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## **Sec. 94-273. - Extra requirements for special uses or permitted uses.**

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- a. The uses listed in this section are determined to be the uses permitted by right subject to extra requirements or special uses. Each use shall be required to conform to the following:
  1. *Additional application requirements.* These requirements are in addition to those required by other articles and sections of this chapter. All applications to establish each use shall submit all additional information listed in this section.
  2. *Additional standards.* These additional standards are required in addition to all other requirements listed in other articles and sections of this chapter. All applications shall conform to all such additional standards listed in this section unless the special use review authority shall reduce the standards upon a finding, based upon a preponderance of the evidence of record, that the proposed special use nevertheless:
    - a. Will be consistent with the comprehensive plan of the city adopted by the city commission;
    - b. Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses;
    - c. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity;
    - d. Will have no detrimental effect on vehicular or pedestrian within a district due to detrimental affects on permitted uses;
    - e. Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area;
    - f. Will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements;
    - g. Otherwise meets the definition standards set forth elsewhere in this chapter for such particular use; and
    - h. Will provide alternative measures consistent with the intent of the additional standards to provide protection to adjacent properties and preserve neighborhood character.
  3. *Additional standards for community residence (family or transitional).* These additional standards are required in addition to all other requirements listed in other articles and sections of the code of ordinances except Section 94-273(2) which is not applicable to community residence applications. All applications shall conform to all such additional standards listed in this section unless the special use review authority shall reduce the standards upon finding that there is competent substantial evidence in the record that the proposed Special Use meets the applicable standards. All properties located within a Planned Development shall use the Class A Special Use review approval process:
    - a. When the proposed community residence is required to obtain a Special Use because it would be located within 660 linear feet of an existing community residence or recovery community:
      - i. The applicant shall demonstrate that the proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence or recovery community and that the presence of other community residences or recovery communities will not interfere with the normalization and community integration of the residents of the proposed community residence;
      - ii. The applicant demonstrates that the proposed community residence in combination with any existing community residences and/or recovery communities will not alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere or by creating or intensifying a de facto social service district by concentrating or clustering community residences and/or any recovery community on a block or in a neighborhood.
    - b. When the proposed community residence is required to obtain a Special Use because the State of Florida does not offer a license or certification for this type of community residence and the population it would serve, the applicant must demonstrate that:

- i. The proposed community residence will be operated in a manner effectively similar to that of a licensed or certified community residence;
  - ii. Staff will be adequately trained in accordance with standards typically required by licensing or state certification for a community residence;
  - iii. The community residence will emulate a biological family and be operated to achieve normalization and community integration; and
  - iv. The rules and practices governing how the community residence is operated will actually protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.
- c. In districts where a community residence is allowed only as a Special Use, the community residence shall be approved only on a finding that there is competent substantial evidence in the record that the proposed Special Use meets the following applicable standards:
  - i. The applicant demonstrates that the proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence and/or recovery community and that the presence of other community residences and/or any recovery communities will not interfere with the normalization and community integration of the residents of the proposed community residence;
  - ii. The applicant demonstrates that the proposed community residence in combination with any existing community residences and/or recovery communities will not alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere or by creating or intensifying a de facto social service district by concentrating or clustering community residences and/or any recovery community on a block or in a neighborhood;
  - iii. The applicant demonstrates that the proposed community residence will be compatible with the residential uses allowed as of right in the zoning district;
  - iv. When a proposed transitional community residence would be located in a single-family zoning district, the applicant demonstrates that the proposed transitional community residence, alone or in combination with any existing community residences, will not alter the residential stability of the single-family zoning district;
  - v. The applicant demonstrates that the applicant or the proposed community residence has been granted certification by the State of Florida or license required by the State of Florida,
  - vi. When the State of Florida does not offer certification or require a license for this type of transitional community residence and the population it would serve, the applicant demonstrates that:
    - 1. The proposed community residence will be operated in a manner effectively similar to that of a licensed or certified community residence;
    - 2. Staff will be adequately trained in accord with standards typically required by licensing or state certification for a community residence;
    - 3. The community residence will emulate a biological family and be operated to achieve normalization and community integration; and
    - 4. The rules and practices governing how the community residence is operated will actually protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.
- d. Except as required by state law, a community residence is required to obtain a Special Use to house more than ten people which shall be approved only on a finding that there is competent substantial evidence in the record that the proposed Special Use meets the following applicable standards:
  - i. Specify by how many individuals it wishes to exceed the as of right maximum of ten residents and demonstrate by competent substantial evidence that this greater number of residents is needed to enable the financial and/or therapeutic viability of the community residence;
  - ii. Demonstrate by competent substantial evidence that the primary function of the proposed community residence is residential where any medical treatment is merely incidental to the residential use of the property;
  - iii. Demonstrate by competent substantial evidence that the proposed community residence will emulate a biological family and operate as a functional family rather than as an assisted living

facility or adult congregate living facility that does not comport with the definition of “community residence,” or as a boarding or rooming house, nursing home, short term rental, continuing care facility, motel, hotel, treatment center, rehabilitation center, institutional use, or other nonresidential use; and

- iv. Demonstrate by competent substantial evidence that the requested number of residents in the proposed community residence will not interfere with the normalization and community integration of the occupants of any existing community residence or recovery community.

- 4. *Additional standards for recovery community.* These additional standards are required in addition to all other requirements listed in other articles and section of the code of ordinances except Section 94-273(2). All applications shall conform to all such additional standards listed in this section unless the special use review authority shall reduce the standards upon finding that there is competent substantial evidence in the record that the proposed Special Use meets the applicable standards:

- a. When the proposed recovery community is required to obtain a Special Use because it would be located within 1,200 linear feet of an existing recovery community or community residence:

- i. The applicant demonstrates that the proposed recovery community will not interfere with the normalization and community integration of the residents of any existing community residence or recovery community and that the presence of existing community residences or recovery communities will not interfere with the normalization and community integration of the residents of the proposed recovery community; and
    - ii. The applicant demonstrates that the proposed recovery community in combination with any existing recovery communities or community residences will not alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere or creating or intensifying a de facto social service district by concentrating or clustering recovery communities and/or community residences on a block face or in a neighborhood.

- b. *Application for waiver.* In the event of an application for a waiver of an additional standard affecting a use permitted with extra requirements, such waiver shall require approval by the applicable review board as a Class B special use.

- c. *Advisory recommendation.* The special use review authority shall not act upon any application for a waiver or reduction of the additional standards pertaining to a special use or a use permitted with extra requirements unless an advisory recommendation concerning the waiver or reduction is provided by the planning division within the time limits specified by this chapter.

- d. *Use permitted subject to extra requirements and special uses.*

- 1. ADULT ENTERTAINMENT ESTABLISHMENTS (PXR: See Item 1, Table IX-1).

- a. *Additional application requirements.* Proof of any licenses required by local, state, and other applicable authority.

- b. *Additional standards.*

- 1. *Use limitations:* Adult entertainment establishments shall include those uses as defined in section 17-147 "Definitions" of Article V "Adult Entertainment Code" of the Palm Beach County Code and City Ordinance No. 3193-98, as amended from time to time.
      - 2. *Locational requirements:* Adult entertainment establishments as defined in this section shall not be located within 750 feet of any area in the city which is zoned for residential uses. It shall be unlawful to locate any adult entertainment establishment, as defined in this section, within 750 feet of any adult entertainment establishment, unless such existing location is within the same building as such existing adult entertainment establishment. It shall be unlawful to locate any adult entertainment establishment as defined in this section within 750 feet of any preexisting church, educational institution, or any public park, playground, swimming pool, golf course or athletic field within the city which is under the control, operation, or jurisdiction of the city. For the purpose of measuring distances in the determination of locations for adult entertainment establishments as defined in this section all distances shall be measured from property line to property line in a straight path, without regard to intervening structures or objects, based on the latest available property parcel maps from the county property appraiser's office. The measuring method shall be the common measuring technique of using an architectural or engineering scale to measure distance between affected properties.

3. *Advertisements, displays, or other promotional materials.* Advertisements, displays, or other promotional materials for adult entertainment establishments shall not be shown or exhibited in any manner that is visible from pedestrian sidewalks or walkways, or from other public or semipublic areas.
  4. *Doors, windows and other openings.* All doors, windows and other building openings to adult entertainment establishments shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.
  5. *Other codes.* All adult entertainment establishments shall meet all applicable codes.
  6. *Legal nonconforming use.* Any adult entertainment establishment that has a valid occupational license prior to November 30, 1998, that does not meet the locational requirements for this provision may continue to exist. However, such legal nonconforming adult entertainment establishment shall be subject to the provisions and regulations of [ARTICLE XVI](#) of this chapter.
2. AIRPORTS, LANDING FIELDS, HELISTOPS AND HELIPADS: PRIVATE OR PUBLIC (Sb: See Item 2, Table IX-1).
- a. *Additional application requirements.*
    1. A detailed traffic impact analysis prepared pursuant to section [94-311](#).
    2. A Federal Aviation Administration (FAA) airspace analysis.
    3. A preliminary state department of transportation airport license report.
  - b. *Additional standards.*
    1. Minimum ground facilities, navigational aids, landing strip dimensions and related requirements of the state department of transportation for airports.
    2. Heliport and helipad design guidelines adopted by the Federal Aviation Administration.
    3. Guidelines adopted by the Federal Aviation Administration if a general aviation airport; adopted by the Federal Aviation Administration.
    4. Fencing or screening as required by the zoning board of appeals.
    5. Minimum distances:
      - i. All ends of runways: at least 50 feet from any property line or as required by the state department of transportation, whichever is greater.
      - ii. All principal and accessory uses: at least 50 feet from any property line.
      - iii. All runways and associated takeoff and landing facilities: at least 50 feet from any property line.
3. BARBER AND BEAUTY SHOPS (PXR: See Item 7, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.* Barber and beauty shops shall be located within a structure whose principal use is professional office.
4. BARS, LOUNGES, AND RELATED ENTERTAINMENT (Sb: See Item 8, Table IX-1).
- a. *Additional application requirements.*
    1. Proof of any licenses required by local, state, and other applicable authorities.
    2. Bars, lounges and related entertainment located in the Northwood mixed-use district must be 100 feet from any residential zoning district.
  - b. *Additional standards.*
    1. *Minimum site dimensions:*
      - i. Minimum site area: 7,500 square feet.
      - ii. Minimum lot width: 100 feet.
    2. *Minimum distances:*
      - i. All principal and accessory structures: 100 feet from any residential zoning district ten feet from all property lines.
      - ii. All parking, loading, and vehicular circulation areas: 50 feet from any residential zoning district and ten feet from all property lines.

- iii. Ingress into the bar or lounge shall be permitted only through the front door of the establishment, 250 feet from any existing bar or lounge in a general commercial zoning district and 500 feet from any existing bar or lounge in a neighborhood commercial zoning district. Bars and lounges shall not be located within 100 feet of any place of religious worship, or public or private school.

5. BED AND BREAKFAST ESTABLISHMENTS (Sb: See Item 10, Table IX-1).

a. *Additional application requirements.*

1. Proof that the building proposed for bed and breakfast use is listed on the West Palm Beach Register of Historic Places as a contributing structure in the Old Northwood Historic District or in any historic district in which bed and breakfast establishments are expressly permitted.
2. A detailed site plan illustrating the location of all structures and improvements, parking, buffering, landscaping and the location of guestrooms and guest parking spaces.

b. *Additional standards.*

1. The building shall be listed on the West Palm Beach Register of Historic Places as a contributing structure in the Old Northwood Historic District or in any historic district in which bed and breakfast establishments are expressly permitted.
2. The establishment shall have up to five bedrooms used exclusively for rent. A garage apartment on-site shall count as one bedroom.
3. The owner shall live on the premises.
4. One parking space shall be provided on-site for the owner's use in addition to one space per every bedroom to be let. Tandem parking is permitted on-site, and all parking spaces shall have immediate access either to a street or an alleyway. All parking shall comply with section 94-482, parking requirements for less than three residential units, and subsection 94-485(j), configuration of parking and loading ingress and egress.
5. All parking shall be buffered in compliance with subsection 94-443(a), nonresidential and multifamily screening and buffering requirements.
6. The establishment shall obtain all required business licenses and health permits and shall otherwise comply with all building, sanitary and fire codes.
7. The establishment shall obtain an occupational license and a certificate of use, which shall be reviewed annually to confirm compliance with requirements established in this chapter. Approval may be revoked if a determination of noncompliance is made by the planning director. The serving of alcohol is prohibited.
8. No cooking facilities shall be allowed in guestrooms. Breakfast shall be the only meal provided for registered guests. The breakfast meal shall not be served after 11:00 a.m. Food service to the general public, other than registered guests, is expressly prohibited.
9. Private toilet and bathing facilities shall adjoin each bedroom leased and shall be separate from the owner's facilities.
10. There shall be no longterm rental of guestrooms. The maximum stay shall be 14 days within a 30-day period.
11. The maximum number of adult guests shall not exceed two per bedroom. In addition, one child, up to six years of age, is also permitted in each bedroom.
12. All signs shall conform to the regulations of the underlying zoning districts, as set forth in ARTICLE XIII of this chapter, pertaining to sign regulations, or by the sign regulations of the downtown master plan contained in ARTICLE IV of this chapter, pertaining to Downtown West Palm Beach. No sign shall advertise the use.
13. The establishment shall keep a register of guests, which shall be available to city inspectors during reasonable business hours.
14. Check-in and check-out shall take place between 8:00 a.m. and 8:00 p.m., only.
15. Bed and breakfast establishments shall be limited to no more than two establishments within a 200-foot radius, up to a maximum of three percent of the total number of principal structures in the district, as determined by the city historic preservation planner.



16. Receptions, private parties or other activities for which a fee is charged shall not be permitted. This provision does not preclude activities accessory to the property owner's residential use and for which no fee is charged.
17. The bed and breakfast establishments shall obtain an occupational license and a certificate of use prior to any commencement of the operation of a bed and breakfast establishment.
18. The approved development shall be commenced within 24 months of the date of the approval by the zoning board of appeals. If development is not commenced within such 24-month period, this development order including building permits shall automatically expire and no further development orders shall be issued for the development. The terms "commencement" and "development" are defined in section 94-40.

The city planning director is authorized to grant one extension of time for commencement of development upon a showing by the applicant/owner that a good faith effort has been made to acquire a building permit and to commence the construction of site improvements which have been prevented by reasons beyond the control of the applicant/owner. No extension shall be granted by the planning director to exceed 12 months from the date of the expiration of the initial 24-month period. A denial of a requested extension by the planning director may be appealed by the applicant/owner to the city zoning board of appeals.

#### 5.1. BED AND BREAKFAST ESTABLISHMENTS (Sb: See Item 10, Table IX-1).

##### a. *Additional application requirements.*

1. Proof that the building proposed for a bed and breakfast use is listed on the West Palm Beach Register of Historic Places or the national register, outside of a historic district.
2. The applicant/owner shall provide notarized written approval from 50 percent plus one of all property owners within 400 feet of the property to be affected by the proposed bed and breakfast. Each property shall be allotted one vote and the identity of the property owners shall be determined by the most current county property tax rolls then available.
3. A detailed site plan illustrating the location of all structures and improvements, parking, buffering, landscaping and the location of guest rooms and guest parking spaces.

##### b. *Additional standards.* Applications to establish bed and breakfast establishment outside of historic districts shall comply with the provisions of subsection (d)(6)(b)(2) through (18) of this section.

#### 5.2. BED AND BREAKFAST ESTABLISHMENTS IN BUILDING TYPE II.

##### a. *Additional application requirements.*

1. Proof that the building proposed for a bed and breakfast use is listed on the West Palm Beach Register of Historic Places or the national register, outside of a historic district.
2. A detailed site plan illustrating the location of all structures and improvements, parking, buffering, landscaping and the location of guestrooms and guest parking spaces.

##### b. *Additional standards.*

1. The establishment may have up to ten bedrooms used exclusively for rent. A garage apartment on site shall count as one bedroom. A living room/dining room common area shall be provided. The number of bedrooms can be increased to up to 15 rooms upon the approval of a Class A special use permit.
2. The owner or a resident employee shall live on the premises. If an employee resides on the premises, rather than the owner, a Class A special use permit is required and the owner must reside in the city.
3. No cooking facilities shall be allowed in guestrooms.
4. Private toilet and bathing facilities shall adjoin each bedroom leased and shall be separate from the owner's facilities. The private toilet and bathing facilities requirements may be varied upon the approval of a Class A special use permit.
5. One parking space shall be provided on site for the owner's use in addition to one space for every bedroom to be let. On-street parking along the corresponding frontage lines may be counted towards the parking requirements.
6. All parking shall be buffered in compliance with section 94-443(a), pertaining to nonresidential and multifamily screening and buffering requirements.

