

## Boynton Beach Code

D. Use Matrix (Table 3-28).

P = Permitted C = Conditional A = Accessory	Residential							Commercial						Mixed-Use					Industrial		Misc				
	R-1-AAB	R-1-AA	R-1-A	R-1	R-2	R-3	IPUD/	PUD	MHP	C-1	C-2	C-3	C-4	CBD	PCD	SMU	MU-L1	MU-L2	MU-L3	MU-4	MU-H	M-1	PID	PU	REC
<b>RESIDENTIAL &amp; LODGING</b>																									
Accessory Dwelling Unit						P 36				P 36	P 36	P 36	P 36									P 36		P 20 36	P 20 36
Bed & Breakfast	C 37	C 37	C 37	C 37		C 37					C 37			C 37											
Dwelling, Single-family (detached)	P 34	P 34	P 34	P 34	P 34	P 19 34	P 34	P 34			P 18 19 34					P 34								A 20 34	A 20 34
Dwelling, Two-family (duplex)					P 34	P 19 34	P 34	P 34			P 18 19 34	P 34 38		C 34	P 34 38	P 34	P 34	P 34	P 34		C 34			A 20 34	A 20 34
Dwelling, Multi-family						P 19 34	P 34	P 34			P 18 19 34	P 34 39		C 34	P 34 39	P 34	P 34	P 34	P 34	P 6 34	P 6 34		P 27 34	A 20 34	A 20 34
Dwelling Units in Mixed Use Buildings						P 18 19 34					P 18 19 34			P 34		P 34	P 34	P 34	P 34	P 6 34	P 6 34		P 27 34	A 20 34	A 20 34
Group Home Type 1 (2 per room up to 10 residents, limited service)	P 40	P 40	P 40	P 40	P 40	P 40																			
Group Home Type 2 (2 per room up to 14 residents, limited service)					P 14 40	C 40		C 40																	
Group Home Type 3 (comprehensive service)						C 14 40		C 40		C 40	C 40	P 40			P 40		C 40	C 40	C 40						
Hotel & Motel												P 41	P 41	P 41	P 41	C 41	C 41	C 41	C 41	P 41	P 41		P 41		
Live-Work Units																P 42	P 42	P 42	P 42	P 42	P 42		P 27		
Manufactured Home									P 34																
Townhouse						P 19 34	P 34	P 34			P 18 19 34	P 34		C 34	P 34	P 34	P 34	P 34	P 34	P 34		P 27 34	A 20 34	A 20 34	

## Use Regulations

P = Permitted C = Conditional A = Accessory	Residential									Commercial					Mixed-Use					Industrial		Misc				
	R-1-AAB	R-1-AA	R-1-A	R-1	R-2	R-3	IPUD/	PUD	MHP	C-1	C-2	C-3	C-4	CBD	PCD	SMU	MU-L1	MU-L2	MU-L3	MU-4	MU-H	M-1	PID	PU	REC	
<b>COMMERCIAL</b>																										
<b>Retail Sales</b>																										
Art, Book, Craft, Hobby, Music, Sporting Goods, & Toys						P 18					P 1	P	P	P 43	P	P 10 17	P 17	P 17	P 17	P 17	P 17			P 28 43	A 20	A 20
Auto Dealer, New or Used													A 44					P 14 16 44		P 14 16 44		A 44	C 44			
Automotive Parts Store												P	P	P	P	P 17	P 17	P 17	P 17		P 17	P 23	P 27			
Beer, Wine, & Liquor Store												P 35		P 35	P 35	P 17 35	P 17 35	P 17 35	P 17 35	P 17 35	P 17 35			P 15 27 35		
Boat Dealer/Rental												P 45	P 45		P 45					A 16 45	A 16 45	A 45	C 45			
Cleaning Supply Store (Swimming Pool, Janitorial)											P 1	P	P	P	P	P 17	P 17	P 17	P 17		P 17	P 22	P 28			
Clothing & Accessories						P 18					P 1	P	P	P	P	P 10 17	P 17	P 17	P 17	P 17	P 17			P 28 30		
Convenience Store											P 2 3 35	P 3 35	P 3 35	P 7 35	P 35	P 17 35	P 17 35	P 17 35	P 17 35	P 1 11	P 17 35	P 22 35	P 15 27 35			
Cosmetics, Beauty supply, & Perfume						P 18					P 1	P	P	P	P	P 10	P	P	P	P 17	P			P 28 30		
Electronics & Appliance Store											P 1	P	P	P	P	P 10	P 14	P 14	P 14	P 17	P	P 22	P 28 30			
Florist						P 18					P 1	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P 27			
Furniture & Home furnishing						P 18					P 1	P	P	P	P	P 10 17	P 17	P 17	P 17	P 17	P 17	P 22	P 2 28 30			
Gasoline Station											C 46	C 46	C 46		C 46				C 16 46		C 16 46					
Grocery Store												P		P	P	P 10 17	C 17 47	P 17 47	P 17 47	P 17	P 17 47		P 27			

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<b>COMMERCIAL</b>																											
<b>Retail Sales (Cont'd)</b>																											
Hardware Store										P 2	P	P		P 48	P	P 17	P 17 48	P 17 48	P 17 48	P 17 48	P 17 48	P 22	P 27 48				
Health & Personal Care (Eyeglass, Medical Supplies, Hearing-Aids)					P 18 68					P	P	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P 27				
Home Improvement Center											P				P	P 10 16									P 16 27 49		
Jewelry, Luggage, & Leather Goods					P 18					P 1	P	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17		P 28				
Marine Accessories										P 1 50	P	P	P	P	P	P 17	P 17 50	P 17 50	P 17 50	P 17 50	P 17 50	P 22	P 28				
Merchandise, New (Supercenter, Discount, Department, Club)											P				P	P 10 16									P 16 27 51		
Merchandise, Used (Antique & Consignment Shops and Bookstores)					P 18 52					P 52	P 52	P 52	P 52	P 52	P 52	P 17 52	P 17 52	P 17 52	P 17 52	P 17 52	P 17 52		P 27 52				
Merchandise, Used (Other)											P 53	P 53			P 53												
Mobile Vending Unit (MVU)										P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54		P 54				
Multiple-Vendor Market											P 55	P 55			P 55										P 15 27 55		
Novelty, Gift, Souvenir, & Miscellaneous					P 18					P 1	P	P	P	P	P	P 17	P 17	P 17	P 17	P 1 11	P 17		P 27	A 20	A 20 21		
Nursery, Garden Ctr. & Farm Supply										P 2 3 56	P 3 56	P 3 56			P 3 56										P 3 22 56		
Office Supplies & Stationery										P 1	P	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17		P 28				
Pet Store & Supplies					P 18					P 1	P	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17		P 28				

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	R-1-AAB	R-1-AA	R-1-A	R-1	R-2	R-3	IPUD/	PUD	MHP	C-1	C-2	C-3	C-4	CBD	PCD	SMU	MU-L1	MU-L2	MU-L3	MU-4	MU-H	M-1	PID	PU	REC	
<b>COMMERCIAL</b>																										
<b>Retail Sales (Cont'd)</b>																										
Pharmacy & Drug Store										P 1 57	P 2 57	P 57	P 57	P 57	P 57	P 17 57	P 17 57	P 17 57	P 17 57	P 17 57	P 17 57			P 15 27 57		
Restaurant					P 18 58					A 58	P 2 58	P 58	P 58	P 58	P 58	P 17 58	P 17 58	P 17 58	P 17 58	P 17 58	P 17 58	P 58	P 27 58	A 20 58	A 20 21 58	
Restaurant, Take-out					P 18			P 2 8			P 2	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 59	P 28	A 20	A 20 21	
Showroom warehouse (single-product line)												P 100			P 100	P 100								P 100		
Specialty Food Store					P 18						P 2	P	P	P	P	P	P	P	P	P 2 11	P			P 27		
Tile and Carpet												P	P		P	P 10 17	P 17	P 17	P 17		P 17		P 22	P 24 28		
<b>COMMERCIAL</b>																										
<b>Services</b>																										
Auto Broker												P	P	P	P					P		P	P			
Auto/Car Wash (Polishing, Waxing, Detailing)										A 60	C 60	C 60		C 60										A 60		
Auto/Car Wash, Self-serve Bay												C	C		C											
Automobile Rental												A 61	P 3 61		C 61					P 16 61		P 16 61				
Automotive, Minor Repair										A 62	C 62	P 3 62			C 62								P 3 62	A 62		
Automotive, Major Repair																							P 3 63			
Automotive Window Tinting/Stereo Installation/Alarms										A 64	P 64	P 64			C 64								P 64	P 26		
Bar & Nightclub												C	C	C	C	C 16		C 14 16	C 14 16	C 16	C 16			C 27		
Caterer											P	P	P	P	P								P 22	C		

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<b>COMMERCIAL Services (Cont'd)</b>																												
Check Cashing										P 65	P 65			P 65											P 27			
Coin-operated Laundry							P 18			P 1	P	P	P	P	P 17	P 17	P 17	P 17							P 27			
Day & Trade Labor Pool (Temporary Help)												C													P 13			
Dry Cleaner							P 2866			P 266	P 66	P 66	P 66	P 66	P 66	P 66	P 66	P 66	P 66	P 66	P 66				P 2266	P 2766		
Fortune Teller, Palm Reader, or Psychic																									P 22			
Funeral Home									C	C	P 3	P 3			P 3		C 16	C 16	C 16							A 367		
Interior Decorator Studio						P 18				P	P	P	P	P	P 11	P 11	P 11	P 11	P 11	P 11	P 22	P						
Landscaping Debris Stockpiling																									C 103			
Locksmith										P 1	P	P	P	P											P 22	P		
Mobile Vending Unit (MVU)							P 54		P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54
Personal Care (Beauty, Hair, Nails)						P 1868	P 868			P 168	P 68	P 68	P 68	P 68	P 1768	P 1768	P 1768	P 1768	P 1768	P 1768	P 2268	P 2768						
Pet Care (Boarding and Daycare)										A 69	C 69	C 69	C 69	C 69	C 1669	C 1669	C 1669								P 32269	C 2769		
Pet Care (Grooming)										P	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P 27						
Pet Care (Veterinary Services)									P	P	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16	P 22	P 27						
Photography Studio						P 18				P	P 18	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P 27	A 20	A 20			
Postal/Mail Center									A 70	P 170	P 70	P 70	P 70	P 70	P 1670	P 1670	P 1670	P 1670	P 1670	P 1670	P 2270	P 2870						
Repair/Maintenance, Personal and Household Goods							P 18			P 1	P	P	P	P	P 17	P 17	P 17	P 17			P 17	P 22	P					

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<b>COMMERCIAL Services (Cont'd)</b>																													
Repair, Rental, & Maint of Home/Garden Tools												P 71	P		P 71											P 12			
Repair, Rental, & Maint of Office, Home Equip											P	P	P	P	P	P 10 17	P 17	P 17	P 17		P 17	P	P						
Travel Agency						P 18 19				P 1	P 1 19	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P 27						
Tuxedo, Formal Wear, Costume Rental											P 1	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17			P 27					
Videos, Games & DVD Rental											P 1	P	P	P	P	P	P 14	P 14	P 14	P	P			P 27					
<b>OFFICE &amp; HEALTH CARE</b>																													
Bank and Financial Office										P	P 1	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16			P 27 31					
Business or Professional Office						P 18 19		P 8		P	P 18 19	P	P	P	P	P 73	P 73	P 73	P 73	P 73	P 73	P 22	P 28 31						
Call Center										P	P	P	P	P 5	P	P 5	P 5	P 5	P 5	P 5	P 5	P 13	C 29						
Copying, Printing, and Sign Design										P	P 2	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P						
Counseling										P	P 1	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16	P 22	P 27 31						
Diet/Nutrition Center											P 1	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P 27 31						
Hospital																										P 72			
Information and Data Processing										P	P 1	P	P	P	P							P	P 29						
Investigative Service								P 8		P	P 1	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16	P 22	P 27 31						
Manufacturer Representative										P 1	P 1	P	P	P	P	P						P	P 24 28 31						
Medical Care or Testing (In-patient)										P 14 101 102	P 14 101 102	P 14 101 102			P 14 101 102														

