

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 4 – USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER B, ACCESSORY USES AND STRUCTURES; **ARTICLE 6 – PARKING:** CHAPTER A, PARKING; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

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

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

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

Section 1. Adoption

The amendments set forth in Exhibit A listed below, attached hereto and made a part hereof, are hereby adopted.

Section 2. Interpretation of Captions

All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on interpretation.

Section 3. Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability

If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item contained in this Ordinance is for any reason held by the Court to be unconstitutional,

1 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
2 Ordinance.

3 **Section 5. Savings Clause**

4 All development orders, permits, enforcement orders, ongoing enforcement actions, and
5 all other actions of the Board of County Commissioners, the Zoning Commission, the
6 Development Review Officer, Enforcement Boards, all other County decision-making and
7 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued pursuant
8 to the regulations and procedures established prior to the effective date of this Ordinance shall
9 remain in full force and effect.

10 **Section 6. Inclusion in the Unified Land Development Code**

11 The provisions of this Ordinance shall be codified in the Unified Land Development Code
12 and may be reorganized, renumbered or re-lettered to effectuate the codification of this
13 Ordinance.

14 **Section 7. Providing for an Effective Date**

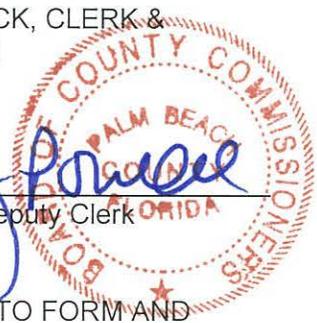
15 The provisions of this Ordinance shall become effective upon filing with the Department
16 of State.

17 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
18 County, Florida, on this the 25th day of November, 2019.

SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: 
Deputy Clerk



By: 
Dave Kerner, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
Scott A. Stone, County Attorney

19 **EFFECTIVE DATE:** Filed with the Department of State on the 5th day of
20 December, 2019.

EXHIBIT A
ARTICLES 4, 5 AND 6 LANDSCAPE SERVICE

Part 1. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (page 43 and 44 of 208, Supplement 24), is hereby amended as follows:

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 2 Commercial Uses**

3 **C. Definitions and Supplementary Use Standards for Specific Uses**

4 ...
5 **21. Landscape Service**

6 **a. Definition**

7 An establishment engaged in the ~~provision of landscape~~ maintenance or installation of
8 ~~landscaping services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing,~~
9 ~~landscape design, and landscape installation.~~ **[Partially relocated to 4.B.2.C.21.c,**
10 **Typical Off-site Services]**

11 **b. Typical On-site Activities**

12 Includes administrative office; customer and employee parking; and storage or parking of
13 landscape vehicles; chemicals, fertilizers, landscape materials and equipment.

14 **c. Typical Off-site Services**

15 May include, but are not limited to: *lawn mowing; trimming of vegetation including trees,*
16 *shrubs, or hedges; irrigation; fertilizer application; leaf blowing; landscaping design;*
17 *maintenance or installation.* **[Partially relocated from 4.B.2.C.21.a]**

18 **d. Common Operations Area**

19 A common area that is shared between the Nursery and the Landscape Service, which
20 may include, but is not limited to: *drive aisles; customer parking; and, structures that are*
21 *commonly shared between the Nursery and the Landscape Service.* It shall not include
22 *areas, structures, or facilities which serve solely the Landscape Service (On-site*
23 *Activities).*

24 **e. Nursery Growing Area**

25 Consists of an area(s) used solely for the propagation, cultivation, growing, storage, and
26 staging of plants.

27 **f. Easements**

28 The Applicant may allocate drainage or street/canal right of way easements to the
29 Common Operations, Nursery, or Landscape Service Areas based on their proximity to
30 each respective area and the purpose and scope of the easement, subject to the
31 approval by the DRO.

