

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 155.2401, "OVERVIEW," TO PROVIDE REQUIREMENTS FOR AND CONDITIONS OF A UNITY OF TITLE AGREEMENT; BY AMENDING SECTION 155.2407, "SITE PLAN," TO AMEND CERTAIN CONDITIONS WHICH NECESSITATE A MAJOR SITE PLAN; BY AMENDING SECTION 155.2408, "BUILDING DESIGN," AUTHORIZING THE ARCHITECTURAL APPEARANCE COMMITTEE THE AUTHORITY TO GRANT DEVIATIONS FOR CERTAIN MAJOR BUILDING DESIGN REQUIREMENTS; PROVIDING STANDARDS FOR APPROVAL OF MINOR AND MAJOR BUILDING DESIGNS; BY AMENDING SECTION 155.2412, "TEMPORARY USE PERMIT," TO MODIFY REQUIRED FINDINGS FOR GRANTING TEMPORARY USE PERMIT; BY AMENDING SECTION 155.2414, "ZONING USE CERTIFICATE," TO PROVIDE FOR APPEAL AND REVOCATION OF A ZONING USE CERTIFICATE; BY AMENDING SECTION 155.2420, "VARIANCE," TO PROVIDE TIME CERTAIN TO RECORD VARIANCE AND TO PROVIDE PROOF OF RECORDATION; AMENDING EFFECTIVE DATE OF APPROVAL; AMENDING TERMS OF EXPIRATION; BY AMENDING SECTION 155.2421, "ADMINISTRATIVE ADJUSTMENT," TO MODIFY TABLE TO CONFORM TO CHANGES PROVIDED FOR IN THIS ORDINANCE; BY AMENDING SECTION 155.2423, "INTERPRETATION," TO ALTER STANDARDS USED TO CLARIFY UNSPECIFIED USES, AND TO MODIFY INTERPRETATIONS SUBJECT TO APPEAL; BY AMENDING SECTION 155.2424, "APPEAL," TO PROVIDE FOR DECISIONS RELATING TO ZONING USE CERTIFICATES TO BE APPEALED TO THE ZONING BOARD OF APPEALS; BY AMENDING SECTION 155.2433, "NONCONFORMING CERTIFICATE," TO PROVIDE NONCONFORMING CERTIFICATES, PROCEDURE AND REVIEW STANDARDS; BY AMENDING SECTION 155.3203, "SINGLE-FAMILY RESIDENCE 2 (RS-2)," TO PROVIDE FOR AN EXCEPTION TO MAXIMUM HEIGHT IN SAID DISTRICT; BY AMENDING SECTION 155.3205, "SINGLE-FAMILY RESIDENCE 4 (RS-4)," 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)," AND SECTION 155.3212, "MULTIPLE-FAMILY RESIDENCE 45 (RM-45)," TO PROVIDE SIDE YARD SET BACK FOR ZERO-LOT-LINE SINGLE FAMILY DWELLINGS; BY AMENDING SECTION 155.3302, "LIMITED BUSINESS (B-1)," SECTION 155.3303, "COMMUNITY BUSINESS (B-2)," AND SECTION 155.3304, "GENERAL BUSINESS (B-3)," TO PROVIDE FOR INTENSITY AND DIMENSIONAL STANDARDS FOR FREE-STANDING BUILDINGS IN SAID DISTRICTS; BY AMENDING SECTION 155.3502, "PARKS

AND RECREATION (PR)," SECTION 155.3503, "COMMUNITY FACILITIES (CF)," SECTION 155.3504, "PUBLIC UTILITIES (PU)," AND SECTION 155.3505, "TRANSPORTATION (T)," TO DELETE REQUIREMENT FOR ADDITIONAL SET BACK FROM WATERWAY OR DUNE VEGETATION LINE; BY AMENDING SECTION 155.3603, "RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)," TO PROVIDE CERTAIN HEIGHT EXCEPTIONS IN SAID ZONING DISTRICT; BY AMENDING SECTION 155.3703, "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO REVISE LIST OF PROHIBITED PRINCIPAL USES IN SAID ZONING DISTRICT; BY AMENDING SECTION 155.3705, "COMMUNITY REDEVELOPMENT AREA OVERLAY (CRAO) DISTRICT," TO REVISE LIST OF PROHIBITED PRINCIPAL USES IN THE HISTORIC DOWNTOWN CORE OVERLAY DISTRICT AND HISTORIC DOWNTOWN TRANSITIONAL AREA OVERLAY DISTRICT; BY AMENDING SECTION 155.4201, "GENERAL," TO DEFINE PROHIBITED HAZARDOUS SUBSTANCES; BY AMENDING SECTION 155.4202, "RESIDENTIAL: HOUSEHOLD LIVING USES," TO CHANGE ZONING DISTRICTS WHERE SINGLE FAMILY ZERO LOT LINE DWELLINGS ARE PERMITTED; BY AMENDING SECTION 155.4206, "INSTITUTIONAL: DAY CARE USES," TO REVISE DEFINITION OF CHILD CARE FACILITY; BY AMENDING SECTION 155.4215, "COMMERCIAL: BOAT AND MARINE SALES AND SERVICE USES," TO PROVIDE FOR STANDARDS APPLICABLE TO BOAT AND MARINE SALES AND SERVICES; PROVIDING FOR ZONING DISTRICTS WHERE BOAT OR MARINE PARTS SALES WITHOUT INSTALLATION ARE PERMITTED; REVISING STANDARDS FOR AND ZONING DISTRICTS WHERE BOAT OR MARINE REPAIR AND SERVICING AND BOAT SALES OR RENTAL ARE PERMITTED; BY AMENDING SECTION 155.4219, "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES," TO REVISE AND CREATE VARIOUS AUTOMOTIVE RELATED USES INCLUDING DISTRICTS WHERE PERMITTED, DEFINITIONS AND STANDARDS; BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO PROVIDE PERMITTED DISTRICTS AND STANDARDS FOR FLEA MARKETS; BY AMENDING SECTION 155.4223, "COMMERCIAL: SELF-SERVICE STORAGE USES," TO MODIFY STANDARDS FOR STORAGE OF RECREATIONAL VEHICLES AND BOATS; BY AMENDING SECTION 155.4227, "INDUSTRIAL: MANUFACTURING AND PRODUCTION USES," TO AMEND DEFINITION OF MANUFACTURING, ASSEMBLY OR HEAVY FABRICATION; BY AMENDING SECTION 155.4228, "INDUSTRIAL: WAREHOUSING AND FREIGHT MOVEMENT USES," TO REVISE DISTRICTS WHERE PERMITTED, DEFINITION AND STANDARDS FOR WAREHOUSE, DISTRIBUTION AND STORAGE AND PROVIDING DISTRICTS WHERE PERMITTED, DEFINITION AND STANDARDS FOR JUNK YARD OR SALVAGE YARD; BY AMENDING SECTION 155.4229, "INDUSTRIAL: WASTE-RELATED SERVICE USES," TO PROVIDE FOR PURPOSE, DISTRICTS WHERE PERMITTED, DEFINITION, AND STANDARDS FOR WASTE-RELATED SERVICES AND DELETING ALL OTHER PROVISIONS; BY AMENDING SECTION 155.4302, "GENERAL," TO ADD ADDITIONAL PROHIBITED LOCATIONS FOR ACCESSORY USES AND STRUCTURES; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO REVISE STANDARDS

