

**CITY OF PALM BEACH GARDENS  
CITY COUNCIL  
Agenda Cover Memorandum**

**Meeting Date: February 9 2017  
Ordinance 7, 2017**

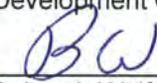
**SUBJECT/AGENDA ITEM**

**City-initiated amendment to the Land Development Regulations**

**First Reading:** A City-initiated request to amend various sections of the City's Land Development Regulations, Chapter 78. The proposed amendment clarifies and strengthens existing language, provides internal consistency, eliminates duplicative verbiage, and provides better organization of existing provisions.

**[X] Recommendation to APPROVE**

**[ ] Recommendation to DENY**

<p><b>Reviewed by:</b></p> <p>Director of Planning &amp; Zoning  Natalie M. Crowley, AICP</p> <p>Development Compliance  Bahareh Wolfs, AICP</p> <p>City Attorney  R. Max Lohman, Esq.</p>	<p><b>Originating Dept.:</b> Planning &amp; Zoning: Project Manager  Allyson Black</p> <p><input type="checkbox"/> Quasi – Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Public Hearing</p> <p>Advertised: <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Date: Paper:</p>	<p><b>Finance:</b> Accountant N/A _____ Tresha Thomas</p> <p><b>Fees Paid:</b> <u>N/A</u></p> <p><b>Funding Source:</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Other <u>N/A</u></p> <p><b>Budget Acct.#:</b> <u>N/A</u></p> <p><b><u>Contracts/Agreements:</u></b> Effective Date: <u>N/A</u></p> <p>Expiration Date: <u>N/A</u></p>	<p><b>Council Action:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/ Conditions <input type="checkbox"/> Denied <input type="checkbox"/> Continued to: _____</p> <p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• PGA Corridor Letter of Support</li> <li>• Ordinance 7, 2017</li> </ul>
<p><b>Approved By:</b></p> <p>City Manager  Ronald M. Ferris</p>	<p><b>Affected parties:</b> <input type="checkbox"/> Notified <input checked="" type="checkbox"/> Not Required</p>		

## **EXECUTIVE SUMMARY**

A City-initiated request to amend various sections of the City's Land Development Regulations, Chapter 78. The proposed amendment clarifies and strengthens existing language, provides internal consistency, eliminates duplicative verbiage, and provides better organization of existing provisions.

## **BACKGROUND**

The subject petition is comprised of various amendments to the City's Land Development Regulations. The majority of the proposed changes are house cleaning in nature aimed to clarify existing Code provisions, provide internal consistency, and update existing provisions to address changes in the business environment.

## **PROPOSED AMENDMENT**

(Table of Contents)

Subpart B

### **LAND DEVELOPMENT REGULATIONS**

Chapter 78

### **LAND DEVELOPMENT**

#### **Article VI. Nonconformities**

- Sec. 78-711. Intent of article.
- Sec. 78-712. Nonconforming lots of record.
- Sec. 78-713. Uses with minimum lot sizes.
- Sec. 78-714. Nonconforming uses of land.
- Sec. 78-715. ~~Nonconformities after August 18, 1994~~ Nonconforming structures and improvements.
- Sec. 78-716. Nonconforming uses of structures or premises.
- Sec. 78-717. ~~Nonconforming uses of structures or premises.~~ Repairs and maintenance.
- Sec. 78-718. ~~Repairs and maintenance.~~ Effect of variance.
- Sec. 78-719. ~~Effect of variance.~~
- Secs. ~~78-720-78-740. Reserved~~ Secs. 78-719 – 78-740. Reserved.

*Staff Comment: Currently the existing Table of Contents does not accurately reflect the actual titles of the Code.*

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**Sec. 78-49. Amendments to approved development orders.**

- (a) (This subsection shall remain in full force and effect as previously adopted.)
- (b) Major amendments. Development order applications for major amendments are reviewed in the same manner as the original application. Major amendments to approved development plans include the changes listed below.
- (1) Increase of intensity. Any change in nonresidential intensity which, in combination with prior minor amendments, cumulatively exceeds the limitations or standards listed below.
- a. Relocation or new square footage. Any proposed relocation or new square footage of the approved number of gross square footage which is equal to or greater than five percent of the approved gross square feet of all nonresidential structures.
- (b) (1) b. – (c) (3) (These subsections shall remain in full force and effect as previously adopted.)

*Staff Comment: This modification provides for projects that are not only relocating, but also adding square footage that is equal to or greater than 5% of the approved project, which increases the intensity of the overall project, to be reviewed as a major amendment. This modification will codify the current policy for process determination.*

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**Sec. 78-54. Public notice.**

- (a) and Table 4 (These subsections shall remain in full force and effect as previously adopted.)
- (b) *Mail notice.* Required mail notice as noted in Table 4: Required Public Notice of ~~all future land use map amendments, rezoning ordinances, conditional use, and variance application~~ shall be provided as indicated below:
- (b) (1) – (8) and (c) through (f) (These subsections shall remain in full force and effect as previously adopted.)

*Staff Comment: This provides for consistency with Table 4: Required Public Notice. Requirements for public notice of all the planning applications. There are more types of applications that require Mail Notice than only the listed Future Land Use Map amendments, rezoning, conditional uses, and variance applications, which may cause confusion.*

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**Sec. 78-75. Adopted levels of service.**

- (a) – (d) (These subsections shall remain in full force and effect as previously adopted.)
- (e) Potable water. Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water as established in the potable water element of the city comprehensive plan expressed in gallons per day per capita at a minimum pressure as indicated in Table 7.

Table 7: Potable Water Level of Service Standards

Demand	Level of Service (GPD)(1)
Average Annual Daily Consumption	<del>191</del> 189 gpd/per capita
Peak 24-Hour Water Consumption	258 gpd/per capita
Storage Capacity	34.4 gpd/per capita
Pressure	20 psi at distribution main (2)
Minimum Water Treatment Plant Capacity	258 gpd/per capita

*Notes:*

- (1) GPD = Gallons per day.  
 (2) PSI = Pounds per square inch.

- (f) Recreation. Development activities shall not be approved unless there is sufficient available capacity to sustain the following minimum levels of service for the recreational facilities as established in the city comprehensive plan as indicated in Table 8.

Table 8: Parks and Recreation Levels of Service

Type of Park Facility	Level of Service
>Neighborhood and Community Parks (1)	<del>3.7</del> 5.0 acres/1,000 population (permanent residents)

*Note:*

- (1) = Improved parks.

*Staff Comment: Ordinance 5, 2015 amended the potable water Level of Service for the 10-Year Water Supply Facilities Work Plan update from 191 to 189 gpd/per capita. Ordinance 18, 2010 amended the Comprehensive Plan Recreation and Open Space Element to modify the minimum Level of Service from 3.7 to 5.0 acres per 1000. This LDR amendment is consistent with the City's Comprehensive Plan.*

**Sec. 78-114. Occupational licenses. Reserved.**

Requests for occupational licenses shall be submitted on application forms provided by the city finance department, and shall be accompanied by such plans, documents, or other information required by the city to ensure the proposed use or occupancy conforms to the requirements of the chapter.

*Staff Comment: This Code section is inaccurate and should be eliminated as the term "occupational license" no longer exists and the process/rules by which Business Tax Receipts are issued falls under Ch. 66, Taxation in the City's Code of Ordinances.*

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**Sec. 78-144. Civic and institutional zoning district regulations.**

Table 11: Property Development Regulations – Conservation and Institutional Districts

<b>Property Development Regulation</b>	<b>P/I</b>	<b>CONS</b>	<b>Notes</b>
Minimum Site Area	15,000 Square Feet	20 Acres	
Minimum Lot Width (Feet)	100		(1)
Maximum Density	None	1 Unit/20Acres	
Maximum Lot Coverage	40%	1%	
Maximum Building Height	NMT 45 Ft. (1)	36 Feet	
Minimum Building Setbacks (Feet)			
Front	25	100	
Side	15	50	
Side (Facing Street)	15	90	
Rear	15	100	

Notes:

- 1) Lot width measured from front building setback line.

*Staff Comment: This amendment is a cleanup item. Note 1 already exists and pertains to minimum lot width and therefore should be removed from the Maximum Building Height reference.*

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**Sec. 78-147. CG-1—General commercial district.**

(a) – (c) (These subsections shall remain in full force and effect as previously adopted.)

(d) *General requirements.*

(1) Enclosed activities. Sales, display, retail and business activities, and storage shall be conducted within a completely enclosed building. Not more than 30 percent of gross floor shall be utilized for storage of goods and merchandise.

~~(2) Secondhand merchandise. Sale, display, or storage of secondhand merchandise is not permitted, except as incidental to the sale of new merchandise.~~

~~(3)~~ (2) Retail sales. Establishments allowed as permitted or conditional uses shall sell products only at retail.

*Staff Comment: Secondhand merchandise is being removed because it conflicts with the existing Table 21: Permitted, Conditional, and Prohibited Use Chart which includes "Thrift and Used Merchandise Store" as being permitted as a minor conditional use in the CN, CG-1, and CG-2 Zoning Districts in conjunction with Note 26. "Consignment Shop" is also listed as a permitted use in CG-1 and CG-2 Zoning Districts.*

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**Sec. 78-159. Permitted uses, minor and major conditional uses, and prohibited uses.**

(a) – (i) and Table 21 (These subsections shall remain in full force and effect as previously adopted.)

(j) Additional standards. The following standards apply to specific uses as indicated in the "Note" column of Table 21.

(1) – (4) (These subsections shall remain in full force and effect as previously adopted.)

(5) Assisted living facility (one or more residents).

- a. May be allowed in a PUD, PCD, or other zoning districts as provided in this section.
- b. Shall obtain a license from the State of Florida and shall operate consistent with the requirements of that license.
- c. May offer, singularly or in combination, independent living, assisted living, or skilled nursing care facilities, subject to the limitations listed below.

1. A skilled nursing care facility operating as a separate, stand-alone facility shall be allowed only within commercial or public/institutional zoning districts.
2. A skilled nursing care facility operating in conjunction with an assisted living facility as part of a continuing care residential retirement community is allowed in residential zoning districts as a Major Conditional Use.

d. Assisted living facility and/or skilled nursing facilities shall be eligible for such density as provided herein.

(1) – (5) (These subsections shall remain in full force and effect as previously adopted.)

*Staff Comment: Nursing care facilities are only permitted in commercial or public/institutional zoning districts; however, this amendment is to clarify the zoning for skilled nursing care facilities operating as part of an assisted living facility which is permitted in a residential zoning district consistent with Table 21.*

(5)(e) – (25) (These subsections shall remain in full force and effect as previously adopted.)

(26) Thrift and used merchandise stores. Thrift and used merchandise stores shall not operate collection, classification, and distribution activities as a principal use. Such activities shall be an accessory use to the retail use. Stores of this nature shall not exceed 3,000 gross square feet in a CN zoning district and 5,000 gross square feet in a CG1 zoning district.

*Staff Comment: This amendment corrects a grammatical error.*

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**Sec. 78-182. Lighting regulations.**

(a) – (b) (These subsections shall remain in full force and effect as previously adopted.)

Table 1  
 Foot-candle Standards (1)

<i>Lighting Zone</i>	<i>Minimum Average Maintained</i>	<i>Maximum Average Maintained</i>	<i>Maximum Allowed</i>
Service station canopy (2)	20.0 fc	30.0 fc	60.0 fc

Vehicular-use areas	1.5 fc (8)	10.0 fc	10.0 fc
Pathways, pedestrian open spaces, and outdoor seating (3)	1.0 fc	10.0 fc	10.0 fc
Landscape buffers to a property line	n/a	2.0 fc	5.0 fc
Property line	n/a	2.0 fc (4)	5.0 fc (4)
Parking garage (5)	3.0 fc (8)	50.0 fc	60.0 fc
ATMs	10.0 fc	20.0 fc	20.0 fc
Public streets <u>and sidewalks</u>	1.0 fc	n/a	n/a
Private streets <u>and sidewalks</u>	0.6 fc	n/a	n/a
Outdoor recreation and sports facilities	(6)	(6)	(6)
Recreational areas	(7)	(7)	(7)

- (1) Unless mandated by other state or federal standards, or as determined by the City Engineer.
- (2) These standards shall only apply under the service station canopy and up to 15 feet from the outside edge of the canopy.
- (3) Pathways, pedestrian areas, and outdoor seating abutting another lighting zone with a greater foot-candle requirement may include lighting levels consistent with the adjacent zone. Underpasses are required to illuminate a minimum of 2.0 fc.
- (4) No more than 0.5 foot-candle light spillover shall be permitted on any point inside the adjacent residential property.
- (5) During the daytime, the vehicular and pedestrian exits and entrances must maintain a minimum average of 50 fc. Stairwells must maintain a minimum average of 20 fc 24 hours a day. Ramps, drive aisles, and all other areas of the garage must maintain a minimum average of 3.0 fc.
- (6) Outdoor lighting for City public facilities and sport facilities such as tennis courts, stadiums, soccer and ball fields are exempt from the foot-candle standards in Table 1; however, lighting at sports facilities shall not exceed IESNA-recommended practices for the type of field and use, and shall meet standards for light spillover and glare for residential properties in this section.