Part 2. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (page 43 and 44 of 208, Supplement 24), is hereby amended as follows:

32 **ga. AR District in RSA**

33 ~~A Landscape Service~~ Shall be permitted subject to applicable requirements of a Home
34 Occupation pursuant to Art. 4.B.1.E.10; Collocated Use Art. 4.B.2.C.21.h; or, as a
35 Principal use subject to the additional requirements as follows:

- 36 1) ~~Shall be~~ located on a ~~C~~ollector or ~~A~~rterial street; and,
37 2) ~~Shall be~~ on a minimum of three acres.

Part 3. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (page 43 and 44 of 208, Supplement 24), is hereby amended as follows:

38 **h. Collocated Use**

39 Shall be allowed only in conjunction with a Retail or Wholesale Nursery, and both uses
40 shall be operated under the same ownership, subject to the following:

41 **1) ~~b-~~ AGR, AP, CN, CRE, and PO Zoning Districts**

42 Shall be permitted subject to ~~DRO~~ approval as an accessory use only in conjunction
43 with a retail or wholesale nursery, excluding those that meet the limitations of a home
44 occupation.

45 **a) Approval Process-Full DRO**

- 46 (1) A minimum of 50 percent of the lot area shall be Retail or Wholesale
47 Nursery;
48 (2) A maximum of 30 percent of the lot area or one and one-half (1-1/2)-acre,
49 whichever is less, shall be Landscape Service (On-site Activities); and,
50 (3) The areas designated for Common Operations Area shall be a maximum of
51 20 percent of the lot area.

52 **b) Approval Process- Class A Conditional Use, except the AGR Zoning**
53 **District**

Notes:

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EXHIBIT A
ARTICLES 4, 5 AND 6 LANDSCAPE SERVICE

- 1 (1) A minimum of 50 percent of the lot area shall be Retail or Wholesale
2 Nursery;
3 (2) A maximum of 45 percent of the lot area or 2 acres, whichever is less, shall
4 be Landscape Service (On-site Activities); and,
5 (3) The areas designated for Common Operations Area shall be a maximum of
6 20 percent of the lot area.
7 **2) CC or CG Zoning Districts**
8 **a) Approval Process- Full DRO**
9 (1) A minimum of 50 percent of the lot area shall be Retail and/or Wholesale
10 Nursery;
11 (2) A maximum of 30 percent of the lot area or one and one-half (1-1/2)-acre,
12 whichever is less, shall be Landscape Service (On-site Activities); and,
13 (3) The areas designated for Common Operations Area shall be a maximum of
14 20 percent of the lot area.
15 **3) IL, IG, and IND/L, COM, or IND/G Pods of a PIPD Zoning Districts**
16 A Landscape Service use may be Permitted by Right when collocated with
17 Wholesale or Retail Nursery.
18 **4) AR/RSA Zoning District**
19 **a) Shall be on a minimum of three acres; and,**
20 **b) Approval Process**
21 A Landscape Service shall be subject to a Class A Conditional Use approval
22 process, unless stated otherwise below.
23 **(1) Exception**
24 A Landscape Service may be subject to the Full DRO process if the
25 Applicant submits an application within 180 calendar days of the effective
26 date of Ordinance 2019-039 and provides sufficient evidence that the
27 Landscape Service existed on the subject property prior to that date.
28 **c) Lot size greater than or equal to 3 acres and less than or equal to 5 acres**
29 The area(s) designated for Landscape Service (On-site Activities) shall be a
30 maximum of 30 percent of the Growing Area or 1 acre, whichever is less.
31 **d) Lot size greater than 5 acres**
32 The area(s) designated for Landscape Service (On-site Activities) shall be a
33 maximum of 30 percent of the Growing Area or 1.5 acre, whichever is less.
34 **5) AR/USA, RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, and TMD**
35 **within the US, Rural or Exurban Tiers:**
36 **a) Shall be on a minimum of three acres; and,**
37 **b) Approval Process- Class A Conditional Use**
38 (1) The area(s) designated for Landscape Service (On-site Activities) shall be a
39 maximum of 30 percent of the Growing Area or 1 acre, whichever is less.