FOR PLACEMENT OF BIKE RACKS, VEHICULAR AREA CANOPIES, ELECTRIC VEHICLE CHARGING STATIONS, FENCES AND WALLS, GARAGE OR CARPORT, OUTDOOR STORAGE, MOTOR VEHICLES, RECREATIONAL VEHICLES, BOATS AND TRAILERS IN RESIDENTIAL ZONING DISTRICT, RAINWATER CISTERNS, RECYCLING DROP-OFF STATIONS, SWIMMING POOLS, SPAS OR HOT TUBS, MECHANICAL EQUIPMENT AND SIMILAR FEATURES, UNCOVERED PORCHES, PATIOS, TERRACES AND WALKWAYS, FLAGPOLES, LIGHTING FIXTURES, PROJECTING OR FREE-STANDING, AND GAZEBO; PROVIDING FOR DEFINITIONS OF HOME BASED BUSINESSES AND RECYCLING DROP-OFF STATIONS; PROVIDING FOR DISTRICTS WHERE PERMITTED, DEFINITION AND STANDARDS FOR SCREENED ENCLOSURES WITH SCREENED ROOF; BY AMENDING SECTION 155.4402, "GENERAL," TO DELETE GENERAL STANDARDS FOR TEMPORARY USES AND STRUCTURES AND REVISING ABBREVIATIONS USED IN SECTION; BY AMENDING SECTION 155.5101, "ACCESS AND CIRCULATION," TO UPDATE REFERENCES, AND PROVIDE FOR SIGHT TRIANGLES; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO REVISE OFF-STREET PARKING SPACE REQUIREMENTS; BY AMENDING SECTION 155.5203, "LANDSCAPING," TO REVISE HEIGHT OF PLANT MATERIAL FOR PROPERTIES ABUTTING EAST HARBOR DRIVE; TO MODIFY APPLICABILITY , TYPES AND STANDARDS FOR BUFFERS; BY AMENDING SECTION 155.5301, "SCREENING," TO ADDRESS APPLICABILITY FOR COMMERCIAL CONTAINERS; BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO PROHIBIT FENCES ON SEAWALLS AND REVISING APPEARANCE REQUIREMENTS FOR FENCES; BY AMENDING SECTION 155.5401, "GENERAL EXTERIOR LIGHTING STANDARDS," TO REVISE EXEMPTIONS FROM GENERAL APPLICABILITY TO EXTERIOR LIGHTING REQUIREMENTS; BY AMENDING SECTION 155.5601, "MULTIFAMILY RESIDENTIAL DESIGN STANDARDS," TO REQUIRE DEVELOPMENT REQUIRING MAJOR BUILDING DESIGN APPROVAL TO COMPLY WITH SAID SECTION; BY AMENDING SECTION 155.5602, "COMMERCIAL AND MIXED-USE DESIGN STANDARDS," TO IMPOSE DESIGN STANDARDS UPON INSTITUTIONAL DEVELOPMENT; AND MODIFYING CERTAIN DESIGN STANDARDS; BY AMENDING SECTION 155.5603, "INDUSTRIAL DESIGN STANDARDS," TO REVISE APPLICABILITY OF INDUSTRIAL DESIGN STANDARDS; BY AMENDING SECTION 155.5604, "RESIDENTIAL COMPATIBILITY STANDARDS," TO ALTER APPLICABILITY AND STANDARDS REQUIRED BY SECTION FOR TRANSITION BETWEEN CERTAIN DEVELOPMENT; BY AMENDING SECTION 155.7101, "PURPOSE AND SCOPE," TO DEFINE NONCONFORMING USE, STRUCTURE, LOT AND SITE FEATURE; BY DELETING SECTION 155.7105, "MINOR REPAIRS AND MAINTENANCE," IN ITS ENTIRETY; BY AMENDING SECTION 155.7106, "CHANGE OF TENANCY OR OWNERSHIP TO RENUMBER SAID SECTION; BY AMENDING SECTION 155.7205, "CONFORMING STRUCTURE USED FOR NONCONFORMING USE," TO ALLOW FOR CERTAIN MINOR REPAIRS AND MAINTENANCE TO REFERENCED NONCONFORMITIES; BY AMENDING SECTION 155.7302, "ENLARGEMENT OR ALTERATION," TO PROVIDE CERTAIN ENLARGEMENT OR EXPANSION OF NONCONFORMING

STRUCTURES; BY AMENDING SECTION 155.7502, "APPLICABILITY," TO REVISE COMPLIANCE APPLICABILITY FOR CERTAIN NONCONFORMING SITE FEATURES; BY AMENDING SECTION 155.8101, "PURPOSE," TO REVISE STATED PURPOSE OF ARTICLE ON ENFORCEMENT; BY AMENDING SECTION 155.8301, "RESPONSIBILITY FOR ENFORCEMENT," TO REVISE OFFICIALS DESIGNATED TO ENFORCE ZONING CODE AND THEIR RESPONSIBILITIES; BY DELETING SECTION 155.8302, "COMPLAINTS REGARDING VIOLATIONS," IN ITS ENTIRETY; BY AMENDING SECTION 155.8303, "INSPECTIONS," TO MODIFY INSPECTION AUTHORITY; BY AMENDING SECTION 155.8304, "ENFORCEMENT PROCEDURE," TO REVISE METHODS AND PROCEDURES OF ENFORCEMENT OF ZONING CODE; BY AMENDING SECTION 155.8401, "GENERAL," TO ADD REMEDIES AND ENFORCEMENT POWERS FOR ENFORCEMENT OF ZONING CODE; BY AMENDING SECTION 155.8402, "CIVIL REMEDIES," TO ADD CONDITIONS WHEN ZONING USE CERTIFICATE MAY BE REVOKED; PROVIDING FOR LEGAL REMEDIES; BY AMENDING SECTION 155.8403, "CRIMINAL PENALTIES," TO REVISE AVAILABLE PENALTIES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY ADDING AND REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; 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 immediately upon passage.

PASSED FIRST READING this 9th day of July, 2013.

PASSED SECOND READING this 23rd day of July, 2013.



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

ARTICLE 2 ADMINISTRATION

PART 4 APPLICATION-SPECIFIC REVIEW PROCEDURES

155.2401. OVERVIEW

C. Unity of Title Agreement.

In conjunction with the submittal of an application for a development permit when it is deemed necessary for compliance with standards in this Code for the owner of adjacent lots or parcels to execute an agreement whereby such lots or parcels shall be considered an undivided parcel for zoning purposes, a "unity of title agreement" shall be required to be executed by the owner and recorded in the public records of Broward County. This agreement shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the owner.

155.2407 SITE PLAN

B. APPLICABILITY

1. Major Site Plan

b. Institutional Use ~~(Excluding property owned by the City)~~, Commercial Use, and Industrial Use

- 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 lot coverage of such existing development by more than 25%, or that increases the~~ gross floor area of the primary building of such existing development by more than 25%.

c. ~~Institutional Use (Property owned by the City)~~, regardless of use type and Brownfield designation

d. Redevelopment of a property located within the City's designated Brownfield Area or property that has been designated a Brownfield site

- 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 lot coverage of such existing development by more than 37.5%, or that increases the~~ gross floor area of the primary building of such existing development by more than 37.5%.

155.2408 BUILDING DESIGN

B. APPLICABILITY

1. Major Building Design

b. Institutional Use ~~(Excluding property owned by the City)~~, Commercial Use, and Industrial Use

- 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 lot coverage of such existing development by more than 25%, or that increases the~~ gross floor area of the primary building of such existing development by more than 25%.

- c. Institutional Use (Property owned by the City), regardless of use type and Brownfield designation

- d. **Redevelopment of a property located within the City's designated Brownfield Area or property that has been designated a Brownfield site**

- 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 lot coverage of such existing development by more than 37.5%, or that increases the gross floor area of the primary building of such existing development by more than 37.5%.

C. MAJOR BUILDING DESIGN APPROVAL PROCEDURE

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

Applicable to a final decision by the AAC (See Section 155.2307.). Except that the AAC may, in conjunction with approval of a Major Building Design application, waive certain standards in accordance with Section 155.2408.F, Major Building Design – Vernacular Alternative.

E. BUILDING DESIGN APPROVAL REVIEW STANDARDS

An application for Major Building Design or Minor Building Design shall be approved only on a finding that there is competent substantial evidence in the record that the exterior design and appearance of the proposed building or structure:

1. Complies with the applicable design standards in Section 155.3703.F and Article 5;
2. Complies with any approved design guidelines that are applicable to the area or type of structure, including the adopted AAC Supplemental Criteria; and
4. Additionally, any application for Minor Building Design not required to comply with the Design Standards in Part 6 of Article 5, shall be approved only on a finding that there is competent substantial evidence in the record that the exterior design and appearance of the building or structure is cohesive, consistent, and complimentary to the existing vernacular design.

