ORDINANCE NO. 2013-37

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE NEW ZONING CODE, CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; BY AMENDING SECTION 155.1502, "TRANSITION TO NEW ZONING DISTRICTS," TO ALTER TABLE TO INDICATE LOCAL ACTIVITY CENTER ZONING DISTRICT IS A SPECIAL DISTRICT; BY AMENDING SECTION 155.2203, "ZONING BOARD OF APPEALS (ZBA)," AND SECTION 155.2204, "PLANNING AND ZONING BOARD (P&Z)," TO REQUIRE MEMBERS' TERM OF OFFICE TO RUN CONCURRENT WITH APPOINTING COMMISSIONER'S TERM; BY AMENDING SECTION 155.2308, "POST-DECISION ACTIONS AND LIMITATIONS," TO REQUIRE A WRITTEN REQUEST FOR AN EXTENSION WITHIN 45 DAYS BEFORE EXPIRATION; PROVIDING FOR EXTENSIONS FOR INTERIM USE PERMITS AND SITE PLANS; AND LIMITING EXTENSIONS EXTENDED BY STATE LAW; BY AMENDING SECTION 155.2405, "PLANNED DEVELOPMENT," TO REQUIRE TIMELY APPLICATION FOR NEEDED FLEX AND RESERVE UNITS; BY AMENDING SECTION 155.2407, "SITE PLAN," TO CHANGE REQUIREMENT FOR A DEVELOPMENT ORDER FOR MAJOR AND MINOR SITE PLANS; BY AMENDING SECTION 155.2408, "BUILDING DESIGN," TO CHANGE REQUIREMENT FOR A DEVELOPMENT ORDER MAJOR AND MINOR BUILDING DESIGN; BY AMENDING SECTION 155.2412, "TEMPORARY USE PERMIT," CLARIFYING APPLICABILITY, STANDARDS AND EFFECT OF TEMPORARY USE PERMITS; BY AMENDING SECTION 155.2415, "INTERIM USE PERMIT," TO MODIFY FOR PURPOSE OF INTERIM USE PERMIT, REQUIREMENTS TO OBTAIN AND FOR EXTENSION; BY AMENDING SECTION 155.2421, "ADMINISTRATIVE ADJUSTMENT," TO CLARIFY WHICH DISTRICTS ARE ELIGIBLE FOR ADMINISTRATIVE ADJUSTMENT; BY AMENDING SECTION 155.2424, "APPEAL," TO PROVIDE FOR APPEAL BY SEXUALLY ORIENTED BUSINESSES; BY AMENDING SECTION 155.3202, "SINGLE-FAMILY RESIDENCE 1 (RS-1)," SECTION 155.3203, "SINGLE-FAMILY RESIDENCE 2 (RS-2)," SECTION 155.3204, "SINGLE-FAMILY RESIDENCE 3 (RS-3)," SECTION 155.3205, "SINGLE-FAMILY RESIDENCE 4 (RS-4)," SECTION 155.3206, "SINGLE-FAMILY RESIDENCE LEISUREVILLE (RS-L)," SECTION 155.3207, "TWO-FAMILY RESIDENCE (RD-1)," SECTION 155.3208, "MULTIPLE-FAMILY RESIDENCE 7 (RM-7)," SECTION 155.3209, "MULTIPLE-FAMILY RESIDENCE 12 (RM-12)," SECTION 155.3210, "MULTIPLE-FAMILY RESIDENCE 20 (RM-20)," SECTION 155.3211, "MULTIPLE-FAMILY RESIDENCE 30 (RM-30)," SECTION 155.3212, "MULTIPLE-FAMILY RESIDENCE 45 (RM-45)," SECTION 155.3302, "LIMITED BUSINESS (B-1)," SECTION 155.3303, "COMMUNITY BUSINESS (B-2)," SECTION 155.3304, "GENERAL BUSINESS (B-3)," SECTION 155.3305,

"HEAVY BUSINESS (B-4)," SECTION 155.3306, "MARINA BUSINESS (M-1)," SECTION 155.3307, "COMMERCIAL RECREATION (CR)," SECTION 155.3402, "GENERAL INDUSTRIAL (I-I)," SECTION 155.3403, "SPECIAL INDUSTRIAL (I-IX)," SECTION 155.3404, "OFFICE INDUSTRIAL PARK (OIP)," SECTION 155.3405, "MARINA INDUSTRIAL (M-2)," SECTION 155.3501, "TRANSIT ORIENTED (TO)," SECTION 155.3502, "PARKS AND RECREATION (PR)," SECTION 155.3503, "COMMUNITY FACILITIES (CF)," SECTION 155.3504, "PUBLIC UTILITIES (PS)," AND SECTION 155.3505, "TRANSPORTATION (T)," TO CHANGE DIMENSIONAL STANDARDS FOR SAID ZONING DISTRICTS; BY CREATING A NEW SECTION 155.3507, " LOCAL ACTIVITY CENTER (LAC)," TO GENERALLY PROVIDE FOR PURPOSE, VARIOUS STANDARDS, PERMITTED USE CATEGORIES AND TYPES, AND PROHIBITED USES, AND ALSO SPECIFICALLY PROVIDING FOR STANDARDS FOR JOHN KNOX VILLAGE; BY AMENDING SECTION 155.3605, "PLANNED DEVELOPMENT – TRANSIT ORIENTED," TO ELIMINATE FLOOR AREA RATIO REQUIREMENT; BY DELETING SECTION 3606, "LOCAL ACTIVITY CENTER (LAC) IN ITS ENTIRETY; BY AMENDING SECTION 155.3703, "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO AMEND PROHIBITED USE AND REVISE LIMIT ON RESIDENTIAL MIXED USE; BY AMENDING SECTION 155.4101, "PRINCIPAL USE CLASSIFICATION SYSTEM," TO PROVIDE A REVISED USE CLASSIFICATION SYSTEM AND DESCRIPTION OF PRINCIPAL USES; BY AMENDING SECTION 155.4201, "GENERAL," TO CREATE STANDARDS APPLICABLE TO ALL PRINCIPAL USES AND PROVIDING FOR APPLICABILITY; BY AMENDING SECTION 155.4202, "RESIDENTIAL: HOUSEHOLD LIVING USES," REVISING STANDARDS FOR LIVE/WORK DWELLING, MIXED USE DWELLING AND FAMILY CARE HOME AND DISTRICTS WHERE SAID DWELLINGS ARE PERMITTED; BY AMENDING SECTION 155.4203, "RESIDENTIAL: GROUP LIVING USES," SECTION 155.4207, " INSTITUTIONAL: EDUCATION USES," AND SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES," TO AMEND DEFINITIONS OF SAID PRINCIPAL USES AND DISTRICTS WHERE PSYCHIATRIC TREATMENT FACILITIES ARE PERMITTED; BY AMENDING SECTION 155.4210, "INSTITUTIONAL: OPEN SPACE USES," SECTION 155.4211, "INSTITUTIONAL: OTHER INSTITUTIONAL USES," SECTION 155.4212, "INSTITUTIONAL: TRANSPORTATION USES," SECTION 155.4214, "COMMERCIAL: ANIMAL CARE USES," SECTION 155.4215, "COMMERCIAL: BOAT AND MARINE SALES AND SERVICE USES," SECTION 155.4216, "COMMERCIAL: BUSINESS SUPPORT SERVICES," SECTION 155.4217, "COMMERCIAL: COMMERCIAL OR MEMBERSHIP RECREATION / ENTERTAINMENT USES," AND SECTION 155.4218, "COMMERCIAL: EATING AND DRINKING ESTABLISHMENTS," TO CHANGE CERTAIN DEFINITIONS AND STANDARDS FOR SAID PRINCIPAL USES; BY AMENDING SECTION 155.4219, "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES," TO CHANGE STANDARDS OF USES AND ALTERING ZONING DISTRICTS WHERE CAR WASH OR AUTO DETAILING, GASOLINE FILLING STATIONS, NEW MOTOR VEHICLE SALES, USED MOTOR VEHICLE SALES AND MOTOR VEHICLE RENTAL

ARE PERMITTED; BY AMENDING SECTION 155.4220, "COMMERCIAL: OFFICE USES," SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," SECTION 155.4223, "COMMERCIAL: SELF-SERVICE STORAGE USES," SECTION 155.4224, "COMMERCIAL: SEXUALLY ORIENTED BUSINESSES," AND SECTION 155.4225, "COMMERCIAL: VISITOR ACCOMMODATION USES," TO ALTER CERTAIN DEFINITIONS AND STANDARDS FOR LISTED COMMERCIAL USES AND AMENDING ZONING DISTRICTS WHERE CONTRACTOR'S OFFICE, PROFESSIONAL OFFICE AND THRIFT SHOPS ARE PERMITTED; BY AMENDING SECTION 155.4226, "INDUSTRIAL: INDUSTRIAL SERVICE USES," SECTION 155.4227, "INDUSTRIAL: MANUFACTURING AND PRODUCTION USES," SECTION 155.4228, "INDUSTRIAL: WAREHOUSING AND FREIGHT MOVEMENT USES," SECTION 155.4229, "INDUSTRIAL: WASTE-RELATED SERVICE USES," AND SECTION 155.4230, "INDUSTRIAL: WHOLESALE USES," TO MODIFY CERTAIN STANDARDS AND DEFINITIONS OF LISTED INDUSTRIAL USES AND MODIFYING ZONING DISTRICTS WHERE WAREHOUSE, DISTRIBUTION AND STORAGE, AND SOLID WASTE TRANSFER STATION ARE PERMITTED; BY AMENDING SECTION 155.4302, "GENERAL," TO ALTER PROHIBITED LOCATIONS AND STANDARDS FOR ACCESSORY USES AND STRUCTURES; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO CHANGE CERTAIN STANDARDS AND DEFINITIONS FOR LISTED ACCESSORY USES AND STRUCTURES AND TO MODIFY ZONING DISTRICTS WHERE CLOTHESLINES, OUTDOOR STORAGE, RECYCLING DROP-OFF STATION, RETAIL SALES, MECHANICAL EQUIPMENT, UNCOVERED PORCHES, DECKS AND PATIOS, FLAGPOLES, CERTAIN LIGHTING FIXTURES AND GAZEBOS ARE PERMITTED; BY AMENDING SECTION 155.4403, "STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES," TO CREATE NEW INTERIM USES; BY AMENDING SECTION 155.4501, "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO ALTER SEPARATION DISTANCES; REVISING EXCEPTIONS TO SEPARATION REQUIREMENT; BY CREATING SECTION 155.4601, "INTERPRETATION OF UNLISTED USES," TO PROVIDE CRITERIA FOR ALLOWING UNLISTED PRINCIPAL USES, ACCESSORY USES AND STRUCTURES; REQUIRING EVALUATION BY DEVELOPMENT SERVICES DIRECTOR; BY AMENDING SECTION 155.5101, "ACCESS AND CIRCULATION," TO ALTER LOCATION OF DRIVEWAY ACCESS AND DRIVEWAY MINIMUM REQUIREMENTS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO ALLOW GRAVEL FOR EXISTING SINGLE-FAMILY DWELLINGS AND MODIFYING MINIMUM NUMBER OF OFF-STREET PARKING SPACES; AND ADDING REQUIREMENTS FOR PARKING WHEN GARAGE OR CARPORT ARE CONVERTED, AND TO ALTER A TABLE TO INDICATE SPECIFIC PARKING SPACE REQUIREMENTS FOR JOHN KNOX VILLAGE LOCAL ACTIVITY CENTER; BY AMENDING SECTION 155.5203, "LANDSCAPING," TO CHANGE LANDSCAPING REQUIREMENTS FOR DEMOLITION SITES, AND TO ADD SPECIAL LANDSCAPING REQUIREMENTS FOR PROPERTIES ON AND EAST OF HARBOUR DRIVE

(NE 26TH AVENUE); BY AMENDING SECTION 155.5204, "TREE PRESERVATION," TO MODIFY EXEMPTIONS FROM SECTION; TO ADD MAINTENANCE AND BOND REQUIREMENTS; AND AMENDING REQUIRED NUMBER AND TYPE OF REPLACEMENT TREES; BY AMENDING SECTION 155.5205, "FLORIDA-FRIENDLY FERTILIZER USE," TO PROVIDE REGULATION OF THE USE OF FERTILIZERS AND ENFORCEMENT; BY AMENDING SECTION 155.5301, "SCREENING," TO ALTER STANDARDS FOR SCREENING OF MECHANICAL EQUIPMENT; BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO MODIFY REQUIRED FENCING ON VACANT LOTS ALONG SCENIC HIGHWAY, AND TO PROVIDE SPECIFIC REQUIREMENTS FOR FENCES AND WALLS ON AND EAST OF HARBOUR DRIVE (NE 26TH AVENUE); BY AMENDING SECTION 155.5402, "LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION," TO ALTER EXCEPTIONS TO BE CONSISTENT WITH FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION REQUIREMENTS; BY DELETING SECTION 155.9301, "PRINCIPAL USE CLASSIFICATION SYSTEM," AND SECTION 155.9302, "INTERPRETATION OF UNLISTED USES," AS PROVISIONS HAVE BEEN TRANSFERRED BY THIS AMENDMENT; BY AMENDING SECTION 155.9401, "MEASUREMENT," TO MODIFY LOT COVERAGE AND PERVIOUS AREA; BY AMENDING SECTION 155.9402, "EXCEPTIONS AND VARIATIONS," TO MODIFY EXCEPTIONS TO MAXIMUM HEIGHT LIMITS; DELETING CERTAIN ALLOWED YARD ENCROACHMENTS; AMENDING AND ADDING VARIOUS DEFINITIONS USED IN CHAPTER; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pompano Beach ("City Commission") found it necessary to revise its Zoning Code of Ordinances ("Code") in order to update its zoning regulations and procedures; and

WHEREAS, the City Commission finds it now necessary to revise the City of Pompano Beach Zoning Code; and

WHEREAS, the Planning and Zoning Board has reviewed and approved the revised Zoning Amendments; and

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be, and were, in fact, heard; now, therefore,

WHEREAS, the City Commission finds that adoption of the amendments to Zoning Code through its police powers will protect the public health, safety, and welfare of the residents of the City, and furthers the purpose, goals, objectives, and policies of the City's Comprehensive Plan; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the preceding "Whereas" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

SECTION 2. That the City of Pompano Beach Zoning Code is hereby amended as provided in Exhibit "A," attached hereto and made a part hereof.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective January 1, 2013.

PASSED FIRST READING this 8th day of January, 2013.

PASSED SECOND READING this 22nd day of January, 2013.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

GBL/jrm
11/21/12
L:ord/ch155/2013-44

ARTICLE 1: GENERAL PROVISIONS

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155.1502 Transition to New Zoning Districts

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TABLE 155.1502: TRANSITION TO NEW ZONING DISTRICTS	
FORMER ZONING DISTRICT	NEW ZONING DISTRICT[1]
***	
[redacted]	
***	
LAC Local Activity Center	LAC Local Activity Center
[redacted]	
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~~LAC Local Activity Center~~	~~LAC Local Activity Center~~
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ARTICLE 2: ADMINISTRATION

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155.2203. ZONING BOARD OF APPEALS (ZBA)

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C. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

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2. Terms

a. Regular voting members of the ZBA shall be appointed for ~~three-year, staggered terms~~ a term which shall run concurrently with the term of the member of the City Commission who appointed them. ~~Of the five members first appointed, two members shall be appointed for a term of one year, two members shall be appointed for a term of two years, and one member shall be appointed for a term of three years.~~

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155.2204. PLANNING AND ZONING BOARD (P&Z)

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C. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

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2. Terms

a. Regular voting members of the P&Z shall be appointed for ~~three-year, staggered terms~~ a term which shall run concurrently with the term of the member of the City Commission who appointed them.. ~~Of the seven members first appointed, two members shall be appointed for a term of one year; two members shall be appointed for a term of two years; and three members shall be appointed for a term of three years.~~

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155.2308. POST-DECISION ACTIONS AND LIMITATIONS

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B. EXPIRATION OF DEVELOPMENT ORDER

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2. Extension of Expiration Time Period

a. Except as otherwise provided in subsections b and c below, the expiration period of a development order may be extended provided the applicant or owner of land subject to the development order submits a written request for an extension to the Development Services Director at least 45 days before the expiration date and the request sets forth the basis and reason for the extension. The burden of demonstrating sufficient grounds for an extension rests on the requestor. Extensions may be granted in accordance with the following:

i. For all development orders, the Development Services Director may grant one or more extensions for up to a cumulative total of 90 days ~~provided the applicant or owner of land subject to the development order submits a written request for an extension to the Development Services Director before the expiration period lapses and the request sets forth the basis and reason for the extension~~.

ii. For development orders for a Variance or Special Exception, the ZBA may, subsequent to any extension(s) granted by the Development Services Director ~~in~~

~~accordance with subsection a. above~~, grant up to two extensions for up to a cumulative total of two years per extension (including extensions granted by the Development Services Director). Under no circumstances shall a Development Order for a Variance or Special Exception be extended for more than four years. ~~provided the applicant or owner of land subject to the development order submits a written request for an extension to the Development Services Director at least 45 days before the last expiration period lapses and the request sets forth the basis and reason for the extension.~~

iii. For development orders for an Interim Use Permit, the ZBA may, subsequent to any extension(s) granted by the Development Services Director, grant up to two extensions for up to a cumulative total of two years per extension (including extensions granted by the Development Services Director). Under no circumstances shall a Development Order for a an Interim Use Permit be extended for more than four years. The aforementioned required written basis and reason for extension must demonstrate:

a. The use continues to be an interim use requiring an Interim Use Permit in accordance with Section 155.2415.B, Applicability;

b. The Interim Use Permit holder has made a good faith effort by to obtain all government approvals and permits; and

c. Operation of the Interim Use has not created an unreasonable nuisance or risk, including:

1. Damage to public or private property, beyond normal wear and tear;
2. Injury to persons;
3. Public or private disturbances or nuisances;
4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
5. Additional and impractical or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; or
6. Other adverse effects upon the public health, safety, or welfare.

iv. For development orders for a Site Plan, except for development orders subject to or governed by an enforceable Development Agreement the P&Z may, subsequent to any extension(s) granted by the Development Services Director, grant up to one extension for up to two years (including extensions granted by the Development Services Director). Under no circumstances shall a Development Order for a Site Plan be extended for more than two years. The aforementioned required written basis and reason for extension must provide competent and substantial evidence demonstrating compliance with one or more of the following criteria:

a. Reasonable efforts were made to apply for a Building Permit and reasonable steps were taken to secure any other development approvals that may be needed from other permitting authorities to allow for the submittal of an application for a Building Permit; or

b. Since the date of the development order, substantial expenditures have been made or substantial obligations have been incurred in reliance on the approval and in furthering and proceeding with the development; or

c. The delay in proceeding with the commencement of development resulted from a "force majeure" or "Act of God" or extreme economic conditions of the market, and not acts of omission by the applicant or owner.

~~iii~~ **v.** For all other development orders, the authority that approved the development order may, subsequent to any extension(s) granted by the Development Services Director ~~in accordance with subsection a above~~, grant a single extension for up to a cumulative total of two years (including extensions granted by the Development Services Director) ~~provided the applicant or owner of land subject to the development order submits a written request for an extension to the Development Services Director at least 45 days before the last expiration period lapses and the request set forth the basis and reason for the extension.~~

~~iv. The burden of demonstrating sufficient grounds for an extension rests on the requestor.~~

b. The expiration period for a development order for a ~~Major Site Plan~~, Major Temporary Use Permit, Minor Temporary Use Permit, ~~Interim Use~~, and Zoning Use Certificates may not be extended.

c. Any development order which has been extended pursuant to state law, executive order or by other legal means not set forth in this section, may not subsequently be extended pursuant to the provisions of subsection 2.a. above unless otherwise provided by law.

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155.2405. PLANNED DEVELOPMENT

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E. Required Concurrent or Prior Approval of Flex or Reserve Units

The applicant shall submit an application for and obtain flex or reserve units necessary to implement the PD Plan and PD Agreement prior to or concurrent with the approval of the Planned Development (PD) Zoning District.

~~E~~F. RECORDATION

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~~F~~G. DESIGNATION ON OFFICIAL ZONING MAP

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~~G~~H. EFFECT OF APPROVAL

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~~H~~I. EXPIRATION

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~~I~~J. MINOR DEVIATIONS FROM APPROVED PD PLAN

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~~J~~K. AMENDMENT

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155.2407. SITE PLAN

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B. APPLICABILITY

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1. Major Site Plan

Unless exempted in accordance with subsection 3 below, a development order for a Major Site Plan in accordance with this section is required before issuance of a Zoning Compliance Permit for

the following development ~~except where it involves redevelopment of a brownfield site within a designated brownfield area~~:
~~a. Development of more than ten new or additional multifamily dwelling units;~~
~~b. New development associated with uses classified as Commercial Uses or Industrial Uses in the use tables in Article 3: Zoning Districts, that contains more than 5,000 square feet of gross floor area;~~
~~c. Development that adds a total of more than 25,000 square feet of gross floor area to existing development associated with uses classified as, Commercial Uses or Industrial Uses in the use tables in Article 3: Zoning Districts, or that increases the amount of gross floor area of the primary building of such existing development by more than 25 percent; and~~
~~d. New development of, or additions to, community facilities.~~

a. Residential Use
- i. Development of more than ten new or additional multifamily dwelling units.

b. Institutional Use (Excluding property owned by City), Commercial Use, and Industrial Use
- i. New development that contains more than 5,000 square feet of gross floor area; or
- ii. Development that adds a total of more than 25,000 square feet of gross floor area to existing development or that increases the amount of gross floor area of the primary building of such existing development by more than 25 percent

c. Institutional Use (Property owned by City)
- i. All new development and additions to existing development

d. Redevelopment of a property located within the City's designated Brownfield Area or property that has been designated a Brownfield site
- i. Development of more than fifteen new or additional multifamily dwelling units; or
- ii. New non-residential development that contains more than 7,500 square feet of gross floor area; or
- iii. Non-residential Development that adds a total of more than 37,500 square feet of gross floor area to existing development or that increases the amount of gross floor area of the primary building of such existing development by more than 37.5 percent.

2. Minor Site Plan

Unless exempted in accordance with subsection 3 below, a development order for a Minor Site Plan in accordance with this section is required before issuance of a Zoning Compliance Permit for any development other than those for which a Major Site Plan is required in accordance with subsection 1 above ~~(including development located within the Atlantic Boulevard Overlay district (AOD) or involving redevelopment of a brownfield site within a designated brownfield area).~~

3. Exemptions

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- **d.** A change in use or alteration of an existing development that does not increase the size of a structure or require additional off-street parking or modifications to parking, site landscaping, layout, or traffic circulation patterns; ~~and~~
- **e.** Development requiring only a Tree Permit~~, or Temporary Use Permit.~~ ; and
- **f.** Development of a Temporary Use or Interim Use, provided that an applicable Temporary Use Permit or Interim Use Permit has been approved.

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E. SITE PLAN REVIEW STANDARDS

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7. Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan; ~~and~~
8. Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance~~.~~; and
9. Complies with CPTED standards for natural surveillance, natural access control, territorial reinforcement, and maintenance.

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G. EXPIRATION

1. Major Site Plan

a. A development order for a Major Site Plan shall automatically expire if a Zoning Compliance Permit for the authorized development is not obtained within two years after the date of the development order, or an extension of this time period authorized in accordance with ~~subsection b below.~~ Section 155.2308.B.2, Extension of Expiration Time Period.

b. A denial of a request to extend the expiration period for a development order for a Major Site Plan may be appealed to the City Commission in accordance with Section 155.2424, Appeal.

~~**b.** Except for development orders subject to or governed by an enforceable Development Agreement, the P&Z may grant a single extension for up to two years in accordance with the following:~~

~~**i.** The applicant or owner of land subject to the development order shall submit a written request for an extension to the Development Services Director at least 45 days before the expiration period lapses.~~

~~**ii.** The request shall provide competent and substantial evidence demonstrating compliance with one or more of the following criteria:~~

~~**(A)** Reasonable efforts were made to apply for a Building Permit and reasonable steps were taken to secure any other development approvals that may be needed from other permitting authorities to allow for the submittal of an application for a Building Permit; or~~

~~**(B)** Since the date of the development order, substantial expenditures have been made or substantial obligations have been incurred in reliance on the approval and in furthering and proceeding with the development; or~~

~~**(C)** The delay in proceeding with the commencement of development resulted from a "force majeure" or "Act of God" or extreme economic conditions of the market, and not acts of omission by the applicant or owner~~

~~**iii.** A denial of a request to extend the expiration period for a development order for a Major Site Plan may be appealed to the City Commission in accordance with Section 155.2424, Appeal.~~

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155.2408. BUILDING DESIGN

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B. APPLICABILITY

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1. Major Building Design

Unless exempted in accordance with subsection 3 below, a development order for Major Building Design in accordance with this section is required before issuance of a Zoning Compliance Permit for a new building or structure, or any change to the exterior of an existing building or structure, that is associated with the following development, ~~except where it involves redevelopment of a brownfield site within a designated brownfield area~~:
~~**a.** Development of more than ten new or additional multifamily dwelling units;~~
~~**b.** New development associated with uses classified as Commercial Uses or Industrial Uses in the use tables in Article 3: Zoning Districts, that contains more than 5,000 square feet of gross floor area;~~
~~**c.** Development that adds a total of more than 25,000 square feet of gross floor area to existing development associated with uses classified as, Commercial Uses or Industrial Uses in the use tables in Article 3: Zoning Districts, or that increases the amount of gross floor area of the primary building of such existing development by more than 25 percent; and~~
~~**d.** New development of, or additions to, community facilities.~~

a. Residential Use
- **i.** Development of more than ten new or additional multifamily dwelling units.

b. Institutional Use (Excluding property owned by City), Commercial Use, and Industrial Use
- **i.** New development that contains more than 5,000 square feet of gross floor area; or
- **ii.** Development that adds a total of more than 25,000 square feet of gross floor area to existing development or that increases the amount of gross floor area of the primary building of such existing development by more than 25 percent

c. Institutional Use (Property owned by City)
- **i.** All new development and additions to existing development

d. Redevelopment of a property located within the City's designated Brownfield Area or property that has been designated a Brownfield site
- **i.** Development of more than fifteen new or additional multifamily dwelling units;
- **ii.** New non-residential development that contains more than 7,500 square feet of gross floor area; or
- **iii.** Non-residential Development that adds a total of more than 37,500 square feet of gross floor area to existing development or that increases the amount of gross floor area of the primary building of such existing development by more than 37.5 percent.

2. Minor Building Design

Unless exempted in accordance with subsection 3 below, a development order for Minor Building Design in accordance with this section is required before issuance of a Zoning Compliance Permit for a new building or structure, or any change to the exterior of an existing building or structure, that is associated with any development other than those for which a development order for Major Building Design is required in accordance with subsection 1 above ~~(including all buildings and structures located within the Atlantic Boulevard Overlay district (AOD) or involving redevelopment of a brownfield site within a designated brownfield area).~~

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E. BUILDING DESIGN APPROVAL REVIEW STANDARDS

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1. Complies with the applicable design standards in Article 5; ~~and~~

2. Complies with any approved design guidelines that are applicable to the area or type of structure~~.~~; and
3. Complies with CPTED standards for natural surveillance, natural access control, territorial reinforcement, and maintenance.

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155.2412. TEMPORARY USE PERMIT

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B. APPLICABILITY

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1. Major Temporary Use Permits

A development order for a Major Temporary Use Permit in accordance with this section is required for any proposed temporary use set forth in Part 4 (Temporary Uses and Structures) of Article 4: Use Standards that the Development Services Director determines would have potential major impacts on neighboring properties. Proposed temporary uses not set forth in Article 4: Part 4 are required to obtain a Major Temporary Use Permit..

2. Minor Temporary Use Permits

A development order for a Minor Temporary Use Permit in accordance with this section is required for any proposed temporary use set forth in Part 4 (Temporary Uses and Structures) of Article 4: Use Standards, that the Development Services Director determines would have only minor impacts on neighboring properties. Proposed temporary uses not set forth in Article 4: Part 4 are not be eligible for a Minor Temporary Use Permit.

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E. TEMPORARY USE PERMIT REVIEW STANDARDS

A Temporary Use Permit shall be approved only on a finding that the temporary use, as proposed, complies with the relevant standards in Part 4 (Temporary Uses and Structures) of Article 4: Use Standards. In addition to any the relevant standards in Part 4 (Temporary Uses and Structures) of Article 4: Use Standards ~~A~~ a Major Temporary Use Permit shall be approved only on a finding that the temporary use, as proposed~~, also~~:

***

4. Is compatible with any principal uses on the site; ~~and~~
5. Is located on a site containing sufficient land area to allow the temporary use and associated structures, and accommodate any associated parking and traffic movement, without disturbing environmentally sensitive lands~~.~~; and
6. Is compatible with CPTED standards for natural surveillance, natural access control, territorial reinforcement, and maintenance.

F. EFFECT OF APPROVAL

A development order for a Temporary Use Permit authorizes the submittal of an application for a Zoning Compliance Permit or Zoning Use Certificate and any other development permit that may be required before construction or use of the development approved by the development order for the Temporary Use Permit.

~~F.~~ G EXPIRATION

***

155.2415. INTERIM USE PERMIT

A. PURPOSE

The purpose of this section is to establish a uniform mechanism for permitting interim commercial and industrial uses that occur on vacant land. ~~Such interim commercial uses are intended to facilitate "temporary urbanism" by utilizing vacant land to create vibrant destinations through outdoor unique uses that will benefit the neighborhood, and are open to the public. These uses include, but are not limited to: outdoor markets for art, produce, or other handmade goods; recreational spaces; community gardens; philanthropic, educational or cultural uses; community gathering spaces; public parking lots; showcases for art, culture, nature or innovation; or other similar uses.~~

B. APPLICABILITY

~~The provisions of this section shall apply to any interim use as defined in Part 5 (Terms and Uses Defined) of Article 9: Definitions and Interpretation, that meets the following conditions:~~

~~1. The use is proposed on a vacant lot (i.e., one with no permanent improvements other than paved surfaces);~~

~~2. The use is proposed on land located within a Commercial base zoning district;~~

~~3. The use is proposed on land owned by the City or the Community Redevelopment Agency (CRA), or involves activities and improvements co-sponsored by the City or the CRA; and~~

~~4. The use is proposed on land:~~

~~a. Located within with the East Community Redevelopment Area or the Northwest Community Redevelopment Area; or~~

~~b. For which a prior or concurrent application for Site Plan or Plat approval has been submitted.~~

There are two types of Interim Use Permit authorized by the Code: Interim Commercial Use Permits and Interim Industrial Use Permits.

1. Interim Commercial Use Permits

Interim Commercial Use Permits are intended to facilitate "temporary urbanism" by utilizing vacant land to create vibrant destinations through outdoor unique uses that will benefit the neighborhood, and are open to the public. These uses include, but are not limited to: outdoor markets for art, produce, or other handmade goods; recreational spaces; community gardens; philanthropic, educational or cultural uses; community gathering spaces; public parking lots; showcases for art, culture, nature or innovation; or other similar uses. An Interim Commercial Use shall meet the following site conditions:

- **a.** The use is proposed on a vacant lot (i.e., one with no permanent improvements other than paved surfaces);
- **b.** The use is proposed on land located within a Commercial base zoning district;
- **c.** The use is proposed on land owned by the City or the Community Redevelopment Agency (CRA), or involves activities and improvements co-sponsored by the City or the CRA; and
- **d.** The use is proposed on land:
  - **i.** Located within with the East Community Redevelopment Area or the Northwest Community Redevelopment Area; or
  - **ii.** For which a prior or concurrent application for Site Plan or Plat approval has been submitted.

2. Interim Industrial Use Permits

Interim Industrial Use Permits are intended to facilitate temporary landfill, mining, excavation, fill or similar operations by utilizing vacant land for the purpose of establishing a future use of the property. An Interim Industrial Use shall meet the following site conditions:

- **a.** The use is proposed on land located within an Industrial base zoning district; and
- **b.** The use is proposed on land:
  - **i.** For which a prior or concurrent application for Plat approval has been submitted; or
  - **ii.** For which a prior or concurrent application to reclassify land as Planned Commercial / Industrial has been submitted.

C. INTERIM USE PROCEDURE

***

3. Step 3: Application Submittal and Acceptance

Applicable (See Section 155.2303.), except applications shall include a site plan, a detailed description of the interim use, a statement of the proposed days and hours of operation, and an affidavit stating that within construction of a permanent use or removal of any site improvements will occur within 60 days after discontinuing the interim use. ~~The~~ An application for an Interim Commercial Use Permit shall also include any request for waivers authorized in Section 155.2415.-D. 2, Waivers.

***

7. Step 7: Decision-Making Body Review and Decision

Applicable to a final decision by the ZBA, following a quasi-judicial hearing (See Section 155.2307.), except that the ZBA may, in conjunction with approval of ~~the~~ an Interim Commercial Use application, waive standards ~~relating to permeable area, setbacks, vehicular access and circulation, paving, and parking~~ in accordance with Section 155.2415.D.2, Waivers.

***

D. INTERIM USE REVIEW STANDARDS

1. General

An application for an Interim Use Permit shall be approved only on a finding that there is competent substantial evidence in the record that the Interim Use, as proposed:

a. Complies with the standards in Section 155.4403.E, Interim Commercial Use or Section 155.4403.F, Interim Industrial Use, as applicable;

b. Is consistent with the comprehensive plan;

~~**c.** Will benefit the neighborhood and will be open to the public;~~

~~**d.** Is an outdoor use that would otherwise be allowed in the zoning district in which it is located as either a Permitted Use, Special Exception Use, or Accessory Use;~~

~~**e.** Is a community serving use;~~

~~**f**~~**c.** Is consistent with any adopted Master Plan;

~~g~~d. Will not create a traffic hazard or nuisance with consideration given to, but not limited to, location of existing uses, turning movements in relation to the access to public roads and intersections or its location in relation to other buildings or proposed buildings on adjacent properties;

~~h~~e. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property or the neighborhood, with consideration given to, but not limited to, noise, vibration, fumes, odors, dust, glare, other environmental hazards, or physical activity that will be generated and is otherwise present in the area; and

~~i~~f. Will not adversely affect the health, safety, security, morals, or general welfare of the neighborhood;

~~j~~g. Will not, with consideration given to the existing development in the area and development permitted under the current zoning provisions, overburden existing public services and facilities, including police and fire protection, water, sanitary sewer, public road, storm drainage, and other public improvements, and will not create a hazard by virtue of its site and location to residents, visitors, or workers in the neighborhood; ~~and~~

~~k~~h. Will be in harmony with the general character of the neighborhood, with consideration given to, but not limited to, population density, intensity, character of activity, traffic and parking conditions, and the number of similar uses in the neighborhood~~.~~; and

i. Is consistent with CPTED standards for natural surveillance, natural access control, territorial reinforcement, and maintenance.

j. Additionally, an Interim Commercial Use shall comply with the following standards:

i. Will benefit the neighborhood and will be open to the public,

ii. Is an outdoor use that would otherwise be allowed in the zoning district in which it is located as either a Permitted Use, Special Exception Use, or Accessory Use; and

iii. Is a community serving use.