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	R-1-AAAB	R-1-AA	R-1-A	R-1	R-2	R-3	IPUD/	PUD	MHP	C-1	C-2	C-3	C-4	CBD	PCD	SMU	MU-L1	MU-L2	MU-L3	MU-4	MU-H	M-1	PID	PU	REC		
<b>OFFICE &amp; HEALTH CARE (Cont'd)</b>																											
Medical or Dental Imaging/Testing/Support Services										P	P <sub>1</sub>	P	P	P	P	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>22</sub>	P <sub>24</sub>	P <sub>27</sub>	P <sub>31</sub>		
Medical or Dental Laboratory													P									P <sub>13</sub>	P <sub>29</sub>				
Medical or Dental Office (Out-patient)										P	P <sub>1</sub>	P	P	P	P	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>22</sub>	P <sub>27</sub>	P <sub>31</sub>			
Real Estate Business						P <sub>18</sub>	P <sub>19</sub>			P	P <sub>18</sub>	P <sub>19</sub>	P	P	P	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>			P <sub>27</sub>	P <sub>31</sub>		
Social Service Agency					C <sub>74</sub>	C <sub>74</sub>				P	P																
Temporary Employment Agency										P	P	P	P	P	P	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>	P <sub>16</sub>			P <sub>27</sub>	P <sub>31</sub>		
<b>ARTS, ENTERTAINMENT &amp; RECREATIONAL</b>																											
Adult Entertainment												C <sub>75</sub>	C <sub>75</sub>		C <sub>75</sub>							P <sub>13</sub>	P <sub>75</sub>				
Artist Studio						P <sub>18</sub>				P <sub>18</sub>	P <sub>76</sub>	P <sub>76</sub>	P <sub>76</sub>	P <sub>76</sub>	P <sub>76</sub>	P <sub>76</sub>	P <sub>76</sub>	P <sub>76</sub>	P <sub>76</sub>	P <sub>76</sub>	P	P	A <sub>20</sub>	A <sub>20</sub>			
Arts Campus						P <sub>18</sub>																	P <sub>18</sub>	P <sub>18</sub>			
Entertainment, Indoor										P <sub>1</sub>	P	P	P	P	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>	P <sub>22</sub>	P <sub>27</sub>		A <sub>21</sub>			
Entertainment, Outdoor												C <sub>78</sub>															
Gym, Fitness & Health Club						P <sub>18</sub>	P <sub>19</sub>				P	P	P	P	P <sub>10</sub>	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>			P <sub>27</sub>				
Indoor Athletic Instruction/Training						P <sub>18</sub>	P <sub>19</sub>			P <sub>1</sub>	P	P	P	P	P	P <sub>14</sub>	P <sub>14</sub>	P <sub>14</sub>	P <sub>1</sub>	P <sub>1</sub>	P	P					
Marina, (including Yacht Club)							P <sub>79</sub>							P <sub>79</sub>		P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>							
Museum						P <sub>18</sub>				P <sub>18</sub>										P			P	P <sub>18</sub>			
Rentals, Recreational (bicycles, canoes, personal watercraft)												P	P	P	P	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>	P <sub>11</sub>						A <sub>21</sub>	

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<b>ARTS, ENTERTAINMENT &amp; RECREATIONAL (Cont'd)</b>																											
Shooting Range, Indoor												P	P		P											P 4 29	
Sightseeing & Scenic Tours										P 81	P 81	P 81	P 81	P 81	P 81	P 11 81	P 11 81	P 11 81	P 11 81	P 11 81	P 11 81						
Theater						P 18 82					P 18 82	P 82	P 82	P 82	P 82	P 11 82	P 11 14 82	P 11 14 82	P 11 14 82	P 11 82	P 11 82					P 20 82	P 18 82

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<b>PUBLIC &amp; CIVIC USES</b>																										
Cemetery										A383	A383	A383	A383		A383		A383	A383	A383							P
Church	C3384	C3384	C3384	C3384	C84	C84		P		P	P					P15	P15	P15	P15							
Civic & Fraternal Club/ Organization										P3	P3					C15	C1415	C1415	C1415							
Government, Municipal Office/ Emergency/ Civic Facilities	P85	P85	P85	P85	P85	P85	P85	P85		P85	P85	P85	P85	P85	P85	P85	P85	P85	P85	P85	P85	P85	P85	P25	P	P
Government, Municipal Utility/ Support Facilities																									P	
Government, Non-Municipal Office Facilities										P1	P1	P15	P1	P15	P15	P586	P86	P86	P586	P586	P586	P86	P2425283186	P		
Government, Non-Municipal Utility/ Support Facilities																									P	
Government, Post Office												C	C		C	C				C	C	C			P	
<b>EDUCATIONAL</b>																										
College, Seminary, University										P	P	C			C		P15	P15	P15						P	
Day Care	C3387	C3387	C3387	C3387	C87	C87		P887		C	C	C	C	C	C87	P11	P1114	P1114	P1114	P11	P11	P22				
School, Industrial & Trade													C										P22	P26		
School, Primary and Secondary	C33	C33	C33	C33	C	C		P															P25	P		
School, Professional & Technical						P18				P	P18	P	P	P	P	P15	P15	P15	P15		P15		P242731			
Tutoring and Testing Centers										P	P	P	P	C	P	P11	P11	P11	P11	C11	C11	P22	P242731			

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<b>INDUSTRIAL</b>																														
<b>Manufacturing, Fabrication &amp; Processing</b>																														
Bakery, Commercial												C														P	P			
Beverage Mfg												C															P	P		
Converted Paper Product Processing																											P	P		
Dairy Products Mfg												C															P	P		
Electrical Equipment, Appliance & Component Assembly																											P	P		
Food Processing												C															P	P		
Footwear & Other Leather Products																											P	P		
Frozen Food												C															P	P		
Furniture Products																											P	P		
Glass Products																											P	P		
Ice Cream & Frozen Dessert												C															P	P		
Jewelry Mfg																											P	P		
Medical Equipment & Supplies																											P	P		
Metal, Fabricated Products																											P	P		
Motor Vehicle Seating & Interior Trim																											P	P		
Ornamental, China, Fine Earthenware, & Pottery																											P	P		
Paint, Coating & Adhesive																											P	P		
Pharmaceutical & Medicine																											P	P		
Plastic Products																											P	P		

## Use Regulations

P = Permitted C = Conditional A = Accessory	Residential									Commercial						Mixed-Use					Industrial		Misc							
	R-1-AAAB	R-1-AA	R-1-A	R-1	R-2	R-3	IPUD/	PUD	MHP	C-1	C-2	C-3	C-4	CBD	PCD	SMU	MU-L1	MU-L2	MU-L3	MU-4	MU-H	M-1	PID	PU	REC					
<b>INDUSTRIAL</b>																														
<b>Manufacturing, Fabrication &amp; Processing (Cont'd)</b>																														
Rubber Products																										P 23	P 26			
Soap & Toiletry																											P 23	P 26		
Sporting Goods and Toys																											P 23	P 26		
Stone cutting & finishing																											P 23 88	P 26 88		
Textile Products																											P 23	P 26		
Wood Products																											P 23	P 26		
<b>INDUSTRIAL</b>																														
<b>Storage, Distribution &amp; Wholesale Trade</b>																														
Packing & Shipping, Trucking, and Moving																											P 13	P 29		
Storage, Boats/Motor/Recreational Vehicles													A 89				A 89	A 89		A 89							P 13 89			
Storage, Self-Service															C 5 11 90	C 5 11 90	C 5 11 90	C 5 11 90									P 90			
Warehouse, Internet Sales												P															P	P 26		
Warehousing												C 12															P 23	P 26		
Wholesale Trade												C 12															P 23	P 26		
<b>INDUSTRIAL</b>																														
<b>Services</b>																														
Boat Repair													P 3 91														P 91	P 91		
Carpet and Upholstery Cleaning Services													P 92														P 22	P 26		
Contractor													P 93														P 23 93	C 29 93		
Dry Cleaning Plant																											P 13	P 26		

## Boynton Beach Code

P = Permitted C = Conditional A = Accessory	Residential									Commercial						Mixed-Use						Industrial		Misc							
	R-1-AAB	R-1-AA	R-1-A	R-1	R-2	R-3	IPUD/	PUD	MHP	C-1	C-2	C-3	C-4	CBD	PCD	SMU	MU-L1	MU-L2	MU-L3	MU-4	MU-H	M-1	PID	PU	REC						
<b>INDUSTRIAL Services (Cont'd)</b>																															
Exterminating and Pest Control																										P 313	P 26				
Glass and Mirror													P														P 23	P 26			
Janitorial and General Cleaning													P														P 13	P 26			
Lawn Maintenance & Landscaping Service													P 94														P 1394				
Publishing & Commercial Printing																											P 23	P 26			
Radio & TV Broadcasting										P 95	P 95	P 95	P 95	P 95	P 95												P 95	P 2995			
Recording Studio												P	P	P	P												P	P 29			
Rental/Leasing, Industrial & Commercial Equipment																											P 1332				
Repair/Maintenance, Industrial & Commercial Equipment																											P 1332				
Research & Development, Scientific/ Technological																											P 96	P 2996			
Security Services												P	P		P												P 13	P 29			
Sewer/Septic & Waste Mgmt Cleaning																											P 31397	C 42697			
Taxi, Limo, Charter Bus											P 198	P 98	P 98	C 98	P 98												P 31398				
Testing Laboratory																											P 13	C 26			
Towing, Motor Vehicle																											P 313				
<b>AGRICULTURAL</b>																															
Community Garden	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99											

## Use Regulations

1. General Note. Gross floor area shall not exceed five thousand (5,000) square feet.
2. General Note. The gross floor area shall not exceed ten thousand (10,000) square feet.
3. General Note. Conditional use approval shall be required if located within one hundred (100) feet from a residential zoning district or mixed use zoning district.
4. General Note. As a principal or accessory use, it is allowed if there is a minimum separation of three hundred (300) feet between such use and a residential zoning district. The distance shall be measured in a straight line from the property line of the subject use to the property line of the residential zoning district.
5. General Note. This use shall be prohibited on the first floor.
6. General Note. For those projects with frontage on an arterial road, this use is allowed as a permitted use if the ground floor fronting the arterial is devoted to office or retail use; otherwise, conditional use approval shall be required.
7. General Note. Shall exclude drive-through facilities.
8. General Note. Non-residential uses located in a PUD must serve the needs of the PUD and not the general needs of a surrounding area. Areas designated for commercial activities shall not generally front on exterior or perimeter streets, and shall be located centrally within the project. The only exception to these rules is when a residential mixed-use project would promote new urbanism design standards and helps to further sustainable initiatives. Such developments shall also be designed to further any applicable recommendations within the corresponding redevelopment plan.
9. General Note.
  - a. All districts. The maximum size of a tasting room shall be less than 50% of the gross floor area for that establishment. No use shall be carried out so as to allow the emission of objectionable or offensive odors or fumes in such concentration as to be readily perceptible at any point at or beyond the boundary of the zoning district. See Chapter 4, Article V, Section 2.E for additional regulations pertaining to off-street parking requirements for tasting rooms.
  - b. C-4 district. If proposed on a site that fronts on an arterial or collector roadway, the establishment shall be required to have an accessory commercial component (i.e., tasting room or retail showroom) to the operation. The size of the tasting room/retail showroom shall be at least ten percent (10%) of the gross floor area or one thousand (1,000) square feet, whichever is greater. This minimum size requirement is not applicable to those establishments which do not front on an arterial or collector roadway. See subparagraph d. below for additional provisions pertaining to beverage manufacturing establishments.

## Boynton Beach Code

c. M-1 District.

- (1) An accessory commercial component (i.e., tasting room or retail showroom) shall be required for any establishment located on an arterial roadway. In all other instances, an accessory commercial component is optional.
- (2) No drive-up, drive-through, or drive-in facilities shall be allowed.
- (3) See subparagraph d. below for additional provisions pertaining to beverage manufacturing establishments.

d. Beverage Manufacturing.

- (1) A tasting room, retail showroom, and/or facility tours shall not be open to the public after 10:00 p.m., except Fridays and Saturdays, whereby it may remain open until 11:00 p.m.
- (2) This type of establishment may be eligible for a live entertainment permit; however, no amplified music shall be allowed.
- (3) No permanent food preparation is allowed on premises.

10. General Note. Buildings greater than eighty thousand (80,000) square feet shall require conditional use approval. Maximum footprint is one hundred twenty-four thousand (124,000) square feet. Building elevations shall be enhanced with appropriate design elements to break up wall expanses (i.e. articulation, windows, columns, varied rooflines, etc.).

11. General Note. This use shall be integrated into a mixed use building or development.

12. General Note. This use is allowed, but it shall not be located on a lot that fronts on an arterial roadway.

13. General Note. This use is allowed, but it shall not be located on a lot that fronts on an arterial or collector roadway.

14. General Note. The subject use is only allowed on a lot that fronts on an arterial or collector street as defined in Part III, Chapter 1, Article II of the LDR under definitions for "Street-Arterial" and "Street-Collector". Except for uses providing Medical Care or Testing (In-patient) shall be limited to lots that front on an arterial roadway.

15. General Note. This use shall be integrated into a mixed-use building or development. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building; and 2) exceed twenty percent (20%) of the gross floor area of the mixed use development.

16. General Note. This use shall be integrated into a mixed-use building or development. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building or 2) exceed thirty percent (30%) of the gross floor area of the mixed use development.

## Use Regulations

17. General Note.

- a. All Mixed-Use Districts. This use shall be integrated into a mixed-use building or development. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building or 2) exceed thirty percent (30%) of the gross floor area of the mixed use development.
- b. MU-L1 district, MU-L2 district, and MU-L3 district. The subject use is only allowed on lots fronting on arterial or collector roadways.