F. MAJOR BUILDING DESIGN – VERNACULAR ALTERNATIVE

1. In conjunction with approval of an application for Major Building Design, the AAC may grant requested deviations for buildings and development which, due to their vernacular design, may not be able to comply with the strict application of the design standards listed in Sections 155.3703.F.7, 155.5601, 155.5602, and 155.5603. However, in no case shall the AAC grant a deviation from the following standards:

a. Multifamily Residential Design Standards

- i. 155.5601.C.2, Maximum Building Size
- ii. 155.5601.C.7, Location of Off-Street Parking
- iii. 155.5601.C.8, Outdoor Activity Areas

b. Commercial, Institutional and Mixed-Use Development Design Standards

- i. 155.5602.C.1, Business Activities to be Conducted in Enclosed Buildings
- ii. 155.5602.C.10, Loading, Service, and Equipment Areas
- iii. 155.5601.D, Large Retail Establishment Design Standards

c. Industrial Development Design Standards

- i. 155.5603.E, Façade Articulation
- ii. 155.5603.H, Building Façade Materials

d. 155.5604, Residential Compatibility Standards

2. The applicant must present competent substantial evidence that the vernacular design achieves the purpose and intent of the applicable standards in Part 6 of Article 5. Competent substantial evidence shall be supported by published material defining the design vernacular and style, or superior design.
3. A development that otherwise meets the applicability for Minor Building Design approval, but requests a waiver from the design standards in subsection 1 above, shall only seek the Vernacular Alternative waiver through the Major Building Design procedure.

F.G. APPEAL

G.H. EFFECT OF APPROVAL

H.I. EXPIRATION

155.2412. TEMPORARY USE PERMIT

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 relevant standards in Part 4 (Temporary Uses and Structures) of Article 4: Use Standards, a Major Temporary Use Permit shall be approved only on a finding that the temporary use,~~ as proposed:

1. Is on its face temporary in nature;
- ~~4~~ 2. Is in harmony with the spirit and intent of this Code;
- ~~2~~ 3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
- ~~3~~ 4. Does not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
- ~~4~~ 5. Is compatible with any principal uses on the site;
- ~~5~~ 6. 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
7. Complies with all applicable use-specific standards in Section 155.4403;
- ~~6. Is compatible with CPTED standard for natural surveillance, natural access control, territorial reinforcement, and maintenance.~~

155.2414. ZONING USE CERTIFICATE

F. APPEAL

A party aggrieved by the decision rendered by the Development Services Director may appeal the decision to the ZBA in accordance with the procedures in Section 155.2424, Appeal.

G. REVOCATION

A Zoning Use Certificate may be revoked in accordance with the procedures in Section 155.8402.B.2, Revocation of Zoning Use Certificate.

155.2420. VARIANCE

E. RECORDATION

~~When 14 days has passed since an application for a Variance is approved, the Development Services Director shall provide the applicant a written notice of the development order approving the Variance. The notice shall identify the site, the nature of the Variance, approved plans and documents, and any conditions of approval. The~~ Within 45 calendar days of the date of Variance approval the applicant shall file a copy of the written notice of approval issued per Section 155.2308.A, Notice of Decision, with the Broward County Records Division for recording, and shall provide proof of recording to the Development Services Director before issuance of a Zoning Compliance Permit. Proof of recordation must be provided to the City by the applicant.

F. 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 the~~ written notice of the Variance has been recorded in accordance with Section ~~155.2420.F~~ 155.2420.E, Recordation.

3. Unless it expires in accordance with Section ~~155.2420.H~~, 155.2420.G Expiration, an approved and recorded Variance—including any approved plans and document, and conditions of approval—shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

G. EXPIRATION

1. Approval of a Variance shall automatically expire if the applicant does not record the written decision of the Variance ~~with the Broward County Records Division within 45 days after the date the Variance is approved in compliance with Section, 155.2420.E, Recordation.~~ This expiration period may not be extended in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.
2. A recorded Variance shall automatically expire and become invalid if a Zoning Compliance Permit is not obtained for the development for which the Variance was granted within ~~six months~~ two years after the date of Variance approval, or an extension of this time period authorized in accordance with Section 155.2308.B.2, Extension of Expiration Time Period. In such a case, the Development Services Director shall file a written notice of the Variance's expiration with the Broward County Records Division for recording.

155.2421. ADMINISTRATIVE ADJUSTMENT

B. APPLICABILITY**1. General**

TABLE 155.2421.B.I: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS		
STANDARD	MAXIMUM ALLOWABLE EXTENT OF ADJUSTMENT	
	MINOR ADMINISTRATIVE ADJUSTMENT (All Zoning Districts)	MAJOR ADMINISTRATIVE ADJUSTMENT (AOD, TO, CRAO, and Commercial)

	DEVELOPMENT WITHIN ATLANTIC BOULEVARD OVERLAY DISTRICT OR REDEVELOPMENT OF BROWNFIELD SITE WITHIN DESIGNATED BROWNFIELD AREA	OTHER DEVELOPMENT	

Maximum façade offset spacing or depth	10%	5%	20%
Maximum Architectural Variation	10%	5%	20%
Minimum roof pitch, parapet wall height, or roofline variation spacing	10%	5%	20%

Minimum percentage of façade fenestration	10%	5%	20%

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 developments located in a Nonresidential district are eligible to apply for a Major Administrative Adjustment. The limit of a Major Administrative Adjustment is shown in Table 155.2421.B.1, Allowable Administrative Adjustments.

155.2423. INTERPRETATION

D. INTERPRETATION STANDARDS

2. Unspecified Uses

Interpretation of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district shall be based on the standards in Part 3 (Use Classifications and Interpretation) of Article 9: Definitions and Interpretation, Section 155.4101 (Principal Use Classification System) and Section 155.4601 (interpretation of Unlisted Uses), and the comprehensive plan.

E. APPEAL

A party aggrieved by the written interpretation rendered by the Development Services Director which authorizes a development order or prohibits specific development at a particular property or site may appeal the decision to the ZBA in accordance with the procedures in Section 155.2424, Appeal. Written interpretations rendered by the Development Services Director that do not authorize or prohibit specific development at a particular property shall not be appealed.

155.2424. APPEAL

B. RIGHT TO APPEAL

1. Parties aggrieved by a final decision by the Development Services Director.

e. Utility receipts and/or record.

2. Nonconforming Structure

All evidence must reflect that the structure was constructed and or developed in accordance with an approved development order and may include the following:

- a. An approved Development Order;
- b. A previously approved Nonconforming Certificate;
- c. A survey at the time of structure was constructed or developed;
- d. A recent survey;
- e. An approved site plan, landscape plan, or permit plan.

E. EFFECT OF APPROVAL

An approved Nonconforming Certificate establishes that a nonconforming use, nonconforming structure, or nonconforming lot was lawfully established and lawfully exists.

ARTICLE 3

PART 2 RESIDENTIAL BASE ZONING DISTRICTS

155.3203. SINGLE-FAMILY RESIDENCE 2 (RS-2)

C. INTENSITY AND DIMENSIONAL STANDARDS	

Height, maximum (ft)	35 ⁵

Notes:	

5. <u>The maximum height may be increased to 40 feet where the lowest structural member of a building must be 14.5 feet or more above National Geodetic Vertical Datum of 1929 (N.G.V.D.).</u>	

155.3205. SINGLE-FAMILY RESIDENCE 4 (RS-4)

C. INTENSITY AND DIMENSIONAL STANDARDS	

Notes:	

3. <u>For zero-lot-line developments with zero-lot-line single family dwellings,</u> 0 ft along the zero lot line and 15 ft for the opposite interior side lot line.	

155.3208. MULTIPLE-FAMILY RESIDENCE 7 (RM-7)

C. INTENSITY AND DIMENSIONAL STANDARDS	

Notes:	

5. <u>For zero-lot-line developments with zero-lot-line single family dwellings,</u> 0 ft along the zero lot line and 15 ft for the opposite interior side lot line.	

155.3209. MULTIPLE-FAMILY RESIDENCE 12 (RM-12)

C. INTENSITY AND DIMENSIONAL STANDARDS	

Notes:	

5. <u>For zero-lot-line developments with zero-lot-line single family dwellings,</u> 0 ft along the zero lot line and 15 ft for the opposite interior side lot line.	

155.3210. MULTIPLE-FAMILY RESIDENCE 20 (RM-20)

C. INTENSITY AND DIMENSIONAL STANDARDS

Notes: *** 5. For zero-lot-line developments <u>with zero-lot-line single family dwellings</u> , 0 ft along the zero lot line and 15 ft for the opposite interior side lot line.

155.3211. MULTIPLE-FAMILY RESIDENCE 30 (RM-30)

C. INTENSITY AND DIMENSIONAL STANDARDS

Notes: *** 6. For zero-lot-line developments <u>with zero-lot-line single family dwellings</u> , 0 ft along the zero lot line and 15 ft for the opposite interior side lot line.

