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8. Access to Public Prohibited

9. Retail Sale of Material

10. Hauling Standards

11. Phasing

12. Sound Insulation

B. Construction Standards

1. Separation

2. Slopes

3. Final Site Conditions

C. Reclamation Standards

1. General

2. Excavated Area Reclamation Standard

3. Littoral Planting Reclamation Standard

4. Upland Reclamation Standards

5. Area of Record

D. Performance Guarantee Requirements

1. General

2. Guarantees Required

3. Execution

4. Form of Guarantee

5. Amount of Guarantee

6. Submittal and Approval of Guarantee

7. Duration and Release

8. PBC Use of Guarantee

E. Maintenance and Monitoring

1. Excavation Activity

2. Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas

3. Long-Term Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas

4. Repair, Reconstruction Modification

Section 9 Administration and Enforcement

A. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type II and Type III Excavations

1. Authority and Criteria

2. Limitations

3. Review Process

B. Violations, Enforcement, and Penalties

1. Violations

C. Enforcement

D. Restoration

E. Additional Remedies

F. Use of Collected Monies

G. Appeals

1. Director of ERM

2. Director of Zoning or Director of Land Development

3. Judicial Relief

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ARTICLE 4
USE REGULATIONS

CHAPTER A  USE CLASSIFICATION

Section 1  General

A. Use Matrix
Uses permitted by right, permitted subject to a Special Permit permitted by the DRO, or subject to conditional use approval in each standard district shall be determined in Table 4.A.3.A, Use Matrix.

B. PDDs and TDDs
The use regulations for the Planned Development Districts, (PDDs) and Traditional Development Districts (TDDs) are specified in Article 3.E, PLANNED DEVELOPMENT DISTRICTS (PDDs) and Article 3.F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs).

C. Overlays
The use regulations within overlays shall be determined by the uses allowed in the underlying district and Article 3.B, OVERLAYS.

D. Airport Zones
Uses in airport zones may be further restricted or subject to special regulations as specified in Article 16, AIRPORT REGULATIONS.

E. District Specific Regulations
Special standards apply within certain districts as specified in this Article.

Section 2  Definitions

See Art. 1.I, Definitions and Acronyms

Section 3  Use Matrix

The list of uses in Table 4.A.3.A, Use Matrix, is intended to classify uses on the basis of common functional characteristics and land use compatibility. Uses not specifically listed, but consistent with the definition of a listed use, may be so classified by the Executive Director of PZB pursuant to Article 1.B, INTERPRETATION OF THE CODE.

A. Standard Use Matrix
Table 4.A.3.A, Use Matrix, applies as follows:

1. Permitted
Uses identified with a "P" are permitted by right in the district, subject to the supplementary use standards indicated in the "Note" column and the other requirements of this Code.

2. DRO
Uses identified with a "D" or exceeding the thresholds of Table 4.A.3.A, Threshold for Projects Requiring DRO Approval are permitted subject to approval by the DRO in accordance with Article 2.D, ADMINISTRATIVE PROCESS. [Ord. 2005-002]

3. General Requirement
All site improvements shown on the site plan or subdivision plan shall be completed in accordance with the permit required by the affected regulatory agency and a CO obtained (if required), prior to utilization of the development order approved by the DRO.

4. Special Permit
Uses identified with an "S" are permitted in the district only if approved by the Zoning Director in accordance with Article 2.D.2, Special Permit.

5. Class B Conditional Use
Uses identified with a "B" are permitted in the district only if approved by the ZC in accordance with Article 2.B, PUBLIC HEARING PROCESS - Class B conditional uses.

6. Class A Conditional Use
Uses identified with an "A" are permitted in the district only if approved by the BCC in accordance with Article 2.B, PUBLIC HEARING PROCESS - Class A conditional uses.

7. Prohibited Uses
Uses not identified in a district column as permitted by right, by a Special Permit, or as a Conditional Use are not allowed in the District, unless otherwise expressly permitted by this Code.

8. **Supplementary Use Standards**

A number in the "Note" column refers to supplementary use standards applicable to the use. The referenced standards appear in Article 4.B, SUPPLEMENTARY USE STANDARDS, for example, note 53 refers to Article 4.B.1.A.53, Farrier.

### Table 4.A.3.A - Use Matrix

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<thead>
<tr>
<th>Use Type</th>
<th>Agriculture/Conservation</th>
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**Key:**

- **P** Permitted by right
- **D** Permitted subject to approval by the DRO
- **S** Permitted in the district only if approved by Special Permit
- **B** Permitted in the district only if approved by the Zoning Commission (ZC)
- **A** Permitted in the district only if approved by the Board of County Commissioners (BCC)

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<tr>
<th>Use Type</th>
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Key:

- **P** Permitted by right
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- **B** Permitted in the district only if approved by the Zoning Commission (ZC)
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### Table 4.A.3.A - Use Matrix Continued

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</table>


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<td>Agriculture, Research/Development</td>
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<td>Agriculture, Renewable Fuels Production</td>
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<td>Agriculture, Sales and Service</td>
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<td>Aviculture, Hobby Breeder</td>
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</table>

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<table>
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<tr>
<th>Use Type</th>
<th>Agriculture/Conservation</th>
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<th>Commercial</th>
<th>Industry/Public</th>
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<td>Air Stripper, Remedial</td>
<td>C</td>
<td>G</td>
<td>P</td>
<td>D</td>
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<td>Chipping and Mulching</td>
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<td>Communication Panels, or Antennas, Commercial</td>
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<td>Communication Tower, Commercial</td>
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<td>Composting Facility</td>
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<td>D</td>
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<td>Electric Power Facility</td>
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| Utility, Minor                                 | D                        | D           | D          | D             |
| Water or Treatment Plant                       | A                        | A           | A          | A             |
| Water or Treatment Plant                       | D                        | D           | D          | D             |

Note: [Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-042] [Ord. 2010-005] [Ord. 2013-001] [Ord. 2016-016]

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### Table 4.A.3.A - Use Matrix Continued

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<th>Use Type</th>
<th>Agriculture/Conservation</th>
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<th>Commercial</th>
<th>Industry/Public</th>
<th>Zoning District/Overlay</th>
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<td>Salvage or Junk Yard</td>
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<td>Wholesaling, General</td>
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Table 4.A.3.A - Thresholds for Projects Requiring DRO Approval

<table>
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<tr>
<th>Zoning District</th>
<th>Number of Units or Square Feet</th>
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<tr>
<td>CN</td>
<td>3,000 square feet</td>
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<tr>
<td>CLO</td>
<td>3,000 square feet</td>
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<tr>
<td>CC</td>
<td>8,000 square feet</td>
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<tr>
<td>CHO</td>
<td>8,000 square feet</td>
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<td>CG</td>
<td>10,000 square feet</td>
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<tr>
<td>CRE</td>
<td>15,000 square feet</td>
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<td>IL</td>
<td>20,000 square feet</td>
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<td>IG</td>
<td>20,000 square feet</td>
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<tr>
<td>IPF</td>
<td>20,000 square feet 16 du</td>
</tr>
<tr>
<td>IR</td>
<td>Any project utilizing the Infill Redevelopment Overlay</td>
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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, 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 4 Development Thresholds

A. General
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 the thresholds in Table 4.A.4.A, Thresholds for Projects Requiring Board of County Commission Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art. 2.B.1, Official Zoning Map Amendment (Rezoning). 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. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-005]

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

<table>
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<th>FLU Designation (2) (3)</th>
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<th>Acreage</th>
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<td>Residential (Excluding RR FLU)</td>
<td>200 du</td>
<td>50 acres</td>
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<td>AGR (Residential Only)</td>
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<td>250 acres</td>
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<td>CLO</td>
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<tr>
<td>CHO</td>
<td>50,000</td>
<td>-</td>
</tr>
<tr>
<td>CL</td>
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<tr>
<td>CH</td>
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<td>IND</td>
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<tr>
<td>MLU</td>
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</tr>
<tr>
<td>EDC</td>
<td>100,000</td>
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</table>

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]
5. A BCC approved PDD or TDD shall not be subject to these thresholds for any subsequent Development Order approval. [Ord. 2014-025]
1. Exemptions
   The following projects shall be exempt from this requirement: [Ord. 2010-005]
   a. Projects located in the PO Zoning District or that propose to rezone to the PO district, that support existing or proposed government facilities; and, [Ord. 2010-005]
   b. Infill Redevelopment Overlay projects approved by the DRO. [Ord. 2010-005]

CHAPTER B  SUPPLEMENTARY USE STANDARDS

The Supplementary Uses establish minimum standards as well as the review process for each Use Type. In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated. Variances shall not be granted from the Use Standards including use regulations that reference other Sections of the ULDC, unless explicitly specified in Chapter B.1 of this Article. [Ord. 2010-022]

Section 1  Uses

A. Definitions and Supplementary Standards for Specific Uses

1. Accessory Dwelling
   An accessory dwelling unit located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.
   a. Number of Units
      A maximum of one accessory dwelling may be permitted as an accessory use to a principal single family dwelling unit which is owner occupied. The accessory dwelling may be attached to the principal dwelling or freestanding.
   b. Maximum Floor Area
      1) On less than one acre: 800 square feet.
      2) On one acre or more: 1000 square feet.
      3) The floor area calculation shall include only the living area of the accessory dwelling under a solid roof. [Ord. 2005-041]
   c. Additional Floor Area
      Floor area under a solid roof that is utilized as a porch, patio, porte cohere, carport, or garage shall not exceed 500 square feet.
   d. Maximum Number of Bedrooms/Baths
      One bedroom and one bathroom.
   e. Compatibility
      The accessory dwelling shall be architecturally compatible in character and materials with the principal dwelling.
   f. Property Development Regulations (PDRs)
      The accessory dwelling shall comply with the PDRs applicable to the principal dwelling.
   g. No Separate Ownership
      The accessory dwelling shall remain accessory to and under the same ownership as the principal dwelling and shall not be subdivided or sold as a condominium.
   h. Kitchen Removal
      An agreement to remove all kitchen equipment shall be executed for the dwelling unit prior to the issuance of a Building Permit. The agreement shall require the kitchen to be removed if the principal dwelling is no longer owner occupied.
   i. No Separate Electrical Service
      Both the principal single family dwelling and the accessory dwelling shall be connected to the same meter. Separate electric service shall be prohibited. [Ord. 2005-041]

2. Adult Entertainment
   a. Establishment
      Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. §480, tanning salon, modeling studio, or lingerie studio. [Ord. 2004-051] [Ord. 2009-040]
   b. Definitions, Adult Entertainment Establishment
      The following definitions apply for the purposes of the Adult Entertainment Establishment provisions of this Code. [Ord. 2004-051] [Ord. 2009-040]
1) **Adult Arcade**
   Any place or establishment operated for commercial gain, which invites or permits the public to view adult material. For purposes of this Code, "adult arcade" is included within the definition of "adult theater." [Ord. 2004-051] [Ord. 2009-040]

2) **Adult Bookstore/Adult Video Store**
   An establishment which sells, offers for sale, or rents adult material for commercial gain and which meets either of the following two criteria:
   (a) More than 30 percent of the gross public floor area is devoted to adult material; or
   (b) More than 30 percent of the stock in trade consists of adult material. [Ord. 2004 – 051] [Ord. 2009-040]

3) **Adult Booth**
   A small enclosed or partitioned area inside an adult entertainment establishment which is: (1) designed or used for the viewing of adult material by one or more persons and (2) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom. [Ord. 2004-051] [Ord. 2009-040]

4) **Adult Dancing Establishment**
   An establishment selling, serving or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing. [Ord. 2004-051] [Ord. 2009-040]

5) **Adult Entertainment**
   a) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. Chapter 480, tanning salon, modeling studio, or lingerie studio. [Ord. 2004-051] [Ord. 2009-040]
   b) Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program. [Ord. 2004-051] [Ord. 2009-040]
   c) An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment. [Ord. 2004-051] [Ord. 2009-040]

6) **Adult Material**
   Any one or more of the following, regardless of whether it is new or used: [Ord. 2004-051]
   a) Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices; which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or. [Ord. 2004-051] [Ord. 2009-040]
   b) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities. [Ord. 2004-051] [Ord. 2009-040]

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. [Ord. 2004-051] [Ord. 2009-040]

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". [Ord. 2004-051] [Ord. 2009-040]

9) **Adult Video Store**
   See Adult Bookstore. [Ord. 2004-051] [Ord. 2009-040]

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. [Ord. 2004-051] [Ord. 2007-013] [Ord. 2009-040]

11) Educational Institution
Premises or site within a municipality or within the unincorporated area of PBC upon which there is a governmentally licensed child care facility for six or more children or elementary or secondary (K-12) school, attended in whole or in part by persons under 18 years of age. [Ord. 2004-051] [Ord. 2009-040]

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. [Ord. 2004-051] [Ord. 2009-040]

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. [Ord. 2004-051] [Ord. 2009-040]

14) Religious Activities
Any daily, weekly, or periodic activity associated with or that occurs at a religious institution. [Ord. 2004-051] [Ord. 2009-040]

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. [Ord. 2004-051] [Ord. 2009-040]

16) Residential Zoning District
Includes the following zoning districts which have not been designated in the comprehensive plan as commercial or industrial: [Ord. 2004-051] [Ord. 2009-040]
   b) RE-Residential Estate. [Ord. 2004-051] [Ord. 2009-040]
   c) RT-Residential Transitional. [Ord. 2004-051] [Ord. 2009-040]
   f) TND-Traditional Neighborhood Development. [Ord. 2004-051] [Ord. 2009-040]
   g) PUD-Planned Unit Development. [Ord. 2004-051] [Ord. 2009-040]

17) Specified Anatomical Areas
Less than completely and opaquely covered: [Ord. 2009-040]
   a) Human genitals and pubic region or; [Ord. 2004-051] [Ord. 2009-040]
   b) the opening between the human buttocks, i.e., the anal cleft or; [Ord. 2004-051] [Ord. 2009-040]
   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; [Ord. 2004-051] [Ord. 2009-040]
   d) human male genitals in a discernibly turgid state, even if completely and opaquely covered. [Ord. 2004-051] [Ord. 2009-040]

18) Specified Sexual Activities
   a) Human genitals in a state of sexual stimulations, arousal, or tumescence; [Ord. 2004-051] [Ord. 2009-040]
   b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophyagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or [Ord. 2004-051] [Ord. 2009-040]
c) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; [Ord. 2004-051] [Ord. 2009-040] or
d) excretory functions as part of or in connection with any of the activities set forth in subsections of Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities. [Ord. 2004-051] [Ord. 2009-040]

c. Exclusions
Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program. [Ord. 2004-051] [Ord. 2009-040]

d. License
An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment. An adult entertainment use shall comply with the following supplementary use standards: A Special Permit for an adult entertainment establishment shall be issued or denied within 21 days of a determination of application sufficiency pursuant to the standards and procedures in Art. 2.D.2, Special Permit, and the requirements of the Code. The standards set forth in Art. 2.D.2.E.1 and Art. 2.D.2.E.4 shall not be applied to special permits for adult entertainment uses. A Person seeking a Special Permit or a Person holding a previously approved Special Permit has the right to immediately appeal a denial of application sufficiency for a Special Permit, denial of a Special Permit, or revocation or suspension of a permit, as applicable, to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida in accordance with the procedure and within the time provided by the Florida Rules of Appellate Procedure. [Ord. 2004 - 051] [Ord. 2009-040] [Ord. 2011-016]

e. Purpose and Intent
This Section is intended to provide for the proper location of adult entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks, and other commercial uses. Proper separation of adult entertainment uses prevents the creation of "skid-row" areas in unincorporated PBC that results from the concentration of these uses and their patrons. It is the intent of this Section to limit the secondary effects of adult entertainment uses. The standards in this Section are intended to ensure that residential districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of adult entertainment uses. The location of residential districts, religious uses, educational uses, parks and other commercial uses within viable, unlighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public. [Ord. 2004-051] [Ord. 2009-040]

f. Findings of Fact
Based on the evidence and testimony presented at the October 5, 2004 preliminary reading and the October 19, 2004 and November 16, 2004 Public Hearings before the BCC, and the August 27, 2009 preliminary reading and the September 24, 2009 and October 22, 2009 Public Hearings before the BCC, and on the findings incorporated in: the "Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard", October 1991; “Adult Entertainment Businesses in Indianapolis: An Analysis” conducted by the Department of Metropolitan Development, Division of Planning, February, 1984; the “Study of the Effects of Concentration of Adult Entertainment Establishments in the City of Los Angeles” conducted by the Los Angeles City Planning Department for the Los Angeles City Council, June 1977; the study conducted by the City of Austin Texas; the “Presentation to the Orange County Commission” by the Metropolitan Bureau of Investigation (MBI) for the Ninth Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach County by Eric Damian Kelly, Ph.D, FAICP, dated September 24, 2004; letter from Dale N. Tarvis, M.D.; “Analysis of Availability of Sites for Adult Entertainment in Palm Beach County” prepared for Palm Beach County by Duncan Associates, November 2003; 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 Mc Cleary, Ph.D., James W. Meeker, JD, Ph.D., August 15, 2007; the “Survey of Florida Appraisers – Effects of Land Uses on Surrounding Property Values” prepared for Palm Beach County by Duncan Associates, December 2007 (Report 2008); and information from Tampa, Florida detailing the effects of adult entertainment establishments in the Tampa area; the BCC hereby finds the following: [Ord. 2004-051] [Ord. 2009-040]

1) Commercial uses exist or may exist within unincorporated PBC where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and/or other devices that
depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold. [Ord. 2004-051] [Ord. 2009-040]

2) Commercial uses exist or may exist within unincorporated PBC: [Ord. 2009-040]
   a) Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded, and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas; [Ord. 2004-041] [Ord. 2009-040]
   b) Where dancers, entertainers, performers, or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical area; or [Ord. 2004-051] [2009-040]

3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce, and the community environment in PBC. [Ord. 2004-051] [Ord. 2009-040]
   a) When the activities described in Art. 4.B.1.A.2.b.17)–18), Specified Anatomical Areas and Specified Sexual Activities, are presented in commercial uses, other activities that are illegal, immoral, or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution, and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and land. [Ord. 2004-051] [Ord. 2009-040]
   b) When the activities described in Art. 4.B.1.A.2.b.17)–18), Specified Anatomical Areas and Specified Sexual Activities, are present in commercial uses within PBC, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, promote crime, and ultimately lead residents and businesses to move to other locations. [Ord. 2004-051] [Ord. 2009-040]
   c) There is a direct relationship between the display and depiction of specified anatomical areas as described in Art. 4.B.1.A.2.b.17)–18), Specified Anatomical Areas and Specified Sexual Activities, and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community, and the occurrence of these activities are hazardous to the health and safety of those persons in attendance and tend to depreciate the value of adjoining land and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, the tone of commerce and the community environment in PBC. [Ord. 2004-051] [Ord. 2009-040]

4) Based upon these findings, the BCC finds that there are a sufficient number of available locations for new adult entertainment uses within unincorporated Palm Beach County. [Ord. 2004-051] [Ord. 2009-040]

5) Based upon these findings, it is in the interest of the health, safety, morals, and general welfare of the citizens of PBC that adult entertainment uses are regulated pursuant to the following standards. [Ord. 2009-040]

   g. Location
      1) General
         An adult entertainment use shall be located in the following minimum distances from the following uses. There shall be no variance to the locational standards in this Section. [Ord. 2004-051] [Ord. 2009-040]
         a) Other Adult Entertainment Use
            2,000 feet. [Ord. 2004-051] [Ord. 2009-040]
         b) A Church or Place of Worship
            1,000 feet. [Ord. 2004-051] [Ord. 2009-040]
         c) An Educational Institution
            1,000 feet. [Ord. 2004-051] [Ord. 2009-040]
         d) A Public Park
            500 feet. [Ord. 2004-051] [Ord. 2009-040]
         e) A Residential Zoning District
            (Which is Designated as Residential by any Local Comprehensive Plan)
            500 feet. [Ord. 2004-051] [Ord. 2009-040]
         f) A Cocktail Lounge
            750 feet. [Ord. 2004-051] [Ord. 2009-040]
2) Measurement of Distance
The distance set forth in this Section shall be measured by drawing a straight line between
the nearest point on the perimeter of the exterior wall or bay housing the proposed adult
entertainment use to the nearest point on the property line of the relevant church or place of
worship, educational institution, public park, residential zoning district. For the purpose of
measuring the distance, also see Article 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. [Ord. 2004-051]
[Ord. 2009-040]

3) WCRA Overlay
Adult entertainment is prohibited within the boundaries of the WCRAO, as per Article

h. Subsequent Development within Locational Standards
The subsequent approval of a development order for a church or place of worship, elementary or
secondary school, public park or residential district within the distances outlined in this Section
shall not change the status of the adult entertainment use to that of a nonconforming use. [Ord.
2004-051] [Ord. 2009-040]
i. Landscaping
A Type 2 incompatibility buffer, pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE
REQUIREMENTS with canopy trees spaced a minimum of 20 feet on center and a wall a
minimum of six feet in height shall be installed along any property line that abuts a residential
district. [Ord. 2004-051] [Ord. 2009-040]
j. Lighting
Outdoor low-intensity lighting shall be provided that illuminates the entire parking and vehicular
use area. The lighting shall be installed on structures that do not exceed 16 feet in height from
finished grade. [Ord. 2004-051] [Ord. 2009-040]
k. Nonconformity
1) Establishment of Nonconformity
Any adult entertainment use shall be deemed a nonconforming use and the standards of this
Section shall not apply if the adult entertainment use on November 28, 1988: [Ord. 2004-
051] [Ord. 2009-040]
a) Location
Was in operation as an adult entertainment use, generally known and held out in the
neighborhood and community as an adult entertainment establishment, and was open to
the public as an adult entertainment establishment; and [Ord. 2004-051] [Ord.
2009-040]
b) Business Tax Receipt
Possessed a valid and current business tax receipt authorizing the general type of use,
which would correspond to the adult entertainment use being claimed as nonconforming
on November 28, 1988; and [Ord. 2004-051] [Ord. 2007-013] [Ord. 2009-040]
c) Adult Entertainment License
Applied for an adult entertainment use under the terms of this Code, shall submit an
application for an adult entertainment license pursuant to the PBC Adult Entertainment
Code, Chapter 17, Article V of the PBC Code, as may be amended, with appropriate filing

2) Standards for Nonconformance
A nonconforming adult entertainment use as determined in Article 4.B.1.A.2.k,
Nonconformity, above shall be subject to the following supplementary standards, in addition to
a) Landscape Buffer
The adult entertainment use shall construct and install a Type 2 incompatibility buffer, as
defined in Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, with
canopy trees spaced a maximum of 20 feet on center along any property line that abuts a
residential district, within 90 days of the date of issuance of the adult entertainment
license by the occupational licensing department. [Ord. 2004-051] [Ord. 2009-040]
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 Article 7, LANDSCAPING, shall apply to the entire site of the adult entertainment use. [Ord. 2004-051] [Ord. 2009-040]

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.1. [Ord. 2015-006]

I. Accessory Food Service in Industrial Districts
In the IL and IG Zoning districts, food service may be permitted 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. [Ord. 2015-006]

m. Collocated Cocktail Lounge
A cocktail lounge may be allowed as a collocated use permitted by right only when in conjunction with and during the hours of operation for an adult dancing establishment. [Ord. 2015-006]

3. Agriculture, Bona Fide
Any plot of land where the principal use consists of the growing, cultivating and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the production of animal products such as eggs, honey or dairy products; or the raising of plant material. The following standards shall apply to a Bona-fide Agriculture use, except where preempted by State law. [Ord. 2009-040] [Ord. 2013-021]

a. Agricultural Uses in the U/S Tier
   1) Applicability
      Uses legally established prior to the effective date of this code in the U/S Tier shall be considered conforming. Any expansion of existing agricultural uses shall be consistent with all applicable requirements and subject to the review procedure identified in this Code.
   2) Uses Not Listed
      Agricultural uses not listed in Table 4.A.3.A, Use Matrix, as permitted in the U/S Tier shall only be permitted as an interim use, subject to Class A conditional use approval.
   3) AR District
      The AR district shall be considered consistent with all FLU designations in the U/S Tier for the purposes of permitting interim agricultural uses only.
   4) Temporary Agricultural Uses
      Property which has an existing development order may also receive an additional development order for a temporary agricultural use in the U/S Tier in accordance with the standards for the specific agricultural use, however, the agricultural use shall not be eligible for an agricultural tax exemption.

b. Groves and Row Crop
   The cultivation of fruits and vegetables as groves and row crops shall be subject to the following additional standards in all districts:
      1) Lot Size
         A minimum of five acres.
      2) Setback
         Structures and accessory activities shall be setback a minimum of 50 feet.
      3) Hours of Operation
         Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 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 district, unless approved as a Class B conditional use.

d. Pens and Cages
In the AR and AGR districts, pens, cages or structures shall meet the district setbacks for a principal use, or be setback a minimum of 50 feet from any property line, whichever is greater.

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. [Ord. 2012-003]

1) **Exotic Animals**
Care for exotic animals (imported or non-native animal species) for private or commercial breeding purposes shall have a minimum lot size of five acres.

2) **Dangerous or Class I and II Animals**
Ownership, care, or keeping of dangerous or Class I and II animals, as defined by the FG&FWFC, shall require Class A conditional use approval and shall have a minimum lot size of five acres.

f. **Livestock Raising**
The breeding, raising and caring for domestic animals including horses.

1) **Urban Service Area (USA)**
In the Urban Service Area, livestock raising shall comply with the following standards:

   a) **Lot Size**
      A minimum of five acres.

   b) **Setback**
      All accessory uses and structure, such as troughs, feed mechanisms and storage, shall be setback a minimum of 100 feet.

   c) **Large Animals**
      The maximum number of large animals permitted for each acre shall not exceed five. Large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure with one stall for each large animal is required when the total number of large animals exceeds three per acre. In addition, the following limitation on the number of specific large animals per acre shall apply: horses: five; swine: one; cattle: two; goats: two; sheep: two.

   d) **Small Animals**
      The maximum number of small animals permitted for each acre shall not exceed 100. Small animals shall include rabbits and fowl, excluding peafowl. Small animals shall be permitted in addition to large animals.

   e) **Palm Beach County Animal Control Department (PBCACD)**
      The property owner shall notify PBCACD as to the type of livestock and details of animal care to be provided.

   f) **Processing and Slaughtering**
      Processing and slaughtering shall be prohibited.

   g) **Loading**
      All loading and unloading of trucks shall be restricted to the site and shall not encroach any setback.

   h) **Waste**
      A plan outlining a method of waste removal shall be submitted to and approved by PBC Health Department.

   i) **Compatibility**
      The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.

g. **Accessory Agricultural Uses**
These uses include "U-Pick-Em" operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing, cutting, and packing of farm products, and canning, dehydration, and basic preparation of raw food products prior to shipment, and outdoor storage of equipment. [Ord. 2005 – 002]

h. **Agriculture Marketplace**
A use that is accessory, incidental and subordinate, to a Bona-fide Agricultural use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the bona-fide agricultural use, adding economic viability to farming operations. [Ord. 2012-027]
Article 4 - Use Regulations

1) Approval Process
Class A Conditional Use. [Ord. 2012-027]

2) Location Criteria
   a) Tier and District
      AGR Tier and Zoning district only. [Ord. 2012-027]
   b) Location
      The Agriculture Marketplace shall be located adjacent to an arterial road designated on
      the PBC Functional Classification of Roads Map. [Ord. 2012-027]
   c) Proximity to Residential Uses
      The parcel or area designated on the Final Site Plan for an Agriculture Marketplace shall
      be located at least 500 feet measured from the property line, if adjacent to existing
      residential uses, or approvals for PUD or TMD development areas with residential uses.
      [Ord. 2012-027]

3) Minimum Acreage and Production
   May be allowed if the land area has a minimum of 75 contiguous acres. A Unity of Control
   shall be required at the time for the approval of the Class A Conditional Use. [Ord. 2012-
   027]
   a) Agriculture Preserve Parcels
      The minimum acreage requirements may include parcels under an agricultural
      conservation easement, identified as an AGR PUD Preserve or AGR TMD Preserve, or
      other similar protections, provided that the Agriculture Marketplace is not located on
      those parcels. [Ord. 2012-027]
   b) Agriculture Production
      A minimum of 70 percent of the overall land area must meet the requirements for Bona
      Fide Agriculture. [Ord. 2012-027]

4) Use Limitations and Sale of Products
   The area designated as an Agriculture Marketplace shall be limited to the retail sales of
   agricultural products such as fruits, vegetables, flowers, containerized house plants and other
   agricultural food products such as jelly, jam, honey and juice. This shall not preclude any
   structures from being used for the coordination of activities for permitted collocated uses, or
   other accessory, educational or recreational uses permitted on the Bona-fide Agriculture
   operation. The sale of grocery or convenience-type foods or products shall not be permitted
   nor shall vending machines or other similar equipment be permitted, unless stated otherwise
   herein. [Ord. 2012-027]
   a) Floor Area
      A maximum of 24,000 square feet of GFA, including outdoor display areas. The floor
      area shall not include any FAR transferred from the portions of the site that is dedicated
      to Bona Fide Agriculture production or otherwise encumbered with a conservation
      easement, preserve area or other similar protection. [Ord. 2012-027]
   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. [Ord.
      2012-027]
   c) Collocated Uses
      Additional uses may be permitted subject to compliance with the Supplemental Use
      Standards for each use and the following: [Ord. 2012-027]
      (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. [Ord. 2012-027]
      (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. [Ord. 2012-027]
      (3) Retail Sales, Mobile or Temporary
         Mobile sales shall be permitted subject to approval of a Special Permit. [Ord. 2012-
         027]
(4) Special Event
Subject to approval of a Special Permit. [Ord. 2012-027]

d) Outdoor Permanent Activities
Activities shall be clearly shown and labeled on the Site Plan and shall function with other uses on the site. Impacts from these uses, including but not limited to, traffic, parking, rest rooms, or nuisances, shall be addressed as part of the Class A Conditional Use approval. The BCC may impose conditions of approval to address these activities. Additional activities, such as: cooking classes and charity events, shall be permitted by right, subject to the following: [Ord. 2012-027]

1) Shall be located within the GFA of the Agriculture Marketplace or permitted Outdoor Open Space areas; [Ord. 2012-027]
2) The maximum number of participants, including a combination of special activities, shall not exceed 50 attendees; and, [Ord. 2012-027]
3) Overflow parking is provided. A minimum of one parking space shall be provided for each three attendees. This shall require the posting of adequate onsite directional signage to preclude any inappropriate parking activity, such as parking in rights of way or on adjacent properties. [Ord. 2012-027]

e) Outdoor Display
Shall be limited to agricultural products only, located along the property’s frontage or other area, except within required setbacks. [Ord. 2012-027]

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. [Ord. 2012-027]

g) Parking
Off-site parking within a public or private R-O-W, or to areas accessed by other than an approved accessway, shall be prohibited. [Ord. 2012-027]

h) Hours of Operation
1) Eight a.m. to six p.m. Monday through Saturday; and,
2) Ten a.m. to six p.m. Sunday. [Ord. 2012-027]

i. Landscape Curbing
A bona fide agricultural use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Article 7.G, Off-Street Parking Requirements.

j. 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. [Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]
2) In the AR district with any bona fide agricultural use, other than nurseries, provided it is setback a minimum of 25 feet from any property line. [Ord. 2011-001]

3-1 Agriculture, Research and Development
The use of land or buildings for agriculture research and the cultivation of new agricultural products.

a. AR/RSA
May be permitted in the AR/RSA District with a SA FLU subject to a Class B conditional use approval. [Ord. 2005-002]

b. Outdoor Activities
Outdoor research, testing or development of agricultural products shall be limited to industrial districts only.

c. Landscape Curbing
A bona fide agricultural use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Article 7.G, Off-Street Parking Requirements.

3-2 Agriculture, Renewable Fuels Production
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. [Ord. 2008-037]

a. Setback from Residential
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. [Ord. 2008-037]

b. Location
Facilities shall be located within two miles of an existing agricultural related use. [Ord. 2008-037]

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. [Ord. 2008-037]

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. [Ord. 2008-037]

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. [Ord. 2008-037]

4) Any toxic or hazardous waste generated at the site shall be handled pursuant to Rule 62-730 FAC. [Ord. 2008-037]

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. [Ord. 2008-037]

2) Feed stock observed to contain prohibited materials shall not be used. [Ord. 2008-037]

4. Agriculture, Light Manufacturing

An accessory agricultural use for the manufacturing of products related to agricultural operations, such as fencing, pallets, crates, or containers. Product components are predominantly assembled from previously prepared materials or finished parts. Manufacturing includes processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage and distribution, but excludes heavy industrial processing or manufacturing.

a. Setbacks

A minimum 100 foot setback shall be required adjacent to a residential district.

b. Accessory Use

Light agricultural manufacturing operations may be allowed as an accessory use to a related bona fide agriculture use on the same property provided it does not exceed 25,000 square feet.

c. Landscaping

An incompatibility buffer may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to agriculture.

5. Agriculture, Packing Plant

A facility used for the packing of produce not necessarily grown on site. Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. [Ord. 2005-002] [Ord. 2012-027]

a. Accessory Use

A packing plant in the AP and AGR districts, or the Preserve Area of an AGR PUD, 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. [Ord. 2012-027]

b. Setbacks

A minimum of 100 feet along all property lines which are adjacent to a residential district.

c. Landscaping

An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to a bona fide agriculture use.

d. Storage

Only equipment directly related to the facility shall be stored on the site. All stored equipment shall be screened from view from adjacent properties and streets.

e. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005-002]

f. AGR-PUD Preserve Area

An agriculture packing plant located in an AGR Preserve Area, including where permitted as an accessory use as specified above, shall comply with the following: [Ord. 2012-027]

1) Located on a roadway classified as an arterial street on figure TE 3.1 – Functional Classification of Roads; and, [Ord. 2012-027]

2) Located on or adjacent to active agricultural crop production. [Ord. 2012-027]

6. Agriculture, Sales and Service

An establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, farm supplies, and the like:
a. **Storage**
   All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view. A maximum of five tractor-trailers used for the transport of bona fide agricultural products may be stored outside if they are completely screened from view from adjacent properties and streets.

b. **Grocery Sales**

(This space intentionally left blank)
Five percent or 1000 square feet, whichever is less, of the merchandise sales area use may be devoted to retail grocery sales. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale.

c. **Repair Service**
Service of small implements only shall be permitted in an enclosed area that is completely screened from view from adjacent properties and setback a minimum of 25 feet from any side or rear property line. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

d. **AR/RSA**
May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]

7. **Agriculture, Storage**
The storage of equipment or products accessory or incidental to a principal agricultural use.

a. **General**
Storage of hazardous waste or regulated substances shall comply with local, state and federal regulations.

b. **Outdoor Storage**
Outdoor agricultural storage shall comply with the following standards:

1) **Urban Service Area**
   a) **Setbacks**
   Outdoor agricultural storage shall meet the principal use setbacks of the district in which it is located.
   b) **Screening**
   Outdoor agricultural storage shall be screened from view by a solid fence, wall or building.

2) **Outdoor Agriculture Storage**
   Outdoor agriculture storage is only permitted in the RE, RT, RS, RM, CN, CC and CG districts as a Class B conditional use.
   a) **Exception**
   Outdoor agriculture storage is not permitted in a PDD with a commercial FLU designation.

c. **Indoor Storage**
Indoor agricultural storage shall be permitted in conjunction with a bona fide agricultural use with or without a principal structure. Indoor storage shall be contained within a permanent structure. Agricultural storage in a mobile home shall not be permitted. Agricultural storage in a shipping container shall only be permitted in conjunction with a bona fide agricultural use.

1) **AR district in Urban Service Area (USA)**
   An enclosed structure shall be setback 100 feet from the front and side street and 50 feet from the side and rear property lines.

2) **All Other Districts in Urban Service Area (USA)**
   An enclosed structure shall meet the principal use setbacks of the district in which it is located.

8. **Agriculture, Transshipment**
A facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.

a. **AGR and AP Districts**
   1) **Accessory Use**
   Agricultural transshipment facilities not exceeding 25,000 square feet shall be permitted as an accessory use.
   2) **Setback**
   A minimum 100 foot setback shall be required along all property lines which are adjacent to an existing residential use, district or FLU as of the effective date of this Code excluding farm worker quarters and mobile homes accessory to agriculture.

9. **Air Curtain Incinerator**
A combustion device used to burn trees and brush.

a. **Standards**
   1) **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 PBC Open Burning Ord. 2005-020; and incinerators used for the emergency burning of storm generated debris by a local government. [Ord. 2006-004]

2) Storage
Except in the AP district, on site outdoor storage of unprocessed material shall be limited to 45 days. Pile height shall be limited to 15 feet. Outdoor storage shall be setback a minimum of 25 feet from any property line or 50 feet from any property line adjacent to a residential district or use. Storage areas shall be screened from view pursuant to Art. 5.B, Accessory and Temporary Uses. [Ord. 2006-004]

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]

4) No Burn Days
The incinerator shall not operate on “no burn days” as designated by the PBC Fire-Rescue Department. [Ord. 2006-004]

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]

b. Supplemental Application Requirements
1) Site Plan
A site plan illustrating how the operation functions, circulation routes, square footage, height and location of buildings, incinerator and storage piles.

2) Waste
An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day.

3) Dust Control
A plan which addresses dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator and watering or enclosing storage piles. If facility with an air curtain incinerator also includes chipping, mulching or composting, adherence to the supplementary use standards applicable to such use shall also be required.

10. Airport, Landing Strip or Helipad
Any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft. All private airports, landing strips, and helipads not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards:

a. Accessory Landing Strip
Defined as any private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners, farm operators, or commercial operations.

b. AGR and AR Tiers
Only landing strips, hangers and helipads accessory to a bona fide agricultural use shall be permitted.

c. CRE District
An airport, landing strip, or helipad shall not be located in an RR FLU designation.

d. Airspace Analysis
A helipad shall demonstrate that the FAA has conducted an airspace analysis and a preliminary Airport License Report has been prepared by the FDOT. Any alteration in ground facilities, or the addition of navigation aids designed to facilitate an instrument approach capability, shall require a new application if the original approval was granted for Visual Flying Rules (VFR).

e. Landing Area
Private airports, landing strips, and helipads shall comply with the minimum dimensions required by FDOT. Helipads shall comply with Heliport Design Guide as required by the FAA.

f. Lot Size
Helipads accessory to a farm residence shall be located on parcels containing a minimum of ten acres. Landing strips and hangars accessory to agricultural uses shall be located on parcels containing a minimum of 20 acres.

g. Hangers
Storage buildings for aircraft shall be allowed as principal structures.

h. Setback
No structure or navigation aid shall be located within 50 feet of any property line. In addition, there shall be a 100-foot setback between the edge of the landing area, as defined by the FDOT, and the property line.

i. **Building Height**
   A variance shall not be required for a structure to exceed the height limit for the district in which the use is located, if the additional height is required by Federal law or F.S.

11. **Air Stripper**
   A temporary remedial system which treats contaminated groundwater.
   a. **Duration**
      The length of time a remedial system may remain on a site shall be determined by ERM.
   b. **Setback**
      If the applicant is unable to meet the property development regulations, in lieu of a variance, the Zoning Division shall be authorized to determine the location of the incinerator and set necessary conditions for landscaping and screening.

12. **Arena, Auditorium or Stadium**
   An open, partially or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, large conference centers, sports arenas, jai alai frontons, amphitheaters and racetracks.
   a. **CRE District**
      An arena, auditorium or stadium use shall not be located in an RR FLU designation.
   b. **Lot Size**
      A minimum of five acres.
   c. **Frontage**
      A minimum of 200 feet of frontage on a public street providing the primary access is required. All vehicular access shall be from an arterial street.
   d. **AGR District or FLU Designation**
      Paramutal betting is not permitted.

13. **Asphalt or Concrete Plant**
   An establishment engaged in the manufacture, mixing or batching of asphalt, asphalitic cement, cement or concrete products.

14. **Assembly, Nonprofit Institutional**
   A site or facility open to the public, owned or operated by a not-for-profit organization for social, educational or recreational purposes. Typical uses include museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, and employment services.
   a. **Frontage and Access**
      1) **General**
         The use shall front a collector, arterial or local commercial street. A place of assembly with colocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street. **[Ord. 2006-013]**
      2) **Redevelopment and Revitalization Overlay**
         The use may be located on a local residential street, subject to the following criteria:
         a) Limited to a maximum of 3,000 square feet of GFA, unless approved as a Class A conditional use;
         b) A maximum of two acres, unless approved as a Class A conditional use;
         c) Landscaping in accordance with **Art. 7, Landscaping**;
         d) A minimum of one parking space per employee and two visitor parking spaces shall be provided;
         e) No outdoor activities after 10:00 pm;
         f) PBC or a CCRT approved neighborhood group shall own or operate the property and facility;
         g) Prior to the issuance of a business tax receipt, the building shall comply with all applicable Health and Building Code requirements; and **[Ord. 2007-013]**
         h) The following accessory uses shall be permitted: limited day care, day camp, neighborhood association office, police and fire rescue substations, and special events.
   b. **TND District**
      Nonprofit institutional assembly shall be limited to a maximum of 10,000 square feet of GFA. **[Ord. 2006-013]**
   c. **AGR District**
The use shall be limited to that which serves the needs of farm workers or residents of the AGR tier and shall not be located west of SR7. [Ord. 2006-013]

d. **PO District**
Nonprofit institutional assembly shall be government owned and operated. [Ord. 2006-013]

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

a. **Frontage and Access**
The use shall front on a collector, arterial, or local commercial street. A place of assembly with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street. [Ord. 2006-013]

b. **AR/RSA**
May be permitted in the AR/RSA with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005-002]

c. **AGR District**
The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7. [Ord. 2006-013]

d. **PO District**
A nonprofit membership assembly shall be government owned and operated. [Ord. 2006-013]

e. **TND District**
Nonprofit membership assembly shall be limited to a maximum of 10,000 square feet of GFA. [Ord. 2006-013]

16. **Auction**
An establishment engaged in the sale of merchandise to the highest bidder in an enclosed building or outdoor. [Ord. 2009-040]

a. **Temporary**
A temporary auction shall comply with the Special Event supplementary use standards, Article 2.D.2, Special Permit.

b. **Enclosed**
All activities, display and sale of merchandise shall occur within an enclosed building. [Ord. 2009-040]

c. **Outdoors**
An auction with all or a portion of the activity, display and sale of merchandise occurring outdoor on site shall require approval of a Class A Conditional Use. [Ord. 2007-001] [Ord. 2009-040]

d. **TMD and LCC Districts**
Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005-002] [Ord. 2010-005]

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

a. **Enclosed Structure**
All activity, except detailing and car washing, shall be conducted within an enclosed structure. Use of outdoor lifts, jacks, stands, paint booths and similar equipment shall be prohibited.

b. **Architecture**
Freestanding auto paint and body shops contiguous to a public street or residential zoning district shall comply with Article 5.C, DESIGN STANDARDS.