7. The establishment shall obtain all required business licenses and health permits and shall otherwise comply with all building, sanitary and fire codes.
  8. The establishment shall obtain an occupational license and a certificate of use, which shall be reviewed annually to confirm compliance with Code requirements established in this section. Approval may be revoked if the planning director makes a determination of noncompliance.
  9. Receptions and other gatherings are permitted with the approval of a special events permit.
  10. There shall be no longterm rental of guest rooms. The maximum stay shall be 14 days within a 30-day period.
  11. The maximum number of adult guests shall not exceed two per bedroom.
  12. All signs shall conform to the regulations of the underlying zoning requirements of building type II.
  13. The establishment shall keep a register of guests, which shall be available to city inspectors during reasonable business hours.
  14. The approved development shall be commenced within 24 months of the date of the approval by the downtown action committee. If development is not commenced within the 24-month period, this development order including building permits shall automatically expire and no further development orders shall be issued for the development. The terms "commencement" and "development" are defined in section 94-40. The planning director is authorized to grant one extension of time for commencement of development upon a showing by the applicant/owner that a good faith effort has been made to acquire a building permit and to commence the construction of site improvements which have been prevented by reasons beyond the control of the applicant/owner. No extension shall be granted by the planning director to exceed 12 months from the date of the expiration of the initial 24-month period. The applicant/owner may appeal a denial by the planning director of a requested extension to the downtown action committee.
6. **BED AND BREAKFAST INNS (B and B Inns) (PXR: See Item 10.1).**
- a. *Additional application requirements.* A detailed site plan illustrating the location of all structures and improvements, parking, buffering, landscaping and the location of guest rooms and guest parking spaces.
  - b. *Additional standards.*
    1. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
    2. The bed and breakfast inn shall have no more than 20 rooms used exclusively for rent.
    3. Two parking spaces shall be provided on-site for the owner's use in addition to one space for every room to be let. All parking spaces shall have immediate access either to a street or an alleyway. If a restaurant is located on-site, then there shall be one additional parking space for each 300 square feet of restaurant space.
    4. The bed and breakfast inn shall obtain all required business licenses and health permits and shall otherwise comply with all building, sanitary and fire codes.
    5. The bed and breakfast inn shall obtain an occupational license, which shall be renewed annually.
    6. No cooking facilities shall be allowed in guest rooms. Food services can be provided from a licensed restaurant on the subject property.
    7. Private toilet and bathing facilities shall be provided for each bedroom leased.
    8. There shall be no longterm rental of guest rooms. The maximum stay shall be 14 days within a six-month period.
    9. The owner shall live on the premises.
    10. Bed and breakfast inns are permitted in office commercial (OC), neighborhood commercial (NC) and general commercial (GC) zoning districts, only along Broadway and U.S. 1 (South Dixie Highway.) This is a nonwaivable standard.
- 6.1. **BREW PUB/MICROBREWERY/MICRO-DISTILLERY/MICRO-WINERY (PXR: See Item 12.1, Table IX-I).**
- a. *Additional application requirements .*
    1. A written statement that the proposed facility will comply with all applicable state laws and regulations.

2. The additional standards for this use shall not apply to bona fide restaurants deriving more than 51 percent of sales from food and serving manufactures alcoholic beverages for on-site consumption only and with no distribution.
  3. A floor plan depicting compliance with additional standard 2 shall be submitted as part of the certificate of use application.
- b. *Additional standards* .
1. The maximum size of a building containing a brewpub, microbrewery, micro-distillery, or micro-winery use shall not exceed 3,000 square feet in the Northwood Mixed-Use District (NMUD) or 5,000 square feet in the General Commercial (GC) zoning district. There shall be no limit for a facility located within the Industrial (IND) zoning district.
  2. This use shall be permitted only in conjunction with a restaurant, bar, tasting room or retail service. A maximum of 75 percent of the square footage of the facility (inclusive of outdoor seating facilities) shall be dedicated to the brewery function including, but not limited to, brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, condition tanks and serving tanks. This standard shall not apply to properties located within the Industrial (I) zoning district).
  3. Except for loading and unloading, all activities shall occur within a building. Delivery access and loading bays shall not face toward any street, excluding alleys. Delivery access and loading bays facing an adjacent residential use, or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building.
  4. All new facilities, whether in an existing building or new building shall provide on-site loading in accordance with ZLDR section 94-485(p), table XV-4. For new facilities locating within an existing building, with no change in building footprint, if a functional alley exists adjacent to the facility, facilities may use the alley to account for one of the required on-site loading spaces.
  5. All mechanical equipment visible from the street (excluding alleys), with an adjacent residential use or within a residential zoning district, shall be screened using architectural features consistent with the principal structure.
  6. No outdoor storage shall be allowed. This prohibition includes use of portable storage units, cargo containers, and tractor trailers.
  7. Outdoor seating areas or areas of patron congregation shall be prohibited when the property directly abuts a residential zoning district.
  8. Drive-through facilities are prohibited.
7. CATERING ESTABLISHMENTS (PXR: See Item 15, Table IX-1).
- a. *Additional application requirements*. Catering establishments located at the side-walk level shall be open to the public for retail, restaurant or take-out use for a minimum of six hours per day, for a minimum of five days per week.
8. CHURCHES, SYNAGOGUES, AND OTHER HOUSES OF WORSHIP (Sb: See Item 17, Table IX-1).
- a. *Additional application requirements*. None.
  - b. *Additional standards*.
    1. *Minimum site dimensions*:
      - i. Minimum site area: 20,000 square feet.
      - ii. Minimum lot width: 100 feet.
    2. *Minimum distances*:
      - i. All principal and accessory structures: 30 feet from any residential zoning district or 30 feet from a residential property line if located in a residential zoning district.
      - ii. All parking, loading and vehicular circulation areas: 30 feet from any residential zoning district or 30 feet from a residential property line if located in a residential zoning district.
    3. *Maximum lot coverage*. Maximum lot coverage by all impervious surfaces shall not exceed 60 percent of total lot area. Maximum lot coverage not applicable within the Currie mixed-use district.
9. CLINICS, PUBLIC AND PRIVATE (PXR: See Item 18, Table IX-1).



- a. *Additional application requirements.* The additional application requirements shall not be subject to waivers.
    1. On-site dispensing of controlled substances that are identified in Schedule II, III, or IV of F.S. § 893.03, and as may be further amended pursuant to F.S. §§ 893.035 893.0355 or 893.0356, shall be prohibited, unless otherwise expressly permitted by statutory or general law.
  - b. *Additional standards.*
    1. *Minimum site dimensions:*
      - i. Minimum site area: 10,000 square feet.
      - ii. Minimum lot width: 100 feet.
    2. *Minimum distances:*
      - i. All principal and accessory structures: 50 feet from any residential zoning district.
      - ii. All parking, loading and vehicular circulation area: ten feet from any residential zoning district.
    3. *[Ingress and egress.]* Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
10. CLUBS AND LODGES WITHOUT A RESTAURANT (Sb: See Item 19, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.* Clubs and lodges without a restaurant shall be permitted only on sites at least a minimum of 100 feet from the nearest residential zoning district as measured from property line to property line, without regard to intervening structures or objects.
- 10.1. COLUMBARIUMS AS ACCESSORY USE IN RELIGIOUS INSTITUTIONS, OTHER THAN CEMETERIES PUBLIC OR PRIVATE (PXR: See Item 21, Table IX-I).
- a. *Additional applications requirements.*
    1. Written proof that the proposed columbarium will comply with all applicable state and county requirements.
    2. A written statement from the governing body of the church or religious institution to the city attorney on how the proposed columbarium will be operated and maintained.
  - b. *Additional standards.*
    1. The accessory columbarium shall be utilized only by church members and their immediate family members.
    2. The accessory columbarium shall not exceed 20 percent of the total floor area of the principal structure.
    3. Columbariums shall be located within a freestanding structure whose principal use is a house of worship owned, operated, and maintained by a religious organization (church, temple, synagogue, mosque, or similar house of worship). Columbariums shall be constructed pursuant to all applicable life/safety codes.
11. COMMUNITY CENTERS (Sb: See Item 25.1, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    1. *Minimum site dimensions:*
      - i. Minimum site area: 10,000 square feet.
      - ii. Minimum lot width: 100 feet.
    2. *Minimum distances:*
      - i. Minimum setback of buildings: 30 feet from the property line.
      - ii. Minimum setback of parking, loading, and vehicular circulation area: ten feet from the property line.
      - iii. Minimum setback of outdoor activity areas: 50 feet from the property line.
    3. *Arterial or collector streets.* The facility shall only be located on streets that function as arterial streets or collector streets, as determined by the engineering and public works department.
- 11.1. COMMUNITY GARDENS (PXR: See Item 25. 1, Table IX-1).

- a. *Intent and applicable locations:* It is the purpose of this section to create regulations to allow non-commercial community gardens within specific locations provided such gardens do not create adverse environmental impact or land use incompatibilities. For the purpose of this section, community gardens are classified as follows:
1. *Community Gardens (Non-commercial only):*
    - i. *Purpose and intent.* To allow a group of residents to grow produce and horticultural plants for their personal consumption and enjoyment, without creating adverse environmental impact or land use incompatibilities.
    - ii. *Exception.* Any private garden established as an accessory use to an existing principal residential use.
    - iii. *General provisions.* All community garden applications require a level I site plan approval, with the exception of those listed in 1(ii) of this section.
- b. *Additional application requirements.* Community gardens shall comply with the following specific requirements:
1. *Location.* Permitted as a pilot program with extra requirements in a Residential Planned Development ("RPD") with a Multifamily Medium Density ("MF20") or Multifamily High Density ("MF32") underlying residential zoning district, Currie Mixed-Use District ("CMUD"), Neighborhood Commercial ("NC"), General Commercial ("GC") and the Northwood Mixed-Use District ("NMUD") zoning district; or permitted with extra requirements in any zoning district if accessory to any religious place of assembly, government operated social services facility, community center, or institutional use.
  2. *Site plan approval required.* A level I site plan approval is required for the establishment of a community garden pursuant to section 94-35. The application requires the property owner's consent.
    - i. *Exception.* Any community garden that is 2,000 square feet or less, and is accessory to: any religious place of assembly; government operated social services facility; community center; or institutional use which will be located either in an interior courtyard, or behind a building and hidden from view from the public right-of-way, shall submit an application for an informal level I site plan review and shall be subject to all other community garden requirements.
  3. *Operating rules and garden coordinator.* The application shall include established operating rules addressing the governance structure of the garden and maintenance and security responsibilities which comply with these requirements, as well as contact information for the garden coordinator who shall be responsible for the management of the community garden. The applicant shall be responsible for notifying the planning and zoning department of any updated contact information for the garden coordinator.
  4. *Maintenance responsibilities.* The owner of the property on which the community garden is located shall be responsible for maintaining the property so that it does not become overgrown with weeds, infested by invasive exotic plants or vermin, or a source of erosion or stormwater runoff.
    - i. *Abandonment*—In the event that the property is not used as a community garden for 60 or more consecutive days, the approval for use as a community garden shall expire and the site shall be restored pursuant to section 94-450.
  5. *Organic practices.* The use of synthetic chemical materials and/or chemicals, such as those found in pesticides, herbicides, weed killers, insecticides, and fertilizers, is prohibited. The use of materials and practices used for organic production found in the Organic Materials Review Institute ("OMRI") guidelines is strongly encouraged.
  6. *Drainage.* The site shall be designed and maintained to prevent draining or runoff onto adjacent property.
  7. *Environmental assessment.* Any person or group who wishes to establish a community garden with plant beds that are not separated from the ground by a physical barrier shall obtain a phase I environmental site assessment to determine if any soil contamination exists. Such soil must be tested for any con-taminants that would render it unsuitable for cultivating food on topsoil, including, but not limited to, lead and other toxic heavy metals; industrial solvents; gasoline; oils

and greases; percloroethylene; and other chemicals that can be transmitted to people via soil contact or consumption of foods grown in such soil.

If any historical sources of contamination are identified in the environmental site assessment, the applicant shall conduct all appropriate testing to determine the type and level of contamination, and conduct the appropriate remediation procedures to ensure that soil is suitable for gardening.

8. *Operation limitations.* The community garden shall grow at least four different food crops and/or non-food ornamental crops. No gardening activities shall take place before sunrise or after sunset. Motorized-powered equipment of greater than ten horsepower is prohibited. A minimum of 50 percent of the planting area shall be in production at all times.
9. *Required planting setbacks.* All planting shall be planted no closer than five feet from the front, side or rear property lines. Cultivated area shall not encroach onto adjacent properties. All plantings shall comply with the visibility at intersections requirements, pursuant to subsection 94-305(e).
  - i. The five-foot setback shall contain mulch (excluding red/colored mulch or mulch made from toxic wood), sod, pavers or rocks and shall be contained within the property.
10. *Outdoor storage of compost and organic matter.* Compost and organic matter to be used in the community garden shall not be stored in open air, and shall be contained in appropriate containers which shall be located with a 25-foot setback from all rights-of-way and a five-foot setback from all property lines. Such containers shall be maintained to prevent odors and prevent the harborage of rodents and pests.
11. *Structure size.* If constructed, sheds shall have a maximum square footage of four percent of the gross community garden area, and shall have a front setback of a minimum of 50 percent of the lot depth and meet the accessory setback requirements for the side and rear. If located within a corner lot, it shall not be placed on the side of the lot adjacent to the right-of-way.
  - i. *Height.* Sheds, ornamental/art, trellis or similar structures located within the community garden property shall not exceed 12 feet in height.
  - ii. All principal and accessory structures, unless specifically approved by the review authority, are prohibited.
12. *Storage of toxic and flammable materials.* Storage of toxic and flammable materials are regulated as follows:
  - i. Only fuel used for the operation of lawnmowers or other combustion engine-driven gardening machinery may be stored at the community garden and shall be kept in sealed containers in locked, ventilated structures in accordance of the National Fire Protection Association ("NFPA") Code 30: Flammable and Combustible Liquids. A maximum of five gallons of fuel is allowed to be stored at the community garden at any given time. No other flammable materials or chemicals may be stored on site;
  - ii. Tires shall not be stored on site; and,
  - iii. Toxic materials, such as pressure treated wood (creosote), shall not be used where they will come into contact with soils that are growing food.
13. *Fencing.* All fencing shall comply with section 94-302, except for the following:
  - i. Hedges, if provided along the frontage line, shall not exceed four feet in height and must be located outside the fence.
14. *Signage.* One sign is permitted, which shall not exceed four square feet in area, shall not exceed five feet in height, and shall be within and visible from the frontage line. The sign shall be limited to identification and information. Contact information for the garden coordinator and sponsorship information, if provided, shall be secondary to other sign information in terms of sign area and font size.
15. *Parking.* No parking allowed on site, except for gardens which meet the requirements of subsection (b)2.(i).
16. *Sale of produce and horticultural plants.* A community garden is not intended to be a commercial enterprise; however, there may be occasions when surplus of produce and horticultural plants are available, which may only be sold off the premises.

17. *Livestock and animals prohibited.* The raising of poultry or other livestock, fish, and the keeping of bees shall be prohibited.
18. *Prohibition on agricultural tax exemption.* A property owner shall be prohibited from seeking an agricultural tax exemption afforded by the local, state, or federal tax regulations.

c. *Additional standards.*

1. *Size limitation.* A community garden shall not be greater in size than 12,000 square feet.

11.2. COMMUNITY RESIDENTIAL HOME (PXR: See Items 25.2, Table IX-1).

- a. *Intent and applicable zoning districts.* It is the purpose of this section to set forth standards for the protection of the health, safety, and welfare of both the community and the residents of a community residential home. The term "community residential home" is a facility which provides long-term care, housing, food service and one or more assistive care services for persons not related to the owner or administrator by blood or marriage. For the purposes of this section, group homes are classified as follows:

1. *Type I:* A home of not more than six residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes are not located within a radius of 1,000 feet of another existing such home with six or fewer residents or within a radius of 1,000 feet of another existing community residential home. Such homes with six or fewer residents are not required to comply with the notification provisions of (F.S. 419.01).
2. *Type II:* A home with no less than seven or more than 14 residents which is licensed to serve clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice or the department of children and family services, and who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. No such home shall be located within a radius of 1,200 feet of a type I, or type II home.
3. *Resident:* The term "resident" as used in subsections (d)(11.2)a.1 and 2 of this section means any of the following:
  - i. A frail elder aged person as defined in F.S. § 429.65.
  - ii. A person has a disability as defined in F.S. § 760.22(3)(a).
  - iii. A person who has a developmentally disabled person as defined in F.S. § 393.063.
  - iv. A nondangerous person who has a mental illness as defined in F.S. § 394.455.
  - v. A child who is found to be dependent as defined in F.S. § 39.01 or 984.03.
  - vi. A child in need of services as defined in F.S. 984.03 or 985.03.
  - vii. Shelters for victims of domestic abuse

- b. *Additional application requirements.* The additional application requirements shall apply only to type II community residential homes.