155.3212. MULTIPLE-FAMILY RESIDENCE 45 (RM-45)

C. INTENSITY AND DIMENSIONAL STANDARDS

Notes: *** 7. For zero-lot-line developments <u>with zero-lot-line single family dwellings</u> , 0 ft along the zero lot line and 15 ft for the opposite interior side lot line.

PART 3 COMMERCIAL BASE ZONING DISTRICTS

155.3302. LIMITED BUSINESS (B-1)

<u>D. INTENSITY AND DIMENSIONAL STANDARDS FOR FREE-STANDING RESIDENTIAL BUILDINGS</u>		
<u>Free-standing Residential Buildings shall comply with the following dimensional standards. Standards not listed below, including lot coverage, pervious area and building height, shall be as required in Section 155.3302.C above.</u>		
<u>Lot Area, maximum (acre)</u>	<u>5</u>	
<u>Lot Area, maximum (acre) for properties within the NWCRA or AOD</u>	<u>10</u>	
<u>Floor area per dwelling unit, minimum (sq ft)</u>	<u>Efficiency</u>	<u>500 - habitable living space</u>
	<u>1 Bedroom</u>	<u>650 - habitable living space</u>
	<u>additional bedroom</u>	<u>100 – habitable living space</u>
<u>Interior side yard setback, minimum (ft)</u>	<u>10</u>	
<u>Rear yard setback, minimum (ft)</u>	<u>10</u>	

155.3303. COMMUNITY BUSINESS (B-2)

<u>D. INTENSITY AND DIMENSIONAL STANDARDS FOR FREE-STANDING RESIDENTIAL BUILDINGS</u>		
<u>Free-standing Residential Buildings shall comply with the following dimensional standards. Standards not listed below, including lot coverage, pervious area and building height, shall be as required in Section 155.3303.C above.</u>		
<u>Lot Area, maximum (acre)</u>	<u>5</u>	
<u>Lot Area, maximum (acre) for properties within the NWCRA or AOD</u>	<u>10</u>	
<u>Floor area per dwelling unit, minimum (sq ft)</u>	<u>Efficiency</u>	<u>500 - habitable living space</u>
	<u>1 Bedroom</u>	<u>650 - habitable living space</u>
	<u>additional bedroom</u>	<u>100 – habitable living space</u>
<u>Interior side yard setback, minimum (ft)</u>	<u>10</u>	
<u>Rear yard setback, minimum (ft)</u>	<u>10</u>	

155.3304. GENERAL BUSINESS (B-3)

<u>D. INTENSITY AND DIMENSIONAL STANDARDS FOR FREE-STANDING RESIDENTIAL BUILDINGS</u>		
<u>Free-standing Residential Buildings shall comply with the following dimensional standards. Standards not listed below, including lot coverage, pervious area and building height, shall be as required in Section 155.3304.C above.</u>		
<u>Lot Area, maximum (acre)</u>	<u>5</u>	
<u>Lot Area, maximum (acre) for properties within the NWCRA or AOD</u>	<u>10</u>	
<u>Floor area per dwelling unit, minimum (sq ft)</u>	<u>Efficiency</u>	<u>500 - habitable living space</u>
	<u>1 Bedroom</u>	<u>650 - habitable living space</u>
	<u>Additional bedroom</u>	<u>100 – habitable living space</u>
<u>Interior side yard setback, minimum (ft)</u>	<u>10</u>	
<u>Rear yard setback, minimum (ft)</u>	<u>10</u>	

PART 5 SPECIAL BASE ZONING DISTRICTS

155.3502. PARKS AND RECREATION (PR)

<u>C. INTENSITY AND DIMENSIONAL STANDARDS</u>

Notes:

2. Applies in addition to interior side and rear setbacks.

155.3503. COMMUNITY FACILITY (CF)

<u>C. INTENSITY AND DIMENSIONAL STANDARDS</u>

Notes:

3. Applies in addition to interior side and rear setbacks.

155.3504. PUBLIC UTILITIES (PU)

C. INTENSITY AND DIMENSIONAL STANDARDS	

Notes:	

3. Applies in addition to interior side and rear setbacks.	

155.3505. TRANSPORTATION (T)

C. INTENSITY AND DIMENSIONAL STANDARDS	

Notes:	

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

PART 6 PLANNED DEVELOPMENT ZONING DISTRICTS

155.3603. RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)

C. INTENSITY AND DIMENSIONAL STANDARDS	

Building height, maximum (ft) ^{3,4}	To be established in PD Plan— see Section 155.3602.A, PD Plan

Notes:	

3. <u>Except for RPUD development whose prior zoning district was RM45-HR, the maximum building height shall not exceed 65 feet.</u>	
4. <u>For developments who are restricted to a maximum 65 feet height, the height may be increased to 85 feet provided after 60 feet in height the front façade is stepped back 20 feet. The resulting 20 foot space must be usable plaza or patio space.</u>	

PART 7 OVERLAY ZONING DISTRICTS

155.3703. ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)

C. MODIFIED USE STANDARDS

2. Prohibited Uses**a. Prohibited Principal Uses**

- i. Auction house
- ii. ~~Automotive painting or body shop~~
- iii. ~~Automotive parts sales and installation (including audio, telephone, and burglar alarm installation)~~
- iv. ~~Automotive repair and maintenance facility (including window tinting)~~
- v. ~~Automotive wrecker service~~
- vi. ~~ii.~~ Blood/tissue collection center
- iii. ~~Drug or Alcohol Treatment Facility which provides inpatient treatment~~
- iv. ~~Hospital~~
- v. ~~Medical or Dental Clinic which provides overnight care and treatment~~
- vi. ~~Psychiatric Treatment Facility which provides inpatient treatment~~
- vii. ~~Car wash or auto detailing~~
- viii. ~~vii.~~ Day labor service
- ix. ~~viii.~~ Flea market
- x. ~~ix.~~ Fortune-telling establishment
- xi. ~~Gasoline filling station~~
- xii. ~~Hospital~~
- xiii. ~~Medical or dental clinics which provide overnight care and treatment~~
- xiv. ~~Motor vehicle/trailer sales or rental~~
- xv. ~~Muffler/transmission sales and installation~~
- xvi. ~~x.~~ Sexually oriented business
- xvii. ~~xi.~~ Tattoo or body piercing establishment
- xviii. ~~Taxi or limousine service facility~~
- xix. ~~Thrift shop~~
- xx. ~~Tire sales and mounting~~
- xxi. ~~Truck/recreational vehicle/trailer repair and servicing~~
- xxii. ~~xii.~~ Retail sales establishment, large
- xxiii. ~~xiii.~~ Showroom, wholesale
- xiv. All use types within the Motor Vehicle Sales and Service Uses category, except Parking deck or garage and Parking lot.

155.3705. COMMUNITY REDEVELOPMENT AREA OVERLAY (CRAO) DISTRICT

F. SPECIFIC COMMUNITY REDEVELOPMENT AREA OVERLAY DISTRICTS**1. Historic Downtown Core Overlay District**

c. Modified Use Standards

- ii. Irrespective of the use standards applicable in the underlying base zoning district and subsection i above, the following principal uses shall be prohibited in the Historic Downtown Core Overlay district:

- ~~(F)~~ — Automotive parts sales and installation;
- ~~(G)~~ — Automotive repair and maintenance facility;
- ~~(H)~~ — Motor vehicle/trailer sales or rental;
- ~~(I)~~ — Gasoline filling station;
- ~~(J)~~ — Truck/recreational vehicle/trailer repair and servicing;
- ~~(F)~~ — All use types within the Motor Vehicle Sales and Service Uses category, except Parking deck or garage and Parking lot.
- ~~(K)~~~~(G)~~ — Crematory;
- ~~(L)~~~~(H)~~ — Fortune-telling establishment;
- ~~(M)~~~~(I)~~ — Funeral home or mortuary;
- ~~(N)~~~~(J)~~ — Lawn care, pool, or pest control service;
- ~~(O)~~~~(K)~~ — Tattoo or body piercing establishment;
- ~~(P)~~~~(L)~~ — Auction house;
- ~~(Q)~~~~(M)~~ — Consignment shop;
- ~~(R)~~~~(N)~~ — Home and building supply center;
- ~~(S)~~~~(O)~~ — Pawn shop;
- ~~(T)~~~~(P)~~ — Thrift shop;
- ~~(U)~~~~(Q)~~ — Sexually oriented business;
- ~~(V)~~~~(R)~~ — Showroom, wholesale; and
- ~~(W)~~~~(S)~~ — Laundry, dry-cleaning, carpet cleaning, or dyeing facility.