2. Interim Commercial Use Waivers

In conjunction with approval of an application for an Interim Commercial Use Permit, the ZBA may grant requested waivers from setback and pervious area standards in Article 3: Zoning Districts; Use-specific standards in Article 4: Use Standards; and access and circulation, off-street parking and loading, and landscaping standards in Article 5:Development Standards ~~relating to permeable area, setbacks, vehicular access and circulation, paving, or parking~~ only on a finding that there is competent substantial evidence in the record that:

***

G. EXPIRATION

1. General

A~~n~~ development order for an Interim Use Permit shall remain effective for the time period specified ~~as a condition of approval of the application~~ in the approved development order. .

2. Extension of Expiration Time Period

~~If a written request for the extension of the specified expiration time period is submitted to the Development Services Director at least 45 days before the expiration date, the ZBA may grant up to two extensions of the expiration time period for up to two years each, on finding that the request includes information demonstrating that:~~

The expiration date for a development order for an Interim Use Permit may be extended in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.

~~a. The use continues to be an interim use requiring an Interim Use Permit in accordance with Section 155.2415.B, Applicability;~~

~~b. The Interim Use Permit holder has made a good faith effort by to obtain all governmental approvals and permits; and~~

~~c. Operation of the Interim Use has not created an unreasonable nuisance or risk, including:~~

~~i. Damage to public or private property, beyond normal wear and tear;~~

~~ii. Injury to persons;~~

~~iii. Public or private disturbances or nuisances;~~

~~iv. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;~~

~~v. Additional and impractical or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; or~~

~~vi. Other adverse effects upon the public health, safety, or welfare.~~

***

155.2420. VARIANCE

***

G. EFFECT OF APPROVAL

1. A development order for a Variance shall not become effective until 14 days has passed since the date of approval and written notice of the Variance has been recorded in accordance with Section 155.2420.F, Recordation.

2. A development order for a Variance authorizes only the particular regulatory relief approved as part of the Variance, as applied only to the land for which the Variance is approved, and only in accordance with any approved plans and documents, and conditions of approval. It does not exempt the applicant from the responsibility to obtain all other development permits required by this Code and any other applicable laws, and does not indicate that the development for which the Variance is granted should receive approval of other applications for a development permit required under this Code unless the relevant and applicable portions of this Code or any other applicable laws are met.

***

155.2421. ADMINISTRATIVE ADJUSTMENT

***

B. APPLICABILITY

1. General

***

TABLE 155.2421.B.I: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS

	MAXIMUM ALLOWABLE EXTENT OF ADJUSTMENT		
	MINOR ADMINISTRATIVE ADJUSTMENT (All Zoning Districts)		
STANDARD	DEVELOPMENT WITHIN ATLANTIC BOULEVARD OVERLAY DISTRICT OR REDEVELOPMENT OF BROWNFIELD SITE WITHIN DESIGNATED BROWNFIELD AREA	OTHER DEVELOPMENT	MAJOR ADMINISTRATIVE ADJUSTMENT (AOD, TO, CRAO and Commercial Districts)

***

2. Major Administrative Adjustment

Developments located within the Atlantic Boulevard Overlay district (AOD), Transit-Oriented (TO) district, Community Redevelopment Area Overlay (CRAO) districts, and any Commercial district are eligible to apply for a Major Administrative Adjustment. The limits of a ~~A~~ Major Administrative Adjustment ~~is one proposing a deviation of an extent exceeding the maximum extent allowed for a Minor Administrative Adjustment, but meeting the maximum extent allowed for a Major Administrative Adjustment, as~~ are shown in Table 155.2421.B.1, Allowable Administrative Adjustments. ~~The P&Z is authorized to review a proposed Major Administrative Adjustment in accordance with Section 155.2421.C, Major Administrative Adjustment Procedure, in the Atlantic~~

~~Boulevard Overlay district (AOD), Transit-Oriented (TO) district, Community Redevelopment Area Overlay (CRAO) districts, and any Commercial district.~~

3. Minor Administrative Adjustment

Developments located within any zoning district are eligible to apply for a Minor Administrative Adjustment. The limits of a ~~A~~ Minor Administrative Adjustment ~~is one proposing a deviation of an extent meeting the maximum extent allowed for a Minor Administrative Adjustment, as~~ are shown in Table 155.2421.B.1, Allowable Administrative Adjustments, for the location and type of development. ~~The Development Services Director is authorized to review a Minor Administrative Adjustment in accordance with Section 155.2421.D, Minor Administrative Adjustment Procedure, in any zoning district.~~

***

E. ADMINISTRATIVE ADJUSTMENT REVIEW STANDARDS

1. Major Administrative Adjustment

***

d. Provides one or more of the following public benefits to an extent sufficient to compensate for the requested modification of standards:

- **i.** Deed-restricted workforce and/or affordable housing;
- **ii.** ~~Redevelopment of a brownfield site within a designated brownfield area;~~
- **iii.** Permanent conservation of natural areas or lands;
- **~~iv~~ii.** Preservation of protected trees in addition to that required by this Code's tree preservation standards;
- **iv.** Protection against flood damage in addition to that required by the floodplain management requirements in Chapter 152 (Buildings) of the Code of Ordinances;
- **vi.** Permanent protection of scenic views;
- **vii.** Public parks and recreational facilities;
- **viii.** Public trails and trail linkages;
- **~~ix~~. viii.** Public art;
- **ix.** Cultural or historic facilities deeded to the city or qualified not-for-profit agencies; or
- **xi.** Other benefits approved by the P&Z.

***

155.2424. APPEAL

***

B. RIGHT TO APPEAL

1. A party aggrieved by a final decision by the Development Services Director identified in Table 155.2424.B, Appellate Boards for Appeals of Development Services Director Decisions, may appeal the decision to the appellate board identified in the table as responsible for reviewing such appeals, in accordance with this section.

TABLE 155.2424.B: APPELLATE BOARDS FOR APPEALS OF DECISIONS OF DEVELOPMENT SERVICES DIRECTOR	
APPLICATION TYPE	BOARD RESPONSIBLE FOR REVIEWING APPEAL
***	
Sexually Oriented Business	Zoning Board of Appeals (ZBA)

***

D. REVIEW STANDARDS

***

3. For Sexually Oriented Businesses, the sole issue to be considered in an Appeal is whether the Development Services Director's determination was correct, pursuant to the requirements of Article 4, Section 155.4224.

ARTICLE 3: ZONING DISTRICTS

***

[illegible]
***
C. INTENSITY AND DIMENSIONAL STANDARDS [1]
***

Street side yard setback, minimum (ft) [4]	18
Setback from a waterway or canal, minimum (ft) [4]	25-~~5~~
Interior side yard setback, minimum (ft)	10-~~6~~
Rear yard setback, minimum (ft)	20~~6~~
Required Front Yard, Pervious area, minimum (% of Required Front Yard)	50
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]

***

~~4. Applies in addition to interior side and rear setbacks.~~
~~5. 15 ft for accessory structures and mechanical equipment.~~
~~6. 3 ft for accessory uses and structures~~.

***

[illegible]
***
C. INTENSITY AND DIMENSIONAL STANDARDS 1
***

Street side yard setback, minimum (ft) [3]	15
Setback from a waterway or canal, minimum (ft) [3]	25 [3,~~5~~]
Interior side yard setback, minimum (ft)	7.~~5-7~~
Rear yard setback, minimum (ft)	20 [~~6~~,5]
Required Front Yard, Pervious area, minimum (% of Required Front Yard)	50
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]

***

~~3. Applies in addition to interior side and rear setbacks.~~
~~4. 15 ft for accessory structures and mechanical equipment.~~
~~5~~ 3. On existing lot where rear yard abuts waterway or canal, setback equals the existing rear yard depth if it is between 15 ft and 25 ft.
~~6~~ 4. On existing lot, setback equals the existing rear yard depth if it is between 15 ft and 20 ft.
~~7. 3 ft for accessory uses and structures.~~

***

***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Setback from a waterway or canal, minimum (ft) [3]	25 [4]
Interior side yard setback, minimum (ft)	7 [5]
Rear yard setback, minimum (ft)	15 [5]
Required Front Yard, Pervious area, minimum (% of Required Front Yard)	50
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.
NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre] *** ~~3. Applies in addition to interior side and rear setbacks.~~ ~~4. 15 ft for accessory structures and mechanical equipment.~~ ~~5. 3 ft for accessory uses and structures.~~	

***

***	
C. INTENSITY AND DIMENSIONAL STANDARDS 1	
***	
Setback from a waterway or canal, minimum (ft) ~~3~~	25 [4]
Interior side yard setback, minimum (ft)	6 [~~5 6~~ 3]
Rear yard setback, minimum (ft)	15 [5]
Required Front Yard, Pervious area, minimum (% of Required Front Yard)	50
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.
NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre] *** ~~3. Applies in addition to interior side and rear setbacks.~~ ~~4. 15 ft for accessory structures and mechanical equipment.~~ ~~5. 3 ft for accessory uses and structures.~~ ~~6.~~ 3. For zero-lot-line developments, 0ft along the zero lot line and 15 ft for the opposite interior side lot line.	

***

[illegible] RESIDENTIAL	
***	
C. INTENSITY AND DIMENSIONAL STANDARDS 1	
***	
Setback from a waterway or canal, minimum (ft)4	25~~5~~
Spacing between principal structures, minimum (ft)	10~~6~~ 4
Required Front Yard, Pervious area, minimum (% of Required Front Yard)	50
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.
NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre] *** ~~4. Applies in addition to other setbacks.~~ ~~5. 15 ft for accessory structures and mechanical equipment.~~ ~~6.~~ 4. Increased to 15 ft between a one-story structure and a two-story structure and 20 ft between structures with 2 or more stories each.	

***

[illegible] (RD-1)	
***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Setback for a waterway or canal, minimum (ft)~~-3~~	25 [4]
Interior side yard setback, minimum (ft)	8~~5~~
Rear yard setback, minimum (ft)	15 [5]
Required Front Yard, Pervious area, minimum (% of Required Front Yard)	50 (for Single Family Dwellings only)
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.
NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre; SF = single-family dwelling; 2F = two-family dwelling] *** ~~3. Applies in addition to interior side and rear setbacks.~~ ~~4. 15 ft for accessory structures and mechanical equipment.~~ ~~5. 3 ft for accessory uses and structures.~~	

***

***

C. INTENSITY AND DIMENSIONAL STANDARDS [1]

***

Setback from a waterway or canal, minimum (ft) [5]	25-[6]
Setback from a dune vegetation line, minimum (ft) [5]	25
Interior side yard setback, minimum (ft)	8 [2,4,7,8 5]
Rear yard setback, minimum (ft)	10 [4,7]
***	
Required Front Yard, Pervious area, minimum (% of Required Front Yard)	50 (for Single Family Dwellings only)
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre; SF = single-family dwelling; 2F = two-family dwelling; MF = multifamily dwelling; BR = bedroom]

***

~~5. Applies in addition to interior side and rear setbacks.~~
~~6. 15 ft for accessory structures and mechanical equipment.~~
~~7. 3 ft for accessory uses and structures.~~
~~8~~ 5. For zero-lot-line developments, 0 ft along the zero lot line and 15 ft for the opposite interior side lot line.

***

***

C. INTENSITY AND DIMENSIONAL STANDARDS [1]

***

Setback from a waterway or canal, minimum (ft) [5]	25 [~~6~~]
Setback from a dune vegetation line, minimum (ft) [5]	25
Interior side yard setback, minimum (ft)	8 [2,~~4,7,8~~ 6]
Rear yard setback, minimum (ft)	10 [~~4,7~~]
***	
Required Front Yard, Pervious area, minimum (% of Required Front Yard)	50 (for Single Family Dwellings only)
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre; SF = single-family dwelling; 2F = two-family dwelling; MF = multifamily dwelling; BR = bedroom]

***

~~5. Applies in addition to interior side and rear setbacks.~~
~~6. 15 ft for accessory structures and mechanical equipment.~~
~~7. 3 ft for accessory uses and structures.~~
~~8~~ 5. For zero-lot-line developments, 0 ft along the zero lot line and 15 ft for the opposite interior side lot line.

***

***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Setback from a waterway or canal, minimum (ft) [5]	25 [6]
***	
Interior side yard setback, minimum (ft)	10 [2,4,~~7,8~~ 5]
Rear yard setback, minimum (ft)	10 [4,~~7~~]
***	
Required Front Yard, Pervious area, minimum (% of Required Front Yard)	50 (for Single Family Dwellings only)
Dimensional Standards for Accessory Structures	See Accessory Use-specific standards in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre; SF = single-family dwelling; 2F = two-family dwelling; MF = multifamily dwelling; BR = bedroom]
***
~~5. Applies in addition to interior side and rear setbacks.~~
~~6. 15 ft for accessory structures and mechanical equipment.~~
~~7. 3 ft for accessory uses and structures.~~
~~8.~~ 5. For zero-lot-line developments, 0 ft along the zero lot line and 15 ft for the opposite interior side lot line.

***

[redacted]

***

C. INTENSITY AND DIMENSIONAL STANDARDS [1]

***

Setback from a waterway or canal, minimum (ft) [6]	25 [~~8~~]
Setback from a dune vegetation line, minimum (ft) [6]	25
Interior side yard setback, minimum (ft)	10 [2,5,~~8,9~~ 6]
Rear yard setback, minimum (ft)	10 [5,~~8~~]
***	
Required Front Yard, Pervious area, minimum (% of Required Front Yard)	50 (for Single Family Dwellings only)
Dimensional Standards for Accessory Structures	See Accessory Use-specific standards in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre; SF = single-family dwelling; 2F = two-family dwelling; MF = multifamily dwelling; BR = bedroom]
***
~~6. Applies in addition to interior side and rear setbacks.~~
~~7. 15 ft for accessory structures and mechanical equipment.~~
~~8. 3 ft for accessory uses and structures.~~
~~9.~~ 6. For zero-lot-line developments, 0 ft along the zero lot line and 15 ft for the opposite interior side lot line.

***

[redacted]

***

C. INTENSITY AND DIMENSIONAL STANDARDS [1]

***

Setback from a waterway or canal, minimum (ft) [7]	25 [8]
Setback from a dune vegetation line, minimum (ft) [7]	25
Interior side yard setback, minimum (ft)	10 [2,6,~~9,10,~~ 7]
Rear yard setback, minimum (ft)	10 [6,~~9~~]
***	
Required Front Yard, Pervious area, minimum (% of Required Front Yard)	50 (for Single Family Dwellings only)
Dimensional Standards for Accessory Structures	See Accessory Use-specific standards Article4:Part 3

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre; SF = single-family dwelling; 2F = two-family dwelling; MF = multifamily dwelling; BR = bedroom]
***
~~7. Applies in addition to interior side and rear setbacks.~~
~~8. 15 ft for accessory structures and mechanical equipment.~~
~~9. 3 ft for accessory uses and structures.~~
~~10.~~ 7. For zero-lot-line developments, 0 ft along the zero lot line and 15 ft for the opposite interior side lot line.

***

***

C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Setback from a waterway or canal, minimum (ft) [4]	25[4]
Front yard setback per mobile home space, minimum (ft)	25[~~6~~3]
Street side yard setback per mobile home space, minimum (ft)	10[~~6~~3]
Interior side yard setback per mobile home space, minimum (ft)	10[~~5,6~~3]
Rear yard setback per mobile home space, minimum (ft)	15[~~,6~~3]
Spacing between mobile homes, minimum (ft)	10[~~6~~3]
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]
****
~~3. Applies in addition to other setbacks.~~
~~4. 15 ft for accessory structures and mechanical equipment.~~
~~5. 3 ft for accessory uses and structures.~~
~~6~~.3. If the mobile home park was zoned R-1T under former county zoning and consists of mobile home spaces that are individually owned or leased for terms of one year or more, the minimum front and street side yard setbacks are 6 ft, the interior side yard setback is 4 ft, the rear yard setback is 8 ft, and the interior side yard setback for roofed carports is 2 ft.
~~7~~. 4. 25 ft between a mobile home and any accessory or service structure used in conjunction with the park

***

***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Setback from a waterway or canal, minimum (ft) [4]	15
***	
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.
NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre] **** ~~4. Applies in addition to interior side and rear setbacks.~~	

***

***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Setback from a waterway or canal, minimum (ft) [6]	15
Setback from a dune vegetation line, minimum (ft) [6]	25
***	
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.
NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre] **** 5. Those portions of a structure extending above a height of ~~20~~ 50 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 50 ft. ~~6. Applies in addition to interior side and rear setbacks~~	

***

***

C. INTENSITY AND DIMENSIONAL STANDARDS [1]

***

Setback from a waterway or canal, minimum (ft) [6]	15
Setback from a dune vegetation line, minimum (ft) [6]	25
Interior side yard setback, minimum (ft)	0 [2,5,~~7~~]
Rear yard setback, minimum (ft)	30 [5,~~7~~]

***

Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]
****

5. Those portions of a structure extending above a height of ~~20~~ 50 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 50 ft.
~~6. Applies in addition to interior side and rear setbacks.~~
~~7. 3 ft for accessory uses and structures.~~

***

[illegible] (B-4)

***

C. INTENSITY AND DIMENSIONAL STANDARDS [1]

***

Setback from a waterway or canal, minimum (ft) [4]	15
Setback from a dune vegetation line, minimum (ft) [4]	25

***

Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]
****

~~4. Applies in addition to interior side and rear setbacks.~~

***

***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

***

***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Setback from a waterway or canal, minimum (ft) [~~2~~]	15
***	
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.
NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre] 1. See measurement rules and allowed exceptions/variations in Article 9:Part 4 . ~~2. Applies in addition to interior side and rear setbacks.~~	

***

***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Rear yard setback, minimum (ft)	30 [~~3~~ 2]
***	
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.
NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre] 1. See measurement rules and allowed exceptions/variations in Article 9:Part 4 . ~~2. Applies in addition to interior side and rear setbacks.~~ ~~3~~ 2. If adjacent to a railroad siding, reduced to 8 ft from the centerline of the siding.	

***

***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Rear yard setback, minimum (ft)	30 ~~3~~ 2
***	
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]
1. See measurement rules and allowed exceptions/variations in Article 9:Part 4 .
~~2. Applies in addition to interior side and rear setbacks.~~
~~3~~ 2. If adjacent to a railroad siding, reduced to 8 ft from the centerline of the siding.

***

***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Rear yard setback, minimum (ft)	30 ~~3~~ 2
***	
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]
1. See measurement rules and allowed exceptions/variations in Article 9:Part 4 .
~~2. Applies in addition to interior side and rear setbacks.~~
~~3~~ 2. If adjacent to a railroad siding, reduced to 8 ft from the centerline of the siding.

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[illegible]	
***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Setback from a waterway or canal, minimum (ft) [2]	10
***	
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]
1. See measurement rules and allowed exceptions/variations in Article 9:Part 4 .
~~2. Applies in addition to interior side and rear setbacks.~~

***

[illegible] (TO)			
***			
C. INTENSITY AND DIMENSIONAL STANDARDS [1]			
***			
~~Nonresidential floor area ratio, maximum (FAR)~~	~~Institutional Uses~~	~~Commercial Uses~~	~~Industrial Uses~~
	~~4.0~~	~~5.0~~	~~2.0~~
~~Nonresidential floor area ratio, minimum (FAR)~~	~~1.5~~		
***			
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.		

***

[illegible]	
***	
C. INTENSITY AND DIMENSIONAL STANDARDS [1]	
***	
Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

***

***
C. INTENSITY AND DIMENSIONAL STANDARDS [1]
***

Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

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***
C. INTENSITY AND DIMENSIONAL STANDARDS [1]
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Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

***

***
C. INTENSITY AND DIMENSIONAL STANDARDS [1]
***

Dimensional Standards for Accessory Structures	See Accessory Use-specific in Article 4: Part 3.

***

A. PURPOSE

The Local Activity Center (LAC) district is established and intended to support a balanced mix of land use characterized by compactness, pedestrian friendly design, neighborhood scale and framed by architecture and landscape design appropriate to local history and ecology. Development patterns within LAC Districts shall generally reflect planning and design principles such as walkable neighborhoods oriented around the five-minute walk, primary orientation towards public transit systems, a centrally located community-serving land use or land uses and greater integration of housing, employment; shopping and recreation at the neighborhood level.

B. USE STANDARDS

See Appendix A: Consolidated Use Table, and use-specific standards in Article 4: Use Standards. A list of Permitted and/or Prohibited Uses may be established during the LAC Rezoning process.

C. INTENSITY, DIMENSIONAL, AND DEVELOPMENT STANDARDS

Intensity, Dimensional, and Development Standards shall be established during the LAC Rezoning process and may include but not be limited to:
Residential Density, Non-Residential Intensity, FAR, Floor Area Per Dwelling Unit, Lot Area, Lot Width, Lot Coverage, Pervious Area, Individual Building Size, Building Height, Setbacks, Access and Circulation, Off-street parking and loading, Landscaping, Fences and Walls, and Building Design.

D. Permitted Uses for LAC – John Knox Village

1. Permitted Use Categories

Unless prohibited in Article 4, or specifically prohibited/excepted below, all use types within the following Use Categories are Permitted in the property known as John Knox Village which was rezoned to LAC on September 23, 2008, via Ordinance 2008-59. The applicable use-specific standards in Article 4: Use Standards shall apply.

a. Household Living Uses;

b. Group Living Uses;

c. Community Service Uses;

d. Open Space Uses, except Cemetery or Mausoleum;

e. Eating and Drinking Establishments, except Nightclub;

f. Office Uses, except Contractor's Office;

g. Retail Sales and Service Uses – Personal Services;

h. Retail Sales and Service Uses – Retail Sales; and

i. Visitor Accommodation Uses.

2. Permitted Use Types

In addition to the use categories permitted in subsection 1 above, the following Use Types are Permitted in the property known as John Knox Village which was rezoned to LAC on September 23, 2008, via Ordinance 2008-59:

a. Medical or Dental Clinic; and

b. Nursing Home Facility.

3. Prohibited Uses

Use Categories and Types not listed as permitted in subsections 1 or 2 above, are prohibited in the property known as John Knox Village which was rezoned to LAC on September 23, 2008, via Ordinance 2008-59:

E. Intensity and Dimensional Standards for LAC – John Knox Village

The Intensity and Dimensional Standards as listed in Table 155.3507.E, Intensity and Dimensional Standards for LAC - John Knox Village, shall apply to the property known as John Knox Village which was rezoned to LAC on September 23, 2008, via Ordinance 2008-59.

TABLE 155.3507.E: INTENSITY AND DIMENSIONAL STANDARDS FOR LAC - JOHN KNOX VILLAGE

INTENSITY AND DIMENSIONAL STANDARDS [1]	
District area, minimum (gross acres)	68.5 [2]
Density, maximum	1,224 dwelling units [3]
Commercial Intensity, maximum (sq ft)	70,000
Recreation and Open Space Intensity, maximum (acres)	4.28
Lot coverage, maximum (% of lot area)	60%
Pervious area, minimum (% of lot area)	25%
Height, maximum (ft)	105 [4]
Setback abutting public right-of-way, minimum (ft)	25 [5]
Distance between residential structures, minimum (ft)	10 [6]
Dimensional Standards for Accessory Structures	See Accessory Use-Specific standards in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]
1. See measurement rules and allowed exceptions/variations in Article 9:Part 4 .
2. Net Acreage is 64.42 acres
3. Residential Density is limited to 674 high-rise units, 247 assisted dwelling units equivalents, 216 villas, and 87 garden apartments.
4. Lawful existing structures shall not be nonconforming.
5. Buildings over 50 feet, the setback shall increase one foot for every four feet of building height or major fraction thereof, above the first 50 feet of building height.
6. Buildings over 20 feet, the distance between residential structures shall increase one foot for every four feet of building height or major fraction thereof, above the first 20 feet of building height. There is no distance required between commercial structures.

155.3605. PLANNED DEVELOPMENT – TRANSIT ORIENTED

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F. ADDITIONAL PD-TO DISTRICT STANDARDS

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~~**2. Floor Area Ratio (FAR)**~~

~~The floor area ratio (FAR) for nonresidential development in the district as a whole shall be at least 2.0, but no more than 5.0. A lower FAR than the minimum may be allowed where demonstrated as necessary to ensure compatibility with adjacent existing development (e.g., in a district at the outer fringe of the area qualifying for establishment of a PD-TO district).~~

***

A. PURPOSE
~~The Local Activity Center (LAC) district is established and intended to encourage compact development that includes a mix of community-serving uses (commercial, office, employment, institutional, residential, and recreation and open space). Development is characterized by efficient infrastructure, a close-knit neighborhood and sense of community, preservation of natural systems, promotion of pedestrian circulation, and convenient access to mass transit facilities. LAC districts are generally appropriate in areas designated by the Land Use Plan as Local Activity Center.~~

B. USE STANDARDS	D. DEVELOPMENT STANDARDS
~~Principal uses allowed in the LAC district shall be established in the PD Plan. Uses shall be consistent with the comprehensive plan, other city-adopted plans, and the purpose of the LAC district, and shall comply with the use table in Appendix A: Consolidated Use Table, and the use-specific standards in Article 4: Use Standards.~~	~~The development standards in Article 5: Development Standards, shall apply to all development in LAC districts, but some development standards may be modified as part of the PD Plan if consistent with the general purposes of the LAC district and the comprehensive plan, and in accordance with the means of modification noted below.~~

C. INTENSITY AND DIMENSIONAL STANDARDS	
~~District area, minimum (acres)~~	~~5[1]~~
~~Density, maximum (du/ac)[2,3]~~	~~To be established in PD Plan—see Section 155.3602.A, PD Plan~~
~~Floor area ratio (FAR), maximum~~	
~~Lot area, minimum (sq ft)~~	
~~Lot width, minimum (sq ft)~~	
~~Impervious surfaces, maximum (% of district area)~~	
~~Individual building size, maximum (sq ft)~~	
~~Building height, maximum(ft)~~	
~~Setbacks, minimum (ft)~~	
~~Setback from abutting RS zoning district or existing single-family dwelling use, minimum (ft)~~	

~~DEVELOPMENT STANDARD~~	~~MEANS OF MODIFYING~~
~~Access and circulation~~	~~Specify in PD Plan~~
~~Off-street parking & loading~~	~~Specify in Master Parking Plan~~
~~Landscaping[1]~~	~~Specify in Alternative Landscaping Plan~~
~~Tree preservation~~	
~~Screening~~	~~Specify in Alternative Screening Plan~~
~~Fences and walls~~	~~Specify in Master Fencing Plan~~
~~Exterior lighting~~	~~Specify in Master Lighting Plan~~
~~Multifamily residential design~~	~~Modifications prohibited~~
~~Commercial and mixed-use design~~	
~~Industrial design~~	
~~Residential compatibility~~	
~~Sustainable design~~	~~Specify in PD Plan~~
~~Signage (Ch. 156, Sign Code)~~	~~Specify in Master Sign Plan~~

~~NOTES:~~
~~1. May be waived by the City Commission on finding that creative site planning is necessary to address a physical development constraint, protect sensitive natural areas, or promote a community goal when more conventional development would result in more difficult or undesirable development.~~
~~2. Residential development may not exceed the maximum gross density established by the Land Use Plan for the applicable land use classification.~~

~~NOTES:~~
~~1. Internal uses shall not be required to provide perimeter buffers.~~

~~E. Application of LAC District Zoning~~

~~An LAC district may be applied to land within one-quarter mile (1,320 feet) of one or more activity nodes, as designated in the Land Use Plan.~~

~~F. Additional LAC District Standards~~

~~**1. Use Mixing**~~

~~a. An LAC district shall be structured to provide a mix of pedestrian-oriented uses such as residential, retail, employment, civic, and recreational uses. Additional or stand-alone auto-oriented uses (e.g., gasoline filling stations, automotive repair and servicing, automotive sales, car washes, self-storage facilities, large retail sales establishments, uses with drive-through service) are prohibited.~~

~~b. Parkland or other open space accessible to the public shall be a functional component of development in the district.~~

~~c. Affordable housing opportunities shall be a functional component of development in the district that may be achieved through various methods—including, but not limited to, accessory dwelling units, zero lot-line housing, vertical integration of residential units with nonresidential uses.~~

~~**2. Pedestrian Access and Circulation**~~

~~The district shall include a system of pedestrian walkways designed to provide safe and convenient direct access and connections to and between internal buildings, external sidewalk systems, internal or adjacent transit stops, internal or adjacent parks and open space areas, and internal or adjacent public or institutional buildings (e.g., library, community center). A system of bikeways providing similar access is also encouraged. Walkways and bikeways shall be spatially defined by buildings, trees, and lighting, and be designed to discourage high-speed traffic.~~

~~**3. Rehabilitation and Use of Historic Buildings**~~

~~An LAC district shall promote the rehabilitation and use of historic buildings within the district.~~

~~**4. Community Amenities**~~

~~Clearly defined community amenities accessible to the public (e.g., public plaza or similar outdoor gathering space) shall be located adjacent to and/or be integrated with any transit stops existing or planned within or adjoining the site. If no transit stop exists or is planned within or adjoining the site, community amenities shall be located in any area of high pedestrian activity (e.g., pedestrian "main street").~~

***

155.3703. ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)

A. PURPOSE

The Atlantic Boulevard Overlay district (AOD) is established and intended to serve as the city's urban core, a center of activity for residents and visitors alike, a source of pride and identity for the community, and an attractive gateway to the city's beachfront areas. It is also intended to help implement the Pompano Beach Community Redevelopment Plan for the East Pompano Beach Redevelopment District. The purposes of these district standards are to stimulate economic revitalization, create a pedestrian-friendly environment, encourage beachfront beautification, and promote mixed-use development. To achieve these intents and purposes, district standards are based on the following core principles.

***

2. Prohibited Uses

a. Prohibited Principal Uses

Irrespective of subsection 1 above and the use standards applicable in the underlying base zoning district, the following principal uses shall be prohibited in the Atlantic Boulevard Overlay district:

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xiii. Medical <u>or dental</u> clinics <u>which provide overnight care and treatment</u>

***

3. Standards Specific to Commercial/Residential Mixed-Use Developments

***

b. On Land Classified Commercial by Land Use Plan

The following standards apply to commercial/residential mixed-use development located on land classified Commercial by the Land Use Plan:

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ii. No more than 50 percent of the gross floor area of a building may be used for residential uses <u>except when the entire ground floor is used for commercial uses.</u>

***

ARTICLE 4: USE STANDARDS

PART1 USE CLASSIFICATION, INTERPRETATION, AND ORGANIZATION

155.4101. PRINCIPAL USE CLASSIFICATION SYSTEM

~~**A. PRINCIPAL USES**~~

~~Part 2, Principal Uses, lists principal uses allowed by this Code and—for each principal use—designates the zoning districts in which the use is allowed as a permitted use or special exception (or is prohibited), defines the principal use, and sets forth any applicable standards specific to the particular use. The uses are organized by a three-tiered classification system consisting of use classifications (Residential, Institutional, Commercial, or Industrial), use categories (e.g., Household Living Uses), and use types (e.g., Dwelling, Live- Work). This system is described in Section 155.9301, Principal Use Classification System.~~

~~**B. ACCESSORY USES AND STRUCTURES**~~

~~Part 3, Accessory Uses and Structures, sets forth general standards applicable to all accessory uses and structures, lists certain accessory uses and structures, and—for each listed accessory use or structure— designates the zoning districts in which the use or structure is allowed (or is prohibited), defines the accessory use or structure, and sets forth any applicable standards specific to the particular use or structure.~~

~~**C. TEMPORARY USES AND STRUCTURES**~~

~~Part 4, Temporary Uses and Structures, sets forth general standards applicable to all temporary uses, lists permitted temporary uses and structures, and—for each temporary use or structure—designates the zoning districts in which the use or structure is allowed with or without a Temporary Use Permit (or is prohibited), defines the temporary use or structure, and sets forth any standards applicable to the particular use or structure.~~

~~**D. USES INVOLVING ALCOHOLIC BEVERAGE SALES**~~

~~Part 5, Uses Involving Alcoholic Beverage Sales, includes standards that require uses involving the sale of alcoholic beverages to be separated from certain existing uses and define how required separation distances are measured.~~

A. PURPOSE

This section is intended to provide a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities is allowable as a principal use in a particular zoning district, or is subject to other use-specific provisions in this Code.

B. STRUCTURE OF PRINCIPAL USE CLASSIFICATION SYSTEM

The principal use classification system described in this section groups uses at three levels: use classifications, use categories, and use types.

1. Use Classifications

The use classifications identify broad general classifications of land use and include residential uses, institutional uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general "use categories."

2. Use Categories

a. The use categories describe the major sub-groups of the respective use classifications, and are based on common functional, product, or physical characteristics, such as the type and

amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

b. Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses) and examples of common use types included in the category.

3. Use Types

The specific use types included in each use category identify specific principal uses that are considered to possess the characteristics identified for the use category.

C. RESIDENTIAL USE CLASSIFICATION

1. Household Living Uses

The Household Living Uses category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Accessory uses common to household living uses include recreational activities, raising of domestic pets, hobbies, swimming pools, and parking of the occupants' vehicles.

2. Group Living Uses

The Group Living Uses category includes use types providing for the residential occupancy of a group of living units by persons who do not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities, but unlike a hotel or motel, are generally occupied on a monthly or longer basis. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

D. INSTITUTIONAL USE CLASSIFICATION

1. Communication Uses

The Communication Uses category includes uses and facilities providing regional or community-wide communications services, such as wireless communications, radio and television broadcasting, and newspaper or magazine publishing. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, storage areas, or data transmission equipment.

2. Community Service Uses

The Community Service Uses category includes use types of a public, nonprofit, or charitable nature providing a local service (e.g., cultural, recreational, counseling, education, training) directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. Accessory uses may include offices, meeting areas, food preparation and dining facilities, health and therapy areas, and indoor and outdoor recreational facilities. The category does not include uses with a residential component.

3. Day Care Uses

The Day Care Uses category is characterized by use types providing care, protection, and supervision for children or adults on a regular basis away from their primary residence, and typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses may include offices, food preparation and dining areas, and recreation areas.

4. Education Uses

The Education Uses category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, or high school level that provide state-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at schools may

include offices, play areas, recreational and sport facilities, cafeterias, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities may include offices, dormitories, food service, laboratories, health care facilities, recreational and sports facilities, theaters, meeting areas, maintenance facilities, and supporting commercial uses (e.g., eating establishments, bookstores).