Part 4. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (page 43 and 44 of 208, Supplement 24), is hereby amended as follows:

- 40 **i. Hours of Operation**
41 Landscape Service shall be prohibited to operate on Sundays within the Agricultural
42 Residential (AR) Zoning District.
43 **je. Landscape Buffer**
44 An ~~Incompatibility~~ ~~Compatibility~~ Buffer shall not be required if the use is adjacent to a
45 property with an existing ~~farm worker quarters or mobile home accessory to a~~ Agriculture
46 use pursuant to Art. 4.B.6, Agricultural Uses. [Ord. 2018-2018]
47 **1) AGR and AP Zoning District**
48 R-O-W and Incompatibility Buffers shall be required in accordance with the
49 requirements for the Wholesale or Retail Nursery.
50 ~~**d. Storage**~~
51 ~~Outdoor storage of debris shall be prohibited.~~
52 ~~**e. Accessory Use**~~
53 ~~May be allowed as an accessory use to a retail or wholesale nursery on a minimum of~~
54 ~~three acres.~~
55 **kf. Yard Waste Storage**
56 Landscape service with storage of yard waste shall front on a collector or arterial street,
57 and shall comply with the following requirements:
58 **1) Setbacks**
59 Loading and service areas shall be located a minimum of 50 feet from all property
60 lines and 100 feet from adjacent property with residential use or FLU designation.
61 **2) Standards**
62 **a) Only one yard waste storage area shall be permitted on site;**
63 **b) Shall not exceed 30 by 40 feet;**

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

kg. Home Occupation

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

1) Exception – AR/RSA Zoning District

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

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

2) Home Occupation having Landscape Service shall be exempt from the incompatibility buffer requirements. [Ord. 2018-018]

Part 5. ULDC Art. 4.B.6.C.13, Use Regulations, Use Classification, Agricultural Uses, Definitions and Supplementary Use Standards for Specific Uses (page 100-101 of 200, Supplement 25), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

Section 6 Agricultural Uses

C. Definitions and Supplementary Use Standards for Specific Uses

13. Nursery, Retail

a. Definition

The retail sale of horticultural specialties such as flowers, shrubs, sod, trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

b. Frontage

Shall front on and access from a Collector or Arterial Street.

c. Lot Size

A minimum of one acre is required in a residential zoning district.

d. Setbacks

All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.6.C.17, Shade House.

e. Loading

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

f. Accessory Uses

An office is permitted as an accessory use, provided it is not a Mobile Home.

g. Landscaping

A buffer, pursuant to Article 7, shall be provided along all property lines ~~that are not screened by plant material except when the Growing Area is located adjacent to the property line of the site, as follows:-~~

1) R-O-W and 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. May be modified when the Growing Area is 50 feet or more in width, subject to the provision of Art. 4.B.6.13.g.3. Alternative Buffer.~~

2) Compatibility Buffer

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ARTICLES 4, 5 AND 6 LANDSCAPE SERVICE

~~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. Is exempt where the growing area is adjacent to a parcel of land that has an existing Agriculture uses pursuant to Art. 4.B.6. Agricultural Uses.~~

3) R-O-W Buffer Alternative 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.~~

~~a) A six-foot high Landscape Barrier shall be installed within a buffer with a minimum width of ten feet;~~

~~b) The Landscape Barrier shall be satisfied by plant material for sale provided that the plant material is grown in the ground, and spaced at least five feet on center. Plants in container may be used in lieu of the in-ground planting. Any removed plants shall be replaced, and shall be maintained to ensure there is a continuous visual screen being provided at all times.~~

4) Barbed Wire

The use of barbed wire shall be prohibited.

h. Storage

Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in Art. 5.B, Accessory Uses and Structures. In residential zoning districts, outdoor bulk storage shall be setback a minimum of fifty feet or the zoning district setback, whichever is greater.

i. Site Plan

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

j. Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 5:00 p.m. to 8:00 a.m. is prohibited.

k. Compatibility

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

l. Spraying

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

Part 6. ULDC Art. 4.B.6.C.14, Use Regulations, Use Classification, Agricultural Uses, Definitions and Supplementary Use Standards for Specific Uses (page 101-102 of 200, Supplement 25), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

Section 6 Agricultural Uses

C. Definitions and Supplementary Use Standards for Specific Uses

14. Nursery, Wholesale

a. Definition

The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

b. Approval Process

Table 4.B.6.C – Residential Districts in the USA

ZAR (1)	Five acres or less.
DRO	More than five but less than 20 acres.
Class B Conditional Use	20 or more acres.
[Ord. 2018-002]	
Notes:	
1.	If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.