18. Ocean Avenue Overlay Zone.

- a. This use is allowed in this zoning district only when proposed on a lot located within the Ocean Avenue Overlay Zone (OAOZ).
- b. Any proposed non-residential use that would abut a side property line of a residential use located on Northeast 1st Avenue or Southeast 1st Avenue requires conditional use approval.
- c. Any allowable use is considered permitted by right, provided that it is proposed on property with frontage on Ocean Avenue; otherwise conditional use approval shall be required. Additionally, no existing uses shall be deemed non-conforming.
- d. Professional and technical schools allowed in the OAOZ are limited to those that teach the culinary and visual arts.

19. General Note. This use shall be prohibited on the ground level of buildings located on lots that front on Ocean Avenue located within the Ocean Avenue Overlay Zone.

20. General Note. This use is allowed as an accessory use to any lawful Arts Campus located within the Ocean Avenue Overlay Zone.

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## Use Regulations

21. General Note. This use is allowed as an accessory use to any city-owned and operated park facility.
22. General Note. This non-industrial use is allowed within the M-1 district, provided that it 1) is located within a multiple-tenant development on a lot that fronts on an arterial roadway; 2) does not exceed five thousand (5,000) square feet; 3) excludes a drive-up, drive-through, or drive-in facility; and 4) complies with all off-street parking requirements of Chapter 4, Article V. In addition, the sale of used merchandise is only allowed as accessory to the sale of new merchandise.
23. General Note. This use is allowed on an arterial or collector roadway within the M-1 district provided that it has accessory commercial component to the operation. This establishment will be required to meet the following criteria:
  - a. Location. The accessory commercial component shall be located within a building situated on a lot that fronts on an arterial or collector roadway; and
  - b. Interior. An indoor showroom of at least two hundred fifty (250) square feet for retail sales shall be required for establishments twenty-five thousand (25,000) square feet or less. An indoor showroom area of at least one percent (1%) of the gross floor area shall be required for establishments greater than twenty-five thousand (25,000) square feet.
24. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Commercial (C) land use option.
25. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Governmental & Institutional (G&I) land use option.
26. General Note. This use is allowed within the PID, except that if proposed in Quantum Park, it shall be restricted to a lot that has an Industrial (I) land use option.
27. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Mixed Use (MU) land use option fronting on an arterial roadway or on a MU lot with a development order that is not solely for residential development.
28. General Note. This non-industrial use is allowed within the PID district provided it is located 1) on Lot 3B of the Boynton Commerce Center PID; or 2) on a lot with a Mixed Use (MU) land use option fronting on an arterial roadway or on a MU lot with a development order that is not solely for residential development.
29. General Note. This use is allowed within the PID, except on lots that have either a Governmental & Institutional (G&I) or Mixed Use (MU) land use option.
30. General Note. If proposed on Lot 3B of the Boynton Commerce Center PID, it shall be required to have an on-site manufacturing component to the operation.
31. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has an Office (O) land use option. No drive-through facility shall be allowed in connection with this use.

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### 32. General Note.

- a. Landscaping. All exterior (temporary) storage of equipment shall be adequately screened. Additional buffering may be required as recommended by the Director of Planning & Zoning to ensure compatibility.
- b. M-1 district. Outdoor storage of equipment shall require conditional use approval if located within two hundred (200) feet of a residential zoning district. No exterior storage of equipment in a wrecked condition shall be permitted.

### 33. Non-Residential Uses in Single-Family Residential Districts. The following applies to facilities to be located within zoning districts limited to single-family homes (R-1-AAB district, R-1-AA district, R-1-A district, and R-1 district):

- a. Location. Along the following roadway types as designated in the City of Boynton Beach Comprehensive Plan: arterials and collectors.
- b. Minimum Lot size. One (1) acre for all non-residential uses, except for day care establishments, which shall be regulated in accordance with Section 3.D.87 below.
- c. Frontage. Except for day care establishments, a minimum frontage of one hundred fifty (150) feet for all non-residential uses.
- d. Landscaping. A minimum buffer width of five (5) feet and a landscaping barrier shall be required for all parking and vehicle use areas, and outdoor recreation areas that abut single-family residential zoning districts.
- e. Design. Building design shall be consistent with surrounding residential styles.
- f. Separation. Distances between residential properties and outdoor play areas shall be maximized.

### 34. Home Occupation.

- a. Home occupations shall be permitted subject to these specific regulations designed for the protection of residential neighborhoods, where all of the activity takes place within a structure, and where the principal use is for residential purposes. In order for any home occupation to be permitted or continue to be permitted, the following performance standards shall be agreed to in writing by the applicant and be maintained for the duration of the occupational license:

- (1) Compatibility. The residential character and integrity of the neighborhood must not be disturbed and the occupational activity at the home shall not be noticeable from off the premises.
- (2) Size. A home occupation shall only be conducted within twenty percent (20%) of the living area of the dwelling including interior halls, closets and storage areas, but excluding garages, screened porches, accessory buildings or any similar space not suited or intended as living quarters.

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(3) On-site Restrictions. The home occupation shall be conducted at the licensed address only by residents of that dwelling unit and shall only be the type of occupation which does not involve client business visits to the home, and is typified by business transactions conducted by telephone, mail, or off premises of the licensed address. (The giving of individual instruction to one (1) person at a time, such as an art or piano teacher, shall be deemed a home occupation).

(4) Performance Standards. No equipment or process shall be used in a home occupation which creates fumes, glare, noise, odors, vibration, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

(5) Traffic. No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home occupation shall be met by off-street parking which complies with Chapter 4, Article VI.

(6) Storage. All storage of materials or supplies used in the home occupation shall be done within the living area of the dwelling unit, within the space limitations specified in subsection 2 above and shall not be visible from adjacent residential units. Contractors, tradespersons and the like shall not use their home garage or yard areas for storage of materials and supplies used in business activities.

(7) Signage. No sign or display shall be visible other than a non-illuminated sign, not exceeding two (2) square feet in area, placed on the exterior wall of the residence as close as practical to the front entrance.

(8) Parking. A panel, pick-up truck, van, or similar type of truck, not to exceed a one (1) ton chassis configuration, may be parked in a residential zoning district. However, such vehicle must be used by a resident of the premises, and no more than one (1) such truck shall be located on each plot.

(9) Miscellaneous. A home occupation shall be subject to all business tax provisions defined in Part II of the City Code of Ordinances.

35. Alcoholic Beverages. Subject to the provisions of City Code of Ordinances, Part II, Chapter 3, Alcoholic Beverages.

36. Accessory Dwelling Unit.

a. All districts. An accessory dwelling unit is allowed as an accessory use to any lawful non-residential principal use within a non-residential building. Such unit shall have a minimum living area of seven hundred fifty (750) square feet and limited to occupancy by the property owner or business owner/operator.

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b. M-1 district. This use is allowed as an accessory to any lawful self-service storage facility and which meets the prerequisites contained therein.

### 37. Bed & Breakfast.

a. Generally. A bed & breakfast is a private owner occupied residence having more than three (3) and less than ten (10) guest units, which are subordinate and incidental to the main residential use of the building. Prior to the establishment and operation of a bed & breakfast, all required business licenses and health permits shall be obtained in compliance with all building, sign, sanitary and fire codes. Prior to the issuance of a business tax certificate, which shall be renewed annually, the city shall conduct an inspection of the property to determine compliance with the current requirements of the city's regulations, state building codes, and conditions of approval.

b. Interior.

(1) Common Area. Within each bed & breakfast establishment, a common area must be provided for a central dining area and for at least one (1) sitting/reading/discussion room.

(2) Number of Rooms. The number of bedrooms and bathrooms are to remain unchanged unless modifications are necessary to comply with building, fire, and/or health codes.

c. Miscellaneous.

(1) Cooking. Except as hereinafter provided, there shall be no cooking facilities or food storage in any guest unit. Breakfast shall be the only meal provided for paying overnight guests. The breakfast meal shall not be served after 11:00 a.m.

(2) Maximum Stay. The maximum stay for each guest shall be fourteen (14) consecutive days and not more than fourteen (14) days during any forty-five (45) day period. The owner and/or manager shall maintain a guest book, which accurately identifies all guests for each night's lodging. This register of guests shall be available for city inspection during reasonable business hours. Check-in and check-out shall take place between 8:00 a.m. and 8:00 p.m. only.

(3) Owner. The owner of the bed & breakfast establishment must reside on the premises.

(4) Commercial. Commercial social activities and events and the sale of merchandise to non-guests are prohibited in the bed & breakfast establishment.

(5) Kitchenettes. Existing kitchenettes within one (1) or more guest units are considered within the scope of this section and will not have to be removed.

### 38. Dwelling, Two-Family (Duplex).

a. C-3 district and PCD district. A two-family dwelling (duplex) shall comply with the R-2 district regulations. See Chapter 3, Article III, Section 2.E.

## Use Regulations

### 39. Dwelling, Multi-Family.

- a. C-3 district and PCD district. A multi-family dwelling shall comply with the R-3 district regulations. See Chapter 3, Article III, Section 2.F.

### 40. Group Home.

- a. Group Home Type 1. Maximum persons per unit. Two (2) persons per bedroom, not to exceed 10 persons including a resident caretaker or overseer.
- b. Group Homes Type 1 and 2.
  - (1) Common Area. At least ten percent (10%) of the total floor area shall be devoted to a common area, exclusive of halls, corridors, stairs, and elevator shafts, wherein a variety of recreational or therapeutic activities may occur.
  - (2) Rooms. Residents' rooms or suites shall, in no case, have kitchen facilities available for the preparation of food.
  - (3) Design. Pursuant to Chapter 4, Article III, Section 3.G.1, the appearance of a group home shall be residential in character and similar in appearance to the surrounding neighborhood.
  - (4) Parking. See the Charter 4, Article V for application parking requirements.
- c. Group Home Type 2.
  - (1) Two (2) persons per bedroom, not to exceed 14 persons including a resident caretaker or overseer.
  - (2) Conditional use approval is not required within a Planning Unit Development (PUD) if approved on the master plan or modified master plan.
- d. Group Home Type 3.
  - (1) PUD or Mixed Use Zoning District. Conditional use approval is not required within a planned development zoning district (i.e. PUD or MU Zoning District) if approved on the master plan or modified master plan.
  - (2) MU-L2 and MU-L3. Projects require a minimum of 60% of the dwelling units to be for independent living with full kitchen and bath facilities, and not require licensing by the State of Florida Department of Health.

### 41. Hotel & Motel (includes Boutique, Extended-stay, Apartment, Timeshare Apartment).

- a. C-3 District. Timeshare hotel shall comply with R-3 district regulations. Boutique hotels are not listed as permitted uses.
- b. C-4 District. Boutique hotels and timeshare hotels are not listed as permitted uses.

## Boynton Beach Code

- c. CBD District. Apartment hotels require conditional use approval.
- d. PCD District. Timeshare apartments shall comply with R-3 district regulations. Boutique hotels are not listed as permitted uses.
- e. SMU District. Hotels require conditional use approval. Apartment hotels, boutique hotels, and timeshare apartments are not listed as permitted uses. Motels are prohibited uses.
- f. MU-L1 District, MU-L2 District, and MU-L3 District. Timeshare hotels are not listed as permitted uses. Boutique hotels and motels are prohibited uses.
- g. MU-4 District and MU-H District. Boutique hotels require conditional use approval and must be integrated into a commercial or mixed use development and not exceed thirty percent (30%) of the gross floor area of the entire development. Apartment hotels and timeshare apartments are not listed as permitted uses. Motels are prohibited uses.
- h. PID district. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Hotel (H) land use option.

### 42. Live-Work Units.

a. SMU District. This subsection provides for the use of residential structures to accommodate live/work opportunities. Live-work units shall be specifically designated on the site plan, and comply with the following standards and requirements. These provisions are not applicable to dwellings or occupations that meet the definition of home occupation. All respective site plan pages shall identify all proposed live-work units and buildings. Live-work units shall be tallied in the site plan tabular data.

(1) Location. To minimize impacts to the greater neighborhood, units planned for live-work units shall be located at the perimeter of the residential project or along the project's principal roadway, and/or where possible, adjacent to perimeter/external rights-of-way.

(2) Use(s): Non-residential uses that are permitted in live-work units are generally limited to professional service, business service, or tutoring services. A listing of common uses permissible in live-work units, subject to issuance of occupational license are located in subsection (16) below. No work activity shall be permitted that by virtue of intensity or number of employees has the potential to create impacts by reason of traffic, parking issues, hazardous materials, or excess waste. The following list identifies the permitted uses within designated live-work units, subject to processing through the city's business tax office:

Addressing service/ mailing list compiler  
Arbitrator, mediator services  
Cleaning services, maid, housekeeping, janitorial  
Commercial artist/design studio  
Commercial photography  
Computer programming service  
Computer software development  
Data processing  
Direct mail advertising services

## Use Regulations

Editing, proofreading, typing service  
Paralegal  
Party supplies, rental/leasing (office only, no storage on-site)  
Private investigator  
Recording service  
Secretarial service  
Boat broker (office only)  
Alteration, dressmaking shop, tailor  
Abstract and/or title company  
Accountant/income tax services  
Adjusters, insurance  
Advertising office  
Appraiser  
Architect  
Attorney  
Auctioneer (office only)  
Author  
Broker  
Business analyst  
Calculating and statistical service  
Court reporting/stenographers  
Credit reporting  
Engineer's office  
Importer/exporter (office only)  
Insurance agency/bond office  
Interior decorating  
Loan company office  
Market research office  
Model agency  
Notary public office  
Public relations office  
Real estate sales/management office  
Travel agency  
Tutoring or instruction (academics, music, art)  
Art studio with ancillary sales

(3) Floor Area. The minimum floor area of a live-work unit shall be one thousand (1,000) square feet. No more than seven hundred fifty (750) square feet of the live-work unit shall be reserved for living space, including kitchen, bathroom, sleeping, and storage areas. The remaining gross floor area of each unit shall be reserved and regularly used for sleeping space.