1. Prior to the issuance of a business tax or building permit, whichever occurs first, evidence shall be provided that appropriate approvals or licenses from county, state, or federal regulatory agencies have been obtained.
2. In the event all or a portion of a community residents home consists of bona fide dwelling units, rather than sleeping quarters without personal care or service normally provided by licensed adult congregate living facilities, then the regulations of the applicable zoning districts shall apply.

- c. *Additional standards.* The additional standards set forth in subsection (d)(25.2)c.1—5 of this section shall apply only to type II community residential homes.

1. *Residential character/district compatibility.* If a group home is located within a residential district, it shall be maintained to conform to the character of that neighborhood. This standard applies to design, density, lot size, landscaping, or other factors affecting the neighborhood's character. This will prevent disruption of a neighborhood due to the introduction of a dissimilar structure.
2. A community residential home shall be located a minimum of 1,200 feet from another such facility; provided, however, that this standard shall not apply between any type I and II facilities when both of such facilities are located entirely within the community service (CS) zoning district.

3. No signs denoting the name and/or purpose of a community residential use shall be allowed in any residential district.
  4. Facilities located in nonresidential areas shall be maintained in the general character of the surrounding area. This standard applies to design, lot size, landscaping, and other factors affecting the character of the area.
  5. The city shall not deny the siting of a community residential home unless the local government establishes that the siting of the home at the site selected:
    - i. The city shall deny the establishment of the group home at the selected site, if the selected site:
      - A. Does not conform to the provisions of this chapter relating to other multifamily uses in the zoning district.
      - B. Does not meet the applicable licensing criteria established by the licensing entity, including requirements that the home be located to assure the safe care and supervision of all the clients in the home.
      - C. Would result in a concentration of community residential homes in the area in proximity the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home which is located within a radius of 1,200 feet of another existing community residential home in a multifamily zoning district shall be an over-concentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of 500 feet of single-family zoning substantially alters the nature and character of the area.
      - D. All distance requirements shall be measured from the nearest point of an existing or proposed group home or from the single-family zoning district to the nearest point of the proposed group home.
12. **CONVENIENCE/GROCERY STORE AND ACCESSORY MOTOR FUEL SALES** (Sa and Sb: See Item 26, Table IX-1).
- a. *Additional application requirements.* Convenience and grocery stores in the Northwood mixed-use district may not have accessory motor fuel sales.
  - b. *Additional standards.*
    1. *Minimum site dimensions:*
      - i. Minimum site area: 10,000 square feet.
      - ii. Minimum lot width: 100 feet.
    2. *Minimum distances:*
      - i. All parking loading and vehicular circulation areas: 25 feet from any residential zoning district.
      - ii. All convenience stores shall be located a minimum of 1,000 feet from any existing convenience store and 100 feet from any preexisting place of religious worship, public or private school, or residential zoning district. Distance shall be measured from property line to property, without regard to intervening structures or objects.
    3. *Accessory motor vehicle fuel sales.* Accessory motor vehicle fuel sales shall be limited to a maximum of two pump islands with three pumps per island.
    4. *Storage of combustibles.* All receptacles, tanks, or facilities for the storage of combustibles in excess of 200-gallon quantities shall be located underground and within the building setback lines. All receptacles, tanks, or facilities for the storage of combustibles in 200-gallon or less amounts shall be located and maintained within building setback lines and in a manner acceptable to the city.
    5. *Discontinued use.* In the event a service station is a discontinued use for a continuous period exceeding one year, the property owner shall be required to remove or treat, in a safe manner (approved by applicable city, county and state authorities responsible for such regulation) of all flammable material storage tanks on the site. A bond sufficient to cover the cost of removal shall be posted prior to the issuing of a building permit for the facility.



6. *Wall requirement when parking lot adjoins residential district.* An opaque wall shall be erected to a height of no less than four feet and no more than five feet and not closer than six inches to lot lines along the side and rear lot lines when such parking lot or area adjoins a residential district, except that such a wall shall not be required where the applicant for a permit shall secure and file with the application a notarial waiver duly signed under the seal by all abutting landowners waiving objection to the existence of an unwalled parking lot or area. Such walls, where required, shall be erected in compliance with the city building code.
  7. *Landscape buffering.* For sites adjacent to residential zoning districts, the following landscape buffering standards apply. The site must provide five-foot wide landscape area with shade trees planted every 30 linear feet on center. A hedge must also be maintained within this buffer area.
  8. *Exterior pay phones.* For sites adjacent to residential zoning districts, no exterior pay phones will be allowed.
  9. *Hours of operation.* For sites adjacent to residential districts, hours of operation shall be no greater than 6:00 a.m. to 12:00 p.m. for fuel sales, and 6:00 a.m. to 10:00 p.m. for convenience store items.
13. CONVENTS, MONASTERIES, AND SEMINARIES (Sb: See Item 27, Table IX-1).
    - a. *Additional application requirements.* None.
    - b. *Additional standards.* None.
  14. CULTURAL FACILITIES, PUBLIC AND PRIVATE (Sb: See Item 28, Table IX-1).
    - a. *Additional application requirements.* None.
    - b. *Additional standards.* None.
  15. DAY CARE FACILITIES, ADULT (PXR: See Item 30, Table IX-1).
    - a. *Additional application requirements.* A written statement that the proposed adult day care facility will comply with all applicable county and state regulations.
    - b. *Additional standards.*
      1. Applications to establish adult day care centers shall comply with the requirements of F.S. ch. 400, pt IV.
      2. Minimum site dimensions:
        - i. Minimum site area must conform to the requirements for the district within which the facility is to be located.
        - ii. Minimum lot width: 100 feet.
      3. Minimum distances: All principal and accessory structures: 30 feet from any residential zoning district or 30 feet from a residential property line if located in a residential zoning district.
      4. At least 100 square feet of available outdoor activity area shall be provided for each adult.
      5. Available activity areas shall not be located within the front setbacks.
      6. Outdoor activity areas shall be screened with a solid wall or fence not less than five feet in height.
      7. Seventy-five percent of all front yards in SF7, SF11, SF14, and MF14 residential zoning districts shall be maintained and landscaped pursuant to [ARTICLE XIV](#) of this chapter.
  16. DAY CARE FACILITIES, ADULT (Sb: See Item 30, Table IX-1).
    - a. *Additional application requirements.* Applications to establish adult day care facilities shall submit the information required in subsection (d)(15)a of this section.
    - b. *Additional standards.* Applications to establish adult day care facilities shall meet the additional standards required in subsection (d)(15)b of this section.
  17. DAY CARE FACILITIES, CHILDREN AS ACCESSORY USE IN HOUSES OF WORSHIP AND SCHOOLS, PUBLIC AND PRIVATE (PXR and Sb: See Item 31, Table IX-1).
    - a. *Additional application requirements.*
      1. A written statement that the proposed child day care center will comply with all applicable county and state regulations.
      2. A written statement that the proposed child day care center will be operated and maintained solely by the church or in conjunction with a registered not-for-profit public agency or organization.

b. *Additional standards.*

1. *Child day care centers in houses of worship and schools located in residential districts.* Applications to establish child day care centers in houses of worship and schools located in residential districts shall comply with the requirements of Laws of Fla. ch. 59 (1968), as amended.
2. *Minimum site dimensions:*
  - i. Minimum site area: 10,000 square feet.
  - ii. Minimum lot width: 100 feet.
3. *Minimum distances:*
  - i. All principal structures: 30 feet from any residential property line if located in a residential zoning district or 30 feet from a zoning district.
  - ii. All parking, loading, and vehicular circulation areas: 30 feet from any residential zoning district or 30 feet from a residential property line if located in a residential zoning district.
  - iii. All outdoor play areas: ten feet from any residential zoning district or ten feet from a residential property line if located in a residential zoning district.
4. *Front setback.* Available play or activity areas shall not be located within the front setback.
5. *Loading and unloading facilities.* Loading and unloading facilities for children such as circular driveways or similar circulation systems that allow for the stacking of three standard size cars without interfering with the traffic flow of the servicing right-of-way or the ingress and egress of the parking area.
6. *Outdoor play and activity areas.* Outdoor play and activity areas shall be screened with a solid wall or fence at least five feet in height.

18. DAY CARE FACILITIES, CHILDREN, AS PRINCIPAL USE (PXR: See Item 32, Table IX-1).

- a. *Additional application requirements.* A statement that the proposed day care center will comply with all applicable county and state regulations.
- b. *Additional standards.* Applications to establish child day care center shall comply with the requirements of Laws of Fla. ch. 59 (1968), as amended.

19. DAY CARE FACILITIES, CHILDREN, AS PRINCIPAL USE (Sb: See Item 32, Table IX-1).

- a. *Additional application requirements and standards.* Applications to establish child day care center as a principal use in residential districts shall comply with the provisions of subsection (d)(17) of this section.

19.1. DAY CARE HOMES, FAMILY ACCESSORY, CHILDREN (PXR: See Item 29, Table IX-1).

- a. *Additional application requirements.*
  1. A written statement that the proposed family child care home will comply with all applicable county and state laws and regulations.
  2. Proof that the proposed family child care home has obtained a permit or license from the Palm Beach County Child Care Facilities Board, or the State of Florida.
- b. *Additional standards.*
  1. The play area shall be located on the same lot as the principal use and shall not be located in the front yard setback. The play area shall be surrounded by a six-foot high opaque fence or wall.
  2. There shall be no display or sign that will indicate from the exterior that the building is being utilized in part for a child day care facility.
  3. One of the full-time child care personnel shall be the owner or occupant of the residence.

19.2. DAY CARE HOMES, ACCESSORY, CHILDREN (PXR: See Item 29.1, Table IX-1).

- a. *Additional application requirements.*
  1. A written statement that the proposed large family child care home will comply with all applicable county and state laws and regulations.
  2. Proof that the proposed large family day care home has obtained a permit or license from the Palm Beach County Child Care Facilities Board, or the State of Florida.
- b. *Additional standards.*
  1. Facilities shall contain a minimum floor area of 35 square feet per child, exclusive of space devoted to bathrooms, halls, kitchen, offices and storage space.

2. The play area shall be located on the same lot as the principal use and shall not be located in the front yard setback. The play area shall be surrounded by a six-foot high opaque fence or wall.
  3. Measured from parcel to parcel at the nearest parcel boundaries, there shall be a minimum of 250 feet between large family child care homes.
  4. There shall be no display or sign that will indicate from the exterior that the building is being utilized in part for a child day care facility.
  5. A minimum of two parking spaces shall be provided. Tandem parking is permitted on-site, and all parking spaces shall have immediate access either to a street or an alleyway. All parking shall comply with section 94-482, parking requirements for less than four residential units, and subsection 94-485(j), configuration of parking and loading ingress and egress.
  6. One of the full-time child care personnel shall be the owner or occupant of the residence.
20. DELICATESSENS (PXR: See Item 33, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    1. Delicatessens shall be located within a structure whose principal use is a professional office.
21. DRIVE THROUGH FACILITIES, EXCEPT RESTAURANTS, AS PRINCIPAL USES (PXR: See Item 35, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    1. *Minimum distances:* All principal and accessory structures: 100 feet from any residential zoning district;
    2. *[Ingress and egress:]* Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
22. DRIVE THROUGH FACILITIES, EXCEPT RESTAURANTS, FOR USES PERMITTED AS SPECIAL USES (Sb: See Item 36, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.* Standards will comply with subsection (d)(21) of this section.
23. FAMILY COMMUNITY RESIDENCE (PXR: See item 39, Table IX-1).
- a. *Additional application requirements.* To implement this Code, an application that the City of West Palm Beach designates must be completed in full and submitted to the Director of Development Services prior to occupancy or construction of the proposed family community residence to determine whether the proposed family community residence is a permitted use or is a Class A Special use, or a Class B Special Use, to determine the maximum number of occupants allowed under city code provisions that apply to all residential uses, and to identify whether any further accommodation is needed.
  - b. *Additional standards.* Except as required by Chapter 419 of state law, a family community residence is allowed as of right in the designated zoning district as long as it complies with the following:
    1. When a family community residence is at least 660 linear feet from the closest existing community residence housing four or more individuals or recovery community as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence or recovery community.
    2. The operator or applicant is licensed or certified by the State of Florida to operate the proposed family community residence, has certification from an appropriate national accrediting entity.
    3. A family community residence that does not comply with both standards in subsection (24)(b)(1) and (2) may be allowed only by Class A Special Use, Class B Special Use in accord with the applicable standards in Section 94-273(a)(3) of this Code.
    4. A family community residence that has been denied a license the State of Florida requires or certification offered by the State of Florida, had its license or certification suspended, or has been denied recertification is prohibited and must cease operations and vacate the premises within 60 days of the date on which its license or certification was denied or suspended, or recertification was denied.
    5. Except as required by State law, to house more than 10 unrelated people in a family community residence, the owner or operator of the family community residence must first apply for and be

granted a Class A special use or a Class B special use permit in accord with the standards and procedures established in 94-273 of this Code.

24. FINANCIAL INSTITUTIONS, INCLUDING BANKS, SAVINGS AND LOANS AND CREDIT UNIONS OF FEWER THAN 3,000 SQUARE FEET (PXR: See Item 40, Table IX-1).

a. *Additional application requirements.*

1. A detailed traffic impact analysis study will be prepared pursuant to section [94-312](#).
2. Landscaping will be provided pursuant to [ARTICLE XIV](#) of this chapter.

b. *Additional standards.* Drive-thru banking facilities shall not be permitted.

25. FINANCIAL INSTITUTIONS, INCLUDING BANKS SAVINGS AND LOANS AND CREDIT UNIONS OF > THAN 3,000 SQUARE FEET (PXR: See Item 40.1, Table IX-1).

a. *Additional application requirements.*

1. A detailed traffic impact analysis study will be prepared pursuant to section [94-312](#).
2. All canopy lighting shall be recessed and a photometric plan shall be submitted along with the site plan approval application.

b. *Additional standards.*

1. Financial institutions shall be limited to no more than 4,000 square feet.
2. There shall be no more than two drive-thru teller lanes; one additional ATM only lane may be provided.
3. An opaque wall shall be erected to a height of no less than six feet tall and not closer than six inches to lot lines along the side and rear lot lines when such parking lot or area adjoins a residential district.
4. Minimum distances:
  - a. All principal and accessory structures: 25 feet from any residential zoning district.
  - b. All drive-thru lanes: 50 feet from any residential zoning district.
5. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
6. Hours of operation: For sites adjacent to residential districts, hours of operation shall be no greater than 7:00 a.m. to 7:00 p.m. daily.