Table 4.B.6.C. – AR District in RSA

Permitted	Ten acres or less.
ZAR (1)	More than ten but less than 40 acres.
DRO	40 or more acres.
[Ord. 2018-002]	
Notes:	

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EXHIBIT A

ARTICLES 4, 5 AND 6 LANDSCAPE SERVICE

Table 4.B.6.C. – AR District in RSA

1.	If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.
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1) **All Other Districts**
Permitted.

c. **Tier**

In addition to the above standards, a Wholesale Nursery in the U/S Tier shall comply with the following standards:

1) **Lot Size**

A minimum of one acre.

2) **Setbacks**

All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.6.C.17, Shade House.

3) **Compatibility**

The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving a DO. [Ord. 2018-002]

4) **Spraying**

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

d. **Zoning District – AR**

May be operated in conjunction with a residence.

e. **Accessory Use**

1) A retail nursery may be permitted as an accessory use to a wholesale nursery in the AGR Tier.

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

f. **Parking and Loading**

All parking and loading shall occur on site.

g. **Landscaping**

A buffer, pursuant to Article 7, shall be provided along all property lines ~~that are not screened by plant material except when the growing area is located adjacent to the property line of the site, as follows:-~~

1) **R-O-W and 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. May be modified when the Growing Area is 50 feet or more in width, subject to the provision of Art. 4.B.6.14.g.3. Alternative Buffer.~~

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. Is exempt where the growing area is adjacent to a parcel of land that has an existing Agriculture uses pursuant to Art. 4.B.6, Agricultural Uses.~~

3) **R-O-W Buffer Alternative 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.~~

~~a) A six-foot high Landscape Barrier shall be installed within a buffer with a minimum width of ten feet.~~

~~b) The Landscape Barrier shall be satisfied by plant material for sale provided that the plant material is grown in the ground, and spaced at least five feet on center. Plants in container may be used in lieu of the in-ground planting. Any removed plants shall be replaced, and shall be maintained to ensure there is a continuous visual screen being provided at all times.~~

4) **Barbed Wire**

The use of barbed wire shall be prohibited.

h. **Storage**

Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in Art. 5.B, Accessory Uses and Structures. Outdoor bulk storage in residential zoning districts shall be setback a minimum of 50 feet or the district setback, whichever is greater.

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- 1 i. **Hours of Operation**
- 2 Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of
- 3 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.
- 4 j. **Limitations of Sales**
- 5 Sales from a wholesale nursery are limited to exporters, distributors, landscape
- 6 contractors, retailers, or other businesses.
- 7 k. **Site Plan**
- 8 Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM
- 9 requirements may exceed the DRO limitations contained in Art. 2.G.4.G, Development
- 10 Review Officer (DRO).

Part 7. ULDC Art. 5.B.1.A, **Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures** (page 18-20, of 110, Supplement 24), is hereby amended as follows:

11 **CHAPTER B ACCESSORY USES AND STRUCTURES**

12 **Section 1 Supplementary Regulations**

13 **A. Accessory Uses and Structures**

14 ...