18. **Gas and Fuel, Retail**
An establishment engaged in the sale of gasoline or motor fuels to the general public. [Ord. 2011-016]

a. **Approval Criteria**
Prior to approving a Conditional or Requested Use for Retail Gas and Fuel, the BCC shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the BCC shall consider whether or not:

1) Adequate ingress and egress have been provided. [Ord. 2006-004]
2) Adequate buffering and setbacks from residential areas have been provided. [Ord. 2006-004]
3) Sufficient vehicle stacking, circulation, access, and area for turning movements have been provided. [Ord. 2006-004]
4) The number of fueling positions proposed is excessive. [Ord. 2006-004]
5) There are an excessive number of similar stations in the vicinity. [Ord. 2006-004]

b. Location Criteria
   1) Intersection Criteria
      A maximum of two Retail Gas and Fuel, Convenience Store with Gas Sales, or any
      combination thereof, may be permitted at an intersection pursuant to Art. 5.E.2.B, Intersection

   2) Separation Criteria
      Retail Gas and Fuel shall be separated from any other Retail Gas and Fuel, or Convenience
      Store with Gas Sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-004] [Ord. 2011-016]

   3) CL FLU in U/S Tier
      Where permitted in a Use Matrix, Retail Gas and Fuel with a CL FLU designation shall
      comply with Article 5.E.1, Major Intersection Criteria. [Ord. 2006-004] [Ord. 2011-016]

   4) CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers
      Where permitted in a Use Matrix, Retail Gas and Fuel shall be located within 1,000 feet of the
      intersection of one collector and arterial street, or two arterial streets, as listed in the Florida
      Department of Transportation (FDOT) PBC Federal Functional Classification Table. [Ord. 2006-004] [Ord. 2011-016]

   5) WCRA Overlay
      Retail Gas and Fuel is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Ord. 2011-016]

   6) I-95 Interchange Exemption
      A parcel with a Commercial High (CH) future land use designation within 0.50 miles of an I-95
      Interchange shall be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed above. [Ord. 2012-027]

c. Collocated Uses
   Other uses, such as general repair and maintenance, general retail sales, restaurants, and car
   washes may be collocated with retail gas and fuel subject to the Supplementary Use Standards
   applicable to the Collocated Use. [Ord. 2006-004] [Ord. 2011-016]

d. Parking for Accessory Automatic Car Wash
   Parking for an accessory automatic car wash may be exempt from the parking requirements of
   Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval. [Ord. 2006-004]

e. Additional Accessory or Collocated Use Standards
   1) Enclosed Repair
      All repair activities shall be conducted within an enclosed structure. No outdoor storage of
      disassembled vehicles, or parts thereof, shall be permitted on site. [Ord. 2011-016]

   2) Delivery Vehicles
      Parking of delivery vehicles shall be permitted only within a designated loading space.
      Overnight parking of delivery vehicles on-site shall be prohibited.

   3) Vehicle Testing
      Vehicles shall not be tested off-site on residential streets.

   4) Loudspeakers
      No outdoor speaker or public address systems audible off-site shall be permitted.

f. TMD and LCC Districts
   Retail Gas and Fuel shall only be permitted on sites that are within 500 feet of the perimeter of the
   development. Gasoline pumps shall be located in the rear or side of a building with access from
   an alley, interior parking area, or a street not designated as a main street. [Ord. 2010-005] [Ord. 2011-016]

g. Infill Redevelopment Overlay (IRO) Approval Process Exceptions
   Retail Gas and Fuel located on a parcel with a CH FLU designation within the Core Transect
   Zone may be approved by the DRO. [Ord. 2010-005] [Ord. 2011-016]

h. Previously Approved Auto Service Stations
   A prior approval for an Automotive Service Station shall correspond to Retail Gas and Fuel. An
   Auto Service Station that complies with the requirements for Retail Gas and Fuel shall not be
   considered a Non-conforming Use. Any other approved uses shall be subject to the Additional
   Accessory or Collocated Use standards above. [Ord. 2011-016]

i. Nonconformities
   For Retail Gas and Fuel or a Automotive Service Station, the applicant may be allowed to either
   increase the floor area of the store or increase the number of pumps subject to the percentage
limitation of Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering Department.  [Ord. 2010-005] [Ord. 2011-016]

19. Aviculture, Hobby Breeder
   The raising and care of birds in captivity.
   a. Minimum Lot Size
      1) Two acres: 40-200 birds.
      2) Five acres: 201 or more birds.
   b. Hobby Breeder
      1) AR/USA
         The raising of birds as a hobby in the AR/USA shall be permitted subject to the following:
         [Ord. 2009-040]
         a) The hobby breeder shall not engage in the sale of more than 24 birds to the public during any consecutive 12 month period;
         b) The hobby breeder shall not provide care for more than 40 birds on a parcel of land at any time;
         c) The minimum lot size of two acres;
         d) Shelters, cages, and accessory structure shall be setback a minimum of 50 feet from all property lines;
         e) Outdoor shelters and cages shall be contained to specific areas on the site and screened from view on all sides by a minimum six foot high opaque fence or wall. The fence or wall shall be located within 20 feet of the containment area;
         f) The hobby breeder shall locate birds which excessively screech, chirp, crow, or make loud noises away from residential properties to the maximum extent possible. Birds considered a nuisance by the Sheriff’s Office shall be removed from the site; and
         g) Care, licensing, registration, and inspections shall be as required by the Animal Care and Control Ordinance and other applicable statutes.

20. Bed and Breakfast
   An owner-occupied single family dwelling that offers lodging and breakfast only to paying guests.
   a. Adverse Effect
      A bed and breakfast shall not adversely affect the immediate neighborhood nor create noise, light or traffic conditions detrimental to neighboring residents.
   b. Existing Structures
      Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing a bed and breakfast.
   c. Guest Register
      The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
   d. Health Department and Building Code
      Prior to the issuance of a business tax receipt, the dwelling shall be modified to comply with all applicable Health Department and Building Code requirements.  [Ord. 2007-013]
   e. Signage
      One sign, a maximum of eight square feet, a listing name and contact information only.

21. Broadcast Studio
   An establishment primarily engaged in broadcasting visual or aural programs by radio or television to the public including cable and other television services. May also produce taped television or radio program materials. Included are commercial, religious, educational, and entertainment based television and radio stations.
   a. SR-7 EDO
      Accessory broadcast towers or antennae are prohibited.  [Ord. 2010-022]

22. Building Supplies
   a. Retail
      An establishment engaged in the retail sale of building supplies and home improvement products.
      1) Only permitted as an accessory use in an Industrial Zoning District.
   b. Wholesale
      An establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.
      1) Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.
c. **LCC District**
   Building supplies in an LCC shall be enclosed with no outdoor storage area. \([\text{Ord. 2010-005}]\)

23. **Butcher Shop, Wholesale**
   An establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.
   a. **Frontage**
      A wholesale butcher shop shall front on and access from an arterial street.
   b. **Deliveries**
      If adjacent to a residential use, deliveries shall be limited to 6:00 a.m. to 5:00 p.m., Monday through Saturday. Truck engines, including refrigeration units, shall not be operated between 5:00 p.m. and 6:00 a.m.
   c. **Storage and Disposal**
      No outdoor storage, disposal of waste, or by product shall be permitted.
   d. **Slaughtering**
      Slaughtering, rendering and dressing shall be prohibited.
   e. **Flex Space**
      This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in *Table 3.E.1.B – PDD Use Matrix*, *Table 4.A.3.A – Use Matrix*, and pursuant to *Article 5.B.1.C, Flex Space*. \([\text{Ord. 2010-005}]\)

24. **Campground**
   A parcel of land used for a temporary camping and recreational uses and not as permanent living quarters. \([\text{Ord. 2005-002}]\)
   a. **Lot Size**
      A minimum of five acres or the minimum required by the district, whichever is greater.
   b. **Setback for Campsites**
      A minimum of 50 feet from any property line.
   c. **Camping Cabin**
      A rental cabin used for temporary occupancy.
      1) **Use**
         A camping cabin shall be permitted as an accessory use to a RVPD or campground.
      2) **Structure**
         The cabin shall comply with all structural requirements of the Building Code.
      3) **Duration**
         Time limitations for occupancy shall be in accordance with *Article 3.E.7.D, Time Limitations*.
      4) **Setback**
         Camping cabins shall meet the setbacks required for a recreational vehicle.
      5) **Location**
         A camping cabin may be located on a recreational vehicle lot or campsite in lieu of a recreational vehicle or campsite.
      6) **Floor Area**
         A camping cabin shall not exceed 800 square feet of GFA.
      7) **Additional Floor Area**
         Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed 500 square feet.
      8) **Amenities**
         A camping cabin may contain electrical outlets, heating, lighting, air conditioning, fans, cooking facilities and plumbing.
      9) **Number**
         A maximum of 30 percent of the total approved RV lots or campsites may be converted to cabin use.
      10) **Camping Cabin Lots**
          At no time shall the number of camping cabins exceed 49 percent of the developed lots or campsites.
   d. **LOSTO Overlay**
      A camping cabin shall be allowed as a principal use, or as an accessory use to a single family dwelling, subject to approval as a special use and the following:
      1) **Density**
         A maximum of ten camping cabins per acre.
      2) **Setback**
25. Car Wash
A permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.

a. Location Criteria
   1) Intersection Criteria
      A maximum of two car washes shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004]
   2) Separation Criteria
      A car wash shall be separated from any other car wash pursuant to Art. 5.E.2.C.1. [Ord. 2006-004]

b. Auto Detailing
   Auto detailing limited to hand washing/waxing shall be subject to approval by the DRO in the CG district or a PDD with a CH FLU designation. [Ord. 2006-004]

c. Accessory Use
   An automatic car wash shall be allowed as an accessory use to an auto service station or convenience store with gas sales when it is located on the same lot. [Ord. 2006-004]

d. Loudspeakers
   No outdoor speaker or public address systems audible off-site shall be permitted. [Ord. 2006-004]

e. LCC District
   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. 2010-005]

f. Infill Redevelopment Overlay (IRO)
   A car wash located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

26. Catering Service
An establishment where food and beverages are prepared and delivered for consumption off the premises. A catering service may also provide personnel, serving equipment, and decorations.

a. Restaurant
   Catering shall be allowed as an accessory use to a restaurant. The use of more than three delivery vehicles shall be subject to approval by the DRO.

b. Flex Space
   This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

27. Cemetery
Land used or intended to be used for human or animal interment. A cemetery may include an office, chapel, mausoleum, or columbarium. [Ord. 2013-001]

a. Frontage
   In all residential districts, a cemetery shall have frontage on and access from an arterial or a collector street.

b. Lot Size
   A cemetery for human interment shall be located on a site with a minimum contiguous area of 30 acres. An existing cemetery having less acreage shall not be considered a non-conforming use if the acreage shown is consistent with a prior approval. Exceptions to the minimum acreage requirement may be permitted, as follows: [Ord. 2013-001] [Ord. 2015-006]
   1) Cemeteries owned and operated by a Place of Worship located within Palm Beach County, whether collocated or remotely located, when less than 5 acres, but not less than 2 acres, which provides only single-level ground burial. [Ord. 2015-006]
   2) County and municipal cemeteries. [Ord. 2015-006]
   3) Community and nonprofit association cemeteries, which provide only single-level ground burial and do not sell burial spaces or burial merchandise. [Ord. 2015-006]
4) Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23, 1976. [Ord. 2015-006]
5) A columbarium consisting of less than one-half acre which is collocated with a Place of Worship. [Ord. 2015-006]
6) A mausoleum consisting of two acres or less which is collocated with a Place of Worship. [Ord. 2015-006]
7) A columbarium consisting of five acres or less which is located on the main campus of a state university as defined in s. 1000.21(6). [Ord. 2015-006]

c. RM District
   In the RM district, a cemetery may include a funeral home or a crematory subject to approval as a Class A Conditional Use, provided the use is restricted to those being interred within that cemetery. [Ord. 2013-001]

d. Pet Cemetery
   A pet cemetery shall be permitted in the CG and IPF districts as a Class A Conditional Use. [Ord. 2013-001]

28. Chipping and Mulching
   An establishment using equipment designed to cut tree limbs, brush or wood construction debris into small pieces for use as mulch.
   a. Lot Size
      A minimum of five acres.
   b. Setback
      A minimum of 500 feet from any property line abutting a residential district.
   c. Accessory Uses
      Potting soil manufacturing may be allowed as an accessory use to chipping and mulching.
   d. Access
      An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local residential street shall be prohibited. Access from a local commercial street shall be prohibited where the street also serves residential uses. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site. [Ord. 2005 – 002]
   e. Storage
      Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Article 5.B, ACCESSORY AND TEMPORARY USES.
   f. Hours of Operation
      The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1000 feet of a residential zoning district.
   g. Supplemental Application Requirements
      1) Site Plan
         A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, chipper and storage piles.
      2) Waste Volume
         An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
      3) Dust Control
         A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.
   h. AR/RSA
      May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]

29. Place of Worship
   Means a sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that require additional approval, such as a day care, school, cemetery, or CLF. [Ord. 2005-041] [Ord. 2006-013]
a. **Frontage and Access**
   A place of worship with collocated uses such as a day care, school, CLF, or cemetery; or, in excess of 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or an arterial street. [Ord. 2006-013]

b. **Use Limitations**
   1) **DRO Approval**
      A place of worship not exceeding 3,000 square feet of GFA or 150 seats, including collocated or accessory uses, shall be permitted in the CN, CC, CG, UC or UI, MUPD, MXPD, TMD districts, and a commercial pod in a PDD or TDD subject to DRO approval. [Ord. 2005 – 002] [Ord. 2006-013] [Ord. 2011-016]

   2) **Accessory/Collocated Use**
      A place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted as an accessory use to an assembly, civic, educational or recreational use in any nonresidential district, except IL, IG or a PDD with an IND FLU designation, subject to approval by the DRO. [Ord. 2006-013]

   3) **Temporary Sales**
      Temporary sales, such as rummage, bake, or seasonal sales, shall be permitted as an accessory use. Temporary sales greater than three consecutive days shall obtain a Special Permit for Temporary Retail Sales.

   4) **Limited Day Care**
      A limited day care shall be permitted as a collocated use to a place of worship with a minimum of 3,000 square feet of GFA or 150 seats subject to DRO approval. [Ord. 2005 – 002] [Ord. 2006-013]

   5) **INST**
      In the INST FLU designation, affordable housing shall be permitted as an accessory use to a place of worship, subject to approval of a Class A conditional use. Such housing shall be requested and under the direct supervision of a sponsoring nonprofit organization or community based group, provided at below market rental rates, and not for resale. The number of units allowed shall be determined by the Planning Director based on a land use compatibility analysis of the surrounding area. [Ord. 2006-013]

   6) **AGR District**
      The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7/US 441. [Ord. 2006-013]

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

31. **Communication Towers, Commercial**
   Any tower whose principal use is to facilitate transmissions for AM/FM radio, television, microwave and cellular telephone transmission towers, antennae and accessory equipment and buildings. All tower and antennae types are subject to standards in Article 4.C, COMMUNICATION TOWER, COMMERCIAL.
   
a. **Communication Panel Antennas, Commercial**
   Standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards.

   b. **Communication Cell Sites on Wheels (COWs)**
   A temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.

32. **Community Vegetable Garden**
   A plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.
   
a. **Accessory Structures**
   Accessory structures shall be limited to 400 square feet.

   b. **Setbacks**
   Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential districts. Accessory structures shall meet the setbacks of the district.

   c. **Spraying**
Aerial application of fertilizer or pesticides shall be prohibited.

d. **Parking**
   Overnight parking shall be prohibited.

e. **Loading**
   All loading and unloading activities shall be restricted to the site and shall not encroach into any setbacks.

f. **Storage**
   Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall be contained within an accessory structure.

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

a. **Lot Size**
   A minimum of five acres.

b. **Setbacks**
   A minimum of 500 feet from residential districts and uses.

c. **Access**
   An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local street shall be prohibited. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.

d. **Storage**
   Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential zoning district or use. Storage areas shall be screened from view, pursuant to Article 5.B, ACCESSORY AND TEMPORARY USES.

e. **Hours of Operation**
   The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential zoning district.

f. **Supplemental Application Requirements**
   1) **Site Plan**
      A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings and storage piles.

   2) **Waste Volume**
      An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day.

   3) **Dust Control**
      A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator and watering or enclosing storage piles.

g. **AR/RSA**
   May be permitted in the AR/RSA District with a SA FLU, subject to Class B conditional use approval. [Ord. 2005 – 002]

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

a. **Maximum Occupancy**
   1) **Type 1**
      Six persons, excluding staff.

   2) **Type 2**
      14 persons, excluding staff.

   3) **Type 3**
Determined by Table 4.B.1.A, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities, below; or, in the case of TDR’s or a non residential district by the alternate density specified in the Plan by 2.39 residents. [Ord. 2005-002] [Ord. 2012-003]

Table 4.B.1.A - Maximum Permissible Occupancy in Type 3 Congregate Living Facilities

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</table>

[Ord. 2005-002] [Ord. 2010-022] [Ord. 2012-003]

Notes:
1. For the purpose of this Section, the required minimum acreage for a PDD consisting exclusive of a CLF may be reduced by 50 percent.
2. For CLF, one TDR unit is equivalent to 2.39 beds. [Ord. 2005-002] [Ord. 2012-003]
3. The maximum density permitted shall be in accordance with the acreage of the subject site and the density assigned on the AGE Site Specific FLUA Conceptual Plan multiplied by 2.39 residents. [Ord. 2010-022] [Ord. 2012-003]

4) PDD Occupancy Bonus
   a) No Double Counting Density
      The gross area of a pod supporting a CLF in a planned development shall be deducted from the gross area of the planned development for the purpose of calculating the maximum density allowed in the PDD.

b. Separation
   For the purpose of required separations, measurements shall be made from structure to structure, except where the separation required is between a structure and a district boundary, in which case the separation shall be measured from structure to district boundary.
   1) Type 1 CLF
      A Type 1 CLF regulated by F.S. §419.001(1)(a), as amended, shall not be located within 1,000 feet of another Type 1 CLF regulated by F.S. §419.001(1)(a). [Ord. 2013-001]
   2) Type 2 CLF in RM District
      A Type 2 CLF located in the RM District shall be allowed as a permitted use, provided that it is not located within a radius of 1,200 feet of another CLF. [Ord. 2008-003] [Ord. 2013-001]

c. Type 3 CLF Frontage
   A Type 3 CLF shall front on and access from a collector or an arterial street. A Type 3 facility having 25 residents or less may front on a local street. [Ord. 2005-002] [Ord. 2013-001]

d. Type 2 or 3 CLF - Distance From Fire Rescue Station
   A Type 2 or 3 CLF shall be located within five miles of a full service fire-rescue station. [Ord. 2013-001]

e. Design and Compatibility
   Type 2 and 3 CLFs shall comply with Article 5.C, Design Standards. [Ord. 2005 – 002]
   1) Planned Development Districts (PDDs)
      A Type 3 facility having 250 residents or fewer may be located in a pod with access to a local street or a parking tract in a PDD. These facilities shall only be permitted in a multi-family, commercial, or civic pod, subject to the following criteria: [Ord. 2005 – 002]
      a) Compatibility
The CLF shall be compatible with the surrounding area, including the height and mass of surrounding building(s). [Ord. 2005 – 002]

b) **Height**

The CLF shall not be more than one story higher than existing, or proposed development within a 150-foot radius of the facility. The measurement shall be made from structure to structure. [Ord. 2005 – 002]

f. **Minimum Lot Dimensions**

The minimum lot dimension requirements of the district in which a Type II or Type III CLF is located shall apply. The minimum lot size for a Type II CLF shall be 8,000 square feet. [Ord. 2009-040]

g. **Height**

The maximum height of a CLF shall comply with the regulations of the district in which it is located.

h. **Reserve Parking, for Type 2 and Type 3 CLFs**

Adequate provisions shall be made to reserve sufficient lot area to meet future parking standards if the facility is converted to other uses. The boundaries of the reserve parking area shall be identified on the site plan and shall not be within any lake, drainage or open space tract used to meet exemplary design criteria.

i. **Drop-off Area, for Type 2 and Type 3, CLFs**

A drop-off area shall be provided for group transportation, such as vans or similar vehicles.

j. **Cooking Facilities**

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

k. **Signage**

1) **Type 1 and 2 CLFs**

Shall be limited to one freestanding identification sign no more than four square feet in sign face area and six feet in height.

2) **Type 3 CLF**

Shall be limited to one freestanding identification sign no more than 32 square feet in face area and eight feet in height.

l. **Accessory Uses**

1) **Type 1 and 2 CLFs**

May have accessory uses customarily incidental to a single-family dwelling.

2) **Type 3 CLF**

a) **Accessory Use**

Those accessory uses customarily incidental to a multi-family dwelling unit; and

b) **Non-Commercial Uses**

Noncommercial uses customarily incidental to a CLF, such as a common dining room, a central kitchen, nursing station, medical examination room, chapel, library, and on-site management offices.

m. **Accessory Commercial Uses**

A limited amount of commercial uses may be developed as permitted accessory uses in a Type 3 CLF. Such uses shall be limited to retail and personal service uses designed exclusively to serve the residents of the facility, such as a barber or beauty shop, convenience retail sales, and banking services. No more than ten percent of the GFA of the facility shall be used for accessory commercial uses. There shall be no exterior signage or other indication of the existence of these uses in the facility that may attract nonresidents.

n. **Conversion to Conventional Units**

1) **Structure**

Prior to conversion to conventional dwelling units, a structure designed to accommodate a CLF shall, if necessary, be structurally modified to comply with the standards of this Code.

2) **Restrictions**

The DRO shall not approve the site plan for a Type 3 CLF, until a declaration of restrictions in a form approved by the County Attorney has been recorded with the Clerk of the Circuit Court for PBC. This declaration shall expressly provide that:

a) the conversion of the facility to conventional dwelling units is prohibited, except in compliance with this Section; and
b) if permitted, conversion will not result in an increase in the number of units permitted on
the site, unless the converted development has obtained the appropriate development
order. If that development order has not been granted, the converted development must
comply with the density permitted by the Plan;

(This space intentionally left blank)
c) the CLF will be maintained and operated in compliance with the Section at all times. Noncompliance shall result in a violation of this Code in accordance with Article 10.E, REMEDIES.

o. Conversion to Other Uses
CLFs that are converted to other uses, including other residential uses, shall comply with all standards in effect at the time of application for permits for the new use.

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

q. Emergency Generators
A permanent emergency generator shall be required for all Type II and Type III CLFs, and shall meet the standards of Article 5.B.1.A.18, Permanent Generators. [Ord. 2006-004]

35. Contractor Storage Yard
A lot used for the storage of construction material, equipment, or three or more commercial vehicles used by building trades and services, other than construction sites. [Ord. 2005-002]

a. Construction Equipment
Mechanical equipment principally used in construction activity. Such equipment shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.

b. Office Permitted
An accessory office shall be permitted subject to Article 5.B, ACCESSORY AND TEMPORARY USES.

c. Screening
Outdoor storage shall be screened from view in accordance with Article 5.B, ACCESSORY AND TEMPORARY USES. For a storage yard contiguous to property in a residential district, an opaque fence/wall a minimum of eight feet in height shall be installed along the inside edge of the required landscape buffer.

d. Flex Space
This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

e. Barbed Wire
Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. [Ord. 2011-001]

36. Convenience Store
An establishment serving a limited market area and engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.

a. Floor Area
A maximum of 5,000 square feet.

b. CN and CC District
Shall comply with Article 5.E.1, Major Intersection Criteria.

37. Convenience Store with Gas Sales
A convenience store which includes accessory gasoline retail sales to the general public.

a. Floor Area
A maximum of 5,000 square feet.

b. Approval Criteria
A convenience store with gas sales shall be subject to the approval criteria of Art. 4.B.1.A.18.a, Approval Criteria. [Ord. 2006-004]

c. Location Criteria [Ord. 2006-004]
1) Intersection Criteria
A maximum of two auto service stations and convenience stores with gas sales, or any combination thereof, shall be permitted at an intersection pursuant to Article 5.E.2.B, Intersection Criteria. [Ord. 2006-004]

2) Separation Criteria
A convenience store with gas sales shall be separated from any other auto service station or convenience store with gas sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-004]

3) **Major Intersection Criteria for CL FLU**
   A convenience store with gas sales with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria. [Ord. 2006-004] [Ord. 2013-001]

4) **Rural, Exurban, Glades and Agricultural Reserve Tiers (AGR)**
   A convenience store with gas sales shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the FDOT PBC Federal Functional Classification Table. [Ord. 2006-004]

5) **I-95 Interchange Exemption**
   A parcel with a Commercial High (CH) future land use designation within 0.50 miles of an I-95 Interchange shall be exempt from the Location Criteria for 1) Intersection Criteria, and 2) Separation Criteria, listed above. [Ord. 2012-027]

   d. **Water**
   Evidence of the protection of drinking water sources shall be provided to the Health Department prior to certification by the DRO. [Ord. 2006-004]

   e. **Parking**
   1) **Location**
      A convenience store with gas sales greater than 3,000 square feet in GFA shall provide one half of the required parking spaces directly adjacent to the store. [Ord. 2006-004]

   2) **Parking for Accessory Automatic Car Wash**
      Parking for an accessory automatic car wash may be exempt from the parking requirements of Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval. [Ord. 2006-004]

   f. **Collocated Restaurant**
      A Type I or II restaurant may be collocated with a convenience store with gas sales subject to the use regulations applicable to the restaurant use. [Ord. 2006-004]

   g. **TMD and LCC Districts, and IRO Projects**
      Islands for gasoline pumps shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2006-004] [Ord. 2010-005]

   h. **WCRA Overlay**
      Convenience stores with gas sales are prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004]

   i. **Infill Redevelopment Overlay (IRO)**
      A convenience store with gas sales located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

   j. **Nonconformities**
      For a Convenience Store with Gas Sales, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the percentage limitation of Art. 1.F. Nonconformities, and approval of a Traffic Study by the Engineering Department. [Ord. 2010-005] [Ord. 2011-016]

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

   a. **Flex Space**
      This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

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

   a. **Duration**
      Maximum 16 weeks per calendar year.

   b. **Operation**
      Shall operate only during those times when local schools are not in session.

   c. **Accessory Use**
A day camp for 200 or fewer children may be permitted as an accessory use to a legally established institutional, civic, recreational, or educational use.

40. Day Care

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

a. General

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

b. Limited

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

c. Family Day Care Home

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

d. Large Family Child Care Home (LFCCH)

An occupied single family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two-full time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. The use shall be subject to the following: [Ord. 2011-016]

1) Applicability

Provide documentation that the establishment has operated as a licensed Family Day Care Home for at least two years and meet other licenses and regulations established by the PBC Health Department including the maximum number of children permitted. [Ord. 2011-016]

2) Zoning District Limitation

Shall be permitted only in Residential Zoning Districts where Limited Day Care is allowed. [Ord. 2011-016]

3) Approval Process

Shall be subject to DRO approval unless located on lots 20,000 square feet or more in which case the use shall be permitted by right. [Ord. 2011-016]

4) Site Requirements

In addition to the property development regulations applicable to Single Family Residential, the following shall apply: [Ord. 2011-016]

a) Outdoor Activity Area

All outdoor activity area provisions applicable to a Day Care shall apply. [Ord. 2011-016]

b) Drop Off

Shall comply with all drop-off access standards applicable to Day Care. [Ord. 2011-016]

c) Parking

Shall provide at least four parking spaces including those required for a Single Family residential unit. Parking dimensions shall comply with Art. 6, PARKING. [Ord. 2011-016]

d) Site Egress

Shall not allow backward egress from a driveway or parking area into a street. [Ord. 2011-016]

e) Signage

Signs shall not be permitted. [Ord. 2011-016]

e. Lot Size

A minimum of 6,000 square feet, or the minimum required by the district in which the day care is located, whichever is greater.

f. AGR District

A limited day care may be permitted as an accessory use to a church, place of worship, farm worker quarters, or assembly non-profit institutional use, subject to DRO approval. In the AGR district a day care shall not be located west of SR7.
g. **Airport Zoning Overlay**
The establishment of new Limited or General Day Care facilities shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. [Ord. 2011-016]

h. **CRE District**
A general day care shall not be located in a CRE district with an RR FLU designation.

i. **IND FLU or Pod**
A day care center located in a project with an IND FLU designation or in an industrial pod of a PDD shall be for exclusive use on-site employees or contiguous employees.
   1) **Exception**
   A commercial pod in a MXPD or PIPD shall not be subject to this limitation.

j. **Floor Area**
   1) **Child Care**
      For a child day care with 40 children or less, the minimum floor area, exclusive of any area devoted to a kitchen, office, storage and toilet facilities, shall be 1,500 square feet. An additional 35 square feet of floor area or the amount required by the PBCHD shall be provided for each child over 40 children.
   2) **Adult Care**
      For an adult day care, the total amount of net floor space available for all participants shall be in accordance with F.A.C. Chapter 58A-6.013, as may be amended, and as determined by the AHCA. [Ord. 2013-021]

k. **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 Section D of Article X of Chapter 1 of Appendix D to the Palm Beach County Code, as may be amended. [Ord. 2011-016]
   3) **Location of Outdoor Play Equipment**
      Stationary outdoor play equipment permanently anchored to the ground shall be setback a minimum of 25 feet from any residentially zoned or used property line, and ten feet from any other property line. The location of stationary play equipment shall be depicted on the site plan. Outdoor play equipment shall not be located in any required landscape area or easement.
   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.

l. **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. [Ord. 2005 – 002]
   2) **Sidewalk Access**
      A minimum four-foot wide sidewalk running in front of, or adjacent to the drop-off spaces and connecting to the day care entrance shall be provided.

41. **Day Labor Employment Service**
An establishment engaged in providing temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades. [Ord. 2006-004]

a. **Location**
   Day labor employment services are prohibited within the boundaries of the WCRAO, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. Day labor employment services shall be located within and totally surrounded by property with an industrial zoning designation. The minimum distance of all principal structures, accessory structures and outdoor activity areas shall be as follows: [Ord. 2006-004]
   1) 1,000 feet from any non-industrial use; and
   2) 1,000 feet from any other day labor service.

b. **Hours of Operation**
No service shall commence business prior to 7:00 a.m. nor continue business later than 6:00 p.m.

c. **Minimum Building Size**
No service shall operate in any building that has less than 10,000 gross square feet.

d. **Loitering**
No outdoor loitering, waiting, or seating shall be permitted on the site.

e. **Loudspeakers**
No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.

f. **Records**
The service shall maintain all business records on the premises for inspection by PBC.

g. **Advertising**
Advertising shall be limited to one sign with a maximum face area of 12 square feet and six feet in height.

h. **Development Standards**
All services shall adhere to the non-residential development standards of Article 3.C, STANDARD DISTRICTS.

### 42. Dispatching Office

An establishment providing services off-site to households and businesses using land-based communication. Typical uses include janitorial services, pest control services, and taxi, limousine, and ambulance services.

a. **CG and CH/MUPD Districts**
A dispatching office shall be limited to no more than three service or delivery vehicles unless approved as a Class A conditional use or requested use.

### 43. Dog Daycare

An establishment which provides daytime care and training for domestic dogs.

a. **Use Approval**
Prior to review by DRO, approval shall be obtained from PBCACC. [Ord. 2006-036]

b. **Waste Disposal**
A dog day care shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.

c. **Number of Dogs**
The number of dogs permitted shall be based on the square footage of the facility pursuant PBCACC limitations and requirements. [Ord. 2006-036]

d. **Runs and Drop-Off**
Facilities shall be subject to the following standards:
1) outdoor runs, play areas, yards, etc., shall be prohibited;
2) adequate drop-off areas shall be provided; and
3) three drop off spaces measuring 12 feet by 20 feet shall be provided for every 50 dogs.

### 44. -1. Electric Power Facility

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

a. **Setbacks**
1) An electric power facility, for electrical generation only, shall not be located within 1,000 feet of a residential zoning district.
2) Principal uses and structures (excludes poles) shall be setback a minimum of 500 feet from all property lines.
3) Accessory uses and structures (excluding poles) shall be setback a minimum of 50 feet from all property lines.

b. **Screening and Perimeter Buffers**
A Type III 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 or use. Palms may not be substituted for required canopy trees. This buffer may be modified in accordance with Art. 7.B.3, Alternative Landscape Plan (ALP). [Ord. 2006-004]

c. **Ash disposal and wood recycling facilities**
Ash disposal and wood recycling facilities shall be permitted on sites in the AP district as an accessory use to biomass electric power facilities. The primary use for the site shall be consistent with the underlying zoning designation. [Ord. 2007-001]
1) Ash disposal facilities shall not exceed 220 feet in height measured from the existing grade at the base of the facility. [Ord. 2007-001]
2) Ash disposal facilities shall be used only for the disposal of ash produced onsite by the biomass electric power facility. [Ord. 2007-001]
3) Ash disposal facilities shall not be constructed until the plans for its construction and operation have been reviewed and approved by all applicable governmental agencies. [Ord. 2007-001]
4) Ash disposal facilities shall be constructed as a Class I landfill in compliance with the applicable standards adopted by the Florida Department of Environmental Protection and set forth in Section 403.707, Florida Statutes and Chapter 62-701, F.A.C., for Class I landfills. [Ord. 2007-001]

**d. Electric Transmission Facility**

An electric transmission facility collocated with a new request or DOA for an electric generation facility may be reviewed and approved as one application. The transmission facility shall comply with the requirements of Art. 4.B.1.A.44-2, Electric Transmission Facility. [Ord. 2006-004]

**e. Barbed Wire**

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials. [Ord. 2011-001]

**44-2. Electric Transmission Facility**

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

**a. Setbacks**

Notwithstanding the requirements of Table 3.D.1.A, Property Development Regulations, setbacks for electric transmission facilities, excluding transmission lines, shall be as follows: [Ord. 2006-004]

1) **Buildings**

Buildings used for electric transmission facilities shall be setback a minimum of 50 feet from all property lines. [Ord. 2006-004]

2) **Mechanical Equipment and Related Structures**

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 or use. Setbacks may be reduced to 100 feet, if the incompatibility buffer is increased to 50 feet in width and the number of required trees are doubled. Setbacks may also be reduced to 75 feet when adjacent to commercial properties, or when separated from adjacent properties by a R-O-W 100 feet in width or greater, if the applicant can demonstrate that structures will not be visible from residential or public use areas. [Ord. 2006-004]

3) **Maximum Height**

One additional foot of setback shall be provided in addition to the minimum setback for each one foot in height, or fraction thereof, over 35 feet. [Ord. 2006-004]

**b. Screening and Perimeter Buffers**

A Type III 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 or use. Palms shall not be substituted for required canopy trees. This buffer may be modified in accordance with Art. 7.B.3, Alternative Landscape Plan (ALP). [Ord. 2006-004]

**c. Barbed Wire**

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials. [Ord. 2011-001]

**45. Entertainment, Indoor**

An establishment offering games of skill to the general public for a fee or charge and wholly enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades. [Ord. 2005-002] [Ord. 2012-007]

**a. CRE District**

An indoor entertainment shall not be located in a CRE district with RR FLU designation.

**b. IL District**

An indoor entertainment facility exceeding three acres in the IL district, the use shall rezone to the CRE district.

**c. CC, CG, and MUPD Districts**

1) An indoor entertainment use less than 3000 square feet is a permitted use.
2) Banquet and reception facilities as a principal use are subject to Class A conditional use or requested use.

46. Entertainment, Outdoor
An establishment offering entertainment or games of skill to the general public where any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses include archery ranges, athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing. [Ord. 2005-002]
a. CRE District
Shall not be located in a CRE district with an RR FLU designation unless owned or operated by a public agency, or approved as a Class A Conditional Use, subject to the following additional criteria: [Ord. 2005-002]
2) Maximum FAR – 0.05. [Ord. 2005-002]
3) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. [Ord. 2005-002]
4) Frontage shall be required on a roadway designated as a Florida Intrastate Highway System (FIHS) or Strategic Intermodal System (SIS) facility. [Ord. 2005-002] [Ord. 2009-040]
5) Shall not be located within 1,320 feet of any other privately owned outdoor entertainment use with a RR FLU designation. [Ord. 2005-002]
b. IL District
The use shall rezone to the CRE district if exceeding three acres in size.
c. CC District
An outdoor entertainment facility shall be limited to uses that are of a community nature and that serve residential neighborhoods within a three to five mile radius.
d. Frontage
Access to an outdoor entertainment use shall be from a paved public collector or arterial street. The minimum required frontage for the primary point of access shall be 200 feet.
e. Setbacks
No building, structure, trailer, vehicle, mechanical device, or outdoor area shall be located closer to the property line than as follows:

<table>
<thead>
<tr>
<th>Table 4.B.1.A – Outdoor Entertainment Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent Use</td>
</tr>
<tr>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Non-residential and streets</td>
</tr>
<tr>
<td>Residential District or Use</td>
</tr>
</tbody>
</table>

47. Equestrian Arena, Commercial
An establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes.
a. U/S Tier
1) Lot Size
   The minimum lot size shall be five acres.
2) Frontage
   The project in which an equestrian arena is located shall front on and access from collector or arterial street.
3) Hours of Operation
   Outdoor activity shall be limited from hours of 6:00 a.m. to 10:00 p.m. daily.
4) Loudspeakers
   Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.
b. Rural, Exurban, Agricultural Reserve (AGR) and Glades Tiers
1) Location
   The project in which an equestrian arena is located shall have frontage on a paved street.
2) Operating Hours
   Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily.
3) **Loudspeakers**
   Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.
   
   c. **Setbacks**
   Riding, spectator viewing areas, and show rings shall not be located within 100 feet of any property line.
   
   d. **Compatibility**
   Design of the site shall assure no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.

48. **Estate Kitchen**
   An accessory use which is physically integrated with the main residence.
   
   a. There shall not be the presence of a complete living environment associated with the estate kitchen.
   
   b. The required minimum lot size shall be twice the minimum lot size requirement for the underlying zoning district for a house supporting an estate kitchen.

49. **Excavation**
   Excavation – see Article 4.D, EXCAVATION.

50. **Farm Residence**
   A dwelling unit, other than a mobile home, located on a parcel of land used for a bona fide agricultural use and occupied by the owner or operator of the farm operation. [Ord. 2005-002]
   
   a. **Principal Dwelling**
   One principal dwelling shall be permitted for each bona fide farm operation.

51. **Farm Workers Quarters**
   One or more residential structures occupied by farm workers who provide labor in conjunction with agricultural operations.
   
   a. **Density**
   One dwelling unit limited to a maximum of four beds shall be permitted for each 25 acres. [Ord. 2006-004]
   
   b. **Clustering**
   Ten or more units on any lot shall be clustered and subject to DRO approval.
   
   c. **AGR/PUD or TMD**
   AGR/PUD or TMD Preserve shall be allowed one dwelling unit per acre provided such units are clustered onto a single compact area of the preserve and are restricted to occupancy by farm workers. Farm worker quarters shall not be located on property in the AGR Tier in which no residential density is assigned by the FLU designation. [Ord. 2006-004]
   
   d. **AR/RSA**
   May be permitted in the AR/RSA District with a SA FLU, subject to DRO Approval. [Ord. 2005 – 002] [Ord. 2007-001]

52. **Farmers Market**
   An establishment for the wholesale sale of farm produce.
   
   a. **Setback**
   A farmers market shall be setback a minimum of 100 feet from property lines adjacent to a residential use existing as of the effective date of this Code, excluding farm worker quarters and mobile homes accessory to agriculture.
   
   b. **Accessory Use**
   A produce stand shall be permitted as an accessory use to a farmers market.
   
   c. **Frontage**
   Shall be located on arterial street.
   
   d. **AR/RSA**
   May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005-002]

53. **Farrier**
   One that shoes horses. May be accessory to a blacksmith, farm, equestrian facility, or is mobile and shoes the horses on site.