(4) Construction. Each live-work unit shall be a separate unit from other uses in the building. The ground floor of all live-work units shall meet the Florida Building Code requirements for mixed occupancy buildings. Each unit, including the garage, shall be separated by walls from other live-work units or other uses in the building.

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(5) Accessibility. Buildings designated as live-work units shall provide universal accessibility to the front and to the interior space of the non-residential area of the live-work unit from the public sidewalk adjacent to the street.

(6) Miscellaneous. No more than two (2) on-site employees, in addition to the resident(s) of the live-work unit, may undertake business activities from said unit. At least one (1) resident of an individual live-work unit shall maintain a current occupational license for a business located in that unit. Acknowledgment, in the form of an affidavit, of the employee limitation shall be made by the unit resident, at the time of application for an occupational license. The work area shall not be rented separately from the living space.

b. MU-L1 District, MU-L2 District, MU-L3 District, MU-4 District and MU-H District. The following restrictions apply to projects within zoning districts that contain master plans approved for live-work units:

(1) Floor Area. The minimum floor area of a live-work unit shall be one thousand (1,000) square feet. No more than seven hundred fifty (750) square feet of the live-work unit shall be reserved for living space, including kitchen, bathroom, sleeping, and storage areas. The remaining gross floor area of each unit shall be reserved and regularly used for sleeping space.

(2) Use(s). The work activity in a building where live-work units are allowed shall be any use permitted by right in the zoning district, except that in order to protect the health and safety of persons who reside in a live-work unit, no work activity shall be permitted that by virtue of size, intensity, number of employees or the nature of the operation, has the potential to create significant impacts by reason of dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous by way of materials, process, product or wastes.

(3) Construction. Each live-work unit shall be a separate unit from other uses in the building.

(4) Accessibility. Access to each live-work unit shall be provided from common access areas, common halls or corridors, or directly from the exterior of the building.

(5) Separation. Each live-work unit shall be a separate unit from other uses in the building. Access to each live-work unit shall be provided from common access areas, common halls, or corridors, or directly from the exterior of the building.

(6) Miscellaneous. At least one (1) resident of an individual live-work unit shall maintain a current business tax receipt for a business located in that unit. No portion of a live-work unit may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person not working in the same unit. No live-work unit shall singly be changed to exclusively commercial or exclusively residential use. No conversion of all live-work units in a single structure to exclusively residential use shall be permitted where the work portion of the units is the only commercial use in a project, nor shall conversion to exclusively commercial use be permitted where the live portion of the units is the only residential use in a project.

## Use Regulations

43. Art, Book, Craft, Hobby, Music, Sporting Good, & Toy Store.
- a. CBD District. Bait and tackle shops are permitted as an accessory use to marinas, including yacht clubs.
  - b. PID district. This use is also allowed as an accessory use to an artist studio.
44. Auto Dealer, (New & Used).
- a. C-4 district. Allowed only as a conditional use accessory to the repair of motor vehicles. No outdoor storage of vehicles, for sale shall be permitted.
  - b. MU-L3 district and MU-H district.
    - (1) General. Indoor storage/display only and shall not exceed ten thousand (10,000) square feet. This use excludes automotive, minor repair, and auto car/wash. Conditional use approval shall be required if all or a portion of the inventory is located within a parking garage/structure.
    - (2) Access. Shall not be directly from any major roadway.
    - (3) Storage. No outside storage of materials, parts, and vehicles.
    - (4) Design. Pursuant to Chapter 4, Article III, Section 3.A.7, overhead doors shall not be visible from any major roadway frontage.
    - (5) Loudspeakers. No exterior loudspeakers or paging equipment shall be permitted on-site.
  - c. M-1 district. Allowed only as a conditional use accessory to the repair of motor vehicles. No outdoor storage of vehicles for sale shall be permitted.
  - d. PID district. This non-industrial use is allowed within the PID district as a conditional use. Also, within the Quantum Park PID such uses are limited to lots with an Industrial (I) use option or Industrial/R (with retail sales) option. Vehicle inventories must be stored/displayed indoors. A pre-existing business located on Quantum Park lots 77 through 80 is exempt from the requirements relative to conditional use approval, outdoor storage or display of vehicle inventories, and locating on lots with the "I" and "I/Retail" use options.
45. Boat Dealer/Rental.
- a. C-3 District. Boat dealer/rental, as a principal use, shall exclude the repair or service of vessels on the premises. No outdoor storage of boats shall be permitted.
  - b. C-4 District. Conditional use approval shall be required if merchandise is to be stored outdoors. Outdoor storage areas shall be adequately screened from abutting properties and rights-of-way, with the exception that a single merchandise item may be visible from abutting rights-of-way. The display must be in combination with project signage, and the setback, landscaping and

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design of this site feature shall minimize the visual impact on the adjacent roadway. If any vehicle use areas are not separated by an intervening building and visible from an arterial roadway, right-of-way landscaping shall be in accordance with the City's Urban Landscape Code except that the width shall be at least 10 feet, it shall include a berm, and enhanced with additional plants selected and maintenance to facilitate, varying growth heights to provide some screening of the space between the hedge material and tree canopies. The landscaping required to represent "adequate" screening, as well as the appropriate design of the merchandise display feature and right-of-way landscaping shall be determined as part of the conditional use review process.

c. PCD District. Boat dealer/rental, as a principal use, shall exclude the repair or service of vessels on the premises. No outdoor storage of boats shall be permitted. Inventories must be stored/displayed indoors.

d. MU-4 District and MU-H District. Boat dealer/rental is allowed as an accessory use to a marina but conditional use approval is required. No exterior loudspeakers or paging equipment shall be permitted on-site. Storage/display allowed only in wet docks or indoor not to exceed ten thousand (10,000) square feet. The sales, rental, service, repairs, and storage of marine trailers are prohibited.

e. M-1 District. Allowed only as a conditional use accessory to the repair of boats. Outdoor storage areas shall be adequately screened from abutting properties and rights-of-way.

f. PID District. Required conditional use approval. Also, within the Quantum Park PID such uses are limited to lots with an Industrial (I) use option or Industrial /R (with retail sales) option. Inventories must be stored/displayed indoors.

### 46. Gasoline Station.

#### a. All Districts.

(1) Location. Gasoline stations, except where otherwise allowed by these regulations, are only allowed on properties located at three-way or four-way intersections involving arterial and collector road of rights-of-way as designated by the Comprehensive Plan, excluding local streets and alleys. Interchanges with I-95 are included as eligible intersections. Eligible

properties at an intersection with I-95 include the first parcel directly west or east of the toe embankment of the I-95 interchange. This may also be defined as the first parcel with frontage on and access from the arterial road that intersects with the I-95 right-of-way. A maximum of two (2) gasoline stations shall be allowed at each intersection. A convenience store with retail gasoline sales is considered to be a gasoline station and is therefore, restricted to these location requirements.

(2) Lot Size. Minimum lot size: thirty thousand (30,000) square feet.

(3) Frontage. Minimum street frontage: two hundred twenty-five (225) feet on each frontage measured from the intersecting right-of-way lines of the public streets.

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- (4) Access.
    - (a) Only one (1) access driveway is allowed from each major street frontage. Driveways shall be located a minimum of fifty (50) feet from the intersection unless county or state standards require a greater distance;
    - (b) Driveways shall be a minimum of thirty (30) feet and a maximum of forty-five (45) feet in width; and
    - (c) Driveways shall not be located less than thirty (30) feet from any interior property line.
  - (5) Setbacks.
    - (a) No canopy shall be located less than twenty (20) feet from any property line; and
    - (b) No gasoline pump island shall be located less than thirty (30) feet from any property line.
  - (6) Storage. No outside storage of materials, parts, and no overnight storage of vehicles outside.
  - (7) Design. Pursuant to Chapter 4, Article III, Section 3.G.4., all gasoline stations located on designated out-parcels to shopping centers, business centers, or other planned commercial developments shall conform in design to the approved design plan of the principal center.
  - (8) Landscaping. See landscaping standards in Chapter 4.
  - (9) Lighting. See lighting standards in Chapter 4.
  - (10) Except for where otherwise approved on a master sign program, gasoline stations shall only be permitted to advertise on signage located within the property boundaries.
  - (11) Gasoline stations shall be permitted uses if located greater than 200 feet from a boundary of a residential zoning district. Distances for the purpose of this subsection shall be measured from the closest gasoline pump island or canopy of the gasoline station to the closest boundary of the residential or mixed-use zoning district.
  - (12) A station existing prior to amendment of these regulations that is located on a lot that does not conform to the property development regulations of the zoning district, as defined in Section 11 of this chapter, may be enlarged, expanded, reconstructed or restored without limitation based on percent of property value, as long as the magnitude of the non-conformity is not worsened by the improvement.
- b. C-2 District, C-3 District, and C-4 District.
- (1) Use(s) Allowed: A convenience store; auto/car wash, automotive, minor repair; and automotive window tinting/stereo installation/alarms are allowed as accessory uses to gasoline stations.

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(2) Setbacks. Except for properties located within the Urban Commercial District Overlay Zone, the following building setbacks shall apply to all structures on the property including the primary structure, or any accessory structures such as car washes or above-ground storage facilities.

(a) Building front (and side corner) - 35 feet;

(b) Building side - 20 feet;

(c) Building rear - 20 feet;

(d) Automated car wash. The entrance to an automatic car wash shall be setback no less than seventy-five (75) feet from the street in order to provide for an area of vehicular queuing (stacking). An accessory auto/car wash shall be fully automatic and recycle all water used in the car washing process.

(3) Exceptions to requirement for location at intersections as stated above under section a.(1). When a gas station is accessory to a principal retail use and when all requirements applicable to the PCD District are satisfied.

### c. PCD District.

(1) Use(s) Allowed: A convenience store; auto/car wash, automotive, minor repair; and automotive window tinting/stereo installation/alarms are allowed as accessory uses to gasoline stations.

(2) Setbacks. The following building setbacks shall apply to all structures on the property including the primary structure, or any accessory structures such as car washes or above-ground storage facilities.

(a) Building front (and side corner) - 35 feet;

(b) Building side - 20 feet;

(c) Building rear - 20 feet;

(d) Automated car wash. The entrance to an automatic car wash shall be setback no less than seventy-five (75) feet from the street in order to provide for an area of vehicular queuing (stacking). An accessory auto/car wash shall be fully automatic and recycle all water used in the car washing process.

(3) Separation. No gasoline pump island shall be located less than two hundred (200) feet from any public right-of-way.

(4) Exceptions to requirement for location at intersections as stated above under section a.(1). Uses within the PCD District shall not be required to comply with the location standard described above in subsection a.(1).

## Use Regulations

(5) Pre-existing uses. Gasoline stations that were in existence prior to the adoption of these regulations shall not be deemed non-conforming to the corresponding site standards if located in compliance with the location (intersection) standard stated above in section a.

(6) Relief from Standards. Waivers from the following standards may be granted in accordance with Chapter 2, Article II by the City Commission for existing projects annexed into the city, when the regulation cannot be fully complied with, but where the intent of the LDR is met:

- (a) Section 3.D.46.a.(5)(a) above;
- (b) Section 3.D.46.a.(5)(b) above;
- (c) Section 3.D.46.c.(3)(a) above; or
- (d) Section 3.D.46.c.(3)(b) above.

The applicant shall provide justification of the waiver and submit a mitigation plan off-setting the impact.

d. MU-L3 District and MU-H District.

(1) Use(s) Allowed. A convenience store is allowed as an accessory use to a gasoline station.

(2) Setbacks.

- (a) Building setbacks shall meet those required by the applicable zoning district.
- (b) Canopy structure over the fuel pumps shall be located either to the side or rear of its associated principal building.

e. PID District. This non-industrial use shall be allowed within the PID district provided it is located on a lot with a Mixed Use (MU) land use option and at an intersection that would satisfy the location requirements of this note.

(1) Use(s) Allowed. A convenience store; auto/car wash, automotive, minor repair; and automotive window tinting/stereo installation/alarms are allowed as accessory uses to gasoline stations.

(2) Setbacks. Except for properties located within the Urban Commercial District Overlay Zone, the following building setbacks shall apply to all structures on the property including the primary structure, or any accessory structures such as car washes or above-ground storage facilities.

