evidence sufficient to demonstrate overpayment including but not limited to receipt indicating payment, Building Permit application, Impact Fee Tables in effect at the time of payment, and such other evidence deemed appropriate by the Impact Fee Manager; [Ord. 2005-047] [Ord. 2014-025] [Ord. 2022-026]

e. Cancellation of Permit

If relevant, proof from the municipality that the permit has been canceled, and a copy of the permit issued by the municipality; and, [Ord. 2008-015]

f. Date Fund Forwarded

If relevant, the date on which the municipality forwarded the funds to PBC.

3. Determination of Sufficiency

The Impact Fee Manager determines if the application is sufficient within five working days. [Ord. 2022-026]

a. Sufficiency

If the Impact Fee Manager determines the application is not sufficient, a written notice shall be mailed to the Applicant specifying the deficiencies. No further action shall be taken on the application until the deficiencies are remedied. [Ord. 2022-026]

b. Notification

If the application is determined sufficient, the Impact Fee Manager shall notify the Applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this Article. [Ord. 2022-026]

4. Action by Impact Fee Manager

Within 45 working days after the application is determined sufficient, the Impact Fee Manager shall review and approve or deny the application based upon the standards in Art. 13.A.10, Refunds. The decision of the Impact Fee Manager may be appealed pursuant to Art. 13.A.6.G, Appeal. [Ord. 2008-015] [Ord. 2022-026]

Section 11 Credits

A. General

Credit against impact fees shall be given to the feepayer, or if the property has been conveyed after payment of the fee, the successor in interest to the property for the following, as limited or permitted by specific provisions of this Section. [Ord. 2014-025]

1. Submission of Application

All applications for credit must be approved by the Impact Fee Manager. An application for credit shall be on a form provided by the Impact Fee Manager. In the event that the feepayer wishes to obtain Building Permits prior to the Impact Fee Manager's final approval, the feepayer may submit an application and deposit impact fees as set forth in the impact fee schedule into an escrow account, pursuant to an escrow agreement in a form provided for by the County. A final decision of the Impact Fee Manager may be appealed pursuant to Art. 13.A.6.G, Appeal. [Ord. 2022-026]

2. Redevelopment of Existing Building/Change in Land Use

a. Determination

Where alteration, expansion, or replacement of a building or unit, or a change in land use which involves any increase in the number of units or square footage, or a change in use resulting in new impacts on a capital facility for which the impact fee is assessed, existing use credit shall be given for the number of existing units or square footage based upon the previous land use and applied against impact fees otherwise due. The burden of verifying the previous land use and units or square footage as applicable shall be on the feepayer.

b. Certification

The feepayer shall provide to the Local Government issuing the Building Permit a certification of an architect, engineer, surveyor, contractor, or the building official having jurisdiction, setting forth the square footage of the existing building. In the case of an addition to an existing residential building, the feepayer, at the feepayer's sole option, may pay the impact fee for the addition as if it alone were a new building rather than provide the certification setting forth the square footage of an existing building.

c. Abandoned Use

A use of a structure or land which has been abandoned shall be considered existing for the purposes of calculating existing use credit pursuant to this Section. The burden of verifying the previous land use and units or square footage as applicable shall be on the feepayer.

3. Special District Assessments

Where, upon prior approval by PBC, the same new capital facility is provided by a special district rather than PBC and the feepayer is assessed for the new capital facility, the County shall by interlocal agreement with the special district, apply the impact fees collected from the benefited property to retire debt issued by the district to finance the capital facility.

4. In-Kind Contributions

In-kind contributions made by a development to PBC shall be credited against the development's impact fees, but only to the impact fee component for which the in-kind contribution is made. For example, credits received for a park contribution may be applied only against Park Impact Fees and not against Fire-Rescue Impact Fees. Civic site dedications accepted by the County shall be eligible for a Public Buildings Impact Fee credit in the event a particular use is not identified by the County at DRO certification. No credit shall be given for in-kind contributions that are not new capital facilities or which were not made for capital facility costs. [Ord. 2008-015] [Ord. 2022-026]

a. Time for Giving of Credit

Credit shall be given for land at such time as marketable title in fee simple absolute is conveyed to the County, free of encumbrances with such documentation and requirements set by the BCC or the County Administrator for the acceptance of real property. Credit shall be given for personal property at such time as a bill of sale absolute and, where applicable, title for such property is delivered to PBC. Credit shall be given at such time as the funds are delivered to PBC. In the case of in-kind road facility contribution, credit will be given when the construction is completed and accepted by PBC. Credit against Road Impact Fees may be given before completion of the specified roadway construction if the feepayer posts security in form and amount acceptable to the County Engineer. In no event shall the amount of credit given exceed the actual cost of the construction determined by the County Engineer and the Impact Fee Manager to be eligible for Road Impact Fee credit. [Ord. 2005-047] [Ord. 2014-025] [Ord. 2022-026]

b. In-Kind Contributions Made after October 1, 1989, Except Road Facility Contributions

The standards of this Section shall apply to the valuation of any in-kind contribution made after October 1, 1989, except as provided elsewhere in this Article.

c. Valuation of In-Kind Road Facility Contribution

If the value of the in-kind contribution increase (as evidenced by an increase in Road Impact Fee rates) between the time of the in-kind contribution and the time of the issuance of a Building Permit, the developer may apply for additional credit by submitting an independent calculation to the Impact Fee Manager, for review by the PBC Engineering Department. Such application must be made within six months of the effective date of a Road Impact Fee increase, or this right shall be waived. The independent calculation must be prepared by a State-Registered Engineer or a professional in impact analysis and must demonstrate that the current cost of reproducing the road construction has increased and therefore the value of the in-kind contribution has correspondingly increased. Any additional credit shall not exceed the percentage of increase of the Road Impact Fee. [Ord. 2022-026]

5. Credits for Contributions to Local Governments Other Than PBC

Contributions of or for new capital facilities to a Local Government other than PBC or by a special district may be given only upon an application to the Impact Fee Manager. Approval of the Impact Fee Manager must be obtained prior to the contribution. The Impact Fee Manager, after consultation with the agency charged with supervising the provision of the new capital facility, shall determine whether the contribution shall receive a credit based on the following standards. [Ord. 2005-047] [Ord. 2022-026]

a. Consistency

Consistency with the Plan as to the cost, location, and size of the facility and its timing.

b. Amount

The amount that would be spent by PBC if it were to construct the same new capital facility.

c. Extent

The extent to which the new capital facility provides the same or similar functions as the new capital facility for which the credit is sought.

d. Continuity
The extent of control that PBC has in ensuring that the new capital facility will continue to provide the same or similar functions.

e. Availability
Whether the new capital facility is open or available to all persons regardless of residency.

f. Plans
The short and intermediate-range plans of the agency which would receive the impact fee funds regarding the timing, location, cost, and size of the new capital facility.

g. Impact
The impact of encouraging new development in the area that would be served by the new capital facility or the ability of the Local Government or special district to provide other needed infrastructure and services.

h. Pattern
The pattern of development and its relationship to other development, infrastructure, and resources that could result from encouraging new development.

i. Budget
The budget of PBC and other Local Governments, and the allocation of revenues within those Local Governments.

6. Special Provisions for Park Credits
No credit shall be given for park contributions or dedications required by Art. 5.D.2.B, Community and Neighborhood Park Recreation Standards. No such contribution or dedication shall be used for County District, Regional, or Beach Parks. Contributions for County parks resulting from Art. 2.F, Concurrency (Adequate Public Facility Standards), shall be credited as provided above. In-kind contributions of capital facilities which are not County District, Regional, or Beach Parks, if accepted by the County, shall be provided partial credit as follows: [Ord. 2005-047]

a. 40 to 60 Acres
75 percent of the value at the time of conveyance, dedication, construction, placement, delivery, or remittance shall be credited in accordance with the other provisions of this Section for contributions for or of County parks less than 60 acres but equal to or more than 40 acres;

b. 20 to 40 Acres
50 percent of the value at the time of conveyance, dedication, construction, placement, delivery, or remittance shall be credited in accordance with the other provisions of this Section for contributions for or of County parks less than 40 acres but equal to or more than 20 acres;

c. 20 Acres or Less
25 percent of the value at the time of conveyance, dedication, construction, placement, delivery, or remittance shall be credited in accordance with the other provisions of this Section for contributions for or of County parks less than 20 acres.

7. Special Provisions for School Credits

a. General
Dedications of land for use as school may, if accepted by the School Board, be credited against School Impact Fees. The School Board or the Superintendent shall have responsibility for evaluating, according to the standards contained herein, a proposed dedication under this Subsection. An application for a dedication credit shall be in a form prescribed by PBC, and shall contain such information as to guide the School Board and Superintendent in reviewing the application for consistency with these standards. If any credit against any School Impact Fees is given, the dedication shall be credited in an amount equal to its full fair market value at the time of dedication, and shall not exceed the full dedication cost. The proposed dedication shall comply with, and be reviewed considering, the following standards.

1) Location
The proposed dedication shall be located so as to provide the greatest access to students. If a single development will not generate sufficient students to fill a school, it should be located so as to be easily accessible to students from neighboring areas.

2) Distance
The proposed dedication shall create an appropriate distance between existing or planned schools: one mile for elementary schools, two miles for middle schools, and three miles for high schools.

3) Hazards
The proposed dedication and surrounding areas shall be free from health or safety hazards and shall be protected against noise, air pollution, and/or odors.

4) **Access**
The proposed dedication shall be accessible from two different streets, with one street preferably a Collector Street. This standard shall be waived for elementary or middle schools if access is available on one street from two directions. Dedications should not be located on Arterial Roads; however, if such dedications are proposed, they may be considered if provision is made for the construction of overpasses or pedestrian lights. The construction of median cuts, left-turn lanes, and storage lanes shall be practicable to facilitate access to the proposed dedication by buses and automobiles.

5) **Safe Transit**
The proposed dedication shall be located so as to facilitate safe transit to neighboring areas by sidewalks, walkways, and/or bike paths.

6) **Services**
The proposed dedication shall be evaluated for the availability of central water and sewer, electricity and phone services, and for its proximity to fire hydrants.

7) **Entrances**
All proposed dedications shall allow at least two separate entrances for school buses and staff; high school dedications shall also provide separate entrances for students and parent drop-off. All dedications shall allow for adequate parking for buses; elementary and middle school dedications shall allow for parking for 120 staff automobiles, high school dedications shall allow for 225 staff and 425 student parking spaces.

8) **Minimum Size/Dimensions**
In addition to providing sufficient area to accommodate on-site retention of stormwater, proposed school dedications shall be of the following minimum sizes and shall have the following minimum dimensions: elementary schools shall have a minimum site size of 15 acres, with a minimum 780 feet of frontage and 840 feet of depth; middle schools shall have a minimum site size of 25 acres, with a minimum frontage of 800 feet and a depth of 1,360 feet; high schools shall have a minimum site size of 50 acres, with a minimum frontage of 1,200 feet and a depth of 1,800 feet.

9) **Bus Stops**
When the school dedication is located within a residential development, provision of a circulation system or turnaround area with a 90-foot diameter shall be available so that buses need not back up to leave the development. Bus stop locations, preferably located adjacent to a public area such as a park, shall be provided so that buses do not have to enter the development.

10) **Consistency**
The dedication shall be examined for consistency of the proposed use with applicable comprehensive plans, land development regulations, and concurrency provisions.

b. Consideration and Acceptance by the School Board
All applications for a school credit shall be reviewed and a response issued by the Superintendent or the School Board within 60 working days of the submission of the application. If the request is approved, the Superintendent shall notify the Impact Fee Manager, and if other than PBC, the Local Government issuing the Development Permit. The Impact Fee Manager shall determine the value of the credit. No credit shall be given until the dedication is conveyed to the School Board in accordance with this Section. [Ord. 2005-047] [Ord. 2022-026]

c. Conveyance to the School Board
To convey dedications to the School Board, the feepayer shall provide, at no cost to the School Board and in a form approved by the School Board's attorney, the following documents.

1) **Abstract of Title**
A complete and current abstract of title together with a title insurance commitment to insure the property in a sum agreed to by the School Board, such to be delivered to the School Board;

2) **Warranty Deed**
A warranty deed, along with sufficient funds to record the deed, to be delivered to the School Board or the title insurance agent.

3) **Taxes**
Evidence that taxes for the current year have been placed in escrow pursuant to F.S. § 196.295, as amended, or that the taxes have been paid.

4) **Insurance**
A completed title insurance policy issued subsequent to the recording of the deed and the escrow of taxes.

d. Return of School Dedication

In the event that a dedication accepted by the School Board is not utilized within ten years of its conveyance, the grantor may request that the dedication be reconveyed by the School Board to the grantor, in which case the School Board shall reconvey the dedication.

8. Special Provisions for Road Credits

a. General

The feepayer may elect to propose construction of a portion of the major road network system in addition to any required site-related improvements. The feepayer shall submit the proposed construction along with a certified Engineer's cost estimate to the Impact Fee Manager, with a copy to the County Engineer. The County Engineer shall determine if the proposed construction is eligible for Road Impact Fee credit, based on the following criteria: [Ord. 2022-026]

1) The proposed road construction must be on the major road network;
2) The proposed road construction must not be site-related improvements;
3) The proposed road construction must be required to meet the requirements of TPS for the development as defined in Art. 12, Traffic Performance Standards.

Exceptions to criterion 3) above may only be made upon approval of the BCC. No exceptions shall be made to criteria 1) and 2). If the proposed road construction meets the criteria for credit, the County Engineer shall determine the amount of credit to be given, and the timetable for completion of the proposed construction, and shall recommend the approval and the amount of credit to the Impact Fee Manager. [Ord. 2022-026]

b. Credits for Construction within Site

Where a proposed major road network runs through a development and where the feepayer is required to construct two lanes of the road, the feepayer may elect, upon submission of a certified cost estimate to the Impact Fee Manager and upon the recommendation of the County Engineer and the approval of the Impact Fee Manager, to construct more than two lanes and receive credit for the additional cost of the additional lanes constructed. In addition to all other site-related improvements, the primary two lanes within the site's boundaries shall be considered site-related. [Ord. 2022-026]

c. Other Costs Credited

1) Off-Site Right-of-Way Acquisition

The cost of major road network rights-of-way acquired at the cost of the feepayer shall be credited where the right-of-way is outside of the site, and not site-related. The costs shall be approved by the County Engineer and the Impact Fee Manager based upon the appraised value of the land acquired. The credit shall not exceed the appraiser's approved value, except in the event that a settlement of, or in lieu of, condemnation results in payment in excess of the appraiser's value, in which case credit shall not exceed the amount paid. Cost incurred by PBC in acquiring such off-site rights-of-way which are paid for by the feepayer shall be credited to the feepayer. [Ord. 2022-026]

2) Plan Preparation

Costs of plan preparation for major road network construction shall be credited if approved by the County Engineer and the Impact Fee Manager based upon reasonable costs associated with the preparation of such plans. [Ord. 2022-026]

3) Costs Creditable

Credit shall be given only for the cost of plans preparation, off-site R-O-W acquisition, and/or construction.

9. Application of Credits

The credit shall be applied to the respective full impact fee associated with the first Building Permits issued for the development for which complete application was made on or after October 1, 1989, or if the credit is for roads, the date upon which the Road Impact Fee was effective within the development, until the credit is exhausted. After such exhaustion the remainder of the impact fee for which a credit was obtained shall be paid in full. The credit shall be calculated and applied in dollar amounts and not in number of permits. No credit may be assigned, delegated, or otherwise conveyed to any development outside the boundaries of the development that originally received the credit. [Ord. 2014-025]

10. Special Allocation of Credits

Provided that the conditions of this Subsection are satisfied, the feepayer making an in-kind contribution, or its heirs, assigns, or successors in interest, may have all or some portion of the resulting credit allocated to specific parcels within the development that originally received the credit. [Ord. 2014-025]

a. Past Administrative Practices to Continue

Notwithstanding any other provisions of this Subsection, if fair share contributions have been prorated or assigned to a portion of a development through past practices, no application for a special allocation need be made, provided that a covenant is executed in accordance with Art. 13.A.11.A.10.e, Covenant, below.

b. Application for a Special Allocation

Unless expressly prohibited by a Development Order, any feepayer who makes an in-kind contribution may petition the BCC for a special allocation of the respective impact fee credit by filing an application with the Impact Fee Manager. Only one special allocation shall be made for each in-kind contribution made by the feepayer. [Ord. 2005-047] [Ord. 2022-026]

1) Parcels Identified

The application shall state the purpose for which the special allocation is desired and shall clearly identify by legal description the specific parcel or parcels of land within the development to which the credit is allocated; and

2) Notice Requirements

a) Mailing

Prior to scheduling the application for a special allocation for consideration by the BCC, the Applicant shall, at its own cost, provide appropriate courtesy notice to all owners of record of any undeveloped land within the affected development. The courtesy notice shall be by certified mail, return receipt requested, to the person whose name appears in the last approved *ad valorem* tax records of the PBC Property Appraiser's Office. The notice shall briefly state the nature of the special allocation application and request the recipient to submit, to the Impact Fee Manager within no more than 15 days of receipt, any relevant information the recipient may have bearing on the Applicant's right to a special allocation. [Ord. 2022-026]

b) Advertisement

In addition, the Applicant at its own cost shall place a notice of the proposed special allocation in a newspaper of general circulation within PBC. Such notice shall appear no later than ten days prior to a final decision by the BCC to grant or deny the application. The costs of advertisement shall be borne by the Applicant.

c. Approval Process

The BCC shall approve the application for a special allocation provided that.

1) No *Bona Fide* Claim Presented

No substantial, competent evidence is presented by a third party that would constitute *prima facie* evidence of a *bona fide* claim to any portion of the impact fee credit assigned to the affected development.

d. Application Fee Provided

The BCC may establish a reasonable fee for processing of applications for special allocations. Any such fee duly established by the BCC shall be paid at the time the application for a special allocation is submitted.

e. Covenant

The Applicant shall execute a covenant supported by separate consideration from PBC. This covenant shall provide that the Applicant, its heirs, assigns, and successors in interest shall indemnify, hold harmless, and defend PBC against any and all claims for credits not received by other owners or developers of undeveloped land within the planned development. A joinder and consent of the mortgagee of the land benefited by the special allocation, if any, supported by separate consideration shall also be executed in recordable form acceptable to the County Attorney. The Impact Fee Manager shall, at the sole expense of the Applicant, record the instruments in the Official Records of the Clerk of the Circuit Court in and for PBC. [Ord. 2022-026]

B. Appeal

The decision of the Impact Fee Manager may be appealed pursuant to Art. 13.A.6.G, Appeal. [Ord. 2022-026]

C. Time to Claim Credit – Responsibility of Feepayer

Any claim for credit as established in this Section, must be made by submitting an application for credit, or, if necessary, executing an escrow agreement with the County no later than at the time of Building Permit issuance. Any claim not so made shall be deemed waived.

Section 12 Covenants

Where necessary to ensure compliance with the provisions of this Article, the Impact Fee Manager shall require that a covenant be executed by the feepayer holding the fee simple interest in the land, and mortgagee as appropriate. The covenant shall recite this Article and the facts and reasons underlying its execution. It shall set forth restrictions on the land and the terms and conditions under which it may be released. [Ord. 2022-026]

Section 13 Vesting

Only the existence of a Building Permit that has not been rendered invalid and voidable shall vest a feepayer against any changes in the amount of impact fees exacted. No vesting against changes in the amount of impact fees shall result from the issuance of any Development Order, other than as set forth in this Subsection.

Section 14 Action if Impact Fees are Unpaid

A. Negotiable Instrument is Invalid

In the event impact fee funds which were paid by check, draft, or other negotiable instrument do not clear, the Building Permit or Development Order authorizing the development for which impact fees were paid shall be suspended. The Local Government which issued the Building Permit or Development Order shall send by certified mail notice to the Applicant using a form provided by the County. If the impact fees, together with any charges for the checks not clearing, are not paid within ten working days following mailing of the notice, the Building Permit or Development Order shall be of no further force and effect for purposes of this Code and a stop work order shall be issued and not lifted until such time as the fair share fees are paid.

B. Lien

If through error, omission, or intent, impact fees are not paid in full, PBC may file a lien against the land containing the development for which the impact fees are due in an amount equal to the amount unpaid, together with Statutory interest accruing from 30-calendar days following the date written notice by certified mail, return receipt requested, is sent to the developer, permittee, or the then-present Property Owner. Notice of the lien shall be recorded in the Official Records of the Clerk of the Circuit Court for PBC. The lien shall have priority over all liens, mortgages, and encumbrances, except taxes. No lien shall be recorded later than three years following the date on which the Building Permit is issued for the development against which impact fees are due, although the debt shall remain. If the lien remains unpaid for more than 30-calendar days following the recording of the notice, it may be foreclosed in the manner provided by State law for the foreclosure of mortgages on real property. [Ord. 2005-047]

C. Withholding Development Orders

In the event that any impact fee is unpaid, no further Development Order shall be issued for the land for which the impact fees remain unpaid, and no Development Order shall be issued until any previously owed impact fees, together with day interest owing, along with any current impact fees, are paid.

D. Notification of Construction Industry Licensing Board

In the event that any Building Permittee who is a contractor certified by the PBC Construction Industry Licensing Board fails to pay an impact fee for which the permittee is responsible, the County Attorney shall file a verified written complaint with the PBC Construction Industry Licensing Board recommending disciplinary action as is provided by F.S. ch. 489, as amended. The verified complaint shall contain a summary of the fees owed and the efforts made by PBC to collect the impact fees.

CHAPTER B COUNTY DISTRICT, REGIONAL, AND BEACH PARKS IMPACT FEES

Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on County District, Regional, and Beach Parks in accordance with Art. 13.A.4, Imposition of Fee, and this Chapter. [Ord. 2005-047]

Section 2 Schedule of Lower Fees for Municipalities

Special provisions establishing a schedule of lower fees for municipalities providing like capital facilities are set forth in this Section pursuant to Article I, the PBC Charter. For purposes of this Section, "like capital facilities" is broadly construed so as to include partial "credits" for municipal parks which are not district, regional, or beach parks but which perform a similar function. Municipal schedules are based upon a sliding scale depending on the size and function of the municipal park facilities and the extent of access to beaches based upon the shoreline management plan standards.

Section 3 Fee Schedule

The fee schedule for County District, Regional, and Beach Parks is established beginning in Table 13.B.3, Parks and Recreation Fee Schedule for Unincorporated PBC. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

The schedules are as follows:

Table 13.B.3 – Municipal Park Credit Schedule

	District (Percentage)	Beach (Percentage)	Regional (Percentage)
Unincorporated	100%	100%	100%
Schedule A	100%	100%	100%
Schedule B	75%	100%	100%
Schedule C	50%	100%	100%
Schedule D	25%	100%	100%
Schedule E	0%	100%	100%
Schedule F	100%	75%	100%
Schedule G	75%	75%	100%
Schedule H	50%	75%	100%
Schedule I	25%	75%	100%
Schedule J	0%	75%	100%
Schedule K	100%	50%	100%
Schedule L	75%	50%	100%
Schedule M	50%	50%	100%
Schedule N	25%	50%	100%
Schedule O	0%	50%	100%
Schedule P	100%	25%	100%
Schedule Q	75%	25%	100%
Schedule R	50%	25%	100%
Schedule S	25%	25%	100%
Schedule T	0%	25%	100%
Schedule U	100%	0%	100%
Schedule V	75%	0%	100%
Schedule W	50%	0%	100%
Schedule X	25%	0%	100%
Schedule Y	0%	0%	100%

Notes:

Where the percentage shown in each column represents the percentage of the total net cost of the Park Impact Fee which must be paid for district, beach, and regional parks.

Table 13.B.3 – Parks and Recreation Fee Schedule for Unincorporated PBC
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$951.71	$0.00	$1,360.95	$956.44	$404.51
Dwelling Unit 801-1,399 sq. ft.	1.96	951.71	0.00	1,865.35	1,053.05	812.30
Dwelling Unit 1,400-1,999 sq. ft.	2.23	951.71	0.00	2,122.31	1,250.53	871.78
Dwelling Unit 2,000-3,599 sq. ft.	2.45	951.71	0.00	2,331.69	1,380.50	951.19
Dwelling Unit ≥ 3,600 sq. ft.	2.63	951.71	0.00	2,503.00	1,597.72	905.28
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$951.71	$0.00	$1,037.36	$632.85	$404.51
Dwelling Unit 801-1,399 sq. ft.	1.50	951.71	0.00	1,427.57	615.27	812.30
Dwelling Unit 1,400-1,999 sq. ft.	1.71	951.71	0.00	1,627.42	755.64	871.78
Dwelling Unit 2,000-3,599 sq. ft.	1.88	951.71	0.00	1,789.21	838.02	951.19
Dwelling Unit ≥ 3,600 sq. ft.	2.02	951.71	0.00	1,922.45	1,017.17	905.28
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$957.64	$0.00	$1,407.73	$1,105.45	$302.28
Congregate Living Facility per Bed	0.84	957.64	0.00	804.42	502.14	302.28
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.B.3 – Parks and Recreation Fee Schedule for Unincorporated PBC
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$951.71	$0.00	$1,360.95	$917.59	$443.36
Dwelling Unit 801-1,399 sq. ft.	1.96	951.71	0.00	1,865.35	975.03	890.32
Dwelling Unit 1,400-1,999 sq. ft.	2.23	951.71	0.00	2,122.31	1,166.80	955.51
Dwelling Unit 2,000-3,599 sq. ft.	2.45	951.71	0.00	2,331.69	1,289.14	1,042.55
Dwelling Unit ≥ 3,600 sq. ft.	2.63	951.71	0.00	2,503.00	1,510.77	992.23
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$951.71	$0.00	$1,037.36	$594.00	$443.36
Dwelling Unit 801-1,399 sq. ft.	1.50	951.71	0.00	1,427.57	537.25	890.32
Dwelling Unit 1,400-1,999 sq. ft.	1.71	951.71	0.00	1,627.42	671.91	955.51
Dwelling Unit 2,000-3,599 sq. ft.	1.88	951.71	0.00	1,789.21	746.66	1,042.55
Dwelling Unit ≥ 3,600 sq. ft.	2.02	951.71	0.00	1,922.45	930.22	992.23
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$957.64	$0.00	$1,407.73	$1,076.42	$331.31
Congregate Living Facility per Bed	0.84	957.64	0.00	804.42	473.11	331.31
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.B.3 – Parks and Recreation Fee Schedule for Unincorporated PBC
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$951.71	$0.00	$1,360.95	$878.74	$482.21
Dwelling Unit 801-1,399 sq. ft.	1.96	951.71	0.00	1,865.35	897.01	968.34
Dwelling Unit 1,400-1,999 sq. ft.	2.23	951.71	0.00	2,122.31	1,083.07	1,039.24
Dwelling Unit 2,000-3,599 sq. ft.	2.45	951.71	0.00	2,331.69	1,197.78	1,133.91
Dwelling Unit ≥ 3,600 sq. ft.	2.63	951.71	0.00	2,503.00	1,423.82	1,079.18
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$951.71	$0.00	$1,037.36	$555.15	$482.21
Dwelling Unit 801-1,399 sq. ft.	1.50	951.71	0.00	1,427.57	459.23	968.34
Dwelling Unit 1,400-1,999 sq. ft.	1.71	951.71	0.00	1,627.42	588.18	1,039.24
Dwelling Unit 2,000-3,599 sq. ft.	1.88	951.71	0.00	1,789.21	655.30	1,133.91
Dwelling Unit ≥ 3,600 sq. ft.	2.02	951.71	0.00	1,922.45	843.27	1,079.18
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$957.64	$0.00	$1,407.73	$1,047.39	$360.34
Congregate Living Facility per Bed	0.84	957.64	0.00	804.42	444.08	360.34
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.B.3 – Parks and Recreation Fee Schedule for Unincorporated PBC
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$951.71	$0.00	$1,360.95	$839.88	$521.07
Dwelling Unit 801-1,399 sq. ft.	1.96	951.71	0.00	1,865.35	819.00	1,046.35
Dwelling Unit 1,400-1,999 sq. ft.	2.23	951.71	0.00	2,122.31	999.33	1,122.98
Dwelling Unit 2,000-3,599 sq. ft.	2.45	951.71	0.00	2,331.69	1,106.43	1,225.26
Dwelling Unit ≥ 3,600 sq. ft.	2.63	951.71	0.00	2,503.00	1,336.88	1,166.13
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$951.71	$0.00	$1,037.36	$516.29	$521.07
Dwelling Unit 801-1,399 sq. ft.	1.50	951.71	0.00	1,427.57	381.22	1,046.35
Dwelling Unit 1,400-1,999 sq. ft.	1.71	951.71	0.00	1,627.42	504.44	1,122.98
Dwelling Unit 2,000-3,599 sq. ft.	1.88	951.71	0.00	1,789.21	563.95	1,225.26
Dwelling Unit ≥ 3,600 sq. ft.	2.02	951.71	0.00	1,922.45	756.33	1,166.13
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$957.64	$0.00	$1,407.73	$1,018.34	$389.39
Congregate Living Facility per Bed	0.84	957.64	0.00	804.42	415.03	389.39
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "A" Municipalities (1)
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$951.71	$0.00	$1,360.95	$956.44	$404.51
Dwelling Unit 801-1,399 sq. ft.	1.96	951.71	0.00	1,865.35	1,053.05	812.30
Dwelling Unit 1,400-1,999 sq. ft.	2.23	951.71	0.00	2,122.31	1,250.53	871.78
Dwelling Unit 2,000-3,599 sq. ft.	2.45	951.71	0.00	2,331.69	1,380.50	951.19
Dwelling Unit ≥ 3,600 sq. ft.	2.63	951.71	0.00	2,503.00	1,597.72	905.28
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$951.71	$0.00	$1,037.36	$632.85	$404.51
Dwelling Unit 801-1,399 sq. ft.	1.50	951.71	0.00	1,427.57	615.27	812.30
Dwelling Unit 1,400-1,999 sq. ft.	1.71	951.71	0.00	1,627.42	755.64	871.78
Dwelling Unit 2,000-3,599 sq. ft.	1.88	951.71	0.00	1,789.21	838.02	951.19
Dwelling Unit ≥ 3,600 sq. ft.	2.02	951.71	0.00	1,922.45	1,017.17	905.28
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$957.64	$0.00	$1,407.73	$1,105.45	$302.28
Congregate Living Facility per Bed	0.84	957.64	0.00	804.42	502.14	302.28

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "A" municipalities consist of Atlantis, Cloud Lake, Glen Ridge, the Village of Golf, Haverhill, Hypoluxo, Lake Clark Shores, and Loxahatchee Groves. [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "A" Municipalities (1)
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$951.71	$0.00	$1,360.95	$917.59	$443.36
Dwelling Unit 801-1,399 sq. ft.	1.96	951.71	0.00	1,865.35	975.03	890.32
Dwelling Unit 1,400-1,999 sq. ft.	2.23	951.71	0.00	2,122.31	1,166.80	955.51
Dwelling Unit 2,000-3,599 sq. ft.	2.45	951.71	0.00	2,331.69	1,289.14	1,042.55
Dwelling Unit ≥ 3,600 sq. ft.	2.63	951.71	0.00	2,503.00	1,510.77	992.23
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$951.71	$0.00	$1,037.36	$594.00	$443.36
Dwelling Unit 801-1,399 sq. ft.	1.50	951.71	0.00	1,427.57	537.25	890.32
Dwelling Unit 1,400-1,999 sq. ft.	1.71	951.71	0.00	1,627.42	671.91	955.51
Dwelling Unit 2,000-3,599 sq. ft.	1.88	951.71	0.00	1,789.21	746.66	1,042.55
Dwelling Unit ≥ 3,600 sq. ft.	2.02	951.71	0.00	1,922.45	930.22	992.23
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$957.64	$0.00	$1,407.73	$1,076.42	$331.31
Congregate Living Facility per Bed	0.84	957.64	0.00	804.42	473.11	331.31

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "A" municipalities consist of Atlantis, Cloud Lake, Glen Ridge, the Village of Golf, Haverhill, Hypoluxo, Lake Clark Shores, and Loxahatchee Groves. [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "A" Municipalities (1)
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$951.71	$0.00	$1,360.95	$878.74	$482.21
Dwelling Unit 801-1,399 sq. ft.	1.96	951.71	0.00	1,865.35	897.01	968.34
Dwelling Unit 1,400-1,999 sq. ft.	2.23	951.71	0.00	2,122.31	1,083.07	1,039.24
Dwelling Unit 2,000-3,599 sq. ft.	2.45	951.71	0.00	2,331.69	1,197.78	1,133.91
Dwelling Unit ≥ 3,600 sq. ft.	2.63	951.71	0.00	2,503.00	1,423.82	1,079.18
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$951.71	$0.00	$1,037.36	$555.15	$482.21
Dwelling Unit 801-1,399 sq. ft.	1.50	951.71	0.00	1,427.57	459.23	968.34
Dwelling Unit 1,400-1,999 sq. ft.	1.71	951.71	0.00	1,627.42	588.18	1,039.24
Dwelling Unit 2,000-3,599 sq. ft.	1.88	951.71	0.00	1,789.21	655.30	1,133.91
Dwelling Unit ≥ 3,600 sq. ft.	2.02	951.71	0.00	1,922.45	843.27	1,079.18
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$957.64	$0.00	$1,407.73	$1,047.39	$360.34
Congregate Living Facility per Bed	0.84	957.64	0.00	804.42	444.08	360.34

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "A" municipalities consist of Atlantis, Cloud Lake, Glen Ridge, the Village of Golf, Haverhill, Hypoluxo, Lake Clark Shores, and Loxahatchee Groves. [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "A" Municipalities (1)
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$951.71	$0.00	$1,360.95	$839.88	$521.07
Dwelling Unit 801-1,399 sq. ft.	1.96	951.71	0.00	1,865.35	819.00	1,046.35
Dwelling Unit 1,400-1,999 sq. ft.	2.23	951.71	0.00	2,122.31	999.34	1,122.98
Dwelling Unit 2,000-3,599 sq. ft.	2.45	951.71	0.00	2,331.69	1,106.43	1,225.26
Dwelling Unit ≥ 3,600 sq. ft.	2.63	951.71	0.00	2,503.00	1,336.87	1,166.13
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$951.71	$0.00	$1,037.36	$516.29	$521.07
Dwelling Unit 801-1,399 sq. ft.	1.50	951.71	0.00	1,427.57	381.22	1,046.35
Dwelling Unit 1,400-1,999 sq. ft.	1.71	951.71	0.00	1,627.42	504.44	1,122.98
Dwelling Unit 2,000-3,599 sq. ft.	1.88	951.71	0.00	1,789.21	563.95	1,225.26
Dwelling Unit ≥ 3,600 sq. ft.	2.02	951.71	0.00	1,922.45	756.33	1,166.13
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$957.64	$0.00	$1,407.73	$1,018.34	$389.39
Congregate Living Facility per Bed	0.84	957.64	0.00	804.42	415.03	389.39

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "A" municipalities consist of Atlantis, Cloud Lake, Glen Ridge, the Village of Golf, Haverhill, Hypoluxo, Lake Clark Shores, and Loxahatchee Groves. [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "C" Municipalities (1)
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$792.56	$0.00	$1,133.36	$783.42	$349.94
Dwelling Unit 801-1,399 sq. ft.	1.96	792.56	0.00	1,553.42	850.84	702.58
Dwelling Unit 1,400-1,999 sq. ft.	2.23	792.56	0.00	1,767.41	1,013.43	753.98
Dwelling Unit 2,000-3,599 sq. ft.	2.45	792.56	0.00	1,941.77	1,119.06	822.71
Dwelling Unit ≥ 3,600 sq. ft.	2.63	792.56	0.00	2,084.43	1,301.47	782.96
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$792.56	$0.00	$863.89	$513.95	$349.94
Dwelling Unit 801-1,399 sq. ft.	1.50	792.56	0.00	1,188.84	486.26	702.58
Dwelling Unit 1,400-1,999 sq. ft.	1.71	792.56	0.00	1,355.28	601.30	753.98
Dwelling Unit 2,000-3,599 sq. ft.	1.88	792.56	0.00	1,490.01	667.30	822.71
Dwelling Unit ≥ 3,600 sq. ft.	2.02	792.56	0.00	1,600.97	818.01	782.96
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$797.50	$0.00	$1,172.33	$910.84	$261.49
Congregate Living Facility per Bed	0.84	797.50	0.00	669.90	408.41	261.49

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "C" municipalities consist of Lake Park, Mangonia Park, North Palm Beach, and Palm Springs. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "C" Municipalities (1)
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$792.56	$0.00	$1,133.36	$749.81	$383.55
Dwelling Unit 801-1,399 sq. ft.	1.96	792.56	0.00	1,553.42	783.36	770.06
Dwelling Unit 1,400-1,999 sq. ft.	2.23	792.56	0.00	1,767.41	941.01	826.40
Dwelling Unit 2,000-3,599 sq. ft.	2.45	792.56	0.00	1,941.77	1,040.04	901.73
Dwelling Unit ≥ 3,600 sq. ft.	2.63	792.56	0.00	2,084.43	1,226.27	858.16
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$792.56	$0.00	$863.89	$480.34	$383.55
Dwelling Unit 801-1,399 sq. ft.	1.50	792.56	0.00	1,188.84	418.78	770.06
Dwelling Unit 1,400-1,999 sq. ft.	1.71	792.56	0.00	1,355.28	528.88	826.40
Dwelling Unit 2,000-3,599 sq. ft.	1.88	792.56	0.00	1,490.01	588.28	901.73
Dwelling Unit ≥ 3,600 sq. ft.	2.02	792.56	0.00	1,600.97	742.81	858.16
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$797.50	$0.00	$1,172.33	$885.72	$286.61
Congregate Living Facility per Bed	0.84	797.50	0.00	669.90	383.29	286.61

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "C" municipalities consist of Lake Park, Mangonia Park, North Palm Beach, and Palm Springs. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "C" Municipalities (1)
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$792.56	$0.00	$1,133.36	$716.20	$417.16
Dwelling Unit 801-1,399 sq. ft.	1.96	792.56	0.00	1,553.42	715.88	837.54
Dwelling Unit 1,400-1,999 sq. ft.	2.23	792.56	0.00	1,767.41	868.59	898.82
Dwelling Unit 2,000-3,599 sq. ft.	2.45	792.56	0.00	1,941.77	961.02	980.75
Dwelling Unit ≥ 3,600 sq. ft.	2.63	792.56	0.00	2,084.43	1,151.07	933.36
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$792.56	$0.00	$863.89	$446.73	$417.16
Dwelling Unit 801-1,399 sq. ft.	1.50	792.56	0.00	1,188.84	351.30	837.54
Dwelling Unit 1,400-1,999 sq. ft.	1.71	792.56	0.00	1,355.28	456.46	898.82
Dwelling Unit 2,000-3,599 sq. ft.	1.88	792.56	0.00	1,490.01	509.26	980.75
Dwelling Unit ≥ 3,600 sq. ft.	2.02	792.56	0.00	1,600.97	667.61	933.36
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$797.50	$0.00	$1,172.33	$860.60	$311.73
Congregate Living Facility per Bed	0.84	797.50	0.00	669.90	358.17	311.73

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "C" municipalities consist of Lake Park, Mangonia Park, North Palm Beach, and Palm Springs. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "C" Municipalities (1)
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$792.56	$0.00	$1,133.36	$682.59	$450.78
Dwelling Unit 801-1,399 sq. ft.	1.96	792.56	0.00	1,553.42	648.40	905.02
Dwelling Unit 1,400-1,999 sq. ft.	2.23	792.56	0.00	1,767.41	796.19	971.22
Dwelling Unit 2,000-3,599 sq. ft.	2.45	792.56	0.00	1,941.77	882.01	1,059.76
Dwelling Unit ≥ 3,600 sq. ft.	2.63	792.56	0.00	2,084.43	1,075.87	1,008.56
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$792.56	$0.00	$863.89	$413.12	$450.78
Dwelling Unit 801-1,399 sq. ft.	1.50	792.56	0.00	1,188.84	283.82	905.02
Dwelling Unit 1,400-1,999 sq. ft.	1.71	792.56	0.00	1,355.28	384.06	971.22
Dwelling Unit 2,000-3,599 sq. ft.	1.88	792.56	0.00	1,490.01	430.25	1,059.76
Dwelling Unit ≥ 3,600 sq. ft.	2.02	792.56	0.00	1,600.97	592.41	1,008.56
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$797.50	$0.00	$1,172.33	$835.49	$336.83
Congregate Living Facility per Bed	0.84	797.50	0.00	669.90	333.07	336.83

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "C" municipalities consist of Lake Park, Mangonia Park, North Palm Beach, and Palm Springs. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "E" Municipalities (1)
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$633.41	$0.00	$905.78	$607.46	$298.32
Dwelling Unit 801-1,399 sq. ft.	1.96	633.41	0.00	1,241.48	679.58	561.90
Dwelling Unit 1,400-1,999 sq. ft.	2.23	633.41	0.00	1,412.50	795.00	617.50
Dwelling Unit 2,000-3,599 sq. ft.	2.45	633.41	0.00	1,551.85	878.74	673.11
Dwelling Unit ≥ 3,600 sq. ft.	2.63	633.41	0.00	1,665.87	968.39	697.48
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$633.41	$0.00	$690.42	$392.10	$298.32
Dwelling Unit 801-1,399 sq. ft.	1.50	633.41	0.00	950.12	388.22	561.90
Dwelling Unit 1,400-1,999 sq. ft.	1.71	633.41	0.00	1,083.13	465.63	617.50
Dwelling Unit 2,000-3,599 sq. ft.	1.88	633.41	0.00	1,190.81	517.70	673.11
Dwelling Unit ≥ 3,600 sq. ft.	2.02	633.41	0.00	1,279.49	582.01	697.48
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$637.36	$0.00	$936.92	$714.00	$222.92
Congregate Living Facility per Bed	0.84	637.36	0.00	535.38	312.46	222.92

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "E" municipalities consist of Greenacres, Palm Beach Gardens, Royal Palm Beach, Tequesta, Wellington, and West Palm Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "E" Municipalities (1)
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$633.41	$0.00	$905.78	$578.81	$326.97
Dwelling Unit 801-1,399 sq. ft.	1.96	633.41	0.00	1,241.48	625.61	615.87
Dwelling Unit 1,400-1,999 sq. ft.	2.23	633.41	0.00	1,412.50	735.69	676.81
Dwelling Unit 2,000-3,599 sq. ft.	2.45	633.41	0.00	1,551.85	814.09	737.76
Dwelling Unit ≥ 3,600 sq. ft.	2.63	633.41	0.00	1,665.87	901.40	764.47
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$633.41	$0.00	$690.42	$363.45	$326.97
Dwelling Unit 801-1,399 sq. ft.	1.50	633.41	0.00	950.12	334.25	615.87
Dwelling Unit 1,400-1,999 sq. ft.	1.71	633.41	0.00	1,083.13	406.32	676.81
Dwelling Unit 2,000-3,599 sq. ft.	1.88	633.41	0.00	1,190.81	453.05	737.76
Dwelling Unit ≥ 3,600 sq. ft.	2.02	633.41	0.00	1,279.49	515.02	764.47
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$637.36	$0.00	$936.92	$692.59	$244.33
Congregate Living Facility per Bed	0.84	637.36	0.00	535.38	291.05	244.33

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "E" municipalities consist of Greenacres, Palm Beach Gardens, Royal Palm Beach, Tequesta, Wellington, and West Palm Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "E" Municipalities (1)
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$633.41	$0.00	$905.78	$550.16	$355.62
Dwelling Unit 801-1,399 sq. ft.	1.96	633.41	0.00	1,241.48	571.64	669.84
Dwelling Unit 1,400-1,999 sq. ft.	2.23	633.41	0.00	1,412.50	676.38	736.12
Dwelling Unit 2,000-3,599 sq. ft.	2.45	633.41	0.00	1,551.85	749.44	802.41
Dwelling Unit ≥ 3,600 sq. ft.	2.63	633.41	0.00	1,665.87	834.41	831.46
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$633.41	$0.00	$690.42	$334.80	$355.62
Dwelling Unit 801-1,399 sq. ft.	1.50	633.41	0.00	950.12	280.28	669.84
Dwelling Unit 1,400-1,999 sq. ft.	1.71	633.41	0.00	1,083.13	347.01	736.12
Dwelling Unit 2,000-3,599 sq. ft.	1.88	633.41	0.00	1,190.81	388.40	802.41
Dwelling Unit ≥ 3,600 sq. ft.	2.02	633.41	0.00	1,279.49	448.03	831.46
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$637.36	$0.00	$936.92	$671.18	$265.74
Congregate Living Facility per Bed	0.84	637.36	0.00	535.38	269.64	265.74

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "E" municipalities consist of Greenacres, Palm Beach Gardens, Royal Palm Beach, Tequesta, Wellington, and West Palm Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "E" Municipalities (1)
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$633.41	$0.00	$905.78	$521.49	$384.28
Dwelling Unit 801-1,399 sq. ft.	1.96	633.41	0.00	1,241.48	517.68	723.81
Dwelling Unit 1,400-1,999 sq. ft.	2.23	633.41	0.00	1,412.50	617.08	795.43
Dwelling Unit 2,000-3,599 sq. ft.	2.45	633.41	0.00	1,551.85	684.80	867.06
Dwelling Unit ≥ 3,600 sq. ft.	2.63	633.41	0.00	1,665.87	767.42	898.45
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$633.41	$0.00	$690.42	$306.14	$384.28
Dwelling Unit 801-1,399 sq. ft.	1.50	633.41	0.00	950.12	226.32	723.81
Dwelling Unit 1,400-1,999 sq. ft.	1.71	633.41	0.00	1,083.13	287.70	795.43
Dwelling Unit 2,000-3,599 sq. ft.	1.88	633.41	0.00	1,190.81	323.75	867.06
Dwelling Unit ≥ 3,600 sq. ft.	2.02	633.41	0.00	1,279.49	381.04	898.45
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$637.36	$0.00	$936.92	$649.76	$287.16
Congregate Living Facility per Bed	0.84	637.36	0.00	535.38	248.22	287.16

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "E" municipalities consist of Greenacres, Palm Beach Gardens, Royal Palm Beach, Tequesta, Wellington, and West Palm Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "K" Municipalities (1)
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$882.07	$0.00	$1,261.36	$923.99	$337.37
Dwelling Unit 801-1,399 sq. ft.	1.96	882.07	0.00	1,728.86	1,051.39	677.47
Dwelling Unit 1,400-1,999 sq. ft.	2.23	882.07	0.00	1,967.02	1,239.95	727.07
Dwelling Unit 2,000-3,599 sq. ft.	2.45	882.07	0.00	2,161.07	1,367.78	793.29
Dwelling Unit ≥ 3,600 sq. ft.	2.63	882.07	0.00	2,319.84	1,564.83	755.01
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$882.07	$0.00	$961.46	$624.09	$337.37
Dwelling Unit 801-1,399 sq. ft.	1.50	882.07	0.00	1,323.11	645.64	677.47
Dwelling Unit 1,400-1,999 sq. ft.	1.71	882.07	0.00	1,508.34	781.27	727.07
Dwelling Unit 2,000-3,599 sq. ft.	1.88	882.07	0.00	1,658.29	865.00	793.29
Dwelling Unit ≥ 3,600 sq. ft.	2.02	882.07	0.00	1,781.78	1,026.77	755.01
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$887.57	$0.00	$1,304.72	$1,052.61	$252.11
Congregate Living Facility per Bed	0.84	887.57	0.00	745.55	493.44	252.11

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "K" municipalities consist of Gulfstream, Highland Beach, Juno Beach, Jupiter Inlet Colony, Manalapan, and Ocean Ridge. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "K" Municipalities (1)
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$882.07	$0.00	$1,261.36	$891.59	$369.77
Dwelling Unit 801-1,399 sq. ft.	1.96	882.07	0.00	1,728.86	986.32	742.54
Dwelling Unit 1,400-1,999 sq. ft.	2.23	882.07	0.00	1,967.02	1,170.12	796.90
Dwelling Unit 2,000-3,599 sq. ft.	2.45	882.07	0.00	2,161.07	1,291.59	869.48
Dwelling Unit ≥ 3,600 sq. ft.	2.63	882.07	0.00	2,319.84	1,492.31	827.53
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$882.07	$0.00	$961.46	$591.69	$369.77
Dwelling Unit 801-1,399 sq. ft.	1.50	882.07	0.00	1,323.11	580.57	742.54
Dwelling Unit 1,400-1,999 sq. ft.	1.71	882.07	0.00	1,508.34	711.44	796.90
Dwelling Unit 2,000-3,599 sq. ft.	1.88	882.07	0.00	1,658.29	788.81	869.48
Dwelling Unit ≥ 3,600 sq. ft.	2.02	882.07	0.00	1,781.78	954.25	827.53
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$887.57	$0.00	$1,304.72	$1,028.40	$276.32
Congregate Living Facility per Bed	0.84	887.57	0.00	745.55	469.23	276.32

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "K" municipalities consist of Gulfstream, Highland Beach, Juno Beach, Jupiter Inlet Colony, Manalapan, and Ocean Ridge. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "K" Municipalities (1)
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$882.07	$0.00	$1,261.36	$859.19	$402.17
Dwelling Unit 801-1,399 sq. ft.	1.96	882.07	0.00	1,728.86	921.25	807.61
Dwelling Unit 1,400-1,999 sq. ft.	2.23	882.07	0.00	1,967.02	1,100.29	866.73
Dwelling Unit 2,000-3,599 sq. ft.	2.45	882.07	0.00	2,161.07	1,215.40	945.67
Dwelling Unit ≥ 3,600 sq. ft.	2.63	882.07	0.00	2,319.84	1,419.79	900.05
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$882.07	$0.00	$961.46	$559.29	$402.17
Dwelling Unit 801-1,399 sq. ft.	1.50	882.07	0.00	1,323.11	515.50	807.61
Dwelling Unit 1,400-1,999 sq. ft.	1.71	882.07	0.00	1,508.34	641.61	866.73
Dwelling Unit 2,000-3,599 sq. ft.	1.88	882.07	0.00	1,658.29	712.62	945.67
Dwelling Unit ≥ 3,600 sq. ft.	2.02	882.07	0.00	1,781.78	881.73	900.05
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$887.57	$0.00	$1,304.72	$1,004.19	$300.53
Congregate Living Facility per Bed	0.84	887.57	0.00	745.55	445.02	300.53

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "K" municipalities consist of Gulfstream, Highland Beach, Juno Beach, Jupiter Inlet Colony, Manalapan, and Ocean Ridge. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "K" Municipalities (1)
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$882.07	$0.00	$1,261.36	$826.77	$434.59
Dwelling Unit 801-1,399 sq. ft.	1.96	882.07	0.00	1,728.86	856.19	872.67
Dwelling Unit 1,400-1,999 sq. ft.	2.23	882.07	0.00	1,967.02	1,030.45	936.57
Dwelling Unit 2,000-3,599 sq. ft.	2.45	882.07	0.00	2,161.07	1,139.20	1,021.87
Dwelling Unit ≥ 3,600 sq. ft.	2.63	882.07	0.00	2,319.84	1,347.29	972.55
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$882.07	$0.00	$961.46	$526.87	$434.59
Dwelling Unit 801-1,399 sq. ft.	1.50	882.07	0.00	1,323.11	450.44	872.67
Dwelling Unit 1,400-1,999 sq. ft.	1.71	882.07	0.00	1,508.34	571.77	936.57
Dwelling Unit 2,000-3,599 sq. ft.	1.88	882.07	0.00	1,658.29	636.42	1,021.87
Dwelling Unit ≥ 3,600 sq. ft.	2.02	882.07	0.00	1,781.78	809.23	972.55
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$887.57	$0.00	$1,304.72	$979.96	$324.76
Congregate Living Facility per Bed	0.84	887.57	0.00	745.55	420.79	324.76

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "K" municipalities consist of Gulfstream, Highland Beach, Juno Beach, Jupiter Inlet Colony, Manalapan, and Ocean Ridge. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "U" Municipalities (1)
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$812.43	$0.00	$1,161.77	$965.68	$196.09
Dwelling Unit 801-1,399 sq. ft.	1.96	812.43	0.00	1,592.36	1,198.66	393.70
Dwelling Unit 1,400-1,999 sq. ft.	2.23	812.43	0.00	1,811.72	1,389.21	422.51
Dwelling Unit 2,000-3,599 sq. ft.	2.45	812.43	0.00	1,990.45	1,529.43	461.02
Dwelling Unit ≥ 3,600 sq. ft.	2.63	812.43	0.00	2,136.69	1,697.94	438.75
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$812.43	$0.00	$885.55	$689.46	$196.09
Dwelling Unit 801-1,399 sq. ft.	1.50	812.43	0.00	1,218.65	824.95	393.70
Dwelling Unit 1,400-1,999 sq. ft.	1.71	812.43	0.00	1,389.26	966.75	422.51
Dwelling Unit 2,000-3,599 sq. ft.	1.88	812.43	0.00	1,527.37	1,066.35	461.02
Dwelling Unit ≥ 3,600 sq. ft.	2.02	812.43	0.00	1,641.11	1,202.36	438.75
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$817.49	$0.00	$1,201.71	$1,055.18	$146.53
Congregate Living Facility per Bed	0.84	817.49	0.00	686.69	540.16	146.53

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "U" municipalities consist of Briny Breezes, Palm Beach, Palm Beach Shores, and South Palm Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "U" Municipalities (1)
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$812.43	$0.00	$1,161.77	$946.85	$214.92
Dwelling Unit 801-1,399 sq. ft.	1.96	812.43	0.00	1,592.36	1,160.85	431.51
Dwelling Unit 1,400-1,999 sq. ft.	2.23	812.43	0.00	1,811.72	1,348.63	463.09
Dwelling Unit 2,000-3,599 sq. ft.	2.45	812.43	0.00	1,990.45	1,485.15	505.30
Dwelling Unit ≥ 3,600 sq. ft.	2.63	812.43	0.00	2,136.69	1,655.80	480.89
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$812.43	$0.00	$885.55	$670.63	$214.92
Dwelling Unit 801-1,399 sq. ft.	1.50	812.43	0.00	1,218.65	787.14	431.51
Dwelling Unit 1,400-1,999 sq. ft.	1.71	812.43	0.00	1,389.26	926.17	463.09
Dwelling Unit 2,000-3,599 sq. ft.	1.88	812.43	0.00	1,527.37	1,022.07	505.30
Dwelling Unit ≥ 3,600 sq. ft.	2.02	812.43	0.00	1,641.11	1,160.22	480.89
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$817.49	$0.00	$1,201.71	$1,041.11	$160.60
Congregate Living Facility per Bed	0.84	817.49	0.00	686.69	526.09	160.60

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "U" municipalities consist of Briny Breezes, Palm Beach, Palm Beach Shores, and South Palm Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "U" Municipalities (1)
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$812.43	$0.00	$1,161.77	$928.02	$233.75
Dwelling Unit 801-1,399 sq. ft.	1.96	812.43	0.00	1,592.36	1,123.04	469.32
Dwelling Unit 1,400-1,999 sq. ft.	2.23	812.43	0.00	1,811.72	1,308.05	503.67
Dwelling Unit 2,000-3,599 sq. ft.	2.45	812.43	0.00	1,990.45	1,440.87	549.58
Dwelling Unit ≥ 3,600 sq. ft.	2.63	812.43	0.00	2,136.69	1,613.66	523.03
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$812.43	$0.00	$885.55	$651.80	$233.75
Dwelling Unit 801-1,399 sq. ft.	1.50	812.43	0.00	1,218.65	749.33	469.32
Dwelling Unit 1,400-1,999 sq. ft.	1.71	812.43	0.00	1,389.26	885.59	503.67
Dwelling Unit 2,000-3,599 sq. ft.	1.88	812.43	0.00	1,527.37	977.79	549.58
Dwelling Unit ≥ 3,600 sq. ft.	2.02	812.43	0.00	1,641.11	1,118.08	523.03
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$817.49	$0.00	$1,201.71	$1,027.04	$174.67
Congregate Living Facility per Bed	0.84	817.49	0.00	686.69	512.02	174.67

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "U" municipalities consist of Briny Breezes, Palm Beach, Palm Beach Shores, and South Palm Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "U" Municipalities (1)
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$812.43	$0.00	$1,161.77	$909.18	$252.60
Dwelling Unit 801-1,399 sq. ft.	1.96	812.43	0.00	1,592.36	1,085.21	507.15
Dwelling Unit 1,400-1,999 sq. ft.	2.23	812.43	0.00	1,811.72	1,267.46	544.26
Dwelling Unit 2,000-3,599 sq. ft.	2.45	812.43	0.00	1,990.45	1,396.60	593.85
Dwelling Unit ≥ 3,600 sq. ft.	2.63	812.43	0.00	2,136.69	1,571.52	565.17
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$812.43	$0.00	$885.55	$632.95	$252.60
Dwelling Unit 801-1,399 sq. ft.	1.50	812.43	0.00	1,218.65	711.50	507.15
Dwelling Unit 1,400-1,999 sq. ft.	1.71	812.43	0.00	1,389.26	845.01	544.26
Dwelling Unit 2,000-3,599 sq. ft.	1.88	812.43	0.00	1,527.37	933.52	593.85
Dwelling Unit ≥ 3,600 sq. ft.	2.02	812.43	0.00	1,641.11	1,075.94	565.17
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$817.49	$0.00	$1,201.71	$1,012.95	$188.76
Congregate Living Facility per Bed	0.84	817.49	0.00	686.69	497.93	188.76

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "U" municipalities consist of Briny Breezes, Palm Beach, Palm Beach Shores, and South Palm Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "W" Municipalities (1)
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$653.28	$0.00	$934.19	$717.08	$217.11
Dwelling Unit 801-1,399 sq. ft.	1.96	653.28	0.00	1,280.43	844.43	436.00
Dwelling Unit 1,400-1,999 sq. ft.	2.23	653.28	0.00	1,456.81	988.89	467.92
Dwelling Unit 2,000-3,599 sq. ft.	2.45	653.28	0.00	1,600.54	1,090.01	510.53
Dwelling Unit ≥ 3,600 sq. ft.	2.63	653.28	0.00	1,718.13	1,232.24	485.89
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$653.28	$0.00	$712.08	$494.97	$217.11
Dwelling Unit 801-1,399 sq. ft.	1.50	653.28	0.00	979.92	543.92	436.00
Dwelling Unit 1,400-1,999 sq. ft.	1.71	653.28	0.00	1,117.11	649.19	467.92
Dwelling Unit 2,000-3,599 sq. ft.	1.88	653.28	0.00	1,228.17	717.64	510.53
Dwelling Unit ≥ 3,600 sq. ft.	2.02	653.28	0.00	1,319.63	833.74	485.89
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$657.35	$0.00	$966.30	$804.05	$162.25
Congregate Living Facility per Bed	0.84	657.35	0.00	552.17	389.92	162.25

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "W" municipalities consist of Boynton Beach and Lake Worth Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "W" Municipalities (1)
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$653.28	$0.00	$934.19	$696.23	$237.96
Dwelling Unit 801-1,399 sq. ft.	1.96	653.28	0.00	1,280.43	802.55	477.88
Dwelling Unit 1,400-1,999 sq. ft.	2.23	653.28	0.00	1,456.81	943.95	512.86
Dwelling Unit 2,000-3,599 sq. ft.	2.45	653.28	0.00	1,600.54	1,040.98	559.56
Dwelling Unit ≥ 3,600 sq. ft.	2.63	653.28	0.00	1,718.13	1,185.57	532.56
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$653.28	$0.00	$712.08	$474.12	$237.96
Dwelling Unit 801-1,399 sq. ft.	1.50	653.28	0.00	979.92	502.04	477.88
Dwelling Unit 1,400-1,999 sq. ft.	1.71	653.28	0.00	1,117.11	604.25	512.86
Dwelling Unit 2,000-3,599 sq. ft.	1.88	653.28	0.00	1,228.17	668.61	559.56
Dwelling Unit ≥ 3,600 sq. ft.	2.02	653.28	0.00	1,319.63	787.07	532.56
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$657.35	$0.00	$966.30	$788.47	$177.83
Congregate Living Facility per Bed	0.84	657.35	0.00	552.17	374.34	177.83