- (7) In those areas designated as recreational areas, or within preserves, pedestrian paths or multi-purpose paths, or other areas that are either gated or secured or are closed after dusk, lighting requirements shall be determined, as part of a development order approval, by the growth management director with mandatory consultation with the police department in order to provide the adequate security lighting in the context of the recreational area.
- (8) Shall be subject to review for Crime Prevention Through Environmental Design (CPTED) Principles for uniformity of lighting distribution per IESNA across a vehicular use area.

(b) (3)-(l) (These subsections shall remain in full force and effect as previously adopted.)

*Staff Comment: This amendment adds sidewalks to Public and Private Streets which was missing from the table and are required to be lit via CPTED requirements. This amendment also includes City public facilities as exempted from the Table to allow a possible increase in foot-candle maximum for public safety at City facilities. Lastly, it includes the determination of the City Engineer to review and assess the necessary foot-candle standards in accordance with the City's CPTED regulations.*

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#### **Sec. 78-186. Yards.**

(a) (This section shall remain in full force and effect as previously adopted.)

(b) General regulations.

(1) - (2) (These subsections shall remain in full force and effect as previously adopted.)

(3) Front yard building setbacks for corner lots. Corner lots located at the intersection of a collector or arterial street in a residential district shall have two front building setbacks from property lines adjacent to the streets. Corner lots located at the intersection of two local streets shall have a front building setback along the shortest frontage of one street and a corner setback from the other street. However, functional orientation may also be considered by the Growth Management Director with coordination of the Addressing Committee for a site-specific condition of property.

(4) – (8) (These subsections shall remain in full force and effect as previously adopted.)

*Staff Comment: Definition mandates that the shortest side of the property is the front which may not always apply with lot configuration and layout for the functionality of the property. This amendment allows the Growth Management Director and Addressing Committee to review the unique circumstances to address the correct setbacks to corner lots.*

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**Sec. 78-188. Garage, yard, and rummage sales.**

(a) – (b) (These subsections shall remain in full force and effect as previously adopted.)

(c) Approval and fees.

(1) ~~Special event approval~~ Approval. An owner, tenant, operator, or authorized agent of a residential dwelling, school, or place of worship must obtain ~~special event~~ approval from the growth management department prior to conducting a garage, yard, or rummage sale. If a permit for such event is not obtained, the city may require the event to be closed or may institute code enforcement action pursuant to article VII.

(2) Fees. The city shall not charge a ~~special event~~ fee for a garage, yard, or rummage sale.

(d) – (f) (These subsections shall remain in full force and effect as previously adopted.)

*Staff Comment: This amendment provides clarification that a garage sale is not reviewed as a "Special Event Permit"; however, it is still necessary to notify and apply at the City prior to holding a garage sale.*

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**Sec. 78-261. Art in public places requirements.**

(a) – (b), and (c) (1) a. (These subsections shall remain in full force and effect as previously adopted.)

(c) (1) b. *Fee in lieu of artwork*. Instead of providing artwork on the project site, a developer may choose to contribute one percent of the total vertical construction costs as the required art fee. If the contribution is made, the contribution shall be placed in the city's art impact fund and used as provided in subsection 78-261~~(d)~~(c)(2). The contributor shall have no input in the use of such funds.

(c)(2) *Art impact fund*. When the developer provides a fee in lieu of artwork pursuant to subsection 78-261~~(d)~~(c)(1)b., the following shall apply to the use of the funds:

(c)(2) a. – f. (These subsections shall remain in full force and effect as previously adopted.)

*Staff Comment: The current Code refers to incorrect sections, and this amendment will correct the error for correct reference.*

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**Sec. 78-263. ~~Waiver of requirements~~ Definitions of art.**

- ~~(a) *Waiver.* The city council may waive the requirements contained in this division, utilizing the standards contained herein. Promotion of the general welfare of the city shall be a major factor in the waiver or reduction of fees.~~
- ~~(b) *Other upgrades.* Upgrading of landscaping, project entrances, and vehicle parking, if any, which provide substantial improvement in excess of existing requirements shall be factors to be considered in the waiver process.~~
- ~~(c) *Criteria for waiver of fees.* The city council shall consider the following when considering a request to waive or reduce required fees:~~
- ~~(1) The impact of proposed improvements on the appearance and utility of an existing structure;~~
  - ~~(2) The impact of proposed improvements on existing and potential tenants or businesses; and~~
  - ~~(3) The probability of the owner acquiring substantial or anchor tenants to assist in relieving financial problems, excess vacancy rates, dilapidated appearance, and similar problems.~~
- ~~(d) *Credit for expenditures.*~~
- ~~(1) Monies expended for the purpose of meeting minimum code or site plan requirements shall receive no credit for payment of required fees.~~
  - ~~(2) Landscaping shall be considered a temporary improvement as compared to a permanent structural improvement in determining a monetary credit. The city council may not authorize more than 50 percent credit for the cost of installing new or replacement landscaping. Unusual cost of individual plantings or groups of plantings, such as rare exotics, shall not be considered as the sole factor for credit.~~

The following words, terms, and phrases, when used in this subsection, shall have the meanings ascribed herein except where the context clearly indicates a different meaning:

*Art, artwork, or works of art* means all tangible creations by artists exhibiting the highest quality of skill and aesthetic principles, and includes all forms of the visual arts conceived in any medium, material, or combination thereof, including, but not limited to, painting, sculpture, fountains, engraving, carving, frescos, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, artist-designed seating, or other functional art pieces and collaborative design projects between architects and/or landscape architects and artists, together with all hard costs and soft costs such as, but not limited to, lighting, landscaping, or other aesthetic effects or enhancements integrated with the

art and approved by the growth management administrator. The city council shall not consider for approval art objects which are mass-produced in unlimited quantities.

Development, as it pertains to art means any project to construct or remodel any private or public development, except residential and/or residential components of mixed-use development, or any portion thereof within the limits of the city, where total construction costs equal or exceed one million dollars (\$1,000,000.00).

*Staff Comment: The landscaping waiver option in lieu of art for Art in Public Places has been removed due to the fact that landscaping is often unquantifiable and may change after installation due to growth, disease, disaster, death, etc. Also, the two (2) definitions added are duplicated here from Section 78-751. Definitions, for ease in finding them and for clarity.*

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### **Sec. 78-273. Nonconforming signs.**

(a) *Retention of existing signs.* Every legal sign existing as of September 30, 2010, and which is a type of sign not permitted in this division or is not consistent with the requirements of this division ~~may be continued or retained until September 30, 2016~~ shall conform in accordance with Article VI. NONCONFORMITIES.

(b) *Expiration, removal, and exempt signs.* ~~Upon expiration of the time period stated in subsection (a) above,~~ All affected signs shall be removed immediately by the property owner. Signs exempt from this requirement are listed below.

(b)(1) – (c) (These subsections shall remain in full force and effect as previously adopted.)

*Staff Comment: The proposed amendment removes the date certain for nonconforming signs and replaces the date with a reference to the City's existing code section in Article VI. NONCONFORMITIES, which provides the criteria for nonconformities.*

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### **Sec. 78-285. Permitted signs.**

Permanent signs shall be permitted as provided in Table 24.

(Additional sign types listed in Table 24 shall remain in full force and effect as previously adopted and are omitted herein in their entirety for brevity purposes.)

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Table 24: Permanent Signs

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions (1)	Other Limits
Ground sign (2)	Nonresidential*	60 square feet	2	<ul style="list-style-type: none"> <li>•1 for first 300 lineal feet of ROW.</li> <li>•1 for each additional 700 lineal feet of ROW:</li> <li>•<u>Min. distance of 40 feet required between ground signs and/or residential entry signs.</u></li> </ul>	Height: 10 feet Width: 15 feet <u>(Dimensions include base)</u> <u>Min. sign width must equal 50% of sign height.</u>	<ul style="list-style-type: none"> <li>•Requires solid base not less than three feet high w/out sign copy with a <u>height equal to at least 30% of overall sign height (sign copy is prohibited on the base)</u>, except for address numbers or leasing information as regulated by section 78-290. <i>Temporary signs.</i></li> <li>For gasoline pricing information, see note (5).</li> <li>•Sign copy not to exceed building identification and five tenants (not including leasing information) per sign face</li> <li>•Tenant names shall be at least 6-inch letter height.</li> <li>•Min. 15 feet setback from ROW.</li> <li>•Min. 50 feet setback from non-ROW property lines</li> </ul>

<p>Flat/Wall Sign for Principal Structure or Building Identification or Principal Tenant (3)</p>	<p>Nonresidential</p>	<p>90 square feet</p>	<p>1</p>	<p>1 for parcel with at least 100 lineal feet of ROW; A building with frontage on I-95 or the Florida Turnpike may have a sign facing I-95 or the Florida Turnpike in addition to its sign facing its primary street. The sign facing I-95 or the Florida Turnpike may be located above the second floor</p>	<p>None</p>	<ul style="list-style-type: none"> <li>•Sign letters shall not exceed 36 inches in height.</li> <li>•Sign for building and tenant identification purposes.</li> <li>•NMT 1 name or message may be included.</li> <li>•Each principal structure is allowed a building is allowed a principal tenant flat or wall sign.</li> <li>•Wall sign cannot exceed more than 70 percent of the immediate vertical and horizontal surface area to which attached.</li> </ul>
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Changeable copy/digital display ground sign (2)	Public/Institutional	60 square feet	2	1	Height: 10 feet Width: 15 feet <u>(Dimensions include base)</u> <u>Min. sign width must equal 50% of sign height.</u>	•Only allowed for government uses, public/private schools, and colleges/universities in public/institutional zoning districts. •Requires solid base not less than three feet high w/out sign copy. •Min. 15 feet setback from ROW. •Min. 50 feet setback from non-ROW property lines.
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*Staff Comment:*

- *This proposed amendment to the Ground Signs section of Table 24 is a cleanup item to correct the text amendment per Ordinance 3, 2015. This Ordinance inadvertently quoted outdated text from the City's Land Development Code.*
- *Adding "Building Identification" to the Flat/Wall Sign Code section is for clarification purposes.*
- *The proposed amendment to the Changeable copy/digital display ground sign provides limitations to the minimum width of the base of these types of signs, which is consistent with ground signs. Without this type of clarification, the base of these types of signs can be very narrow and similar to a pole sign, which is not permitted within the City.*

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**Sec. 78-303. Approval required.**

- (a) *Approval required.* Unless otherwise provided within this division, land shall not be landscaped, cleared, or grubbed within the city unless written permission is first obtained by site plan approval and a permit as outlined in this division. Furthermore, any tree, except as provided for in this division, shall not be cut down, destroyed, removed, or effectively destroyed as a result of damaging the tree or

changing the natural grade within the drip line of a tree, without first obtaining site plan approval and a permit. The city may grant permission to remove, add to, relocate, or plant vegetation on land within the limits of the city through a procedure that requires an application and permit as described in section 78-304 herein. With the exception of sections 78-314(d) and 78-321, property owners of developed single-family lots and duplex lots are exempt from the provisions of this division. Landscape easements located on single-family and duplex lots are not exempt from the provisions of this division. Approved landscape and tree protection plans may not be altered in any way, unless otherwise provided for by this division.

*Staff Comment: Some of the City's older Homeowner Association Developments, such as Steeplechase, Horseshoe Acres, Bent Tree, etc., have landscape easements located on private property that provide a public purpose such as a landscape buffer for the entire community. Therefore, this additional language allows staff to site the HOA with the violation if it is located on private property and protect the public elements.*

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**Sec. 78-313. Minimum landscape requirements for nonresidential development.**

(a) – (e) (These subsections shall remain in full force and effect as previously adopted.)

(f) Landscaping required. The following uses within nonresidential developments shall be required to have landscaping, as required herein.

- (1) Vehicular use areas;
- (2) Building foundations excluding rear areas not visible by a public road right-of-way or not generally traveled by the public or visible from adjacent structures;
- (3) Signs, as required by section 78-287.