15 **3. Outdoor Storage and Activities**

16 Outdoor storage of merchandise, inventory, vehicles and trailers used in operation of a

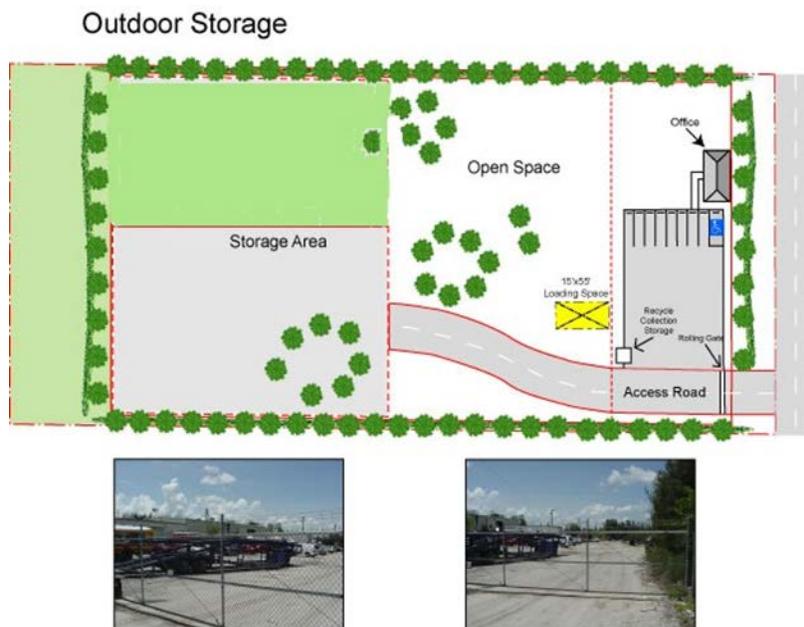
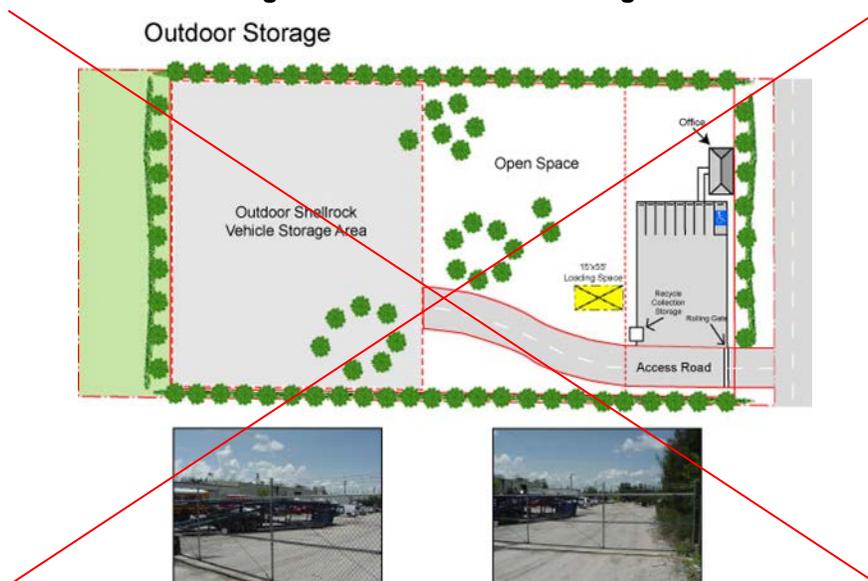
17 business, equipment, refuse, or similar materials, and outdoor activities associated with a use

18 operation in all zoning districts shall be subject to the following standards, unless stated

19 otherwise: [Ord. 2017-007]

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Figure 5.B.1.A - Outdoor Storage