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "W" municipalities consist of Boynton Beach and Lake Worth Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "W" Municipalities (1)
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$653.28	$0.00	$934.19	$675.38	$258.81
Dwelling Unit 801-1,399 sq. ft.	1.96	653.28	0.00	1,280.43	760.67	519.76
Dwelling Unit 1,400-1,999 sq. ft.	2.23	653.28	0.00	1,456.81	899.01	557.80
Dwelling Unit 2,000-3,599 sq. ft.	2.45	653.28	0.00	1,600.54	991.95	608.59
Dwelling Unit ≥ 3,600 sq. ft.	2.63	653.28	0.00	1,718.13	1,138.90	579.23
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$653.28	$0.00	$712.08	$453.27	$258.81
Dwelling Unit 801-1,399 sq. ft.	1.50	653.28	0.00	979.92	460.16	519.76
Dwelling Unit 1,400-1,999 sq. ft.	1.71	653.28	0.00	1,117.11	559.31	557.80
Dwelling Unit 2,000-3,599 sq. ft.	1.88	653.28	0.00	1,228.17	619.58	608.59
Dwelling Unit ≥ 3,600 sq. ft.	2.02	653.28	0.00	1,319.63	740.40	579.23
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$657.35	$0.00	$966.30	$772.89	$193.41
Congregate Living Facility per Bed	0.84	657.35	0.00	552.17	358.76	193.41

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "W" municipalities consist of Boynton Beach and Lake Worth Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "W" Municipalities (1)
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$653.28	$0.00	$934.19	$654.52	$279.67
Dwelling Unit 801-1,399 sq. ft.	1.96	653.28	0.00	1,280.43	718.81	561.62
Dwelling Unit 1,400-1,999 sq. ft.	2.23	653.28	0.00	1,456.81	854.07	602.75
Dwelling Unit 2,000-3,599 sq. ft.	2.45	653.28	0.00	1,600.54	942.90	657.64
Dwelling Unit ≥ 3,600 sq. ft.	2.63	653.28	0.00	1,718.13	1,092.24	625.89
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$653.28	$0.00	$712.08	$432.41	$279.67
Dwelling Unit 801-1,399 sq. ft.	1.50	653.28	0.00	979.92	418.30	561.62
Dwelling Unit 1,400-1,999 sq. ft.	1.71	653.28	0.00	1,117.11	514.36	602.75
Dwelling Unit 2,000-3,599 sq. ft.	1.88	653.28	0.00	1,228.17	570.53	657.64
Dwelling Unit ≥ 3,600 sq. ft.	2.02	653.28	0.00	1,319.63	693.74	625.89
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$657.35	$0.00	$966.30	$757.30	$209.01
Congregate Living Facility per Bed	0.84	657.35	0.00	552.17	343.16	209.01

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "W" municipalities consist of Boynton Beach and Lake Worth Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "Y" Municipalities (1)
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$494.13	$0.00	$706.61	$542.60	$164.01
Dwelling Unit 801-1,399 sq. ft.	1.96	494.13	0.00	968.49	638.92	329.57
Dwelling Unit 1,400-1,999 sq. ft.	2.23	494.13	0.00	1,101.91	748.44	353.47
Dwelling Unit 2,000-3,599 sq. ft.	2.45	494.13	0.00	1,210.62	824.96	385.66
Dwelling Unit ≥ 3,600 sq. ft.	2.63	494.13	0.00	1,299.56	932.51	367.05
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$494.13	$0.00	$538.60	$374.59	$164.01
Dwelling Unit 801-1,399 sq. ft.	1.50	494.13	0.00	741.20	411.63	329.57
Dwelling Unit 1,400-1,999 sq. ft.	1.71	494.13	0.00	844.96	491.49	353.47
Dwelling Unit 2,000-3,599 sq. ft.	1.88	494.13	0.00	928.96	543.30	385.66
Dwelling Unit ≥ 3,600 sq. ft.	2.02	494.13	0.00	998.14	631.09	367.05
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$497.21	$0.00	$730.90	$608.33	$122.57
Congregate Living Facility per Bed	0.84	497.21	0.00	417.66	295.09	122.57

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "Y" municipalities consist of Boca Raton, Delray Beach, Jupiter, Lantana, and Riviera Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "Y" Municipalities (1)
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$494.13	$0.00	$706.61	$526.85	$179.76
Dwelling Unit 801-1,399 sq. ft.	1.96	494.13	0.00	968.49	607.27	361.22
Dwelling Unit 1,400-1,999 sq. ft.	2.23	494.13	0.00	1,101.91	714.49	387.42
Dwelling Unit 2,000-3,599 sq. ft.	2.45	494.13	0.00	1,210.62	787.92	422.70
Dwelling Unit ≥ 3,600 sq. ft.	2.63	494.13	0.00	1,299.56	897.26	402.30
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$494.13	$0.00	$538.60	$358.84	$179.76
Dwelling Unit 801-1,399 sq. ft.	1.50	494.13	0.00	741.20	379.98	361.22
Dwelling Unit 1,400-1,999 sq. ft.	1.71	494.13	0.00	844.96	457.54	387.42
Dwelling Unit 2,000-3,599 sq. ft.	1.88	494.13	0.00	928.96	506.26	422.70
Dwelling Unit ≥ 3,600 sq. ft.	2.02	494.13	0.00	998.14	595.84	402.30
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$497.21	$0.00	$730.90	$596.56	$134.34
Congregate Living Facility per Bed	0.84	497.21	0.00	417.66	283.32	134.34

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Schedule "Y" municipalities consist of Boca Raton, Delray Beach, Jupiter, Lantana, and Riviera Beach. [Ord. 2019-013] [Ord. 2022-026]

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "Y" Municipalities (1)
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$494.13	$0.00	$706.61	$511.10	$195.51
Dwelling Unit 801-1,399 sq. ft.	1.96	494.13	0.00	968.49	575.62	392.87
Dwelling Unit 1,400-1,999 sq. ft.	2.23	494.13	0.00	1,101.91	680.54	421.37
Dwelling Unit 2,000-3,599 sq. ft.	2.45	494.13	0.00	1,210.62	750.88	459.74
Dwelling Unit ≥ 3,600 sq. ft.	2.63	494.13	0.00	1,299.56	862.01	437.55
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$494.13	$0.00	$538.60	$343.09	$195.51
Dwelling Unit 801-1,399 sq. ft.	1.50	494.13	0.00	741.20	348.33	392.87
Dwelling Unit 1,400-1,999 sq. ft.	1.71	494.13	0.00	844.96	423.59	421.37
Dwelling Unit 2,000-3,599 sq. ft.	1.88	494.13	0.00	928.96	469.22	459.74
Dwelling Unit ≥ 3,600 sq. ft.	2.02	494.13	0.00	998.14	560.59	437.55
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$497.21	$0.00	$730.90	$584.79	$146.11
Congregate Living Facility per Bed	0.84	497.21	0.00	417.66	271.55	146.11
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						
Notes:						
1. Schedule "Y" municipalities consist of Boca Raton, Delray Beach, Jupiter, Lantana, and Riviera Beach. [Ord. 2019-013] [Ord. 2022-026]						

Table 13.B.3 – Parks and Recreation Fee Schedule for Schedule "Y" Municipalities (1)
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Units by Size	Persons per Unit	Cost per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Residential						
Dwelling Unit ≤ 800 sq. ft.	1.43	$494.13	$0.00	$706.61	$495.34	$211.27
Dwelling Unit 801-1,399 sq. ft.	1.96	494.13	0.00	968.49	543.96	424.54
Dwelling Unit 1,400-1,999 sq. ft.	2.23	494.13	0.00	1,101.91	646.59	455.32
Dwelling Unit 2,000-3,599 sq. ft.	2.45	494.13	0.00	1,210.62	713.84	496.78
Dwelling Unit ≥ 3,600 sq. ft.	2.63	494.13	0.00	1,299.56	826.75	472.82
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	1.09	$494.13	$0.00	$538.60	$327.33	$211.27
Dwelling Unit 801-1,399 sq. ft.	1.50	494.13	0.00	741.20	316.66	424.54
Dwelling Unit 1,400-1,999 sq. ft.	1.71	494.13	0.00	844.96	389.64	455.32
Dwelling Unit 2,000-3,599 sq. ft.	1.88	494.13	0.00	928.96	432.18	496.78
Dwelling Unit ≥ 3,600 sq. ft.	2.02	494.13	0.00	998.14	525.33	472.82
Transient, Assisted, Group						
Hotel/Motel per Room	1.47	$497.21	$0.00	$730.90	$573.01	$157.89
Congregate Living Facility per Bed	0.84	497.21	0.00	417.66	259.77	157.89
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						
Notes:						
1. Schedule "Y" municipalities consist of Boca Raton, Delray Beach, Jupiter, Lantana, and Riviera Beach. [Ord. 2019-013] [Ord. 2022-026]						

A. Benefit Zones

1. Establishment of Benefit Zones

Two Park Impact Fee benefit zones are hereby established as follows: [Ord. 2022-026]

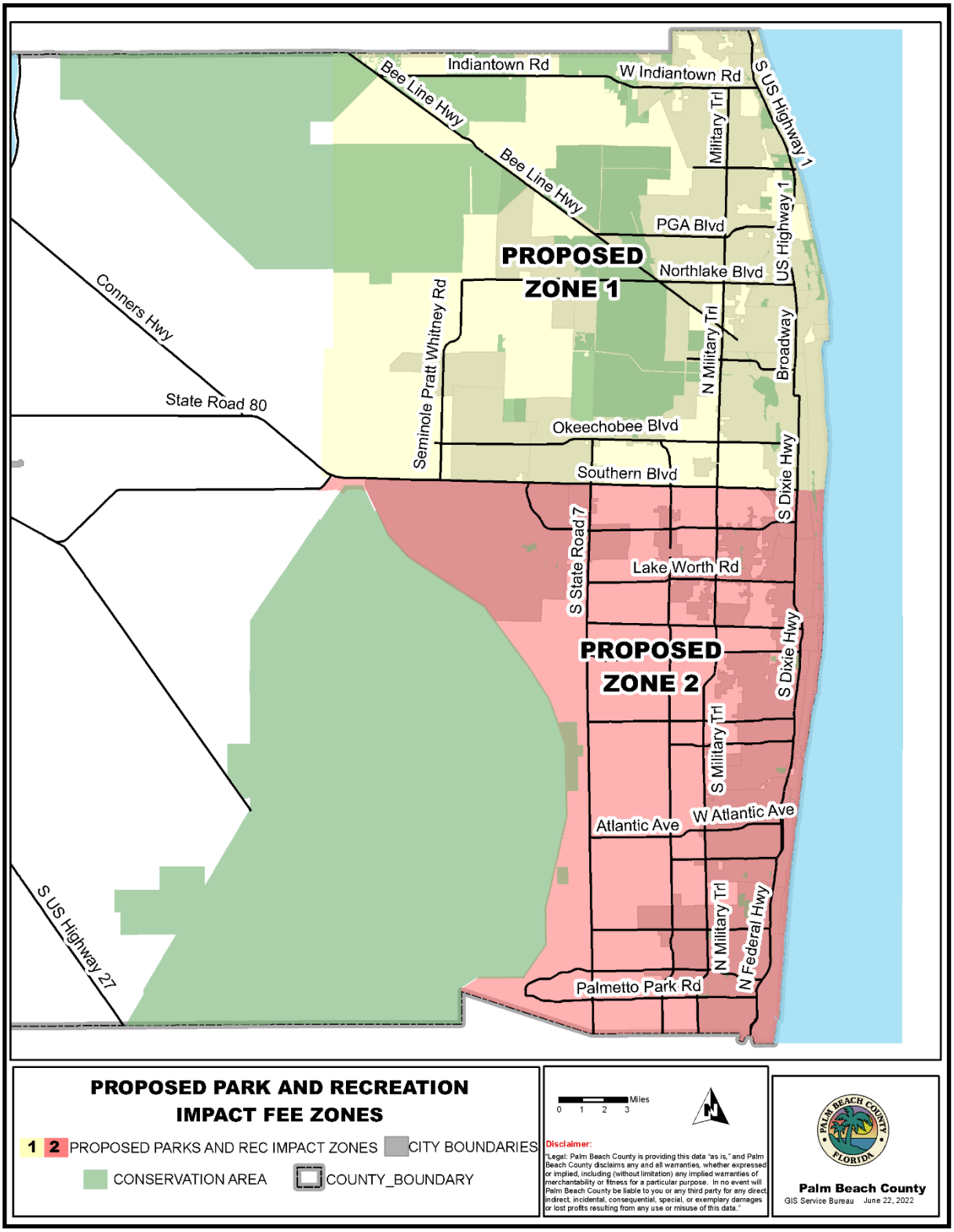
a. Benefit Zone 1 (North)

Beginning at the intersection with the easterly mean high water line of the Atlantic Ocean and the northern boundary line of Palm Beach County, Florida as described in F.S. § 7.50, "County Boundary;" thence westerly along said northern boundary line to the east line of Range 39 East; thence southerly along said east line to the south line of Township 42, Range 39; thence westerly along said Township line to the west line of Range 40; thence southerly along said west line to the centerline of State Road 80; thence easterly along said centerline and its easterly prolongation thereof to the aforementioned easterly mean high water line of the Atlantic Ocean; thence northerly along said water line to the Point of Beginning. [Ord. 2022-026]

b. Benefit Zone 2 (South)

Beginning at the intersection with the easterly mean high water line of the Atlantic Ocean and the southern boundary line of Palm Beach County, Florida as described in F.S. § 7.50, "County Boundary;" thence westerly along said south boundary line to the easterly line of the SFWMD L-40 Canal; thence northerly along said easterly line to the southerly line of the West Palm Beach Canal; thence westerly along said southerly line to the centerline line of State Road 880; thence northeasterly along said centerline line to the centerline of State Road 80; thence easterly along said centerline and its easterly prolongation thereof to the Point of Beginning. [Ord. 2022-026]

Figure 13.B.3.A – Park Benefit Zones



[Ord. 2022-026]

CHAPTER C FIRE-RESCUE IMPACT FEES

Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on fire-rescue services in accordance with Art. 13.A.4, Imposition of Fee, and this Section.

Section 2 Fee Schedule

The impact fee schedule for fire-rescue services is established in Table 13.C.2, Fire-Rescue Fee Schedule. Land uses in the fee schedule shall be defined in F.S. § 195.073, and Chapter 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

Table 13.C.2 – Fire-Rescue Fee Schedule
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Residential Units by Type	Calls for Service Coefficient	Cost per Unit	Credits	Fire-Rescue Impact Fee	Adjustment	Net Fire-Rescue Impact Fee
Single Family (Attached, Detached, Mobile Home)	0.2821	$628	$0	$628	$332.55	$295.45
Multifamily	0.1717	382	0	382	184.40	197.60
Transient, Assisted, Group						
Hotel/Motel per Room	0.1435	$329	$0	$329	$87.70	$241.30
Office						
General Office per 1,000 sq. ft.	0.0370	$85	$0	$85	$31.80	$53.20
Medical Buildings						
Medical Office per 1,000 sq. ft.	0.0370	$85	$0	$85	$31.80	$53.20
Hospital per 1,000 sq. ft.	2.2629	5,188	0	5,188	1,879.15	3,308.85
Nursing Home per 1,000 sq. ft.	2.2629	5,188	0	5,188	1,879.15	3,308.85
Industrial Buildings						
Warehouse per 1,000 sq. ft.	0.0276	$63	$0	$63	$34.50	$28.50
General Industrial per 1,000 sq. ft.	0.0673	154	0	154	68.50	85.50
Mini-Warehouse per 1,000 sq. ft.	0.0276	63	0	63	12.65	50.35
Other Non-Residential Uses						
Church/Synagogue per 1,000 sq. ft.	0.0515	$118	$0	$118	$63.85	$54.15
Day Care Center per 1,000 sq. ft.	0.0737	169	0	169	74.00	95.00
Drive-In Bank per 1,000 sq. ft.	0.0370	85	0	85	31.80	53.20
Private School (Elementary, Middle, High) per 1,000 sq. ft.	0.0737	169	0	169	115.80	53.20
Funeral Home per 1,000 sq. ft.	0.0515	118	0	118	63.85	54.15
Furniture Store per 1,000 sq. ft.	0.0749	172	0	172	44.70	127.30
Movie Theater per 1,000 sq. ft.	0.0515	118	0	118	63.85	54.15
Racquet Club per 1,000 sq. ft.	0.0515	118	0	118	63.85	54.15
Veterinary Clinic per 1,000 sq. ft.	0.0749	172	0	172	44.70	127.30
Retail						
General Retail per 1,000 sq. ft.	0.0749	$172	$0	$172	$44.70	$127.30
Service Station per 1,000 sq. ft.	0.0749	172	0	172	44.70	127.30
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.C.2 – Fire-Rescue Fee Schedule
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Residential Units by Type	Calls for Service Coefficient	Cost per Unit	Credits	Fire-Rescue Impact Fee	Adjustment	Net Fire-Rescue Impact Fee
Single Family (Attached, Detached, Mobile Home)	0.2821	$628	$0	$628	$299.30	$328.70
Multifamily	0.1717	382	0	382	162.55	219.45
Transient, Assisted, Group						
Hotel/Motel per Room	0.1435	$329	$0	$329	$63.95	$265.05
Office						
General Office per 1,000 sq. ft.	0.0370	$85	$0	$85	$26.10	$58.90
Medical Buildings						
Medical Office per 1,000 sq. ft.	0.0370	$85	$0	$85	$26.10	$58.90
Hospital per 1,000 sq. ft.	2.2629	5,188	0	5,188	1,511.50	3,676.50
Nursing Home per 1,000 sq. ft.	2.2629	5,188	0	5,188	1,511.50	3,676.50
Industrial Buildings						
Warehouse per 1,000 sq. ft.	0.0276	$63	$0	$63	$31.65	$31.35
General Industrial per 1,000 sq. ft.	0.0673	154	0	154	59.00	95.00
Mini-Warehouse per 1,000 sq. ft.	0.0276	63	0	63	9.80	53.20
Other Non-Residential Uses						
Church/Synagogue per 1,000 sq. ft.	0.0515	$118	$0	$118	$58.15	$59.85
Day Care Center per 1,000 sq. ft.	0.0737	169	0	169	63.55	105.45
Drive-In Bank per 1,000 sq. ft.	0.0370	85	0	85	26.10	58.90
Private School (Elementary, Middle, High) per 1,000 sq. ft.	0.0737	169	0	169	110.10	58.90
Funeral Home per 1,000 sq. ft.	0.0515	118	0	118	58.15	59.85
Furniture Store per 1,000 sq. ft.	0.0749	172	0	172	32.35	139.65
Movie Theater per 1,000 sq. ft.	0.0515	118	0	118	58.15	59.85
Racquet Club per 1,000 sq. ft.	0.0515	118	0	118	58.15	59.85
Veterinary Clinic per 1,000 sq. ft.	0.0749	172	0	172	32.35	139.65
Retail						
General Retail per 1,000 sq. ft.	0.0749	$172	$0	$172	$32.35	$139.65
Service Station per 1,000 sq. ft.	0.0749	172	0	172	32.35	139.65

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Table 13.C.2 – Fire-Rescue Fee Schedule
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Residential Units by Type	Calls for Service Coefficient	Cost per Unit	Credits	Fire-Rescue Impact Fee	Adjustment	Net Fire-Rescue Impact Fee
Single Family (Attached, Detached, Mobile Home)	0.2821	$628	$0	$628	$266.05	$361.95
Multifamily	0.1717	382	0	382	140.70	241.30
Transient, Assisted, Group						
Hotel/Motel per Room	0.1435	$329	$0	$329	$40.20	$288.80
Office						
General Office per 1,000 sq. ft.	0.0370	$85	$0	$85	$20.40	$64.60
Medical Buildings						
Medical Office per 1,000 sq. ft.	0.0370	$85	$0	$85	$20.40	$64.60
Hospital per 1,000 sq. ft.	2.2629	5,188	0	5,188	1,143.85	4,044.15
Nursing Home per 1,000 sq. ft.	2.2629	5,188	0	5,188	1,143.85	4,044.15
Industrial Buildings						
Warehouse per 1,000 sq. ft.	0.0276	$63	$0	$63	$28.80	$34.20
General Industrial per 1,000 sq. ft.	0.0673	154	0	154	49.50	104.50
Mini-Warehouse per 1,000 sq. ft.	0.0276	63	0	63	6.95	56.05
Other Non-Residential Uses						
Church/Synagogue per 1,000 sq. ft.	0.0515	$118	$0	$118	$52.45	$65.55
Day Care Center per 1,000 sq. ft.	0.0737	169	0	169	53.10	115.90
Drive-In Bank per 1,000 sq. ft.	0.0370	85	0	85	20.40	64.60
Private School (Elementary, Middle, High) per 1,000 sq. ft.	0.0737	169	0	169	104.40	64.60
Funeral Home per 1,000 sq. ft.	0.0515	118	0	118	52.45	65.55
Furniture Store per 1,000 sq. ft.	0.0749	172	0	172	20.00	152.00
Movie Theater per 1,000 sq. ft.	0.0515	118	0	118	52.45	65.55
Racquet Club per 1,000 sq. ft.	0.0515	118	0	118	52.45	65.55
Veterinary Clinic per 1,000 sq. ft.	0.0749	172	0	172	20.00	152.00
Retail						
General Retail per 1,000 sq. ft.	0.0749	$172	$0	$172	$20.00	$152.00
Service Station per 1,000 sq. ft.	0.0749	172	0	172	20.00	152.00
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.C.2 – Fire-Rescue Fee Schedule
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Residential Units by Type	Calls for Service Coefficient	Cost per Unit	Credits	Fire-Rescue Impact Fee	Adjustment	Net Fire-Rescue Impact Fee
Single Family (Attached, Detached, Mobile Home)	0.2821	$628	$0	$628	$234.70	$393.30
Multifamily	0.1717	382	0	382	117.90	264.10
Transient, Assisted, Group						
Hotel/Motel per Room	0.1435	$329	$0	$329	$16.45	$312.55
Office						
General Office per 1,000 sq. ft.	0.0370	$85	$0	$85	$13.75	$71.25
Medical Buildings						
Medical Office per 1,000 sq. ft.	0.0370	$85	$0	$85	$13.75	$71.25
Hospital per 1,000 sq. ft.	2.2629	5,188	0	5,188	776.20	4,411.80
Nursing Home per 1,000 sq. ft.	2.2629	5,188	0	5,188	776.20	4,411.80
Industrial Buildings						
Warehouse per 1,000 sq. ft.	0.0276	$63	$0	$63	$24.05	$38.95
General Industrial per 1,000 sq. ft.	0.0673	154	0	154	40.00	114.00
Mini-Warehouse per 1,000 sq. ft.	0.0276	63	0	63	3.15	59.85
Other Non-Residential Uses						
Church/Synagogue per 1,000 sq. ft.	0.0515	$118	$0	$118	$44.85	$73.15
Day Care Center per 1,000 sq. ft.	0.0737	169	0	169	41.70	127.30
Drive-In Bank per 1,000 sq. ft.	0.0370	85	0	85	13.75	71.25
Private School (Elementary, Middle, High) per 1,000 sq. ft.	0.0737	169	0	169	97.75	71.25
Funeral Home per 1,000 sq. ft.	0.0515	118	0	118	45.85	73.15
Furniture Store per 1,000 sq. ft.	0.0749	172	0	172	8.60	163.40
Movie Theater per 1,000 sq. ft.	0.0515	118	0	118	44.85	73.15
Racquet Club per 1,000 sq. ft.	0.0515	118	0	118	44.85	73.15
Veterinary Clinic per 1,000 sq. ft.	0.0749	172	0	172	8.60	163.40
Retail						
General Retail per 1,000 sq. ft.	0.0749	$172	$0	$172	$8.60	$163.40
Service Station per 1,000 sq. ft.	0.0749	172	0	172	8.60	163.40
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Section 3 Benefit Zones

A. Establishment of Benefit Zones

There are hereby established two Fire-Rescue Impact Fee benefit zones identified in Figure 13.C.5, Fire-Rescue Benefit Zones, and set forth as follows:

1. **Benefit Zone 1**
   The boundaries of Benefit Zone 1 correspond to the PBC Fire Rescue Municipal Service Taxing Unit, excluding Royal Palm Beach and those portions of the County in Benefit Zone 2. [Ord. 2005-047]
2. **Benefit Zone 2**
   The boundaries of Benefit Zone 2 shall be PBC's Northern, Western, and Southern borders on the North, West, and South, respectively; and the Western border of Range 40 East and the SFWMD L-40 on the East. No Fire-Rescue Impact Fees shall be collected at this time in Benefit Zone 2 because there is no identified need for additional fire-rescue capital facilities due to new development during the planning horizon on which this impact fee is based.

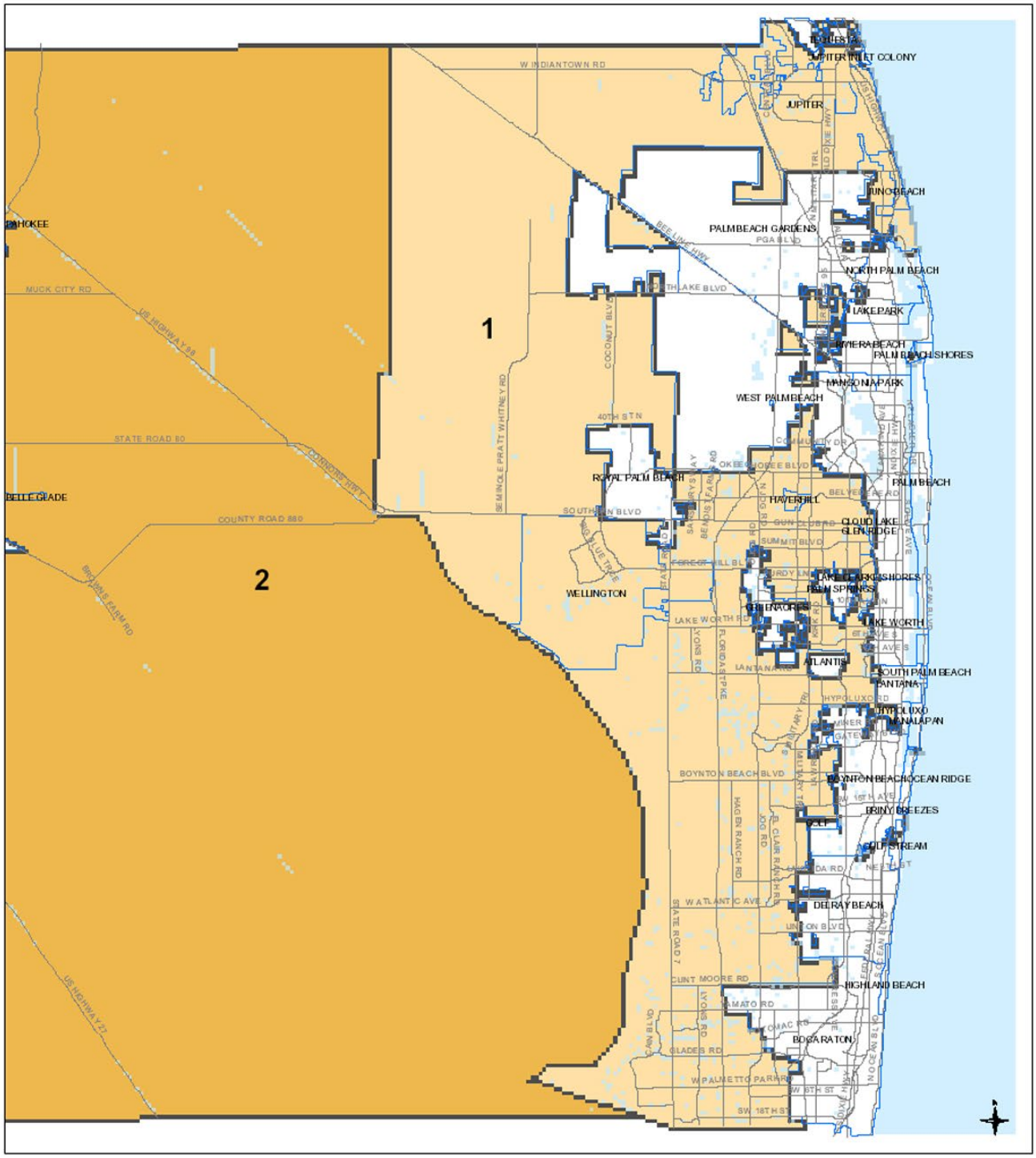
Section 4 Establishment of Trust Funds

There is hereby established separate impact fee trust funds for the impact fee benefit zones described in Art. 13.C.3.A, Establishment of Benefit Zones.

Section 5 Use of Fire-Rescue Impact Fees

Impact fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9, Use of Impact Fees.

Figure 13.C.5 – Fire-Rescue Benefit Zones



CHAPTER D LIBRARY IMPACT FEES

Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on fire-rescue services in accordance with Art. 13.A.4, Imposition of Fee, and this Section.

Section 2 Fee Schedule

The fee schedule for library services is established in Table 13.D.2, Library Fee Schedule. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

Table 13.D.2 – Library Fee Schedule
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Library Impact Fee	Discount	Net Library Impact Fee
Residential						
≤ 800 sq. ft.	1.49	$181	$0	$181	$49.24	$131.76
801-1,399 sq. ft.	2.05	249	0	249	57.33	191.67
1,400-1,999 sq. ft.	2.33	283	0	283	64.17	218.83
2,000-3,599 sq. ft.	2.56	311	0	311	64.12	246.88
≥ 3,600 sq. ft.	2.75	334	0	334	48.38	285.62
Senior Adult Housing						
≤ 800 sq. ft.	1.14	$139	$0	$139	$13.89	$125.11
801-1,399 sq. ft.	1.57	191	0	191	11.68	179.32
1,400-1,999 sq. ft.	1.78	216	0	216	12.37	203.63
2,000-3,599 sq. ft.	1.96	238	0	238	11.90	226.10
≥ 3,600 sq. ft.	2.10	255	0	255	12.75	242.25
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.D.2 – Library Fee Schedule
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Library Impact Fee	Discount	Net Library Impact Fee
Residential						
≤ 800 sq. ft.	1.49	$181	$0	$181	$35.94	$145.06
801-1,399 sq. ft.	2.05	249	0	249	42.13	206.87
1,400-1,999 sq. ft.	2.33	283	0	283	47.07	235.93
2,000-3,599 sq. ft.	2.56	311	0	311	47.97	263.03
≥ 3,600 sq. ft.	2.75	334	0	334	16.70	317.30
Senior Adult Housing						
≤ 800 sq. ft.	1.14	$139	$0	$139	$6.95	$132.05
801-1,399 sq. ft.	1.57	191	0	191	9.55	181.45
1,400-1,999 sq. ft.	1.78	216	0	216	10.80	205.20
2,000-3,599 sq. ft.	1.96	238	0	238	11.90	226.10
≥ 3,600 sq. ft.	2.10	255	0	255	12.75	242.25
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.D.2 – Library Fee Schedule
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Library Impact Fee	Discount	Net Library Impact Fee
Residential						
≤ 800 sq. ft.	1.49	$181	$0	$181	$22.64	$158.36
801-1,399 sq. ft.	2.05	249	0	249	26.93	222.07
1,400-1,999 sq. ft.	2.33	283	0	283	29.97	253.03
2,000-3,599 sq. ft.	2.56	311	0	311	31.82	279.18
≥ 3,600 sq. ft.	2.75	334	0	334	16.70	317.30
Senior Adult Housing						
≤ 800 sq. ft.	1.14	$139	$0	$139	$6.95	$132.05
801-1,399 sq. ft.	1.57	191	0	191	9.55	181.45
1,400-1,999 sq. ft.	1.78	216	0	216	10.80	205.20
2,000-3,599 sq. ft.	1.96	238	0	238	11.90	226.10
≥ 3,600 sq. ft.	2.10	255	0	255	12.75	242.25
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.D.2 – Library Fee Schedule
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Library Impact Fee	Discount	Net Library Impact Fee
Residential						
≤ 800 sq. ft.	1.49	$181	$0	$181	$9.05	$171.95
801-1,399 sq. ft.	2.05	249	0	249	12.45	236.55
1,400-1,999 sq. ft.	2.33	283	0	283	14.15	268.85
2,000-3,599 sq. ft.	2.56	311	0	311	15.55	295.45
≥ 3,600 sq. ft.	2.75	334	0	334	16.70	317.30
Senior Adult Housing						
≤ 800 sq. ft.	1.14	$139	$0	$139	$6.95	$132.05
801-1,399 sq. ft.	1.57	191	0	191	9.55	181.45
1,400-1,999 sq. ft.	1.78	216	0	216	10.80	205.20
2,000-3,599 sq. ft.	1.96	238	0	238	11.90	226.10
≥ 3,600 sq. ft.	2.10	255	0	255	12.75	242.25
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Section 3 Benefit Zones

A. Establishment of Benefit Zones

There are hereby established two Library Impact Fee benefit zones identified in Figure 13.D.5, Library Benefit Zones, and set forth as follows:

1. **Benefit Zone 1**
   The boundaries of Benefit Zone 1 consists of unincorporated PBC and those municipalities that are part of the Library Taxing District (municipalities include: Atlantis, Briny Breezes, Cloud Lake, Glen Ridge, Greenacres, Haverhill, Hypoluxo, Juno Beach, Jupiter, Jupiter Inlet Colony, Lake Clarke Shores, Mangonia Park, Ocean Ridge, Palm Beach Gardens, Palm Beach Shores, Royal Palm Beach, South Palm Beach, Tequesta, and the Village of Golf) excluding that porting of the County in Benefit Zone 2. [Ord. 2022-026]
2. **Benefit Zone 2**
   The boundaries of Benefit Zone 2 shall be PBC's Northern, Western, and Southern borders on the North, West, and South, respectively; and the Western border of Range 40 East and SFWMD L-40 on the East. No Library Impact Fees shall be collected at this time in Benefit Zone 2 because there is no identified need for additional library capital facilities due to new development during the planning horizon on which this impact fee is based.

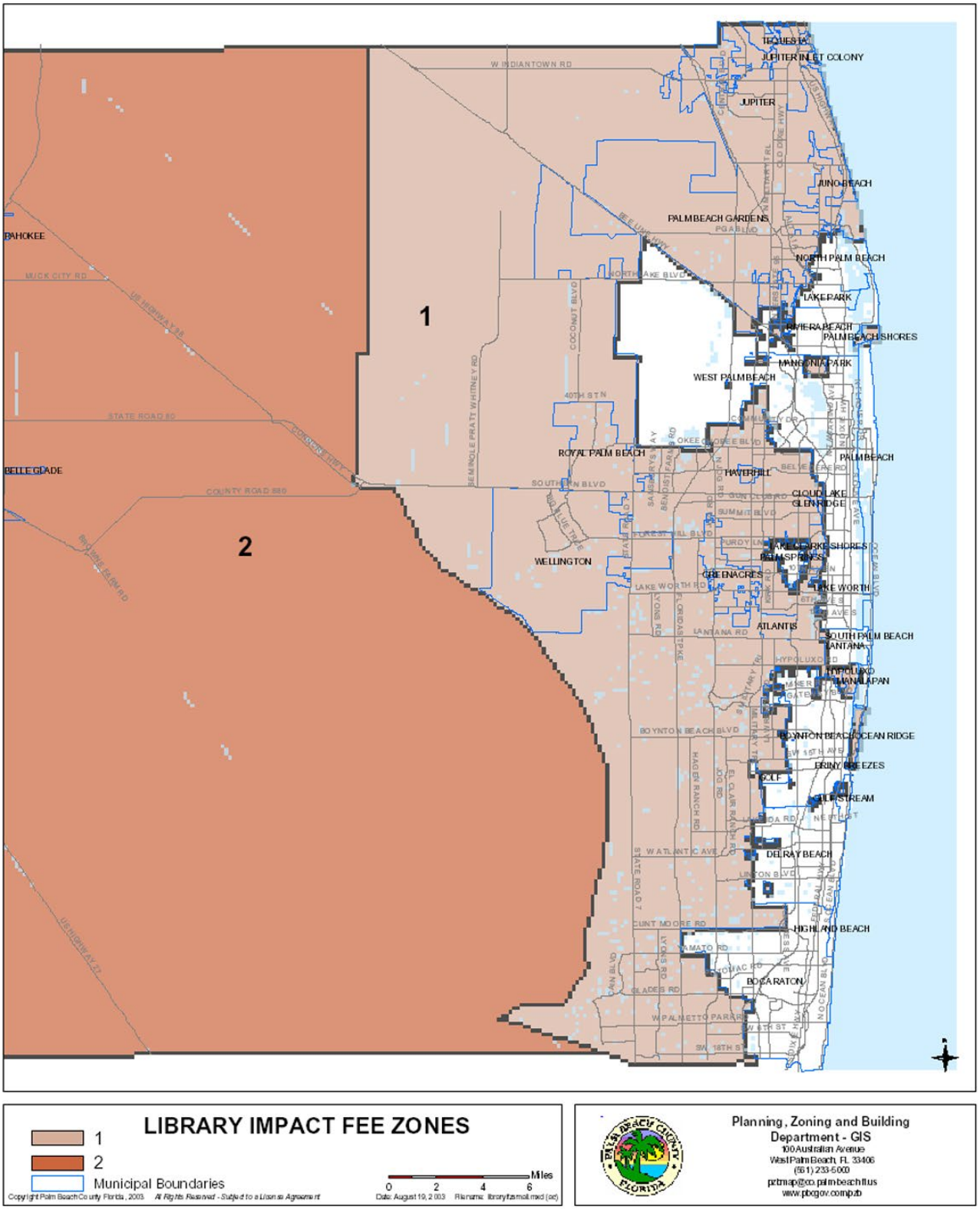
Section 4 Establishment of Trust Funds

There is hereby established Library Impact Fee trust funds for the benefit zones described in Art. 13.D.3, Benefit Zones.

Section 5 Use of Library Impact Fees

Impact fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9, Use of Impact Fees.

Figure 13.D.5 – Library Benefit Zones



CHAPTER E LAW ENFORCEMENT IMPACT FEES

Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on law enforcement services in accordance with Art. 13.A.4, Imposition of Fee, and this Section.

Section 2 Fee Schedule

The fee schedules for law enforcement services are established in Table 13.E.2, Law Enforcement Patrol Fee Schedule for Unincorporated PBC Benefit Zone 1. Land uses in the fee schedule shall be as defined in F.S. § 195.073, and Chapter 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact. [Ord. 2022-026]

Table 13.E.2 – Law Enforcement Patrol Fee Schedule for Unincorporated PBC Benefit Zone 1 (1)
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Residential Units by sq. ft.	Service Calls	Cost per Unit	Credits	Enforcement Impact Fee	Discount	Net Enforcement Impact Fee
Single Family (Detached/Attached)	1.88	$198	$0	$198	$61.06	$136.94
Multifamily	1.13	119	0	119	43.96	75.04
Mobile Home	1.89	199	0	199	123.96	75.04
Senior Adult Housing (Detached)	1.43	151	0	151	18.00	133.00
Senior Adult Housing (Attached)	0.86	91	0	91	19.75	71.25
Transient, Assisted, Group						
Hotel/Motel	0.84	$89	$0	$89	$7.58	$81.42
Nursing Home/ Congregate Living Facility	0.84	89	0	89	7.58	81.42
Recreational						
Public Park	0.05	$5	$0	$5	$0.25	$4.75
Golf Course	0.84	89	0	89	4.45	84.55
Movie Theater	5.19	548	0	548	27.40	520.60
Racquet/Tennis Club	1.81	191	0	191	129.88	61.12
Institutions						
Elementary School (Private)	0.10	$11	$0	$11	$4.35	$6.65
Middle/Junior High School (Private)	0.09	9	0	9	1.88	7.13
High School (Private)	0.08	8	0	8	0.40	7.60
Church/Synagogue	0.41	43	0	43	2.15	40.85
Day Care Center	0.81	85	0	85	23.88	61.12
Cemetery	0.15	16	0	16	3.65	12.35
Medical						
Hospital	1.30	$137	$0	$137	$126.10	$10.90
Animal Hospital/Veterinary Clinic	1.41	149	0	149	87.88	61.12
Office and Financial						
General Office	0.98	$103	$0	$103	$92.10	$10.90
Medical Office < 10,000 sq. ft.	1.20	127	0	127	116.10	10.90
Medical Office ≥ 10,000 sq. ft.	1.72	182	0	182	171.10	10.90
Retail						
Nursery (Garden Center)	5.52	$583	$0	$583	$29.15	$553.85
Retail/Shopping Center < 40,000 sq. ft. of GLA	2.08	220	0	220	158.88	61.12
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	2.58	272	0	272	210.88	61.12
Retail/Shopping Center > 150,000 sq. ft. of GLA	1.41	149	0	149	87.88	61.12
New/Used Car Sales	1.57	166	0	166	104.88	61.12
Tire Store	1.54	163	0	163	101.88	61.12
Convenience Market	6.41	676	0	676	614.88	61.12
Pharmacy with and without Drive-Through	1.84	194	0	194	132.88	61.12
Marijuana Dispensary	3.19	337	0	337	275.88	61.12
Furniture Store	0.32	34	0	34	9.30	24.70
Services						
Bank/Savings with Drive-In	1.48	$156	$0	$156	$145.10	$10.90
Fine Dining/Quality Restaurant	5.76	608	0	608	546.88	61.12
High-Turnover Restaurant	5.42	572	0	572	510.88	61.12
Fast Food Restaurant with Drive-Through	9.71	1,025	0	1,025	963.88	61.12
Quick Lubrication Vehicle Shop	1.60	169	0	169	8.45	160.55
Gas Station with Convenience Store < 2,000 sq. ft.	1.46	154	0	154	92.88	61.12
Gas Station with Convenience Store 2,000-5,499 sq. ft.	2.30	243	0	243	181.88	61.12
Gas Station with Convenience Store ≥ 5,500 sq. ft.	3.00	317	0	317	255.88	61.12
Car Wash	0.96	101	0	101	5.05	95.95

Table 13.E.2 – Law Enforcement Patrol Fee Schedule for Unincorporated PBC Benefit Zone 1 (1)
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Residential Units by sq. ft.	Service Calls	Cost per Unit	Credits	Enforcement Impact Fee	Discount	Net Enforcement Impact Fee
Industrial						
General Light Industrial	0.48	$51	$0	$51	$43.05	$7.95
Warehousing	0.11	12	0	12	0.60	11.40
Mini-Warehouse	0.04	4	0	4	0.20	3.80
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						
Notes:						
1. Includes Cloud Lake, Haverhill, Glen Ridge, and the Village of Golf. [Ord. 2019-013] [Ord. 2022-026]						

Table 13.E.2 – Law Enforcement Patrol Fee Schedule for Unincorporated PBC Benefit Zone 1 (1)
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Residential Units by sq. ft.	Service Calls	Cost per Unit	Credits	Enforcement Impact Fee	Discount	Net Enforcement Impact Fee
Single Family (Detached/Attached)	1.88	$198	$0	$198	$45.86	$152.14
Multifamily	1.13	119	0	119	35.41	83.59
Mobile Home	1.89	199	0	199	115.41	83.59
Senior Adult Housing (Detached)	1.43	151	0	151	7.55	143.45
Senior Adult Housing (Attached)	0.86	91	0	91	15.00	76.00
Transient, Assisted, Group						
Hotel/Motel	0.84	$89	$0	$89	$4.45	$84.55
Nursing Home/ Congregate Living Facility	0.84	89	0	89	4.45	84.55
Recreational						
Public Park	0.05	$5	$0	$5	$0.25	$4.75
Golf Course	0.84	89	0	89	4.45	84.55
Movie Theater	5.19	548	0	548	27.40	520.60
Racquet/Tennis Club	1.81	191	0	191	123.23	67.77
Institutions						
Elementary School (Private)	0.10	$11	$0	$11	$3.40	$7.60
Middle/Junior High School (Private)	0.09	9	0	9	1.40	7.60
High School (Private)	0.08	8	0	8	0.40	7.60
Church/Synagogue	0.41	43	0	43	2.15	40.85
Day Care Center	0.81	85	0	85	17.23	67.77
Cemetery	0.15	16	0	16	2.70	13.30
Medical						
Hospital	1.30	$137	$0	$137	$125.15	$11.85
Animal Hospital/Veterinary Clinic	1.41	149	0	149	81.23	67.77
Office and Financial						
General Office	0.98	$103	$0	$103	$91.15	$11.85
Medical Office < 10,000 sq. ft.	1.20	127	0	127	115.15	11.85
Medical Office ≥ 10,000 sq. ft.	1.72	182	0	182	170.15	11.85
Retail						
Nursery (Garden Center)	5.52	$583	$0	$583	$29.15	$553.85
Retail/Shopping Center < 40,000 sq. ft. of GLA	2.08	220	0	220	152.23	67.77
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	2.58	272	0	272	204.23	67.77
Retail/Shopping Center > 150,000 sq. ft. of GLA	1.41	149	0	149	81.23	67.77
New/Used Car Sales	1.57	166	0	166	98.23	67.77
Tire Store	1.54	163	0	163	95.23	67.77
Convenience Market	6.41	676	0	676	608.23	67.77
Pharmacy with and without Drive-Through	1.84	194	0	194	126.23	67.77
Marijuana Dispensary	3.19	337	0	337	269.23	67.77
Furniture Store	0.32	34	0	34	6.45	27.55
Services						
Bank/Savings with Drive-In	1.48	$156	$0	$156	$144.15	$11.85

Table 13.E.2 – Law Enforcement Patrol Fee Schedule for Unincorporated PBC Benefit Zone 1 (1)
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Residential Units by sq. ft.	Service Calls	Cost per Unit	Credits	Enforcement Impact Fee	Discount	Net Enforcement Impact Fee
Fine Dining/Quality Restaurant	5.76	608	0	608	540.23	67.77
High-Turnover Restaurant	5.42	572	0	572	504.23	67.77
Fast Food Restaurant with Drive-Through	9.71	1,025	0	1,025	957.23	67.77
Quick Lubrication Vehicle Shop	1.60	169	0	169	8.45	160.55
Gas Station with Convenience Store < 2,000 sq. ft.	1.46	154	0	154	86.23	67.77
Gas Station with Convenience Store 2,000-5,499 sq. ft.	2.30	243	0	243	175.23	67.77
Gas Station with Convenience Store ≥ 5,500 sq. ft.	3.00	317	0	317	249.23	67.77
Car Wash	0.96	101	0	101	5.05	95.95
Industrial						
General Light Industrial	0.48	$51	$0	$51	$42.10	$8.90
Warehousing	0.11	12	0	12	0.60	11.40
Mini-Warehouse	0.04	4	0	4	0.20	3.80

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Includes Cloud Lake, Haverhill, Glen Ridge, and the Village of Golf. [Ord. 2019-013] [Ord. 2022-026]

Table 13.E.2 – Law Enforcement Patrol Fee Schedule for Unincorporated PBC Benefit Zone 1 (1)
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Residential Units by sq. ft.	Service Calls	Cost per Unit	Credits	Enforcement Impact Fee	Discount	Net Enforcement Impact Fee
Single Family (Detached/Attached)	1.88	$198	$0	$198	$30.66	$167.34
Multifamily	1.13	119	0	119	26.86	92.14
Mobile Home	1.89	199	0	199	106.86	92.14
Senior Adult Housing (Detached)	1.43	151	0	151	7.55	143.45
Senior Adult Housing (Attached)	0.86	91	0	91	10.25	80.75
Transient, Assisted, Group						
Hotel/Motel	0.84	$89	$0	$89	$4.45	$84.55
Nursing Home/ Congregate Living Facility	0.84	89	0	89	4.45	84.55
Recreational						
Public Park	0.05	$5	$0	$5	$0.25	$4.75
Golf Course	0.84	89	0	89	4.45	84.55
Movie Theater	5.19	548	0	548	27.40	520.60
Racquet/Tennis Club	1.81	191	0	191	116.58	74.42
Institutions						
Elementary School (Private)	0.10	$11	$0	$11	$2.45	$8.55
Middle/Junior High School (Private)	0.09	9	0	9	0.93	8.08
High School (Private)	0.08	8	0	8	0.40	7.60
Church/Synagogue	0.41	43	0	43	2.15	40.85
Day Care Center	0.81	85	0	85	10.58	74.42
Cemetery	0.15	16	0	16	1.75	14.25
Medical						
Hospital	1.30	$137	$0	$137	$124.20	$12.80
Animal Hospital/Veterinary Clinic	1.41	149	0	149	74.58	74.42
Office and Financial						
General Office	0.98	$103	$0	$103	$90.20	$12.80
Medical Office < 10,000 sq. ft.	1.20	127	0	127	114.20	12.80
Medical Office ≥ 10,000 sq. ft.	1.72	182	0	182	169.20	12.80
Retail						
Nursery (Garden Center)	5.52	$583	$0	$583	$29.15	$553.85

Table 13.E.2 – Law Enforcement Patrol Fee Schedule for Unincorporated PBC Benefit Zone 1 (1)
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Residential Units by sq. ft.	Service Calls	Cost per Unit	Credits	Enforcement Impact Fee	Discount	Net Enforcement Impact Fee
Retail/Shopping Center < 40,000 sq. ft. of GLA	2.08	220	0	220	145.58	74.42
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	2.58	272	0	272	197.58	74.42
Retail/Shopping Center > 150,000 sq. ft. of GLA	1.41	149	0	149	74.58	74.42
New/Used Car Sales	1.57	166	0	166	91.58	74.42
Tire Store	1.54	163	0	163	88.58	74.42
Convenience Market	6.41	676	0	676	601.58	74.42
Pharmacy with and without Drive-Through	1.84	194	0	194	119.58	74.42
Marijuana Dispensary	3.19	337	0	337	262.58	74.42
Furniture Store	0.32	34	0	34	3.60	30.40
Services						
Bank/Savings with Drive-In	1.48	$156	$0	$156	$143.20	$12.80
Fine Dining/Quality Restaurant	5.76	608	0	608	533.58	74.42
High-Turnover Restaurant	5.42	572	0	572	497.58	74.42
Fast Food Restaurant with Drive-Through	9.71	1,025	0	1,025	950.58	74.42
Quick Lubrication Vehicle Shop	1.60	169	0	169	8.45	160.55
Gas Station with Convenience Store < 2,000 sq. ft.	1.46	154	0	154	79.58	74.42
Gas Station with Convenience Store 2,000-5,499 sq. ft.	2.30	243	0	243	168.58	74.42
Gas Station with Convenience Store ≥ 5,500 sq. ft.	3.00	317	0	317	242.58	74.42
Car Wash	0.96	101	0	101	5.05	95.95
Industrial						
General Light Industrial	0.48	$51	$0	$51	$41.15	$9.85
Warehousing	0.11	12	0	12	0.60	11.40
Mini-Warehouse	0.04	4	0	4	0.20	3.80

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Includes Cloud Lake, Haverhill, Glen Ridge, and the Village of Golf. [Ord. 2019-013] [Ord. 2022-026]

Table 13.E.2 – Law Enforcement Patrol Fee Schedule for Unincorporated PBC Benefit Zone 1 (1)
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Residential Units by sq. ft.	Service Calls	Cost per Unit	Credits	Enforcement Impact Fee	Discount	Net Enforcement Impact Fee
Single Family (Detached/Attached)	1.88	$198	$0	$198	$15.39	$182.61
Multifamily	1.13	119	0	119	19.26	99.74
Mobile Home	1.89	199	0	199	99.26	99.74
Senior Adult Housing (Detached)	1.43	151	0	151	7.55	143.45
Senior Adult Housing (Attached)	0.86	91	0	91	4.55	86.45
Transient, Assisted, Group						
Hotel/Motel	0.84	$89	$0	$89	$4.45	$84.55
Nursing Home/ Congregate Living Facility	0.84	89	0	89	4.45	84.55
Recreational						
Public Park	0.05	$5	$0	$5	$0.25	$4.75
Golf Course	0.84	89	0	89	4.45	84.55
Movie Theater	5.19	548	0	548	27.40	520.60
Racquet/Tennis Club	1.81	191	0	191	109.29	81.71
Institutions						
Elementary School (Private)	0.10	$11	$0	$11	$2.45	$8.55
Middle/Junior High School (Private)	0.09	9	0	9	0.45	8.55

Table 13.E.2 – Law Enforcement Patrol Fee Schedule for Unincorporated PBC Benefit Zone 1 (1)
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Residential Units by sq. ft.	Service Calls	Cost per Unit	Credits	Enforcement Impact Fee	Discount	Net Enforcement Impact Fee
High School (Private)	0.08	8	0	8	0.40	7.60
Church/Synagogue	0.41	43	0	43	2.15	40.85
Day Care Center	0.81	85	0	85	4.25	80.75
Cemetery	0.15	16	0	16	0.80	15.20
Medical						
Hospital	1.30	$137	$0	$137	$122.08	$14.92
Animal Hospital/Veterinary Clinic	1.41	149	0	149	67.29	81.71
Office and Financial						
General Office	0.98	$103	$0	$103	$88.08	$14.92
Medical Office < 10,000 sq. ft.	1.20	127	0	127	112.08	14.92
Medical Office ≥ 10,000 sq. ft.	1.72	182	0	182	167.08	14.92
Retail						
Nursery (Garden Center)	5.52	$583	$0	$583	$29.15	$553.85
Retail/Shopping Center < 40,000 sq. ft. of GLA	2.08	220	0	220	138.29	81.71
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	2.58	272	0	272	190.29	81.71
Retail/Shopping Center > 150,000 sq. ft. of GLA	1.41	149	0	149	67.29	81.71
New/Used Car Sales	1.57	166	0	166	84.29	81.71
Tire Store	1.54	163	0	163	81.29	81.71
Convenience Market	6.41	676	0	676	594.29	81.71
Pharmacy with and without Drive-Through	1.84	194	0	194	112.29	81.71
Marijuana Dispensary	3.19	337	0	337	255.29	81.71
Furniture Store	0.32	34	0	34	1.70	32.30
Services						
Bank/Savings with Drive-In	1.48	$156	$0	$156	$141.08	$14.92
Fine Dining/Quality Restaurant	5.76	608	0	608	526.29	81.71
High-Turnover Restaurant	5.42	572	0	572	490.29	81.71
Fast Food Restaurant with Drive-Through	9.71	1,025	0	1,025	943.29	81.71
Quick Lubrication Vehicle Shop	1.60	169	0	169	8.45	160.55
Gas Station with Convenience Store < 2,000 sq. ft.	1.46	154	0	154	72.29	81.71
Gas Station with Convenience Store 2,000-5,499 sq. ft.	2.30	243	0	243	161.29	81.71
Gas Station with Convenience Store ≥ 5,500 sq. ft.	3.00	317	0	317	235.29	81.71
Car Wash	0.96	101	0	101	5.05	95.95
Industrial						
General Light Industrial	0.48	$51	$0	$51	$40.50	$10.50
Warehousing	0.11	12	0	12	0.60	11.40
Mini-Warehouse	0.04	4	0	4	0.20	3.80

[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]

Notes:

1. Includes Cloud Lake, Haverhill, Glen Ridge, and the Village of Golf. [Ord. 2019-013] [Ord. 2022-026]

Section 3 Benefit Zones

A. Establishment of Benefit Zones

There are hereby established three Law Enforcement Impact Fee benefit zones identified in Figure 13.E.5, Law Enforcement Benefit Zones, and set forth as follows:

1. **Area and Services in Benefit Zone 1**
   Benefit Zone 1 shall consist of the entire PBC, including both the unincorporated area and all municipalities. Countywide functions for which impact fees are charged in this zone include the crime laboratory, warrants divisions, marine enforcement, K-9 unit, and organized crime bureau. No credits for municipal law enforcement activities are applied for these services.
2. **Area and Services in Benefit Zone 2**
   Benefit Zone 2 shall include the unincorporated portions of PBC and those municipalities which do not provide road patrol services, including Cloud Lake, Haverhill, Glen Ridge, and the Village of Golf and excluding those portions of the County in Benefit Zone 3. Impact fees paid in these areas support law enforcement functions otherwise met by municipal law enforcement services, though all law enforcement functions of the Sheriff are Countywide. The use of this district allows credit for municipal law enforcement services. [Ord. 2005-047]
3. **Area and Services in Benefit Zone 3**
   Benefit Zone 3 shall include PBC's Northern, Western, and Southern borders on the North, West, and South respectively; and the Western border of Range 40 East and the SFWMD L-40 on the East. No Law Enforcement Impact Fees shall be collected at this time in Benefit Zone 3 because there is no identified need for additional law enforcement capital facilities due to new development during the planning horizon on which this impact fee is based.

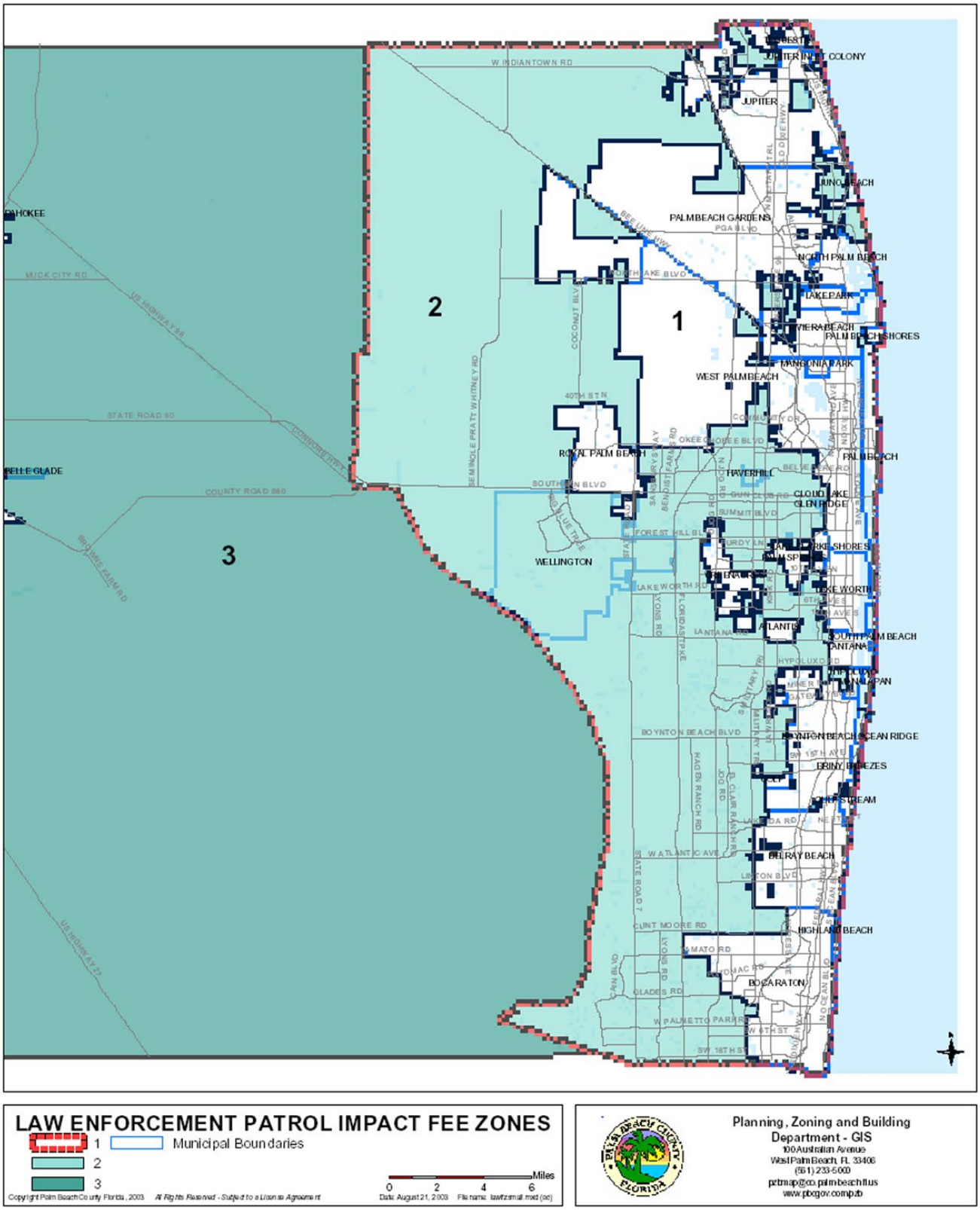
Section 4 Establishment of Trust Funds

There are hereby established separate impact fee trust funds for each impact fee benefit zone described in Art. 13.E.3, Benefit Zones.