- (a) Building front (and side corner) - 35 feet;
- (b) Building side - 20 feet;

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(c) Building rear - 20 feet;

(d) Automated car wash. The entrance to an automatic car wash shall be setback no less than seventy-five (75) feet from the street in order to provide for an area of vehicular queuing (stacking). An accessory auto/car wash shall be fully automatic and recycle all water used in the car washing process.

### 47. Grocery Store.

a. MU-L1 District, MU-L2 District, MU-L3 District, and MU-H District. Gross floor area of grocery store must be a minimum of fifteen thousand (15,000) square feet and a maximum of eighty thousand (80,000) square feet.

### 48. Hardware Store.

a. CBD District. Excluding lumber or building materials dealers, lawn & garden shops, glass, electrical, plumbing, heating supplies, and the like.

b. MU-L1 District, MU-L2 District, MU-L3 District, MU-4 District, MU-H District, and PID District. Indoor storage/ display only and shall not exceed ten thousand (10,000) square feet.

c. PID District. This use excludes an on-site lumber yard and any other exterior (outside) activity or storage.

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49. Home Improvement Center. This use excludes an on-site lumber yard and any other exterior (outside) activity or storage.
50. Marine Accessories.
- a. C-2 District. Excluding any installation on premises, and excluding machine shop service.
  - b. MU-L1 District, MU-L2 District, MU-L3 District, MU-4 District and MU-H District. Indoor storage/display only and shall not exceed ten thousand (10,000) square feet. The sales, rental, service, repairs, and storage of marine trailers are prohibited. Marine customizing, detailing, service, parts, or repair is also prohibited.
51. Merchandise New. This use excludes an on-site lumber yard and any other exterior (outside) activity or storage.
52. Merchandise, Used (Antique & Consignment Shops and Bookstores). Gross floor area shall not exceed twenty five thousand (25,000) square feet, except if proposed within the Community Redevelopment Area, the maximum size is twenty five hundred (2,500) square feet. The maximum size may be increased up to ten thousand (10,000) square feet if approved as a conditional use. This size restriction shall prevail if it conflicts with the size limit set by another applicable note. An auction house is allowed but only as an accessory use qualifying under this paragraph.
53. Merchandise, Used (Other). This establishment shall be limited to a maximum of five thousand (5,000) square feet of gross floor area except if proposed within the Community Redevelopment Area, the maximum size is twenty five hundred (2,500) square feet, and must be located a minimum distance of two thousand, four hundred (2,400) feet from another merchandise, used (other) or multiple-vendor market establishment, as measured by direct distance between property lines. The floor area of an existing merchandise, used (other) establishment shall not be expanded in instances where located less than the minimum separation requirement. All new applications to operate such uses or applications for building permits to expand such uses shall be accompanied by an affidavit certifying compliance with this restriction. Exterior storage and display in connection with such uses shall be prohibited.
54. Mobile Vending Unit (MVU). See Chapter 3, Article V, Section 10 for additional regulations regarding an MVU.
55. Multiple-Vendor Market. A multiple-vendor market shall be limited to five thousand (5,000) square feet of gross floor area and must be located a minimum distance of two thousand, four hundred (2,400) feet from another multiple-vendor market or merchandise used (other) establishment, as measured by direct distance between property lines. The floor area of an existing multiple-vendor market establishment shall not be expanded in instances where located less than the minimum separation requirement. All new applications to operate such uses or applications for building permits to expand such uses shall be accompanied by an affidavit certifying compliance with this restriction. Exterior storage and display in connection with such uses shall be prohibited.
56. Nursery, Garden Center, & Farm Supply. The exterior display of live plants is exempt from the three hundred (300)-foot distance requirement of Chapter 3, Article V, Section 5.D. and such plants may remain outdoors after normal business hours provided that their placement complies with the location criteria of Chapter 3, Article V, Section 5.C.

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### 57. Pharmacy & Drug Store.

a. All Districts. No more than fifteen percent (15%) of the total number of prescriptions sold within a thirty (30) day period can be derived from the sale of Schedule II controlled substances as listed in F.S. § 893.03. All pharmacies and drug stores shall be staffed by a state licensed pharmacist who shall be present during all hours the pharmacy, or pharmacy function of the drug store, is open for business. This restriction on prescription sales shall not apply to a pharmacy operating accessory to a facility licensed pursuant to F.S. Chapter 395 (e.g., hospital).

b. MU-4 and MU-H District. Use shall be subject to the following distance separation requirements from similar uses, measured in a straight line, using the shortest distance between property lines shall be the following:

(1) Seven hundred fifty (750) feet: For uses with less than five thousand (5,000) square feet of gross floor area;

(2) One thousand, five hundred (1,500) feet: For uses with a gross floor area equal to or greater than five thousand (5,000) gross square feet.

### 58. Restaurant.

a. All Districts. See Chapter 3, Article V, Supplemental Regulations regarding the sidewalk café permit.

b. C-1 District. A restaurant is allowed as accessory use to a business or professional office and/or a medical or dental office but subject to the following conditions:

(1) Signage. No external signage for the restaurant use shall be allowed;

(2) Hours of operation shall be limited to coincide with the hours of operation of the principal use.

c. M-1 district. This non-industrial use is allowed within the M-1 district, provided that it 1) is located within a multiple-tenant development on a lot that fronts on an arterial or collector roadway; 2) does not exceed two thousand, five hundred (2,500) square feet; 3) excludes a drive-up, drive-through, or drive-in facility; and 4) complies with all off-street parking requirements of Chapter 4, Article V. In addition, the sale of used merchandise is only allowed as accessory to the sale of new merchandise.

### 59. Restaurant (Take-Out).

a. M-1 district. This non-industrial use is allowed within the M-1 district, provided that it 1) is located within a multiple-tenant development on a lot that fronts on an arterial or collector roadway; 2) does not exceed two thousand, five hundred (2,500) square feet; 3) excludes a drive-up, drive-through, or drive-in facility; and 4) complies with all off-street parking requirements of Chapter 4, Article V. In addition, the sale of used merchandise is only allowed as accessory to the sale of new merchandise.

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### 60. Auto/Car Washes (Polishing, Waxing, Detailing).

- a. C-2 District, C-3 District, C-4 District, and PCD District. Only a fully automated-style auto/car wash facility is allowed as an accessory use to a gasoline station. However, conditional use approval is required for this component of the establishment.
- b. PID District. Only allowed as an accessory use to an auto dealer, new or used.

### 61. Automobile Rental.

- a. C-3 District. Allowed as an accessory use to automotive, minor repair. Conditional use approval is required. In addition, the following criteria must be met:

- (1) Location. On sites greater than seventy-five (75) acres and only within a separate building in a shopping center, automobile rental is allowed subject to the following additional conditions:

- (a) The customer service area shall be located within the building being used for an automotive, minor repair;
- (b) No more than twelve (12) automobiles shall be stored on-site for the purpose of rental, and such automobiles shall be stored in marked stalls;
- (c) No fueling or refueling of automobiles shall be permitted on-site.

- b. C-4 District. Automotive, minor repair is allowed as an accessory use to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public.

- c. PCD District. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:

- (1) If shown on the originally approved master plan;
- (2) Uses will not be subject to the minimum acreage requirements of the C-3 zoning district if the site meets the minimum acreage requirement for rezoning to PCD; and
- (3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of two hundred (200) feet.

- d. MU-L3 District and MU-H District. The indoor storage/display of fleet vehicles are permitted but shall not exceed ten thousand (10,000) square feet. Conditional use approval shall be required if all or a portion of the inventory is located within a parking garage/structure.

- (1) Access. Shall not be directly from any major roadway.
- (2) Storage. No outside storage of materials, parts, and vehicles.

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(3) Design. Pursuant to Chapter 4, Article III, Section 3.A.7., overhead doors shall not be visible from any major roadway frontage.

### 62. Automotive, Minor Repair.

a. C-2 District. Automotive, minor repair is allowed as an accessory use to a gasoline station. Conditional use approval is required for this component of the establishment.

b. C-3 District.

(1) As an Accessory Use. Automotive, minor repair is allowed as an accessory use to a gas station and also to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public.

(2) As a Principal Use. Automotive, minor repair is allowed as a principal use, provided that it is located on a lot that is at least five (5) acres. The following restrictions shall also apply, where applicable:

(a) On sites of greater than five (5) acres and less than seventy-five (75) acres, all such uses shall be located in either a principal building of a shopping center or in a subordinate, stand-alone building and/or outparcel within a commercial master plan, provided that the subordinate stand-alone building and/or outparcel within a commercial master plan is not located between the principal building and an adjoining right-of-way or between the principal building and abutting residentially zoned property.

(b) On sites of greater than seventy-five (75) acres all such uses will be allowed to be located in a separate building in a shopping center. For the purpose of this section, motor vehicles shall mean only motorcycles, mopeds, passenger cars (a motor vehicle with motive power, except a multipurpose passenger vehicle or motorcycle, designed for carrying ten (10) persons or less), or multipurpose passenger vehicles (motor vehicle with motive power designed to carry ten (10) persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation). All repair and service of vehicles shall be done within an enclosed building.

c. C-4 District. This use is allowed within the C-4 district but it shall not be located on a lot that borders an arterial roadway. All repair functions must occur within enclosed buildings and exterior storage of vehicles in a damaged or disassembled condition must be adequately screened from rights-of-way and adjacent properties.

d. PCD District. Automotive, minor repair is allowed as an accessory use to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public. Automotive, minor repair is allowed as a principal use but conditional use approval is required. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:

(1) If shown on the originally approved master plan;

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(2) Uses will not be subject to the minimum acreage requirements of the C-3 zoning district if the site meets the minimum acreage requirement for rezoning to PCD; and

(3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of two hundred (200) feet.

e. M-1 District. Excluding the keeping of vehicles in violation of City of Boynton Beach Code of Ordinances, and excluding gasoline stations selling motor fuels at retail. Any exterior storage of motor vehicles or boats in a wrecked condition shall be permitted only in connection with a lawful principal use, and shall be adequately screened.

f. PID District. Only allowed as an accessory use to a retail auto dealer, new or used.

63. Automotive, Major Repair. Excluding the keeping of vehicles in violation of the City of Boynton Beach Code of Ordinances, and excluding gasoline stations selling motor fuels at retail. Any exterior storage of motor vehicles or boats in a wrecked condition shall be permitted only in connection with a lawful principal use and shall be adequately screened.

64. Automotive Window Tinting/Stereo Installation/Alarms.

a. C-2 District. Automotive window tinting/stereo installation/alarms is allowed as an accessory use to a gasoline station; merchandise, new (supercenter, discount, department, club); or an electronics & appliance store. Conditional use approval is required for this component of the establishment.

b. C-3 district.

(1) As an Accessory Use. Automotive window tinting/stereo installation/alarms is allowed as an accessory use to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public.

(2) As a Principal Use. Automotive window tinting/stereo installation/alarms is allowed as a principal use, provided that it is located on a lot that is at least five (5) acres. The following restrictions shall also apply, where applicable:

(a) On sites of greater than five (5) acres and less than seventy-five (75) acres, all such uses shall be located in either a principal building of a shopping center or in a subordinate, stand-alone building and/or outparcel within a commercial master plan, provided that the subordinate stand-alone building and/or outparcel within a commercial master plan is not located between the principal building and an adjoining right-of-way or between the principal building and abutting residentially zoned property.

(b) On sites of greater than seventy-five (75) acres all such uses will be allowed to be located in a separate building in a shopping center. For the purpose of this section, motor vehicles shall mean only motorcycles, mopeds, passenger cars (a motor vehicle with motive power, except a multipurpose passenger vehicle or motorcycle, designed for

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carrying ten (10) persons or less), or multipurpose passenger vehicles (motor vehicle with motive power designed to carry ten (10) persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation). All repair and service of vehicles shall be done within an enclosed building.

c. C-4 District. Automotive window tinting/stereo installation/alarms is allowed as an accessory use to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public.

d. PCD District. Automotive window tinting/stereo installation/alarms is allowed as an accessory use to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public. Automotive window tinting/stereo installation/alarms is allowed as a principal use but conditional use approval is required. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:

(1) If shown on the originally approved master plan;

(2) Uses will not be subject to the minimum acreage requirements of the C-3 zoning district if the site meets the minimum acreage requirement for rezoning to PCD; and

(3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of two hundred (200) feet.

e. M-1 District. Excluding the keeping of vehicles in violation of the City of Boynton Beach Code of Ordinances, and excluding gasoline stations selling motor fuels at retail. Any exterior storage of motor vehicles or boats in a wrecked condition shall be permitted only in connection with a lawful principal use and shall be adequately screened.

### 65. Check Cashing.

a. C-3 District, C-4 District, and PCD District. Check cashing shall be limited to five thousand (5,000) square feet of gross floor area and must be located a minimum distance of two thousand, four hundred (2,400) feet from another such establishment, as measured by direct distance between property lines. The floor area of an existing check cashing establishment shall not be expanded in instances where located less than the minimum separation requirement. All new applications to operate such uses or applications for building permits to expand such uses shall be accompanied by an affidavit certifying compliance with this restriction.