26. FLEA MARKETS (Sa: See Item 41, Table IX-1).

a. *Additional application requirements.* None.

b. *Additional standards.*

1. Minimum lot area: one acre;
2. Minimum lot width: 200 feet;
3. The site shall be at least 1,000 feet from any residential zoning district;
4. Distances: All principal and accessory structures shall be located at least 100 feet from any property line;
5. Adequate traffic facilities, such as intersection improvements, turn lanes, internal circulation lanes, acceleration lanes, signalization, etc., shall be provided to minimize the impact of the facility on adjacent public thoroughfares;
6. The site shall be landscaped pursuant to [ARTICLE XIV](#) of this chapter. A landscape buffer at least 15 feet wide shall be provided along all property lines, with shade or flowering trees planted every 30 linear feet on center. Hedge shrubs planted within the buffer area shall have a minimum height of three feet immediately after planting;
7. Exterior pay phones shall not be allowed;
8. "No loitering" signs shall be conspicuously located on the outside walls of the structure and be visible from the view of the public right-of-way;
9. Ingress and egress shall be provided only from a major or minor arterial, a collector or local street segment which does not pass through a residential area;
10. Signage shall conform to [ARTICLE XIII](#) of this chapter;

11. Section [94-484](#) (shared parking requirements) shall not be used when calculating parking requirements for this use;
  12. Use of raised, landscaped islands shall be installed at the end of each row of parked automobiles as a means of ensuring that the necessary sight distances will be available to drivers;
  13. There shall be no outside booths, tables, platforms, racks or similar display areas.
27. FOOD STORES OR SUPERMARKETS IN EXCESS OF 10,000 SQUARE FEET (Sb: See Item 44, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.* None.
- 27.1. FURNITURE REFINISHING AND REPAIR (PXR: See Item 47, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    1. All work must be done within an enclosed building.
    2. Compliance with all requirements of section [94-175\(b\)](#).
28. GAME ARCADES (Sb: See Item 48, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    1. Minimum distances: All principal and accessory structures 100 feet from any residential zoning district.
    2. The hours of operation of game arcades shall be no earlier than 10:00 a.m. and no later than 9:00 p.m. weekdays and midnight on weekends.
    3. There shall be 50 square feet of gross floor space for each video machine within the establishment.
    4. An attendant shall be present during all hours of operation.
- 28.1. GOVERNMENT OPERATED SOCIAL SERVICE FACILITIES (PXR: See Item 50.1, Table IX-1).
- a. *Intent and applicable zoning districts.* It is the purpose of this section to set forth standards for the protection of the health, safety, and welfare of both the community and the clients of governmental social service facilities.
  - b. *Additional requirements.*
    1. Any structure intended to be used for temporary housing, unless otherwise noted, shall be located a minimum of 300 feet from any residential zoning district.
    2. The minimum standards and the total occupancy for all dormitory or residential components of the facility shall meet the requirements of [Chapter 18, ARTICLE IV](#) of this Code of Ordinances.
    3. Temporary residency in all dormitories or any other residential component of a governmental social service facility, if provided, shall not exceed 90 continuous days.
    4. All accessory or ancillary uses to the facility must support and shall be integral to the primary use of the facility.
    5. Parking shall be provided in accordance with the requirements of [ARTICLE XV](#) of this chapter.
29. GUN CLUBS AND SHOOTING RANGES (Sa: See Item 54, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    1. All facilities shall be located within an enclosed building.
    2. Buildings shall be constructed and operated in such a manner that gunshots and related noise will not be detectable at adjoining property lines. Buildings shall be completely air conditioned.
    3. Minimum distances. One thousand feet from any residential zoning district, elementary, intermediate or secondary school or public park, as measured from property line to property line, without regard to intervening structures or objects.
30. HALFWAY HOUSE (Sb: See item 53, Table IX-1).
- a. *Additional application requirements.*



1. Prior to the issuance of a certificate of use or building permit, whichever occurs first, evidence shall be provided that appropriate approvals or licenses from county, state, or federal regulatory agencies have been obtained.
  2. In the event all or a portion of a halfway house consists of bona fide dwelling units, rather than sleeping quarters without personal care or service normally provided by licensed adult congregate living facilities, then the regulations of the applicable zoning districts shall apply.
- b. *Additional standards.*
1. A halfway house shall be located a minimum of 1,200 feet from another such facility, community residence or recovery community; provided, however, that this standard shall not apply between any halfway house facilities when both of such facilities are located entirely within the community service (CS) zoning district.
  2. The total occupancy of a structure designed for a halfway house shall not exceed that allowed in section 16.1.7.1 of the Life Safety Code (or 200 square feet per occupant).
  3. The standards in the chapter which is entitled "Lodging or Rooming Houses," in the Life Safety Code (see subsection 3109 of this Code) shall be the minimum standards for halfway houses.
  4. Parking shall be provided pursuant to article XV of this chapter.
  5. Dwelling units in halfway house shall have a minimum living area of 450 square feet.
31. HELIPADS, HELISTOPS, WITHOUT PERMANENT MOORING AND SERVICE FACILITIES (Sb: See Item 55, Table IX-1).
- a. *Additional application requirements.*
1. A report from the Federal Aviation Administration (FAA).
  2. A statement of proposed hours of operation and frequency of arrivals and departures.
  3. A diagram indicating proposed flight paths of arriving and departing helicopters within a 1,000-foot radius of the heliport or helistop.
- b. *Additional standards.* Heliport and helipad design guidelines adopted by the Federal Aviation Administration.
32. HOME OCCUPATIONS, ACCESSORY TO RESIDENTIAL USES (PXR: See Item 56, Table IX-1).
- a. *Additional application requirements.*
1. An affidavit, prepared by the City's Development Services Department - Planning Division, shall be signed by the business owner, affirming that all business activities associated with the home occupation comply with the provisions outlined herein.
  2. As viewed from the street, the use of a residential property for a home occupation shall be consistent with the use of the residential areas that surround the subject property. External modifications made to a residential dwelling to accommodate a home occupation shall conform to the residential character and architectural aesthetics of the neighborhood.
  3. All activities associated with the home occupation shall be secondary to the property's use as a residential dwelling unit.
  4. All retail transactions shall occur within the residential dwelling; retail transactions shall not be permitted within an accessory structure.
  5. All employees who work at the residential dwelling shall also reside at the residential dwelling, except that up to a total of two (2) employees or independent contractors who do not reside at the dwelling may work at the business and within the dwelling. The business may have additional remote employees that do not work at the residential dwelling.
  6. Home occupations shall not generate the need for greater parking volume than would normally be expected at a similar residence where no home occupation is located.
  7. All parking associated with the home occupation shall be:
    - i. Entirely located on the subject property and outside of the public right-of-way; and
    - ii. Designed and constructed in accordance with the requirements of [ARTICLE XV](#) of this Chapter.
  8. Commercial vehicles associated with a home occupation shall only be permitted in conformance with requirements of Sec. [94-487](#).

9. Signage for home occupations shall only be permitted if explicitly permitted in [ARTICLE XII](#) of this Chapter.
33. HOSPITALS, PUBLIC AND PRIVATE (Sa: See Item 57, Table IX-1).
  - a. *Additional application requirements.*
    1. A detailed traffic impact analysis prepared pursuant to section [94-312](#).
    2. An approved certificate of need issued by the state department of children and family services.
  - b. *Additional standards.*
    1. Minimum site dimensions: Five acres.
    2. The proposed site shall not abut any residential zoning district.
    3. Minimum distances:
      - i. All principal and accessory buildings: 30 feet from any property line.
      - ii. All parking, loading and vehicular circulation areas: at least 30 feet from any property line.
    4. Vehicular access shall be provided only from a major or minor arterial, or a collector.
34. HOTELS AND MOTELS (PXR and Sb: See Item 58, Table IX-1).
  - a. *Additional application requirements.* A detailed market study shall be prepared utilizing commonly accepted analysis techniques to demonstrate the economic feasibility of the proposed lodging facility.
  - b. *Additional standards.*
    1. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
    2. Minimum distances:
      - i. All principal and accessory structures: 25 feet from any residential zoning district.
      - ii. All sites: 200 feet from any existing hotel or motel, place of religious worship, or public or private school as measured from property line to property line, without regard to intervening structures or objects.
    3. Minimum site area:
      - i. Minimum site size: 20,000 square feet.
      - ii. Minimum lot width: 125 feet.
    4. Hotel units in NC district shall not contain cooking facilities.
    5. The number of hotel units allowed in any zoning district shall be determined as follows:
      - i. NC: 28 units per acre;
      - ii. GC, OC, AC, IL and CM: 40 units per acre;
      - iii. CC-2: one hotel unit for each residential dwelling unit permitted in the underlying zoning district.
      - iv. CMUD: no unit limit, however, the structure must comply with the underlying zoning district regulations and the square footage of the use counts against the maximum commercial build-out for the zoning district as regulated in the Comprehensive Plan.

34.1 HOTELS AND MOTELS (Sa: See Item 58, Table IX-1).

- a. *Additional application requirements.* A detailed traffic impact analysis prepared pursuant to section [94-312](#).
- b. *Additional standards.*
  1. Minimum site dimensions:
    - i. Minimum lot area: 20,000 feet.
    - ii. Minimum lot width: 125 feet.
  2. The number of hotel rooms allowed shall not exceed the maximum number of dwelling units permitted in the MF32 district.

*Additional application requirements and standards.* See subsection (d)(50) of this section.

*Additional application requirements and standards.* See subsection (d)(50) of this section.

35. HOTELS AND MOTELS, LIMITED SERVICE (PXR: See Item 59, Table IX-1).  
*Additional application requirements and standards.* See subsection (d)(34) of this section.
- 35.1. INDUSTRIAL USE, HAVING MODERATE EXTERNAL IMPACTS (PXR and Sb: See Item 60, Table IX-1)  
*Additional application requirements and standards.* See subsection (d)(38) of this section.
36. INDUSTRIAL USES, HAVING SIGNIFICANT EXTERNAL IMPACTS (PXR: See Item 61, Table IX-1).  
*Additional application requirements and standards.* See subsection (d)(38) of this section.
37. INDUSTRIAL USES, HAVING VERY SIGNIFICANT EXTERNAL IMPACTS (Sa: See Item 62, Table IX-1).
  - c. *Additional application requirements.*
    4. A noise impact study prepared pursuant to the policies and standards of chapter 34, article II of this Code.
  - d. *Additional standards.*
    1. All sites shall not abut any residential zoning districts.
    2. Minimum site dimensions: Minimum lot area: 20,000 square feet.
    3. Minimum distances:
      - i. All principal and accessory structures and loading and unloading areas: 100 feet from any property line.
      - ii. All principal and accessory structures and loading and unloading: 200 feet from any residential zoning district.
    4. Walls or fences of appropriate height may be required to prevent unauthorized entries and departures.
    5. Vehicular access to the site shall be provided only from a major or minor arterial.
    6. Access shall be designed and constructed so that site-generated traffic will avoid travel through residential zoning districts.
- 37.1. INDUSTRIAL TYPE USES, HAVING MODERATE EXTERNAL IMPACTS (PXR: See Item 63, Table IX-1).
  - a. *Additional application requirements and standards.* See subsection (d)(38) of this section.
38. INDUSTRIAL-TYPE USES HAVING SIGNIFICANT EXTERNAL IMPACTS (PXR: See Item 64, Table IX-1).
  - a. *Additional application requirements.* None.
  - b. *Additional standards.*
    1. Minimum distances: All principal and accessory structures and loading and unloading areas: 100 feet from any residential zoning district.
    2. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
    3. All activities, except for loading and unloading, shall occur within a completely enclosed building.
    4. Walls or fences of appropriate height may be required to prevent unauthorized entries and departures.
39. INDUSTRIAL-TYPE USES HAVING VERY SIGNIFICANT EXTERNAL IMPACTS (Sb: See Item 65, Table IX-1).
  - a. *Additional application requirements.* None.
  - b. *Additional standards:*
    1. Walls or fences of appropriate height may be required to prevent unauthorized entries and departures.
    2. Minimum distances. All principal and accessory structures and loading and unloading areas: 100 feet from any residential zoning district.
    3. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
    4. All activities, except for loading and unloading, shall occur within a completely enclosed building.
    5. Noise barriers shall be provided pursuant to chapter 34, article II of this Code.
40. JUNK, SCRAP, AND SALVAGE YARDS (Sa: See Item 67, Table IX-1).

- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    - 1. The site shall not abut any residential zoning district.
    - 2. Minimum site dimensions: five acres.
    - 3. Noise barriers shall be provided pursuant to chapter 34, article II of this Code.
    - 4. Minimum distances:
      - i. All principal and accessory structures: 100 feet from any property line.
      - ii. All parking, loading and vehicular circulation areas: 100 feet from any property line.
      - iii. All storage, sorting, disassembly and similar activities: 200 feet from any residential zoning district.
      - iv. Storage, sorting, disassembly and similar activities: 50 feet from any property line.
    - 5. Adequate traffic facilities, such as intersection improvements, turn lanes, acceleration lanes signalization, etc., shall be provided to minimize the impact of the facility on adjacent public thoroughfares.
    - 6. The site shall be landscaped pursuant to [ARTICLE XIV](#) of this chapter. A landscape buffer at least five feet wide shall be provided along property lines.
    - 7. Walls or fences of appropriate height may be required to prevent unauthorized entries and departures.
    - 8. Entrance to the site shall require a chain link or equivalent gate.
41. LAKES AND PONDS, MANMADE AND ACCESSORY (PXR: See Item 68, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    - 1. Proof of such permits as are required by local, state, or any other applicable authorities.
    - 2. A 20-foot wide maintenance easement shall be the perimeter of all artificial lakes and ponds. The easement shall have a maximum slope of one foot vertical for each eight feet horizontal. The width of the easement shall be measured from the high water elevation of the lake or pond.
    - 3. The maximum slope of subaqueous areas shall be 1:4 from the high water elevation to a depth of two feet below the low water elevation. The maximum slope of subaqueous areas shall be 1:2 below a depth of two feet below the low water elevation.
42. LAUNDRY AND DRY CLEANING ESTABLISHMENTS, CLEANING ON PREMISES (PXR: See Item 69, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    - 1. Minimum distances: All principal and accessory structures:
      - i. One hundred feet from the nearest residential zoning district.
      - ii. Twenty feet from any side or rear property line.
      - iii. Twenty feet from any other building on the site.
    - 2. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
    - 3. Cleaning equipment shall be completely enclosed and equipped with solvent and vapor recovery units which prevent the emission of objectionable odors and effluents.
43. LAUNDRY AND DRY CLEANING ESTABLISHMENTS SERVING PRIMARILY THE PUBLIC, COIN-OPERATED (PXR: See Item 70, Table IX-1).
- a. *Additional applications requirements.* None.
  - b. *Additional standards.*
    - 1. Access shall be provided only from a major or minor arterial, a collector or a local street segment which does not pass through any residential zoning district.
    - 2. Minimum distances:
      - i. All principal and accessory structures 20 feet from any side or rear property line.

- ii. All principal and accessory structures 20 feet from any other building on the site.
    - iii. All sites: 1,000 feet from any existing similar establishment as measured from property line to property line without regard to intervening structures or objects.
    - iv. All sites: 100 feet from any residential zoning district as measured from property line to property line without regard to intervening structures or objects.
  - 3. The hours of operation for laundry/dry cleaning establishments, coin-operated, shall be limited from 6:00 a.m. to 10:00 p.m.
  - 4. At least one attendant shall be on the premises of all laundry/dry cleaning establishments, coin-operated, during all hours of operation. Such establishments shall be secured when not in operation.
  - 5. The maximum door width for laundry/dry cleaning establishments, coin-operated, shall not exceed eight feet. The use of garage doors, roll-up doors, and sliding glass doors or any other similar type of door, used as the sole means for enclosing the building, shall be prohibited.
- 43.1. LAUNDRY AND DRY CLEANING ESTABLISHMENTS SERVING PRIMARILY THE PUBLIC, COIN-OPERATED (Sb: See Item 71, Table IX-1).
- a. *Additional applications requirements.* None.
  - b. *Additional standards.* Applications to establish laundry and dry cleaning establishments, coin-operated, shall submit the information required in subsection (d)(43)b of this section.
44. LIQUOR AND PARTY STORES (PXR: See Item 72, Table IX-1).
- a. *Additional application requirements.*
    - 1. Proof of any licenses required by local, state, and other applicable authorities.
  - b. *Additional standards.*
    - 1. *Minimum site dimensions:*
      - i. Minimum site area: 7,500 square feet.
      - ii. Minimum lot width: 50 feet.
    - 2. *Minimum distances.*
      - i. All principal and accessory structures: 100 feet from any residential zoning district.
      - ii. All parking, loading, and vehicular circulation areas: 25 feet from all residential zoning district.
      - iii. All sites: 1,000 feet from any existing liquor or party store as measured from property line to property line without regard to intervening structures or objects.
      - iv. All sites: 100 feet from any preexisting place of religious worship, public or private school as measured from property line to property line without regard to intervening structures or objects.
- 44.1. MARINA, COMMERCIAL (PXR: See Item 74.1, Table IX-1).
- a. *Additional application requirements.*
    - 1. A market study showing the need for the marina in the proposed location.
    - 2. An environmental assessment that includes all aquatic resources that will be affected by the marina.
    - 3. A marina, commercial, use located within the CC-2 Zoning district shall not be permitted to manufacture boats or boat parts or to do repairs which require the boat to be removed from the water.
  - b. *Additional standards.*
    - 1. New marinas and other docking facilities, and any associated dredging, shall be prohibited unless approved by the appropriate governmental agencies, such as the U.S. Army Corps of Engineers, state department of environmental regulation, state department of natural resources, and South Florida Water Management District.
    - 2. The location of new marinas and expansions of the existing marinas shall be consistent with the following criteria:



- i. Preference shall be given to sites that have been legally disturbed, or identified as suitable in the comprehensive plan;
  - ii. Minimization of impacts of coastal and marine resources;
  - iii. Sufficiency of upland areas for the siting of all nonwater dependent uses (such as bait and tackle, restaurants, etc.);
  - iv. Compatibility with surrounding land uses and compliance with this chapter including all site planning standards;
  - v. Availability of facilities for public use;
  - vi. Economic need for and feasibility of the facility;
  - vii. Adequacy of depth of adjacent waters to accommodate the proposed boat use resulting from naturally occurring deep water or existing legally disturbed sites;
  - viii. Enhancement of disturbed ecosystems and mitigation activities;
  - ix. Proof of ownership or riparian rights; and
  - x. Compliance by a governmental agency resulting from any special protective status, such as aquatic preserve, placed on the subject waters.
  - xi. Avoidance of thick seagrass beds, which are manatee feeding areas.
- 3. Nonwater dependent uses (such as bait and tackle, restaurants, etc.) shall be situated on uplands.
- 4. Docking facilities shall only be approved which require minimal or no dredging and/or filling to provide access by canal, channel, or road. This restriction shall also apply to widening and/or deepening any existing canal or channel, but not to regular maintenance dredging and filling to meet depth standards or existing canals or channels. In the event that dredging is required, the mooring areas and the navigation access channels shall not be dredged to depths greater than those necessary to prevent prop dredging. Any required dredging shall utilize appropriate construction techniques and material to comply with state water standards (e.g., turbidity screens, hydraulic dredges, properly sized and isolated spoil deposition area to control spoil dewatering).
- 5. Marina basins shall only be approved when the locations have adequate depths to accommodate the proposed boat use. A minimum of four feet at mean low water shall be required. Greater depths shall be required for those facilities designed or capable of accommodating boats having greater than a three-foot draft.
- 6. Dock and decking design and construction shall ensure light penetration sufficient to support existing shallow water habitats.
- 7. Sewer pump-out service shall be made available at all marinas capable of servicing or accepting boats inhabited overnight or boats which require pump-out service. Typically marinas which accept or service boats 30 feet long and greater fall into this category. Operation of all pump-out equipment shall be limited to trained personnel.
- 8. In the event marina fueling facilities are developed, adequate and effective measures shall be taken to prevent contamination of area waters from spillage or storage tank leakage.
- 9. Prior to operation of marina fueling facilities, the developer shall adopt and implement a fuel management spill contingency plan approved by the city in consultation with the South Florida Water Management District and the state department of environmental regulation. The plan shall describe the methods of fuel storage, personnel training, methods to be used to dispense fuel, and all the procedures, methods, and materials to be used in the event of a spill.
- 10. Appropriate hydrographic analysis shall be undertaken to determine criteria for design and magnitude of the facility necessary to meet state water quality standards. No facility is to be constructed which would result in degradation of water quality below state standards. Proposed marinas will demonstrate adequate flushing to prevent the accumulation of pollutants.
- 11. Marina operators shall undertake the following manatee protection measures in areas where the manatee occurs:
  - i. Implement and maintain a manatee public awareness program (in consultation with the state department of natural resources) which will include the posting of signs to advise boat users that manatees are an endangered species which frequently use the waters of the Indian River Lagoon and the provision of manatee literature at conspicuous locations.