2. Historic Downtown Transition Area Overlay District

c. Modified Use Standards

- ii. Irrespective of the use standards applicable in the underlying base zoning district, the following principal uses shall be prohibited in the Historic Downtown Transition Area Overlay district:

- ~~(G)~~ — Automotive parts sales and installation
- ~~(H)~~ — Automotive repair and maintenance facility
- ~~(I)~~ — Motor vehicle/trailer sales or rental
- ~~(J)~~ — Gasoline filling station
- ~~(K)~~ — Truck/recreational vehicle/trailer repair and servicing
- ~~(G)~~ — All use types within the Motor Vehicle Sales and Service Uses category, except Parking deck or garage and Parking lot.
- ~~(L)~~~~(H)~~ — Fortune-telling establishment
- ~~(M)~~~~(I)~~ — Tattoo or body piercing establishment
- ~~(N)~~~~(J)~~ — Auction house
- ~~(O)~~~~(K)~~ — Consignment shop
- ~~(P)~~~~(L)~~ — Pawn shop
- ~~(Q)~~~~(M)~~ — Thrift shop
- ~~(R)~~~~(N)~~ — Sexually oriented business
- ~~(S)~~~~(O)~~ — Showroom, wholesale

e. Development Standards

Irrespective of the generally applicable development standards established in Article 5: Development Standards, the following development standards shall apply in the Historic Downtown Core Transition Area Overlay district to buildings no more than 45 feet in height:

ARTICLE 4: USE STANDARDS

PART 2 PRINCIPAL USES AND STRUCTURES

155.4201. GENERAL

B. STANDARDS APPLICABLE TO ALL USES

10. The manufacturing of hazardous substances is strictly prohibited. Hazardous substances include:
- Acids, ammunition, fertilizer, soap, insecticides, and/or batteries;
 - Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person handling or using or otherwise coming into contact with the material or substance; and
 - In accordance with Section 98.13.A of the City's Code of Ordinances, hazardous substances include any substances or materials defined or listed as a hazardous substance, pollutant or a contaminant in any applicable federal or state law or regulation or any substances or materials in a quantity or form which, in the determination of the respective Fire Chief or his/her authorized designee, poses an imminent risk to the life, health, safety, or welfare of persons or property within the City of Pompano Beach.

155.4202. RESIDENTIAL: HOUSEHOLD LIVING USES

E. DWELLING, SINGLE-FAMILY (ZERO LOT LINE)

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		LOD	LOD	LOD	LOD	LOD	LOD												P						P		P	P	

155.4206. INSTITUTIONAL: DAY CARE USES

B. CHILD CARE FACILITY

2. Definition

A child care facility is a place or child care arrangement, other than an occupied residence, that is licensed by Broward County's Child Care Licensing and Enforcement Section per the Broward County Child Care Ordinance (Chapter 7), as amended, other than a large family child care home, that is subject to the licensing requirements (Article I) or substantial compliance requirements (Article II) of the Broward County Child Care Ordinance (Chapter 7 of the Broward County Code of Ordinances), as amended—i.e., a place or child care arrangement other than an occupied residence that provides care for more than five children unrelated to the operator and that receives a payment, fee, grant, or some other form of compensation for any of the children in child care, whether or not operated for profit. A child care facility can include a before and/or after care program. A child care facility includes public school programs referenced in Section 402.3025(1)(b), Florida Statutes- A child care facility does not include arrangements exempted from licensure, but does not Arrangements exempt from licensure—include the following

arrangements:

155.4215 COMMERCIAL: BOAT AND MARINE SALES AND SERVICE USES

A. STANDARDS APPLICABLE TO BOAT AND MARINE SALES AND SERVICE USES

1. Boat and Marine Sales and Service uses that includes service, repair, installation, and/or maintenance shall comply with the following standards:
 - a. If located in the Heavy Business (B-4) Zoning District, no service, repair, installation, and/or maintenance shall be made except within garages or other buildings designed for these purposes;
 - b. In all other districts where permitted, if service, repair, installation and/or maintenance is performed outside of a fully enclosed structure, 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;
 - c. The use shall be designed so that the front façade is in compliance with Section 155.5602.c.7.
 - d. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
 - e. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent right-of-ways.
 - f. All boats shall be maintained in a condition that they may be moved under either under their own power or upon a trailer at any time except when the boat is under repair in garages, body shops, or other buildings.
 - g. All trailers shall be maintained in an operable condition, including inflated tires, except when the trailer is under repair in garages, body shops, or other buildings.
 - h. Boats, trailers, and equipment shall not be stored as a source of parts.
 - i. Boats, trailers, and equipment that are repaired and awaiting removal shall be stored for no more than 30 consecutive days. Boats, trailers, and equipment abandoned by its lawful owner before or during the repair process 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 boat and trailer from the premises using the appropriate legal means.
2. Boat Sales and Service uses that include the sale or rental of new or used boats or trailers shall comply with the following standards:
 - a. Boat display pads may be located within a perimeter buffer provided they comply with the following standards:
 - i. The use shall not have more than one display pad for every 100 feet of street frontage.
 - ii. The display pads shall not exceed 500 square feet in area and may be elevated up to two feet above adjacent displays or grade level.
 - c. No boat or equipment shall be displayed on the top of a building.
 - d. Boats and new trailers may be displayed in a vehicular use area provided the parking spaces used for display shall not be eligible for compliance with Minimum Off-Street Parking requirements.
 - e. No materials for sale, other than boats or equipment, shall be displayed between the principal structure and the street.

A.B. BOAT DRY STORAGE FACILITY

C. BOAT OR MARINE PARTS SALES WITHOUT INSTALLATION

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-X	OIP	M-2	TO	PR	CF	PU	I	BP	RPUD	PCD	PD-TO	LAC	PD-I
															P	P	P				P	P							P	P	P	P

2. Definition

A boat or marine parts sales without installation use consists of the retail sale of various boat or marine parts and accessories—including, but not limited to, engine parts, electronics, navigation systems, anchors, propellers, steering systems, sailing gear, audio systems, safety and flotation gear, and water sports and fishing gear. This use does not include installation, which is considered Boat or Marine Parts Sales and Installation.

B.D. BOAT OR MARINE PARTS SALES AND WITH INSTALLATION

2. Definition

A boat or marine parts sales and with installation use consists of the on-site sale and subsequent installation of various boat or marine parts and accessories—including, but not limited to, engine parts, electronics, navigation systems, anchors, propellers, steering systems, sailing gear, audio systems, safety and flotation gear, and water sports and fishing gear.

3. Standards

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

- No installation shall be made except within garages or other buildings designed for these purposes.
- 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.
- The use shall be designed so that service bays are not visible from an adjoining street.

C.E. BOAT OR MARINE REPAIR AND SERVICING

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-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															P	P		P			P								P		P	

3. Standards

A boat or marine repair and servicing use shall comply with the following standards:

- No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent right-of-ways.
- Boats shall be not stored as a source of parts.
- The use shall be designed so that service bays are not visible from an adjoining street.
- Boats that are repaired and awaiting removal shall be stored for no more than 30 consecutive days. A boat abandoned by its lawful owner before or during the repair process 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 boat from the premises using the appropriate legal means.
- 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.~~

D.F. BOAT OR MARINE 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	IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															P	P	P		P		P	P							P	P	P	

2. Definition

A boat ~~or marine~~ sales or rental use consists of premises on which new or used boats, ~~marine engines, or marine equipment~~ are displayed for sale, lease, or rental.

3. Standards

~~A boat or marine sales or rental use shall comply with the following standards:~~

- ~~a. No boat or equipment displays shall be located within a required yard or perimeter buffer except for boat display pads as provided below.~~
- ~~b. No more than one boat display pad for every 100 feet of street frontage is allowed. A boat display pad shall not exceed 500 square feet in area and may be elevated up to two feet above adjacent displays or grade level.~~
- ~~c. No boats or other similar items shall be displayed on the top of a building.~~
- ~~d. No materials for sale other than boats and marine equipment shall be displayed between the principal structure and the street.~~

Sales and rental of boat trailers may be allowed as an accessory use.