(4) - (8) and (g) – (h) (These subsections shall remain in full force and effect as previously adopted.)

*Staff Comment: The current code refers to incorrect sections and this will correct the error for correct reference to the general standards of landscaping for signage.*

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**Sec. 78-318. Prohibited plants and invasive nonnative plants.**

Prohibited plants shall not be planted anywhere in the city, and in some cases must be removed. The official list of prohibited plant species, species to be removed, and species that may remain if planted is provided in Table 29.

Table 29: Plant Species Prohibited or Required to be Removed

Common Name	Scientific Name	Shall not be Planted and Must Be Removed	Not be Planted — But not Required to be Removed
Air potato vine	Dioscorea bulbifera	✓	
Australian pine	Casuarina spp.	✓	
Banyan	Ficus bengalensis	✓	
Bischofia	Bischofia javanica		✓
Brazilian pepper or Florida holly	Schinus teribinthifolius	✓	
Carrotwood	Supaniopsis anacardioides	✓	
Cat's claw	Minosa pigra		✓
Chinese tallow tree	Sapium sebiferum		✓
Cork tree	Thespesia populnea		✓
Downy rose myrtle	Rhodomyrtus tomentosus		✓
Earleaf acacia	Acacia auriculiformis	✓	
Jasmine	Jasminum dichotomum		✓
Java plum	Syzygium cumini		✓
Kudzu	Pueraria montana	✓	
Leather leaf	Colubrina asiatica		✓
Lofty fig	Ficus altissima		✓
Mahoe	Hibiscus tiliaceus		✓
Melaleuca	Melaleuca quinquenervia	✓	
<u>Schefflera or Queensland umbrella tree</u>	Schefflera actinophylla	✓	
Shoebuttan ardisia	Ardisia solanaceae		✓

Small-leaveleaf climbing fern or Old World climbing fern	Lygodium microphyllum	✓	
Woman's tongue	Albizia lebeck		✓

(a) – (c) (These subsections shall remain in full force and effect as previously adopted.)

*Staff Comment: This amendment is to update the City's invasive chart to mirror the invasive plants considered by Palm Beach County. Palm Beach County does not consider the Banyan Tree as an invasive species in Florida on its lists of invasive plants; therefore, the City Forester has recommended it be removed from the City's list of invasive species.*

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**Sec. 78-344. Construction and maintenance.**

(a) – (d) (These subsections shall remain in full force and effect as previously adopted.)

(e) Wheel stops, bumper stops, or nonmountable concrete curbing shall be installed within all parking spaces. The purpose of such parking control devices is to avoid encroachment into landscape areas, or avoid encroachment of parked cars into travel aisles or pedestrian facilities. Wheel stops are required for all grassed parking as set forth in Section 78-372.

(f) – (k) (These subsections shall remain in full force and effect as previously adopted.)

(l) *Parking stall and bay dimensions.*

(1) Minimum dimensions. ~~Each standard space shall comply with the requirements of Figure 15 and as indicated below.~~ The dimensions of a parking space shall not include access, travel, and maneuvering areas.

a. *Standard space:* minimum ~~ten~~ 10 feet by 18.5 feet, or as listed in Table 32.

b. *Reduced space for office uses:* minimum nine feet by 18.5 feet, and shall comply with the requirements of Figure 15 and Table 32, subject to approval by the city council.

(Figure 15 remains in full force and effect as previously adopted.)

c. *Reduced space for retail and commercial uses:* ~~nine and one-half feet~~ 9.5 by 18.5 feet, subject to approval by the city council.

d. *Parallel space:* minimum ~~nine~~ 9 feet by 23 feet.

(2) – (3) (These subsections shall remain in full force and effect as previously adopted.)

(4) ~~Striping and marking of parking spaces. As indicated in Figure 15, all nine-foot parking spaces shall be double striped. As an alternative to double striping, the city engineer may authorize the use of contrasting paving materials, such as specialty paver bricks, as a means to identify individual parking spaces.~~

a. Reduced space for office uses: As indicated in Figure 15, all nine-foot parking spaces shall be double striped. As an alternative to double striping, the city engineer may authorize the use of contrasting paving materials, such as specialty paver bricks, as a means to identify individual parking spaces.

b. Standard space: All parking spaces 9.5 feet or greater may be single striped.

(m) *Parking bays.* Parking bays, which are the total of stall depth plus aisle width, shall provide for adequate maneuvering and parking space. Parking bays shall be subject to the minimum standard described in Table 32 and Figure 16.

(Figure 16 remains in full force and effect as previously adopted.)

Table 32. Minimum Parking Bay Dimensions for Nonresidential Uses and Residential Uses (3)

Angle A*(1)	Stall Width B*	Stall Depth C*	Aisle Width D*	Curb Length E*	Wall to Wall Width F*	Interlock to Interlock Width G*	Stall Depth to Interlock H*	Land Use I (1) (2)
45	9'0"	17'6"	12'0"	12'6"	47'0"	44'0"	15'6"	General
45	9'6"	17'6"	12'0"	13'6"	47'0"	44'0"	15'6"	Retail
45	10'0"	17'6"	12'0"	14'0"	47'0"	44'0"	15'6"	Unspecified
60	9'0"	19'0"	16'0"	10'6"	55'0"	52'0"	17'6"	General
60	9'6"	19'0"	15'0"	11'0"	54'0"	51'0"	17'6"	Retail
60	10'0"	19'0"	14'0"	11'6"	53'0"	50'0"	17'6"	Unspecified
70	9'0"	19'6"	19'0"	9'6"	58'0"	56'0"	18'6"	General
70	9'6"	19'6"	18'0"	10'0"	57'0"	55'0"	18'6"	Retail
70	10'0"	19'6"	17'0"	10'6"	56'0"	54'0"	18'6"	Unspecified
75	9'0"	19'6"	23'0"	9'6"	62'0"	60'0"	18'6"	General
75	9'6"	19'6"	22'0"	10'0"	61'0"	59'0"	18'6"	Retail
75	10'0"	19'6"	21'0"	10'6"	60'0"	58'0"	18'6"	Unspecified
80	9'0"	19'6"	24'0"	9'0"	63'0"	62'0"	19'0"	General
80	9'6"	19'6"	23'0"	9'6"	62'0"	61'0"	19'0"	Retail
80	10'0"	19'6"	22'0"	10'0"	61'0"	60'0"	19'0"	Unspecified
90	9'0"	18'6"	26'0"	9'0"	63'0"	63'0"	18'6"	General

90	9'6"	18'6"	25'0"	9'6"	62'0"	62'0"	18'6"	Retail
90	10'0"	18'6"	24'0"	10'0"	61'0"	61'0"	18'6"	Unspecified

*Notes:*

*\*See Figure 15 16, Parking Stall Schematic.*

Notes:

- (1) *Dimensional requirements for stalls shall vary depending on the angle of parking provided (Column A) and the land use that the parking serves (Column I).*
- (2) In column I above, "general" applies to parking spaces designated to serve all commercial uses, except retail uses and also residential uses with shared parking lots. Spaces to be reserved for use by disabled persons shall be governed by the rows labeled "handicapped." The label "unspecified" is included to provide a guideline for the design of spaces above the minimum required width.
- (3) The two-foot landscape overhang shall be provided in accordance with Section 78-315.

*Staff Comment: This amendment updates the Notes section to refer to the correct Figure, Figure 16, Parking Stall Schematic, not Figure 15 which is the striping for reduced parking spaces. The amendment also removes the reference of Stall Width referring to "B" because there is no "B" in Figure 16. There is also a note added regarding the two-foot landscape overhang that refers to Section 78-315 which addresses the protection of landscaping area in vehicle overhang areas.*

\*\*\*\*

**Sec. 78-345. Number of parking spaces required.**

- (a) – (c) (These subsections shall remain in full force and effect as previously adopted.)
- (d) *Increase in parking spaces.*
  - (1) Increase of parking spaces allowed. As applicable to the type of development order, the city council, planning, zoning, and appeals board, or growth management director may authorize an increase in the number of parking in an amount not to exceed twenty percent of the required spaces. Professional Office and Assisted Living Facilities may increase the number of parking in an amount not to exceed thirty percent of the required spaces.
  - (2) - (4) (These subsections shall remain in full force and effect as previously adopted.)

Table 33: Required Off-Street Parking Spaces

CULTURAL, ENTERTAINMENT, AND RECREATIONAL		
<i>Use/Category</i>	<i>Spaces Required</i>	<i>Notes</i>
<u>Club or Lodge</u> , <u>Club, Lodge, or Clubhouse</u> , Private	1 space per 300 square feet	

(The remainder of this entire table shall remain in full force and effect as previously adopted.)

*Staff Comments: There have been many requests from owners of professional offices, assisted living facilities for more parking than what is required in the LDRs. This LDR section allows for a request for an increase in parking spaces over the minimum, with standards that must be met for the additional parking spaces, such as providing additional open space, pervious areas, pedestrian amenities, etc. It is not the intent to penalize the applicant for providing this additional parking. Therefore, the proposed change increases the current twenty percent over the minimum parking requirement to thirty percent for Professional Office and Assisted Living Facilities. The current requirement for additional open pervious space per 78-345 (d)(4)a. is still applicable.*

*The amendment to add "clubhouse" to the "Club or Lodge, Private" category is for clarification and to represent the current language of developments today.*

\*\*\*\*

**Sec. 78-347. Valet Parking**

A request to establish valet parking shall be subject to the following criteria:

- (a) Valet parking area must be clear of driveways, drive aisles, fire lanes, and handicapped parking spaces and/or accessible ramps.
- (b) Valet parking shall not utilize more than 30 percent of the on-site parking for the project providing such service.
- (c) The area of the valet parking shall not modify the approved access circulation.
- (d) A request to establish valet parking shall include the location of the valet booth or area:
  - 1. The location of the valet booth area or parking;
  - 2. The location and number of parking spaces to be utilized for valet parking;
  - 3. Evidence that the business owns the parking spaces proposed for valet use or a copy of any agreement, lease, etc., which provides the business with the right to use spaces owned by another individual or entity for valet parking;

4. The impact of the valet parking service on users who do not patronize the service;
5. The hours of operation;
6. Location and text of any signage associated with the valet parking spaces; and
7. Buffering or screening that is necessary to mitigate any visual or noise-related impacts on any adjacent residential properties.

(e) This section in its entirety shall be effective October 1, 2017.

Secs. ~~78-347~~ 78-348-78-360. Reserved.

*Staff Comment: The proposed criteria sets forth reasonable safety standards for fire and safety issues related to valet parking. Also, existing Section 78-230 (c)(3), which is the Northlake Boulevard Overlay Zoning District, is the only section of the LDR pertaining to valet parking criteria. By adding similar valet parking criteria to the City's Off-Street Parking and Loading section of the LDR, valet parking is addressed Citywide. The City intends to create a permit and process for notification to the City of the valet service. The end of this section currently provides "reserved" section numbers, which have been amended accordingly.*

\*\*\*

**Sec. 78-362. Size and location of loading spaces.**

(a) *Minimum dimensions.* Off-street loading spaces shall comply with the minimum dimensions indicated below, or as otherwise determined by the City after the review of the use and site plan.

(1) – (4) (These subsections shall remain in full force and effect as previously adopted.)

(b) *Location.* Except as otherwise provided, off-street loading facilities shall be located on the same property which they serve.

(1) - (2) (These subsections shall remain in full force and effect as previously adopted.)

(3) Refrigerated trucks. Refrigerated trucks, and other trucks which require compressors, engines, refrigeration equipment, and similar equipment to be continuously or periodically operational shall not park within 250 feet of any residential zoning district during the hours of 7:00 p.m. to 7:00 a.m. on weekdays, and 7:00 p.m. to 9:00 a.m. on Saturday and Sunday.

*Staff Comment: Not all uses require the same minimum size of loading areas, and this amendment proposes to allow the City Engineer to review the proposed use and site plan for determination of minimum dimensions for the loading areas. This amendment also clarifies the measurement.*

\*\*\*\*

**Sec. 78-378. Dumpsters.**

(a) – (b) (1) (These subsections shall remain in full force and effect as previously adopted.)

(2) *Screening.*

(a) – (f) (These subsections shall remain in full force and effect as previously adopted.)

(g) All existing nonconforming dumpsters in the city shall be required to come into compliance with these regulations ~~no later than May 1, 2011~~in accordance with Article VI. NONCONFORMITIES.

(h) (This subsection shall remain in full force and effect as previously adopted.)