Section 5 Use of Law Enforcement Impact Fees

The Sheriff shall identify in the Sheriff's budget those new capital facilities for which Law Enforcement Impact Fees shall be spent. The funds shall remain restricted to their respective trust funds and the requirements of this Article, and the Sheriff shall ensure that the funds are expended and accounted for in accordance with this Article. The Sheriff shall maintain such records and documentation necessary to allow the effective audit of the use of the Law Enforcement Impact Fees. PBC's Internal Auditor shall have authority to require accounting controls and documentation, and shall have the authority to audit the use of Law Enforcement Impact Fees. PBC may require special impact fee reports by the auditor performing an audit of the Sheriff's accounts.

Figure 13.E.5 – Law Enforcement Benefit Zones



CHAPTER F PUBLIC BUILDINGS IMPACT FEES

Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on public buildings in accordance with Art. 13.A.4, Imposition of Fee, and this Section.

Section 2 Fee Schedule

The fee schedule for public buildings is established in Table 13.F.2, Public Buildings Fee Schedule. Land uses in the fee schedule shall be as defined in F.S. § 195.073, and Chapter 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

Table 13.F.2 – Public Buildings Fee Schedule
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Public Buildings Impact Fee	Discount	Net Public Buildings Impact Fee
Dwelling Unit ≤ 800 sq. ft.	0.95	$916	$0	$916	$764.99	$151.01
Dwelling Unit 801-1,399 sq. ft.	1.31	1,263	0	1,263	1,081.04	181.96
Dwelling Unit 1,400-1,999 sq. ft.	1.49	1,437	0	1,437	1,229.06	207.94
Dwelling Unit 2,000-3,599 sq. ft.	1.63	1,572	0	1,572	1,333.74	238.26
Dwelling Unit ≥ 3,600 sq. ft.	1.75	1,687	0	1,687	1,425.08	261.92
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	0.73	$704	$0	$704	$552.99	$151.01
Dwelling Unit 801-1,399 sq. ft.	1.00	964	0	964	782.04	181.96
Dwelling Unit 1,400-1,999 sq. ft.	1.14	1,099	0	1,099	891.06	207.94
Dwelling Unit 2,000-3,599 sq. ft.	1.25	1,205	0	1,205	966.74	238.26
Dwelling Unit ≥ 3,600 sq. ft.	1.35	1,302	0	1,302	1,040.08	261.92
Transient, Assisted, Group						
Hotel/Motel per Room	0.84	$814	$0	$814	$753.03	$60.97
Nursing Home/ Congregate Living Facility	0.84	814	0	814	753.03	60.97
Recreational						
Public Park	0.05	$412	$0	$412	$20.60	$391.40
Golf Course	0.84	814	0	814	40.70	773.30
Movie Theater	5.19	5,032	0	5,032	417.85	4,614.15
Racquet/Tennis Club	1.81	1,755	0	1,755	1,482.98	272.02
Institutions						
Elementary School (Private)	0.10	$97	$0	$97	$46.65	$50.35
Middle/Junior High School (Private)	0.09	87	0	87	28.10	58.90
High School (Private)	0.08	78	0	78	10.55	67.45
Church/Synagogue	0.41	398	0	398	332.45	65.55
Day Care Center	0.81	785	0	785	465.56	319.44
Cemetery	0.15	145	0	145	70.44	74.56
Medical						
Hospital	1.30	$1,260	$0	$1,260	$1,004.92	$255.08
Animal Hospital/Veterinary Clinic	1.41	1,367	0	1,367	553.89	813.11
Office and Financial						
General Office	0.98	$950	$0	$950	$810.50	$139.50
Medical Office < 10,000 sq. ft.	1.20	1,163	0	1,163	865.63	297.37
Medical Office ≥ 10,000 sq. ft.	1.72	1,668	0	1,668	1,370.63	297.37
Retail						
Nursery (Garden Center)	5.52	$5,352	$0	$5,352	$267.60	$5,084.40
Retail/Shopping Center < 40,000 sq. ft. of GLA	2.08	2,017	0	2,017	1,658.19	358.81
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	2.58	2,502	0	2,502	2,152.21	349.79
Retail/Shopping Center > 150,000 sq. ft. of GLA	1.41	1,367	0	1,367	987.36	379.64
New/Used Car Sales	1.57	1,522	0	1,522	1,345.30	176.70
Tire Store	1.54	1,493	0	1,493	664.60	828.40
Convenience Market	6.41	6,215	0	6,215	5,393.35	821.65
Pharmacy with and without Drive-Through	1.84	1,784	0	1,784	1,431.88	352.12
Marijuana Dispensary	3.19	3,093	0	3,093	154.65	2,938.35
Furniture Store	0.32	310	0	310	116.20	193.80
Services						
Bank/Savings with Drive-In	1.48	$1,435	$0	$1,435	$1,026.75	$408.25
Fine Dining/Quality Restaurant	5.76	5,585	0	5,585	5,195.50	389.50
High-Turnover Restaurant	5.42	5,255	0	5,255	4,830.35	424.65
Fast Food Restaurant with Drive-Through	9.71	9,415	0	9,415	8,769.00	646.00
Quick Lubrication Vehicle Shop	1.60	1,551	0	1,551	1,007.60	543.40
Gas Station with Convenience Store < 2,000 sq. ft.	1.46	1,416	0	1,416	1,325.75	90.25

Table 13.F.2 – Public Buildings Fee Schedule
Effective 12:01 a.m., 01/01/2023

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Public Buildings Impact Fee	Discount	Net Public Buildings Impact Fee
Gas Station with Convenience Store 2,000-5,499 sq. ft.	2.30	2,230	0	2,230	2,139.75	90.25
Gas Station with Convenience Store ≥ 5,500 sq. ft.	3.00	2,909	0	2,909	2,818.75	90.25
Car Wash	0.96	931	0	931	311.80	619.20
Industrial						
General Light Industrial	0.48	$465	$0	$465	$386.61	$78.39
Warehousing	0.11	107	0	107	69.36	37.64
Mini-Warehouse	0.04	39	0	39	22.03	16.97
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.F.2 – Public Buildings Fee Schedule
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Public Buildings Impact Fee	Discount	Net Public Buildings Impact Fee
Dwelling Unit ≤ 800 sq. ft.	0.95	$916	$0	$916	$747.89	$168.11
Dwelling Unit 801-1,399 sq. ft.	1.31	1,263	0	1,263	1,061.09	201.91
Dwelling Unit 1,400-1,999 sq. ft.	1.49	1,437	0	1,437	1,206.26	230.74
Dwelling Unit 2,000-3,599 sq. ft.	1.63	1,572	0	1,572	1,307.14	264.86
Dwelling Unit ≥ 3,600 sq. ft.	1.75	1,687	0	1,687	1,395.63	291.37
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	0.73	$704	$0	$704	$535.89	$168.11
Dwelling Unit 801-1,399 sq. ft.	1.00	964	0	964	762.09	201.91
Dwelling Unit 1,400-1,999 sq. ft.	1.14	1,099	0	1,099	868.26	230.74
Dwelling Unit 2,000-3,599 sq. ft.	1.25	1,205	0	1,205	940.14	264.86
Dwelling Unit ≥ 3,600 sq. ft.	1.35	1,302	0	1,302	1,010.63	291.37
Transient, Assisted, Group						
Hotel/Motel per Room	0.84	$814	$0	$814	$746.38	$67.62
Nursing Home/ Congregate Living Facility	0.84	814	0	814	746.38	67.62
Recreational						
Public Park	0.05	$412	$0	$412	$20.60	$391.40
Golf Course	0.84	814	0	814	40.70	773.30
Movie Theater	5.19	5,032	0	5,032	251.60	4,780.40
Racquet/Tennis Club	1.81	1,755	0	1,755	1,452.58	302.42
Institutions						
Elementary School (Private)	0.10	$97	$0	$97	$40.95	$56.05
Middle/Junior High School (Private)	0.09	87	0	87	21.45	65.55
High School (Private)	0.08	78	0	78	3.90	74.10
Church/Synagogue	0.41	398	0	398	324.85	73.15
Day Care Center	0.81	785	0	785	430.41	354.59
Cemetery	0.15	145	0	145	61.89	83.11
Medical						
Hospital	1.30	$1,260	$0	$1,260	$976.42	$283.58
Animal Hospital/Veterinary Clinic	1.41	1,367	0	1,367	463.64	903.36
Office and Financial						
General Office	0.98	$950	$0	$950	$795.30	$154.70
Medical Office < 10,000 sq. ft.	1.20	1,163	0	1,163	832.38	330.62
Medical Office ≥ 10,000 sq. ft.	1.72	1,668	0	1,668	1,337.38	330.62
Retail						
Nursery (Garden Center)	5.52	$5,352	$0	$5,352	$267.60	$5,084.40
Retail/Shopping Center < 40,000 sq. ft. of GLA	2.08	2,017	0	2,017	1,618.29	398.71
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	2.58	2,502	0	2,502	2,113.26	388.74

Table 13.F.2 – Public Buildings Fee Schedule
Effective 12:01 a.m., 01/01/2024

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Public Buildings Impact Fee	Discount	Net Public Buildings Impact Fee
Retail/Shopping Center > 150,000 sq. ft. of GLA	1.41	1,367	0	1,367	945.56	421.44
New/Used Car Sales	1.57	1,522	0	1,522	1,325.35	196.65
Tire Store	1.54	1,493	0	1,493	572.45	920.55
Convenience Market	6.41	6,215	0	6,215	5,302.15	912.85
Pharmacy with and without Drive-Through	1.84	1,784	0	1,784	1,392.93	391.07
Marijuana Dispensary	3.19	3,093	0	3,093	154.65	2,938.35
Furniture Store	0.32	310	0	310	94.35	215.65
Services						
Bank/Savings with Drive-In	1.48	$1,435	$0	$1,435	$981.15	$453.85
Fine Dining/Quality Restaurant	5.76	5,585	0	5,585	5,151.80	433.20
High-Turnover Restaurant	5.42	5,255	0	5,255	4,782.85	472.15
Fast Food Restaurant with Drive-Through	9.71	9,415	0	9,415	8,696.80	718.20
Quick Lubrication Vehicle Shop	1.60	1,551	0	1,551	946.80	604.20
Gas Station with Convenience Store < 2,000 sq. ft.	1.46	1,416	0	1,416	1,315.30	100.70
Gas Station with Convenience Store 2,000-5,499 sq. ft.	2.30	2,230	0	2,230	2,129.30	100.70
Gas Station with Convenience Store ≥ 5,500 sq. ft.	3.00	2,909	0	2,909	2,808.30	100.70
Car Wash	0.96	931	0	931	243.40	687.60
Industrial						
General Light Industrial	0.48	$465	$0	$465	$378.06	$86.94
Warehousing	0.11	107	0	107	65.56	41.44
Mini-Warehouse	0.04	39	0	39	20.13	18.87
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.F.2 – Public Buildings Fee Schedule
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Public Buildings Impact Fee	Discount	Net Public Buildings Impact Fee
Dwelling Unit ≤ 800 sq. ft.	0.95	$916	$0	$916	$730.79	$185.21
Dwelling Unit 801-1,399 sq. ft.	1.31	1,263	0	1,263	1,041.14	221.86
Dwelling Unit 1,400-1,999 sq. ft.	1.49	1,437	0	1,437	1,183.46	253.54
Dwelling Unit 2,000-3,599 sq. ft.	1.63	1,572	0	1,572	1,280.54	291.46
Dwelling Unit ≥ 3,600 sq. ft.	1.75	1,687	0	1,687	1,366.18	320.82
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	0.73	$704	$0	$704	$518.79	$185.21
Dwelling Unit 801-1,399 sq. ft.	1.00	964	0	964	742.14	221.86
Dwelling Unit 1,400-1,999 sq. ft.	1.14	1,099	0	1,099	845.46	253.54
Dwelling Unit 2,000-3,599 sq. ft.	1.25	1,205	0	1,205	913.54	291.46
Dwelling Unit ≥ 3,600 sq. ft.	1.35	1,302	0	1,302	981.18	320.82
Transient, Assisted, Group						
Hotel/Motel per Room	0.84	$814	$0	$814	$739.73	$74.27
Nursing Home/ Congregate Living Facility	0.84	814	0	814	739.73	74.27
Recreational						
Public Park	0.05	$412	$0	$412	$20.60	$391.40
Golf Course	0.84	814	0	814	40.70	773.30
Movie Theater	5.19	5,032	0	5,032	251.60	4,780.40
Racquet/Tennis Club	1.81	1,755	0	1,755	1,422.18	332.82
Institutions						
Elementary School (Private)	0.10	$97	$0	$97	$35.25	$61.75

Table 13.F.2 – Public Buildings Fee Schedule
Effective 12:01 a.m., 01/01/2025

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Public Buildings Impact Fee	Discount	Net Public Buildings Impact Fee
Middle/Junior High School (Private)	0.09	87	0	87	14.80	72.20
High School (Private)	0.08	78	0	78	3.90	74.10
Church/Synagogue	0.41	398	0	398	317.25	80.75
Day Care Center	0.81	785	0	785	395.26	389.74
Cemetery	0.15	145	0	145	53.34	91.66
Medical						
Hospital	1.30	$1,260	$0	$1,260	$947.92	$312.08
Animal Hospital/Veterinary Clinic	1.41	1,367	0	1,367	373.39	993.61
Office and Financial						
General Office	0.98	$950	$0	$950	$780.10	$169.90
Medical Office < 10,000 sq. ft.	1.20	1,163	0	1,163	799.13	363.87
Medical Office ≥ 10,000 sq. ft.	1.72	1,668	0	1,668	1,304.13	363.87
Retail						
Nursery (Garden Center)	5.52	$5,352	$0	$5,352	$267.60	$5,084.40
Retail/Shopping Center < 40,000 sq. ft. of GLA	2.08	2,017	0	2,017	1,578.39	438.61
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	2.58	2,502	0	2,502	2,074.31	427.69
Retail/Shopping Center > 150,000 sq. ft. of GLA	1.41	1,367	0	1,367	903.76	463.24
New/Used Car Sales	1.57	1,522	0	1,522	1,305.40	216.60
Tire Store	1.54	1,493	0	1,493	480.30	1,012.70
Convenience Market	6.41	6,215	0	6,215	5,210.95	1,004.05
Pharmacy with and without Drive-Through	1.84	1,784	0	1,784	1,353.98	430.02
Marijuana Dispensary	3.19	3,093	0	3,093	154.65	2,938.35
Furniture Store	0.32	310	0	310	72.50	237.50
Services						
Bank/Savings with Drive-In	1.48	$1,435	$0	$1,435	$935.55	$499.45
Fine Dining/Quality Restaurant	5.76	5,585	0	5,585	5,108.10	476.90
High-Turnover Restaurant	5.42	5,255	0	5,255	4,735.35	519.65
Fast Food Restaurant with Drive-Through	9.71	9,415	0	9,415	8,624.60	790.40
Quick Lubrication Vehicle Shop	1.60	1,551	0	1,551	886.00	665.00
Gas Station with Convenience Store < 2,000 sq. ft.	1.46	1,416	0	1,416	1,304.85	111.15
Gas Station with Convenience Store 2,000-5,499 sq. ft.	2.30	2,230	0	2,230	2,118.85	111.15
Gas Station with Convenience Store ≥ 5,500 sq. ft.	3.00	2,909	0	2,909	2,797.85	111.15
Car Wash	0.96	931	0	931	175.00	756.00
Industrial						
General Light Industrial	0.48	$465	$0	$465	$369.51	$95.49
Warehousing	0.11	107	0	107	61.76	45.24
Mini-Warehouse	0.04	39	0	39	18.23	20.77
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.F.2 – Public Buildings Fee Schedule
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Public Buildings Impact Fee	Discount	Net Public Buildings Impact Fee
Dwelling Unit ≤ 800 sq. ft.	0.95	$916	$0	$916	$715.55	$200.45
Dwelling Unit 801-1,399 sq. ft.	1.31	1,263	0	1,263	1,019.80	243.20
Dwelling Unit 1,400-1,999 sq. ft.	1.49	1,437	0	1,437	1,159.60	277.40
Dwelling Unit 2,000-3,599 sq. ft.	1.63	1,572	0	1,572	1,254.70	317.30
Dwelling Unit ≥ 3,600 sq. ft.	1.75	1,687	0	1,687	1,338.35	348.65
Senior Adult Housing						
Dwelling Unit ≤ 800 sq. ft.	0.73	$704	$0	$704	$503.13	$200.87
Dwelling Unit 801-1,399 sq. ft.	1.00	964	0	964	720.98	243.02
Dwelling Unit 1,400-1,999 sq. ft.	1.14	1,099	0	1,099	821.30	277.70
Dwelling Unit 2,000-3,599 sq. ft.	1.25	1,205	0	1,205	887.51	317.49
Dwelling Unit ≥ 3,600 sq. ft.	1.35	1,302	0	1,302	953.29	348.71
Transient, Assisted, Group						
Hotel/Motel per Room	0.84	$814	$0	$814	$732.30	$81.70
Nursing Home/ Congregate Living Facility	0.84	814	0	814	732.30	81.70
Recreational						
Public Park	0.05	$412	$0	$412	$20.60	$391.40
Golf Course	0.84	814	0	814	40.70	773.30
Movie Theater	5.19	5,032	0	5,032	251.60	4,780.40
Racquet/Tennis Club	1.81	1,755	0	1,755	1,392.10	362.90
Institutions						
Elementary School (Private)	0.10	$97	$0	$97	$29.55	$67.45
Middle/Junior High School (Private)	0.09	87	0	87	8.15	78.85
High School (Private)	0.08	78	0	78	3.90	74.10
Church/Synagogue	0.41	398	0	398	311.55	86.45
Day Care Center	0.81	785	0	785	358.45	426.55
Cemetery	0.15	145	0	145	46.20	98.80
Medical						
Hospital	1.30	$1,260	$0	$1,260	$919.90	$340.10
Animal Hospital/Veterinary Clinic	1.41	1,367	0	1,367	283.05	1,083.95
Office and Financial						
General Office	0.98	$950	$0	$950	$763.80	$186.20
Medical Office < 10,000 sq. ft.	1.20	1,163	0	1,163	766.85	396.15
Medical Office ≥ 10,000 sq. ft.	1.72	1,668	0	1,668	1,271.85	396.15
Retail						
Nursery (Garden Center)	5.52	$5,352	$0	$5,352	$267.60	$5,084.40
Retail/Shopping Center < 40,000 sq. ft. of GLA	2.08	2,017	0	2,017	1,538.20	478.80
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	2.58	2,502	0	2,502	2,035.55	466.45
Retail/Shopping Center > 150,000 sq. ft. of GLA	1.41	1,367	0	1,367	860.65	506.35
New/Used Car Sales	1.57	1,522	0	1,522	1,287.35	234.65
Tire Store	1.54	1,493	0	1,493	388.15	1,104.85
Convenience Market	6.41	6,215	0	6,215	5,119.65	1,095.35
Pharmacy with and without Drive-Through	1.84	1,784	0	1,784	1,314.70	469.30
Marijuana Dispensary	3.19	3,093	0	3,093	154.65	2,938.35
Furniture Store	0.32	310	0	310	51.60	258.40
Services						
Bank/Savings with Drive-In	1.48	$1,435	$0	$1,435	$890.65	$544.35
Fine Dining/Quality Restaurant	5.76	5,585	0	5,585	5,065.35	519.65
High-Turnover Restaurant	5.42	5,255	0	5,255	4,688.80	566.20
Fast Food Restaurant with Drive-Through	9.71	9,415	0	9,415	8,554.30	860.70
Quick Lubrication Vehicle Shop	1.60	1,551	0	1,551	827.10	723.90
Gas Station with Convenience Store < 2,000 sq. ft.	1.46	1,416	0	1,416	1,296.30	119.70

Table 13.F.2 – Public Buildings Fee Schedule
Effective 12:01 a.m., 01/01/2026

Land Use Type (Unit) Residential Units by sq. ft.	Functional Population	Cost per Unit	Credits	Public Buildings Impact Fee	Discount	Net Public Buildings Impact Fee
Gas Station with Convenience Store 2,000-5,499 sq. ft.	2.30	2,230	0	2,230	2,110.30	119.70
Gas Station with Convenience Store ≥ 5,500 sq. ft.	3.00	2,909	0	2,909	2,789.30	119.70
Car Wash	0.96	931	0	931	104.50	826.50
Industrial						
General Light Industrial	0.48	$465	$0	$465	$360.50	$104.50
Warehousing	0.11	107	0	107	56.65	50.35
Mini-Warehouse	0.04	39	0	39	16.20	22.80
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Section 3 Benefit Zones

A. Establishment of Benefit Zones

There is hereby established two Public Buildings Impact Fee benefit zones identified in Figure 13.F.5, Public Building Benefit Zones, and set forth as follows:

1. The boundary of Benefit Zone 1 consists of PBC entirely, including both the incorporated and unincorporated areas of the County and excluding the areas of the County in Benefit Zone 2. [Ord. 2005-047]
2. The boundary of Benefit Zone 2 shall include PBC's Northern, Western, and Southern borders on the North, West, and South respectively; and the Western border of Range 40 East and the SFWMD L-40 on the East. No Public Buildings Impact Fees shall be collected at this time in Benefit Zone 2 because there is no identified need for additional public building capital facilities due to new development during the planning horizon on which this impact fee is based.

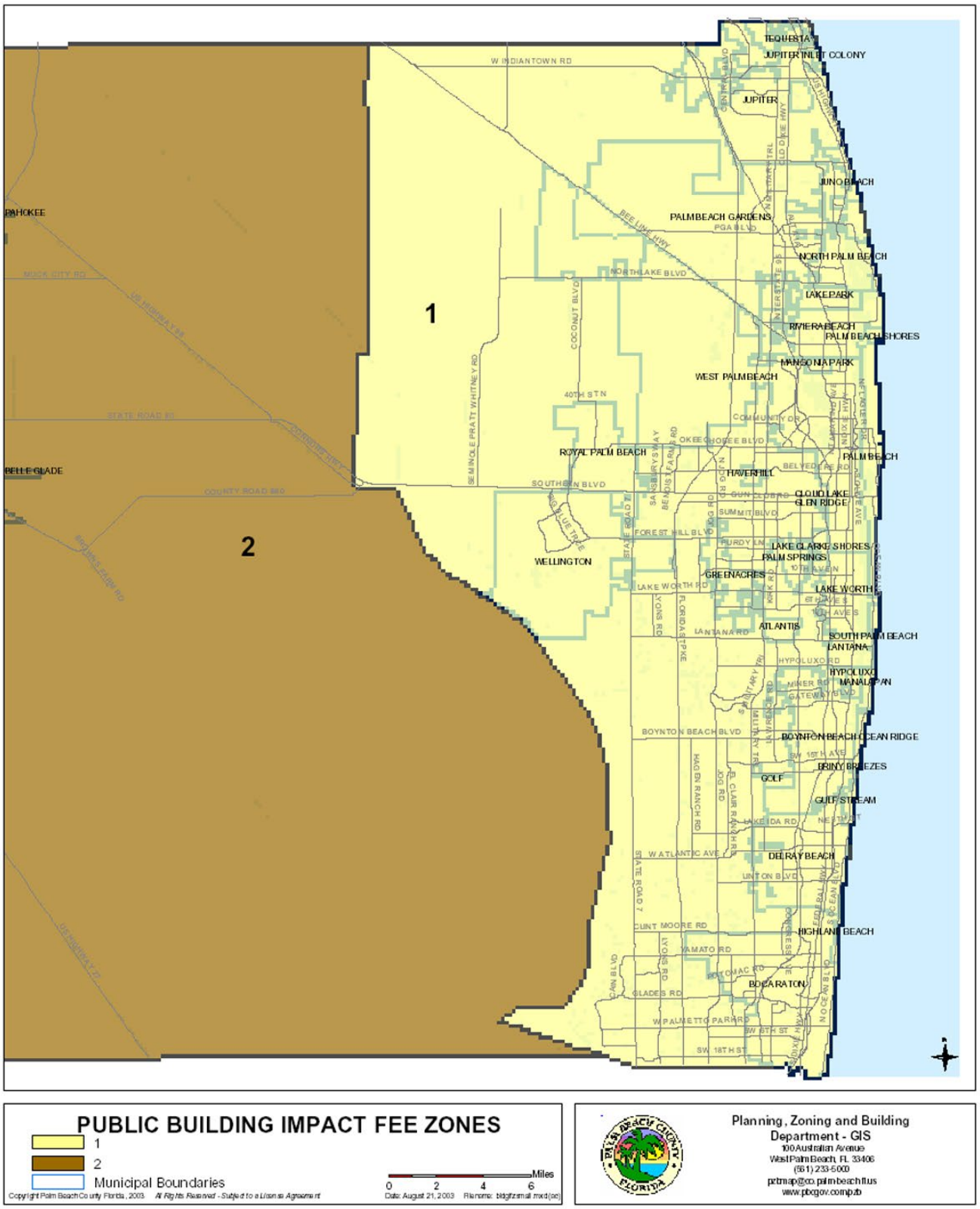
Section 4 Establishment of Trust Funds

There is hereby established separate impact fee trust funds for the impact fee benefit zones described in Art. 13.F.3, Benefit Zones.

Section 5 Use of Public Buildings Impact Fees

Fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9, Use of Impact Fees.

Figure 13.F.5 – Public Buildings Benefit Zones



CHAPTER G SCHOOL IMPACT FEES

Section 1 Imposition of Fee

Impact fees are imposed upon all development creating an impact on schools in accordance with Art. 13.D.4, Establishment of Trust Funds, and this Section.

Section 2 Fee Schedule

The fee schedules for School Impact Fees are established in Table 13.G.2, School Fee Schedule. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

Table 13.G.2 – School Fee Schedule
Effective 12:01 a.m., 01/01/2023

Residential Units by sq. ft.	Average Total Occupancy	Occupancy Ages 5-7	School Impact	School Impact Fee	Discount	Net School Impact Fee
Dwelling Unit ≤ 800 sq. ft.	1.43	0.21	0.259	$7,331	$4,806.85	$2,524.15
Dwelling Unit 801-1,399 sq. ft.	1.96	0.28	0.310	8,775	4,147.55	4,627.45
Dwelling Unit 1,400-1,999 sq. ft.	2.23	0.32	0.286	8,096	1,788.95	6,307.05
Dwelling Unit 2,000-3,599 sq. ft.	2.45	0.35	0.294	8,322	1,636.85	6,685.15
Dwelling Unit ≥ 3,600 sq. ft.	2.63	0.38	0.226	6,397	319.85	6,077.15
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.G.2 – School Fee Schedule
Effective 12:01 a.m., 01/01/2024

Residential Units by sq. ft.	Average Total Occupancy	Occupancy Ages 5-7	School Impact	School Impact Fee	Discount	Net School Impact Fee
Dwelling Unit ≤ 800 sq. ft.	1.43	0.21	0.259	$7,331	$4,526.60	$2,804.40
Dwelling Unit 801-1,399 sq. ft.	1.96	0.28	0.310	8,775	3,633.60	5,141.40
Dwelling Unit 1,400-1,999 sq. ft.	2.23	0.32	0.286	8,096	1,327.25	6,768.75
Dwelling Unit 2,000-3,599 sq. ft.	2.45	0.35	0.294	8,322	1,229.30	7,092.70
Dwelling Unit ≥ 3,600 sq. ft.	2.63	0.38	0.226	6,397	319.85	6,077.15
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.G.2 – School Fee Schedule
Effective 12:01 a.m., 01/01/2025

Residential Units by sq. ft.	Average Total Occupancy	Occupancy Ages 5-7	School Impact	School Impact Fee	Discount	Net School Impact Fee
Dwelling Unit ≤ 800 sq. ft.	1.43	0.21	0.259	$7,331	$4,246.35	$3,084.65
Dwelling Unit 801-1,399 sq. ft.	1.96	0.28	0.310	8,775	3,119.65	5,655.35
Dwelling Unit 1,400-1,999 sq. ft.	2.23	0.32	0.286	8,096	865.55	7,230.45
Dwelling Unit 2,000-3,599 sq. ft.	2.45	0.35	0.294	8,322	821.75	7,500.25
Dwelling Unit ≥ 3,600 sq. ft.	2.63	0.38	0.226	6,397	319.85	6,077.15
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Table 13.G.2 – School Fee Schedule
Effective 12:01 a.m., 01/01/2026

Residential Units by sq. ft.	Average Total Occupancy	Occupancy Ages 5-7	School Impact	School Impact Fee	Discount	Net School Impact Fee
Dwelling Unit ≤ 800 sq. ft.	1.43	0.21	0.259	$7,331	$3,965.15	$3,365.85
Dwelling Unit 801-1,399 sq. ft.	1.96	0.28	0.310	8,775	2,604.75	6,170.25
Dwelling Unit 1,400-1,999 sq. ft.	2.23	0.32	0.286	8,096	404.80	7,691.20
Dwelling Unit 2,000-3,599 sq. ft.	2.45	0.35	0.294	8,322	416.10	7,905.90
Dwelling Unit ≥ 3,600 sq. ft.	2.63	0.38	0.226	6,397	319.85	6,077.15
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]						

Section 3 Benefit Zones

A. Establishment of Benefit Zones

There are hereby established two School Impact Fee benefit zones set forth as follows. [Ord. 2019-013]

1. Benefit Zone 1

The boundary of Benefit Zone 1 consists of the entire PBC, including both the incorporated and unincorporated areas of the County and excluding the areas of the County in Benefit Zone 5. [Ord. 2019-013]

2. Benefit Zone 5

The boundaries of Benefit Zone 5 shall be PBC's Northern, Western, and Southern borders on the North, West, and South, respectively; and the Western border of Range 40 East and the SFWMD L-40 on the East.

B. Identification of Benefit Zones

The School Impact Fee benefit zones are identified in Figure 13.G.5, School Benefit Zones. No School Impact Fees shall be collected at this time in Benefit Zone 5 because there is no identified need for additional schools due to new development during the planning horizon on which this impact fee is based.

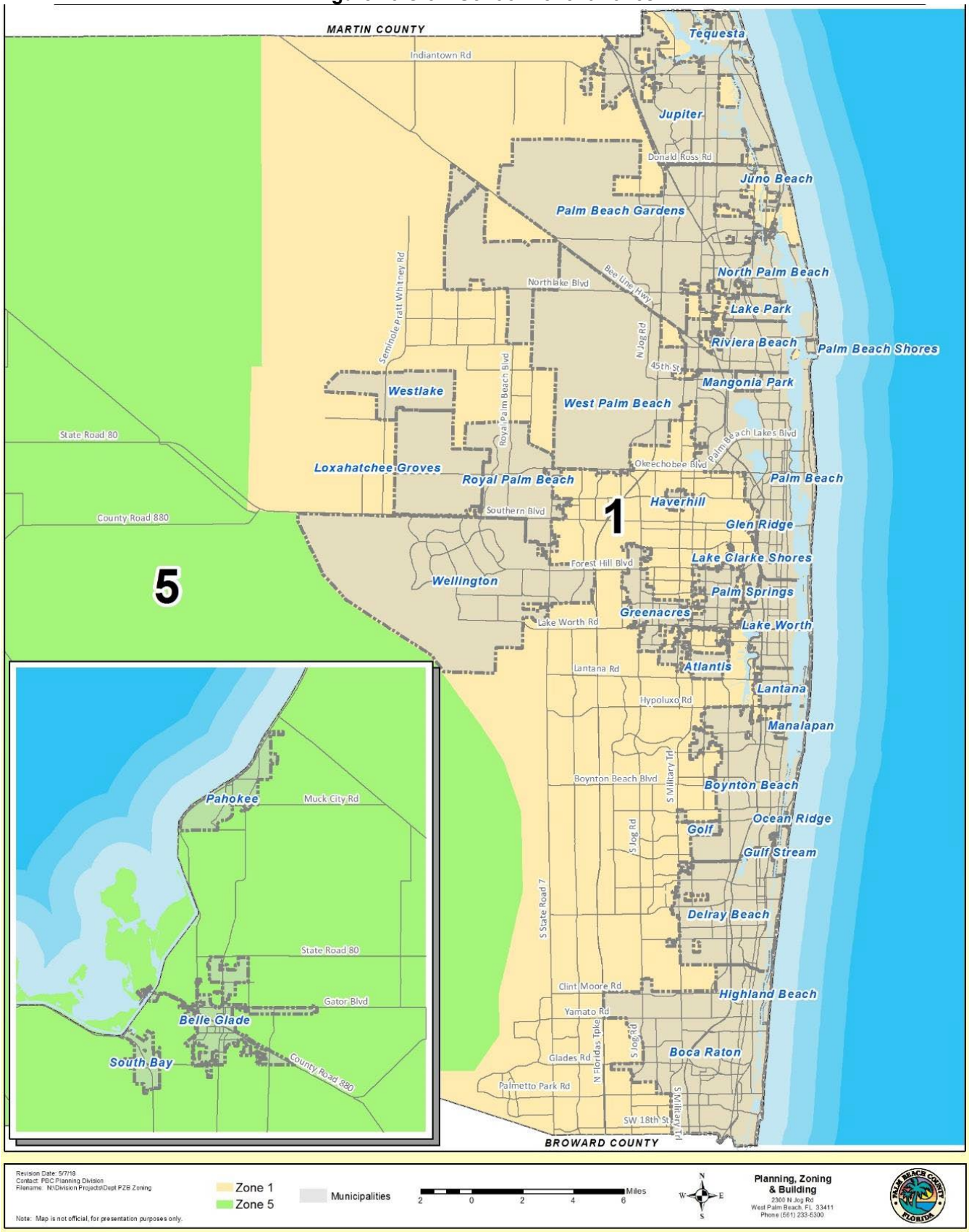
Section 4 Establishment of Trust Funds

There are hereby established separate impact fee trust funds for each impact fee benefit zone.

Section 5 Use of School Impact Fees

School Impact Fees shall be appropriated by the BCC and remitted to the School Board following the Clerk's pre-audit of such funds. The funds shall remain restricted to their respective School Board trust funds and the requirements of this Article, and the School Board shall ensure that the funds are expended and accounted for in accordance with the provisions of this Article. PBC’s Internal Auditor shall have the authority to require certain internal accounting controls and documentation, and shall have the authority to audit the expenditure of the funds.

Figure 13.G.5 – School Benefit Zones



[Ord. 2019-013]

CHAPTER H ROAD IMPACT FEES

Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on road facilities in accordance with Art. 13.A.4, Imposition of Fee, and this Section.

Section 2 Fee Schedule

At the option of the feepayer, the amount of the impact fee may be determined by the fee schedule, established in Table 13.H.4, Fair Share Road Impact Fee Schedule, or by the independent calculation provided by the feepayer and approved by the Impact Fee Manager and the County Engineer. The impact fees in the schedule have been calculated using accepted trip generation, trip length, capture/diversion, and capital road facility cost standards, and applying the appropriate credits. Land uses not listed in the fee schedule shall be as defined in the most current edition of the Institute of Transportation Engineers Trip Generation Manual. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact. [Ord. 2022-026]

Section 3 Land Uses Not Specified in Fee Schedule

If the type of land use for which a Building Permit is applied is not specified on the impact fee schedule, the Impact Fee Manager shall select the most comparable type of land use from the most current edition of Trip Generation, a publication of the Institute of Transportation Engineers (ITE). If the Impact Fee Manager determines that there is no comparable type of land use in the most current edition of Trip Generation, then the Impact Fee Manager shall request a determination of the impact fee from the County Engineer, who shall use the best available traffic generation data, other trip characteristics data, costs per lane mile data, and credit data. The feepayer may challenge the County Engineer's determination through the completion of an independent fee calculation study pursuant to Art. 13.A.6, Independent Fee Calculation Study. [Ord. 2022-026]

Section 4 Use of Road Impact Fee Funds

Fees paid pursuant to this Article shall be encumbered and spent only in conformance with Art. 13.A.9, Use of Impact Fees collected in accordance with this Article shall be used solely for the purpose of construction or improving roads, streets, highways, and bridges on the major road network system, including but not limited to: [Ord. 2005-047]

A. design and construction plan preparation;
B. right-of-way acquisition;
C. construction of new through lanes;
D. construction of new turn lanes;
E. construction of new bridges;
F. construction of new drainage facilities in conjunction with new roadway construction;
G. purchase and installation of traffic signalization;
H. construction of new curbs, medians, and shoulders;
I. relocating utilities to accommodate new roadway construction.

Table 13.H.4 – Fair Share Road Impact Fee Schedule
Effective 12:01 a.m., 01/01/2023

Type of Land Development Activity	Official Daily Trip Generation Rate per Dwelling Unit or Area	Pass-By-Trip Rate (Percentage)	Gross Impact Fee	Discount	Net Road Impact Fee per Unit
Residential					
Single Family (Detached) per Unit	7.81	0%	$5,892	$852.25	$5,039.75
Multifamily (Low-Rise), 1-3 Levels	6.74	0%	3,987	952.70	3,034.30
Multifamily (Mid/High-Rise), ≥ 4 Levels	4.54	0%	2,689	134.45	2,554.55
Mobile Home Park	4.17	0%	2,185	425.60	1,759.40
Senior Adult Housing (Detached)	3.54		2,186	574.80	1,611.20
Senior Adult Housing (Attached)	2.99		1,475	544.95	930.05
Assisted Living Facility	2.60	28%	653	91.55	561.45
Accessory Apartment (Mother-in-Law/Groom's Quarters)	3.48	0%	2,067	559.35	1,507.65
Lodging					
Hotel	5.56	34%	$2,620	$609.53	$2,010.47
Motel	3.35	23%	1,263	63.15	1,199.85
Recreation					
Public Park	0.78		$412	$20.60	$391.40
Golf Course	30.38	10%	20,634	11,364.31	9,269.69
Movie Theater	114.83	12%	25,088	5,912.25	19,175.75
Racquet/Tennis Club	27.71	6%	15,258	5,278.90	9,979.10
Institutions					
Elementary School (Private)	2.27	20%	$685	$251.80	$433.20
Middle/Junior High School (Private)	2.10	20%	627	59.85	567.15
High School (Private)	1.94	10%	655	57.58	597.42
Church/Synagogue	7.60	10%	3,051	829.60	2,221.40
Day Care Center	49.63	27%	8,197	409.85	7,787.15
Cemetery	6.02	10%	4,084	3,469.20	614.80
Medical					
Hospital	10.77	22%	$6,342	$2,490.81	$3,851.19
Nursing Home	3.02	11%	789	235.48	553.52
Animal Hospital/Veterinary Clinic	24.20	30%	3,588	179.40	3,408.60
Office					
General Office	10.84	8%	$5,847	$2,194.04	$3,652.96
Medical Office ≤ 10,000 sq. ft.	23.83	11%	13,392	4,957.90	8,434.10
Medical Office > 10,000 sq. ft.	34.21	11%	19,228	10,793.90	8,434.10
Retail					
Nursery (Garden Center)	108.10	63%	$4,645	$2,829.71	$1,815.29
Retail/Shopping Center < 40,000 sq. ft. of GLA	54.45	52%	4,262	213.10	4,048.90
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	67.52	43%	8,323	944.35	7,378.65
Retail/Shopping Center > 150,000 sq. ft. of GLA	37.01	25%	8,756	1,889.73	6,866.27
New/Used Car Sales	24.58	21%	10,147	2,837.26	7,309.74
Tire Store	27.69	28%	8,168	2,060.45	6,107.55
Convenience Market	739.50	59%	50,878	2,543.90	48,334.10
Pharmacy with and without Drive-Through	103.86	68%	7,718	2,074.26	5,643.74
Marijuana Dispensary	211.12	68%	15,693	784.65	14,908.35
Furniture Store	6.30	46%	2,365	1,335.71	1,029.29
Services					
Bank/Savings with Drive-In	103.73	54%	$13,163	$658.15	$12,504.85
Fine Dining/Quality Restaurant	86.03	23%	23,459	10,394.08	13,064.92
High-Turnover Restaurant	103.46	29%	26,284	7,509.40	18,774.60
Fast Food Restaurant with Drive-Through	479.17	42%	63,592	30,778.74	32,813.26
Quick Lubrication Vehicle Shop	40.00	28%	11,799	6,611.33	5,187.67
Gas Station with Convenience Store < 2,000 sq. ft.	172.01	77%	8,370	2,043.00	6,327.00

Table 13.H.4 – Fair Share Road Impact Fee Schedule
Effective 12:01 a.m., 01/01/2023

Type of Land Development Activity	Official Daily Trip Generation Rate per Dwelling Unit or Area	Pass-By-Trip Rate (Percentage)	Gross Impact Fee	Discount	Net Road Impact Fee per Unit
Gas Station with Convenience Store 2,000-5,499 sq. ft.	264.38	77%	12,868	6,359.55	6,508.45
Gas Station with Convenience Store ≥ 5,500 sq. ft.	345.75	77%	16,818	10,309.55	6,508.45
Car Wash	43.94	32%	7,277	918.65	6,358.35
Services					
General Light Industrial	4.87	8%	$2,633	$1,006.25	$1,626.75
Warehousing	1.71	8%	919	112.87	806.13
Mini-Warehouse	1.46	8%	535	26.75	508.25
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]					

Table 13.H.4 – Fair Share Road Impact Fee Schedule
Effective 12:01 a.m., 01/01/2024

Type of Land Development Activity	Official Daily Trip Generation Rate per Dwelling Unit or Area	Pass-By-Trip Rate (Percentage)	Gross Impact Fee	Discount	Net Road Impact Fee per Unit
Residential					
Single Family (Detached) per Unit	7.81	0%	$5,892	$294.60	$5,597.40
Multifamily (Low-Rise), 1-3 Levels	6.74	0%	3,987	700.95	3,286.05
Multifamily (Mid/High-Rise), ≥ 4 Levels	4.54	0%	2,689	134.45	2,554.55
Mobile Home Park	4.17	0%	2,185	320.15	1,864.85
Senior Adult Housing (Detached)	3.54		2,186	419.00	1,767.00
Senior Adult Housing (Attached)	2.99		1,475	441.40	1,033.60
Assisted Living Facility	2.60	28%	653	32.65	620.35
Accessory Apartment (Mother-in-Law/Groom's Quarters)	3.48	0%	2,067	407.35	1,659.65
Lodging					
Hotel	5.56	34%	$2,620	$449.93	$2,170.07
Motel	3.35	23%	1,263	63.15	1,199.85
Recreation					
Public Park	0.78		$412	$20.60	$391.40
Golf Course	30.38	10%	20,634	10,334.51	10,299.49
Movie Theater	114.83	12%	25,088	4,359.95	20,728.05
Racquet/Tennis Club	27.71	6%	15,258	4,170.25	11,087.75
Institutions					
Elementary School (Private)	2.27	20%	$685	$203.35	$481.65
Middle/Junior High School (Private)	2.10	20%	627	31.35	595.65
High School (Private)	1.94	10%	655	32.75	622.25
Church/Synagogue	7.60	10%	3,051	603.50	2,447.50
Day Care Center	49.63	27%	8,197	409.85	7,787.15
Cemetery	6.02	10%	4,084	3,400.80	683.20
Medical					
Hospital	10.77	22%	$6,342	$2,063.31	$4,278.69
Nursing Home	3.02	11%	789	173.73	615.27
Animal Hospital/Veterinary Clinic	24.20	30%	3,588	179.40	3,408.60
Office					
General Office	10.84	8%	$5,847	$1,788.39	$4,058.61
Medical Office ≤ 10,000 sq. ft.	23.83	11%	13,392	4,021.77	9,370.23
Medical Office > 10,000 sq. ft.	34.21	11%	19,228	9,857.77	9,370.23
Retail					
Nursery (Garden Center)	108.10	63%	$4,645	$2,628.31	$2,016.69
Retail/Shopping Center < 40,000 sq. ft. of GLA	54.45	52%	4,262	213.10	4,048.90

Table 13.H.4 – Fair Share Road Impact Fee Schedule
Effective 12:01 a.m., 01/01/2024

Type of Land Development Activity	Official Daily Trip Generation Rate per Dwelling Unit or Area	Pass-By-Trip Rate (Percentage)	Gross Impact Fee	Discount	Net Road Impact Fee per Unit
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	67.52	43%	8,323	416.15	7,906.85
Retail/Shopping Center > 150,000 sq. ft. of GLA	37.01	25%	8,756	1,405.23	7,350.77
New/Used Car Sales	24.58	21%	10,147	2,061.11	8,085.89
Tire Store	27.69	28%	8,168	1,509.45	6,658.55
Convenience Market	739.50	59%	50,878	2,543.90	48,334.10
Pharmacy with and without Drive-Through	103.86	68%	7,718	1,511.86	6,206.14
Marijuana Dispensary	211.12	68%	15,693	784.65	14,908.35
Furniture Store	6.30	46%	2,365	1,221.71	1,143.29
Services					
Bank/Savings with Drive-In	103.73	54%	$13,163	$658.15	$12,504.85
Fine Dining/Quality Restaurant	86.03	23%	23,459	8,942.48	14,516.52
High-Turnover Restaurant	103.46	29%	26,284	5,444.10	20,839.90
Fast Food Restaurant with Drive-Through	479.17	42%	63,592	27,132.64	36,459.36
Quick Lubrication Vehicle Shop	40.00	28%	11,799	6,034.68	5,764.32
Gas Station with Convenience Store < 2,000 sq. ft.	172.01	77%	8,370	1,501.50	6,868.50
Gas Station with Convenience Store 2,000-5,499 sq. ft.	264.38	77%	12,868	5,636.60	7,231.40
Gas Station with Convenience Store ≥ 5,500 sq. ft.	345.75	77%	16,818	9,586.60	7,231.40
Car Wash	43.94	32%	7,277	363.85	6,913.15
Services					
General Light Industrial	4.87	8%	$2,633	$825.75	$1,807.25
Warehousing	1.71	8%	919	45.95	873.05
Mini-Warehouse	1.46	8%	535	26.75	508.25
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]					

Table 13.H.4 – Fair Share Road Impact Fee Schedule
Effective 12:01 a.m., 01/01/2025

Type of Land Development Activity	Official Daily Trip Generation Rate per Dwelling Unit or Area	Pass-By-Trip Rate (Percentage)	Gross Impact Fee	Discount	Net Road Impact Fee per Unit
Residential					
Single Family (Detached) per Unit	7.81	0%	$5,892	$294.60	$5,597.40
Multifamily (Low-Rise), 1-3 Levels	6.74	0%	3,987	449.20	3,537.80
Multifamily (Mid/High-Rise), ≥ 4 Levels	4.54	0%	2,689	134.45	2,554.55
Mobile Home Park	4.17	0%	2,185	214.70	1,970.30
Senior Adult Housing (Detached)	3.54		2,186	32.65	620.35
Senior Adult Housing (Attached)	2.99		1,475	263.20	1,922.80
Assisted Living Facility	2.60	28%	653	337.85	1,137.15
Accessory Apartment (Mother-in-Law/Groom's Quarters)	3.48	0%	2,067	255.35	1,811.65
Lodging					
Hotel	5.56	34%	$2,620	$290.33	$2,329.67
Motel	3.35	23%	1,263	63.15	1,199.85
Recreation					
Public Park	0.78		$412	$20.60	$391.40
Golf Course	30.38	10%	20,634	9,304.71	11,329.29
Movie Theater	114.83	12%	25,088	2,807.65	22,280.35
Racquet/Tennis Club	27.71	6%	15,258	3,061.60	12,196.40
Institutions					
Elementary School (Private)	2.27	20%	$685	$154.90	$530.10
Middle/Junior High School (Private)	2.10	20%	627	31.35	595.65
High School (Private)	1.94	10%	655	32.75	622.25
Church/Synagogue	7.60	10%	3,051	377.40	2,673.60
Day Care Center	49.63	27%	8,197	409.85	7,787.15
Cemetery	6.02	10%	4,084	3,332.40	751.60
Medical					
Hospital	10.77	22%	$6,342	$1,635.81	$4,706.19
Nursing Home	3.02	11%	789	111.98	677.02
Animal Hospital/Veterinary Clinic	24.20	30%	3,588	179.40	3,408.60
Office					
General Office	10.84	8%	$5,847	$1,382.74	$4,464.26
Medical Office ≤ 10,000 sq. ft.	23.83	11%	13,392	3,083.55	10,308.45
Medical Office > 10,000 sq. ft.	34.21	11%	19,228	8,919.55	10,308.45
Retail					
Nursery (Garden Center)	108.10	63%	$4,645	$2,426.91	$2,218.09
Retail/Shopping Center < 40,000 sq. ft. of GLA	54.45	52%	4,262	213.10	4,048.90
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	67.52	43%	8,323	416.15	7,906.85
Retail/Shopping Center > 150,000 sq. ft. of GLA	37.01	25%	8,756	920.73	7,835.27
New/Used Car Sales	24.58	21%	10,147	1,284.96	8,862.04
Tire Store	27.69	28%	8,168	958.45	7,209.55
Convenience Market	739.50	59%	50,878	2,543.90	48,334.10
Pharmacy with and without Drive-Through	103.86	68%	7,718	949.46	6,768.54
Marijuana Dispensary	211.12	68%	15,693	784.65	14,908.35
Furniture Store	6.30	46%	2,365	1,107.71	1,257.29
Services					
Bank/Savings with Drive-In	103.73	54%	$13,163	$658.15	$12,504.85
Fine Dining/Quality Restaurant	86.03	23%	23,459	7,490.88	15,968.12
High-Turnover Restaurant	103.46	29%	26,284	3,378.80	22,905.20
Fast Food Restaurant with Drive-Through	479.17	42%	63,592	23,486.54	40,105.46
Quick Lubrication Vehicle Shop	40.00	28%	11,799	5,458.03	6,340.97
Gas Station with Convenience Store < 2,000 sq. ft.	172.01	77%	8,370	960.00	7,410.00

Table 13.H.4 – Fair Share Road Impact Fee Schedule
Effective 12:01 a.m., 01/01/2025

Type of Land Development Activity	Official Daily Trip Generation Rate per Dwelling Unit or Area	Pass-By-Trip Rate (Percentage)	Gross Impact Fee	Discount	Net Road Impact Fee per Unit
Gas Station with Convenience Store 2,000-5,499 sq. ft.	264.38	77%	12,868	4,913.65	7,954.35
Gas Station with Convenience Store ≥ 5,500 sq. ft.	345.75	77%	16,818	8,863.65	7,954.35
Car Wash	43.94	32%	7,277	363.85	6,913.15
Services					
General Light Industrial	4.87	8%	$2,633	$645.25	$1,987.75
Warehousing	1.71	8%	919	45.95	873.05
Mini-Warehouse	1.46	8%	535	26.75	508.25
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]					

Table 13.H.4 – Fair Share Road Impact Fee Schedule
Effective 12:01 a.m., 01/01/2026

Type of Land Development Activity	Official Daily Trip Generation Rate per Dwelling Unit or Area	Pass-By-Trip Rate (Percentage)	Gross Impact Fee	Discount	Net Road Impact Fee per Unit
Residential					
Single Family (Detached) per Unit	7.81	0%	$5,892	$294.60	$5,597.40
Multifamily (Low-Rise), 1-3 Levels	6.74	0%	3,987	199.35	3,787.65
Multifamily (Mid/High-Rise), ≥ 4 Levels	4.54	0%	2,689	134.45	2,554.55
Mobile Home Park	4.17	0%	2,185	109.25	2,075.75
Senior Adult Housing (Detached)	3.54		2,186	32.65	620.35
Senior Adult Housing (Attached)	2.99		1,475	109.30	2,076.70
Assisted Living Facility	2.60	28%	653	235.25	1,239.75
Accessory Apartment (Mother-in-Law/Groom's Quarters)	3.48	0%	2,067	103.35	1,963.65
Lodging					
Hotel	5.56	34%	$2,620	$131.00	$2,489.00
Motel	3.35	23%	1,263	63.15	1,199.85
Recreation					
Public Park	0.78		$412	$20.60	$391.40
Golf Course	30.38	10%	20,634	8,274.50	12,359.50
Movie Theater	114.83	12%	25,088	1,254.40	23,833.60
Racquet/Tennis Club	27.71	6%	15,258	1,952.30	13,305.70
Institutions					
Elementary School (Private)	2.27	20%	$685	$107.40	$577.60
Middle/Junior High School (Private)	2.10	20%	627	31.35	595.65
High School (Private)	1.94	10%	655	32.75	622.25
Church/Synagogue	7.60	10%	3,051	152.55	2,898.45
Day Care Center	49.63	27%	8,197	409.85	7,787.15
Cemetery	6.02	10%	4,084	3,264.15	819.85
Medical					
Hospital	10.77	22%	$6,342	$1,206.30	$5,135.70
Nursing Home	3.02	11%	789	51.80	737.20
Animal Hospital/Veterinary Clinic	24.20	30%	3,588	179.40	3,408.60
Office					
General Office	10.84	8%	$5,847	$976.35	$4,870.65
Medical Office ≤ 10,000 sq. ft.	23.83	11%	13,392	2,146.85	11,245.15
Medical Office > 10,000 sq. ft.	34.21	11%	19,228	7,982.85	11,245.15
Retail					
Nursery (Garden Center)	108.10	63%	$4,645	$2,224.40	$2,420.60
Retail/Shopping Center < 40,000 sq. ft. of GLA	54.45	52%	4,262	213.10	4,048.90

Table 13.H.4 – Fair Share Road Impact Fee Schedule
Effective 12:01 a.m., 01/01/2026

Type of Land Development Activity	Official Daily Trip Generation Rate per Dwelling Unit or Area	Pass-By-Trip Rate (Percentage)	Gross Impact Fee	Discount	Net Road Impact Fee per Unit
Retail/Shopping Center 40,000-150,000 sq. ft. of GLA	67.52	43%	8,323	416.15	7,906.85
Retail/Shopping Center > 150,000 sq. ft. of GLA	37.01	25%	8,756	437.80	8,318.20
New/Used Car Sales	24.58	21%	10,147	507.35	9,639.65
Tire Store	27.69	28%	8,168	408.40	7,759.60
Convenience Market	739.50	59%	50,878	2,543.90	48,334.10
Pharmacy with and without Drive-Through	103.86	68%	7,718	385.90	7,332.10
Marijuana Dispensary	211.12	68%	15,693	784.65	14,908.35
Furniture Store	6.30	46%	2,365	992.25	1,372.75
Services					
Bank/Savings with Drive-In	103.73	54%	$13,163	$658.15	$12,504.85
Fine Dining/Quality Restaurant	86.03	23%	23,459	6,038.85	17,420.15
High-Turnover Restaurant	103.46	29%	26,284	1,314.20	24,969.80
Fast Food Restaurant with Drive-Through	479.17	42%	63,592	19,841.65	43,750.35
Quick Lubrication Vehicle Shop	40.00	28%	11,799	4,883.00	6,916.00
Gas Station with Convenience Store < 2,000 sq. ft.	172.01	77%	8,370	418.50	7,951.50
Gas Station with Convenience Store 2,000-5,499 sq. ft.	264.38	77%	12,868	4,189.75	8,678.25
Gas Station with Convenience Store ≥ 5,500 sq. ft.	345.75	77%	16,818	8,139.75	8,678.25
Car Wash	43.94	32%	7,277	363.85	6,913.15
Services					
General Light Industrial	4.87	8%	$2,633	$463.20	$2,169.80
Warehousing	1.71	8%	919	45.95	873.05
Mini-Warehouse	1.46	8%	535	26.75	508.25
[Ord. 2010-018] [Ord. 2011-016] [Ord. 2013-005] [Ord. 2019-013] [Ord. 2022-026]					

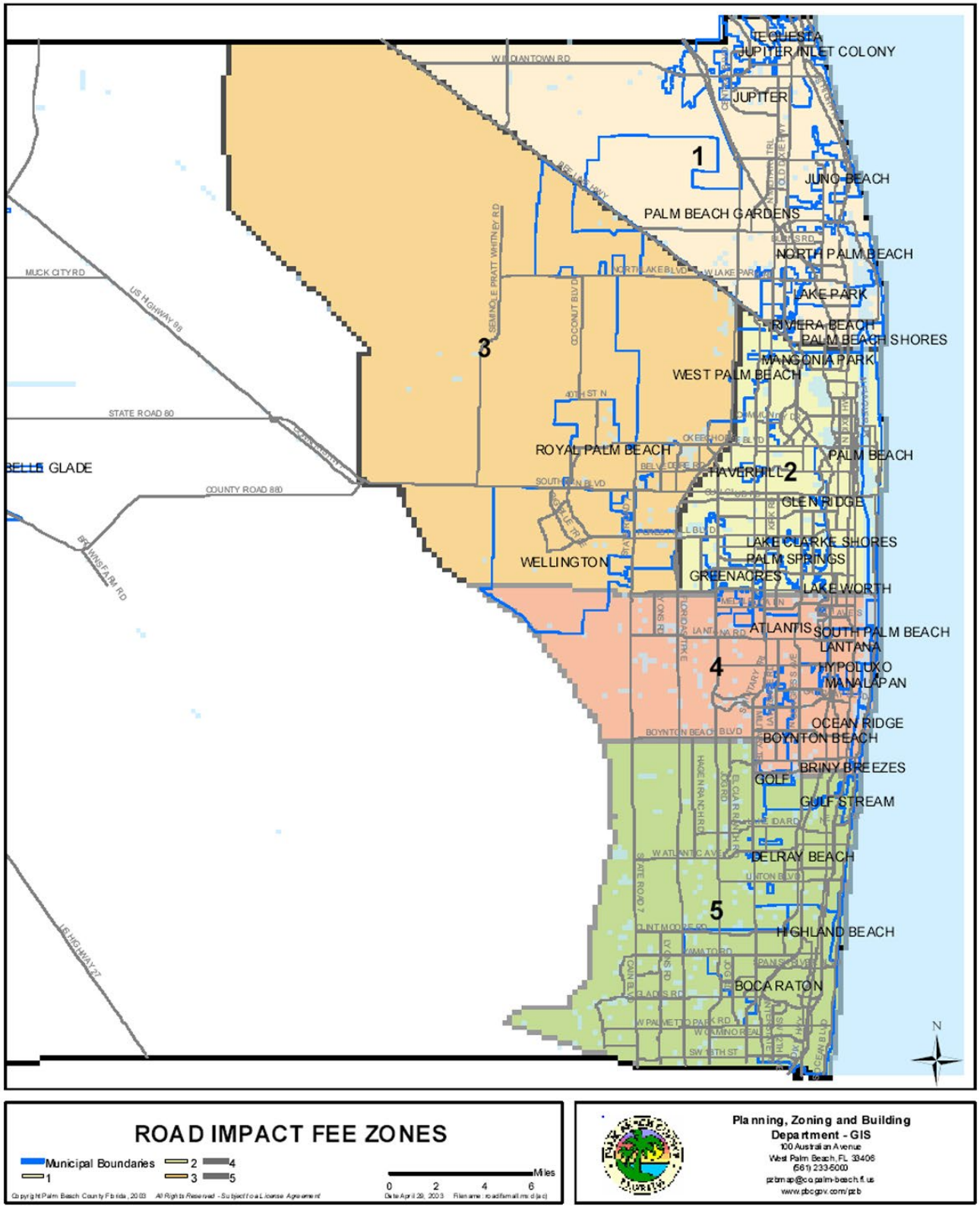
Section 5 Benefit Zones

Road Impact Fee benefit zones are hereby established as shown in Figure 13.H.6, Road Benefit Zones, and incorporated herein by reference.