### 66. Dry Cleaner.

a. All Districts. Cleaning services are limited to retail customers and includes the alteration and/or repair of clothing.

b. SMU District, MU-L1 District, MU-L2 District, MU-L3 District, MU-4 District and MU-H District. On-site drop-off and pick-up is allowed as a permitted use; however, any cleaning or laundering activities conducted on the premises requires conditional use approval, and the floor area of such establishment cannot exceed two thousand (2,000) square feet.

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67. Funeral Home. A funeral home is allowed as an accessory use to a cemetery.
68. Personal Care (Beauty, Hair, Nails).
- a. R-3 District, PUD District, C-2 District, C-3 District, C-4 District, CBD District, PCD District, all "Mixed Use" Districts and PID District. In these districts, body piercing and tattooing are allowed, but only as accessory to a lawful principal use. In the M-1 district however, such businesses are allowed as a principal use, but only in accordance with Section 3.D.4. above.
69. Pet Care (Boarding and Daycare).
- a. All Districts. Conditional use applications must include provisions for proper care and mitigation of potential impacts on adjacent properties. Pet care (boarding and daycare) is allowed as an accessory use to either a pet care (grooming) or pet care (veterinary services) establishment, but it requires conditional use approval if it exceeds twenty-five percent (25%) of the floor area or two thousand, five hundred (2,500) square feet, whichever is less.
- b. C-2 District, C-3 District, C-4 District, CBD District, SMU District, MU-L1 District, MU-L2 District, and PID District. No external kenneling is allowed in these districts, either as a principal or accessory use.
- c. PCD District. No external kenneling is allowed, either as a principal or accessory use. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:
- (1) If shown on the originally approved master plan;
  - (2) Uses will not be subject to the minimum acreage requirements of the C-3 zoning district if the site meets the minimum acreage requirement for rezoning to PCD; and
  - (3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of six hundred (600) feet.
- d. M-1 District. External kenneling shall only be allowed for those establishments located in excess of six hundred (600) feet from residentially zoned property. Such uses shall also comply with the requirements of City Code of Ordinances Part II, Chapter 4, Section 4-4, except that the maximum enclosure size and area standards within 4-4(b)2.a. shall not apply.
70. Postal/Mail Center.
- a. All Districts. Storage of delivery trucks is prohibited.
- b. C-1 District. Allowed as an accessory use to a business or professional office or a medical or dental office. Gross floor area shall not exceed two thousand, five hundred (2,500) square feet.
- c. MU-4 District and MU-H District. This use shall be limited to a maximum gross floor area of two thousand, five hundred (2,500) square feet.

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71. Repair, Rental, & Maintenance of Home/Garden Tools.
- a. C-3 District. Excluding exterior display or storage of merchandise.
  - b. PCD District. Excluding exterior display or storage of merchandise. The repair and service of merchandise shall be permitted as either an accessory or principal use, for any merchandise, which is typically sold in the PCD district.
72. Hospital. A helipad (also known as a helistop) may be allowed as an accessory use to a hospital establishment, but it shall require conditional use approval.
73. Business or Professional Office.
- a. “Mixed Use” Districts. This use shall be integrated into a mixed use building or development. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building or 2) exceed thirty percent (30%) of the gross floor area of the mixed use development. However, this requirement does not include those developments that contain such uses in excess of one hundred thousand (100,000) square feet.
74. Social Service Agency.
- a. R-2 District and R-3 District.
    - (1) Location. Along the following roadway types as designated in the City of Boynton Beach Comprehensive Plan: Arterials and collectors.
    - (2) Size. The maximum building size shall be limited to two thousand (2,000) square feet (per lot); however, for properties located within the boundaries of the Federal Highway Corridor Redevelopment Plan, the maximum building size may be larger, but not to exceed five thousand (5,000) square feet.
    - (3) Design. Building design shall be consistent with surrounding residential styles.
    - (4) Landscaping. A minimum buffer width of five (5) feet and a landscaping barrier shall be required for all parking and vehicle use areas, and outdoor recreation areas that abut single-family residential zoning districts.
75. Adult Entertainment.
- a. Finding of Fact. The city acknowledges that nude and exotic dancing and entertainment is an expression protected under the First Amendment of the Constitution of the United States. Such expression communicates a message to the intended audience but shall not be obscene, as defined by the courts, nor involve children. The Supreme Court has upheld local regulations that are not intended to preclude such protected expression, but rather to prevent the harmful side effects known as “secondary effects.” Based on various reports, studies, and judicial opinions generated throughout the country, including within the State of Florida, the City of Boynton Beach finds it

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in the interest of health, safety, peace, property values, and general welfare of the people and businesses of the City of Boynton Beach to regulate said businesses to control the secondary effects associated with them. Secondary effects have been proven to include, in part, increased criminal activities, moral degradation, depreciation of property value, and harm to the economic welfare of the community as a whole.

By limiting the location and concentration of such uses, by limiting the proximity of such uses to places of residence and public gathering, and by restricting the sale of alcohol within or nearby said establishments, the secondary effects referenced above will be avoided or minimized. Also contributing to the control of secondary effects are restrictions on operational characteristics, including the interaction between nude or partially nude entertainers, and patrons, customers, other employees and entertainers, given the threat they represent to the health of others through the spread of communicable and social disease. Requirements regarding buffers and stage designs are intended to protect public health while preserving the forms of expression intended by the protected nude and exotic entertainment.

b. Terms and Definitions. See Chapter 1, Article II for all terms and definitions (e.g., alcoholic beverage establishment; nudity; partial nudity) pertaining to adult entertainment establishments.

c. All Districts. In addition to the requirements of the underlying zoning district, other applicable general regulations, county licensing requirements, and City Code of Ordinances Part II, Section 3-6, the following requirements shall apply to adult entertainment establishments:

(1) No adult entertainment establishment shall be located closer than seven hundred fifty (750) feet from any other adult entertainment establishment measured from lot boundary to lot boundary along a straight airline route, except when the property containing the adult entertainment establishment is separated from the above use by the I-95 right-of-way and CSX rights-of-way, or the Boynton (C-16) Canal right-of-way.

(2) No adult entertainment establishment shall be located closer than seven hundred fifty (750) feet from any church use (house of worship); residential zoning district (including a mixed use district containing a residential component or a mixed use pod of a planned industrial development); public usage (PU) district; recreation district except where the subject property is a preserved natural area not accessible to the general public; or schools measured from lot boundary to lot boundary along a straight airline route, except when the property containing the adult entertainment establishment is separated from the above uses by the I-95 and CSX Railroad rights-of-way, or the Boynton (C-16) Canal right-of-way.

### 76. Artist Studio.

a. C-3 District, C-4 District, CBD District, PCD District, and all "Mixed Use" Districts. The fabrication, bending, welding, assembly, or processing of any heavy metal, wood, plastic, or similar products shall only be allowed for establishments located within the M-1 district.

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### 77. Entertainment, Indoor.

- a. C-2 District. Limited to amusement arcades and shall be only allowed in a shopping center located on an arterial roadway.
- b. M-1 District. Limited to indoor playground/play centers and amusement arcades only.

### 78. Entertainment, Outdoor.

- a. C-3 District and PCD District. Must be at least one thousand (1,000) feet from a residential use.

### 79. Marina, Including Yacht Club.

- a. All Districts. Marinas, including yacht clubs, are limited to the following uses: mooring and docking of private pleasure craft; sale of fuels and lubricants; occupancy of private craft as living quarters provided that such craft are connected to public sewer facilities; operation of drift and charter fishing boats and sightseeing boats; bait and tackle shops.
- b. IPUD District. Private marinas, as a principal use, requires the following:
  - (1) Minimum lot area: Four (4) acres.
  - (2) Minimum lot frontage: One hundred fifty (150) feet and minimum average width of two hundred (200) feet.
  - (3) Maximum height: Forty-five (45) feet.
  - (4) Principal land uses may include boat and yacht clubs, and private or public marinas (see Chapter 1, Article II, Definitions) contingent upon being located within an area identified with the "Preferred" siting designation by the 2007 Palm Beach County Manatee Protection Plan. However, major repairs and boatels, or residing on boats, shall be prohibited in the IPUD district. Additionally, all sale or minor repair of boats, or components thereof, shall only occur within a fully enclosed structure except as otherwise allowed by paragraph (6) below. The above noted principal uses, when combined with residential uses, in which the residential component occupies twenty-five percent (25%) or more of the total land area, shall be considered permitted uses, otherwise such marine uses shall require conditional use approval.
  - (5) Boatels and the residing on boats shall be prohibited within the IPUD district, except that temporary stays shall be allowed for a maximum of three (3) nights within a twelve (12)-month period.
  - (6) The following uses shall be allowed as accessory to one (1) of the principal marine uses described above: boat brokerages, ship's stores, tackle shops, maritime museums or other related educational uses, restaurants, boat ramps, and other launching facilities.

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- (7) Marine-oriented and water dependent uses shall meet all the requirements of Section 3.C.5. above, except for subparagraph (a) in that a marina may be the sole principal use of a project and is not required as a component of a mixed use development containing dwelling units.
- (8) No outdoor dry storing or stacking of boats or other related items shall be allowed, except that outdoor displays are allowed for sales purposes as long as the boats are restricted to ground level display, are not visible from abutting rights-of-way or residential properties, and are not placed within landscape areas or required parking spaces.
- (9) Wash down and other post-use servicing shall be done within the dry storage building or within an enclosed structure (e.g., three-sided and roofed) designed and oriented to minimize external impacts.
- (10) Water used for flushing and other cleaning activities shall be properly pretreated prior to discharge into the stormwater system, and conservation measures shall be considered to facilitate reclamation/recycling.
- (11) No outdoor speakers shall be allowed other than for low volume music that is not audible off-site.
- (12) In addition to adhering to the city's sound regulations, no equipment, machines, or tools shall be used between the hours of 8:00 a.m. and 6:00 p.m. that generates noise unique to a residential neighborhood.
- (13) See Chapter 4, Article III, Section 3.G.6. for additional design regulations for commercial buildings and boat storage facilities.
- (14) Landscaping above and beyond the regulations cited elsewhere in this Code shall be required for all non-residential buildings in excess of forty thousand (40,000) square feet, in order to reduce the perceived scale and massing of such buildings.
- (15) The width of the foundation planting areas visible from streets or residential properties shall be fifty percent (50%) of the façade height. The applicant may submit an alternate planting plan that depicts the required screening/softening of the large building façades, however in no instance shall the planting area be less than twelve (12) feet in width.
- (16) The height of the plant material shall be in relation to the height of the adjacent façade or wall. Further, the height of fifty percent (50%) of the required trees or palms shall be a minimum of two-thirds (2/3) of the height of the building. One (1) canopy tree or a cluster of three (3) palm trees shall be installed within the foundation planting area every twenty (20) feet on center along each façade visible from streets or residential properties. Canopy and palm trees shall be distributed along the entire façade where foundation landscaping areas are required, with understory plant material arranged in the areas between the low growing shrubs and tree or palm canopies. The applicant may submit an alternate planting plan that depicts the rearrangement of plant material in order not to interfere with required building enhances discussed herein.

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(17) A perimeter landscape barrier shall be required between incompatible uses and/or zoning districts; or where there are differences in density, intensity, or building heights or mass; or for those certain uses requiring additional screening in order to shield outdoor storage or operations. The barrier shall consist of a decorative buffer wall of at least six (6) feet in height, in addition to a variety of densely planted trees, hedges and shrubs. In areas where sufficient width is provided or staff determines additional buffering is warranted, a berm may be required in addition to the above regulations.

(18) The applicant shall demonstrate through site design and buffering how sound associated with the non-residential components of the project will be mitigated.

80. Rentals, Recreational (Bicycles, Canoes, Personal Watercraft).

a. MU-L1 District, MU-L2 District, and MU-L3 District. Indoor storage/display only and shall not exceed ten thousand (10,000) square feet.

81. Sightseeing & Scenic Tours.

a. All Districts. Vehicles used in support of the operation that are of a size in excess of a standard parking stall shall be stored in a zoning district where outdoor storage of vehicles is allowed.

b. CBD District, MU-L1 District, MU-L2 District, MU-L3 District, MU-4 District and MU-H District. Sightseeing boats are allowed in conjunction with a marina, including yacht club.

82. Theater. All outdoor style theaters (i.e. band shell, amphitheater) require conditional use approval.

83. Cemetery.

a. C-1 District, C-2 District, C-3 District, C-4 District, PCD District, MU-L1 District, MU-L2 District, and MU-L3 District. On parcels ten (10) acres or greater, a cemetery may be allowed as an accessory use to a funeral home establishment.