54. **Film Production Studio**
   The use of a lot or building for the production of films or videotapes for exhibition or sale.
   
   a. **CHO, CG and LCC Districts**
Outdoor activities shall be located a minimum of 300 feet from a residential district. [Ord. 2010-005]

b. Film Permit
A film permit shall be issued by the Director of the Film Liaison Office. The duration of the permit shall not exceed 24 months without approval of the Zoning Director. This permit may be issued in all districts. [Ord. 2007-001]

c. LCC
Film production studios shall not be located on a main street. [Ord. 2010-005]

55. Financial Institution
An establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor ATMs and drive-thru only facilities. Freestanding ATMs shall be considered a Financial Institution. [Ord. 2013-021]

a. Development Thresholds and Approval Process
A financial institution, including freestanding ATMs, shall comply with the Development Thresholds and required approval processes of Table 4.B.1.A, Financial Institution Development Thresholds and Approval Processes. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2013-021]

Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Development Thresholds</th>
<th>Approval Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>CN and CLO</td>
<td>5,000 s.f. max</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Drive-thru (1)</td>
<td>Prohibited</td>
<td>DRO</td>
</tr>
<tr>
<td>CC and CHO; CL and CLO PDDs; COM Pod of PUD;</td>
<td>5,000 s.f. max</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Drive-thru (1)</td>
<td>Prohibited</td>
<td>Permitted by Right</td>
</tr>
<tr>
<td>CC, and, CL and CLO PDDs, and COM Pod of PUD</td>
<td>5,000 s.f. max</td>
<td>≤ 3 drive thru</td>
</tr>
<tr>
<td>lines</td>
<td></td>
<td>lanes</td>
</tr>
<tr>
<td>CG; CH and CHO PDDs; PIPD COM Use Zone; and, TDDs</td>
<td>5,000 s.f. max</td>
<td>≤ 3 drive thru</td>
</tr>
<tr>
<td>lines</td>
<td></td>
<td>lanes</td>
</tr>
<tr>
<td>UC or UI (2)</td>
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<td>Prohibited</td>
</tr>
<tr>
<td>Drive-thru (3)</td>
<td>Class A or Requested Use</td>
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</tr>
<tr>
<td>and</td>
<td>Freestanding ATM, DRO</td>
<td></td>
</tr>
<tr>
<td>CC; CHO and CG; CL, CH, CLO and CHO PDDs; COM Pod of PUD; PIPD COM Use Zone; and, TDDs</td>
<td>&gt; 5,000 s.f.</td>
<td>or</td>
</tr>
<tr>
<td>Drive-thru (3)</td>
<td>Class A or Requested Use</td>
<td></td>
</tr>
<tr>
<td>and</td>
<td>Freestanding ATM, DRO</td>
<td></td>
</tr>
</tbody>
</table>


Notes:
1. An ATM lane shall not be considered a drive thru lane for purposes of development thresholds.
3. Drive thru facilities, including vehicular access and queuing shall not be located within 200 feet of abutting non-PRA residential use or parcel with a residential FLU designation, unless permitted otherwise by Art. 3.B.16, URAO. [Ord. 2011-016]

b. Freestanding ATMs
All freestanding ATMs shall be subject to the following requirements: [Ord. 2013-021]
1) No freestanding ATM shall be approved unless each operator of an ATM in the structure has at least one manned full service financial institution within Palm Beach County; [Ord. 2013-021]
2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather; [Ord. 2013-021]
3) Customer access to the interior of the structure shall be prohibited; and. [Ord. 2013-021]
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. [Ord. 2013-021]

c. TMD and LCC Districts
Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2010-005]
d. **SR-7 EDO**
   Drive through uses are prohibited. [Ord. 2010-022]

e. **Infill Redevelopment Overlay (IRO)**
   A financial institution with no drive-thru lanes; or, a financial institution with drive-thru lanes located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

56. **Fitness Center**
   An enclosed building or structure containing multi-use facilities for conducting recreational activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. This use also includes dance studios and karate schools. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting, food service, and the serving of alcoholic beverages consumed on the premises.
   a. **RM and CN Districts**
      Shall not occupy more than 3,000 square feet of GFA or have outdoor activities.
   b. **CC, CHO, CG Districts and PDDs**
      A fitness center that has less than 15,000 square feet of GFA shall be permitted by right. [Ord. 2010-005]
   c. **CRE District**
      Shall not be located in a CRE district with an RR FLU designation.
   d. **PIPD Light Industrial Use Zone**
      A fitness center in a Light Industrial Use Zone of a PIPD shall primarily serve the workforce or residential population within the PIPD. [Ord. 2012-027]

57. **Flea Market, Enclosed**
   A retail sales within a building permanently enclosed by walls and roof in which floor space is rented to individual merchants to display and sell goods.

58. **Flea Market, Open**
   An outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.
   a. **Sanitary Facilities**
      Sanitary facilities shall be provided in compliance with Health Department regulations.

59. **1. Funeral Home**
   An establishment which arranges and manages funerals and prepares human or animal remains for interment, excluding cremation. [Ord. 2013-001]
   a. **IL or IG District and MUPD with IND FLU**
      A funeral home shall be limited to preparation for interment. No public observances, sermons or funerals shall be permitted. [Ord. 2013-001]

59-2. **Crematory**
   A facility used for the incineration of human or animal remains, excluding activities related to funeral homes. [Ord. 2013-001]
   a. **Equipment Location**
      Crematory equipment shall be located within a fully enclosed building. [Ord. 2013-001]
   b. **Services Prohibited**
      Services such as public observances, sermons or other similar activities shall be prohibited, unless collocated with an approved funeral home. [Ord. 2013-001]

60. **Garage Sale**
   The sale of household articles by the occupants of a dwelling unit.
   a. **Duration**
      A maximum of 72 hours.
   b. **Number of Sales**
      A maximum of two per year per dwelling unit.

61. **Gas and Fuel, Wholesale**
   The use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site. Wholesale of gas and fuel shall be permitted in the AZO Overlay as an airport-related use only when associated with sales of aviation fuel. [Ord. 2006-036]

62. **Golf Course**
A facility providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.

a. AGR Tier
   1) PUD
      A golf course is only permitted in the development area of a PUD, subject to the following additional application requirements.
      a) Management Plan
         To protect adjacent farmland from golf course maintenance practices, a maintenance plan shall be developed and complied with in perpetuity. Prior to DRO approval of the master plan, a management plan shall be submitted to and approved by ERM. At a minimum, the management plan shall include the following information:
            1) A Best Management Plan (BMP) detailing procedures for the construction, irrigation, operation, and maintenance of the golf course, designed to prevent contamination of adjacent properties and ground and surface waters;
            2) A Pest Management Plan (PMP) designed to prevent contamination of ground and surface water from pesticides, herbicides, and fertilizers; and
            3) A Water Quality Monitoring Plan designed to protect adjacent wetlands and surface waters.

b. Clubhouse
   A golf course use may include a clubhouse. In addition to traditional and customary services, the clubhouse may also contain uses such as food service, catering, related retail sales, financial services, and other personal services.
   1) Fencing
      Protective fencing or netting may be erected to protect neighboring property, vehicles, pedestrians, or bicyclists from golf balls, subject to the following restrictions:
      a) Maximum Height Adjacent To
         1) Residential Use
            15 feet.
         2) Street or Easement
            30 feet.
         3) Non-Residential Use
            30 feet.

63. Government Services
   Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. Typical uses include administrative offices for government agencies, public libraries, police and fire stations, and homeless resource centers. [Ord. 2009-040]
   a. AGR District
      Institutional and public facility uses shall not be located west of SR 7.
   b. Prisons
      Jails, correctional facilities and prisons shall be permitted in the PO and IPF districts only subject to Class A conditional use approval. Expansion of existing facilities shall be exempt from this requirement.
      1) Barbed or Razor Wire
         Barbed or razor wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials. [Ord. 2011-001]
   c. ACC Animal Control Facilities
      An ACC operated Animal Control Facility shall be considered a government services use in the PO and IPF districts; or a commercial or light industrial pod of a PIPD, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b. [Ord. 2008-037]
   d. Homeless Resource Centers
      These facilities shall comply with the supplementary standards indicated in Note 70-1 of this Chapter, Homeless Resource Center. [Ord. 2009-040]

64. -1.Green Market, Temporary
   A temporary gathering of vendors for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on a retail basis. [Ord. 2012-027]
   a. Lot Size
      A minimum of one acre.
b. **Duration and Approval**
Weekends only, subject to approval of a Special Permit. A Temporary Green Market that is located within required parking spaces or access aisles for a temporary period of time, which shall be defined by anything exceeding one hour or several days, shall comply with the Special Permit requirements in Article 2.D.2. [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027]

c. **Site Operation**
The market stall shall be located on the site as not to utilize required parking spaces or obstruct any access or parking lot aisles. [Ord. 2007-001]

d. **Temporary Electric Service.**
The applicant shall obtain an electrical permit for temporary power, if applicable. [Ord. 2007-001] [Ord. 2012-027]

e. **Stands**
Each vendor stand shall not exceed 150 square feet. The stand shall remain transportable. Motor vehicles such as vans or small trucks may be permitted provided the vehicle is removed from the site at the close of the market each weekend.

f. **Signage**
A maximum of two signs with a maximum sign face area of 32 square feet per side. Signs shall be setback a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons and flags shall be prohibited.

### 64-2. Green Market, Permanent
An area permanently designated on a Preliminary or Final Site Plan providing for the gathering of vendors on weekends and holidays, for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on a retail basis. [Ord. 2012-027]

- **Lot Size**
  A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required. [Ord. 2012-027] [Ord. 2015-031]

- **Duration**
  Weekends and recognized federal holidays only. [Ord. 2012-027]

- **Stands**
  Each vendor stand shall not exceed 150 square feet. The stand shall remain transportable and shall be removed from the site at the close of the market each weekend, or holiday where applicable. Motor vehicles such as vans or small trucks may be permitted subject to the preceding removal requirements. [Ord. 2012-027]

### 65. Groom’s Quarters
On-site living quarters for persons responsible for grooming and caring for horses boarded at a stable. Occupancy shall be limited to on-site employees and members of the employees’ family only.

- **Number Permitted**
  1) **20 Acres or Less**
     One groom’s quarters shall be permitted for each four horse stalls.
  2) **More Than 20 Acres**
     One groom’s quarters shall be permitted for each three horse stalls.

- **Floor Area**
  1) **Each Unit**
     Each groom’s quarters shall not exceed 500 square feet of GFA per unit.
  2) **20 Acres or Less**
     The total GFA for all groom’s quarters shall not exceed 5,000 square feet per lot.

- **Bedrooms and Bathrooms**
  A maximum of one bedroom and one bathroom per groom’s quarter.

- **Approval Process**

<table>
<thead>
<tr>
<th>Process</th>
<th>Number of groom’s quarters permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted</td>
<td>Max four</td>
</tr>
<tr>
<td>DRO</td>
<td>Five through 20</td>
</tr>
<tr>
<td>Class B</td>
<td>21 through 100</td>
</tr>
<tr>
<td>Class A</td>
<td>101 or more</td>
</tr>
</tbody>
</table>

[Ord. 2007-001]
e. **AGR PUD or TMD**
   For more than 20 groom’s quarters, or more than 20 groom’s quarters on the Preservation Area of an AGR-PUD or TMD, the allowable density shall be decreased by one unit for each groom’s quarter to a maximum reduction of one-half of the number of dwelling units associated with the Preservation Area. [Ord. 2006-004]

f. **Kitchen Facilities**
   Groom’s quarters may contain individual cooking facilities and/or one common dining facility. An agreement to remove all kitchen equipment shall be executed prior to approval of the groom’s quarter. The agreement shall require the kitchen to be removed if the unit ceases to operate as a groom’s quarters.

66. **Guest Cottage**
   Accessory sleeping quarters provided for non-paying guests by the occupant of a single-family or ZLL dwelling unit.
   a. **Units**
      A maximum of one guest cottage may be permitted as an accessory use to a principal single-family or ZLL dwelling unit. The guest cottage may be attached to the principal dwelling or freestanding.
   b. **Floor Area**
      A guest cottage shall not exceed 800 square feet GFA, except when located on a lot that is at least one acre in size, in which case the cottage shall not exceed 1,000 square feet GFA or 30 percent of the principal dwelling, whichever is greater.
   c. **Additional Floor Area**
      Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed 500 square feet.
   d. **Kitchen or Cooking Facilities**
      There shall be no kitchen or cooking facilities in a guest cottage.
   e. **Compatibility**
      A guest cottage shall be compatible in character and subordinate in size to the principal dwelling unit.
   f. **Setbacks**
      A guest cottage shall comply with the minimum setbacks applicable to the principal single-family dwelling unit.
   g. **No Separate Ownership**
      A guest cottage shall remain accessory to and under the same ownership as the principal dwelling unit and shall not be subdivided or sold as a condominium.

67. **-1. Gun Club, Enclosed**
   An enclosed facility used for the discharge of firearms or projectiles at targets. [Ord. 2014-025]
   a. **Setbacks and Buffers**
      An enclosed gun club shall have a 100-foot setback and a 50 foot buffer from a residentially occupied or zoned property. These setbacks are in addition to the minimum required setbacks of the district.
   b. **Lot Size**
      Except in the IL district, a gun club shall be located on a minimum of five acres or meet the minimum lot and setback requirements of the district in which it is located, whichever is greater.

67-2. **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. [Ord. 2014-025]
   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. [Ord. 2014-025]
   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. [Ord. 2014-025]
   d. **Archery Range**
1. DRO Approval Process
   An outdoor shooting range allowed as a Conditional Use may be approved by the DRO when limited to non-mechanical archery equipment. [Ord. 2014-025]

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. [Ord. 2014-025]

68. Reserved for future Use
69. Heavy Industry
   An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous, or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials; fat rendering plants; slaughterhouses and tanneries; steel works; and petroleum refineries.
   a. Fireworks
      The retail sale of fireworks from a permanent fireworks storage facility or establishment shall be limited to an accessory use.

70. Home Occupation
   A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation shall not include those businesses which are required by State of Florida agencies to be open to the public. [Ord. 2009-040]
   a. Incidental Nature
      Shall be clearly incidental and subordinate to the residential use of the dwelling property and shall be confined to no more than ten percent of the total floor area of the dwelling.
   b. Location
      With the exception of outdoor instructional services, a home occupation shall be conducted within the principal dwelling or off-site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.
   c. No Change to Character of Dwelling
      The residential character of the dwelling in terms of exterior appearance and interior space shall not be altered or changed to accommodate a home occupation.
   d. Employees
      Shall be conducted by members of the immediate family residing in the dwelling unit only. A maximum of one person who is not a member of the immediate family may assist in the operation of the home occupations at the residence.
   e. Business Tax Receipt
      Shall be operated pursuant to a valid business tax receipt for the use conducted by the resident of the dwelling. More than one home occupation may be permitted on a residential lot. [Ord. 2007-013]
   f. Advertising
      No external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet requirements mandated by F.S. Chapter 489 or Chapter 67-1876 of the PBC Contractor's Certification Division Manual.
   g. On-Premise Sales
      A home occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services.
   h. Instructional Services
      Instructional services shall meet the following additional regulations:
      1) Home Instruction, Inside
         Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.
      2) Home Instruction, Outside
Teaching which takes place outside the dwelling unit, on the property of the instructor. This type of instruction is limited to subject matter which necessitates outside instruction. Typical instruction includes tennis, swimming lessons, dog training and equestrian lessons.

3) **Hours of Operation**
Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m. daily.

4) **Insurance**
Proof of liability insurance in the amount of at least $300,000 covering the instructional service shall be submitted prior to the issuance of a Business Tax Receipt. [Ord. 2008-003]

5) **Number of Students**
A maximum of three students at a time shall be permitted to receive instruction during a lesson.

6) **Parking**
No more than two vehicles associated with the lessons shall be permitted to be parked at the instructor’s home at any time.

7) **Resident**
The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor shall be permitted to provide instruction. The business tax receipt shall be issued to the instructor. [Ord. 2007-013]

i. **Outside Storage**
No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling, including driveways.

j. **Nuisances**
No home occupation shall involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building. There shall be no storage of hazardous or noxious materials on the site of the home occupation. There shall be no noise of an objectionable nature from the home occupation audible at adjoining property lines.

k. **Violations or Hazard**
If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the business tax receipt may be revoked. [Ord. 2007-013]

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

70-1. **Homeless Resource Center**
A facility that provides multiple services for the homeless population. Typical services include: counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices. [Ord. 2009-040]

a. **Location and Separation Requirements**
For the purpose of required separations, measurements shall be made from facade to facade, except where the separation required is between a structure and a district boundary. [Ord. 2009-040]

1) A minimum 250 foot separation shall be required from the property line of residentially zoned parcels. Type II variance relief may be requested if this standard cannot be met. Facilities located in the PO zoning district may request a deviation from this requirement pursuant to the standards in Article 5.A.3, Deviations for the PO Zoning District. [Ord. 2009-040]

2) A Homeless Resource Center (HRC) shall not be located within a 1,200 foot radius of another HRC. [Ord. 2009-040]

3) The applicant shall obtain certification from Palm Beach County Fire Rescue that a fire rescue facility is available to serve the proposed facility. Certification shall be provided prior to issuance of the development permit. [Ord. 2009-040]

b. **Facility Use**
A minimum of twenty-five percent of the GFA shall be reserved for accessory service delivery other than temporary housing. [Ord. 2009-040]

c. **Subsequent Development with Locational Standards**
The subsequent approval of a development order for a residential district shall not change the status of the HRC to a nonconforming use. [Ord. 2009-040]

71. **Hospital or Medical Center**
A facility licensed by the State of Florida which maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. A hospital is distinguished from a medical center by the provision of overnight care. [Ord. 2005-002]

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**a. Lot Size**
A minimum of five acres or the minimum required in the district, whichever is greater.

**b. Frontage**
A minimum of 200 feet or the minimum required in the district, whichever is greater.

**c. Beds**
A maximum of one bed per 1,000 square feet of lot area (43.56 patient rooms per acre).

**d. Helipad**
An accessory helipad is a permitted use.

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

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

**f. Collocated Medical or Dental Offices**
Medical or dental offices shall be permitted as a collocated use to a hospital or medical center. [Ord. 2011-001]

72. Hotel, Motel, SRO, and Rooming and Boarding House
An establishment requiring a license by the State of Florida used, maintained or advertised as a place where furnished sleeping accommodations are supplied for short term rent to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses. [Ord. 2006-004]

**a. Commercial Districts and AZO Overlay**
If permitted by Table 3.B.2.B, Airport Use Regulations, Table 3.E.1.B, PDD Use Matrix, or Table 4.A.3.A, Use Matrix, or a hotel, motel, SRO, or rooming and boarding house with a CL, CHO and CH FLU designation, or in the AZO Overlay, shall comply with the following: [Ord. 2006-004] [Ord. 2006-036]

1) **Lot Size**
A minimum of one acre or the minimum required by the district, whichever is greater.

2) **Lot Width**
A minimum of 100 feet or the minimum required by the district, whichever is greater.

3) **Sleeping Units**
A maximum of one per 1,000 square feet of lot area.

**b. RM District**
A rooming and boarding house is permitted only in the RM district with an HR FLU designation. The number of beds permitted shall be calculated consistent with a Type 3 CLF. Hotels, motels, and SROs are prohibited.

**c. CRE District**
A hotel, motel, SRO, boarding or rooming house shall only be located in a RR FLU designation as a Class A conditional use.

**d. PO District**

1) **Existing Hotel**
An existing hotel located in the PO District shall be considered a conforming use. [Ord. 2009-040]

2) **Collocated Hotel**

   a) **Approval Process - PARK FLU**
   A hotel may be permitted as a collocated use to a PBC Regional Park with a PARK FLU, subject to Class A Conditional Use approval. [Ord. 2015-006]

   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. [Ord. 2015-006]
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. [Ord. 2015-006]

d) Frontage and Access
The Regional Park in which a hotel is located shall front on and access from an Arterial or Collector street(s). Vehicular access to a hotel shall be prohibited from any local residential street abutting the park. [Ord. 2015-006]

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. [Ord. 2015-006]

f. Accessory Uses
Hotels and motels may include typical accessory uses, such as fitness centers, meeting rooms, conference centers, restaurants and lounges.

f. Accessory Lounge
An accessory lounge shall not exceed ten percent of the GFA of a hotel or motel. [Ord. 2006-004]

73. Kennel, Type I (Private)
Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, (excluding horses or livestock), owned by the occupants of the premises. [Ord. 2006-036] [Ord. 2008-036] [Ord. 2013-001]

a. Limitations of Use
A private kennel shall be limited to domestic animals owned by the occupants of the premises only, or a private non-profit animal organization that is not open to the public and located on less than 2.5 acres. The care, breeding, boarding, raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or mammal is prohibited, except as permitted under provisions for Hobby Breeder contained herein. The raising of domestic animals for sale is prohibited. The sale of domestic animals on site is prohibited. Property size and restrictions on the number of animals permitted shall be regulated by the PBCACC. [Ord. 2006-036] [Ord. 2008-037] [Ord. 2013-001]

1) Setbacks
Enclosed structures or runs shall comply with the minimum setbacks applicable to the principal dwelling unit provided that openings do not face adjacent residential uses. [Ord. 2006-036]

2) Hobby Breeder
A person who breeds and/or raises, on his/her property, purebred dogs or cats capable of registration with the national or international dog or cat registry and does not engage in the sale to the public, during a consecutive 12 month period, of more than two litters or 20 dogs or cats, whichever is greater. The hobby breeder is further defined by the PBCACC pursuant to Ord. 89-2, as amended. [Ord. 2006-036]

3) Outdoor Runs
Safety fences not to exceed six feet in height shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. Outdoor runs or non-enclosed structures used by a hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036]

4) Private Kennel
Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036]

b. Guard Dog Exemption
Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ord. 98-022 shall be permitted in any Zoning district, and shall be exempt from the setback requirements of this section. [Ord. 2008-036]

c. Pot Bellied Pigs
The keeping of pot bellied pigs in a Type I Kennel shall be prohibited. [Ord. 2013-001]

74. -1. Kennel, Type II (Commercial)
A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the
occupants of the premises, for profit. [Ord. 2006-036]
a. Limitations of Use
   A Type II commercial kennel shall be limited to the raising, breeding, boarding, sale, and
grooming of domestic animals, (e.g. dogs and cats). [Ord. 2006-036]
   1) Lot Size
      A minimum of two acres. [Ord. 2006-036]
   2) Frontage
      A minimum of 100 feet fronting on and access from a collector or arterial street. [Ord. 2006-
      036]
   3) Outdoor Runs
      a) Setbacks
         Outdoor runs or animal exercise area shall not be located within 50 feet of any property
         line adjacent to a residential district, use or where mixed use is required, or 25 feet of any
         property line adjacent to a non-residential district. [Ord. 2006-036] [Ord. 2008-037]
      b) 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. [Ord. 2006-036] [Ord. 2015-031]
      c) Waste Disposal
         A Type II kennel 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. [Ord. 2015-031]
   4) AZO Overlay
      Shall be a permitted use only if associated with services provided to passengers and airport
      employees. [Ord. 2006-036]
b. Accessory Residential Use
   A Type II commercial kennel may be operated in the AGR district in conjunction with a residence.
   [Ord. 2006-036] [Ord. 2009-040]
c. PIPD
   A Type II commercial kennel may be permitted in a commercial or light industrial pod of a PIPD
   subject to DRO approval, subject to compliance with the limitations of Plan FLUE Policy 2.2.4-b.
   [Ord. 2008-037]
74-2. Kennel, Type III (Commercial)
   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. [Ord. 2006-036]
a. Limitations of Use
   A Type III kennel is intended to be entirely self contained within an enclosed building, and
   shall be subject to the following: [Ord. 2006-036]
   1) Maximum Square Footage
      Shall not exceed 3,000 square in the CC and TMD districts, or 7,500 square feet in any
      other permitted district. [Ord. 2006-036]
   2) Number of Animals Permitted
      Prior to review by DRO, preliminary approval shall be obtained from the PBCACC
demonstrating that the proposed location can comply with all PBCACC requirements, and
indicating the maximum number of animals permitted. [Ord. 2006-036]
   3) 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. [Ord. 2006-036]
   4) Waste Disposal
      A Type III kennel 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. [Ord. 2006-036]
   5) AZO Overlay
      Shall be a permitted use only if associated with services provided to passengers and
airport employees. [Ord. 2006-036]
b. Approval Process
A Type II kennel that is collocated and operated in conjunction with and accessory to a related general retail sales use for animal care products, shall be permitted subject to DRO approval if less than 30 percent of the overall GFA of the combined uses. [Ord. 2006-036]

c. PIPD
A Type III Commercial Kennel shall be permitted in a commercial or light industrial use zone of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b. [Ord. 2007-001]

74-3. Type IV Kennel (Animal Shelter)
A not for profit institutional establishment regulated by ACC Ord. 98-022, as amended as a humane society, or private animal non-profit organization on 2.5 acres or more or when open to the public, that is used for the protection of unwanted or abandoned domesticated animals, the use of which may include sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code. [Ord. 2008-037]

a. Limitations of Use
All Type IV kennels shall be licensed and regulated by ACC, and comply with the following. [Ord. 2008-037]

1) Frontage
Facilities that are open to the public shall have a minimum of 100 feet fronting on and access from a collector or arterial street. [Ord. 2008-037]

2) Hours of Operation
Hours of operation shall be in accordance with ACC Ord. 98-022. [Ord. 2008-037]

3) Outdoor Animal Use Areas
   a) Setbacks
      Outdoor animal use areas including but not limited to outdoor runs shall not be located within 50 feet of any property line adjacent to a residential district, use or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. [Ord. 2008-037]
   b) Screening
      In addition to the incompatibility buffer standards of Art. 7.F.9, Incompatibility Buffer, 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: [Ord. 2008-037]

(This space intentionally left blank)
4) **Number of Animals Permitted**
Prior to review by DRO, preliminary approval shall be obtained from ACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted.  [Ord. 2008-037]

5) **Waste Disposal**
A Type IV kennel 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.  [Ord. 2008-037]

b. **Collocated Uses**
Any commercial or other use providing services to the general public, inclusive of training or boarding services, among others, shall only be permitted in accordance with the PDD, TDD or Standard District Use Matrices, stated approval process, and supplemental standards, unless stated otherwise herein. 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. 2008-037] [Ord. 2009-040]

c. **Accessory Residential Use**
A Type IV Kennel may be operated in conjunction with a single-family dwelling unit on properties having underlying residential FLU designations.  [Ord. 2008-037]

d. **PIPD**
A Type IV Commercial Kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b.  [Ord. 2008-037]

75. **Kiosk**
A freestanding outdoor unmanned structure which offers products for sale.

a. **Uses**
Shall be limited to the sale of general retail and convenience items only.

b. **Setbacks**
Shall comply with the requirements of the district in which it is located.

c. **Architecture Compatibility**
Shall be architecturally compatible with the principle structure or the closest structure within the development.

d. **Parking**
Shall not occupy required parking spaces.

e. **Landscaping and Buffering**
Shall be landscaped consistent with the provisions of Article 7, LANDSCAPING, including foundation planting, terminal islands, interior landscaping, irrigation, and curbing.

f. **Maximum Number of Freestanding Structures**
   1) **Standard Districts**
      One kiosk per project.
   2) **Planned Development Districts**
      Two kiosks per project.

g. **Size**
A maximum of 100 square feet per kiosk.

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

a. **Outdoor Activities**
Outdoor manufacturing, processing or testing shall be limited to industrial districts only.

b. **Accessory Use**
A research laboratory shall be permitted as an accessory use to a college or university.

c. **Biotechnology Research Protection Overlay (BRPO)**
A research laboratory located in the BRPO and the IL District may be approved by the DRO and shall not be subject to the limitations of Table 4.A.3.A, Thresholds for Projects Requiring Board of County Commissioner Approval.  [Ord. 2007-001]

d. **Flex Space**
This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

77. Landscape Service
An establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.

a. AR District in RSA
A landscape service as a principal use shall be located on a collector or arterial street on a minimum of three acres. [Ord. 2007-013]

b. AGR District
Shall be permitted subject to DRO approval as an accessory use only in conjunction with a retail or wholesale nursery, excluding those that meet the limitations of a home occupation. [Ord. 2007-013]

c. Landscape Buffer
An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be waived if the use is adjacent to farm worker quarters or mobile home accessory to a bona fide agriculture use.

d. Storage
Outdoor storage of debris shall be prohibited.

e. Accessory Use
May be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.

f. 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: [Ord. 2011-001]

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. [Ord. 2011-001]

2) Standards
a) Only one yard waste storage area shall be permitted on site; [Ord. 2011-001]

b) Shall not exceed 30 by 40 feet; [Ord. 2011-001]

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; [Ord. 2011-001]

d) Yard waste piles shall not exceed the height of the wall; [Ord. 2011-001]

e) Surface of the storage area shall be paved with concrete and have positive drainage; and, [Ord. 2011-001]

f) Yard waste that is not generated by the landscape service shall be prohibited on site. [Ord. 2011-001]

g. Home Occupation
A landscape service, not including yard waste or landscape installation services, may be approved as a home occupation subject to the requirements of Article 4.B.1.A.70, Home Occupation and this section, subject to the following exemptions or requirements: [Ord. 2007-013] [Ord. 2011-001]

1) Buffers
The use shall be exempt from incompatibility buffer requirements. [Ord. 2007-013]

2) AR District in RSA
A landscape service may be permitted subject to the limitations of Art. 4.B.1.A.70, Home Occupation, except that parcels three acres or more in size may also be eligible for the following: [Ord. 2007-013]

a) A maximum of three persons living outside of the home may be employed under the home occupation. [Ord. 2007-013]

b) The use shall also be exempt from the outside storage limitations of Article 4.B.1.A.70.i, Outside Storage, provided that outside storage is limited to equipment such as lawn mowers, edgers, weed eaters, and small trailers. Storage shall not include heavy equipment associated with landscape installation services, such as bobcats, loaders, dump trucks, or heavy equipment trailers; and [Ord. 2007-013]
c) Storage areas shall be screened from view from any R-O-W or residential parcel through the use of existing or newly planted native vegetation provided the material provides an opaque screen within one year of the issuance of the business tax receipt. No additional vegetation shall be required where equipment is screened from view behind permitted fences or other structures. [Ord. 2007-013]

78. Laundry Service
An establishment that provides washing, drying, dry-cleaning, or ironing machines for hire to be used by customers on the premises, or that is engaged in providing laundry and dry cleaning services with customer drop-off and pick-up.
   a. CN District
      Shall not exceed 3,000 square feet of GFA.
   b. CC District and Commercial Pod of a PUD
      Shall not exceed 5,000 square feet of GFA.
   c. TMD and LCC Districts
      A laundry service shall not exceed 3,000 square feet of a GFA. [Ord. 2010-005]
   d. Approval
      A laundry service over 15,000 square feet shall require approval of a Class A conditional use or requested use, whichever is applicable.

79. Lounge, Cocktail
A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, nightclubs, and similar uses other than restaurants or alcohol sales for off-premises consumption. A cocktail lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a “Consumption on Premises, Special Restaurant Exemption” pursuant to the State Beverage Law.
   a. Separation
      A cocktail lounge shall not be located within 250 feet of a residential district and shall be separated a minimum of 750 feet from another cocktail lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida.
   b. CN District
      Shall not exceed 1,500 square feet of GFA.
   c. CHO District
      Shall be contained in an office, hotel or motel structure and shall be limited to a total floor area that does not exceed ten percent of the GFA of the entire structure, unless approved as a requested or Class A conditional use.
   d. CG District and PDDs
      Shall meet the separation criteria above, unless approved as a requested or Class A conditional use.
   e. Outdoor Areas
      Outdoor seating and open lounge areas shall be setback a minimum of 100 feet from adjacent residential districts or uses.

80. Machine or Welding Shop
A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.

81. Manufacturing and Processing
An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing and food processing.
   a. Manufacturing
      Manufacturing and processing shall only be allowed as a requested use in a MUPD with EDC or MLU land use.
      1) Exception
         Manufacturing and processing shall be allowed as a permitted use in a MUPD with IND land use.
   b. Outdoor Activities
      Outdoor manufacturing, processing or storage shall be limited to industrial districts only.
c. **Flex Space**
   This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

82. **Marine Facility**
   A commercial facility related to boating. Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels. Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. [Ord. 2009-040]
   a. **Boatel Units**
      A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one for using 1,000 square feet of dry land for each unit.
   b. **Setbacks**
      Dry storage of boats and other marina related uses may be setback zero feet from the water’s edge.

83. **Medical or Dental Office**
   An establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. [Ord. 2005 – 002] [Ord. 2010-009] [Ord. 2011-001] [Ord. 2011-016]
   a. **CN District**
      May exceed 3,000 square feet of GFA if approved as a Class A conditional use.
   b. **Ambulatory Surgical Center**
      Ambulatory surgical centers licensed by the Florida Agency for Health Care Administration (AHCA), under the authority of F.S. Chapter 395, Part 1, and FAC Chapter 59A-5, limited to the provision of elective same day surgical care, where patients are ambulatory. [Ord. 2005-041]
      1) **Floor Area**
         a) An ambulatory surgical center up to 10,000 square feet of GFA may be permitted subject to the approval process for a medical or dental office. [Ord. 2005-041]
         b) An ambulatory surgical center greater than 10,000 square feet of GFA is only permitted in developments with a CH FLU designation, subject to BCC approval as a Class A or Requested Use. [Ord. 2005-041]
      2) **Elective Surgical Care**
         Ambulatory surgical centers must not be designed to accept patients requiring emergency care, including the provision of ambulance drop off areas; however, ambulatory surgical centers may be permitted to incorporate ambulance loading zones and related emergency facilities necessary to address any complications that may arise during normal procedures, as required by AHCA or Florida Statute. [Ord. 2005-041]
   c. **INST FLU Designation**
      A medical or dental office may be permitted subject to DRO approval, within the boundaries of the following five site specific FLUA amendments: [Ord. 2011-001] [Ord. 2012-027]
      4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. 2010-031; and, [Ord. 2012-027]
      5) LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. [Ord. 2012-027]

84. **Medical or Dental Laboratory**
   A facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.
   a. **Flex Space**
      This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

85. **Mobile Home Dwelling**
   The use of a lot or a unit for one mobile home.
   a. **Mobile Home**
A detached, transportable single family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.

b. **Mobile Home Subdivision**
A subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Article 11, **SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS**.

c. **Accessory to Agriculture**
One mobile home dwelling shall be permitted as an accessory use to a principal bona fide agricultural use.

1) **Lot Size**
   a) **AR (USA) and AGR Districts**
      A minimum of five acres.  [Ord. 2008-037]
   b) **RR-2.5, RR-5, RR-10, and AP FLU Designation**
      A minimum of ten acres.  [Ord. 2008-037]
   c) **RR-20 FLU Designation**
      A minimum of 20 acres.

2) **Separation/Setbacks**
   a) **Multiple Mobile Homes on the Same Property**
      A minimum of 20 feet.
   b) **Single Family Dwelling Unit**
      A minimum of 200 feet.
   c) **Setbacks**
      A minimum of 200 feet from a public street; 100 feet from all other property lines.

3) **Documents**
   A unity of title and notarized removal agreement shall be executed and recorded.

d. **Temporary During Construction**
In the AR district in the RSA, a mobile home dwelling shall be allowed subject to the following standards:  [Ord. 2007-001]

1) **Building Permit**
   A building permit for the single-family dwelling shall have been issued by the Building Director.

2) **Limitations on MH Approval**
   a) The approval for the mobile home shall be valid for two years from the date of issuance of the building permit, or issuance of the certificate of Occupancy for the single family dwelling. No time extensions shall be granted. One MH approval per PCN number.  [Ord. 2007-001]

3) **Removal Agreement**
   Execution of a notarized removal agreement which requires the mobile home to be removed within 30 days after receipt of a CO, or within two years, whichever occurs first.

4) **Proof of Ownership**
   A current recorded warranty deed for the subject property shall be submitted.

e. **Storage**
   A mobile home shall not be used for storage in any district.

86. **Monument Sales, Retail**
   An establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, gargoyles and ledges, for placement on graves, including indoor or outdoor storage.

87. **Multi-family**
   The use of a structure designed for two or more dwelling units which are attached, or the use of a lot for two or more dwelling units excluding mobile homes. Typical uses include apartments and residential condominiums. Multi-family uses are also subject standards in Article 3, **OVERLAYS & ZONING DISTRICTS**, and the prohibition in the NR Sub-area of the WCRAO, as outlined in Article 3.B.14.E, WCRAO Sub-area Use Regulations.  [Ord. 2006-004]

   a. **TMD Districts**
      On Main Streets multi-family units may occupy a maximum of 25 percent of the ground floor area designated as commercial square footage. The remaining units shall only be permitted on upper floors of mixed-use buildings.  [Ord. 2010-005] [Ord. 2010-022]
1) AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC. [Ord. 2010-022]

88. Nursery, Retail
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. [Ord. 2009-040]

a. Frontage
   Shall front on and access from a collector or arterial street.

b. Lot Size
   A minimum of one acre is required in a residential district.

c. 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.

d. Setbacks
   All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.121, Shade House. [Ord. 2009-040]

e. Loading
   All loading and unloading of trucks shall occur on the site.

f. Office
   An office is permitted as an accessory use, provided it is not a mobile home.

g. Compatibility
   The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.

h. Spraying
   No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.

i. Buffering
   A buffer shall be provided along all property lines that are not screened by plant material.

1) Incompatibility Buffer
   A Type 3 incompatibility buffer shall be required adjacent to all retail, office, parking, loading and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.

2) Compatibility Buffer
   A compatibility buffer shall be provided around all growing areas less than 50 feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high and the growing area is a minimum of five feet wide.

3) R-O-W Buffer
   A R-O-W buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall be required adjacent to all growing areas unless the growing area is at least 50 feet in width, and contains plant materials providing a six foot high visual buffer equivalent in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall be preserved.

4) Barbed Wire
   The use of barbed wire shall be prohibited.

j. Outdoor Bulk Storage
   Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in Article 5.B. ACCESSORY AND TEMPORARY USES. In residential districts, outdoor bulk storage shall be setback a minimum of fifty feet or the district setback, whichever is greater.

k. Site Plan
   Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed DRO threshold limitations.

89. Nursery, Wholesale
The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes. [Ord. 2009-040]

a. **Limitations of Sales**
   Sales from a wholesale nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.

b. **Approval Process**

   **Table 4.B.1.A - Residential Districts in the USA**

<table>
<thead>
<tr>
<th>Residential Districts in the USA</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Permit</td>
<td>Five acres or less.</td>
</tr>
<tr>
<td>DRO</td>
<td>More than five but less than 20 acres.</td>
</tr>
<tr>
<td>Class B conditional use or Requested Use</td>
<td>20 or more acres.</td>
</tr>
</tbody>
</table>

   [Ord. 2005-041]

   **Table 4.B.1.A – AR District in RSA**

<table>
<thead>
<tr>
<th>AR District in RSA</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted</td>
<td>Ten acres or less.</td>
</tr>
<tr>
<td>Special Permit</td>
<td>More than ten but less than 40 acres.</td>
</tr>
<tr>
<td>DRO</td>
<td>40 or more acres.</td>
</tr>
</tbody>
</table>

1) **All Other Districts**
   Permitted.

c. **Hours of Operation**
   Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

d. **Parking and Loading**
   All parking and loading shall occur on site.

e. **AR District**
   May be operated in conjunction with a residence.

f. **Buffering**
   A buffer shall be provided along all property lines that are not screened by plant material.

1) **Incompatibility Buffer**
   A Type 3 incompatibility buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.

2) **Compatibility Buffer**
   A compatibility buffer shall be provided around all growing areas less than 50 feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high and the growing area is a minimum of five feet wide.

3) **R-O-W Buffer**
   A R-O-W buffer shall be required adjacent to all office, parking, loading, internal roads, and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall be required adjacent to all growing areas unless the growing area is at least 50 feet in width and contains plant materials providing a six foot high visual buffer equivalent in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall be preserved.

4) **Barbed Wire**
   The use of barbed wire shall be prohibited.

g. **Office**
An office is permitted as an accessory use, provided it is not a mobile home.

h. **U/S Tier**

In addition to the above standards, a wholesale nursery in the U/S Tier shall comply with the following standards.

1) **Lot Size**
   A minimum of one acre.

2) **Setbacks**
   All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.121, Shade House. [Ord. 2009-040]

3) **Compatibility**
   The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving conditional DRO or Special Permit approval.

4) **Spraying**
   No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.

i. **Outdoor Bulk Storage**
   Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in Article 5.B, ACCESSORY AND TEMPORARY USES. Outdoor bulk storage in residential zoning districts shall be setback a minimum of 50 feet or the district setback, whichever is greater.

j. **Agricultural Reserve (AGR) Tier**
   A retail nursery may be permitted as an accessory use to a wholesale nursery.

k. **Site Plan**
   Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed the DRO limitations contained in Article 2.D.1, Development Review Officer.

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

   a. **Lot Size**
      A minimum of 10,000 square feet or the minimum requirement of the district, whichever is greater.

   b. **Frontage**
      A minimum of 100 feet of frontage or the minimum requirement of the district. [Ord. 2005 – 002]

   c. **Access**
      If located in a residential FLU category, access shall be provided from a collector or arterial street.

   d. **Maximum Number of Patient Beds**
      1) All FLU designations except RR: One bed per 1,000 square feet of lot area.
      2) RR FLU designation: 0.25 bed per 1,000 square feet of lot area.

   e. **Emergency Generators**
      A permanent emergency generator shall be required for all nursing or convalescent facilities, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators. [Ord. 2006-004]

91. **Office, Business or Professional**
   An establishment providing executive, management, administrative, or professional services, but not involving medical or dental services or the sale of merchandise, except as an incidental use. Typical uses include property and financial management firms, employment agencies (other than day labor), travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations.

   a. **Maximum Floor Area**
      1) **CN District**
         10,000 square feet of GFA per parcel, unless approved as a Class A conditional use.
2) CLO District
15,000 square feet of GFA, unless approved as a Class A conditional use.

3) CC District
20,000 square feet of GFA per parcel, unless approved as a Class A conditional use.

b. IL an IG Districts
Limited to an accessory use only.

c. LOSTO
Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the sole purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours to natural, agricultural, or historic points of interest of the area, shall be allowed subject to approval of a Special Permit.

d. Use Limitations

1) Accessory Uses
A general retail and personal service uses not exceeding ten percent of the GFA of the building may be allowed as an accessory use. All such uses shall be completely internal to the building and shall not have a separate external entrance or any exterior signage.