- ii. Declare the waters in and around the marina a no wake zone.
  - iii. Prospective renters (for a term in excess of one week), lessees, or owners of slips shall be screened by the appropriate marina facility administrative officials to determine whether these prospective users have had any past violations of marine laws, the nature of which may have been considered to pose a risk to protected manatees (e.g., speeding, operation of a boat while intoxicated, possession of illegal wildlife material). Individuals found to have violated any such marine laws shall be prohibited from use of the facility.
  - iv. Install floating flags at entrance channels to warn boaters when manatees are known to be in the area.
- 12. Marina owners and developers shall develop and adopt a hurricane preparedness plan addressing evacuation procedures and provisions that will be made for boat owners within the marina basin to assure protection of life and property to the maximum extent feasible. Development and approval of the plan shall be in accordance with the specifications provided by the county disaster preparedness director in consultation with the United States Coast Guard and Florida Marine Patrol. The plan must be approved by the county's disaster preparedness director prior to occupancy of the facility.
- 13. Structures which construct water circulation in Lake Worth are prohibited.
- 14. The review of marina development shall be coordinated with input from appropriate federal, state, regional, and county agencies.
- 15. All relevant requirements in [ARTICLE XII](#) of this chapter (natural resource protection) shall be complied with.
- 44.2. MARINA, INDUSTRIAL ESTABLISHMENTS (PXR: See item 75, Table IX-1).  
*Additional application requirements and standards.* See subsection (d)(39) of this section.
- 44.3. MARINA, RETAIL SALES AND SERVICE (PXR: See item 76, Table IX-1).  
*Additional application requirements and standards.* See subsection (d)(50) of this section,
- 45. MINING AND EXTRACTIVE ACTIVITIES (Sa: See Item 79, Table IX-1).
  - a. *Additional application requirements.*
    - 1. An aerial photograph of the subject site at a contour interval of two feet based on mean sea level datum.
    - 2. An operation plan which shall include all of the following:
      - i. The date proposed to commence operations and their expected duration.
      - ii. Proposed hours and days of operations.
      - iii. Estimated type and volume of extraction.
      - iv. Description of method of operation, including the disposition of topsoil, overburden and byproducts.
      - v. Description of equipment to be used in the extraction process.
      - vi. Any phasing of the operation and the relationship among the various phases.
      - vii. Operating practices which will be followed to comply with the performance standards applicable to the operations.
      - viii. Proposed method of handling and storage areas for overburden, byproducts and excavated materials.
      - ix. Any areas proposed for ponding.
      - x. Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust.
    - 3. A rehabilitation plan which shall include all of the following:
      - i. A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land.
      - ii. A map showing the final topography, after rehabilitation, to the same scale as site plan; as well as any water areas and methods or preventing stagnation and pollution hereof,

landscaping and ground cover proposed to be installed, and the amount and type of back fill to be employed, if any.

- iii. A phasing and timing plan, related to the phasing and timing portion of the operation plan, showing the progression of the rehabilitation and the date when it will be complete.
- iv. The method of disposing of all equipment, structures, dikes, and spoil piles associated with the operations.

b. *Additional standards.*

1. Minimum dimensions: Five acres.
2. Minimum building setbacks shall be at least 50 feet from any property line; outdoor activity areas shall be located at least 200 feet from any property line.
3. Access and egress shall be provided only from a major or minor arterial, a collector, or a local street segment which does not pass through any residential zoning district.
4. Access and egress routes leading to and from a site shall be approved by the agency responsible for maintenance of the streets over which such routes run.
5. Mining and extractive activities shall be approved only in areas where the negative impact on adjacent uses is small in proportion to the public's need for the materials extracted. In determining the negative impact of mining and extractive activities on adjacent uses, consideration shall be given to the proposed method of operation and the nature and permanence of surrounding land uses. In determining the public need for the material extracted, consideration shall be given to projected rates of consumption within the market area which can be served by the subject site and to the amount of estimated reserves of the material at sites which are capable of supplying the market area.
6. Roads within the excavation site shall be surfaced with a dust-free material, such as soil cement, bituminous concrete, or Portland cement, where they are either within 300 feet of a public road to which they provide access or within 300 feet of any residential zoning district.
7. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the operations plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition.
8. Where the proposed extraction shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six feet in height shall be installed.
9. Spoil piles and other accumulations of byproducts shall not be created to a height more than 40 feet above the original contour and shall be so graded that the vertical slope shall not exceed the material's natural angle of repose.
10. The operations plan and the rehabilitation plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consistent with good practices and so that rehabilitation proceeds in concert with extraction.
11. A performance guarantee shall be required to ensure that the provisions of the rehabilitation plan are met. Such a performance guarantee shall be in a form and amount of money approved by the special use review authority. The amount shall be sufficient to cover the cost of rehabilitation, as determined by the special use review authority. Any performance guarantee posted with the state shall be credited in determining the amount which must be posted with the city.

45.1. MOBILE HOME SALES, RENTAL & SERVICE (PXR: See item 80, Table IX-1).

46. MOTOR VEHICLE FUEL SALES AND SERVICE (Sb: See Item 83, Table IX-1).

a. *Additional application requirements.* None.

b. *Additional standards.*

1. Minimum distances: All principal and accessory structures: 100 feet from any residential zoning district.
2. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
3. Minimum site dimensions:

- i. Minimum site size: 10,000 square feet.
    - ii. Minimum lot width: 100 feet.
    - iii. Minimum lot depth: 100 feet.
    - iv. All buildings, signs, pumps, pump islands, tanks, vents and canopies shall be located a minimum of 25 feet from public right-of-way lines.
  - 4. The floor area allocated to the sale of accessory convenience items shall not exceed 500 square feet. Convenience items offered for sale shall not include alcoholic beverages.
  - 5. All receptacles, tanks, or facilities for the storage of combustibles in excess of 200-gallon quantities shall be located underground and within the building setback lines. All receptacles, tanks, or facilities for the storage of combustibles in 200-gallon or less amounts shall be located and maintained within building setback lines and in a manner acceptable to the city.
  - 6. In the event a service station is vacant for a continuous period exceeding one year, the property owner shall be required to remove or treat, in a safe manner approved by the city all flammable material storage tanks on the site. A bond sufficient to cover the cost of removal shall be posted prior to the issuing of a building permit for the facility.
  - 7. All pits and hydraulic hoists shall be located entirely within a building. Lubrication, washing, repair, and service shall be conducted within a building. Minor diagnostic and repair work may be performed at pump islands in the presence of a customer.
  - 8. All merchandise and material for sale except oil for use in motor vehicles, shall be displayed within an enclosed building. Oil for use in motor vehicles may be displayed in or sold from outdoor racks or compartments located on pump islands.
  - 9. An opaque wall shall be erected to a height of no less than four feet and no more than five feet and not closer than six inches to lot lines along the side and rear lot lines when such parking lot or area adjoins a residential district, except that such a wall shall not be required where the applicant for a permit shall secure and file with the application a notarial waiver duly signed under the seal by all abutting landowners waiving objection to the existence of an unwallled parking lot or area. Such walls, where required, shall be erected in compliance with the city building code.
  - 10. For sites adjacent to residential zoning districts, the following landscape buffering standards apply. The site must provide five-foot wide landscape area with shade trees planted every 30 linear feet on center. A hedge must also be maintained within this buffer area.
  - 11. For sites adjacent to residential zoning districts, no exterior pay phones will be allowed.
  - 12. For sites adjacent to residential districts, hours of operation shall be no greater than 6:00 a.m. to 12:00 p.m. for fuel sales, and 6:00 a.m. to 10:00 p.m. for convenience store items.
- 46.1. MOTOR VEHICLE FUEL SALES (NO SERVICE) AND ACCESSORY CONVENIENCE STORE (Sb: See Item 83.1 Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    - 1. Minimum distances. 100 feet from a residential zoning district and at least 250 feet from any existing convenience store or like use.
    - 2. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
    - 3. Minimum site dimensions:
      - i. Minimum site size: 10,000 square feet.
      - ii. Minimum lot width: 100 feet.
      - iii. Minimum lot depth: 100 feet.
      - iv. All buildings, signs, pumps, pump islands, tanks, vents and canopies shall be located a minimum of 25 feet from public right-of-way lines.
    - 4. The floor area allocated to the sale of accessory convenience items shall not exceed 1,500 net square feet.
    - 5. All receptacles, tanks, or facilities for the storage of combustibles in excess of 200-gallon quantities shall be located underground and within the building setback lines. All receptacles,

- tanks, or facilities for the storage of combustibles in 200-gallon or less amounts shall be located and maintained within building setback lines and in a manner acceptable to the city.
6. In the event a service station is vacant for a continuous period exceeding one year, the property owner shall be required to remove or treat, in a safe manner approved by the city all flammable material storage tanks on the site. A bond sufficient to cover the cost of removal shall be posted prior to issuing a building permit for the facility.
  7. All merchandise and material for sale except oil for use in motor vehicles, shall be displayed within an enclosed building. Oil for use in motor vehicles may be displayed in or sold from outdoor racks or compartments located on pump islands.
  8. An opaque wall shall be erected to a height of no less than four feet and no more than five feet and not closer than six inches to lot lines along the side and rear lot lines when such parking lot or area adjoins a residential district, except that such a wall shall not be required where the applicant for a permit shall secure and file with the application a notarial waiver duly signed under the seal by all abutting landowners waiving objection to the existence of an unwallled parking lot or area. Such walls, where required, shall be erected in compliance with the city building code.
  9. For sites adjacent to residential zoning districts, the following landscape buffering standards apply. The site must provide a five-foot wide landscape area with shade trees planted every 30 linear feet on center. A hedge must also be maintained within this buffer area.
  10. For sites adjacent to residential zoning districts, no exterior pay phones will be allowed.
  11. For sites adjacent to residential districts, hours of operation shall be no greater than 6:00 a.m. to 12:00 p.m. for fuel sales, and 6:00 a.m. to 10:00 p.m. for convenience store items.
47. **MOTOR VEHICLE REPAIR, HEAVY (INCLUDING BODY REPAIR AND PAINTING)** (PXR and Sb: See Item 85, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    1. Minimum site dimensions:
      - i. Minimum site area: 10,000 square feet.
      - ii. Minimum lot width: 100 feet.
      - iii. Minimum lot depth: 100 feet.
    2. Minimum distances:
      - i. All buildings, signs, pumps, pump islands, tanks, vents, and canopies shall be located a minimum of 25 feet from public right-of-way lines.
      - ii. All buildings, signs, pumps, pump islands, tanks, vents, and canopies shall be located a minimum of 50 feet from any residential zoning district.
    3. All receptacles, tanks or facilities for the storage of combustibles in quantities exceeding 200 gallons shall be located underground and within the building setback lines. All receptacles, tanks, or facilities for the storage of combustibles in of 200 gallon or less shall be located and maintained within building setback lines and in a manner acceptable to the city.
    4. In the event a heavy motor vehicle repair establishment is vacant for a continuous period exceeding one year, the property owner shall be required to remove, or treat, in a safe manner approved by the city, all flammable material storage tanks on the site. A bond sufficient to cover the cost of removal shall be posted prior to the issuing of a building permit for the facility.
    5. All pits and hydraulic hoists shall be located entirely within a building. Lubrication, washing, repair, and service shall be conducted within a building. Minor diagnostic and repair work may be performed at pump islands in the presence of a customer.
    6. All merchandise and material for sale, except oil for use in motor vehicles, shall be displayed within an enclosed building. Oil for use in motor vehicles may be displayed in or sold from outdoor racks or compartments located on pump islands.
    7. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
48. **MOTOR VEHICLE REPAIR, LIGHT (EXCLUDING BODY REPAIR AND PAINTING)** (PXR: See Item 86, Table IX-1).



- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    - 1. Minimum site dimensions:
      - i. Minimum site area: 7,500 square feet.
      - ii. Minimum lot width: 50 square feet.
    - 2. Minimum distances:
      - i. All principal and accessory structures: 100 feet from any residential zoning district.
      - ii. All parking, loading and vehicular circulation areas: 25 feet from any residential zoning district.
49. **MOTOR VEHICLE SALES AND RENTAL ESTABLISHMENTS (NO SERVICE) (PXR and Sb: See Item 87, Table IX-1).**
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    - 1. Minimum site dimensions: 20,000 square feet.
    - 2. Minimum distances:
      - i. All principal and accessory structures: 100 feet from any residential zoning district.
      - ii. Parking, loading, vehicular circulation and sales areas: 50 feet from any residential zoning district.
    - 3. All outdoor sales lots shall be surfaced with a hard, durable surface and shall be properly drained.
50. **MOTOR VEHICLE SALES AND SERVICE AGENCIES (PXR and Sb: See Item 88, Table IX-1).**
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    - 1. Minimum site dimensions: 20,000 square feet.
    - 2. Minimum distances:
      - i. All principal and accessory structures: 100 feet from any residential zoning district.
      - ii. Parking, loading, vehicular circulation and sales areas: 50 feet from any residential zoning district.
    - 3. All service facilities and activities shall be located within an enclosed structure.
    - 4. All outdoor sales and vehicular circulation areas shall be surfaced pursuant to section [94-485](#).
- 50.1. **MOTORCYCLE SALES AND SERVICE ESTABLISHMENTS (PXR: See Item 90, Table IX-1).**
51. **NONCONFORMING USES (Sb: See Items 94, 95, 96, and 97, Table IX-1).**
- a. *Application.* The provisions of this section shall apply to any of the following:
    - 1. A change from one minor nonconforming use to another minor nonconforming use as regulated in [ARTICLE XVI](#) of this chapter.
    - 2. A change from one major nonconforming use to a minor nonconforming use as regulated in [ARTICLE XVI](#) of this chapter.
    - 3. Alterations which reduce the negative impact of a minor nonconforming use as regulated in [ARTICLE XVI](#) of this chapter. Alterations which reduce the negative impact of a major nonconforming use as regulated in [ARTICLE XVI](#) of this chapter.
  - b. *Additional application requirements.*
    - 1. A site plan, if applicable, indicating manner in which alterations are to be made.
    - 2. A written statement of justification for the change in use or alterations to be made.
  - c. *Additional standards.* A change from one major nonconforming use to another major nonconforming use is prohibited.
52. **OFFICES, PROFESSIONAL (MEDICAL) (PXR: See Item 102, Table IX-1).**
- a. *Additional application requirements.* The additional application requirements shall not be subject to waivers.