Section 6 Establishment of Trust Funds

There are hereby established separate Road Impact Fee trust funds, one for each Road Impact Fee benefit zone as shown in Figure 13.H.6, Road Benefit Zones.

Figure 13.H.6 – Road Benefit Zones



Amendment History:

[Ord. 2003-070; December 22, 2003] [Ord. 2005-047; October 3, 2005] [Ord. 2008-015; May 29, 2008] [Ord. 2010-018; July 1, 2010] [Ord. 2011-016; September 6, 2011] [Ord. 2012-003; February 1, 2012] [Ord. 2013-005; June 15, 2013] [Ord. 2014-025; September 3, 2014] [Ord. 2019-013; April 24, 2019] [Ord. 2022-026; January 1, 2023]

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ENVIRONMENTAL STANDARDS

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ARTICLE 14

ENVIRONMENTAL STANDARDS

CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

Section 1 Purpose and Intent

The purpose of this Chapter is to reduce impacts of coastal lighting and beach obstructions on sea turtles and prohibit the removal of sand from the beach/dune system. [Ord. 2009-040]

Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

Section 3 STPZ/STPO – Sea Turtle Protection Ordinance

This Chapter shall be known as the PBC Sea Turtle Protection and Sand Preservation Standards. It repeals and replaces PBC Ordinances No. 72-12, 78-20, 87-13, and 90-2.

Section 4 Applicability

A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas of PBC, and shall set restrictions, constraints, and requirements to preserve and protect sea turtles, sea turtle habitat, and beach/dune sediments. Notwithstanding the foregoing, incorporated areas that have a Sea Turtle Protection Ordinance (STPO) shall not be subject to the provisions of this Chapter that pertain to coastal lighting, and incorporated areas that have established a sand protection zone to preserve beach/dune sediments shall not be subject to the provisions of this Chapter pertaining to sand preservation. [Ord. 2011-001]
B. PBC funds for dune restoration or shore protection projects in municipalities shall be contingent upon this Chapter being fully enforced or the adoption and enforcement of an equally stringent or more stringent ordinance by a municipality. Funding determinations shall be based on ERM's review and acceptance or rejection of a municipality's replacement ordinance, as well as a review of permits and variances and enforcement notices issued pursuant to the municipal ordinance.
C. This Chapter shall apply to any coastal lighting activity that has the potential to adversely impact sea turtles in PBC within the limits of jurisdiction. This Chapter shall also apply to any sand removal or degradation that has the potential to adversely impact the unique sediments which comprise the coastal beach/dune system in PBC within the limits of jurisdiction.

Section 5 Authority

This Chapter is adopted under the authority of F.S. § 125.01 *et seq.*

Section 6 Jurisdiction

A. ERM shall have regulatory authority over coastal lighting and alterations to the beach/dune system. This Chapter establishes two zones of jurisdiction: the Sea Turtle Protection Zone (STPZ) and the Sand Preservation Zone (SPZ). The STPZ extends from three miles offshore of the Atlantic Ocean and along inlet shorelines to a line 600 feet landward of the mean high-water line. The SPZ extends from the mean high-water line of the Atlantic Ocean to 600 feet landward.
B. The STPZ is established for the purpose of minimizing and controlling coastal lighting. [Ord. 2011-001]
C. The SPZ is established for the purposes of maintaining the volume and quality of beach sand presently existing within the beach/dune system. The unique characteristics of the sediments contained in the existing beaches and dunes of PBC require the preservation of these materials within the beach/dune system. [Ord. 2011-001]
D. Within the limits of jurisdiction of the STPZ as defined in this Chapter, no person, firm, corporation, municipality, special district, or public agency shall perform new building construction or install any new artificial lighting on any property that, in whole or in part, is seaward of a line 600 feet landward of the mean high-water line without first having obtained an approved Sea Turtle Protection Lighting Plan (STLP) from ERM as provided for in this Chapter. Existing beachfront lighting causing direct or indirect illumination within

the STPZ as defined herein shall comply with Art. 14.A.11, Standards for Existing Beachfront Lighting. [Ord. 2009-040]

E. Within the limits of jurisdiction of the SPZ as defined in this Chapter, no person, firm, corporation, municipality, special district, or public agency shall remove any beach or dune sediments from their property or from the SPZ without first complying with Art. 14.A.13, Standards for SPZ.

F. Beach obstructions are exempt from the requirements of this Article. However, this exemption shall not be in effect during sea turtle nesting season (March 1 through October 31) unless the structures are removed daily from the beach from sunset until two hours following sunrise or after completion of a dedicated independent sea turtle nesting survey by a Marine Turtle Permit Holder. Beach obstructions shall be removed from the beach or placed in a single row as close to the toe of the dune as possible in an area that does not impact native vegetation or significantly affect sea turtles. Exemptions under this provision are not intended to authorize any violation of F.S. § 379.2431 or any of the provisions of the Endangered Species Act of 1973, as may be amended. [Ord. 2006-036] [Ord. 2009-040]

Section 7 *De Minimis*

Those projects for which ERM provides a written determination that there will be no significant adverse environmental impacts. Approvals may include but are not limited to: removal of a light source whether approved or not approved; reduction in light intensity of a light source; installation of a light source within the STPZ which is not directly or indirectly visible from the beach. [Ord. 2009-040]

Section 8 Sea Turtle Protection Lighting Plan

A. A STLP approval is required for all new building construction and new artificial lighting proposed within the limits described in Art. 14.A.6.D. A STLP must be approved by ERM prior to the issuance of a Building Permit by the PZB or the local building department. [Ord. 2009-040] [Ord. 2011-001]

B. Applications shall be made on a form approved by ERM. ERM may make use of forms already in use by the State of Florida and/or Federal agencies.

C. ERM may attach conditions to any STLP approval where such conditions are deemed reasonably necessary to protect sea turtles.

D. Any application received that is substantially the same as a previous application that has been denied by ERM shall also be denied without further processing.

E. Any site or Property Owner that is subject to or recipient of a notice of violation or notice of non-compliance that remains unresolved shall not be issued an ERM STLP approval.

F. STLP approval shall not be issued until any and all information necessary to fully understand the extent, nature, and potential impacts of a proposed lighting plan are received by ERM. Such information may include, but is not limited to: [Ord. 2011-001]
   1. A completed application form;
   2. An explanation of the necessity and purpose of the proposed lighting;
   3. Photographs of existing conditions which may include aerial photographs;
   4. Plans showing profile and plan views depicting all light fixture locations, the elevations of proposed and existing structures, proposed and existing vegetation, beach/dune profiles, and pertinent topographic information; and,
   5. Electrical, building, and landscape plans shall be submitted illustrating all exterior lights and windows within jurisdictional boundaries. Light and window tinting information shall include: [Ord. 2009-040]
      a. The location, number, wattage, elevation, orientation, light fixture cut sheets, photometric illustrations, and all type(s) of proposed artificial light sources. [Ord. 2006-036]
      b. Protective/mitigative measures to minimize lighting impacts on sea turtles, including measures to prevent direct and indirect illumination that is visible from the beach. [Ord. 2009-040]
      c. Window tinting specifications for all windows and doors within line of sight of the beach including percentage of visible light transmittance (see definition of tinted glass).

G. When an application is made for a STLP approval in common areas of a Multifamily residential site (e.g., condominiums, apartments, Townhouses, villas, etc.), the representative association, or all of the homeowners as a group, shall be the Applicant. ERM shall not process an application made by one unit owner in a Multifamily setting where the work is proposed on lands designated as, or can reasonably be considered to be, common areas.

H. Upon receipt of an application and appropriate application fee, ERM shall have 30 days to request any additional information. Within 30 days of receipt of such additional information, ERM may request only that

information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information. [Ord. 2011-001]

I. If ERM does not make a request for additional information within 30 days of receipt of an application or requested information, the application shall be deemed complete upon receipt.

J. If an Applicant fails to respond to an ERM request for an application fee, or any additional information, within 60 days, the application may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information.

K. Upon receipt of a completed application and fee, ERM shall have 90 days to take final action unless the Applicant agrees in writing to a time extension or waiver of this requirement. Final agency action shall be approval of a STLP, denial of a STLP, or conditional approval of a STLP. Failure by ERM to take final action within 90 days shall result in the authorization of the proposed work with standard limiting conditions.

L. Any application containing false information may be denied, and any STLP approval granted based upon false information may be revoked. [Ord. 2011-001]

M. ERM STLP approvals may be issued with a duration period that is reasonably necessary to complete the project not to exceed five years.

N. Any substantial modification to a complete application, or a STLP approval, shall require an amended application form and an additional application fee and shall restart all time periods of this Section.

O. No application shall be processed until ERM receives the appropriate application fee. [Ord. 2011-001]

Section 9 Criteria for STLP Approval

A. A STLP approval may be issued pursuant to this Chapter provided that the Applicant provides to ERM reasonable assurance that there shall be no adverse impacts to sea turtles, sea turtle nesting, and sea turtle habitat, and that the following criteria will be met:

1. Any and all light fixtures shall be designed to be the minimum level necessary for safety and shall be positioned such that they do not cause direct or indirect illumination that is visible from the beach. [Ord. 2009-040] [Ord. 2011-001]
    a. All outdoor lighting and exterior lighting shall be directed downwards. No lights shall be directed upwards. [Ord. 2009-040]
    b. Filters shall be prohibited. [Ord. 2009-040]
    c. All exterior fixtures on the seaward and the shore perpendicular sides of the building (and the landward side of the building if they are visible from the beach) shall be well shielded and full cutoff. [Ord. 2009-040]
    d. Long wavelength lights that produce light that measures greater than 570 nanometers, shall be used for all coastal construction visible from and adjacent to the beach. Bright white light, such as metal halide, halogen, fluorescent, mercury vapor, and incandescent lamps will not be approved. Shorter wavelength lights will only be approved in areas where direct or indirect illumination is not visible from the beach. [Ord. 2009-040]

2. Use of Window Treatments at Multifamily Residential Properties

In common areas of a Multifamily residential property, window treatments that are sufficient to prevent direct or indirect illumination visible from the beach shall be required on all windows visible from the beach within jurisdictional boundaries. [Ord. 2009-040]

3. ERM determines that coastal lighting alternatives and modifications to lessen impacts are infeasible.
4. ERM determines that the cumulative impacts of the subject lighting project and other similar lighting projects will also meet the criteria of this Article. [Ord. 2009-040]

B. Measures that may be implemented to protect sea turtles include: elimination, modification, or alteration of all proposed and/or existing exterior lights that cause illumination which is directly or indirectly visible from the beach. [Ord. 2009-040]

C. All lighting installed after September 2, 1987 shall comply with the following standards: [Ord. 2011-001]

1. Artificial public or private light source shall not cause illumination which is directly or indirectly visible from the beach where it may deter adult female sea turtles from nesting or disorient hatchlings. [Ord. 2009-040]
2. The installation of coastal lighting shall meet the standards and mitigative measures published in the current state-of-the-art manual pertaining to coastal lighting and sea turtle conservation available at ERM (Witherington, Blair E. & Eric R. Martin, Understanding, Assessing and Resolving Light-pollution Problems on Sea Turtle Nesting Beaches, Florida Marine Research Institute Technical Report, Florida Department of Environmental Protection, 2000). [Ord. 2009-040] [Ord. 2011-001]
3. Any and all light fixtures shall be designed and/or positioned such that they do not cause illumination which is directly or indirectly visible from the beach. [Ord. 2009-040]

4. All lights on balconies shall be eliminated or shielded from the beach. Proposed balcony lights which do not meet standard Art. 14.A.9.C.1, above shall not be authorized. [Ord. 2005-002] [Ord. 2009-040]
5. Artificial lighting for decorative or accent purposes shall not be authorized within the zone of jurisdiction unless it will not be directly or indirectly visible from the beach. [Ord. 2009-040]
6. Lighting used in parking lots shall be: [Ord. 2009-040]
    a. Set on a base which raises the source of light no higher than 48 inches off the ground unless the lighting does not cause illumination or is not directly or indirectly visible from the beach. [Ord. 2009-040]
    b. Positioned and/or shielded such that the source of light is not visible from the beach and does not cause illumination directly or indirectly visible from the beach. [Ord. 2009-040]
7. Sign lighting may be authorized provided it illuminates an area less than 15 square feet and meets the criteria of standard Art. 14.A.9.C.1, above.
8. Permanent fire pits shall be positioned and/or shielded to ensure that the source of illumination is not directly or indirectly visible from the beach. Maximum flame height shall be determined at final inspection. [Ord. 2009-040]
9. Open fires on the beach shall be prohibited during sea turtle nesting season. [Ord. 2005-002]
10. Tinted glass or any window film applied to window glass which meets the defined criteria for tinted glass, shall be installed on all windows and doors within line of sight of the beach.
11. Pool deck lights and underwater pool lights shall be turned off while the pool is closed at sunset during sea turtle nesting season, March 1 through October 31. The use of an automatic timer shall be acceptable only for pool lighting. [Ord. 2009-040]

Section 10 Inspection Required

A. Prior to the issuance of a Certificate of Occupancy (CO) by the PZB or local building department, each facility shall be inspected for compliance as follows:
    1. Upon completion of the construction activities, a State of Florida-registered Architect, Landscape Architect, Environmental Professional, or Professional Engineer shall conduct a site inspection which includes a night survey with all the beachfront lighting turned on to the highest illumination levels. [Ord. 2009-040]
    2. The inspector shall prepare and report the inspection finding in writing to ERM, identifying:
        a. the date and time of initial inspection;
        b. the extent of compliance with this Chapter and the approved STLP;
        c. all areas of potential and observed non-compliance with this Chapter;
        d. any action(s) taken to remedy observed non-compliance and date remedy will be implemented, if applicable; and,
        e. the date(s) and time(s) of remedial inspection(s), if applicable.
    3. The inspector shall sign and seal the inspection report which includes a certification that:
        a. the beachfront lighting has been constructed in accordance with this Chapter;
        b. the inspector observed the project area at night with all lights operating;
        c. the beachfront lighting does not cause direct or indirect illumination that is visible from the beach at the time of the night inspection; and, [Ord. 2009-040]
        d. the beachfront light sources within the jurisdictional boundaries are not directly or indirectly visible from the beach at the time of the night inspection.

Section 11 Standards for Existing Beachfront Lighting

A. Existing Beachfront Lighting

Existing beachfront lighting causing direct or indirect illumination within the STPZ shall be adjusted or corrected to ensure that the lighting does not cause illumination that is directly or indirectly visible from the beach. [Ord. 2011-001]

B. Adjustment to Essential Lighting

Changing coastal conditions (including but not limited to erosion, renourishment, and vegetation impacts), may necessitate retrofitting light fixtures. Installation of a new fixture shall require an approved Sea Turtle Lighting Plan (STLP) that must comply with Art. 14.A.9, Criteria for STLP Approval. Retrofits to existing fixtures shall be designed and/or positioned to ensure that they do not cause illumination that is directly or indirectly visible from the beach. [Ord. 2006-036] [Ord. 2009-040] [Ord. 2011-001]

C. Reduction of Indirect Lighting on the Beach

The installation and maintenance of ground-level barriers including dense native vegetation is strongly encouraged and may be required to reduce the amount of lighting striking the beach/dune system. [Ord. 2009-040]

D. Lighting for Pedestrian Traffic

Lights illuminating beach access points, dune crossovers, beach walkways, piers, or any other structure designed for pedestrian traffic shall be the minimum level necessary to maintain safety and shall be located and shielded such that lights and their illumination are not directly or indirectly visible from the beach. [Ord. 2009-040]

E. Use of Window Treatments

To prevent interior lights from illuminating the beach, window treatment shall be required on all windows visible from the beach within jurisdictional boundaries. Blackout draperies or shade screens are preferred. Alternatively or additionally, window tint may be applied to beachfront windows. The turning out of all unnecessary interior lights during the nesting season is strongly encouraged.

F. Special Lighting Restrictions during the Nesting Season

Effective May 1, 1988, and continuously throughout each nesting season (March 1 through October 31), external light sources that are directly or indirectly visible from the beach shall be disconnected or otherwise modified to comply with this Chapter. [Ord. 2009-040]

G. Recommended Corrective Action

The following measures can be used to reduce or eliminate the effects of any exterior lighting on hatchlings and nesting sea turtles:

1. permanently remove the light fixture; [Ord. 2006-036]
2. disconnect the light fixture; [Ord. 2006-036]
3. reposition the light fixture so the point source of light is no longer visible from the beach; [Ord. 2006-036]
4. replace light fixtures having an exposed light source with light fixtures containing recessed light sources or shields; [Ord. 2006-036]
5. replace non-directional light fixtures with directional light fixtures pointing down and away from the beach; [Ord. 2006-036]
6. replace light fixtures having translucent or transparent coverings with light fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the light fixture on seaward side so the light source is not visible from the beach; [Ord. 2006-036]
7. replace pole lamps with low-profile, low-level luminaires so that the light source is not visible from the beach;
8. plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
9. construct an ornamental structural barrier to shield light source from the beach; and,
10. modify the light fixture by adding a shield. [Ord. 2006-036]

Section 12 Standards for Dune Crossovers

A. Information Sign Requirements

Permanent sea turtle information signs shall be conspicuously posted by applicable jurisdictions at all public beach access points provided with dune crossovers. The information signs shall be standardized by ERM.

1. Sign Posting Responsibility

Sea turtle information signs shall be encouraged at all new private beach access points provided with dune crossovers. Signage shall be the responsibility of the Property Owner.

2. Sign Maintenance Requirements

Standardized sea turtle information signs shall be maintained in perpetuity such that information printed on the signs remains accurate and legible and the signs positioned such that they are conspicuous to persons at all public beach access points provided with dune crossovers.

3. Sign Removal

Removal of the information signs by anyone other than those authorized by ERM is prohibited.

Section 13 Standards for SPZ

A. There shall be no net loss of sand from the SPZ. Sand temporarily excavated from the SPZ shall be returned to the SPZ. Sand shall be returned to the SPZ prior to the issuance of a building department CO where a CO is required, or within six months of the excavation for projects which do not require a CO. In addition, the sand may not be degraded by mixing with any sediment, soil, or material, such that it will not meet the definition for beach compatible sand as defined. [Ord. 2009-040]

B. Sediment analysis of existing beach/dune and any proposed fill material to be mixed with the existing sand may be required by ERM. Written notification must be provided to ERM (attention: ERM Coastal Geologist) prior to removal of sand from the SPZ.

Section 14 Appeals

Any affected party may appeal a final determination of ERM pursuant to Art. 14.C.11, Appeals.

Section 15 Fees

A. Fees shall be required as established by Resolution of the BCC. [Ord. 2009-040] [Ord. 2011-001]

B. Fees shall be non-refundable and non-transferable.

C. All application fees paid by check shall be made payable to the BCC.

Section 16 Violations

A. An unapproved lighting source illuminated during the night that is directly or indirectly visible from the beach. [Ord. 2011-001]
B. An approved lighting source that has experienced a change in conditions such that it is no longer in conformance with this Chapter. Violations may include but are not limited to: increase of intensity or direction of the light source; failure to maintain proper shielding; addition or modification of adjacent structures; modification of background colors of the structure; or, modification of height of vegetation, width or height of dune, or width of beach. [Ord. 2011-001]
C. Installation of beachfront light fixtures in the limits described in Art. 14.A.6.D, without ERM approval. [Ord. 2009-040]
D. Submittal to ERM of any signed and sealed lighting inspection report containing false information.
E. Removal of sand from the SPZ without first supplying written notification to ERM.
F. Degrading sand by mixing with sediment, soil, or material such that it will not meet the definition for beach compatible sand.
G. Alterations which result in a net loss of sand from the SPZ.
H. Failure to comply with the requirements of this Chapter or any approval granted or authorized hereunder.
I. Traversing a natural dune by a pedestrian within 200 feet of a public dune walkover.
J. Any lighting projects or alterations which would have been in violation of PBC Ordinances No. 72-12, 78-20, 87-13, or 90-2, as amended, during its effective period, shall continue to be violations under this Chapter but shall be subject to prosecution under the terms of PBC Ordinances No. 72-12, 78-20, 87-13, or 90-2, as amended.

Section 17 Enforcement and Implementation of Corrective Measures

A. In order to enforce compliance with the provisions of this Chapter, ERM may do one or more of the following: [Ord. 2011-001]
    1. provide the violator with verbal or written notice of non-compliance; [Ord. 2011-001]
    2. require a non-compliant Property Owner to take corrective measures; [Ord. 2011-001]
    3. issue a notice of non-compliance; [Ord. 2011-001]
    4. issue a notice of violation citation; [Ord. 2011-001]
    5. issue a Notice of Hearing; [Ord. 2011-001]
    6. issue a cease and desist order; and, [Ord. 2011-001]
    7. require that a Building Permit or CO be withheld, if the non-compliance involves new construction. [Ord. 2011-001]
B. When a violator is required to take corrective measures to cure a violation, such corrective measures shall be implemented in addition to applicable penalties and fines. [Ord. 2011-001]
C. Violations of the provisions of this Chapter shall be punishable by one or more of the following:
    1. triple application fees for STLP approvals not obtained prior to violations involving activities which would otherwise have been authorized as determined by ERM;
    2. enforcement procedures as outlined in this Chapter and in Art. 10.C, Groundwater and Natural Resources Protection Board. [Ord. 2011-001]
D. All monies collected as civil penalties for violations of this Chapter shall be deposited in the Pollution Recovery Trust Fund.

CHAPTER B WELLFIELD PROTECTION

Section 1 Purpose and Intent

A. The purpose and intent of this Chapter is to protect and safeguard the health, safety, and welfare of the residents and visitors of PBC by providing criteria for regulating and prohibiting the use, handling, production, and storage of certain deleterious substances which may impair present and future public potable water supply wells and wellfields.

Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

Section 3 Applicability

A. General
The provisions of this Chapter shall be effective within the incorporated and unincorporated areas of PBC, and shall set restrictions, constraints, and prohibitions to protect present and future public potable water supply wells and wellfields from degradation by contamination of deleterious substances.

B. Review and Permitting Procedures
No Building Permit or Business Tax Receipt for any non-residential activity shall be issued by PBC or any city located within PBC that would allow development or construction in Zones 1, 2, 3, or 4 that is contrary to the restrictions and provisions provided in this Chapter. Permits or Business Tax Receipts issued in violation of this Chapter confirm no right or privilege on the grantee and such invalid permit or licenses will not vest rights. [Ord. 2007-013]

Section 4 Effective Date

A. Effective Date
The requirements and provisions of this Chapter shall apply immediately upon and after March 7, 1988 to all new non-residential activities. An existing activity is one for which a Building Permit or Business Tax Receipt had been issued by the appropriate jurisdiction prior to March 7, 1988 and which had not expired on or before March 7, 1988, or for which a completed Building Permit or Business Tax Receipt application had been filed and accepted with the appropriate jurisdiction prior to March 7, 1988. All other activities shall be deemed “new.” [Ord. 2007-013]

B. Time of Review
Any application for a Building Permit for a non-residential development or residential development greater than 25 units or non-residential development subject to review by an advisory planning body and approval by the local governing authority or zoning board of appeals that includes property wholly or partially within Zones 1, 2, 3, or 4, of a wellfield shall include requirements of ERM. These requirements shall be as follows:

1. Notification by the local governing authority of the location of the property in Zones 1, 2, 3, or 4 and notarized letter from Applicant admitting acceptance of notification. Notification shall be prepared by ERM providing details of zones, prohibitions, and measures required for compliance; or
2. Submittal of application to ERM for notification.

C. Certification of Compliance
Any application submitted for a Business Tax Receipt for any use within Zones 1, 2, 3, or 4 of an incorporated or unincorporated area shall require certification by ERM that the use meets the applicable requirements of this Article. [Ord. 2007-013]

D. Screening of Occupational License
It shall be the duty of each local agency to screen all applications for Zones 1, 2, 3, or 4 Business Tax Receipts. [Ord. 2007-013]

E. Zone 1 Activities
ERM shall provide a list to all local agencies of potentially prohibited operations in Zone 1.

F. Interdepartmental Coordination
Copies of Building Permits for residential uses containing more than 25 units, all non-residential projects, and all occupational licenses issued for Zones 1, 2, 3, or 4 shall be submitted to ERM on a weekly basis, or upon issuance by the appropriate issuing authority.

Section 5 Exemption

A. General Exemptions

A general exemption application and an operating permit issued pursuant to the provisions of Art. 14.B.6.C.2, Zone 2, shall be filed with ERM for any non-residential activity claiming a general exemption to these regulations under Art. 14.B.5.A.4.a, Fire, Police, Emergency Medical Services, and PBC Emergency Management Center Facilities, Art. 14.B.5.A.4.b, Utilities in Zone 1, and Art. 14.B.5.A.4.f, Retail/Wholesale Sales Activities. No non-residential facility that stores, handles, produces, or uses any Regulated Substances after March 7, 1988 shall be eligible for a general exemption in Zone 1 unless such facility was in existence prior to the establishment of a new Wellfield Zone 1 or a reconfigured Wellfield Zone 1 and is required to move or cease operations as a direct result of a change in the Wellfield Protection Maps. [Ord. 2013-001]

1. Application

A general exemption application shall contain a concise statement detailing the circumstances which the Applicant believes would entitle him or her to a general exemption pursuant to Art. 14.B.5.A, General Exemptions.

2. Fee

A fee shall be required as established by the approved Fee Schedule.

3. Procedure

Within 30 working days of receipt of an application for a general exemption, ERM shall inform the Applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then ERM shall provide to the Applicant a written statement by certified mail or hand delivery requesting the additional information required. The Applicant shall inform ERM within ten working days of the date of the written statement of intent to either furnish the information or have the application processed as originally submitted. ERM shall have 90 working days from the date that the sufficiency determination was rendered or the date of receipt of additional requested information to act upon the application.

4. General Exemption Activities and Criteria

a. Fire, Police, Emergency Medical Services, and PBC Emergency Management Center Facilities

Existing fire, police, emergency medical services, and PBC Emergency Management center facilities are exempt from the Zone 1 prohibitions set forth in Art. 14.B.6.C.1, Zone 1, provided that an operating permit for such uses is obtained pursuant to Art. 14.B.7.B.1, Operating Permit.

b. Utilities in Zone 1

Existing utilities as of July 25, 1991 shall be exempt, except for the maintenance and refueling of vehicles, from the Zone 1 prohibitions set forth in Art. 14.B.6.C.1, Zone 1, provided that an operating permit for such uses is obtained pursuant to Art. 14.B.7.B.1, Operating Permit.

c. Continuous Transit

The transportation of any Regulated Substance through Zones 1, 2, 3, or 4 shall be exempt from the provisions of this Chapter, provided that the transporting motor vehicle is in continuous transit. The transport of such substances through existing permanent pipelines is also exempt, provided that the currently authorized use or uses are not changed, and provided that leak detection and monitoring as approved by ERM are employed. No general exemption or operating permit application is required except that an operating permit is required to establish the leak detection and monitoring requirements for said existing pipelines. Any new pipelines constructed through Zones 1, 2, or 3 and carrying Regulated Substances shall be provided with secondary containment, leak detection, and monitoring as approved by ERM.

d. Vehicular and Lawn Maintenance Fuel and Lubricant Use

The use in a vehicle or lawn maintenance equipment of any Regulated Substance solely as fuel in that vehicle or equipment fuel tank or as a lubricant in that vehicle or equipment shall be exempt from the provisions of this Chapter. No general exemption or operating permit application is required.

e. Application of Pesticides, Herbicides, Fungicides, and Rodenticides

The application of those Regulated Substances used as pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control, and aquatic weed control activities shall be exempt from the provisions of this Chapter provided that:

1) in all zones, the application is in strict conformity with the use requirement as set forth in the substances EPA registries and as indicated on the containers in which the substances are sold;

2) in all zones, the application is in strict conformity with the requirements as set forth in F.S. ch. 482, F.S. ch. 487, Chapter 5E-2, F.A.C., and Chapter 5E-9, F.A.C.;
3) in all zones, the application of any of the pesticides, herbicides, fungicides, and rodenticides shall be noted in the records of the certified operator. Records shall be kept of the date and amount of these substances applied at each location and said records shall be available for inspection at reasonable times by ERM;
4) in Zones 1, 2, 3, or 4, the pesticides, herbicides, fungicides, and rodenticides shall not be handled during application in a quantity exceeding 700 gallons of formulation; and,
5) all non-residential applicators of pesticides, herbicides, fungicides, and rodenticides who apply those substances in Zones 1, 2, 3, or 4 shall obtain an operating permit covering all application operations using these materials under one permit and shall comply with all the requirements of Art. 14.B.6.C.2.b.3), Emergency Plan.

f. Retail/Wholesale Sales Activities

Retail/wholesale sales establishments in Zone 1 that store and handle Regulated Substances for resale in their original unopened containers shall be exempt from the prohibition in Zone 1, provided that those establishments obtain an operating permit pursuant to Art. 14.B.6.C.1, Zone 1. Items in Art. 14.B.6.C.2.b.7), Monitoring for Regulated Substances in the Potable Water Wells, certification by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida, and a bond or letter of credit as set forth in Art. 14.B.7.B.4, Bond Required, are not required for facilities in Zones 1, 2, or 3, provided no individual container of Regulated Substances exceeds five gallons, if liquid, or 25 pounds, if solid.

g. Office Uses

Offices uses, except for the use of Regulated Substances for the maintenance and cleaning of office buildings, shall be exempt from the provisions of this Chapter, and no general exemption or operating permit shall be required.

h. Construction Activities

The activities of constructing, repairing, or maintaining any facility or improvement on lands within Zones 1, 2, 3, or 4 shall be exempt from the provisions of this Chapter, provided that all contractors, subcontractors, laborers, material men, and their employees, when using, handling, storing, or producing Regulated Substances in Zones 1, 2, 3, or 4, use those applicable Best Management Practices set forth in Appendix 3, Best Management Practices for the Construction Industry, attached hereto and incorporated herein. No general exemption or operating permit applications are required.

i. Activities Subject to Regulation Due to Accumulation of Waste Regulated Substances

Activities in Zones 2 or 3, which are subject to permitting requirements of this Chapter shall obtain an operating permit pursuant to the provisions in Art. 14.B.6.C.2, Zone 2, or Art. 14.B.6.C.3, Zone 3. Items in Art. 14.B.6.C.2.b.7), Monitoring for Regulated Substances in the Potable Water Wells, and Art. 14.B.6.C.2.b.8), Regulated Substances in Groundwater Monitoring Wells, and a bond or letter of credit as set forth in Art. 14.B.7.B.4, Bond Required, are not required, provided that all waste liquid Regulated Substances are secondarily contained according to the conditions described in Art. 14.B.6.C.2.b.1), Containment of Regulated Substances, and are removed from the site on a regular schedule by a contracted hauler licensed by EPA or the State of Florida to handle the waste Regulated Substances. The accumulated waste Regulated Substances shall at no time exceed 55 gallons if liquid or 220 pounds if solid, and the accumulation time shall not exceed 90 days. Records of removal and disposal of all waste Regulated Substances through the licensed hauler shall be maintained and made available for ERM inspection at reasonable times. In addition, all other Regulated Substances shall not exceed the threshold quantities identified in the definition of “Regulated Substances.” Failure to comply with any of these requirements shall subject the facility to the full permitting provisions for the applicable zone.

B. Special Exemptions

An affected person in Zones 1 or 2 may petition the Hearing Officer pursuant to the appeal process in Art. 14.C.11, Appeals, for a special exemption, from the prohibitions and monitoring requirements set out in Art. 14.B.6.C.1, Zone 1, and Art. 14.B.6.C.2, Zone 2. No non-residential facility that stores, handles, produces, or uses any Regulated Substances after March 7, 1988 shall be eligible for a special exemption in Zone 1 unless such facility was in existence prior to the establishment of a new Wellfield Zone 1 or a reconfigured Wellfield Zone 1 and is required to move or cease operations as a direct result of a change in the Wellfield Protection Maps. [Ord. 2013-001]

1. Criteria

In order to obtain a special exemption, a person must demonstrate, by a preponderance of competent, substantial evidence, that:

a. Special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply; and

b. In granting the special exemption, the Hearing Officer pursuant to Art. 14.C.11, Appeals, may prescribe any additional appropriate conditions and safeguards which are necessary to protect the wellfield.

2. Procedures

The following special exemption application and review procedures shall apply to activities claiming a special exemption with adequate technology to isolate the facility or activity from the potable water supply and protect the wellfield:

a. Application

A special exemption application claiming special or unusual circumstances and adequate protection technology shall be filed with ERM, who shall then promptly notify the County Attorney's Office that such an application has been filed. The application shall be signed by the Applicant and a Professional Engineer or Professional Geologist registered or licensed in the State of Florida;

b. Basis for Application

The application shall contain a concise statement by the Applicant detailing the circumstances that the Applicant feels entitles the Applicant to special exemption, pursuant to this Chapter;

c. Fee

A fee shall be required as established by the approved Fee Schedule; and,

d. Submittal Requirements

The application for special exemption shall contain but not be limited to the following elements:

1) Operating Conditions

A description of the situation at the site requiring isolation from the wellfield, including:

a) a list of the Regulated Substances in use at the site;

b) a Site Plan of the facility including all storage, piping, dispensing, shipping, etc. facilities;

c) what operations at the facility involve Regulated Substances which must be isolated from the wellfields;

d) the location of all operations involving Regulated Substances;

e) a sampling and analysis of the groundwater on the site of the activity seeking a special exemption shall be performed to determine if any Regulated Substances are already present which constitute a threat to the water supply;

f) an analysis of the affected well showing whether or not such well is already contaminated by any Regulated Substances and the extent of such contamination; and,

g) a hydrogeologic assessment of the site which shall address, as a minimum, soil characteristics and groundwater levels, directional flow, and quality.

2) Technical Components

A technical proposal to achieve the required isolation including:

a) components to be used and their individual functions;

b) system tying the components together;

c) a discussion and documentation, such as published technical articles, substantiating the performance and reliability of the components individually and the system as a whole. If the system has not been field tested, a discussion and laboratory test documentation to substantiate the proposed performance and reliability of the system; and,

d) details of the specific plans to install the system at the site.

3) Testing Procedures

If the proposed system does not have a proven history of successful in-field operation, it may still be proposed using proven components. A test plan for the system as installed shall be provided to prove that the proposed system works in the field.

4) Back-Up Detection

A technical proposal for back-up detection of Regulated Substances that may elude the isolation system and escape to outside a perimeter to be established by ERM. Such proposal shall include emergency measures to be initiated in case of escape of Regulated Substances.

5) Criteria for Success

Site-specific, system performance criteria shall be proposed to ascertain the success of the system. Such criteria shall include but shall not be limited to:

a) performance;
b) reliability;
c) level of maintenance;
d) level of sensitivity to Regulated Substances; and,
e) effect of rain, flood, power failure, or other natural disaster.

6) Precautions in Event of Failure

The Applicant shall provide information on the on-site availability of substance removal technologies sufficient to remediate any introduction of Regulated Substances into the water table at the site. Where water is removed from on-site wells during the remedial process a plan shall be proposed for the disposal of such water.

7) Closure Plan

A closure plan shall be provided in the event the system does not prove successful in the testing required by Art. 14.B.5.B.2.d.3), Testing Procedures.

8) Other Information

Any other reasonable information deemed necessary by ERM shall be due to site-specific circumstances.

e. Sufficiency Review

Within 30 working days of receipt of an application for special exemption, ERM shall inform the Applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then ERM shall provide to the Applicant a written statement by certified mail or hand delivery requesting the required additional information. The Applicant shall inform ERM within ten working days of the date of the written statement of intent to either furnish the information or have the application denied. When the application contains sufficient information for a proper determination to be made, ERM shall notify the County Attorney's Office that all documentation necessary to evaluate the special exemption has been received, and shall promptly transmit all such documentation to the County Attorney's Office.

f. Action on Application

Any special exemption granted by the reference to Art. 14.C.11, Appeals, shall be subject to the applicable conditions which apply to Zones 1 and 2 and any other reasonable and necessary special conditions imposed by the reference to Art. 14.C.11, Appeals. An operating permit shall be issued by ERM with the applicable conditions of Art. 14.B.6.C.1, Zone 1, and Art. 14.B.6.C.2, Zone 2, and any other reasonable and necessary special conditions imposed by the Hearing Officer. Such special exemptions shall be subject to revocation or revision by ERM for violation of any condition of said special exemption by first issuing a written notice of intent to revoke or revise (certified mail, return receipt requested, or hand delivery). Upon revocation or revision, the activity will immediately be subject to the enforcement provisions of this Article. [Ord. 2013-001]

Section 6 Zones of Influence

A. Maps

The Zones of Influence Maps, developed as described in Art. 14.B.6.A.2, Basis, are incorporated herein and made a part of this Chapter. These Maps shall be on file and maintained by ERM.

1. Amendments

Any amendments, additions, or deletions to said Maps shall be approved by the BCC after public hearing. [Ord. 2013-001]

2. Basis

The Zones of Influence Maps are based upon travel time contours and one-foot drawdown contours. They are generated using a contaminant transport computer model that simulates pollutant movement using particles released around wells. The travel time contours and the one-foot drawdown contours are calculated by using finite difference computer modeling techniques that incorporate the effects of an extensive canal system, groundwater flows, and SFWMD Consumptive Use Permit-approved public water supply pumping rates. Additional considerations may be incorporated into the modeling methodology as approved by ERM. [Ord. 2006-036]

3. Review

The Zones of Influence Maps shall be reviewed at least on an annual basis. However, failure to conduct said review shall not affect the validity of the existing approved Maps. The basis for updating said Maps may include, but is not limited to, the following:

a. Changes in the technical knowledge concerning the applicable aquifer;
b. Changes in the pumping rate of wellfields;
c. Wellfield reconfiguration; and,
d. Designation of new wellfields.

4. Boundaries

The Zones of Influence indicated on the Zones of Influence Maps are as follows:

a. Zone 1

The land area situated between the well(s) and the 30-day travel time contour;

b. Zone 2

The land area situated between the 30-day and the 210-day travel time contours;

c. Zone 3

The land area situated between 210-day and the 500-day travel time contours; and,

d. Zone 4

The land area situated beyond the 500-day travel time contour and within the one-foot drawdown contour.

5. Interpretation of Boundaries

In determining the location of properties and facilities within the zones depicted on the Zones of Influence Maps, the following rules shall apply:

a. Properties located wholly within one zone reflected on the applicable Zones of Influence Maps shall be governed by the restrictions applicable to that zone;
b. To that the extent Art. 14.B.6.C, Prohibitions and Restrictions, does not apply, properties having parts lying within more than one zone as reflected on the applicable Zones of Influence Maps shall be governed by the restrictions applicable to the zone in which the part of the property is located;
c. Where a travel time contour which delineates the boundary between two Zones of Influence, passes through a facility, the entire facility shall be considered to be in the more restrictive zone; and,
d. Where the facility, or portion thereof, is overlapped by Zones of Influence of different wells or wellfields, the stricter zones shall apply.

6. Reference Raw Water Analysis to Be Completed for Each Well

A reference set of raw water analyses shall be completed for each well for which a Zones of Influence Map has been established. Said analyses shall be completed within 185 days after March 7, 1988, for existing wells. A copy of the analytical report shall be forwarded to ERM and the PBCHD within 14 days of completion. For any new well, this set of analyses shall be completed prior to the release of the well into service by the PBCHD and ERM. Said analyses shall address inorganic priority pollutants and organic pollutants as listed in Chapter 62-550, F.A.C. The cost shall be borne by the utility. The analytical reports shall be prepared by a State of Florida-certified laboratory, certified for the applicable analyses. Samples shall be taken by the State of Florida-certified laboratory performing the analyses, or its authorized representative. [Ord. 2013-001]

B. Protection of Future Wellfields

The prohibitions and restrictions set forth in this Chapter and in regulations promulgated pursuant hereto shall apply to any sites officially designated by the BCC as future wellfields. Such prohibitions and restrictions shall become effective upon approval by the BCC of the Zones of Influence Maps for the designated future wellfield. [Ord. 2013-001]

C. Prohibitions and Restrictions

1. Zone 1

a. Prohibited Activities

The use, handling, production, and storage of Regulated Substances associated with non-residential activities is prohibited in Zone 1, except as provided under the general exemptions and special exemptions provisions of this Chapter.

b. Closure of Existing Uses

All existing non-residential activities within Zone 1 which store, handle, use, or produce any Regulated Substances shall cease to do so within one year from the date of notification by writing, certified mail, or hand delivery, except as provided for in this Chapter.

A closure permit application, general exemption application, or a special exemption application prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida shall be submitted to ERM within 120 days receipt of the notice to cease. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist.

Any non-residential activity in Zone 1 which is allowed to continue in accordance with the general exemption or special exemption provisions of this Chapter shall obtain an operating permit, unless expressly not required by this Chapter, which shall indicate the special conditions to be instituted and the dates on which such conditions shall be instituted. Such activities shall comply with all Zone 2 requirements unless otherwise provided herein. No expansions, modifications, or alterations which would increase the storage, handling, use, or production of Regulated Substances shall be permitted in Zone 1. An owner or operator that is denied a special exemption shall be issued a closure permit as part of the denial process. Any operating permit application required herein shall be filed with the applications for general exemption or special exemption.

2. Zone 2

a. Prohibited Activities

All non-residential activities within Zone 2 which store, handle, use, or produce any Regulated Substance are prohibited, unless they qualify as a general exemption, obtain a special exemption, or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any non-residential activity within Zone 2 that stores, handles, uses, or produces any Regulated Substance shall be subject to the following conditions:

1) Containment of Regulated Substances

Leak-proof trays under containers, floor curbing, or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any Regulated Substance loss to the external environment. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented. The owner/operator may choose to provide adequate and appropriate liquid collection methods rather than sheltering only after approval of the design by ERM. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to above-ground and underground storage areas. The containment devices and liquid collection systems shall be certified in the operating permit application by the Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

2) Emergency Collection Devices

Vacuum suction devices, absorbent scavenger materials, or other devices approved by ERM, shall be present on site or available within two hours (one hour in Zone 1) by contract with a clean-up company approved by ERM, in sufficient magnitude so as to control and collect the total quantity of Regulated Substances present. To the degree feasible, emergency containers shall be present and of such capacity as to hold the total quantity of Regulated Substances plus absorbent material. The presence of such emergency collection devices shall be certified

in the operating permit application for existing activities. Such certification for new activities shall be provided to ERM prior to the presence of Regulated Substances on the site. Certification shall be provided by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

3) Emergency Plan

An emergency plan shall be prepared and filed with the operating permit application indicating the procedures which will be followed in the event of spillage of a Regulated Substance so as to control and collect all such spilled material in such a manner as to prevent it from reaching any storm or sanitary drains or the ground.

4) Inspection

A responsible person designated by the permittee who stores, handles, uses, or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

5) Proper and Adequate Maintenance of Containment and Emergency Equipment

Procedures shall be established for quarterly, in-house inspection and maintenance of containment and emergency equipment. Such procedure shall be in writing; a regular checklist and schedule of maintenance shall be established; and, a log shall be kept of inspections and maintenance. Such logs and records shall be available for inspection by ERM.

6) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of “Regulated Substances” shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

7) Monitoring for Regulated Substances in the Potable Water Wells

Arrangements shall be made with the designated public utility to establish a semi-annual schedule of raw water analysis unless sampling results indicate contamination, in which case ERM shall require an increased sampling schedule.

The analysis shall be for all substances which are listed on the operating permit. The analytical reports shall be prepared by a State of Florida-certified laboratory, certified for the applicable analyses. It shall be the responsibility of the designated public utility to provide for the sampling and analyses but the cost shall be borne by the permittee or those permittees on a *pro rata* basis as to the same substances listed on the permits of those permittees in Zones of Influence of the subject well. Samples shall be taken by the State of Florida-certified laboratory performing the analyses, or its authorized representative. Semi-annual reports prepared by a State of Florida-certified laboratory of the analyses for Regulated Substances shall be submitted to ERM for the purpose of determining the presence of Regulated Substances in each well for which a Zones of Influence Map has been established.

8) Regulated Substances in Groundwater Monitoring Wells

Groundwater monitoring well(s) shall be provided at the expense of the permittee in a manner, number, and location approved by ERM. Except for existing wells found by ERM to be adequate for this provision, the required well or wells shall be installed by a State of Florida-licensed water well contractor. Samples shall be taken by the State of Florida-certified laboratory performing the analyses, or its authorized representative. Analytical reports prepared by a State of Florida-certified laboratory of the quantity present in each monitoring well of the Regulated Substances listed in the activity's operating permit shall be filed at least semi-annually, or more frequently, as determined by ERM, based upon site conditions and operations.

9) Alterations and Expansions

ERM shall be notified in writing prior to the expansion, alteration, or modification of an activity holding an operating permit. Such expansion, alteration, or modification may result from

increased square footage of production or storage capacity, or increased quantities of Regulated Substances, or changes in types of Regulated Substances beyond those square footages, quantities, and types upon which the permit was issued. Should a facility add new Regulated Substances which individually are below the non-aggregate limits identified in the definition of "Regulated Substances," it shall notify ERM on an annual basis of the types and quantities of such substances added and the location of the use, handling, storage, and production of said substances. [Ord. 2013-001]

Any such expansion, alteration, or modification shall be in strict conformity with this Chapter. Further, except as provided herein, any existing operating permit shall be amended to reflect the introduction of any new Regulated Substances resulting from the change. However, the introduction of any new Regulated Substance shall not prevent the revocation or revision of any existing operating permit if, in the opinion of ERM, such introduction substantially or materially modifies, alters, or affects the conditions upon which the existing operating permit was granted or the ability to remain qualified as a general exemption, if applicable, or to continue to satisfy any conditions that have been imposed as part of a special exemption, if applicable. ERM shall notify the permittee in writing within 60 days of receipt of the permittee's notice that ERM proposes to revoke or revise the permit and state the grounds therefore.

10) Reconstruction after Catastrophe

Reconstruction of any portion of a structure or building in which there is any activity subject to the provisions of this regulation which is damaged by fire, vandalism, flood, explosion, collapse, wind, war, or other catastrophe shall be in strict conformity with this Chapter.

11) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or clean-up is possible, the nature, number, and frequency of previous spills by the permittee, and the potential degree of harm to the groundwater and surrounding wells due to such spill.

c. Permits for Existing Uses

All existing non-residential activities in Zone 2 which use, handle, store, or produce Regulated Substances shall file an application for an operating permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida, except for closure or transfer permits as provided Art. 14.B.7.B.2, Closure Permit, and Art. 14.B.10, Transfers and Changes in Ownership. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable State and Federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment. [Ord. 2013-001]

3. Zone 3

a. Prohibited Activities

All non-residential activities within Zone 3 which store, handle, use, or produce any Regulated Substance are prohibited, unless they qualify as a general exemption or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any non-residential activity within Zone 3 that stores, handles, uses, or produces any Regulated Substance shall be subject to the following conditions:

1) Containment of Regulated Substances

Leak-proof trays under containers, floor curbing, or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any Regulated Substance loss to the external environment. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented. The owner/operator may choose to provide adequate and appropriate liquid collection methods rather than sheltering only after

approval of the design by ERM. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to above-ground and underground storage areas. The containment devices and liquid collection systems shall be certified in the operating permit application by the Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

2) Emergency Plan

An emergency plan shall be prepared and filed with the operating permit application indicating the procedures which will be followed in the event of spillage of a Regulated Substance so as to control and collect all such spilled material in such a manner as to prevent it from reaching any storm or sanitary drains or the ground.

3) Inspection

A responsible person designated by the permittee who stores, handles, uses, or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

4) Maintenance of Containment and Emergency Equipment

Procedures shall be established for the quarterly in-house inspection and maintenance of containment and emergency equipment. Such procedure shall be in writing; a regular checklist and schedule of maintenance shall be established; and, a log shall be kept of inspections and maintenance. Such logs and records shall be available for inspection by ERM.

5) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of “Regulated Substances” shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

6) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit to comply with some or all the conditions applicable to Zone 2, as set forth in Art. 14.B.6.C.2.b, Permit Conditions, in addition to the Zone 3 conditions of Art. 14.B.6.C.3.b, Permit Conditions. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or clean-up is possible, the nature, number, and frequency of previous spills by the permittee, and the potential degree of harm to the groundwater and surrounding wells due to such spill.

7) Permit Process

Operating permits required by this Chapter shall be applied for and processed in accordance with Art. 14.B.6.C.2.c, Permits for Existing Uses, by filing an application for an operating permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable State and Federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment. [Ord. 2013-001]

4. Zone 4

a. Prohibited Activities

All non-residential activities within Zone 4 which store, handle, use, or produce any Regulated Substance are prohibited, unless they qualify as a general exemption or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any non-residential activity within Zone 4 that stores, handles, uses, or produces any Regulated Substance shall be subject to the following conditions:

1) Inspection

A responsible person designated by the permittee who stores, handles, uses, or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

2) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substances" shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

3) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit to comply with some or all the conditions applicable to Zone 2, as set forth in Art. 14.B.6.C.2, Zone 2, and Art. 14.B.6.C.2.b, Permit Conditions, in addition to those of Art. 14.B.6.C.4.b, Permit Conditions. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or clean-up is possible, the nature, number, and frequency of previous spills by the permittee, and the potential degree of harm to the groundwater and surrounding wells due to such spill.

4) Permit Process

Operating permits required by this Chapter shall be applied for and processed by filing an application for an operating permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida. However, a non-residential activity in Zone 4 is not required to retain an engineer or geologist to prepare the operating permit if the revocation for spill provisions of this Chapter do not apply. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable State and Federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment. [Ord. 2013-001]

D. Other Requirements and Liabilities

A notice to cease, or a permit or exemption issued under this Chapter shall not relieve the owner or operator of the obligation to comply with any other applicable Federal, State, Regional, or Local regulation, rule, ordinance, or requirement. Nor shall said notice, permit, or exemption relieve any owner or operator of any liability for violation of such regulations, rules, ordinances, or requirements.

E. Domestic Wastewater and Stormwater Treatment

1. Sanitary Sewer Mains

All new or replacement installations of sanitary sewer mains in Zone 1 or Zone 2 of a public drinking water wellfield shall be constructed using pressure pipe. Standards for installation are shown in Appendix 4, Minimum Standards for Sewer Pipe and Fittings, and shall be enforced by PBCHD through the permit process. For new wells placed in areas of existing sanitary sewers, the sewers in Zones 1 and 2 must be pressure tested at each joint, grouted, and sealed with proof of testing provided to the PBCHD prior to release of the well for service. [Ord. 2013-001]

2. Exfiltration Systems

No new exfiltration system shall be constructed in Zone 1 or Zone 2 of a public drinking water wellfield.

3. Retention/Detention Ponds

New retention or detention ponds located within wellfield zones shall comply with the criteria described in the SFWMD Management and Storage of Surface Waters Permit Information Manual IV. These criteria are enforced through the SFWMD permitting process.

4. Percolation Ponds

New percolation ponds for domestic wastewater treatment located within wellfield zones shall comply with the requirements for separation from public drinking water wells set forth in Chapter 62-555, F.A.C. and Chapter 62-610, F.A.C., and enforced by the Florida Department of Environmental Protection and PBCHD.

5. Land Application of Domestic Wastewater Effluent

Land application of domestic effluent or sludge within wellfield zones shall comply with the requirements for separation from public drinking water wells as set forth in Chapter 62-555, F.A.C., Chapter 62-610, F.A.C., and Chapter 62-640, F.A.C., and enforced by the Florida Department of Environmental Protection and PBCHD.

6. Onsite Sewage Disposal Systems

New onsite sewage disposal systems (septic tanks) located within wellfield zones shall comply with the requirements for maximum sewage loading and separation from public drinking water wells as set forth in Environmental Control Rule (ECR) I and enforced by the PBCHD.

F. Spill Assessment and Remediation

Upon discovery of a spill in a wellfield zone, a determination shall be made as to jurisdiction. ERM shall provide notification to the Florida Department of Environmental Protection and PBCHD including all available information pertinent to the spill. Florida Department of Environmental Protection will be responsible for determination if the spill occurrence constitutes a Resource Conservation and Recovery Act (RCRA) regulated material as defined in Chapter 62-730, F.A.C. and 40 CFR 261. If determination is made that the spill occurrence involves a RCRA-regulated material, Florida Department of Environmental Protection will assume the role as lead regulatory agency in assessment and remediation. ERM will assume the role as lead agency if determination reveals a non-RCRA Regulated Substance. Upon issuance of an order by ERM, corrective action shall immediately be initiated by the responsible person. Failure to initiate corrective action shall be a violation of this Chapter. Corrective action shall include any or all of the following:

1. Cessation of the discharge and initial control, containment, and recovery of free-flowing, floating, or standing pollutants;
2. Removal and disposal of contaminated soils, sediments, vegetation, containers, recovery, and other contaminated materials in accordance with applicable Federal, State, and Local regulations;
3. Assessment of the horizontal and vertical extent of soil, sediment, surface water, and groundwater contamination, as well as rate and direction of migration of the contaminants; and,
4. Remediation of contaminated soils, sediments, surface water, and groundwater to preclude further migration of unacceptable levels of residual Regulated Substances into or through the surface water or groundwater environment. ERM shall determine necessary, reasonable measures and timeframes for corrective action. The corrective action shall be completed to the satisfaction of ERM. Where State or Federal regulations establish procedures or clean-up levels for corrective action for particular discharges, the corrective action shall at a minimum comply with those procedures and clean-up levels. Completion of corrective action as specified by ERM shall not relieve the responsible person or persons of liability under any other applicable Federal, State, or Local regulation, rule, ordinance, or requirement; nor shall it relieve the responsible person or persons of liability for corrective actions for

conditions which were previously unknown to ERM, or which resulted from implementation of corrective action as required.

G. Closure Activity

When an activity in any zone ceases operation, all Regulated Substances and contaminated containers shall be disposed of in a lawful and environmentally sound manner in accordance with applicable State and Federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment. When an activity in Zone 1 ceases operation, a closure permit shall be obtained. [Ord. 2013-001]

Section 7 Wellfield Protection (Operating and Closure Permits)

The following provisions provide the requirements and procedures for the issuance of operating and closure permits required by this Chapter.

A. General

1. An application which satisfies the requirements of the applicable Zones of Influence, Art. 14.B.7.B, Applications, for operating permits and, if applicable, Art. 14.B.5.A, General Exemptions, for general exemptions, and Art. 14.B.8, Appeals, shall be approved and a permit issued. In addition to the failure to satisfy these requirements, ERM may deny a permit based on repeated violations of this Chapter.
2. An operating permit shall remain valid provided the permittee is in compliance with the terms and conditions of the permit.
3. Permittees shall be required to pay annual permit renewal fees beginning October 1, 1990. Beginning October 1, 1990, all current and future permittees are subject to an annual permit renewal fee as established by the approved Fee Schedule. Notification to ERM under Art. 14.B.6.C.2.b.9), Alterations and Expansions, is due with the renewal fee.
4. ERM shall have the right to make inspections of facilities at reasonable times to determine compliance with this Chapter.
5. All of the facilities owned and/or operated by one person when these structures and activities are located on contiguous parcels of property even where there are intervening public or private roads, may be covered under one permit.

B. Applications

1. Operating Permit

All applications for operating permits shall, at the minimum, provide the following information:

a. A list of all Regulated Substances and substances on the Generic Substance List which are to be stored, handled, used, or produced in the non-residential activity being permitted including their quantities.
b. A detailed description of the non-residential activities that involve the storage, handling, use, or production of the Regulated Substances indicating the unit quantities in which the substances are contained or manipulated including layout plans or drawings of the facility in which the activities will take place.
c. A description of the containment, the emergency collection devices, containers, and emergency plan that will be employed to comply with the restrictions required for Zones 2 and 3 as set forth above. For Zone 4 this particular documentation will only be required if a permit revision is required pursuant to Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill.
d. A description of the daily monitoring activities that have been or will be instituted to comply with the restrictions for Zones 2, 3, and 4 as set forth above in Art. 14.B.6.C.2, Zone 2.
e. A description of the maintenance that will be provided for the containment facility, monitoring system, and emergency equipment required to comply with the restrictions of Zones 2 and 3 as set forth above. For Zone 4 this particular documentation will be required if a permit revision is required pursuant to Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill.
f. A description of the groundwater monitoring wells that have been or will be installed, other pertinent well construction information, and the arrangements which have been made or which will be made for certified analyses for specified Regulated Substances. For Zones 3 and 4 this particular documentation will only be required for a revised operating permit as required under Art. 14.B.6.C.3.b.6), Revocation or Revision for Spill, Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill, and Art. 14.B.13.C, Spills.
g. Evidence of arrangements made with the appropriate designated public utility for sampling analysis of the raw water from the potable water well. For Zones 3 and 4 this particular documentation will only be required for a revised operating permit as required under Art. 14.B.6.C.3.b.6), Revocation

or Revision for Spill, Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill, and Art. 14.B.13.C, Spills.

h. An agreement to indemnify and hold PBC harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. PBC shall provide reasonable notice to the permittee of any such claims.

i. The application for the operating permit shall be filed with ERM within 90 days of receipt of written notification from ERM.

2. Closure Permit

Closure permit applications shall be required in Zone 1 and contain the following information: [Ord. 2013-001]

a. A schedule of events to complete the closure of an activity that does or did store, handle, use, or produce Regulated Substances. As a minimum, the following actions shall be addressed:
   1) Disposition of all Regulated Substances and contaminated containers;
   2) Clean-up of the activity and environs to preclude leaching of unacceptable levels of residual Regulated Substances into the aquifer;
   3) Certification by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida that disposal and clean-up have been completed in a technically acceptable manner. The requirement for certification by a Professional Engineer or Geologist may be waived if the Applicant provides evidence to ERM that all of the following items are applicable:
      a) The entire operation is maintained inside the building(s) of the facility;
      b) The standard method of removing operating waste is not by septic tank, sewer mains, or floor drains;
      c) There is no evidence of spills permeating floors or environs;
      d) There are no outstanding or past notices of violation from any regulatory agency concerned with hazardous, industrial, or special waste;
      e) There is no evidence of past contamination in the public drinking water well(s) associated with the facility in Zone 1; and,
      f) The Applicant shall provide a sworn statement that disposal and clean-up have been completed in a technically acceptable manner.
   4) An appointment for an inspection by ERM; and,
   5) An agreement to indemnify and hold PBC harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. PBC shall provide reasonable notice to the permittee of any such claims.

b. The issue of well reconfiguration shall be evaluated by ERM and the affected public utility as an alternative to a closure permit during the permit application process. Should a utility notify ERM in writing that it intends to reconfigure a wellfield and said configuration no longer subjects a facility to Zone 1 and Zone 2 requirements, ERM may issue an operating permit providing conditions under which said facility may continue to operate.

c. The Florida Department of Environmental Protection and the PBCHD shall be advised in writing of each closure permit application.