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

92. Park, Neighborhood Infill
PBC public parks facilities usually less than two and one half acres located in the Revitalization and Redevelopment Overlay as designated by the BCC or in any residential neighborhood. Infill neighborhood parks, including passive and active recreational facilities, are generally few in number due to size constraints and are developed according to the demands and character of the specific neighborhoods that they serve. Access is primarily pedestrian oriented with no support facilities such as parking lots or restrooms provided. [Ord. 2006-004]

a. Size
A maximum of five acres.

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

c. Landscaping
Landscaping shall be subject to the PBC Parks and Recreation Department landscape standards.

d. Minimum Setbacks from Residential Uses

1) Playground Surface Areas
Ten feet.

2) Structures, Park Furniture and Playground Equipment
15 feet.

3) Active Recreation Facilities
25 feet

e. Setbacks from R-O-Ws and Non-residential Uses

1) Playground Surface Areas
A minimum of ten feet.

2) Structures Park Furniture and Playground Equipment
A minimum of 15 feet.

f. Hours of Operation
Shall be pursuant to the PBC Parks and Recreation Department.

g. Restrictions
Sports lighting, parking spaces and permanent sanitary facilities shall be prohibited.

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

a. PC District
In the PC district, a passive park use shall 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. [Ord. 2006-004]

94. Park, Public
A publicly owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.

95. Parking Garage/Structure
A building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use and subject to:

a. Article 6.A.1.D.18, Parking Structure Standards; and

96. Parking Lot, Commercial
A lot used for temporary parking or storage for motor vehicles as a principal use for a fee and subject to:

a. Principal Use
Parking spaces may be rented for daily parking. No other business of any kind shall be conducted on the lot, including repair, service, display, or storage of other goods, except mobile working and detailing.

b. Proximity to Residential
A commercial parking lot shall not be located on a parcel adjacent to a residential district.

c. Storage
Long trailers storage of vehicles shall be permitted in the IL district if screened from view in accordance with the outdoor storage standards.

97. Pawnshop
The location at which a pawnbroker, as defined in F.S. §539.001(2)(i), does business. Consignment activities are excluded from this definition.

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

b. Setbacks
Shall be setback a minimum of 150 feet from any property line abutting a residential use or an area designated as residential by a Local Plan.

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

98. Personal Services
An establishment engaged in the provision of frequently or recurrently services of a personal nature, or, the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Typical uses include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons. [Ord. 2011-016]

a. CN and CLO Districts
A maximum 3,000 square feet of GFA, unless approved as a Class A conditional use.

b. 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. [Ord. 2011-016]

99. Potting Soil Manufacturing
An establishment engaged in producing potting soil, including the use of incineration.

a. Setbacks
A minimum of 50 feet from any property line abutting a residential district or use.

b. Frontage
The facility shall front on and access from a collector or arterial street.

c. Storage
Storage of unprocessed material shall be limited to 45 days and pile height of storage material shall be limited to 15 feet. Outdoor storage piles shall be setback a minimum of 25 feet from any...
property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Article 5.B, ACCESSORY AND TEMPORARY USES.

d. Supplemental Application Requirements

1) Site Plan
   The site plan shall illustrate how the operation functions including circulation routes, square footage, height and location of buildings, equipment and storage piles.

2) Dust Control
   A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

e. Use
   If a potting soil manufacturing facility includes chipping, mulching, grinding, or air curtain incinerator, adherence to the supplementary use standards applicable to such uses shall also be required.

f. AR/RSA
   May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]

100. Printing and Copying Services
   An establishment engaged in retail photocopy, reproduction, or blueprinting services.

a. Flex Space
   This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

101. Produce Stand
   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. [Ord. 2012-003]

a. Permanent
   1) Maximum Floor Area
      The square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.

   2) Outdoor Display and Storage
      Outdoor storage shall be subject to the provisions in Article 5.B, ACCESSORY AND TEMPORARY USES. Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.

   3) Sale of Products
      a) General
         Includes sales of agricultural food products such as jelly, jam, honey and juice. No Special Permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Art. 4.B.1.A.115, Retail Sales, Mobile or Temporary. No vending machines or other similar equipment shall be permitted on site. [Ord. 2005-002] [Ord. 2012-003]

         b) Urban/Suburban Tier
            The sale of packaged or canned food products may be permitted, where in compliance with the following: [Ord. 2012-003]
            (1) The parcel has Commercial Future Land Use designation; and, [Ord. 2012-003]
            (2) Sales area is limited to five percent of the total square footage of the structure, or 1,000 square feet, whichever is less. [Ord. 2012-003]

   4) Building Construction
      The produce stand shall be contained in either an entirely enclosed or roofed open-air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

   5) AR/RSA and AGR Tiers
      In addition to the standards above, permanent produce stands shall comply with the following:

         a) Locational Criteria
            The structure and accessory area shall be:
(1) Located on an arterial designated on the PBC Thoroughfare Plan; and
(2) Located at least 500 feet from adjacent existing residential uses.

b) Lot Size
The stand shall be located on a legal lot of record. A minimum of one acre shall be allocated to the exclusive use of the stand and accessory parking area.

c) Setbacks
The structure and accessory area shall be setback at least 50 feet from the front and side corner property lines. The rear and side interior setbacks shall meet the minimum standards of the district.

d) Approval
A permanent produce stand shall be a permitted use in the AGR and AR, and by Special Permit in the CN, CC & CG Zoning Districts. [Ord. 2005 – 002]

(1) AR and AGR Districts
The area devoted to the permanent produce stand exceeding 3,000 square feet shall be approved subject to a Class A conditional use. [Ord. 2005 – 002]

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: [Ord. 2005 – 002]

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 Article 6.A, PARKING, of this Code:
(1) A paved driveway apron area, connecting the streets to the site shall be subject to approval by the County Engineer; and
(2) Handicap parking spaces and handicap access.

7) Wholesale
Wholesale of produce shall be allowed in the AGR district only.

b. Temporary Stands
A temporary stand used for the retail sale of agricultural products not necessarily grown on the site. A temporary produce stand shall consist exclusively of fresh unprocessed fruit, vegetables, flowers, and containerized interior houseplants.

1) Use Limitations
a) Location Criteria
The stand and accessory area shall be located:
(1) on an arterial street designated on the PBC Thoroughfare Plan;
(2) a minimum of 100 feet from an intersection of an arterial and any other dedicated R-O-W;
(3) at least 600 feet from any other agricultural stand permitted in accordance with these provisions; if located in a zoning district other than a commercial district;
(4) at least 500 feet from adjacent residential uses, and [Ord. 2005-041]
(5) located on a legal lot of record no less than one acre in size.

b) Number
Only one stand shall be permitted on a lot of record.

c) Approval
Subject to Special Permit approval.

d) Setbacks
The stand shall be setback a minimum of 35 feet from the front property line and 50 feet from all other property lines.

e) Size and Configuration
The stand shall not exceed 300 square feet. The accessory area shall be limited to display, storage and cashier purposes and shall be covered by a removable cantilevered canopy or umbrellas. No outdoor display or storage shall occur outside of the stand, umbrella, or canopy area.

2) Uses
No on-site food preparation or processing shall be permitted. No vending machines shall be permitted on site. No additional Special Permits shall be permitted in conjunction with the stand except for seasonal sales.

3) Parking
A minimum of two spaces and additional spaces subject to approval by the Zoning Director.

4) **Special Regulations**

   a) **Mobility**
   The stand shall retain its mobility, and have a frame of sufficient strength to withstand being transported by wheels, skids, or hoist.

   b) **Building Materials**
   The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products. Semi-truck trailers, mobile homes, and other permanent or temporary structures shall not be used as a stand. Motor vehicles, including vans and small trucks may be permitted provided the vehicle is removed from site at the end of each business day. These vehicles shall not be used for permanent or temporary residential purposes.

   c) **Refrigeration**
   Refrigeration shall be contained within the confines of the stand. If a motor vehicle is used for the stand, portable refrigeration may be used if contained as part of a motor vehicle and removed from the site daily.

   d) **Signage**
   Signs shall be limited to two, with a combined maximum sign face area of 32 square feet per side. Signs shall be setback a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons, or flags shall be prohibited.

   e) **Existing Stands**
   All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid 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: [Ord. 2007-013]
   (1) the enclosed portion of the stand shall not exceed 300 square feet unless provided for below;
   (2) display of products immediately adjacent to the stand, whether or not displayed under an umbrella or canopy, may continue in the same configuration as existed on July 11, 1995;
   (3) the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand as set forth in this Subsection, as amended;
   (4) portable refrigeration may be permitted if confined within the 300 square foot stand and all required electrical permits have been obtained;
   (5) the use of vending machines shall not continue; and,
   (6) expansion of existing stands shall not be permitted. Any future expansion of an existing stand shall comply with the regulations of this Section. If an existing stand is expanded, repaired, or altered, the affected area shall comply with the regulations herein.

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

   a. **Approval**
   The Special Permit and completion agreement obtained from the Zoning Division shall be valid for five years. The terms of the Special Permit and completion agreement may be extended for an additional five years provided that the permit holder:
     1) executes a five year completion agreement with the Zoning Division; and
     2) complies with the terms of this Subsection.

   b. **Fee**
   A Special Permit fee may be required by the Zoning Division to process and inspect a real estate sales model that is applying for an extension.

   c. **Location**
   A real estate sales model shall be located on a paved street.
d. **Number**
A builder may construct and operate a maximum of two manned and two unmanned models in a platted residential subdivision which is not in a PUD, or in one of the following residential areas:
1) Jupiter Farms.
2) The Acreage.
3) Loxahatchee Groves.
4) Palm Beach Country Estates.

**e. Office**
A builder's office may be permitted provided it is limited to the garage area. Unmanned models shall not have employee office space.

**f. Completion Agreement**
All sales models, including those in existence prior to January 1, 1998, shall execute a completion agreement in a manner and form acceptable to the County Attorney. The completion agreement shall include any modification(s) necessary to convert the model to a residential use.

1) **Existing Models**
All sales models existing on January 1, 1998 shall file a completion agreement with PBC by July 1, 1998. This agreement shall specifically identify all improvements, which are not consistent with the provisions of this Section, such as but not limited to additional parking or location on unpaved roads. At the time of executing the completion agreement, all signage shall comply with the requirements of this Section.

**g. Parking**
The driveway and required handicap spaces shall be the only paved parking areas. Unmanned models shall not have additional parking.

**h. Permitted Signs**
The following signs shall be permitted:

1) **Temporary**
   One temporary freestanding sign measuring not more than eight feet in height and 32 square feet per side, or one temporary monument sign measuring not more than six feet in height and 18 square feet per side.

2) **Directional**
   A maximum of two directional signs measuring not more than four feet in height and two square feet in face area per side.

3) **Flags**
   A maximum of three roadside flags shall be permitted per lot between the hours of 9:00 a.m. and 6:00 p.m.

**i. Prohibited Signs**
Banners, sign lighting, snipe signs, or other means of drawing attention to the model shall be prohibited.

**j. Modifications**
Non-residential interior modifications shall not be permitted. The following improvements may be permitted only within the garage of the model:

1) room divider partitions;
2) electrical improvements; and
3) a temporary facade in lieu of a garage door.

**k. Outdoor Storage**
Outdoor storage of construction material, supplies, or equipment shall not be permitted.

### 103. Recycling Center
A permanent facility designed and used for collecting, purchasing, storing, dropping-off and redistributing of pre-sorted, recyclable materials that are not intended for disposal. A recycling center shall be used for limited processing of recyclable materials, such as can and glass crushing and sorting. [Ord. 2013-001]

**a. Access**
Access from a Local Residential Street shall be prohibited. Access from a Local Commercial Street that also serves residential uses shall be prohibited. [Ord. 2013-001]

**b. Screening**
All outdoor recycling collection, processing, loading, storage or other similar activities shall be screened from view from streets or adjacent lots. In no case shall recyclable or recovered materials or non-recyclable residue stored in outdoor areas exceed 15 feet in height. [Ord. 2013-001]
c. **DRO Approval Exception**
   A recycling center located in an MUPD with a CH FLU designation, the Commercial Pod of a PIPD or the CG Zoning district, where the use is permitted by Table 3.E.1.B, PDD Use Matrix or Table 4.A.3.A, Use Matrix, may be approved by the DRO, provided that the recycling center complies with one of the following: [Ord. 2013-001]
   1) Located completely within enclosed buildings; or, [Ord. 2013-001]
   2) Does not abut an adjacent parcel or land with the following uses or FLU designations: residential, civic, institutional, recreation or conservation. An exception shall be permitted when the recycling center, including all outdoor recycling collection, processing, storage or other similar activities, is located a minimum of 500 feet from the applicable parcel or land. Measurement shall be made by drawing a straight line from the designated recycling center use area to the perimeter of the applicable parcel or land. [Ord. 2013-001]

104.**Recycling Drop-Off Bin**
A totally enclosed mobile structure or container within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel and plastic containers no greater than six gallons in capacity, and paper. [Ord. 2007-001] [Ord. 2013-001]

a. **Mobility**
The mobility of a drop-off bin shall be maintained at all times.

b. **Location**
The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking spaces. In TMD and LCC districts, and for IRO projects, the recycling drop-off bins shall be designed to be consistent with the building's design and shall not be located on a Main Street. [Ord. 2010-005] [Ord. 2013-001]

c. **Maintenance**
The bin and adjacent area shall be maintained in good appearance and free from litter, debris, and residue on a daily basis. Failure to maintain a good appearance shall result in the revocation of the special use permit, where applicable. [Ord. 2013-001]

d. **Processing**
No processing of deposited materials shall be allowed on the site. Limited sorting or separation shall only be permitted when a bin is manned by a person during permitted collection hours. The unit shall employ no mechanical sorting or processing equipment. [Ord. 2013-001]

e. **Prohibited Materials**
Collection of materials shall be expressly limited to pre-sorted, recyclable materials identified in this supplementary standard. Collection of any other materials, including but not limited to rubber, textiles, hazardous wastes or construction debris is prohibited. [Ord. 2013-001]

f. **Signage**
Signage shall be required for all bins, as follows: [Ord. 2013-001]
   1) **Location**
      One sign shall be located on the front or side where materials are collected. No more than two signs shall be permitted. [Ord. 2013-001]
   2) **Minimum/Maximum Size**
      A minimum of eight and a maximum of 16 square feet. [Ord. 2013-001]
   3) **Content**
      All required sign content shall be in lettering a minimum of six inches in height. The name and phone number of a responsible party shall be clearly posted. The name of the organization that is collecting the recyclable materials shall also be posted and include whether for profit, not-for profit or government entity. No additional content other than logos, clarification of materials to be collected for recycling, or direction signage identifying the bin shall be permitted. [Ord. 2013-001]

g. **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 shall be permitted for each development up to a maximum of one recycling bin per acre, rounded down to the nearest whole acre. No more than 3 bins shall be clustered or located within any one acre area unless collocated with loading, dumpster or other similar areas. [Ord. 2013-001]

h. **Outdoor Storage Prohibited**
Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse.
i. AR/RSA
May be permitted in the AR/RSA District with a SA FLU, subject to DRO approval. [Ord. 2005 – 002] [Ord. 2007-001]

j. Size
A maximum of 500 square feet of GFA. [Ord. 2013-001]

k. Manning
A recycling bin containing 40 cubic yards or more shall be monitored by a person. Manned collection activities shall be limited to 7:00 a.m. to 8:00 p.m. daily. [Ord. 2013-001]

l. Approval Process
If there is no DRO certified site plan on file with the Zoning Division, a Special Permit shall be required. [Ord. 2013-001]

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

a. Compatibility, Screening, Buffering
To ensure compatibility with surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed. The standards shall be waived if any of the required landscape buffer is not visible from adjacent lots or streets.

1) Lot Size
The minimum lot size for recycling plants in all industrial districts shall be five acres. However, the minimum lot size or greater for the underlying district shall apply for recycling plants that operate completely in enclosed buildings.

2) Setbacks
Except for a freestanding office, no part of a recycling plant and its accessory ramps, on site circulation system, or storage areas shall be located within 50 feet of any property line.

a) IL District
If the facility is in an industrial district and is contiguous to land in an industrial district or IND FLU designation the setback shall be 25 feet from that contiguous property line.

b) Civic and Residential Uses
No part of a recycling plant, its accessory ramps, on site circulation system or storage areas shall be sited within 150 feet of a school, park, church, library or residential lot. In no case shall the setback be less than the requirement of the district.

c) IG, and IL Districts
No additional setback beyond district setbacks shall apply to recycling plants that operate completely in enclosed buildings and are located in the IG, and IL districts. [Ord. 2013-001]

3) Screening and Fencing
All storage areas shall be screened from view by on-site walls, fences, or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from street or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas, exceed 20 feet or the height of the principal building on the lot, whichever is greater. For an outdoor recycling plant contiguous to property in a residential district, an opaque fence/wall a minimum of eight feet in height shall be placed along the inside border of the required landscape buffer.

4) Buffers
When the property line is contiguous to a residential district, the incompatibility buffer shall be 50 feet in width.

b. Access
An access road that can be negotiated by loaded collection vehicles shall be provided to the entrance of the recycling plant. Access shall not be provided from a local residential street. Access shall be restricted to specific entrances with gates which can be locked at all times and which carry official notice that only authorized persons are allowed on the site.

c. Drainage
Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas.

d. **Storage Areas**
   All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material. Run-off shall be handled in a manner that is in conformance with local, state and Federal regulations.

e. **Chipping or Mulching**
   If a recycling plant facility includes chipping or mulching, adherence to the standards of Article 4.B.1.A.28, Chipping and Mulching, is required.

f. **Supplemental Application Requirements**
   Application for recycling plants shall include the following:
   1) **Access**
      Graphic illustration and narrative analysis of year round access routes to the site.
   2) **Type of Facility**
      An explanation of the type of facility requested. It shall specify the type of materials to be handled and include a description of the proposed method of operation, including special waste handling procedures and limitations.
   3) **Quantity of Waste**
      An estimate of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
   4) **Hours of Operation**
      A statement specifying the hours of operation.
   5) **Dust Control**
      A plan to address dust control in traffic, storage and processing areas and contingency during high winds. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder, screening/fencing, vacuuming or watering traffic areas and watering or enclosing storage piles.
   6) **SWA Permit**
      Verification that the applicant has obtained a permit from and posted a bond with the SWA before Site plan approval.
   7) **Fire Protection**
      A recycling plant shall be located within a ten mile radius of a full-service fire station or have and maintain on-site fire fighting equipment acceptable to the PBC Fire Marshall.

**106. Reserved for Future Use Type**

**106-1. Renewable Energy Facility, Solar**

A facility that uses photovoltaic, thermal or other systems with a principal use of producing electric or thermal power from the sun. [Ord. 2009-040]

a. **Minimum Lot Size**
   Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements. [Ord. 2009-040]

b. **Minimum Setback Requirements**
   Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below. [Ord. 2009-040]
   1) **Lots 50 Acres or Greater**
      Facilities located on lots 50 acres or greater in size shall be setback a minimum of 25 feet from the side and rear property lines. The facility shall comply with the minimum front and side corner setbacks of the applicable zoning district. [Ord. 2009-040]
   2) **Lots Less than 50 Acres**
      Facilities located on lots less than 50 acres in size shall be setback a minimum of 15 feet from the side and rear property lines. The facility shall comply with the minimum front and side corner setbacks of the applicable zoning district. [Ord. 2009-040]
   3) **Lots Adjacent to Existing Residential Uses**
      Facilities located on lots adjacent to existing residential uses shall be setback a minimum of 35 feet along the affected property line. [Ord. 2009-040]
   4) **Additional Setback**
      One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 20 feet. [Ord. 2009-040]

c. **Perimeter Buffers and Interior Tree Requirements**
1) A six foot high hedge shall be incorporated into the buffer required pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS. Palms may be substituted for 50 percent of the required canopy trees. This buffer may be modified pursuant to Article 7.B.3, ALTERNATIVE LANDSCAPE PLAN (ALP). [Ord. 2009-040]

2) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3, Minimum Tier Requirements. [Ord. 2009-040]

d. Substation
Substations associated with the facility shall be subject to the requirements of Article 4.B.1.A.134, Utility Minor. [Ord. 2009-040]

e. Collocation with Existing Electric Power Facilities
Solar facilities located on a site with an existing electric power facility shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a Development Order Amendment pursuant to Article 2.B.2.H, Development Order Amendment. [Ord. 2009-040] [Ord. 2010-022]

106-2. Renewable Energy Facility, Wind
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. [Ord. 2010-005] [Ord. 2011-016]

Figure: 4.B.1.A – Typical Renewable Wind Turbine

[Ord. 2010-005] [Ord. 2011-016]
a. 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, US 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: [Ord. 2010-005]
[Ord. 2011-016]
1) Identify organization as Federal, State or Local; [Ord. 2011-016]
2) Key individuals involved in review; [Ord. 2011-016]
3) Role in review process (i.e. studies, review or permitting); and, [Ord. 2011-016]
4) Identify any permits or approvals required, critical dates, input in review process and possible conditions of approval, where applicable. [Ord. 2011-016]

b. Environmental Permitting - Final Site Plan Approval
The applicant shall provide proof of all State and Federal permitting and other applicable final approvals needed for siting and operation prior to Final Site Plan approval. [Ord. 2011-016]

c. Minimum 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. Nonconforming legal lots of record may be included within the boundaries of a Renewable Energy Facility (Wind) if the overall project boundaries meet the minimum standards for the district. [Ord. 2010-005] [Ord. 2011-016]

d. Minimum Setback or Separation Requirements
Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below. [Ord. 2010-005]

1) Measurement of Height
The measurement of height shall be in accordance with Art. 4.C.4.B, Measurement of Height (related to Commercial Communication Towers), except that for Wind Turbines, the height shall be measured to the top of the turbine blade. [Ord. 2011-016]

2) Minimum Setbacks or Separations
Facilities shall comply with the minimum setback requirements of the applicable Zoning district unless stated otherwise in the following Table. [Ord. 2010-005] [Ord. 2011-016]

<table>
<thead>
<tr>
<th>Structures</th>
<th>Minimum Separation (1)</th>
<th>Minimum Setback (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wind Turbines, MET Towers or other similar Wind Energy Systems</td>
<td>Occupied Buildings within Project Boundary</td>
<td>1.1 x Height</td>
</tr>
<tr>
<td></td>
<td>Habitable Buildings within Project Boundary</td>
<td>2.5 x Height</td>
</tr>
<tr>
<td></td>
<td>Occupied or Habitable Buildings Outside of Project Boundary</td>
<td>2.5 x Height</td>
</tr>
<tr>
<td></td>
<td>Project Boundary</td>
<td>1.5 x Height</td>
</tr>
<tr>
<td></td>
<td>Non-residential FLU</td>
<td>2.0 x Height</td>
</tr>
<tr>
<td></td>
<td>Residential or Conservation FLU</td>
<td>2.5 x Height</td>
</tr>
<tr>
<td>Accessory or Collocated Buildings or Structures</td>
<td>Apply district or accessory use PDRs as applicable.</td>
<td></td>
</tr>
</tbody>
</table>

[Ord. 2011-016]

Notes:
1. Setback or separation from Wind Turbines, MET Towers or other similar structures shall be measured from the base as depicted in Figure 1.C.4.E, Typical Example of Measurement of Separation from Structure.

2. Definitions for Habitable and Occupied shall be in accordance with the Florida Building Code, as may be amended.

3) Type II Variance for Setbacks or Separations
Requests for Type II Variances from the Setback or Separation requirements listed above shall be permitted in accordance with Art. 2, Development Review Procedures, and the following: [Ord. 2011-016]
a) The minimum proposed setback or separation is not less than 1.1 times the height of the structure; [Ord. 2011-016]

b) The applicant submits a study demonstrating that shadow flicker caused by the proposed Renewable Wind Energy 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 Wind Energy technology. [Ord. 2011-016]

4. Setback within Multi-Parcel Wind Facilities in AP
Except for setbacks from habitable and occupied buildings as set forth in Table 4.B.1.A., Wind Turbines, MET Towers or other similar wind energy systems on parcels with an AP FLU designation and AP Zoning District, setbacks shall be measured from the Project Boundary, not from any lot lines located within the Project Boundary. [Ord. 2011-016]

e. Perimeter Buffers and Interior Tree Requirements
1) A Type I 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 use. In addition, a Type II 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. These buffers may be modified pursuant to Article 7.B.3, Alternative Landscape Plan. [Ord. 2010-005]

2) Wind Turbines or MET Towers located on parcels with an AP FLU designation and Zoning district shall be exempt from the landscaping requirements above. [Ord. 2011-016]

3) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3, Minimum Tier Requirements. [Ord. 2010-005]

f. Substation
Substations associated with the facility shall be subject to the requirements of Article 4.1.A.134, Utility Minor. [Ord. 2010-005]

g. Collocation with Existing Electric Power Facilities
Wind facilities located on a site with an existing electric power facility shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a legislative development order amendment, pursuant to Article 2.B.2.H, Development Order Amendment. [Ord. 2010-005]

h. Removal
A Renewable Wind Energy Facility project (“Project”), when deemed “abandoned”, shall be removed in accordance with the provisions of this subsection (h). For the purposes of this section, the term Project shall also include individual Wind Turbines or MET Towers located within a larger Wind Energy 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: [Ord. 2011-016]

1) Require the removal of the turbine towers and foundations up to a depth of 36 inches below grade; [Ord. 2011-016]

2) Establish a time frame up to 24 months, subject to adjustment due to force majeure events, to complete the removal; and [Ord. 2011-016]

3) Provide surety, in a form subject to approval of the County Attorney, for removal to the applicable landowner (as primary beneficiary) and to the County (as secondary beneficiary in the event the landowner fails to timely enforce its rights under the surety instrument). The amount of the surety shall be calculated by an independent, Florida certified professional engineer immediately prior to the date it is required to be provided, as set forth in this clause (3), and shall be equal to the cost of removing the Project. The surety amount shall be recalculated every 5 years thereafter. The surety, which shall be in the form of a single instrument, shall be provided to the applicable landowner and the County upon the earlier to occur of: [Ord. 2011-016]
(a) The date which is 10 years prior to the end of the lease term between the applicable landowner and the Project Owner, as such term may be extended from time to time, or [Ord. 2011-016]
(b) The 90th day following the date the Project is deemed “abandoned”. [Ord. 2011-016]

i. **MET Tower Approval Process Exceptions**
Permanent MET Towers shall be considered a permitted accessory structure to a Renewable Energy Facility (Wind). [Ord. 2011-016]

1) **DRO Approval**
A temporary MET Tower located on a parcel with an AP FLU Designation and Zoning district, to be erected for a period of not more than three years, may be approved by the DRO. [Ord. 2011-016]

2) **Permitted by Right**
A temporary MET Tower located on a parcel with an AP FLU Designation and Zoning district, to be erected for a period of not more than three years, where located a mile or more from a public R-O-W, or parcels with a conservation (when open to the public), commercial, public, civic, or residential use, shall be permitted by right. [Ord. 2011-016]

j. **Microwave Path Analysis**
At time of submittal for final DRO approval, a professionally prepared microwave path analysis shall be submitted for review and approval by FDO. Prior to final DRO approval, the site plan shall clearly depict any area(s) of the site that is required by that analysis to remain free and clear of encroachments in order to preclude interference with County microwave communication systems. [Ord. 2011-016]

k. **Aircraft Hazard**
To ensure the safety of low flying aircraft, any application for a Wind Energy Facility shall demonstrate compliance with 14 CFR Part 77.9 and notification requirements to the Administrator of the FAA. In the event there are no applicable FAA requirements for safety markings of Wind Turbines or MET Towers the following safety marking requirements shall be applied: [Ord. 2011-016]

1) Paint will be applied to the top 1/3 of the MET Tower in alternating bands of international orange and white. [Ord. 2011-016]
2) Three orange guy wire marker spheres will be installed on each of the outer guy wires of the MET Tower. [Ord. 2011-016]
3) 10 foot yellow florescent sleeves will be attached on either side of each marker sphere. [Ord. 2011-016]
4) A low-intensity flashing red light will be mounted at the top of the MET Tower. [Ord. 2011-016]
5) 10 foot yellow florescent sleeves will be attached to each guy wire at the anchor points of the MET Tower. [Ord. 2011-016]

l. **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 shall be permitted subject to DRO approval, where required by regulatory agency permitting or other similar approvals. Signage, equipment or project logo or labeling shall be prohibited on Wind Turbines, MET Towers or other similar wind energy systems. [Ord. 2011-016]

107 **Repair and Maintenance, General**
An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops.

a. **CC District**
A maximum of 5,000 square feet of GFA. [Ord. 2005 – 002]

1) **Use Limitations**
Limited to minor repairs and services including alignment and balancing, brake repair, air conditioning recharging and repair, automatic car wash (tunnel), washing, waxing, upholstery shops, and detailing shops may be permitted. General engine type repair including rebuilding or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, and steam cleaning, auto paint and body shops, and transmission shops shall not be permitted.
b. Enclosed Repair Activities
   All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts, and PDDs with an IND FLU designation. [Ord. 2005 – 002]

c. Storage
   There shall be no outdoor storage of disassembled vehicles or parts except in the IL and IG districts, and PDDs with an IND FLU designation. [Ord. 2005 – 002]

d. Industrial
   In the IL and IG districts, and PDDs with an IND FLU designation, outdoor storage and/or repair activities, shall be screened from view in accordance with the requirements of Art. 5.B.1.A.3.d, Industrial Districts. [Ord. 2005 – 002]

e. Setbacks
   No repair or maintenance building, structure or activity shall be conducted within 100 feet of any property line adjacent to a residential district, except in the WCRAO. In the WCRAO, no service bay door shall be located within 100 feet of any residential structure. [Ord. 2005 – 002]

f. Bay Door Orientation
   1) Residential
      Service bay doors shall not face any residential district, FLU designation, or use, except as follows: [Ord. 2005 – 002] [Ord. 2014-025]
      a) Bay doors facing to an arterial or collector street a minimum of 80 feet in width shall provide a R-O-W buffer upgraded to include a minimum six foot high landscape barrier. [Ord. 2014-025]
      b) Bay doors facing a residential zoning district, FLU, or use may be allowed subject to one of the following standards: [Ord. 2014-025]
         1) If separated by a local commercial street, the R-O-W buffer shall be upgraded to include a minimum six foot high landscape barrier and a wall. [Ord. 2014-025]
         2) If separated by a parcel with a nonresidential use such as utilities, canal R-O-W, easements, FDOT or County drainage a minimum of 80 feet in width shall provide a Type 3 Incompatibility Buffer with double the number of trees and a two and one half foot high berm. [Ord. 2014-025]
   2) Infill Redevelopment Overlay (IRO) and Priority Redevelopment Areas (PRAs)
      Bay doors shall not be oriented towards perimeter streets. [Ord. 2010-005] [Ord. 2010-022]

g. No Loudspeakers
   No outdoor speaker or public address system that is audible off-site shall be permitted. [Ord. 2005 – 002]

h. Vehicle Testing on Residential Streets
   Vehicles shall not be tested off-site on residential streets. [Ord. 2005 – 002]

i. WCRAO Overlay
   Repair and maintenance, general uses are prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004]

j. Infill Redevelopment Overlay (IRO)
   A repair and maintenance general use located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

108. Repair Services, Limited
   An establishment engaged in the repair of personal apparel or household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.

a. CC District and Districts with a CL FLU Designation
   A maximum of 10,000 square feet of GFA unless approved as Class A conditional or requested use. [Ord. 2005 – 002]

b. CN District
   A maximum of 3,000 square feet of GFA. [Ord. 2005 – 002]

c. Enclosed Repair Activities
   All repair activities shall be conducted within an enclosed structure, except in the IL and IG districts or PDDs with an IND FLU designation. [Ord. 2005 – 002]

d. Industrial
   In the IL and IG districts and PDDs with an IND FLU designation, outdoor storage and outdoor repair activities shall be screened from view in accordance with the requirements of Art. 5.B.1.A.3.d, Industrial Districts. [Ord. 2005 – 002]
e. LCC District
   Repairs of motors such as golf carts, mopeds and lawn movers is prohibited. [Ord. 2010-005]

109. Restaurant, Type I
   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. Traffic generation rates are normally in the range of 130 to 500 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering. Type I restaurants with drive through lanes generate visual impacts on the surrounding area as well as additional traffic in comparison to a Type I restaurant without a drive through. However, if in compliance with the exception criteria listed below the impacts can be mitigated. [Ord. 2006-004] [Ord. 2012-027]

a. Location Criteria
   A Type I restaurant with a drive through shall be subject to the following: [Ord. 2006-004] [Ord. 2007-001]
   1) Intersection Criteria
      A maximum of two Type I restaurants shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004]
   2) Separation Criteria
      A Type I restaurant shall be separated from any other Type I restaurant in accordance with Art. 5.E.2.C.2. [Ord. 2006-004] [Ord. 2009-040] [Ord. 2012-027]
   3) Exception
      A Type I restaurant may be exempt from the location criteria if the site is designed to: address the additional trips associated with a drive through restaurant; as well as enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design and architectural treatment that incorporates the following: [Ord. 2006-004] [Ord. 2012-027]
      a) Drive through facilities, including queuing and by-pass lanes that run parallel and are visible from adjacent streets, shall provide additional landscaping to mitigate views of the vehicular use areas. [Ord. 2006-004] [Ord. 2012-027]
      b) 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 I Waiver; [Ord. 2006-004] [Ord. 2012-027]
      c) If located in standard Zoning Districts and required by the Zoning Director, cross-access shall be provided to all abutting parcels that have Commercial FLU designation. If required, the cross-access easement shall be recorded prior to Final Approval by the DRO. The Zoning Director may elect not to require the cross-access easement based on review of the existing or approved use for the abutting property. [Ord. 2012-027]
      d) Consideration shall be given to site design that promotes a safe pedestrian environment and addresses vehicular circulation and maneuvering. A restaurant located on a single parcel with a standard Zoning District is allowed continuous vehicular circulation: [Ord. 2012-027]
         1) on all four sides of the building if the site is limited to only one access point to the subject property; or, [Ord. 2012-027]
         2) on all three sides of the building if site is limited to two access points to the subject property. [Ord. 2012-027]
      e) Landscape plans and architectural elevations shall be required as part of any application for a Conditional or Requested Use, or any DOA affecting the items listed herein. [Ord. 2006-004]

b. Approval Process Exceptions
   1) DRO Approval
      A Type I restaurant without a drive-through may be approved by the DRO in a district where the use is permitted by Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, Traditional Development Permitted Use Schedule, Table 4.A.3.A, Use Matrix, in a MUPD with a CL FLU

2) Permitted by Right
   A Type I restaurant without a drive-through or located in an out parcel, may be permitted by right in any PDD or TDD with a commercial or institutional FLU designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD or RVPD; or the IL and all commercial Zoning districts, provided: [Ord. 2006-004]
   a) GFA including outdoor dining areas does not exceed 1,500 square feet; and [Ord. 2006-004] [Ord. 2011-016] [Ord. 2011-016]
   b) All district specific requirements are addressed; [Ord. 2006-004]

c. Major Intersection Criteria for CL FLU
   A Type I restaurant with a CL FLU designation shall comply with Article 5.E.1, Major Intersection Criteria, unless the restaurant meets the requirements of one or more of the following: Article 4.B.1.A.109.b.1), DRO Approval, Article 4.B.1.A.109.b.2), Permitted by Right, is located within a TMD, or complies with the design requirements outlined under Article 4.B.1.A.109.a.3), Exception. [Ord. 2006-004] [Ord. 2009-040]

d. TMD and LCC Districts
   A Type I Restaurant shall not: [Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-005]
   1) Exceed 3,000 square feet of GFA. An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 4,500 square feet of GFA. An exception shall be permitted where food is served cafeteria or buffet style, to allow up to 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001]
   2) Be located in an outparcel or freestanding building; with exception to restaurants in a AGR TMD where food is served cafeteria or buffet style; or [Ord. 2005-002] [Ord. 2007-001]
   3) Have a drive-thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. [Ord. 2005-002] [Ord. 2006-004]

e. Outdoor Dining
   Shall comply with the principal structure setbacks.

f. SR-7 EDO
   Drive through uses are prohibited. [Ord. 2010-022]

g. Exurban and Rural Tiers
   A Type I Restaurant shall comply with the following: [Ord. 2009-040]
   1) Shall not be the sole use on the property; [Ord. 2009-040]
   2) Shall be located in a MUPD or TDD; [Ord. 2009-040]
   3) Shall not have direct ingress/egress to an adjacent arterial or collector R-O-W. Ingress/egress shall be from the interior of the overall vehicular circulation system for the development or interior streets, whichever is applicable; and, [Ord. 2009-040]
   4) Shall comply with the design requirements outlined under Article 4.B.1.A.109.a.3), Exception. [Ord. 2009-040]

h. Infill Redevelopment Overlay (IRO)
   A Type I restaurant located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

110. Reserved for Future Use
111. Restaurant, Type II
   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. Traffic generation rates are normally in the range of 90 to 130 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering. [Ord. 2006-004] [Ord. 2007-001]

a. Alcohol Sales
   A Type II Restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. A Type II Restaurant with less than 150 seats that does not qualify for a 4COP/SRX license shall obtain a Special Permit prior to obtaining an alcoholic
beverage license. The Special Permit shall be subject to the following restrictions: [Ord. 2006-004]

1) Accessory Use
Alcohol sales, service, and consumption shall not exceed 30 percent of receipts. An annual accounting of the restaurant receipts prepared by a Certified Public Accountant (CPA) shall be provided to the Zoning Division.

2) Kitchen
The restaurant shall have a full kitchen which shall remain open and serving full course meals while alcohol is being served.

3) Floor Area
A maximum of 30 percent of the floor area of the restaurant or number of seats, whichever is less, shall be devoted solely to alcohol sales.

4) Special Permit Renewal
The Special Permit shall be renewed annually.

b. Use Limitations and Approval Process

1) DRO Approval
   a) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC
      A Type II 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 II Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-036] [Ord. 2007-013]
   b) CHO District; and PDDs with a CHO FLU
      If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013]
   c) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial Use Zone
      A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013]

2) Catering Service
Catering may be permitted as an accessory use to a restaurant. Except in the IL district, the use of three or more delivery or service vehicles shall require DRO approval. [Ord. 2006-004] [Ord. 2006-036]

3) Take Out Service
Take out service is permitted as an accessory use provided there are no vehicle take out windows that include exterior menu boards, queuing lanes or order service. [Ord. 2006-004] [Ord. 2006-036]

4) TND, TMD, and LCC Districts
Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building. [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005]

112. Reserved for Future Use

113. Retail Sales, Auto Accessories and Parts
An establishment providing retail sales of auto accessories and parts.
   a. Architecture
   Stand alone or freestanding auto accessory and parts stores contiguous to a public street or residential zoning district shall comply with Article 5.C, DESIGN STANDARDS.
   b. Disposal of Motor Oil
   Auto part stores shall provide an oil recycling drum or other device for the disposal of motor oil, as prescribed by the U.S. Environmental Protection Agency (EPA).
   c. LCC District
   Sales shall be limited to 3,000 square feet GFA provided that the use is not located in a freestanding building and shall not have outdoor storage or any installation of vehicle parts in the main streets or parking lots. [Ord. 2010-005]

114. Retail Sales, General
An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores),
window tinting, marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services. [Ord. 2011-016]

a. TND District

In a Neighborhood Center, general retail sales shall not exceed 5,000 square feet of GFA per establishment (40,000 square feet for a food store or 20,000 square feet for a food store when the TND is developed as part of a TTD). In a multi-family building with more than 50 units, a “corner store” is allowed, provided it does not exceed 1,000 square feet and is integrated into the building and at a corner location.

b. TMD District

Shall not exceed 100,000 square feet of GFA per establishment in the U/S tier, 50,000 square feet of GFA per establishment in the Exurban and Rural tiers and 65,000 square feet of GFA in the AGR. A drive-thru facility for a drug store is allowed if located in the rear of a building. Access shall be from an alley, an interior parking area, or a street not designated as a Main Street. The drive-thru facility shall be covered by a canopy or the second story of a building. [Ord. 2005 – 002]
c. **CN District**  
Shall be limited to a maximum of 3,000 square feet of GFA per use.

d. **LOSTO**  
Shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to approval of a Special Permit.

e. **Fireworks**  
The retail sale or storage of fireworks as a principal use in any commercial district is prohibited.  
   1) **Exception**  
      Temporary sale of sparklers, subject to a special permit.

f. **SR-7 EDO**  
Shall be prohibited as a principal use.  
   [Ord. 2010-022]

g. **Sale or Dispensing of Controlled Substances - Pharmacy**  
A pharmacy shall be subject to the following:  
   [Ord. 2011-016]
   1) No more than 15 percent of the total number of prescriptions filled within a thirty (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, 893.0355, or 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.  
   [Ord. 2011-016]

115. **Retail Sales, Mobile or Temporary**  
General retail sales without a fixed or permanent location.

a. **General Requirements**  
   1) **Frontage**  
      Mobile or temporary retail sales shall front an arterial street.
   
   2) **Setbacks**  
      Mobile or temporary retail sales shall comply with the setbacks of the district. The minimum setback from streets is 20 feet. Setbacks shall not be located in any safe sight triangle.
   
   3) **Insurance**  
      Proof of liability insurance shall be submitted listing the BCC as additionally insured or certificate holder, paid in full covering the period for which the permit is issued, in the minimum amount of $500,000 per occurrence.
   
   4) **Landscape**  
      Mobile or temporary sales shall not be located in any landscape buffer.
   
   5) **Location Plan**  
      An application for mobile or temporary sales shall submit a plan delineating location, parking and signage.
   