5. Government Uses

The Government Uses category includes use types providing for the general operations and functions of local, state, or federal governments. A wide range of accessory uses may be found, depending on the use type.

6. Health Care Uses

The Health Care Uses category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families.

7. Open Space Uses

The Open Space Uses category includes use types focusing on open space areas largely devoted to natural landscaping and outdoor recreation, and tending to have few structures. Cemeteries and mausoleums are included within this category. Accessory uses may include caretaker's quarters, clubhouses, statuary, fountains, maintenance facilities, concessions, and parking.

8. Other Institutional Uses

The Other Institutional Uses category includes use types consisting of a variety of institutional facilities, including lodges or clubs of community-oriented associations, places of worship, civic centers, and housing related to treatment or protection programs. Accessory uses may include school facilities, limited medical treatment facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, and staff residences.

9. Transportation Uses

The Transportation Uses category includes use types providing for the landing and takeoff of airplanes and helicopters, including loading and unloading areas and associated aircraft sales, repair, fuel sales, and flight instruction uses. It also includes passenger terminals for surface or water-based transportation. Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities.

10. Utility Uses

The Utility Uses category includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. Solar energy collection systems that constitute a principal use of a lot are included as a special type of major utility use. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, or storage areas.

E. COMMERCIAL USE CLASSIFICATION

1. Animal Care Uses

The Animal Care Use Category is characterized by use types related to the provision of medical services, general care, and boarding services for domestic animals.

2. Boat and Marine Sales and Service Uses

The Boat and Marine Sales and Service Uses category includes use types involving the direct sales and servicing of boats and other consumer watercraft, whether for recreation, commerce, or personal transport. This use category also includes use types involving the direct sales and servicing of boat trailers, marine engines, and other marine equipment. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and boat storage.

3. Business Support Service Uses

The Business Support Service Uses category include use types primarily providing routine business support functions for the day-to-day operations of other businesses, as well as to households.

4. Commercial or Membership Recreation/Entertainment Uses

The Commercial or Membership Recreational/Entertainment Uses category includes private use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

5. Eating and Drinking Establishments

The Eating and Drinking Establishments category includes use types involving the preparation and selling of food and beverages for immediate or direct on- or off-premise consumption. Accessory uses may include decks and patios for outdoor seating, drive-through service, facilities for live entertainment or dancing, and valet parking services.

6. Motor Vehicle Sales and Service Uses

The Motor Vehicle Sales and Service Uses category includes use types involving the direct sales and servicing of automobiles (including motorcycles), trucks, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage.

7. Office Uses

The Office Uses category includes office buildings housing activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on business, professional, or financial services. Accessory uses may include cafeterias, child care, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the business or building.

8. Retail Sales and Service Uses

The Retail Sales and Service Uses category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. They may also include uses that provide personal services, or product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

9. Self-Service Storage Uses

The Self-Service Storage Uses category includes use types providing individual, self-contained units or areas leased to individuals, organizations, or businesses for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to self-service storage.

10. Sexually Oriented Businesses

The Sexually Oriented Businesses use category includes a single use type involving the sale, distribution, or presentation of materials, or feature performances or other activities, that emphasize the depiction or display of specified sexual activities.

11. Visitor Accommodation Uses

The Visitor Accommodation Uses category includes use types providing lodging units or rooms for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial, meeting facilities, and offices.

F. INDUSTRIAL CLASSIFICATION

1. Industrial Services Uses

The Industrial Services Uses category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.

2. Manufacturing and Production Uses

The Manufacturing and Production Uses category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms for consumers. This use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment) and craft manufacturing. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include limited retail sales, wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters.

3. Warehousing and Freight Movement Uses

The Warehousing and Freight Movement Uses category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

4. Waste-Related Uses

The Waste-Related Uses category includes use types receiving solid or liquid wastes from others for on-site disposal, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

5. Wholesale Uses

The Wholesale Uses category includes use types involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, greenhouses (for plant nurseries), and repackaging of goods.

G. ACCESSORY USES AND STRUCTURES

Part 3, Accessory Uses and Structures, sets forth general standards applicable to all accessory uses and structures, lists certain accessory uses and structures, and—for each listed accessory use or structure— designates the zoning districts in which the use or structure is allowed (or is prohibited), defines the accessory use or structure, and sets forth any applicable standards specific to the particular use or structure.

H. TEMPORARY USES AND STRUCTURES

Part 4, Temporary Uses and Structures, sets forth general standards applicable to all temporary uses, lists permitted temporary uses and structures, and—for each temporary use or structure—designates the zoning districts in which the use or structure is allowed with or without a Temporary Use Permit (or is prohibited), defines the temporary use or structure, and sets forth any standards applicable to the particular use or structure.

I. USES INVOLVING ALCOHOLIC BEVERAGE SALES

Part 5, Uses Involving Alcoholic Beverage Sales, includes standards that require uses involving the sale of alcoholic beverages to be separated from certain existing uses and define how required separation distances are measured.

***

155.4201. GENERAL

A. PURPOSE

The purpose of this part is to designate those principal land uses allowed in each of the various zoning districts—whether as a permitted by right or only after special review—and to provide use-specific standards where necessary to minimize or otherwise mitigate potential adverse impacts on other development in the zoning district. ~~The organization of listed permitted uses is intended to guide interpretations of whether an unlisted use should be deemed permitted based on its similarity to a listed permitted use (See Section 155.9302, Interpretation of Unlisted Uses.).~~

B. Standards Applicable to all Uses

The following use standards shall apply to all uses:

1. All uses shall be totally and permanently enclosed within a building.
2. If an Eating and Drinking Establishment includes outdoor seating, it shall comply with the standards in Section 155.4303.V.
3. If the use includes accessory outdoor storage of the following components, materials, equipment, or objects, the outdoor storage area shall comply with standards in Section 155.4303.W:
   a. Equipment and materials;
   b. Inoperable vehicles, trailers, heavy equipment, or boats, including those that will be serviced. (Operable vehicles, trailers, heavy equipment or boats are those that are in a condition that they may be moved under their own power at any time except when under repair in garages.); and
   c. Automobile parts, dismantled vehicles, and similar materials
4. If the use includes outdoor storage of items listed above, and the outdoor storage area exceeds the limitation of accessory outdoor storage (35% or less of the total gross floor area of the building containing the principal uses(s) on the lot), the outdoor storage area shall comply with the standards in Section 155.4228.
5. If the use is an Alcoholic Beverage Establishment, it shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.
6. If the use includes drive-through service, it shall comply with the standards in Section 155.4303.I.

7. If the use is subject to county, state, or federal license requirements, it shall provide proof of valid licensure.

8. If the use is subject to allocation of flex or reserve units, the applicant shall apply for and obtain required flex or reserve units.

C. DEVELOPMENT WITH MULTIPLE PRINCIPAL USE TYPES

A development may include multiple principal uses, provided each principal use is a principal use type allowed in the applicable zoning district and the development complies with any use-specific standards applicable to each of the included use types. If a use within a development is determined to be an accessory use to a principal use in the development, such accessory use shall be subject to the accessory use standards. However, if no accessory use standards are established in this Code, then the principal use standards shall be required.

~~B.~~D APPLICABILITY OF PRINCIPAL USE STANDARDS

~~The following sections of this Part establish standards that apply to particular types of principal uses regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this Code. The use-specific standards are organized by use classification (Residential, Institutional, Commercial, or Industrial), then alphabetically by use category within each use classification, then alphabetically by use type within each use category. The use classification system and various use categories are described in Section 155.9301, Principal Use Classification System.~~

1. New and Existing Development

The following sections establish standards that apply to particular types of principal uses regardless of the zoning district in which they are allowed, or the review procedure by which they are approved, unless expressly stated to the contrary. The use-specific standards are organized by use classification (Residential, Institutional, Commercial, or Industrial), then alphabetically by use category within each use classification, then alphabetically by use type within each use category.

2. Certain Buffers Waived For Redevelopment Not requiring Major Site Plan

Required perimeter buffers, other than those specifically required for outdoor storage as a principal use or as an accessory use, may be waived if a change in use does not necessitate a Major Site Plan approval.

~~C.~~E ABBREVIATIONS USED IN PRINCIPAL USE DISTRICT TABLES

***

155.4202 RESIDENTIAL: HOUSEHOLD LIVING USES

155.4202.A. DWELLING, LIVE/WORK

***

1. *Districts Where Permitted*

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
									~~P~~S	~~P~~S		P	P	P	P							P						P	P	P	P	P

***

3. Standards

~~d. Employees shall be limited to occupants of the residential portion of the building plus up~~

~~to two persons not residing in the residential portion.~~

~~e.~~ **d.** Drive-through service is prohibited as an accessory use.

~~f.~~ **e.** The use shall comply with the parking, landscaping, and open space standards for mixed uses in Article 5: Development Standards.

~~g.~~ **f.** Any off-street parking for the nonresidential portion shall be located as far as practicable from existing adjacent single-family dwellings.

***

155.4202.G. DWELLING, ~~UPPER STORY~~ Mixed Use

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
									S	S		P	P	P		P						~~P~~						P	P	P	P	P

2. Definition

~~An upper story~~ A mixed-use dwelling is a dwelling unit located on the second floor or higher of a building with nonresidential uses located on the ground or street level.

3. Standards

~~Upper story~~ Mixed-use dwelling uses are generally intended to accommodate residential living above street level nonresidential uses. Lobbies, security, and uses incidental to the upper story dwelling use may be allowed on the street level, but all principal living spaces in multi-story or multi-tenant buildings shall be above the first floor.

155.4202.H. FAMILY CARE HOME

***

2. Definition

A family care home is a state-licensed dwelling unit providing a family living environment and care for a group of six or fewer six unrelated persons who meet statutory requirements of Fla. Stat. §419.001, as amended. ~~definitions of a frail elder (Fla. Stat. §429.65), physically disabled or handicapped person (Fla. Stat. §760.25), developmentally disabled person (Fla. Stat. §393.063), nondangerous mentally ill person (Fla. Stat. §394.455), child determined to be dependent (Fla. Stat. §39.01 or §984.03), or child in need of services (Fla. Stat. §984.03 or §985.03).~~ This use does not include community residential homes (in which seven to 14 such persons reside) or dwelling units that qualify as a single-family dwelling.

3. Standards

***

~~a. The family care home shall be licensed by a state agency.~~

~~b.~~**a.** The family care home shall be located at least 1,000 feet from another family care home or a community residential home (measured as the shortest distance between the proposed family care home and the other existing family care home or community residential home).

***

155.4203 RESIDENTIAL: GROUP LIVING USES

155.4203.A. ASSISTED LIVING FACILITY

***

2. Definition

An assisted living facility is a state-licensed any building(s) or part(s) of a building or residential facility that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. Personal services includes direct physical assistance with or supervision of the activities of daily living (e.g., eating, bathing, dressing, toileting, transferring, continence) and the self–administration of medication and other similar services—but does not include the provision of medical, nursing, dental, or mental health services (as does a nursing home facility). Accessory uses may include dining rooms and recreation rooms for facility residents, and offices and storage facilities for supervisory staff.

~~**3. Standards**~~

~~An assisted living facility shall comply with all applicable state licensing requirements.~~

***

155.4203.B. COMMUNITY RESIDENTIAL HOME

***

2. Definition

A community residential home is a state-licensed dwelling unit ~~licensed~~ to provide a family living environment and care for seven to 14 unrelated persons who meet statutory requirements of Fla. Stat. §419.001, as amended. ~~definitions of a frail elder (Fla. Stat. §429.65), physically disabled or handicapped person (Fla. Stat. §760.25), developmentally disabled person (Fla. Stat. §393.063), nondangerous mentally ill person (Fla. Stat. §394.455), child determined to be dependent (Fla. Stat. §39.01 or §984.03), or child in need of services (Fla. Stat. §984.03 or §985.03).~~ A community residential home may include such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. A dwelling unit providing a family living environment and care for six or fewer such persons is a family care home or may be a single-family dwelling (depending on the number of unrelated residents).

3. Standards

***

~~**b.** The home shall comply with all applicable state licensing regulations.~~

***

155.4207 INSTITUTIONAL: EDUCATION USES

155.4207.A. COLLEGE OR UNIVERSITY

***

2. Definition

A college or university is a public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, ~~dormitories,~~ fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. Vocational or trade schools are a different use type.

155.4207.B. SCHOOL, ELEMENTARY

***

2. Definition

An elementary school is a public or private school offering general, technical, or alternative instruction at the elementary school level that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for an elementary school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, ~~dormitories,~~ and other facilities that further the educational mission of the institution.

155.4207.C. SCHOOL, HIGH

***

2. Definition

A high school is a public or private school offering general, technical, or alternative instruction at the high school level that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a high school. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, ~~dormitories,~~ and other facilities that further the educational mission of the institution.

155.4207.D. SCHOOL, MIDDLE

***

2. Definition

A middle school is a public or private school offering general, technical, or alternative instruction at the middle school level that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a junior high or middle school. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, ~~dormitories,~~ and other facilities that further the educational mission of the institution.

155.4207.E. VOCATIONAL OR TRADE SCHOOL

***

2. Definition

A vocational or trade school is a public or private school offering vocational or trade instruction to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, ~~dormitories,~~ and other facilities that further the educational mission of the institution.

***

155.4209 INSTITUTIONAL: HEALTH CARE USES

155.4209.A. BLOOD/TISSUE COLLECTION CENTER

***

2. Definition

A blood/tissue collection center is a <u>state-licensed</u> facility where human blood, organs, skin, or other human tissue are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs

the testing.

~~**3. Standards**~~

~~A blood/tissue collection center shall comply with applicable state licensing requirements.~~

***

155.4209.C. HOSPITAL

***

2. Definition

A hospital is ~~an~~ a state-licensed institution ~~licensed by the state~~ that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, and staff offices. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service. This use type does not include nursing home facilities, medical treatment facilities, medical clinics, drug or alcohol treatment facilities, or psychiatric treatment facilities.

3. Standards

***

~~c. The hospital shall comply with applicable state licensing requirements.~~

155.4209.D. MASSAGE THERAPY ESTABLISHMENT

***

2. Definition

A massage therapy establishment is a state-licensed ~~an~~ establishment that offers, sells, or provides manipulation of the tissues or other tactile stimulation of the human body with the hand, foot, arm, leg, elbow, or part of the torso, whether or not aided by any electrical or mechanical device, by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes. A massage may also include bathing, hydrotherapy (including colonic irrigation), thermal therapy, or application of chemicals, oils, lotions, or similar preparations to the human body. ~~A therapeutic massage establishment does not include an unlicensed massage establishment (which is categorized as a sexually oriented business).~~

~~**3. Standards**~~

~~A massage therapy establishment shall comply with all applicable state licensing requirements.~~

***

155.4209.I. PSYCHIATRIC TREATMENT FACILITY

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
														P	P							~~P~~S		P					P	P	P	

***

155.4210 INSTITUTIONAL: OPEN SPACE USES

***

155.4210.B. CEMETERY OR MAUSOLEUM

***

2. Definition

A cemetery or mausoleum is a state-licensed use intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory.

3. Standards

***

~~**d.** A cemetery shall comply with applicable state cemetery regulations, including licensing requirements.~~

155.4210.C. COMMUNITY GARDEN

***

2. Definition

A community garden is a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than 1 person, household, or family. Community gardens may be divided into separate plots for cultivation , or may be farmed collectively by members of a group, and may include common areas maintained and used by group members.

3. Standards

***

c. Retail sales are not permitted in any Residential Zoning District. In all other Zoning Districts, retail sales are limited to sales of items grown on-site and to a sales area of less than 64 square feet.

***

155.4211 INSTITUTIONAL: OTHER INSTITUTIONAL USES

155.4211.A. CIVIC CENTER

***

3. Standards

~~**c.** If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4211.B. HALFWAY HOUSE

***

2. Definition

A halfway house is a state-licensed residential facility providing housing, food, supervision, rehabilitation, and counseling to juvenile or adult persons who have had alcohol or drug problems that make it difficult to cope in society or have been placed in the facility on release from, or in lieu of, more restrictive custodial confinement under the criminal justice system. The purpose of such facilities is to provide residents a supportive family living environment and care that will help mainstream them back into society.

3. Standards

~~a.~~ A halfway house shall be located at least 1,000 feet from any shelter or other halfway house.

~~b. A halfway house shall be licensed by the State of Florida.~~

155.4211.C. LODGE OR CLUB

***

2. Definition

A lodge or club consists of a building or facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership. This use shall not include a nightclub, sexually oriented business, or an establishment that exists primarily for the purpose of selling or accommodating the consumption of alcoholic beverages.

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4212 INSTITUTIONAL: TRANSPORTATION USES

***

155.4212.E. AIRPORT

***

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4212.G. TRANSPORTATION PASSENGER STATION/TERMINAL

***

3. Standards

***

~~**b.** If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4214 COMMERCIAL: ANIMAL CARE USES

***

155.4214.D. PET HOTEL

***

2. Definition

A pet hotel is ~~an enclosed building with at least 4,500 square feet of air-conditioned floor area that contains~~ a facility that provides exercise and training facilities, social and play

areas, styling and massage salon facilities, and weight loss centers for use by and for the benefit of domesticated household pet animals. ~~Such a use also contains a front desk and reception area.~~

3. Standards

***

b. The ~~building~~ use shall be located within a fully enclosed building which is at least 4,500 square feet of air conditioned floor area and is sufficiently soundproofed to result in no noise detection outside the building.

***

h. A front desk and reception area must be provided.

***

155.4215 COMMERCIAL: BOAT AND MARINE SALES AND SERVICE USES

***

155.4215.B. BOAT OR MARINE PARTS SALES AND INSTALLATION

***

3. Standards

A boat or marine parts sales and installation use shall comply with the following standards:

a. No installation shall be made except within garages or other buildings designed for these purposes.

b. All boats being handled, stored, or repaired shall be maintained in a condition that they may be moved under their own power at any time except when the boat is under repair in garages, body shops, or other buildings.

c. The use shall be designed so that service bays are not visible from an adjoining street.

155.4215.C. BOAT OR MARINE REPAIR AND SERVICING

***

3. Standards

***

~~e. All outdoor storage of boats (where allowed) or related equipment shall be limited to an area that is no larger than 25 percent of the buildable area of the lot, and comply with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

e. No repair or maintenance shall be made except within garages or other buildings designed for these purposes.

f. All boats being handled, stored, or repaired shall be maintained in a condition that they may be moved under their own power at any time except when the boat is under repair in garages, body shops, or other buildings.

***

155.4215.D. BOAT OR MARINE SALES OR RENTAL

***

3. Standards

***

~~e. If a boat or marine sales and rental use is combined with a boat or marine repair and servicing use, the combined use shall comply with the standards (including districts where permitted) in this subsection and in Section 155.4215.C, Boat or Marine Repair and Servicing.~~

***

155.4215.I. MARINA

***

~~**3. Standards**~~

~~a. If a marina is combined with a boat or marine repair and servicing use, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4215.C, Boat or Marine Repair and Servicing.~~

~~b. If a marina is combined with a boat dry storage facility, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4215.A, Boat Dry Storage Facility.~~

~~c. If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4215.J. YACHT CLUB

***

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4216 COMMERCIAL: BUSINESS SUPPORT SERVICES

***

155.4216.B. CONFERENCE OR TRAINING CENTER

***

3. Standards

***

~~d. If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4217 COMMERCIAL: COMMERCIAL OR MEMBERSHIP RECREATION / ENTERTAINMENT USES

***

155.4217.B. ARENA, STADIUM, OR AMPHITHEATER

***

3. Standards

***

~~e. If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4217.C. AUDITORIUM OR THEATER

***

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4217.D. BOWLING ALLEY OR SKATING RINK

***

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4217.E. GAMING ESTABLISHMENT

***

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4217.F. GOLF COURSE

***

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4217.H. JAI ALAI FRONTON

***

3. Standards

~~e. If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4217.I. MARINE MAMMAL Park

***

3. Standards

~~e. If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4217.K. MOTION PICTURE THEATER

***

2. Definition

A motion picture theater is a building or part of a building devoted to showing motion pictures. ~~This can also include an open lot or part of an open lot and auxiliary facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons seated on outdoor seats.~~

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4217.L. RACING FACILITY, AUTOMOBILE OR MOTORCYCLE

***

3. Standards

~~**e.** If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements~~.

155.4217.M. RACING FACILITY, DOG OR HORSE

***

3. Standards

~~**e.** If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4217.N. RACQUET SPORTS FACILITY

***

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4217.Q. OTHER INDOOR COMMERCIAL OR MEMBERSHIP RECREATION/ENTERTAINMENT USE

***

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4217.R. OTHER OUTDOOR COMMERCIAL OR MEMBERSHIP RECREATION/ENTERTAINMENT USE

***

2. Definition

Other outdoor commercial recreation/entertainment uses include any private outdoor use providing for sports, recreation, and entertainment activities that are operated or carried on primarily for financial gain, and that is not specifically listed in the principal use tables. Examples include, but are limited to go-cart racing, race-track, or dirt-track facilities, privately-owned outdoor commercial tourist attractions, water parks, amusement parks, campgrounds, and privately-owned active sports facilities such as ball fields and paintball fields. <u>This can also include an open lot or part of an open lot and auxiliary facilities devoted</u>

primarily to the showing of motion pictures on a paid admission basis to patrons seated on outdoor seats.

3. Standards

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

a. The facility shall be located on a site with an area of at least five acres.

b. The facility shall be located on a site that, at the primary point of access, has at least 200 feet of frontage on an arterial street.

c. Access points to the site shall be located and designed to minimize traffic to and through local streets in residential neighborhoods.

d. Safety fences, up to the height of eight feet, shall be provided as necessary to protect the general health, safety, and welfare.

***

155.4218 COMMERCIAL: EATING AND DRINKING ESTABLISHMENTS

155.4218.A. BAR OR LOUNGE

***

~~**3. Standards**~~

~~**a.** A bar or lounge shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

~~**b.** If a bar or lounge includes outdoor seating, it also shall comply with the accessory use standards (including districts where permitted) in Section 155.4303.V, Outdoor Seating (as accessory to an eating and drinking establishment).~~

~~**c.** A bar or lounge operated as an accessory use to a restaurant, apartment hotel, hotel, or other principal use shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4218.B. BREWPUB

***

2. Definition

A brewpub is an ~~drinking~~ alcoholic beverage establishment that produces up to 10,000 kegs (or 155,000 gallons) of fermented malt beverages annually in a single location, primarily for consumption on the premises. Such establishments are licensed by the state as both manufacturers and vendors of malt beverages. This use may also offer food for onsite consumption, but does not include brewpubs that are accessory to a restaurant. It also does not include brewpubs that are accessory to an apartment hotel, hotel, or other principal use. If an establishment produces more than 10,000 kegs (or 1555,000 gallons) of fermented malt beverages annually, it shall be considered a Brewery, Winery, or Distillery.

~~**3. Standards**~~

~~**a.** A brewpub shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

~~**b.** If a brewpub includes outdoor seating, it also shall comply with the accessory use standards (including districts where permitted) in Section 155.4303.V, Outdoor Seating (as accessory to an eating and drinking establishment).~~

~~**c.** A brewpub operated as an accessory use to a restaurant, apartment hotel, hotel, or other principal use shall comply with the standards for separation from certain uses in~~

~~Section 155.4501, Separation Requirements.~~

155.4218.C. HALL FOR HIRE

***

2. Definition

A hall for hire is a facility or hall available for lease by private parties to accommodate private functions, and is not open to the general public. The hall may or may not include kitchen facilities for the preparation of food. Private functions can include, but are not limited to, banquets, weddings, anniversaries, and other similar celebrations.

3. Standards

***

~~**b.** If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4218.D. NIGHTCLUB

***

2. Definition

A nightclub is a place of entertainment ~~offering alcoholic beverages for consumption on the premises~~ that ~~may also~~ provides on-site entertainment in the form of live performances, dancing, billiards, comedic performances, or other entertainment activities. This use may also ~~include~~ offer food and alcoholic beverages for onsite consumption. ~~Performances related to the display of specified sexual activities or specified anatomical areas are classified as sexually oriented businesses and prohibited within nightclubs.~~ This use does not include a sexually oriented business. This use does not include a nightclub that is an accessory use to a restaurant, apartment hotel, hotel, or other principal use.

***

~~**3. Standards**~~

~~**a.** A nightclub shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

~~**b.** If a nightclub includes outdoor seating, it also shall comply with the accessory use standards (including districts where permitted) in Section 155.4303.V, Outdoor Seating (as accessory to an eating and drinking establishment).~~

~~**c.** A nightclub operated as an accessory use to a restaurant, apartment hotel, hotel, or other principal use shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4218.E. RESTAURANT

***

~~**3. Standards**~~

~~**a.** If a restaurant includes outdoor seating, it also shall comply with the accessory use standards (including districts where permitted) in Section 155.4303.V, Outdoor Seating (as accessory to an eating and drinking establishment).~~

~~**b.** If a restaurant includes drive-through service, it also shall comply with the accessory use standards (including districts where permitted) in Section 155.4303.I, Drive-Through Service.~~

~~**c.** If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4218.F. SPECIALTY EATING OR DRINKING ESTABLISHMENT

***

~~**3. Standards**~~

~~A specialty eating or drinking establishment shall comply with the following standards:~~

~~**a.** If the establishment includes outdoor seating, it also shall comply with the accessory use standards (including districts where permitted) in Section 155.4303.V, Outdoor Seating (as accessory to an eating and drinking establishment).~~

~~**b.** If the establishment includes drive-through service, it also shall comply with the accessory use standards (including districts where permitted) in Section 155.4303.I, Drive-Through Service.~~

~~**c.** If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4219 COMMERCIAL: MOTOR VEHICLE SALES AND SERVICES USES

155.4219.A. AUTOMOTIVE PAINTING OR BODY SHOP

***

~~**3. Standards**~~

***

~~**f.** Outdoor parking or storage of vehicles that have been or will be serviced may be allowed in an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

f. No repair or painting of automobiles or parts thereof shall be made except within garages or other buildings designed for these purposes.

g. All automobiles being handled, stored, or repaired shall be maintained in a condition that they may be moved under their own power at any time except when the automobile is under repair in garages, body shops, or other buildings.

~~**g.**~~**h** Vehicles that are repaired and are awaiting removal shall not be parked or stored for more than 30 consecutive days. If a vehicle is abandoned by its lawful owner before or during the repair or servicing process, the vehicle may remain on site after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

155.4219.B. AUTOMOTIVE PARTS SALES AND INSTALLATION

***

3. Standards

~~Outdoor parking or storage of vehicles that have been or will be serviced may be allowed in an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

An automotive parts sales and installation shall comply with the following standards:

a. No repair or installation shall be made except within garages or other buildings designed for these purposes.

b. All automobiles being handled, stored, or repaired shall be maintained in a condition that they may be moved under their own power at any time except when the automobile is under repair in garages, body shops, or other buildings.

c. The use shall be designed so that any service bays are not visible from an adjoining street.

155.4219.C. AUTOMOTIVE REPAIR AND MAINTENANCE FACILITY

***

3. Standards

~~f. Outdoor parking or storage of vehicles that have been or will be serviced may be allowed in an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

f. No repair or maintenance of automobiles or parts thereof shall be made except within garages or other buildings designed for these purposes.

g. All automobiles being handled, stored, or repaired shall be maintained in a condition that they may be moved under their own power at any time except when the automobile is under repair in garages, body shops, or other buildings.

~~g~~h. Vehicles that are repaired and are awaiting removal shall not be parked or stored for more than 30 consecutive days. If a vehicle is abandoned by its lawful owner before or during the repair or servicing process, it may remain on site after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

~~h. If an automotive repair and maintenance facility use is combined with an automotive painting or body shop use, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4219.A, Automotive Painting or Body Shop.~~

~~i. If an automotive repair and maintenance facility use is combined with a motor vehicle/trailer sales or rental use, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4219.I, Motor Vehicle/Trailer Sales or Rental.~~

~~j. If an automotive repair and maintenance facility use is combined with a battery exchange station, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4219.E, Battery Exchange Station.~~

155.4219.D. AUTOMOTIVE WRECKER SERVICE

***

3. Standards

~~c. Outdoor parking or storage of vehicles that have been towed to the site may be allowed in an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

155.4219.E. BATTERY EXCHANGE STATION

***

3. Standards

***

~~d. Outdoor parking or storage of vehicles that have been or will be serviced may be allowed in an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

~~e~~d. Canopies shall have a maximum clearance height of 14 feet above grade, except where state or federal law requires higher clearances.

~~f. If a battery exchange station is combined with an automotive repair and servicing use, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4219.C, Automotive Repair and Maintenance Facility.~~

~~g. If a battery exchange station is combined with a gasoline filling station use, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4219.G, Gasoline Filling Station.~~

***

155.4219.F. CAR WASH OR AUTO DETAILING

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
														S	~~P~~S			P	P										P			

2. Definition

A car wash or auto detailing use is an establishment providing the ~~exterior~~ washing of exterior of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Interior cleaning and/or drying may be conducted manually by the vehicle operator or on-site attendants.

3. Standards

c. ~~If a car wash use is combined with a gasoline filling station use, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4219.G, Gasoline Filling Station~~. Each lane shall be covered with a permanent canopy, which ~~Canopies~~ shall have a maximum clearance height of 14 feet above grade, except where state or federal law requires higher clearances.

155.4219.G. GASOLINE FILLING STATION

***

3. Standards

***

~~f. If a gasoline filling station is combined with an automotive repair and servicing use, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4219.C, Automotive Repair and Maintenance Facility.~~

~~g. If a gasoline filling station is combined with a car wash or auto detailing use, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4219.F, Car Wash or Auto Detailing.~~

~~h. If a gasoline filling station is combined with a battery exchange station, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4219.E, Battery Exchange Station.~~

155.4219.H. NEW MOTOR VEHICLE/TRAILER SALES ~~OR RENTAL~~

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
														~~S~~P	P			P	P										P			

2. Definition

A new motor vehicle/trailer sales ~~or rental~~ use consists of premises on which new ~~or used~~ automobiles, trucks, recreational vehicles, and/or trailers in operating condition are displayed for sale~~,~~ or lease~~, or rental~~.

3. Standards

A new motor vehicle/trailer sales ~~or rental~~ use shall comply with the following standards:

***

~~**d.** If a motor vehicle/trailer sales or rental use is combined with an automotive repair and maintenance facility use, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4219.C, Automotive Repair and Maintenance Facility.~~

d. New automobile sales agencies may have accessory used car sales and auto service.

155.4219.I. USED MOTOR VEHICLE/TRAILER SALES

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															S			S	S										S			

2. Definition

A used motor vehicle/trailer sales consists of premises on which used automobiles, trucks, recreational vehicles, and/or trailers in operating condition are displayed for sale.

3. Standards

A used motor vehicle/trailer sales use shall comply with the following standards:

a. The use shall not have more than one vehicle/trailer display pad for every 100 feet of street frontage. A vehicle/trailer display pad shall not exceed 500 square feet in area and may be elevated up to two feet above adjacent displays or grade level.

b. No vehicles, trailers, or other similar items shall be displayed on the top of a building.

c. No materials for sale other than vehicles or trailers shall be displayed between the principal structure and the street.

155.4219.J. MOTOR VEHICLE/ TRAILER RENTAL

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
														P	P			P	P										P			

2. Definition

A motor vehicle/trailer rental use consists of premises on which automobiles, trucks,

recreational vehicles, and/or trailers in operating condition are displayed for rental.

3. Standards

A motor vehicle/trailer rental use shall comply with the following standards:

a. The use shall not have more than one vehicle/trailer display pad for every 100 feet of street frontage. A vehicle/trailer display pad shall not exceed 500 square feet in area and may be elevated up to two feet above adjacent displays or grade level.

b. No vehicles, trailers, or other similar items shall be displayed on the top of a building.

c. No materials for sale other than vehicles or trailers shall be displayed between the principal structure and the street.

155.4219.~~I.~~K. MUFFLER/TRANSMISSION SALES AND INSTALLATION

***

3. Standards

~~**b.** Outdoor parking or storage of vehicles that have been or will be serviced may be allowed in an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

~~**c.** All automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building or an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

b. No repair or installation shall be made except within garages or other buildings designed for these purposes.

c. All automobiles being handled, stored, or repaired shall be maintained in a condition that they may be moved under their own power at any time except when the automobile is under repair in garages, body shops, or other buildings.

d. The use shall be designed so that any service bays are not visible from an adjoining street.

155.4219.~~J.~~L. PARKING DECK OR GARAGE (AS A PRINCIPAL USE)

***

155.4219.~~K.~~M. PARKING LOT (AS A PRINCIPAL USE)

***

155.4219.~~L.~~N. TAXI OR LIMOUSINE SERVICE FACILITY

***

155.4219.~~M.~~O. TIRE SALES AND MOUNTING

***

3. Standards

***

~~**b.** Outdoor parking or storage of vehicles that have been or will be serviced may be allowed in an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

~~**c.** All automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building or an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

b. No repair or installation shall be made except within garages or other buildings

designed for these purposes.

c. All automobiles being handled, stored, or repaired shall be maintained in a condition that they may be moved under their own power at any time except when the automobile is under repair in garages, body shops, or other buildings.

d. The use shall be designed so that any service bays are not visible from an adjoining street.

155.5219.~~N.~~P. TRUCK/RECREATIONAL VEHICLE/TRAILER REPAIR AND SERVICING

***

3. Standards

***

~~f. Outdoor parking or storage of vehicles or trailers that have been or will be serviced may be allowed in an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

f. No repair, rebuilding, or reconditioning shall be made except within garages or other buildings designed for these purposes.

g. All vehicle/trailers being handled, stored, or repaired shall be maintained in a condition that they may be moved under their own power at any time except when the vehicle/trailers is under repair in garages, body shops, or other buildings.

~~g~~h. Vehicles or trailers that are repaired and are awaiting removal shall not be parked or stored for more than 30 consecutive days. If a vehicle or trailer is abandoned by its lawful owner before or during the repair or servicing process, it may remain on site after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle or trailer from the premises using the appropriate legal means.

***

155.4220 COMMERCIAL: OFFICE USES

155.4220.A. CONTRACTOR'S OFFICE

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
												~~S~~	~~P~~	~~P~~	P	P		P	P	P		~~P~~							P	P	P	P

***

155.4220.B. Professional OFFICE ~~BUILDING~~

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
							S	S	S	S		P	P	P	P	P		P	P	P		~~P~~						P	P	P	P	P

2. Definition

A~~n~~ professional office ~~building~~ is a building ~~consisting of rooms~~ or portion of a building used for conducting the affairs of businesses offering professional services (e.g., offices of

lawyers, engineers, architects), financial services (e.g., investment banking, stock brokerage, credit card services), or business services (e.g., consulting firms), or the buying or selling of real or personal property, services, or other products (e.g. artwork, artifacts). This use may also include offices for physicians and other health care professionals without examination and treatment. Offices used for examination and treatment shall be considered a Medical or Dental Clinic.