3. Permit Conditions

The permit conditions shall ensure compliance with all the prohibitions, restrictions, and requirements as set forth in this Chapter. Such conditions may include, but not be limited to, monitoring wells, periodic groundwater analysis reports, and compliance schedules. Said conditions may also include requirements in a closure permit to reduce the risk in the interim of contamination of the groundwaters, taking into account cost, likely effectiveness, and degree of risk to the groundwater.

4. Bond Required

Except as provided in Art. 14.B.7.B.4.e, below, no permit herein required shall be issued unless there is filed at the time of application, except in the case of an application by a political subdivision or agency of the State of Florida, a cash bond, permit bond with a corporate surety, or letter of credit in the amount specified in Appendix 2, Operating and Closure Permit Bonds, attached hereto and incorporated herein.

a. The permittee will operate its non-residential activities and/or closure of such non-residential activities, as applicable, in accordance with the conditions and requirements of this Chapter and permits issued hereunder.

b. The permittee shall reimburse PBC in accordance with Art. 14.B.7.B.1, Operating Permit, for any and all expenses and costs that PBC incurs as a result of the permittee failing to comply with the conditions and requirements of this Chapter.

c. Before a bond or letter of credit is accepted by ERM as being in compliance with this Chapter, the bond or letter of credit shall be reviewed and approved by the County Attorney's Office and Contract

Development and Control. A corporate bond shall be executed by a corporation authorized to do business in the State of Florida as a surety. A cash bond shall be deposited with ERM, who shall give receipt therefore.

d. The bond or letter of credit required by this Chapter shall be kept in full force and effect for the term of the permit and for one year after voluntary cessation of activities permitted hereunder, expiration, or revocation of the permit.

e. No bond or letter of credit is required for issuance of a permit for the following:
   1) Closure of a facility, provided that the conditions listed in Art. 14.B.7.B.2.a.3), above for waiver of certification by an engineer or geologist are applicable. [Ord. 2005-002]
   2) A facility in Zone 4, unless ERM has determined that a revision of the permit is appropriate under conditions described in Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill or Art. 14.B.13.C, Spills.
   3) Retail/wholesale activities which meet the conditions for this exemption set forth in Art. 14.B.5.A.4.f, Retail/Wholesale Sales Activities.
   4) Activities subject to regulation due to the accumulations of waste Regulated Substances, provided that they comply with the conditions for this exemption set forth in Art. 14.B.5.A.4.i, Activities Subject to Regulation Due to Accumulation.

5. Clean-Up and Reimbursement

Any person subject to regulation under this Chapter shall be liable with respect to Regulated Substances emanating on or from the person's property for all costs of removal or remedial action incurred by PBC and damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss resulting from the release or threatened release of a Regulated Substances as defined in this Chapter. Such removal or remedial action by PBC may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and clean-up or disposal of Regulated Substances resulting from the spilling, leaking, pumping, pouring, emitting, or dumping of any Regulated Substance or material which creates an emergency hazardous situation or is expected to create an emergency hazardous situation.

Section 8 Appeals

A. General

Any affected party may appeal ERM decisions set forth below, pursuant to procedures in Art. 14.C.11, Appeals.

B. Matters for Review and Time for Filing

Any person may appeal to a Hearing Officer as established in Art. 2.G.3.G, Hearing Officers for the following reasons:

1. To appeal ERM's permit conditions, denial of a permit, general exemption, or non-disclosure of a trade secret;
2. To appeal an intent to revoke or revise an operating permit and a general or special exemption; and,
3. To request a special exemption.

Section 9 Petition for Compensation

The purpose of this Section is to provide a means of petitioning PBC for reasonable compensation in the event a person operating a facility in existence prior to the establishment of a new Wellfield Zone 1 or a reconfigured Wellfield Zone 1 is required to move or cease operations as a direct result of a change in the Wellfield Protection Maps. This Section shall apply only in the event an application for a general or special exemption, as set forth in Art. 14.B.5, and all subsequent appeals, are denied. ERM may impose a reasonable fee for each petition in order to defray the costs to PBC in administering this Section. [Ord. 2013-001]

A. Filing

A petition for compensation shall be filed with ERM no later than 90 days after an application for a general or special exemption, as set forth in Art. 14.B.5, and all subsequent appeals, are denied. The petition shall be heard by a Hearing Officer as established in Art. 2.G.3.G, Hearing Officers. [Ord. 2013-001]

B. Contents of Petition

A petition for compensation shall contain, as applicable, the following:

1. An analysis of the need to move, or cease operations including a summary of alternatives investigated and estimated costs of those alternatives; [Ord. 2013-001]

2. A list of all previously issued EPA notices of violation by ERM, Florida Department of Environmental Protection, or the EPA regarding use of Regulated Substances including a description of any corrective action taken or pending;
3. Detailed specification of the amount for which compensation is being requested. Petitions shall include documentation to verify all costs for which compensation is sought. [Ord. 2013-001]

C. Administrative Review

ERM shall review all petitions for compensation for completeness within 30 working days of receipt of the petition. If ERM determines the petition is not complete, written notice shall be mailed to the Petitioner specifying the deficiencies. No further action shall be taken on the petition until the deficiencies are remedied. If the deficiencies are not remedied within 30 working days of receipt of written notice, the petition shall be deemed abandoned and any rights that may be conferred under this Section shall be waived. Upon a finding of sufficiency, ERM shall review the petition and make recommendations to the Hearing Officer regarding the reasonableness of any amounts requested by the Petitioner, whether the requested compensation consists of amounts greater than the cost of any reasonable facility/operation modifications. Based upon such recommendations, the Hearing Officer may deny such petition. [Ord. 2013-001]

D. Hearing on Petition

As soon as practicable after submission of a petition for compensation, but no later than 90 days, by an owner or operator of an activity, the Hearing Officer shall hold a hearing to determine the eligibility of the activity for compensation pursuant to this Chapter. The Hearing Officer may extend the 90-day period for good cause based on the request of the Petitioner, PBC, or on its own initiative. The Petitioner shall be given written notice by certified mail or hand delivery of such hearing at least 30 days prior to the hearing. At least ten days prior to the hearing, the Petitioner and PBC shall exchange names and addresses of witnesses and copies of all documentary evidence intended to be used at the hearing. Formal rules of evidence shall not apply to such hearing, but fundamental due process shall be observed and shall govern the proceedings. The Petitioner and PBC shall have the right to: [Ord. 2013-001]

1. Call and examine witnesses;
2. Introduce exhibits;
3. Cross-examine witnesses on any relevant matter;
4. Rebut the evidence; and,
5. Be represented by counsel.

E. Review and Evaluation Criteria

1. Cessation or Move

In determining whether the Petitioner is eligible for compensation for cessation or moving, the Hearing Officer shall consider:

a. Whether a reasonable, cost-effective alternative to cessation or moving of operations exists for complying with this Chapter, including reconfiguring of the wellfield. The Petitioner, with the cooperation of ERM and the affected public utility, shall address the issue of reconfiguration; [Ord. 2013-001]
b. Whether the requirements of this Chapter were the sole reason for cessation or moving of the operation; [Ord. 2013-001]
c. Past environmental record; and,
d. Efforts to mitigate financial impact of this Chapter and these corresponding regulations.

F. Classes of Impact for Which Compensation May Be Granted

1. Actual Reasonable Relocation Expenses

a. Costs

The owner or operator of an affected activity may be paid the actual reasonable cost of relocation within PBC, such amount to include the cost of: [Ord. 2013-001]

1) Dismantling operation;
2) Actual moving;
3) Reassembling equipment;
4) Installation of equipment;
5) Internal connection of utilities to equipment;
6) Minor modification of site to accommodate operation, specifically excluding structural changes to the building or paving and drainage requirements at the site;
7) Any losses caused by the necessity of terminating a lease, such compensation not to exceed three months' rent. [Ord. 2013-001]

b. Documentation of Costs

The eligible costs for actual reasonable relocation expenses shall be supported by two itemized and sealed bids and a detailed listing of the claimed items. The amount to be paid shall not exceed

the lower of the two bids. In order to verify such information, ERM shall have the right to enter the activity's premises at reasonable times. Such bids and detailed listing of the cost shall be verified by ERM.

c. Self-Moves

In the case of a self-move the owner of a relocated activity may be paid the lower of two sealed and itemized bids from licensed moving companies based on a detailed listing of the cost.

2. Actual Direct Losses of Tangible Personal Property

Actual direct losses of tangible personal property are allowed when a person closes or relocates an activity. Payment may only be made after a diligent effort is made by the owner to sell the item(s) involved.

a. If the activity is to be reestablished and an item of property to be used therewith is not moved but promptly replaced with a comparable item at the new site, reimbursement shall be either:
   1) Replacement cost, taking into account depreciation, less the proceeds of the sale. Present value based on accepted standards in the related business community may be substituted for net proceeds of a sale where applicable; or
   2) Estimated cost of moving the item to the replacement site within the geographic boundaries of PBC.

b. If a sale is not affected because no offer is received and the item is abandoned, payment for the loss may be its fair market value for continued use at its existing location plus the costs of the attempted sale, less the equipment's salvage value.

3. In Lieu of Actual Moving Expenses

In lieu of the payments described in Art. 14.B.9.F.1, Actual Reasonable Relocation Expenses and Art. 14.B.9.F.2, Actual Direct Losses of Tangible Personal Property, an owner of a discontinued activity may be eligible to receive a payment equal to 75 percent of the estimated reasonable cost of moving the activity within PBC, except that such payment shall not be more than the lower of two sealed and itemized bids, provided the following requirements are met:

a. For the owner of an affected activity to be entitled to this payment, the Hearing Officer must determine that the business cannot be relocated without a substantial loss of its existing patronage. Such determination shall be made by the Hearing Officer only after consideration of all pertinent circumstances, including, but not limited to, the following factors:
   1) The type of business conducted by the displaced activity;
   2) The nature of the clientele of the displaced activity;
   3) The relative importance of the present location to the displaced activity; and,
   4) The additional costs which would have to be incurred to move the activity due to changed circumstances or applicable laws, ordinances, or regulations.

b. For the owner or operator of an affected activity to be entitled to his or her payment, information must be provided to support the estimated moving costs. Such proof shall consist of two sealed bids from licensed moving companies based on a detailed inventory of the items which would be moved.

4. Exclusions on Moving Expenses and Losses

The following expenses are considered ineligible for payment as “actual” moving expenses:

a. Additional expenses incurred because of moving to and living in a new location including search cost for finding a new dwelling;
b. Cost of moving structures, improvements, or other real property in which the displaced activity reserved ownership;
c. Significant changes in building structure but not including minor electrical, plumbing, or carpentry work;
d. Cost of improvement to activity made after such activity was on notice that it is affected by this Chapter and would have to cease or alter an operation in Zone 1;
e. Interest on loans to cover moving expenses;
f. Loss of goodwill;
g. Loss of business or profits or both;
h. Loss of trained employees; and,
i. Cost of preparing the petition for compensation.

5. Payment and Release of Obligation

PBC shall disperse 85 percent of the compensation to be paid as determined by the Hearing Officer in advance of any move or change of operation. PBC shall retain 15 percent of the monies authorized as compensation for economic impact of this Chapter until such time as the affected activity has carried out the procedures outlined in its petition for compensation and provides evidence of such

expenditures. Upon receipt of payment of compensation as provided in this Chapter, the recipient shall execute a release in favor of PBC from any further obligation to the recipient with regard to the economic impact of this Chapter on the recipient or activity.

6. Appeal

PBC or the Petitioner seeking compensation under this Section may appeal the final decision of the Hearing Officer by filing a Petition for Writ of *Certiorari* in the 15th Judicial Circuit Court in and for PBC. [Ord. 2013-001]

Section 10 Transfers and Changes in Ownership

In the event, there is a change of ownership, a new lease, or an assignment of a lease, a sublease, or any other change in regard to the person conducting the operation regulated, ERM shall be notified and upon payment of the appropriate fee and completion of processing of an application by ERM, the wellfield protection operating permit shall be transferred.

Section 11 Trade Secrets

ERM shall not disclose any trade secrets of the Applicant or permittee that are exempted from such disclosure by Federal or State law; provided, however, the burden shall be on the Applicant or permittee to demonstrate entitlement to such non-disclosure. Decisions by ERM as to such entitlement shall be subject to challenge by the Applicant or permittee by filing a petition with the Hearing Officer pursuant to Art. 14.C.11, Appeals.

Section 12 Fees

A. Filing Fee

All Applicants for a wellfield protection operating or closure permit shall pay a non-refundable filing fee as established by the approved Fee Schedule. The fee shall be provided at the time of acceptance of the permit application.

B. Wellfield Protection Operating Permit Fee

The fee for a wellfield protection operating permit including any permit obtained pursuant to the general exemptions set forth in Art. 14.B.5.A, General Exemptions, of this Chapter as established by the approved Fee Schedule. The operating fee shall be used to defray the cost of administering this Chapter.

C. Closure Permit Fee

The fee for a closure permit under this regulation shall be one-half of the fee for the wellfield protection operating permit as established by the approved Fee Schedule.

D. Permit Transfer Fee

The fee for transfer of an operating permit or closure permit shall be as established by the approved Fee Schedule to defray the cost of processing the transfer. Application for Transfer of Permit is to be made within 60 days of transfer of ownership of the activity.

E. Special Exemption Fee

A fee shall be required for any person seeking a special exemption as established by the approved Fee Schedule.

F. General Exemption Fee

A fee shall be required for any person seeking a general exemption as established by the approved Fee Schedule.

G. Annual Permit Renewal Fee

The fee for annually renewing the permit established by the approved Fee Schedule, shall be used to defray the cost of administering this Chapter. Beginning October 2, 1990, all permittees shall pay an annual permit renewal fee for each permitted facility.

H. Late Fee

A late fee as established by the approved Fee Schedule, shall be paid to ERM if the application for permit or renewal is late.

Section 13 Revocation and Revision of Permits and Exemptions

A. Revocation

Any permit issued under the provisions of this Chapter shall not become vested in the permittee. ERM may revoke any permit issued by it by first issuing a written notice of intent to revoke (certified mail, return receipt requested, or hand delivery) if it finds that the permit holder:

1. Has failed or refused to comply with any of the provisions of this Chapter, including but not limited to permit conditions and bond requirements of Art. 14.B.7.B.4, Bond Required, herein;
2. Has submitted false or inaccurate information in this application;
3. Has failed to submit operational reports or other information required by this Chapter;
4. Has refused lawful inspection under Art. 14.B.7.A.4, General; or, [Ord. 2005-002]
5. Is subject to revocation under Art. 14.B.6.C.2.b.11), Revocation or Revision for Spill, Art. 14.B.6.C.3.b.6), Revocation or Revision for Spill, or Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill, of Art. 14.B.13.C, Spills.

B. Revision

ERM may revise any permit pursuant to Art. 14.B.6.C.2.b.11), Revocation or Revision for Spill, Art. 14.B.6.C.3.b.6), Revocation or Revision for Spill, and Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill, first issuing a written notice of intent to revise (certified mail, return receipt requested, or hand delivery).

C. Spills

In addition to the provisions of Art. 14.B.6.C.2.b.11), Revocation or Revision for Spill, Art. 14.B.6.C.3.b.6), Revocation or Revision for Spill, and Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill, within 30 days of acquiring knowledge of any spill of a Regulated Substance in a wellfield zone, ERM shall consider revocation or revision of the permit. Upon such consideration, ERM may issue a notice of intent to revoke or revise, which shall be subject to the appeal provisions of this Chapter, or elect not to issue such notice. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or degree of negligence, if any, associated with this spill, and the extent to which containment or clean-up is possible, the nature, number, and frequency of previous spills by the permittee, and the potential degree of harm to the groundwater and surrounding wells due to such spill.

D. Revocations of Exemptions

For any revocation or revision by ERM of a special exemption or general exemption that requires an operating permit as provided under the terms of this Chapter, ERM shall issue a notice of intent to revoke or revise which shall contain the intent to revoke or revise both the applicable exemption and the accompanying operating permit.

E. Notice

The written notice of intent to revoke or revise shall contain the following information:

1. The name and address of the permittee, if any, and Property Owner, if different;
2. A description of the facility which is the subject of the proposed revocation or revision;
3. Location of the spill, if any;
4. Concise explanation and specific reasons for the proposed revocation or revision; and,
5. A statement that “Failure to appeal a notice of intent to revoke or revise, within 20 days after the date upon which permittee receives written notice pursuant to Article 14.C.11, Appeals, shall render the proposed revocation or revision final and in full force and effect.”

F. Appeals

Failure of permittee to file a petition in accordance with the appeal provisions of this Chapter shall render the proposed revocation or revision final and in full force and effect.

G. Other Remedies

Nothing in this Chapter shall preclude or be deemed a condition precedent to ERM seeking a temporary or permanent injunction.

Section 14 Violations, Enforcement, and Penalties

Failure to comply with the requirements of this Chapter or any permit, exemption, or approval granted or authorized hereunder shall constitute a violation of this Chapter.

Section 15 Groundwater and Natural Resources Protection Board (GNRPB)

The GNRPB shall hear violations of this Chapter pursuant to Art. 10.C, Groundwater and Natural Resources Protection Board. Violations of this Chapter may be referred by ERM to the GNRPB for corrective actions and civil penalties.

Section 16 Additional Enforcement Measures

In addition to the enforcement procedures set forth above, violations of the provisions of this Chapter may be enforced pursuant to F.S. § 125.69. Such violations may be deemed a separate offense for each day during any portion of which any violation is committed or continued. In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action and requests for temporary and permanent injunctions, to enforce the provisions of this Chapter. It is the purpose of this Chapter to provide additional cumulative remedies.

Section 17 PBC Pollution Recovery Trust Fund

Funds collected pursuant to administrative penalties levied by the GNRPB for violations of this Chapter shall be deposited in the PBC Pollution Recovery Trust Fund.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 1 General

A. Goals

The goals of this Chapter are:

1. To avoid the unnecessary destruction of native vegetation;
2. To pursue eradication of invasive non-native vegetation;
3. To minimize adverse impacts to native vegetation during parcel improvement;
4. To mitigate the removal of native vegetation when the vegetation cannot be preserved in place or relocated under the proposed Site Plan; and,
5. To relocate any movable native vegetation that cannot be incorporated into the Site Plan to a PBC-approved parcel.

Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

Section 3 Purpose

A. This Chapter shall:
   1. Establish a program to preserve and protect native vegetation; and [Ord. 2008-040]
   2. Prohibit the unnecessary destruction of native vegetation and require the eradication of invasive non-native vegetation. [Ord. 2008-040]

Section 4 Applicability

A. This Chapter shall apply within the unincorporated areas of PBC, Florida.
B. PBC shall have regulatory authority over the alteration or removal of non-native and native upland vegetation, and the establishment and maintenance of upland preserve areas.
C. Terms specific to this Chapter are defined in Art. 1.H, Definitions and Acronyms. Terms not defined in this Chapter shall be defined pursuant to Chapter 62, F.A.C., the document entitled, “Basis of Review” (BOR), as amended, for applications within the South Florida Water Management District, dated November 1996, and Art. 1.H, Definitions and Acronyms, of this Code, as may be amended from time to time. In the event that a term is defined in Chapter 62, F.A.C., or the BOR, the BOR shall prevail. [Ord. 2008-040]
D. Vegetation subject to the authority of this Article is defined as native plant species that are located on the site through natural recruitment, specimen native trees, or naturalized vegetation. Trees planted as a result of the requirements of Art. 7, Landscaping are not subject to this Article. [Ord. 2021-023]

Section 5 Authority

This Chapter is adopted under the authority of F.S. ch. 125, as amended, and the Plan, as amended. [Ord. 2008-040]

Section 6 Approval Required Unless Exempt

No person may alter or cause to be altered any vegetation unless such alteration is exempted by, or expressly approved by this Chapter.

Section 7 Protection of Native Vegetation Approval – Application, Process, and General Standards

A. General

The application process and procedure set herein apply to the requirements for a Protection of Native Vegetation (PNV) approval. The applications shall be submitted to ERM and in a manner and forms established by ERM, unless otherwise stated herein. ERM shall review all applications that require preservation of existing vegetation. [Ord. 2021-023]

B. Single Family Dwellings

All newly constructed Single Family Dwellings (SFDs) in a residential subdivision shall automatically receive a Building Division Residential 1 & 2 Family Checklist with standard native and non-native vegetation removal conditions as part of the Building Permit process. For the purposes of this Chapter, a Single Family (SF) residential parcel includes: SFD; Zero Lot Line; and, Townhouse or Multifamily two-unit (duplex) residences and associated accessory structures, and shall comply with the following standards: [Ord. 2008-040] [Ord. 2012-027] [Ord. 2018-018] [Ord. 2021-023]

1. Removal of native vegetation shall be limited to the minimum necessary to accomplish the purpose of the Site Plan. The Building Division Checklist shall include requirements that ensure the intent of this provision is implemented. [Ord. 2008-040] [Ord. 2018-018]
2. Removal or eradication of prohibited invasive non-native vegetation, as identified in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2021-023]

   Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for SF residential parcels in existence as of the date of the adoption of this Chapter are void and of no effect, and all pending enforcement actions related thereto are dismissed. SF residential parcel owners are encouraged to maintain preserved native vegetation after site development is completed and to minimize the removal of native vegetation damaged by an extreme weather event such as a storm, hurricane, or other natural disaster. [Ord. 2008-040] [Ord. 2014-001] [Ord. 2021-023]

C. Development of Other Uses and Improvements

1. Applicability

The following uses and construction shall comply with this Subsection, unless exempted by State law for Building Permits: [Ord. 2021-023]

a. MF residential over two units; [Ord. 2021-023]
b. Commercial or industrial projects; [Ord. 2021-023]
c. Construction of utilities, road right-of-way, and canals; [Ord. 2021-023]
d. Schools; [Ord. 2021-023]
e. Government projects; [Ord. 2021-023]
f. Agricultural uses ten acres in size or greater; and, [Ord. 2021-023]
g. Other construction, unless exempted by Art. 14.C.8, Exemptions. [Ord. 2021-023]

2. Pre-Application Appointment

a. PZB Development Permit

The Applicant shall meet with ERM and Zoning Staff, pursuant to the requirements of Art. 7.E.2.A, Pre-Application Appointment (PAA). Staff will determine whether ERM or Zoning is the appropriate regulatory authority for the existing native vegetation on the subject parcel. The regulatory authority for the trees shall be established prior to the sufficiency determination on the Tree Disposition approved by ERM and the Zoning Division. [Ord. 2021-023]

b. Any Other Application Requiring ERM Review of Vegetation

These applications shall follow the requirements and standards of the provisions below: [Ord. 2021-023]

3. Requirements and Process

a. The Applicant shall submit an application to ERM for a PNV approval if native vegetation will be impacted by site development, concurrently with a Final Site Plan or Administrative Review application. The Applicant shall meet with ERM Staff prior to the submittal of the PNV application pursuant to the requirements of this Chapter. Projects that are not subject to the Final Site Plan or Administrative Review application processes, must submit an application for approval to remove

native vegetation to ERM concurrently with an application for an initial Building Permit for the project. [Ord. 2008-040] [Ord. 2009-040] [Ord. 2014-001] [Ord. 2021-023]

b. An application shall not be deemed complete until the application fee and all information necessary to fully understand the extent, nature, and potential impacts of a proposed project are received by ERM and approved by ERM prior to approval of a Zoning application or Building Permit application. Any additional information for an application deemed insufficient at DRO meeting will not be approved until the next scheduled DRO meeting. Such information may include, but is not limited to: [Ord. 2008-040] [Ord. 2021-023]
    1) A completed application form with the notarized signature of the parcel owner or authorized agent of the parcel owner; [Ord. 2008-040]
    2) A written explanation of the need and intent of the project and a description of construction or alteration methodologies; [Ord. 2008-040]
    3) A certified Site Plan or survey, where applicable, showing all easements. Both plan view and cross-sectional view sketches may be required; [Ord. 2008-040]
    4) Parcel information including a location map, a recent aerial photograph with the parcel clearly delineated, and representative color photographs; [Ord. 2008-040]
    5) Identification of the type and location of native vegetation in the vicinity of, and likely to be affected by the project; [Ord. 2008-040]
    6) An Incorporated Vegetation Plan which graphically depicts the location and field tag number for each native vegetation to remain undisturbed on the parcel during construction and the natural life of the vegetation. The Incorporated Vegetation Plan may also be required to be incorporated as a feature of the Site Plan; [Ord. 2008-040] [Ord. 2021-023]
    7) A Vegetation Disposition Chart of all native trees/palms surveyed, indicating the type of tree/palm, the DBH or height of clear trunk if palm, and whether the parcel owner proposes to keep the tree/palm in place, relocate it, offer it for surplus, remove it, or mitigate for its removal. The Vegetation Disposition Chart shall list all native Canopy trees with the DBH equal to or greater than six inches, with the exception of Dahoon Holly (*Ilex cassine*) that shall be measured at DBH equal to or greater than four inches, and native palms with trunk heights equal to or greater than eight feet; [Ord. 2008-040] [Ord. 2021-023]
    8) A recent certified survey overlaid with existing easements, the proposed improvements, and the native vegetation, which has been identified and certified by an Environmental Professional; [Ord. 2021-023]
    9) A completed Vegetation Surplus Form which identifies surplus native vegetation which the parcel owner determines cannot otherwise be used on the parcel and is providing for the use of the Surplus Vegetation Program; and, [Ord. 2008-040]
    10) 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 application for approval. [Ord. 2008-037]

c. Any application received that is substantially the same as a previous application that has been denied by ERM subsequent to the effective date of this Chapter shall be denied with a written response provided to the Applicant stating the reason for denial. [Ord. 2008-040]

d. Any parcel where a violation of any Chapter administered by ERM has occurred, shall not be eligible for approval under this Chapter until such violation has been resolved. [Ord. 2008-040]

e. Any application containing false information, or any approval issued based upon false information, may be denied or revoked and may subject the Applicant to enforcement proceedings pursuant to Art. 10, Enforcement, of this Code. [Ord. 2008-040]

f. ERM shall have the right to make inspections of construction areas at reasonable times to determine compliance with this Chapter. [Ord. 2008-037]

g. A pre-clearing meeting between ERM, the general contractor, and land clearing subcontractor to review the conditions within the PNV and Best Management Practices shall be required at least two business days prior to the commencement of land clearing activities unless ERM has waived the requirement in writing. [Ord. 2021-023]

4. Standards of Approval

No approval shall be issued unless the application demonstrates that the project: [Ord. 2008-040]

a. Will not result in a net loss of wetland functions and values; [Ord. 2008-040]

b. Complies with water quality rules and standards set forth in Chapter 62-302, F.A.C.; [Ord. 2008-040]

c. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats; [Ord. 2008-040]

d. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat; [Ord. 2008-040]

e. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation. Existing native vegetation shall be incorporated into the Site Plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus. There is no requirement to provide vegetation for surplus. Non-relocatable native vegetation with trunk diameters equal to or greater than six inches that cannot be maintained on the parcel shall be mitigated in accordance with Table 14.C.7.C, Native Vegetation Mitigation or through planting equivalent native vegetation, accepted by ERM prior to the receipt of the Certificate of Occupancy for Single Family projects or 75 percent completion of construction of Multifamily projects, based on either total square footage or number of units to be constructed. Native palms with gray wood equal to or greater than eight feet that cannot be relocated must be replaced with native palms of like size. A planting plan that clearly delineates proposed mitigation plantings from any required landscape plantings must be approved by ERM prior to the issuance of the first Building Permit for the project. [Ord. 2008-037] [Ord. 2008-040] [Ord. 2009-040] [Ord. 2018-018] [Ord. 2021-023]

f. ERM shall also consider: [Ord. 2005-002] [Ord. 2008-003]

   1) Alternative designs to limit the removal of native vegetation to the minimum necessary while still allowing the Applicant to accomplish the purpose of the Site Plan; [Ord. 2008-040]
   2) Preserving listed species in place or relocating to buffers, open space, or unimproved portions of the parcel; [Ord. 2008-040]
   3) The likelihood of success for relocated native vegetation; [Ord. 2008-040]
   4) Mitigation or compensation for the loss of native vegetation; [Ord. 2008-040]
   5) Creation of a tree preservation area; [Ord. 2008-040]
   6) In lieu of replacement planting, when on-site mitigation has been exhausted or is unavailable, a donation may be made to PBC for the Natural Areas Fund unless an alternative plan that meets the purpose and intent of this Chapter has been approved by the Director of ERM. The donation amount shall be based on the cost schedule provided in ERM PPM #EV-O-308; [Ord. 2006-036] [Ord. 2008-037] [Ord. 2012-027] [Ord. 2021-023]
   7) Sabal palms may be allowed as replacement plantings for Canopy trees if approved by ERM and planted at three to one (palms to required replacement trees) based on Table 14.C.7.C, Native Vegetation Mitigation, on ten-foot centers, plus or minus one foot, and grouped as shown on a planting plan table approved by ERM. [Ord. 2006-036] [Ord. 2008-040] [Ord. 2021-023]

g. Complies with any applicable Federal, State, or Local designated preserve, conservation, or mitigation area; [Ord. 2008-040]

h. Removes or eradicates prohibited invasive non-native vegetation, as identified in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2008-040]

i. Specimen Tree Removal

Removal of any specimen tree (defined in Art. 1.H.2, Definitions) from non-exempt parcels identified in Appendix 7, Specimen Tree List, is prohibited, unless the following criteria are met: [Ord. 2021-023]

1) The Applicant shall depict on the Site or Subdivision Plan any specimen tree in its original location to the greatest extent possible; [Ord. 2021-023]
    a) If there is no reasonable alternative that allows incorporation of the tree into the parcel design, a specimen tree shall be relocated in a manner to ensure survivability. The Applicant shall provide appropriate documentation (e.g., an Arborist Report), prepared by an Arborist, certified by the International Society of Arboriculture, to ERM for review. [Ord. 2021-023]
    b) If a specimen tree cannot be relocated, the parcel owner shall install mitigation plantings consisting of native vegetation pursuant to Table 14.C.7.C, Native Vegetation Mitigation. This requirement is in addition to the requirements outlined in Art. 7, Landscaping, and any other Conditions of Approval. [Ord. 2021-023]
2) Dahoon Holly (*Ilex cassine*) trees shall be replaced like size for like size for mitigation. [Ord. 2021-023]

5. Establishing Native Upland Preserves

All approvals for parcels equal to or greater than four acres shall be evaluated by ERM for the establishment of a native upland preserve. Parcels that have significant or unique areas of native upland vegetation, regardless of parcel size shall be required to designate a native upland preserve equivalent to at least 25 percent of the total native upland vegetation on site or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than one-half acre in size. New public park facilities constructed on parcels 20 acres in size or less shall be exempt from the preserve requirements of this Chapter.

The Applicant shall provide an environmental assessment prepared by an environmental professional for parcels with significant or unique areas of native vegetation at time of initial application to determine the native upland preserve location, size, and configuration for evaluation by ERM. The Applicant is encouraged to meet with ERM to determine the extent of the assessment. The assessment shall include the following with photo documentation, at a minimum: Florida Land Use and Cover Classification System (FLUCCS) map, a list of native species, quality of the native ecosystem, overall identification and quality of the native species, presence of listed species, ecosystem type, uniqueness of wildlife habitat, quality and quantity of native vegetation (canopy, understory, and ground cover), compactness of the preserve, and the proximity to other natural preserve areas and corridors. [Ord. 2019-034]

a. The preserve boundaries shall be designated in a certified survey submitted to ERM for approval. No easements may be located within the boundaries of the preserve. Prior to and during parcel alteration, the preserve boundaries shall be clearly marked and appropriately barricaded. Permanent preserve boundary markers shall be installed and proper documentation submitted to ERM prior to issuance of Technical Compliance or monitoring release, if applicable, and shall be maintained by the parcel owner in compliance with the approved Preserve Management Plan. The County may release the preserve if the Applicant offers to relocate the preserve to an area that meets the criteria in Art. 14.C.7.B.6, Surplus Native Vegetation. [Ord. 2008-040] [Ord. 2019-034]
b. The parcel owner shall develop a Preserve Management Plan to provide long-term protection and maintenance of the values and functions of the preserve. Activities that cause degradation of the preserve are prohibited. The Preserve Management Plan shall be accepted by ERM prior to a DRO certification. ERM may provide Preserve Management Plan Guidelines. The parcel owner shall maintain the preserve in accordance with the Preserve Management Plan. The Preserve Management Plan will include the requirement to maintain annual reports detailing species presences, control practices for prohibited and invasive non-native species, activity corrections to maintain compliance with the Plan, and photographs demonstrating the state of the preserve. Said annual reports shall be delivered to ERM within 90 days upon written request, unless extended by ERM in writing. Modifications to the Preserve Management Plan are prohibited without prior written approval by ERM. [Ord. 2008-040] [Ord. 2019-034]
c. Preserve areas shall be identified graphically and legally described in the applicable deed restriction plat, restrictive covenant, conservation easement, or by a separate instrument to be recorded pursuant to F.S. § 704.06, as amended. Said preserve shall be specifically and separately reserved to the owner, or if applicable, to the Property Owners' Association as its perpetual maintenance responsibility, without recourse to PBC or other governmental entity or agency. Prior

to Technical Compliance, the plat or instrument shall be submitted to and approved by ERM, recorded in the Public Records of PBC, and proof of recordation shall be provided to ERM. Parcel owners are encouraged to dedicate voluntary preserves to PBC for preservation in perpetuity. PBC may enter into agreements with parcel owners to enhance private preserves. [Ord. 2008-040]

d. All vegetation listed in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, shall be removed from the parcel and proper documentation submitted to ERM prior to issuance of the Certificate of Occupancy for single-unit projects or 75 percent completion of construction of multi-unit projects, based on either total square footage or number of buildings to be constructed, unless a Phasing Plan has been approved in writing by ERM. In addition to the removal requirement above, the vegetation identified in Appendix 8, Invasive Non-Native Vegetation within Preserves, shall be removed from the preserve area. The parcel owner shall thereafter maintain the parcel free of this vegetation. [Ord. 2008-040] [Ord. 2009-040]

e. A parcel owner may mitigate for the loss of vegetation during parcel improvement by preserving additional native upland habitat or vegetation or by developing and implementing a restoration and enhancement plan for a native upland preserve. Alternative mitigation proposals that meet the purpose and intent of this Chapter may also be submitted. [Ord. 2008-040]

f. Preserves may be dedicated off site in lieu of on-site dedication with ERM's approval. The size of the off-site preserve shall be based on the quality of the habitat or vegetation on both the parcel being improved and the parcel of the proposed preserve. The final appraised values of the parcel being improved and the parcel for the proposed preserve may also be considered. The location of the off-site preserve shall be determined prior to DRO. Prior to issuance of approval, the instrument used to dedicate an off-site preserve shall be submitted to and approved by ERM. [Ord. 2008-040]

g. A preserve may be purchased in accordance with the following: [Ord. 2008-040]
   1) Parcels with existing and approved preserve areas or that support endangered, threatened, rare, and species of special concern will not be considered for a cash payment in lieu of dedicating a preserve set aside. A parcel owner may submit a cash payment in lieu of setting aside a native upland preserve provided the following criteria are met: [Ord. 2008-040] [Ord. 2019-034]
      a) A written request shall be submitted to ERM prior to DRO, certification for public hearing, Site Plan certification, or issuance of a building construction permit, whichever occurs first; [Ord. 2008-040]
      b) The cash payment shall be equivalent to the per acre value of the parcel, at the time of permit application, multiplied by the number of acres required to be preserved. PBC may request a second appraisal on which to base this cash payment; and, [Ord. 2008-040] [Ord. 2010-022] [Ord. 2019-034]
      c) The cash payment shall be made payable to the PBC Natural Areas Fund and shall be submitted prior to issuance of the permit or Site Plan certification, whichever occurs first. [Ord. 2008-040] [Ord. 2019-034]
   2) For Bona Fide Agriculture, this cash payment option may allow commencement of parcel improvement prior to submittal of the cash payment provided: [Ord. 2008-040]
      a) The parcel owner records a restricted covenant on a PBC-approved form limiting the use of the parcel to Bona Fide Agriculture, and requiring the parcel owner to make the cash payment to PBC at the time the parcel is converted to a non-agricultural land use or is sold; [Ord. 2008-040]
      b) The cash payment amount shall be calculated based on the appraised conversion value or actual cost, if sold, whichever is greater, of the parcel after conversion to a non-agricultural use; [Ord. 2008-040]
      c) Upon any conversion of a parcel to non-agricultural use where a deed restriction option is used, the parcel owner shall comply with PBC requirements for an enhanced landscape buffer; [Ord. 2008-040]
      d) The parcel owner considers increasing the upland set aside to offset any mitigation on the parcel for trees as determined by ERM; and, [Ord. 2008-040]
      e) The parcel owner may consider replanting the preserve, with appropriate vegetation, as determined by ERM in lieu of cash payment. The constructed preserve shall comply with preserve standards as required under Art. 14.C.7.B.3., Establishing Native Upland Preserves. Monies collected in lieu of establishing a preserve shall be paid to PBC for the Natural Areas Fund for the management of native ecosystems. [Ord. 2008-040]

h. Tree Preservation Areas

Parcels less than four acres or parcels greater than four acres with significant upland vegetation that may not otherwise qualify for a 25 percent set-aside, may be required to provide tree preservation area(s). Factors that will determine if a parcel has significant areas of native vegetation include, but are not limited to the quality of the ecosystem, overall quality of biological diversity, the presence of listed or uncommon species, wildlife habitat value, value grouping of assemblages of native vegetation, compactness of the area, and degree of limited impact by prohibited and invasive non-native vegetation. [Ord. 2008-040]

i. Preserves shall be maintained in compliance with standards set forth in this Chapter and the Preserve Management Plan. Non-native vegetation shall not be introduced into the preserve. Invasive vegetation that can alter the existing native vegetation communities by displacing native vegetation shall be removed if non-native or reduced, if native, to a level of non-interference with the growth of native vegetation. [Ord. 2008-040]

6. Preserves under Dedication

a. An Applicant may propose to relocate a preserve under dedication to an alternate on-site or off-site parcel provided the proposed parcel relocation does not create multiple preserves that are smaller in size than the original preserve unless ERM determines the proposed smaller preserve(s) meets or exceeds the quality and meets or exceeds the quantity of the habitat or vegetation of the existing preserve parcel at the time the dedication was approved by ERM and relocation does not create fragmentation with any other natural system. The Applicant shall demonstrate compliance with the approved Preserve Management Plan for the preserve under dedication and provide an environmental assessment per Art. 14.C.7.B.3, Establishing Native Upland Preserves for the proposed parcel for evaluation by ERM. If the original preserve is contiguous to another natural system then the request will not be considered unless a more favorable habitat is offered. [Ord. 2019-034]

b. A preserve under dedication that has endangered, threatened, rare, and species of special concern, other than gopher tortoises or any other species being relocated under a Florida Fish and Wildlife Conservation Commission permit, shall not be considered for relocation. [Ord. 2019-034]

c. A preserve under dedication resulting from a violation or enforcement action shall not be considered for relocation unless Art. 14.C.7.B.4.a and Art. 14.C.7.B.4.b are satisfied. [Ord. 2019-034]

7. Transferring of a Preserve under Dedication

A municipality may request that a preserve under dedication be transferred to their jurisdiction provided: annexation has occurred, the County-approved Site Plan development has not occurred, and the preserve under dedication is not a result of an enforcement action or violation. [Ord. 2019-034]

8. Surplus Native Vegetation

Native upland vegetation that cannot be preserved or relocated on the parcel shall be considered surplus. An Applicant for an approval shall complete and attach to the application a Vegetation Surplus Form provided by ERM, and a list of the available vegetation including the species names and approximate quantity and sizes of each species to be surplused. The Applicant shall prevent inadvertent destruction by physically marking available vegetation on the parcel to afford easy identification. ERM shall maintain a list of persons interested in relocating surplus native vegetation, and shall assist in finding suitable locations for this surplus vegetation. Should a parcel owner elect to participate in the Vegetation Surplus program, the vegetation shall remain available for removal, sale, or donation for at least 20 working days unless a shorter timeframe is approved in writing by ERM, and the parcel owner shall cooperate with relocating surplus vegetation off site. Should a parcel owner elect not to participate in the benefits of the Vegetation Surplus program, this fact shall be stated on the application. [Ord. 2008-040]

9. Performance Guarantee Required for Tree Mitigation or Restoration

a. Process

A performance guarantee in an amount equal to 125 percent of the replacement value of the trees listed on the approved Vegetation Disposition Chart pursuant to ERM PPM #EV-O-308. [Ord. 2021-023]

b. Purpose and Intent

The purpose of the performance guarantee is to ensure that the obligations under the PNV are satisfied. [Ord. 2021-023]

c. Execution

The performance guarantee shall be executed by a person with a legal interest in the parcel. [Ord. 2021-023]

d. Form of Performance Guarantee

The performance guarantee shall be: [Ord. 2021-023]

1) A cash deposit or certificate of deposit assigned to PBC; or [Ord. 2021-023]
2) A performance bond issued by a State of Florida-registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations in accordance with the performance bond PPM; or [Ord. 2021-023]
3) A clean, irrevocable letter of credit in accordance with the letter of credit PPM. [Ord. 2021-023]

e. Term of the Performance Guarantee Duration

1) The performance guarantee shall be kept in full force until all obligations thereunder are satisfied. [Ord. 2021-023]
2) The performance guarantee shall remain in effect until: [Ord. 2021-023]
   a) such time that all conditions listed in the PNV are satisfied; or [Ord. 2021-023]
   b) a replacement performance guarantee for transfer of ownership of the project in conjunction with the transfer of the PNV approval issued for the project to another owner is reviewed and approved on forms provided by ERM. [Ord. 2021-023]

f. Use of Performance Guarantee

In the event the PNV expires in advance of the completion of the conditions specified in the PNV approval, and no written request is approved by ERM for reinstatement within 30-calendar days of expiration, the Property Owner of the parcel shall be found in violation of this Chapter, and a claim against the guarantee shall be initiated consistent with the requirements outlined in ERM PPM #EV-O-308. [Ord. 2021-023]

g. Exemptions

1) PBC projects are exempt from the performance guarantee for tree mitigation or restoration. [Ord. 2021-023]
2) Projects whose total performance guarantee value would be less than 1,000 dollars, are exempt from the performance guarantee for tree mitigation and restoration. [Ord. 2021-023]

10. Mitigation or Restoration

a. For replacement vegetation which dies other than through a natural occurrence, the replacement value shall be that in Table 14.C.7.C, Native Vegetation Mitigation. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. When native trees are removed or damaged contrary to written approval by ERM or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with ERM approval, they shall be mitigated at double the rate shown in Table 14.C.7.C, Native Vegetation Mitigation. The Vegetation Survey, Vegetation Disposition Chart, and Final Landscape or Final ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this Article. ERM may approve the planting of native vegetation equivalents other than the replacement values specified in Table 14.C.7.C, Native Vegetation Mitigation. [Ord. 2008-040] [Ord. 2009-040] [Ord. 2012-027] [Ord. 2021-023]

Table 14.C.7.C – Native Vegetation Mitigation

Tree or Pine Diameter at 4.5' Above Grade (1)(2)(3)	=	Quantity for Mitigation (4)
< 6"	=	0
6-8"	=	2
9-11"	=	3
12-14"	=	4
15-17"	=	5
18-20"	=	6
21-23"	=	7
24-26"	=	8
≥ 27"	=	9

[Ord. 2021-023]

Notes:

1.	Fractional measurements shall be rounded in accordance with Art. 1.C.1.A.2, Interpretation and Application. [Ord. 2021-023]
2.	Dahoon Holly (*Ilex cassine*) trees shall be replaced like size for like size for mitigation as pursuant to Art. 14.C.7.B.4.i, Specimen Tree Removal. [Ord. 2021-023]
3.	Palms mitigation shall be one for one and equivalent trunk height and subject to Art. 14.C.7.C.3.b.7) and Art. 14.C.7.C.4.e. [Ord. 2021-023]
4.	Replacement of vegetation for sites found in violation with irreparable or irreversible harm shall be pursuant to Art. 14.C.12, Violations. [Ord. 2021-023]

b. Alternative mitigation that meets the purpose and intent of this Chapter may be proposed for public projects on a publicly-owned parcel. Alternative mitigation proposals shall be reviewed and a determination made by the County Administrator in consultation with the Director of ERM. [Ord. 2008-040]
c. All vegetation planted to meet mitigation requirements shall be installed using best industry standards and provided with mulch, irrigation, and required maintenance to ensure survival. [Ord. 2009-040] [Ord. 2019-034]
d. All mitigation shall occur and proper documentation, in the form of a final planting plan, shall be submitted to ERM prior to the Certificate of Occupancy for single-unit projects or 75 percent completion of construction of multi-unit projects, based on either total square footage or number of units to be constructed. [Ord. 2008-040] [Ord. 2009-040]
e. Any mitigation plantings found to have died within 360 days of plantings shall be replaced. [Ord. 2009-040]
f. A letter of certification of planting completion, that supports compliance with Art. 14.C.7.B.7.c and Art. 14.C.7.B.2.h, submitted to ERM by the Registered Landscape Architect for the project prior to the issuance of the Certificate of Occupancy shall substitute for any required final inspection. [Ord. 2009-040]
g. Any clearing activity after 1986 which cannot provide evidence of approval will be required to restore nine trees per 1,500 square feet of cleared native vegetation. The restoration may be accomplished through on-site planting of native trees or equivalent native vegetation approved by ERM, a contribution to the Palm Beach County Natural Areas Fund that is equivalent to nine trees per 1,500 square feet of removed native vegetation, or the dedication of equivalent upland quality land area. [Ord. 2008-040] [Ord. 2009-040] [Ord. 2012-027]
h. Projects within the one-year monitoring period may remove vegetation damaged by an extreme weather event such as a storm, hurricane, or other natural disaster under an approval from ERM. Any mitigation vegetation removed must be replanted within 365 days of the removal date. [Ord. 2014-001]

D. Standards of Issuance

No approval shall be issued unless the application demonstrates that the project: [Ord. 2014-001]

1. Will not result in a net loss of wetland functions and values;
2. Complies with water quality rules and standards set forth in Chapter 62-302, F.A.C.;
3. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats;
4. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat;
5. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation; and,
6. Complies with any applicable Federal, State, or Local designated preserve, conservation, or mitigation area.

Section 8 Exemptions

The following activities do not require an approval under this Chapter: [Ord. 2008-040]

A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or Agricultural Operations

After an initial clearing performed in accordance with this Chapter, the following are exempt if part of the ongoing activities of an existing operation: vegetation alteration associated with subsequent harvesting activities and harvesting or alteration of vegetation previously planted and cultivated for production as part of a botanical garden, botanical research center, nursery, or agricultural operation. This exemption does not allow for the removal of vegetation within preserve areas or vegetated buffers. [Ord. 2012-027] [Ord. 2014-001]

B. Fencing

The minimal removal of trees or understory necessary to install a fence, provided that no tree three inches or greater DBH is removed, the path cleared for the fence does not exceed five feet in width, and native vegetation is removed solely by hand.

C. Forest Management Activities

Selective tree removal for forest management activities as defined in the current Forest Management Plan as approved by the State of Florida Division of Forestry.

D. Improved Parcels

Removal of prohibited and invasive non-native vegetation. The removal of dead and dying vegetation and vegetation not subject to this Chapter is also exempt; provided, however, the removal complies with Art. 7, Landscaping, as amended. [Ord. 2019-034]

E. Landscape Plant Removal

Removal or alteration, from an improved parcel, of native and non-native vegetation installed as landscape, provided the activity complies with the requirements of Art. 7, Landscaping, as amended, and no removal or alteration occurs from native upland vegetation buffers, preserves, or jurisdictional wetlands. [Ord. 2021-023]

F. Lot Clearing Provisions

Removal of prohibited and invasive non-native vegetation required pursuant to the Lot Clearing provision in Art. 7, Landscaping, as amended, or at the direction of a public law enforcement agency pursuant to necessary law enforcement activity.

G. Mitigation or Enhancement Projects

Activities conducted pursuant to a permit from SFWMD, Florida Department of Environmental Protection, or ERM under F.S. ch. 403 and F.S. ch. 373, as amended, and Chapter 62-312, F.A.C. as amended, including activities approved under an adopted Surface Water Improvement and Management Plan.

H. Natural Emergencies

The provisions of this Chapter may be suspended or waived by the Director of ERM during a period of officially declared emergency, such as a hurricane, windstorm, tropical storm, flood, or similar disaster.

I. Parks and Recreation

Alterations of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas, and preserves, excluding new construction or parcel improvement.

J. Preserve Management Activities

Preserve management activities provided that:

1. The preserve area is designated by deed restriction, plat, restrictive covenant, or conservation easement and is dedicated to a public entity or approved private conservation group for preservation in perpetuity;
2. The activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences; and,
3. The preserve area has a Preserve Management Plan approved by ERM.

K. Pruning

Pruning of native vegetation in non-preserve areas in accordance with the American National Standards Institute (ANSI), A300, pursuant to Art. 7.F, Installation and Maintenance as revised, to allow for healthy growth, to promote safety, and to remove dead or dying vegetation, provided there is no cutting back of limbs to a point between branch collars or buds larger than one inch in diameter within the tree's crown.

L. Utilities, Water Control, Water Management Districts, and Road R-O-W

Alteration of vegetation is permitted within drainage easements associated with repairs to or maintenance of existing canal structures at the direction of water control districts, or water management districts within drainage easements, where the vegetation is interfering with drainage or services provided by the water control districts or water management districts. Alteration of vegetation is permitted within a utility easement, where the vegetation is interfering with services provided by a utility. Alteration of vegetation is permitted within a road R-O-W for normal maintenance activities. Alteration associated with new construction is not an exempt activity.

M. Survey or Other Test Required

The necessary removal of vegetation by, or at the direction of, a State of Florida-licensed Professional Surveyor and Mapper, Professional Geologist, or Professional Engineer to conduct a survey or other required test, provided that no tree three inches or greater DBH is removed, the path cleared does not exceed five feet in width, and native vegetation is removed solely by hand. If necessary, soil sampling with a vehicle equipped with a boring apparatus may clear a path not to exceed the minimum width required to gain ingress and egress into the test sampling area. [Ord. 2009-040]

N. Minor Vegetation Removal

Removal of native vegetation with a replacement value of four trees or less, as defined in Table 7.E.3.C, Vegetation Credit and Replacement. [Ord. 2012-027]

O. Minor Vegetation Relocation

Relocation of up to ten native palm trees, provided that the trees are relocated using best industry standards and provided with mulch, irrigation, and required maintenance to ensure survival. The planting location must be depicted on a Site Plan, survey, or other document format acceptable to ERM. [Ord. 2012-027]

P. Initial Clearing for an Agricultural Operation Less Than Ten Acres
Initial clearing for an agricultural operation less than ten acres is exempt, provided that the level of clearing does not exceed the area for crop production. [Ord. 2014-001]

Q. Removal of native vegetation on a Single Family residential parcel or a single two-unit duplex residential parcel without a recorded conservation easement. [Ord. 2018-018]

Section 9 Removal of Prohibited Invasive Non-Native Vegetation

Improved parcels approved or constructed on or after April 28, 1986, shall be maintained free of prohibited vegetation listed in Appendix 5, Prohibited Invasive Non-Native Vegetation. [Ord. 2008-040]

Section 10 Fees

Fees shall be required as established by Resolution of the BCC. Fees shall be non-refundable and non-transferable. An administrative fee may be required where projects require specific detailed Site Plan assistance by PBC or where Site Plans change after initial review. Application fees paid by check shall be payable to the BCC. [Ord. 2008-040]

Section 11 Appeals

A. Hearing Officer
An Applicant for any approval may appeal a final determination made by the Director of ERM to a Hearing Officer as established in Art. 2.G.3.G, Hearing Officers, of this Code pursuant to this Chapter. The Applicant shall comply with the following appeal procedures. [Ord. 2008-040]

1. Submittal
A written appeal must be made within 20 days of the Applicant's receipt of the decision by the Director of ERM. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the Applicant seeks to rely. Failure to file within such timeframe shall constitute a waiver of a person's right of review by the Hearing Officer.

2. Hearing
The appeal shall be reviewed at a hearing by the Hearing Officer within 60 working days of ERM's receipt of a request and a 50-dollar filing fee. The Applicant will receive notice of the hearing no less than 15 working days in advance of the hearing. At the hearing, the Hearing Officer shall provide the Applicant and the Director of ERM, or their respective legal representatives, an opportunity to present testimony and evidence, provided such information was part of the review before the Director of ERM. All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. The Hearing Officer in his or her discretion, may exclude irrelevant, immaterial, or unduly repetitious evidence, but all conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form. The Hearing Officer shall reverse the decision of the Director of ERM only if there is substantial competent evidence in the record that the Director of ERM erred in applying the standards of this Chapter. The Hearing Officer shall enter a decision by written order not less than ten days following conclusion of the hearing. The order shall include findings of fact and conclusions of law and shall be deemed final administrative action. An Applicant or ERM may appeal a final decision of the appeals board within 30 days of the rendition of the decision. Such appeal shall not be a hearing *de novo*, but shall be a Petition for Writ of *Certiorari* in the Circuit Court of the 15th Judicial Circuit in and for PBC. The Court shall be limited to appellate review of the record created before the Hearing Officer and may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. § 119.07, as amended from time to time.

3. Judicial Relief
An Applicant or ERM may appeal a final written order to the Circuit Court of the 15th Judicial Circuit in and for PBC. Such appeal shall not be a hearing *de novo*, but shall be a Petition for Writ of *Certiorari* and the Court shall be limited to appellate review of the record created before the Hearing Officer. PBC may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. § 119.07, as amended from time to time.

Section 12 Violations

A. Violations

A violation shall be:

1. The alteration or removal of one specimen tree, or the alteration or removal of up to 1,500 square feet of native vegetation without an approval from ERM, unless expressly exempt under this Chapter. Alteration or removal of each additional specimen tree and alteration of each additional 1,500 square feet of native vegetation or portion thereof in violation of this Chapter shall constitute a separate and additional violation. [Ord. 2008-040] [Ord. 2009-040] [Ord. 2021-023]
2. Failure to comply with a condition of an approval issued by ERM pursuant to this Chapter or a requirement of a Preserve Management Plan approved by ERM. Each condition or requirement violated and each occurrence of a violation shall constitute as a separate violation. [Ord. 2008-040]
3. Failure to comply with the requirements of this Chapter or any approval granted or activity authorized hereunder.
4. Failure to comply with an ERM Wetlands Alteration Permit issued prior to the effective date of March 1, 1998.
5. Planting prohibited invasive non-native vegetation.
6. Planting non-native vegetation within a preserve.
7. Conversion of a parcel cleared for Bona Fide Agriculture to another use prior to use as agriculture.
8. Introduction of structures, grade changes, debris, or utilities into a preserve without approval by ERM. [Ord. 2006-036]

B. Enforcement

To enforce compliance with this Chapter, the County may issue a cease and desist order or require that a Building Permit or CO be withheld. A violation of this Chapter shall be punishable by one or more of the following: [Ord. 2008-040]

1. Violations involving activities conducted without a valid PNV approval that may otherwise have been permitted will require the submittal of a PNV application, the appropriate application fee, and be subject to the remedies outlined in Art. 10, Enforcement of the Code or other remedies pursuant to this Article; [Ord. 2021-023]
2. Activities conducted with a valid PNV approval that are inconsistent with the stated approval conditions and result in a need to modify the existing approval will require an application to modify the PNV, the appropriate application fee, and be subject to the remedies outlined in Art. 10, Enforcement of the Code or other remedies pursuant to this Article; [Ord. 2021-023]
3. Remedies outlined in Art. 10, Enforcement, of the Code; [Ord. 2008-003] [Ord. 2008-040]
4. Any applicable remedies under F.S. ch. 125 and F.S. ch. 162, as amended; [Ord. 2008-003]
5. PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions to enforce the provisions of this Chapter; and, [Ord. 2008-003] [Ord. 2008-040]
6. ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior to, and with obligations beyond, the effective date of this Chapter, except that violations of Single Family dock permits issued pursuant to the agreement between PBC and the USACOE (adopted as Resolution No. R-89-120 and dated January 24, 1989), shall be referred to the USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the event the DEP directs ERM to enforce a violation of a permit issued under the mangrove delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement provisions herein, in addition to any State-mandated enforcement provisions, shall apply.

C. Pollution Recovery Trust Fund

All monies collected as civil penalties for violations of this Chapter shall be paid to PBC for the Pollution Recovery Trust Fund.

D. Restoration

1. Properties cleared after 1986 without an approval will be required to restore nine trees per violation. The restoration may be accomplished through on-site planting of native trees or equivalent native vegetation approved by ERM, a contribution to the Palm Beach County Natural Areas Fund that is equivalent to nine trees per violation, or the dedication of equivalent upland quality land cleared. [Ord. 2008-040] [Ord. 2012-027] [Ord. 2019-034]
2. If a preserve under dedication has degraded due to neglect or lack of compliance with the approved Preserve Management Plan, the Property Owner shall provide a restoration plan to ERM per Art. 14.C.12.D.a. Restoration of the preserve may occur in phases as approved by ERM. [Ord. 2019-034]

Section 13 Natural Areas and Preserve Areas

A. Natural Areas

Planned developments shall be designed to mitigate the negative impacts of development intensity and density upon natural areas as defined in PBC Ordinance No. 94-13, and parcels designated as preserve areas according to this Chapter. Proposed development shall not negatively impact the native ecosystem of any adjacent natural areas and shall comply with the criteria established in this Article, for natural areas and other applicable environmental Ordinances. The Applicant shall work in cooperation with the PZB and ERM to establish mutually acceptable alternatives to protect the natural area, including but not limited to:

1. The prohibition of certain land uses; and
2. A reduction in the building intensity near natural areas and preserve areas by the creation of a minimum 50-foot buffer zone.

B. Special Preservation Protection Standards

1. Lake Worth Lagoon and Loxahatchee River Buffers

A 50-foot native vegetation buffer shall be preserved along the Lake Worth Lagoon, and that portion of the Loxahatchee River which lies outside the Jonathan Dickinson State Park Greenline Overlay, depicted on Map LU 3.1, Special Planning Areas, of the Plan. The purpose of the native vegetation buffer is to preserve native vegetation along the two waterways and to decrease the impact of stormwater activities on the two waterways. Restrictions may be imposed on development by ERM to conserve native vegetation within the buffer and reduce hydrological impacts to the two waterways. [Ord. 2005-002]

a. If native vegetation exists within the 50-foot conservation buffer, then restrictions may be imposed by ERM within the buffer to address the following issues: [Ord. 2005-002]
   1) Visual encroachment;
   2) Edge effects;
   3) Exotic pest plant invasions;
   4) Interference with prescribed burns in natural areas; [Ord. 2005-002]

b. If native vegetation does not exist within the 50-foot buffer, then restrictions may be imposed by ERM within the buffer to address the following issues: [Ord. 2005-002]
   1) Hydrological impacts; [Ord. 2005-002]
   2) Any other specific site development regulations required by this Code.

c. In addition to any of the restrictions listed above, ERM may also require: [Ord. 2005-002]
   1) development to be clustered away from natural or preserve areas; or [Ord. 2005-002]
   2) buffer or preserve areas to be added adjacent to existing natural and preserve areas; or [Ord. 2005-002]
   3) a combination of these alternatives. [Ord. 2005-002]

ERM shall strive to minimize parcel alterations near natural and preserve areas. [Ord. 2005-002]

d. The addition of a buffer or preserve areas adjacent to existing natural areas and preserve areas. Additionally, all effort shall be made to minimize parcel alterations near natural areas and preserve areas.