1. On-site dispensing of controlled substances that are identified in Schedule II, III, or IV of F.S. § 893.03, and as may be further amended pursuant to F.S. §§ 893.035 893.0355 or 893.0356, shall be prohibited, unless otherwise expressly permitted by statutory or general law.
  - b. *Additional standards.*
    1. Professional offices shall be located within an existing professional office building legally established on or before July 10, 1989.
    2. Offices shall open no earlier than 7:00 a.m. and shall remain open no later than 9:00 p.m.
    3. Medical offices shall be prohibited from serving as overnight treatment facilities.
    4. Ingress and egress to the professional office shall be prohibited from any adjoining alley.
    5. All plants, shrubs and trees shall be planted and maintained pursuant to [ARTICLE XIV](#) of this chapter.
  - c. *Acknowledgement of regulations.* The health care practitioner responsible for the operation or supervision of any medical or dental office or clinic shall execute an acknowledgement of the regulations in this subsection prior to payment of the required business tax receipt. Failure or refusal to execute the required acknowledgement may result in revocation of the certificate of use for the medical or dental office or clinic and/or any other action permitted by law.
- 52.1. OFFICES, PROFESSIONAL (NONMEDICAL) (PXR: See Item 102.1, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.* Applications to establish offices, professional (nonmedical), shall meet the additional standards required in subsection 94-273(b).
- 52.2. OFFICES, REAL ESTATE (PXR in POR: See Item 102.2, Table IX-1).
- a. *Additional application requirements.*
    1. Within a professional office residential (POR) zoning district, real estate offices shall be located within an existing office building legally established on or before August 23, 2010.
  - b. *Additional standards.*
    1. Offices shall open no earlier than 7:00 a.m. and shall remain open no later than 9:00 p.m.
- 52.3. OFFICES, REAL ESTATE (PXR in I: See Item 102.2, Table IX-1).
- a. *Additional application requirements.*
    1. Real estate offices operating with a valid business tax receipt on or before August 23, 2010, are legal nonconforming uses and may continue to operate, change ownership, or change name at the existing location, but may not expand in floor area. The interruption of a nonconforming use is governed by [ARTICLE XVI](#) of this chapter.
  - b. *Additional standards.*
    1. None.
- 52.4. OUTDOOR STORAGE FACILITIES FOR FAMILIES AND SMALL BUSINESS (PXR in I: See item 106, Table IX-1).
- a. *Additional application requirements.*
    1. Screening requirements shall comply with section [94-444](#) (b) and (c).
  - b. *Additional standards.*
    1. None.
53. PARKING GARAGES AS PRINCIPAL USES (PXR, Sa, and Sb: See Item 107, Table IX-1).
- a. *Additional application requirements.*
    1. A detailed traffic impact analysis study will be prepared pursuant to section [94-312](#).
    2. Landscaping will be provided pursuant to section [94-442](#).
    3. Parking garages as principal uses located in the Northwood mixed-use district must follow the Northwood mixed-use district development regulations.
    4. Parking garages as principal uses located in the Currie Mixed-Use District (CMUD) shall only be constructed as part of a city or community redevelopment area (CRA) project.
  - b. *Additional standards.* None.

54. PARKING LOTS AS PRINCIPAL OR OFF-SITE ACCESSORY USES (Sb: See Item 108, Table IX-1).

a. *Additional application requirements.*

1. A landscape plan prepared pursuant to section [94-442](#).
2. Parking lots as principal or off-site accessory uses located in the Currie Mixed-Use District (CMUD) shall only be constructed as part of a city or community redevelopment area (CRA) project.
3. Parking lots as principal or off-site accessory uses located in the Northwood mixed-use district must follow the Northwood mixed-use district development regulations.

b. *Additional standards.*

1. Storage of vehicles is prohibited.
2. All principal and accessory structures, unless specifically approved by the review authority, are prohibited.
3. Off-site parking lots shall be allowed only as an accessory to a permitted use.
4. Entrances and curb cuts in accordance with section [94-313\(2\)](#).
5. The parking area shall be surfaced pursuant to section [94-485](#).
6. All plans for parking lots shall be inspected by the city engineering department and must comply with all the regulations in this subsection in addition to sidewalks and concrete driveway approaches and in a manner as prescribed by the building code. When necessary, walls, swales, and/or planting areas shall be installed to protect adjoining property owners from flooding, glaring lights, and noise.
7. A landscape buffer at least five feet wide, shall be provided along all property lines, however, the zoning board of appeals may waive this requirement for property lines abutting a dedicated alley. All plants, shrubs, and trees shall be planted and maintained pursuant to section [94-442](#).
8. If the parking lot area is used for customer parking it shall be operated and open for use only during the customary business hours of the use of parking patron's passenger vehicles. No fee shall be charged for the use of such off-street parking facility.
9. Lighting facilities, if provided, shall be so arranged as to reflect away from any adjacent residential zoning district or any residential use located in a city center zoning district so as not to cause any annoying glare to the adjacent property.
10. An accessory parking lot to be located in any residential zoning district shall be contiguous to the principal use; however, the two uses may be separated by a public street or alley.
11. An accessory parking lot to be located in any nonresidential zoning district shall be located within 300 feet of the principal use, measured along a direct line that separates the uses.
12. Accessory parking lots shall be used strictly for the vehicles of clients, residents, employees, customers, and visitors of the principal uses.
13. For parking lots located in more than one zoning district, entrances and exits shall only be located in those areas of the lot zoned for commercial uses or a lower zoning classification.
14. An opaque wall shall be erected to a height of no less than four feet and no more than five feet and not closer than six inches to lot lines along the side and rear lot lines when such a parking lot or area adjoins a residential district, except that such wall shall not be required where the applicant for a permit shall secured and filed with the application a notarial waiver duly signed under seal by all abutting landowners waiving objection to the existence of an unwallled parking lot or area. Such walls, where required, shall be erected in compliance with the city building code.
15. Ownership provisions of off-site parking spaces shall be made pursuant to section [94-485](#).

54.1. PARKS, CONSERVATION LANDS AND URBAN OPEN SPACE (See Item 109.1, Table IX-1).

a. *Additional application requirements.*

1. Lighting, durability of light fixtures and other equipment, level of shade and irrigation, and visibility to park patrollers shall be reviewed and approved by the parks and recreation department.
2. Parks located within a Conservation (CON) Land Use Designation shall only be designated as passive as defined in section [94-611](#).

b. *Additional standards.*

1. No restrooms shall be provided.
  2. No parking shall be provided.
  3. No principal buildings shall be allowed.
  4. The site shall reflect the standards of the recreation and open space element of the comprehensive plan.
  5. Urban open spaces may be located on all roadways except arterials and county urban collectors, as identified in the comprehensive plan.
  6. All parks constructed within the Currie mixed-use district (CMUD) shall be designed in accordance with the Greens, Plazas, and Square configuration and design standards as regulated within CMUD section [94-215\(j\)](#).
55. PAWNSHOPS (Sb: See Item 110, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.* None.
- 55.1. PHARMACY (PXR: See Item 111.1, Table IX-1).
- a. *Additional application requirements.* The additional application requirements shall not be subject to waivers.
    1. No more than 15 percent of the total number of prescriptions filled within a 30-day period can be derived from the sale of controlled substances that are identified in Schedule II of F.S. § 893.03, as may be further amended pursuant to 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. This restriction on prescription sales shall not apply to a pharmacy operating accessory to a facility licensed pursuant to F.S. ch. 395 (e.g. hospital).
    2. All pharmacies shall be staffed by a state licensed pharmacist who shall be present during all hours the pharmacy is open for business.
  - b. *Acknowledgement of regulations.* The pharmacist responsible for the operation or supervision of any pharmacy shall execute an acknowledgement of the regulations in this subsection prior to payment of the required business tax receipt. Failure or refusal to execute the required acknowledgement may result in revocation of the certificate of use for the pharmacy and/or any other action permitted by law.
56. PRIVATE USES ON PUBLIC (CITY-OWNED) LANDS (Sa and Sb: See Item 115, Table IX-1).
- a. *Additional application requirements.*
    1. A statement of the proposed use or structures to be located on public land and the benefits to be derived by the public from such use or structures.
    2. A detailed site plan prepared pursuant to section [94-35](#) required by the planning and zoning administrator.
    3. A detailed traffic impact analysis, prepared pursuant to section [94-312](#) if required by the planning and zoning administrator.
  - b. *Additional standards.* None.
57. PUBLIC SAFETY FACILITIES OPERATED BY PRIVATE AGENCIES (Sb: See Item 118, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    1. Minimum distances:
      - i. Minimum setback of buildings 30 feet from any residential zoning district or 30 feet from a residential property line if located in a residential zoning district.
      - ii. Minimum setback of parking, loading and vehicular circulation areas 20 feet from any residential zoning district or 20 feet from a residential property line if located in a residential zoning district.
      - iii. Minimum setback of outdoor activity areas 30 feet from any residential zoning district or 30 feet from a residential property line if located in a residential zoning district.
    2. Access and egress shall be provided, where possible, only from a major or minor arterial, a collector, or a local street segment which does not pass through any residential zoning district.

58. RAILROAD SWITCHING AND MARSHALLING YARDS (Sa: See Item 121, Table IX-1).

a. *Additional application requirements.*

1. Estimated number of daily switching operations and train cars that will be handled by the facility.
2. Estimated hours of operation and estimated times of heaviest operation on an average weekend.
3. A noise impact study pursuant to the policies and standards of chapter 34, article II of this Code.

b. *Additional standards.* None.

59. RECOVERY COMMUNITY (PXR: See item 122, Table IX-1).

a. *Additional application requirements.* To implement this Code, an application that the City of West Palm Beach designates must be completed in full and submitted to the Director of Development Services prior to occupancy or construction of the proposed recovery community to determine whether the proposed recovery community is a permitted use or is a Class A special use, Class B special use, to determine the maximum number of occupants allowed under city code provisions that apply to all residential uses, and to identify whether any further accommodation is needed.

b. *Additional standards.* A recovery community is allowed as of right in the designated zoning district as long as it complies with the following:

1. The proposed recovery community would be located at least 1,200 linear feet from the closest existing recovery community or community residence as measured from the nearest property line of the proposed recovery community to the nearest property line of the closest existing recovery community or community residence, and
2. The operator or applicant is licensed or certified by the State of Florida to operate the proposed recovery community.
3. A recovery community seeking to locate less than 1,200 linear feet from the closest recovery community or community residence may be allowed only by Class A special use, Class B special use in accord with the applicable standards in Section 94-273(a)(4) of this Code.
4. A recovery community that has been denied a certification or a license available from the State of Florida, had its license or certification suspended, or has been denied recertification is prohibited and must cease operations and vacate the premises within 60 days of the date on which its license or certification was denied or suspended, or recertification was denied.

60. RECREATION, INDOOR (PXR: See Item 123, Table IX-1).

a. *Additional application requirements.* None.

b. *Additional standards.* Indoor recreation facilities shall be located within a structure whose principal use is a professional office.

60.1. RECREATION: OUTDOOR, HIGH INTENSITY (Sb: See Item 125, Table IX-1).

a. *Additional application requirements.* A noise impact study shall be prepared pursuant to the policies and standards of chapter 34, article II of this Code.

b. *Additional standards:*

1. Minimum distances: All principal and accessory outdoor activity areas and parking and circulation: 100 feet from any residential zoning district.
2. Access shall be provided only from a major or minor arterial, or from a collector road.
3. Operations and facilities shall comply with all applicable state and federal agency requirements.
4. Illumination shall comply with the provisions of subsection 94-309(a).
5. Adequate traffic facilities, such as intersection improvements, turn lanes, acceleration lanes, signalization, etc., shall be provided to minimize the impact of the facility on adjacent public thoroughfares.
6. Noise barriers shall be provided pursuant to chapter 34, article II of this Code.
7. Access and egress routes leading to and from a site shall be approved by the agency responsible for maintenance of the streets over which such routes run.

61. RECREATION: OUTDOOR AMUSEMENTS, TEMPORARY (Sb: See Item 126, Table IX-1).



- a. *Additional application requirements.*
  - 1. Date(s) and time(s) of operation.
  - 2. Description of activities and amusements to be provided.
- b. *Additional standards.* None.

62. RECREATION: STADIUMS AND SPORTS ARENAS (Sb: See Item 127, Table IX-1).

- a. *Additional application requirements.* A detailed market study shall be prepared utilizing commonly accepted techniques to demonstrate the economic feasibility of the proposed special use.
- b. *Additional standards.*
  - 1. Minimum distances:
    - i. All principal and accessory structures: 100 feet from any residential zoning district.
    - ii. All principal and accessory structures: 100 feet from any property line.
    - iii. All parking, loading, and vehicular circulation areas: 100 feet from any property line.
    - iv. All outdoor activity areas: 100 feet from any property line.
    - v. All sites shall contain at least a 100-foot wide landscaped, open space buffer adjacent to all residential zoning districts.
  - 2. Vehicular access and egress shall be provided only from a major arterial.
  - 3. Minimum site dimensions. Minimum lot area: five acres.
  - 4. Adequate traffic facilities, such as intersection improvements, turn lanes, acceleration lanes, signalization, etc., shall be provided to minimize the impacts of the facility on adjacent public thoroughfares.
  - 5. Illumination shall comply with the provisions of subsection 94-307(a).
  - 6. Operations and facilities shall be in accordance with all applicable state and federal agency requirements.

63. RECREATION: STADIUMS AND SPORTS ARENAS (Sa: See Item 127, Table IX-1).

*Additional application requirements and standards.* See subsection (d)(62) of this section.

- a. Recreation, stadiums/sports arenas shall not be allowed in conservation districts west of the Florida Turnpike.
- b. Parking is allowed on grass, with internal circulation on an approved surface according to [ARTICLE XV](#) of this chapter.
- c. Waivers from the requirements of the landscaping provisions in [ARTICLE XIV](#) of this chapter may be obtained as part of a Class A special use permit.
- d. All stadium related public broadcasting shall be internal only and directed away from the surrounding residential areas.
- e. All internal directional and commercial signs shall be directed away from the surrounding residential areas.

63.1. RESIDENTIAL, MULTIFAMILY (PXR: See Item 132, Table IX-I).

- a. *Additional application requirements.* Adequate information shall be provided to the fire rescue department and building division to determine that the proposed residential use, and where applicable, a mixed-use structure, meets all state and local building and fire codes.
- b. *Additional standards.*
  - 1. Adequate security shall be provided between uses in mixed-use structures. Interior common areas serving dwellings shall not be accessible to the public at large.
  - 2. All residential and mixed-use projects (with a multifamily residential use as a component) in the neighborhood commercial (NC) zoning district shall comply with [ARTICLE XV](#) of this chapter regarding parking.

63.2. RESIDENTIAL, TOWNHOUSES (PXR: See Item 136, Table IX-I).

- a. *Additional application requirements.* Adequate information shall be provided to the fire rescue department and building division to determine that the proposed residential use, and where applicable, a mixed-use structure, meets all state and local building and fire codes.
- b. *Additional standards.*

1. Adequate security shall be provided between uses in mixed-use structures. Interior common areas serving dwellings shall not be accessible to the public at large.
  2. All residential and mixed-use projects (with a multifamily residential use as a component) in the neighborhood commercial (NC) zoning district shall comply with [ARTICLE XV](#) of this chapter regarding parking.
64. RESIDENTIAL, ROOMING AND BOARDING (Sb: See Item 133, Table IX-1.).
- a. *Additional application requirements.* None.
  - b. *Additional standards.* None.
65. RESTAURANTS SERVING A LIMITED CLIENTELE (PXR: See Item 137, Table IX-1).
- a. *Additional standards; minimum distances.* All principal and accessory structures, 100 feet from any residential zoning district.
  - b. *Additional application requirements.* Proof of any licenses required by local, state and other applicable authorities.
66. RESTAURANTS SERVING THE GENERAL PUBLIC, DRIVE-IN OR DRIVE-THROUGH FACILITIES (PXR: See Item 139, Table IX-1).
- a. *Additional application requirements.* Proof of any licenses required by local, state and other applicable authorities.
  - b. *Additional standards.*
    1. *Minimum distances.* All principal and accessory structures, 100 feet from any residential zoning district.
    2. *[Ingress and egress.]* Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
- 66.1. RETAIL BUILDING MATERIAL SALES WHICH HAVE A VERY SIGNIFICANT EXTERNAL IMPACT (PXR: See Item 141, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    1. All materials shall be storage within an enclosed building when abutting residential.
    2. For properties not abutting a residential district, all outdoor storage shall be screened in compliance with section [94-444](#)(b) and (c).
67. SANDWICH SHOPS AND SNACK BARS (PXR: See Item 143, Table IX-1).
- a. *Additional standards.*
    1. This use shall be located within a structure whose principal use is professional office.
  - b. *Additional application requirements.* None.
68. SCHOOLS; ELEMENTARY, INTERMEDIATE AND SECONDARY (Sb: See Item 144, Table IX-1).
- a. *Additional application requirements.* Private schools must provide competent substantial evidence that their curriculum will be equivalent to that offered by public schools.
  - b. *Additional standards.*
    1. Minimum site dimensions: one acre.
    2. Minimum distances: All principal and accessory structures: 100 feet from any residential zoning district or ten feet from any residential property line if located in a residential zoning district.
    3. Vehicular access shall be provided from a major or minor arterial, or from a collector.
      - i. All parking, loading and vehicular circulation areas: Ten feet from any residential zoning district or ten feet from any residential property line if located in a residential zoning district.
      - ii. All outdoor activity areas: 50 feet from any residential zoning district or 50 feet from a residential property line if located in a residential zoning district.
    4. Adequate off-street student pick-up and delivery facilities, such as a circular driveway shall be provided.
    5. Walls or fences of appropriate height may be required to prevent unauthorized entries and departures.