E.G. BOAT TOWING SERVICE

F.H. DOCKING FACILITY, BARGE

G.I. DOCKING FACILITY, COMMERCIAL FISHING BOAT

H.J. DOCKING FACILITY, RECREATIONAL BOAT

I.K. MARINA

J.L. YACHT CLUB

155.4219 COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

A. STANDARDS APPLICABLE TO MOTOR VEHICLE SALES AND SERVICE USES

1. Motor Vehicle Sales and Service uses that include service, repair, installation, and/or maintenance shall comply with the following standards:

- a. In all Zoning Districts, no service, repair, installation, and/or maintenance shall be made except within garages or other buildings designed for these purposes;
- b. 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;
- c. The use shall be designed so that the front façade is in compliance with Section 155.5602.c.7.

- d. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
 - e. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent right-of-ways.
 - f. All vehicles, trucks, and trailers 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.
 - g. Vehicles, trucks, and trailers shall not be stored as a source of parts.
 - h. Vehicles, trucks, and trailers that are repaired and awaiting removal shall be stored for no more than 30 consecutive days. Vehicles, trucks, and trailers abandoned by its lawful owner before or during the repair process 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, truck, and trailer from the premises using the appropriate legal means.
2. Motor Vehicle Sales and Service uses that include the sale or rental of new or used vehicles, trucks, and trailers shall comply with the following standards:
- a. Vehicle, truck, and trailer display pads may be located within a perimeter buffer provided they comply with the following standards:
 - i. The use shall not have more than one display pad for every 100 feet of street frontage.
 - ii. The display pads shall not exceed 500 square feet in area and may be elevated up to two feet above adjacent displays or grade level.
 - c. No vehicle, truck, and trailer shall be displayed on the top of a building.
 - d. Vehicles, trucks, and trailers may be displayed in a vehicular use area provided the parking spaces used for display shall not be eligible for compliance with Minimum Off-Street Parking requirements.
 - e. No materials for sale, other than vehicles, trucks and trailers, shall be displayed between the principal structure and the street.

A. B. AUTOMOTIVE PAINTING OR BODY SHOP

3. Standards

~~An automotive painting or body shop 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. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent right-of-ways.~~
- ~~d. Vehicles shall not be parked or stored as a source of parts.~~
- ~~e. The use shall be designed so that service bays are not visible from an adjoining street.~~
- ~~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.~~
- ~~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.~~

C. AUTOMOTIVE PARTS SALES WITHOUT INSTALLATION

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	LX	OIP	M-2	TO	PR	CF	PU	I	BP	RPUD	PCD	PD-TQ	LAC	PD-I	
															P	P			P			P								P	P	P	P

2. Definition

An automotive parts sales without installation use consists of the retail sale of various automobile parts and accessories, including but not limited to tires, brakes, batteries, audio systems, and lubricants such as engine oil. This use do not include the sale of gasoline or other fuels. This use does not include installation.

3. Standards

An automotive parts sales use shall be permitted in the General Business (B-3) Zoning District only with the application of commercial flex.

B. D. AUTOMOTIVE PARTS SALES AND WITH INSTALLATION

2. Definition

An automotive parts sales and with installation use consists of the of the on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to tires, mufflers, brakes, batteries, and audio systems, and lubricants such as engine oil. Such uses do not include the sale of gasoline or other fuels.

3. Standards

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 service bays are not visible from an adjoining street.

C. E. AUTOMOTIVE REPAIR AND MAINTENANCE FACILITY

3. Standards

An automotive repair and maintenance facility 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. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent right-of-ways.
- d. Vehicles shall not be parked or stored as a source of parts.
- e. The use shall be designed so that any service bays are not visible from an adjoining street.
- 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.
- 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.

D. F. AUTOMOTIVE WRECKER SERVICE

E. G. BATTERY EXCHANGE STATION

F. H. CAR WASH OR AUTO DETAILING

G. I. GASOLINE FILLING STATION

H. J. NEW MOTOR VEHICLE/TRAILER AUTOMOBILE AND LIGHT TRUCK SALES

2. Definition

A new motor vehicle/trailer automobile and light truck sales use consists of premises on which new automobiles, light trucks, and collector cars, recreational vehicles, and/or trailers in operating condition are displayed for sale or lease.

3. Standards

A new motor vehicle/trailer automobile and light truck 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.~~
- ~~d. a. New automobile sales agencies may have accessory used car sales and auto service.~~

I. K. USED MOTOR VEHICLE/TRAILER AUTOMOBILE AND LIGHT TRUCK SALES WITH INDOOR DISPLAY ONLY**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-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															S	P		S	P	S	P								S	P		

2. Definition

A used motor vehicle/trailer automobile and light truck sales with indoor display only consists of premises on which used automobiles, and light trucks, recreational vehicles, and/or trailers in operating condition are displayed for sale within a fully enclosed structure. This use does not include outdoor display, which is considered to be Used Automobile And Light Truck Sales With Outdoor Display.

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.~~

L. USED AUTOMOBILE AND LIGHT TRUCK SALES WITH OUTDOOR DISPLAY

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-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I

2. Definition

A used automobile and light truck sales with outdoor display consists of premises on which used automobiles and light trucks in operating condition are stored or displayed for sale outdoors.

J. M. MOTOR VEHICLE/TRAILER AUTOMOBILE / LIGHT TRUCK RENTAL

2. Definition

An motor vehicle/trailer automobile/light truck rental use consists of premises on which automobiles, and light trucks, recreational vehicles, and/or trailers in operating condition are displayed for rental.

3. Standards

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

- 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.
- No vehicles, trailers, or other similar items shall be displayed on the top of a building.
- No materials for sale other than vehicles or trailers shall be displayed between the principal structure and the street.

K. N. MUFFLER/TRANSMISSION SALES AND INSTALLATION

3. Standards

A muffler/transmission sales and installation use shall comply with the following standards:

- 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.
- No repair or maintenance shall be made except within garages or other buildings designed for these purposes.
- 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.
- The use shall be designed so that any service bays are not visible from an adjoining street.

L. O. PARKING DECK OR GARAGE (AS A PRINCIPAL USE)

M. P. PARKING LOT (AS A PRINCIPAL USE)

N. Q. TAXI OR LIMOUSINE SERVICE FACILITY

O. R. TIRE SALES AND MOUNTING

3. Standards

A tire sales and mounting use shall comply with the following standards:

- 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. No repair or maintenance 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.~~

P. S. HEAVY TRUCK/ RECREATIONAL VEHICLE/ TRAILER REPAIR AND SERVICING

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-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															P			P	P													P

2. Definition

A heavy truck/recreational vehicle/trailer repair and servicing use is an establishment primarily engaged in the general repair, rebuilding, or reconditioning of the engines and other parts of heavy trucks with more than two axles or exceeding 15,000 pounds in weight, recreational vehicles, and trailers.

3. Standards

A truck/recreational vehicle/trailer repair and servicing use 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. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent right-of-ways.~~
- ~~d. Vehicles or trailers shall not be parked or stored as a source of parts.~~
- ~~e. The use shall be designed so that service bays are not visible from an adjoining street.~~
- ~~f. No repair, rebuilding, or reconditioning shall be made except within garages or other buildings designed for these purposes.~~
- ~~g. All vehicles/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 vehicles/trailers is under repair in garages, body shops, or other buildings.~~
- ~~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.~~

I. HEAVY TRUCK/RECREATIONAL 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-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																		P	P										P			

2. Definition

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

3. Standards

A heavy truck/recreational vehicle/trailer sales use may have accessory service and repair.

U. HEAVY TRUCK/RECREATIONAL 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-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															S	P			P	P									P			

2. Definition

A heavy truck/recreational vehicle/trailer rental use consists of premises on which heavy trucks, recreational vehicles, and trailers in operating condition are displayed for rental.

155.4222 COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES

I. Flea Market

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-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															P	P						S		P					P	P	P	P

3. Standards

- ~~b. If the flea market is conducted outdoors, all items for sale as well as display tables, booths, or any other non-permanent fixtures, must be returned to an enclosed structure at the end of the business day.~~

155.4223. COMMERCIAL: SELF-SERVICE STORAGE USES

A. SELF-STORAGE OR MINI-WAREHOUSE FACILITY

3. Standards

c. Storage of Recreational Vehicles and Boats

Open storage of recreational vehicles (RVs) and pleasure boats of the type customarily maintained by persons for their personal use shall be Permitted within a self-service storage facility use, provided that the following standards are met:

- i. The storage shall occur only within a designated area, which shall be clearly delineated.