*Staff Comment: The proposed amendment removes the date certain for nonconforming dumpsters and replaces the date with a reference to the City's existing Code section in Article VI. NONCONFORMITIES that provides the criteria for nonconformities.*

\*\*\*\*

*Subdivision IV. - Parking and Storage of Commercial Vehicles, ~~Boats, Buses, Trailers, Trucks, and Recreational Vehicles, Watercraft and Portable Storage Units.~~*

**Sec. 78-391. Parking and storage of commercial vehicles, ~~boats, buses, trailers, trucks, and recreational vehicles, watercrafts, and portable storage units.~~**

The purpose of this subdivision is to preserve the quality of residential areas in the city by restricting and regulating the parking and storage of ~~certain commercial vehicles, trailers, trucks, recreational vehicles, and watercraft, and portable storage units~~ in residential districts.

**Sec. 78-392. Reserved. Sec. 78-392. Parking and storage of portable storage units.**

(a) Time limitation. The temporary use and placement of a portable storage unit for the loading or unloading of items to or from the unit or residence, is permitted on residential property for a period of time not to exceed fourteen (14) consecutive days. The growth management director, or designee, may grant one (1) extension not to exceed fourteen (14) additional consecutive days for good cause. Only one (1) portable storage unit per

residential premises is permitted in any twelve (12)-month period unless there is a change of ownership of the residential premises during such twelve-month period.

(b) Placement. The placement of the portable storage unit shall be on either the driveway or approved parking area surface and shall be accomplished in such a manner that no landscaping is damaged as a result. Portable storage units shall not be placed within any right-of-way or over any easement.

(c) Removal of portable storage units during tropical storm watch or warning and hurricane warning or watch required. In the event the National Weather Service, National Hurricane Center, or appropriate weather agency declares a tropical storm watch or warning or a hurricane watch or warning that would impact Palm Beach Gardens, all portable storage units located within the City shall be immediately removed from the property so as not to create a safety hazard because of hurricane or tropical storm force winds. The removal and replacement of any portable storage unit pursuant to this subsection shall not count toward the twelve (12)-month limitation period as set forth in subsection (a) above nor shall compliance with this sub-section diminish the total number of days allowed.

**Sections 78-393. - 78-395.** (These sections shall remain in full force and effect as previously adopted.)

*Staff Comment: This amendment addresses the parking and sets forth a time frame for which a resident may use a portable storage unit. The portable storage unit is a temporary storage facility used for when a resident is moving or when interior renovations are taking place in the home.*

\*\*\*\*

**Sec. 78-396. Valid non-conforming uses.**

(a) – (b) (These subsections shall remain in full force and effect as previously adopted.)

(c) *Restrictions and guidelines.* Parking and storage of a validly-registered RV or watercraft shall be subject to the restrictions and guidelines listed below.

(1) – (2) (These subsections shall remain in full force and effect as previously adopted.)

(3) Front yard parking. A RV or watercraft parked or stored in a front yard shall be situated perpendicular to the adjacent right-of-way. RVs or watercraft parked or stored on corner lots may be located on either street side of the residence. Parking or storage of a RV or watercraft parallel to the front property line of a lot shall be prohibited ~~except where a curved or circular driveway exists~~. A RV or watercraft shall never extend in to any street right-of-way or sidewalk. A RV or watercraft shall not block or impede access to the rear of a lot.

(4) –(6) (These subsections shall remain in full force and effect as previously adopted.)

(d) (This subsection shall remain in full force and effect as previously adopted.)

*Staff Comment: This amendment provides consistency for the parking and storing of RVs and/or watercrafts. The intent is for the watercraft and/or RV to not be visible in the front yard. The RV or watercraft should not be parallel to the front property line whether a curved or circular driveway exists.*

\*\*\*

**Sec. 78-661. Performance standards.**

(a) (This subsection shall remain in full force and effect as previously adopted.)

(b) *Noise.* Equivalent sound levels shall not exceed the standards listed below when measured at the property line.

(1) *Residential.* If the source creating the noise is residential:

- a. Between 8:00 a.m. and 11:00 p.m.: 60 dBA; and
- b. Between 11:00 p.m. and 8:00 a.m.: 50 dBA.

(2) *Commercial Non-residential.* If the source creating the noise is ~~commercial~~ non-residential:

- a. Between 8:00 a.m. and 11:00 p.m.: 65 dBA; and
- b. Between 11:00 p.m. and 8:00 a.m.: 60 dBA.

(3) – (4) (These subsections shall remain in full force and effect as previously adopted.)

(c) - (l) (These subsections shall remain in full force and effect as previously adopted.)

*Staff Comment: This clarifies the intent that noise may be in other zoning districts, not only commercial. Therefore, it is better to categorize them as residential and non-residential to encompass all other zoning districts in non-residential, commercial, public, industrial, etc.*

\*\*\*\*

**Sec. 78-751. Definitions.**

The following words, terms, and phrases, when used in these land development regulations, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

Club, or lodge, or Clubhouse means buildings or facilities owned or operated by a corporation, association or person for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

*Staff Comment: The amendment to add "Clubhouse" to the "Club or Lodge" definition is for clarification and to represent the current language of developments today.*

Commercial vehicle means any motor vehicle having a carrying capacity of more than one (1) ton and/or a towed trailer, regardless of size, which is used for commercial purposes or has an outward appearance of being used in connection with a business, including, but not limited to, openly visible or unconcealed load of equipment, cargo, tools, construction materials, mounted accessories that a reasonable person would associate with commercial activity, or the display of a business name, logo, address, telephone number, or business license number. The use of canvas, tarpaulin, or other similar materials or similar covers does not constitute concealment as required herein. Such vehicle must be owned by the resident or be assigned to the resident by the business or entity which the vehicle serves, shall not be used for storage purposes, and is limited to one (1) such vehicle per residence.

*Staff Comment: The amendment clarifies and strengthens the definition for commercial vehicle.*

Community residential home, type II means a dwelling unit licensed to serve clients of the department of children and family services, or successor agency, in a living environment of not ~~more~~ less than seven but not more than 14 unrelated residents 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.

*Staff Comment: This amendment corrects a grammar error.*

Planned community ~~district~~-development (PCD) means a development encouraging creativity and imagination in the planning and development or redevelopment of large tracts of land for various uses and activities associated with a planned community under one master plan that may include a mix of land use types at different levels of intensity. May also be referred to as Planned Community District.

*Staff Comment: This amendment to an existing definition is proposed for clarification and to represent the current language of developments today.*

Planned development means a planned community district or a planned unit development, or a subdivision that has a Homeowners Association (HOA).

*Staff Comment: This amendment to an existing definition is proposed to provide clarity and include those developments which have Homeowner Associations.*

Portable storage unit means any portable, above-ground containers, including, but not limited to, any storage component of a portable storage or moving system or other containers used for temporary storage of personal property, household goods, or other materials whether or not the component is on wheels or requires transportation via motor vehicle. Portable storage units are intended only to be used for short-term storage.

*Staff Comment: This amendment provides a definition of "Portable Storage Unit" to be consistent with Subdivision IV. - Parking and Storage of Commercial Vehicles, Buses, Trailers, Trucks, Recreational Vehicles, Watercraft, and Portable Storage Units.*

### **OUTREACH AND NOTICE TO THE PUBLIC**

Staff has coordinated the amendment to the Land Development Regulations with both the PGA Corridor Association and the Palm Beach North Chamber of Commerce. On January 9, 2017, Staff received a letter of support from the PGA Corridor Association regarding this Ordinance (see attached). The Ordinance will be advertised in the Palm Beach Post on February 15, 2017, which is prior to second reading and adoption.

Staff intends to notify the impacted parties/businesses of the changes via letter with the applicable process necessary.

### **PLANNING, ZONING, AND APPEALS BOARD**

The PZAB reviewed the subject petitions on January 10, 2017, and recommend approval to the City Council by a vote of 7 to 0.

### **STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of Ordinance 7, 2017 as presented on first reading.



January 9, 2017

Allyson Black  
City of Palm Beach Gardens  
10500 N. Military Trail  
Palm Beach Gardens, FL 33410

RE: LDRA-15-06-000057: City-Initiated Amendment to the Land Development Regulations

Ms. Black:

The PGA Corridor Association appreciates input into the City-Initiated Amendment regarding Chapter 79 of the City's Code of Ordinances. The Staff continues to work with us to address any concerns. The PGA Corridor Association supports this Petition.

Sincerely,

A handwritten signature in black ink, appearing to read 'Della Porter', is written below the word 'Sincerely,'.

Della Porter, Chair

ORDINANCE 7, 2017

1  
2  
3  
4 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM  
5 BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND  
6 DEVELOPMENT REGULATIONS. AT TABLE OF CONTENTS ARTICLE  
7 VI. NONCONFORMITIES AS REVISED FOR INTERNAL CONSISTENCY;  
8 AT SECTION 78-49. AMENDMENTS TO APPROVED DEVELOPMENT  
9 ORDERS. BY REPEALING SUBSECTION (b)(1)(a) AND READOPTING  
10 SAME, AS REVISED; AT SECTION 78-54. PUBLIC NOTICE. BY  
11 REPEALING SUBSECTION (b) AND READOPTING SAME, AS  
12 REVISED; FURTHER AMENDING CHAPTER 78. AT SECTION 78-75.  
13 ADOPTED LEVELS OF SERVICE. BY REPEALING TABLE 7,  
14 SUBSECTION (f) AND TABLE 8. AND READOPTING SAME, AS  
15 REVISED; FURTHER AMENDING CHAPTER 78. BY REPEALING  
16 SECTION 78-114. OCCUPATIONAL LICENSES. IN ITS ENTIRETY AND  
17 RESERVING SAME FOR FUTURE LEGISLATION; FURTHER  
18 AMENDING CHAPTER 78. AT SECTION 78-144. CIVIC AND  
19 INSTITUTIONAL ZONING DISTRICT REGULATIONS. BY REPEALING  
20 TABLE 11 AND READOPTING SAME, AS REVISED; FURTHER  
21 AMENDING CHAPTER 78. AT SECTION 78-147. CG-1 GENERAL  
22 COMMERCIAL DISTRICT. BY REPEALING SUBSECTION (d)(2) AND  
23 READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER  
24 78. AT SECTION 78-159. PERMITTED USES, MINOR AND MAJOR  
25 CONDITIONAL USES, AND PROHIBITED USES. BY REPEALING  
26 SUBSECTIONS (j)(5)(c)2, (j)(5)(d) AND (j)(26) AND READOPTING  
27 SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. AT  
28 SECTION 78-182. LIGHTING REGULATIONS. BY REPEALING TABLE 1  
29 WITH NOTES AND READOPTING SAME, AS REVISED; AMENDING  
30 SECTION 78-186. YARDS. BY REPEALING SUBSECTION (b)(3) AND  
31 READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER  
32 78. AT SECTION 78-188. GARAGE, YARD, AND RUMMAGE SALES. BY  
33 REPEALING SUBSECTION (c) AND READOPTING SAME, AS  
34 REVISED; FURTHER AMENDING CHAPTER 78. AT SECTION 78-261.  
35 ART IN PUBLIC PLACES REQUIREMENTS. AT SUBSECTIONS (c)(1)(b)  
36 AND (c)(2) AND READOPTING SAME, AS REVISED; FURTHER  
37 AMENDING CHAPTER 78. AT SECTION 78-263. WAIVER OF  
38 REQUIREMENTS. BY REPEALING THE SECTION IN ITS ENTIRETY  
39 AND READOPTING NEW SECTION 78-263. ENTITLED "DEFINITIONS  
40 OF ART." AS REVISED; FURTHER AMENDING CHAPTER 78. AT  
41 SECTION 78-273. NONCONFORMING SIGNS. BY REPEALING  
42 SUBSECTIONS (a) AND (b) AND READOPTING SAME, AS REVISED;  
43 FURTHER AMENDING CHAPTER 78. AT SECTION 78-285. PERMITTED  
44 SIGNS. BY REPEALING TABLE 24 AND READOPTING SAME, AS  
45 REVISED; FURTHER AMENDING CHAPTER 78. BY REPEALING  
46 SECTION 78-303. APPROVAL REQUIRED. AND READOPTING SAME,

1 AS REVISED; AMENDING CHAPTER 78. AT SECTION 78-313.  
2 MINIMUM LANDSCAPE REQUIREMENTS FOR NONRESIDENTIAL  
3 DEVELOPMENT. BY REPEALING SUBSECTION (f) AND READOPTING  
4 SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. AT  
5 SECTION 78-318. PROHIBITED PLANTS AND INVASIVE NONNATIVE  
6 PLANTS. BY REPEALING TABLE 29 AND READOPTING SAME, AS  
7 REVISED; FURTHER AMENDING CHAPTER 78. AT SECTION 78-344.  
8 CONSTRUCTION AND MAINTENANCE. BY REPEALING  
9 SUBSECTIONS (e), (l)(1), (l)(1)(a), (l)(1)(b), (l)(1)(c)(l)(4), AND TABLE 32  
10 WITH NOTES AND READOPTING SAME, AS REVISED; FURTHER  
11 AMENDING CHAPTER 78. AT SECTION 78-345. NUMBER OF PARKING  
12 SPACES REQUIRED. BY REPEALING SUBSECTION (d)(1) AND TABLE  
13 33 AND READOPTING SAME, AS REVISED; FURTHER AMENDING  
14 CHAPTER 78. BY ADOPTING NEW SECTION 78-347. TO BE ENTITLED  
15 "VALET PARKING."; FURTHER AMENDING CHAPTER 78. AT  
16 SECTION 78-362. SIZE AND LOCATION OF LOADING SPACES. BY  
17 REPEALING SUBSECTIONS (a) AND (b)(3) AND READOPTING SAME,  
18 AS REVISED; FURTHER AMENDING CHAPTER 78. AT SECTION 78-  
19 378. DUMPSTERS. BY REPEALING SUBSECTION (b)(2)(g) AND  
20 READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER  
21 78. AT SUBDIVISION IV BY REPEALING THE TITLE AND READOPTING  
22 SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. BY  
23 REPEALING SECTION 78-391. PARKING AND STORAGE OF  
24 COMMERCIAL VEHICLES, BOATS, BUSES, TRAILERS, TRUCKS AND  
25 RECREATIONAL VEHICLES AND READOPTING SAME, AS REVISED;  
26 FURTHER AMENDING CHAPTER 78. BY ADOPTING NEW SECTION  
27 78-392. TO BE ENTITLED "PARKING AND STORAGE OF PORTABLE  
28 STORAGE UNITS."; FURTHER AMENDING CHAPTER 78. AT SECTION  
29 78-396. VALID NON-CONFORMING USES. BY REPEALING  
30 SUBSECTION (c)(3) AND READOPTING SAME, AS REVISED;  
31 FURTHER AMENDING CHAPTER 78. BY REPEALING SECTION 78-661.  
32 PERFORMANCE STANDARDS. AT SUBSECTION (b)(2) AND  
33 READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER  
34 78. AT SECTION 78-751. DEFINITIONS. BY REPEALING THE  
35 DEFINITIONS OF "CLUB OR LODGE", "COMMERCIAL VEHICLE",  
36 "COMMUNITY RESIDENTIAL HOME, TYPE II", "PLANNED  
37 COMMUNITY DISTRICT", "PLANNED DEVELOPMENT" AND  
38 READOPTING SAME, AS REVISED, AND BY ADOPTING NEW  
39 DEFINITIONS FOR "PORTABLE STORAGE UNIT"; PROVIDING THAT  
40 EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER  
41 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND  
42 EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS  
43 CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY;  
44 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.  
45  
46



1        **SECTION 2.** Chapter 78. Land Development Regulations of the Code of  
 2 Ordinances of the City of Palm Beach Gardens, Florida is hereby amended at 78-49.  
 3 Amendments to approved development orders. by repealing subsection (b)(1)(a) and  
 4 readopting same, as revised; providing that Section 78-49 shall hereafter read as follows:

5  
 6        **Sec. 78-49. Amendments to approved development orders.**

7  
 8        (a) (This subsection shall remain in full force and effect as previously adopted.)

9  
 10        (b) *Major amendments.* Development order applications for major amendments are  
 11 reviewed in the same manner as the original application. Major amendments to  
 12 approved development plans include the changes listed below.

13  
 14            (1) Increase of intensity. Any change in nonresidential intensity which, in  
 15 combination with prior minor amendments, cumulatively exceeds the limitations  
 16 or standards listed below.

17  
 18            a. Relocation or new square footage. Any proposed relocation or new square  
 19 footage of the approved number of gross square footage which is equal to  
 20 or greater than five percent of the approved gross square feet of all  
 21 nonresidential structures.

22  
 23        (b) (1) b. – (c)(3) (These subsections shall remain in full force and effect as previously  
 24 adopted.)

25  
 26        **SECTION 3.** Chapter 78. Land Development Regulations of the Code of  
 27 Ordinances of the City of Palm Beach Gardens, Florida is hereby amended at 78-54.  
 28 Public Notice. by repealing subsection (b) and readopting same, as revised; providing  
 29 that Section 78-54 shall hereafter read as follows:

30  
 31        (a) and Table 4 with notes (These subsections shall remain in full force and effect as  
 32 previously adopted.)

33  
 34        (b) *Mail notice.* Required mail notice as noted in Table 4: Required Public Notice of all  
 35 future land use map amendments, rezoning ordinances, conditional use, and  
 36 variance application shall be provided as indicated below:

37  
 38        (b) (1) – (8) and (c) through (f) (These subsections shall remain in full force and effect  
 39 as previously adopted.)

40  
 41        **SECTION 4.** Chapter 78. Land Development of the Code of Ordinances of the  
 42 City of Palm Beach Gardens, Florida is hereby amended at Section 78-75. Adopted levels  
 43 of service. by repealing Table 7, subsection (f), and Table 8 and readopting same, as  
 44 revised; providing that Section 78-75 shall hereafter read as follows:

1 **Sec. 78-75. Adopted levels of service.**

2  
3 (a) – (d) (These subsections shall remain in full force and effect as previously adopted.)

4  
5 (e) *Potable water.* Development activities shall not be approved unless there is sufficient  
6 available capacity to sustain the following levels of service for potable water as  
7 established in the potable water element of the city comprehensive plan expressed  
8 in gallons per day per capita at a minimum pressure as indicated in Table 7.  
9

10 Table 7: Potable Water Level of Service Standards

<i>Demand</i>	<i>Level of Service (GPD)(1)</i>
Average Annual Daily Consumption	494 <u>189</u> gpd/per capita
Peak 24-Hour Water Consumption	258 gpd/per capita
Storage Capacity	34.4 gpd/per capita
Pressure	20 psi at distribution main (2)
Minimum Water Treatment Plant Capacity	258 gpd/per capita

11 *Notes:*

12 (1) GPD = Gallons per day.

13 (2) PSI = Pounds per square inch.

14  
15  
16 (f) *Recreation.* Development activities shall not be approved unless there is sufficient  
17 available capacity to sustain the following minimum levels of service for the  
18 recreational facilities as established in the city comprehensive plan as indicated in  
19 Table 8.

20 Table 8: Parks and Recreation Levels of Service

<i>Type of Park Facility</i>	<i>Level of Service</i>
Neighborhood and Community Parks (1)	3. <u>75.0</u> acres/1,000 population (permanent residents)

21 *Note:*

22 (1) = Improved parks.

23  
24  
25 **SECTION 5.** Chapter 78. Land Development of the Code of Ordinances of the  
26 City of Palm Beach Gardens, Florida is hereby amended by repealing Section 78-114.  
27 Occupational licenses. in its entirety and reserving same for future legislation, providing  
28 that Section 78-114 shall hereafter read as follows:  
29  
30  
31

1 **Sec. 78-114. Occupational licenses. Reserved.**

2 ~~Requests for occupational licenses shall be submitted on application forms provided~~  
 3 ~~by the city finance department, and shall be accompanied by such plans, documents, or~~  
 4 ~~other information required by the city to ensure the proposed use or occupancy conforms~~  
 5 ~~to the requirements of the chapter.~~

6  
 7 **SECTION 6.** Chapter 78. Land Development of the Code of Ordinances of the  
 8 City of Palm Beach Gardens, Florida is hereby amended at Section 78-144. Civic and  
 9 institutional zoning district regulations. by repealing Table 11 and readopting same, as  
 10 revised; providing that Section 78-144 shall hereafter read as follows:

11  
 12 **Sec. 78-144. Civic and institutional zoning district regulations.**

13  
 14 Table 11: Property Development Regulations – Conservation and Institutional Districts  
 15

<b>Property Development Regulation</b>	<b>P/I</b>	<b>CONS</b>	<b>Notes</b>
Minimum Site Area	15,000 Square Feet	20 Acres	
Minimum Lot Width (Feet)	100		(1)
Maximum Density	None	1 Unit/20 Acres	
Maximum Lot Coverage	40%	1%	
Maximum Building Height	NMT 45 Ft. {+}	36 Feet	
Minimum Building Setbacks (Feet)			
Front	25	100	
Side	15	50	
Side (Facing Street)	15	90	
Rear	15	100	

16  
 17 **Notes:**

18 1) Lot width measured from front building setback line.  
 19

20 **SECTION 7.** Chapter 78. Land Development of the Code of Ordinances of the  
 21 City of Palm Beach Gardens, Florida is hereby amended at Section 78-147. CG-1  
 22 General commercial district. by repealing subsection (d)(2) and readopting same, as  
 23 revised; providing that Section 78-147 shall hereafter read as follows:  
 24

25 **Sec. 78-147. CG-1—General commercial district.**

26  
 27 (a) – (c) (These subsections shall remain in full force and effect as previously adopted.)

1 (d) *General requirements.*

2  
3 (1) Enclosed activities. Sales, display, retail and business activities, and storage  
4 shall be conducted within a completely-enclosed building. Not more than 30 percent of  
5 gross floor shall be utilized for storage of goods and merchandise.

6  
7 ~~(2) Secondhand merchandise. Sale, display, or storage of secondhand~~  
8 ~~merchandise is not permitted, except as incidental to the sale of new merchandise.~~

9  
10 ~~(3)~~ (2) Retail sales. Establishments allowed as permitted or conditional uses shall  
11 sell products only at retail.

12  
13 **SECTION 8.** Chapter 78. Land Development of the Code of Ordinances of the  
14 City of Palm Beach Gardens, Florida is hereby amended at Section 78-159. Permitted  
15 Uses, Minor and Major Conditional Uses, and Prohibited Uses. by amending repealing  
16 subsection (j)(5)(c)(2) and (j)(5)(d) and (j)(26) and readopting same, as revised; providing  
17 that Section 78-159 shall hereafter read as follows:

18  
19 **Sec. 78-159. Permitted uses, minor and major conditional uses, and prohibited**  
20 **uses.**

21  
22 (a) – (i) and Table 21 (These subsections shall remain in full force and effect as previously  
23 adopted.)

24  
25 (j) Additional standards. The following standards apply to specific uses as indicated in  
26 the "Note" column of Table 21.

27  
28 (1) – (4) (These subsections shall remain in full force and effect as previously adopted.)

29 (5) Assisted living facility (one or more residents).

30  
31 a. May be allowed in a PUD, PCD, or other zoning districts as provided in  
32 this section.

33  
34 b. Shall obtain a license from the State of Florida and shall operate  
35 consistent with the requirements of that license.

36  
37 c. May offer, singularly or in combination, independent living, assisted living,  
38 or skilled nursing care facilities, subject to the limitations listed below.

39  
40 1. A skilled nursing care facility operating as a separate, stand-alone  
41 facility shall be allowed only within commercial or public/institutional  
42 zoning districts.

2. A skilled nursing care facility operating in conjunction with an assisted living facility as part of a continuing care residential retirement community is allowed in residential zoning districts as a Major Conditional Use.

d. Assisted living facility and/or skilled nursing facilities shall be eligible for such density as provided herein.

(1) – (5) (These subsections shall remain in full force and effect as previously adopted.)

(5)(e) – (25) (These subsections shall remain in full force and effect as previously adopted.)

(26) Thrift and used merchandise stores. Thrift and used merchandise stores shall not operate collection, classification, and distribution activities as a principal use. Such activities shall be an accessory use to the retail use. Stores of this nature shall not exceed 3,000 gross square feet in a CN zoning district and 5,000 gross square feet in a CG1 zoning district.

(27) – (71) (These subsections shall remain in full force and effect as previously adopted.)

**SECTION 9.** Chapter 78. Land Development of the Code of Ordinances of the City of Palm Beach Gardens, Florida is hereby amended at Section 78-182. Lighting Regulations. by repealing Table 1 with notes and readopting same, as revised; providing that Section 78-182 shall hereafter read as follows:

**Sec. 78-182. Lighting regulations.**

(a) (b) (2) (These subsections shall remain in full force and effect as previously adopted.)

Table 1  
Foot-candle Standards (1)

<i>Lighting Zone</i>	<i>Minimum Average Maintained</i>	<i>Maximum Average Maintained</i>	<i>Maximum Allowed</i>
Service station canopy (2)	20.0 fc	30.0 fc	60.0 fc
Vehicular-use areas	1.5 fc (8)	10.0 fc	10.0 fc
Pathways, pedestrian open spaces, and outdoor seating (3)	1.0 fc	10.0 fc	10.0 fc

Landscape buffers to a property line	n/a	2.0 fc	5.0 fc
Property line	n/a	2.0 fc (4)	5.0 fc (4)
Parking garage (5)	3.0 fc (8)	50.0 fc	60.0 fc
ATMs	10.0 fc	20.0 fc	20.0 fc
Public streets <u>and sidewalks</u>	1.0 fc	n/a	n/a
Private streets <u>and sidewalks</u>	0.6 fc	n/a	n/a
Outdoor recreation and sports facilities	(6)	(6)	(6)
Recreational areas	(7)	(7)	(7)

1 (1) Unless mandated by other state or federal standards, or as determined by the  
2 City Engineer.

3 (2) These standards shall only apply under the service station canopy and up to 15  
4 feet from the outside edge of the canopy.

5 (3) Pathways, pedestrian areas, and outdoor seating abutting another lighting zone  
6 with a greater foot-candle requirement may include lighting levels consistent with  
7 the adjacent zone. Underpasses are required to illuminate a minimum of 2.0 fc.

8 (4) No more than 0.5 foot-candle light spillover shall be permitted on any point inside  
9 the adjacent residential property.

10 (5) During the daytime, the vehicular and pedestrian exits and entrances must  
11 maintain a minimum average of 50 fc. Stairwells must maintain a minimum  
12 average of 20 fc 24 hours a day. Ramps, drive aisles, and all other areas of the  
13 garage must maintain a minimum average of 3.0 fc.

14 (6) Outdoor lighting for City public facilities and sport facilities such as tennis courts,  
15 stadiums, soccer and ball fields are exempt from the foot-candle standards in  
16 Table 1; however, lighting at sports facilities shall not exceed IESNA-  
17 recommended practices for the type of field and use, and shall meet standards  
18 for light spillover and glare for residential properties in this section.

- 1 (7) In those areas designated as recreational areas, or within preserves, pedestrian
- 2 paths or multi-purpose paths, or other areas that are either gated or secured or
- 3 are closed after dusk, lighting requirements shall be determined, as part of a
- 4 development order approval, by the growth management director with mandatory
- 5 consultation with the police department in order to provide the adequate security
- 6 lighting in the context of the recreational area.
- 7 (8) Shall be subject to review for Crime Prevention Through Environmental Design
- 8 (CPTED) Principles for uniformity of lighting distribution per IESNA across a
- 9 vehicular use area.

10  
11 (b)(3) – (l) (These subsections shall remain in full force and effect as previously adopted.)

12  
13 **SECTION 10.** Chapter 78. Land Development of the Code of Ordinances of the

14 City of Palm Beach Gardens, Florida is hereby amended at Section 78-186. Yards. by

15 repealing subsection (b)(3) and readopting same, as revised; providing that Section 78-

16 186 shall hereafter read as follows:

17  
18 **Sec. 78-186. Yards.**

19  
20 (a) (This section shall remain in full force and effect as previously adopted.)

21  
22 (b) General regulations.

23  
24 (1) - (2) (These subsections shall remain in full force and effect as previously adopted.)

25  
26 (3) Front yard building setbacks for corner lots. Corner lots located at the intersection

27 of a collector or arterial street in a residential district shall have two front building

28 setbacks from property lines adjacent to the streets. Corner lots located at the

29 intersection of two local streets shall have a front building setback along the

30 shortest frontage of one street and a corner setback from the other street.

31 However, functional orientation may also be considered by the Growth

32 Management Director with coordination of the Addressing Committee for a site-

33 specific condition of property.

34  
35 (4) – (8) (These subsections shall remain in full force and effect as previously adopted.)

36  
37 **SECTION 11.** Chapter 78. Land Development of the Code of Ordinances of the

38 City of Palm Beach Gardens, Florida is hereby amended at Section 78-188. Garage, yard,

39 and rummage sales. by repealing subsection (c) and readopting same, as revised;

40 providing that Section 78-188 shall hereafter read as follows:

41  
42 **Sec. 78-188. Garage, yard, and rummage sales.**

43  
44 (a) – (b) (These subsections shall remain in full force and effect as previously adopted.)

1 (c) *Approval and fees.*

2  
3 (1) ~~Special event approval.~~ Approval. An owner, tenant, operator, or authorized agent  
4 of a residential dwelling, school, or place of worship must obtain ~~special event~~  
5 approval from the growth management department prior to conducting a garage,  
6 yard, or rummage sale. If a permit for such event is not obtained, the city may  
7 require the event to be closed or may institute code enforcement action pursuant to  
8 article VII.

9  
10 (2) Fees. The city shall not charge a ~~special event~~ fee for a garage, yard, or rummage  
11 sale.

12 (d) – (f) (These subsections shall remain in full force and effect as previously adopted.)  
13

14 **SECTION 12.** Chapter 78. Land Development of the Code of Ordinances of the  
15 City of Palm Beach Gardens, Florida is hereby amended at Section 78-261. Art in public  
16 places requirements. by repealing subsections (c)(1)(b) and (c)(2) and readopting same,  
17 as revised; providing that Section 78-261 shall hereafter read as follows:  
18

19 **Sec. 78-261. Art in public places requirements.**

20  
21 (a) – (b), and (c) (1) a. (These subsections shall remain in full force and effect as  
22 previously adopted.)  
23

24 (c) (1) b. *Fee in lieu of artwork.* Instead of providing artwork on the project site, a  
25 developer may choose to contribute one percent of the total vertical construction costs as  
26 the required art fee. If the contribution is made, the contribution shall be placed in the  
27 city's art impact fund and used as provided in subsection 78-261~~(d)~~(c)(2). The contributor  
28 shall have no input in the use of such funds.  
29

30 (c)(2) *Art impact fund.* When the developer provides a fee in lieu of artwork pursuant to  
31 subsection 78-261~~(d)~~(c)(1)b., the following shall apply to the use of the funds:  
32

33 (c)(2) a. – f. (These subsections shall remain in full force and effect as previously  
34 adopted.)  
35

36 **SECTION 13.** Chapter 78. Land Development of the Code of Ordinances of the  
37 City of Palm Beach Gardens, Florida is hereby amended at Section 78-263. Waiver of  
38 requirements. by repealing the section in its entirety and adopting new Section 78-263  
39 entitled "Definitions of art."; providing that Section 78-263 shall hereafter read as follows:  
40

41 **Sec. 78-263. ~~Waiver of requirements~~ Definitions of art.**

42  
43 (a) ~~Waiver.~~ The city council may waive the requirements contained in this division,  
44 utilizing the standards contained herein. Promotion of the general welfare of the  
45 city shall be a major factor in the waiver or reduction of fees.  
46

1 ~~(b) Other upgrades. Upgrading of landscaping, project entrances, and vehicle~~  
 2 ~~parking, if any, which provide substantial improvement in excess of existing~~  
 3 ~~requirements shall be factors to be considered in the waiver process.~~

4  
 5 ~~(c) Criteria for waiver of fees. The city council shall consider the following when~~  
 6 ~~considering a request to waive or reduce required fees:~~

7 ~~(1) The impact of proposed improvements on the appearance and utility of an~~  
 8 ~~existing structure;~~

9 ~~(2) The impact of proposed improvements on existing and potential tenants or~~  
 10 ~~businesses; and~~

11  
 12 ~~(3) The probability of the owner acquiring substantial or anchor tenants to assist~~  
 13 ~~in relieving financial problems, excess vacancy rates, dilapidated~~  
 14 ~~appearance, and similar problems.~~

15  
 16 ~~(d) Credit for expenditures.~~

17  
 18 ~~(1) Monies expended for the purpose of meeting minimum code or site plan~~  
 19 ~~requirements shall receive no credit for payment of required fees.~~

20  
 21 ~~(2) Landscaping shall be considered a temporary improvement as compared to~~  
 22 ~~a permanent structural improvement in determining a monetary credit. The~~  
 23 ~~city council may not authorize more than 50 percent credit for the cost of~~  
 24 ~~installing new or replacement landscaping. Unusual cost of individual~~  
 25 ~~plantings or groups of plantings, such as rare exotics, shall not be considered~~  
 26 ~~as the sole factor for credit.~~

27  
 28 The following words, terms, and phrases, when used in this subsection, shall have the  
 29 meanings ascribed herein except where the context clearly indicates a different meaning:

30  
 31 *Art, artwork, or works of art* means all tangible creations by artists exhibiting the  
 32 highest quality of skill and aesthetic principles, and includes all forms of the visual arts  
 33 conceived in any medium, material, or combination thereof, including, but not limited to,  
 34 painting, sculpture, fountains, engraving, carving, frescos, mobiles, murals, collages,  
 35 mosaics, bas-reliefs, tapestries, photographs, drawings, artist-designed seating, or other  
 36 functional art pieces and collaborative design projects between architects and/or  
 37 landscape architects and artists, together with all hard costs and soft costs such as, but  
 38 not limited to, lighting, landscaping, or other aesthetic effects or enhancements integrated  
 39 with the art and approved by the growth management administrator. The city council shall  
 40 not consider for approval art objects which are mass-produced in unlimited quantities.

41  
 42 *Development, as it pertains to art* means any project to construct or remodel any  
 43 private or public development, except residential and/or residential components of mixed-  
 44 use development, or any portion thereof within the limits of the city, where total  
 45 construction costs equal or exceed one million dollars (\$1,000,000.00).



1  
2

Table 24: Permanent Signs

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions (1)	Other Limits
Ground sign (2)	Nonresidential*	60 square feet	2	<ul style="list-style-type: none"> <li>•1 for first 300 lineal feet of ROW.</li> <li>•1 for each additional 700 lineal feet of ROW.</li> <li>•<u>Min. distance of 40 feet required between ground signs and/or residential entry signs.</u></li> </ul>	<p>Height: 10 feet Width: 15 feet <u>(Dimensions include base)</u> <u>Min. sign width must equal 50% of sign height.</u></p>	<ul style="list-style-type: none"> <li>•<u>Requires solid base not less than three-foot high w/out sign-copy with a height equal to at least 30% of overall sign height (sign copy is prohibited on the base), except for address numbers or leasing information as regulated by section 78-290. Temporary signs.</u></li> <li>For gasoline pricing information, see note (5).</li> <li>•Sign copy not to exceed building identification and five tenants (not including leasing information) per sign face</li> <li>•Tenant names shall be at least 6-inch letter height.</li> <li>•Min. 15 feet setback from ROW.</li> <li>•Min. 50 feet setback from non-ROW property lines</li> </ul>

Flat/Wall Sign for Principal Structure or Building Identification or Principal Tenant (3)	Nonresidential	90 square feet	1	1 for parcel with at least 100 lineal feet of ROW; A building with frontage on I-95 or the Florida Turnpike may have a sign facing I-95 or the Florida Turnpike in addition to its sign facing its primary street. The sign facing I-95 or the Florida Turnpike may be located above the second floor	None	<ul style="list-style-type: none"> <li>•Sign letters shall not exceed 36 inches in height.</li> <li>•Sign for building and tenant identification purposes.</li> <li>•NMT 1 name or message may be included.</li> <li>•Each principal structure is allowed <del>a building is allowed</del> a principal tenant flat or wall sign.</li> <li>•Wall sign cannot exceed more than 70 percent of the immediate vertical and horizontal surface area to which attached.</li> </ul>
Changeable copy/digital display ground sign (2)	Public/Institutional	60 square feet	2	1	Height: 10 feet Width: 15 feet <u>(Dimensions include base)</u> <u>Min. sign width must equal 50% of sign height.</u>	<ul style="list-style-type: none"> <li>•Only allowed for government uses, public/private schools, and colleges/universities in public/institutional zoning districts.</li> <li>•Requires solid base not less than three feet high w/out sign copy.</li> <li>•Min. 15 feet setback from ROW.</li> <li>•Min. 50 feet setback from non-ROW property lines.</li> </ul>

1 Notes to Table 24: (Shall remain in full force and effect as previously adopted.)

2  
3 **SECTION 16.** Chapter 78. Land Development of the Code of Ordinances of the  
4 City of Palm Beach Gardens, Florida is hereby amended at Section 78-303. Approval  
5 required. by repealing Section 78-303 and readopting same, as revised; providing that  
6 Section 78-303 shall hereafter read as follows:

7  
8 **Sec. 78-303. Approval required.**

9  
10 *Approval required.* Unless otherwise provided within this division, land shall not be  
11 landscaped, cleared, or grubbed within the city unless written permission is first obtained  
12 by site plan approval and a permit as outlined in this division. Furthermore, any tree,  
13 except as provided for in this division, shall not be cut down, destroyed, removed, or  
14 effectively destroyed as a result of damaging the tree or changing the natural grade within  
15 the drip line of a tree, without first obtaining site plan approval and a permit. The city may  
16 grant permission to remove, add to, relocate, or plant vegetation on land within the limits  
17 of the city through a procedure that requires an application and permit as described in  
18 section 78-304 herein. With the exception of sections 78-314(d) and 78-321, property  
19 owners of developed single-family lots and duplex lots are exempt from the provisions of  
20 this division. Landscape easements located on single-family and duplex lots are not  
21 exempt from the provisions of this division. Approved landscape and tree protection plans  
22 may not be altered in any way, unless otherwise provided for by this division.

23  
24 **SECTION 17.** Chapter 78. Land Development of the Code of Ordinances of the  
25 City of Palm Beach Gardens, Florida is hereby amended at Section 78-313. Minimum  
26 landscape requirements for nonresidential development. by repealing subsection (f) and  
27 readopting same, as revised; providing that Section 78-313 shall hereafter read as  
28 follows:

29  
30 **Sec. 78-313. Minimum landscape requirements for nonresidential development.**

31 (a) – (e) (These subsections shall remain in full force and effect as previously adopted.)

32  
33 (f) Landscaping required. The following uses within nonresidential developments  
34 shall be required to have landscaping, as required herein.

35  
36 (1) Vehicular use areas;

37 (2) Building foundations excluding rear areas not visible by a public road right-  
38 of-way or not generally traveled by the public or visible from adjacent  
39 structures;

40 (3) Signs, as required by section 78-287.

41  
42 (4) - (8) and (g) – (h) (These subsections shall remain in full force and effect as  
43 previously adopted.)

**SECTION 18.** Chapter 78. Land Development of the Code of Ordinances of the City of Palm Beach Gardens, Florida is hereby amended at Section 78-318. Prohibited plants and invasive nonnative plants. by repealing Table 29 and readopting same, as revised; providing that Section 78-318 shall hereafter read as follows:

**Sec. 78-318. Prohibited plants and invasive nonnative plants.**

Prohibited plants shall not be planted anywhere in the city, and in some cases must be removed. The official list of prohibited plant species, species to be removed, and species that may remain if planted is provided in Table 29.

Table 29: Plant Species Prohibited or Required to be Removed

<i>Common Name</i>	<i>Scientific Name</i>	<i>Shall not be Planted and Must Be Removed</i>	<i>Not be Planted — But not Required to be Removed</i>
Air potato vine	Dioscorea bulbifera	✓	
Australian pine	Casuarina spp.	✓	
Banyan	Ficus bengalensis	✓	
Bischofia	Bischofia javanica		✓
Brazilian pepper or Florida holly	Schinus teribinthifolius	✓	
Carrotwood	Supaniopsis anacardioides	✓	
Cat's claw	Minosa pigra		✓
Chinese tallow tree	Sapium sebiferum		✓
Cork tree	Thespesia populnea		✓
Downy rose myrtle	Rhodomyrtus tomentosus		✓
Earleaf acacia	Acacia auriculiformis	✓	
Jasmine	Jasminum dichotomum		✓
Java plum	Syzygium cumini		✓
Kudzu	Pueraria montana	✓	
Leather leaf	Colubrina asiatica		✓

Lofty fig	Ficus altissima		✓
Mahoe	Hibiscus tiliaceus		✓
Melaleuca	Melaleuca quinquenervia	✓	
Schefflera <u>or Queensland umbrella tree</u>	Schefflera actinophylla	✓	
Shoebuttan ardisia	Ardisia solanaceae		✓
Small-leave leaf climbing fern <u>or Old World climbing fern</u>	Lygodium microphyllum	✓	
Woman's tongue	Albizia lebeck		✓

1  
2 (a) – (c) (These subsections shall remain in full force and effect as previously  
3 adopted.)  
4

5 **SECTION 19.** Chapter 78. Land Development of the Code of Ordinances of the  
6 City of Palm Beach Gardens, Florida is hereby amended at Section 78-344. Construction  
7 and maintenance. by repealing subsections (e), (l) and Table 32 readopting same, as  
8 revised; providing that Section 78-344 shall hereafter read as follows:  
9

10 **Sec. 78-344. Construction and maintenance.**

11  
12 (a) – (d) (These subsections shall remain in full force and effect as previously adopted.)  
13

14 (e) *Wheel stops.* Wheel stops, bumper stops, or nonmountable concrete curbing shall be  
15 installed within all parking spaces. The purpose of such parking control devices is to  
16 avoid encroachment into landscape areas, or avoid encroachment of parked cars into  
17 travel aisles or pedestrian facilities. Wheel stops are required for all grassed parking as  
18 set forth in Section 78-372.  
19

20 (f) – (k) (These subsections shall remain in full force and effect as previously adopted.)  
21

22 (l) *Parking stall and bay dimensions.*

23  
24 (1) Minimum dimensions. ~~Each standard space shall comply with the~~  
25 ~~requirements of Figure 15 and as indicated below.~~ The dimensions of a  
26 parking space shall not include access, travel, and maneuvering areas.  
27

28 a. *Standard space:* minimum ~~ten~~ 10 feet by 18.5 feet, or as listed in Table 32.  
29

30 b. *Reduced space for office uses:* minimum ~~nine~~ 9 feet by 18.5 feet, and shall  
31 comply with the requirements of Figure 15 and Table 32, subject to  
32 approval by the city council.

(Figure 15 remains in full force and effect as previously adopted.)

c. *Reduced space for retail and commercial uses:* ~~nine and one-half feet 9.5~~ by 18.5 feet, subject to approval by the city council.

d. *Parallel space:* minimum nine feet by 23 feet.

(2) – (3) (These subsections shall remain in full force and effect as previously adopted.)

(4) ~~Striping and marking of parking spaces. As indicated in Figure 15, all nine-foot parking spaces shall be double striped. As an alternative to double striping, the city engineer may authorize the use of contrasting paving materials, such as specialty paver bricks, as a means to identify individual parking spaces.~~

a. *Reduced space for office uses:* As indicated in Figure 15, all nine-foot parking spaces shall be double striped. As an alternative to double striping, the city engineer may authorize the use of contrasting paving materials, such as specialty paver bricks, as a means to identify individual parking spaces.

b. *Standard space:* All parking spaces 9.5 feet or greater may be single striped.

(m) *Parking bays.* Parking bays, which are the total of stall depth plus aisle width, shall provide for adequate maneuvering and parking space. Parking bays shall be subject to the minimum standard described in Table 32 and Figure 16.

(Figure 16 remains in full force and effect as previously adopted.)

Table 32. Minimum Parking Bay Dimensions for Nonresidential Uses and Residential Uses (3)

Angle A*(1)	Stall Width B*	Stall Depth C*	Aisle Width D*	Curb Length E*	Wall to Wall Width F*	Interlock to Interlock Width G*	Stall Depth to Interlock H*	Land Use I (1) (2)
45	9'0"	17'6"	12'0"	12'6"	47'0"	44'0"	15'6"	General
45	9'6"	17'6"	12'0"	13'6"	47'0"	44'0"	15'6"	Retail
45	10'0"	17'6"	12'0"	14'0"	47'0"	44'0"	15'6"	Unspecified
60	9'0"	19'0"	16'0"	10'6"	55'0"	52'0"	17'6"	General
60	9'6"	19'0"	15'0"	11'0"	54'0"	51'0"	17'6"	Retail
60	10'0"	19'0"	14'0"	11'6"	53'0"	50'0"	17'6"	Unspecified
70	9'0"	19'6"	19'0"	9'6"	58'0"	56'0"	18'6"	General
70	9'6"	19'6"	18'0"	10'0"	57'0"	55'0"	18'6"	Retail
70	10'0"	19'6"	17'0"	10'6"	56'0"	54'0"	18'6"	Unspecified
75	9'0"	19'6"	23'0"	9'6"	62'0"	60'0"	18'6"	General
75	9'6"	19'6"	22'0"	10'0"	61'0"	59'0"	18'6"	Retail
75	10'0"	19'6"	21'0"	10'6"	60'0"	58'0"	18'6"	Unspecified
80	9'0"	19'6"	24'0"	9'0"	63'0"	62'0"	19'0"	General

80	9'6"	19'6"	23'0"	9'6"	62'0"	61'0"	19'0"	Retail
80	10'0"	19'6"	22'0"	10'0"	61'0"	60'0"	19'0"	Unspecified
90	9'0"	18'6"	26'0"	9'0"	63'0"	63'0"	18'6"	General
90	9'6"	18'6"	25'0"	9'6"	62'0"	62'0"	18'6"	Retail
90	10'0"	18'6"	24'0"	10'0"	61'0"	61'0"	18'6"	Unspecified

Notes:

\*See Figure 15 16, Parking Stall Schematic.

Notes:

- (1) Dimensional requirements for stalls shall vary depending on the angle of parking provided (Column A) and the land use that the parking serves (Column I).
- (2) In column I above, "general" applies to parking spaces designated to serve all commercial uses, except retail uses and also residential uses with shared parking lots. Spaces to be reserved for use by disabled persons shall be governed by the rows labeled "handicapped." The label "unspecified" is included to provide a guideline for the design of spaces above the minimum required width.
- (3) The two-foot landscape overhang shall be provided in accordance with Section 78-315.

**SECTION 20.** Chapter 78. Land Development of the Code of Ordinances of the City of Palm Beach Gardens, Florida is hereby amended at Section 78-345. Number of parking spaces required. by repealing subsection (d)(1) and Table 33 readopting same, as revised; providing that Section 78-345 shall hereafter read as follows:

**Sec. 78-345. Number of parking spaces required.**

- (a) – (c) (These subsections shall remain in full force and effect as previously adopted.)
- (d) *Increase in parking spaces.*
  - (1) Increase of parking spaces allowed. As applicable to the type of development order, the city council, planning, zoning, and appeals board, or growth management director may authorize an increase in the number of parking in an amount not to exceed twenty percent of the required spaces. Professional Office and Assisted Living Facilities may increase the number of parking in an amount not to exceed thirty percent of the required spaces.
  - (2) - (4) (These subsections shall remain in full force and effect as previously adopted.)

Table 33: Required Off-Street Parking Spaces

CULTURAL, ENTERTAINMENT, AND RECREATIONAL		
Use/Category	Spaces Required	Notes
Club or Lodge Club, Lodge, or Clubhouse, Private	1 space per 300 square feet	

1 (The remainder of this entire table and notes shall remain in full force and effect as  
2 previously adopted.)  
3

4 **SECTION 21.** Chapter 78. Land Development of the Code of Ordinances of the  
5 City of Palm Beach Gardens, Florida is hereby amended by adopting new Section 78-  
6 347, to be entitled "Valet parking."; providing that Section 78-347 shall hereafter read as  
7 follows:  
8

9 **Sec. 78-347. Valet parking.**

10 A request to establish valet parking shall be subject to the following criteria:

- 11
- 12 (a) Valet parking area must be clear of driveways, drive aisles, fire lanes, and  
13 handicapped parking spaces and/or accessible ramps.
- 14
- 15 (b) Valet parking shall not utilize more than 30 percent of the onsite parking for the  
16 project providing such service.
- 17
- 18 (c) The area of the valet parking shall not modify the approved access circulation.
- 19
- 20 (d) A request to establish valet parking shall include the location of the valet booth or  
21 area:  
22
- 23 1. The location of the valet booth area or parking;
  - 24 2. The location and number of parking spaces to be utilized for valet parking;
  - 25 3. Evidence that the business owns the parking spaces proposed for valet  
26 use or a copy of any agreement, lease, etc., which provides the business  
27 with the right to use spaces owned by another individual or entity for valet  
28 parking;
  - 29 4. The impact of the valet parking service on users who do not patronize the  
30 service;
  - 31 5. The hours of operation;
  - 32 6. Location and text of any signage associated with the valet parking spaces;  
33 and
  - 34 7. Buffering or screening that is necessary to mitigate any visual or noise-  
35 related impacts on any adjacent residential properties.  
36

37

38 (e) This section in its entirety shall be effective October 1, 2017.  
39

40 Secs. ~~78-347~~ 78-348-78-360. Reserved.  
41

42 **SECTION 22.** Chapter 78. Land Development of the Code of Ordinances of the  
43 City of Palm Beach Gardens, Florida is hereby amended at Section 78-362. Size and  
44 location of loading space. by repealing subsection (a) and (b)(3) readopting same, as  
45 revised; providing that Section 78-362 shall hereafter read as follows:  
46

1 **Sec 78-362. Size and location of loading spaces.**

2  
3 (a) *Minimum dimensions.* Off-street loading spaces shall comply with the minimum  
4 dimensions indicated below, or as otherwise determined by the City after the review  
5 of the use and site plan.

6  
7 (1) – (4) (These subsections shall remain in full force and effect as previously  
8 adopted.)

9  
10 (b) *Location.* Except as otherwise provided, off-street loading facilities shall be located  
11 on the same property which they serve.

12  
13 (1)-(2) (These subsections shall remain in full force and effect as previously adopted.)

14  
15 (3) Refrigerated trucks. Refrigerated trucks, and other trucks which require  
16 compressors, engines, refrigeration equipment, and similar equipment to be  
17 continuously or periodically operational shall not park within 250 feet of any  
18 residential zoning district during the hours of 7:00 p.m. to 7:00 a.m. on weekdays,  
19 and 7:00 p.m. to 9:00 a.m. on Saturday and Sunday.

20  
21 **SECTION 23.** Chapter 78. Land Development of the Code of Ordinances of the  
22 City of Palm Beach Gardens, Florida is hereby amended at Section 78-378. Dumpsters.  
23 by repealing subsection (b)(2)(g) readopting same, as revised; providing that Section 78-  
24 378 shall hereafter read as follows:

25  
26 **Sec. 78-378. Dumpsters.**

27  
28 (a) – (b) (1) (These subsections shall remain in full force and effect as previously  
29 adopted.)

30  
31 (2) *Screening.*

32  
33 a. through f. (These subsections shall remain in full force and effect as previously  
34 adopted.)

35  
36 g. All existing nonconforming dumpsters in the city shall be required to come  
37 into compliance with these regulations ~~no later than May 1, 2014~~ in  
38 accordance with Article VI. NONCONFORMITIES.

39  
40 h. (This subsection shall remain in full force and effect as previously adopted.)

41  
42 **SECTION 24.** Chapter 78. Land Development of the Code of Ordinances of the  
43 City of Palm Beach Gardens, Florida is hereby amended by repealing the title of  
44 Subdivision IV readopting same, as revised; providing that the title of Subdivision IV shall  
45 hereafter read as follows:

1 *Subdivision IV. - Parking and Storage of Commercial Vehicles, ~~Boats, Buses, Trailers,~~*  
2 *~~Trucks, and Recreational Vehicles, Watercraft, and Portable Storage Units.~~*

3  
4 **SECTION 25.** Chapter 78. Land Development of the Code of Ordinances of the  
5 City of Palm Beach Gardens, Florida is hereby amended at Section 78-391. Parking and  
6 storage of commercial vehicles, boats, buses, trailers, trucks and recreational vehicles.  
7 by repealing Section 78-391 and readopting same, as revised; providing that Section 78-  
8 391 shall hereafter read as follows:

9  
10 **Sec. 78-391. Parking and storage of commercial vehicles, ~~boats, buses, trailers,~~**  
11 **trucks, and recreational vehicles, watercrafts, and portable storage units.**

12  
13 The purpose of this subdivision is to preserve the quality of residential areas in  
14 the city by restricting and regulating the parking and storage of ~~certain~~ commercial  
15 vehicles, trailers, trucks, recreational vehicles, and watercraft, and portable storage  
16 units in residential districts.

17  
18 **SECTION 26.** Chapter 78. Land Development of the Code of Ordinances of the  
19 City of Palm Beach Gardens, Florida is hereby amended to adopt a new section 78-392.  
20 Entitled "Parking and storage of portable storage units."; providing that Section 78-392  
21 shall hereafter read as follows:

22  
23 **Sec. 78-392. Reserved. Sec. 78-392. Parking and storage of portable storage units.**

24  
25 (a) Time limitation. The temporary use and placement of a portable storage unit for the  
26 loading or unloading of items to or from the unit or residence is permitted on residential  
27 property for a period of time not to exceed fourteen (14) consecutive days. The growth  
28 management director or designee may grant one (1) extension not to exceed fourteen  
29 (14) additional consecutive days for good cause. Only one (1) portable storage unit per  
30 residential premises is permitted in any twelve (12)-month period unless there is a change  
31 of ownership of the residential premises during such twelve-month period.

32  
33 (b) Placement. The placement of the portable storage unit shall be on either the  
34 driveway or approved parking area surface and shall be accomplished in such a manner  
35 that no landscaping is damaged as a result. Portable storage units shall not be placed  
36 within any right-of-way or over any easement.

37  
38 (The remainder of this page intentionally left blank)

1 (c) Removal of portable storage units during tropical storm watch or warning and  
 2 hurricane warning or watch required. In the event the National Weather Service, National  
 3 Hurricane Center, or appropriate weather agency declares a tropical storm watch or  
 4 warning or a hurricane watch or warning that would impact Palm Beach Gardens, all  
 5 portable storage units located within the City shall be immediately removed from the  
 6 property so as not to create a safety hazard because of hurricane or tropical storm force  
 7 winds. The removal and replacement of any portable storage unit pursuant to this sub-  
 8 section shall not count toward the twelve (12)-month limitation period as set forth in sub-  
 9 section (a) above nor shall compliance with this sub-section diminish the total number of  
 10 days allowed.

11  
 12 **SECTION 27.** Chapter 78. Land Development of the Code of Ordinances of the  
 13 City of Palm Beach Gardens, Florida is hereby amended at Section 78-396. Valid non-  
 14 conforming uses. by repealing subsection (c)(3) and readopting same, as revised;  
 15 providing that Section 78-396 shall hereafter read as follows:

16  
 17 **Sec. 78-396. Valid non-conforming uses.**

18  
 19 (a) – (b) (These subsections shall remain in full force and effect as previously adopted.)

20  
 21 (c) *Restrictions and guidelines.* Parking and storage of a validly-registered RV or  
 22 watercraft shall be subject to the restrictions and guidelines listed below.

23  
 24 (1) – (2) (These subsections shall remain in full force and effect as previously  
 25 adopted.)

26  
 27 (3) Front yard parking. A RV or watercraft parked or stored in a front yard shall  
 28 be situated perpendicular to the adjacent right-of-way. RVs or watercraft parked or  
 29 stored on corner lots may be located on either street side of the residence. Parking or  
 30 storage of a RV or watercraft parallel to the front property line of a lot shall be prohibited  
 31 ~~except where a curved or circular driveway exists.~~ A RV or watercraft shall never extend  
 32 in to any street right-of-way or sidewalk. A RV or watercraft shall not block or impede  
 33 access to the rear of a lot.

34  
 35 (4) – (6) (These subsections shall remain in full force and effect as previously  
 36 adopted.)

37  
 38 (d) (This subsection shall remain in full force and effect as previously adopted.)

39  
 40 **SECTION 28.** Chapter 78. Land Development of the Code of Ordinances of the  
 41 City of Palm Beach Gardens, Florida is hereby amended at Section 78-661. Performance  
 42 standards. by repealing subsection (b)(2) and readopting same, as revised; providing that  
 43 Section 78-661 shall hereafter read as follows:

1 **Sec. 78-661. Performance standards.**

2  
3 (a) (This subsection shall remain in full force and effect as previously adopted.)

4  
5 (b) *Noise*. Equivalent sound levels shall not exceed the standards listed below when  
6 measured at the property line.

7  
8 (1) *Residential*. If the source creating the noise is residential:

9  
10 a. Between 8:00 a.m. and 11:00 p.m.: 60 dBA; and

11  
12 b. Between 11:00 p.m. and 8:00 a.m.: 50 dBA.

13  
14 (2) *Commercial Non-residential*. If the source creating the noise is ~~commercial non-~~  
15 residential:

16  
17 a. Between 8:00 a.m. and 11:00 p.m.: 65 dBA; and

18  
19 b. Between 11:00 p.m. and 8:00 a.m.: 60 dBA.

20  
21 (3) – (4) (These subsections shall remain in full force and effect as previously adopted.)

22  
23 (c) – (l) (These subsections shall remain in full force and effect as previously adopted.)

24  
25 **SECTION 28.** Chapter 78. Land Development of the Code of Ordinances of the  
26 City of Palm Beach Gardens, Florida is hereby amended at Section 78-751. Definitions.  
27 by amending the definitions of “Club or lodge”, “Community residential home, type II”,  
28 “Planned community district”, and “Planned development”, and by adopting a new  
29 definition for “Portable storage unit”; providing that these definitions shall be placed within  
30 Section 78-751 in alphabetical order and shall hereafter read as follows:

31  
32 **Sec. 78-751. Definitions.**

33  
34 The following words, terms, and phrases, when used in these land development  
35 regulations, shall have the meanings ascribed to them in this chapter, except where the  
36 context clearly indicates a different meaning:

37  
38 *Club, or lodge, or Clubhouse* means buildings or facilities owned or operated by a  
39 corporation, association or person for a social, educational, or recreational purpose, but  
40 not primarily for profit or to render a service which is customarily carried on as a  
41 business.

42  
43 *Commercial vehicle* means any motor vehicle having a carrying capacity of more than  
44 one (1) ton and/or a towed trailer, regardless of size, which is used for commercial  
45 purposes or has an outward appearance of being used in connection with a business,  
46 including, but not limited to, openly visible or unconcealed load of equipment, cargo, tools,

1 construction materials, mounted accessories that a reasonable person would associate  
 2 with commercial activity, or the display of a business name, logo, address, telephone  
 3 number, or business license number. The use of canvas, tarpaulin, or other similar  
 4 materials or similar covers does not constitute concealment as required herein. Such  
 5 vehicle must be owned by the resident or be assigned to the resident by the business or  
 6 entity which the vehicle serves, shall not be used for storage purposes, and is limited to  
 7 one (1) such vehicle per residence.

8  
 9 *Community residential home, type II* means a dwelling unit licensed to serve clients  
 10 of the department of children and family services, or successor agency, in a living  
 11 environment of not ~~more~~ less ~~that~~ than seven but not more than 14 unrelated residents  
 12 who operate as the functional equivalent of a family, including such supervision and  
 13 care by supportive staff as may be necessary to meet the physical, emotional, and social  
 14 needs of the residents.

15  
 16 *Planned community district development (PCD)* means a development encouraging  
 17 creativity and imagination in the planning and development or redevelopment of large  
 18 tracts of land for various uses and activities associated with a planned community under  
 19 one master plan that may include a mix of land use types at different levels of intensity.  
 20 May also be referred to as Planned Community District.

21  
 22 *Planned development* means a planned community district or a planned unit  
 23 development, or a subdivision that has a Homeowners Association (HOA).

24  
 25 *Portable storage unit* means any portable, above-ground containers, including, but not  
 26 limited to, any storage component of a portable storage or moving system or other  
 27 containers used for temporary storage of personal property, household goods, or other  
 28 materials whether or not the component is on wheels or requires transportation via motor  
 29 vehicle. Portable storage units are intended only to be used for short-term storage.

30  
 31 **SECTION 29.** All ordinances or parts of ordinances in conflict be and the same are  
 32 hereby repealed.

33  
 34 **SECTION 30.** Should any section or provision of this Ordinance or any portion  
 35 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction  
 36 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

37  
 38 **SECTION 31.** Specific authority is hereby granted to codify this Ordinance.

39  
 40 **SECTION 32.** This Ordinance shall become effective immediately upon adoption.

1 PASSED this \_\_\_\_ day of \_\_\_\_\_, 2017, upon first reading.

2

3 PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017, upon  
4 second and final reading.

5

6

7 CITY OF PALM BEACH GARDENS FOR AGAINST ABSENT

8

9 BY: \_\_\_\_\_

10

Marcie Tinsley, Mayor

11

12 \_\_\_\_\_

13

Eric Jablin, Vice Mayor

14

15 \_\_\_\_\_

16

Robert G. Premuroso, Councilmember

17

18 \_\_\_\_\_

19

Maria Marino, Councilmember

20

21 \_\_\_\_\_

22

Carl Woods, Councilmember

23

24

25 ATTEST:

26

27

28 BY: \_\_\_\_\_

29

Patricia Snider, CMC, City Clerk

30

31

32 APPROVED AS TO FORM AND  
33 LEGAL SUFFICIENCY

34

35

36 BY: \_\_\_\_\_

37

R. Max Lohman, City Attorney

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