6. This section shall apply to schools operated by public or private educational agencies offering primary and secondary classes from kindergarten through 12th grade.
- 68.1. SCHOOLS, PUBLIC, VOCATION AND TRADE INVOLVING INDUSTRIAL EQUIPMENT (PXR: See Item 145, Table IX-1)
- a. *Additional application requirements.* None.
  - b. *Additional standards.* Public, vocation and trade school use involving industrial equipment which use includes the discharge of a firearm shall require a Class A Special Use Permit.
    1. All facilities shall be located within an enclosed building.
    2. Buildings shall be constructed and operated in a manner that gunshots will not be detectable at adjoining property lines. Buildings shall be completely air conditioned.
    3. Minimum distances: One thousand feet from any residential zoning district, elementary school, intermediate school or secondary school or public park as measured from property line to property line, without regard to intervening structures or objects.
69. SCHOOLS, PUBLIC, VOCATION AND TRADE NOT INVOLVING INDUSTRIAL EQUIPMENT (PXR: See Item 146, Table IX-1)
- a. *Additional standards.*
    1. Schools, public, vocation and trade not involving industrial equipment in the Northwood mixed-use district are permitted only as an accessory use to a use permitted by right.
    2. Public, vocation and trade school use not involving industrial equipment which use includes the discharge of a firearm shall require a Class A Special Use Permit.
      - i. All facilities shall be located within an enclosed building.
      - ii. Buildings shall be constructed and operated in such a manner that gunshots will not be detectable at adjoining property lines. Buildings shall be completely air conditioned.
      - iii. Minimum distances: One thousand feet from any residential zoning district, elementary school, intermediate school or secondary school or public park as measured from property line to property line, without regard to intervening structures or objects.
  - b. *Additional application requirements.* Schools, public, vocation and trade not involving industrial equipment are not permitted in the Broadway mixed-use district.
- 69.1. SCHOOLS, COMMERCIAL, VOCATION AND TRADE INVOLVING INDUSTRIAL EQUIPMENT (PXR: See Item 147, Table IX-1)
- a. *Additional application requirements.* None.
  - b. *Additional standards.* Commercial, vocation and trade school use involving industrial equipment which use includes the discharge of a firearm shall require a Class A Special Use Permit.
    1. All facilities shall be located within an enclosed building.
    2. Buildings shall be constructed and operated in such a manner that gunshots will not be detectable at adjoining property lines. Buildings shall be completely air conditioned.
    3. Minimum distances: One thousand feet from any residential zoning district, elementary school, intermediate school or secondary school or public park as measured from property line to property line, without regard to intervening structures or objects.
70. SCHOOLS, COMMERCIAL, VOCATION AND TRADE NOT INVOLVING INDUSTRIAL EQUIPMENT (PXR: See Item 148, Table IX-1)
- a. *Additional standards.*
    1. Schools, commercial, vocation and trade not involving industrial equipment in the Northwood mixed-use district are permitted only as an accessory use to a use permitted by right.
    2. Commercial, vocation and trade school use not involving industrial equipment, which use includes the discharge of a firearm shall require a Class A Special Use [Permit].
      - i. All facilities shall be located within an enclosed building.
      - ii. Buildings shall be constructed and operated in such a manner that gunshots will not be detectable at adjoining property lines. Buildings shall be completely air conditioned.

- iii. Minimum distances: one thousand feet from any residential zoning district, elementary school, intermediate school or secondary school or public park as measured from property line to property line without regard to intervening structures or objects.
  - b. *Additional application requirements.* Schools, commercial, vocation and trade not involving industrial equipment are not permitted in the Broadway mixed-use district.
- 70.1. SCRAP, WASTE AND RECLAIMED MATERIALS TRADE (PXR: See Item 150, Table IX-1)
  - a. *Additional application requirements.* None.
  - b. *Additional standards.*
    - 1. The site shall not abut any residential zoning district.
    - 2. Minimum site dimensions: two acres.
    - 3. Noise barriers shall be provided pursuant to chapter 34, article II of this Code.
    - 4. Minimum distances:
      - i. All principal and accessory structures: 100 feet from any property line.
      - ii. All parking, loading and vehicular circulation areas: 100 feet from any property line.
      - iii. All storage, sorting, disassembly and similar activities: 200 feet from any residential zoning district.
      - iv. Storage, sorting, disassembly and similar activities: 50 feet from any property line.
    - 5. Adequate traffic facilities, such as intersection improvements, turn lanes, acceleration lanes signalization, etc., shall be provided to minimize the impact of the facility on adjacent public thoroughfares.
    - 6. The site shall be landscaped pursuant to [ARTICLE XIV](#) of this chapter. A landscape buffer at least five feet wide shall be provided along property lines.
    - 7. Walls or fences of appropriate height may be required to prevent unauthorized entries and departures.
    - 8. Entrance to the site shall require a chain link or equivalent gate.
- 70.2. SHIP AND BOAT BUILDING AND REPAIR (PXR: See Item 151, Table IX-1).  
*Additional application requirements and standards.* See subsection (d)(50) of this section.
- 70.3. SKILLED NURSING AND REHABILITATION FACILITIES (PXR AND SB: See Item 152, Table IX-1).
  - a. *Intent and applicable zoning districts.* It is the purpose of this section to set forth standards for the protection of the health, safety, and welfare of both the community and the residents of a Skilled Nursing and Rehabilitation Facility (SNRF).
    - 1. A Skilled Nursing facility, with more than 14 persons that is a state-licensed building or buildings, section or distinct part of a building where occupants are provided short-term or long-term care. The term Skilled Nursing encompasses direct physical assistance with supervision of essential activities of daily living such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication and support services, such as counseling and guidance and such other similar services as may be defined by the State of Florida Department of Health and Rehabilitative Services and Assisted Care Communities and described in F.S. ch. 429.02 (12), (14), and (18).
    - 2. A Rehabilitation Facility is a medical facility with the primary function of assisting individuals withdraw from the physiological and psychological effects of substance use disorder by achieving a substance-free state, relieving immediate systems establishment where care is offered or provided for seven (7) or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not sufficient.
    - 3. Typical uses of SNRF may include, but are not limited to:
      - i. Addition receiving facility;
      - ii. Detoxification Treatment facility;
      - iii. Residential Treatment Facility (F.S. ch 394 and 397) and includes inpatient treatment;
      - iv. Nursing Home;
      - v. Convalescent Facility; or

vi. Hospice larger than a Single-Family Dwelling unit.

b. *Additional application requirements.*

1. Prior to the issuance of a certificate of use or building permit, whichever occurs first, evidence shall be provided that appropriate approvals or licenses from county, state, or federal regulatory agencies have been obtained.
2. In the event all or a portion of an SNRF consists of bona fide dwelling units, rather than sleeping quarters without personal care or service normally provided, then the regulations of the applicable zoning districts shall apply.

c. *Additional standards.*

1. An SNRF facility shall be located a minimum of 660 feet from a community residences and recovery communities.
  2. At least 10 percent of the total floor area shall be devoted to a common area, exclusive of halls, corridors, stairs, and elevator shafts, wherein a variety of recreational or therapeutic activities may occur.
  3. The total occupancy of a structure designed for SRNF use shall not exceed that allowed in section 16.1.7.1 of the Life Safety Code (or 200 square feet per occupant).
  4. The standards in the chapter which is entitled "Lodging or Rooming Houses," in the Life Safety Code (see subsection 3109 of this Code) shall be the minimum standards for SNRF.
  5. SNRF homes in residential districts may have 2.5 times as many beds as dwelling units permitted in that district.
  6. Parking shall be provided pursuant to article XV of this chapter.
- d. Nothing in this section shall permit persons to occupy a SRNF who would constitute a direct threat to the health and safety of others or whose residency would result in physical damage to the property of others.

70.4. SOLAR ENERGY SYSTEMS, PRIMARY USE—TIER 2 and TIER 3 (PXR: See Items 153.1 and 153.2, Table IX-1)

a. *Additional standards .*

1. *Height:* Maximum of 25 feet in height.
2. *Setbacks:* Solar energy systems, including required buildings, shall be placed in accordance with primary use setback requirements of the applicable zoning district. The planning and zoning administrator may grant or recommend additional or alternative setback requirements appropriate to the site and surrounding land use(s) provided such location does not impair the effective operation of the solar collectors.
3. *Screening and fencing:* Systems over six feet high shall be required to be screened with an opaque fence. Systems under six feet in height shall be screened with landscape, opaque fence or combination. The planning and zoning administrator may recommend additional or alternative specific types of fencing, screening, and/or walls appropriate to the site and surrounding land use(s).
4. *Signage:* Suitable warning signs containing a telephone number for emergency calls shall face all access approaches to the facility.
5. The site shall be maintained in a trash and debris free manner.
6. *Decommissioning.* Prior to installation, the property owner or designee must submit an appropriate reclamation and closure plan, including recycling, subject to the development service director's approval. The development services director may request proof of operation from the property owner, due within 28 days of the request. Any system which becomes inoperable shall at the owner's expense be made operational or shall be removed from the property within 180 days of the date the system became inoperable.

b. *Additional application requirements .*

1. *Tier 1:* None.
2. *Tier 2:* A site plan to scale illustrating of all structures, setbacks and buffer and screening requirements.



3. *Tier 3*: A detailed site plan to scale illustrating the location of all structures and improvements, construction staging and parking, stormwater management, setbacks, buffer landscape, screening from the right-of-way, and position, distance, and zoning category of abutting properties.
71. SPECIAL NONCOMMERCIAL EVENTS OF PUBLIC INTEREST (PXR: See Item 154, Table IX-1).
- a. *Additional standards*. Proof of any licenses required by local, state, and other applicable authorities.
  - b. *Additional application requirements*.
    1. Date and time of operation.
    2. Description of activities and amusements to be provided.
72. TEMPORARY BORROW PITS, BORROW PILES AND SIMILAR EXCAVATIONS (PXR: See Item 158, Table IX-1).
- a. *Additional application requirements*. None.
  - b. *Additional standards*.
    1. Borrow pits, borrow piles and similar excavations shall be permitted provided all excavations are attendant to completion of development for which a site plan has been approved pursuant to the provisions of section 94-35.
    2. Grading to contours which conform to the final contours shown on an approved site plan shall not be subject to the requirements of this section.
    3. Soil erosion and sedimentation control. Borrow pits and borrow piles shall be subject to the soil erosion and sedimentation control provisions and all of the following:
      - i. Maximum depth for borrow pits: ten feet.
      - ii. Maximum height for borrow piles: ten feet.
      - iii. All borrow pits and piles: 500 feet from any residential zoning district.
      - iv. Maximum slope of borrow pits, borrow piles, and canal and water body banks shall be one foot of vertical rise for each three feet of horizontal run.
73. TEMPORARY MODEL DWELLINGS AND SALES OFFICES (PXR: See Item 159, Table IX-1).
- a. *Additional application requirements*. None.
  - b. *Additional standards*.
    1. Temporary model dwelling units and sales offices shall meet all district requirements.
    2. Sales offices not located in model homes are permitted but shall be used only by the firms and their agents constructing or marketing dwelling units within a development or project.
    3. Model dwelling units with or without a temporary sales office shall not be used for a period longer than two years. However, the planning and zoning administrator may grant an extension for a period not to exceed an additional two years from the date the certificate of occupancy is issued for the model dwelling units.
    4. Temporary sales offices not in model dwelling units shall not be used for more than 18 months and shall be removed at the end of that period.
    5. Model dwelling units shall not be used to promote the sale of any lot or dwelling unit not located in the project being marketed by the developer or agent.
    6. At least five off-street parking spaces shall be provided for each temporary sales office and for each three model dwelling units. Parking spaces shall be located on the same or on a contiguous lot.
    7. Temporary model dwelling units, sales offices and sign shall not be illuminated or used for any business activity later than 9:00 p.m.
    8. A buffer at least 20 feet wide shall be landscaped and maintained between any model dwelling unit, temporary sales office or parking area and any adjacent land not in the development, that is zoned for residential purposes.
    9. Additional temporary sales offices, not to exceed 750 square feet, may be operated in the event a single development or project contains one or more noncontiguous properties containing ten or more lots or dwelling units.
74. TEMPORARY OFFICES AND FACILITIES FOR CONSTRUCTION, STORAGE AND SECURITY (PXR: See Item 160, Table IX-1).

- a. *Additional application requirements.* None.
  - b. *Additional standards.*
    - 1. Temporary construction offices, storage buildings, trailers, and watchmen's quarters shall be permitted to expedite construction on the property on which located.
    - 2. All such structures, including trailers, shall be removed within seven days of the final construction inspection by the city and prior to the issuance of a certificate of occupancy.
75. TEMPORARY PRODUCE STANDS (PXR and Sb: See Item 161, Table IX-1).
- a. *Additional applications requirements.* None.
  - b. *Additional standards.*
    - 1. A 30-day permit will be required in order to operate any temporary produce stand.
    - 2. Minimum distances. All principal and accessory structures: 50 feet from any intersection.
    - 3. The temporary produce stand will be permitted to operate during the following hours: 8:00 a.m. to 6:00 p.m.
76. TRANSIT STORAGE AND MAINTENANCE FACILITIES FOR PASSENGER TRANSPORTATION OPERATIONS (PXR and Sb: See Item 164, Table IX-1).
- a. *Additional application requirements.*
    - 1. A detailed traffic impact analysis prepared pursuant to section [94-312](#).
    - 2. A noise impact study shall be prepared pursuant to the policies and standards of chapter 34, article II of this Code.
  - b. *Additional standards.*
    - 1. Minimum distances:
      - i. All principal and accessory structures: 100 feet from any residential zoning district.
      - ii. All parking, loading and vehicular circulation: 100 feet from any residential zoning district.
    - 2. Walls or fences of appropriate height may be required to prevent unauthorized entries and departures.
    - 3. Ingress and egress shall be provided only from a major or minor arterial which does not pass through a residential zoning district.
    - 4. Adequate traffic facilities, such as intersection improvements, turn lanes, acceleration lanes, signalization, etc., shall be provided to minimize the impact of the facility on adjacent public thoroughfares.
    - 5. Vehicular access to the site shall be provided only from a major or minor arterial.
    - 6. Facilities shall be landscaped pursuant to [ARTICLE XIV](#) of this chapter.
77. TRANSIT, PASSENGER AND FREIGHT TERMINALS (PXR and Sb: See Item 165, Table IX-1).
- a. *Additional application requirements.* A statement regarding proposed hours of operation, arrival and departure times of vehicles, and proposed freight operations.
  - b. *Additional standards.*
    - 1. Terminals shall not be located on or about properties zoned for residential purposes.
    - 2. Vehicular access shall be provided only from major or minor arterials, or from collectors which does not pass through residential zoning district.
78. TRANSITIONAL COMMUNITY RESIDENCE (PXR: See item 167, Table IX-1).
- a. *Additional application requirements.* To implement this Code, an application that the City of West Palm Beach designates must be completed in full and submitted to the Director of Development Services prior to occupancy or construction of the proposed transitional community residence to determine whether the proposed transitional community residence is a permitted use or is a Special use, Class B, to determine the maximum number of occupants allowed under city code provisions that apply to all residential uses, and to identify whether any further accommodation is needed.
  - b. *Additional standards.* Except as required by Chapter 419 of state law, a transitional community residence is allowed as of right in the designated zoning district as long as is complies with the following:

1. The proposed transitional community residence is at least 660 linear feet from the closest existing community residence housing four or more individuals or closest existing recovery community as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence or recovery community.
2. The operator or applicant is licensed or certified by the State of Florida to operate the proposed transitional community residence or has certification from an appropriate national accrediting entity.
3. A transitional community residence that seeks to locate less than 660 linear feet from the closest existing community residence housing four or more individuals or closest existing recovery community may be allowed only by Special Use, Class B in accord with the applicable standards in Section 94-273(a)(3) of this Code.
4. A transitional community residence that has been denied a license the State of Florida requires or certification offered by the State of Florida or appropriate national accrediting agency, had its license or certification suspended, or has been denied recertification is prohibited and must cease operations and vacate the premises within 60 days of the date on which its license or certification was denied or suspended, or recertification was denied.
5. Except as required by State law, to house more than 10 unrelated people in a transitional community residence, the owner or operator of the transitional community residence must apply for and be granted a special use permit in accord with the standards and procedures established in 94-273 of this Code.