- ii. Storage shall not occur within required yards.
- iii. The parking spaces designated for storage shall not be eligible for compliance with Minimum Off-Street Parking Requirements.
- iv. The designated storage area shall be located behind the principal structure and shall comply with the Outdoor Storage Area standards in Section 155.4303.W.
- v. The recreational vehicles and pleasure boats shall be operable. The pleasure boats shall be placed on a trailer.

155.4227. INDUSTRIAL: MANUFACTURING AND PRODUCTION USES

J. MANUFACTURING, ASSEMBLY, OR FABRICATION, HEAVY

2. Definition

A heavy manufacturing, assembly, or fabrication use is an establishment primarily engaged in manufacturing uses that include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. ~~This use type does not include other manufacturing uses specifically listed in the principal use tables, or the manufacture of acids, ammunition, fertilizer, soap, insecticides, or batteries.~~

155.4228. INDUSTRIAL: WAREHOUSING AND FREIGHT MOVEMENT USES

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-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																			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 involving heavy truck and/or freight rail traffic. ~~It includes the storage and distribution of such products, supplies, and equipment excluding.~~ This use does not include the 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 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.~~
- a. In the Heavy Business (B-4) District, a distribution and storage warehouse shall be limited to a facility that provides limited and local distribution of merchandise and bulk goods and which primarily utilizes cube variety trucks to distribute goods.

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

D. JUNKYARD OR SALVAGE YARD

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-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																			IS											P		

2. Definition

A junkyard or salvage yard is a building, structure, or parcel of land, or portion thereof, used for the collection, storage and sale of paper, rags, scrap metal, bottles, or discarded material. Where such materials are a by-product of a permitted use, such activity shall be considered outdoor storage and must comply fully with all applicable provisions.

3. Standards

A junkyard or salvage yard shall comply with the following standards:

- The facility shall be located on a site with an area of at least one acre;
- A type C perimeter buffer shall be provided around all perimeters of the site;
- 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 junkyard or an Outdoor Waste-Related Service Use;
- Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet; and
- Access to the property shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.

155.4229. INDUSTRIAL: WASTE-RELATED SERVICES USES

A. Purpose

Waste-Related Services Uses are solid waste management facilities regulated and permitted by the Florida Department of Environmental Protection's Bureau of Solid & Hazardous Waste. These uses are recognized as having potential negative impacts on the quality of air, water, soil, and other natural resources. It is further recognized that improper disposal and management of solid waste results in or contributes to air and water pollution, land blight, and nuisance conditions.

B. 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-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																		IS	IS					IS	IS			P				

C. DEFINITION

A waste-related service use includes any of the following facilities:

1. Construction and Demolition Debris Disposal Facility

A construction and demolition debris disposal facility is a Solid Waste Management Facility permitted by the state for the disposal of construction and demolition debris, as provided for in FL SS 403.703.

2. Land Clearing Debris Disposal Facility

A land clearing debris disposal facility is a solid waste management facility permitted by the state for the disposal of land clearing debris, as provided for in FL SS 403.703 and FAC 62-701.200.

3. Materials Recovery Facility

A materials recovery facility is a solid waste management facility that provides for the extraction from solid waste of recyclable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials, as provided for in FAC 62-701.200.

4. Recovered Materials Processing Facility

A recovered materials processing facility is a solid waste management facility engaged solely in the storage, processing, resale, or reuse of recovered materials as provided for in FAC 62-701.200. However this use does not include facilities where the majority of the recovered materials is demonstrated to be sold, used, or reused within one year, and shall instead be considered a General Industrial Services Use.

5. Solid Waste Transfer Station

A solid waste transfer station is a solid waste management facility, the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility, as provided for in FAC 62-701.200. Operations at such facilities may include separation of incidental amounts of recyclable materials or unauthorized waste.

6. Tire Disposal or Recycling Facility

A tire disposal or recycling facility is a solid waste management facility, the primary purpose of which is tire disposal or tire recycling, as provided for in FAC 62-701.200.

7. Waste Composting Facility

A waste composting facility is a solid waste management facility where solid waste is processed using composting technology, as provided for in FAC 62-709.201. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter.

8. Waste-to-Energy Plant

A waste-to-energy plant is a facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result, as provided in FL SS 403.7061. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

D. GENERAL STANDARDS FOR ALL WASTE-RELATED SERVICE USES

Waste-Related Service Uses shall comply with the following standards:

1. In the I-1 District, all of the use's operation, including storage and sorting, shall occur and be located within a fully enclosed structure;
2. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet;
3. Access to the property shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping; and
4. The use shall comply with state solid waste management regulations, permitting requirements, and permit conditions.

E. ADDITIONAL STANDARDS FOR OUTDOOR WASTE-RELATED SERVICE USES

A Waste-Related Service Use is considered to be an Outdoor use if all or a portion of the use's operations, including storage and sorting, are located outside of a fully enclosed structure. In addition to the general standards listed in Section 155.4229.C, Outdoor Waste-Related Service Uses shall be required to comply with the following standards:

1. The use shall be located on property with an area of at least one acre;
2. The lot shall be located at least 1,000 feet, as measured by airline distance from property line to property line, from another lot containing a junkyard or an Outdoor Waste-Related Service Use;
3. The use shall include measures to reduce the off-site transmission of noise or dust to the maximum extent practicable;
4. A type C perimeter buffer shall be provided around all perimeters of the site; and
5. The applicant shall provide documentation of compliance with state solid waste management regulations for minimum distance separation from water bodies and airports.

A. CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL 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-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																			S						S	S			P			

2. Definition

A construction and demolition debris disposal facility is a Solid Waste Management Facility that is a disposal area for materials discarded from the construction, renovation, or demolition of a structure that are generally considered to be nonhazardous and not water soluble—including, but not limited to, steel, glass, brick, concrete, asphalt materials, pipe, gypsum wallboard, and lumber. A construction and demolition debris disposal facility may also contain land clearing debris such as rocks, soil, trees, and other vegetative matter. These facilities are subject to state permitting requirements and regulations.

3. Standards

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

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 setback at least 100 feet from any other adjoining property.
 - iii. A lot containing a construction and demolition 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.
- b. A type C perimeter buffer shall be provided around all perimeters of the site.
 - c. Access to the 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.
 - d. The use shall include measures to reduce the off-site transmission of noise or dust to the maximum extent practicable.
 - e. The use shall comply with state solid waste management regulations, permitting requirements, and permit conditions.

C. JUNKYARD OR SALVAGE YARD

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-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																			S										P			

2. Definition

A junkyard or salvage yard is a building, structure, or parcel of land, or portion thereof, used for the collection, storage and sale of paper, rags, scrap metal, bottles, or discarded material. Where such materials are a by-product of a permitted use, such activity shall be considered outdoor storage and must comply fully with all applicable provisions.

3. Standards

A junkyard or salvage yard shall comply with the following standards:

- a. The facility shall be located on a site with an area of at least one acre.
- b. A type C perimeter buffer shall be provided around all perimeters of the site.
- c. 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 an outdoor Waste-Related Service Use.
- d. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet.

C. LAND CLEARING DEBRIS DISPOSAL 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-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
																		Ø	Ø						Ø	Ø			P			

2. Definition

A land clearing debris disposal facility is a solid waste management facility other than a construction and demolition debris disposal facility that is the final resting place for materials that normally result from land clearing and/or land development operations for a construction project—including rocks, soils, trees, tree remains, and other vegetative matter, but not vegetative matter from lawn and landscape maintenance, right of way or easement maintenance, farming operations, nursery operations, or other sources not related to a construction project. This use is subject to state solid waste management regulations.

3. Standards

A land clearing debris disposal facility shall comply with the following standards:

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 setback 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.
- b. A type C perimeter buffer shall be provided around all perimeters of the site.
 - c. Access to the 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.
 - d. The use shall include measures to reduce the off-site transmission of noise or dust to the maximum extent practicable.
 - e. The use shall comply with state solid waste management regulations, permitting requirements, and permit conditions.

D. MATERIALS RECOVERY 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-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1

2. Definition

A materials recovery facility is a solid waste management facility that provides for the extraction from solid waste of recyclable materials and/or materials suitable for use as a fuel or soil amendment.