   6) **Warranty Deed**  
      Submit a copy of the recorded warranty deed for the property.

b. **Temporary Sales**  
Temporary sales shall be conducted without a fixed or permanent location. Typical uses include sparklers, as defined in F.S. §791.01, or special event sales, such as the sale of furniture, and seasonal sales regulating (e.g. Christmas trees, pumpkins) that may require a tent or temporary structure.
   
   1) **Districts**  
      Limited to the CN, CC, CG, IPF, AGR, UC, UI, MUPD, or MXPZD Zoning districts.  
      [Ord. 2011-016]
   
   2) **AGR District**  
      Temporary sales in the AGR district shall be limited to plants, pumpkins and Christmas trees.
   
   3) **Duration**  
      Temporary sales shall not exceed 30 days in duration. Issuance of a Special Permit shall be limited to four times a year per parcel.
   
   4) **Tent**  
      A maximum of one temporary tent or structure shall be allowed per parcel.
   
   5) **Sign**  
      One on-site, non-illuminated freestanding sign shall be permitted. This sign shall not exceed 32 square feet in sign area, shall not exceed six feet in height from finished grade, and shall
be located at least five feet from all base building lines. The sign may remain on the site only for the approved duration of the temporary sale.

6) **Debris**
   All debris shall be removed within 48 hours of expiration of the Special Permit and the property returned to its original condition.

7) **Storage**
   Temporary storage trailers may be permitted in conjunction with temporary sales. Trailers shall not obstruct primary circulation routes and shall be parked the maximum extent possible from all buildings on or surrounding the site.

c. **Special Provisions for Sparklers**
   Sale of sparklers shall comply with the following additional requirements:

1) **Seasonal Limitations**
   Seasonal sales shall be limited to June 20 through July 5 and December 10 through January 2 of each year.

2) **CG and IL Districts**
   Limited to the sale of sparklers only.

3) **Hours of Operation**
   Hours of operation shall be limited from 7 a.m. to 11 p.m. daily.

4) **Electrical Service**
   All electrical uses shall meet the requirements established by the PBC Chief Electrical Inspector and PBC Fire-Rescue Department.

5) **Supplemental Application Requirements**
   The Special Permit application shall include the following information:

   a) **Liability**
      A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation.

   b) **Certification**
      A certification of registration from the State Fire Marshal authorizing the sale of sparklers.

   c) **Affidavit of Compliance**
      A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshal. The affidavit shall be submitted affirming that only products on the State Fire Marshal’s approved List of Sparklers and Novelty Items will be sold and that violation of the affidavit may result in an injunction.

6) **Documentation**
   The applicant shall submit copies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and driver’s licenses for the applicant’s authorized agents.

d. **Mobile Sales** [Ord. 2005 – 002]
   Mobile sales shall be conducted from a portable stand, structure, or trailer which is removed each night. Mobile sales operations shall be limited to flowers and food products and shall:

1) **District**
   Mobile sales shall be limited to the CC, CG, IL, PO, UC, UI, and MUPD Zoning districts. [Ord. 2011-016]

2) **Location**
   Mobile sales shall not be located in any required parking spaces nor in such a manner as to distract motor vehicle operators or promote, require or cause any vehicles to stop, stand or to park in violation of official traffic-control devices, including, but not limited to, signs, signals, and markings erected by authority of the County or State of Florida for the purpose of regulating, moving or guiding traffic. Mobile sales shall not be located in any driveway aisles or loading areas or interfere with on-site circulation.

3) **Adjacent Residential District**
   Mobile sales shall be located a minimum of 300 feet from the property line of any existing residential use.

4) **Number**
   Only one mobile sales vendor shall be permitted per parcel of land.

5) **Electric Service**
   Electric service shall not be permitted.

6) **Hours of Operation**
Mobile sales may operate between the hours of 6:00 a.m. and 11:00 p.m. daily. [Ord. 2008-003]

7) Renewal
   The Special Permit for mobile sales shall be renewed annually.

8) Signage
   Shall comply with Article 8, SIGNAGE, subject to special standards and requiring no permit.

116. Salvage or Junk Yard
   A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof.
   a. Barbed Wire
      Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. [Ord. 2011-001]

117. Sanitary Landfill or Incinerator
   A facility employing an engineered method of disposing of solid waste in a manner which minimizes environmental hazards by spreading solid waste in layers, providing a sand clean fill or similar cover.
   a. PO District
      A sanitary landfill or incinerator shall only be located in the PO district.
   b. Accessory Incinerator
      An incinerator may be an accessory use to a hospital.

118. School, Elementary or Secondary
   An institution of learning, whether public, private or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.
   a. General
      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. [Ord. 2012-027]
      2) Agricultural Reserve Tier
         A school shall not be located west of SR 7/US 441.
      3) 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 Article 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.
      4) Airport Zoning Overlay
         New schools shall not be located within five miles of either end of a runway, pursuant to Article 16, AIRPORT REGULATIONS, and F.S.
   b. Private School
      The following standards shall apply to all private schools: [Ord. 2012-027]
      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. [Ord. 2012-027]
      3) Approval Process
This use shall be subject to the applicable approval process pursuant to the use matrices of Article 3 and Article 4. [Ord. 2012-027]

c. Charter Schools
Charter schools are subject to the same standards and approval processes applicable to private schools. If constructed by the PBC School Board or otherwise considered a public school facility pursuant to F.S. Chapter 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 nonresidential planned development district shall be subject to DRO approval. [Ord. 2012-027]

d. Public Schools
1) Applicability
Public Schools are subject to site requirements contained in Section 423 of the Florida Building Code 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. [Ord. 2012-027]

2) Previous Approvals and Future Amendments
Public schools approved prior to June 16, 1992 shall be considered conforming uses. [Ord. 2012-027]

3) Review by Zoning
a. School Site Acquisition
Comply with the procedures established by the Intergovernmental Agreement R-93-1600D adopted on 12-7-93, as amended from time to time. [Ord. 2012-027]

b. Development Review Officer (DRO) Administrative Review
Application shall comply with the DRO Administrative Review process as stated in Article 2.D, Administrative Process. [Ord. 2012-027]

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.C, Communication Tower, Commercial. [Ord. 2005 – 002]

(2) Setbacks
(a) Towers shall meet a minimum setback equal to 50 percent of the height of the tower from all property lines. [Ord. 2005 – 002]

(b) Commercial Communication Towers shall comply with Art. 4.C., Communication Tower, Commercial. ITV antennas shall not be subject to these requirements. [Ord. 2005 – 002]

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

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

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

(6) Removal
Obsolete or abandoned towers shall be removed within 12 months of cessation of use.

b) Water or Waste Water Treatment
A water or wastewater treatment facility may be installed in accordance with all applicable federal, state and local utility standards.

(1) Location/Buffering
The facility shall be located and buffered to ensure compatibility with surrounding land use.
(2) **Duration**
The use of the facility shall only be permitted until such time.

5) **Setbacks**
Setbacks for public schools shall be a minimum of 25 feet. [Ord. 2005-002] [Ord. 2012-027]

6) **Supplemental Design Standards**
   a) All fences height shall be in compliance with Art. 5, Supplementary Standards and Art. 7, Landscaping. [Ord. 2012-027]
   b) Landscape shall comply with State Statutes 1013.64(5)(a). [Ord. 2012-027]
   c) **R-O-W Dedication**
      Within six months of a request by the County Engineer, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, as required by Article 11, Subdivision, Platting and Required Improvements, or as warranted by the School District’s Traffic Study for any affected road. The conveyance shall include documentation acceptable to the County Engineer that the land is free of all encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney. Time extension for R-O-W dedication may be granted if approved by the County Engineer and the School District. [Ord. 2012-027]

d) **Road Improvements**
Prior to school occupancy, the School Board shall fund and construct all road improvements directly associated with the school such as paving-drainage, turn lanes, traffic circulation, sidewalks, and driveway connections as determined by the County Engineer and warranted by the School District’s Traffic Study. [Ord. 2005 – 002] [Ord. 2012-027]

119. **Security or Caretaker Quarters**
An accessory residence used by a caretaker or security guard actively engaged in providing security, custodial or managerial services upon the premises.
   a. **Number**
      1) A maximum of one security quarters shall be permitted on the same lot as a bona fide agricultural, commercial, industrial, or institutional use.
      2) A maximum of one security quarters shall be permitted within the area governed by the site plan of an approved conditional use, requested use, or planned development.
   b. **Maximum Floor Area**
      1) On less than one acre: 800 square feet. [Ord. 2007-001]
      2) On one acre or more: 1000 square feet. [Ord. 2007-001]
   c. **Occupancy**
      A security or caretaker quarters shall be for the exclusive use of the site on which it is located and shall be occupied only by the custodian, caretaker, or owner of the principal use and their family.
   d. **Accessory Use**
      A security or caretaker quarters shall be allowed as an accessory use to a public or civic use in all districts.
   e. **Temporary Use**
      Unless stated otherwise, a security or caretaker quarters use shall not be permitted in association with a temporary use.
   f. **Mobile Home**
      A mobile home may be used for a security or caretaker quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. A mobile home used in the AGR, AP, or AR districts, shall be subject to the minimum acreage requirement pursuant to Article 4.B.1.A.85.c.1), Lot Size. If a mobile home is used, the Special Permit shall be renewed annually. [Ord. 2008-037]
   g. **Discontinuation of Use**
      A security or caretaker quarter’s use shall continue only as long as the principal use that it serves remains active. Upon termination of the principal use, the right to have the quarters shall end and the use shall be immediately discontinued. Once discontinued, such quarters shall not be reestablished except in conformity with this Section.

120. **Self-Service Storage**
A facility consisting of individual, self-contained units that are leased for the storage of business or personal goods.
   a. **Types Permitted**
1) Limited-access, which is a multi-storied self-service storage facility with limited access points from the exterior of the building to interior halls that serve individual bays.

2) Multi-access, storage which is a one story self-service storage facility with multi-access points from the exterior of the building to individual bays.

b. General
All self-service storage uses shall comply with the following:

1) Location
A self-service storage facility located in a CL FLU designation shall not be located within 1,000 feet of another self-service storage facility. [Ord. 2005-002]

2) Limitations
A maximum of 1,000 square feet of the rental office may be devoted to the rental and sale of retail items used for moving and storage, such as hand trucks, cartons, tape, and packing materials. [Ord. 2005-002]

3) Storage Units
Use of storage units shall be limited to the storage of goods only. Storage of hazardous goods shall be prohibited. A business may not be conducted from a storage unit. A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation.

4) Vehicle Rental
Vehicle rental may be permitted subject to a Class A conditional use and shall be limited to the rental of trucks and trailers used for moving and accessory uses such as the installation of hitch and towing packages, and wash facility.

5) Security Quarters
A security or caretaker quarters use may be allowed on the site of a self-storage facility pursuant to Article 4.B, SUPPLEMENTARY USE STANDARDS.

6) Outside Storage
Except as provided in this Section, all goods shall be stored entirely within enclosed buildings. Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained for personal use shall be permitted within a self service storage facility provided the following standards are met:

a) Location
   The storage shall occur only within a designated area.

b) Storage Area
   The storage area shall not exceed 50 percent of the lot area.

c) Screening
   The storage area shall be entirely screened from view from adjacent residential areas and public streets.

d) Boats
   Boats stored on the site shall be on wheeled trailers.

e) Repair
   Vehicle repair shall be prohibited.

7) Landscaping and Buffering
a) Wall Option
   A perimeter wall in the landscape buffer may be waived if all of the following standards are met.

   (1) Facades
      The exterior facades of storage structures present an unbroken, wall-like appearance when seen from adjacent lots and streets.

   (2) Wall
      Separate storage structures are connected by a solid opaque wall to give the appearance of structural continuity.

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

   (4) Buffering
      The area between the building and the adjacent property line is planted as a landscape buffer with a berm or maintained as a vegetation preserve.

8) Loudspeakers
   Exterior loudspeakers, public address, or paging equipment shall be prohibited.
9) **Door Orientation**
Bay doors shall not face in a residential district nor shall bay doors be visible from a public street.

10) **Barbed Wire**
Barbed or similar wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. [Ord. 2011-001]

c. **Supplemental Standards for Multi-Access Facilities.**
1) **Lot Size**
A minimum of two acres.

2) **Separation**
A minimum of ten feet between buildings.

3) **Bay Size**
A maximum of 500 square feet.

4) **Height**
A maximum of 35 feet.

5) **Circulation**
a) **Interior**
The minimum width of aisle ways between storage structure shall be 20 feet for one-way traffic, and 30 feet if two-way traffic between storage structure.

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

6) **Door Orientation and Access**
Bay doors and access points located on the second story or above shall be oriented toward the interior of the site.

7) **CLO, CHO, CLO/MUPD, and CHO/MUPD**
a) **Outdoor Storage Area**
A maximum of 30 percent of overall square footage.

b) **Door Orientation**
All bay doors shall be oriented toward the interior of the site.

c) **Height**
A maximum of one story.

d) **Multi-Access Storage**
Multi-access storage shall not be permitted on parcels in the CLO, and CHO districts and MUPD districts with a CLO or CHO FLU designation when adjacent to a residential district.

d. **Supplemental Standards for Limited Access Facilities**
1) **Lot Size**
A minimum of one acre.

2) **Loading**
A minimum of two off-street loading spaces shall be provided at each entry into the building.

e. **CLO, CHO, and MUPD Districts**
Limited access self-service storage facilities in the CLO and CHO districts, and MUPD district with a CLO or CHO FLU designation, shall comply with the following regulations:

1) **Lot Size**
A minimum of three acres and a maximum of ten acres.

2) **Height**
A maximum of 25 feet. The portion of a facility including a security or caretaker’s quarters shall be limited to two stories and shall not exceed 30 feet in height to the highest point.

3) **Signage**
One freestanding or one wall sign.

4) **Frontage**
The facility shall front on and access from an arterial or collector street.

f. **Multi-Access and Limited-Access Combinations**
A combination of multi-access and limited-access storage uses may be permitted within the same building or on the same site pursuant to the supplemental standards for both uses.

g. **WCRA Overlay**
Self-service storage is prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004]

121. Shade House

A temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.

a. Permits

A shade house used for bona fide agricultural purposes less than 12 feet in height shall not be required to obtain a building permit.

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<tr>
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b. 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 districts, subject to the following: [Ord. 2006-004]

1) DRO Approval

Commercial greenhouses that exceed the FAR limitations of FLU Element Table III.C.2 of the Plan, or with five or more acres of building coverage must be approved by the DRO. [Ord. 2006-004]

2) Property Development Regulations

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with Table 3.D.1.A, Property Development Regulations. Setbacks for greenhouses less than 25 feet in height may be reduced by 50 percent. FAR and Building Coverage may be increased up to a maximum of .75 to accommodate commercial greenhouses. [Ord. 2006-004]

3) Landscaping and Buffering

Commercial greenhouses are exempt from the interior and foundation planting requirements of Table 7.C.3, Minimum Tier Requirements. A Type III incompatibility buffer shall be required along property lines where greenhouses are adjacent to or visible from a public R-O-W or parcels with a civic, conservation, commercial, recreational or residential FLU designation or use. Buffers shall be a minimum of 25 feet in width for greenhouses up to 25 feet in height, and 50 feet for greenhouses greater than 25 feet in height. [Ord. 2006-004]

a) Exceptions

(1) Visual Screening

Landscape buffer and planting requirements may be waived in areas where it can be demonstrated that greenhouse structures are not visible from the subject property lines or use areas. [Ord. 2006-004]

(2) Alternative Planting

Planting requirements may be satisfied by the use of existing native vegetation or the placement of other related plant material, provided that the growing area is at least 25 feet wide and meets the buffering requirements for a Type III incompatibility buffer. [Ord. 2006-004]

4) Parking and Loading

All parking and loading shall occur in the designated areas indicated on the site plan. [Ord. 2006-004]

a) Parking

If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles. [Ord. 2006-004]

b) Loading

Loading zones shall not be oriented towards residential uses, and shall be setback from property lines a minimum of 250 feet, unless approved as a Type I Waiver. [Ord. 2006-004] [Ord. 2012-027]

5) Storage
Only equipment directly related to the facility may be stored on site. All stored equipment must be screened from view from adjacent properties and streets. [Ord. 2006-004]

6) **Interior Lighting**
Greenhouses shall not be illuminated between 9 p.m. and 6 a.m. if light is visible from outside of the structure from any adjacent R-O-W, or properties with a residential FLU designation or use. [Ord. 2006-004]

7) **Accessory Office**
An office is permitted as an accessory use, subject to the following and all other applicable requirements: [Ord. 2006-004]
   a) Less than five acres of commercial greenhouse: 1,000 square feet. [Ord. 2006-004]
   b) Greater than five acres of commercial greenhouse: 2,000 square feet. [Ord. 2006-004]
   c) Bathroom facilities shall not be included in the calculation of office square footage. [Ord. 2006-004]

8) **Signage**
Signage for commercial greenhouses shall be limited to one freestanding sign located at the projects primary entrance. [Ord. 2006-004]

122. **Single-family**
The use of a lot or a structure for one detached dwelling unit, excluding a mobile home but including a manufactured building.

123. **Solid Waste Transfer Station**
A facility where solid waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at a transfer station.
   a) **Frontage**
The facility shall front on and access from an arterial or collector street.
   b) **Setbacks**
   All portions of a transfer station, including structures, ramps, parking and on site circulation areas, shall be setback a minimum of 25 feet from all property lines, lakes, canals, water management tracts, retention/detention areas, drainage swales, and other water bodies.
   c) **Screening**
   All storage areas shall be screened from view by walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from streets or adjacent lots. In no event shall the height of solid waste stored outdoors exceed 25 feet.
   d) **Buffer**
   A minimum width of 50 feet incompatibility buffer shall be provided adjacent to an existing residential use, district or FLU designation: Required landscaping not visible from adjacent lots or streets may be waived through a Type I Waiver. [Ord. 2012-027]
   e) **Storage Areas**
   All solid waste stored outdoors shall be in leak-proof containers or located on a paved surface designed to capture all run-off. Run-off shall be treated in a manner that is in conformance with local, State and Federal regulations.
   f) **Supplemental Application Requirements**
   1) **Access**
   A graphic and written analysis of access routes to the site.
   2) **Type**
   An explanation of the type of facility requested including a description of the materials to be handled, methods of operation, handling procedures, whether sorting will occur, and runoff treatment plans.
   3) **Waste**
   The quantity of waste to be received, expressed in cubic yards per day or tons per day.
   4) **Hours of Operation**
   A statement specifying the hours of operation.
   5) **SWA Permit**
   Prior to approval by the DRO, the applicant shall obtain a permit from, and post a bond with the SWA.
   g) **Barbed Wire**
   Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials. [Ord. 2011-001]

124. **Special Event**
A temporary activity which includes rides, amusements, food, games, crafts, performances, or services. Typical uses include carnivals, circuses, auctions, and revivals.

a. **Duration**  
A maximum of 14 consecutive calendar days. Special events exceeding 14 days shall require approval of a Class A conditional use.

b. **Setbacks**  
All buildings, trailers, vehicles, tents, mechanical devices, rides or animals related to an amusement or special event shall comply with the minimum setbacks of the district and shall be locked at a minimum of 50 feet from a street and 200 feet from any property line adjacent to a residential use.

c. **Frontage**  
The minimum frontage on a public street shall be 200 feet. A special event shall not be permitted if the frontage abuts a street under construction.

   1) **U/S Tier**  
   Primary access shall be from a paved arterial or collector street.

   2) **Rural Tier**  
   In the Rural, Exurban, AGR and Glades Tiers, primary access shall be from a paved street. Access shall minimize traffic through nearby residential areas. Back-out parking directly onto a public street shall be prohibited.

d. **Parking**  
Off-site parking may be and allowed subject to a Special Permit and conditions for temporary special events.

e. **Events Per Year**  
There shall be no more than three special events permitted in any one calendar year per parcel of land.

f. **Attendance**  
DRO approval shall be required for any event projected to attract more than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application.

g. **Separation**  
A Special Permit shall not be issued for the same dates for two or more special events within one-half mile of each other.

h. **AR/RSA**  
May be permitted in the AGR with a SA FLU, subject to a Special Permit approval.  [Ord. 2005 – 002]

125.Stable, Commercial

An establishment for boarding, breeding, training or raising of horses not necessarily owned by the owners or operators of the establishment; rental of horses for riding or other equestrian activities, excluding uses classified as an equestrian arena. A commercial stable may be operated in conjunction with a residence and shall comply with the PBACD.

a. **Use Limitations**  
A commercial stable shall be limited to raising, breeding, training, boarding, and grooming of horses, or rental (livery) of horses for riding and instruction.

b. **Lot Size**  
A minimum of five acres.

c. **Frontage**  
The minimum required frontage on a public street to be used from the primary point of access shall be 100 feet, or the minimum standard of the Tier in which the stable is located, whichever is greater.

d. **Setbacks**  
A minimum of 25 feet from any property line, or the minimum setback of the district, whichever is greater.

e. **LOSTO**  
A commercial stable with 20 or fewer stalls shall be allowed as a Special Permit.

126.Stable, Private

The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A private stable shall comply with the PBACD.

a. **Boarding**  
On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted.
b. Setbacks
   1) Accessory Structure
      A private stable with twelve stalls or fewer located on a parcel with a single family residence
      shall be considered an accessory structure and shall meet the setback requirements for an
      accessory structure, or 25 feet, whichever is greater.
   2) Principal Structure
      A private stable with more than twelve stalls located on a parcel with a single family
      residence, or a vacant parcel, shall be considered a principal structure and shall meet the
      applicable setback requirements for a principal structure.

127. Sugar Mill or Refinery
   An establishment for the extraction and refining of sugar from agricultural products.
   a. Setback
      Shall be setback 300 feet from off-site residentially occupied or zoned property. In the AR district,
      a sugar mill or refinery shall be permitted on land in a RR FLU designation as a Class A
      conditional use.
   b. Barbed Wire
      Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e. Dangerous Materials, except when
      located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not
      be visible from any public street. [Ord. 2011-001]

128. Theater, Drive-In
   An establishment for the outdoor viewing of motion pictures by patrons while in their vehicles.
   a. CRE District
      Shall not be allowed in a RR FLU designation.

129. Theater, Indoor
   An establishment for showing motion pictures or live performances in an enclosed building.
   a. CRE District
      Shall not be allowed in a CRE district with an RR FLU designation.
   b. CC, CG, MUPD and LCC Districts
      Indoor theaters not exceeding 15,000 square feet are a permitted use. [Ord. 2010-005]
   c. IL District
      An indoor theater exceeding three acres in the IL district shall rezone to the CRE district.

130. Towing Service and Storage
   The use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a
   commercial towing service, with no sales or repair or salvage activity occurring on the lot and subject
   to the following standards:
   a. Outdoor storage standards and screening requirements of Article 5.B, ACCESSORY AND
      TEMPORARY USES.
   b. Towtruck and towing and storage regulations of Towtruck Ord. No.2002-007 as amended.
   c. Barbed Wire
      Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e. Dangerous Materials, except when
      located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not
      be visible from any public street. [Ord. 2011-001]

131. Truck Stop
   A facility which provides fueling, parking, washing, repair and maintenance services, food service,
   overnight accommodations, and incidental retail sales for transient commercial vehicles.
   a. Frontage
      A minimum of 200 feet on an arterial street only.
   b. Lot Size
      1) Ten Acres or Less
         Shall be permitted as a Class A conditional use in the IL and IG districts.
      2) Greater than Ten Acres
         Shall require approval as a MUPD or PIPD. The proposed site shall have an IND FLU
         designation.
   c. Setbacks
      Parking shall be setback a minimum of 200 feet from any existing residential use, district or FLU
      designation.
   d. Buffer
      Perimeter landscape buffers adjacent to an existing residential district, use or FLU designation
      shall include a six foot high berm topped by a six foot high opaque wall or fence.
e. **Security**
   24 hour on site security shall be provided.

f. **Accessory Uses**
   The following uses may be allowed in conjunction with a truck stop, subject to the requirements of the underlying zoning district: convenience store with gas sales, general repair and maintenance, restaurant, car wash, security or caretakers quarters, personal services, and business office. Use permitted based on the zoning designation of the site: general repair and maintenance; truck wash facilities; convenience stores; general or specialty restaurants; hotel/motel accommodations; and general office services.

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

a. **RS Zoning District with MR5 FLU Designation**
   A townhouse development in the RS zoning district with a MR5 FLU designation shall require a Class A conditional use approval. [Ord. 2005 – 002]

133. **Transportation Facility**
   A facility for loading, unloading, and interchange of passengers, baggage, and freight or package express between modes of transportation. Typical uses include bus terminals, railroad stations and yards, and major mail-processing centers.

a. **Transportation Transfer Facility (distribution)**
   An establishment providing for the transfer of transportation or other motorized vehicles, but not involving vehicle sales or rental (retail or wholesale). Typical uses include the transfer of automobiles, trucks, heavy equipment, or other motorized vehicles prior to distribution to retail dealers.
   1) Permitted only in districts with an industrial zoning designation. The facility shall be subject to the same approval requirements indicated in the use matrix as a transportation facility except for commercial districts.

134. **Utility, Minor**
   Mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations, 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. [Ord. 2006-004] [Ord. 2007-013]

a. **Floor Area**
   1) **Residential Districts** [Ord. 2004-040]
      A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied accessory facilities. [Ord. 2007-013]
   2) **Non-residential Districts**
      A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied accessory facilities. [Ord. 2004-040] [Ord. 2007-013]
   3) A minor utility exceeding either standard above may be approved as a Class A Conditional Use or a Requested Use. [Ord. 2004-040]

b. **Buffer**
   A minor utility shall be located and buffered to ensure compatibility with surrounding land uses. Increased setbacks, screening, and buffering around the utility may be required to ensure compatibility. [Ord. 2004-040]

c. **Lift Station**
   1) **New Subdivisions**
      Facilities located in new subdivisions shall be subject to DRO approval concurrent with the subdivision approval.
   2) **Streets**
      Facilities located within streets or utility easements shall not be subject to DRO approval.

d. **Electric Distribution Substations**
   For the purposes of this section, shall be 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 of more distribution lines less than 69 kilowatts in size. An electrical distribution substation shall comply with the following: [Ord. 2007-013]

1) Exemptions
   Electrical substations are exempt from the floor area limitations. [Ord. 2007-013]

2) Landscape Buffering in Residential Areas
   Where located in and adjacent to parcels with residential uses or a FLU designation
   landscape buffering shall be upgraded as follows: [Ord. 2007-013]
   a) An eight-foot wall or fence shall be installed around the substation where equipment or structures are setback less than 50 feet. Landscaping materials shall be native. [Ord. 2007-013]
   b) An open green space shall be maintained between required perimeter buffers and security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet. Required green spaces shall be planted with double the amount of interior trees and shrubs required by Table 7.C.3, Minimum Tier Requirements, in addition to normal interior landscaping requirements. [Ord. 2007-013]

3) Landscape Buffering – General
   Required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed 14 feet of height. [Ord. 2007-013]

e. States of Emergency
   The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency. [Ord. 2007-013] [Ord. 2012-027]

f. Barbed Wire
   Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials. [Ord. 2011-001]

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

a. Development Standards
   1) Lot Size
      A minimum of three acres.
   2) IL District
      A minimum of one acre.
   3) Accessory Uses
      Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located a minimum of 100 feet from any residential district.
   4) Bay Doors
      Service bay doors shall not be oriented toward any adjacent property in a residential district or toward any adjacent public street.
   5) Outdoor Activities
      There shall be no outdoor repair of vehicles or outdoor storage of disassembled vehicles or parts.
   6) Sales Office
      No mobile home, recreational vehicle, or other vehicle shall be used as a sales office, storage space or as a dwelling unit.
   7) Car Wash
      Car wash facilities shall use a water recycling system.
   8) Loudspeakers
      No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.
   9) Loading Space
      Loading space shall be setback a minimum of 100 feet from an existing residential district, use or FLU designation.
  10) Parking
      Vehicles otherwise stated in this Section, all vehicular use areas for display, sale, rent, or storage shall comply with Article 6, PARKING.

b. Display
Outdoor area storage and display areas shall be permitted, subject to the following requirements:

1) **Bull Pen Storage**
   Vehicle may be stored outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops. Outdoor sales and display parking shall conform to Article 6, PARKING, except for space striping. Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees. Vehicles shall not be stored or temporarily parked in a required parking space, handicap parking space, driveway, queuing area, fire lane, or other vehicle circulation area.

2) **Parking**
   A barrier shall be provided between vehicles or display and customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.

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

4) **Operating Conditions**
   No vehicles shall be stored or displayed on-site except those which are intended for sale, rental or lease, and are in safe operating and running condition.

c. **District and Overlay Limitations**

1) **CC, CG IL, and MUPD Districts**
   a) **Truck and Trailer Rental**
      Truck and trailer rental, limited to a maximum of five vehicles per lot, shall be permitted as an accessory use to an auto service station or convenience store with gas sales subject to DRO approval. Truck and trailer rental exceeding five vehicles shall be permitted subject to requested or Class B conditional use approval. Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping. No truck or trailer shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.

2) **Indoor Vehicle Showroom Exception**
   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. 2015-031]
   a) **Floor Area**
      A maximum of 30,000 square feet and 15 display vehicles.
   b) **New Vehicles**
      Display shall be limited to new vehicles only.
   c) **Test Drives**
      Test drives shall not be permitted from the indoor vehicle showroom or on-site.
   d) **Parking**
      Vehicles for sale or lease shall not be parked or displayed outside of the showroom. Trucks used to transport vehicles to and from the showroom shall not be parked in required loading spaces and shall not be stored on-site.
   e) **Vehicle Operations**
      Display vehicles shall not operate engines during store hours. Engines shall only be permitted to operate during the transport of vehicle into or out of the showroom.
   f) **Maintenance and Repair**
      Maintenance, repair, or painting shall not occur on-site. [Ord. 2015-031]
   g) **Stand Alone Exception**
      A stand alone indoor vehicle sales and rental facility with lot frontage on an Arterial Street may be exempt from the limitations of a) through f) above, except for d), Parking, provided that all vehicle display, storage, detailing, or other collocated activities occur indoors. [Ord. 2015-031]

3) **IL District**
   In the district vehicle sales and rental uses shall be limited to the following:
   a) **Accessory Use**
In the IL districts limited vehicle sales may be permitted as an accessory use to general repair and maintenance facilities, subject to DRO approval. The vehicle sales use shall be limited to a maximum of five vehicles per lot. Designated storage spaces for each vehicle shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of walls, fences or landscaping. No vehicle shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.

1) **Display**
   Vehicles on display shall be located within 100 feet of a repair bay.

b) **Automobile Rental**
   Automobile rental shall be subject to Class A conditional use approval.

c) **Mobile Home, RV, and Heavy Equipment Sales or Rental**
   The sale or rental of mobile homes, recreational vehicles or heavy equipment shall be permitted subject to Class B conditional use approval.

d) **Rental Equipment**
   Construction equipment, moving trailer, farm equipment, and farm implement and machinery sales and rental uses shall require DRO approval.

4) **WCRA Overlay**
   Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004]

d. **Temporary Sale**
   The temporary sale of vehicles shall be allowed as a Special Permit, and subject to the following additional standards.
   1) **CG, IL, and MUPD Districts**
      Temporary sale of vehicles shall be permitted.
   2) **Lot Size**
      A minimum of ten acres.
   3) **Separation**
      A minimum of 50 feet from all buildings.
   4) **Duration**
      Temporary sales shall be limited to five consecutive calendar days and shall be prohibited during the months of November and December.
   5) **Parking**
      A maximum of 50 required off-street parking spaces may be utilized. No activities shall extend beyond the permitted area.
   6) **Signage**
      Signage shall be permitted only in the designated event area.
   7) **Hours of Operation**
      Hours of operation shall be from 8:00 a.m. to 9:00 p.m.
   8) **Location**
      There shall be suitable access to the event area, subject to Zoning Division approval.

e. **Neighborhood Vehicle Rental Facility**
   A rental facility that is limited to a maximum of six vehicles stored on site. For the purpose of this section vehicles shall be limited to cars, sports utility vehicles, standard pick up trucks, and minivans. [Ord. 2009-040]
   1) **Development Standards**
      a) **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. [Ord. 2009-040]
      b) **Zoning Districts**
         Facilities shall be permitted in the CN, CC, and CG zoning districts; PDDs with a CH or CL FLU designation; and the Neighborhood Center (NC) of a TDD. [Ord. 2009-040]
      c) **Approval Process**
         This use shall be subject to DRO approval. [Ord. 2009-040]
      d) **Parking**
The rental vehicles shall be parked in specifically designated spaces or located in bull pen storage. Vehicles shall not be parked in required or handicap spaces, driveways, queuing areas, fire lanes, or other vehicular circulation areas. [Ord. 2009-040]

e) **Outdoor Activities**
Maintenance, repair, detailing, washing, cleaning or related activities shall not be conducted on site. [Ord. 2009-040]

f. **Infill Redevelopment Overlay (IRO)**
A vehicle sales and rental use located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

136. **Veterinary Clinic**
An establishment engaged in providing medical care, treatment and temporary boarding for animals.

a. **District Specific Regulations**

1) **AR and AGR Districts**
   Shall be limited to livestock only and located on a minimum of five acres. [Ord. 2010-055]

2) **CN District**
   Shall not have outdoor runs, nor occupy more than 3,000 square feet of GFA. [Ord. 2010-055]

3) **LCC and TDD Districts**
   Shall not include outdoor runs, nor occupy more than 5,000 square feet of GFA. [Ord. 2010-005] [Ord. 2010-055]

4) **Infill Redevelopment Overlay**
   Shall not include outdoor runs. Boarding facilities shall comply with the standards for a type III commercial kennel. [Ord. 2010-005] [Ord. 2010-055]

b. **Approval Process Exceptions for Limited Facilities**
A veterinary clinic may be permitted by right in any district where the use is permitted pursuant to Table 3.E.1.B, PDD Use Matrix or Table 4.A.3.A, Use Matrix, subject to the following limitations: [Ord. 2010-055]

1) **GFA shall not exceed 5,000 square feet; and,** [Ord. 2010-055]
2) **Shall not include outdoor runs.** [Ord. 2010-055]

c. **Extended Care**
   Shall be limited to animals requiring onsite veterinary care due to illness or during recovery from surgical procedures. [Ord. 2010-055]

d. **Outdoor Runs**
A veterinary clinic with outdoor runs shall comply with the following standards: [Ord. 2010-055]

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 an existing residential use, district or FLU; or 25 feet from any property line adjacent to a non-residential zoning district, use, or FLU. [Ord. 2010-055]

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. [Ord. 2010-055] [Ord. 2015-031]

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. [Ord. 2015-031]

e. **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. [Ord. 2010-055]

137. **Vocational School**
An establishment offering regularly scheduled instruction in technical, commercial, or trade skills such as business, real estate, building and construction trades, electronics, computer programming and technology, automotive or aircraft mechanics and technology, or other type of vocational instruction.

a. **AGR, CC, CG and LCC Districts**
A vocational school shall not involve heavy equipment or machinery, motor vehicle engines, or aircraft unless approved as a Class A conditional use. [Ord. 2010-005]
b. **AGR-PUD**
   A Vocational School is not permitted.

c. **PIPD Industrial Use Zones**
   A vocational school within a Light or General Industrial Use Zone shall be limited to educational instruction specifically related to manufacturing, trades that require the use of heavy machinery such as welding, mechanical or electrical repair, or other similar uses typically associated with industrial land use zones. **[Ord. 2012-027]**

### 138. Warehouse
A building used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

a. **Accessory Office**
   The maximum percentage of office space in each warehouse bay shall be 30 percent of the GFA, unless approved as a Class A conditional use.

b. **Sales**
   General retail sales shall be prohibited.

c. **Manufacturing**
   Manufacturing, assembly or processing shall be permitted in a warehouse.

d. **WCRA Overlay**
   Warehouse and office/warehouse 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. Office and warehouse combinations, such as a construction office for special trade contractors, or a commercial wholesale trade establishment consisting of a mix of independent business offices each having a contiguous, accessory enclosed storage area which is internally accessible to the office, shall be permitted in the UG, UH, and UI sub-areas pursuant to a Class A Conditional or Requested Use, limited to lots with a CH or IND FLU Designation and corresponding zoning district. The office/warehouse development must have an office space a minimum of 25 percent of the gross floor area for each bay. **[Ord. 2006-004]**

e. **Parking in PDDs**
   Facilities located in a PDD shall comply with Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements. Variances may be requested from these requirements. **[Ord. 2008-037]**

f. **Flex Space**
   This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. **[Ord. 2010-005]**

g. **Freestanding Structures**
   Freestanding structures for warehouse developments located in an IND-MUPD shall not be subject to the provisions of Table 3.E.3.B, Freestanding Buildings. **[Ord. 2010-022]**

### 139. Water or Treatment Plant
A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

a. **Location**
   In the AGR district, a water or wastewater treatment plant shall not be located west of SR 7/ US 441.

b. **Odor**
   Facilities shall be designed and operated to minimize objectionable odors.

c. **Compatibility**
   For purpose of this Section, the AR district is not considered a residential district. Required setbacks, screening and buffering are as follows:

   (This space intentionally left blank)
### Table 4.B.1.A – Wastewater Treatment Facility Setbacks

<table>
<thead>
<tr>
<th>Type/Capacity</th>
<th>Type of Facility</th>
<th>Setback from Residential and Commercial District</th>
<th>Setback From Non-Residential and Non-Commercial District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater treatment facilities over one million gallons per day capacity:</td>
<td>Head works, clarifiers, sludge treatment &amp; handling facilities without odor control</td>
<td>750 feet</td>
<td>500 feet</td>
</tr>
<tr>
<td></td>
<td>Head works, clarifiers, sludge treatment &amp; handling facilities with odor control</td>
<td>300 feet (2)</td>
<td>200 feet (1)</td>
</tr>
<tr>
<td></td>
<td>Chemical storage facilities</td>
<td>300 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td></td>
<td>Accessory facilities</td>
<td>200 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Wastewater treatment facilities up to one million gallons per day capacity including package treatment facilities</td>
<td>Treatment units without odor control</td>
<td>150 feet</td>
<td>150 feet</td>
</tr>
<tr>
<td></td>
<td>Treatment units with odor control</td>
<td>100 feet (1)</td>
<td>100 feet (1)</td>
</tr>
<tr>
<td></td>
<td>Chemical storage facilities</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td></td>
<td>Accessory facilities</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Water Reclamation Production Facility (any capacity stand alone facility larger than a minor utility which is filtering already treated wastewater (secondary effluent))</td>
<td>Storage Tanks, Filtration System, Hypochlorite tanks, Office/Lab/Generator buildings, and accessory facilities</td>
<td>50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater</td>
<td>50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater</td>
</tr>
<tr>
<td>Membrane Bio-Reactor (MBR) System</td>
<td>Storage tanks, enclosed reinforced hollow fiber or flat plate membranes, clarification, aeration and filtration of wastewater for discharge or reuse applications</td>
<td>50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater</td>
<td>50 feet front; 15 feet side; 25 feet side street; and 20 feet or the minimum district setback, whichever is greater</td>
</tr>
</tbody>
</table>

**Notes:**

1. Minimum lot dimensions shall be governed by the regulations above or the most recent standards adopted by the District and shall apply only to new schools. The District shall forward any changes in the standards to the Department within 20 days of School Board adoption. Minimum lot dimensions shall include, if applicable, sufficient room for any onsite retention.

2. Tertiary filters do not require odor control.

3. If an existing utility site is being redeveloped into a water reclamation production facility or MBR, the setbacks established for the original use will be utilized for the water reclamation facility or MBR unless they are more restrictive than the setbacks noted in this table. If the reclamation or MBR facility qualifies as a minor utility those regulations will apply instead of this table. [Ord. 2007-013]

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. [Ord. 2007-013]
### Table 4.B.1.A - Water Treatment Facility Setbacks for Open Treatment Process

<table>
<thead>
<tr>
<th>Type/Capacity</th>
<th>Type of Facility</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water treatment facilities over two millions gallons</td>
<td>Treatment units and chemical storage</td>
<td>200 feet</td>
</tr>
<tr>
<td>per day capacity</td>
<td>Units which cause airborne sulfides</td>
<td>500 feet (1)</td>
</tr>
<tr>
<td></td>
<td>Accessory facilities</td>
<td>100 feet</td>
</tr>
<tr>
<td>Water treatment facilities up to two million gallons</td>
<td>Treatment units and chemical storage</td>
<td>100 feet</td>
</tr>
<tr>
<td>per day capacity, including package treatment facilities</td>
<td>Units which cause airborne sulfides</td>
<td>250 feet (2)</td>
</tr>
<tr>
<td></td>
<td>Accessory units</td>
<td>100 feet</td>
</tr>
</tbody>
</table>


**Notes:**

2. Maximum building height. Buildings not including storage tanks and water towers higher than 35 feet are allowed provided the following setbacks are met: [Ord. 2004-054] [Ord. 2007-013]
   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.1.A - Water Treatment Facility Setbacks For Enclosed Treatment Process without Gas Chlorine

<table>
<thead>
<tr>
<th>Type/Capacity</th>
<th>Yard</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water treatment facilities over two million gallons</td>
<td>Front</td>
<td>80 feet</td>
</tr>
<tr>
<td>per day capacity</td>
<td>Side</td>
<td>50 feet</td>
</tr>
<tr>
<td></td>
<td>Rear</td>
<td>50 feet</td>
</tr>
<tr>
<td></td>
<td>Chemical Storage</td>
<td>200 feet (1)</td>
</tr>
<tr>
<td>Water treatment facilities up to two million gallons</td>
<td>Front</td>
<td>80 feet</td>
</tr>
<tr>
<td>per day capacity, including package treatment facilities</td>
<td>Side</td>
<td>50 feet</td>
</tr>
<tr>
<td></td>
<td>Rear</td>
<td>50 feet</td>
</tr>
<tr>
<td></td>
<td>Chemical Storage</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

**Note:**

Chemical storage setbacks may be reduced by fifty percent for facilities using enclosed treatment process without Chlorine gas, along property lines adjacent to parcels with a PO Zoning district and INST FLU, or AP zoning district and FLU designations.