21

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- 1 **a. General**
- 2 Outdoor Storage and Activities may only be allowed when incidental to the use located
- 3 on the premises. **[Ord. 2017-007]**
- 4 **b. Location**
- 5 Outdoor Storage and Activity areas shall not be located in any of the required setbacks.
- 6 Bollards or other acceptable barricade to the Zoning Division shall be provided to
- 7 delineate pile locations. **[Ord. 2017-007]**
- 8 **c. Height**
- 9 Outdoor Storage material shall not exceed 15 feet in height or the height of the
- 10 screening, whichever is less. The height could be less if required by the F.A.C 62-709, as
- 11 amended. **[Ord. 2017-007]**
- 12 **d. Screening**
- 13 Outdoor Storage and Activity areas shall be completely screened from all property lines
- 14 by landscaping, fences, walls, or buildings. **[Ord. 2017-007]**
- 15 **e. Industrial FLU Designation, Zoning Districts or Uses**
- 16 1) Outdoor Storage and Activity areas adjacent to parcels of land with Industrial FLU
- 17 designation or use and not visible from any street shall be exempted from the
- 18 screening requirements. **[Ord. 2017-007]**
- 19 2) Outdoor Activity areas in industrial uses shall have a Type 3 incompatibility buffer
- 20 along property lines adjacent to parcels with a Civic, Conservation, Commercial,
- 21 Recreational or residential FLU designation, or use, or where visible from a public R-
- 22 O-W. The incompatibility buffer shall be a minimum of 25 feet in width. **[Ord. 2017-**
- 23 **007]**
- 24 3) Outdoor Activities such as chipping, crushing, grinding, manufacturing or processing
- 25 shall be restricted to uses in the IG Zoning District and Industrial General pod of
- 26 PIPD unless approved as a Class A Conditional Use. **[Ord. 2017-007]**
- 27 **f. Exceptions**
- 28 The following uses or material are exempt from this Section:
- 29 1) Storage and sales of landscape plant material.
- 30 2) Temporary storage of material used for road construction on a lot directly adjacent to
- 31 the roadway under construction. **[Ord. 2017-007]**
- 32 **g. Parking/Storage**
- 33 The parking and storage of vehicles and trailers, used in operation of a business, shall be
- 34 on an improved surface as described in Article 6.A.1.D.14.B,3) Paving and Drainage or
- 35 4), Maintenance.

Part 8. ULDC Art. 6.A.1 Parking, Parking, General, Applicability, Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements (page 5 of 40, Supplement 25), is hereby amended as follows:

36 CHAPTER A PARKING

37 Section 1 General

38 B. Applicability

Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements - Cont'd

	Parking	Loading (1)
Use Classification: Commercial		
....		
Landscape Service	<u>1 space per 250 sq. ft. of office; 1 space per 500 sq. ft.; plus 1 space per 1,000 2,500 sq. ft. of outdoor storage area for employee parking</u>	A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005]		
Loading Key:		
Standard "A"	One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.	
Standard "B"	One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.	
Standard "C"	One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.	
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.	
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.	

- 39
- 40
- 41 **3. Use of Required Off-Street Parking**
- 42 Off-street parking spaces shall be provided for the use of residents, customers, patrons and
- 43 employees. Required parking spaces shall not be used for the storage, sale or display of
- 44 goods or materials or for the sale, repair, or servicing of vehicles. All vehicles parked within
- 45 off-street parking areas shall be registered and capable of moving under their own power.
- 46 Required off-street parking spaces shall be free from building encroachments.
- 47

Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements

Notes:

Underlined indicates **new** text.

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EXHIBIT A

ARTICLES 4, 5 AND 6 LANDSCAPE SERVICE

Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements

	Parking	Loading (1)
....		
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005]		
Loading Standard Key:		
Standard "A"	One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.	
Standard "B"	One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.	
Standard "C"	One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.	
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.	
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.	
(1)	A Special Event shall provide on-site parking unless off-site parking is approved.	
Notes:		
1.	In addition to the parking requirements of Table 6.B.1.B, Minimum Off-Street Parking and Loading Requirements, uses with company vehicles shall provide 1 space per company vehicle.	
2.	Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.A.1.D.1.h, Government Services and Government Facilities. [Ord. 2019-005]	
3.	Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shellrock or other similar materials subject to, or grassed subject to Art. 6.A.1.D.12, Grass Parking, except for the required handicapped parking space(s).	
4.	Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking. [Ord. 2007-010] [Relocated to 6.A.1.D.14, Design and Construction]	
5.	Nonprofit Assembly Institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee.	
6.	Limited access Self Service Storage facilities must provide a minimum of two off-street loading spaces at each entry into the building, excluding office access not utilized by customers for accessing storage units. [Ord. 2005-041] [Ord. 2017-007]	
7.	Golf cart parking may be used pursuant to Art. 6.A.1.D.7, Golf Cart Parking [Ord. 2007-001] [Ord. 2013-001]	
8.	The loading zone may be waived for a Type 2 or 3 Commercial Kennel operated as an accessory use to general retail sales. [Ord. 2006-036]	
9.	Each walk-up Freestanding ATM shall require a minimum of one (1) parking space for persons with disabilities. [Ord. 2013-021]	
10.	Parking may not be required for a Community Vegetable Garden subject to submittal of parking demand study and approval of a Type 1 Waiver. [Ord. 2015-031]	
11.	Freestanding Unmanned Retail Structures shall require a minimum of one (1) parking space for persons with disabilities.	
12.	A Type 3 CLF with more than 20 beds or a Nursing Home or Convalescent Facility with more than 20 beds shall provide at least one loading space per building unless approved as a Type 1 Waiver. [Ord. 2017-025]	