CHAPTER D PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE

Section 1 Purpose and Intent

A. It is the intent of this Chapter to require removal and control of prohibited invasive non-native vegetation.
B. It is the intent of this Chapter to protect natural areas from unwanted seed sources from outside the natural areas.

Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

Section 3 Applicability

A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas of PBC, except to the extent of conflict with a municipal ordinance, in which case the municipal ordinance will prevail over this Chapter in accordance with Sec. 1-3, the PBC Charter.

Section 4 Authority

This Chapter is adopted under the authority of F.S. ch. 125, and the Plan, as amended. ERM shall administer the requirements of this Chapter. [Ord. 2008-040]

Section 5 Protection of Natural Areas

A. The County will establish by geographical information system reference, a 500-foot buffer area around all natural areas listed in Appendix 9, Natural Areas. Maps of the natural areas including buffers shall be on file and maintained by ERM and made available to the public. [Ord. 2008-040]
B. Natural areas acquired by the BCC using the Conservation Lands Bond Fund shall be added to Appendix 9, Natural Areas pursuant to a duly noticed public hearing. [Ord. 2008-040]
C. Any individual, organization, or governmental entity owning or controlling a natural area may request an addition to Appendix 9, Natural Areas, by petitioning ERM. The petition shall include a description and map of the proposed addition, written justification for listing, a copy of the management plan, if available, and proof of notice to parcel owners within the proposed buffer of the natural area. ERM-recommended additions to Appendix 9, Natural Areas, or changes to the size of the buffer area may be approved by the BCC following a duly noticed public hearing.
    1. For publicly-owned natural areas, there is no minimum size for listing.
    2. For privately-owned natural areas, there must be a minimum of ten acres of natural area unless determined by ERM to be a highly significant natural area including scrub, wetlands, or mangrove communities and maintained under a management plan approved or accepted by ERM.

Section 6 Removal of Prohibited Invasive Non-Native Vegetation

A. By January 1, of the applicable year provided on Appendix 10, Prohibited Vegetation Removal Schedule, a parcel owner of a property located within the 500-foot buffer area around each natural area listed in Appendix 9, Natural Areas shall remove or caused to be removed or eradicated, the prohibited invasive non-native vegetation as listed in Appendix 10, Prohibited Vegetation Removal Schedule, unless an exemption is provided under Art. 14.D.7, Exemptions, of this Chapter. [Ord. 2008-040]
B. For parcels located outside the 500-foot buffer area around each natural area listed in Appendix 9, Natural Areas, a parcel owner shall remove or cause to be removed old world climbing fern and air potato as listed in Appendix 10, Prohibited Vegetation Removal Schedule, unless an exemption is provided under Art. 14.D.7, Exemptions, of this Chapter. [Ord. 2008-040]
C. Upon removal of prohibited invasive non-native vegetation under this Chapter or any other Ordinance requiring removal of this nuisance vegetation, the parcel owner shall maintain the parcel free of prohibited invasive non-native vegetation.
D. In accordance with Art. 14.C.9, Removal of Prohibited Invasive Non-Native Vegetation, improved parcels located in unincorporated Palm Beach County, approved or constructed on or after April 28, 1986, shall be maintained free of prohibited vegetation listed in Appendix 5, Prohibited Invasive Non-Native Vegetation. The applicable year as described in Art. 14.D.6.A and provided in Appendix 10, Prohibited Vegetation Removal Schedule, does not apply to these parcels, instead parcel owners of these improved parcels shall

immediately and perpetually maintain them free of all prohibited invasive non-native vegetation. [Ord. 2008-040] [Ord. 2009-040]

E. Planting or installation of this vegetation is prohibited. [Ord. 2008-040]

Section 7 Exemptions

A. For parcels impacted by greater than 30 percent coverage of prohibited invasive non-native vegetation or parcels containing 100 acres or greater in size, a management plan may be approved by ERM to space the eradication rate over an extended period. To be eligible for this approval, the management plan must be provided to, and approved by ERM, and eradication begun prior to the required date for removal or eradication of the prohibited invasive non-native vegetation addressed in the plan.

B. For parcels or portions of parcels that necessitate phased removal or eradication of prohibited invasive non-native vegetation in response to a documented need for maintenance of existing wildlife values, a management plan may be approved by ERM to extend the time for removal.

Section 8 Enforcement

A. Violations of this Chapter shall be:
   1. Failure of a parcel owner to remove or eradicate vegetation in accordance with Art. 14.D.6.A and Art. 14.D.6.D, Removal of Prohibited Invasive Non-Native Vegetation. [Ord. 2008-040] [Ord. 2009-040]
   2. Failure of a parcel owner to maintain non-exempt parcels free of prohibited invasive non-native vegetation in accordance with Art. 14.D.6.B, of this Chapter.
   3. Failure of a parcel owner to comply with a non-compliance or notice of violation timeframe as described in Art. 14.D.8.B.3, and Art. 14.D.8.B.4. [Ord. 2008-040]

B. The following are procedures which are to be followed for compliance and enforcement with this Chapter:
   1. Inspection of a parcel to determine the possible location of prohibited invasive non-native vegetation.
   2. Preparation and provision of an information notice informing the parcel owner of prohibited invasive non-native vegetation on the parcel and instructions for the removal or eradication of the vegetation and a timeframe provided for compliance. A follow-up inspection is conducted.
   3. Preparation and provision of a non-compliance notice to the parcel owner concerning the possible violation of this Chapter, including a stated timeframe of 30 days for compliance. [Ord. 2008-040]
   4. Preparation and provision of a notice of violation to the parcel owner concerning the possible violation of this Chapter and failure to comply with the non-compliance notice, including a stated timeframe of 30 days for compliance. [Ord. 2008-040]
   5. Preparation and provision of a Notice of Hearing to the parcel owner concerning the possible violation of this Chapter, failure to comply with a notice of violation, and an order to appear before the Groundwater and Natural Resources Protection Board (GNRPB).
   6. The decision of the GNRPB, which may include corrective actions and civil penalties in the maximum amount of 1,000 dollars per day, per violation, shall be the final administrative action on behalf of ERM and PBC. Any person who is a party to the proceeding before the GNRPB may appeal to the Circuit Court of PBC in accordance with applicable Florida Appellate Rules.

C. Additional remedies for enforcement include any applicable remedies under F.S. ch. 125 and F.S. ch. 162, as amended, and other legal action, including but not limited to, administrative action and requests for temporary and permanent injunctions to enforce the provisions of this Chapter. [Ord. 2008-040]

D. In order to provide an expeditious settlement that would be beneficial to the enforcement of this Chapter and be in the best interest of the citizens of PBC, the Director of ERM is authorized to enter into voluntary consent (settlement) agreements with alleged violators. Any such agreement shall be a formal written consent agreement between ERM on behalf of PBC, by and through its Director, and any such alleged violators, and shall be approved as to form and legal sufficiency by the County Attorney's Office. The agreement can be entered into at any time prior to the hearing before the GNRPB.

   1. Conditions

   Such consent agreements may be conditioned upon a promise by the alleged violator to:
   a. Remove or eradicate prohibited invasive non-native vegetation and maintain the parcel free of this vegetation, and
   b. Remit payment of a monetary settlement not to exceed the maximum amount allowed per violation, as set forth in this Chapter, and
   c. Remit payment for costs and expenses of PBC for investigation and enforcement, and
   d. Any other remedies and corrective action deemed necessary and appropriate by the Director of ERM to ensure compliance with this Chapter.

2. The consent agreement shall not serve as evidence of a violation of this Chapter and shall expressly state that the alleged violator neither admits nor denies culpability for the alleged violations by entering into such agreement. In addition, prior to entering into any such consent agreement, each alleged violator shall be apprised of the right to have the matter heard by the GNRPB in accordance with the provisions of this Chapter, and that execution of the agreement is not required.
3. The consent agreement shall be valid and enforceable in a court of competent jurisdiction in PBC and shall abate any enforcement proceedings available to ERM for so long as the terms and conditions of such agreement are complied with. In the event the alleged violator fails to comply with the terms and conditions set forth in the executed agreement, the Director of ERM may either:
    a. Consider the consent agreement void and pursue any remedies available for enforcement of the applicable provisions of this Chapter; or
    b. Initiate legal proceedings for specific performance of the consent agreement.

E. All monies collected pursuant to violations of this Chapter whether from consent agreement or the GNRPB shall be deposited in the PBC Pollution Recovery Trust Fund.

APPENDIX 1 GENERIC SUBSTANCE LIST

Acid and basic cleaning solutions	Laboratory chemicals
Antifreeze and coolants	Liquid storage batteries
Arsenic and arsenic compounds	Medical, pharmaceutical, dental, veterinary, and hospital solutions
Bleaches and peroxides	Mercury and mercury compounds
Brake and transmission fluids	Metal finishing solutions
Brine solution	Oils
Casting and foundry chemicals	Paints, primers, thinners, dyes, stains, wood preservatives, varnishing, and cleaning compounds
Caulking agents and sealants	Painting solvents
Cleaning solvents	PCBs
Corrosion and rust prevention solutions	Pesticides and herbicides
Cutting fluids	Plastic resins, plasticizer, and catalysts
Degreasing and parts cleaning solvents	Photo development chemicals
Disinfectants	Poisons
Electroplating solutions	Polishes
Explosives	Pool chemicals
Fertilizers	Processed dust and particulates
Fire extinguishing chemicals	Radioactive sources
Food processing wastes	Reagents and standards
Formaldehyde	Refrigerants
Fuels and additives	Roofing chemicals and sealers
Glues, adhesives, and resins	Sanitizers, disinfectants, bactericides, and algaecides
Greases	Soaps, detergents, and surfactants
Hazardous waste	Solders and fluxes
Hydraulic fluid	Stripping compounds
Indicators	Tanning industry chemicals
Industrial and commercial janitorial supplies	Transformer and capacitor oils/fluids
Industrial process chemicals	Waste oils and antifreeze
Industrial sludges and still bottoms	Water and wastewater treatment chemicals
Inks, printing, and photocopying chemicals	
Notes:	
Substances in this Table may be adjusted by ERM.	

APPENDIX 2 OPERATING AND CLOSURE PERMIT BONDS

	Zone 1	Zone 2	Zone 3
Cash Bond	$20,000	$10,000	$5,000
Permit Bond with Corporate Surety	20,000	10,000	5,000
Letter of Credit	20,000	10,000	5,000
Notes:			
Amounts reflected in this Table are for each operating and closure permit issued and may be adjusted by ERM.			

APPENDIX 3 BEST MANAGEMENT PRACTICES FOR THE CONSTRUCTION INDUSTRY

A. The general contractor, or if none, the Property Owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any Regulated Substances. For instance, handling Regulated Substances in the proximity of water bodies or wetlands may be improper.

B. If any Regulated Substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. Any storage container of 55 gallons, or 440 pounds, or more containing Regulated Substances shall have constructed below it an impervious containment system constructed of materials of sufficient thickness, density, and composition that will prevent the discharge to the land, groundwaters, or surface waters, of any pollutant which may emanate from said storage container or containers. Each containment system shall be able to contain 150 percent of the contents of all storage containers above the containment system.

C. Each contractor shall familiarize him/herself with the manufacturer's safety data sheet supplied with each material containing a Regulated Substance and shall be familiar with procedures required to contain and clean up any releases of the Regulated Substance. Any tools or equipment necessary to accomplish same shall be available in case of a release.

D. Upon completion of construction, all unused and waste Regulated Substances and containment systems shall be removed from the construction site by the responsible contractor and shall be disposed of in a proper manner as prescribed by law.

APPENDIX 4 MINIMUM STANDARDS FOR SEWER PIPE AND FITTINGS

A. Ductile Iron Pipe and Fittings for Gravity Sewer and Force Main Application

1. Ductile iron pipe shall conform to the requirements of ANSI/AWWA C151/A21.51 unless otherwise noted on the plans. The pipe shall be Class 350 for sizes four inches through 24 inches and Class 250 for sizes from 30 inches to 36 inches. Glands for mechanical joints shall be of ductile iron. [Ord. 2013-001]
2. Fittings shall have mechanical joints or flanged ends unless an approved flexible joint restraint system is used. The fittings shall conform to the requirements of AWWA C110 or AWWA C153. [Ord. 2013-001]
3. Flanged ductile iron pipe shall be “special thickness Class 53.” Flanged ductile iron pipe and fittings shall have threaded flanges, unless otherwise noted on the drawings, and shall conform to ANSI/AWWA C115/A21.15. All flanges shall be Class 1560, ANSI B16.5. All above-grade flanges shall be flat faced unless they are mating up to existing, or otherwise, specified, raised flanges. All gaskets shall be full-faced one-eighth inch red rubber. [Ord. 2013-001]
4. Joints shall conform to the requirements of ANSI/AWWA C111/A21.11. [Ord. 2013-001]
5. All ductile iron pipe and fittings shall have an epoxy lining and a bituminous coating on the exterior per AWWA specification C210. The coating and lining shall be applied in accordance with the manufacturer’s recommendations. [Ord. 2013-001]

B. Polyvinyl Chloride Pipe (PVC) (Gasketed Joint) and Fittings for Gravity Wastewater and Sewer Force Main Applications

1. Pipe four inches or larger in diameter shall conform to the requirements as set forth in AWWA C900/C905 with minimum dimension ratio DR 18. Provisions must be made for contraction and expansion at each joint, or with a rubber ring and an integral bell as part of each joint, or by a rubber ring-sealed coupling. Clean, reworked material generated from the manufacturer's own pipe production may be used. Fittings shall be cast or ductile iron. Pipe shall have cast iron pipe-equivalent outside dimensions. [Ord. 2013-001]
2. Pipe smaller than four inches in diameter shall conform to Commercial Standard CS 256 and ASTM D22141. Provisions shall be made for contraction and expansion at each joint with a rubber ring, and an integral bell as part of each joint, or by a rubber ring-sealed coupling. Pipe shall be made from SDR 21, 200 psi clean, virgin NSF-approved Type I, Grade 1 PVC conforming to ASTM D1784. Clean, reworked material generated from the manufacturer's own pipe production may be used. Fittings for pipe smaller than four inches in diameter shall be PVC. [Ord. 2013-001]

C. High-Density Polyethylene Pipe for Force Mains

HDPE pipe for force mains shall be AWWA C906, minimum 40 feet standard lengths, DR 11 minimum, DIPS size. [Ord. 2013-001]

D. Leakage Tests

The test shall be of two-hour duration. During the test, the pipe being tested shall be maintained at a pressure of not less than 150 psi. Leakage is defined as the quantity of water added to the pipe being tested during the test period. No pipe installation will be accepted if the leakage exceeds the quantities specified in AWWA C600, Sec. 5.2. No more than 500 feet of gravity sewer main or 1,000 feet of force main shall be tested at one time. Pressure tested gravity wastewater mains and laterals located in Wellfield Zones 1 and 2 shall be PVC C900 SDR 18 minimum. The tested portion of the laterals shall end at the “upper” bend using a temporary mechanical joint restrained cap. [Ord. 2013-001]

E. Manholes

Manholes shall be precast and coated with an approved corrosion barrier system. Exterior manhole joint seal application is required. Manhole inlets and outlets shall be tightly sealed around the sewer pipe and coated to prevent leakage. [Ord. 2013-001]

APPENDIX 5 PROHIBITED INVASIVE NON-NATIVE VEGETATION

Common Name	Scientific Name	Type
Melaleuca, Punk Tree, or Paper Tree	***Melaleuca quinquenervia***	Tree
Brazilian Pepper	***Schinus teribinthifolius***	Tree
Australian Pine	***Casuarina* spp.**	Tree
Earleaf Acacia	***Acacia auriculiformis***	Tree
Kudzu	***Pueraria montana (P. lobata)***	Vine
Climbing Fern	***Lygodium spp.***	Vine
Air Potato Vine	***Dioscorea bulbifera***	Vine
Carrotwood	***Cupaniopsis anacardioides***	Tree
Schefflera	***Schefflera actinophylla***	Tree

APPENDIX 6 INVASIVE NON-NATIVE VEGETATION

Common Name	Scientific Name	Type
Banyan	***Ficus bengalensis***	Tree
Bishop-Wood	***Bischofia javanica***	Tree
Cat's Claw	***Mimosa pigra***	Shrub
Chinese Tallow Tree	***Sapium sebiferum***	Vine
Portia Tree or Seaside Mahoe	***Thespesia populnea***	Tree
Downy Rose Myrtle	***Rhodomyrtus tomentosus***	Shrub
Jasmine	***Jasminum dichotomum***	Shrub
Java Plum	***Syzygium cumini***	Tree
Lather Leaf	***Colubrina asiatica***	Vine
Lofty Fig	***Ficus altissima***	Tree
Mahoe	***Hibiscus tiliaceus***	Tree
Shoebutton Ardisia	***Ardisia solanaceae***	Shrub
Woman's Tongue	***Albizia lebbeck***	Tree

APPENDIX 7 SPECIMEN TREE LIST

Common Name	Scientific Name	Trunk Size (Inches)	
		DBH	Circumference
Bald Cypress	***Taxodium distichum***	13	42
Dahoon Holly	***Ilex cassine***	4	13
FL. Strangler Fig	***Ficus aurea***	25	78
Green Buttonwood	***Conocarpus erecta***	13	42
Gumbo Limbo	***Bursera simaruba***	13	41
Laurel Oak	***Quercus laurifolia***	18	56
Live Oak	***Quercus virginiana***	23	72
Mahogany	***Swietenia mahogani***	14	43
Pond Cypress	***Taxodium ascendens***	13	42
Red Bay	***Persea borbonia***	14	43
Red Maple	***Acer rubrum***	13	40
Red Mulberry	***Morus rubra***	14	43
Sand Pine	***Pinus clausa***	9	27
Seagrape	***Coccoloba uvifera***	10	32
Slash Pine	***Pinus elliottii var. densa***	14	45
Southern Red Cedar	***Juniperus silicicola***	20	64
Swamp Bay	***Persea palustris***	14	43
Sweet Bay	***Magnolia virginiana***	12	38

APPENDIX 8 INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES

Common Name	Scientific Name	Type
Arrowhead Vine	***Syngonium podophyllum***	Vine
Asparagus Fern	***Asparagus densiflorus***	Ground cover
Banyan	***Ficus bengalensis***	Tree
Beach Naupaka	***Scaevola sericea***	Shrub
Bishop-Wood	***Bischofia javanica***	Tree
Caesar Weed	***Urena lobata***	Shrub
Cat's Claw	***Mimosa pigra***	Shrub
Cat's Claw Vine	***Macfadyena unguis-cati***	Vine
Castor Bean	***Ricinus communis***	Herb
Chinese Privit	***Ligustrum sinense***	Shrub
Chinese Tallow Tree	***Sapium sebiferum***	Vine
Cogon Grass	***Imperata cylindrica***	Grass
Coral Ardisia	***Ardisia crenata***	Shrub
Dodder Vine	***Cuscuta exaltata***	Vine
Downy Rose Myrtle	***Rhodomyrtus tomentosus***	Shrub
Gold Coast Jasmine	***Jasminum dichotomum***	Shrub
Guava	***Psidium guajava***	Tree
Guinea Grass	***Panicum maximum***	Grass
Japanese Climbing Fern	***Lygodium japonicum***	Vine
Java Plum	***Syzygium cumini***	Tree
Lantana	***Lantana camara***	Shrub
Lather Leaf	***Colubrina asiatica***	Vine
Laurel Fig	***Ficus microcarpa***	Tree
Lead Tree	***Leucaena leucocephala***	Tree
Lofty Fig	***Ficus altissima***	Tree
Mahoe	***Hibiscus tiliaceus***	Tree
Mother-in-Law Tongue	***Sansevieria hyacinthoides***	Ground cover
Natal Grass	***Melininis repens***	Grass
Oyster Plant	***Tradescantia spathacea***	Shrub
Pothos	***Epipremnum pinnatum***	Vine
Portia Tree or Seaside Mahoe	***Thespesia populnea***	Tree
Rosary Pea	***Abrus precatorius***	Vine
Sewer Vine	***Paederia cruddasiana***	Vine
Shoebutton Ardisia	***Ardisia solanaceae***	Shrub
Skunk Vine	***Paederia foetidia***	Vine
St. Augustine	***Stenotaphrum secundatum***	Grass
Strawberry Guava	***Psidium cattleianum***	Tree
Stinking Passion Vine	***Passiflora foetida***	Vine
Surinam Cherry	***Eugenia uniflora***	Shrub
Torpedo Grass	***Panicum repens***	Grass
Tuberous Sword Fern	***Nephrolepis cordifolia***	Ground cover
Turkey Berry	***Solanum torvum***	Shrub
Two-Leaf Nightshade	***Solanum diphyllum***	Shrub
Wedelia	***Wedelia trilobata***	Vine
Wild Balsam Apple	***Momordica charantia***	Vine
Woman's Tongue	***Albizia lebbeck***	Tree
Winged Yam	***Dioscorea alata***	Vine

[Ord. 2005-002] [Ord. 2019-034]

APPENDIX 9 NATURAL AREAS

The following are ultimate boundaries of natural areas acquired under the 1991 Sensitive Lands or 1999 Conservation Lands bond issues as listed in Resolution No. R-99-1073 as well as natural areas acquired by other governmental entities in PBC. Maps of each area are designated by range, township, and section with its associated 500-foot buffer and are on file at ERM for inspection. [Ord. 2016-042]

Incorporated Palm Beach County

Boca Raton	Blazing Star Preserve (R42 T47 S25) [Ord. 2006-036]
	Cypress Knee Slough Preserve (R42 T47 S23/24)
	Florida Atlantic University Ecological Site (R42 T47 S12/13; R43 T47 S07/18)
	Gopher Tortoise Preserve (R43 T46 S32)
	Gumbo Limbo Environmental Complex & Red Reef Park Dune (R43 T47 S16/21)
	Pondhawk Natural Area (R42 T47 S12)
	Rosemary Ridge Preserve (R43 T46 S32)
	Serenoa Glade Preserve (R42 T47 S24)
	South Beach Park Dune (R43 T47 S21)
	Yamato Scrub Natural Area (R43 T46 S31; R43 T47 S06)
Boynton Beach	Rosemary Scrub Natural Area (R43 T45 S09/16)
	Seacrest Scrub Natural Area (R43 T46 S04)
Delray Beach	Delray Oaks Natural Area (R43 T46 S30)
	Leon Weeks Preserve (R43 T46 S29)
Highland Beach	Highland Beach Mangrove Preserve (R43 T46 S33)
Hypoluxo	Hypoluxo Scrub Natural Area (R43 T45 S10)
Juno Beach	Juno Dunes Natural Area (R43 T41 S20/21/28/29)
Jupiter	Delaware Scrub Natural Area (R42 T41 S02) [Ord. 2006-036]
	Jupiter Ridge Natural Area (R43 T41 S07/08/17/18)
	Limestone Creek Natural Area (R42 T41 S03)
	North Jupiter Flatwoods Natural Area (R42 T40 S33)
	Riverbend Park (R42 T40 S32/33; R42 T41 S05-08/17)
Lake Park	Lake Park Scrub Natural Area (R43 T42 S20)
Lantana	Lantana Scrub Natural Area (R43 T44 S32)
North Palm Beach	John D. MacArthur Beach State Park (R43 T42 S10/15)
Ocean Ridge	N. Ocean Ridge Mangroves (R43 T45 S22)
	Ocean Ridge Natural Area (R43 T45 S27) [Ord. 2008-040]
Palm Beach	Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15)
Palm Beach Gardens	Frenchman's Forest Natural Area (R43 T41 S32; R43 T42 S05)
	Hungryland Slough Natural Area (R41 T41 S28/29/32/33)
	Loxahatchee Slough Natural Area – Includes Sandhill Crane (R41 T41 S23-28/34-36; R41 T42 S01/02/11-13; R42 T41 S19-21/28-32; R42 T42 S05-09/16/17)
Royal Palm Beach	Royal Palm Beach Pines Natural Area (R41 T43 S15/16)
West Palm Beach	Winding Waters Natural Area (R42 T42 S35; R42 T43 S02)
	Grassy Waters Preserve (R42 T42 S07/08/16-21/28-33; R42 T43 S03-10/15-18)

Unincorporated Palm Beach County

Acreage Pines Natural Area (R41 T42 S32)
Arthur R. Marshall Loxahatchee NWR (R39 T44 S12/13/23-27/34-36; R39 T45 S01-03/10-15/22-27/34-36/L1-3; R39 T46 S01-03/10-14/23-25; R40 T43 S32/L5; R40 T44 S04-09/15-36; R40 T45 S01-42; R40 T46 S01-36; R40 T47 S01-06/08-14; R41 T44 S30-32/40-42; R41 T45 S04-10/14-23/26-35; R41 T46 S02-11/14-23/26-35; R41 T47 S03-10/15-19)
C-18 Triangle Natural Area (R42 T41 S08)
Cypress Creek Natural Area (R41 T40 S36; R42 T40 S31/32; R42 T41 S06)
Daggerwing Nature Center Preserve (R41 T47 S11/14)
Donald Ross Road at the ICW (R43 T41 S29)
DuPuis Management Area (R38 T40 S31-36; R38 T41 S01-06/08-16/22-26/36; R39 T41 S19/30-31)
East Conservation Area (R41 T45 S14) [Ord. 2006-036]
High Ridge Scrub Natural Area (R43 T45 S09)
Hungryland Slough Natural Area (R41 T41 S19/20/29-32)
Jackson Riverfront Pines (R42 T40 S25)
Jupiter Inlet (R43 T40 S31)
J.W. Corbett/Lox Refuge Connector (R40 T43 S05/06/08)

J.W. Corbett Wildlife Management Area (R39 T40 S31-36; R39 T41 S01-36; R39 T42 S01-06/08-16; R40 T40 S31/32; R40 T41 S05-08/18-36; R40 T42 S01-18/21/22; R41 T41 S31; R41 T42 S06/07/18
Lake Okeechobee Connector (R37 T40 S35/36)
Loxahatchee Mitigation Bank (R41 T46 S14/23/25/26/35; R41 T47 S02)
Sweetbay Natural Area (R41 T41 S34; R41 T42 S01-03) [Ord. 2006-036]
Okeeheelee Nature Center Preserve (R42 T44 S04/05)
Pine Glades Natural Area (R40 T40 S31-33; R40 T41 S01-04/10-13; R41 T41 S01/05-09) [Ord. 2006-036]
Paw-Paw Preserve Natural Area (R43 T42 S04)
Pine Jog Environmental Education Center (R42 T44 S03)
Pond Cypress Natural Area (R41 T43 S01/12/13/24)
Riverbend Park (Reese Property) – See Riverbend Park under Jupiter municipality
Royal Palm Beach Pines Natural Area (R41 T43 S16)
Strazzulla Tract (R41 T44 S34/39-40; R41 T45 S03/04/10/11/14/15)

APPENDIX 10 PROHIBITED VEGETATION REMOVAL SCHEDULE

Common Name	Scientific Name	Year
Climbing Fern (Non-Native)	***Lygodium ssp.***	2004
Air Potato Vine	***Dioscorea bulbifera***	
Melaleuca, Punk Tree, or Paper Tree	***Melaleuca quinquenervia***	2006
Brazilian Pepper	***Schinus terebinthifolius***	2008
Carrotwood	***Cupaniopsis anacardioides***	
Earleaf Acacia	***Acacia auriculiformis***	2010
Schefflera	***Schefflera actinophylla***	
Australian Pine	***Casuarina spp.***	2012
Kudzu	***Pueraria montana var. lobata***	

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-010; May 24, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2008-040; September 29, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-022; September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2012-027; August 31, 2012] [Ord. 2013-001; January 31, 2013] [Ord. 2014-001; February 3, 2014] [Ord. 2016-042; September 27, 2016] [Ord. 2018-018; August 29, 2018] [Ord. 2019-034; August 27, 2019] [Ord. 2021-023; September 3, 2021]

ARTICLE 15

HEALTH REGULATIONS

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ARTICLE 15

HEALTH REGULATIONS

CHAPTER A PBC ENVIRONMENTAL CONTROL RULE I – ONSITE SEWAGE PROGRAMS (OSP)

This Chapter shall be designated as "PBC Environmental Control Rule I – Onsite Sewage Programs." The Florida Department of Health (FDOH) is the delegated authority for the OSP per the Interagency Agreement with the Florida Department of Environmental Protection (FDEP), effective July 1, 2021. [Ord. 2022-019]

Section 1 Purpose

The provisions of this Chapter shall apply to the following Onsite Sewage Treatment and Disposal Systems (OSTDS) and Private Collection and Transmission Systems (PCTS): [Ord. 2011-002] [Ord. 2022-019]

A. An OSTDS regulated under F.S. § 381.0065, as amended, that serves a residence or establishment with an estimated domestic sewage flow of 10,000 gallons or less per day based on Table I of Chapter 62-6, Florida Administrative Code (F.A.C.), which is not currently regulated under F.S. ch. 403; [Ord. 2011-002] [Ord. 2022-019]
B. An OSTDS regulated under F.S. § 381.0065, that serves an establishment with an estimated commercial sewage flow of 5,000 gallons or less per day, based on Table I of Chapter 62-6, F.A.C., which is not currently regulated under F.S. ch. 403; and, [Ord. 2011-002] [Ord. 2022-019]
C. An OSTDS which has received variances from the FDEP from the requirements of F.S. ch. 403, and from the jurisdictional flow limits of F.S. ch. 381. [Ord. 2011-002] [Ord. 2022-019]

Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

Section 3 General Provisions – OSTDS

A. No OSTDS shall be installed, modified, abandoned, or repaired without a valid permit, or used without obtaining final approval or release from the Health Department. [Ord. 2011-002]
B. No municipality or political subdivision of the State of Florida, including PBC, shall issue a building or plumbing permit for any building requiring the use of an OSTDS unless the owner or builder has received a permit for such system from the Department. No municipality or political subdivision of the State of Florida should issue a Business Tax Receipt to an owner or tenant of a building or otherwise allow an individual or business to relocate into or within an area zoned or used for industrial or manufacturing purposes or its equivalent until the owner or tenant has received written approval from the Department. Approval shall state that the OSTDS serving the business has been evaluated, is not expected to receive toxic or hazardous waste, and is adequately designed to meet the sewage treatment and disposal needs of the business. [Ord. 2007-013]
C. Buildings used or intended for human occupancy, employment, or service to the public and locations where persons congregate shall provide toilets connected to an approved sewage waste disposal system. Also, property or locations where persons congregate and are employed, or where property is used by the public for temporary and short periods of duration, such as construction sites, fairs, carnivals, revivals, field locations of agricultural workers, encampments, or other uses, shall be provided with portable toilets or other approved toilet facilities. The number of toilet facilities to be provided shall be in accordance with the local plumbing code, other applicable local regulations and the F.A.C. Establishments with permanent structures shall not rely upon systems designed for temporary use as the primary means of wastewater treatment and disposal unless a temporary approval is issued by the Health Department. [Ord. 2011-002]
D. Sewage wastes and effluents from an OSTDS shall not be allowed to surface onto the ground and shall not be discharged into or permitted to enter streams, surface waters, underground aquifers, ditches, or drainage structures.
E. No building or premises shall be occupied, sub-let, or leased unless provided with an approved sewage disposal system.
F. Wastewater generated by industrial or commercial establishments shall not be discharged into an OSTDS if the characteristics of the waste are such that it would cause malfunctioning of the OSTDS and/or contamination of the groundwater. Wastewater from such establishments shall be treated and disposed of in accordance with the FDEP requirements. [Ord. 2011-002]

G. Treatment and disposal of the wastewater from a building or establishment shall be in compliance with FDEP standards and rules when any one of the following conditions exist:
   1. Sewage or wastewater contains industrial, toxic, or hazardous waste.
   2. An area is zoned for industrial or manufacturing use, or its equivalent, where there is a likelihood the system may be used for disposing of wastes which are not domestic wastes.

H. Any OSTDS used for disposal of domestic sewage, which is designed, constructed, installed, or modified after the effective date of this Chapter shall conform to the minimum requirements and provisions of this Chapter. Should an emergency or epidemic occur, the Department may approve temporary systems for waste disposal which may differ from standards set forth in this Chapter, as long as the Department supervises the operation of the temporary system.

I. Any existing OSTDS installed under previous rules and regulations which becomes non-conforming with this Chapter for conditions or purpose as approved and which has not been placed in use for a period of one year or more, shall be deemed unapproved and its use for such purpose prohibited.

J. Whenever an approved sanitary sewer is made available under the conditions set forth in Art. 15.A.8.A of this Chapter, any OSTDS shall be abandoned and the sewage wastes from the residences or building discharged to the sanitary sewer within 90 days thereafter.

K. If an existing OSTDS is disconnected from a structure that was made unusable or destroyed following a disaster, the system may be reconnected to a rebuilt structure per the provisions of F.S. § 381.0065(4)(y). [Ord. 2022-019]

L. When the use of an OSTDS is discontinued, it shall be abandoned and its further use for any purpose prohibited. An abandoned septic tank shall be (1) pumped out; (2) the bottom suitably opened or ruptured so as to prevent the tank from retaining water; and, (3) filled with clean sand or other suitable material, the actions being taken in the order listed. However, if the Department or its designee approves the use of the retention tank as an integral part of a sanitary sewer system or stormwater management system, the septic tank need not be abandoned. [Ord. 2022-019]

M A septic tank serving a Single Family residence may, at the owner's discretion, be converted into a cistern pursuant to the procedures set forth in Rule 62-6.011(4), F.A.C. [Ord. 2022-019]

N. It shall be the duty of the Department to conduct such technical inspections as are reasonable and necessary to determine compliance with the provisions of this Chapter. [Ord. 2022-019]

Section 4 Permit Conditions and Approvals

A. An OSTDS shall not be installed, modified, abandoned, or repaired until a valid permit has been obtained from the Health Department. Permits for system repairs shall be issued in accordance with Chapter 62-6, F.A.C. [Ord. 2011-002] [Ord. 2022-019]

B. If the Department determines that the disposal of certain wastes into the OSTDS may interfere with the proper functioning of the system, the Department may specify on the permit those conditions that are appropriate for the proper functioning of the system. Upon request of the Department, the permit and conditions shall be recorded in the Public Records of PBC at the permittee's expense.

C. The OSTDS shall not be used or covered with earth before it has passed an inspection by the Health Department and a notice of approval has been issued. Should the installer or general contractor fail to notify the Health Department prior to covering the system, the Health Department shall require that the system be uncovered for inspection. If the system is approved, the Health Department shall issue a notice of approval to the owner. Any new building or structure shall not be occupied until final approval has been issued by the Health Department. [Ord. 2011-002] [Ord. 2011-017]

Section 5 Application Data for an OSTDS – Single Lot or Parcel

A. The application and supporting data required for approval of an OSTDS for a single lot or parcel of property shall be submitted to the Health Department by the owner or his authorized representative, or a contractor licensed under F.S. ch. 489 in accordance with Chapter 62-6, F.A.C. The completed application form shall be submitted together with the following: [Ord. 2011-017] [Ord. 2022-019]
   1. A Site Plan of the property drawn to scale, showing the following:
      a. Property boundaries with dimensions;
      b. Easements;
      c. Location of all existing and proposed buildings;
      d. Location of all wells;
      e. Location and layout of treatment receptacle and drainfield;
      f. Unobstructed area available for the installation of the OSTDS;

g. Potable and non-potable water lines;
h. Driveways;
i. Parking areas;
j. Walkways;
k. Swimming pools;
l. Stormwater drainage system;
m. Surface water such as ponds, (existing or proposed), lakes, streams, ditches, canals, or wet areas;
n. Location and elevation of soil profiles;
o. Benchmark on or adjacent to the property;
p. Location of wells, onsite sewage treatment and disposal facilities or other pertinent features on adjacent properties if the features are within 200 feet of the proposed onsite sewage treatment system or well; and,
q. The Site Plan shall also indicate the presence of any marsh area, mangroves, cypress, and wetland vegetation on the property or on adjacent properties.

2. For residences, a floor plan showing the number of bedrooms and the building area of each dwelling unit.
3. In cases where there is an extreme variation in the elevation of the lot, a topographical map of the property must be submitted.
4. At least two soil profiles delineating the textural classification and Munsell color of the native soil at the beginning and end of the soil absorption area to a minimum depth of six feet or refusal in accordance with USDA Soil Classification Methodology.
5. The existing water table elevation and the estimated wettest season water table elevation.

B. The owner shall be held responsible for all information supplied to the Department. The application and supporting data serve as the basis for the issuance of a construction permit. In the event of a change in any material fact given in the application which served as a basis for issuing a construction permit, the owner shall immediately file an amended application detailing such changed conditions. If the new conditions are in compliance with the standards in this Chapter, the construction permit shall be amended. If the new conditions are not in compliance with the standards of this Chapter, the permit shall be revoked.

C. New Construction, Additions, or Repairs

1. For new construction and additions, the supporting data must be prepared by an Engineer and land Surveyor registered in the State of Florida, as specified in Chapter 62-6, F.A.C. The Site Plan must be prepared by a Professional Engineer or land Surveyor registered in the State of Florida. The soil classification and system design shall be performed by a Professional Engineer registered in the State of Florida with training in soils, person certified under F.S. § 381.0101, master septic tank contractor licensed under F.S. ch. 489, or professional soil scientist certified and registered by the Florida Association of Environmental Soil Scientists. When fill soils are used, the Department may require that soils be classified by a certified soils engineering testing laboratory registered in the State of Florida. [Ord. 2018-019] [Ord. 2022-019]
2. For repairs, an existing Site Plan can be used. The soils evaluation can be performed by a septic tank contractor licensed under F.S. ch. 489 in accordance with Chapter 62-6, F.A.C. and F.S. § 381.0101. [Ord.2018-019] [Ord. 2022-019]

D. If the application is for a lot that is exempt under Art. 15.A.7.E, of this Chapter, documentation shall be submitted to substantiate the existence of the lot prior to January 1, 1972. Documentation shall be: [Ord. 2005-003]

1. A survey, map, plat, or drawing prepared by a professional land Surveyor licensed in the State of Florida, or
2. A survey, map, plat, or drawing registered with the Department of Business and Professional Regulation, Division of Land Sales, or
3. A property tax receipt, or
4. A deed, or
5. An agreement for deed.

Section 6 Application Data for an OSTDS – Subdivision

A. The application and supporting data required for approval of the use of OSTDS for a subdivision shall be submitted to the Department by the owner or his authorized representative. The supporting data must be prepared by a licensed Surveyor or Engineer, as appropriate, and shall include: [Ord. 2022-019]

1. A plan of the subdivision clearly drawn to scale, showing lot and block arrangements, lot dimensions with all lots numbered, and net area of each lot;

2. A topographical map with contour interval to indicate surface configurations, including slopes, streams, or watercourses, bodies of water, low, wet, or marshy land, and lots on which any fill is to be made;
3. A general site location map for reference identification of the area;
4. The proposed drainage plans certified by the preparer as being in compliance with existing district drainage plans as approved by the local drainage authority, the PBC Engineering Department, and the South Florida Water Management District (SFWMD), as applicable;
5. SFWMD Staff Report and permit for the proposed drainage system, if applicable;
6. The natural soil profile delineating soil classification to a depth of six feet or refusal for a representative number of test sites for at least ten percent of the number of lots, for which the minimum information provided is the upper and lower horizon boundaries. Munsell color of the horizon and its components and USDA soil texture; using USDA Soil Classification methodology as described in Chapter 3 of the Soil Survey Manual, USDA, Handbook No. 18 (March 2017), herein incorporated by reference. Where the replacement of severely limited soil is proposed, soil profiles shall be performed to a minimum depth of six feet or to the depth of the slightly or moderately limited soil layer lying below the replaced layer, whichever is greater; [Ord. 2022-019]
7. Water table elevations as existing and for the wettest season, based on MSL datum;
8. All dedicated R-O-W or recorded easements proposed for use in the installation of onsite sewage treatment and disposal or water system;
9. Proposed sewer utility easements and R-O-W shall be included on the Subdivision Plan; and,
10. If private wells are to be used, submit evidence to the Department that the groundwater is of satisfactory quality and is not threatened by a source of contamination.

Section 7 Approval Standards – OSTDS

In considering applications for permitting construction of an OSTDS, the Health Department shall be governed by the following standards: [Ord. 2011-017] [Ord. 2022-019]

A. The lot, unless exempt under Art. 15.A.7.E, of this Chapter, shall have a minimum net usable land area of: [Ord. 2005-003] [Ord. 2022-019]
   1. One-half acre if the water supply is by means of a public water system as defined in F.S. § 403.852. [Ord. 2011-017] [Ord. 2022-019]
   2. One acre if the water supply is by means of an onsite well. [Ord. 2011-017]
B. The drainfield invert shall be a minimum of 30 inches above the wettest season water table elevation.
C. Systems shall be placed no closer than the minimum distances required under Chapter 62-6, F.A.C. except for lots addressed under Art. 15.A.7.F, of this Chapter; [Ord. 2005-003] [Ord. 2022-019]
D. Suitable, unobstructed land shall be available for the installation and proper functioning of drainfields as required under Chapter 62-6, F.A.C. [Ord. 2022-019]
E. Parcels or tracts of land for which documentation has been submitted in accordance with Art. 15.A.5.D, of this Chapter, to substantiate existence prior to January 1, 1972 shall be exempt from the lot size requirements of Art. 15.A.7.A, of this Chapter, as long as a Conditional Use has not been granted or a change in zoning has not been made; provided, however, that neither a zoning change which does not increase the permitted residential density of units on the parcels or tracts nor a zoning change initiated by action of PBC shall be deemed to divest the parcels or tracts of the exemption provided hereby. [Ord. 2005-003]
F. The following standards shall apply when the soil profile, as required under Art. 15.A.5.A.4, of this Chapter, shows the presence of hardpan or bedrock or of soils classified as sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, clay, and organic soils. The PBC Soil Survey prepared by the USDA Soil Conservation Service or other available data may be used by the Health Department to determine the presence of the above-noted soils. [Ord. 2005-003] [Ord. 2011-017]
   1. The OSTDS shall be placed no closer than the minimum distances indicated for the following:
      a. 100 feet from private, Multifamily, and limited use wells;
      b. 200 feet from a non-community well;
      c. 500 feet from a community well;
      d. 75 feet from a non-potable water well; and,
      e. 100 feet from the high-water line of lakes, streams, canals, or other surface waters of overflow (see Appendix 1 and Appendix 2, Typical Site Plan Sewage Disposal System).

G. When an automatic dosing system is required in accordance with Chapter 62-6, F.A.C., two pumps shall be required for commercial use when the estimated establishment sewage flow exceeds 500 gallons per day and for Multifamily residential use where three or more units are proposed. A placard on the dosing pump panel must be provided indicating the following: [Ord. 2022-019]
   1. Name and phone number of person to contact in case of emergency; and
   2. Name and phone number of septic tank company to call for pumpout in case of overflow.

Section 8 Conditions for Non-Approval of an OSTDS

An OSTDS shall not be approved:

A. Where an existing sanitary sewer is available. A municipal or investor-owned sewage system shall be deemed available for connection if the following conditions exist:
   1. The system is not under a FDEP moratorium, the sewage system has adequate hydraulic capacity to accept the quantity of sewage to be generated by the proposed establishment, and the existing sewer line is within the following distance from the property:
      a. For estimated sewage flows of 600 or fewer gallons per day, if a sewer line exists in a public easement or R-O-W which abuts the property or is within 100 feet of the property and if gravity flow can be maintained from the building drain to the sewer line.
      b. For estimated sewage flows greater than 600 gallons per day to 1,200 gallons per day, if a gravity or force main exists in a public easement or R-O-W which is within 100 feet of the property. [Ord. 2022-019]
      c. For estimated sewage flows greater than 1,200 gallons per day to 2,500 gallons per day, if a gravity or force main exists in a public easement or R-O-W which is within 500 feet of the property. [Ord. 2022-019]
      d. For estimated sewage flows greater than 2,500 gallons per day to 10,000 gallons per day, if a gravity or force main exists in a public easement or R-O-W which is within 1,000 feet of the property. [Ord. 2013-002] [Ord. 2022-019]
B. Where the property is located in an area that is subject to frequent flooding.
C. For lots in a subdivision where the approved drainage has not been constructed in accordance with the requirements of the SFWMD and/or the PBC Engineering Department.
D. For treatment and disposal of industrial hazardous or toxic wastes.

Section 9 Handling of Septage

Collection, treatment, and disposal of septage shall be in accordance with Chapter 62-6, F.A.C. No person(s) or corporation shall engage in the business of servicing septic tanks, grease traps, portable toilets, or other treatment receptacles without first obtaining an annual license from the Department. The issuance of the license would be based upon compliance with the provisions of Chapter 62-6, F.A.C. [Ord. 2022-019]

Section 10 Prohibitions

A. It is prohibited for any person to construct, keep, use, or maintain a privy from which human waste is deposited on the surface of the ground or over waters of the State of Florida.
B. No person shall manufacture, sell, or install an OSTDS unless in compliance with the requirements of this Chapter.
C. It is prohibited to drain sewage wastes or septic tank effluent into cesspools or drywells as means of disposal.
D. Organic chemical solvents shall not be advertised, sold, or used in PBC for the purpose of degreasing or declogging onsite sewage disposal systems.

Section 11 Incorporation by Reference of Chapter 62-6, F.A.C.

Chapter 62-6, F.A.C. as may be amended from time to time and all amendments hereto, is hereby incorporated by reference including, but not limited to, application and permitting procedures, systems design and construction standards, system sizing, system setback requirements, septage disposal, system maintenance, and Fee Schedule unless higher in Sec. 11-24 of the PBC Code. In the event of a conflict between the provision of Chapter 62-6, F.A.C. and this Chapter, the more restrictive provision shall apply. [Ord. 2022-019]

Section 12 Environmental Appeals Board (EAB)

The EAB was established by the ECB on May 26, 1987, to hear appeals from certain requirements, interpretations, or determinations of this Chapter made by the Department or the ECO. Its membership is described in Art. 2.G, Decision Making Bodies.

Section 13 Appeals

A. Persons aggrieved by a requirement, interpretation, or determination of this Chapter made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. However, no appeal shall be filed which requests relief from the construction standards required under Chapter 62-6, F.A.C. The notice shall be accompanied by a certified check or money order, made payable to the Department to defray the cost of processing and administering the appeal. The fee for filing the appeal shall be in accordance with Sec. 11-24 of the PBC Code. [Ord. 2013-002] [Ord. 2022-019]

B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including the information listed in Appendix 3, ECR I – Information Required for an Appeal for an Individual Lot, or Appendix 4, ECR II – Information Required for an Appeal for a Subdivision, if applicable to the appeal. The EAB may require such additional information, as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department or Environmental Control Office with the notice of appeal. The burden of presenting supportive facts in the notice of appeal shall be the responsibility of the Person filing the appeal. The Person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department shall defend all appeals before the EAB. [Ord. 2005-003]

C. The Person filing the appeal shall also submit to the ECO a list of the names and addresses of every Property Owner who may be affected by the granting of the appeal in the following cases:
   1. The proposed OSTDS fails to meet the minimum distance required between the system and a well, as provided by this Chapter; or
   2. The proposed OSTDS is within five feet of a neighboring lot; or
   3. The proposed OSTDS is within 50 feet of a water body on a neighboring lot.

D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the Applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.

E. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent Persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and to rebut evidence.

G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.

H. In order to grant an appeal authorizing an OSTDS on a single lot, the EAB must find that:
   1. Because of special factors, which may include economic factors, the Applicant is unable to comply with this Chapter; and
   2. The OSTDS complies with current construction standards; and
   3. The granting of the appeal is the minimum alternative that will make possible the reasonable use of the land, structure, or building; and
   4. The granting of the appeal is consistent with the general intent, purpose, and requirements of PBC laws and Ordinances; and
   5. The grant of the appeal will not be injurious to the area involved or to the public health and general welfare.

I. In order to grant an appeal authorizing OSTDS in subdivisions containing lots smaller than those required under this Chapter, the EAB must additionally find: [Ord. 2022-019]
   1. That for a proposed subdivision to be served by individual private wells, each lot has at least one-half acre, with a minimum dimension of 100 feet and that said subdivision contains no more than 50 lots; or that for the proposed subdivision to be served by a public water system, each lot has at least one-third acre with a minimum dimension of 75 feet and that said subdivision contains no more than 100 lots; and
   2. That satisfactory groundwater can be obtained if an individual private well is to be used; and
   3. That all distance and setbacks, soil conditions, water table elevations, and other related requirements of this Chapter and Chapter 62-6, F.A.C., are met; and [Ord. 2022-019]
   4. That the proposed subdivision does not represent sequential development of contiguous subdivisions, the purpose of which is to avoid the requirements of Art. 15.A.13.I.1; and
   5. That a municipal, County, or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
   6. That the proposed plat contains notification that the lots must be connected to a municipal, County, or investor-owned water supply and/or sewage system within 90 days from the date such system becomes available; and
   7. That the proposed density of the subdivision is consistent with the density recommended in the Land Use Plan of PBC or in the Land Use Plan of the appropriate municipality; and
   8. That the developer has made every reasonable effort to obtain public water and sewer; and
   9. That dry water and/or sewer lines are to be installed by the developer and that the developer will establish an escrow account to pay for the cost of connection when water and/or sewer becomes available, or that the installation of the same is not feasible from a technical or economic standpoint; and
   10. That on site, water and/or sewage treatment facilities are not feasible from a technical or economic standpoint; and
   11. That the proposed development will consist of no more than one Single Family residence per lot; and
   12. That land uses surrounding and adjacent to the proposed subdivision and soil qualities of the area do not indicate that the area's health is endangered by an inordinate proliferation of septic tanks.

J. Provided that the factual findings specified in Art. 15.A.13.H and Art. 15.A.13.I, above, are made, the EAB may reverse, modify, or affirm, wholly or partly, the requirement, interpretation, or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Chapter. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Chapter. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.

K. If there is a change in facts or circumstances supporting a request for relief after an order granting relief has been issued, then the Applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.

L. Except where the relief granted is to exempt an Applicant from the requirement to connect to a sanitary sewer under Art. 15.A.8.A, any relief granted shall automatically terminate upon the availability of sewer service to the lot or parcel. Unless otherwise provided in an order issued pursuant to Art. 15.A.13.J, relief granted under this Chapter shall automatically lapse if action for which the appeal was granted has not been initiated within 24 months from the date of granting such appeal by the EAB or, if judicial proceedings to review the EAB's decision shall be instituted, from the date of entry of the Final Order in such proceedings, including all appeals. [Ord. 2013-002]

M. The decision of the EAB shall be final administrative action. Any party or interested Person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EAB's order.

Section 14 Violations, Enforcement, Penalties, and Inspections

A. Violations, Enforcement, and Penalties
It is unlawful for any person to violate any provision of this Chapter or any duly constituted order of the ECHB enforcing this Chapter. Such violations shall be punished according to the provisions of Chapter 77-616, Special Acts, Laws of Florida, as amended from time to time and PBC Environmental Control Ordinance No. 94-26, 32 as amended.

B. Inspections
It shall be the duty of the Health Director to conduct such inspections as are reasonable and necessary to determine compliance with the provisions of this Chapter.

Section 15 Judicial Review

Any Person aggrieved by an action or decision of the EAB may seek judicial review in the Circuit Court for PBC by filing a Petition for Writ of *Certiorari* pursuant to the Florida Rules of Appellate Procedure.

Section 16 Applicability

This Chapter shall apply to all the incorporated and unincorporated areas of PBC.

CHAPTER B PBC ENVIRONMENTAL CONTROL RULE II – DRINKING WATER SUPPLY SYSTEMS

This Chapter shall be designated as "PBC Environmental Control Rule II – Drinking Water Supply Systems." [Ord. 2022-019]

Section 1 Purpose

The provisions of this Chapter prescribe the minimum standards for the design, construction, installation, and operation of all water supply systems from which water is used for human consumption, culinary, sanitary, domestic, or other purposes.

Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

Section 3 General Provisions

A. A single water supply system shall be constructed for any new structure, lot, or facility containing more than one building with common access parking.
B. All fees charged for the administration of this Chapter shall be in accordance with the Fee Schedule pursuant to Ordinance No. 97-58 and the amendments thereto. Also refer to Sec. 11-24 of the PBC Environmental Regulation and Control Code.
C. All buildings used or intended for human occupancy, employment, or service to the public shall be provided with piped water under pressure from a water system which complies with the provisions of this Chapter. Bottled water shall not be considered an acceptable substitute for such a water system.
D. Request for Department approval on zoning, Site Plan, and subdivision matters for Building Permits shall be reviewed in light of this Chapter.
E. This Chapter applies to both new and existing water systems unless the Section states otherwise.

Section 4 Water Quality Requirements

The ultimate concern of a public drinking water program is the quality of piped water for human consumption when the water reaches the consumers. The following rules establish the maximum contaminant levels for the water within public water systems. Public water systems shall not exceed the maximum contaminant levels established.

A. Primary Drinking Water Standards – Maximum Contaminant Levels
These standards are as specified in Chapter 62-550, F.A.C. and Chapter 64E-8, F.A.C. as applicable.

B. Maximum Contaminant Levels for Secondary Inorganic Contaminants
The maximum contaminant levels for secondary inorganic contaminants are applicable to community water systems only and are as specified in Chapter 62-550, F.A.C.

Section 5 Water Monitoring Requirements

A. Monitoring requirements for the supplier of water shall be per Chapter 62-550, F.A.C. for community, non-transient non-community, and transient non-community public water supply systems and per Chapter 64E-8, F.A.C. for limited use water systems. [Ord. 2005-003]
B. Community and non-transient non-community water systems shall monitor for the following from each raw water source or well semi-annually: [Ord. 2005-003]
    1. Calcium, Ca
    2. Chloride, Cl^-
    3. Color
    4. Iron, Fe
    5. Nitrate, NO^-_3
    6. pH (Field)
    7. Total dissolved solids
    8. Conductivity
    9. Total hardness, as $CaCO_3$

Section 6 Reporting Requirements

The supplier of water of any community, non-transient non-community, or transient non-community water supply system shall comply with the reporting requirements as specified in Chapter 62-550, F.A.C. The supplier of water of any limited use water supply system shall comply with the reporting requirements as specified in Chapter 64E-8, F.A.C. [Ord. 2005-003]

Section 7 Notification Requirements

A. The supplier of water of any community, non-community, non-transient, or transient non-community water system shall comply with the notification requirements as defined in Chapter 62-560, F.A.C. [Ord. 2011-002]

B. If a limited use water system fails to comply with an applicable maximum contaminant level or fails to comply with an applicable testing procedure, established in Art. 15.B.6, Reporting Requirements, the supplier of water shall give notice of such failure to the persons served by the system by fixed signs located at all potable water outlets or connections.

C. In case of breaks in water mains or transmission lines, a drop in water pressure at the point of entry or anywhere in the distribution system below 20 psi, abnormal taste or odor, any interruption of water service to users, or any circumstances which could affect the quality of the drinking water, it shall be the duty of the water supplier to notify the Health Department within one hour of the occurrence. Notification shall include the following information: [Ord. 2011-002]
   1. Description of the problem;
   2. Area affected;
   3. Number of connections or users affected;
   4. Estimated duration of problem;
   5. Method of notification to users; and,
   6. Such information shall also be provided in writing on the monthly operation report.

D. If any of the conditions listed in Art. 15.B.7.C, above, should occur, the water supplier is required to obtain two consecutive days of satisfactory bacteriological sample results from the affected area. If it is determined that notification of the necessity to boil water is required, then notification shall be given immediately to the users either by written notice (e.g., door hangers; flyers; locally posted signs), a reverse 911 calling system through the media of newspaper, radio, or television, or a combination of these methods as needed to properly contact the service population. The Department of Health's "Guidelines for the Issuance of Precautionary Boil Water Notices" as adopted in Chapter 62-550, F.A.C. shall be used to determine if and when a boil water notification is necessary and how to issue/rescind said boil water notification. If issued, the notice to boil water shall remain in effect until at least one day of satisfactory bacteriological sample results have been obtained from the affected area, and after consultation and approval of the Health Department. If only one day of precautionary boil water is utilized, then sufficient evidence must be provided to the Health Department to confirm that no contamination has occurred, e.g. extensive bacteriological test data, system pressure data, detailed explanation of repair process to confirm lack of potential for contamination, etc. If unsatisfactory bacteriological levels are detected following the one day initial sampling, or if the system cannot adequately justify to the Health Department that no contamination has occurred, then the water system shall provide a minimum of two consecutive days of satisfactory sample results prior to rescinding the boil notice. Samples shall be taken 24 hours apart. The Health Department shall notify the water supplier when a system-wide boil water notice may be rescinded. [Ord. 2005-003] [Ord. 2011-002]

E. Where public fire protection is provided by the mains affected by the interruption, the utility water supplier shall notify the Fire Marshall or the appropriate Fire Department official that an interruption has occurred or will occur.

Section 8 Construction and Design Requirements

A. Design Criteria

Approval for construction, extension, expansion, or use of any community, non-transient non-community, transient non-community, and limited use water supply system shall be based on the criteria below, in addition to the design criteria specified in Chapter 62-532, F.A.C., Chapter 62-555, F.A.C., Chapter 64E-8, F.A.C., and the standards considered as modern engineering practices. Criteria in the references listed below are incorporated into this Code. If any differences in design criteria exist, the more stringent standard shall be used. [Ord. 2011-002]

1. Lead pipes, solder, and flux are prohibited for use in the installation or repair of any drinking water system. This does not apply to leaded joints necessary for the repair of cast iron pipes. Solders and fluxes must contain not more than one-fifth percent lead and fittings not more than eight percent lead.
2. A minimum of two drinking water supply wells and pumps shall be provided for each community water system that will serve 350 or more persons or 150 or more service connections upon completion of construction. [Ord. 2005-003]
3. All water wells shall be constructed by a water well contractor licensed by the SFWMD in accordance with Chapter 62-531, F.A.C., as applicable.
4. All water wells shall be constructed in accordance with Chapter 40E-3, F.A.C., Chapter 62-532, F.A.C., Chapter 62-555, F.A.C., and Chapter 64E-8, F.A.C., as applicable.
5. For private and Multifamily water wells and irrigation wells the casing shall be surrounded at grade level by a two-inch-thick concrete pad extending at least six inches in all directions and the upper terminus of the well casing shall project at least 12 inches above finished grade. [Ord. 2005-003]
6. Whenever the pump is not set at the vertical casing, the line between the vertical casing and pump shall be considered an extension of the casing and protected from sanitary hazards in a similar manner as the casing.
7. For community, non-community, and non-transient non-community water systems having OSTDS wells shall be located as specified in Chapter 62-555, F.A.C.
8. Limited use wells shall be placed a minimum distance of 100 feet from any OSTDS.
9. Private and Multifamily water wells shall be placed a minimum distance of 75 feet from any OSTDS or brine disposal area.
    a. 75 feet from any OSTDS or brine disposal area. [Ord. 2005-003]
    b. 50 feet from any non-potable water well, pond, canal, or other body of water. [Ord. 2005-003]
10. Community, non-community, non-transient non-community, and limited use water wells shall be located a minimum distance of:
    a. 100 feet from other pollution sources, including but not limited to drainage wells, gasoline or other petroleum product underground storage tanks, or water softener brine disposal areas except as otherwise provided in Art. 14.B, Wellfield Protection.
    b. 100 feet from any non-potable water well, pond, canal, or other body of water unless justified in accordance with Chapter 62-555, F.A.C., but not less than 50 feet.
    c. 25 feet from poisoned soils, including but not limited to building foundations.
    d. 500 feet from any sanitary landfill or recognized hazardous or toxic waste site.
11. Distances shown in Art. 15.B.8.A.8, Art. 15.B.8.A.9, and Art. 15.B.8.A.10 above may be increased if required under Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs.
12. Any waste collection or transmission line within the defined locations defined in Art. 14.B, Wellfield Protection shall be constructed in accordance with current American Water Works Association, water main standards, including the passing of the appropriate pressure and leakage tests.
13. Within 30 days after the completion of the construction or repair of any drinking water well, the water well contractor shall submit a report to the Department on the approved forms in accordance with the instructions provided thereon.
14. Water supply system wells shall be enclosed within protective fencing when access is open to the general public.
15. The cone of influence of a new well or wells serving a community water supply system shall comply with the requirements of Art. 14.B, Wellfield Protection.
16. All wells for which use has been permanently discontinued shall be plugged by filling them from the bottom to the top with neat cement grout, concrete, or other method approved by the Department.
17. All existing community systems serving 350 or more persons and all newly proposed community systems shall be equipped with a source of auxiliary power to allow operation of the raw water supply, water treatment units, and pumping capacity. In addition, such systems shall be provided with automatic start-up devices except where elevated storage or 24-hour per day, seven-day per week operation is

provided. Such emergency power shall be of a sufficient capacity to operate the water supply facility at average daily design capacity. A minimum fuel supply for 14 days of continuous operation for each item of auxiliary power shall be maintained at the Water or Wastewater Treatment Plant or under the control of the utility and reserved for the Water or Wastewater Treatment Plant. Any fuel pumps required to transfer the fuel to the auxiliary power units shall be equipped with their own auxiliary power or manual pumping system. [Ord. 2005-003] [Ord. 2017-008]

18. All community, non-transient non-community, and transient non-community limited use systems where applicable, shall maintain a minimum reserve supply of chlorine for emergency conditions. Such reserve shall be figured for 14 days' consumption for systems using gas chlorine and seven days' consumption for systems using hypochlorite solution. The consumption shall be based, as a minimum on 50 percent of design capacity. [Ord. 2011-002]
19. **Disinfection**
    a. All public water systems shall be designed to maintain a minimum continuous and effective free chlorine residual within the acceptable range of 4.0 milligrams per liter maximum and 0.2 milligrams per liter minimum or equivalent disinfection if other than free chlorine is used as the disinfection measure throughout the system. When utilizing chlorine in combination with ammonia, a minimum combined residual of 0.6 milligrams per liter shall be maintained. [Ord. 2005-003]
    b. Limited Use Water Systems
    The Department shall require disinfection if bacteria is discovered in any sample of water and it is determined that there is an existing or potential health threat.
    c. A minimum of two chlorination facilities at the Water or Wastewater Treatment Plant shall be provided for each community water system. Each chlorinator shall be of adequate capacity to supply the total demand of the raw water at the rated capacity of the Water or Wastewater Treatment Plant. Where more than two chlorinators are available, adequate capacity to supply the total chlorine demand of the raw water shall be provided with the largest unit out of service. Disinfection other than chlorination will be considered on an individual basis by the Department. [Ord. 2017-008]
    d. Booster chlorination facilities shall be provided in the distribution systems of community water systems as necessary to maintain the disinfection requirements of Art. 15.B.8.A.19.a, above, to consecutive systems. [Ord. 2011-002]
    e. Consecutive systems shall be responsible for maintaining the disinfectant residual requirements of Art. 15.B.8.A.19.a, above, within the consecutive system.
20. **Water or Wastewater Treatment Plant and Storage**
    The approved design capacity shall be adequate to provide for the maximum day demand plus fire flow requirements and maintain the water quality standards specified in this Chapter.
21. **Distribution**
    a. The sizing of the distribution lines shall be adequate to provide the maximum day demand plus fire flow without the development of distribution pressures lower than 20 pounds per square inch (20 psi). The minimum required fire flow shall be established by the fire department having jurisdiction. [Ord. 2006-004]
    b. Except for repair or replacement of existing lines, the size of new piping for any community system shall be no less than six-inch diameter unless a departure in sizing is justified by hydraulic analysis or historic analysis and future water use for the area and is approved by Department based on such circumstances.
    c. In metered distribution systems, the supplier of water shall be responsible for operation maintenance and repair of new water lines up to and including the water meter.
    d. Any new development or construction connecting to an off-site water main shall provide an extension of that water main along the public R-O-W or utility easements abutting the property.
    e. Dead-end lines shall be minimized by the looping of all mains where possible. Where dead-end lines occur, they shall be provided with flush hydrants, fire hydrants, or blowoffs for flushing purposes.
    f. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 80 percent of approved design capacity, the supplier of water shall initiate the procedures for Water or Wastewater Treatment Plant expansion. In the event expansion procedures are not initiated, the system shall be considered inadequate for additional distribution expansion, and approval for additional distribution expansion shall not be granted unless otherwise justified by an engineering report covering the circumstances and approved by the Department. [Ord. 2017-008]

g. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 90 percent of the approved design capacity, the supplier of water shall have the Water or Wastewater Treatment plant expansion under construction. In the event construction is not underway, the system shall be considered inadequate for additional distribution expansion, and approval for additional distribution expansion shall not be granted unless otherwise justified by an engineering report covering the circumstances and approved by the Department. [Ord. 2017-008]

Section 9 Connection Required

All existing buildings served by non-transient non-community, transient non-community, and limited use water systems or new limited use and new private water systems shall connect to an approved community water system where such a system has an available water main within 100 feet in a public R-O-W or easement abutting the property on which the building(s) are located. Connection to an approved community water system shall be completed within six months of being notified by the Health Department. Connection to an approved community water system shall not be required: [Ord. 2011-002] [Ord. 2022-019]

A. If connection requires an extension of the main; or
B. If the main is located across four or more lanes of paved roadway; or
C. If the utility is unable to provide water.

Section 10 Backflow Prevention

The following buildings, establishments, or facilities connected to a drinking water supply shall install and maintain backflow prevention devices complying with current American Water Works Association standards: nursing homes, hospitals, mortuaries, funeral parlors, restaurants, sewage treatment plants, sewage lift stations, public swimming pools, and buildings using corrosive, toxic, infectious, radioactive, or other substances which would be a health threat if they entered a drinking water supply.

Section 11 Permits/Approvals

A. Approval

The Department shall review and approve or deny any construction or use of any water supply system or facility based on the criteria specified in this Chapter. Prior to submission to the Department, plans involving distribution mains shall be reviewed by the Fire Marshall or by the appropriate Fire Department official.

B. Construction Permits

1. No person shall install, extend, or alter any water supply system or facility including any well, plant, tank, pump station, distribution system, fire line, or other pipe or structures without first obtaining a construction permit or written approval from the Department. [Ord. 2005-003]
2. Where required, Applicants shall provide evidence of their ability to secure a Consumptive Use Permit from the SFWMD; in addition evidence of proper zoning is required prior to Department approval.
3. The Applicant shall provide the necessary information and design specifications requested and required by the Department to conduct an adequate review of any proposed activity or construction in addition to that information provided on the FDEP or Department application forms. The plans, applications, and specifications for community, non-community, or non-transient non-community water wells and water systems except limited use, private, and non-potable water wells shall be prepared by a Professional Engineer, licensed in the State of Florida.
4. Any submittal for community water systems, for which the supplier of water is not the Applicant but will require ownership, operation, or maintenance by the supplier of water, shall require the acceptance stamp of the supplier of water on the plans.
5. A construction permit shall be required for all extensions, relocations, or replacements of distribution lines exceeding 100 feet in length at any single location, service connections exceeding 100 feet in length with two-inch or larger pipe serving commercial or institutional establishments, and where privately-owned or maintained fire hydrants are proposed. [Ord. 2005-003]
6. Distribution lines and service connections permitted by the Department shall be reviewed to determine that the proposed construction complies with applicable design and construction standards of Chapter 62-550, F.A.C. and Chapter 62-555, F.A.C. and this Chapter. [Ord. 2005-003]
7. Any extension of a distribution system within PBC for which the water supply facility is not located within PBC, or distribution extension outside PBC when the water supply facility is located within PBC, shall require a permit from the Department and written acceptance of the project from the responsible agency outside PBC. [Ord. 2005-003]

C. Approval for Use

1. No person shall put into service or use any drinking water system or facility, including any well, plant, tank, pump station, distribution system, fire line, or other pipes or structure without first having received written approval from the Department.
2. Upon completion of construction of the water well or water system, the following information shall be submitted to the Department in order to obtain an approval for use:
   a. For water wells, a well completion report prepared by a licensed water well contractor.
   b. For water systems, a Certification of Completion and record drawings (sampling points shall be highlighted) prepared by the Engineer of Record.
   c. Chemical and bacteriological sample results as required by this Chapter.
3. The Certification of Completion for the water system or facility shall include certification of any accompanying sewage system and evidence of the acceptance of the system or facility by the supplier of water.
4. Uses of construction meters for construction water may be approved by the Department in cases when accompanying sewer has not been certified if the Department determines the water system or facility has been satisfactorily tested and certified by the Engineer of Record.
5. The Water Well Completion Report shall be submitted to the Department within 30 days of the completion of construction or repair of the water well.
6. The connection of new water mains to existing mains shall not be completed until after the new mains have passed their pressure and leakage tests and completed the disinfection and bacteriological clearance procedures. During construction partial releases may be given by the Department. However, the pressure and leakage tests and the disinfection and bacteriological procedures shall be followed in all cases. No water supply system or facility, including any well, plant, tank, pump station, distribution system, or other pipes, equipment, or structure through which water is delivered to the consumer for drinking or household purposes, except certain community water supply service connections not requiring a permit, shall be put into service or used until such facility has been effectively disinfected and bacteriologically cleared. Sample results shall be submitted to the Health Department as follows: [Ord. 2011-002]
   a. For all water systems, except wells, two acceptable consecutive daily samples shall be required.
   b. For a community, non-transient non-community, or transient non-community well clearance, a minimum of 20 consecutive workday-acceptable samples are required with no more than two samples taken daily. Samples shall be taken at least six hours apart. [Ord. 2011-002]
   c. For a limited use water well clearance, a minimum of five acceptable samples are required. The collection and analysis of two samples per day is permitted if the samples are taken a minimum of six hours apart and the well is purged for 15 minutes before each sample is taken. [Ord. 2005-003]
   d. For a private water well clearance, one acceptable sample shall be taken.
   e. Any sample analysis with confluent growth and/or TNTC non-coliform counts shall not be accepted.
   f. Sample results from any water supply facility or well shall not be accepted if more than 60 days has elapsed since the taking of the last sample. [Ord. 2005-003]

Section 12 Sampling/Analytical Methods

A. All water samples required under this Chapter for community, non-transient non-community, and transient non-community, water systems, including community water well and water main clearance shall be taken by an employee of a laboratory certified to perform drinking water analysis by the Health Department in accordance with F.S. § 403.863 and Chapter 64E-1, F.A.C., or an operator certified under Chapter 62-602, F.A.C., or an employee of the Health Department. Water samples for other public and private water well clearance shall be taken by the licensed well contractor that installed the well. [Ord. 2011-002]

B. All water samples shall be analyzed by a laboratory certified to perform drinking water analyses by the Department in accordance with F. S. § 403.863 and Chapter 64E-1, F.A.C.

C. Analyses conducted to determine compliance with this Chapter shall be made in accordance first with the methods specified in Chapter 62-550, F.A.C., and if not specified then in accordance with “Standard Methods of Examination of Water and Wastewater,” latest edition, or methods approved by the EPA.

Section 13 Operation and Maintenance

The following operation and maintenance requirements shall apply to community, transient non-community, non-transient non-community, and consecutive water systems, except Art. 15.B.13.A, Art. 15.B.13.D, Art. 15.B.13.E, Art. 15.B.13.F, Art. 15.B.13.G, and Art. 15.B.13.I shall also apply when applicable to limited use water systems: [Ord. 2006-004]

A. The supplier of water shall maintain all items of the water supply facility in the approved operational condition.
B. The supplier of water shall provide a certified operator as specified in Chapter 62-699, F.A.C. as it may be amended or transferred. [Ord. 2005-003]
C. The certified operator servicing water systems shall maintain an on-site log of maintenance performed, date performed, and problems encountered with the system.
D. The supplier of water shall operate the water supply facility to maintain continuously the free available chlorine residual or equivalent disinfection between 4.0 milligrams per liter and 0.2 milligrams per liter throughout the distribution system, and the total chlorine residual no greater than 5.0 milligrams per liter. When utilizing chlorine in combination with ammonia, a minimum combined residual of 0.6 milligrams per liter shall be maintained. [Ord. 2005-003]
E. The supplier of water shall operate the water supply facility to produce continuously water meeting the pressure quality requirements of this Chapter.
F. The supplier of water shall not make any change in treatment or alter, discontinue, or by pass a purification process or protective provisions without securing prior approval from the Department.
G. Cross-connection to any water supply system is prohibited. Upon detection of a cross-connection, the supplier of water shall either eliminate the cross-connection by installation of an approved backflow prevention device or discontinue service by providing a physical separation.
H. The supplier of water shall establish a routine cross-connection control program and keep a maintenance log on each backflow prevention device connected to its system. Inspection, testing, and maintenance on each backflow prevention device shall be performed by a certified backflow prevention device tester, certified under a State of Florida-approved program. The frequency of testing shall be minimum of once per year or other schedule recommended by the manufacturer and approved by the Department.
I. Fire hydrant maintenance and fire flow testing shall be the responsibility of the owner of the fire hydrant. Maintenance and fire flow testing shall be performed in accordance with the standards of the “American Water Works Association Manual M17” and as indicated below: [Ord. 2006-004]
    1. A routine maintenance program shall be established for each fire hydrant. [Ord. 2006-004]
    2. Fire flow testing of hydrants shall be performed on a three-year cycle, such that all hydrants in a system are fire flow tested at least once every three years unless recommended by the manufacturer or the Department to be more frequent. Owners of fire hydrants which do not utilize local fire departments or water utility departments to perform or oversee the fire flow testing shall have completed all testing and submitted a letter of completion to the local fire authority by January 1st of each year with all hydrants accounted for within the required cycle. These records shall be maintained on site for review by the applicable fire authority. [Ord. 2006-004] [Ord. 2013-002] [Ord. 2014-026]
    3. The minimum required fire flow from fire hydrants shall be determined as per Art. 15.B.8.A.21.a. [Ord. 2006-004]
J. Any planned water outages shall be scheduled by the water supplier during periods of low water usage.
K. The supplier of water shall operate all emergency power units for at least 15 minutes at least once per week to ensure starting capabilities and continuously for four hours under load once each calendar quarter to ensure dependability.
L. The supplier of water shall conduct the necessary flushing program to remove lime, sand, or other objectionable sediments, matter, or material from its water system.
M. Each community and non-transient community water system shall maintain a distribution map showing the general locations of the water lines and sizes, valves, fire hydrants, flush hydrants, and any interconnections. The scale of the distribution map shall be between 200 and 1,000 feet per inch or other scale acceptable to the Department. A microfilm-quality copy of the current edition of this map shall be submitted to the Department by February 28, of each even-numbered year. The Department may waive the submittal requirements for any water supply in which no significant change has taken place within the distribution system.

Section 14 Emergency Operation Requirements

A. Where two community water supply systems have distribution or transmission lines within 1,000 feet of each other, they shall provide an emergency interconnection between the two systems when the Department determines that such a connection would be of benefit to the citizens of PBC. Such determination shall be based on the possibility of destruction of the water source or treatment system in the event of a disaster and the possible benefits in moving water between the systems. Such interconnecting lines shall be no smaller than the smallest of the two lines being interconnected and shall be provided with at least one valve and any necessary flush points. If the two water suppliers are unable to reach an agreement on the payment for installation of such an interconnection, each supplier shall pay the cost of construction from the supplier's line to the point of connection and shall pay 50 percent of the cost of a meter and meter box if either party desires a meter and meter box. The point of connection shall be at the following:
   1. Municipal limits or franchise boundaries if the supplier's limits or boundaries are adjacent and contiguous.
   2. The midpoint of the municipal limits or franchise boundaries if the limits or boundaries are not adjacent and contiguous. The interconnection shall be completed within one year after the Department notifies the systems involved.

B. Any consecutive or community water system may be required to provide a flush or fire hydrant, water tap, or other provision for securing an emergency water service from an existing main at a location that the Department determines would be of benefit to the citizens of the area. Such determination shall be based in part on the possibility of a prolonged power outage or other disaster which would render individual wells in the area unusable. Other considerations will include the density of individual wells in the area and the distance of the nearest possible potable water supply during an emergency. Such water taps shall be constructed within 120 days of notification by the Department. It shall be the responsibility of PBC to secure an agreement with the community water system for use of that emergency water service.

Section 15 Adoption of Chapters of the F.A.C.

Chapter 62-6, F.A.C., Chapter 62-532, F.A.C., Chapter 62-550, F.A.C., Chapter 62-555, F.A.C., Chapter 62-560, F.A.C., Chapter 62-602, F.A.C., Chapter 62-699, F.A.C., Chapter 64E-8, F.A.C., and all amendments thereto, are hereby incorporated into this Chapter. In the event of a conflict between the provisions of the F.A.C. and this Chapter, the more restrictive provision shall apply. [Ord. 2022-019]

Section 16 Environmental Appeals Board (EAB)

The EAB was established by the ECB on May 26, 1987, to hear appeals from certain requirements, interpretations, or determinations of this Chapter made by the Department or the ECO. Its membership is described in Art. 2.G, Decision Making Bodies.

Section 17 Appeals

A. Persons aggrieved by a requirement, interpretation, or determination of Art. 15.B.8, Construction and Design Requirements, and Art. 15.B.9, Connection Required, made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. The notice shall be accompanied by a certified check or money order, in the amount of 100 dollars made payable to the Department which shall be non-refundable, to defray the cost of processing and administering the appeal. Only those appeals requesting relief from setbacks under Art. 15.B.8, Construction and Design Requirements, or requesting an exception from connection to a public or investor-owned community water supply under Art. 15.B.9, Connection Required, shall be filed. [Ord. 2005-003]

B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including a Site Plan indicating proposed and existing individual sewage disposal systems and water wells on the property that is the subject of the appeal and all other systems and conditions on neighboring properties which could affect the requirements of Art. 15.B.8, Construction and Design Requirements, or Art. 15.B.9, Connection Required, if the appeals were granted. The EAB may require such additional information as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department or ECO with the notice of appeal. The burden of presenting supporting facts in the notice of appeal shall be the responsibility of the Person filing the appeal. The Person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department and/or ECO shall defend all appeals before the EAB. [Ord. 2005-003]

C. The Person filing the appeal shall also submit to the ECO a list of the names and addresses of every Property Owner who may be affected by the granting of the appeal.

D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the Applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.

E. Formal rules of evidence shall not apply to the hearing but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent Persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and, to rebut evidence.

G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.

H. In order to grant an appeal authorizing a new or existing well for use in lieu of connecting to a public or investor-owned community water supply, the EAB must find that: [Ord. 2005-003]
   1. Satisfactory groundwater is available or can be obtained; and
   2. The well complies with all setbacks, construction standards, and other requirements of this Chapter; and Chapter 62-6, F.A.C., Chapter 62-532, F.A.C., Chapter 62-550, F.A.C., Chapter 62-555, F.A.C., and Chapter 64E-8, F.A.C.; and [Ord. 2005-003] [Ord. 2022-019]
   3. Every reasonable effort has been made to obtain a water supply from a public or investor-owned community water supplier.

I. In order to grant relief from Art. 15.B.8, Construction and Design Requirements, and/or Art. 15.B.9, Connection Required, the EAB must find that: [Ord. 2005-003]
   1. Satisfactory groundwater can be obtained; and
   2. Every reasonable effort has been made to comply with the requirements of this Chapter in the location of the water well; and

3. The proposed water well complies with all construction standards and other requirements of this Chapter; and
4. Advanced notice shall be given to future purchasers of the water system that the system shall be connected to a community water supply when such supply becomes available. The purchaser has certain operational requirements until such connection is completed.

J. Provided that the factual findings specified in Art. 15.B.17.H and Art. 15.B.17.I, above, are made, the EAB may reverse, modify, or affirm, wholly or partly, the requirement, interpretation, or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Chapter. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Chapter. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.

K. If there is a change in the facts or circumstances supporting a request for relief after an order granting relief has been issued, then the Applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.

L. Except where the relief granted is to exempt an Applicant from the requirement to connect to a community water supply under Art. 15.B.9, Connection Required, any relief granted shall automatically terminate upon the availability of community water supply to the lot or parcel. Upon the request of the Department or the ECO, the EAB may modify or rescind an order granting relief from the requirements to connect to a public or investor-owned community water supply under Art. 15.B.17.H if conditions under which the appeal was granted no longer exist. Unless otherwise provided in an order issued pursuant to Art. 15.B.17.H, relief granted under this Chapter shall automatically lapse if action for which the appeal was granted has not been initiated within one year from the date of granting such appeal by the EAB or, if judicial proceedings to review the EAB's decision shall be instituted, from the date of entry of the Final Order in such proceedings, including all appeals. [Ord. 2005-003]

M. The decision of the EAB shall be final administrative action. Any party or interested Person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EAB Order.

Section 18 Violations, Enforcement, Penalties, and Inspections

A. Violations, Enforcement, and Penalties

It is unlawful for any person to violate any provision of this Chapter or any duly constituted order of the ECHB enforcing this Chapter. Such violations shall be subject to the enforcement and penalty provisions of Chapter 77-616, Special Acts, Laws of Florida, as may be amended from time to time and PBC Environmental Control Ordinance No. 94-26, 32 as amended.

B. Inspections

It shall be the duty of the Director to conduct such inspections as are reasonable and necessary to determine compliance with the provisions of this Chapter.

Section 19 Judicial Review

Any Person aggrieved by an action or decision of the ECHB, including PBC, may seek judicial review in the Circuit Court of PBC.

Section 20 Application

This Chapter shall apply to all the incorporated and unincorporated areas of PBC.

CHAPTER C GENERAL THRESHOLD REVIEW

Section 1 Purpose

The purpose of threshold review is to provide information to the Applicant and PBC on the carrying capacity of the land prior to site design.

A. Development on Property or Uses Requiring Threshold Review

Proposed development consisting of any of the following site uses shall be reviewed by the Department. In response, the Department shall advise the Applicant of special rules and procedures governing development of the use:

1. Landfills or Incinerators; [Ord. 2017-008]
2. Recycling Plants and Recycling/Centers; [Ord. 2017-008]
3. Composting Facilities;
4. Chipping and Mulching; [Ord. 2017-008]
5. Water or Wastewater Treatment Plants; [Ord. 2017-008]
6. Public Bathing Places;
7. Salvage and Junk Yards; [Ord. 2017-008]
8. Air Curtain Incinerators; [Ord. 2017-008]
9. Biohazardous Waste Processing Plants;
10. Electric Power Plants; [Ord. 2017-008]
11. Septic Tanks;
12. Private Water Supply Wells; and,
13. Public Swimming Pools.

B. Application Procedures

Applications for Threshold Review may be submitted to the PBCHD or concurrently with a Zoning application.

1. Application Submitted to PBCHD

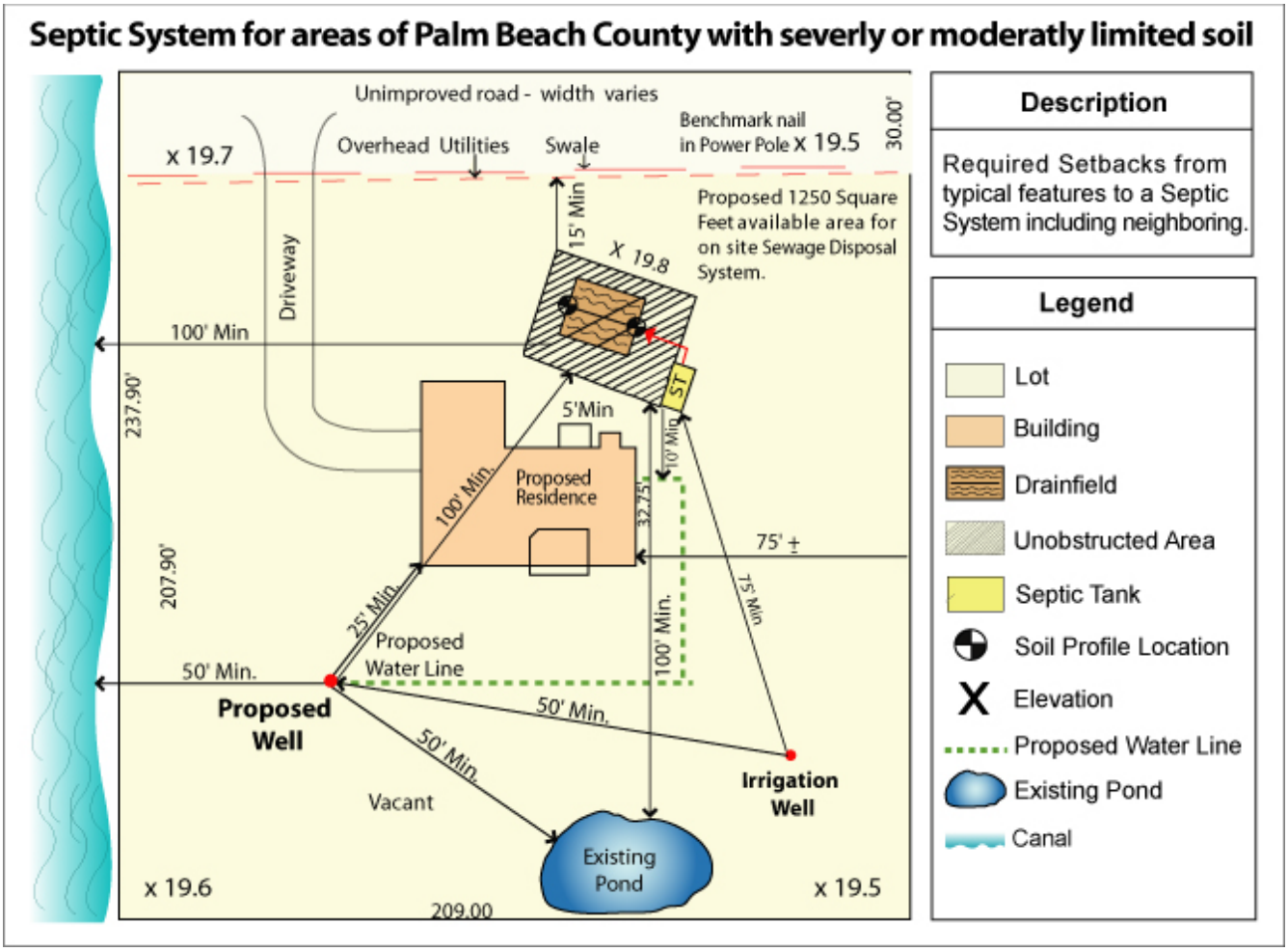
Application must comply with the provisions of this Article and any additional application requirements, established by the Health Department.

2. Submitted with a Zoning Application

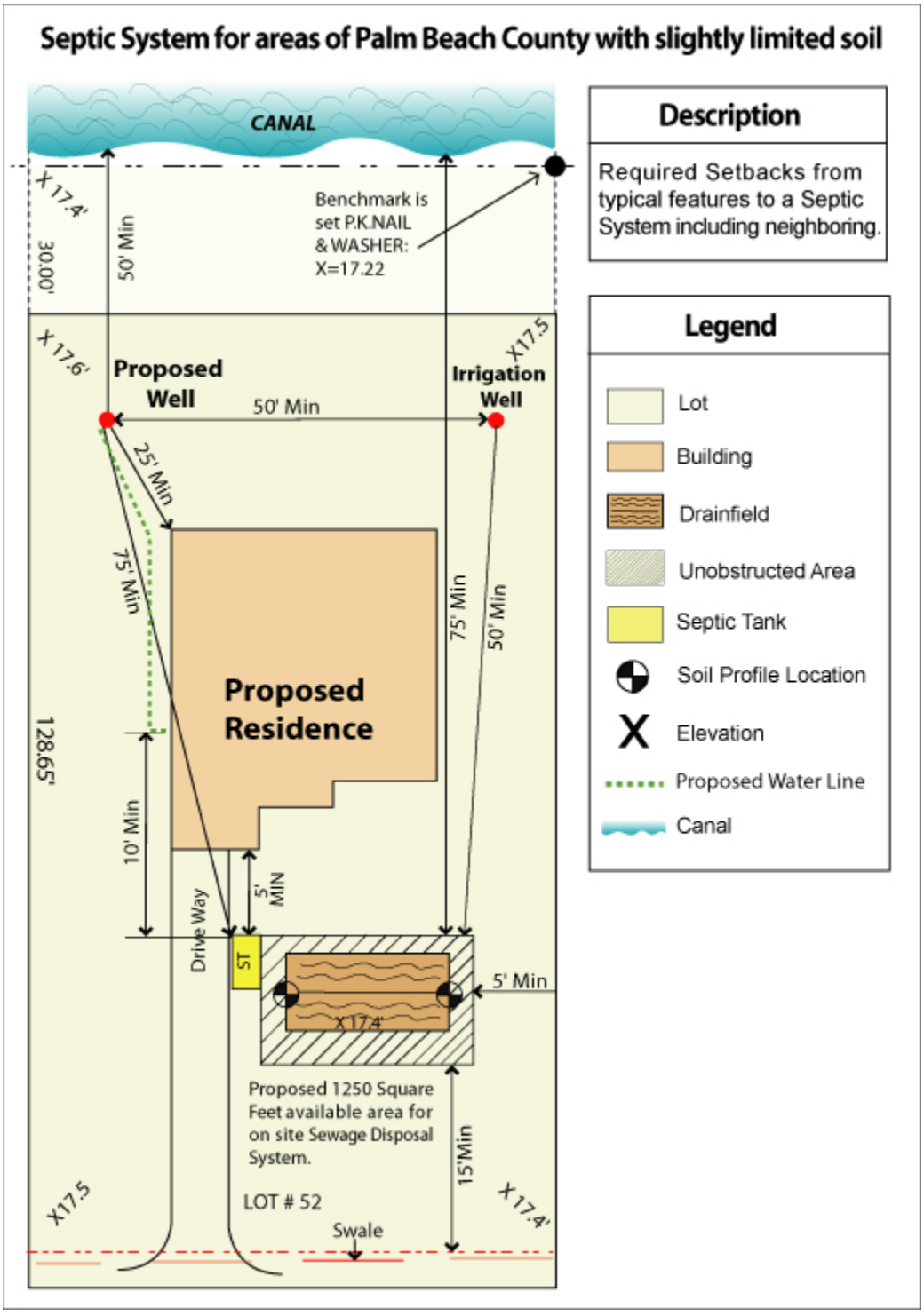
An application for all Zoning amendments or Development Permits shall be submitted pursuant to Art. 2, Application Processes and Procedures, by the owner, or agent who is authorized in writing to act on the owner's behalf, or person having a written contractual interest in the land for which the amendment or Development Permit is proposed.

Simultaneous with the submission of the application for Development Permit, a Threshold Review application shall be completed and submitted in a form established by the Zoning Division. The response from the reviewing Agencies shall be provided to the Applicant within 15 days after submission of a completed application. The response shall be submitted the Zoning Division prior to certification of the application for a public hearing or meeting. For the purpose of applying for a Development Permit, a Certificate of Threshold Review shall remain valid for one year from the date of issuance of the certificate provided the project does not change, or for the life of the review process, whichever is less.

APPENDIX 1 – TYPICAL SITE PLAN SEWAGE DISPOSAL SYSTEM



APPENDIX 2 – TYPICAL SITE PLAN SEWAGE DISPOSAL SYSTEM



APPENDIX 3 – ECR I, INFORMATION REQUIRED FOR AN APPEAL FOR AN INDIVIDUAL LOT

Eight copies of the following information prepared by an Engineer or land Surveyor registered in the State of Florida must be submitted with the notice of appeal:

1. Floor plan
2. A Site Plan drawn to scale showing:
    a. Boundaries with dimensions
    b. Elevations or slope of land
    c. Location of building(s)
    d. Location and layout of septic tank
    e. Location and layout of drainfield
    f. Location of potable water supply lines
    g. Location of well
    h. Location of public sewers
    i. Location and elevation of percolation test
    j. Location of septic tank, drainfield, and well on adjacent properties (sides, front, and rear)
    k. Location of driveways, parking, and walkways
    l. Benchmark on or adjacent to property
3. The Site Plan must indicate the following (related to the system):
    a. Distance from private well
    b. Distance from public well
    c. Distance of septic tank and drainfield from building
    d. Distance of septic tank and drainfield from property line
    e. Distance from water supply lines
    f. Distance to high-water line of lakes, canals, streams, etc.
4. Two soil profiles to six feet (in drainfield area) indicating the soil classification and showing the existing water table and the estimated wettest season water table.

APPENDIX 4 – ECR II, INFORMATION REQUIRED FOR AN APPEAL FOR A SUBDIVISION

Ten copies of the following information prepared by an Engineer registered in the State of Florida must be submitted with the notice of appeal:

1. General Information
   a. Name of subdivision

      _____

   b. Owner _____
   c. Address _____
   d. Location of subdivision

      _____

   e. Total area of subdivision _____ acre:
      Number of lots _____
   f. Minimum lot size

      _____

   g. Adjacent subdivisions Location Size Distance

      _____

   h. Approximate adjacent acreage available for expansion _____
   i. Typical home to be constructed:
      No. of bedrooms _____
      Sq. footage of heated or cooled area _____
2. Required exhibits
   a. Location map – A location map showing the location of the subdivision in related to the surrounding areas and nearby built-up area.
   b. Topographical map – A contour map indicating all streams or watercourses, bodies of water, low, wet, or marshy land, rock outcrops, and filled areas.
   c. Proposed plat – A plat of the subdivision showing the individual lots, if available, or a proposed subdivision layout.
   d. Drainage plans – A plan of the subdivision indicating all drainage structures and features, designed in accordance with the requirements of the South Florida Water Management District and the local drainage district.
   e. Plans for water and sewer lines – A plan of the subdivision indicating proposed water and sewer lines.
3. Water supply and sewage disposal.
   a. Source of proposed water supply.
      1) Community _____
      2) Non-community _____
      3) Private well _____
      4) If a utility is expected to supply water, submit evidence of availability of the water supply.
      5) If an onsite well is utilized, submit evidence that groundwater is of adequate quality.

Amendment History:

[Ord. 2003-068; December 12, 2003] [Ord. 2005-003; February 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2011-002; February 4, 2011] [Ord. 2011-017; September 6, 2011] [Ord. 2013-002; January 31, 2013] [Ord. 2014-026; September 3, 2014] [Ord. 2016-043; September 27, 2016] [Ord. 2017-008; March 2, 2017] [Ord. 2018-019; August 29, 2018] [Ord. 2022-019; July 29, 2022]

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AIRPORT REGULATIONS

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ARTICLE 16

AIRPORT REGULATIONS

CHAPTER A GENERAL

Section 1 Purpose and Intent

These provisions are intended to regulate permitted construction to promote the maximum safety of aircraft arriving at and departing from the publicly-owned airports within PBC; to promote the maximum safety of residents and property in areas surrounding PBC airports; to promote the full utility of PBC airports and public-use airports; to provide structure height standards for airport hazards and uses within airport primary, horizontal, conical, approach, and transitional surfaces so as to encourage and promote compatible development of land beneath said areas; and, to provide administrative procedures for the efficient and uniform regulation of all development proposals within said zones. [Ord. 2017-025]

Section 2 Short Title and Authority

A. This Article shall be known and cited as the "Airport Zoning Ordinance."
B. This Article is enacted pursuant to the provisions of Art. VIII, § 1(g), Fla. Const., F.S. ch. 125 (1995), F.S. ch. 333 (2016), or as amended. [Ord. 2017-025]

Section 3 Applicability

A. This Article regulates height and land uses around publicly-owned airports in PBC. The height standards for structures or obstructions provide maximum height limits and a review procedure to determine if structures or obstructions will have an adverse impact on safe and efficient airspace use. The land use standards provide restrictions and a review procedure within four nautical miles of publicly-owned airports to determine if the land use is compatible with normal airport operation and Federal Aviation Administration (FAA) guidelines. The land use standards apply to the most restrictive airport hazard areas and Noise Zones, and limit uses which include, but are not limited to, hazardous material storage, emissions of light or smoke, or uses which attract concentrations of people or birds. [Ord. 2017-025]
B. This Article applies to all land in unincorporated PBC.
C. This Article also applies to all municipalities that may elect to participate through interlocal agreement, pursuant to F.S. ch. 163 and F.S. § 333.03(1)(b)1. [Ord. 2017-025]
D. These regulations supplement other land development regulations in this Code.
E. Where there exists a conflict between any of the regulations or limitations prescribed in this Article and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

Section 4 Definitions and Acronyms

See Art. 1.H, Definitions and Acronyms.

Section 5 Appendices

Maps and related information contained in Appendices 1 through 15 are incorporated herein by reference and are available for review at the Department of Airports or may be obtained from their website. [Ord. 2017-025]

CHAPTER B AIRPORT PROTECTION ZONING REGULATIONS GOVERNING AIRPORT HAZARDS

Section 1 Airspace Height Regulations

A. General

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the applicable land lying beneath the primary, horizontal, conical, approach, and transitional surfaces as they apply to a particular airport. To regulate height, an Airspace Notification Map, Appendix 1, and a procedure to review and permit obstructions has been established. Airport height limitations and the notification procedures established in this Section conform to the standards for determining obstructions to air navigation of F.A.R. 14 CFR § 77.17. [Ord. 2017-025] [Ord. 2019-005]

B. Regulated Obstructions

For purposes of this Section, obstructions include but are not limited to, any existing or proposed permanent or temporary object, natural growth or structures, or adding height to any existing structure and shall include the location of derricks, draglines, cranes, and other boom-equipped machinery. Obstruction does not include any development which does not have the effect of adding height to the land or other structure, such as paving, draining, or roofing. [Ord. 2017-025]

C. Regulated Areas

The various surfaces displayed as Zone 1 and Zone 2 on the PBC "Airspace Notification Map" are defined below. Penetration of one of these zones shall require a technical analysis by FAA and obtaining a Permit for Obstruction from the DOA following a review by the DOA, PZB Department, and other applicable governmental agencies in accordance with this Article. [Ord. 2017-025]

1. Publicly-Owned, Public-Use Airports

a. Zone 1

That area within the County limits extending outward 20,000 feet from the nearest point of the nearest runway of each County-owned and operated airport, excluding heliports, as depicted on the Airspace Notification Map as Zone 1. This zone depicts an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet. [Ord. 2019-005]

b. Zone 2

That area within the County outside the limits of Zone 1 as depicted on the Airspace Notification Map. The height for Zone 2 is 200 feet above ground level (AGL). [Ord. 2019-005]

c. Any construction or alteration of a height greater than an imaginary surface extending outward and upward for a distance of 20,000 feet from the reference point of any Terminal Navigational Aid Facility up to a height of 200 feet above ground level.

2. All Heliports/Vertiports

Any construction or alteration of a height greater than an imaginary surface extending outward and upward from any point of any public or private State-licensed heliport for a distance of 5,000 feet up to a height of 200 feet above ground level. [Ord. 2017-025]

3. Terminal Navigational Aid Notification Areas

Any construction or alteration within 5,000 feet of any Navigational Aid Facility; and

4. Other Areas

Any construction or alteration of a height greater than 200 feet above ground level.

D. Airport Zones Established

Primary, Horizontal, Conical, Approach, and Transitional Airport Zones are shown on maps described below. These maps are available online utilizing the County's myGeoNav application at http://maps.co.palm-beach.fl.us/mygeonav/. These maps are also included by reference and attached as Appendices 2 through 7, available at the Department of Airports. [Ord. 2019-005]

1. Map A – PBIA (Appendix 2)
2. Map B – PBC Park Airport (Lantana) (Appendix 3)
3. Map C – PBC Glades Airport (Pahokee) (Appendix 4)
4. Map D – Belle Glade Municipal Airport (Appendix 5)
5. Map E – Palm Beach North County Airport (Appendix 6)
6. Map F – Boca Raton Airport (Appendix 7)

E. Airport Runway Categories Defined

The size and dimensions of each zone created and established as part of this Section is based upon the category of each runway, according to the type of approach available or planned for that runway. The zones associated with each airport in this Article correspond to the civil airport imaginary surfaces defined in F.A.R. 14 CFR § 77.17, and are contained within the Airport Layout Plan for each airport, available at the

Department of Airports, and provided graphically on the County's myGeoNav application at http://maps.co.palm-beach.fl.us/mygeonav/. [Ord. 2019-005]

F. Airport Height Limitations

1. General

Where any two limitations in this Article are in conflict, the more stringent applies. Except as otherwise provided in this Section, no obstruction including any structure or object of natural growth, shall be erected, altered, or be maintained without prior approval by DOA or PZB, which is or would be an obstacle to air navigation, as defined in this Article, or of a height greater than: [Ord. 2017-025]

a. 500 feet above ground level at the site of the object;
b. 200 feet above ground level or the established airport elevation, whichever is higher. These heights shall be measured within three nautical miles of the established reference point of an airport; and which height increases up to a maximum of 500 feet, at a slope of one foot vertically for every 100 feet horizontally, for a distance of 50,000 feet; or,
c. Any object within the approach segment, departure area, or any missed approach or circling approach area which is determined by the Director of Airports, or designee, to be a hazard to the safe and efficient use of airspace around an airport. [Ord. 2019-005]

G. Airport Height Zone Definitions and Limitations

A property located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined below. These zones are depicted in plan view on the County's myGeoNav application at http://maps.co.palm-beach.fl.us/mygeonav/. General definition and height limitations are described in the Subsections to follow. [Ord. 2019-005]

1. Primary Zone Definition

An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.

a. Primary Zone Height Limitations

No structure or obstruction will be permitted within the Primary Zone that is not part of the landing, maneuvering, and taking-off facilities and is of a greater height than the nearest point of the runway centerline.

b. Primary Zone Width for Each Specific Airport

The specific width of each Primary Zone for each airport is contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application at http://maps.co.palm-beach.fl.us/mygeonav/. [Ord. 2019-005]

2. Horizontal Zone Definition

The area around each airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the Primary Zone of each airport's runways and connecting adjacent area by lines tangent to those arcs. The radius of the arc specified for each end of a value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the Horizontal Zone.

a. Horizontal Zone Height Limitations

Only structures or obstructions for which the FAA has issued a determination of no hazard, will be permitted in the Horizontal Zone. [Ord. 2019-005]

b. Horizontal Arc Radius for Each Specific Airport

The specific horizontal arc radius of each airport is contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application at http://maps.co.palm-beach.fl.us/mygeonav/. [Ord. 2019-005]

3. Conical Zone Definition

The area extending outward from the periphery of the Horizontal Zone for a distance of 4,000 feet. The specific Conical Zone distance for each airport is contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application at http://maps.co.palm-beach.fl.us/mygeonav/. [Ord. 2019-005]

a. Conical Zone Height Limitation

Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted in the Conical Zone. [Ord. 2019-005]

4. **Approach Zone Definition**
   An area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Zone. An Approach Zone is designated for each runway based upon the type of approach available or planned for that runway end.
   a. **Approach Zone Height Limitations**
      Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted in the Approach Zone. [Ord. 2019-005]
   b. **Approach Zone Horizontal Distance for Each Specific Airport**
      The specific Approach Zone dimensions for each airport are contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application at http://maps.co.palm-beach.fl.us/mygeonav/. [Ord. 2019-005]
5. **Transitional Zone Definition**
   The area extending outward from the sides of the Primary Zones and Approach Zones connecting them to the Horizontal Zone. Height limits within the Transitional Zone are the same as the Primary Zone or Approach Zone at the boundary line where these zones meet (i.e., level with the nearest point on the runway centerline) and increase at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the Horizontal Zone, the Conical Zone, or for a horizontal distance of 5,000 feet from the side of the part of the Precision Approach Zone that extends beyond the Conical Zone.
   a. **Transitional Zone Height Limitation**
      Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted within the Transitional Zone. [Ord. 2017-025] [Ord. 2019-005]
6. **Terminal Navigational Aid Obstruction Zone**
   Operation of a Navigational Aid Facility is electromagnetic in nature therefore, objects constructed off of airport property may have an adverse effect on the safe and efficient operation of navigational facilities. A Navigational Aid Obstruction Zone has been established extending outward 3,500 feet from the nearest point of the nearest runway of each County-owned and operated airport, excluding heliports, as depicted on the Airspace Notification Map as Zone 1. This zone is shown on the Airspace Notification Map, Appendix 1. [Ord. 2017-025] [Ord. 2019-005]
   a. **Terminal Navigational Aid Obstruction Zone Limitation**
      No construction or alteration or installation of any electromagnetic device shall be permitted within this Navigation Aid Obstruction Zone without prior technical review by the FAA. If deemed necessary by the results of the FAA review, a Permit for Obstruction must be obtained from DOA following a review by the DOA and PZB. [Ord. 2017-025]
7. **Heliport/Vertiports**
   a. **Primary Zone Definition**
      The Primary Zone coincides in size and shape with the designated take-off and landing area of a heliport/vertiport.
      1) **Primary Zone Limitation**
         This Primary Zone height limitation is described by a horizontal plane at the elevation of the established elevation.
   b. **Approach Zone Definition**
      The Approach Zone begins at each end of the heliport/vertiport Primary Zone with the same width as the Primary Zone and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet.
      1) **Approach Zone Height Limitation**
         The Approach Zone height limitation is a slope of one foot vertically for every eight feet horizontally.
   c. **Transitional Zone Definition**
      The Transitional Zone extends outward and upward from the lateral boundaries of the Primary Zone and from the Approach Zone for a distance of 250 feet measured horizontally from the centerline of the Primary and Approach Zones.
      1) **Transitional Zone Height Limitation**
         The Transitional Zone has a height limitation at a slope of one foot vertically for every two feet horizontally.

H. Airspace Height Review

All new construction, reconstruction, or alteration that adds height to any obstruction within areas shown on the Airspace Notification Map, Appendix 1, shall be reviewed for compliance with the standards of this Section. [Ord. 2017-025] [Ord. 2019-005]

1. General

No Permit for Obstruction will be issued if all FAA and DOA comments are not addressed to the satisfaction of DOA, PZB, and County Attorney. No Development Permit application shall be issued if the proposed construction or alteration is found to violate the provisions of this Article, or is determined a hazard by the Federal Aviation Regulations (Part 77) or other applicable Federal or State rules or regulations. [Ord. 2017-025] [Ord. 2019-005]

a. Exemption

A permit is not required for existing structures that received construction permits from the Federal Communications Commission for structures exceeding Federal obstruction standards before May 20, 1975; a permit is not required for any necessary replacement or repairs to such existing structures if the height and location are unchanged. [Ord. 2019-005]

2. Review Procedures

An application for the construction, reconstruction, or alteration of any obstruction must be reviewed in accordance with the development review procedures in Art. 2, Application Processes and Procedures, prior to certification or approval of an application by DRO or issuance of a Building Permit for a permanent or temporary obstruction located within areas regulated by this Article. [Ord. 2017-025] [Ord. 2019-005]

a. FAA Review

1) The Applicant must utilize the FAA's Notice Criteria Tool found on the FAA's Obstruction Evaluation/Airport Airspace Analysis website at https://oeaaa.faa.gov/ and submit the results to DOA. This tool will inform the Applicant that review by the FAA is required if the proposed obstruction represented in the application may exceed: [Ord. 2017-025] [Ord. 2019-005]
   a) The structure will exceed 200 feet above ground level; [Ord. 2019-005]
   b) The structure will be in proximity to an airport and will exceed the slope ratio of 100 to one; [Ord. 2019-005]
   c) The structure involves construction of a traverseway (i.e., highway, railroad, waterway, etc.) and once adjusted upward with the appropriate vertical distance would exceed a standard of F.A.R. 14 CFR § 77.9(a) or § 77.9(b); [Ord. 2019-005]
   d) The structure will emit frequencies, and does not meet the conditions of the FAA Co-location Policy; [Ord. 2019-005]
   e) The structure will be in an instrument approach area and might exceed F.A.R. 14 CFR 77, Subpart C; [Ord. 2019-005]
   f) The proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception; [Ord. 2019-005]
   g) The structure will be on an airport or heliport; or, [Ord. 2019-005]
   h) A filing has been requested by the FAA. [Ord. 2019-005]
2) If the results of the Notice Criteria Tool indicate that the Applicant must file, the FAA must review and issue a determination of the proposal's effect on navigable airspace where such notification under F.A.R. 14 CFR 77 is required. PZB shall suspend any review of any Development Permit application process until FAA findings of aeronautical effect are determined. [Ord. 2019-005]

a) Responsibility of the Applicant

(1) The Applicant shall submit FAA Form 7460-1 electronically via the FAA's website at https://oeaaa.faa.gov/. [Ord. 2017-025] [Ord. 2019-005]

(2) When the results are received, the Applicant shall submit in person or forward by certified mail, return receipt requested to the DOA the FAA's determination of aeronautical effect, including a valid aeronautical study number and a copy of the original electronic submittal of FAA Form 7460-1. [Ord. 2017-025] [Ord. 2019-005]

b. DOA Review

1) No application for development shall be approved solely on the basis that the FAA has issued a determination of no hazard to air navigation under a valid aeronautical study. Following receipt of the FAA determination, if required, the DOA shall consider the following criteria when determining whether to recommend certification or approval of a development application with or without conditions of approval; or recommend issuance or denial of a Building Permit with or without conditions. [Ord. 2017-025] [Ord. 2019-005]
   a) The safety of persons on the ground and in the air; [Ord. 2017-025]
   b) The safe and efficient use of navigable airspace; [Ord. 2017-025]
   c) The nature of the terrain and height of existing structures; [Ord. 2017-025]
   d) The effect of the construction or alteration on the State licensing standards for a public-use airport contained in F.S. ch. 333 and rules adopted thereunder; [Ord. 2017-025]
   e) The character of existing and planned flight operations and developments at public-use airports; [Ord. 2017-025]
   f) Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA; [Ord. 2017-025]
   g) The effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport; [Ord. 2017-025]
   h) The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area; and, [Ord. 2017-025]
   i) Any additional Code requirements pertinent to evaluate and protect airspace and airport operations. [Ord. 2019-005]

2) FDOT Review

Following receipt of a complete application indicating that the proposed construction or alteration could be an obstruction, the DOA shall provide a copy of the application to the FDOT Aviation Office for their review and evaluation pursuant to F.S. § 333.025. [Ord. 2019-005]

3) Structure(s) Not Exceeding Obstruction Standards or Other Provisions

DOA shall review the FAA's determination issued in response to the Applicant's FAA Form 7460-1, any comments received from FDOT, and the permit application. If the proposed construction or alteration is not a hazard, the DOA shall recommend certification or approval of an application by the DRO with or without Conditions of Approval or issuance of a Building Permit with or without conditions so that the proposed structure may be erected in accordance with permitting requirements of PZB. PZB may certify the development application or issue a Building Permit, as applicable. The Applicant shall present a copy of the permit to PZB with the development application or Building Permit application. [Ord. 2017-025] [Ord. 2019-005]

4) Structure(s) Exceeding Obstruction Standards or Other Provisions

DOA shall review the FAA's determination issued in response to the Applicant's FAA Form 7460-1, any comments received by FDOT, and the permit application. If the proposed obstruction is a hazard, then the DOA shall deny the permit. The notice shall state the reasons for denial and inform the Applicant that they may appeal the decision pursuant to Art. 16.C.5, Appeals. [Ord. 2017-025] [Ord. 2019-005]

c. Building Permit Requirement

The Applicant shall present a copy of the permit, along with all Development Order comments and Conditions of Approval, to the Building Director in order to ensure that any conditions are adequately addressed prior to the issuance of a Building Permit, including obstruction marking and lighting conditions, if applicable. [Ord. 2017-025] [Ord. 2019-005]

d. Obstruction Marking and Lighting

The owner shall mark and light the structure in accordance with the provisions of F.S. ch. 333; Rules of Florida Department of Transportation, Chapter 14-60, F.A.C., and the FAA Advisory Circular 70/7460-1L, *Obstruction Marking and Lighting*, as may be amended from time to time. The permit may be conditioned to require the Applicant to mark and light the structure, at Applicant's own expense, or to allow DOA to install, operate, and maintain at its own expense, such markers and lights as may be necessary to indicate to pilots the presence of an airspace obstruction if warranted. [Ord. 2019-005]

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 1 Airport Land Use Regulations

A. General

In order to carry out the provisions of this Article, there are hereby created and established certain zones, which include all the land lying beneath the Runway Protection Zone (RPZ) and within Airport Land Use Noise Zone(s) (ALUNZ), as they apply to a particular airport, and within Zone 3. All areas defined as the RPZ and areas displayed as ALUNZ in Appendices 2 through 7 and 9 through 14 are subject to review and technical analysis by DOA, and other applicable governmental agencies, in consultation with PZB, in accordance with this Article. [Ord. 2017-025] [Ord. 2019-005]

To regulate land uses within these zones, an Off-Airport Land Use Compatibility Schedule, Appendix 8, maps, and review procedures have been established. [Ord. 2019-005]

B. Regulated Land Use

Notwithstanding any other provisions of this Article, no use may be made of land or water within the RPZ in such manner as to interfere with the operation of an airborne aircraft. The Off-Airport Land Use Compatibility Schedule, Appendix 8, shall be used to determine additional land development requirements for uses identified in Art. 4, Use Regulations. Those activities and land uses not specifically listed in the Airport Land Use Compatibility Schedule are permitted or restricted based on their similarity to noise tolerance and compatibility with normal airport operations as exhibited by the activities and land uses which are listed in the Schedule.

1. **Construction, Defined**

   For purposes of this Section, construction includes but is not limited to creating new structures, making alterations or repairs and additions to any existing building or structure, or moving or relocating a building(s) or structure(s) within a Regulated Area. Construction does not include paving, underground utility infrastructure, or similar types of improvements. [Ord. 2017-025] [Ord. 2019-005]

2. **Review Procedure for Regulated Land Use**

   All new construction or reconstruction for temporary or permanent uses shall be reviewed for compliance with the standards of this Section in accordance with the development review procedures in Art. 2, Application Processes and Procedures, or at the time of application for a Building Permit. Prior to issuance of a Development Order or a Building Permit, the DOA, in consultation with PZB, shall review the application for compliance with this Article. [Ord. 2017-025]

C. Regulated Areas

To regulate land uses within the RPZ and ALUNZ, an Off-Airport Land Use Compatibility Schedule, maps, and review procedures have been established. Only the portion of the lot falling within the RPZ or ALUNZ shall be subject to the provisions of this Article. The Off-Airport Land Use Compatibility Schedule, Appendix 8, shall be used to determine compatibility of land use with airport operations within these zones. [Ord. 2017-025] [Ord. 2019-005]

1. **Runway Protection Zone (RPZ)**

   The RPZ includes all land lying beneath the defined RPZ, as shown on the applicable Airport Zoning Maps, on the County's myGeoNav application at http://maps.co.palm-beach.fl.us/mygeonav/, or on the Airport Layout Plan for all County-owned airports in PBC, available at the Department of Airports. [Ord. 2019-005]

2. **Airport Land Use Noise Zones (ALUNZ)**

   The ALUNZ include all land area lying within the defined ALUNZ as shown on the applicable Airport Land Use Zone Maps on the County's myGeoNav application at http://maps.co.palm-beach.fl.us/mygeonav/ for all airports in PBC. [Ord. 2019-005]

3. **Zone 3**

   That area within the County limits extending outward 10,000 feet from the nearest point of the nearest runway for each County-owned and operated airport, excluding heliports, as depicted on the Airspace Notification Map as Zone 3. [Ord. 2019-005]

D. Airport Land Use Noise Zone(s) Established

All land uses shall be permitted within ALUNZ as provided in the Off-Airport Land Use Compatibility Schedule, Appendix 8.

1. **Airport Land Use Noise Zones for Airports which have completed F.A.R. Part 150 Noise and Land Use Compatibility Studies**

   Several airports within PBC have completed a noise study in accordance with F.A.R. 14 CFR 150. Land uses within the area contiguous to these airports, within an area defined as the outer noise contour, or

equivalent thereof shall be consistent with the type of use listed in Airport Land Use Compatibility Schedule. [Ord. 2017-025]

a. Palm Beach International Airport (PBIA)

The Palm Beach International ALUNZ has been established and is incorporated herein as Appendix 9. This zone is created based on yearly averaged, 24-hour day/night average noise level projections arising from aircraft flight operations at PBIA.

1) Palm Beach International Airport Land Use Noise Zone (ALUNZ) Defined

That area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the Palm Beach International Airport Land Use Noise Zone Map. The boundary of the zone approximates a projected yearly averaged, 24-hour day/night average noise level contour of 65 L_{dn}. [Ord. 2017-025]

b. Boca Raton Airport

The Boca Raton ALUNZ has been established and is incorporated herein as Appendix 10. This zone is created based on projections of aircraft flight operations at Boca Raton Airport.

1) Boca Raton Airport Land Use Noise Zone (ALUNZ) Defined

That area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the Boca Raton Airport Land Use Noise Zone Map. The outer boundary of the zone approximates a projected yearly averaged, 24-hour day/night average noise level contour of 60 L_{dn} or greater.

2. ALUNZs for Airports which have not completed an F.A.R. Part 150 Noise and Land Use Compatibility Study

An overlay Land Use Noise Zone has been established for the civil airports which have not completed an F.A.R. Part 150 Noise and Land Use Compatibility Study. This zone is created as an area beneath the standard VFR traffic pattern and buffer airspace established in FAA Order 7400.2D, *Procedures for Handling Airspace Matters*, which underlies the majority of recurring aircraft flight paths. Land uses within this zone may be subject to aircraft noise that may be considered objectionable.

a. Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport

Land Use Noise Zones for these airports are established as the land lying within parallel lines 9,108 feet in both directions from the approach and departure end of each runway, the runway centerline, and all airspace in between. These zones are established and attached as Appendices 11 through 14.

E. General Land Use Regulations – Off-Airport Land Use Compatibility Schedule (Appendix 8)

1. The Off-Airport Land Use Compatibility Schedule (Appendix 8)

Lists land uses as defined below:

a. Land Uses Compatible without Restriction ("P")

Uses noted with a "P" may develop pursuant to the development review procedures in the Use Matrices in Art. 4, Use Regulations, Art. 3.B, Overlays, and Art. 2, Application Processes and Procedures, and are not required to comply with the conditional requirements set forth in the Off-Airport Land Use Compatibility Schedule, Appendix 8. [Ord. 2017-025]

b. Land Uses Qualified As Compatible Only If In Compliance With Conditional Requirements ("Q")

Uses noted with a "Q" may develop pursuant to the development review procedures in the Use Matrices in Art. 4, Use Regulations, Art. 3.B, Overlays, and Art. 2, Application Processes and Procedures, if regulated and constructed in accordance with the conditional notes in Appendix 8. [Ord. 2006-036] [Ord. 2017-025]

c. Incompatible Land Uses ("N")

Uses noted as an "N" are considered to be incompatible in the Regulated Areas. These uses shall not be allowed in the Runway Protection Zone (RPZ) and Variance relief is not available. [Ord. 2017-025]

2. Prohibited Land Uses

a. In no case shall a new Limited or General Day Care, Elementary or Secondary School, or College or University, with the exception of aviation school facilities, be permitted within an area contiguous to the Airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline. [Ord. 2011-016] [Ord. 2017-025] [Ord. 2019-005]

1) Exemption

For Palm Beach International Airport (PBIA) and Boca Raton Airport that have completed Federal Aviation Regulation 14 CFR 150 Noise and Land Use Compatibility Studies, educational land uses within Regulated Areas defined in Art. 16.C.1.D.1.a, Palm Beach

International Airport (PBIA) and Art. 16.C.1.D.1.b, Boca Raton Airport "Airport Land Use Noise Zones" shall meet the standards set forth in the study or be compliant with 14 CFR 150, Appendix A. [Ord. 2019-005]

2) Nothing in Art. 16.C.1.E.2.a above shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion to contiguous properties of any public or private educational structure in existence, or real property in use, on November 1, 1996. Construction of new education structures shall meet the provisions of Art. 16.B.1.H, Airspace Height Review, and the provision of sound insulation materials in accordance with established architectural and acoustical principles as contained in document DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations (or later version), is encouraged.