84. Church.

a. R-1-AAB District, R-1-AA District, R-1-A District, and R-1 District. Expansions and improvements to, and redevelopment of pre-existing places of worship that do not meet the minimum lot standards of the zoning district, or the other requirements of Section 3.D.33 above shall be allowed in accordance with the following requirements:

(1) Improvements shall only be allowed if the subject property was under proper ownership prior to the adoption of these regulations. Ownership shall be based on the records of the County Property Appraiser's Office.

(2) Rights-of-way for primary access shall be adequate and improved in accordance with (*Engineering Design Handbook and Construction Standards*);

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(3) The size of building improvements shall be allowed up to a maximum of 100% of the pre-existing area.

(4) Expansions that would increase operational space or capacity, shall require that all existing parking areas and related landscaping meet the requirements of the city's land development regulations.

(5) Parking. Projects eligible for parking space reductions of the MLK Overlay District, shall be required to meet a minimum of seventy-five percent (75%) of the spaces required under Chapter 4, Article V, Section 3.D.

(6) Non-conforming and blighted conditions. Expansions that increase operational space or capacity shall require improvements to all existing facilities to raise them to a similar appearance level as the proposed improvement and additions. Sidewalks shall be added where partially or totally absent along the boundary of the subject use. This requirement shall apply to all parcels used to support the principal use, including those lots that abut the principal lot or that are separated from the principal lot by other properties or rights-of-way.

(7) Design. Additions or new facilities shall be designed to be compatible with its surroundings and/or adopted community redevelopment plan to further the historic and architectural character of the neighborhood.

(8) No newly proposed physical improvements other than a wall/fence or landscaping shall be placed closer than thirty (30) feet from a parcel containing or zoned for a single-family residence.

(9) Any outdoor play areas shall be located a minimum of thirty (30) feet from a parcel containing or zoned for single-family residence.

(10) The foregoing conditions shall also apply to any repairs or reconstruction required due to damage from fire, a major storm event, or other natural occurrence.

b. R-2 District and R-3 District.

(1) Separation. Distances between residential properties and outdoor play areas shall be maximized.

(2) Landscaping. A minimum buffer width of five (5) feet and a landscaping barrier shall be required for all parking and vehicle use areas, and outdoor recreation areas that abut single-family residential zoning districts.

85. Government, Municipal Office/Emergency/Civic Facilities.

a. All Districts. Conditional use approval shall be required for gross floor area in excess of five thousand (5,000) square feet.

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### 86. Government, Non-Municipal Office Facilities.

- a. All "Mixed Use," M-1 District, and PID District. This use shall be integrated into a multiple-tenant building. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building; or 2) exceed thirty percent (30%) of the gross floor area of the mixed use development, where applicable.
- b. M-1 District. This non-industrial use is allowed within the M-1 district, provided that it 1) excludes a drive-up, drive-through, or drive-in facility; and 2) complies with all off-street parking requirements of Chapter 4, Article V.

### 87. Day Care.

- a. R-1-AAB District, R-1-AA District, R-1-A District, R-1 District, and PUD District. The following applies to facilities to be located within zoning districts limited to single-family homes:
  - (1) Design. Building design shall be consistent with surrounding residential styles in accordance with Chapter 4, Article III, Section 5.G.
  - (2) Lot Size. A minimum of one-half (0.5) acre.
  - (3) Separation. Minimum separation requirement between day cares shall be two thousand, four hundred (2,400) feet (this distance separation requirement should not apply to day care uses limited to specific groups such as church members, and should not be intended to place restrictive limits on the expansion/improvement of those uses existing prior to codification.
- b. R-2 District and R-3 District.
  - (1) Location. Along the following roadway types as designated in the City of Boynton Beach Comprehensive Plan: arterials and collectors;
    - (a) Lot size. A minimum of one-half (0.5) acre;
    - (b) Landscaping. A minimum buffer width of five (5) feet and a landscaping barrier shall be required for all parking and vehicle use areas, and outdoor recreation areas that abut residential zoning districts. Distances between outdoor play areas shall be maximized;
    - (c) Design. Building design shall be consistent with surrounding residential styles in accordance with Chapter 4, Article III, Section 5.G.
- c. PCD District. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:

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- (1) If shown on the originally approved master plan;
- (2) Uses will not be subject to the minimum acreage requirements of the C-3 zoning district if the site meets the minimum acreage requirement for rezoning to PCD; and
- (3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of two hundred (200) feet.

88. Stone Cutting & Finishing. Conditional use approval shall be required if located within two hundred (200) feet of a residential zoning district or a Mixed Use Pod of a PID.

89. Storage, Boats/Motor/Recreational Vehicles.

a. CBD District, MU-L2 District, MU-L3 District, and MU-H District. The wet storage of boats is allowed as an accessory use to a marina, including yacht club. The dry storage of boats shall be prohibited.

b. M-1 District. No exterior storage of boats, motor, or recreational vehicles in a wrecked condition shall be permitted.

(1) Landscaping. All exterior (temporary) storage of fleet vehicles shall be adequately screened. Additional buffering may be required as recommended by the Director of Planning and Zoning to ensure compatibility.

(2) Lighting. If a facility abuts a residential zone, outdoor lighting fixtures shall be no more than twenty (20) feet in height and shall be shielded away from residential property.

90. Storage, Self-Service.

a. All Districts. All self-storage facility uses shall comply with the following:

(1) Rental Facility Office. A maximum of one thousand (1,000) square feet of the rental office may be devoted to the rental and/or sale of retail items used for moving and storage and including, but not limited to carton, tape and packing materials.

(2) Security Quarters. A single residential unit for security purposes, not to exceed one thousand, two hundred (1,200) square feet may be established on the site of a self-service storage facility provided that said facilities are at least thirty thousand (30,000) square feet. This dwelling unit shall be considered a limited exception to the general prohibition of residential uses in industrial zones. The security quarters may continue only so long as the self-service storage facility remains active. The security quarters shall be for the exclusive use of, and shall be occupied only by a guard, custodian, caretaker, owner, manager, or employee of the owner of the facility, and respective family.

(3) Use of Bays. The use of storage bays shall be limited to dead storage of household goods, personal property, or records for commercial businesses. Storage bays shall not be

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used to manufacture, fabricate or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity. Individual storage bays or private postal boxes within a self-service storage facility shall not be considered a premises for the purpose of assigning a legal address in order to obtain approval or other governmental permit or license to conduct business. Other prohibited uses include storage, sale, salvage, transfer, or disposal of junk, scrap, garbage, offal, refuse, or other waste materials. Further:

- (a) The maximum size of a storage bay shall be limited to four hundred fifty (450) square feet.
- (b) Storage bay doors shall not face any abutting property that is residentially zoned or any public or private right-of-way.
- (c) Lighting. If a facility abuts a residential zone, outdoor lighting fixtures shall be no more than twenty (20) feet in height and shall be shielded away from residential property.
- (d) Loudspeakers. No exterior loudspeakers or paging equipment shall be permitted on-site.
- (e) Design. For all self-service storage facilities adjacent to or visible from any right-of-way, the following shall apply:
  - (i) The exterior colors, façades, windows, roof and building materials of all structures located on-site shall be compatible with the character of or vision for the surrounding area. Self-service storage facilities shall incorporate design elements to achieve the effect of office structures.
  - (ii) All façades viewable from rights-of-way shall provide variety and interest. These façades shall not exceed fifty (50) feet in length without visual relief by means of a vertical reveal at least one (1) foot in depth and ten (10) feet in width, a perceptible change in wall angle, or a corner. Other design attributes shall include, roof slope and materials, windows, awnings, fencing and other aesthetic elements.
- (f) Refuse. Dumpsters and trash receptacles shall be screened from view of adjacent lots and streets.
- (g) Exterior storage.
  - (i) Vehicles shall not be stored within the area set aside for minimum building setbacks or in areas designated for landscaping buffering purposes.
  - (ii) Pleasure boats stored on-site shall be placed and maintained upon wheeled trailers. No dry stacking shall be permitted on-site.
  - (iii) The outside storage area shall be constructed with a dust-free surface.

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b. **Multi-Access Self-Storage Facilities.** In addition to the general standards above, multi-access self-service storage facilities shall comply with the following regulations:

- (1) **Lot Size.** The minimum lot size for a multi-access self-storage facility shall be two (2) acres.
- (2) **Circulation.** The following on-site circulation standards shall apply:
  - (a) **Interior:** Interior loading areas shall be provided in the form of aiseways adjacent to the storage bays. These aiseways shall be used both for circulation and temporary customer parking while using storage units. The minimum width of these aiseways shall be twenty-five (25) feet if only one-way traffic is permitted, and thirty (30) feet if two-way traffic is permitted. A minimum width of twelve (12) feet between aiseways will be required when utilized for outdoor storage.
  - (b) **Flow:** The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Markings shall consist of standard directional signage and painted lane markings with arrows.
  - (c) **Access:** Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning of aiseways.
- (3) **Height.** Limited access and combination multi-access and limited-access self-service storage facilities shall conform to the maximum height for that district. The maximum height for multi-access self-service storage facilities shall not exceed twenty-five (25) feet. These heights will include any screening required to conceal air-conditioning or any other mechanical equipment.

c. **Limited Access Self-Storage Facilities.** In addition to the general standards above, limited-access self-storage facilities shall comply with the following regulations:

- (1) **Lot Size.** The minimum lot size for a limited access self-storage facility shall be one (1) acre.
- (2) **Loading.**
  - (a) Each entry point used to access hallways leading to the storage bays shall accommodate a minimum of two (2) loading berths and related maneuvering area.
  - (b) The loading areas shall not interfere with the primary circulation system on-site.
- (3) **Circulation.** The following on-site circulation standard shall apply:
  - (a) **Interior.** If a minimum twenty (20) feet accessway is provided adjacent to the building and serves no other use except the self-service storage facility, then the loading area may be established parallel and adjacent to the building. It will be required to satisfy current regulations for driveway accessibility dependent on one-way or two-way traffic.

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- (i) One-way: 25 feet; and
  - (ii) Two-way: 30 feet.
- d. SMU District, MU-L1 District, MU-L2 District, and MU-L3 District. Only limited-access self-service storage facilities are allowed within mixed use districts. Multi-access self-service storage facilities are prohibited.
  - (1) Location. Permitted only on lots fronting on major arterial roadways. Retail uses unrelated to the storage business are relegated to the ground-floor. Street frontages of the ground floor area shall be devoted to one (1) or more principal retail and office uses, not related to the self-storage use, to a depth of at least twenty (20) feet.
  - (2) Driveways. Access to the self-service storage use portion of the structure shall not be from/to an arterial roadway and must be screened from public rights-of-way.
  - (3) Design. Buildings shall be designed to have the appearance of a multi-story retail, office, and/or residential structure through the use of windows, shutters, and appropriate building elements on the upper floors.
- e. M-1 District.
  - (1) Buffers. All perimeter buffers adjacent to residentially-zoned property shall contain a continuous wall or hedge and trees, installed no less than twenty-five (25) feet on-center.
  - (2) Exterior Storage. In connection with a self-service storage facility, open storage of boats, motor, or recreational vehicles of the type customarily maintained by private individuals for their personal use and commercial vehicles shall be permitted provided the following:
    - (a) The outdoor storage area shall not exceed forty percent (40%) of the area of the site.
    - (b) Outdoor storage areas shall be entirely screened from public and private rights-of-way and non-industrial properties. Screening materials shall be comprised of a buffer wall, eight (8) feet in height, or by the project's principal and/or accessory building(s) or a combination thereof. Trees, installed no less than twenty-five (25) feet on-center, in conjunction with shrubs and/or other foundation plantings, shall be placed on the outside of the buffer wall, within a landscaping strip of at least five (5) feet in width. The shrubs and foundation plantings shall be at least four (4) feet in height at the time of installation. However, their inclusion may be waived by the Director of Planning and Zoning if determined to be unnecessary.

### 91. Boat Repair.

- a. Landscaping. All exterior (temporary) storage shall be adequately screened. Additional buffering may be required as recommended by the Director of Planning and Zoning to ensure compatibility.

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- b. C-4 District. Shall not be located on a lot that borders an arterial roadway unless accessory to a Boat Dealer. No repair shall be allowed outside an enclosed structure, and exterior storage of boats and equipment must be adequately screened from adjacent rights-of-way and properties.
- c. M-1 District. The exterior storage of boats or equipment must be adequately screened from adjacent rights-of-way and properties. The dry stacking of any boats shall be prohibited.
- d. PID District. Only allowed as an accessory use to a retail boat dealer.

92. Carpet and Upholstery Cleaning Services. Permitted off-site only.

93. Contractor.

- a. Refuse. Dumpsters and trash receptacles shall be screened from view of adjacent lots and streets.
- b. C-4 District.
  - (1) Location. This use is allowed within the C-4 district but it shall not be located on a lot that fronts on an arterial roadway.
  - (2) Use(s) Allowed.
    - (a) Office and showroom only as a permitted use.
    - (b) Contractors' outdoor storage and workshop shall require conditional use approval if located within two hundred (200) feet of a residential zoning district.
- c. M-1 District. Contractors' outdoor storage and workshop shall require conditional use approval if located within two hundred (200) feet of a residential zoning district.