3. Standards

In the Multifamily Residential (RM-) districts, ~~an~~ professional office ~~building~~ use is allowed as a Special Exception only if the total gross floor area is 2,000 square feet or less.

***

155.4221 COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES

***

155.4221.C. BANK OR FINANCIAL INSTITUTION

***

3. Standards

~~**b.** If a bank or financial institution includes an automated teller machine (ATM) in the exterior wall of the principal building or in a separate structure providing walk-up service, the use also shall comply with the accessory use standards in Section 155.4303.C, Automated Teller Machine (ATM)1.~~

~~**c.** If a bank or financial institution includes drive-through service, it also shall comply with the accessory use standards (including districts where permitted) in Section 155.4303.I, Drive- Through Service.~~

***

155.4221.E. DRY-CLEANING OR LAUNDRY DROP-OFF ESTABLISHMENT

~~**3. Standards**~~

~~If a dry-cleaning or laundry drop-off establishment includes drive-through service, it also shall comply with the accessory use standards (including districts where permitted) in Section 155.4303.I, Drive- Through Service.~~

***

155.4222 COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES

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155.4222.B. ART GALLERY

***

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4222.F. CONVENIENCE STORE

***

~~**3. Standards**~~

~~If a convenience store use is combined with a gasoline filling station use, the combined use shall comply with the standards (including districts where permitted) in this subsection and Section 155.4219.G, Gasoline Filling Station.~~

155.4222.G. DRUG STORE OR PHARMACY

***

~~**3. Standards**~~

~~If a drugstore or pharmacy includes drive-through service, it also shall comply with the accessory use standards (including districts where permitted) in Section 155.4303.I, Drive-Through Service.~~

***

155.4222.J. GROCERY STORE

***

~~**3. Standards**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4222.L. LIQUOR OR PACKAGE STORE

***

~~**3. Standards**~~

~~**a. Separation Requirements**~~

~~A liquor or package store shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4222.O. THRIFT SHOP

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
														S	P							P							P	P	P	P

***

3. Standards

In the B-3 zoning districts, a thrift store shall be a minimum of 12,000 square feet of total gross floor area and operated by a single tenant.

155.4222.P. RETAIL SALES ESTABLISHMENT, LARGE

***

3. Standards

~~**b.** If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4222.Q. OTHER RETAIL SALES ESTABLISHMENT

***

3. Standards

~~**b.** If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4223 COMMERCIAL: SELF-SERVICE STORAGE USES

155.4223.A. SELF-STORAGE OR MINI-WAREHOUSE FACILITY

***

3. Standards

***

b. Operation

***

~~**iv.** If a self-storage or mini-warehouse facility includes a truck rental use or a trailer rental use, it shall also comply with the standards in Section 155.4219.I above, Motor Vehicle/Trailer Sales or Rental.~~

***

c. Storage of Recreational Vehicles and Boats

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~~**ii.** Outdoor storage areas shall be located to the rear of the principal structure and shall comply with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

iii. Storage shall not occur within required yards.

***

155.4224 COMMERCIAL: SEXUALLY ORIENTED BUSINESSES

155.4224.A. SEXUALLY ORIENTED BUSINESS

***

3. Definition

A sexually oriented business includes any of the following establishments or premises:

a. Adult Book, Adult Novelty, or Adult Video Store

A retail establishment that offers for sale or rent books, magazines, other periodicals, videos, discs, slides, photographs, instruments, devices, paraphernalia, or other printed matter or graphic media that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities, or specified anatomical areas, and which materials constitute 20 percent or more of the establishment's inventory at any time ~~and~~/, or are displayed on more than 20 percent of that portion of the establishment's floor area used for public display of stock~~.~~; or

~~**b. Adult Theater**~~

~~An adult theater is an enclosed building or enclosed space within a building that is used for presenting either films, live plays, dances, or other performances that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities for observation by patrons, and that restricts or purports to restrict admission only to adults.~~

~~c.~~**b.** ~~**Unlicensed**~~ **Massage Establishment, Unlicensed**

An unlicensed massage establishment is an establishment that offers, sells, or provides manipulation of the tissues or other tactile stimulation of the human body with the hand, foot, arm, leg, elbow, or part of the torso, whether or not aided by any electrical or mechanical device, by persons who are not licensed massage therapists under Chapter 480 of the Florida Statutes, or athletic trainers employed by on behalf of educational or professional athletic teams, or licensed physicians, nurses, or other health care practitioners engaged in the practice of their profession. A massage may also include bathing or application of oils, lotions, or similar preparations to the human body. An unlicensed massage establishment does not include a therapeutic massage establishment~~.~~ ; or

~~**d. Special Cabaret**~~

~~A special cabaret is a business that features persons who engage in specific sexual activities for observation by patrons, and that restricts or purports to restrict admission only to adults.~~

c. Any premises where members of the public or any person for consideration may participate in or may observe or view any activity, live or recorded performance, or any visual images tangibly fixed in any medium, which activity, performance, image, or recording has an emphasis on, or has as its primary or dominant theme, subject matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or

d. Any premises where the presentation or distribution of any performance, recording, or visual image requires the exclusion of minors from the premises pursuant to F.S. Ch. 847.

4. Standards

a. *Separation Requirements*

TABLE 155.4224.A.4: MINIMUM SEPARATION FROM CERTAIN EXISTING USES AND ZONING[1]		
	MINIMUM SEPARATION	
EXISTING USE/ZONING	~~Sexually Oriented Business Selling Displaying, or Distributing Materials That Area Obscene or Harmful to Minors~~[2]	Other Sexually Oriented Business
Child care facility	~~2,500 feet~~ [~~3~~]	1,000 feet [~~3~~ 2]
School		
Other sexually oriented business	1,000 feet [~~3~~ 2]	
Park		
Place of worship		
~~Outdoor recreational facility~~		
Residential zoning district		
Alcoholic Beverage Establishment		

NOTES:
1. Compliance with these separation standards shall not be affected by the subsequent establishment of one of the uses or zoning from which separation is required on a property closer than the required separation distance. In such a case, the sexually oriented business shall be construed as continuing to comply with the separation standards.
~~**2.** As determined in accordance with Section 847.0134 of the Florida Statutes.~~
~~**3.**~~ **2.** Separation shall be measured as the shortest distance between the property lines of the lot containing the sexually oriented business and the nearest property lines of the lots containing the use or zoning from which separation is required.

b. Exterior Observation and Display Prohibited

~~The building containing a sexually oriented business shall be designed, constructed, and used (including the covering or windows and doors, where necessary)—and the sexually oriented business conducted—in a manner that prevents observation from the exterior of the building of any live performance, film presentation, material, sign, or other display that is characterized by matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or prohibited from being displayed or revealed to minors under Chapter 847 of the Florida Statutes.~~ No sexually oriented business shall be conducted in any manner that permits any person on any parcel of property or public right-of-way within the city, other than the parcel upon which the sexually oriented business is located, to observe any live or recorded performance, or any visual image tangibly fixed in any medium, which performances, images or recordings have as their primary or dominant theme subject matter depicting, describing, or relating to specified sexual activities or specified anatomical areas or which performance, recording, or visual image requires the exclusion of minors pursuant to F.S. Ch. 847, other than such observation as may occur as a result of the observer's intentional reception of such a performance, recording, or visual image within an enclosed structure.

c. Presentations in Enclosed Rooms

~~Any room or open space in an adult theater that is used for a live performance, film presentation, or other presentation that is characterized by matter depicting,~~

~~describing, or relating to specified sexual activities or specified anatomical areas shall have at least 500 square feet of floor area.~~ No sexually oriented business shall permit or maintain any enclosed room for use by any member of the public, other than restrooms, and dressing rooms which are not viewable or accessible by patrons, unless each such room is greater than 500 total square feet in size.

~~**d. Additional Separation Requirements if Alcoholic Beverages Are Sold**~~

~~If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

d. Punitive Standards and Right to Appeal

i. No zoning conditions, restrictions, safeguards, or standards shall apply to or be imposed on any sexually oriented business, other than those prohibitions and restrictions expressly set forth in this section and in the city's code of ordinances.

ii. A party aggrieved by the final decision of the Development Services Director on a application to establish a Sexually Oriented Business may appeal the Decision to the ZBA in accordance with the procedures and standards in Section 155.2424, Appeal.

d. Punitive Standards and Right to Appeal

i. Other than the procedures to appeal the decision of the City's Development Services Director as provided subsection iii below, no variances from the standards listed in Section 155.4224.A.3 or 155.4224.A.4 shall be permitted for any reason.

ii. No zoning conditions, restrictions, safeguards, or standards shall apply to or be imposed on any sexually oriented business, other than those prohibitions and restrictions expressly set forth in this section and in the city's code of ordinances.

iii. A party aggrieved by the final decision of the Development Services Director on a application to establish a Sexually Oriented Business may appeal the Decision to the ZBA in accordance with the procedures and standards in Section 155.2424, Appeal.

***

155.4225 COMMERCIAL: VISITOR ACCOMMODATION USES

155.4225.A. APARTMENT HOTEL

***

3. Standards

***

~~c. If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4225.B. BED AND BREAKFAST INN

***

2. Definition

A bed and breakfast inn is a state -licensed private single-family dwelling engaged in renting one or more sleeping rooms on a daily basis ~~to tourists, vacationers, and business people,~~ and providing them breakfast.

3. Standards

***

~~e. If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4225.C. HOTEL OR MOTEL

***

2. Definition

A hotel or motel is a state-licensed building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit. Accessory uses may include, but are not limited to, restaurants, bars or lounges, nightclubs, conference and meeting rooms, business centers, newsstands, gift shops, sale of tanning products, rental of beach chairs and umbrellas, exercise and fitness facilities, swimming pools, etc., subject to any applicable use-specific standards. This use type does not include apartment hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses.

3. Standards

***

~~c. If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4226 INDUSTRIAL: INDUSTRIAL SERVICE USES

***

155.4226.C. ELECTRIC MOTOR REPAIR

***

~~**3. Standards**~~

~~Outdoor storage of materials and equipment may be allowed in an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

***

155.4226.G. HEAVY EQUIPMENT REPAIR AND SERVICING

***

3. Standards

***

~~e. Outdoor parking or storage of heavy equipment that have been or will be serviced may be allowed in an outdoor storage area that complies with the outdoor storage~~

~~standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

155.4226.H. HEAVY EQUIPMENT SALES, RENTAL, OR STORAGE

***

3. Standards

***

~~**f.** A sales, rental, or storage use with repair and servicing shall also comply with the standards in Section 155.4226.G, Heavy Equipment Repair and Servicing.~~

***

155.4226.K. MACHINE SHOP

***

~~**3. Standards**~~

~~Outdoor storage of materials and equipment may be allowed in an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

***

155.4226.P. TOOL REPAIR SHOP

***

~~**3. Standards**~~

~~Outdoor storage of materials and equipment may be allowed in an outdoor storage area that complies with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

***

155.4227 INDUSTRIAL: MANUFACTURING AND PRODUCTION USES

***

155.4227.C. BREWERY, WINERY, OR DISTILLERY

***

2. Definition

A brewery, winery, or distillery use is a~~n~~ state-licensed establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer (brewery), or in manufacturing or blending wines (winery), or in distilling and blending potable liquors, including mixing them with other ingredients (distillery).

~~**3. Standards**~~

~~A brewery, winery, or distillery shall comply with the following standards:~~

~~**a.** The use shall comply with all applicable state laws and licensing regulations.~~

~~**b.** Any outdoor storage of equipment or materials shall be located to the rear of the principal structure and comply with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

~~**c.** If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

***

155.4227.E. CEMENT CONCRETE BATCH PLANT

***

3. Standards

***

~~c. Any outdoor storage of equipment or materials shall be located to the rear of the principal structure and comply with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

~~d. All areas used for outdoor storage shall have a hard surface that avoids dust and safeguard groundwater.~~

~~e.~~**c.** The use shall be designed to ensure proper functioning of the on-site transportation circulation system.

~~f.~~**d.** A type C perimeter buffer shall be provided along all perimeters of the site.

***

155.4227.F. CEMENT CONCRETE OR BRICK PRODUCTS MANUFACTURING

***

3. Standards

~~c. Any outdoor storage of equipment or materials shall be located to the rear of the principal structure and comply with the outdoor storage standards in Section 155.4228.A, Outdoor Storage (as a principal use).~~

~~d. All areas used for outdoor storage shall have a hard surface that avoids dust and safeguard groundwater.~~

~~e.~~**c.** The use shall be designed to ensure proper functioning of the on-site transportation circulation system.

~~f.~~**d.** A type C perimeter buffer shall be provided along all perimeters of the site.

***

155.4227.J. MANUFACTURING, ASSEMBLY, OR FABRICATION, HEAVY

***

3. Standards

~~a. Any outdoor storage of equipment or materials shall be located to the rear of the principal structure and comply with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

~~b.~~**a.** The use shall be designed to ensure proper functioning of the on-site transportation circulation system.

~~c.~~**b.** A type C perimeter buffer shall be provided along all perimeters of the site.

***

155.4228 INDUSTRIAL: WAREHOUSING AND FRIEGHT MOVEMENT USES

155.4228.A. OUTDOOR STORAGE (AS A PRINCIPAL USE)

2. Definition

Outdoor storage as a principal use is the keeping, in an ~~unroofed~~ area that is not totally and permanently enclosed, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, where such storage is the principal use of a lot. This use does not include a junkyard or salvage yard or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

3. Standards

Outdoor storage as a principal use shall comply the following standards:

***

e. All areas used for outdoor storage shall have a surface that avoids dust and safeguard groundwater.

***

155.4228.B. TRUCK OR FREIGHT TERMINAL

***

3. Standards

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~~**c.** Any outdoor storage areas shall be located to the rear of the principal structure and comply with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

155.4228.C. WAREHOUSE, DISTRIBUTION AND STORAGE

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															S			P	P	P									P			P

2. Definition

A distribution and storage warehouse is a facility primarily engaged in the distribution and/or storage of manufactured products, supplies, and equipment. It includes the ~~temporary~~ storage and distribution of such products, supplies, and equipment ~~pending distribution~~ excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

3. Standards

A distribution and storage warehouse shall comply with the following standards:

***

~~**c.** Any outdoor storage areas shall be located to the rear of the principal structure and comply with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

~~155.4228.D. WAREHOUSE, STORAGE~~

~~**1. Districts Where Permitted**~~

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															~~S~~			~~P~~	~~P~~	~~P~~									~~P~~			~~P~~

~~**2. Definition**~~

~~A storage warehouse is a facility primarily engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.~~

~~**3. Standards**~~

~~A storage warehouse shall comply with the following standards:~~

~~**a.** A type B perimeter buffer shall be provided along all perimeters of the site except where a type C perimeter buffer is required by Section 155.5203.F, Perimeter Buffers.~~

~~**b.** The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.~~

~~**c.** Any outdoor storage areas shall be located to the rear of the principal structure and comply with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

***

155.4229 INDUSTRIAL: WASTE-RELATED SERVICE USES

155.4229.A. CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL FACILITY

***

3. Standards

A construction debris disposal facility shall comply with the following standards:

~~**a.** Buildings housing the use shall be set back at least 300 feet from any residential district or adjoining property with an existing residential use, school, or child care facility, and at least 100 feet from any other adjoining property.~~

a. Separation standards.

i. Buildings housing the use shall be set back at least 300 feet from any residential district or adjoining property with an existing residential use, school, or child care facility.

ii. Buildings housing the use shall be set back at least 100 feet from any other adjoining property.

iii. A lot containing a construction debris disposal facility shall be located at least 1,000 feet , as measured by airline distance from property line to property line, from a lot containing another outdoor Waste-Related Service Use.

***

c. Access to the ~~use~~ property shall be via a paved public right-of-way with a minimum width of 60 feet and shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.

***

155.4229.B. JUNKYARD OR SALVAGE YARD

***

3. Standards

***

e. A lot containing a junkyard shall be located at least 1,000 feet , as measured by airline distance from property line to property line, from a lot containing another outdoor Waste-Related Service Use.

f. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet

***

155.4229.C. LAND CLEARING DEBRIS DISPOSAL FACILITY

***

3. Standards

~~**a.** The use shall be set back at least 300 feet from any residential district or adjoining property with an existing residential use, school, or child care facility, and at least 100 feet from any other adjoining property.~~

a. **Separation standards.**

i. The use shall be set back at least 300 feet from any residential district or adjoining property with an existing residential use, school, or child care facility.

ii. The use shall be set back at least 100 feet from any other adjoining property.

iii. A lot containing a land clearing debris disposal facility shall be located at least 1,000 feet , as measured by airline distance from property line to property line, from a lot containing another outdoor Waste-Related Service Use.

***

c. Access to the ~~use~~ property shall be via a paved public right-of-way with a minimum width of 60 feet and shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.

***

155.4229.E. RECOVERED MATERIALS PROCESSING FACILITY

***

3. Standards

~~**a.** The facility shall be located at least 250 feet from any residential district or existing residential use, education use, or child care facility.~~

a. **Separation standards.**

i. The facility shall be set back at least 300 feet from any residential district or adjoining property with an existing residential use, school, or child care facility.

ii. The facility shall be set back at least 100 feet from any other adjoining property.

iii. A lot containing a recovered materials processing facility shall be located at least 1,000 feet , as measured by airline distance from property line to property line, from a lot containing another outdoor Waste-Related Service Use.

***

h. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet.

***

155.4229.F. ~~RECYCLING DROP-OFF CENTER~~ Reserved

~~**1. Districts Where Permitted**~~

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	O/P	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
														~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~S~~		~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~

~~**2. Definition**~~

~~A recycling drop-off center is a small collection facility where recyclable materials are purchased or accepted from the public. Typical uses associated with a drop-off center include facilities that accept donations of charitable goods.~~

~~**3. Standards**~~

~~A recycling drop-off center shall comply with the following standards:~~

~~**a.** The collection bin shall be located in or adjacent to an off-street parking area and shall not occupy more than five percent of the total area of the parking area.~~

~~**b.** The collection bin shall be covered or have a lid and be maintained in good appearance, and the adjacent area shall be kept free of trash.~~

~~**c.** The collection bin shall be at least 10 feet from any lot line.~~

~~**d.** There shall be no collection or storage of hazardous or biodegradable wastes on the site.~~

~~**e.** The facility shall be screened in accordance with Section 155.5301.C, Location and Screening of Commercial Containers.~~

***

155.4229.G. SOLID WASTE TRANSFER STATION

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															~~P~~			~~S~~	P					S	P				P			P

***

3. Standards

A solid waste transfer station facility shall comply with the following standards:

a. The facility shall be located on a site with an area of at least three acres.

b. Except for a freestanding office, no part of the facility shall be located within 50 feet of any property line.

c. A type C perimeter buffer shall be provided around all perimeters of the site.

d. The facility shall be screened with a solid fence or wall at least eight feet high. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

e. A lot containing a tire disposal or recycling facility shall be located at least 1,000 feet , as measured by airline distance from property line to property line, from a lot containing another outdoor Waste-Related Service Use.

f. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet.

***

155.4229.H. TIRE DISPOSAL OR RECYCLING FACILITY

***

3. Standards

***

e. A lot containing a tire disposal or recycling facility shall be located at least 1,000 feet , as measured by airline distance from property line to property line, from a lot containing another outdoor Waste-Related Service Use.

f. Access to the property shall be via a paved public right-of-way with a minimum width of

60 feet.

***

155.4229.I. WASTE COMPOSTING

***

3. Standards

***

e. A lot containing a waste composting use shall be located at least 1,000 feet , as measured by airline distance from property line to property line, from a lot containing another outdoor Waste-Related Service Use.

f. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet.

***

155.4229.J. WASTE-TO-ENERGY PLANT

***

3. Standards

***

e. A lot containing a waste-to-energy plant shall be located at least 1,000 feet , as measured by airline distance from property line to property line, from a lot containing another outdoor Waste-Related Service Use.

f. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet.

***

155.4230 INDUSTRIAL: WHOLESALE USES

155.4230.A. PLANT NURSERY, WHOLESALE

***

~~**3. Standards**~~

~~The outdoor storage component of the use shall comply with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

155.4230.B. SHOWROOM, WHOLESALE

***

~~**3. Standards**~~

~~**a.** Any outdoor storage component of the use shall comply with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

~~**b.** If the use is an alcoholic beverage establishment, it also shall comply with the standards for separation from certain uses in Section 155.4501, Separation Requirements.~~

155.4230.C. OTHER WHOLESALE USE

***

~~**3. Standards**~~

~~Any outdoor storage component of the use shall comply with the outdoor storage standards in Section 155.4303.W, Outdoor Storage (as an accessory use).~~

***

PART 3 ACCESSORY USES AND STRUCTURES

***

155.4302 GENERAL

***

155.4302.B. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

2. Prohibited Location of Accessory Uses and Structures

~~a. No accessory use or structure shall be located within any platted or recorded easement or over any known utility.~~

~~b. No accessory use or structure shall be allowed in an area designated as a fire lane or emergency access route on an approved site plan.~~

~~c. Except for flagpoles, fe nces, benches, or parking covers in designated parking areas, no accessory use or structure shall be located in an area designated as a parking area on an approved site plan.~~

~~d. Except for permitted fences, walls, flagpoles, or ornamental ponds, no accessory use or structure shall occupy or take place in a required front yard or street side yard.~~

~~e. Except for garages and carports, accessory uses or structures may be located in a required interior side yard or rear yard, provided:~~

~~i. No accessory use or structure except permitted fences, walls, or flagpoles may be located within three feet of the nearest side or rear lot line;~~

~~ii. No accessory structure or mechanical equipment may be located within 15 feet of a waterway or canal.~~

~~iii. An accessory structure more than 10 feet in height shall be set back from the nearest side or rear lot line one additional foot for every two feet (or fraction thereof) the structure's height exceeds 10 feet; and~~

~~iv. Accessory uses and structures may not occupy more than 40 percent of the area of a required rear yard.~~

~~f. Unless otherwise provided above or in Section 155.9402.C, Allowable Required Yard Encroachments, accessory uses and structures shall comply with the minimum yard standards applicable in the zoning district where the structure is located.~~

Unless otherwise provided for in Section 155.4303 (Standards for Specific Accessory Uses and Structures), accessory uses or structures shall not be located within the following:

a. Any platted or recorded easement;
b. Any required landscape easement or buffer;
c. An area over any known utility;
d. An area designated as a fire lane or emergency access route on an approved site plan;
e. An area designated as a parking area on an approved site plan; and
f. A required yard setback.

***

3. Required Setbacks, Maximum Height and other dimensional standards for Accessory Uses and Structures

Unless otherwise provided for in Section 155.4303 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall comply with the zoning district's minimum setback standards, maximum height limitations, and all other dimensional standards applicable for a principal dwelling unit or structure.

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155.4303 STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

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155.4303.D. BIKE RACK

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3. Standards

A Bike Rack shall comply with the following standards:

a. Bike Racks may be permitted in any required yard setback, provided they are not located within any required landscaping buffer or vehicular use area landscaping.

b. Required Bike Racks shall comply with Subsection 155.5102.L Bicycle Parking Facilities

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155.4303.E. CANOPY, ~~NONRESIDENTIAL~~ VEHICULAR AREA

***

2. Definition

A ~~nonresidential~~ vehicular area canopy is a permanent, but not completely enclosed structure that may be attached or adjacent to a nonresidential building for the purpose of providing shelter to people or automobiles, or a decorative feature on a building wall. A canopy is not a completely enclosed structure. This use is typically associated with gas stations and drive through facilities.

***

155.4303.F. CLOTHESLINE (AS ACCESSORY TO RESIDENTIAL USES)

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A

***

155.4303.O. FENCE OR WALL

***

3. Standards

Fences and walls shall comply with the standards provided in Section 155.5302. Fences and Walls.

***

155.4303.Q. GREENHOUSE

***

3. Standards

A greenhouse is allowed as an accessory use provided all incidental equipment and supplies related to a greenhouse use, including fertilizer and empty containers, are kept within the greenhouse or an accessory structure and provided they comply with the following:

a. Height and Area.

i. The structure shall not exceed ten feet in height.

ii. The structure shall not exceed a size greater than 20% of the area of the principal structure; however the structure may be a minimum of 300 square feet.

b. Setback

i. The structure may be located within an interior side yard setback or a rear yard setback, but shall be located at least three feet from a side or rear lot line.

ii. The structure located closer than five feet to a interior side or rear lot line shall be screened with a six foot high solid fence or a hedge maintained at a height of five feet along such interior side and/or rear lot line.

***

155.4303.W. OUTDOOR STORAGE (AS AN ACCESSORY USE)

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
													A	A	AS	A		A	A										A			A

2. Definition

Outdoor storage as an accessory use is the keeping, in an ~~unroofed~~ area that is not totally and permanently enclosed on the site of a principal use, of any goods, material, merchandise, or vehicles associated with the principal use in the same place for more than 24 hours. This use does not include a junkyard or salvage yard or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

3. Standards

***

d. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way ~~by any combination of an opaque fence, wall, and landscaped berm that is at least six feet high in side yards and eight feet high in rear yards, and incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure. Materials shall not be stored higher than the height of the screening.~~ as follows:

i. Between the front lot line and each outdoor storage area:

(a) A 25-foot wide landscaped area which includes any combination of an opaque fence, wall, and landscaped berm at least six feet in height; or

(b) Type C buffer per Section 155.5203.F

ii. Between a side or rear lot line adjoining a street and each outdoor storage area:

(a) A 15-foot wide landscaped area which includes any combination of an opaque fence, wall, and landscaped berm at least six feet in height; or

(b) Type B buffer per Section 155.5203.F, may be provided;

iii. Between a side or rear lot line not adjoining a street and each outdoor storage area:

(a) A 10-foot wide landscaped area which includes any combination of an opaque fence, wall, and landscaped berm at least eight feet in height

iv. Materials shall not be stored higher than the height of the screening.

***

h. All areas used for outdoor storage shall have a surface that avoids dust and safeguard groundwater.

***

155.4303.X. PARKING OR STORAGE OF MOTOR VEHICLES, RECREATIONAL VEHICLES, BOATS, OR TRAILERS IN RESIDENTIAL ZONING DISTRICTS

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4. Standards

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b. ~~Only a single~~ Any automobile or light truck no more than 21 feet long and eight feet high, or a motor home, boat, or trailer no more than 30 feet long and ten feet high, may be parked or stored in the required front yard of the lot. ~~Any other motor vehicle, recreational vehicle, boat, or trailer shall be parked in a permitted garage or carport or on a part of the lot other than a required front yard.~~ No more than one motor home, boat and trailer , trailer per dwelling unit shall be stored in a required front yard.

***

155.4303.AA. RECYCLING DROP-OFF STATION

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
							A	A	A	A	A	A	A	A	A	A		A	A	A	A			A	A	A	A		A	A	A	A

2. Definition

A recycling drop-off station is a ~~container or set of containers used for the collection and temporary storage of recyclable materials generated on-site~~ small collection facility where recyclable materials are accepted from the public. Typical uses associated with a drop-off center include facilities that accept donations of charitable goods.

3. Standards

~~**a.** All drop-off containers and storage bins, with the exception of roll-out carts located in townhouse and multifamily developments and recycling containers located on education use sites, shall be located within an enclosed structure or screened from view with fencing or plantings that have a height at least 50 percent of the height of the containers and bins. If plantings are used, the plants must reach the required height within three years of planting.~~

a. The collection bin shall be located in or adjacent to an off-street parking area

~~**b.** Roll-out carts shall be a neutral or earth tone color, not be visible from a public street, and be located within the interior of the development.~~

b. The collection bin shall be at least 10 feet from any lot line.

~~c. All drop-off containers, bins, and roll-out carts shall have a lid or otherwise be covered.~~

c. The facility shall be screened in accordance with Section 155.5301.C, Location and Screening of Commercial Containers.

d. The station shall be kept free of litter, debris, and residue and be maintained in good appearance

~~g. The station shall not use portable shipping containers or tractor trailers for storage.~~

***

155.4303.BB. RETAIL SALES (AS ACCESSORY ~~TO MANUFACTURING OR WAREHOUSE~~ USES)

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																		A	A	A			A	A						A		A

2. Definition

Retail sales as an accessory ~~to manufacturing or warehouse uses consists of the products associated with the manufacturing or warehouse use being offered for retail sale to the general public on the premises of the manufacturing or warehouse use. An example would be an outlet or seconds shop located at a manufacturing plant.~~ use is the retail sales of any products of or associated with a principal use.

3. Standards

Retail sales are allowed as an accessory use to a ~~manufacturing or warehouse~~ principal use, provided~~:~~ the gross floor area occupied by the retail sales use does not exceed 20 percent of the gross floor occupied by the principal use.

~~a. Retail sales are limited to products of the manufacturing or warehouse use; and~~

~~b. The gross floor area occupied by the retail sales use does not exceed 20 percent of the gross floor occupied by the manufacturing or warehouse use.~~

***

155.4303.CC. SATELLITE DISH

***

3. Standards

a. In a residential zoning district, a satellite dish may be located within a required interior side yard or rear yard, but shall not:

~~i. Be located within a front yard or street side yard;~~

ii. Be located within five feet of any lot line; and

iii. Exceed a height of 15 feet above ground level, where mounted on a mast.

***

155.4303.DD. SMALL WIND ENERGY SYSTEM

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3. Standards

a. Location and Setback

i Tower-mounted wind energy systems ~~shall not~~ may be located within ~~a front~~ interior side or rear yard.

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155.4303.FF. STORAGE SHED

***

3. Standards

Storage Sheds are allowed as an accessory structure subject to the following standards:

a. Height and Area.

i. The structure shall not exceed ten feet in height

ii. The structure shall not exceed a size greater than 20% of the area of the principal structure; however the structure may be a minimum of 300 square feet.

b. Setback

i. The structure may be located within an interior side yard setback or a rear yard setback, but shall be located at least three feet from a side or rear lot line.

ii. The structure located closer than five feet to a interior side or rear lot line shall be screened with a six foot high solid fence or a hedge maintained at a height of five feet along such interior side and/or rear lot line.

***

155.4303.GG. SWIMMING POOL, SPA, OR HOT TUB

***

3. Standards

a. A swimming pool, spa, or hot tub is allowed as an accessory use or structure provided it complies with all applicable standards in the Building Code—including, but not limited to, barrier requirements.

b. Setback for unenclosed pools or pools enclosed only with an open mesh, shadow box, or basket weave fence.

i. The pool may be located in a required interior side yard setback or required rear yard setback.

ii. The pool shall be located at least five feet from any interior side or rear lot line.

iii. The measurements shall be taken from the inner edge or water line of the pool.

c. Setback for pool which is screened, enclosed, or covered by a roof or enclosed by side walls over six feet in height.

i. Any pool located in a rear yard abutting a waterway shall be located a minimum of 15 feet from the waterway or rear lot line, whichever is the lesser dimension.

ii. The measurements shall be taken from the exterior of a screen enclosure, roof, or walls.

d. Portable pools which are less than 24 inches in depth may be allowed in any required yard setback.

e. Mechanical equipment associated with a permitted swimming pool shall comply with the standards for 155.4303.KK (Mechanical Equipment and similar features)

***

155.4303.II. Dormitory (As Accessory to Education Use)

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I

														S	S							S		S				S	S	S	S	S

2. Definition

A dormitory is a building operated by and affiliated with a permitted Education Use that provides group sleeping accommodations with or without meals.

3. Standards

A dormitory is allowed as an accessory use or structure to any Education Use, subject to the following standards:

a. The dormitory shall be owned and operated by an approved Education Use.
b. The dormitory may not be occupied prior to the completion of the Education Use.
c. The dormitory shall be located within 500 feet walking distance of the primary pedestrian entrances to the Education Uses served by the Dormitory.
d. The dormitory shall not be separated from the Education Use by a principal arterial street or minor arterial street unless safe pedestrian access across the street is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g. signalized crosswalk).

155.4303.JJ. Mechanical Equipment and similar features

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

2. Definition

Mechanical Equipment and similar features includes air conditioning units, emergency generators, pool equipment, and other similar features, whether located on a roof or on ground level.

3. Standards

Mechanical Equipment and similar features are subject to the following standards:

a. Setback
   i. Mechanical Equipment and similar features may be located within an interior side yard setback or a rear yard setback, but shall be located at least three feet from a side or rear lot line.
   ii. On property lines abutting a canal or waterway, Mechanical Equipment and similar features shall be located at least 15 feet from an interior side lot line or rear lot line.

b. Height Limitation

Roof mounted mechanical equipment may be permitted to extend above the applicable maximum height limit for the zoning district provided they:

   i. Cover not more than 25 percent of the roof area of the structure to which they are attached; and
   ii. Extend above the applicable maximum height limit by no more than 25 percent of the height limit (unless otherwise allowed in this Code).

c. Mechanical Equipment and similar features shall be screened in compliance applicable screening requirements for mechanical equipment and appurtenances in Section 155.5301, Screening.

155.4303.KK. Uncovered porches, decks, patios, terraces, or walkways

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

2. Definition

Uncovered porches, decks, patios, terraces, or walkways are hard surfaces often adjacent to an enclosed structure and used for outdoor seating and access.

3. Standards

Uncovered porches, decks, patios, terraces, or walkways are subject to the following standards:

a. They may be located in a required rear yard setback, but they shall be located at least by a distance equal to or greater than the uncovered structures height.

b. They may be located in a required front yard setback, required street side yard setback, or required interior side yard setback if they are less than 12 inches in height.

155.4303.LL. Flagpoles

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

2. Definition

Flagpoles are poles used for flying flags.

3. Standards

Flagpoles are subject to the following standards:

a. Residential Zoning District: Height.

i. A flag pole may be erected to the maximum height allowed by the zoning district in which the pole is to be located provided the pole is not placed in any required yard setback.

ii. A flag pole may be located in any required yard setback, provided they are located at least three feet from any lot line and provided they are less than 17.5 feet in height.

b. Nonresidential Zoning District: Height and Location.

i. A flag pole may be erected to the maximum height allowed by the zoning district in which the pole is to be located provided the pole is not placed in any required yard setback.

ii. On property abutting a right-of-way of 80 feet or less, a flag pole may be located to within four feet of a right-of-way line and ten feet of any other property line providing the pole does not exceed a height of 25 feet.

iii. On property abutting a right-of-way of greater than 80 feet, a flag pole may be located to within four feet of a right-of-way line and ten feet of any other property line providing the pole does not exceed a height of 30 feet.

155.4303.MM. Lighting fixtures, projecting or free-standing

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

2. Definition

Lighting fixtures, projecting or free-standing are a complete lighting unit consisting of the lamp, lens, optical reflector, housing and an electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.