Part 9. ULDC Art. 6.A.1.D.14.b.3), Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures (page 18-20, of 110, Supplement 24), is hereby amended as follows:

1 **CHAPTER A PARKING**

2 **Section 1 General**

3 **B. Applicability**

4 **14. Design and Construction Standards**

5 **b. Construction**

6 ...

7 **3) Paving and Drainage**

8 **a) Review and Approval by County Engineer**

9 The drainage design for all parking areas shall be reviewed and approved by the
10 County Engineer pursuant to Art. 11, Subdivision, Platting, and Required
11 Improvements, prior to the issue of a development permit.

12 **b) Materials**

13 Unless otherwise provided in this Article, all parking lots shall be improved with
14 either: (a) a minimum of a six inch shellrock or limerock base with a one inch
15 hotplant mix asphaltic concrete surface; or (b) a base and surface material of
16 equivalent durability, as certified by an engineer.

17 **c) Impervious Surface**

18 All surface parking areas, grassed or otherwise, shall be considered an
19 impervious paved surface for the purpose of determining tertiary drainage system
20 flow capacity and secondary stormwater management system runoff
21 treatment/control requirements.

22 **d) Runoff**

23 Runoff from vehicular use areas shall be controlled and treated in accordance
24 with all applicable agency standards in effect at the time an application is
25 submitted.

26 **4) Maintenance**

27 All parking lots shall be maintained in good condition to prevent any hazards, such as
28 cracked asphalt or potholes.

29 **a) Shell Rock**

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EXHIBIT A ARTICLES 4, 5 AND 6 LANDSCAPE SERVICE

- 1 The uses listed below may construct surface parking lots with shellrock or similar
2 material approved by the ~~County Engineer~~ DRO, *except for the required*
3 *handicapped parking space(s)*. Parking areas connected to a public street, shall
4 be paved.
- 5 (1) Agricultural uses requiring less than 20 spaces.
6 (2) Communication towers.
7 (3) Accessory uses to a bona fide agricultural use, such as farm workers
8 quarters.
- 9 (4) Wholesale Nursery, Retail Nursery, Nurseries or Landscape Service
10 Collocated with a Nursery requiring less than 20 parking spaces, and the
11 Outdoor storage area of vehicles for the operation of the business.
12 (a) Wholesale Nursery, Retail Nursery, or Landscape Service Collocated
13 with a Nursery requiring 20 or more parking spaces may construct
14 surface parking lots with 50 percent of the required spaces as shellrock
15 or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or
16 grassed subject to Art. 6.A.1.D.12, Grass Parking. [Ord. 2007-010].
17 **[Relocated from Art. 6.A.1. Table 6.A.1.B – Minimum Off-Street**
18 **Parking and Loading Requirements]**
- 19 (5) Driveways in the RSA serving residential uses on unpaved roads.
20 (6) Uses in the C-51 Catch Basin when approved by the DRO.
- 21 **b) Wheelstops and Curbing**
22 Wheel stops or continuous curbing shall be placed two and one half feet back
23 from walls, poles, structures, pedestrian walkways and landscaped areas.
24

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 5, 2019

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Mr. Timothy Montiglio

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2019-039, which was filed in this office on December 5, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb