

ORDINANCE NO. 2018- 6

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 4, CHAPTER B, SUPPLEMENTARY USE STANDARDS, SECTION 1, USES, PROVIDING FOR CHANGES IN THE LOCATION, USE LIMITATION, AND DEVELOPMENT THRESHOLDS FOR PLACE OF WORSHIP, PROVIDING FOR A MODIFICATION OF THE USES PERMITTED IN MEDICAL OR DENTAL OFFICE AND PROVIDING FOR APPROVAL PROCESS FOR USE IN RETAIL SALES, GENERAL; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its' own comprehensive plan; and

WHEREAS, the pursuant to Section 163.3174(4)(C), the Planning and Zoning Board, sitting as the Local Planning Agency(LPA), has the authority to review proposed land development regulations, land development codes, or amendments thereto; and

WHEREAS, the Developer has requested review of a provision of the land development codes regarding the supplemental use standards utilized for place of worship developments within the City of Westlake, wherein the existing code provides frontage and access requirements, location of facilities and use limitations; and

WHEREAS, the Developer has requested places of worship greater than or equal to 15,000 square feet have frontage and access on an arterial or collector street, places of worship greater than 5,000 square feet and less than 15,000 square feet shall have frontage and access from an arterial, collector or local commercial street, and a place of worship less than 5,000 square feet, shall have frontage and access from a local residential street; and

WHEREAS, the Developer has requested the deletion of paragraphs 1, 2, 5, and 6, under "use limitations", removing the DRO Approval process, the accessory/collocated use provision, and the institutional designation permitting housing as an accessory use, and removing the reference to the AGR District; and

WHEREAS, the Developer has requested a modification to the definition of the term "Medical or Dental Office", which modification would permit "immediate and/or emergent" examinations and or treatment for patients where no overnight stays are permitted; and

WHEREAS, the Developer has requested a modification to the "general retail sales" in the Mixed Use Planned Development ("MUPD") district, and the Economic Development Center ("EDC") districts, which would permit an approval by the DRO process for developments less than 2,500 square feet in size and approval by the City Council for developments in excess of 2,500 square feet; and

WHEREAS, the Developer's requested changes to the City of Westlake's interim land development code are shown in underline for the additions to the code and strike through for the deletions to the code, as set forth in the attached Exhibit "A"; and

WHEREAS, the City of Westlake's Planning and Zoning Board, sitting as the Local Planning Agency(LPA), had the opportunity to review the requested changes at a public hearing, and to make a recommendation to the City Council for the City of Westlake; and

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant and the, within Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, (29) Place of Worship, of the City's interim land development code, which changes will allow for frontage and access for places of worship based upon square footage, removes references to housing as an accessory use in the institutional future land use designation, and removes references to the agricultural tier uses; and

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant and the, within Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, (83) Medical or Dental Office, of the City's interim land development code, which changes will allow for immediate and/or emergent care services to be provided within the medical or dental office use categories; and

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant and the, within Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, (114) Retail Sales, General, which will allow for general retail sales of less than 2,500 square feet to be approved by the DRO, and for general retail sales in excess of 2,500 square feet to be approved by the City Council; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the City Council for the City of Westlake has found and determined that the adoption of the land development text amendment to Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

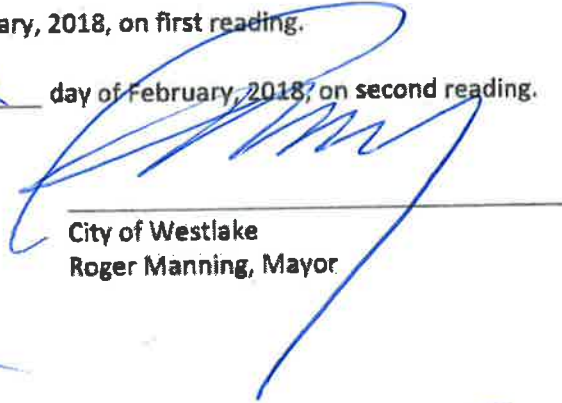
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

- Section 1.** **Incorporation:** The above recitals are true and correct and are incorporated herein by this reference.
- Section 2.** **Amendment:** The City of Westlake hereby amends the interim Land Development Code, Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, as shown in underline and strikethrough format, in the Exhibit "A" attached hereto and incorporated herein, said amendments are applicable to the standards for "Place of Worship", "Medical or Dental Office", and "Retail Sales, General" within the jurisdictional boundaries of the City of Westlake.
- Section 3.** **Severability:** Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

Section 4. Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this 8 day of January, 2018, on first reading.


PASSED AND ADOPTED this 12 day of February, 2018, on second reading.



City of Westlake
Roger Manning, Mayor



Sandra DeMarco, City Clerk



City Attorney
Pam E. Booker, Esq.

Exhibit "A"
City of Westlake Amendment to Article 4, Chapter B, Supplemental Use Standards

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ARTICLE 4

USE REGULATIONS

CHAPTER A USE CLASSIFICATION

Section 1 General

A. Use Matrix

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

B. PDDs and TDDs

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

C. Overlays

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

D. Airport Zones

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

E. District Specific Regulations

Special standards apply within certain districts as specified in this Article.

Section 2 Definitions

See Art. 1.I. Definitions and Acronyms

Section 3 Use Matrix

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

A. Standard Use Matrix

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

1. Permitted

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

2. DRO

Uses identified with a "D" or exceeding the thresholds of Table 4.A.3.A. Threshold for Projects Requiring DRO Approval are permitted subject to approval by the DRO in accordance with Article 2.D. ADMINISTRATIVE PROCESS. [Ord. 2006-002]

3. General Requirement

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

4. Special Permit

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

5. Class B Conditional Use

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

6. Class A Conditional Use

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

7. Prohibited Uses

- 4) Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23, 1976. [Ord. 2015-006]
 - 5) A columbarium consisting of less than one-half acre which is collocated with a Place of Worship. [Ord. 2015-006]
 - 6) A mausoleum consisting of two acres or less which is collocated with a Place of Worship. [Ord. 2015-006]
 - 7) A columbarium consisting of five acres or less which is located on the main campus of a state university as defined in s. 1000.21(6). [Ord. 2015-006]
- c. **RM District**
In the RM district, a cemetery may include a funeral home or a crematory subject to approval as a Class A Conditional Use, provided the use is restricted to those being interred within that cemetery. [Ord. 2013-001]
 - d. **Pet Cemetery**
A pet cemetery shall be permitted in the CG and IPF districts as a Class A Conditional Use. [Ord. 2013-001]
- 28. Chipping and Mulching**
An establishment using equipment designed to cut tree limbs, brush or wood construction debris into small pieces for use as mulch.
- a. **Lot Size**
A minimum of five acres.
 - b. **Setback**
A minimum of 500 feet from any property line abutting a residential district.
 - c. **Accessory Uses**
Potting soil manufacturing may be allowed as an accessory use to chipping and mulching.
 - d. **Access**
An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local residential street shall be prohibited. Access from a local commercial street shall be prohibited where the street also serves residential uses. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site. [Ord. 2005 – 002]
 - e. **Storage**
Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Article 5.B. ACCESSORY AND TEMPORARY USES.
 - f. **Hours of Operation**
The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1000 feet of a residential zoning district.
 - g. **Supplemental Application Requirements**
 - 1) **Site Plan**
A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, chipper and storage piles.
 - 2) **Waste Volume**
An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
 - 3) **Dust Control**
A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.
 - h. **AR/RSA**
May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]
- 29. Place of Worship**
Means a sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that require additional approval, such as a day care, school, cemetery, or CLF. [Ord. 2005-041] [Ord. 2006-013]

~~a. Frontage and Access~~

~~A place of worship with collocated uses such as a day care, school, CLF, or cemetery; or, in excess of 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or an arterial street. [Ord. 2006-013]~~

~~a. Location~~

~~A Place of Worship shall be in compliance with one of the following:~~

- ~~1) A Place of Worship greater than or equal to 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial or Collector Street.~~
- ~~2) A Place of Worship greater than or equal to 5,000 square feet and less than 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial, Collector or Local Commercial Street.~~
- ~~3) A Place of Worship less than 5,000 square feet, including accessory uses, may have frontage on and access from a Local Residential Street.~~

~~b. Use Limitations~~

~~1) DRO Approval~~

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

~~2) Accessory/Collocated Use~~

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

~~3) Temporary Sales~~

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

~~4) Limited Day Care~~

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

~~5) INST~~

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

~~6) AGR District~~

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

30. College or University

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

31. Communication Towers, Commercial

Any tower whose principal use is to facilitate transmissions for AM/FM radio, television, microwave and cellular telephone transmission towers, antennae and accessory equipment and buildings. All tower and antennae types are subject to standards in Article 4.C. COMMUNICATION TOWER, COMMERCIAL.

a. Communication Panel Antennas, Commercial

Standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards.

b. Communication Cell Sites on Wheels (COWs)

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

32. Community Vegetable Garden

A plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.

a. Accessory Structures

Accessory structures shall be limited to 400 square feet.

b. Setbacks

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

c. Spraying

c. Flex Space

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

82. Marine Facility

A commercial facility related to boating. Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels. Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan.

[Ord. 2009040]

a. Boatel Units

A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one for using 1,000 square feet of dry land for each unit.

b. Setbacks

Dry storage of boats and other marina related uses may be setback zero feet from the water's edge.

83. Medical or Dental Office

An establishment where patients, who are not lodged overnight, are admitted for immediate and/or emergency examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. [Ord. 2005 – 002] [Ord. 2010009] [Ord. 2011-001] [Ord. 2011-016]

a. CN District

May exceed 3,000 square feet of GFA if approved as a Class A conditional use.

b. Ambulatory Surgical Center

Ambulatory surgical centers licensed by the Florida Agency for Health Care Administration (AHCA), under the authority of F.S. Chapter 395, Part 1, and FAC Chapter 59A-5, limited to the provision of elective same day surgical care, where patients are ambulatory. [Ord. 2005-041]

1) Floor Area

- a) An ambulatory surgical center up to 10,000 square feet of GFA may be permitted subject to the approval process for a medical or dental office. [Ord. 2005-041]
- b) An ambulatory surgical center greater than 10,000 square feet of GFA is only permitted in developments with a CH FLU designation, subject to BCC approval as a Class A or Requested Use. [Ord. 2005-041]

2) Elective Surgical Care

Ambulatory surgical centers must not be designed to accept patients requiring emergency care, including the provision of ambulance drop off areas; however, ambulatory surgical centers may be permitted to incorporate ambulance loading zones and related emergency facilities necessary to address any complications that may arise during normal procedures, as required by AHCA or Florida Statute. [Ord. 2005-041]

c. INST FLU Designation

A medical or dental office may be permitted subject to DRO approval, within the boundaries of the following five site specific FLUA amendments: [Ord. 2011-001] [Ord. 2012-027]

- 1) SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005; [Ord. 2012-027]
- 2) SCA 2008-015, Jog/Joe DeLong Institutional, Ord. 2008-005; [Ord. 2012-027]
- 3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008; [Ord. 2012-027]
- 4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. 2010-031; and, [Ord. 2012-027]
- 5) LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. [Ord. 2012-027]

84. Medical or Dental Laboratory

A facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.

a. Flex Space

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

85. Mobile Home Dwelling

The use of a lot or a unit for one mobile home.

a. Mobile Home

beverage license. The Special Permit shall be subject to the following restrictions: [Ord. 2006-004]

1) Accessory Use

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

2) Kitchen

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

3) Floor Area

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

4) Special Permit Renewal

The Special Permit shall be renewed annually.

b. Use Limitations and Approval Process

1) DRO Approval

a) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC

A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-036] [Ord. 2007-013]

b) CHO District; and PDDs with a CHO FLU

If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013]

c) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial Use Zone

A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013]

2) Catering Service

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

3) Take Out Service

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

4) TND, TMD, and LCC Districts

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

112.Reserved for Future Use

113.Retail Sales, Auto Accessories and Parts

An establishment providing retail sales of auto accessories and parts.

a. Architecture

Stand alone or freestanding auto accessory and parts stores contiguous to a public street or residential zoning district shall comply with Article 5.C. DESIGN STANDARDS.

b. Disposal of Motor Oil

Auto part stores shall provide an oil recycling drum or other device for the disposal of motor oil, as prescribed by the U.S. Environmental Protection Agency (EPA).

c. LCC District

Sales shall be limited to 3,000 square feet GFA provided that the use is not located in a freestanding building and shall not have outdoor storage or any installation of vehicle parts in the main streets or parking lots. [Ord. 2010-005]

114.Retail Sales, General

An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores),

window tinting, marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services. [Ord. 2011-016]

a. TND District

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

b. TMD District

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

c. MUPD / EDC District

In a MUPD/EDC district, general retail sales 2,500 SF in size or less shall be approved by the DRO. Tenants occupying a bay larger than 2,500 SF in size shall be a requested use and require approval from the City Council.

(This space intentionally left blank)

c.d. CN District

Shall be limited to a maximum of 3,000 square feet of GFA per use.

~~d. LOSTO~~

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

e. Fireworks

The retail sale or storage of fireworks as a principal use in any commercial district is prohibited.

1) Exception

Temporary sale of sparklers, subject to a special permit.

~~f. SR-7 EDO~~

~~Shall be prohibited as a principal use. [Ord. 2010-022]~~

g.f. Sale or Dispensing of Controlled Substances - Pharmacy

A pharmacy shall be subject to the following: [Ord. 2011-016]

- 1) No more than 15 percent of the total number of prescriptions filled within a thirty (30) day period can be derived from the sale of controlled substances that are identified in Schedule II in accordance with F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, as determined by audits or information provided through the Florida Department of Health or any other government agency having the legal right to view such records. [Ord. 2011-016]

115. Retail Sales, Mobile or Temporary

General retail sales without a fixed or permanent location.

a. General Requirements

1) Frontage

Mobile or temporary retail sales shall front an arterial street.

2) Setbacks

Mobile or temporary retail sales shall comply with the setbacks of the district. The minimum setback from streets is 20 feet. Setbacks shall not be located in any safe sight triangle.

3) Insurance

Proof of liability insurance shall be submitted listing the BCC as additionally insured or certificate holder, paid in full covering the period for which the permit is issued, in the minimum amount of \$500,000 per occurrence.

4) Landscape

Mobile or temporary sales shall not be located in any landscape buffer.

5) Location Plan

An application for mobile or temporary sales shall submit a plan delineating location, parking and signage.

6) Warranty Deed

Submit a copy of the recorded warranty deed for the property.

b. Temporary Sales

Temporary sales shall be conducted without a fixed or permanent location. Typical uses include sparklers, as defined in F.S. §791.01, or special event sales, such as the sale of furniture, and seasonal sales regulating (e.g. Christmas trees, pumpkins) that may require a tent or temporary structure.

1) Districts

Limited to the CN, CC, CG, IPF, AGR, UC, UI, MUPD, or MXPD Zoning districts. [Ord. 2011-016]

2) AGR District

Temporary sales in the AGR district shall be limited to plants, pumpkins and Christmas trees.

3) Duration

Temporary sales shall not exceed 30 days in duration. Issuance of a Special Permit shall be limited to four times a year per parcel.

4) Tent

A maximum of one temporary tent or structure shall be allowed per parcel.

5) Sign

One on-site, non-illuminated freestanding sign shall be permitted. This sign shall not exceed 32 square feet in sign area, shall not exceed six feet in height from finished grade, and shall

be located at least five feet from all base building lines. The sign may remain on the site only for the approved duration of the temporary sale.

- 6) **Debris**
All debris shall be removed within 48 hours of expiration of the Special Permit and the property returned to its original condition.
- 7) **Storage**
Temporary storage trailers may be permitted in conjunction with temporary sales. Trailers shall not obstruct primary circulation routes and shall be parked the maximum extent possible from all buildings on or surrounding the site.

c. Special Provisions for Sparklers

Sale of sparklers shall comply with the following additional requirements:

1) **Seasonal Limitations**

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

2) **CG and IL Districts**

Limited to the sale of sparklers only.

3) **Hours of Operation**

Hours of operation shall be limited from 7 a.m. to 11 p.m. daily.

4) **Electrical Service**

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

5) **Supplemental Application Requirements**

The Special Permit application shall include the following information:

a) **Liability**

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

b) **Certification**

A certification of registration from the State Fire Marshal authorizing the sale of sparklers.

c) **Affidavit of Compliance**

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

6) **Documentation**

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

d. Mobile Sales [Ord. 2005 - 002]

Mobile sales shall be conducted from a portable stand, structure, or trailer which is removed each night. Mobile sales operations shall be limited to flowers and food products and shall:

1) **District**

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

2) **Location**

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

3) **Adjacent Residential District**

Mobile sales shall be located a minimum of 300 feet from the property line of any existing residential use.

4) **Number**

Only one mobile sales vendor shall be permitted per parcel of land.

5) **Electric Service**

Electric service shall not be permitted.

6) **Hours of Operation**