3. Standards

Lighting fixtures, projecting or free-standing are subject to the following standards:

a. Single Family and Two Family Residential Zoning District: Height and Location
A lighting fixture may be located in any required yard setback, provided they are located at least three feet from any lot line and provided they are less than 17.5 feet in height.

b. Multiple-Family Residential Zoning District: Height and Location
A lighting fixture may be located in any required yard setback, provided they are located at least three feet from any lot line and provided they are less than 20 feet in height.

c. Nonresidential Zoning District: Height and Location.
A lighting fixture shall not exceed 20 feet in height, as measured from grade, if located within 200 feet of a residentially zoned property.

155.4303.NN. GAZEBO

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
A	A	A	A	A	A	A	A	A	A	A	A					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

2. Definition

A gazebo is an ornamental garden pavilion, with a covered roof and open sides, constructed of wood, metal, or vinyl. This term also includes a chickee hut, which has a thatched roof of palm or palmetto materials.

3. Standards

Gazebo are allowed as an accessory structure subject to the following standards:

a. Height and Area.

i. The structure shall not exceed ten feet in height; however a chickee hust as provided for in F.S. 553.73(9)(i) maybe constructed to a height not to exceed 15 feet.

ii. The structure shall not exceed a size greater than 20% of the area of the principal structure; however the structure may be a minimum of 300 square feet.

b. Setback

i. The structure may be located within an interior side yard setback or a rear yard setback, but shall be located at least three feet from a side or rear lot line.

ii. The structure located closer than five feet to a interior side or rear lot line shall be screened with a six foot high solid fence or a hedge maintained at a height of five feet along such interior side and/or rear lot line.

***

155.4403 STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

***

155.4403.E. INTERIM COMMERCIAL USE

***

2. Definition

An interim commercial use is a long-term temporary use intended to facilitate "temporary urbanism' by using vacant commercially-zoned land to create vibrant destinations through unique outdoor uses that benefit the neighborhood and are open to the public. To the extent such uses are not otherwise expressly defined and regulated as a principal, accessory, or temporary use by this Code, interim uses include, but are not limited to, outdoor markets for art or other handmade goods; recreational spaces; philanthropic, educational, or cultural uses; community gathering spaces; showcases for art, culture, nature, or innovation; or other similar uses.

3. Standards

An interim commercial use shall comply with the following standards, subject to any waiver of standards granted in accordance with Section 155.2415, Interim Use Permit:

***

155.4403.F. INTERIM INDUSTRIAL USE

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																		I	I													

2. Definition

An interim industrial use is a long-term temporary use intended to facilitate temporary landfill, mining, excavation, fill or similar operations by utilizing vacant land for the purpose of establishing a future use of the property.

***

155.4501. SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS

155.4501.A. GENERAL

***

TABLE 155.4501: MINIMUM SEPARATION OF USES INVOLVING THE SALE IF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES

EXISTING USE	MINIMUM SEPARATION[2]

Any other use involving the sale of alcoholic beverages other than~~:~~ those uses listed in section 155.4501.B ; A Sexually Oriented Businesses. ~~1. An establishment limited by its state beverage license to the sale of beer or wine for consumption off the premises;~~ ~~2. A bar or lounge operated as an accessory use to a restaurant whose dining area(s) accommodate 200 or more seated customers and occupy more than 3,000 square feet of floor area;~~ ~~3. A bar or lounge operated as an accessory use to a hotel or apartment hotel that has more than 25 sleeping rooms and/or dwelling units;~~ ~~4. An enclosed café restaurant that sells only beer and/or wine;~~ ~~5. A lodge or club that limits on-premise consumption of alcoholic beverages to only lodge or club members;~~ ~~6. A bowling alley that contains ten or more bowling lanes within an enclosed building; or~~ ~~7. A motion picture theater with more than 100 seats;~~ ~~8. A retail sales establishment that is an anchor store containing more than 10,000 square feet of floor area~~	~~500~~ 1,000 feet (Measurement Type 1)
~~Sexually oriented business~~	
Child care facility	~~1,000~~ 500 feet (Measurement Type 2) And 300 feet (Measurement Type 3)
School	
Place of worship	

NOTES:

~~1. Compliance with these separation standards shall not be affected by the subsequent rezoning of the site of the alcoholic beverage establishment to AOD, conveyance of city-owned property, or the establishment of one of the uses from which separation is required on a property closer than the required separation distance. In such a case, the alcoholic beverage establishment shall be construed as continuing to comply with the separation standards.~~

1. Measurement Type 1: Separation shall be measured from main entrance to main entrance of the establishments by airline route.

~~2. Separation shall be measured as the distance of the shortest distance between the nearest property lines of the lot containing the alcoholic beverage establishment and the lot containing the use from which separation is required.~~

2. Measurement Type 2: Separation shall be measured from main normal public entrance of Alcoholic Beverage Establishment to the nearest point of the Child Care facility, School, or Place of Worship's property used as a part of the facility measured along public thoroughfares by the shortest route of ordinary pedestrian traffic.

3. Measurement Type 3: Separation shall be measured from main normal public entrance of Alcoholic Beverage Establishment to the nearest point of the Child Care facility, School, or Place of Worship's property used as a part of the facility measured by airline route.

4. All separations shall be measured from establishments located within or outside of the City limits.

5. Compliance with these separation standards shall not be affected by the subsequent rezoning of the site of the alcoholic beverage establishment to AOD, conveyance of city-owned property, or the establishment of one of the uses from which separation is required on a property closer than the required separation distance. In such a case, the alcoholic beverage establishment shall be construed as continuing to comply with the separation standards

155.4501.B. EXCEPTIONS

The separation requirements in subsection A above shall not apply to the following alcoholic beverage establishments:

***

2. ~~An alcoholic Beverage Establishment~~ A bar or lounge, restaurant, or specialty eating establishment (whether a principal use or an accessory use to a hotel, and including any accessory outdoor seating) located within the Atlantic Boulevard Overlay District.

***

4. A bar or lounge, restaurant, or specialty eating establishment (whether a principal use or an accessory use to a hotel, and including any accessory outdoor seating) located on property adjacent to that portion of Martin Luther King, Jr. Boulevard bounded by the east right-of-way line of Interstate 95 and the west right-of-way line of North Dixie Highway

~~4.~~5. A bar or lounge operated as an accessory use to a restaurant whose dining area(s) accommodate 200 or more seated customers and occupy more than 3,000 square feet of floor area,—provided,however, that this exemption shall apply in respect to required separation from child care facilities, schools, and places of worship only if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence other than a lounge sign indicating dancing and entertainment;

~~5.~~6. A bar or lounge operated as an accessory use to a hotel or apartment hotel that has more than 25 sleeping rooms and/or dwelling units and that is operated by the same management as the hotel or apartment hotel —provided, however, that this exemption shall apply in respect to required separation from a child care facility, school, or place of worship only if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence other than a lounge sign indicating dancing and entertainment;

~~6.~~7. An enclosed ~~café~~ restaurant that sells only beer and/or wine—provided, however, that this exemption shall apply in respect to required separation from a child care facility, school, or place of worship only if there is no externally visible display window or sign indicating the sale of alcoholic beverages;

~~7.~~8. A lodge or club that limits on-premise consumption of alcoholic beverages to only lodge or club members—provided, however, that this exemption shall apply in respect to required separation from a child care facility, school, or place of worship only if there is no externally visible display window or sign indicating the sale of alcoholic beverages;

~~8.~~9. A bowling alley that contains ten or more bowling lanes within an enclosed building;

~~9.~~10. A motion picture theater with more than 100 seats;

~~10.~~11. A retail sales establishment that is an anchor store containing more than 1**0,000** square feet of gross floor area; or

~~11.~~12. A use located on property owned by the city-provided, however, that this exemption applies only to required separation from a child care facility, school, or place of worship.

PART 6 UNLISTED USES

155.4601. INTERPRETATION OF UNLISTED USES

A. PROCEDURE FOR INTERPRETING UNLISTED USES

The Development Services Director may interpret a particular principal use or accessory use or structure not expressly listed in this Article, as allowed in a particular zoning district—as a permitted principal use, a

Special Exception principal use, or a permitted accessory use or structure—in accordance with the procedure in Section 155.2423, Interpretation, and based on the standards in subsection B or C below, as appropriate.

B. CRITERIA FOR ALLOWING UNLISTED PRINCIPAL USES

The Development Services Director shall interpret an unlisted principal use as an allowed permitted use or a Special Exception use in a particular zoning district only after determining that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use or a Special Exception use) as the similar use type or use category and subject to the same use-specific standards.

In making such determination, the Development Services Director shall consider the relevant characteristics of the unlisted use, the purpose and intent statements in this Code concerning the zoning district (Article 3: Zoning Districts), and the character of use types allowable in the district. The relevant characteristics of the unlisted use that should be considered in making this determination include but are not limited to the following:

1. Actual or projected characteristics of each activity likely to occur at the unlisted use;
2. The type, size, orientation, and nature of buildings, and structures devoted to each activity;
3. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
4. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;
5. Transportation requirements, including the modal split for people and freight, by volume type, and characteristics of traffic generation to and from the site;
6. Relative amounts of sales from each activity;
7. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;
8. Customer type for each activity;
9. How each use is advertised, including signage;
10. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
11. Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
12. The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types allowed in the zoning district.

C. CRITERIA FOR ALLOWING UNLISTED ACCESSORY USES AND STRUCTURES

The Development Services Director shall interpret an unlisted use or structure as an allowable accessory use or structure to a principal use allowed in a particular zoning district only after determining that:

1. The use or structure is accessory to the principal use, in accordance with the definitions of "accessory use" and "accessory structure" in Section 10.2, Terms and Uses Defined;
2. The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses allowable in the

zoning district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;

3. The use or structure is compatible with the character of principal and accessory uses allowable in the district; and

4. Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Code concerning the zoning district (See Article 3: Zoning Districts.).

D. EFFECT OF ALLOWING UNLISTED USES AS PERMITTED USE OR SPECIAL EXCEPTION USE

1. After interpreting an unlisted principal use as allowed as a permitted use or Special Exception use, or an unlisted accessory use or structure as a permitted accessory use or structure, in a particular zoning district, the Development Services Director shall determine whether the unlisted use or structure is likely to be common or to recur frequently, and whether its omission from Article 4's use standards is likely to lead to public uncertainty and confusion.

2. On determining that the allowed unlisted use or structure is likely to be common or would lead to confusion if it remains unlisted, the Development Services Director shall initiate an application for a text amendment to this Code in accordance with Section 155.2402, Text Amendment, to list the use or structure in Article 4 as a permitted principal use, a Special Exception principal use, or a permitted accessory use or structure, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Development Services Director shall be binding.

3. If the Development Services Director determines that the allowed unlisted use or structure is of an unusual or transitory nature, and unlikely to recur frequently, the interpretation shall be binding in accordance with Section 155.2423.G, Effect of Interpretation, without further action or amendment of this Code.

***

ARTICLE 5: DEVELOPMENT STANDARDS

155.5101. ACCESS AND CIRCULATION

A. PURPOSE

The purpose of this section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to provide transportation options, increase the effectiveness of local service delivery, reduce emergency response times, promote healthy walking and bicycling, facilitate use of public transportation, contribute to the attractiveness of the development and community, connect neighborhoods and increase opportunities for interaction between neighbors, reduce vehicle miles of travel and travel times and greenhouse gas emissions, improve air quality, minimize congestion and traffic conflicts, and preserve the safety and capacity of community transportation systems.

***

G. VEHICULAR ACCESS AND CIRCULATION

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3. Vehicular Access Management

a. *Limitation on Direct Access Along Arterial and Collector Streets*

Direct driveway access to a development's principal origin or destination points (including individual lots in a subdivision) <u>shall be located at least 100 lineal feet from an intersection with McNab Road, Blount Road, a principal arterial street, minor arterial street, or collector designated on the Broward County Trafficways Plan. Direct driveway access</u> may be provided directly from <u>McNab Road, Blount Road,</u> a principal arterial street, minor arterial street, or collector designated on the Broward County Trafficways Plan only if:

***

b. Limitation on Direct Access Along Other Streets

***

iii. Where a through lot or corner lot fronts on roadways of different classifications, direct driveway access to the lot shall be from the lower-classified fronting street, ~~to the maximum extent practicable~~.

***

7. Driveway Layout and Design

a. Driveway Width

Except for driveways serving single-family ~~or two-family~~ dwellings, all driveways shall comply with the following minimum width requirements:

***

<u>b. Driveway Width and dimensional requirements for single-family dwellings</u>

<u>Driveways serving single-family shall comply with the following minimum requirements:</u>

<u>**i.** No front yard shall be accessible by more than two driveways.</u>

<u>**a.** For front yards accessible by one driveway, the driveway shall be a minimum of 10 feet wide and a maximum of 24 feet wide.</u>

<u>**b.** For front yards accessible by two driveways, each driveway shall be a minimum of 10 feet wide and a maximum of 18 feet wide.</u>

ii. Driveways shall be located at least three feet from a side or rear lot line and the resulting area located between the side lot line (or rear lot line for corner lots) and the driveway shall be pervious.

iii. Front yards with two driveways shall contain a landscaped island that is at least 60 square feet and extends from the front property line to the paved area.

***

~~b.~~c. Dead-End Driveway Length

***

~~c.~~d. Driveway Intersections

***

155.5102. OFF-STREET PARKING AND LOADING

A. PURPOSE AND INTENT

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of the different uses allowed by this Code. The standards in this section are intended to provide for adequate off-street parking and loading while allowing the flexibility needed to accommodate alternative solutions. The standards are also intended to achieve city policies of supporting development and redevelopment of transit-oriented development and commercial corridors, accommodating appropriate infill development, and encouraging pedestrian-oriented development while avoiding excessive paved surface areas, promoting low impact development, and safeguarding historic resources.

***

C. GENERAL STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS

***

2. Surfacing

***

b. Pervious or Semipervious Surfacing

The use of pervious or semipervious parking area surfacing materials—including, but not limited to—pervious asphalt and concrete~~,~~ and open joint pavers~~, and reinforced grass/gravel/shell grids~~ may be approved for off-street paving and loading areas, provided such surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming). Any pervious or semipervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices. (See Figure 155.5102.C.2.b, Use of pervious materials in a parking lot.)

Figure 155.5102.C.2.b: Use of pervious materials in a parking lot.

c. Gravel used for existing Single-Family parking area

Gravel used for legally existing driveways and accessways serving single-family dwellings shall be accepted as an approved hard surface as provided for in subsection a above. However this section shall not be construed as to permit any new usage of gravel.

***

D. OFF-STREET PARKING SPACE REQUIREMENTS

1. Minimum Number of Off-Street Parking Spaces

***

TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES			
Use Category	Use Type		Minimum Number of Parking Spaces
***			
Household Living Uses	***		
	Dwelling, multifamily [9]	Efficiency DUs	1 per DU
		DUs with 1 or 2 bedrooms	1.5 per DU
		DUs with 3+ bedrooms	2 per DU
	***		
	Dwelling, ~~upper story (above nonresidential use)~~ Mixed Use		1 per DU
***			
Education Uses	College or university		1 per 900 sq ft of academic space ~~+ 1 per 2 beds in an on-campus residential facility~~
***			
Health Care Uses	Medical or dental clinic[10]		1 per 300 sq ft
	~~Medical treatment facility~~		1 per 300 sq ft
***			
Motor Vehicle Sales and Service Uses	New Motor Vehicle/Trailer Sales ~~Or Rental~~		1 per 400 sq ft of indoor sales display area and office space
	Used Motor Vehicle/Trailer Sales		
	Motor Vehicle/ Trailer Rental		
***			
Eating and Drinking Establishments	Hall For Hire		1 per 4 persons of maximum occupancy capacity of customer service area(s)
***			
Office Uses	~~Office building~~ Professional Office		1 per 400 sq ft
Retail Sales and Service Uses - Personal Services [11]	Art, music, dance, or martial arts studio/school		1 per 300 sq ft
	Artist's, photographer's, or musician's studio		
	Bank or financial institution		1 per 300 sq ft
	Crematory		1 + 1 per 4 persons of maximum occupancy capacity in assembly space
	Dry cleaning or laundry drop-off		1 per 300 sq ft

	establishment		
	Fortune-telling establishment		1 per 300 sq ft
	Funeral home or mortuary		1 + 1 per 4 persons of maximum occupancy capacity in assembly space
	Laundromat		1 per 300 sq ft
	Lawn care, pool, or pest control service		
	Personal and household goods repair establishment		
	Personal services establishment		
	Tattoo or body piercing establishment		1 per 300 sq ft
Retail Sales and Service Uses - Retail Sales [11]	Antique store		1 per 300 sq ft
	Art gallery		1 per 300 sq ft
	Auction house		1 per 300 sq ft
	Book or media shop		
	Consignment shop		
	Convenience store		1 per 300 sq ft
	Drug store or pharmacy		1 per 300 sq ft
	Farmers' market		1 per 500 sq ft of sales area
	Flea market		
	Grocery store		1 per 300 sq ft
	Home and building supply center		
	Liquor or package store		1 per 300 sq ft
	Meat, poultry, or seafood market		1 per 300 sq ft
	Pawn shop		
	Thrift shop		
	Retail sales establishment, large		
	Shopping center [6]	Less than 25,000 sq ft	Sum of spaces required for each use
		25,000 – 400,000 sq ft	1 per 250 sq ft
		Greater than 400,000 sq ft	1 per 200 sq ft
	Other retail sales establishment		1 per 300 sq ft
***			
Warehousing and Freight Movement Uses	Warehouse, distribution or storage		1 per 750 sq ft for the first 3,000 sq ft of floor area, then 1 per 2,500 sq ft for additional floor area
	~~Warehouse, storage~~		~~1 per 750 sq ft for the first 3,000 sq ft of floor area, then 1 per 2,500 sq ft for additional floor area~~

NOTES: sq ft = square feet

***

8. Furniture Stores may provide one parking space per 500 sq ft.

9. For the LAC - John Knox Village, in connection with every multi-family residence of two or more families there shall be provided a minimum of one parking space for each dwelling unit regardless of type or number of bedrooms. Accessory spaces shall be provided throughout the - John Knox Village at a minimum of one space per four units.

10. For the LAC – John Knox Village, Medical or Dental Clinics shall provide one parking space for each 250 square feet, or fraction thereof, of floor area used for office purposes.

11. For the LAC – John Knox Village, Retail stores shall provide one parking space for each 350 square feet, or fraction thereof, of gross floor area.

***

F. ON-STREET PARKING

Except as authorized as part of an alternative parking plan in Section 155.5102.J, Off-Street Parking Alternatives, on-street parking on streets or driveways shall not be used to satisfy the off-street parking standards of this section. Refer to Chapter 100 (Streets and Sidewalks) of Code of Ordinances for parking within the public right-of-way.

G. DRIVEWAYS USED TO SATISFY REQUIREMENTS

For single-family, two-family, and mobile home dwellings, driveways may be used to satisfy minimum off- street parking space requirements, provided sufficient space is available outside a street right-of-way or easement to satisfy the standards of this section and this Code. If a garage or carport is converted, such that it no longer provides parking for a single-family, two-family or mobile home dwelling, the driveway must be able to provide parking for the minimum number of off-street parking spaces in accordance with Table 155.5102.D.1. The driveway must also comply with the standards of Section 155.5101.G.7.b.

***

155.5203. LANDSCAPING

A. APPLICABILITY

***

2. Existing Development

a. *Development Existing on or Before October 30, 1973*

***

iii. General and procedural requirements of this landscaping subchapter shall apply to the design and submittal of plans, installation of material and inspections. Submission and approval of a landscape plan shall be required for compliance with this section.

***

3. Demolition Sites

a. If all or any existing structures on a lot are being totally demolished ~~for purposes other than in preparation for new development in accordance with a valid Zoning Compliance Permit~~, ~~the owner of the lot shall plant or install~~ drought-resistant sod or drought-resistant ground cover shall be installed on the entire ~~lot~~ demolition and/or disturbed areas before close-out of the demolition Building Permit and thereafter maintained ~~such ground cover~~. ~~Such vegetative restoration of a demolition site shall not be subject to the standards of this section provided all~~ All asphalt, rock, and other non-natural materials ~~are~~ shall be removed and ~~the site is~~ refilled to the undisturbed lot level with clean soil before any planting or installation of the required drought-resistant sod or ground cover. Such vegetative restoration of a demolition site shall not be subject to the standards of this section if the conditions stated above are met; or

b. If all or any existing structures on a lot are being demolished in preparation for new development in accordance with a valid ~~Zoning Compliance Permit~~ Development Order and Building Permit, and the construction of a principal structure will commence within 30 days after the demolition has been completed, the owner of the lot shall restore the lot to its pre-demolition elevation, brush-cut the lot, and keep the lot free of debris, trash, and invasive plant materials until start of the permitted construction. A nonliving material adequate to avoid the shifting, blowing, or other dissemination of dust, soil, gravel, or fill may be used until start of the permitted construction. A perimeter berm no more than four feet high and planted with ground cover in

accordance with Section 155.5203.B.2.e, Groundcover, may be installed and used during the construction period; and

c. If demolition activity is proposed to occur in the ~~vicinity~~ drip-line of an existing tree, a Tree Permit is required in accordance with Section 155.5204.B.1.b before start of the demolition activity.

***

B. General Requirements for Landscaping

***

2. Installation

a. General

~~All landscaping shall be installed in a sound, workmanlike manner and in accordance with landscaping BMPs, Florida-friendly landscaping principles, and the standards in this section.~~

i. All landscaping shall be installed in a sound, workmanlike manner and in accordance with landscaping BMPs, Florida-friendly landscaping principles, and the standards in this section.

ii. Special Landscaping regulations for all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue)

On all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue) a site visibility area shall be provided as follows:

(A) The sight visibility area shall be that private property which lies 25 feet north and 25 feet south of the centerline of a canal and east of the east right-of-way line of Harbour Drive (NE 26th Avenue) to the edge of the permitted seawalls as they exist on November 25, 2003.

(B) No hedges or continuous plantings shall be constructed or maintained within the sight visibility area.

D. VEHICULAR USE AREA LANDSCAPING

1. Applicability

***

b. Exemptions

The standards in this subsection shall not apply to single-family dwellings ~~and two-family dwellings~~.

***

155.5204. TREE PRESERVATION

A. INTENT TO MAINTAIN MUNICIPAL CERTIFICATION BY BROWARD COUNTY

The standards in this section, when combined with the Tree Permit provisions in Section 155.2411 and enforcement provisions in Article 8: Enforcement, are intended to qualify for certification by Broward County as containing requirements and standards that are as stringent as those in Article XIV (Tree Preservation and Abuse Ordinance) of the Broward County Code of Ordinances, and thus allow delegation to the city of the county's authority to regulate tree preservation and tree abuse within Pompano Beach. The provisions in this section shall be interpreted in accordance with that purpose.

B. APPLICABILITY

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2. Exceptions

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b. In accordance with the Broward County Tree Preservation and Abuse Ordinance, t~~T~~he requirements and standards of Section ~~155.5204.E, Tree Replacement~~, 155.5204.C, Tree Removal, including the requirement to obtain a Tree Permit , shall not apply to ~~any tree or trees that are in excess of the requirements of Section 155.5203.C, Minimum Development Site Landscaping, or in excess of the number of trees required by an approved development order, for property being used for a single-family or duplex dwelling.~~ owner-occupied residential properties of one (1) acre or less developed for detached single-family and duplex usage, except the following:

i. Previously preserved, relocated or replaced trees that were preserved, relocated or replaced pursuant to a tree removal license; or

ii. Historical trees or Specimen trees.

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D. TREE RELOCATION

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3. Tree relocation maintenance and monitoring requirements.
Any person conducting tree relocation activities shall:

a. Maintain the health of a relocated tree for a period of one year from the date of planting;
b. Replace, within 60 days, a relocated tree that dies or is determined by the Development Services Director, to be effectively destroyed within one year of being relocated. The one year maintenance period shall begin again whenever a tree is replaced. The replacement trees are to be determined from the dollar value given for each at time of permitting.

4. Tree relocation bond requirement.

a. Any person conducting tree relocation activities must post a bond to insure the survival of trees designated for relocation. This bond shall be in addition to any other bond that may be required by any other entities. Determination of the bond amount shall be based from the dollar value given for each at time of permitting.
b. Release of bonds will occur upon completion of construction activities and successful tree relocation, as set forth in this section, and with written approval by the Development Services Director.
c. If a tree is determined to be effectively destroyed within one year from the date of relocation, and no efforts have been made for preservation or replacements, the bond shall be drawn upon and finds will be deposited into the tree Canopy Trust Fund.

E. TREE REPLACEMENT

1. Tree Replacement Required

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b. Required Number of Replacement Trees

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ii. If trees are removed before obtaining authorization for removal through a Tree Permit Application ~~authorizing the removal is obtained~~, and the value of the removed trees(s) cannot be determined from any remnants, such value shall be

~~estimated based on the value~~ determined ~~for trees of the same species existing in the vicinity of the removed tree(s).~~ using aerial photography; on-site inspection; and/or review of a tree survey. The number of required replacement trees shall be based upon the size of canopy impacted and the type of replacement trees selected by the applicant and approved by Development Services Director. The canopy of the replacement trees at maturity shall at least equal the canopy removed. The following table shall be used to determine the number of required replacement trees:

Table 155.5204.E.1.b.ii: Determining Required Number of Replacement Trees (for trees removed before obtaining authorization through Tree Permit Application)	
Replacement Tree Type	Replacement Canopy Area Credit (In Square Feet)
Type 1 Tree	300
Type 2 Tree	100
Type 3 Tree	50
Notes: Type 1: Minimum of twelve (12) feet in height, Florida Grade #1 canopy tree at time of planting Type 2: Minimum of ten (10) feet in height, Florida Grade #1 under story tree at time of planting; Type 3: Minimum of fourteen (14) feet in overall height, Florida Grade #1 palm tree at time of planting	

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155.5205 Florida-Friendly Fertilizer Use

A. FINDINGS

As a result of impairment to the City's surface and ground water caused by excessive nutrients, the City Commission has determined that the use of fertilizers on lands within the City contribute to adverse effects on surface and/or ground water. Accordingly, the City Commission finds that management measures contained in the most recent edition of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008," will be implemented by the city as set forth below.

B. PURPOSE AND INTENT

This section regulates the proper use of fertilizers by any applicator; requires proper training of Commercial and Institutional Fertilizer Applicators; establishes training and licensing requirements; establishes a Prohibited Application Period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. This section requires the use of Best Management Practices For Fertilizer which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the City's natural and constructed stormwater conveyances, canals, lakes, estuaries and other water bodies.

Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of the residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

C. APPLICABILITY

This Section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the area of the City, unless such applicator is specifically exempted by

the terms of this Section from the regulatory provisions of this Section. This Section shall be prospective only, and shall not impair any existing contracts.

D. EXEMPTIONS

This Section shall not be applicable to the following:

1. Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14 Florida Statutes;
2. Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock; and
3. Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

E. TIMING OF FERTILIZER APPLICATION

No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period, or to saturated soils. The Prohibited Application Period is defined as the rainy season which is between May 1 and October 31 of every year.

F. FERTILIZER-FREE ZONES

Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of 3 feet shall be maintained. If more stringent the Zoning Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or landscape plants may be fertilized in this Zone only for a sixty (60) day period beginning 30 days after planting if need to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

G. LOW MAINTENANCE ZONES

A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent the Zoning Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

H. FERTILIZER CONTENT AND APPLICATION RATES

1. Fertilizers applied to turf within the City shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers.
2. Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.
3. Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

I. APPLICATION PRACTICES

1. Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
2. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.

3. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
4. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
5. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

J. MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

K. TRAINING

1 All commercial and institutional applicators of fertilizer within the incorporated area of the City, shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida Extension "Florida-Friendly Landscapes" program, or an approved equivalent.

2 Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.

L. LICENSING OF COMMERCIAL APPLICATORS

1. Prior to 1 January 2014, all commercial applicators of fertilizer within the incorporated area of the City shall abide by and successfully complete training and continuing education requirements in the "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries", offered by the Florida Department of Environmental Protection through the University of Florida IFAS "Florida-friendly Landscapes" program, or an approved equivalent program, prior to obtaining a the City Business Tax Receipt for any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial Fertilizer Applicators shall provide proof of completion of the program to the the City Tax Collector's office within 180 days of the effective date of this ordinance.
2. After December 31, 2013, all commercial applicators of fertilizer within the incorporated area of the City, shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18) F.A.C.
3. All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has a "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Receipt. Owners for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of completion of the program to the the City Tax Collector's Office.

M. ENFORCEMENT

Funds generated by penalties imposed under this section shall be used by the City for the administration and enforcement of section 403.9337, Florida Statutes, and the corresponding sections of this ordinance, and to further water conservation and nonpoint pollution prevention activities.

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155.5301. SCREENING

A. SCREENING OF MECHANICAL EQUIPMENT

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2. Screening Standards

a. Roof-Mounted Mechanical Equipment

Mechanical equipment mounted on the roof of a building shall be screened by a parapet wall, roof screen, or similar device that is integrated into the building's architectural design and of a height ~~at least six inches above~~ equal to or exceeding the height of the mechanical equipment being screened.

b. Ground-Mounted Mechanical Equipment

Mechanical equipment mounted on or near ground-level shall be screened by adjacent buildings, dense continuous hedges installed in accordance with Section 155.5203.B.2.g, Shrubs and Hedges, or decorative walls or fences incorporating at least one of the primary materials or colors of the nearest wall of the primary structure on the lot. The height of the vegetation, wall, or fence shall be at least six inches above the height ~~equal or exceed that~~ of the mechanical equipment being screened.

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C. LOCATION AND SCREENING OF COMMERCIAL CONTAINERS

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3. Screening of Commercial Containers

a. Commercial containers shall be screened on three sides by a durable, sight-obscuring walls constructed of brick, masonry, stone, ~~PVC (polyvinyl chloride),~~ or similar material, and on the fourth side by a wood or metal gate.

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155.5302. FENCES AND WALLS

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C. GENERAL REQUIREMENTS FOR FENCES AND WALLS

1. Fences Prohibited on Vacant Lots

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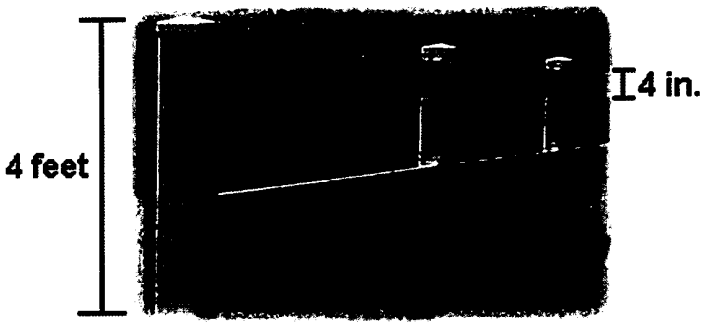
ii. Fencing Required on Vacant Lots Along the Scenic Highway

(A) Vacant lots located along the Scenic Highway shall provide a A white split rail type, low-profile barrier ~~is required along a vacant lot's frontage on the Scenic Highway~~ fence that is up to four feet tall with no more than two horizontal members, which shall look like the split rail fence in the picture below, along the front and corner (if applicable) lot lines to deter illegal parking on the lot.

(B) ~~For c~~Corner vacant lots along the Scenic Highway~~,~~ shall also provide a white split rail type, low-profile barrier~~, guard rail type barrier, or posts or bollards with connecting wires or chains that complies with the restrictions in subsection i above are required~~ fence that is up to four feet tall with no more than two horizontal members, which shall look like the split rail fence in the picture below along the lot's frontage on the side street.

(C) Vacant lots along the Scenic Highway with a single-family residential zoning district are exempt from the requirements of this section.



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D. Height Requirements for Fences and Walls

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5. Fences and Walls Adjacent to Waterways

Where a lot abuts a canal or waterway, fences and walls adjacent to the canal or waterway shall comply with the following standards:

a. Within Rear Yard Corner Triangle

Except as otherwise provided in subsection e below, ~~Where~~ where the rear lot line abuts the canal or waterway, no fence, wall, or other obstruction greater than three feet high shall be located within the triangular land area formed by the intersection of the rear lot line with an interior side lot line not abutting a canal or waterway—with two sides of the triangle running along the rear and interior lot lines and being equal in length to the minimum rear yard depth, and the third side being a line connecting the ends of the other two sides—provided that a fence in such area may be as high as 42 inches if it is 66 percent see-through and may be as high as six feet if it is at least 75 percent see-through. (See Figure 155.5302.D.5.a: Rear yard corner triangle.) through and may be as high as six feet if it is at least 75 percent see-through. (See Figure 155.5302.D.5.a: Rear yard corner triangle.)

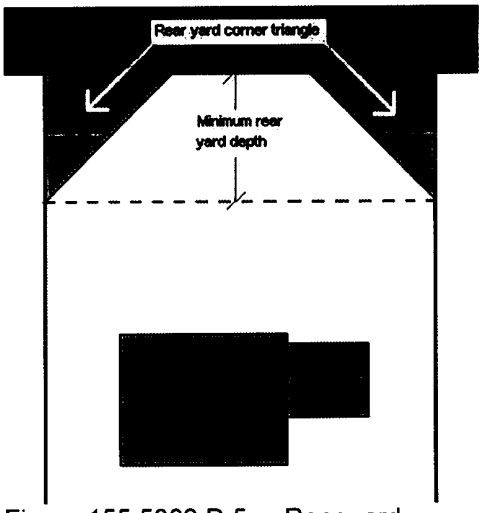

Figure 155.5302.D.5.a: Rear yard corner triangle

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e. On all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue)

On all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue) a site visibility area shall be provided as follows:

i. The sight visibility area shall be that private property which lies 25 feet north and 25 feet south of the centerline of a canal and east of the east right-of-way line of Harbour Drive (NE 26th Avenue) to the edge of the permitted seawalls as they exist on November 25, 2003.

ii. No walls or fences shall be constructed or maintained within the sight visibility area.

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155.5402. LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION

A. PURPOSE

The purpose of this section is to reduce impacts of coastal lighting on the nesting and hatching of threatened and endangered sea turtles through restrictions, constraints and requirements to preserve and protect sea turtles and sea turtle inhabitants. To help do so, it is the policy of the city that no artificial light shall directly illuminate any area of the incorporated beaches of the city.

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2. Exception

The provisions contained in this section shall not apply where the Florida Fish and Wildlife Conservation Commission or other state agency with the appropriate authority has approved alternative lighting standards that conflict with the standards in this section. Such approval shall be in writing and detail the standards approved. ~~Specifically, a~~ Artificial light sources ~~visible from the beach~~ that are generated by lamps, bulbs, and other lighting sources approved for use by the Florida Fish and Wildlife Conservation Commission shall not constitute a violation of this section, when properly shielded, mounted and directed so that no filament, bulb or glowing lens is visible from the beach. Such lighting includes, but is not limited to:

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ARTICLE 9: DEFINITIONS AND INTERPRETATION

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P A R T 3 ~~USE CLASSIFICATIONS AND INTERPRETATION~~ RESERVED

~~155.9301. PRINCIPAL USE CLASSIFICATION SYSTEM~~

~~A. PURPOSE~~

~~This section is intended to provide a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities is allowable as a principal use in a particular zoning district in accordance with the use tables in Article 3:Zoning Districts, and Article 4: Use Standards, or is subject to other use-specific provisions in this Code. This section is also intended to guide interpretations of whether a particular unlisted use should be deemed permitted and to address future additions to the use tables.~~

~~B. STRUCTURE OF PRINCIPAL USE CLASSIFICATION SYSTEM~~

~~The principal use classification system described in this section groups uses at three levels: use classifications, use categories, and use types.~~

~~1. Use Classifications~~

~~The use classifications identify broad general classifications of land use and include residential uses, institutional uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general "use categories."~~

~~2. Use Categories~~

~~**a.** The use categories describe the major sub-groups of the respective use classifications, and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories.~~

~~**b.** Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses), examples of common use types included in the category, and, for a number of use categories, exceptions—i.e., those uses that might appear to fall within the use category, but are included in another use category.~~

~~3. Use Types~~

~~The specific use types included in each use category identify specific principal uses that are considered to possess the characteristics identified for the use category. For example, live/work dwellings, single-family dwellings, multifamily dwellings, and mobile home parks are use types in the Household Living use category.~~

~~C. DEVELOPMENT WITH MULTIPLE PRINCIPAL USE TYPES~~

~~A development may include multiple principal uses, provided each principal uses is a principal use type allowed in the applicable zoning district and the development complies with any use-specific standards applicable to each of the included use types. If a use within a development is determined to be an accessory use to a principal use in the development, such accessory use shall be subject to the accessory use standards in Part 4 (Accessory Uses and Structures) of Article 4: Use Standards.~~

~~D. RESIDENTIAL USE CLASSIFICATION~~

~~1. Household Living Uses~~

~~The Household Living Uses category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Accessory uses common to household living uses include recreational activities, raising of domestic pets, hobbies, swimming pools, and parking of the occupants' vehicles. Home based businesses, accessory dwelling units, and family child care homes are accessory uses that are subject to additional regulations (See Part 4, Accessory Uses and Structures, of Article 4: Use Standards.). Example use types include single-family dwellings, two-family dwellings, multifamily dwellings, mobile home parks, upper-story dwellings above nonresidential uses, and live/work dwellings. The category also includes family care homes, which provide a single-family home environment for six or fewer residents that receive some level of personal care, but do not fall within the definition of family. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., community residential homes, assisted living facilities, and continuing care retirement communities), which are categorized as group living uses. It also does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotels, motels), which are categorized as visitor accommodation uses.~~

~~2. Group Living Uses~~

~~The Group Living Uses category includes use types providing for the residential occupancy of a group of living units by persons who do not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities, but unlike a hotel or motel, are generally occupied on a monthly or longer basis. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities. Example use types include community residential homes, assisted living facilities, and rooming and boarding houses. Although continuing care retirement communities include household living uses (e.g., dwellings) and health care uses (e.g., nursing care facilities), they are categorized as a group living use because of their focus on the present or future provision of personal care to senior citizens and their integration of various uses as a single cohesive development. This use category does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotels, motels), which are categorized as visitor accommodation uses. It also does not include use types where residents or inpatients are routinely provided more than minor health care services (e.g., nursing home facilities, psychiatric treatment facilities), which are categorized as health care uses.~~

~~E. INSTITUTIONAL USE CLASSIFICATION~~

~~1. Communication Uses~~

~~The Communication Uses category includes uses and facilities providing regional or community-wide communications services, such as wireless communications, radio and television broadcasting, and newspaper or magazine publishing. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, storage areas, or data transmission equipment. Example use types include telecommunication towers and antennas, radio and television broadcasting studios, and newspaper or magazine printing facilities.~~

~~2. Community Service Uses~~

~~The Community Service Uses category includes use types of a public, nonprofit, or charitable nature providing a local service (e.g., cultural, recreational, counseling, education, training) directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. Accessory uses may include offices, meeting areas, food preparation and dining facilities, health and therapy areas, and indoor and outdoor recreational facilities. The category does not include uses with a residential component. Example use types include community centers, libraries, museums, senior centers, and youth centers. This use category does not include lodges or clubs of community-oriented associations (categorized as other institutional uses), private or commercial health clubs or recreational facilities (categorized as commercial or membership recreation/entertainment uses), or counseling in an office setting (categorized as~~

~~an office use).~~

~~3. Day Care Uses~~

~~The Day Care Uses category is characterized by use types providing care, protection, and supervision for children or adults on a regular basis away from their primary residence, and typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses may include offices, food preparation and dining areas, and recreation areas. Example use types include adult day care centers and child care facilities. This use category does not include family child care homes or drop-in day care provided in connection with an employment or shopping center, recreational facility, place of worship, hotel, or other principal use, where children are temporarily cared for while parents or guardians are employed part-time or temporarily occupied on the premises or in the immediate vicinity.~~

~~4. Education Uses~~

~~The Education Uses category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, or high school level that provide state-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at schools may include offices, play areas, recreational and sport facilities, cafeterias, auditoriums, and before- or after- school day care. Accessory uses at colleges or universities may include offices, dormitories, food service, laboratories, health care facilities, recreational and sports facilities, theaters, meeting areas, maintenance facilities, and supporting commercial uses (e.g., eating establishments, bookstores).~~

~~5. Government Uses~~

~~The Government Uses category includes use types providing for the general operations and functions of local, state, or federal governments. A wide range of accessory uses may be found, depending on the use type. Example use types include courthouse facilities, government administration offices, post offices, fire and EMS stations, fire training facilities, police stations and substations, correctional facilities, and government maintenance, storage, and distribution facilities. This use category does not include passenger terminals for transportation services (categorized as transportation uses), or city, county, or state parks (categorized as open area uses), or water, wastewater, gas, electric, or other infrastructure services (categorized as utility uses).~~

~~6. Health Care Uses~~

~~The Health Care Uses category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families. Example use types include hospitals, medical and dental clinics and labs, nursing home facilities, psychiatric treatment facilities, massage therapy establishments, and blood or tissue collection centers. This use category does not include assisted living facilities or community residential homes, which focus on providing personal care rather than medical care to residents, and are categorized as group living uses.~~

~~7. Open Space Uses~~

~~The Open Space Uses category includes use types focusing on open space areas largely devoted to natural landscaping and outdoor recreation, and tending to have few structures. Cemeteries and mausoleums are included within this category. Accessory uses may include caretaker's quarters, clubhouses, statuary, fountains, maintenance facilities, concessions, and parking. Example use types include parks (including recreational and natural area parks), greenways, arboretums and botanical gardens, public squares and plazas, community gardens, and cemeteries. This use category does not include golf courses, golf driving ranges, or outdoor tennis~~

~~court facilities (categorized as commercial or membership recreation/entertainment uses).~~

~~8. Other Institutional Uses~~

~~The Other Institutional Uses category includes use types consisting of a variety of institutional facilities, including lodges or clubs of community-oriented associations, places of worship, civic centers, and housing related to treatment or protection programs. Accessory uses may include school facilities, limited medical treatment facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, and staff residences.~~

~~9. Transportation Uses~~

~~The Transportation Uses category includes use types providing for the landing and takeoff of airplanes and helicopters, including loading and unloading areas and associated aircraft sales, repair, fuel sales, and flight instruction uses. It also includes passenger terminals for surface or water-based transportation. Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities. Example use types include airports, helicopter landing facilities, and passenger stations/terminals for ground transportation services (e.g., buses, trains). This use category does not include transit-related infrastructure such as bus stops and bus shelters (deemed minor utilities under the utility uses category), and park-and-ride facilities (treated as a parking deck, garage, or lot under the motor vehicle sales and service uses category).~~

~~10. Utility Uses~~

~~The Utility Uses category includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. Solar energy collection systems that constitute a principal use of a lot are included as a special type of major utility use. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, or storage areas.~~

~~F. COMMERCIAL USE CLASSIFICATION~~

~~1. Animal Care Uses~~

~~The Animal Care Use Category is characterized by use types related to the provision of medical services, general care, and boarding services for domestic animals. Example use types include animal shelters, animal grooming, kennels, pet hotels, and veterinary hospitals and clinics.~~

~~2. Boat and Marine Sales and Service Uses~~

~~The Boat and Marine Sales and Service Uses category includes use types involving the direct sales and servicing of boats and other consumer watercraft, whether for recreation, commerce, or personal transport. This use category also includes use types involving the direct sales and servicing of boat trailers, marine engines, and other marine equipment. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and boat storage. Example use types include boat and marine sales or rental, boat or marine parts sales and installation, boat and marine repair and servicing, boat dry storage, marinas, boat docking facilities, and yacht clubs.~~

~~3. Business Support Service Uses~~

~~The Business Support Service Uses category include use types primarily providing routine business support functions for the day-to-day operations of other businesses, as well as to households. Example use types include business service centers, parcel services, telephone call centers, travel agencies, employment agencies, and day labor services.~~

~~4. Commercial or Membership Recreation/Entertainment Uses~~

~~The Commercial or Membership Recreational/Entertainment Uses category includes private use types providing~~

~~indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Accessory uses may include offices, concessions, snack bars, and maintenance facilities. Example use types include amusement arcades, arenas, amphitheaters, stadiums, auditoriums, theaters, bowling alleys, skating rinks, golf courses and driving ranges, jai alai frontons, miniature golf courses, marine mammal parks, motion picture theaters, racing facilities (automobile, motorcycle, dog, horse), tennis and other racquet sport facilities, sport shooting and training ranges, and other indoor and outdoor commercial recreational/entertainment uses (including fitness centers, game rooms, pool parlors, dancehalls, water parks, amusement parks, archery ranges, and athletic fields). Also included are gaming establishments (casinos). This use category does not include banquet halls that are part of and accessory to a hotel (categorized as a visitor accommodation use) or restaurant (categorized as an eating and drinking establishment). It also does not include recreational facilities that are part of and accessory to community service uses or places of worship and clubs or lodges (categorized as other institutional uses), or are reserved for use by a particular residential development's residents and their guests (and thus considered accessory to that household living or group living use).~~

~~5. Eating and Drinking Establishments~~

~~The Eating and Drinking Establishments category includes use types involving the preparation and selling of food and beverages for immediate or direct on- or off-premise consumption. Accessory uses may include decks and patios for outdoor seating, drive-through service, facilities for live entertainment or dancing, and valet parking services. Example use types include bars or lounges, brewpubs, nightclubs, restaurants, and specialty eating or drinking establishments.~~

~~6. Motor Vehicle Sales and Service Uses~~

~~The Motor Vehicle Sales and Service Uses category includes use types involving the direct sales and servicing of automobiles (including motorcycles), trucks, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage. Example use types include automotive painting and body shops, automotive repair and maintenance, motor vehicle/trailer sales or rental, automotive wrecker services, car wash or auto detailing, and the repair and serving or trucks and recreational vehicles. Also included are gasoline filling stations, tire and muffler shops, transmission shops, taxi service, and commercial parking lots, decks, and garages. This use category does not include similar uses and facilities related to boats (categorized as boat and marine sales and service uses) or airports (categorized as transportation uses), or fueling facilities that are accessory to specific principal uses (e.g., fueling facilities for fleet vehicles), or the storage of inoperable vehicle or vehicle parts (categorized as a waste-related service use).~~

~~7. Office Uses~~

~~The Office Uses category includes office buildings housing activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on business, professional, or financial services. Accessory uses may include cafeterias, child care, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the business or building. Example use types include offices buildings, which may contain offices for business services, professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., lenders, brokerage houses, tax preparers), and sales (e.g., real estate agents), or any combination of such offices. Also included are contractor's offices. This use category does not include offices that are a component of or accessory to a principal use in another use category, or government administration offices (categorized as government uses), medical or dental clinics (categorized as health care uses), or banks or financial institutions (categorized as retail sales and service uses). It also does not include contractor's offices that are associated with the outdoor storage of equipment and materials (categorized as industrial services uses).~~

~~8. Retail Sales and Service Uses~~

~~The Retail Sales and Service Uses category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer.~~

~~They may also include uses that provide personal services, or product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise. Example use types include specific retail sales establishments such as art galleries, antique stores, auction houses, book shops, drug stores, grocery stores, convenience stores, liquor stores, home and building supply stores, farmers' markets, flea markets, and other retail sales uses. They also include retail service establishments such as banks or financial institutions, laundromats, dry cleaning and laundry drop-off establishments, lawn and pool services, personal services establishments, personal and household goods repair establishments, funeral homes, and crematories. This use category does not include sales or service establishments related to boats (categorized as boat sales and service uses), aircraft (categorized as transportation uses), or other motor vehicles (categorized as motor vehicle sales and service uses), or entertainment establishments primarily engaged in selling food or beverages for on-site consumption (categorized as eating and drinking establishments), or establishments primarily selling building supplies to contractors or other goods to retailers (categorized as wholesale uses), or the provision of financial, professional, or business services in an office setting (categorized as office uses), or uses providing recreational or entertainment opportunities (categorized as indoor or outdoor recreation/entertainment uses), or uses involving the sales, distribution, or presentation of materials or activities featuring specific sexual activities (categorized as sexually oriented businesses).~~

~~9. Self-Service Storage Uses~~

~~The Self-Service Storage Uses category includes use types providing individual, self-contained units or areas leased to individuals, organizations, or businesses for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to self-service storage. The rental of trucks or equipment is also not considered accessory to the use. Example use types include self- service storage establishments, also called "mini-warehouses." This use category does not include a transfer and storage business not involving individual storage areas and where employees are the primary movers of property being stored or transferred (categorized as a warehouse and freight movement use).~~

~~10. Sexually Oriented Businesses~~

~~The Sexually Oriented Businesses use category includes a single use type involving the sale, distribution, or presentation of materials, or feature performances or other activities, that emphasize the depiction or display of specified sexual activities. Example establishments falling within that use type include adult book and video stores, adult theaters (distinguished by being largely devoted to selling, renting or presenting media emphasizing sexually explicit content), special cabarets (which feature persons engaged in specific sexual activities for observation by patrons), and unlicensed massage establishments (featuring the provision of massage or other tactile stimulation of the human body). This use category does not include establishments that routinely provide medical services by state-licensed health care practitioners or massages by state-licensed massage therapists (categorized as health care uses).~~

~~11. Visitor Accommodation Uses~~

~~The Visitor Accommodation Uses category includes use types providing lodging units or rooms for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial, meeting facilities, and offices. Example use types include hotels, motels, apartment hotels, and bed and breakfast inns. This use category does not include rooming or boarding houses, which are generally occupied for tenancies of a month or longer, and thus categorized as group living uses.~~

~~G. INDUSTRIAL CLASSIFICATION~~

~~1. Industrial Services Uses~~

~~The Industrial Services Uses category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage. Example use types include machine shops, tool repair, electric motor repair, repair of scientific or professional instruments, motion picture studios, and heavy equipment sales, rental, repair, and servicing. Also included are fuel oil or bottled gas distribution, research and development facilities, contractor storage yards, metal-working and leather-working uses, printing, general industrial service uses, and laundry, dry-cleaning, carpet cleaning, and dyeing plants.~~

~~2. Manufacturing and Production Uses~~

~~The Manufacturing and Production Uses category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms for consumers. This use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment) and craft manufacturing. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include limited retail sales, wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters. Example use types include the specific uses of boating manufacturing, the general sectors of heavy manufacturing and light manufacturing, bakeries, cabinet and furniture manufacturing, cement concrete production and batching plants, food processing, fish hatcheries, vegetable and fruit packing, and breweries, wineries, and distilleries. This use category does not include the recovery or processing of salvage material or composting of material (categorized as waste-related uses).~~

~~3. Warehousing and Freight Movement Uses~~

~~The Warehousing and Freight Movement Uses category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas. Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores), distribution warehouses (used primarily for temporary storage pending distribution in response to customer orders), outdoor storage (as a principal use), and truck or freight terminals. This use category does not include contractor's yards (categorized as an industrial services use) or uses involving the transfer or storage of solid or liquid wastes (categorized as a waste-related use).~~

~~4. Waste-Related Uses~~

~~The Waste-Related Uses category includes use types receiving solid or liquid wastes from others for on-site disposal, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products. Example use types include materials recovery facilities, recovered materials processing facilities, recycling drop-off centers, construction and demolition debris disposal facilities, tire disposal or recycling facilities, waste composting, waste-to-energy plants, and junkyards and salvage yards. This use category does not include wastewater treatment plants and potable water treatment plants (classified as major utilities in the utility and communication use category) or facilities for the drop-off or collection, and temporary holding, of household or business recyclables (classified as minor utilities in the utility and communication use category).~~

~~5. Wholesale Uses~~

~~The Wholesale Uses category includes use types involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, greenhouses (for plant nurseries), and repackaging of goods. Example use types include: wholesale plant nurseries; wholesale showrooms; wholesale sale or rental of machinery, equipment, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail-order houses; and wholesale sale of food, clothing, plants and landscaping materials, auto parts, and building hardware. This use category does not include uses primarily involving sales to the general public or on a membership basis (categorized as retail sales and service uses), or uses primarily involving storage of goods with little on-site business activity (categorized as warehousing and freight movement uses).~~

~~155.9302. INTERPRETATION OF UNLISTED USES~~

~~A. PROCEDURE FOR INTERPRETING UNLISTED USES~~

~~The Development Services Director may interpret a particular principal use or accessory use or structure not expressly listed in Article 4: Use Standards, as allowed in a particular zoning district—as a permitted principal use, a Special Exception principal use, or a permitted accessory use or structure—in accordance with the procedure in Section 155.2423, Interpretation, and based on the standards in subsection B or C below, as appropriate.~~

~~B. CRITERIA FOR ALLOWING UNLISTED PRINCIPAL USES~~

~~The Development Services Director shall interpret an unlisted principal use as an allowed permitted use or a Special Exception use in a particular zoning district only after determining that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use or a Special Exception use) as the similar use type or use category and subject to the same use-specific standards. In making such determination, the Development Services Director shall consider the relevant characteristics of the unlisted use, the purpose and intent statements in this Code concerning the zoning district (Article 3: Zoning Districts), and the character of use types allowable in the district. The relevant characteristics of the unlisted use that should be considered in making this determination include but are not limited to the following:~~

~~**1.** Actual or projected characteristics of each activity likely to occur at the unlisted use;~~

~~**2.** The type, size, orientation, and nature of buildings, and structures devoted to each activity;~~

~~**3.** The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;~~

~~**4.** Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;~~

~~**5.** Transportation requirements, including the modal split for people and freight, by volume type, and characteristics of traffic generation to and from the site;~~

~~**6.** Relative amounts of sales from each activity;~~

~~**7.** The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;~~

~~**8.** Customer type for each activity;~~

~~**9.** How each use is advertised, including signage;~~

~~**10.** The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;~~

~~**11.** Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and~~

~~**12.** The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types allowed in the zoning district.~~

~~C. CRITERIA FOR ALLOWING UNLISTED ACCESSORY USES AND STRUCTURES~~

~~The Development Services Director shall interpret an unlisted use or structure as an allowable accessory use or structure to a principal use allowed in a particular zoning district only after determining that:~~

~~**1.** The use or structure is accessory to the principal use, in accordance with the definitions of "accessory use" and "accessory structure" in Section 10.2, Terms and Uses Defined;~~

~~**2.** The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses allowable in the zoning district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;~~

~~**3.** The use or structure is compatible with the character of principal and accessory uses allowable in the district; and~~

~~**4.** Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Code concerning the zoning district (See Article 3: Zoning Districts.).~~

~~D. EFFECT OF ALLOWING UNLISTED USES AS PERMITTED USE OR SPECIAL EXCEPTION USE~~

~~**1.** After interpreting an unlisted principal use as allowed as a permitted use or Special Exception use, or an unlisted accessory use or structure as a permitted accessory use or structure, in a particular zoning district, the Development Services Director shall determine whether the unlisted use or structure is likely to be common or to recur frequently, and whether its omission from Article 4's use standards is likely to lead to public uncertainty and confusion.~~

~~**2.** On determining that the allowed unlisted use or structure is likely to be common or would lead to confusion if it remains unlisted, the Development Services Director shall initiate an application for a text amendment to this Code in accordance with Section 155.2402, Text Amendment, to list the use or structure in Article 4 as a permitted principal use, a Special Exception principal use, or a permitted accessory use or structure, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Development Services Director shall be binding.~~

~~**3.** If the Development Services Director determines that the allowed unlisted use or structure is of an unusual or transitory nature, and unlikely to recur frequently, the interpretation shall be binding in accordance with Section 155.2423.G, Effect of Interpretation, without further action or amendment of this Code.~~

PART 4 MEASUREMENT, EXCEPTIONS, AND VARIATIONS OF INTENSITY AND DIMENSIONAL STANDARDS

155.9401. MEASUREMENT

A. LOT AREA

Lot area shall be determined by measuring the total horizontal land area (in square feet) within the lot lines of the lot—excluding any area within existing or proposed public street rights-of-way or private street easements. If the property includes area seaward of the Erosion Control Line as defined in Section 161.151 of the State Statutes, the Erosion Control Line will become the rear property line for the purposes of calculating lot area.

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E. LOT COVERAGE

Lot coverage (expressed as a percentage of lot area) shall be determined by measuring the total horizontal land area (in square feet) covered by all principal and accessory structures on the lot, dividing that coverage area by the total lot area (See subsection A above.), and multiplying the result by 100. If the property includes area seaward of the Dune Vegetation Line as defined herein, the Dune Vegetation Line will become the rear property line for the purposes of calculating lot coverage.

F. PERVIOUS AREA

Pervious area (expressed as a percentage of lot area) shall be determined by measuring the total horizontal land area (in square feet) covered by pervious surfaces on the lot ~~(excluding any pervious surfaces within existing or proposed public street rights-of-way or private street easements),~~ Pervious surfaces are covered by living plant material that allows precipitation to infiltrate directly into the ground. Up to 15% of the pervious area may be covered with mulch or other types of non-living pervious materials. Pervious surfaces shall not include any pervious areas within existing or proposed public street rights-of-way or private street easements. ~~dividing that coverage area~~ The pervious area is then divided by the total lot area (See subsection A above.), and ~~multiplying the result~~ the result is multiplied by 100. (See the definition of "pervious area" in Part 5 (Terms and Uses Defined) of this article.) To determine the Pervious Area of a Required Front Yard, the measurement shall include the total horizontal land area within the required front yard that is covered by pervious surfaces, and dividing that coverage area by the total required front yard area.

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155.9402. EXCEPTIONS AND VARIATIONS

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B. MAXIMUM HEIGHT EXCEPTIONS

The maximum height limits established in Article 3: Zoning Districts, shall not apply to the following structures or structural elements:

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2. Spires, belfries, cupolas, domes, chimneys, elevator shaft enclosures, ventilators, skylights, ~~mechanical equipment and appurtenances,~~ and similar rooftop structures or structural elements not intended for human occupancy, provided they:
   ***
3. Accessory Uses and Structures ~~Ham radio antennas, roof-mounted satellite dishes, and television or radio antennas,~~ provided they comply with height limits established for the specific use in Section 155.4303, Standards for Specific Accessory Uses and Structures.
4. ~~Roof-mounted solar energy collection systems, in accordance with the height standards in Section155.4303.EE, Solar Energy Collection System;~~

~~5. Small wind energy systems, in accordance with the height standards in Section 155.4303.DD, Small Wind Energy System; and.~~
~~6. Chickee huts, provided they do not exceed a height of 15 feet.~~

C. ALLOWABLE REQUIRED YARD ENCROACHMENTS

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TABLE 155.9402.C ALLOWABLE REQUIRED YARD ENCROACHMENTS	
FEATURE	EXTENT AND LIMITATIONS
~~5.~~ ~~Uncovered porches, stoops, decks, patios, terraces, or walkways~~	~~May extend into or be located in a required rear yard if set back from lot lines by a distance no more than the deck's height; extend into or be located in a required street side, interior side, or front yard if less than 12 inches high and set back from lot lines by a distance no more than the deck's height~~
~~6.~~5. Signs, projecting or free-standing	May extend into or be located in any required yard in accordance with the Sign Code (Chapter 156 of the Code of Ordinances)
~~7.~~ ~~Flagpoles~~	~~In nonresidential zoning districts, may be located in any required yard if less than 30 feet high, set back from side and rear lot lines by at least ten feet, and set back from street rights-of-way by at least four feet~~
~~8.~~ ~~Lighting fixtures, projecting or free-standing~~	~~May be located in any required yard if less than 20 feet high~~
~~9.~~ ~~Fences or walls~~	~~May be located in any required yard, subject to the limitations in Section 155.5302, Fences and Walls~~
~~10.~~ ~~Small wind energy systems~~	~~May be located in a required interior side or rear yard, subject to the limitations in Section 155.4303.EE, Small Wind Energy System~~
~~11.~~ ~~Accessory structures other than those listed above, except garages and carports~~	~~May be located in a required interior side or rear yard, subject to the limitations in Part 4 (Accessory Uses and Structures) of Article 4: Use Standards.~~
~~12.~~ 6. Vegetation and landscaping features such as retaining walls, fountains, ponds, and similar landscaping features	May be located in any required yard, provided any non-vegetative landscaping feature in a required yard is no more than four feet higher than grade

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PART 5 TERMS AND USES DEFINED

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ADULT BOOK, ADULT NOVELTY, OR ADULT VIDEO STORE
A retail establishment that offers for sale or rent books, magazines, other periodicals, videos, discs, slides, photographs, instruments, devices, paraphernalia, or other printed matter or graphic media that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities, or specified anatomical areas, and which materials constitute 20 percent or more of the establishment's inventory at any time ~~and~~/, or are displayed on more than 20 percent of that portion of the establishment's floor area used for public display of stock.

***

APPLICATION OR APPLY
The actual physical deposit of fertilizer on turf or landscape plants.

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APPLICATOR
Any Person who applies fertilizer on turf and/or landscape plants in Pompano Beach

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ASSISTED LIVING FACILITY
~~Any~~ State-licensed building(s) or part(s) of a building or residential facility that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. Personal services includes direct physical assistance with or supervision of the activities of daily living (e.g., eating, bathing, dressing, toileting, transferring, continence) and the self–administration of medication and other similar services—but does not include the provision of medical, nursing, dental, or mental health services. Accessory uses may include dining rooms and recreation rooms for facility residents, and offices and storage facilities for supervisory staff.

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BED AND BREAKFAST INN
A state-licensed private single-family dwelling engaged in renting one or more sleeping rooms on a daily basis ~~to tourists, vacationers, and business people,~~ and providing ~~them~~ breakfast.

***

BEST MANAGEMENT PRACTICES FOR FERTILIZER
means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable, including economic and technological considerations for improving water quality, conserving water supplies and protecting natural resources.

***

BLOOD/TISSUE COLLECTION FACILITY
A state-licensed facility where human blood, organs, skin or other human tissue are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.

***

BREWERY, WINERY, OR DISTILLERY
~~An~~ state-licensed establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer (brewery), or in manufacturing or blending wines (winery), or in distilling and blending potable liquors, including mixing them with other ingredients (distillery). This use does not include a brewpub. ~~A brewery, winery, or distillery is an alcoholic beverage establishment.~~

BREWPUB
An ~~drinking~~ alcoholic beverage establishment that produces up to 10,000 kegs (or 155,000 gallons) of fermented malt beverages annually in a single location, primarily for consumption on the premises. Such establishments are licensed by the state as both manufacturers and vendors of malt beverages. This use may also offer food for onsite consumption, but does not include brewpubs that are accessory to a restaurant. It also does not include brewpubs that are accessory to an apartment hotel, hotel, or other principal use. ~~A brewpub is an alcoholic beverage establishment.~~ If an establishment produces more than 10,000 kegs (or 155,000 gallons) of fermented malt beverages annually, it shall be considered a Brewery, Winery, or Distillery.

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CANOPY, ~~NONRESIDENTIAL~~ VEHICULAR AREA
A permanent but not completely enclosed structure that may be attached or adjacent to a nonresidential building for the purpose of providing shelter to people or automobiles, or a decorative feature on a building wall. This use is typically associated with gas stations and drive through facilities.

CAR WASH OR AUTO DETAILING
An establishment providing the ~~exterior~~ washing of exterior of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Interior cleaning and/or drying may be conducted manually by the vehicle operator or on-site attendants.

***

COLLEGE OR UNIVERSITY
A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, ~~dormitories~~, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. Vocational or trade schools are a different use type.

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COMMERCIAL FERTILIZER APPLICATOR
Any person who applies Fertilizer for payment or other consideration to property not owned by the person or firm applying the Fertilizer or the employer of the Applicator.

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COMMUNITY GARDEN
A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than 1 person, household, or family. Community gardens may be divided into separate plots for cultivation , or may be farmed collectively by members of a group, and may include common areas maintained and used by group members.

COMMUNITY RESIDENTIAL HOME
A state-licensed dwelling unit ~~licensed~~ to provide a family living environment and care for seven to 14 unrelated persons who meet statutory requirements of Fla. Stat. §419.001, as amended. ~~definition of a frail elder (Fla. Stat. §429.65), physically disabled or handicapped person (Fla. Stat. §760.25), developmentally disabled person (Fla.~~

~~Stat. §393.063), nondangerous mentally ill person (Fla. Stat. §394.455), child determined to be dependent (Fla. Stat. §39.01 or §984.03), or child in need of services (Fla. Stat. §984.03 or §985.03).~~ A community residential home may include such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. A dwelling unit providing a family living environment and care for six or fewer such persons is a family care home or may be a single-family dwelling (depending of the number of unrelated residents).

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DORMITORY (AS AN ACCESSORY USE TO AN EDUCATIONAL USE)
A building operated by and affiliated with a permitted Education Use that provides group sleeping accommodations with or without meals.

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DWELLING, ~~Upper Story~~ Mixed Use
A dwelling unit located on the second floor or higher of a building with nonresidential uses located on the ground or street level.

***

ESCORT
Any person who for commercial or pecuniary gain, compensation or tips, agrees to, offers to go, or goes to any place to act as a companion or date for, or converse with a customer. Nothing in this definition shall be construed to legalize prostitution or other conduct prohibited by this code or any other law.

ESCORT SERVICE or ESCORT AGENCY
A person, business, establishment or place operated for commercial or pecuniary gain, which provides escorts, private models; or offers or actually provides, arranges, dispatches, or refers workers to act as an escort for a customer.

***

FAMILY CARE HOME
A state-licensed dwelling unit providing a family living environment and care for a group of six or fewer six unrelated persons who meet statutory requirements of Fla. Stat. §419.001, as amended. ~~§429.65 definition of a frail elder (Fla. Stat. §429.65), physically disabled or handicapped person (Fla. Stat. §760.25), developmentally disabled person (Fla. Stat. §393.063), nondangerous mentally ill person (Fla. Stat. §394.455), child determined to be dependent (Fla. Stat. §39.01 or §984.03), or child in need of services (Fla. Stat. §984.03 or §985.03).~~ This use does not include community residential homes (in which seven to 14 such persons reside) or dwelling units that qualify as a single-family dwelling.

***

FERTILIZER
Any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

FERTILIZING
The act of applying Fertilizer to turf, specialized turf, or Landscape Plants.

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FLAGPOLES
Poles used for flying flags

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GAZEBO
An ornamental garden pavilion, with a covered roof and open sides, constructed of wood, metal, or vinyl. This term also includes a chickee hut, which has a thatched roof of palm or palmetto materials.

***

HALFWAY HOUSE
A state-licensed residential facility providing housing, food, supervision, rehabilitation, and counseling to juvenile or adult persons who have had alcohol or drug problems that make it difficult cope in society or have been placed in the facility on release from, or in lieu of, more restrictive custodial confinement under the criminal justice system. The purpose of such facilities is to provide residents a supportive family living environment and care that will help mainstream them back into society.

HALL FOR HIRE
A facility or hall available for lease by private parties to accommodate private functions, and is not open to the general public. The hall may or may not include kitchen facilities for the preparation of food. Private functions can include, but are not limited to, banquets, weddings, anniversaries and other similar celebrations.

***

HOSPITAL
A state-licensed institution ~~licensed by the state~~ that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, and staff offices. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service. This use type does not include nursing home facilities, medical treatment facilities, medical clinics, drug or alcohol treatment facilities, or psychiatric treatment facilities.

HOTEL OR MOTEL
A state-licensed building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit. Accessory uses may include, but are not limited to, restaurants, bars or lounges, nightclubs, conference and meeting rooms, business centers, newsstands, gift shops, sale of tanning products, rental of beach chairs and umbrellas, exercise and fitness facilities, swimming pools, etc., subject to any applicable use-specific standards. This use type does not include apartment hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses.

***

INSTITUTIONAL APPLICATOR
Any person, other than a private, non-commercial or a Commercial Applicator (unless such definitions also apply under the circumstances), that applies Fertilizer for the purpose of maintaining turf and/or Landscape Plants. Institutional Applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

***

INTERIM COMMERCIAL USE
A long-term temporary use intended to facilitate "temporary urbanism' by using vacant commercially-zoned land to create vibrant destinations through unique outdoor uses that benefit the neighborhood and are open to the public. To the extent such uses are not otherwise expressly defined and regulated as a principal, accessory, or temporary

use by this Code, interim uses include, but are not limited to, outdoor markets for art or other handmade goods; recreational spaces; philanthropic, educational, or cultural uses; community gathering spaces; showcases for art, culture, nature, or innovation; or other similar uses.

INTERIM INDUSTRIAL USE
A long-term temporary use intended to facilitate temporary landfill, mining, excavation, fill or similar operations by utilizing vacant land for the purpose of establishing a future use of the property

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LANDSCAPE PLANT
Any native or exotic tree, shrub, or groundcover (excluding turf).

***

LAWN
A piece of grass-covered soil held together by the roots of the grass.

***

LIGHTING FIXTURES, PROJECTING OR FREE-STANDING
A complete lighting unit consisting of the lamp, lens, optical reflector, housing and an electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.

***

LIQUOR OR PACKAGE STORE
An ~~establishment licensed by the state~~ state-licensed alcoholic beverage establishment ~~exclusively for the~~ that offers the exclusive retail sale of liquor or spirits in sealed containers for consumption off the premises where sold. ~~A liquor or package store is an alcoholic beverage establishment.~~

LIVE ENTERTAINMENT
Visual entertainment for the public usually accessory to a commercial use, in the form of an act, production, or performance, and that may include—but is not limited to—performances by a musical band, disc jockey, dancer, or other type of entertainer.

***

LODGE OR CLUB
A building or facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership. ~~A lodge or club does not include night clubs or other establishments operated primarily for profit, or a sexually oriented business. It also does not include bottle clubs or other similar organizational establishments that exist primarily for the purpose of selling or accommodating the consumption of alcoholic beverages.~~ This use shall not include a nightclub, sexually oriented business, or an establishment that exists primarily for the purpose of selling or accommodating the consumption of alcoholic beverages.

***

LOW MAINTENANCE ZONE
An area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

***

MASSAGE THERAPY ESTABLISHMENT
~~An~~ state-licensed establishment that offers, sells, or provides manipulation of the tissues or other tactile stimulation of the human body with the hand, foot, arm, leg, elbow, or part of the torso, whether or not aided by any electrical or mechanical device, by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes. A massage may also include bathing, hydrotherapy (including colonic irrigation), thermal therapy, or application of chemicals, oils, lotions, or similar preparations to the human body. ~~A therapeutic massage establishment does not include an unlicensed massage establishment (which is categorized as a sexually oriented business).~~

***

MOTION PICTURE THEATER
A motion picture theater is a building or part of a building devoted to showing motion pictures. ~~This can also include an open lot or part of an open lot and auxiliary facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons seated on outdoor seats.~~

***

NIGHTCLUB
A place of entertainment ~~offering alcoholic beverages for consumption on the premises~~ that ~~may also~~ provides on-site entertainment in the form of live performances, dancing, billiards, comedic performances, or other entertainment activities. This use may also ~~include~~ offer food and alcoholic beverages for onsite consumption. ~~Performances related to the display of specified sexual activities or specified anatomical areas are classified as sexually oriented businesses and prohibited within nightclubs.~~ This use shall not include a sexually oriented business. This use does not include a nightclub that is accessory to a restaurant, apartment hotel, hotel, or other principal use.

***

~~**OFFICE BUILDING**~~
~~A building consisting of rooms used for conducting the affairs of businesses offering professional services (e.g., offices of lawyers, engineers, architects), financial services (e.g., investment banking, stock brokerage, credit card services), or business services (e.g., consulting firms), or the buying or selling of real or personal property, services, or other products (e.g. artwork, artifacts). Office building uses are distinguished between those whose total gross floor area is 2,000 square feet or less and those whose total gross floor area exceeds 2,000 square feet.~~

***

OTHER OUTDOOR COMMERCIAL RECREATION/ENTERTAINMENT USE
Any private outdoor use providing for sports, recreation, and entertainment activities that are operated or carried on primarily for financial gain, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, go-cart racing, race-track, or dirt-track facilities, privately-owned outdoor commercial tourist attractions, water parks, amusement parks, campgrounds, and privately-owned active sports facilities such as ball fields and paintball fields. This can also include an open lot or part of an open lot and auxiliary facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons seated on outdoor seats.

***

OUTDOOR STORAGE
The keeping, in an ~~unroofed~~ area that is not totally and permanently enclosed, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. This use does not include a junkyard or salvage yard or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use. Outdoor storage may be the principal use of a lot or an accessory use to a principal use of the lot.

***.

PERVIOUS AREA
The area of a site covered by ~~surfaces~~ living plant material that allows ~~at least 90 percent of~~ precipitation to infiltrate directly into the ground~~—excluding impervious or substantially impervious surfaces such as buildings, decks and porches, other structures, storage areas, display areas, parking and loading areas, accessways, sidewalks, paved recreation areas, and water bodies (but not dry retention areas)~~. Up to 15% of the area may be covered with mulch or other types of non-living pervious materials.

PET HOTEL
An ~~enclosed building with at least 4,500 square feet of air-conditioned floor area that use~~ establishment that ~~contains~~ provides exercise and training facilities, social and play areas, styling and massage salon facilities, and weight loss centers for use by and for the benefit of domesticated household pet animals. ~~Such a use also contains a front desk and reception area.~~

***

PROFESSIONAL OFFICE
A building or portion of a building used for conducting the affairs of businesses offering professional services (e.g., offices of lawyers, engineers, architects), financial services (e.g., investment banking, stock brokerage, credit card services), or business services (e.g., consulting firms), or the buying or selling of real or personal property, services, or other products (e.g. artwork, artifacts). This use may also include professional services of physicians and other health care practitioners without examination and treatment. Rooms used for examination and treatment shall be considered a Medical or Dental Clinic. Professional Office uses are distinguished between those whose total gross floor area is 2,000 square feet or less and those whose total gross floor area exceeds 2,000 square feet.

PROHIBITED APPLICATION PERIOD
The rainy season which is between May 1 and October 31 of every year

***

~~**RECYCLING DROP-OFF CENTER**~~
~~A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses associated with a drop-off center include facilities that accept donations of charitable goods.~~

RECYCLING DROP-OFF STATION
A ~~container or set of containers used for the collection and temporary storage of recyclable materials generated on-site~~ small collection facility where recyclable materials are accepted from the public. Typical uses associated with a drop-off center include facilities that accept donations of charitable goods.

***

RETAIL SALES (AS ACCESSORY ~~TO MANUFACTURING OR WAREHOUSE~~ USES)
The Retail sales ~~as accessory to manufacturing or warehouse uses consists~~ of ~~the~~ any products of or associated with ~~the manufacturing or warehouse~~ a principal use being offered for retail sale to the general public ~~on the premises of the manufacturing or warehouse use. An example would be an outlet or seconds shop located at a manufacturing plant.~~

***

SATURATED SOIL
A soil in which the voids are filled with water. Saturation does not require flow. Soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

SCHOOL, ELEMENTARY

A public or private school offering general, technical, or alternative instruction at the elementary school level that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for an elementary school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, ~~dormitories~~, and other facilities that further the educational mission of the institution.

SCHOOL, HIGH
A public or private school offering general, technical, or alternative instruction at the high school level that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a high school. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, ~~dormitories~~, and other facilities that further the educational mission of the institution.

SCHOOL, MIDDLE
A public or private school offering general, technical, or alternative instruction at the middle school level that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a junior high or middle school. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, ~~dormitories~~, and other facilities that further the educational mission of the institution.

***

SEXUALLY ORIENTED BUSINESS
A sexually oriented business includes any of the following establishments or premises:

ADULT BOOK, ADULT NOVELTY, OR ADULT VIDEO STORE: ~~A retail establishment that offers for sale or rent books, magazines, other periodicals, videos, discs, slides, photographs,or other printed matter or graphic media that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities, and which materials constitute 20 percent or more of the establishment's inventory at any time and/or are displayed on more than 20 percent of that portion of the establishment's floor area used for public display of stock.~~ ;or

~~ADULT THEATER: An enclosed building or enclosed space within a building that is used for presenting either films, live plays, dances, or other performances that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities for observation by patrons, and that restricts or purports to restrict admission only to adults.~~

~~**UNLICENSED**~~ **MASSAGE ESTABLISHMENT, UNLICENSED** ~~: An establishment that offers, sells, or provides manipulation of the tissues or other tactile stimulation of the human body with the hand, foot, arm, leg, elbow, or part of the torso, whether or not aided by any electrical or mechanical device, by persons who are not licensed massage therapists under Chapter 480 of the Florida Statutes, or athletic trainers employed by on behalf of educational or professional athletic teams, or licensed physicians, nurses, or other health care practitioners engaged in the practice of their profession. A massage may also include bathing or application of oils, lotions, or similar preparations to the human body. An unlicensed massage establishment does not include a therapeutic massage establishment.~~ ;or

~~SPECIAL CABARET: A business that features persons who engage in specific sexual activities for observation by patrons, and that restricts or purports to restrict admission only to adults.~~

Any premises where members of the public or any person for consideration may participate in or may observe or view any activity, live or recorded performance, or any visual images tangibly fixed in any medium, which activity, performance, image, or recording has an emphasis on, or has as its primary or dominant theme, subject matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or

Any premises where the presentation or distribution of any performance, recording, or visual image requires the exclusion of minors from the premises pursuant to F.S. Ch. 847.

***

~~**SPECIAL CABARET**~~
~~A business that features persons who engage in specific sexual activities for observation by patrons, and that restricts or purports to restrict admission only to adults.~~

***

SPECIFIED ANATOMICAL AREAS
Human genitals or the public region, buttocks, and the entire lower portion of the human female breast below the top of the areola—when such areas are less than completely and opaquely covered; or human male genitals in a discernibly turgid state—even if completely and opaquely covered. Specified anatomical areas do not include any portion of the cleavage of the human female breast exhibited by a blouse, ~~short~~ shirt, bathing suit, or other apparel, provided the areola is not exposed.

SPECIFI~~C~~ED SEXUAL ACTIVITIES
~~Any of the following activities:~~ Exhibition of human genitals in the state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, sodomy, masochism, cunnilingus, fellatio, anilingus, buggery, or any excretory function, or representation thereof; the fondling or erotic touching of human genitals, the public region, the buttocks, or the female breasts; and exhibition of the specified anatomical areas.

***

TREE ASSESSMENT
A document prepared by a Florida-registered landscape architect or ISA certified arborist that assigns each existing tree a number; ~~describes the number,~~ that specifies the common and botanical ~~names, and size of existing trees~~ name for each existing tree; ~~identified on a tree survey, and that evaluates the condition, health, stability, and value of such trees.~~ describes the overall size and caliper of each existing tree; evaluates the health condition of each existing tree; identifies the status of each existing tree (whether the tree is to be protected in place, be relocated, or be removed); and provides a dollar value for each existing tree included on the tree survey. The dollar value is to be determined using an approved method provided in the *Guide for Plant Appraisal*, current edition, by the Council of Tree and Landscape Appraisers.

***

TREE, HISTORICAL
A tree or group of trees designated historical by the City due to the location on historically significant property and relationship to a historic event; due to the unique relationship to the heritage of Pompano Beach; or because the tree or trees are at least seventy-five (75) years old.

TREE, INVASIVE
~~Any tree listed in Category 1 of the Florida Exotic Pest Plant Council's most recent List of Invasive Plant Species.~~ A tree that alters native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but the documented ecological damage caused. Invasive trees include: Acacia auriculaeformis (Earleaf Acacia), Araucaria excelsia (Norfolk Island Pine), Bischofia javanica (Bischofia, Bishopwood), Brassia actinophylla (Schefflera), Caasuarina spp. (Australian Pine, all species), Cupaniopsis anacardiopsis (Carrotwood), Malaleuca quinquenervia (Cajeput Tree, Malaleuca), Schinus terebinthifolius (Brazilian Pepper Tree, Florida Holly Tree).

***

TREE, SPECIMEN

Any tree which has a DBH of eighteen (18) inches or greater with a condition rating of sixty percent (60%) or greater in accordance with the condition rating guidelines as specified in the Guide for Plant Appraisal, 9th edition, as amended; with the exception of the following:

- Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to: mangos, avocados, or citrus.
- Species of the genus Ficus except F. aurea (strangler fig), F. laevigata (short leaf fig), F. rubiginosa (rusty fig or rusty leaf fig), F. jacquinifolia;
- All multi-trunk palms.
- Trees that are in poor condition or form as determined by Development Services Director.

***

UNCOVERED PORCHES, DECKS, PATIOS, TERRACES, OR WALKWAYS
Hard surfaces often adjacent to an enclosed structure and used for outdoor seating and access.

***

WAREHOUSE, DISTRIBUTION OR STORAGE
A distribution or storage warehouse is a facility primarily engaged in the distribution and/or storage of manufactured products, supplies, and equipment. It includes the ~~temporary~~ storage and distribution of such products, supplies, and equipment ~~pending distribution~~ excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

~~**WAREHOUSE, STORAGE**~~
~~A facility primarily engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.~~

***

APPENDIX A: FEE SCHEDULE

The following are the applicable fees for Applications for Development in the city.

TYPE OF APPLICATION	FEE
I. **CONCURRENCY**	
A. Preliminary Concurrency Review Letter	$210
B. Concurrency Review Certificate, for all developments except single-family or duplex dwelling on a lot, or parcel recorded prior to March 1, 1989.	$420
C. If the proposed development is exempt from the concurrency review pursuant to § 157.19(A)(1)-(4) the sum of $210 will be returned to the applicant.	
D. Concurrency Review Certificate for single-family or duplex dwellings on a lot or parcel recorded prior to March 1, 1989.	$190
E. Initial Deposit for Concurrency Traffic Study Review	$1,000
II. **OTHER DEVELOPMENT SERVICES APPLICATIONS**	
A. Development of Regional Impact	$6,400
B. Comprehensive Plan Amendment	
1. Local Amendment	$2,800
2. Broward County	$4,200
Applicant must also pay all advertising costs.	
C. Rezoning	$1,125
Applicant must pay for required signs at the rate of $50 for one sign and $25 for each additional sign.	
D. Special Exception	$910
E. Variances/Temporary Permits/Appeals from alleged error which requires a Public Hearing	
1. Single-family dwelling, that does not have any outstanding violations of the zoning code	$275
2. Single-family dwelling, with outstanding violations of the zoning code	$1,000
3. Other than single-family dwellings, that do not have any outstanding violations of zoning code	$730
4. Other than single-family dwellings, with outstanding violations of zoning code	$1,460

5. Time extension for a variance or special exception	$200
F. Plat	
G. Appeals from alleged error which do not require a Public Hearing	$200
1. Residential	$100 plus $22 per acre plus $10.50 per unit
2. Non-Residential	$600 plus $60 per acre
H. Request to change any previously approved item on a plat	$150
I. Site Plan	
1. Residential	$300 plus $30 per acre plus $15 per dwelling unit
2. Non-Residential	$900 plus $90 per acre
J. Master Plan	
1. Residential	$300 plus $30 plus $15 per dwelling unit
2. Non-Residential	$900 plus $90 per acre
K. Revised Site Plan	$70
L. Review of Modification of Development Standards	$130
III. **LANDSCAPING.**	
A. Landscape Plan Review	
1. Residential Development	
a. Single-family	$70
b. Other residential	$130 plus $13 per acre and $7 per unit
2. Commercial Development	$400 plus $40 per acre
B. Tree Permit	$25 plus $5 per tree
Fee shall double for work done without a permit.	
C. Tree Abuse	
1. For each abused tree	$50

2. Second incident for each abused tree	$100
3. Third incident for each abused tree	$200
IV. FEES FOR CODE COPIES	
A. Land use and zoning maps	
Black and white 1 in. = 1,000 ft.	$7 plus tax
B. Sign codes	$7 plus tax
C. Landscaping and parking codes	$7 plus tax
V. REQUESTS FOR ZONING INFORMATION OR REVIEW	
A. A Zoning Certificate for Business Tax Receipt	$25
B. Zoning Letter. Any request for a written statement from the Planning and Zoning Division either confirming the land use plan designation and/or zoning classification of certain land within the city, or confirming that a proposed or existing use of land is in compliance with the requirements of that land use plan designation and/or zoning district, shall include: (1) A sketch of survey with legal description of the subject property; (2) A fee in the amount of $60 for each question or item to be verified over and above the second question or item to be verified (single-family exempt).	
C. Nonconforming Use Letter per building or lot	$125
D. Zoning Review Fees	
1. Permit for single-family home:	
a. First and second zoning review	No fee
b. Subsequent zoning reviews	$110 per review
2. Any permit for a four unit or less multi-family property	
a. First and second zoning review	No fee
b. Subsequent zoning reviews	$165 per review
3. All other permits	
a. First and second zoning review	No fee
b. Subsequent zoning reviews	$220 per review

E. Revocable License Agreement	$935
F. Unity of Title	$155
G. Zoning/Landscaping Reinspection Fees:	
1. First reinspection fee	$30
2. Each additional reinspection fee	$120
VI. MISCELLANEOUS DEVELOPMENT SERVICES FEES	
A. Telecommunication Towers	
1. Annual registration fee	$365
2. Application fee for site plan approval	$1830
B. Special Outdoor Permits	$535
C. Portable Storage Units	$55
D. Applications for Parking Agreements	
1. Off-street parking	$205
2. Shared parking	$205
3. Master Parking Program	
Per parking space	$12,000
E. Proposed code amendment initiated by the public	$1,125 plus advertising costs
F. Public Event Fee	$25
G. Special Event Fee	$25
VII. FEE FOR TRANSFER OF SURPLUS DWELLING UNITS	
Payment of a fee in the amount of $1,500 plus $100 per acre at the time of submission of a written request for a determination as to the availability of surplus dwelling units. Requests for time extension or reaffirmation of the initial allocation of surplus dwelling units shall be accompanied by the payment of a fee in the amount of $1,500 plus $100 per acre.	

APPENDIX A: CONSOLIDATED USE TABLE

P = Permitted Principal Use S = Use Allowed as a Special Exception A = Permitted Accessory Use
T = Temporary Use Allowed with a Temporary Use Permit = Temporary Use Allowed Without Temporary Use Permit Blank Cell = Prohibited Use

Use Category (Principal Uses) and/or Use Type		Residential Districts												Commercial Districts						Industrial Districts				Special Districts						Planned Development Districts					Use-Specific Standards
		RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I	
Residential Uses																																			
Household Living Uses Household Living Uses	Dwelling, live/work										~~P~~ S	~~P~~ S		P	P	P		P						P						P	P	P	P	P	155.4202.A
	Dwelling, ~~upper story~~ Mixed Use										S	S		P	P	P		P						P						P	P	P	P	P	155.4202.G
Health Care Uses	Psychiatric Treatment facility															P	P							~~P~~ S		P					P	P	P		155.4209.I
Motor Vehicle Sales and Service Uses	Car Wash Or Auto Detailing															S	~~P~~ S			P	P										P				155.4219.F
	New Motor Vehicle/Trailer Sales ~~Or Rental~~															S	P			P	P										P				155.4219.H
	Used Motor Vehicle/Trailer Sales																S			S	S										S				155.4219.I
	Motor Vehicle/ Trailer Rental															P	P			P	P										P				155.4219.J
	Muffler/transmission sales and installation															S	P			P	P										P				155.4219.~~I~~K
	Parking deck or garage (as principal use)															P	P			P	P	P		P		P				P	P	P	P		155.4219.J~~K~~L
	Parking lot (as principal use)															P	P			P	P	P		P		P			P	P	P	P	P	P	155.4219.~~L~~M
	Taxi or limousine service facility																P			P	P										P				155.4219.~~M~~N

APPENDIX A: CONSOLIDATED USE TABLE

P = PERMITTED PRINCIPAL USE S = USE ALLOWED AS A SPECIAL EXCEPTION A = PERMITTED ACCESSORY USE
T = TEMPORARY USE ALLOWED WITH A TEMPORARY USE PERMIT = TEMPORARY USE ALLOWED WITHOUT TEMPORARY USE PERMIT BLANK CELL = PROHIBITED USE

USE CATEGORY (PRINCIPAL USES) AND/OR USE TYPE		RESIDENTIAL DISTRICTS												COMMERCIAL DISTRICTS						INDUSTRIAL DISTRICTS				SPECIAL DISTRICTS						PLANNED DEVELOPMENT DISTRICTS					USE-SPECIFIC STANDARDS
		RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I	
	Tire sales and mounting															S	P			P	P										P				155.4219.~~M~~O
	Truck/recreational vehicle/trailer repair and servicing																P			P	P										P				155.4219.~~N~~P
Office Uses	Contractor's office													~~S~~	~~P~~	~~P~~	P			P	P	P		P							P	P	P	P	155.4220.A
	~~Office building~~ Professional Office								S	S	S	S		P	P	P	P					P		P						P	P	P	P	P	155.4220.B
Retail Sales and Service Uses – Retail Sales	Thrift shop																P							P							P	P	P	P	155.4222.P
Warehouse and Freight Movement Uses	Warehouse, distribution or storage																S			P	P	P									P			P	155.4228.C
	~~Warehouse, storage~~																~~S~~			~~P~~	~~P~~	~~P~~									~~P~~			~~P~~	~~155.4228.D~~
Waste-Related Uses	~~Recycling drop-off center~~ Reserved															~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~S~~		~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	155.4229.F
	Solid waste transfer station																			~~S~~	P					S	P				P			P	155.4229.I
ACCESSORY USES AND STRUCTURES																																			
Canopy, ~~nonresidential~~ vehicular use														A	A	A	A	A	A	A	A	A	A	A		A				A	A	A	A	A	155.4303.E
Clothesline		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	A	A	~~A~~	A	~~A~~	~~A~~	A	A	~~A~~	A	A	A	155.4303.F

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T = Temporary Use Allowed with a Temporary Use Permit = Temporary Use Allowed Without Temporary Use Permit Blank Cell = Prohibited Use

Use Category (Principal Uses) and/or Use Type	Residential Districts												Commercial Districts						Industrial Districts				Special Districts						Planned Development Districts					Use-Specific Standards
	RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I	
Outdoor Storage (As an Accessory Use)														~~A~~	~~A~~	~~A~~ S	A		A	A										A			A	155.4303.W
Recycling drop-off stations								~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	A	A	A		A	A	A	A			A	A	A	A		A	A	A	A	155.4303.AA
Retail sales (as accessory ~~to manufacturing or warehouse~~ uses)																			A	A	A			A	A						A		A	155.4303.BB
Dormitory (As accessory to education use)															S	S							S		S				S	S	S	S	S	155.4303.II
Mechanical Equipment and similar features	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	155.4303.JJ
Uncovered porches, decks, patios, terraces, or walkways	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	155.4303.KK
Flagpoles	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	155.4303.LL
Lighting fixtures, projecting or freestanding	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	155.4303.MM
Gazebo	A	A	A	A	A	A	A	A	A	A	A	A					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	155.4303.NN
Temporary Uses and Structures																																		
Interim Commercial Use													I	I	I	I	I	I																155.4403.E
Interim Industrial Use																			I	I	I													155.4403.F

PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #12-072

DATE: October 31, 2012

TO: City Commission

FROM: Planning and Zoning Board/ Local Planning Agency

SUBJECT: Revisions to the newly adopted Zoning Code

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on October 24, 2012, the Board reviewed the proposed revisions to the code as set forth in Department of Development Services Administrative Report No. 12-469 and 12-480.

It is the unanimous recommendation of the Board that the revisions to the newly adopted Zoning Code be approved as set forth in the above referenced communications from Staff. .

Jim Beeson
Chairman
Planning and Zoning Board/ Local Planning Agency

dtk
10.31.2012

PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #12-081

DATE: December 10, 2012

TO: City Commission

FROM: Planning and Zoning Board/ Local Planning Agency

SUBJECT: Revisions to the newly adopted Zoning Code

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on November 28, 2012, the Board reviewed the proposed revisions to the code as set forth in Department of Development Services Administrative Report No. 12-521.

It is the unanimous recommendation of the Board that the revisions to the newly adopted Zoning Code be approved as set forth in the above referenced communications from Staff.

Jim Beeson
Chairman
Planning and Zoning Board/ Local Planning Agency

eje
12.10.2012

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MEMORANDUM

Development Services

MEMORANDUM NO. 12- 469

DATE: October 10, 2012

TO: Planning & Zoning Board

VIA: Robin M. Bird, Development Services Director

FROM: Karen Friedman, AICP, Planner

SUBJECT: 1st Round of Revisions - Revised Zoning Code

At the September 11, 2012 City Commission Hearing, the Commission adopted the Zoning Code prepared by Clarion Associates. The effective date of the adopted Zoning Code was made to be January 1, 2013. Staff requested this effective date to allow for revisions to be adopted. Over the past several months Staff has been reviewing applications based on the Code prepared by Clarion Associates. This allowed Staff to not only fully comprehend the format and layout of the code, but also to analyze revised regulations against real applications. As a result of this analysis, both substantive and non-substantive revisions have been prepared. The enclosed list describes all of the proposed revisions. Substantive revisions are highlighted in grey. Revisions that are non-substantive are not highlighted. While there are numerous pages affected by the revisions, it is important to note, the new code includes a significant amount of cross references. Each small change, therefore, frequently results in a ripple effect of changes throughout the code. n addition, Staff has included numerous pages without revisions in order to provide the context for the revisions.

Staff is requesting the Board approve these recommended changes to the City Commission for adoption of the proposed Zoning Code.

→ 12/14/12 Note to Commission ←
The page numbers listed in this memo do not refer to the page numbers in the final ordinance due to re-formatting.

G:\Zoning 2009\Special Projects\2009 Code Revision project\FINAL COPY\In-House Amendments to Clarion Code\Memo #12-469 P&Z Memo - First Round of Revisions to Revised Zoning Code.doc

Section Number	TOPIC	PAGE
	ARTICLE 2	
	Zoning Board of Appeals	
	Planning & Zoning Board	
	Post-Decision Actions / Extension of expiration	
155.2308.B.2.a	Require all extension requests to be submitted in writing 45 days before expiration date (per current code)	39
	Planned Development	
155.2405.E	Add in requirement to obtain flex or reserve units (per current code)	49 - 50
	Site Plan	
155.2407.B.1	Rewrite Major Site Plan thresholds into list format	53 - 54
155.2407.B.1	Remove Major Site Plan threshold for Community Facility	53
155.2407.B.3	Exempt Interim Uses from Site Planning (per current code)	54
155.2407.G.1.a. and b	Remove Major Site Plan Extension of Expiration language (it has been moved to 155.2308.B.2.a.i - v)	56 - 57
	Building Design	
155.2408.B.1	Rewrite Major Building Design thresholds into list format	58
155.2408.B.1	Remove Major Building Design threshold for Community facility	58
	Temporary Use Permit	
155.2412.B.1	Re-write applicability sections to clarify that if a Temporary Use is not listed in Article 4 it is required to obtain a Major Temporary Use Permit.	68

155.2412.E	Revise Review Standards to clarify that a Major Temporary Use has to comply with standards in Article 4 as well as general temporary use standards.	69
155.2412.F	Add in language that a Development Order is issued for an approved Temporary Use permit.	69
	Interim Use Permit	
155.2415.A	Revise Purpose to include Interim Industrial Uses (per current code)	72
155.2415.B	Revise Applicability to include Interim Industrial Uses (per Current Code)	72 - 73
155.2415.C.3	Revise Procedure to include clarify that only Interim Commercial Uses are eligible for a waiver. (per Current Code)	73
155.2415.C.7	Remove language about items that can be waived, as this is addressed in 155.2415.D.2	73
155.2415.D.1	Revise Standards to separate standards only applicable to Interim Commercial Uses (per Current Code)	73 - 74
155.2415.D.2	Revise Waivers to clarify it is only applicable to Interim Commercial Uses and to clarify which standards may be waived.	74
155.2415.G.2	Clarify that a Development Order is issued for an approved Interim Use Permit.	75
155.2415.G.2	Remove Extension of Expiration language (it has been moved to 155.2308.B.2.a.i - v)	75 - 76
	Variance	
155.2420.G.1and2	Clarify that a Development Order is issued for an approved Variance	79
	Administrative Adjustment	
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	Appeal	
155.2424.B	Add Sexually Oriented Business to applications that may be appealed. (per Current Code)	87
155.2424.D.3	Under Review Standards, add that for SOB's there is only one issue that may be appealed. (per Current Code)	88

Section Number	TOPIC	PAGE
	ARTICLE 3	
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155.3202.C	Add in Minimum Pervious Area for the Required Front Yard – 50%	5
155.3202.C	Remove footnotes for Accessory Structures and instead add language to refer to Article 4	5
155.3202.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	5
	RS-2	
155.3203.C	Add in Minimum Pervious Area for the Required Front Yard – 50%	6
155.3203.C	Remove footnotes for Accessory Structures and instead add language to refer to Article 4	6
155.3203.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	6
	RS-3	
155.3204.C	Add in Minimum Pervious Area for the Required Front Yard – 50%	7
155.3204.C	Remove footnotes for Accessory Structures and instead add language to refer to Article 4	7
155.3204.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	7
	RS-4	
155.3205.C	Add in Minimum Pervious Area for the Required Front Yard – 50%	8
155.3205.C	Remove footnotes for Accessory Structures and instead add language to refer to Article 4	8
155.3205.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	8
	RS-L	
155.3206.C	Add in Minimum Pervious Area for the Required Front Yard – 50% for Single Family Dwellings only	9
155.3206.C	Remove footnotes for Accessory Structures and instead add language to refer to Article 4	9
155.3206.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	9
	RD-1	
155.3207.C	Add in Minimum Pervious Area for the Required Front Yard – 50% for Single Family Dwellings only	10
155.3207.C	Remove footnotes for Accessory Structures and instead add language to refer to Article 4	10

155.3207.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	10
	RM-7	
155.3208.C	Add in Minimum Pervious Area for the Required Front Yard – 50% for Single Family Dwellings only	11
155.3208.C	Remove footnotes for Accessory Structures and instead add language to refer to Article 4	11
155.3208.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	11
	RM-12	
155.3209.C	Add in Minimum Pervious Area for the Required Front Yard – 50% for Single Family Dwellings only	13
155.3209.C	Remove footnotes for Accessory Structures and instead add language to refer to Article 4	13
	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	13
	RM-20	
155.3210.C	Add in Minimum Pervious Area for the Required Front Yard – 50% for Single Family Dwellings only	15
155.3210.C	Remove footnotes for Accessory Structures and instead add language to refer to Article 4	15
155.3210.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	15
	RM-30	
155.3211.C	Add in Minimum Pervious Area for the Required Front Yard – 50%	17
155.3211.C	Remove footnotes for Accessory Structures and instead add language to refer to Article 4	17
155.3211.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	17
	RM-45	
155.3212.C	Add in Minimum Pervious Area for the Required Front Yard – 50% for Single Family Dwellings only	19
155.3212.C	Remove footnotes for Accessory Structures and instead add language to refer to Article 4	19
155.3212.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	19
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155.3213.C	Remove all dimensional information for Accessory Structures and instead add language to refer to Article 4	21
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155.3215.C	Add language to refer to Article 4 for dimensional information for	23

	Accessory Structures	
155.3215.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	23
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155.3216.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	24
155.3216.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	24
155.3216.C	Revise footnote #5 to apply to building heights above 50 ft	24
	B-3	
155.3217.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	25
155.3217.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	25
155.3217.C	Revise footnote #5 to apply to building heights above 50 ft	25
	B-4	
155.3218.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	26
155.3218.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	26
	M-1	
155.3219.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	27
155.3219.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	27
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155.3220.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	28
155.3220.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	28
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155.3302.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	30
155.3302.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	30
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155.3303.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	31
155.3303.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	31
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155.3304.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	32
155.3304.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	32
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155.3305.C	Remove footnote stating street or waterway setbacks are in addition to regular setbacks	33
	TO	
155.3401.C	Remove FARs	34
155.3401.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	34
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155.3402.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	38
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155.3403.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	39
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155.3404.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	40
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155.3405.C	Add language to refer to Article 4 for dimensional information for Accessory Structures	41
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155.3505.F.2	Strike language about required minimum FAR's	51
	AOD – Prohibited Uses	
155.3603.C.2.a.xiii	Clarify that medical or dental clinics that provide overnight treatment are prohibited	58 - 59
	AOD – Mixed Use Standards	
155.3603.C.3.b.ii	Revise limit on residential mixed-use if entire ground floor in commercial (this is consistent with Comp Plan)	59

ARTICLE 4		
	Principal Use Classification System	
155.4101	Add language that was in Article 9 that describes the various use classifications and categories	1 - 5
	Standards Applicable to All Uses	
155.4201.B.1 thru 6	Create a list of standards that can be applicable to any Principal Use (therefore the standards do not have to be repeated throughout Article 4) including: Outdoor Storage, Outdoor Seating, Drive-Through Service, Alcoholic Beverage Establishments, Required Licenses, Flex or reserve Units	6
	Development with Multiple Principal Use Types	
155.4201.C	Add language from Article 9 that requires properties with multiple principal uses to comply with standards for each use.	6
	New and Existing Development	
155.4201.D.1	Moved language from the beginning of Article 4	7
	Certain Buffers Waived For Redevelopment Not requiring Major Site Plan	
155.4201.D.2	Add language that allows buffers in mixed use areas not requiring Major Site Plan	7
	Revise Principal Uses	
	Dwelling, Live/Work	
155.4202.A	Change name of use to Dwelling, Mixed Use (since use contains a nonresident component)	8
155.4202.A.1	Remove language requiring employees to live in residential portion	8
	Dwelling, upper story (above nonresidential use)	
155.4202.G	Change name of use to Dwelling, Mixed Use	10
155.4202.G.1	Allow use in SE, HC, MS and MU-D	11
	Family care home	
155.4202.H.2	Revise definition to include reference to FL SS 419.001 and to include this is a state-licensed use	11
155.4202.H.3.a	Remove standard requiring state-license (as now part of definition)	11
	Assisted living facility	
155.4203.A.2	Revise definition to include this is a state-licensed use	12
155.4203.A.3	Remove standard requiring state-license (as now part of definition)	12
	Community residential home	

155.4203.B.2	Revise definition to include reference to FL SS 419.001 and to include this is a state-licensed use	13
155.4203.B.3.b	Remove standard requiring state-license (as now part of definition)	13
	College or university	
155.4207.A.2	Revise definition to remove Dormitory	26
	School, elementary	
155.4207.B.2	Revise definition to remove Dormitory	26
	School, high	
155.4207.C.2	Revise definition to remove Dormitory	26
	School, middle	
155.4207.D.2	Revise definition to remove Dormitory	27
	Vocational or trade school	
155.4207.E.2	Revise definition to remove Dormitory	27
	Blood/tissue collection center	
155.4209.A.2	Revise definition to include this is a state-licensed use	29
155.4209.A.3	Remove standard requiring state-license (as now part of definition)	30
	Hospital	
155.4209.C.2	Revise definition to rewrite reference to state-license to be consistent with other definitions that refer to required state license	30
155.4209.C.3.c	Remove standard requiring state-license (since it is included in definition)	30
	Massage therapy establishment	
155.4209.D.2	Revise definition to include this is a state-licensed use and remove reference to SOB	31
155.4209.D.3	Remove standard requiring state-license (as now part of definition)	31
	Psychiatric treatment facility	
155.4209.E.1	Change from Permitted in the TC District	32
	Cemetery or mausoleum	
155.4210.B.2	Revise definition to include this is a state-licensed use	33
155.4210.B.3.d	Remove standard requiring state-license (as now part of definition)	33
	Community garden	
155.4210.D.2	Revise definition to include language about plots and common areas	34

155.4210.C.3.c	Revise standards to not permit retail sales for community gardens located in residential districts	34
	Civic center	
155.4211.A.3.c	Remove standard re: Alcoholic Beverage Establishment	35
	Halfway house	
155.4211.B.2	Revise definition to include that this is a state-licensed use	35
155.4211.B.3.b	Remove standard requiring state-license (as now part of definition)	36
	Lodge or Club	
155.4211.C.2	Revise definition to clarify use is not a nightclub, SOB, or sole purpose is to sell alcohol	36
155.4211.C.3	Remove standard re: Alcoholic Beverage Establishment	36
	Airport	
155.4212.E.3	Remove standard re: Alcoholic Beverage Establishment	38
	Transportation passenger station/terminal	
155.4212.G.3.b	Remove standard re: Alcoholic Beverage Establishment	38
	Pet hotel	
155.4214.D.2	Revise definition to remove regulatory information (which will now be a standard)	42
155.4214.D.3.b	Add standards about facility size and facility requirements, that were removed from definition	42
	Boat or marine parts sales and installation	
155.4215.B.3.a thru c	Add standards that repairs must be made indoors and vehicles must be kept in operable condition (per current code)	44
	Boat or marine repair and servicing	
155.4215.C.3.e	Remove standard re: Combining Uses	45
155.4215.C.3.e and f	Add standards that repairs must be made indoors and vehicles must be kept in operable condition (per current code)	45
	Marina	
155.4215.I.3.a and b	Remove standard re: Combining Uses	47
155.4215.I.3.c	Remove standard re: Alcoholic Beverage Establishments	47
	Yacht club	
155.4215.J.3	Remove standard re: Alcoholic Beverage Establishments	47
	Conference or training center	
155.4216.B.3.d	Remove standard re: Alcoholic Beverage Establishments	48
	Arena, stadium, or amphitheater	

155.4217.B.3.e	Remove standard re: Alcoholic Beverage Establishments	50 - 51
	Auditorium or theater	
155.4217.C.3	Remove standard re: Alcoholic Beverage Establishments	51
	Bowling alley or skating rink	
155.4217.D.3	Remove standard re: Alcoholic Beverage Establishments	51
	Gaming establishment	
155.4217.E.3	Remove standard re: Alcoholic Beverage Establishments	52
	Golf course	
155.4217.F.3	Remove standard re: Alcoholic Beverage Establishments	52
	Jai alai fronton	
155.4217.H.3.e	Remove standard re: Alcoholic Beverage Establishments	53
	Marine mammal park	
155.4217.I.3.e	Remove standard re: Alcoholic Beverage Establishments	53 - 54
	Motion picture theater	
155.4217.K.2	Revise definition to remove reference to outdoor movie theater	54
155.4217.K.3	Remove standard re: Alcoholic Beverage Establishments	54
	Racing facility, automobile or motorcycle	
155.4217.L.3.e	Remove standard re: Alcoholic Beverage Establishments	55
	Racing facility, dog or horse	
155.4217.M.3.e	Remove standard re: Alcoholic Beverage Establishments	55
	Racquet sports facility	
155.4217.N.3	Remove standard re: Alcoholic Beverage Establishments	56
	Other indoor commercial recreation/entertainment use	
155.4217.Q.3	Remove standard re: Alcoholic Beverage Establishments	56 - 57
	Other outdoor commercial recreation/entertainment use	
155.4217.R.2	Revise section to remove language about outdoor movie theater	57
155.4217.R.3	Remove standard re: Alcoholic Beverage Establishments	57
155.4217.R.3.a thru d	Add standards (minimum site size, frontage, access and required fencing) used for all outdoor commercial recreation uses	
	Bar or lounge	
155.4218.A.3.a and c	Remove both standards re: Alcoholic Beverage Establishments	58
155.4218.A.3.b	Remove standard re: Outdoor Seating	58
	Brewpub	

155.4218.B.2	Revise definition to add that this is an ABE use and the thresholds for this use versus a Brewery, Winery and Distillery	58
155.4218.B.3.a and c	Remove both standards re: Alcoholic Beverage Establishments	58
155.4218.B.3.b	Remove standard re: Outdoor Seating	58
	Hall for Hire	
155.4218.C.2	Revise definition to include types of functions allowed	58
155.4218.C.3.b	Remove standard re: Alcoholic Beverage Establishments	58
	Nightclub	
155.4218.D.2	Revise definition to remove that this use always serves alcohol and that this use is not a SOB	59
155.4218.D.3.a and c	Remove both standards re: Alcoholic Beverage Establishments	59
155.4218.D.3.b	Remove standard re: Outdoor Seating	59
	Restaurant	
155.4218.E.3.a and c	Remove both standards re: Alcoholic Beverage Establishments	60
155.4218.E.3.b	Remove standard re: Outdoor Seating	60
	Specialty eating or drinking establishment	
155.4218.F.3.a and c	Remove both standards re: Alcoholic Beverage Establishments	60
155.4218.F.3.b	Remove standard re: Outdoor Seating	60
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155.4219.A.3.f	Remove standard re: Outdoor Storage	61
155.4219.A.3.f and g	Add standards that repairs must be made indoors and vehicles must be kept in operable condition (per current code)	61
	Automotive parts sales and installation	
155.4219.B.3	Remove standard re: Outdoor Storage	62
155.4219.B.3.a thru c	Add standards that repairs must be made indoors and vehicles must be kept in operable condition (per current code)	62
	Automotive repair and maintenance facility	
[redacted]	[redacted]	
155.4219.C.3.f	Remove standard re: Outdoor Storage	63
155.4219.C.3.f and g	Add standards that repairs must be made indoors and vehicles must be kept in operable condition (per current code)	
155.4219.C.3.h thru j	Remove standards re: Combined Uses	63
155.4219.h.1	Revise districts to allow as special exception (per current code)	
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155.4219.F.2	Revise definition to clarify the use permits the washing of the exterior of a car	64
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155.4219.F.3.c	Add standard requiring overhead canopy	65
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155.4219.G.3.f thru h	Remove standards re: Combined Uses	65 - 66
	Motor vehicle/trailer sales or rental	
155.4219.H.3.d	Remove standard re: Combined Uses	66
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
155.4219.-remainder	Reformat remainder of uses to accommodate for new uses	
	Muffler/Transmission Sales and Installation	
155.4219.I.3.b and c	Remove standards re: Outdoor Storage	67
155.4219.I.3.b thru d	Add standards that repairs must be made indoors and vehicles must be kept in operable condition (per current code)	67
	Tire sales and mounting	
155.4219.M.3.b and c	Remove standards re: Outdoor Storage	69
155.4219.M.3.b thru d	Add standards that repairs must be made indoors and vehicles must be kept in operable condition (per current code)	69
	Truck/recreational vehicle/trailer repair and servicing	
155.4219.N.3.f	Remove standard re: Outdoor Storage	69-70
155.4219.N.3.f and g	Add standards that repairs must be made indoors and vehicles must be kept in operable condition (per current code)	69-70
	Contractor's office	
[redacted]	[redacted]	[redacted]
	Office building	
[redacted]	[redacted]	[redacted]
	Bank or financial institution	
155.4221.C.3.b	Remove standard re: Combined Use	72
155.4221.C.3.c	Remove standard re: Drive-Through Service	72

	Dry cleaning or laundry drop-off establishment	
155.4221.E.3	Remove standard re: Drive-Through Service	73
	Art gallery	
155.4222.B.3	Remove standard re: Alcoholic Beverage Establishment	75
	Convenience store	
155.4222.F.3	Remove standard re: Combining Uses	76
	Drug store or pharmacy	
155.4222.G.3	Remove standard re: Alcoholic Beverage Establishment	77
	Grocery store	
155.4222.J.3	Remove standard re: Alcoholic Beverage Establishment	78
	Liquor or package store	
155.4222.L.3	Remove standard re: Alcoholic Beverage Establishment	78
	Thrift shop	
155.4222.O.1	Permit as a limited use in B3 zones	79
155.4222.O.3	Add standard of minimum size and require single tenant for B3	80
	Retail sales establishment, large	
155.4222.P.3.b	Remove standard re: Alcoholic Beverage Establishment	80
	Other retail sales establishment	
155.4222.Q.3.b	Remove standard re: Alcoholic Beverage Establishment	80
	Self-storage or mini-warehouse facility	
155.4223.A.3.b.iv	Remove standard re: Combining Uses	81-82
155.4223.A.3.c.ii	Remove standard re: Outdoor Storage	81-82
	Sexually oriented business	
155.4224.A.3.a thru f	Revise definition by removing additional definitions for various establishments considered SOBs; Remove "Unlicensed Massage Establishment"; Add Escort Service or Agency; add in two premises types	82
155.4224.A.4	Revise separation table to remove column for more intense SOBs; remove distance requirement from Outdoor recreational facility; add in distance requirement from ABE	83
155.4224.A.4.b	Revise language for exterior observation	84
155.4224.A.4.c	Revise language for presentation in enclosed rooms	84
155.4224.A.4.d	Remove standard re: Alcoholic Beverage Establishment	84
155.4224.A.4.d.i	Add in language about Punitive Standards	85
155.4224.A.4.d.ii	Add in language about Appeal	85
	Apartment hotel	
155.4225.A.3.c	Remove standard re: Alcoholic Beverage Establishment	85

	Bed and breakfast inn	
155.4225.B.2	Revise definition to include that this is a state-licensed use	85
155.4225.B.3.e	Remove standard re: Alcoholic Beverage Establishment	86
	Hotel or motel	
155.4225.C.2	Revise definition to include that this is a state-licensed use	86
155.4225.C.3.c	Remove standard re: Alcoholic Beverage Establishment	86
	Electric motor repair	
155.4226.C.3	Remove standard re: Outdoor Storage	87
	Heavy equipment repair and servicing	
155.4226.G.3.e	Remove standard re: Outdoor Storage	88-89
	Heavy equipment sales, rental, or storage	
155.4226.H.3.f	Remove standard re: Combining Uses	89
	Machine shop	
155.4226.K.3	Remove standard re: Outdoor Storage	90
	Tool repair shop	
155.4226.P.3	Remove standard re: Outdoor Storage	91-92
	Brewery, winery, or distillery	
155.4227.C.2	Revise definition to include that this is a state-licensed use	93
155.4227.C.3.a	Remove standard requiring state-license (as this is now in the definition)	93
155.4227.C.3.b	Remove standard re: Outdoor Storage	93
155.4227.C.3.c	Remove standard re: Alcoholic Beverage Establishment	93
	Cement concrete batching plant	
155.4227.E.3.c	Remove standard re: Outdoor Storage	93
155.4227.E.3.d	Remove standard for outdoor storage area required to have hard surface, as this standard has been added to the Outdoor Storage standards	93
	Cement concrete or brick products manufacturing	
155.4227.F.3.c	Remove standard re: Outdoor Storage	94
155.4227.F.3.d	Remove standard for outdoor storage area required to have hard surface, as this standard has been added to the Outdoor Storage standards	94
	Manufacturing, assembly, or fabrication, heavy	
155.4227.J.3.a	Remove standard re: Outdoor Storage	96
	Outdoor storage (as a principal use)	
155.4228.A.2	Revise Definition to change "unroofed" to "not totally and	97

	permanently enclosed"	
155.4228.A.3.e	Add standard that all areas use for outdoor storage must have hard surface	97
	Truck or freight terminal	
155.4228.B.3.c	Remove standard re: Outdoor Storage	97
	Warehouse, distribution	
155.4228.C	Change name of use to Warehouse, Distribution and Storage	98
155.4228.C.1	Make Permitted in PD-I	98
155.4228.C.2	Revise definition to add storage	98
155.4228.C.3.c	Remove standard re: Outdoor Storage	98
	Warehouse, Storage	
155.4228.D	Delete use and combine with Warehouse, Distribution	98
	Construction and demolition debris disposal facility	
155.4229.A.3.a	Add in standard for 1,000 ft separation from like uses (per current code)	99
155.4229.A.3.c	Add in standard for paved ROW and 60 ft ROW (per current code)	99
	Junkyard or salvage yard	
155.4229.B.3.e	Add in standard for 1,000 ft separation from like uses (per current code)	100
155.4229.B.3.f	Add in standard for paved ROW and 60 ft ROW (per current code)	100
	Land clearing debris disposal facility	
155.4229.C.3.a	Add in standard for 1,000 ft separation from like uses (per current code)	100
155.4229.C.3.c	Add in standard for paved ROW and 60 ft ROW (per current code)	100
	Recovered materials processing facility	
155.4229.E.3.a	Add in standard for 1,000 ft separation from like uses (per current code)	101
155.4229.E.3.h	Add in standard for paved ROW and 60 ft ROW (per current code)	102
	Recycling Drop-Off center	
155.4229.F	Delete use	102
	Solid waste transfer station	
155.4229.G.3	Add in standard for 1,000 ft separation from like uses	102
155.4229.G.3.a	Add in standard for 1,000 ft separation from like uses (per current code)	103
155.4229.G.3.b	Add in standard for paved ROW and 60 ft ROW (per current	103

	code)	
	Tire disposal or recycling facility	
155.4229.H.3.e	Add in standard for 1,000 ft separation from like uses	103
155.4229.H.3.f	Add in standard for paved ROW and 60 ft ROW	103
	Waste composting	
155.4229.I.3.e	Add in standard for 1,000 ft separation from like uses	103-104
155.4229.I.3.f	Add in standard for paved ROW and 60 ft ROW	103-104
	Waste-to-energy plant	
155.4229.J.3.e	Add in standard for 1,000 ft separation from like uses	104
155.4229.J.3.f	Add in standard for paved ROW and 60 ft ROW	104
	Plant nursery, wholesale	
155.4230.A.3	Remove standard re: Outdoor Storage	105
	Showroom, wholesale	
155.4230.B.3.a	Remove standard re: Outdoor Storage	105
155.4230.B.3.b	Remove standard re: Alcoholic Beverage Establishment	105
	Other wholesale use	
155.4230.C.3	Remove standard re: Outdoor Storage	105
	Accessory Uses – Locations	
155.4302.B.2	Change section name to Prohibited locations and re-write section in list format so easier to read	106-107
	Required Setbacks, Maximum Height and other dimensional standards for Accessory Uses and Structures	
155.4302.B.3	Clarify that accessory uses should comply with principal building setbacks, unless their standard provides a different setback	107
	Bike Rack	
155.4303.D.3.a	Add in standard that they may be located in any setback	109
155.4303.D.3.b	Add in standard that they must comply with Article 5 standards for bicycle parking facilities	109
	Canopy, Nonresidential	
[redacted]		
	Fence or Wall	
155.4303.O.3	Add in standard that they must comply with Article 5 standards for fences and walls	114-115
	Greenhouse	

155.4303.Q.3.a	Add in standards for height and area	115
155.4303.Q.3.b	Add in standards for setbacks	115
	Outdoor Storage (Accessory)	
155.4303.W.2	Revise definition to clarify outdoor means an area that is not totally and permanently enclosed	120
[redacted]	[redacted]	[redacted]
155.4303.X.	Clarify standard	121
	Recycling Drop-Off Station	
[redacted]	[redacted]	[redacted]
	Retail Sales (As Accessory to manufacturing or Warehouse Uses)	
[redacted]	[redacted]	[redacted]
155.4303.BB.2	Revise definition to reflect name change	126
[redacted]	[redacted]	[redacted]
	Satellite Dish	
155.4303.CC.3.a.i	Remove standard that dish can not be located in front or street side yard (that restriction is in beginning of Accessory Uses section)	126
	Small-Wind Energy System	
155.4303.DD.3.a.i	Revise standard re: Setback to clarify which setbacks the system is permitted	127
	Storage Shed	
155.4303.FF.3.a	Add in standards for height and area	129-130
155.4303.FF.3.b	Add in standards for setbacks	130
	Swimming Pool	
155.4303.GG.3.b	Add in Setback for unenclosed pools	130
155.4303.GG.3.c	Add in setback for enclosed pools	130
155.4303.GG.3.d	Add standard for portable pools less than 24 inches	130
155.4303.GG.3.e	Add in standard re: Mechanical Equipment	130

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[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
	Interim Use	
155.4403.E	Rename to Interim Commercial Use	138
[redacted]	[redacted]	[redacted]
	ABE's	
155.4501	Revise table to remove duplicated information	140
155.4501	Revise minimum separation distances and measurement types to match those in current code	141
155.4501.B.2	Revise exception for AOD to clarify it is only for certain ABE's	141
[redacted]	[redacted]	[redacted]
155.4501.B.6	Revise exception for hotel bars to clarify same management	142
155.4501.B.11	Revise exception for anchor store to clarify it is for gross floor area	142
	Interpretation of Unlisted Uses	
155.4601	Add in language here that was removed from Article 9	142-144

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	Direct Access from Arterial and Collector Streets	
155.5101.G.3.a	Add in language prohibiting a driveway within 100 ft of intersection (per current code)	3
155.5101.G.3.a	Add in McNab Road and Blount Road (they are not shown on Trafficways Plan) (per current code)	3
155.5101.G.3.b.iii	Remove permissive language from requirement to access to from lower classified street	4
	Driveway Width	
[redacted]		
	Driveway Width – Single Family	
[redacted]		
	Minimum Number of Off-Street Spaces	
155.5102.D.1	Revise name of Dwelling, Upper Story to Dwelling, Mixed Use	16
155.5102.D.1	Remove reference to parking for campus residential facility	16
155.5102.D.1	Remove parking for Medical Treatment facility (no such use exists)	
155.5102.D.1	Add in parking standard for Hall For Hire	18
155.5102.D.1	Revise name of Office Building to Professional Office	18
155.5102.D.1	Revise name of Warehouse, distribution or storage	19
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155.5102.D.1	Add in parking standard for Furniture Stores (per current code)	20
	On-Street Parking	
155.5102.F	Add language to refer to City Code 100 for on-street parking standards	21
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[redacted]		
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	Tree Preservation, Exceptions	

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	Screening of Commercial Containers	
155.5301.C.3.a	Remove PVC as screening material option	70
	Fencing Required on Vacant Lots Along the Scenic Highway	
155.5302.C.1.b.ii	Add in revised language with picture of fence	71
	Lighting Requirements for Marine Turtle Protection	
155.5402.B.2.	Revise language to be consistent with Florida Fish and Wildlife Conservation Commission	78

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	Principal Use Classification System	
155.9301	Remove language from this location, and move to beginning of Article 4 – Now Section 155.4101	3 - 10
	Interpretation of Unlisted Uses	
155.9302	Remove language from this location, and move to end of Article 4 – Now Section 155.4601	10 - 11
	Pervious Area - Measurement	
[redacted]	[redacted]	[redacted]
	Maximum Height Exception	
155.9402.B.2 thru 6	Revise list of items in the Maximum Height Exceptions to remove items now included as Accessory Uses in Article 4 – mechanical equipment, chicken huts, small wind energy systems	14
	Allowable Yard Encroachments	
155.9402.C	Revise table to remove items that are now included as Accessory Uses in Article 4	14 - 15
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MEMORANDUM

Development Services

MEMORANDUM NO. 12-521

DATE: November 20, 2012

TO: Planning & Zoning Board

VIA: Robin M. Bird, Development Services Director

FROM: Karen Friedman, AICP, Planner

SUBJECT: Revised Zoning Code – Revision to include existing provisions for Harbour View and John Knox Village

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Over the past week, Planning Staff has determined there are two items that are currently included in the City's Zoning Code that Clarion did not properly address in the revised Zoning Code. Section 155.038, which restricts fences and landscaping for homes along the waterway in Harbour Drive, was completely omitted. Section 155.236, LAC District Standards for John Knox, was incorrectly drafted into the Code as a Planned District. Unfortunately since these two items were just discovered they were not included in the text amendments reviewed by the P& Z Board. Further, due to the history and significance of these two items, Staff would like them immediately added to the first round of revisions that were reviewed by the Board on October 24, 2012 and scheduled to be taken to the City Commission on December 11, 2012.

Staff is requesting the Board approve these recommended changes to the City Commission.

G:\Zoning 2009\Special Projects\2009 Code Revision project\1st Round of Revisions\P&Z 11-28-2012\Memo #12-521 P&Z Memo - HarbourView and LAC.doc

ARTICLE 1

***

155.1502 Transition to New Zoning Districts

***

TABLE 155.1502: TRANSITION TO NEW ZONING DISTRICTS	
FORMER ZONING DISTRICT	NEW ZONING DISTRICT [1]
***	
***	
LAC Local Activity Center	LAC Local Activity Center
***	
~~LAC Local Activity Center~~	~~LAC Local Activity Center~~
***	

***

ARTICLE 3

***

A. PURPOSE
The Local Activity Center (LAC) district is established and intended to support a balanced mix of land use characterized by compactness, pedestrian friendly design, neighborhood scale and framed by architecture and landscape design appropriate to local history and ecology. Development patterns within LAC Districts shall generally reflect planning and design principles such as walkable neighborhoods oriented around the five-minute walk, primary orientation towards public transit systems, a centrally located community-serving land use or land uses and greater integration of housing, employment; shopping and recreation at the neighborhood level.
B. USE STANDARDS
See Appendix A: Consolidated Use Table, and use-specific standards in Article 4: Use Standards. A list of Permitted and/or Prohibited Uses may be established during the LAC Rezoning process.
C. INTENSITY, DIMENSIONAL, AND DEVELOPMENT STANDARDS
Intensity, Dimensional, and Development Standards shall be established during the LAC Rezoning process and may include but not be limited to: Residential Density, Non-Residential Intensity, FAR, Floor Area Per Dwelling Unit, Lot Area, Lot Width, Lot Coverage, Pervious Area, Individual Building Size, Building Height, Setbacks, Access and Circulation, Off-street parking and loading, Landscaping, Fences and Walls, and Building Design.

D. Permitted Uses for LAC – John Knox Village

1. Permitted Use Categories

Unless prohibited in Article 4, or specifically prohibited/excepted below, all use types within the following Use Categories are Permitted in the property known as John Knox Village which was rezoned to LAC on September 23, 2008, via Ordinance 2008-59. The applicable use-specific standards in Article 4: Use Standards shall apply.

a. Household Living Uses;

b. Group Living Uses;

c. Community Service Uses;

d. Open Space Uses, except Cemetery or Mausoleum;

e. Eating and Drinking Establishments, except Nightclub;

f. Office Uses, except Contractor's Office;

g. Retail Sales and Service Uses – Personal Services;

h. Retail Sales and Service Uses – Retail Sales; and

i. Visitor Accommodation Uses.

2. Permitted Use Types

In addition to the use categories permitted in subsection 1 above, the following Use Types are Permitted in the property known as John Knox Village which was rezoned to LAC on September 23, 2008, via Ordinance 2008-59:

a. Medical or Dental Clinic; and

b. Nursing Home Facility.

3. Prohibited Uses

Use Categories and Types not listed as permitted in subsections 1 or 2 above, are prohibited in the property known as John Knox Village which was rezoned to LAC on September 23, 2008, via Ordinance 2008-59:

E. Intensity and Dimensional Standards for LAC – John Knox Village

The Intensity and Dimensional Standards as listed in Table 155.3507.E, Intensity and Dimensional Standards for LAC - John Knox Village, shall apply to the property known as John Knox Village which was rezoned to LAC on September 23, 2008, via Ordinance 2008-59.

TABLE 155.3507.E: INTENSITY AND DIMENSIONAL STANDARDS FOR LAC - JOHN KNOX VILLAGE

INTENSITY AND DIMENSIONAL STANDARDS [1]	
District area, minimum (gross acres)	68.5 [2]
Density, maximum	1,224 dwelling units [3]
Commercial Intensity, maximum (sq ft)	70,000
Recreation and Open Space Intensity, maximum (acres)	4.28
Lot coverage, maximum (% of lot area)	60%
Pervious area, minimum (% of lot area)	25%
Height, maximum (ft)	105 [4]
Setback abutting public right-of-way, minimum (ft)	25 [5]
Distance between residential structures, minimum (ft)	10 [6]
Dimensional Standards for Accessory Structures	See Accessory Use-Specific standards in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]
1. See measurement rules and allowed exceptions/variations in Article 9:Part 4 .
2. Net Acreage is 64.42 acres
3. Residential Density is limited to 674 high-rise units, 247 assisted dwelling units equivalents, 216 villas, and 87 garden apartments.
4. Lawful existing structures shall not be nonconforming.
5. Buildings over 50 feet, the setback shall increase one foot for every four feet of building height or major fraction thereof, above the first 50 feet of building height.
6. Buildings over 20 feet, the distance between residential structures shall increase one foot for every four feet of building height or major fraction thereof, above the first 20 feet of building height. There is no distance required between commercial structures.

***

A. PURPOSE

~~The Local Activity Center (LAC) district is established and intended to encourage compact development that includes a mix of community-serving uses (commercial, office, employment, institutional, residential, and recreation and open space). Development is characterized by efficient infrastructure, a close-knit neighborhood and sense of community, preservation of natural systems, promotion of pedestrian circulation, and convenient access to mass transit facilities. LAC districts are generally appropriate in areas designated by the Land Use Plan as Local Activity Center.~~

~~B. Use Standards~~	~~D. Development Standards~~
~~Principal uses allowed in the LAC district shall be established in the PD Plan. Uses shall be consistent with the comprehensive plan, other city-adopted plans, and the purpose of the LAC district, and shall comply with the use table in Appendix A: Consolidated Use Table, and the use-specific standards in Article 4: Use Standards.~~	~~The development standards in Article 5: Development Standards, shall apply to all development in LAC districts, but some development standards may be modified as part of the PD Plan if consistent with the general purposes of the LAC district and the comprehensive plan, and in accordance with the means of modification noted below.~~

~~C. Intensity and Dimensional Standards~~		~~Development Standard~~	~~Means of Modifying~~
~~District area, minimum (acres)~~	~~5[1]~~	~~Access and circulation~~	~~Specify in PD Plan~~
~~Density, maximum (du/ac)[2,3]~~	~~To be established in PD Plan—see Section 155.3602.A, PD Plan~~	~~Off-street parking & loading~~	~~Specify in Master Parking Plan~~
~~Floor area ratio (FAR), maximum~~		~~Landscaping[1]~~	~~Specify in Alternative Landscaping Plan~~
~~Lot area, minimum (sq ft)~~		~~Tree preservation~~	
~~Lot width, minimum (sq ft)~~		~~Screening~~	~~Specify in Alternative Screening Plan~~
~~Impervious surfaces, maximum (% of district area)~~		~~Fences and walls~~	~~Specify in Master Fencing Plan~~
		~~Exterior lighting~~	~~Specify in Master Lighting Plan~~
~~Individual building size, maximum (sq ft)~~		~~Multifamily residential design~~	~~Modifications prohibited~~
~~Building height, maximum(ft)~~		~~Commercial and mixed-use design~~	
~~Setbacks, minimum (ft)~~		~~Industrial design~~	
~~Setback from abutting RS zoning district or existing single-family dwelling use, minimum (ft)~~		~~Residential compatibility~~	
		~~Sustainable design~~	~~Specify in PD Plan~~
~~NOTES:~~ ~~1. May be waived by the City Commission on finding that creative site planning is necessary to address a physical development constraint, protect sensitive natural areas, or promote a community goal when more conventional development would result in more difficult or undesirable development.~~ ~~2. Residential development may not exceed the maximum gross density established by the Land Use Plan for the applicable land use classification.~~		~~Signage (Ch. 156, Sign Code)~~	~~Specify in Master Sign Plan~~
		~~NOTES:~~ ~~1. Internal uses shall not be required to provide perimeter buffers.~~	

~~**E. Application of LAC District Zoning**~~

~~An LAC district may be applied to land within one-quarter mile (1,320 feet) of one or more activity nodes, as designated in the Land Use Plan.~~

~~**F. Additional LAC District Standards**~~

~~**1. Use Mixing**~~

~~a. An LAC district shall be structured to provide a mix of pedestrian-oriented uses such as residential, retail, employment, civic, and recreational uses. Additional or stand-alone auto-oriented uses (e.g., gasoline filling stations, automotive repair and~~

~~servicing, automotive sales, car washes, self-storage facilities, large retail sales establishments, uses with drive-through service) are prohibited.~~

~~b. Parkland or other open space accessible to the public shall be a functional component of development in the district.~~

~~c. Affordable housing opportunities shall be a functional component of development in the district that may be achieved through various methods—including, but not limited to, accessory dwelling units, zero lot-line housing, vertical integration of residential units with nonresidential uses.~~

~~**2. Pedestrian Access and Circulation**~~

~~The district shall include a system of pedestrian walkways designed to provide safe and convenient direct access and connections to and between internal buildings, external sidewalk systems, internal or adjacent transit stops, internal or adjacent parks and open space areas, and internal or adjacent public or institutional buildings (e.g., library, community center). A system of bikeways providing similar access is also encouraged. Walkways and bikeways shall be spatially defined by buildings, trees, and lighting, and be designed to discourage high-speed traffic.~~

~~**3. Rehabilitation and Use of Historic Buildings**~~

~~An LAC district shall promote the rehabilitation and use of historic buildings within the district.~~

~~**4. Community Amenities**~~

~~Clearly defined community amenities accessible to the public (e.g., public plaza or similar outdoor gathering space) shall be located adjacent to and/or be integrated with any transit stops existing or planned within or adjoining the site. If no transit stop exists or is planned within or adjoining the site, community amenities shall be located in any area of high pedestrian activity (e.g., pedestrian "main street").~~

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ARTICLE 5

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155.5102 Off-Street Parking and Loading

***

D. Off-Street Parking Space Requirements

1. Minimum Number of Off-Street Parking Spaces

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TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES			
USE CATEGORY	USE TYPE		MINIMUM NUMBER OF PARKING SPACES [1,2,3]
Household Living Uses	***		
	Dwelling, multifamily [9]	Efficiency DUs	1 per DU
		DUs with 1 or 2 bedrooms	1.5 per DU
		DUs with 3+ bedrooms	2 per DU
	***		
***			
Health Care Uses	Medical or dental clinic [10]		1 per 300 sq ft
***			
***			
Retail Sales and Service Uses - Personal Services [11]	Art, music, dance, or martial arts studio/school		1 per 300 sq ft
	Artist's, photographer's, or musician's studio		

TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES			
USE CATEGORY	USE TYPE		MINIMUM NUMBER OF PARKING SPACES [1,2,3]
	Bank or financial institution		1 per 300 sq ft
	Crematory		1 + 1 per 4 persons of maximum occupancy capacity in assembly space
	Dry cleaning or laundry drop-off establishment		1 per 300 sq ft
	Fortune-telling establishment		1 per 300 sq ft
	Funeral home or mortuary		1 + 1 per 4 persons of maximum occupancy capacity in assembly space
	Laundromat		1 per 300 sq ft
	Lawn care, pool, or pest control service		
	Personal and household goods repair establishment		
	Personal services establishment		
	Tattoo or body piercing establishment		1 per 300 sq ft
Retail Sales and Service Uses - Retail Sales [11]	Antique store		1 per 300 sq ft
	Art gallery		1 per 300 sq ft
	Auction house		1 per 300 sq ft
	Book or media shop		
	Consignment shop		
	Convenience store		1 per 300 sq ft
	Drug store or pharmacy		1 per 300 sq ft
	Farmers' market		1 per 500 sq ft of sales area
	Flea market		
	Grocery store		1 per 300 sq ft
	Home and building supply center		
	Liquor or package store		1 per 300 sq ft
	Meat, poultry, or seafood market		1 per 300 sq ft
	Pawn shop		
	Thrift shop		
	Retail sales establishment, large		
	Shopping center [6]	Less than 25,000 sq ft	Sum of spaces required for each use
		25,000 – 400,000 sq ft	1 per 250 sq ft
		Greater than 400,000 sq ft	1 per 200 sq ft
	Other retail sales establishment		1 per 300 sq ft

NOTES: sq ft = square feet

***

9. For the LAC - John Knox Village, in connection with every multi-family residence of two or more families there shall be provided a minimum of one parking space for each dwelling unit regardless of type or number of bedrooms. Accessory spaces shall be provided throughout the - John Knox Village at a minimum of one space per four units.

10. For the LAC – John Knox Village, Medical or Dental Clinics shall provide one parking space for each 250 square feet, or fraction thereof, of floor area used for office purposes.

11. For the LAC – John Knox Village, Retail stores shall provide one parking space for each 350 square feet, or fraction thereof, of gross floor area.

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155.5203 LANDSCAPING

***

B. General Requirements for Landscaping

***

2. Installation

a. General

~~All landscaping shall be installed in a sound, workmanlike manner and in accordance with landscaping BMPs, Florida-friendly landscaping principles, and the standards in this section.~~

i. All landscaping shall be installed in a sound, workmanlike manner and in accordance with landscaping BMPs, Florida-friendly landscaping principles, and the standards in this section.

ii. Special Landscaping regulations for all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue)

On all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue) a site visibility area shall be provided as follows:

(A) The sight visibility area shall be that private property which lies 25 feet north and 25 feet south of the centerline of a canal and east of the east right-of-way line of Harbour Drive (NE 26th Avenue) to the edge of the permitted seawalls as they exist on November 25, 2003.

(B) No hedges or continuous plantings shall be constructed or maintained within the sight visibility area.

***

155.5302 Fences and Walls

***

D. Height Requirements for Fences and Walls

***

5. Fences and Walls Adjacent to Waterways

Where a lot abuts a canal or waterway, fences and walls adjacent to the canal or waterway shall comply with the following standards:

a. Within Rear Yard Corner Triangle

Except as otherwise provided in subsection e below, ~~Where~~ where the rear lot line abuts the canal or waterway, no fence, wall, or other obstruction greater than three feet high shall be located within the triangular land area formed by the intersection of the rear lot line with an interior side lot line not abutting a canal or waterway—with two sides of the triangle running along the rear and interior lot lines and being equal in length to the minimum rear yard depth, and the third side being a line connecting the ends of the other two sides—provided that a fence in such area may be as high as 42 inches if it is 66 percent see-through and may be as high as six feet if it is at least 75 percent see-through. (See Figure 155.5302.D.5.a: Rear yard corner triangle.) through and may be as high as six feet if it is at least 75 percent see-through. (See Figure 155.5302.D.5.a: Rear yard corner triangle.)

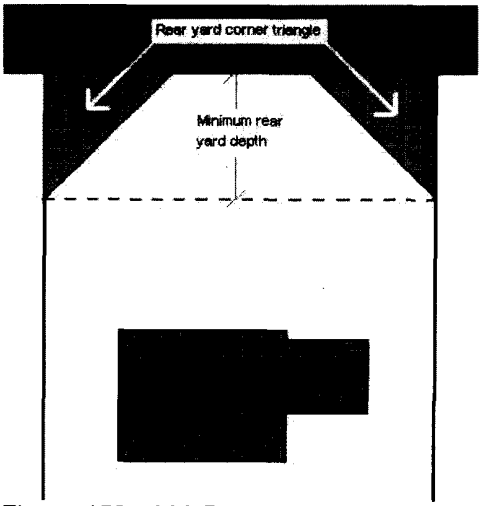

Figure 155.5302.D.5.a: Rear yard corner triangle

***

e. On all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue)

On all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue) a site visibility area shall be provided as follows:

i. The sight visibility area shall be that private property which lies 25 feet north and 25 feet south of the centerline of a canal and east of the east right-of-way line of Harbour Drive (NE 26th Avenue) to the edge of the permitted seawalls as they exist on November 25, 2003.

ii. No walls or fences shall be constructed or maintained within the sight visibility area.