1) **Buffer**
   Perimeter landscape buffers shall have a minimum width of 25 feet or be equal to the setback requirements if less than 25 feet. [Ord. 2007-013].

2) **Trees**
   A single row of trees shall be planted all landscape buffers at a ratio of one 14 foot tall tree for each 25 linear feet. [Ord. 2007-013]

3) **Screening**
   Screening consisting of a hedge, berm, or fence which will present a visual screen at least six feet in height within one year of installation shall be provided around the perimeter of the site. [Ord. 2007-013]

**d. Package Treatment Facility**

Package water or wastewater treatment facilities shall comply with the following additional standards:

1) **USA**
   If a package treatment facility is proposed to be developed in the designated Urban Service Area (USA) confirmation shall be provided from the appropriate utility that central water or
wastewater service is not available at the time the application for development permit is submitted and that service is projected to be unavailable within four years of that date.

2) LSA
   If a package treatment facility is proposed to be developed in the Limited Service Area (LSA), confirmation shall be provided from the PBCHD that use of a package treatment plant is necessary to protect water quality. The PBCHD shall certify that the uses proposed can be adequately served with a package treatment plant.

3) RSA
   If a package treatment facility is proposed to be developed in the Rural Service Area (RSA), there shall be demonstrated evidence that it is to be used to provide potable water or wastewater service to bona fide agricultural uses, public recreational uses, public educational uses, or other uses when found to be consistent with the Plan by the Planning Director and upon approval of the Director of the PBCHD. The PBHD may impose conditions or restrictions necessary to protect public health and prevent the creation of a nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in Chapter 17-602, F.A.C., the BCC, may require a higher level of operator coverage.

e. Effect on Previously Approved Facilities
   Water and wastewater treatment facilities approved prior to the effective date of this Code shall be considered conforming uses. Expansion 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 lower than those listed in this Section of the Code provided the expansion or redevelopment is reviewed and approved by the DRO and odor control is provided if applicable. [Ord. 2007-013]

f. Dewatered Domestic Wastewater Residual Land Application
   Class A or B Dewatered Domestic Wastewater Residuals (DDWR), as defined by Chapter 17-640, F.A.C., may be applied to land in bona fide agricultural operation in the AP, AGR and AR districts. Class AA DDWR, as defined by Chapter 17-640, F.A.C., has unlimited distribution pursuant to Chapter 17-640, F.A.C. Nothing herein shall preclude disposal of DDWR at a landfill or at a wastewater treatment facility in compliance with applicable Federal, State and local regulations nor effect any DDWR operation approved prior to the effective date of this Code.

1) AP and AGR Districts
   A Class A or B DDWR shall be permitted on the site of a bona fide agricultural operation as a matter of right in the AP and AGR districts in compliance with FDEP standards in Chapter 17-640, F.A.C., as verified by the PBCHD. Following verification, the PBCHD shall be notified of the proposed first date of the land application no fewer than thirty days prior to land application.

2) AR District
   Land application for a Class A or B DDWR shall be permitted in the AR district on the site of a bona fide agricultural operation following approval by the DRO. An applicant shall demonstrate compliance with FDEP standards except that the required separation from buildings and other property lines shall be as specified below. In the case of several adjacent properties which apply for a DDWR the properties may be combined for the purpose of measuring the required separation and the separation may be measured from the boundary of the most exterior property.

   a) External Separation
      There shall be a minimum separation of 500 feet from any off-site structure occupied on a daily or frequent basis by people. This distance shall be measured from the perimeter of the DDWR application area outward toward the structure.

   b) Internal Separation
      Internal to the site, there shall be a minimum 200 foot separation from the perimeter of the DDWR application area to the property line of the parcel.

   c) Setbacks
      These setbacks may be reduced or increased by the Director of the PBCHD.

g. Barbed Wire
   Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials. [Ord. 2011-001]

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

a. **Flex Space**
   This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

141.1 Work/Live Space
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. [Ord. 2004-040] [Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-005]

a. **Non-residential Designation**
   Both residential and non-residential square footage shall be counted towards the maximum FAR allowed for the district. [Ord. 2010-005]

b. **Floor Area**
   Shall not exceed 1,000 square feet of living area. [Ord. 2004-040]

c. **Office Space**
   A minimum of ten percent of the living area shall be designated as office space. [Ord. 2004-040]

d. **WCRAO**
   Shall be permitted in accordance with Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2007-013]

141.2 Live/Work
Live/Work – a mixed use consisting of one residential dwelling unit collocated with any permitted non-residential use pursuant to the applicable zoning district, where permitted by the Florida Building Code. [Ord. 2010-005]

a. **Mixed Use Designation**
   The residential unit shall be counted as density with no limit on maximum square footage, and the non-residential use shall be counted as building square footage. Both shall comply with the allowable density and FAR permitted in the Zoning district. [Ord. 2010-005]

b. **Final Site Plan**
   To ensure compliance with parking, concurrency and building code requirements, among others, the square footage for both the residential unit and the non-residential use shall be clearly indicated on the Final Site Plan for each live/work unit. [Ord. 2010-005]

c. **Residential Limitations**
   Non-residential uses or other similar activities other than home office shall be prohibited within the residential unit portion. [Ord. 2010-005]

142. Zero Lot Line Home
The use of a lot for one detached dwelling unit with at least one wall, but not more than two walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building. Subject to additional standards in Article 3, OVERLAYS & ZONING DISTRICTS.

a. **RS Zoning District with MR5 FLU Designation**
   A ZLL development in the RS zoning district with a MR5 FLU designation shall require a Class A conditional use approval. [Ord. 2005 – 002]

143. Zoo
Means a place where animals are kept in captivity for the public to view or for educational or animal rehabilitative purposes.

a. **AR District**
   A zoo shall be located on a minimum of ten acres and shall provide a 500 foot buffer adjacent to existing residential uses, districts or FLU designated property.

b. **Accessory Uses**
   A veterinary clinic, gift shop, and food service may be permitted as accessory uses to a zoo.

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

d. **Barbed Wire**
   Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials. [Ord. 2011-001]
CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Commercial communication tower use shall comply with the following supplementary use standards. If this Section prohibits a government-owned tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria of this Section may be waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the modification.

Section 1 States of Emergency

The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency. [Ord. 2006-004] [Ord. 2012-027]

Section 2 Definitions

See Art. 1.I, DEFINITIONS AND ACRONYMS

Section 3 Siting Requirements

A. Stealth Towers
   1. Permitted Districts
      Stealth facilities may be permitted and shall be reviewed as provided in Table 4.C.3.I, Residential District, Tower Location and Type of Review, and Table 4.C.3.1 Non-Residential Districts, Tower Location, and Type of Review, and as provided herein.
   2. Separation and Setbacks
      Separation or setbacks for stealth facilities shall be established as provided in Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.3.I, Minimum Separation and Setbacks for Towers located in Non-Residential Zoning Districts.
   3. Criteria
      Stealth structures shall comply with the following criteria:
      a. The structure shall be compatible with the architectural style of the existing buildings/structures on site and with the character of the surrounding area. A determination of architectural compatibility shall include, but not be limited to, color, type of building material, and architectural style;
      b. The structure shall be consistent with the character of existing uses on site;
      c. Communications equipment or devices shall not be readily identifiable;
      d. The structure shall be related to and integrated into the existing natural and/or man-made environment to the greatest extent possible; and
      e. The maximum height of the structure shall not exceed 200 feet.
   4. Stealth Towers in Certain Residential Zoning Districts
      Subject to the limitations provided in this subsection, stealth towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, recreation, public or private civic pods only. [Ord. 2014-001]
      a. Approval
         Stealth towers shall be permitted and reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review.
      b. Separation and Setback from Existing Residential Structures
         The minimum separation from any existing residential structure shall be 150 percent in tower height. In addition, the tower shall be setback a distance of at least 100 percent of tower height from any property line adjacent to an existing residential use.
      c. Setback from Vacant Residential Property
         The minimum setback from any adjacent vacant residential property shall be at least 100 percent of tower height from any such property line.
      d. Setbacks from Nonresidential Zoning Districts of Public R-O-W
         The minimum setback from any adjacent nonresidential zoning district or public streets shall be the greater of the required district setback or 20 percent of tower height.
      e. Associated Uses
         The stealth towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility,
excluding electrical transmission line streets as provided herein; government services; park, passive; park, public; golf course and associated facilities; school, elementary or secondary; solid waste transfer station; utility minor; or water or wastewater treatment plant; commercial, office or industrial development. Stealth towers in the form of flagpoles shall be exempt from Article 8.G.3.C, Flags and Freestanding Flagpoles. [Ord. 2014-001]

5. **Type II Waivers from Required Dimensional Criteria**
   A Type II Waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Article 4.C.3.K, Type II Waiver from Required Dimensional Criteria. [Ord. 2012-027]

6. **Mandatory Collocation**
   A stealth tower shall be required to accommodate a minimum of two providers. However, an applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures of this Section indicate no other service provider wishes to collocate on the structure.

7. **Public Parks Five Acres or Greater**
   The minimum separation between any existing residential structure, and stealth towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent nonresidential zoning district or public R-OW.

B. **Camouflage Towers**

1. **Permitted Districts**
   Camouflage towers shall be permitted and reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential Districts, Tower Location and Type of Review and as provided herein.

2. **Separation and Setback**
   Separation and setbacks for camouflage facilities shall be established as provided in Table 4.C.3.I, Distances for Towers Located in and adjacent to Residential Districts Separations and Setback and Table 4.C.3.I, Minimum Separation and Setbacks for Towers located in Non-Residential Zoning Districts.

3. **Criteria**
   Camouflage towers shall comply with the following criteria;
   a. The structure shall have an additional function other than antenna support.
   b. The maximum height of the structure shall not exceed:
      1) 100 feet for a single provider;
      2) 125 feet for a minimum of two providers; or
      3) 150 feet for a minimum of three providers.
      Prior to the issuance of a building permit for a structure with two or more providers, the applicant shall provide proof of collocation in a form acceptable to the County Attorney and Zoning Director.

4. **Camouflage Towers in Certain Residential Zoning Districts**
   Subject to the limitations provided in this subsection, camouflage towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, recreation, public or private civic pods only. [Ord. 2014-001]
   a. **Approval**
      Stealth towers shall be permitted and reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review.
   b. **Separation and Setback from Existing Residential Structures**
      The minimum separation from any existing residential structure shall be 150 percent of tower height. In addition, the tower shall be setback a distance of at least 100 percent of tower height from any property line adjacent to an existing residential use.
   c. **Setback from Vacant Residential Property**
      The minimum setback from any adjacent vacant residential property shall be at least 100 percent of tower height from any such property line.
   d. **Setbacks from Nonresidential Zoning Districts of Public R-O-W**
      The minimum setback from any adjacent nonresidential zoning district or public streets shall be the greater of the required district setback or 20 percent of tower height.
   e. **Associated Uses**
The camouflage towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility, excluding electrical transmission line streets as provided herein; government services; park, passive; park, public; golf course and associated facilities; school, elementary or secondary; solid waste transfer station; utility, minor; or water or wastewater treatment plant; commercial, office or industrial development. [Ord. 2014-001]

5. Type II Waivers
A Type II Waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Article 4.C.3.K, Type II Waiver from Required Dimensional Criteria. [Ord. 2012-027]

6. Additional Submission Requirements
Applications for approval to install a camouflage tower shall include the following information:
   a. A colorized illustration or representation of the proposed tower.
   b. The height, diameter, and coloration of the proposed facility.
   c. A statement of compatibility to indicate the nature and character of the surrounding area, and how the proposed facility will be consistent with the overall characteristics of the area.

7. Public Parks Five Acres or Greater
The minimum separation between any existing residential structure, and camouflage towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-O-W.

C. Electrical Transmission Line Streets
Communication towers, antennas, and related facilities may be located in such streets as provided herein.

1. Transmission Poles
Antennas attached to existing electrical transmission poles shall not be required to obtain building permits. Building permits are required for accessory structures, such as equipment cabinets, constructed to support such antennas or panels. Height increases to transmission poles to allow antenna attachment shall be subject to the provisions of this Section

2. Combined Transmission/Communication Structures
Combined transmission/communication structures may be installed in an electrical transmission streets as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review, and subject to the following requirements.
   a. Structures installed in transmission line streets with a residential Plan and Zoning designation shall:
      1) be located in streets a minimum of 250 feet in width;
      2) be limited to combination structures which are similar to monopole towers;
      3) not exceed 100 feet in height, however the height may be increased to a maximum of 125 feet if an additional provider is accommodated, and proof of collocation is provided in a form acceptable to the County Attorney and the Zoning Director;
      4) be setback a minimum 150 feet from any property line possessing a residential designation;
      5) be located within a PUD unless approved by the BCC as a Class A conditional use; and
      6) require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review.
   b. Transmission lines streets in areas with a nonresidential Plan and Zoning designation shall:
      1) be located in streets a minimum of 250 feet in width;
      2) be limited to combination structures which are similar to monopole towers or self support towers; not exceed 300 feet in height;
      3) be setback a minimum of 200 feet from any property line possessing a nonresidential designation; and
      4) be setback a minimum of 100 feet from any property line possessing a nonresidential designation; and
      5) require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review.

New Combined Transmission Communication Structures shall be subject to the as provided in Table 4.C.4.D, Separations/Distances Between Towers.
D. Florida Department of Transportation (FDOT) Streets

Within the streets for I-95 and the Florida Turnpike owned or controlled by the FDOT, towers, antennas, or panels may be installed as follows.

1. Installation of Antennas and Panels

Antennas and panels may be attached to existing communication towers, light standards, or other structures or facilities subject only to building permit review.

2. Construction of New Towers

New towers constructed within streets shall comply with the following requirements;

a. Towers installed in those portions of streets immediately adjacent to any property possessing a residential designation shall:
   1) be located in a street at least 250 feet in width;
   2) be only a monopole or lattice tower;
   3) not exceed 150 feet in height;
   4) be setback a minimum of 150 feet from the nearest property line; and
   5) require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review.

b. Towers installed in those portions of streets immediately adjacent to any property possessing a nonresidential designation shall:
   1) be located in a street at least 200 feet in width;
   2) be only a monopole or lattice tower;
   3) not exceed 200 feet in height;
   4) be setback a minimum of 75 feet from the nearest nonresidential property line and 50 feet from any residential property line; and
   5) require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review.

3. Separation of New Towers

New towers shall be subject to the separation distances as provided in Table 4.C.4.D, Separation/Distances Between Towers, of this Section.

E. Monopole Towers

1. Permitted Districts

Monopole towers may be permitted and shall be reviewed as provided in Table 4.C.3.I, Residential Districts Tower Location, and Type of Review, and Table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review.

2. Separations and Setbacks

Monopole towers shall provide the separations and setbacks as established in Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.3.I, Minimum Separation and Setbacks for Towers located in Non-Residential Zoning Districts.

3. Increase in Height

The height of a monopole tower may be increased as provided herein.

a. Percentage of Increase

The height of a proposed monopole tower may be increased by 20 percent, one time only, without regard to required separation or setback requirements, for all applications which provide proof of the collocation of an additional personal wireless service provider. Additional increases are subject to setbacks and separations of this Code.

b. Proof of Collocation

Proof of collocation shall be provided in a form acceptable to the County Attorney and the Zoning Director. Proof of collocation shall include an executed contract or lease providing for use of the facility for a period of at least ten years.

F. Self Support/Lattice Towers

1. Permitted Districts

Self-support or lattice towers may be permitted and shall be reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review and Table 4.C.3.I, and Type of Review. Non-Residential District Tower Location.

2. Separations and Setbacks

Lattice towers shall provide the separations and setbacks as established in Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.3.I, Minimum Separation and Setbacks for Towers located in Non-Residential Zoning Districts.
G. Guyed Towers
   1. Permitted Districts
      Guyed towers may be permitted and shall be reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review.
   2. Separations and Setbacks
      Guyed towers shall provide the separations and setbacks as established in Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.3.I, Minimum Separation and Setbacks for Towers located in Non-Residential Zoning Districts.
   3. Setbacks
      Breakpoint calculations may be provided to demonstrate a tower will collapse within the minimum required district setbacks. Breakpoint calculations shall be certified by a professional engineer, licensed in the State of Florida.
   4. Anchors
      Peripheral supports and guy anchors may be located within required setbacks provided they shall be located entirely within the boundaries of the property on which the communication tower is located. Peripheral supports and guy anchors shall be located at least ten feet from all property lines.

H. Compatibility
   To assist in ensuring compatibility between a proposed communication tower and surrounding land uses, the information listed below shall be included with all applications for development approval, development order amendments, etc.
   1. Site and Tower Location
      The proposed site of a tower and the proposed location of the tower within that site, indicated on an official PBC zoning quad sheet.
   2. Aerial Photography
      The proposed location of a tower, indicated on an aerial map possessing a scale of not more than one inch equals 300 feet (1" = 300'). The aerial photograph shall indicate all adjacent land uses within a radius of 2,000 feet from the site of the proposed tower.
   3. Visual Impact Analysis
   4. Buffering
      Buffering and landscaping as required by this Section.

I. Tower Appearance
   The style, height, and overall appearance of any tower or communications facility constructed pursuant to this Section shall be consistent with plans and elevations submitted as part of an application for development approval. The DRO shall have the authority to approve additions or minor modifications, which do not materially modify the appearance of a tower as approved by the ZC or BCC. Modification which cannot be approved by the DRO shall be subject to a development order amendment as provided in this Code.

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Table 4.C.3.I - Residential District Tower Location and Type of Review

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Notes:

D = Development Review Officer (No Public Hearing)
DE = Expedited Review
BP = Building Permit Review (No Public Hearing)
B = Conditional use Review by ZC (1 Public Hearing)
A = Conditional use Review by BCC (2 Public Hearings)
(1) = Public or Private Civic, and Commercial pods; or, a Recreational Pod only when located on a Golf Course.
(2) = I-95 and Florida Turnpike streets at least 250 feet in width.
(3) = Electrical transmission streets at least 250 feet in width.
* = Not permitted in zoning district, unless otherwise allowed in association with non-residential uses as provided in this Section.

[Ord. 2014-001]
### Table 4.C.3.I - Non-Residential Districts, Tower Location, and Type of Review

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**Notes:**
- D = Development Review Officer (No Public Hearing)
- BP = Building Permit Review (No Public Hearing)
- B = Conditional use Review by ZC (1 Public Hearing)
- A = Conditional use Review by BCC (2 Public Hearings)
- (1) = Permitted in CH of CL FLU Designation over five acres
- (2) = CH and IND FLU Designation
- (3) = Limited to IND FLU Designation
- (4) = I-95 and Florida Turnpike streets at least 250 feet in width
- (5) = Electrical transmission streets at least 250 feet in width
- * = Not permitted in zoning district.
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Table 4.C.3.I - Distances for Towers Located in and Adjacent to Residential Districts
Separation and Setback


Notes:
1. = Permitted in public or private civic, and commercial pods; or a Recreational Pod only when located on a Golf Course. [Ord. 2014-001]
2. = Percent measured as a separation between lower and adjacent residential structures
3. = Measured as a setback from property lines of lower location
4. = Height tower type and setbacks limited as provided in this section
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[Ord. 2005-002]

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### Table 4.C.3.I - Distances for Towers Located in and Adjacent to Residential Districts

#### Separation and Setback - Continued

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### Table 4.C.3.I - Distances for Towers Located in and Adjacent to Residential Districts
#### Separation and Setback - Continued

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**Notes:**
- < = Less than
- (1) = Limited to public civic site locations
- (2) = Percent measured as a separation between tower and adjacent residential structures
- (3) = Measured as a setback from property line of tower location
- (4) = Height, tower type, and setbacks limited as provided in this section
- % = Separation or setback measured as a percentage of tower height
- > = More than
- NMT = Not more than
- NLT = Not less than
- PL = Property line

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Table 4.C.3.I – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts

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Notes:
(1) Percentage measured as a separation between tower and adjacent residential structures
(2) Measured from property line of tower location.
(3) Limited to Commercial High (CH), Commercial Low (CL), Institutional (INST) and Industrial (IND) FLU Designations
(4) Limited to Commercial High (CH) Designation
% Separation or setback as a percentage of tower height

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J. Exemptions for Existing Television Broadcast Towers
Guyed towers existing as of December 31, 1997 with a principal use as a television broadcasting tower shall be exempt from the provisions of this Section as provided below.

1. Separation and Setback Distances
Television towers as provided herein shall be exempt from the separation and setback distances of Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.3.I, Minimum Separation and Setbacks for Towers located in Non-Residential Zoning Districts.

2. Distance Between Towers
Television towers as provided herein shall be exempt from the distance between tower requirements of Table 4.C.4.D, Separations/Distances Between Towers, of this Subsection.

3. Visual Impact Analysis
Existing or replacement television towers as provided herein shall be exempt from the visual impact analysis requirements of Article 4.C.4.P, Visual Impact Analysis Standards.

4. Replacement or Reconstruction of Existing Towers
Television towers exempted by the operation of this subsection may be replaced or reconstructed on the same parcel as provided below.

a. Approval
Television towers to be replaced or reconstructed shall be reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review or Table 4.C.3.I, Non-Residential Districts Tower Location and Type of Review.

b. Tower Height
The height of a replacement for or reconstruction of an existing tower may be increased subject to approval as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review or Table 4.C.3.I, Non-Residential Districts Tower Location and Type of Review.

c. Required Setbacks from Property Lines
Setbacks from property lines shall be provided as indicated below.

1) Structures of Equal or Lesser Height
Television towers to be replaced or reconstructed with a structure of equal or lesser height shall provide a setback substantially the same as the existing setbacks, taking into account the continued location of the tower being replaced during construction.

2) Structures of Greater Height
Television towers to be replaced or reconstructed with a structure of greater height shall provide a minimum setback of 110 percent of tower height from any adjacent street and a minimum setback of 100 percent of tower height from all adjacent property lines.

3) Breakpoint Calculations
All setbacks shall be substantiated by certified breakpoint calculations. The breakpoint calculations shall demonstrate that should tower failure occur, the entire height of the tower shall fall within with property lines of the tower site.

4) Nonconformity Not Created
Replacement or reconstruction of a television broadcast tower shall not result in creation of a nonconforming structure or nonconforming use. The television broadcast tower resulting from the replacement or reconstruction as provided herein shall be deemed a conforming structure and use.

K. Type II Waiver from Required Dimensional Criteria
A Type II Waiver from the separation, setback, distance between towers, height, and similar dimensional criteria applicable to communication towers may be allowed as provided in this Section. [Ord. 2012-027]

1. Towers approved as a Class A or Class B Conditional Use
The dimensional criteria required by this Section may be reduced by the BCC for Class A conditional uses and Class B conditional uses subject to the criteria contained herein.

2. Towers Approved on an Administrative Basis
The dimensional criteria required by this Section may be reduced by the BCC for towers subject to review by the DRO or the building permit process subject to the criteria contained herein.

3. Requests for a Type II Waiver
When considering a request to allow a Type II 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. [Ord. 2012-027]

4. Criteria for Granting a Type II Waiver
The following criteria shall be utilized by the BCC when considering requests for waivers. Each request for a waiver must be consistent with the following criteria listed below: Art. 4.C.3.K.4.a - 4.C.3.K.4.h. In addition, each request for a Type II Waiver must be consistent with one or more of the following criteria: Art. 4.C.3.K.4.i - Art. 4.C.3.K.4.r. [Ord. 2012-027]

a. Protection of Public Welfare
The Waiver, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare. [Ord. 2012-027]

b. Economics
The Waiver is not granted based solely upon or in large measure due to costs associated with complying with all requirements of this Section. [Ord. 2012-027]

c. Incompatibility Not Created
The Waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses. [Ord. 2012-027]

d. Exhaustion of Other Remedies
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted. Alternatives to a Waiver shall include but not be limited to such techniques as collocation, use of stealth or camouflage structures, and use of building mounted equipment and facilities. [Ord. 2012-027]

e. Minimum Waiver
Grant of the Waiver is the minimum Waiver that will make possible the reasonable use of the parcel of land, building, or structure. [Ord. 2012-027]

f. Consistent with the Plan
Grant of the Waiver will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code. [Ord. 2012-027]

g. Not Detrimental
The grant of the Waiver will not be injurious to the area involved or otherwise detrimental to the public welfare. [Ord. 2012-027]

h. Prohibition of Service
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted. [Ord. 2012-027]

i. FAA Limitations
The Waiver is required to comply with locational standards established by the FAA. [Ord. 2012-027]

j. Lack of Technical Capacity
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service. [Ord. 2012-027]

k. Height of Existing Structures
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service. [Ord. 2012-027]

l. Lack of Structural Capacity
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area. [Ord. 2012-027]

m. Interference
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature of other communications equipment or signals, or other technical problems that would result in interference between providers. [Ord. 2012-027]
n. **Unreasonable Costs**
   The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as the fees, costs or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable. [Ord. 2012-027]

o. **More Appropriate Site**
   The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large scale non-residential area. [Ord. 2012-027]

p. **Avoid Certain Locations**
   The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following: [Ord. 2012-027]
   1) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
   2) officially designated vegetation and wildlife preserves;
   3) habitats of threatened/endangered species, historical sites;
   4) Indian religious sites;
   5) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
   6) night use of high intensity lights in residential areas;
   7) environmentally sensitive lands acquired or leased by PBC; or
   8) linked open space corridors as set forth in the Plan.

q. **Reduce Residential Impact**
   The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses. [Ord. 2012-027]

r. **Effect of Governmental Regulation or Restrictive Covenant**
   The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of a tower. [Ord. 2012-027]

5. **Simultaneous Consideration**
   A request for a Type II 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. [Ord. 2012-027]

**Section 4 Standards**

A. **Additional Uses Permitted on Lot**
   Communication towers may be permitted on a lot with another principal use as provided herein.
   1. **Lease Parcel**
      Communication towers may be located on lots containing another principal use, including another communication tower. Separation between communication towers and other uses on the lot may be required to ensure compatibility. Towers may occupy a leased parcel on a lot that meets the minimum lot size requirement of the district in which it is located. PBC may require execution of a unity of title, or other documentation as determined appropriate by the County Attorney, for lease parcels that do not meet the minimum lot size requirement for the district in which they are located.
   2. **Accessory Structures**
      Any structure accessory to communication towers, other than peripheral supports and guy anchors, shall conform to the setback requirements for the district in which it is located.

B. **Measurement of Height**
   All antennas, panels, and other attachments shall be included in the height measurement of the tower structure, and shall not extend beyond its maximum permitted height. Lightning rods and whip antennas, less than six inches in diameter, shall be excluded from this requirement.
C. Separation and Setback from Residential Uses
   1. Measurement of Separations and Setbacks
      a. Existing Residential Use
         Separations from existing residential structures shall be measured from the wall of the closest
         principal residential structure to the base of the tower (See Figure 4.C.4.C, Measurement of
         Separation).
      b. Vacant Residential Parcel
         Setbacks from vacant residential parcels shall be measured from adjacent property lines to the
         base of the tower (See Figure 4.C.4.C, Measurement of Setback).

      ![Figure 4.C.4.C - Measurement of Separation](image1)

      ![Figure 4.C.4.C - Measurement of Setback](image2)

      (This space intentionally left blank)
D. Distances/Separation Between Towers

Towers shall be subject to the following minimum distances between towers:

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>AGR, AR less than 10 acres, PC</th>
<th>CC, CHO, CLO, CN, RE, RM, RS, RT</th>
<th>CG, CRE, MUPD</th>
<th>AP, IG, IL, PIPD parcels less than 10 acres</th>
<th>AP, AR, IG, IL, PIPD parcels 10 or more acres</th>
<th>PO</th>
<th>Public Civic Sites</th>
<th>IPF</th>
<th>FPL Trans. R-O-Ws and FDOT R-O-Ws</th>
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</thead>
<tbody>
<tr>
<td>Stealth</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
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<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>60° or less in height</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>&gt;60° and 100° or less in height</td>
<td>500 feet</td>
<td>660 feet</td>
<td>500 feet</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>300 feet</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>&gt;100° and 150° or less in height</td>
<td>660 feet</td>
<td>660 feet</td>
<td>660 feet</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>600 feet</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>&gt;150° and 200° or less in height</td>
<td>1,320 feet</td>
<td>1,320 feet</td>
<td>1,320 feet</td>
<td>1,320 feet</td>
<td>660 feet</td>
<td>660 feet</td>
<td>660 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt;200° and 250° or less in height</td>
<td>2,640 feet</td>
<td>2,640 feet</td>
<td>2,640 feet</td>
<td>2,640 feet</td>
<td>1,320 feet</td>
<td>1,320 feet</td>
<td>1,320 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt;250° in height</td>
<td>3,960 feet</td>
<td>5,280 feet</td>
<td>5,280 feet</td>
<td>2,640 feet</td>
<td>1,320 feet</td>
<td>2,640 feet</td>
<td>2,640 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self Support/ Lattice</td>
<td>5,280 feet</td>
<td>Not permitted</td>
<td>5,280 feet</td>
<td>1,320 feet</td>
<td>0</td>
<td>0</td>
<td>5,280 feet</td>
<td>5,280 feet</td>
<td></td>
</tr>
<tr>
<td>Guyed</td>
<td>5,280 feet</td>
<td>Not permitted</td>
<td>5,280 feet</td>
<td>2,640 feet</td>
<td>0</td>
<td>0</td>
<td>5,280 feet</td>
<td>5,280 feet</td>
<td></td>
</tr>
</tbody>
</table>

(This space intentionally left blank)
1. **Type II Waiver**
   A Type II Waiver to reduce the distance between towers may be granted subject to the requirements of Article 4.C.3.K, Type II Waiver from Required Dimensional Criteria. [Ord. 2012-027]

2. **Measurement**
   The distance between an existing and a proposed tower shall be measured at grade in a direct lineal fashion between the closest points of the base of the existing and the base of proposed towers (see Figure 4.C.4.D).

![Figure 4.C.4.D - Distance Between Existing and Proposed Towers](image)

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Separations between towers located in different zoning districts shall be measured as follows:

a. **Residential and Residential**
The greater of the distance between towers requirements shall apply between residentially zoned parcels.

b. **Residential and Non-Residential**
The greater of the distance between towers requirements shall apply between residentially and non-residentially zoned parcels.

c. **Non-Residential and Non-Residential**
The lesser of the distance between towers requirements shall apply between non-residentially zoned parcels.

d. **Certification of Distance**
The distance between towers shall be certified by a professional engineer or a professional land surveyor, each of whom shall be licensed by the State of Florida.

**E. Perimeter Buffering**

1. **Fence/Wall**
   
   A fence or wall, a minimum of eight feet in height measured from finished grade, shall be constructed around the base of each communication tower and accessory equipment structure, and around each guy anchor. Access to the communication tower shall be through a locked gate. Barbed wire along the top of the fence or wall may be used in any zoning district to preclude unauthorized tower access.

2. **Landscaping**
   
   The landscape and buffer standards provided below shall be required around the perimeter of the tower, accessory structures, and guy anchors, unless waived as provided herein. These standards shall be waived by the Zoning Director, unless otherwise required by the BCC or ZC when the proposed landscaping would not be visible from adjacent lots or streets. Landscaping shall be installed along the exterior side of the required fence, unless the Zoning Director determines that the viability, survivability, or utility of the plant material is enhanced when located along the interior side of the fence or wall.

   a. **Leased Parcels**
      
      Landscaping shall be maintained pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS. The applicant shall execute a perpetual maintenance agreement with the property owner to ensure the maintenance of the landscape buffer if the buffer is installed outside of the leased parcel footprint.

   b. **Adjacent to Residential Uses or Districts**
      
      1) **Towers Less than 50 feet from Existing Residential**
         A Type 3 landscape buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS.

      2) **Towers More than 50 feet from Existing Residential**
         A Type 1 landscape buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS.

   c. **Adjacent to Non-Residential Uses or Districts**
      
      Towers shall comply with the standards for landscape buffers between compatible uses of Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS.

3. **Accessory Equipment and Structures**
   
   All accessory equipment and structures shall be located within the required perimeter buffering.

**F. High Voltage Signs**

If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in the tower, warning signs shall be permanently attached to the exterior side of the perimeter fence and located every 20 feet. The signs shall display in bold letters at least eight inches high the following: "HIGH VOLTAGE-DANGER".

**G. Tower Removal**

1. **Form of Agreement**
   
   All obsolete or abandoned communication towers shall be removed within three months following cessation of use. Prior to the issuance of a building permit or site plan approval, whichever occurs first, the property owners or tower operators shall submit an executed removal agreement to ensure compliance with this requirement. The removal agreement shall be in a form acceptable to the County Attorney.
2. **Surety for Removal**  
Prior to the issuance of a building permit, surety shall be submitted by the property owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the Executive Director of PZB and the County Attorney. The required surety shall be irrevocable, unless released by the BCC. The surety shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:
   a. submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
   b. a surety equivalent to 50 percent of the estimated cost to remove and dispose of the tower;
   c. an agreement to pool multiple sureties of the tower owner or property owner required by this Section to allow pooled surety to be used to remove abandoned towers; and,
   d. an agreement by the tower owner or property owner to replenish surety pool upon utilization of surety by PBC.

3. **Alternative Surety for Removal**  
The Zoning Director, subject to review by the County Attorney, may accept documentation from a tower owner that adequate resources or irrevocable contractual obligations are available to remove obsolete or abandoned communication towers.

4. **Form of Surety**  
Surety shall be provided in a form consistent with the requirements of Art. 11.B.4.A.6.c, Performance or Surety Bond. [Ord. 2005 – 002]

5. **Surety Required**  
Surety required pursuant to this Section shall be provided only for towers constructed after the effective date of this Code.

H. **Building Permits**  
In addition to the review processes required in this Section, a building permit shall be required for all towers, support and accessory structures, and antenna attachments, except as otherwise provided by State of Florida or local law.

I. **Parking**  
Communication towers shall be exempt from the parking requirements of Article 6, PARKING, unless otherwise required by the Zoning Director.

J. **Signs and Advertising**  
The placement on a monopole, self-support, or guyed tower, of any signs, flags or appurtenances for advertising purposes, including company name, shall be prohibited. Signs or advertising may be permitted when in conjunction with a stealth tower when that structure is an integral element of a principal building or structure.

K. **Identification Tags**  
Identification tags or signs shall be posted on all communication towers and facilities in accordance with FCC and OSHA requirements. The tags shall include the FCC tower registration number, or television or radio call numbers; the latitude and longitude of the tower; and, the name, address, and telephone number of the tower owner. The identification tags shall be visible from the perimeter fence, and shall be constructed of durable materials. The Zoning Director shall prescribe the size of the sign and the materials to be used.

L. **Location of Existing Towers**  
At the time of any tower application submittal to the appropriate reviewing body, the applicant shall comply with the following:
   1. Provide or update previously submitted data indicating the location of their towers; latitude and longitude; tower height; and tower type.
   2. Submit an alternative structure map with a minimum one mile radius around the proposed site. The alternative structure map shall include the location of all existing towers located within the one mile radius. An alternative structure map shall not be required for television towers. [Ord. 2006-004]
M. Propagation Study
At the time of application submittal for a new commercial communications tower, 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. [Ord. 2006-004]

1. Required Information
   Propagation studies shall include the following information:
   a. the location of other sites considered, including potential options for collocation and alternative sites or properties;
   b. desired signal strength in the area to be served; and [Ord. 2006-004]
   c. current and predicted RF coverage following installation and use of the new tower facility. [Ord. 2006-004]

N. Violation of Standards
The property owners, as well as the tower owners, shall be responsible for violations of applicable standards.

O. Generators
All permanently installed generators used on site shall use propane fuel. However, generators 125 kilowatts or greater may utilize diesel fuel.

P. Visual Impact Analysis Standards
The requirements of this subsection shall be required for any application to construct a monopole tower greater than 150 feet in height or any guyed or self-support/lattice tower greater than 150 feet in height. The applicant shall be advised of the requirement to submit a visual impact analysis by the Zoning Director within ten working days following the application submittal deadline date.

1. Visual Analysis
   To assess the compatibility with and impact of a proposed tower site on adjacent properties, an applicant seeking to construct a tower subject to the requirements of this Section may be required to submit a visual impact analysis. The applicant may request review of a proposed tower location, prior to application submittal to the appropriate zoning process, to determine whether or not a visual impact analysis will be required. A visual impact analysis may be required under the circumstances listed below.
   a. Existing residential uses are located along 50 percent or more of the entire perimeter of the proposed tower site.
   b. When the proposed site is located adjacent to:
      1) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
      2) officially designated vegetation and wildlife preserves;
      3) habitats of threatened/endangered species;
      4) historical sites;
      5) Indian religious sites;
      6) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
      7) residential areas when night use of high intensity lights is required;
      8) environmentally sensitive lands acquired or leased by PBC; or
      9) linked open space corridors as set forth in the Plan.
   c. The proposed site does not meet the distance between towers requirements of this Section. The applicant may utilize digital imaging technology to prepare the analysis, in a manner acceptable to the Zoning Director. For non-digital methods, the visual impact analysis shall, at minimum, provide the information listed below.
      1) The location of the proposed communication tower illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1"=300’). All adjacent zoning districts within a 3,000 foot radius from all property lines of the proposed communication tower site shall be indicated.
      2) A line of site analysis, which shall include the following information:
         a) identification of all significant existing natural and manmade features adjacent to the proposed tower site and identification of features which may provide buffering and screening for adjacent properties and public streets;
         b) identification of at least three specific points within a 2,000 foot radius of the proposed tower location, subject to approval by the Zoning Director, for conducting the visual impact analysis;
c) certification by the professional that the proposed communication tower meets or exceeds the standards contained in this subsection of this Code;
d) copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
e) graphic illustration of the visual impact of the proposed communication tower, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points;
f) identification of all screening and buffering materials under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis);
g) identification of all screening and buffering materials that are not under the permanent control of the applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, etc.;
h) screening and buffering materials considered in the visual impact analysis shall not be removed by future development on the site;
i) screening and buffering materials considered in the visual impact analysis shall be replaced if they die;
j) prohibited plant species, pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, shall not be considered in the visual impact analysis; and
k) any additional information that may be required by the Zoning Director to fully review and evaluate the potential impact of the proposed communication tower.

d. In addition to all other applicable standards of the Code, the following visual impact standards may be applied when a visual impact analysis is required for any application to construct a tower.
1) At least 25 percent of the tower is screened from all streets other than expressways, or arterials and planned collector streets with five lanes or more.
2) at least three specific points from adjacent streets, shall be identified, subject to approval by the Zoning Director, for conducting the visual impact analysis.
3) The results of the line of site analysis performed as part of the visual impact analysis.
4) The distance a proposed communication tower, including anchors for guy wires, and guy wires are proposed to be setback from surrounding properties such that its height, bulk and scale is compatible with surrounding residential and nonresidential uses.
5) At least 25 percent of the tower is screened from view from a majority of the points selected by the Zoning Director for the visual impact analysis.
6) The degree or amount of buffering or screening materials permanently included as part of the application.

e. The visual impact analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor registered in the State of Florida. PBC, at the expense of the applicant and at its own discretion, may employ such consultants as are necessary to review and evaluate the visual impact analysis.

Q. Additional Standards and Requirements

1. Aircraft Hazard
   a. Towers shall not be a hazard to air navigation as determined by the FAA.
   b. Prior to the issuance of a building permit for a tower, proof of compliance with applicable requirements of the FAA and Article 16, AIRPORT REGULATIONS; of the Code, shall be provided in a manner acceptable to the Zoning Director.

2. Lighting
   The least intensive nighttime method of illumination acceptable to the FAA shall be utilized. To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All required lighting shall be maintained on an as needed basis by the owner of the tower.

3. Inspections
   All towers shall be inspected in compliance as required by the Building Division. [Ord. 2006-004]

4. Interference
   As provided by the FCC, towers shall not interfere with the normal operation of electrical or mechanical equipment located within surrounding properties.
5. **Windload Standards**  
   All antennas, panels and other tower attachments shall meet the required windload standards pursuant to Building Division review. Documentation indicating compliance with the windload standards shall be certified by a professional engineer, licensed in the State of Florida, and submitted to the Building Division at the time of building permit application.

6. **Airborne Spraying**  
   Towers or guy wires shall not impede the aerial mosquito control activities performed by PBC, as determined by the BCC, for the health, safety, and welfare of its residents.

7. **Accessory Structures**  
   Building permits shall be required for all accessory structures related to an antenna.

8. **Public Utilities**  
   For the purposes of this Section, wireless communications, communication towers, and associated facilities shall not be considered public utilities.

9. **Consultant Services**  
   A qualified telecommunication consultant shall be selected and retained by the Zoning Director, and paid for by an applicant, to review technical documents related to the siting of communication towers and facilities. The consultant may review technical documents, propagation studies and other related documents to determine the following:
   a. need for additional towers;
   b. existence of incompatibilities between providers that may hinder collocation;
   c. necessity of waiver relief to deviate from established dimensional criteria;
   d. compliance with the general requirements of this Section; and
   e. the applicant shall reimburse PBC for the consultant fees prior to the certification of the application for public hearing process or approval of the application by the DRO. [Ord. 2010-022]  

R. **Creation of Nonconforming Use or Structure**  
   Construction of any lawful residential or nonresidential structure within the required separation distance shall not create a nonconforming use or structure when an existing communication tower is established pursuant to the provisions of this Section.