78.1. UPHOLSTERY, CLOTH AND CANVAS PRODUCTS FABRICATION, INCL. SLIPCOVERS AND AWNINGS (PXR: See Item 168, Table IX-1).

*Additional application requirements and standards.* See subsection (d)(38) of this section.

79. URBAN MARKET GARDENS (PXR and Sb: See Item 168.1, Table IX-1).

a. *Additional standards.*

1. *Size limitation.* An urban market garden shall not be greater in size than four acres.

b. *Additional application requirements.* Urban market gardens shall comply with the following specific requirements:

1. *Location.* Permitted with extra requirements in Currie Mixed-Use District ("CMUD"), Northwood mixed-use District (NMUD), Neighborhood Commercial ("NC"), General Commercial ("GC"), Community Service ("CS") and Industrial ("I") zoning districts; or permitted with extra requirements when accessory to any religious place of assembly, institutional use (i.e. school, hospital), or community center located within the above referenced zoning districts.
  - i. Planned Developments - Permitted with a Class B Special Use Permit in Residential Planned Development ("RPD"), Commercial Planned Development ("CPD"), Community Service Planned Development ("CSPD") and Industrial Planned Development ("IPD") zoning districts.
2. *Site plan approval required.* A level 1 site plan approval is required for the establishment of an urban market garden pursuant to section 94-35. The application requires the property owner's consent.
3. *Maintenance responsibilities.* The owner of the property on which the urban market garden is located shall be responsible for maintaining the property so that it does not become overgrown with weeds, infested by invasive exotic plants or vermin, or a source of erosion or stormwater runoff and shall meet the applicable requirements of this Code.
  - i. Abandonment—In the event that the urban market garden use is not in operation for 60 consecutive days, the approval for use as an urban garden market shall expire and the site shall be restored pursuant to section 94-450; and,
  - ii. Class B special use permit abandonment—If the urban market garden use was approved through a Class B Special Use Permit and such use abandoned for 60 consecutive days, then the Class B Special Use Permit shall be terminated and the site shall be restored in accordance to section 94-450.
4. *Organic practices.* The use of synthetic chemical materials and/or chemicals, such as those found in pesticides, herbicides, weed killers, insecticides, and fertilizers, is prohibited. The use of

materials and practices used for organic production found in the Organic Materials Review Institute ("OMRI") guidelines is strongly encouraged.

5. *Drainage.* The site shall be designed and maintained to prevent draining onto adjacent property.
6. *Environmental assessment.* Any person or group who wishes to establish an urban market garden with plant beds that are not separated from the ground by a physical barrier shall obtain a phase I environmental site assessment to determine if any soil contamination exists. Such soil must be tested for any contaminants that would render it unsuitable for cultivating food on topsoil, including, but not limited to, lead and other toxic heavy metals; industrial solvents; gasoline; oils and greases; percloroethylene; and other chemicals that can be transmitted to people via soil contact or consumption of foods grown in such soil.

If any historical sources of contamination are identified in the environmental site assessment, the applicant shall conduct all appropriate testing to determine the type and level of contamination, and conduct the appropriate remediation procedures to ensure that soil is suitable for gardening.
7. *Operation limitations.* No gardening activities shall take place before sunrise or after sunset. The sale of produce shall not take place after 9:00 p.m. Motorized-powered equipment for cultivating or maintenance purposes of greater than ten-horsepower is prohibited.
8. *Required planting setbacks and buffer requirements.* All planting shall be planted no closer than ten feet to the front, side or rear property lines. Cultivated area shall not encroach onto adjacent properties. All plantings shall comply with the visibility at intersections requirements pursuant to subsection [94-305\(e\)](#).
  - i. A minimum five-foot wide perimeter landscape buffer and right-of-way landscaping that comply with this Code is required; and,
  - ii. The remaining setback shall contain mulch (excluding red/colored mulch or mulch made from toxic wood), sod, pavers or rocks and shall be contained within the property.
9. *Outdoor storage of compost and organic matter prohibited.* Compost and organic matter to be used for the urban market garden shall not be stored in open air, and shall be contained in appropriate containers which shall be located with a 25-foot setback from all rights-of-way and a five-foot setback from all property lines. Such containers shall be maintained to prevent odors and prevent the harborage of rodents and pests.
10. *Structures.* All structures shall meet the requirements of this Code for height, setbacks, etc. The following uses and structures may be permitted in an urban market garden:
  - i. Greenhouses, hoophouses, coldframes, and similar structures used to extend the growing season; and,
  - ii. Sheds, shade pavilions, farm stands, restrooms, offices or other structures that are not used for cultivating crops; the combined area of all permitted structures shall not exceed 15 percent of the gross urban market garden area.
11. *Storage of toxic and flammable materials.* Storage of toxic and flammable materials are regulated as follows:
  - i. Only fuel used for the operation of lawnmowers or other combustion engine-driven gardening machinery may be stored on site-and shall be kept in sealed containers in locked, ventilated structures in accordance of the National Fire Protection Association ("NFPA") Code 30: Flammable and Combustible Liquids. A maximum of ten gallons of fuel is allowed to be stored at the urban market garden at any given time. No other flammable materials or chemicals are allowed;
  - ii. Tires shall not be stored on site; and,
  - iii. Toxic materials, such as pressure treated wood (creosote), shall not be used where they will come into contact with soils that are growing food.
12. *Fencing.* All fencing shall comply with the requirements for the applicable zoning district, set forth in the fence, wall and hedge regulations of this Code.
13. *Signage.* High freestanding signs, as defined in [ARTICLE XIII](#) are prohibited. All other signs shall comply with [ARTICLE XIII](#).
14. *Parking.* Required parking shall be as follows:

- i. The urban market garden shall have a minimum of two on-site parking spaces per acre or fraction thereof; and,
  - ii. One additional on-site parking space per 200 square feet of building/structure, excluding sheds, greenhouses, hoopouses, or coldframe.
- 15. *Sale of produce and horticultural plants.* The produce and horticultural plants grown in the urban market garden may be sold on or off the premises and the property owner or garden coordinator shall obtain a business tax/certificate of use pursuant to the City Code of Ordinances prior to making any sales.
- 16. *Livestock and animals prohibited.* The raising of poultry or other livestock, fish, and the keeping of bees shall be prohibited.
- 17. *Prohibition on agricultural tax exemption.* A property owner shall be prohibited from seeking an agricultural tax exemption afforded by the local, state, or federal tax regulations.
- c. *Intent and applicable locations:* It is the purpose of this section to create regulations for commercial urban market gardens within specific locations provided such gardens do not create adverse environmental impact or land use incompatibilities. For the purpose of this section, urban market gardens are classified as follows:
  - 1. *Urban Market Gardens (Commercial only):*
    - i. *Purpose and intent.* To ensure that urban market garden areas are appropriately located and protected to meet the needs for local food production, reduce "distance to plate", and to enhance community health, community education, garden-related job training, natural resource protection, preservation of green space, and community enjoyment. Because urban market gardens will typically exist in close proximity to residential and other uses, consideration will be given to ensuring compatibility between uses. Urban market gardens are encouraged to practice organic farming methods to minimize their impacts on the environment and to further sustainable communities.
    - ii. *Exception.* This section pertains to urban market gardens that are a primary or accessory use on the property and where crops are grown on site. It does not apply to nurseries, botanical gardens or other uses that are otherwise listed in the zoning and land development regulations.
      - A. The importing of plants or produce grown off-site is prohibited.
    - iii. *General provisions.* All urban market garden applications require a level I site plan approval, with the exception of those listed in 1(ii) of this section.

79.1. MEDICAL MARIJUANA DISPENSARY (PXR: See item 78.1, Table IX-I).

- a. *Additional application requirements:* None.
- b. *Additional standards:*
  - 1. *Separation distance.* A medical marijuana dispensary shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, unless waived by the city commission pursuant to F.S. § 381.986.

80. UTILITY FACILITIES, HEAVY, PUBLIC AND PRIVATE (Sa: See Item 169, Table IX-1).

- a. *Additional application requirements.* None.
- b. *Additional standards.*
  - 1. Minimum distances:
    - i. All parking, loading and vehicular circulation areas: 50 feet from any residential zoning district.
    - ii. All outdoor activity, service and related areas: 100 feet from any residential zoning district.
  - 2. Utility facilities shall be landscaped pursuant to [ARTICLE XIV](#) of this chapter.
  - 3. Entrance to utility facilities shall be require a chainlink or equivalent gate.
  - 4. Utility facilities such as electric substations, above ground natural gas or propane storage or transmission facilities, etc., shall be enclosed by a solid wall or fence eight feet in height.

80.1. UTILITY FACILITIES, LIGHT, PUBLIC AND PRIVATE (PXR: See Item 170, Table IX-1).

- a. *Additional application requirements.* None.



b. *Additional standards.*

1. Minimum distances:

- i. All parking, loading and vehicular circulation areas: 50 feet from any residential zoning district or 50 feet from a residential property line if located in a residential zoning district.
- ii. All outdoor activity, service and related areas: 100 feet from any residential zoning district or 100 feet from a residential property line if located in a residential zoning district.

2. Utility facilities shall be landscaped pursuant to section 94-442.

3. Adequate traffic facilities, such as intersection improvements, turn lanes, acceleration and deceleration lanes, signalization, etc., shall be provided to minimize the impact of the facility on adjacent public thoroughfares.

81. VETERINARY CLINICS AND HOSPITALS, ANIMAL SHELTERS, ENCLOSED (PXR: See Item 171, Table IX-1).

a. *Additional application requirements.* None.

b. *Additional standards.*

1. All facilities shall be located within an enclosed building.

2. Animal boarding, except to provide required treatment, is prohibited.

3. Building shall be constructed and operated in a manner so that animal noise will not be detected at adjoining property lines. Buildings shall be completely air conditioned, and windows shall be opened only when air conditioning systems are not in working order.

81.1 VETERINARY CLINICS AND HOSPITALS, ANIMAL SHELTERS, ENCLOSED, NOT-FOR-PROFIT (PXR: See Item 172, Table IX-1).

a. *Additional application requirements.* Proof that the veterinary clinic and hospital, animal shelter, enclosed, is a recognized not-for-profit organization to include provision of the tax exempt determination letter from the Internal Revenue Service (Form 501C3).

b. *Additional standards.*

1. All facilities shall be located within an enclosed building.

2. Animal boarding, except to provide required treatment, is prohibited.

3. Building shall be constructed and operated in a manner so that animal noise will not be detected at adjoining property lines. Buildings shall be completely air conditioned, and windows shall be opened only when air conditioning systems are not in working order.

82. VETERINARY CLINICS AND HOSPITALS, ANIMAL SHELTERS, UNENCLOSED (Sb: See Item 173, Table IX-1).

a. *Additional standards.*

1. The proposed site shall not abut any property zoned for residential purposes.

2. Minimum distances: All principal and accessory structures and pens: 50 feet from any property line.

3. Unenclosed animal boarding pens shall be surrounded with fences at least six feet in height.

b. *Additional application requirements.* None.

82.1. WAREHOUSES HAVING MODERATE EXTERNAL IMPACTS (PXR: See Item 175, Table IX-1).

*Additional application requirements and standards.* See subsection (d)(83) of this section.

83. WAREHOUSES HAVING SIGNIFICANT EXTERNAL IMPACTS (PXR: See Item 176, Table IX-1).

a. *Additional application requirements.* None.

b. *Additional standards.*

1. The site shall not abut any residential zoning districts.

2. Minimum site dimension: Minimum lot area: 10,000 square feet.

3. Minimum distances: All principal and accessory structures:

i. Fifty feet from any property line; and

ii. Two hundred feet from any residential zoning district.

4. Walls or fences of appropriate height may be required to prevent unauthorized entrees and departures.
  5. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
  6. Adequate traffic facilities, such as intersection improvements, turn lanes, acceleration and deceleration lanes, signalization, etc., shall be provided to minimize the impact of the facility on through traffic.
84. WAREHOUSES HAVING VERY SIGNIFICANT EXTERNAL IMPACTS (PXR: See Item 177, Table IX-1)  
*Additional application requirements and standards.* See subsection (d)(83) of this section.
85. WHOLESALE ACTIVITIES HAVING A SIGNIFICANT EXTERNAL IMPACT (PXR: See Item 180, Table IX-1).
- a. *Additional application requirements.*
    1. A detailed site plan prepared pursuant to section 94-35.
    2. A detailed traffic impact analysis study prepared pursuant to section 94-312.
    3. A noise abatement requirements adhering to chapter 34, article II of this Code.
  - b. *Additional standards.*
    1. Minimum site dimensions: Minimum site area: 10,000 square feet;
    2. Minimum distances:
      - i. All principal and accessory structures: 100 feet from any residential zoning district.
      - ii. All parking, loading and vehicular circulation area: 25 feet from any residential zoning district.
    3. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.
    4. Adequate traffic facilities, such as intersection improvements, turn lanes, acceleration and deceleration lanes, signalization, etc., shall be provided to minimize the impact of the facility on adjacent public thoroughfares.
    5. Walls or fences of appropriate height may be required to prevent unauthorized entries and departures.
86. WHOLESALE ACTIVITIES HAVING A VERY SIGNIFICANT EXTERNAL IMPACT (PXR: See Item 181, Table IX-1).  
*Additional application requirements and standards.* See subsection (d)(85) of this section.
87. YARD AND GARAGE SALES, TEMPORARY (PXR: See Item 182, Table IX-1).
- a. *Additional application requirements.* None.
  - b. *Additional standards.* A maximum number of six yard and garage sales, lasting not more than two days each, at the same location, shall be permitted during the calendar year.
88. OTHER USES, LAND AND/OR STRUCTURES, ACCESSORY TO PRINCIPAL USES PERMITTED AS SPECIAL USE (S: Item 184, Table IX-1).  
*Additional application requirements and standards.* All accessory land and/or structures to special uses shall comply with all additional requirements and standards for the principal special use as required by this chapter. The nature of the principal use will determine the special use review authority required to review the accessory use.

(Code 1979, § 33-92; Ord. No. 3543-02, § 3, 4-15-2002; Ord. No. 3629-03, § 1, 2-3-2003; Ord. No. 3693-03, § 3, 10-14-2003; Ord. No. 3702-03, § 1, 10-14-2003; Ord. No. 3800-04, § 4, 9-13-2004; Ord. No. 3744, § 3, 9-27-2004; Ord. No. 3816-04, § 3, 1-3-2005; Ord. No. 3853-05, § 3, 6-20-2005; Ord. No. 4234-09, § 2, 11-30-2009; Ord. No. 4273-10, § 4, 8-9-2010; Ord. No. 4289-10, § 4, 8-23-2010; Ord. No. 4309-10, §§ 5, 6, 12-13-2010; Ord. No. 4356-11, § 2, 9-19-2011; Ord. No. 4370-11, § 1, 10-3-2011; Ord. No. 4397-11, §§ 3, 4, 1-9-2012; Ord. No. 4401-12, § 3, 2-21-2012; Ord. No. 4449-13, § 23, 4-1-2013; Ord. No. 4450-13, § 3, 4-1-2013; Ord. No. 4467-13, § 4, 5-28-2013; Ord. No. 4530-14, § 2, 9-15-2014; Ord. No. 4528, § 8(Exh. H), 11-10-2014; Ord. No. 4594-15, § 4, 10-13-2015; Ord. No. 4650-16, § 6(Exh. F), 8-29-2016; Ord. No. 4648-16, § 2, 9-26-2016; Ord. No. 4660-16, § 8, 12-5-2016; Ord. No. 4746-17, § 2(Exh. B), 1-16-2018; Ord. No. 4772-18, § 11(Exh. I), 5-21-2018; Ord. No. 4780-18, § 7, 6-18-2018; Ord. No. 4957-21, § 10, 11-15-2021; Ord. No. 5001-22, § 3, 07-25-2022; Ord. No. 5014-22, § 7, 08-22-2022)