3) The language in Art. 16.C.1.E.2.a above shall not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion of any Limited or General Day Care use in existence, or real property in use, or with a valid Development Order prior the effective date of this Ordinance. Expansion or alterations of a Day Care located within the runway area that represents an increase in the number of occupants shall be prohibited. [Ord. 2011-016]

b. In no case shall new residential construction be permitted within an area contiguous to the Airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline unless it meets the conditional notes in the Off-Airport Land Use Compatibility Schedule, Appendix 8. This area is shown as the "New Residential Construction Limit" on Appendices 10 through 14.

1) Exemption

For Palm Beach International Airport (PBIA) and Boca Raton Airport that have completed Federal Aviation Regulation 14 CFR 150 Noise and Land Use Compatibility Studies, residential land uses within Regulated Areas defined in Art. 16.C.1.D.1.a, Palm Beach International Airport (PBIA) and Art. 16.C.1.D.1.b, Boca Raton Airport "Airport Land Use Noise Zones" shall meet the standards set forth in the study or be compliant with 14 CFR 150, Appendix A. [Ord. 2019-005]

c. In no case shall a new Landfill be permitted, or an existing Landfill expanded, within 10,000 feet from the nearest point of any Airport runway used by only turbine aircraft; within 5,000 feet from the nearest point of any Airport runway used by only non-turbine aircraft; or, within the lateral limits of the civil airport imaginary surfaces. [Ord. 2017-025] [Ord. 2019-005]

3. Additional Use Regulations

In addition to the requirements contained in the Off-Airport Land Use Compatibility Schedule, Appendix 8, all uses within Regulated Areas shall comply with the following provisions: [Ord. 2019-005]

a. Lights and Illuminations

All lights or illumination used in conjunction with streets, parking, signs, or use of land and structures shall be arranged and operated in such manner that is not misleading or dangerous to aircraft operating from or to a public airport or in vicinity thereof.

b. Electronic Devices

No application, use, or operations of any type shall produce electronic interference with navigation signals or radio communication between aircraft, the airport tower, or other air traffic control facility.

c. Obscuration

No operations of any type shall produce smoke, glare, or other obscuration. [Ord. 2019-005]

d. Bird Concentrations

No use of any type shall be permitted that attracts or sustains hazardous bird movements, feeding, water, or roosting areas into or across an airport's runways' approach and departure pattern.

e. Disclosure

The owner of any new building or structure or any existing building or structure which is substantially repaired, reconstructed, or altered, as provided in this Article, proposed to be located within Regulated Areas shall provide disclosure to all prospective purchasers or tenants of such building or structure that the building or structure is located within the Land Use Compatibility Noise Zone and that aircraft noise may be objectionable.

F. Review Procedure for Airport Land Use Noise Zones (ALUNZ)

All new construction or reconstruction for temporary or permanent structures within ALUNZ shall be reviewed for compliance with the standards of this Section. Prior to acceptance of a Development Order or issuance of a Building Permit, the DOA, in consultation with PZB, shall review the application for compliance with this Article. [Ord. 2017-025]

1. **Noise Level Reduction (NLR) Requirements**
   If a proposed land use within an Airport Land Use Noise Zone is designated generally compatible (Q), or incompatible (N), then measures to achieve 30 dB NLR shall be incorporated into the regulated use.
   a. **Exemptions**
      Land uses within Regulated Areas defined in Art. 16.C.1.D.2.a, Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport.
   b. **Use and Occupancy**
      Buildings or structures supporting a legal use(s) which existed prior to June 16, 1992, may continue to support the existing use or occupancy provided such continued use does not jeopardize life or health.
   c. **Relocated Buildings**
      Buildings or structures moved into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions of this Article, as applicable.
   d. **Proposed or Newly Constructed Buildings**
      Valid permits to construct a building, submitted to the Building Division of PZB prior to June 16, 1992, shall not be required to comply with the provisions of this Article, as long as the Building Permit has not been amended or expired. [Ord. 2017-025]
   e. **Design Requirements**
      The NLR requirements of the Off-Airport Land Use Compatibility Schedule, Appendix 8, may be achieved by any suitable combination of building design, choice of building materials, and construction techniques in accordance with established architectural and acoustical principles as contained in DOT document DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations. This document is on file at the offices of the DOA and PZB. The noise level reduction requirements shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room. [Ord. 2017-025]

Section 2 Non-Conforming Uses

Uses non-conforming to the Airport regulations shall be administered in accordance with the provisions identified within this Article and Art. 1.F, Non-Conformities. [Ord. 2017-025]

Section 3 Administration

A. This Article of the ULDC shall be interpreted by the Director of Airports. DOA, in consultation with the PZB, shall administer the review of development applications for compliance with this Article within the territorial limits over which PBC has jurisdiction. DOA by interlocal agreement with any jurisdiction which has permitting authority may administer the review of development applications for compliance with this Article within the territorial limits of the municipality. If a Permit for Obstruction is required, then the DOA may administer review with the FAA. Fees shall be established by the DOA and PZB to administer this Article. [Ord. 2008-003] [Ord. 2017-025] [Ord. 2019-005]
B. In the event that any violation of the requirements of this Article is found, the Director of Code Enforcement shall give written notice to the Property Owner. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Code Enforcement Board and DOA. PZB shall require work to stop and may take any or all other action necessary to correct violations and obtain compliance with all the provisions of this Article. [Ord. 2017-025] [Ord. 2019-005]
C. The DOA shall notify the Executive Director of PZB of all amendments to the airport master plan(s), or other regulations that affect the definitions or height limitations of the zones established herein. [Ord. 2017-025]
D. Airport signage shall not be subject to the requirements of Art. 8, Signage of the ULDC. Proposed signage shall be approved or amended in conjunction with the airport master plan. [Ord. 2008-003] [Ord. 2017-025]

Section 4 Enforcement

A. Non-Compliance
Failure to comply with the requirements of this Article or any permit or approval granted or authorized hereunder shall constitute a violation of this Code. PZB or DOA may issue a cease and desist order or withhold a Certificate of Occupancy until the provisions of this Article have been met. PBC may subject the

owner of the premises to the violation and enforcement provisions in F.S. § 333.07, and F.S. § 333.13, as may be amended from time to time, or may pursue any other remedy available at law, in order to fully effectuate the purposes of this Ordinance. Each violation of this Ordinance or of any regulation, order, or ruling promulgated herein shall be considered a separate offense and enforced in accordance with the provisions of Art. 10, Enforcement. [Ord. 2017-025] [Ord. 2019-005]

Section 5 Appeals

A. Hearing Officers, as established in Art. 2.G.3.G, Hearing Officers, are hereby authorized to hear and decide appeals of final decisions by the DOA. [Ord. 2017-025]
B. An Applicant shall file an appeal with DOA within 20 working days of a final decision by the DOA. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the Applicant seeks to rely. The DOA, by Resolution of the BCC, may establish a reasonable fee to be paid by the Applicant upon filing an appeal. This fee shall not exceed the cost to the County in processing the appeal. [Ord. 2017-025]
C. The DOA shall schedule a hearing before the Hearing Officer no later than 90 working days after an appeal has been filed. The DOA shall notify the Applicant of the hearing date at least 15 working days in advance of the hearing and invite the Applicant or the Applicant's representative to attend the hearing. Any of the time limitations set forth in this paragraph may be waived upon mutual agreement of the DOA and the party filing the appeal. [Ord. 2017-025]
D. An appeal shall stay all proceedings in the underlying action appealed from, unless the DOA certifies that a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings may not be stayed except by order of the BCC for good cause shown. [Ord. 2017-025]
E. At the hearing, the Hearing Officer shall provide the Applicant and the DOA an opportunity to present testimony and evidence, provided such information was part of the review before the DOA. The Hearing Officer shall affirm, reverse, or modify the final decision of the DOA in conformity with this Chapter. The Hearing Officer shall affirm the decision of the DOA if there is substantial competent evidence in the record that the DOA properly applied the standards in this Chapter. [Ord. 2017-025]
F. Any aggrieved party, including PBC, may appeal an order of the Hearing Officer to the 15th Judicial Circuit Court of PBC. Such appeal shall not be a hearing *de novo*, but shall be a Petition for Writ of *Certiorari* and the Court shall be limited to appellate review of the record created before the Hearing Officer. PBC may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. § 119.07, as amended from time to time. [Ord. 2017-025]

AIRPORT ZONING REGULATIONS

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NOTE: MAPS AND SCHEDULES IN THESE APPENDICES ARE REPRESENTATIONAL ONLY AND MAY BE AMENDED FROM TIME TO TIME. LOCATIONAL REQUIREMENTS CAN BE VERIFIED BY THE DEPARTMENT OF AIRPORTS. HARD COPY, SCALED MAPS ARE AVAILABLE UPON REQUEST FROM THE DEPARTMENT OF AIRPORTS, OR MAY BE OBTAINED FROM THE WEBSITE.

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Amendment History:

[Ord. 2003-067, January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-036, August 29, 2006] [Ord. 2008-003; January 30, 2008] [Ord. 2011-016; September 6, 2011] [Ord. 2017-025; August 28, 2017] [Ord. 2019-005; January 29, 2019]

ARTICLE 17

RESERVED FOR FUTURE USE

ARTICLE 18

FLOOD DAMAGE PREVENTION

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ARTICLE 18

FLOOD DAMAGE PREVENTION

CHAPTER A ADMINISTRATION, PERMITTING, AND ENFORCEMENT

Section 1 General

A. Title

These regulations shall be known as the Flood Damage Prevention Ordinance of PBC, Florida.

B. Authority

F.S. ch. 125, authorizes the legislative and governing body of PBC, Florida, the power to establish and administer programs of Flood control; and the BCC of PBC, Florida, has the responsibility to adopt regulations designed to promote the Public Health, Safety, and General Welfare of its citizens.

C. Scope

The provisions of this Article shall apply, within the limits of PBC's jurisdictional authority, to all Development that is wholly within or partially within any Special Flood Hazard Area or Flood Hazard Area, as defined in Art. 1, General Provisions, including but not limited to: the subdivision of land; filling, grading, and other site improvements and utility installations; alteration, remodeling, enlargement, improvement, replacement, repair, relocation, or demolition of Buildings, Structures, and facilities that are exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code; placement, installation, or replacement of Manufactured Homes and Manufactured Buildings; installation or replacement of tanks; placement of Recreational Vehicles; concrete parking pads; installation of swimming pools; and, any other Development. [Ord. 2024-024]

D. Intent

The purposes of this Article and the Flood load and Flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the Public Health, Safety, and General Welfare and to minimize public and private losses due to Flooding through regulation of Development in Special Flood Hazard Areas or Flood Hazard Areas to: [Ord. 2024-024]

1. Minimize unnecessary disruption of commerce, access, and public service during times of Flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future Flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other Development which may increase Flood damage or erosion potential;
4. Manage the alteration of Special Flood Hazard Areas, Watercourses, and shorelines to minimize the Adverse Impact of Development on the natural and beneficial functions of the Floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and Development of Special Flood Hazard Areas;
7. Minimize the need for future expenditure of public funds for Flood control projects and response to and recovery from Flood events; and,
8. Meet the requirements of the National Flood Insurance Program for community participation, as set forth in 44 CFR § 59.22.

E. Coordination with the Florida Building Code

This Article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

F. Warning

The degree of Flood protection required by this Article and the Florida Building Code, as amended by PBC, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger Floods can and will occur. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside of mapped Special Flood Hazard Areas or Flood Hazard Areas, or that uses permitted within such Special Flood Hazard Areas or Flood Hazard Areas, will be free from Flooding or Flood damage. The Special Flood Hazard Areas and Base Flood Elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of 44 CFR 59 and 60, may be revised by the Federal Emergency Management Agency, requiring PBC to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No

guarantee of vested use, existing use, or future use is implied or expressed by compliance with this Article. [Ord. 2024-024]

G. Disclaimer of Liability

This Article shall not create liability on the part of the PBC BCC or by any officer or employee hereof for any Flood damage that results from reliance on this Article or any administrative decision lawfully made thereunder.

Section 2 Applicability

A. General

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

B. Areas to which this Article Applies

This Article shall apply to all Flood Hazard Areas and Special Flood Hazard Areas in unincorporated PBC, as defined in Art. 1, General Provisions and established in Art. 18.A.2.C, Special Flood Hazard Areas below.

C. Special Flood Hazard Areas

The United States Department of Homeland Security's Federal Emergency Management Agency (FEMA), Flood Insurance Study for Palm Beach County, Florida, and Incorporated Areas dated December 20, 2024, and all subsequent amendments and revisions to such studies, and the accompanying Flood Insurance Rates Maps and all subsequent amendments and revisions to such maps, shall serve as the minimum basis for establishing Flood Hazard Areas and Special Flood Hazard Areas, including those areas developed into lots or Building sites without minimum floor elevations engineered from a Master Stormwater Drainage System. Studies and maps that establish Flood Hazard Areas and Special Flood Hazard Areas are on file at the PBC Department of Planning, Zoning and Building located at 2300 North Jog Road, West Palm Beach, Florida 33411 and are available online through the Department's homepage. [Ord. 2024-024]

D. Submission of Additional Data to Establish Special Flood Hazard Areas

The Floodplain Administrator may require the submission of additional data to establish Special Flood Hazard Areas and Base Flood Elevations, pursuant to Art. 18.A.5, Site Plans and Construction Documents. Where field-surveyed topography prepared by a Florida-licensed professional Surveyor or digital topography accepted by PBC indicates that ground elevations are either:

1. at or below the closest applicable Base Flood Elevation, even in areas not delineated as a Special Flood Hazard Area on a FIRM, the area shall be considered as Special Flood Hazard Area and subject to the requirements of this Article and, as applicable, the requirements of the Florida Building Code; or
2. above the closest applicable Base Flood Elevation, the area shall be regulated as Special Flood Hazard Area unless the Applicant obtains a Letter of Map Change that removes the area from the Special Flood Hazard Area.

E. Other Laws

The provisions of this Article shall not be deemed to nullify any provisions of Local, State, or Federal law.

F. Abrogation and Greater Restrictions

This Article supersedes any Ordinance in effect for management of Development in Special Flood Hazard Areas. However, it is not intended to repeal or abrogate any existing Ordinances including but not limited to land development regulations, Zoning Ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this Article and any other regulations, the more restrictive shall govern. This Article shall not impair any deed restriction, covenant, or easement, but any land that is subject to such interests shall also be governed by this Article.

G. Interpretation

In the interpretation and application of this Article, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and,
3. deemed neither to limit nor repeal any other powers granted under State Statutes.

Section 3 Duties and Powers of the Floodplain Administrator and the Flood Damage Prevention Board

A. Designation

1. The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
2. The BCC of PBC hereby designates the Construction Board of Adjustment and Appeals to act as the Flood Damage Prevention Board. The Flood Damage Prevention Board shall hear and decide Appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this Article and shall decide any Variance request following procedures in Art. 18.A.7, Appeals and Variances. [Ord. 2024-024]

B. General

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Article. The Floodplain Administrator shall have the authority to render interpretations of this Article consistent with the intent and purpose of this Article, and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Article without the granting of a Variance by the Flood Damage Prevention Board, pursuant to Art. 18.A.7, Appeals and Variances.

C. Applications and Permits

The Floodplain Administrator, in coordination with other pertinent offices of PBC, shall:

1. Review applications and plans to determine whether proposed new Development will be located in Special Flood Hazard Areas or Flood Hazard Areas; [Ord. 2024-024]
2. Review applications for modification of any Existing Development in Special Flood Hazard Areas or Flood Hazard Areas for compliance with the requirements of this Article; [Ord. 2024-024]
3. Interpret Special Flood Hazard Area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to Appeal the interpretation;
4. Provide available Flood elevation and Flood hazard information;
5. Determine whether additional Flood hazard data shall be obtained from other sources or shall be developed by an Applicant;
6. Review applications to determine whether proposed Development will be reasonably safe from Flooding;
7. Issue Floodplain Development Permits or Approvals for Development other than Buildings and Structures that are subject to the Florida Building Code, including Buildings, Structures, and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, when compliance with this Article is demonstrated, or disapprove the same in the event of non-compliance; and,
8. Coordinate with and provide comments to assure that applications, plan reviews, and inspections for Development satisfy the applicable provisions of this Article. [Ord. 2024-024]

D. Substantial Improvement and Substantial Damage Determinations

For applications for Building Permits to improve Buildings and Structures, including alterations, relocation, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, Substantial Improvements, repairs of Substantial Damage, and any other improvement of or work on such Buildings and Structures, the Floodplain Administrator, acting as the Building Official, shall:

1. Estimate the Market Value, or require the Applicant to obtain an appraisal of the Market Value prepared by a qualified independent appraiser, of the Building or Structure before the Start of Construction of the proposed work; in the case of repair, the Market Value of the Building or Structure shall be the Market Value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged Building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the Market Value of the Building or Structure;
3. Determine and document whether the proposed work constitutes Substantial Improvement or repair of Substantial Damage; the determination requires evaluation of previous permits issued for improvements and repairs, as specified in the definition of “Substantial Improvement;” for proposed work to repair damage caused by Flooding, the determination requires evaluation of previous permits issued to repair Flood-related damage, as specified in the definition of “Substantial Damage;” and,
4. Notify the Applicant if it is determined that the work constitutes Substantial Improvement or repair of Substantial Damage and that compliance with the Flood-resistant construction requirements of the Florida Building Code and this Article is required.

E. Modifications of the Strict Application of the Requirements of the Florida Building Code

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the Flood load and Flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a Variance pursuant to Art. 18.A.7, Appeals and Variances.

F. Notices and Orders

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Article.

G. Inspections

The Floodplain Administrator or designee shall make the required inspections, as specified in Art. 18.A.6, Inspections, for Development that is exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code. The Floodplain Administrator or designee shall inspect Special Flood Hazard Areas and Flood Hazard Areas to determine if Development is undertaken without issuance of a permit. [Ord. 2024-024]

H. Other Duties of the Floodplain Administrator

The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish procedures for administering and documenting determinations of Substantial Improvement and Substantial Damage made pursuant to Art. 18.A.3.D, Substantial Improvement and Substantial Damage Determinations;
2. Require that Applicants proposing Alteration of a Watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require Applicants who submit hydrologic and hydraulic engineering analyses in support of permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change Base Flood Elevations, Special Flood Hazard Area boundaries, or Floodway designations; such map revision submissions shall be filed with FEMA prior to permit issuance and within six months of such data becoming available. The Floodplain Administrator may withhold final approval, including Certificate of Occupancy or Certificate of Completion, pending FEMA acceptance of the proposed revision; [Ord. 2024-024]
4. Review required design certifications and documentation of elevations specified by this Article and the Florida Building Code to determine that such certifications and documentations are complete;
5. Notify FEMA when the boundaries of unincorporated PBC are modified; and,
6. Advise Applicants for New Buildings and Structures, including Substantial Improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Public Law 97-348) and the Coastal Barrier Improvement Act of 1990 (Public Law 101-591) that Federal Flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”

I. Floodplain Management Records

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Article and the Flood-resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes Substantial Improvement or repair of Substantial Damage; required design certifications and documentation of elevations specified by the Florida Building Code and this Article; notifications to adjacent communities, FEMA, and the State related to Alterations of Watercourses; assurances that the Flood-carrying capacity of altered Watercourses will be maintained; documentation related to Appeals and Variances, including justification for issuance or denial; and, records of enforcement actions taken pursuant to this Article and the Flood-resistant construction requirements of the Florida Building Code. These records are available for public inspection at the PBC Department of Planning, Zoning and Building at 2300 North Jog Road, West Palm Beach, Florida 33411.

Section 4 Permits

A. Permits Required

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any Development activity within the scope of this Article, including Buildings, Structures, and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, which is wholly within or partially within any Special Flood Hazard Area or Flood Hazard Area shall first make application to the Floodplain Administrator and the Building Official, if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Article has been satisfied. [Ord. 2024-024]

B. Floodplain Development Permits or Approvals

Floodplain Development Permits or Approvals shall be issued pursuant to this Article for any Development activities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code. Depending on the nature and extent of proposed Development that includes a Building or Structure, the Floodplain Administrator may determine that a Floodplain Development Permit or Approval is required in addition to a Building Permit.

C. Buildings, Structures, and Facilities Exempt from the Florida Building Code

Pursuant to the requirements of Federal regulation for participation in the National Flood Insurance Program (44 CFR 59 and 60), Floodplain Development Permits or Approvals shall be required for the following Buildings, Structures, and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this Article:

1. Railroads and ancillary facilities associated with the railroad.
2. Non-residential farm Buildings on farms, as provided in F.S. § 604.50.
3. Temporary Buildings or sheds used exclusively for construction purposes.
4. Mobile or modular Structures used as temporary offices.
5. Those Structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums, not exceeding 250 square feet in area, which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Florida Department of Corrections to any prisoner in the State correctional system.
9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such Structures are located in Special Flood Hazard Areas established on Flood Insurance Rate Maps.

D. Application for a Permit or Approval

To obtain a Floodplain Development Permit or Approval outside of the Building Permit process, the applicant shall first file an application in writing on a form furnished by PBC. The information provided shall:

1. Identify and describe the Development to be covered by the permit or approval.
2. Describe the land on which the proposed Development is to be conducted by legal description, street address, or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed Development is intended.
4. Be accompanied by a Site Plan or construction documents, as specified in Art. 18.A.5, Site Plans and Construction Documents.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

E. Validity of Permit or Approval

The issuance of a Floodplain Development Permit or Approval pursuant to this Article shall not be construed to be a permit for, or approval of, any Violation of this Article, the Florida Building Code, or any other Ordinance of PBC. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

F. Suspension or Revocation

The Floodplain Administrator is authorized to suspend or revoke a Floodplain Development Permit or Approval if the permit was issued in error, on the basis of incorrect or incomplete information, or in Violation of this Article or any other Ordinance, regulation, or requirement of PBC.

G. Expiration

A Floodplain Development Permit or Approval shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or the issuance of a Building Permit, whichever comes last, or if the work authorized is suspended or abandoned for a period of six months after the work commences. Extensions for periods of not more than six months each shall be requested in writing prior to expiration and justifiable cause shall be demonstrated. In no case shall the permit or approval remain valid when FIRMs are updated, unless Development is under construction. [Ord. 2024-024]

H. Other Permits Required

Floodplain Development Permits shall include a statement that all other applicable State or Federal permits shall be obtained before commencement of the permitted Development, including, but not limited to, the following: [Ord. 2022-019]

1. The South Florida Water Management District; F.S. § 373.036.
2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 62-6, F.A.C. [Ord. 2022-019]
3. PBC Department of Environmental Resources Management, as applies.
4. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the Coastal Construction Control Line; F.S. § 161.141.
5. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
6. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
7. Federal permits and approvals.

Section 5 Site Plans and Construction Documents

A. Information for Development in Special Flood Hazard Areas and Flood Hazard Areas

The Site Plan or construction documents for any Development subject to the requirements of this Article shall be drawn to scale and shall include, as applicable to the proposed Development: [Ord. 2024-024]

1. Delineation of Special Flood Hazard Areas, Floodway boundaries and Flood zone(s), Base Flood Elevation(s), and ground elevations, if necessary, for review of the proposed Development.
2. Where Base Flood Elevations or Floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Art. 18.A.5.B.2 or Art. 18.A.5.B.3 below.
3. Where the parcel on which the proposed Development will take place will have more than 50 lots or is larger than five acres, and the Base Flood Elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Art. 18.A.5.B.1.
4. Location of the proposed activity and proposed Structures, and locations of Existing Buildings and Structures; in Coastal High Hazard Areas and Coastal A Zones, New Buildings shall be located landward of the reach of mean high tide. [Ord. 2024-024]
5. Location, extent, amount, pre-construction, and proposed final grades of any filling, grading, or excavation. [Ord. 2024-024]
6. Where the placement of structural fill is permitted in accordance with Art. 18.D.5, Limitations on Placement of Fill, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and, evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. [Ord. 2024-024]
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the Coastal Construction Control Line, if applicable.
8. Extent of any proposed alteration of Sand Dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed Alteration of a Watercourse.
10. Subdivisions of more than three lots or greater than ten acres shall provide an electronic subdivision topographic plan.
11. Where the proposed Development will take place on a parcel greater than five acres or will have more than 50 lots and the proposed Development will modify Special Flood Hazard Area boundaries or Base Flood Elevations, the applicant shall submit hydrologic, hydraulic, or other engineering data, studies,

and additional analyses for such modifications to FEMA for a Letter of Map Revision (MT-2) as specified in Art. 18.A.5.D, Submission of Additional Data. [Ord. 2024-024]

The Floodplain Administrator is authorized to waive the submission of Site Plans, construction documents, and other data that are required by this Article, but that are not required to be prepared by a registered design professional, if it is found that the nature of the proposed Development is such that the review of such submissions is not necessary to ascertain compliance with this Article.

B. Information in Special Flood Hazard Areas without Base Flood Elevations or Depths (Approximate Zone A or Zone AO)

Where Special Flood Hazard Areas are delineated on the FIRM and Base Flood Elevation or Depth data have not been provided, the Floodplain Administrator shall: [Ord. 2024-024]

1. Require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants Base Flood Elevation and Floodway data available from a Federal or State agency or other source, or require the applicant to obtain and use Base Flood Elevation and Floodway data available from a Federal or State agency or other source.
3. Where Base Flood Elevation and Floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect Flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
   a. Require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices; or
   b. Specify that the Base Flood Elevation is two feet above the highest adjacent grade (natural) at the location of the Development, provided there is no evidence indicating Flood depths have been or may be greater than two feet. [Ord. 2024-024]
4. Where the Base Flood Elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida-licensed Engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

C. Additional Analyses and Certifications

As applicable to the location and nature of the proposed Development activity, and in addition to the requirements of this Section, the applicant shall have the following analyses signed and sealed by a Florida-licensed Engineer for submission with the Site Plan and construction documents:

1. For Development activities proposed to be located in a Regulatory Floodway, a Floodway Encroachment Analysis that demonstrates that the Encroachment of the proposed Development will not cause any increase in Base Flood Elevations; where the applicant proposes to undertake Development activities that do increase Base Flood Elevations, the applicant shall submit such analysis to FEMA, as specified in Art. 18.A.5.D, Submission of Additional Data, and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the Site Plan and construction documents.
2. For Development activities proposed to be located in a riverine Special Flood Hazard Area for which Base Flood Elevations are included in the Flood Insurance Study or on the FIRM and Floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed Development, when combined with all other existing and anticipated Flood Hazard Area Encroachments, will not increase the Base Flood Elevation more than one foot at any point within the community. This requirement does not apply in isolated Special Flood Hazard Areas not connected to a riverine Special Flood Hazard Area or in Special Flood Hazard Areas identified as Zone AO or Zone AH.
3. For Alteration of a Watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the Flood-carrying capacity of the altered or relocated portion of the Watercourse will not be decreased, and certification that the altered Watercourse shall be maintained in a manner which preserves the channel's Flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Art. 18.A.5.D, Submission of Additional Data.
4. For activities that propose to alter Sand Dunes or mangrove stands in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for Flood damage. [Ord. 2024-024]
5. For Development activities in a Flood Hazard Area as defined in Art. 1, General Provisions, the Floodplain Administrator may require the applicant to include a Base Flood Elevation analysis prepared in accordance with currently accepted engineering practices. [Ord. 2024-024]

D. Submission of Additional Data

When additional hydrologic, hydraulic, or other engineering data, studies, and additional analyses are submitted to support an application, the applicant shall seek a Letter of Map Change from FEMA to change the Base Flood Elevations, change Floodway boundaries, or change boundaries of Special Flood Hazard Areas shown on FIRMs, and shall submit such data to FEMA for such purposes prior to Floodplain Development approval or Building Permit issuance. The analyses shall be prepared by a Florida-licensed Engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. [Ord. 2024-024]

Section 6 Inspections

A. General

Development for which a Floodplain Development Permit or Approval is required shall be subject to inspection.

B. Development Other Than Buildings and Structures

The Floodplain Administrator shall inspect all Development to determine compliance with the requirements of this Article and the conditions of issued Floodplain Development Permits or Approvals.

C. Buildings, Structures, and Facilities Exempt from the Florida Building Code

The Floodplain Administrator shall inspect Buildings, Structures, and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, to determine compliance with the requirements of this Article and the conditions of issued Floodplain Development Permits or Approvals.

D. Lowest-Floor Inspection for Buildings, Structures, and Facilities Exempt from the Florida Building Code

Upon placement of the Lowest Floor, including Basement, and prior to further vertical construction, the owner of a Building, Structure, or facility exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a Design Flood Elevation was used to determine the required elevation of the Lowest Floor, the certification of elevation of the Lowest Floor prepared and sealed by a Florida-licensed professional Surveyor; or
2. If the elevation used to determine the required elevation of the Lowest Floor was determined in accordance with Art. 18.A.5.B.3.b, the documentation of height of the Lowest Floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

E. Final Inspection for Buildings, Structures, and Facilities Exempt from the Florida Building Code

As part of the final inspection for Buildings, Structures, and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the Lowest Floor and/or final documentation of the height of the Lowest Floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Art. 18.A.6.D, Lowest-Floor Inspection for Buildings, Structures, and Facilities Exempt from the Florida Building Code.

F. Manufactured Homes

The Floodplain Administrator shall inspect Manufactured Homes that are installed or replaced in Special Flood Hazard Areas to determine compliance with the requirements of this Article and the conditions of the issued permit. Upon placement of a Manufactured Home, certification of the elevation of the Lowest Floor shall be submitted to the Floodplain Administrator.

Section 7 Appeals and Variances

A. General

The Flood Damage Prevention Board shall hear and decide on all requests for Appeals or Variances from the strict application of this Article.

B. Appeal Procedures

1. A request to Appeal the decision of the Floodplain Administrator enforcing the provisions of this Article shall include reference to this this Section, and the applicant's technical basis of contesting the decision of the Floodplain Administrator. The Appeal shall be filed in writing within 30-calendar days after the decision is rendered by the Floodplain Administrator. Failure to timely file an Appeal shall be deemed a waiver of the applicant's ability to seek relief for said decision. An Appeal may be filed whenever any one of the following conditions are claimed to exist: [Ord. 2024-024]
   a. The Floodplain Administrator rejected or refused to approve the applicant's request;
   b. The provisions of this Article do not apply to the applicant's specific case;
   c. That an equally good or more desirable method can be employed and fully meet the intent of this Article, which the Floodplain Administrator has rejected;
   d. The true intent and meaning of this Article or any of the regulations thereunder have been misconstrued or incorrectly interpreted.
2. The Flood Damage Prevention Board shall hear Appeal requests at the next available meeting within 60 days of date of Appeal. This 60-day period may be extended upon mutual consent of the Floodplain Administrator and the applicant.
3. At the conclusion of the hearing, the Flood Damage Prevention Board shall orally render a decision based on testimony and evidence entered into the record. An order setting forth findings of fact and conclusion of law shall then be delivered to the appellant.
4. The applicant or PBC may Appeal a decision of the Flood Damage Prevention Board to the Circuit Court of PBC, Florida, by Petition for Writ of *Certiorari*; any Appeal filed pursuant to this Article shall be considered timely if filed within 30 days of the execution of the order to be Appealed.

C. Variance Procedures

1. An initial request for a Variance from the provisions of this Article shall be filed in writing by the affected party with the Floodplain Administrator.
2. The Flood Damage Prevention Board shall hear Variance requests at the next available meeting. In acting upon Variance applications, the Flood Damage Prevention Board shall consider all technical evaluations, all relevant factors, and standards specified in other Sections of this Article; and
   a. The danger that materials may be swept onto other lands to the injury of others;
   b. The danger to life and property due to Flooding or erosion damage;
   c. The susceptibility of the proposed facility and its contents to Flood damage and the effect of such damage on the individual owner;
   d. The importance of the services provided by the proposed facility to the community;
   e. The necessity to the facility of a waterfront location;
   f. The availability of alternative locations for the proposed use which are not subject to Flooding or erosion damage;
   g. The compatibility of the proposed use with Existing and anticipated Development;
   h. The relationship of the proposed use to the comprehensive plan and Flood damage prevention program for that area;
   i. The safety of access to the property in times of Flood for ordinary and emergency vehicles;
   j. The expected heights, velocity, duration, rate of rise, and sediment of transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
   k. The costs of providing governmental services during and after Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electric, and water systems, and streets and bridges; and,
   l. The negative effect a Variance may have on the county rating under the FEMA Community Rating System.
3. The applicant or PBC may Appeal a decision of the Flood Damage Prevention Board to the Circuit Court of PBC, Florida, by a Petition for Writ of *Certiorari*; any Appeal filed pursuant to this Article shall be considered timely if filed within 30 days of the execution of the order to be Appealed.

D. Restrictions in Floodways

A Variance shall not be issued for any proposed Development in a Floodway if any increase in Base Flood Elevations would result, as evidenced by the applicable analyses and certifications required in Art. 18.A.5.C, Additional Analyses and Certifications.

E. Historic Buildings

A Variance is authorized to be issued for the repair, improvement, or rehabilitation of a Historic Building that is determined eligible for the exception to the Flood-resistant construction requirements of the Florida Building Code, Existing Building Chapter 12, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the Building's continued designation as a Historic Building and the Variance is the minimum necessary to preserve the historic character and design of the Building. If the proposed work precludes the Building's continued designation as a Historic Building, a Variance shall not be granted upon this basis and the Building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code. [Ord. 2024-024]

F. Functionally-Dependent Uses

A Variance is authorized to be issued for the construction or Substantial Improvement necessary for the conduct of a Functionally-Dependent Use, as defined in Art. 1, General Provisions, provided the Variance is the minimum necessary considering the Flood hazard, and all due consideration has been given to use of methods and materials that minimize Flood damage during occurrence of the Base Flood.

G. Conditions for Issuance of Variances

Variances shall be issued only upon:

1. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Article or the required elevation standards.
2. Determination by the Flood Damage Prevention Board that:
    a. Failure to grant the Variance would result in Exceptional Hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute Hardship;
    b. The granting of a Variance will not result in increased Flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances; and,
    c. The Variance is the minimum necessary, considering the Flood hazard, to afford relief.

H. Certain At-Grade Accessory Structures

A Variance is authorized to be issued for the construction or Substantial Improvement of certain at-grade Accessory Structures located in Flood Hazard Areas and Special Flood Hazard Areas (Zone A/AE/AH/AO) other than Coastal High Hazard Areas and Coastal A Zones that are larger than the size limits specified in Art. 18.B.4, Permits, provided the requirements of this Section are satisfied, the Accessory Structures are used only for parking or storage, and: [Ord. 2024-024]

1. Represent minimal investment and has low damage potential. [Ord. 2024-024]
2. Are one story and not larger than 1,200 square feet in size, and have Flood openings in accordance with the Florida Building Code, Residential Section R322.2. [Ord. 2024-024]
3. Are anchored to resist flotation, collapse, or lateral movement resulting from Flood loads. [Ord. 2024-024]
4. Have Flood Damage-Resistant Materials used below the Base Flood Elevation plus one foot. [Ord. 2024-024]
5. Have mechanical, plumbing, and electrical systems, including plumbing fixtures, elevated to or above the Base Flood Elevation plus one foot. [Ord. 2024-024]

I. Agricultural Structures

A Variance is authorized to be issued for the construction or Substantial Improvement of at-grade Agricultural Structures in Flood Hazard Areas and Special Flood Hazard Areas provided the requirements of this Section are satisfied and: [Ord. 2024-024]

1. A determination has been made that the proposed Agricultural Structure: [Ord. 2024-024]
    a. Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses. [Ord. 2024-024]
    b. Has low damage potential (amount of physical damage, contents damage, and loss of function). [Ord. 2024-024]
    c. Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including, but not limited to, the effects of Flooding on manure storage, livestock confinement operations, liquefied natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials. [Ord. 2024-024]
    d. Is not located in a Coastal High Hazard Area (Zone V/VE) or Coastal A Zone, except for aquaculture Structures dependent on close proximity to water. [Ord. 2024-024]

e. Complies with the wet Floodproofing construction requirements of Art. 18.A.7.I.2, Wet Floodproofing Construction Requirements below. [Ord. 2024-024]

2. Wet Floodproofing Construction Requirements

a Anchored to resist flotation, collapse, and lateral movement. [Ord. 2024-024]

b. When enclosed by walls, walls have Flood openings that comply with the Flood opening requirements of ASCE 24 Chapter 2. [Ord. 2024-024]

c. Flood Damage-Resistant Materials are used below the Base Flood Elevation plus one foot. [Ord. 2024-024]

d. Mechanical, electrical, and utility equipment, including plumbing fixtures, are elevated above the Base Flood Elevation plus one foot. [Ord. 2024-024]

J. Limitations on Authority to Grant Variances

The Flood Damage Prevention Board shall base its decisions on Variances on technical justifications submitted by applicants, the considerations for issuance in Art. 18.A.7.C.2, the conditions of issuance set forth in Art. 18.A.7.G, Conditions for Issuance of Variances, and the comments and recommendations of the Floodplain Administrator. The Flood Damage Prevention Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this Article.

K. Variance Notification

Any applicant to whom a Variance is granted shall be given a written order, bearing the signature of the Chairperson of the Flood Damage Prevention Board, indicating the difference between the Base Flood Elevation and the proposed elevation of the Lowest Floor, stating the issuance of a Variance to construct a Structure or Substantial Improvement below the required elevation, or otherwise not comply with the requirements of this Article, may result in substantial increase in the cost of Federal Flood insurance (up to amounts as high as 25 dollars for 100 dollars of insurance coverage) and such non-compliance construction increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the PBC Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land in the Official Records of PBC. The Floodplain Administrator will maintain a record of all Variance actions, including justification for their issuance, and report such Variances issued in its biennial report submitted to FEMA.

Section 8 Violations

A. Violations

Any Development that is not within the scope of the Florida Building Code, but that is regulated by this Article, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Article, shall be deemed a Violation of this Article. A Building or Structure without the documentation of elevation of the Lowest Floor, other required design certifications, or other evidence of compliance required by this Article or the Florida Building Code is presumed to be a Violation until such time as that documentation is provided.

B. Authority

The Floodplain Administrator is authorized to serve notices of Violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work for Development that is not within the scope of the Florida Building Code, but that is regulated by this Article, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, and that is determined to be a Violation.

C. Unlawful Continuance

Any person who shall continue any work after having been served with a notice of Violation or a stop work order, except such work as that person is directed to perform to remove or remedy a Violation or unsafe condition, shall be subject to penalties as prescribed by law.

D. Penalties for Violation

Violation of this Article or failure to comply with any of its requirements, including Violation of conditions and safeguards established in connection with grants of Variances shall be enforceable pursuant to the Code Enforcement Procedures established in F.S. ch. 162, pt. I and pt. II, as amended or replaced, and Art. 10, Enforcement. Each day such Violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator or PBC from taking such other lawful actions as are necessary to prevent or remedy any Violation, including enforcement pursuant to F.S. § 125.69, as amended or replaced. Any person who receives a conviction pursuant to F.S. § 125.69, as amended or replaced, for violating or failing to comply with any of the requirements herein shall, upon conviction hereof, be fined not more than 500 dollars or imprisoned for not more than 60 days.

CHAPTER B BUILDINGS AND STRUCTURES

Section 1 Design and Construction of Buildings, Structures, and Facilities Exempt from the Florida Building Code

Pursuant to Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, Buildings, Structures, and facilities that are exempt from the Florida Building Code, including Substantial Improvement or repair of Substantial Damage of such Buildings, Structures, and facilities, shall be designed and constructed in accordance with the Flood load and Flood-resistant construction requirements of ASCE 24. Certain Agricultural Structures exempt from the Florida Building Code may qualify for relief from the provisions of ASCE 24 by issuance of a Variance pursuant to Art. 18.A.7.I, Agricultural Structures. Structures exempt from the Florida Building Code that are not walled and roofed Buildings shall comply with the requirements of Art. 18.H, Other Development. [Ord. 2024-024]

Section 2 Buildings and Structures Seaward of the Coastal Construction Control Line

If extending, in whole or in part, seaward of the Coastal Construction Control Line and also located, in whole or in part, in a Special Flood Hazard Area:

A. Buildings and Structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
B. Minor Structures and non-habitable major Structures, as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this Article and ASCE 24.

Section 3 Specific Methods of Construction and Requirements

In addition to the requirements of this Article and the Florida Building Code, the following specific methods of construction apply:

A. Application of Flood-Resistant Requirements

The following "higher standards" shall apply to all properties located within unincorporated PBC, as described in this Section.

B. Additional Elevation of Buildings (Freeboard)

1. For New Construction and Substantial Improvements, including electrical systems, equipment and components, heating, ventilating, air conditioning, plumbing appliances and plumbing fixtures, duct systems, and other service equipment, in Zones AE, AH, and VE, the minimum elevation requirement (for the Lowest Floor or lowest horizontal member, as applicable) shall be at least one foot above the Base Flood Elevation. In areas without a Master Stormwater Drainage System, the minimum elevation requirement shall be the higher of one foot above the Base Flood Elevation or 18 inches above the Lowest Adjacent Road Crown (LARC). Floodproofing, to a minimum of one foot above the Base Flood Elevation, subject to the limitations of applicable provisions of the Florida Building Code, as may be amended, may be used in Flood zones other than Coastal High Hazard Areas and Coastal A Zones. [Ord. 2024-024]
2. For New Construction and Substantial Improvements, including electrical systems, equipment and components, heating, ventilating, air conditioning, plumbing appliances and plumbing fixtures, duct systems, and other service equipment, in Approximate Zone A, the minimum elevation requirement (for the Lowest Floor or lowest horizontal member, as applicable) shall be one foot above the Base Flood Elevation, as determined pursuant to Art. 18.A.5.B, Information in Special Flood Hazard Areas without Base Flood Elevations (Approximate Zone A). In areas without a Master Stormwater Drainage System, the minimum elevation requirement shall be the higher of one foot above the Base Flood Elevation or 18 inches above the LARC. Floodproofing may be used, subject to the limitations of the applicable provisions of the Florida Building Code, as may be amended. [Ord. 2024-024]
3. For New Construction and Substantial Improvements, including electrical systems, equipment and components, heating, ventilating, air conditioning, plumbing appliances and plumbing fixtures, duct systems, and other service equipment, in Zone AO, the minimum elevation requirement shall be at least one foot greater than the depth specified by FEMA on the Flood Insurance Rate Maps above natural grade. If a depth is not specified, the minimum elevation requirement shall be at least three feet above the highest adjacent grade. In areas without a Master Stormwater Drainage System, the minimum elevation requirement shall be the higher of one foot above the depth number or 18 inches

above the LARC. Floodproofing may be used, subject to the limitations of the applicable provisions of the Florida Building Code, as may be amended. [Ord. 2024-024]

4. For New Construction and Substantial Improvements, including electrical systems, equipment and components, heating, ventilating, air conditioning, plumbing appliances and plumbing fixtures, duct systems, and other service equipment, in Zones X, X500, and areas not studied (Zone D), without a Master Stormwater Drainage System, the Base Flood Elevation shall be at least 18 inches above the LARC. Floodproofing may be used, subject to applicable provisions of the Florida Building Code, as may be amended. [Ord. 2024-024]

C. Substantial Improvement and Substantial Damage

For the administration of the Flood provisions of the Florida Building Code, Building Volume and Existing Building Volume, the definitions in Art. 1.H.2, Definitions, for "Substantial Improvement" and "Substantial Damage" shall apply.

D. Critical Facilities

Construction of new Critical Facilities shall be, to the extent possible, located outside the limits of SFHAs. Construction of new Critical Facilities may be permissible within a SFHA if no feasible alternative site is available. If permitted, Critical Facilities shall be elevated or protected to or above the Base Flood Elevation, plus three feet, or the 500-year (0.2 percent chance) Flood elevation, whichever is higher. In AO Zones, Critical Facilities shall be elevated or protected to three feet above the depth number specified on the FIRM. If a depth number is not specified, the minimum elevation requirement shall be at least four feet above the highest adjacent natural grade. Floodproofing may be used, subject to the applicable provisions of the Florida Building Code, as may be amended. Access routes elevated to or above the level of the Base Flood Elevation or Depth specified on the FIRM shall be provided to all Critical Facilities. [Ord. 2024-024]

E. Construction in Coastal A Zone

All construction in Coastal A Zones shall be designed and constructed in accordance with the Coastal High Hazard Area (Zone V/VE) requirements of the Florida Building Code. Dry Floodproofing of non-residential Buildings and backfilled stem wall foundations are not permitted. [Ord. 2024-024]

Section 4 Non-Elevated Accessory Structures

Accessory Structures are permitted below the elevations required by the Florida Building Code and this Code provided the Accessory Structures are used only for parking or storage and: [Ord. 2024-024]

A. If located in Special Flood Hazard Areas (Zone A/AE/AH/AO) other than Coastal High Hazard Areas and Coastal A Zones, are one story and not larger than 600 square feet, and have Flood openings in accordance with the Florida Building Code, Residential Section R322.2; [Ord. 2024-024]

B. If located in Coastal High Hazard Areas (Zone V/VE) or Coastal A Zones, are not located below Elevated Buildings and are not larger than 100 square feet; [Ord. 2024-024]

C. Are anchored to resist flotation, collapse, or lateral movement resulting from Flood loads; [Ord. 2024-024]

D. Have Flood Damage-Resistant Materials used below the Base Flood Elevation or Depth plus one foot; and, [Ord. 2024-024]

E. Have mechanical, plumbing, and electrical systems, including plumbing fixtures elevated to or above the Base Flood Elevation or Depth plus one foot. [Ord. 2024-024]

CHAPTER C SUBDIVISIONS

Section 1 Minimum Requirements

Subdivision proposals, including proposals for Manufactured Home Parks and Subdivisions, shall be reviewed to determine that:

A. Such proposals are consistent with the need to minimize Flood damage and will be reasonably safe from Flooding;
B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate Flood damage; and,
C. Adequate drainage is provided to reduce exposure to Flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed Structures.

Section 2 Subdivision Plats

Where any portion of proposed subdivisions, including Manufactured Home Parks and Subdivisions, lies within a Special Flood Hazard Area, the following shall be required:

A. Delineation of Special Flood Hazard Areas, Floodway boundaries and Flood zones, and Design Flood Elevations, as appropriate, shall be shown on a separate exhibit submitted with a Technical Compliance Application for platting, pursuant to Art. 11, Subdivision, Platting, and Required Improvements;
B. Where the subdivision has more than 50 lots or is larger than five acres and Base Flood Elevations are not included on the FIRM, the Base Flood Elevations determined in accordance with Art. 18.A.5.B.1;
C. Compliance with the site improvement and utilities requirements of Art. 18.D, Site Improvements, Utilities, and Limitations; and, [Ord. 2024-024]
D. Where the subdivision has more than 50 lots or is larger than five acres and a Master Stormwater Drainage System has modified Special Flood Hazard Area boundaries or Base Flood Elevations, the applicant shall submit hydrologic, hydraulic, or other engineering data, studies, and additional analyses to FEMA for a Letter of Map Revision (MT-2) as specified in Art. 18.A.5.D, Submission of Additional Data. [Ord. 2024-024]

CHAPTER D SITE IMPROVEMENTS, UTILITIES, AND LIMITATIONS

Section 1 Minimum Requirements

All proposed new Development shall be reviewed to determine that:

A. Such proposals are consistent with the need to minimize Flood damage and will be reasonably safe from Flooding;
B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate Flood damage; and,
C. Adequate drainage is provided to reduce exposure to Flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed Structures.

Section 2 Sanitary Sewage Facilities

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 62-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems. [Ord. 2022-019]

Section 3 Water-Supply Facilities

All new and replacement water-supply facilities shall be designed in accordance with the water well construction standards in Art. 15, Health Regulations, Rule 62-532.500, F.A.C., and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

Section 4 Limitations on Sites in Regulatory Floodways

No Development, including but not limited to site improvements and land-disturbing activity involving fill or regrading, shall be authorized in the Regulatory Floodway, unless the Floodway Encroachment Analysis required in Art.

18.A.5.C, Additional Analyses and Certifications demonstrates that the proposed Development or land-disturbing activity will not result in any increase in the Base Flood Elevation.

Section 5 Limitations on Placement of Fill

Subject to the limitations of this Article, fill shall be designed to be stable under conditions of Flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against Flood-related erosion and scour. In addition to these requirements, if intended to support Buildings and Structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

A. Grading and Earth Fill

1. Grading

On all new, permitted construction, regardless of Flood zone designation, grading shall keep all rainfall and runoff flow on the Building site, until discharged into the roadway drainage system or to public drainage ways adjacent to the property lines. Berms shall be constructed along lot lines, if necessary, to prevent stormwater flow directly onto adjacent properties. Erosion sedimentation off the Building site shall be controlled until vegetative cover is established. The Floodplain Administrator may require grading plans showing pre-construction and proposed finish earth grades.

2. Earth Fill

On all New Construction, earth fill brought onto the site of construction from another site shall be minimized to maximize existing floodwater storage capacity. Maximum volume of imported fill shall be limited to that necessary to raise an earth pad to elevate the slab-on-grade not more than six inches above minimum floor elevation set in this Article, with side slopes of the pad of one to four (vertical to horizontal), to one to three starting ten feet from the slab edges until natural grade is reached. [Ord. 2024-024]

3. Fill in Zone V

Structural fill shall not be utilized in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones. [Ord. 2024-024]

4. Lot and Building Site Drainage

Site grading immediately adjacent to the perimeter of each Building constructed as slab-on-grade shall be sloped so as to drain or direct water away from the Structure.

5. Exceptions from the Requirements in this Section

a. Only on Building sites requiring raised septic mounds to PBC Health Department minimum elevations, will additional volume of fill be allowed to construct the mound and to elevate the Structure, as limited in Art. 18.D.5.A.2, Earth Fill; [Ord. 2024-024]

b. Earth fill dug from an on-site excavation may be allowed if in accordance with the regulations in the ULDC, and provided finish grade directs lot drainage back into the excavation; [Ord. 2024-024]

c. Any volume of fill for placement inside the perimeter foundation walls to raise an interior concrete slab to any higher elevation shall be allowed;

d. Fill shall be permitted to raise earthen berms on side property lines to prevent drainage onto adjacent lots, provided said berms have side slopes of one to four (vertical to horizontal), to one to three, with a triangular cross section; [Ord. 2024-024]

e. Fill shall be allowed inside retaining walls for Building access ramps or driveway ramps required by the American Disabilities Act (ADA);

f. Fill necessary to direct on-site drainage to the public roadway or drainage system shall also be permitted;

g. Minimum fill for sites that have sloping topography that do not store floodwater shall be permitted. Any fill in excess of this minimum grading requirement shall be subject to approval of the Flood Damage Prevention Board as a Variance;

h. Fill necessary for Critical Facilities and public service Buildings; and,

i. Areas included within a South Florida Water Management District permit shall be filled and graded in accordance with the fill and grading design conditions identified in said permit even when elevations are more than six inches above the maximum floor elevation set in Art. 18.D.5.A.2, Earth Fill. [Ord. 2024-024]

Section 6 Limitations on Sites and Activities in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones

In Coastal High Hazard Areas and Coastal A Zones: [Ord. 2024-024]

A. Alteration of Sand Dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Art. 18.A.5.C.4 demonstrates that the proposed alteration will not increase the potential for Flood damage. Construction or restoration of dunes under or around Elevated Buildings and Structures shall comply with Art. 18.H.8.C and Art. 14.A.13, Standards for SPZ. [Ord. 2024-024]
B. Pedestrian and vehicular traffic shall be limited to designated beach access points, dune crossovers, beach walkways, piers, or any other Structure designed for such traffic to minimize Adverse Impact to Sand Dunes and mangrove stands. [Ord. 2024-024]

CHAPTER E MANUFACTURED HOMES

Section 1 General

All Manufactured Homes installed in Special Flood Hazard Areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C., and the requirements of this Article. Manufactured Homes shall not be allowed seaward of the Coastal Construction Control Line.

Section 2 Foundations

All new Manufactured Homes and replacement Manufactured Homes installed in Special Flood Hazard Areas shall be installed on permanent, reinforced foundations that:

A. In Special Flood Hazard Areas (Zone A) other than Coastal High Hazard Areas and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2, and this Article. [Ord. 2024-024]
B. In Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3, and this Article. [Ord. 2024-024]

Section 3 Anchoring

All new Manufactured Homes and replacement Manufactured Homes shall be installed using methods and practices which minimize Flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable State and Local anchoring requirements for wind resistance.

Section 4 Elevation

All Manufactured Homes that are placed, replaced, or substantially improved in Flood Hazard Areas or Special Flood Hazard Areas shall be elevated such that the bottom of the frame is at or above the higher of the following: [Ord. 2024-024]

A. 18 inches above Lowest Adjacent Road Crown elevation; or [Ord. 2024-024]
B. The elevation required, as applicable to the Flood Hazard Area, in the Florida Building Code, Residential Volume, Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone). [Ord. 2024-024]

Section 5 Enclosures

Enclosed areas below elevated Manufactured Homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3, for such enclosed areas, as applicable to the Special Flood Hazard Area.

Section 6 Utility Equipment

Utility equipment that serves Manufactured Homes, including electric, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the Special Flood Hazard Area.

CHAPTER F RECREATIONAL VEHICLES AND PARK TRAILERS

Section 1 Temporary Placement

Recreational Vehicles and Park Trailers placed temporarily in Special Flood Hazard Areas shall:

A. Be on the site for fewer than 180 consecutive days; or
B. Be fully licensed and ready for highway use, which means the Recreational Vehicle or Park Trailer is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks, and porches.

Section 2 Permanent Placement

Recreational Vehicles and Park Trailers that do not meet the limitations in Art. 18.F.1, Temporary Placement above for temporary placement shall meet the requirements of Art. 18.E, Manufactured Homes for Manufactured Homes.

CHAPTER G TANKS

Section 1 Underground Tanks

Underground tanks in Special Flood Hazard Areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the Design Flood, including the effects of buoyancy assuming the tank is empty.

Section 2 Non-Elevated, Above-Ground Tanks

Above-ground tanks that do not meet the elevation requirements of Art. 18.G.3, Elevated, Above-Ground Tanks below shall:

A. Be permitted in Special Flood Hazard Areas (Zone A) other than Coastal High Hazard Areas and Coastal A Zones, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the Design Flood, including the effects of buoyancy assuming the tank is empty and the effects of Flood-borne debris. [Ord. 2024-024]
B. Not be permitted in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones. [Ord. 2024-024]

Section 3 Elevated, Above-Ground Tanks

In Special Flood Hazard Areas, above-ground tanks shall be attached to, and elevated to (or above) the Design Flood Elevation of, a supporting Structure designed to prevent flotation, collapse, or lateral movement during Design Flood conditions. Tank-supporting Structures shall meet the foundation requirements of the applicable Special Flood Hazard Area.

Section 4 Tank Inlets and Vents

Tank inlets, fill openings, outlets, and vents shall be:

A. At or above the Design Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the Design Flood; and
B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the Design Flood.

CHAPTER H OTHER DEVELOPMENT

Section 1 General Requirements for Other Development

All Development subject to this Article, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Article or the Florida Building Code, shall:

A. Be located and constructed to minimize Flood damage;
B. Meet the limitations of Art. 18.D.4, Limitations on Sites in Regulatory Floodways if located in a regulated Floodway;
C. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the Design Flood;
D. Be constructed of Flood Damage-Resistant Materials; and,
E. Have mechanical, plumbing, and electrical systems above the Design Flood Elevation or meet the requirements of ASCE 24, except that "minimum" electric service (i.e., service required to address life safety and electric code requirements) is permitted below the Design Flood Elevation provided it conforms to the provisions of the electrical part of the Building Code for wet locations.

Section 2 Fences in Regulated Floodways

Fences in regulated Floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Art. 18.D.4, Limitations on Sites in Regulatory Floodways.

Section 3 Retaining Walls, Sidewalks, and Driveways in Regulated Floodways

Retaining walls, sidewalks, and driveways that involve the placement of fill in regulated Floodways shall meet the limitations of Art. 18.D.4, Limitations on Sites in Regulatory Floodways.

Section 4 Roads and Watercourse Crossings in Regulated Floodways

Roads and Watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a Watercourse to the other side, that encroach into regulated Floodways shall meet the limitations of Art. 18.D.4, Limitations on Sites in Regulatory Floodways. Alteration of a Watercourse that is part of a road or Watercourse crossing shall meet the requirements of Art. 18.A.5.C.3.

Section 5 Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways, Patios, and Similar Non-Structural Uses in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones

In Coastal High Hazard Areas and Coastal A Zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar non-structural uses are permitted beneath or adjacent to Buildings and Structures or beneath Design Flood requirements, provided the concrete slabs are designed and constructed to be: [Ord. 2024-024]

A. structurally independent of the foundation system of the Building or Structure;
B. frangible and not reinforced, so as to minimize debris during Flooding that is capable of causing significant damage to any Structure; and,
C. have a maximum slab thickness of not more than four inches.

Section 6 Decks and Patios in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones

In addition to the requirements of the Florida Building Code, decks and patios in Coastal High Hazard Areas and Coastal A Zones shall be located, designed, and constructed in compliance with the following: [Ord. 2024-024]

A. A deck that is structurally attached to a Building or Structure shall have the bottom of the lowest horizontal structural member at or above the Design Flood Elevation, and any supporting members that extend below the Design Flood Elevation shall comply with the foundation requirements that apply to the Building or Structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
B. A deck or patio that is located below the Design Flood Elevation shall be structurally independent from Buildings or Structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during Design Flood conditions or to break apart into small pieces to minimize debris during Flooding that is capable of causing structural damage to the Building or Structure or to adjacent Buildings and Structures.

C. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified, registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the Building or Structure or to adjacent Buildings and Structures.
D. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on non-structural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

Section 7 Other Development in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones

In Coastal High Hazard Areas and Coastal A Zones, Development activities, other than Buildings and Structures, shall be permitted only if also authorized by the appropriate Federal, State, or Local authority; if located outside the footprint of and not structurally attached to Buildings and Structures; and, if analyses prepared by qualified, registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent Buildings and Structures. Such other Development activities include but are not limited to: [Ord. 2022-019] [Ord. 2024-024]

A. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control Structures;
B. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under Flood conditions less than the Design Flood or otherwise function to avoid obstruction of floodwaters; and,
C. Onsite sewage treatment and disposal systems defined in Rule 62-6.002, F.A.C., as filled systems or mound systems. [Ord. 2022-019]

Section 8 Non-Structural Fill in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones

In Coastal High Hazard Areas and Coastal A Zones: [Ord. 2024-024]

A. Minor grading and the placement of minor quantities of non-structural fill shall be permitted for landscaping and for drainage purposes under and around Buildings.
B. Non-structural fill with finished slopes that are steeper than one unit vertical to four units horizontal shall be permitted only if an analysis prepared by a qualified, registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent Buildings and Structures. [Ord. 2024-024]
C. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of Sand Dunes under or around Elevated Buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the Building.

Amendment History:

[Ord. 2017-026; October 5, 2017] [Ord. 2022-019; July 29, 2022] [Ord. 2024-024; December 20, 2024[