S. **Nonconforming Lots of Record**  
   Towers may be located on nonconforming lots of record provided the structure will comply with all sitting requirements of this Section without a Type II Waiver from any dimensional criteria as provided herein. [Ord. 2012-027]  

**Section 5**  
**Tower Replacement and Height Increases**

A. **Replacement**

1. **Conforming Towers**  
   An existing conforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement tower shall comply with the siting requirements of this Section. [Ord. 2006-004]
   a. The tower shall accommodate a minimum of two providers. [Ord. 2006-004]
   b. The tower shall be of the same or lesser impact than the existing structure pursuant to the defined tower hierarchy. [Ord. 2006-004]
   c. The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
   d. The tower shall be subject to review by the Zoning Division through the DRO, Article 2.D.1, **Development Review Officer**, administrative amendment process. [Ord. 2006-004]
   e. The tower may be structurally modified to allow collocation. [Ord. 2006-004]

2. **Nonconforming Towers**  
   An existing nonconforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement shall comply with the siting requirements of this Section. [Ord. 2006-004]
   a. The tower shall accommodate a minimum of two providers. [Ord. 2006-004]
   b. The tower shall be of equal or less impact than the existing structure pursuant to the defined tower hierarchy. [Ord. 2006-004]
   c. The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
   d. The tower shall be subject to review by the DRO. [Ord. 2006-004]
   e. The tower may be structurally modified to allow collocation. [Ord. 2006-004]
B. Tower Height Increases

1. Conforming and Nonconforming Towers

Unless otherwise provided herein, the height of a conforming or nonconforming tower may be increased on one occasion subject to the requirements of Table 4.C.5.B, Tower Height Increases.

<table>
<thead>
<tr>
<th>Review Process</th>
<th>Conforming Towers</th>
<th>Nonconforming Towers</th>
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<td>Development Review Officer</td>
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<tr>
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<tr>
<td>Development Review Officer</td>
<td>X(2)</td>
<td>X(1)</td>
</tr>
<tr>
<td>Class B Conditional use</td>
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<td>X(3,4)</td>
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</tbody>
</table>

Notes:
1. Increases of 25' or less.
2. Increases greater than 25' and 45' or less.
3. Increases greater than 45' and 65' or less.
4. Increases greater than 65'.

2. Monopoles

The height of an existing monopole may be increased by a maximum of 20 percent to accommodate a second user subject to standard building permit review. An additional increase of up to 20 percent may be approved to accommodate an additional user, subject to standard building permit review. Increases shall be based upon the original approved tower height.

C. Accessory Structures

The size of an accessory structure or structures may be increased to accommodate collocation. The expansion shall be subject to Zoning Division review through the DRO administrative amendment process.

Section 6 Shared Use/Collocation

This Section is designed to foster shared use of communication towers and their accessory support facilities.

A. Collocation

All communication towers, except stealth and camouflage structures, shall be constructed to accommodate a minimum of two providers.

1. Site area

The site or leased footprint shall contain sufficient square footage to accommodate the equipment/mechanical facilities for all proposed providers based upon the structural capacity of the tower.

B. Setbacks

If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collocation of at least one additional service provider, minimum setback requirements may be reduced by a maximum of 15 feet, except from residential property lines.

C. Review Process

1. Collocations on Commercial Communication Towers Including Non-conforming Towers

Collocation of antennas on commercial communication towers that meet the following requirements shall be exempt from all other requirements of this Section of the ULDC and shall only be subject to a Building Permit Review: [Ord. 2006-004]

a. The collocation does not increase the height of the existing tower, as measured to the highest point of any part of the tower or any existing antenna attached to the tower; [Ord. 2006-004]

b. The collocation does not increase the area of the approved ground compound for accessory equipment and structures; [Ord. 2006-004]

c. The collocation shall be consistent with all of the applicable design and aesthetic regulations, or conditions, if any, applied to the first antenna placement onto the tower itself. [Ord. 2006-004]
2. **Collocations on Structure Other Than Commercial Communication Towers**

Collocation of antennas, on a structure other than a commercial communication tower that meets the following requirements shall be subject to final DRO review. Collocation that does not meet the requirement below shall be subject to Article 4.C.7, Communication Panel Antennas, Commercial. [Ord. 2006-004]

a. Does not increase the height of the existing structure, as measured to the highest point of any part of the structure or any existing antenna attached to the structure; [Ord. 2006-004]

b. Does not increase the area of the approved ground compound shall be the accessory equipment and structures; and [Ord. 2006-004]

c. The collocation are of a design and configuration consistent with all of the applicable design and aesthetic regulations, or conditions, if any, applied to the first antenna placement. [Ord. 2006-004]

D. **Review Procedures**

Prior to submittal of an application for approval of a proposed tower for Conditional use, development order amendment, original DRO, or building permit review, all applicants for communication towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one year of the notice mailing date.

1. **List of Tower Users**

   The DRO shall maintain a current Communication Tower Users List, which shall be made available upon request, and shall also be published on the Zoning Web site. [Ord. 2009-040]

2. **Notification**

   All communication tower applicants shall provide notice by certified mail to all users on the Communication Tower Users List. The following information shall be included in the notice: description of the proposed tower; general location; longitude and latitude; general rate structure for leasing space, which shall be based on reasonable local charges; proposed height; a phone number to locate the applicant or agent for the communication tower; and a shared use application form. A copy of the notice shall be mailed to the Communications Division and the Zoning Division. The notices shall invite potential communication tower users to apply for space on the proposed tower. [Ord. 2009-040]

3. **Shared Use Application**

   Potential communication tower users shall respond to the notice within 20 days of receipt of certified mailing. Response shall be submitted utilizing a shared use application form. A completed shared use application form shall be sent to the owner of the proposed communication tower or authorized agent. The tower applicant shall not be responsible for a lack of response or responses received after the 20 day period. The Zoning Division shall provide the shared use application form.

4. **Feasibility**

   The feasibility of each shared use request shall be evaluated by the applicant. The evaluation shall document the feasibility of shared use between the proposed communication tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared use include but are not limited to: structural capacity, RF interference, geographic service area requirements, mechanical or electrical incompatibilities, inability or ability to locate equipment on approved and unbuilt communication towers, cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a 25 year period), FCC limitations that would preclude shared use, and other applicable Code requirements.

5. **Rejection or Dispute**

   If the applicant rejects one or more request(s) for shared use and if potential tower lessees dispute the rejection(s) for shared use, the following procedure shall occur within ten working days after the shared use response deadline.

   a. **Submittal**

      Applicant shall submit two copies of the following to the Zoning Division: a brief evaluation of each rejected response; all design data for the proposed communication tower; and, an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations, paid for by the tower space lessee.

      (This space intentionally left blank)
b. Consultant
The Zoning Division shall forward copies of all applications for shared use and the applicant's evaluation of each rejected request to a qualified communications consultant. The consultant shall be selected by and retained at the discretion of the Zoning Division and paid by applicant who is refusing to allow collocation from an interested service provider.

c. Evaluation
Within ten working days of receiving the shared use responses that were rejected by the applicant and disputed by the potential tower space lessee, the consultant shall review and prepare an evaluation. Two copies of the consultant's evaluations shall be sent to the Zoning Division. One copy of the evaluation shall be made an official part of the communication tower application and one copy of the evaluation shall be forwarded to the applicant by the Zoning Division. The consultant's report shall be advisory, and made part of the staff report, and considered in reviewing the communication tower application.

6. Acceptance with No Dispute
If the applicant did not reject any requests for shared use or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary.

Section 7 Communication Panel Antennas, Commercial
These standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards (collocations). [Ord. 2006-004]

A. Permitted Districts
Communication panels and antennas, excluding whip antennas not exceeding eight feet in height and six inches in diameter, may be permitted and shall be reviewed as follows in Table 4.C.7.A, Panel Antenna Regulations.

<table>
<thead>
<tr>
<th>Zoning District or Use</th>
<th>Single Family Residential</th>
<th>Multi-Family Residential</th>
<th>Non-Residential</th>
<th>IG, IL, PO Districts</th>
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<tbody>
<tr>
<td>Structures 25' or less in height</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
<td>Building Permit Review</td>
</tr>
<tr>
<td>Structures greater than 25' and 45' or less in height</td>
<td>Development Review Officer</td>
<td>Development Review Officer</td>
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<td>Structures greater than 45' in height</td>
<td>Class B Conditional use</td>
<td>Building Permit Review</td>
<td>Building Permit Review</td>
<td>Building Permit Review</td>
</tr>
</tbody>
</table>

1. Applicability and Review Process
A building permit shall be required for the installation of all communication panels and antennas in addition to any other review process.

B. Communication Panel Antennas

1. Architectural Compatibility
Demonstrate architectural compatibility (color and/or texture) with the structure on which it is located.

2. Screening
If the panel is attached to a pole support structure, the pole shall be concealed by an opaque screen.

3. Size Limitations
Each communication panel shall not exceed a maximum height of eight feet; maximum depth of four feet; and maximum width of four feet.

4. Supplemental Application Requirements
In addition to the requirements indicated above, plans depicting cross Sections or elevations of the panel attached to the structure shall be provided at the time of submittal of the application package.

C. Setbacks

1. Accessory Structures
Unmanned roof mounted accessory structures shall meet a minimum 25-foot setback from the edge of the roof or comply with the architectural compatibility standards pursuant to Article 4.C.7.B.1, Architectural Compatibility.
2. Communication Panels and Antennas
   There shall be no minimum setback required for panels or antennas.

D. Whip Antennas
   Whip antennas not exceeding eight feet in height and six inches in diameter shall be permitted in any zoning district. Whip antennas may be attached to residential structures, utility poles, etc. Whip antennas, unless attached to a residential structure, shall be installed at least 50 feet from any existing residential structure.

E. Intergovernmental Activities
   1. Mapping
      PBC shall participate in any countywide mapping program to identify proposed and existing tower sites.
   2. Notification
      a. PBC shall participate in an intergovernmental notification program by continuously providing information regarding tower construction applications to the PBC Intergovernmental Coordination Program Clearinghouse.
b. All jurisdictions within a two-mile radius of a proposed tower site located in unincorporated PBC shall be notified at the time of application submittal.

Section 8 Communication Cell Sites on Wheels (COWs)

COWs shall comply with the following supplementary use standards. COWs means a temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.

A. States of Emergency
The requirements of this Section may be waived in the case of a declared state of emergency, as provided by law.

B. Special Permit
A Special Permit must be obtained from the Zoning Division prior to the placement of the facility.

C. Use limitations
COWs shall be permitted only in association with recognized large-scale special events with a minimum projected daily attendance of 30,000 or greater. The Zoning Director may consider allowing COWs for events with projected attendance of less than 30,000 people. The applicant shall provide documentation that the existing communication facilities cannot accommodate the increase in usage. [Ord. 2011-016]

D. Time Limitations
The Special Permit shall be valid for seven days, including installation and removal.

1. Time Extensions
The Special Permit may be extended up to an additional ten days by the Zoning Director based upon individual circumstances and demonstration of need by the applicant.

E. Fencing
The COW shall be enclosed by a temporary fence a minimum of six feet in height, or other barrier approved by the Zoning Division.

F. Non-Residential Districts
1. COWs Greater than 50 Feet in Height
COWs greater than 50 feet in height located on parcels with non-residential zoning designations shall be subject to the following:
   a. Setback
      The structure shall meet the greater of the setback requirements of the applicable zoning district or a distance equal to 110 percent of its height.
   b. Separation
      The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

2. COWs 50 Feet in Height or Less
COWs 50 feet in height or less, located on parcels with non-residential zoning designations are subject to the following:
   a. Setback
      The structure shall meet the setback requirements of the applicable zoning district, provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).
   b. Separation
      The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.
   c. Other
      COWS not utilizing a commercial power source shall be subject to the setback requirements of Article 4.C.8.F.1, COWs Greater than 50 Feet in Height.

G. Residential Districts
1. COWs Greater than 50 Feet in Height
COWs greater than 50 feet in height located on parcels with residential zoning designations shall be subject to the following:
   a. Setback
      The structure shall meet a setback from the property lines equal to 150 percent of its height.
   b. Separation
      The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.
2. COWs 50 Feet in Height or Less
COWs 50 feet in height or less, located on parcels with residential zoning designations are subject to the following:

a. Setback
   The structure shall meet a setback from the property lines equal to 75 percent of its height; provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).

b. Separation
   The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

c. Other
   COWs not utilizing a commercial power source shall be subject to the setback requirements of Article 4.C.8.G.1, COWs Greater than 50 Feet in Height, above.

H. Removal Bond and Agreement
The applicant shall execute a removal agreement and post a $50,000.00 removal bond, subject to approval by the County Attorney.

CHAPTER D EXCAVATION

Section 1 Purpose and Intent
The purpose of this Chapter is to provide for the health, safety, and welfare of the residents of PBC by ensuring beneficial and sound land management practices associated with excavation and mining activities. To prevent a cumulative negative impact on PBCs natural resources and to achieve these goals, it is the intent of this Section to:

A. ensure that mining and excavation activities do not adversely impact the health, safety, and welfare of the citizens of PBC;

B. prevent immediate and long-term negative environmental and economic impacts of poor land development practices;

C. encourage the use of economically feasible and environmentally sound mining and excavation practices;

D. preserve land values by ensuring that alteration of a parcel by non-commercial land excavation does not result in conditions that would prevent that parcel from meeting minimum land development requirements for other valid uses;

E. encourage the rehabilitation of commercially mined sites to other beneficial uses by promoting economical, effective and timely site reclamation;

F. protect existing and future beneficial use of surrounding properties from the negative effects of excavation and mining;

G. provide for the off-site disposal of excess extractive material provided that the excavation site is incorporated into the approval of a bona fide site development plan;

H. establish a regulatory framework of clear, reasonable, effective, and enforceable standards and requirements for the regulation of excavation, mining, and related activities; and

I. ensure that excavation and mining activities and resulting mined lakes are not allowed to become public safety hazards, or sources of water resource degradation or pollution.

Section 2 Applicability
All mining and excavation activities that create a temporary or permanent body of water within unincorporated PBC shall comply with the regulations established in the Code and other State and Local requirements, as applicable.

A. Conflicting Provisions
   To the extent provisions of this Section conflict with regulations of other applicable regulatory agencies, the more restrictive regulations shall apply. Other permitting agencies include but are not limited to SFWMD, Florida Fish and Wildlife Conservation Commission, USACE, DEP, and ERM. [Ord. 2006-004]

   [Ord. 2013-021]

B. Previously Approved Development Orders
   Applications for excavation and mining projects approved prior to September 25, 1996, may amend the certified site (excavation) plan pursuant to Article 2.D, ADMINISTRATIVE PROCESS, to comply with the standards enumerated below provided the standards do not conflict with development order conditions. All standards of each Section shall apply. Selective choice of standards shall not be permitted. The DRO
may review and approve the excavation plan, pursuant to Article 2.D.1, Development Review Officer, provided the subject site complies with the compatibility criteria in Article 4.D.5.E.8.b, Type III A Excavations, and the technical standards in Article 4.D.8, Technical Standards, and provided there is no increase in the land area, excavated surface area, quantity of excavated material, or intensity as approved by the BCC in the original development order. Any increase shall require approval of a development order amendment by the BCC pursuant to Article 2.B, PUBLIC HEARING PROCESS. Applicable standards include:


Section 3 Excavation Types

Excavation or mining activities shall not be conducted unless such activities are deemed exempt or an approval has been issued in accordance with this Section. The types of excavation that are allowed are as follows:

A. **Agricultural Excavation**

   Approval process for agricultural excavation is administered by ERM and PZB. Application procedures and requirements are subject to Art. 4.D.5.A, Agricultural Excavations. Agricultural excavation in the WCAA are administered by ERM. Application procedures and requirements are in Article 4.D.5.B, WCAA Excavations.

B. **Type I**

   Two approval processes (Types 1A and 1B) are administered by PZB for excavations on single-family lots. Application procedures and requirements are in Article 4.D.6.A, Content of Application, and Article 4.D.6.B, Additional Application Requests for Type II, Type II IA and Type III B.

C. **Type II**

   The approval process for Type II excavation is administered by PZB and ERM. Application procedures and requirements are in Article 4.D.6.B, Additional Application Requests for Type II, Type III A and Type III B.

D. **Type III**

   Two approval processes for commercial mining excavation activities (Type III A and Type III B) are administered by PZB and ERM. Application procedures and requirements are in Article 4.D.6, Supplemental Application Requirements.

Section 4 Prohibitions and Exemptions

A. **Prohibitions**

   Excavation and mining activities shall be prohibited in the following areas:

   1. RR-20 FLU Designation.
   2. The Pleistocene Sand Ridge.
   3. An archeological site, unless approved and requested as a Class A conditional use.
   4. Publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands.
   5. Areas otherwise prohibited by this Section.

B. **Exemptions**

   The following excavation activities shall be exempt from the requirements of this Section:

   1. **Existing Lakes**

      Existing mined lakes approved prior to June 16, 1992 that have a valid development order which complies with the criteria below shall be exempt from the requirements of this Section. If an amendment is proposed that deviates from the original approval, then a Development Order Amendment shall be requested pursuant to Article 2.B, PUBLIC HEARING PROCESS, and shall comply with the provisions in Article 1.F. NONCONFORMITIES. [Ord. 2010-022]

      a. Regulated by a National Pollutant Discharge Elimination System Permit; or
      b. Regulated by a Florida Department of Environmental Protection (DEP) industrial wastewater operation permit; or
      c. Located within an approved residential, commercial, industrial or mixed-use development and function as a stormwater management facility pursuant to:
         1) A surface water management construction permit issued by the SFWMD; or,
         2) A conceptual permit issued by the SFWMD that delineates proposed littoral slopes of the excavated lake(s) conducive for planting; or
3) An applicable Land Development Permit depicting proposed littoral and upland slopes of a mined lake. As long as the existing excavated lake continues to meet the water quality standards contained in Chapter 62-302, F.A.C. [Ord. 2010-022]

2. **Pools**
   Swimming pools, pursuant to Article 5.B, ACCESSORY AND TEMPORARY USES.

3. **Small Ponds**
   Ponds accessory to a principal use, such as lily ponds, goldfish ponds, reflecting ponds, and other small ornamental water features with a maximum depth of four feet OWL and not exceeding 500 square feet in surface area.

4. **Cemeteries**
   Burial plots in approved cemeteries.

5. **R-O-W**
   Excavation in a road R-O-W, when the road is under construction. To qualify for this exemption, excavation shall be performed by PBC, the FDOT or any Water Control District created by special act to operate under FS. Ch. 298.(95) Excavation activity located outside the R-O-W boundary, performed to accommodate roadway drainage, and which creates a permanent open body of water for a period of 180 days or more, shall comply with the standards of a Type II excavation in Article 4.D.5.D, Type II Excavation.

6. **Utilities**
   Excavations necessary for the installation of utilities, including septic systems.

7. **Man-made Drainage Structures**
   The repair, reconstruction and maintenance of existing non-tidal man-made canals, channels, control structures with associated riprap, erosion controls, intake structures, and discharge structures, provided:
   a. All spoil material is deposited directly to a self-contained upland site, which will prevent the release of material and drainage from the spoil site into surface waters of the State;
   b. No more dredging is performed than is necessary to restore the canal, channels, and intake, and discharge structures to original design specifications or as amended by the applicable permitting agency; and
   c. Control devices in use at the dredge site that prevent the release of turbidity, toxic, or deleterious substances into adjacent waters during the dredging operation.

8. **WCAA Canals**
   Canals of conveyance located in the WCAA which require permits from SFWMD or DEP, provided the permitted project does not exceed 15 feet in depth from OWL.

9. **Mitigation Projects**

10. **Wetlands**
    Excavation activities within jurisdictional wetlands that have been issued permits pursuant to Wetlands Protection requirements or have been issued a permit for wetland impacts through the Environmental Resource Permit (ERP) process by DEP, USACE, SFWMD, or any other agency with ERP delegation for PBC. [Ord. 2006-004]

11. **Agricultural Ditches**
    Agricultural ditches supporting vegetation production which meet the standards of bona fide agriculture (i.e. groves, row crops, hay, and tree farming) constructed solely in uplands that are less than six feet in depth from OWL. These ditches shall not connect to canals of conveyance or waters of the State without the appropriate Federal, State, and Local approvals and permits.

12. **De Minimis Impact**
    Those projects for which ERM and PZB approval is necessary and both departments determine that there will be no significant adverse environmental or land use impacts. A de 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. [Ord. 2006-004]

14. Excavation by Public Agencies

a. Excavation performed by or special districts created by special legislative act governed by the BCC, provided such excavation complies with the following: [Ord. 2008-037]
   1) solely under the jurisdiction, authority, and control of PBC, or the applicable district. [Ord. 2008-037]
   2) completed, operated, and maintained in perpetuity by PBC, or the applicable special district, [Ord. 2008-037]
   3) an official part of the operation and function of PBC, or the applicable special district. [Ord. 2008-037]
   4) In order to be exempt under this provision, the PBC Department or applicable district shall: [Ord. 2008-037]
      (a) schedule and conduct a public hearing; the notice of the public hearing shall be published at least seven days prior to the hearing, in a newspaper of general circulation,
      (b) provide written notice of the intent to engage in excavation activities subject to a permit issued by the SFWMD or the FDEP to the Executive Director of PZB and the Director of ERM at least 30 days prior to the commencement of construction activity, and [Ord. 2008-037]
      (c) provide written notification of the public hearing required by this subsection to the Executive Director of PZB and the Director of ERM at least 30 days prior to the public hearing.
   5) For excavations greater than the maximum depth listed in Article 4.D.5.A.2 and Article 4.D.5.B.6, the chloride and TDS requirements shall apply. [Ord. 2008-037]

b. Excavations, Canals, Impoundments

Excavations, canals, impoundments, regional stormwater treatment areas, and related projects to enhance water quality, water supply, environmental quality, and natural resources operated by the SFWMD, ACOE, or water control districts or improvement districts created pursuant to F.S. Chapter 298 and within PBC. [Ord. 2008-037]

Section 5 Excavation Standards

Before commencement of any excavation, approval shall be obtained pursuant to the procedures and standards defined in this Section.

A. Agricultural Excavations

1. Separation and Setbacks
   In addition to the separation requirements in Article 4.D.5.A, Agricultural Excavations, shall maintain a minimum setback of 100 feet, measured from the inside edge of the lake maintenance easement to any adjacent property line.

2. Maximum Depth
   Excavation activity shall not exceed 20 feet from OWL. This maximum depth may be exceeded if approved by ERM in accordance with Article 4.D.9, Administration and Enforcement, provided the applicant adequately ensures that chloride levels shall not exceed 250 parts per million (PPM) and Total Dissolved Solids (TDS) either does not exceed 500 PPM or is in accordance with Chapter 62.520.420(2) F.A.C. in the excavated lake based on ground water sampling prior to construction, or the applicant may provide reasonable assurance that the ambient off-site chloride and TDS levels will not be degraded based upon background levels. Additional sampling may be required by ERM during and after construction. [Ord. 2008-037]

3. Sediment Sump
   A sediment sump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. A sump shall not exceed five percent of the mined lake area.

4. Reclamation, Maintenance and Monitoring

5. Use Approval and Procedures
All applications for agricultural excavation shall include a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and satisfy the definition requirements of bona fide agriculture pursuant to Article 1.I, Definitions and Acronyms. The excavation shall be the minimum necessary to implement the proposed bona fide agricultural use. [Ord. 2008-037]

a. Two Acres or Less - DRO
   Agricultural Excavation consisting of two acres or less in surface area, may be approved pursuant to Article 2.D.1, Development Review Officer. The DRO shall review for compliance with the standards of this Section and may approve the application with or without conditions. [Ord. 2016-016]

b. Greater Than Two Acres – Conditional or Requested Use
   Offsite removal shall apply the appropriate compatibility standards of Article 4.D.5.E, Type III Excavations. [Ord. 2016-016]

c. Additional Review
   See Section 5.F.6 for Excavation Pre-application Checklist. [Ord. 2008-037]

6. Guarantee Requirements
   Agricultural excavation shall comply with the Guarantee requirements pursuant to Article 4.D.8.D, Performance Guarantee Requirements.

7. Notice of Intent to Construct
   In accordance with Article 4.D.7, Notice of Intent to Construct, shall be required.

8. WCAA Excavations
   a. Operational and Construction Standards
   b. Separations and Setbacks
      In addition to the separation requirements in Article 4.D.8.B.1, Separation, a WCAA excavation shall maintain a minimum setback of 50 feet measured from the inside edge of the lake maintenance easement to any adjacent property lines.
   c. 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 Article 4.D.9, 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 Chapter 62.520.420(2) F.A.C. within the excavated lake or pond based on ground water sampling prior to construction. Additional sampling may be required during and after construction. [Ord. 2008-037]
   d. Sediment Sump
      A sediment pump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. However, this sump shall not exceed five percent of the mined lake area.
   e. Approval and Procedures
      All applications for WCAA excavation shall include a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Art. 1.I, Definitions and Acronyms. Excavation shall be the minimum necessary to implement the bona fide agricultural use. [Ord. 2008-037]
      1) Additional Requirement. See Section 5.F.6 for Excavation Pre-application Checklist. [Ord. 2008-037]
   f. Notice of Intent to Construct
      See Section 5.F.6 for Excavation Pre-application Checklist. [Ord. 2008-037]

B. Type I A Excavation
   1. Lot Size
      A minimum of one acre.
   2. Excavated Surface Area
      The maximum surface area of all excavation on the premises shall be less than two-tenths acre or (8,712 square feet).
   3. Off-site Removal
Off-site removal of extracted material is prohibited.

4. **Separation and Setbacks**
   In addition to the separation requirements in Article 4.D.8.B.1, **Separation**, Type I A Excavation shall maintain the following minimum setbacks, measured from the inside edge of the lake maintenance easement.
   a. 15 feet at the time of construction from any adjacent property line. The top of bank shall be a minimum of five feet.
   b. 50 feet from any potable water well.
   c. 100 feet from any septic system pursuant to Article 15.A, ECR I Onsite sewage treatment and Disposal Systems.

5. **Slope**
   If a lake excavated prior to June 16, 1992, does not comply with the minimum slope requirements of Article 4.D.8.B.2, **Slopes**, a minimum four foot high gated fence completely enclosing the excavated area may be substituted for the required slopes.

6. **Depth**
   Excavation activity shall not exceed ten feet in depth below OWL.

7. **Reclamation**
   The applicant shall comply with the following reclamation requirements prior to issuance of a CO.
   b. The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the Building Division depicting:
      1) an as-built survey showing the location, size, and depth of the excavated area; and,
      2) in cases where no permanent water body is created, the site plan submitted with the building permit shall serve as the reclamation plan.

8. **Use Approval and Procedures**
   The request shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling. **[Ord. 2008-037]**
   a. **Application Requirements**
      The building permit plans shall be supplemented with the following information: **[Ord. 2008-037]**
      1) Site Plan
         A general site plan complying with the standards of this Section;
      2) Statement
         A statement estimating the amount of excavated material, in cubic yards; and
      3) Notarized Authorization
         Notarized authorization from the property owner to excavate.
   b. **Determination of Sufficiency, Review and Decision**
      A building permit shall be issued by PZB, with or without conditions of approval, after the application has been determined complete and in compliance with this Section.

C. **Type I B Excavation**
   1. **Lot Size**
      A minimum of two and one-half acres.
   2. **Excavated Surface Area**
      The maximum surface area of all excavation on the premises shall be less than 25 percent of the gross lot area and shall not exceed two acres.
   3. **Off-site Removal**
      Off-site removal of extracted material is prohibited.
   4. **Separations and Setbacks**
      In addition to the separation requirements of Article 4.D.8.B, Construction Standards, Type I excavations shall maintain the following minimum setbacks:
      a. 30 feet at the time of construction from any adjacent property line.
      b. 50 feet from any potable water well.
      c. 100 feet from any septic system pursuant to Article 15.A, ECR I Onsite sewage treatment and Disposal Systems.
   5. **Maximum Depth**
      Excavation activity shall not exceed 15 feet in depth below OWL.
   6. **Reclamation**
      The applicant shall comply with the following reclamation requirements prior to issuance of a CO.
b. The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the DRO depicting:
   1) An as-built survey showing the location, size, and depth of the excavation.
   2) In cases where no permanent water body is created, the building permit site plan shall serve as the reclamation plan.

7. Use Approval and Procedures
   The request shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single-family dwelling. [Ord. 2008-037]
   a. DRO Approval
      Pursuant to Article 2.D. ADMINISTRATIVE PROCESS: DRO Approval shall be required. The DRO shall review for compliance with this Section and may approve the application with or without conditions.
   b. Duration
      A Type I B excavation permit shall expire 120 days from the date authorization is received to begin excavation activity. The DRO may grant one 90 day extension.

D. Type II Excavation
1. Location
   A Type II excavation may be permitted to implement a site development plan for a principal use as permitted in the Use Regulation Schedule Table 4.A.3.A, Use Matrix, and to implement a master Plan, site plan, or final subdivision plan approved by the DRO. [Ord. 2008-037]
2. Standards
   An application for a Type II excavation shall comply with the following requirements:
   b. Excavated area, Littoral zone and general upland reclamation requirements pursuant to Article 4.D.8.C, Reclamation Standards;
   d. Article 4.D.8.E, Maintenance and Monitoring; and
3. Separations and Setbacks
   In addition to the separation requirements in Article 4.D.8.B.1, Separation, Type II Excavation shall maintain a minimum setback of 30 feet, measured from the top of bank to the perimeter boundary of the master planned development, subdivision, overall final site plan, streets 80 feet in width or greater, and canal R-O-W. For the purpose of this Section, the top of bank is considered the waterward edge of the lake maintenance easement.
4. Depth
   The maximum depth of a Type II excavation shall be in accordance with Article 4.D.5.A.2, Maximum Depth.
5. Use Approval and Procedures
   a. DRO Approval
      Prior to initiating Type II excavation activities, DRO shall review the final site development plan for compliance with the standards of this Section and may approve with or without conditions. [Ord. 2016-016]
   b. Off-site Removal of Excess Fill - DRO
      DRO may approve removal of more than ten percent of the extracted material from the site if:
      1) The applicant demonstrates that the make up of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock or muck; or
      2) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and
      3) The impact of the excavated material will not cause adverse affects to internal property owners or internal streets. [Ord. 2016-016]
   c. Off-site Removal of Excess Fill – Conditional or Requested 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.D.5.D.5.b, Off-site Removal of Fill - DRO, the applicant shall be subject to the following: [Ord. 2004-040] [Ord. 2016-016]

1) Approval Process

   Apply for a Class A Conditional Use or Requested use process, pursuant to the standards of Art. 2.B.2, Conditional Uses, Requested Uses, Development Order Amendments, Unique Structures and Type II Waivers. [Ord. 2004-040] [Ord. 2010-022] [Ord. 2016-016]

2) Requirements

   The applicant shall comply with the following standards: [Ord. 2016-016]
   1) Art. 4.D.8.A, Operational Standards and Requirements;
   2) Littoral;
   3) Upland Reclamation Standards in Art. 4.D.8.E, Maintenance and Monitoring;
   4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in Art. 4.D.8.E, Maintenance and Monitoring;
   5) Buffer requirements in Article 4.D.5.E, Type III A Excavations;
   6) Setbacks shall be provided pursuant to Type II setback requirements in Article 4.D.5.D.3, Separations and Setbacks. [Ord. 2004-040] [Ord. 2010-022]

3) Frontage

   The development shall have direct frontage on and access to a collector or arterial street depicted on the County's Thoroughfare Identification Map.

4) Location

   The following Type III A 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.D.5.E.8, Compatibility Standards. [Ord. 2004-040]

   d. Excavation, Performed by Public Agency, To Provide Drainage For A Public Street

   1) Excavation activity located outside the street boundary, conducted solely to accommodate drainage for a public streets and performed or caused to be performed by contract with a public agency, as defined herein, shall comply with the standards below. The excavation activity shall:
      a) be on land owned by PBC, the State, or a Water Control District created by special act to operate under F.S. Chapter 298 (1996); or
      b) be on land granted by easement to and accepted by PBC, the State, or a Water Control District; and
      c) be the absolute minimum necessary to comply with the surface water drainage requirements for the public streets.

   2) For the purpose of this Section, authorization by PBC, FDOT or a Water Control District to construct a public streets shall constitute a valid development order. The excavation activity shall comply with the standards below.
      a) Notice of Intent to Construct pursuant to Article 4.D.7, Notice of Intent to Construct;
      c) Littoral zone and general upland reclamation requirements pursuant to Article 4.D.8.C, Reclamation Standards; and

E. Type III Excavations

1. Classification of Types

   An excavation that meets the definition of mining is considered commercial operations. Type II, or Agricultural excavations that exceed established criteria, as defined in this Section, are to be considered a Type III excavation. Two classes of Type III excavations (Type III A and Type III B) are established to distinguish between the types of mining operations. [Ord. 2008-037]
a. Type III A
Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require limited on-site processing by using temporary or portable crushers, sifters and conveyor systems. A Type III A excavation activity may use dragline, dredging or earthmoving equipment to perform the mining operation provided the operation complies with the standards of this Section. The use of explosive devices or permanent structures or equipment used to crush or sift material shall be prohibited.

b. Type III B
Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require extensive processing of the material on site. Type IIIB excavations may use dragline, dredging, earthmoving equipment to perform the mining operation. The use of explosives and heavy industrial equipment to crush, sift and transport the material on site may be permitted subject to compliance with the standards of this Section.

2. Standards
An application for a Type III excavation shall comply with the following requirements: [Ord. 2008-037]


3. Location
A Type III excavation may be permitted in accordance with Table 4.A.3.A, Use Matrix. Mining may be permitted with limitations in the districts identified below.

   a. AP 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 Article 4.D.5.E.8, Compatibility Standards. [Ord. 2005-041]

4. Depth
The maximum depth of a Type III excavation shall be in accordance with Article 4.D.5.A.2, Maximum Depth.

5. Accessory Use
An asphalt batch concrete plant shall be permitted as an accessory use to a Type III B excavation, subject to DRO approval and provided that:
   a. the site is a minimum of 500 acres;
   b. the use is separated at least one-half mile from any residential use or district; and
   c. direct access to the plat is provided from an arterial street.

6. Use Approval and Procedures
A Class A conditional use approval is required for a Type III excavation, in accordance with Article 2.B.2, Conditional and Requested Uses, and this Section. A Type III 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. [Ord. 2008-037]

   a. Excavation Pre-Application Checklist
   Concurrent with submittal of an excavation application for the DRO certification for public hearing, the applicant shall secure the information described on the excavation pre-application checklist and shall use this information as the basis for a pre-application meeting with DEP. This pre-application information and meeting is necessary to obtain a Preliminary Assessment Letter (PAL) from the DEP, Bureau of Mines and Minerals. The Pre-application Checklist is available from the Zoning Division, as amended periodically by the Executive Director of PZ&B. [Ord. 2008-037]

   1) 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.D.6.a.2. Should the DEP
identify certification issues regarding the application, these issues must be resolved prior to certification of the application for public hearing. [Ord. 2008-037]

2) Alternative to the Preliminary Assessment Letter
   In lieu of a Preliminary Assessment Letter, the applicant may submit one of the following to the County: [Ord. 2008-037]
   1) An Environmental Resource Permit; or [Ord. 2008-037]
   2) Request for Additional Information demonstrating no apparent concerns will be generated from the application. [Ord. 2008-037]

3) Conditions of Approval
   The DEP may recommend conditions of approval to the BCC to resolve issues related to its regulations. [Ord. 2008-037]

b. 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. [Ord. 2008-037]

c. 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 Article 2.D, ADMINISTRATIVE PROCESS. [Ord. 2008-037]
   1) The applicant shall submit a phasing plan complying with the requirements of Article 4.D.6, Supplemental Application Requirements, and Article 4.D.7, Notice of Intent to Construct.
   2) Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all guarantees, required by Article 4.D.8.E, Maintenance and Monitoring, and written authorization by the DRO.
   3) Prior to final site approval by the DRO, ERM shall confirm that the applicant has provided all necessary state final approved permits. [Ord. 2008-037]

d. 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. [Ord. 2008-037]

e. Haul Permit
   The BCC may require, as a condition of approval, for a haul permit for unpaved collector or arterial streets. If required, a haul permit application shall be submitted to and approved by the Land Development Division in accordance with Article 4.D.8, Technical Standards, prior to issuance of the Notice of Intent to Construct by ERM.

f. Notice of Intent to Construct
   Notice of Intent to Construct shall be submitted to and receive approval from ERM in accordance with Article 4.D.7, Notice of Intent to Construct, prior to initiating any on-site excavation activities.

g. 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 Article 4.D.8, Technical Standards, (excluding littoral and upland planting requirements), and that all construction related development order conditions and guarantees have been satisfied. Performance guarantees for planting areas shall be released in accordance with Article 4.D.8.E, Maintenance and Monitoring.

7. Annual Report
   For the purpose of Type III Excavation, the owner shall submit an Annual Report to the Monitoring Section 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: [Ord. 2008-037]

a. General:
   1) Acres mined to date; [Ord. 2008-037]
   2) Tonnage removed/sold including a copy of the resource extraction fee receipt to the County; [Ord. 2008-037]
   3) Status of each phase; [Ord. 2008-037]
   4) Updates to master /site plans; [Ord. 2008-037]
5) 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; [Ord. 2008-037]

6) Status of compliance with conditions contained within the approved Resolution(s); [Ord. 2008-037]

7) Status of compliance with all required permits including the most recent compliance inspection from subject agencies, and status of any identified notice of noncompliance/violations; [Ord. 2008-037]

8) 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. [Ord. 2008-037]

9) Certification and documentation that all seismograph instruments have been re-calibrated during the calendar year. [Ord. 2008-037]

b. Agencies
Address the following the following agency requirements: [Ord. 2008-037]

1) Archaeological:
   a) Status of found artifacts and their location(s); and, [Ord. 2008-037]
   b) Copy of notification(s) to County and State Archaeologist and current status. [Ord. 2008-037]

2) Engineering:
   a) Status of potential road construction requirements, signalization and ROW acquisitions. [Ord. 2008-037]

3) Environmental:
   a) Status of NIC conditions of approval and compliance with Administrative waivers; [Ord. 2008-037]
   b) Status of extraction fee; and [Ord. 2008-037]
   c) Water quality data from designated sampling location from FDEP. [Ord. 2008-037]

4) Health:
   a) Status of compliance for any onsite sewage treatment and disposal systems; [Ord. 2008-037]
   b) Status of compliance for any onsite drinking water systems; and, [Ord. 2008-037]
   c) Status of compliance with BMP’s for mosquito control including the need for aerial spraying. [Ord. 2008-037]

5) Planning:
   a) 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. [Ord. 2008-037]

6) Zoning:
   a) Copy of the daily blasting log; [Ord. 2008-037]
   b) Copy of the State Fire Marshall’s blast permit; and [Ord. 2008-037]
   c) Status of the upland reclamation requirements. [Ord. 2008-037]

8. Compatibility Standards
A Type III excavation shall be reviewed to assure the proposed excavation is compatible with surrounding land uses and complies with the applicable separation and setback standards and to ensure there are no negative impacts as defined herein. The BCC shall not approve the application if a finding is made that the use will be incompatible with surrounding land uses. For the purposes of this Section, incompatible means negative impacts caused to surrounding land uses because of proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including, but not limited to, the impacts of noise, vibration, dust, traffic, smoke, odors, toxic matter, radiation, and similar environmental conditions.

a. General
The following standards shall apply to both Type III A and Type III B mining activities.

1) Location and Access
Local residential streets shall not be used for access or as a haul route. The site shall front on and have direct access to an arterial or collector street designated on the County’s Future Thoroughfare Identification Map. In cases when the street on the Thoroughfare Identification Map is not paved, the BCC may allow an Excavation Type III to locate and have access to the street provided the BCC makes a finding of fact that the use of the street will not cause an
incompatible affect on surrounding residential uses, and may condition the project to obtain a haul permit in accordance with Article 4.D.8.A.10, Hauling Standards.

a) Restrictions in the RR FLU Designation

Commercial excavation shall be prohibited in neighborhoods which support developed single-family residences on 60 percent of the valid lots of record. For the purposes of this Section, neighborhoods shall be defined as an area contained within a platted subdivision, a rural unrecorded subdivision an approved affidavit of exemption, an area which has prepared a neighborhood plan in accordance with the Plan, or is in an area with lots of similar size. Commercial excavation located in an area with a rural residential land use designation that do not satisfy the definition of neighborhood above, shall have a minimum of 100 acres and 500 feet of frontage with direct access to an arterial or collector street as specified herein.

2) Separation from Other Land Uses

Minimum separations from protected land uses are defined in Article 4.D.5.E.8, Compatibility Standards. Unless otherwise specified, separation shall be measured from the outermost edge of the excavated area (top of bank), equipment, stockpiles, buildings, or structures, to the closest structure of a protected land use. The BCC may reduce the required separation distance based on the compatibility of the use with the adjacent area, and the remoteness or proximity of adjacent incompatible uses, provided the reduction complies with the intent of the compatibility standards in Article 4.D.5.E.8, Compatibility Standards. The BCC shall state the basis for the reduced separation and make a finding of fact that the reduction should not negatively impact adjacent uses. If the separation is reduced, the BCC may require increased setbacks, buffering and other restrictions as necessary to protect surrounding land uses.

a) Residential Uses

For the purposes of this Section, existing residential uses shall be defined as a residential lot supporting a residence in a platted subdivision, a rural unrecorded subdivision, an approved affidavit of exemption, a plat waiver, or other recorded instrument and is not located within the boundary of the excavation project.

3) Setbacks

Setbacks shall be measured from the outermost edge of the excavated area (top of bank), structure, building, equipment, or stockpile to the boundary of the excavation project.

4) Fence

If mining activity is conducted within one-half mile of a residential use, the mining operation shall be completely enclosed by a minimum six foot high fence, wall, or natural barrier and shall have signage posted to prohibit trespassing.