94. Lawn Maintenance & Landscaping Service.

- a. Refuse. Dumpsters and trash receptacles shall be screened from view of adjacent lots and streets.
- b. C-4 District.
  - (1) Location. This use is allowed within the C-4 district but it shall not be located on a lot that fronts on an arterial roadway.
  - (2) Use(s) Allowed.
    - (a) Office and showroom only as a permitted use.
    - (b) Outdoor storage and workshop shall require conditional use approval if located within two hundred (200) feet of a residential zoning district.

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95. Radio & TV Broadcasting. Refer to the wireless communication facilities section in Chapter 3, Article V (Supplemental Regulations) of the Land Development Regulations.

96. Research & Development, Scientific/Technological. Excluding treatment, storage, or processing of human or animal bodies or body parts. Medical or scientific research which involves the use, treatment, storage, or processing of human or animal bodies or body parts would require conditional use approval.

97. Sewer/Septic & Waste Mgmt Cleaning. This use excludes the storage, treatment, transfer, dumping, or disposal of waste on-premises.

98. Taxi, Limo, Charter Bus.

a. C-2 District, C-3 District, C-4 District, CBD District, and PCD District. Office only; fleet vehicles shall be stored in a zoning district where storage, boats/motor/recreational vehicles is allowed.

b. M-1 district. No exterior (temporary) storage of fleet vehicles in a wrecked condition shall be permitted. In addition, the following shall apply:

(1) Landscaping. All exterior (temporary) storage of fleet vehicles shall be adequately screened. Additional buffering may be required as recommended by the Director of Planning and Zoning to ensure compatibility.

(2) Lighting. If a facility abuts a residential zone, outdoor lighting fixtures shall be no more than twenty (20) feet in height and shall be shielded away from residential property.

(3) Loudspeakers. No exterior loudspeakers or paging equipment shall be permitted on-site.

99. Community Garden.

a. All Districts.

(1) Setbacks. The cultivation area shall be setback or designed (planted) a minimum distance so as to not violate any cross-visibility requirements and safe-sight standards required near vehicular use areas.

(2) Design. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.

(3) Parking. Community gardens shall be exempt from the off-street parking requirements of Chapter 4, Article V, Minimum Off-Street Parking Requirements. No vehicles, including harvesting machinery shall be stored on the subject property or within the abutting right-of-way, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a land development permit. See Chapter 2, Article III, Section 3 for the regulations pertaining to the land development permit.

(4) Hours of Operation. No activity shall be conducted on-site between the hours of 9:00 p.m. and 7:00 a.m.

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(5) Exterior Lighting. No temporary or permanent exterior lighting shall be used beyond the lawful hours of operation.

(6) Walls and Fences. Walls and fences shall be allowed and regulated in accordance with Chapter 3, Article V, Section 2.

(7) Open Burning. The open burning of neighborhood gardens shall be prohibited. See City Code of Ordinances Part II, Chapter 9, Article II, Section 9-18 for the restrictions on open burning.

(8) Signage. Pursuant to Chapter 4, Article IV, Section 1.E., a non-illuminated sign with non-commercial copy is allowed, provided that it does not exceed three (3) square feet in area. If proposed as a freestanding structure, the sign shall not be greater than four (4) feet in height and must be located at least ten (10) feet from any property line.

(9) Grading and Ground Elevation. The subject site shall not be excavated, graded, dredged, or filled to the extent that it would change existing drainage patterns or cause rainwater to outfall onto abutting properties or rights-of-way.

### b. Residential Districts.

(1) IPUD District, PUD District, and MHP District. A community garden shall only be allowed on lands considered common area by the homeowners or property owners' association or upon lots that are owned by such association.

(2) Lot Size. The maximum lot size shall not exceed one-half (0.5) acre.

(3) Freestanding Structures and Site Amenities. No freestanding structures or site amenities allowed under Chapter 3, Article V, Section 3 (e.g., sheds and storage containers, generators and fuel tanks, compost bins and tumblers, agricultural structures) shall be allowed.

(4) Seed and Fertilizer. No seed or fertilizer shall be stored on-site.

(5) Approval Process. A community garden shall require the approval of a zoning permit in accordance with Chapter 2, Article II, Section 5.B.

### c. All Commercial and Mixed Use Districts.

(1) Lot Size. The maximum lot size shall not exceed one (1) acre.

(2) Separation. A community garden shall be separated from another community garden by a minimum of one thousand (1,000) feet.

(3) Freestanding Structures and Site Amenities. Freestanding structures and site amenities, including but not limited to sheds and storage containers, generators and fuel tanks, compost bins and tumblers, or agricultural structures are allowed, provided that they are installed, placed, erected, or constructed in accordance with the respective provisions of Chapter 3, Article V, Section 3.

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(4) Lot Coverage. The ground area of all freestanding structures and site amenities allowed under Chapter 3, Article V, Section 3 that are installed, placed, erected, or constructed shall count towards lot coverage; and all of these, including principal structures, shall not exceed the maximum allowed by the respective zoning district.

(5) Approval Process. A community garden shall require the approval of a zoning permit in accordance with Chapter 2, Article II, Section 5.B. However, those containing storage and/or agricultural structures greater than one hundred (100) square feet as provided for in the Supplemental Regulations (Chapter 3, Article V, Section 3) shall require approval of conditional use and site plan applications in accordance with Chapter 2, Article II, Section 2.

(6) Retail Sales. The on-site sale of fruits, vegetables, nuts, or herbs harvested on-site is allowed, but only in connection with the approval of a special event permit. Any temporary farm stand used during the special event period shall be no larger than seventy-two (72) square feet and seven (7) feet in height. No fruits, vegetables, nuts, or herbs harvested off-site or any products produced off-site shall be brought to the subject property and sold on-site.

100. Warehouse, showroom (single product line).

a. All Districts (for recreational vehicles only).

(1) Minimum property size for the particular use shall be ten (10) acres.

(2) Must be located in a multi-tenant building.

(3) Interior display of recreational vehicles is required. Ancillary display outside an enclosed building shall not exceed one and one-half (1-1/2) times the number of units displayed indoors.

(4) If ancillary outdoor display is proposed, the property shall not be located on an arterial or collector roadway.

(5) Only one row of recreational vehicles may be displayed between the building and any road right-of-way. No recreational vehicle may be displayed within ninety (90) feet of any road right-of-way.

(6) No ancillary outdoor display shall occur within required parking spaces.

(7) Location of ancillary outdoor display shall not obstruct or impede vehicular movements or pedestrian access.

(8) Landscaping shall be in conformance with either "perimeter landscape buffer" or "landscape strip abutting right-of-way" requirements, whichever is applicable.

(9) No maintenance shall occur on site.

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101. Medical Care or Testing (In-patient). Other requirements and site standards:
- a. Conditional use approval shall be required if there exists less than a fifty (50) foot setback between the subject use and an abutting residential or mixed use zoning district. This separation is intended to enable proper site design regarding secured access, private outdoor patron amenities, buffering, and the like.
  - b. Site security shall be ensured through a minimum of surveillance cameras, limited and controlled access points, and operational procedures to restrict unauthorized and/or unarranged accessing or exiting of the facility and/or property. This subsection may be proven unnecessary based on the use or operation, surrounding land uses and/or site design. Justification shall be provided to staff in conjunction with site plan review or when applying for Certificate of Use approval.
  - c. Privacy and access control shall be ensured through a minimum of perimeter fencing and landscape buffering intended to support the objective to control access and increase privacy of areas intended for client or patient use. This subsection may be proven unnecessary based on the use or operation, surrounding land uses and/or site design. Justification shall be provided to staff in conjunction with site plan review or when applying for Certificate of Use approval.
  - d. In addition to the locational restriction of footnote No. 14 (arterial roadway frontage), allowed locations within the CRA shall exclude Planning Areas #2, #3, and #4 as defined within the Federal Highway Corridor Community Redevelopment Plan Update adopted in 2006, and the Boynton Beach Boulevard corridor. The intent of this standard is to reserve certain areas within the CRA to those uses that contribute to, and enhance, the entries into the downtown, the fabric of the streetscape, harmonious land use relationships, downtown retail and commerce, and other urban development efforts that establish a sense of place along the key routes leading to, and within, the downtown pursuant to an adopted redevelopment plan.
102. Pre-existing. Such pre-existing uses which are no longer allowed uses pursuant to amendments to the Zoning Matrix shall not be construed as non-conforming uses. However, major modifications to such uses shall be in accordance with the conditional use approval process if required pursuant to the Zoning Matrix, and adhere to the site design and operational restrictions of the applicable footnotes.
103. Landscape Debris Stockpiling.
- a. The commercial stockpiling of landscaping debris is allowed as a conditional use in the M-1 zoning district subject to the following conditions:
    - 1) Prior to commencing the operation of a landscaping debris storage site, a property owner must first obtain a Business Tax Receipt and Certificate of Use from the city.
    - 2) A site plan notated to show operational components of the storage facility (i.e. access, storage area, setback, etc).
    - 3) No stockpiling of landscaping debris shall be permitted on properties of less than 0.5 acres.

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- 4) A minimum 20-foot wide stabilized all weather access road around the perimeter of the stockpile.
- 5) All stored landscaping debris shall be setback at least 30 feet from any residential property line and 25 feet from all other property lines.
- 6) All storm water drainage shall be maintained on the site by appropriate infrastructure and improvements as approved by the City Engineer or his or her designees.
- 7) No chipping of stockpiled debris is permitted on the site.
- 8) The perimeter of a storage site shall be screened with a wall or fence that obstructs the view of the storage area from adjacent properties, except where such use abuts a residential zoning district screening shall also include landscape elements that meet the intent of the Landscape Barrier as defined in Chapter 4, Article II of the Land Development Regulations.
- 9) The hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and Saturday from 8:00 a.m. to 2:00 p.m. or as established during the conditional use approval process.
- 10) Access to operations shall be only from a public right-of-way. In no case, shall a delivery or removal of the stored landscaping debris utilize a private road or alley serving residential uses for access.
- 11) The delivery, removal and storage shall utilize dust control measures.
- 12) Debris piles shall not be placed on surfaces intended or designed for open space, or for parking or vehicle circulation.
- 13) Storage areas shall include fire protection monitoring, alert and suppression systems as approved by the City Fire Marshal. The following are minimum requirements which must be demonstrated to obtain Fire Marshal approval:
  - a) No pile shall be higher than 10 feet. During any declared drought the height shall be limited to six feet.
  - b) All piles shall be covered with a “breathable blanket” or site provided with a sprinkler system approved by the City Fire Marshal.
  - c) All piles shall be secured behind a fence or other approved barrier that will be locked at all times when not in use.
  - d) Because of the health hazards from the rotting vegetation and the vermin that may live there and the fire hazard these piles shall be a minimum of 25 feet from any commercial building and 40 feet from any residence.
  - e) A working garden hose shall be at the ready at all times to put out small spot fires.

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f) Each pile shall be churned at least once per week and so noted on a roster to be maintained onsite and made available to a Fire Department representative on request.

b. These provisions shall be in effect until August 22, 2018 as a pilot program and shall sunset unless extended or made a permanent part of these regulations by a subsequent ordinance of the city.

(Ord. 10-025, passed 12-7-10; Am. Ord. 11-002, passed 3-1-11; Am. Ord. 11-018, passed 7-5-11; Am. Ord. 11-023, passed 10-4-11; Am. Ord. 11-028, passed 10-18-11; Am. Ord. 12-006, passed 4-17-12; Am. Ord. 12-010, passed 6-19-12; Am. Ord. 13-020, passed 7-2-13; Am. Ord. 13-025, passed 10-1-13; Am. Ord. 13-029, passed 11-19-13; Am. Ord. 15-002, passed 3-17-15; Am. Ord. 15-003, passed 3-17-15; Am. Ord. 15-019, passed 8-18-15; Am. Ord. 15-030, passed 11-3-15; Am. Ord. 16-010, passed 7-5-16; Am. Ord. 16-011, passed 7-5-16; Am. Ord. 16-023, passed 1-3-17; Am. Ord. 17-005, passed 2-21-17; Am. Ord. 17-014, passed 7-18-17)

### Sec. 4. Conditional Uses.

A. *Applicability.* Where zoning district regulations indicate that a use is allowed as a conditional use, the procedures, requirements, and standards set out in Chapter 2, Article II, Section 2.C. and this section shall apply.

B. *Definition.* See Chapter 1, Article II, Definitions.

C. *Standards for Evaluating Conditional Uses.* In evaluating an application for conditional use, the Board and Commission shall consider the effect of the proposed use on the general health, safety, and welfare of the community and make written findings certifying that satisfactory provisions has been made concerning all of the following standards, where applicable:

1. Ingress and egress to the subject property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the items in subsection C.1. above, and the economic, glare, noise, and odor effects the conditional use will have on adjacent and nearby properties, and the city as a whole;
3. Refuse and service areas, with particular reference to the items in subsection C.1. and C.2. above;
4. Utilities, with reference to locations, availability, and compatibility;
5. Screening, buffering and landscaping with reference to type, dimensions, and character;