5) Noise

Airborne noise produced from the excavation activity shall comply with the noise provisions in Article 5.E, PERFORMANCE STANDARDS, as measured at the nearest inhabited structure. The sound level limits are allowed to increase for a limited duration. For this limited period, noise generated by excavation projects may increase up to ten DB more than permitted by Table 5.E.4.B, Maximum Sound Levels. In addition, the noise level may increase to a maximum of 120 dB once each weekday (Monday - Friday) for a maximum of ten seconds.

b. Type III A Excavations

1) Restrictions in the RR FLU Designation

a) Lot Size

A minimum of 40 acres.

b) Minimum Surface Area

The maximum excavated surface area shall not exceed 30 percent of the gross area contained within the boundary of the excavation project.

2) General

The following standards shall apply to a Type III A excavation:

a) Minimum Separations and Setbacks

In addition to the separation requirements in Article 4.D.8.B, Construction Standards, a Type III A excavation shall maintain the following separations and setbacks from adjacent uses as provided below.

(1) Separations from Residential Land Uses

Separation from an existing residence shall be a minimum of one-quarter mile, measured from the property line of the excavation project to the inhabited structure.

(2) Setbacks
Table 4.D.5.E - Setbacks

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial/ Agricultural</th>
<th>Streets</th>
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<tr>
<td>Excavated lake edge</td>
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<tr>
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<td>Stockpiles</td>
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<tr>
<td>Accessory buildings and structures</td>
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b) Stockpile Height
Stockpile height shall be limited to 30 feet.

c) Buffer
A buffer shall be preserved or installed along a property lines in accordance with the provisions below. The buffer shall be planted and maintained in accordance with the standards of Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, as applicable.

1) Existing Vegetative Buffer
If a substantial native or non-native, non-invasive vegetative buffer exists, then the vegetation shall be utilized as an incompatibility buffer and preserved along the entire perimeter of the site, except for an approved access area. To be considered substantial, the buffer shall provide an opaque screen and be a minimum depth of one 100 feet. If the 100 foot buffer is not opaque, then native vegetation complying with the standards of a Type 3 incompatibility buffer shall be required to be planted to supplement the existing vegetation and shall form a solid visual buffer within two years. All native vegetative buffers shall be protected during the duration of the excavation activity in accordance with the standards in Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, and in Article 14.C, VEGETATION PRESERVATION AND PROTECTION.

2) Existing Prohibited Vegetative Buffer
To provide an instant buffer the BCC, by condition of approval, may permit existing prohibited species to be maintained within the setbacks for a Type IIIA excavation until completion of the excavation activity. In such cases the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, shall be installed in conjunction with subsequent development.

3) No Existing Vegetative Buffer
If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 incompatibility Buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:
   a) all streets;
   b) all residential zoning districts;
   c) lots supporting existing or proposed residential uses in the AR zoning district. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP, or SA zoning districts nor in the AR zoning district if the land is used solely for bona fide agricultural purposes; and
   d) commercial zoning districts.

c. Type III B Excavation
      a) Lot Size
         A minimum of 100 acres.
      b) Maximum Surface Area
         The maximum excavated surface area shall be determined by the BCC.
   2) General
      A Type III B excavation shall comply with the following criteria:
a) **Minimum Separations and Setbacks**
In addition to the separation requirements in Article 4.D.8.B, Construction Standards, a Type III B Excavation, except those that lie in the area defined as the WCAA, shall comply with the separation and setback regulations below. Excavation projects in the WCAA shall be evaluated on a case by case basis in accordance with the compatibility criteria Article 4.D.5.E.8, Compatibility Standards, and shall have separation requirements set by the BCC.

(1) **Separation from Residential Uses**
Separations from residential uses, shall be a minimum of one-eighth of a mile, in all directions measured in accordance with Art. 4.D.5.E.8.a.2), Separation from Other Land Uses, above. **[Ord. 2005-002]**

(2) **Setbacks**
Minimum setbacks shall be provided based on separations from uses as indicated below. **[Ord. 2005-002]**

(3) **Separation from Commercial and Industrial Uses**
Commercial: 1/2 mile
Industrial: 1/8 mile

**[Ord. 2005-002]**

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<th>Table 4.D.5.E - Setbacks Based On Separation From Residential Uses</th>
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<td>Accessory buildings &amp; structures</td>
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<th>Table 4.D.5.E - Setbacks Based on Separation from Commercial and Industrial Land Uses</th>
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<td>Accessory buildings &amp; structures</td>
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b) **Mining Impact Study**
A Mining Impact Study shall be submitted for a Type III B excavation in the WCAA and for projects which the applicant requests a reduction in the required separations. The study shall detail all methods and procedures for material extraction, processing, storage and hauling operations. At a minimum the study shall include the time of day blasting will occur, the maximum number of holes to be shot each occurrence, including the type of explosive agent, maximum pounds per delay, method of packing and type of initiation device to be used for each hole. The study shall include a blasting schedule and establish noise and vibration standards complying with Article 4.D.5.E.8, Compatibility Standards. The study shall also demonstrate how these operations will impact surrounding land uses.

(1) Prior to certification of an application for inclusion on a public hearing agenda, the DRO may retain a technical consultant to advise the PBC of the adequacy of the standards established in conjunction with the Mining Impact Study. The cost of PBCs consultant shall be borne by the applicant.

c) **Noise and Vibration Monitoring Report**
The applicant shall monitor all blasting and other mining activities and record resultant noise and vibrations. PZB may, at any time, require the property owner to submit monthly monitoring reports, indicating the number, time, peak over pressure (noise) and vibration caused by each activity. If requested, the property owner shall provide the noise and vibration monitoring report within two working days from the date of the request.
d) **Buffer**

A buffer shall be installed along all property lines as specified below. The buffer shall be planted and maintained in accordance with the standards of Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS.

1. **Existing Native Vegetative Buffer**

   Existing native vegetation within 100 feet of the property line shall be preserved along the entire perimeter of the site, except for an approved access area.

2. **Existing Prohibited Vegetative Buffer**

   To provide an instant buffer along the entire perimeter of the site, the BCC, by condition of approval, may permit existing prohibited species to be maintained in the setbacks until completion of the excavation activity. In such cases, the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, shall be installed in conjunction with subsequent development.

3. **Type 3 Incompatibility Buffer**

   Sites within a one-quarter mile of a public or private streets, which does not support an existing opaque native or non-native, non-invasive vegetative buffer shall install a Type 3 incompatibility buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof.

4. **No Existing Vegetative Buffer**

   If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 incompatibility buffer. The buffer shall be supplemented with a berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years from the date of installation. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to: [Ord. 2008-037]
   
   (a) All residential zoning districts and;
   
   (b) Lots supporting existing or proposed residential uses in the AR zoning district. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP or AR district if the land is used solely for bona-fide agricultural purposes.

3) **Hours of Operation**

   Excavation and hauling activity shall occur only between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday, unless otherwise determined by the BCC. Blasting activity shall be limited to 10:00 a.m. to 5:00 p.m., Monday through Friday.

4) **Notice of Intent to Construct**

   Compliance with Article 4.D.7, Notice of Intent to Construct.

9. **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 $.05 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 $.05 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 Section 373.41492(5) as amended, of the Florida Statutes. 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. [Ord. 2008-037]

**Section 6** Supplemental Application Requirements

**A. Content of Application**

All Type I B, Type II, Type III A and Type III B excavations shall supplement the applicable application requirements with the material and information listed below.

1. **Statement**
Application listing the nature of the excavation operation, including but not limited to the:
  a. amount and type of materials to be excavated;
  b. duration of the excavation activity and reclamation activity;
  c. the proposed method of excavation;
  d. the amount of fill to remain on site;
  e. if permitted, the amount of fill to be removed from site; and
  f. intent to comply with Article 9.A, ARCHAEOLICAL RESOURCES PROTECTION.

2. Site Plan
   A site plan depicting:
   a. Boundaries, dimensions and acreage of the site and excavated surface area(s);
   b. All existing and proposed improvements including easements, streets, weigh stations, and other structures;
   c. Setbacks and separations;
   d. Preservation areas;
   e. Water table elevations, including Ordinary Water Level.

3. Vegetation Permit
   A vegetation permit application pursuant to Article 14.C, VEGETATION PRESERVATION AND PROTECTION.

4. Aerial
   An aerial at a scale of 1:200 or better, clearly depicting the site and phase lines.

B. Additional Application Requests for Type II, Type III A and Type III B
   All applications for Type II, Type III A and Type III B excavations shall require the additional information listed below.
   1. Soil Statement
      A statement certified by an engineer indicating the type of soils to be excavated and that the soils are suitable for road or structural fill construction or the soil contains excessive amounts of silt, rock, or muck.
   2. Site Plan
      A site plan depicting:
      a. Article 4.D.8.A, Operational Standards and Requirements, as applicable; and
      b. Equipment storage, and stockpile areas, including sizes and heights.
   3. Landscape Plan
      A landscape plan indicating the buffers and reclamation planting required.
   4. Cross Sections
      Cross Sections delineating compliance with the following requirements, as applicable:
      b. Article 4.D.8.C, Reclamation Standards; and
      c. Buffer details.
   5. Operations Plan
      An operations plan shall be submitted in the form of a statement and include the methods of material extraction, on site processing, including erosion and sediment control methods, and particulate matter control. The plan shall also delineate how impacts from hauling operations will be controlled.
   6. Haul Route Plan
      A map indicating all possible proposed haul routes within the radius of impacts as defined in Article 4.D.5.E.6, Use Approval and Procedures.

C. Additional Application Requests for Type III A and Type III B
   All applications for Type III A and Type III B Excavation shall require the additional information listed below.
   1. Site Plan
      A site plan depicting:
      a. Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of excavated material.
   2. Additional Information
      a. Report Schedule
      b. Location Map
         Surrounding uses map depicting the location of the outer boundary of area to be excavated and distances to surrounding land uses; including all residences within the applicable specified distance in the separation standards in Article 4.D.5.E.8, 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**

**Section 7  Notice of Intent to Construct**

All applications for Agricultural, WCAA, Type II excavation, and Type III mining activities shall submit a Notice of Intent to Construct in accordance with the provisions below.

A. **Notice of Intent**
   Prior to commencement of any on-site excavation or mining activities, a Notice of Intent to Construct shall be submitted to and receive written approval from ERM.

B. **Contents of Notice of Intent to Construct**
   The following information shall be included with the completed Notice of Intent to Construct form:
   
   1. paving and Drainage plans, if applicable;
   2. preliminary plat, if applicable, and restrictive covenant, pursuant to Article 4.D.8.C.5, Area of Record;
   4. master Plan, showing all phases of development, if applicable; and [Ord. 2005 – 002]
      Items 1 and 2 (preliminary plat) shall be signed and sealed by a certified engineer or surveyor as applicable, recognized and approved by the Florida Department of Professional Regulation (FDPR).
   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. [Ord. 2005 – 002]

C. **Agriculture Excavation**
   All Agricultural and WCAA excavation shall submit a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Art. 1.I, Definitions and Acronyms.

D. **Type III Exceptions**
   A Type III application shall include documentation of an approved for Class A conditional use pursuant to Article 2.B, PUBLIC HEARING PROCEDURES.

E. **Written Approval**
   ERM shall issue a written approval to the applicant within 30 days upon receipt of a Notice of Intent to Construct and appropriate fee with all information necessary to demonstrate that the provisions of this Section will be met, and confirmation by The Land Development Division that all necessary haul permits have been issued.

**Section 8  Technical Standards**

A. **Operational Standards and Requirements**
   All excavation types shall comply with the following operational standards, unless specifically exempt or prohibited pursuant to this Section.
   
   1. **Hours of Operation**
      All excavation and hauling activity, except dewatering, shall only occur between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday, unless otherwise specified in this Section.
   2. **Objectionable Odors**
      The excavation activity shall be conducted in such a manner as to prevent the occurrence of odors which can be detected off the premises.
   3. **Emission of Fugitive Particulate Matter**
      Excavation operations, including hauling activity, shall be conducted to prevent the emission of dust or other solid matter into the air or onto adjacent properties pursuant to the smoke, emissions and particulate matter provisions in Article 5.E, PERFORMANCE STANDARDS, and Rule 62-296, F.A.C.
   4. **Existing Topsoil**
      Where feasible, existing topsoil shall be stored and redistributed on site to provide adequate growing conditions for the revegetation of plant species. Where such storage is not feasible, the area shall be restored with soil of an equal or better quality than that of the excavated topsoil and be redistributed to provide adequate growing conditions.
5. **Equipment Storage, Maintenance and Service Areas**
   Equipment storage, maintenance and service areas shall be setback a minimum 200 feet from all property lines abutting a residential district or use. The equipment storage area shall be designed such that noise generated by the equipment is muffled in order to comply with the noise performance standards in Article 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 F.A.C. 40E-20.302(3). 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. [Ord. 2005-002]

8. **Access to Public Prohibited**
   Signs shall be posted prohibiting access to the general public while excavation and reclamation activity is being conducted.

9. **Retail Sale of Material**
   The retail sale of excavated material shall not be permitted on site.

10. **Hauling Standards**
    a. **General**
        1) All trucks hauling material from sites that permit off-site removal shall be covered to prevent debris and fill from spilling onto the roadway.
        2) The hauler shall employ measures acceptable to the PBCHD, and any applicable road maintenance authority, to ensure that roads are properly maintained and kept free of fugitive particulate matter.
        3) The BCC may require special conditions, including, but not limited to:
           a) construction of turn lanes and other roadway improvements necessary to provide safe traffic movement;
           b) requirement to obtain a haul permit from the DEPW in accordance with the procedures herein.
        4) All vehicles used to haul excavated material shall use the approved haul routes. Vehicles shall not use local residential streets to access arterial or collector streets.
    b. **Permit Required**
       The BCC may require that the petitioner obtain a haul permit for all streets within the radius of impact, except for arterial or collector streets. For the purpose of this Section, radius of impact is defined as the primary street system commencing at the access point of the excavation site and extending out along all streets in all directions to the closest arterial or plan collector street.
    c. **Contents of Application**
       A haul permit application shall include, but not be limited to, the following:
       1) the name and address of the applicant and owners of the property;
       2) the legal description of the property;
       3) a map showing all haul routes from the excavation site to the nearest major non-residential streets; and
       4) any other material as required by the Director of Land Development as deemed reasonable and necessary to evaluate the application.
    d. **Guarantee Required**
       A guarantee for road maintenance and repair shall be required and shall be released as set forth in Article 4.D.8.D, Performance Guarantee Requirements, for all affected streets as required herein.
    e. **Street Condition Assessment**
       The haul permit application shall include an executed agreement between the applicant and the County Engineer and other applicable road maintenance authorities documenting and assessing the existing conditions of the streets within the radius of impact. The assessment shall include a description of the hauling operations including but not limited to the number of trips (as approved in the original development order), duration of excavation and hauling activity, truck size and weights and the existing conditions of all possible streets designated as haul routes.
    f. **Designation of Haul Routes**
Proposed haul routes shall have adequate structural strength to accommodate level of proposed trucking activity. Construction of turn lanes and improvements to the roadways may be required to accommodate the level of proposed truck activity. The proposed route and hours of travel shall be approved based on the size and nature of the excavation operation and the type of trucks involved.

g. **Issuance of a Haul Permit**

A haul permit with designated haul routes shall be obtained from the Land Development Division prior to issuance of written approval by ERM of the applicant’s Notice of Intent to Construct.

h. **Periodic Inspections**

Every six months, for the duration of the project, commencing on the date that original agreement was executed, the applicant shall schedule an inspection with the County Engineer and/or all applicable road maintenance authorities to evaluate and document road deterioration and needed repairs. The County Engineer or applicable road maintenance authority may request a periodic inspection at any time, if deemed necessary to assess the condition of the street or if repairs are needed to ensure the safety of the public.

i. **Responsibility of Applicant**

It shall be the applicant’s responsibility to maintain all minor non-residential streets in a safe, operable condition, as determined by the County Engineer, for the duration of the project. In addition, when the excavation activity is completed, the applicant shall restore the streets to its original condition or to a better condition, which existed at the time excavation activity commenced.

11. **Phasing**

In the event the excavation activity is conducted in phases, the phasing plan required by Article 4.D.8.A, Operational Standards and Requirements, shall be subject to Article 2.E, MONITORING, Table 2.E.3.B, Time Limitation of Development Order for Each Phase, and the requirements in Article 4.D.8.C, Reclamation Standards. All excavation types, except Type IIIA and Type IIIB shall comply with Article 2.E, MONITORING, which limits the project to two primary phases for the purposes of monitoring commencement of the development order. Additional sub-phases may be permitted for each primary phase for the purposes of conducting the excavation activity in accordance with this Section. For Type IIIA and Type IIIB excavations, the number of phases and the duration of each phase shall be established as a condition of approval. When establishing the condition of approval for the number and duration of each phase, the BCC shall consider the size of the proposed excavation project, existing and proposed surrounding land uses, surrounding FLU designations, and other pertinent information.

12. **Sound Insulation**

All machinery, heavy equipment and vehicles utilized for excavation and hauling purposes shall be equipped with double mufflers to reduce airborne noise caused by excavation operations.

B. **Construction Standards**

All excavation types shall comply with the following construction standards, unless exempt.

1. **Separation**

Separations shall be measured from the top of bank of the nearest excavated area to the property line or designated area in any given direction as defined below: Excavation shall not be constructed within:

a. wellfield Zone 1 or 300 feet from a public water supply well, whichever is more restrictive;

b. 200 feet from a wetland or in a wetland, unless approved by ERM;

c. 300 feet from a Class I or Class II Landfill;

d. 300 feet from a site with known contamination;

e. 100 feet from a septic system or sanitary hazard;

f. 100 feet from a potable water well, except for Type I A and Type I B excavations; or

g. 200 feet from publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands, unless approved by ERM.

2. **Slopes**

a. **Slope Angle**

Slopes for all excavation types with unplanted littoral zone areas shall be no steeper than four feet horizontal to one foot vertical to a minimum depth of minus two feet OWL. Slopes below the minus two feet depth shall not exceed two feet horizontal to one foot vertical or the natural angle of repose for the specific conditions encountered. Grades and slopes shall be constructed in such a manner as to minimize soil erosion and to make the land surface suitable for revegetation. The
slopes shall be adequately vegetated with appropriate ground cover from top of bank to edge of water within 30 days of final grading and thereafter maintained to prevent wind and water erosion.

b. Slope for Planted Littoral Zones
The slope for excavation with planted littoral zone areas shall be no steeper than ten feet horizontal to one foot vertical to a distance of five feet waterward of the designated planted littoral zone area. Shallower slopes are encouraged to promote greater success of the littoral zone plantings. A copy of the record drawings certified by a surveyor or engineer recognized and approved by FDPR shall be submitted to ERM within 30 days following completion of slope construction.

1) Inspection
Within 48 hours prior to completion of construction of the required slopes for the planted littoral zones, notification to ERM is required in order to schedule a slope inspection.

c. Drainage
Overland sheet flow directly into an excavated area shall be minimized. Those areas within a maximum of 50 feet of the excavated lake may discharge 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 Article 4.D, EXCAVATION.

      1) Excavated Area
         This area includes the depth of a lake and all slopes waterward of the top of bank, excluding littoral plantings.

      2) Littoral Planting
         This area includes all plantings waterward from edge of OWL or plus one (+1) OWLs.

      3) Upland
         This area includes the land area landward of the top of bank and requires that a minimum area of land be maintained or created around the perimeter of an excavated area to preserve future use of the land.

      4) Upland Planting
         This area includes all plantings landward of the top of bank and requires stabilization of soil and re-establishment of native upland vegetation.

2. Excavated Area Reclamation Standard
   All slopes shall be reclaimed in accordance with Article 4.D.8.B, Construction Standards, and in Article 4.D.8.C, Reclamation Standards. Areas not required to be stabilized with littoral plantings shall be stabilized and planted with appropriate ground cover from top of bank to the edge of the water. If seeding is used, a minimum of 50 percent coverage shall be required. The depth of the lake and side slopes shall be comply with Article 4.D.8.B, Construction Standards.

3. Littoral Planting Reclamation Standard
   All Agricultural (excluding WCAA), Type II and Type III Excavations, excluding ponds, shall comply with the following littoral zone standards. Exempted excavations within the WCAA shall provide a littoral zone if the land use ceases to be agricultural. [Ord. 2006-004]

   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. [Ord. 2005 – 002] [Ord. 2006-004]

b. Vertical Walls
Vertical walls, bulkheads or other means of hardening the shoreline may be allowed, however, for each linear foot of vertical wall, an additional eight square feet of planted littoral zone shall be required. Thus every linear foot of vertical wall shall require 16 square feet of planted littoral zone to be planted.

c. Planting Requirements
The littoral zone shall be provided with a minimum of six inches of a sand topsoil mix to promote vegetative growth for those areas that do not have adequate soil conditions to ensure plant survivorship. The littoral zone shall be planted with at least five species of appropriate native wetland vegetation, with an average spacing of two feet on center or as approved by ERM. The design and species used shall be such that the plants have an anticipated minimal 80 percent coverage. This criterion shall be met from the 180-day monitoring period, and in perpetuity. The Director of ERM shall maintain a list of acceptable plant species for use in their appropriate elevations within the littoral zones. The list may be amended for general application as more information becomes available. The list shall be open for public inspection and distribution.

d. Timing of Planting
Planting of the excavated lake or pond shall occur no later than immediately prior to the issuance of the first certification of occupancy for any lot adjacent to or abutting the bank of that lake. ERM may approve in writing a phasing plan for planting large single lake systems or interconnected multi-lake systems that would allow lake planting to be phased. At all times, applicant is responsible for minimizing erosion of the littoral shelves until the planting is completed. ERM shall be notified within 48 hours prior to completion of the littoral zone planting.

e. Littoral Planting Plans
The plans shall detail the species and numbers of plants to be used, the location and dimensions of the littoral areas, including any compensatory littoral areas, if applicable; typical cross Section of planted littoral zones from lake maintenance easements to the maximum depth of the lake; the location and dimensions of any structure for which a compensatory littoral area is required; the methods for planting and ensuring survival of the plants; and other reasonable information required by the Director of ERM.
Projects which are proposed to be conducted in phases, shall include plans which delineate the phases of excavation and shall include guarantees for each phase. The signatory of the plans and specifications shall have a personal familiarity with the site and soil conditions based upon a field review.

4. Upland Reclamation Standards
Upland reclamation standards apply to Type II and all Type III excavations only.

a. Reclamation Plan
1) General
A site reclamation plan shall be submitted as an integral part of the application for a Type II or Type III excavation and shall be approved by DRO prior to commencement of work. Reclamation is required to ensure a viable end use for the excavation site. The plan shall demonstrate compliance with the requirements in Article 4.D.8, Technical Standards, except for the littoral planting plan which has its own application submittal requirements. However, the reclamation plan submitted to DRO shall indicate the littoral planting areas.

2) Type II Excavation
The certified final site development plan shall function as the standards required for the final development plan.

3) Type II Excavations Exceeding Off-Site Removal Limitations
As set forth in Article 4.D.5.D, Type II Excavation, shall be classified as a Type III A Excavation when the applicant proposes to remove more than ten percent of the fill offsite. Notwithstanding final site plan certification, the final site development plan shall function as the reclamation plan and planting requirements shall be met in accordance with the landscape requirements for the final site development plan. In such cases, the BCC may waive all or modify a portion of the explicit upland reclamation planting requirements defined below based on the ultimate use of the site. The BCC may require that the upland reclamation plantings defined below be incorporated into the open space pedestrian system as defined on the final site development plan.
4) **Type III Excavations**
   
The reclamation plan for a Type III excavation shall comply with the upland reclamation standards in this Section.

b. **Perimeter Reclamation**
   
   At a minimum, 75 percent of the perimeter of the excavated area shall have a width of 180 feet; and the remaining 25 percent shall have a width of 100 feet. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to provide adequate growing conditions for reclamation planting requirements and to prevent the establishment of prohibited plant species.

c. **Timing of Upland Reclamation**
   
   Reclamation shall occur immediately following the end of excavation or immediately following each phase of excavation, whichever occurs first. Upon commencement of reclamation and rehabilitation of the initial phase of this excavation, the next phase of excavation may commence upon written authorization by DRO. The applicable guarantee must be on file prior to authorization for the commencement of excavation on any subsequent phase.

1) **Timing of Planting**
   
   If excavation activity is phased, planting shall occur at the completion of each phase. Planting of the reclaimed upland area should occur during the rainy season (June-October), within six months after completion of the excavated area or phase thereof, as applicable. The property owner shall ensure that proper watering and maintenance occurs in order to ensure a successful survival rate. If planting does not occur during the rainy season, then the property owner shall provide irrigation to establish the new plantings. PZB shall be notified 48 hours prior to completion of the upland plantings.

d. **Calculating Planting Requirements**
   
   In addition to the buffer requirements in Article 4.D.5.E, Type III Excavations, the following upland planting requirements shall apply.

1) **Sites Supporting Native Vegetation**
   
   Calculations to determine the reclamation planting requirements for sites supporting native vegetation shall be based on the existing tree cover. Controlled or prohibited species shall be exempt from this calculation. In addition, any tree species located within the required perimeter buffer area shall also be exempt. If no vegetation exists, the applicant shall demonstrate that the site was cleared before 1986 or has been issued and has complied with a vegetation removal permit.

   A certified tree survey shall be submitted by either a landscape architect, forester, land surveyor, or engineer who is registered in the State of Florida. This count shall include all existing on-site native trees with a trunk diameter three inches or greater to be measured at four and one-half feet above the ground. The number of existing trees meeting this criterion shall then be divided by the total number of acres to obtain a tree-per-acre figure. The number of replacement trees to be planted at the time of final site reclamation shall be determined by multiplying the trees-per-acre figure by the number of required reclaimed land acres remaining at the time of final site reclamation. Credit shall be given by PZB for existing trees greater than three inches in diameter which are relocated and/or adequately protected during excavation. Any trees relocated and/or protected shall be deducted from the replacement tree count requirement. The trees to be replanted shall be native and a minimum eight feet high. In addition, two understory 18 inch high seedlings shall be planted for each tree required to be planted.

e. **Upland Planting Reclamation Standards**
   
   The upland reclamation plantings may be clustered in one area of the reclaimed upland area or dispersed throughout the reclaimed upland area. No minimum or maximum area is required, except as a condition of approval, as long as the vegetation is planted in accordance with standards set forth in Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, and Article 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 Article 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.

   The littoral area and reclaimed upland planting area shall be specifically and separately reserved to the owner, or if applicable, to the property owners' association as its perpetual maintenance responsibility, without recourse to PBC or any other governmental entity or agency. The plat, if applicable, restrictive covenant and property owners' association documents, shall contain the following statement:

   It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations and approvals to alter the approved slopes, contours, or cross Sections or to chemically, mechanically, or manually remove, damage or destroy any plants in the reclaimed areas and planted littoral zone except upon the written approval from the Director of ERM or Zoning, as applicable. It is the responsibility of the owner or property owners association, its successors or assigns, to maintain the required survivorship and coverage of the reclaimed upland and planted littoral areas and to ensure on-going removal of prohibited and invasive non-native plant species from these areas.

D. **Performance Guarantee Requirements**

1. **General**
   ERM shall administer guarantee requirements for the excavated area and littoral plantings. The Zoning Division shall administer guarantee requirements for reclaimed upland area, and upland plantings. The Land Development Division shall administer guarantee requirements associated with road maintenance and repair of haul routes.

2. **Guarantees Required**
   The guarantees for phased projects may be bonded separately with approval by the DRO.

   a. **Agricultural and Type II Excavations**
      Agricultural and Type II excavations shall be required to provide a guarantee for the littoral zones. If approved as a Class A conditional use, guarantees shall also be required for the excavated area, upland reclamation (excluding upland plantings) and roadway maintenance and repair.

   b. **Type III**
      Approval of at least five guarantees shall be required for Type III excavations:
      1) excavated areas;
      2) reclaimed upland areas;
      3) upland planting areas;
      4) littoral zones; and,
      5) road maintenance and repair when a haul permit is required in accordance with Article 4.D.8.A, Operational Standards and Requirements.

3. **Execution**
The performance guarantee shall be executed by a person or entity with a legal or financial interest in the property. Transfer of title to the subject property shall not relieve the need for the performance guarantee. The seller shall maintain, in full force and effect, the original performance guarantee until it is replaced by the purchaser.

4. **Form of Guarantee**
The guarantee shall assure the project performs as approved by the BCC and in accordance with the standards of this Code. The guarantee shall take the form of:
   a. A cash deposit or certificate of deposit assigned to PBC;
   b. An escrow agreement for the benefit of PBC;
   c. A performance bond issued by a Florida registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations. Said bond may be canceled only upon a 60 day written advance notice and acceptance of cancellation by ERM, PZB or Land Development Division, as applicable;
   d. An unencumbered, clean, irrevocable letter of credit which must be executed on a form provided by PBC; or
   e. Unless otherwise approved in writing by ERM, PZB or Land Development Division, as applicable, performance bonds or letters of credit shall be on forms provided by PBC.

5. **Amount of Guarantee**
   a. **General**
      The amount of the guarantees shall be adjusted in accordance with the Consumer Price Index, as provided by the Congressional Budget Office and as approved by the County Attorney's Office.
   b. **Excavated Area**
      Guarantee shall be a minimum of 1,000 dollars per acre of permitted excavation area.
   c. **Littoral Zones**
      The guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for planting, maintaining, and monitoring the required littoral shelves. ERM retains the option for requesting a second cost estimate for which the performance guarantee is based.
   d. **Reclaimed Upland and Upland Planting Areas**
      Guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for reclaiming, planting, maintaining, and monitoring the upland area and required upland planting areas. PZB retains the option for requesting a second cost estimate for which the guarantee is based.
   e. **Roadway Maintenance and Repair**
      Streets which require a haul permit in order to be used as a haul route shall be required to post a minimum guarantee in the amount of 50,000 dollars per mile of affected streets within the radius of impact.

6. **Submittal and Approval of Guarantee**
   Except in the case of an application by a political subdivision or agency of the State, all applicants shall submit the guarantee instruments and obtain approval of the guarantee as provided below.
   a. **Reclaimed Upland Area and Upland Planting Areas**
      Guarantees for the reclaimed upland area and upland planting areas shall be submitted with the DRO application and approved prior to DRO certification of the final excavation plan.
   b. **Excavated Area and Littoral Zones**
      Guarantees for the excavated area and littoral zones shall be approved by ERM prior to issuance of written approval of the Notice of Intent to Construct.
   c. **Road Maintenance and Repair**
      Guarantees for road maintenance and repair shall be approved by the Land Development Division prior to issuance by ERM of the applicants Notice of Intent to Construct.

7. **Duration and Release**
   The guarantee for the excavated area and upland reclamation area of Type III excavations may be reduced once the “as-built” plan is approved. However, the guarantee shall continue to cover the upland planting and littoral planting areas until released in accordance with this subsection.
   a. **Excavated Areas for Type III Excavations**
      At the request of the applicant, the guarantees shall be released by ERM, after DRO certification of the final as-built reclamation plan, in accordance with Article 4.D.5.E.6, 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 Article 4.D.8.C.5, Area of Record.

c. Littoral and Upland Planting Reclamation Areas
The guarantees shall remain in effect a minimum of 730 days (two years) after reclamation is completed in accordance with all requirements of this Section. Guarantees shall not be released until approved plats or separate instruments are recorded and proof of recordation is provided to ERM and PZB, pursuant to Article 4.D.8.D, Performance Guarantee Requirements. Following verification of successful completion of reclamation through approval of the submitted as-builts, area of record, monitoring reports, and site inspection(s) by ERM and PZB, as applicable, guarantees shall be released.

d. Road Maintenance and Repair
The guarantee shall be released by the County Engineer and any applicable road maintenance authority after certification of the final phase of the as-built plan and upon final inspection and acceptance of the repair, maintenance and condition of the streets within the radius of impact.

8. PBC Use of Guarantee
Should PBC find it necessary to use the performance guarantee for corrective work or to fulfill the applicant’s reclamation, reconstruction or maintenance obligations as set forth herein, the applicant shall be financially responsible for all legal fees and associated costs incurred by PBC in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.

E. Maintenance and Monitoring
The following maintenance and monitoring program is required for all planted littoral zones and reclaimed planted upland areas.

1. Excavation Activity
The applicant shall submit an annual report to the DRO indicating the status of the excavation activity. The report shall include, but not be limited to, the status of:
   a. the current phase(s) of excavation;
   b. all phases of excavation and reclamation activities (including date(s) of completion and anticipated dates of completion);
   c. amount of material extracted and amount of material removed from the site;
   d. condition of perimeter buffers and landscaping; and
   e. status of compliance with conditions of approval and applicable requirements in this Section.

2. Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas
The planted littoral zones and planted upland areas shall be inspected and monitored for at least one year after planting. Equipment storage, maintenance and service areas shall be monitored until completion of the excavation activity for contamination by regulated substances. The maintenance and monitoring program shall comply with the following requirements:
   a. Maintenance
      Inspections, monitoring, exotic plant species removal and replanting during each monitoring period shall be required to maintain the minimum:
      1) 80 percent coverage criterion for the planted littoral zone from the 180 day monitoring period; and,
      2) 80 percent survivorship for the planted upland area from the 180 day monitoring period;
   b. Exotic Plant Species
      Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:
      1) prohibited and invasive non-native plant species as defined by Article 14.C, VEGETATION PRESERVATION AND PROTECTION; and
      2) invasive species, such as cattails, primrose willows and water hyacinth.
   c. Regulated Substances
      Inspections and monitoring of all equipment storage, maintenance and service areas shall be required to ensure the site has not been contaminated by regulated substances. Construction areas shall be maintained in accordance with the “Regulated Substance Best Management Practices for the Construction Industry.”
   d. Submittals for Monitoring Programs
      Submittal of monitoring reports for each monitoring period shall be required. The planted littoral zone reports shall be submitted to ERM and the reclaimed upland planting reports shall be submitted to the Zoning Division. These monitoring reports shall represent the monitoring periods commencing with a time zero report, 90 day, 180 day and 360 day reports.
The time zero monitoring report shall be submitted within 30 days of the initial planting. Each subsequent report shall be submitted within 30 days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, PBC finds the planted littoral or reclaimed planted upland areas to be in non-compliance with the provisions herein, the land owner or entity having maintenance responsibility may be required by PBC to extend their maintenance and monitoring period, until compliance with the maintenance and monitoring requirements is met.

e. **Content of Monitoring Reports**

Each monitoring report, including the time zero report, shall assess the species, numbers, and locations of planted littoral zones and reclaimed upland planting areas. The report shall also depict the equipment maintenance, storage and service areas and assess the condition of the ground as a result of possible leakage or spillage of regulated substances. The report shall include multiple photographs (panoramas are preferred) of the site clearly showing these areas. Photographs must be taken at approximately the same location(s) each time.

In addition, the report shall detail the species, numbers and locations of additional plantings that were made to attain the 80 percent survivorship/coverage criteria, if such plantings were necessary.

3. **Long-Term Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas**

After the first year, the land owner or entity having maintenance responsibility for the planted littoral zone and planted upland reclamation area, shall maintain these areas in the following manner.

a. The reclaimed upland areas shall maintain a minimum survivorship of 80 percent, and the planted littoral zone shall maintain a minimum coverage of 80 percent.

b. Exotic and invasive non-native plant species as defined by [Article 14.C, VEGETATION PRESERVATION AND PROTECTION](#), such as cattails, primrose willows and water hyacinth, shall be restricted to a coverage of less than ten percent of the required planted littoral zone. No exotic or invasive non-native plant species shall be permitted in the upland areas.

4. **Repair, Reconstruction Modification**

DRO approval shall be obtained prior to any reconfiguration of the approved lake or reclaimed upland area. Written approval from the Director of ERM shall be obtained prior to modification of the planted littoral zones.

**Section 9 Administration and Enforcement**

A. **Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type II and Type III Excavations**

1. **Authority and Criteria**

Administrative waivers from the slope, depth, or littoral zone standards contained in [Article 4.D.8, Technical Standards](#), for Agricultural, WCAA, Type II, and Type III Excavations may be granted by ERM in accordance with the standards of this Section. ERM may grant the waivers to an applicant upon demonstration by a preponderance of evidence, that such administrative waivers will not be injurious to the area involved or otherwise detrimental to the public welfare, and that special or unique circumstances exist to justify the administrative waivers based on one or more of the following conditions:

a. That the literal application of these standards will create an unreasonable hardship and that the special and unique circumstances do not result from the actions of the applicant;

b. That 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 4.D.8.D.5.c. 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; [Ord. 2013-001]

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 [Article 4.D.8.B, Construction Standards](#), unless the item specifically allows approval by ERM; nor for any mining or excavation operation location which will reduce hydraulic recharge distances to a public water supply well in
excess of two percent; nor within 200 feet of a publicly-owned conservation area, environmentally sensitive land area, or publicly-owned preservation area. An administrative waiver may be granted for littoral areas within a lake supporting bona-fide agricultural operations. If the land use changes from bona-fide agricultural use, the littoral requirements for the new land use shall be required.

3. Review Process
   The request shall be included with the Notice of Intent to Construct, unless a Notice of Intent to Construct has been previously approved. An appropriate fee and drawings of sufficient detail shall be required in order to provide the information needed to determine if granting approval of the waiver is appropriate. The application and drawings, excluding littoral planting plans, shall be signed and sealed by a professional recognized and approved by the Florida Department of Professional Regulation for this type of project.
   a. Upon receipt of a request to deviate from the Construction Criteria, ERM shall have 30 days to request any additional information.
   b. Within 30 days of receipt of the requested additional information, ERM may only request information needed to clarify the additional information supplied or to answer new questions raised by or directly related to the additional information.
   c. If ERM does not ask for additional information within thirty 30 days of receipt of the request, the request shall be deemed complete upon date of receipt.
   d. If an applicant fails to respond to a request for the fee or any additional information within 60 days, the request may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information. ERM action shall be approval or denial, and shall be included with the issued written approval of the Notice of Intent to Construct.

B. Violations, Enforcement, and Penalties
   1. Violations
      For each day or portion thereof, it shall be a violation of this Section to:
      a. fail to comply with a requirement of this Section, a condition of an approval or an authorized exemption granted hereunder;
      b. fail to comply with the design specifications or littoral planting plan submitted with the Notice of Intent to Construct for which a written approval was issued by ERM;
      c. alter or destroy the approved depths, slopes, contours, or cross-sections;
      d. chemically, mechanically, or manually remove, damage, destroy, cut, or trim any plants in the littoral zones, except upon written approval by the Director of ERM;
      e. dredge, excavate, or mine the lake or littoral zones without prior receipt of approval(s) from ERM and/or PZB;
      f. cause water quality violations in excess of the standards contained in F.A.C. Chapter 62-302; or
      g. dewater in Type 1(A) Type 1(B); and Agricultural excavations unless otherwise permitted by a State agency, Federal agency, the SFWMD, or the dewatering operation is in compliance with the conditions of F.A.C. 40E-20.302(3). [Ord. 2005 – 002]

C. Enforcement
   Violation of each subsection of this Section, any conditions of approval, or any of those violations listed in Art. 4.D.9.B. Violations, Enforcement and Penalties, above, shall be deemed a separate violation and may be subject to fines up to 1,000 dollars per day per violation. In order to enforce compliance with the provisions of this Section, ERM, PZB and the County Engineer may issue a cease and desist order or require that future DRO certifications be denied or a building permit or C.O. be withheld. Violations of the provisions of this Section shall be punishable by one or more of the following: [Ord. 2005 – 002]
   1. Quadruple permit fees shall be assessed if permits were not obtained for violations involving activities which would otherwise have been permitable, as determined by ERM, PZB, or the Land Development Division.
   2. This Section shall be enforced through the remedies as outlined in Article 10, ENFORCEMENT. However, PBC is not prevented from enforcing the provisions of this Section by any other measures allowable by law, including but not limited to, F.S. Chapters 125 and 162, as may be amended.
   3. If the applicant has violated the provisions of this Section, or a condition of approval, staff may place the subject development order back on a BCC agenda for re-consideration in accordance with the provisions of Article 2.E, MONITORING, and Article 10, ENFORCEMENT.

D. Restoration
   Damage to upland reclamation areas, planted littoral shelves, littoral plants and/or streets may result in an order to restore to the approved conditions. Excavation operations that have occurred without approval
and receipt of written approval from ERM, PZB or the County Engineer, as applicable may result in an order to restore the site or streets in the radius of impact to preexisting conditions.

**E. Additional Remedies**

In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions, to enforce the provisions of this Section.

**F. Use of Collected Monies**

All monies collected by ERM as civil penalties for violations of this Section shall be deposited in the PBC Pollution Recovery Trust Fund.

**G. Appeals**

An applicant may appeal a final determination made by:

1. **Director of ERM**
   
   Appeal shall be made to the Hearing Officer. The applicant shall comply with the following appeal procedures. [Ord. 2011-016]
   
   a. **Submittal**
      
      An appeal must be made within 20 days of the applicant's receipt of the final action.
   
   b. **Hearing**
      
      Each hearing shall be held within 60 days of submittal of all documents which the Hearing Officer deems necessary to evaluate the appeal. At the conclusion of the hearing, the Hearing Officer shall orally render its decision (order), based on the evidence entered into record, the decision shall be stated in a written order and mailed to the applicant not later than ten days after the hearing. Written order of the Hearing Officer shall be final. [Ord. 2011-016]

2. **Director of Zoning or Director of Land Development**
   
   Appeal shall be made to the appropriate appeals board as provided in Article 2.G, DECISION MAKING BODIES as applicable. [Ord. 2011-016]

3. **Judicial Relief**
   
   An applicant or ERM may appeal a final written order of the Hearing Officer within 30 days of the rendition of the written order by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida. [Ord. 2011-016]