E. RECOVERED MATERIALS PROCESSING 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-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1

2. Definition

A recovered materials processing facility is a solid waste management facility engaged solely in the storage, processing, resale, or reuse of recovered materials—e.g., metal, paper, glass, plastic, textile, or rubber materials—that have known recycling potential, can be feasibly recycled, and have been diverted from the solid waste stream.

3. Standards

A recovered materials processing facility shall comply with the following standards:

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 setback 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.
- b. Except for a freestanding office, no part of the facility shall be located within 50 feet of any property line.
 - c. All outdoor storage areas shall be screened by a solid fence or wall at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.
 - d. A type C perimeter buffer shall be provided around all perimeters of the site.
 - e. Only limited sorting, separation, or other processing of deposited materials shall occur on the site.
 - f. There shall be no collection or storage of hazardous or biodegradable wastes on the site.
 - g. The use shall comply with state solid waste management regulations, permitting requirements, and permit conditions.
 - h. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet.

F. RESERVED**G. SOLID WASTE TRANSFER STATION****1. Districts Where Permitted**

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-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
																		S	P						S	S			P			

2. Definition

A waste composting use is a use where solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and transshipment of by-products.

3. Standards

A waste composting use shall comply with the following standards:

- The use shall be located on a site with an area of at least three acres.
- A type C perimeter buffer shall be provided around all perimeters of the site.
- The use shall be surrounded by a solid fence or wall at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.
- The use shall comply with state solid waste management regulations, permitting requirements, and permit conditions.
- 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.
- Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet.

J. WASTE-TO-ENERGY PLANT**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-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
																		S	P						S	S			P			

2. Definition

A waste-to-energy plant is a facility that creates energy in the form of electricity or heat from the direct combustion of solid wastes or the production of a combustible commodity (e.g., methane).

3. Standards

A waste-to-energy plant shall comply with the following standards:

- The use shall be located on a site with an area of at least three acres.
- A type C perimeter buffer shall be provided around all perimeters of the site.
- The use shall be surrounded by a solid fence or wall at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.
- The use shall comply with state solid waste management regulations, permitting requirements, and permit conditions.
- 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.
- Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet.

PART 3 ACCESSORY USES AND STRUCTURES

155.4302. GENERAL

B. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

2. Prohibited Location of Accessory Uses and Structures

Unless otherwise provided for in Section 155.4403 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall not be located within the following:

- e. An area designated as a parking area on an approved site plan; and
- f. A required yard setback-
- g. In front of the principal structure; and
- h. Within 15 feet of a waterway or canal.

155.4303 STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

D. BIKE RACK

3. Standards

- a. Bike racks may be permitted in any required yard setback, easement, or in front of the principal structure, provided they are not located within any required landscaping buffer or vehicular use area landscaping.

E. CANOPY, VEHICULAR AREA

3. Standards

- f. A canopy may be located in front of the principal structure.

K. ELECTRIC VEHICLE (EV) LEVEL 1 OR 2 CHARGING STATION

3. Standards

- b. EV charging station equipment may be located in front of the principal structure, and shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

L. ELECTRIC VEHICLE (EV) LEVEL 3 CHARGING STATION

3. Standards

- e. EV charging station equipment may be located in front of the principal structure, and shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

O. FENCE OR WALL

3. Standards

- a. A fence or wall shall comply with the standards provided for in Section 155.5302 Fences and Walls.
- b. A fence or wall may be permitted in any required yard setback, easement, or in front of the principal structure.

P. GARAGE OR CARPORT

3. Standards

- a. A garage or carport may be located in front of the principal structure.

S. HOME BASED BUSINESS

2. Definitions

A home based business is a business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the lot and does not adversely and/or perceptively affect the character of the lot or surrounding area. Examples of home based businesses include, but are not limited to, the following: offices of physicians, dentists, lawyers, architects, engineers, contractors, consultants, stock brokers, marketers, bookkeepers, real estate brokers, and insurance agents; electronic and offsite retail; studios of artists, and musicians; sewing, millinery, and dressmaking services; and personal services such as physical therapy by licensed individuals, hairdressing, pet grooming, and the like. Home based businesses do not include such businesses as: family child care homes and large family child care homes (which are separate accessory uses of homes), automotive repair and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; motor vehicle sales including internet-based motor vehicles sales; or any other business that is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

W. OUTDOOR STORAGE (AS AN ACCESSORY USE)

3. Standards

- d. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way as follows:

- v. Properties whose outdoor storage consists solely of building materials for sale by the principal business and are located within the Heavy Business (B-4) Zoning District may, as an alternative to the requirements in subsections ii and iii above, provide a 6 foot high solid concrete wall and solid gate.

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

4. Standards

The parking or storing of a motor vehicle, recreational vehicle, boat, or trailer on ~~a public right-of-way or property~~ a required front yard or street side yard in a residential zoning district is allowed as an accessory use, subject to the following standards (unless exempted by subsection 3.b above):

Z. RAINWATER CISTERN

3. Standards

- a. Be located directly adjacent to the principal structure on a lot and may be located in front of the principal structure;

AA. RECYCLING DROP-OFF STATION

2. Definition

A recycling drop-off station is a small unmanned structure ~~where the collection facility where of recyclable materials for recycling or reuse are accepted from the public. Typical uses associated with a drop-off center include facilities that accept donations of~~ are temporary storage of donated materials and charitable goods.

3. Standards

A recycling drop-off station is allowed as an accessory use or structure to any principal use or structure, subject to the following standards:

- a. The collection bin station shall be located in or adjacent to an off-street parking area.
- b. The collection bin station shall be at least 10 feet from any property line and 25 feet from any property line abutting a street.
- c. The station shall be located as close as possible to the principal structure and may be permitted in front of the principal structure.
- d. The station shall be located in the area designated for the station as depicted on the approved site plan, per subsection g below.
- ~~c.e~~ The facility station shall be screened in accordance with Section 155. 5301.C, Location and Screening of Commercial Containers.
- ~~d.f~~ The station and adjacent area shall be kept free of litter, debris, and residue and be maintained in good appearance.
- g. The station must legibly display the name and current address of the owner of the station, along with a valid 24-hour telephone contact number of the owner or its designated representative.
- h. Prior to installation of the station a development order for a Minor Site Plan, which depicts the designated location of the station, shall be obtained by the owner of the station, or the property owner where the station will be situated.
- i. Prior to installation of the station a building permit for the station must be obtained from the City's Building Department by the owner of the station, or the property owner where the station will be situated. All final approvals for the building permit shall be obtained.

GG. SWIMMING POOL, SPA, OR HOT TUB

3. Standards

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

- i. ~~The pool~~ A swimming pool, spa, or hot tub may be located in a required interior side yard setback or required rear yard setback
- ii. ~~The pool~~ A swimming pool, spa, or hot tub 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 measurement shall be taken from the exterior of a screen enclosure, roof, or walls.~~
- dc.** Portable pools which are less than 24 inches in depth may be allowed in any required yard setback

e. Screen enclosures associated with a permitted swimming pool shall comply with the standards for Section 155.4303.OO (Screened Enclosures with Screened Roof).

JJ. MECHANICAL EQUIPMENT AND SIMILAR FEATURES

3. Standards

a. Setback

- 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.~~

KK. UNCOVERED PORCHES, DECKS, PATIOS, TERRACES, AND WALKWAYS

3. Standards

c. They may be located in an easement or in front of the principal structure if they are less than 12 inches in height and/or at grade.

LL. FLAGPOLES

3. Standards

Flagpoles may be located in front of the principal structure and are subject to the following standards:

a. Residential Zoning District: Height

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

b. Non-Residential Zoning District: Height and Location.

- i. A Flagpole 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 and any easement.
- 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, and within any easement, provided 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, and within any easement, provided the pole does not exceed a height of 30 feet.

MM. LIGHTING FIXTURES, PROJECTING OR FREE-STANDING

3. Standards

Lighting fixtures, projecting or free-standing are subject to the following standards listed in Article 5, Part 4, Exterior Lighting.

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.~~

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-1X	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

OO. SCREENED ENCLOSURES WITH SCREEN ROOF**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-1X	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

2. Definition

Screened Enclosures with a screen roof is a building or part thereof, in whole or in part self-supporting, and having walls of insect screening with or without removable vinyl or acrylic wind break panels and a roof of insect screening material.

3. Standards

A screened enclosure with a screen roof may be permitted in a required rear yard, provided it shall be at least 15 feet from the rear lot line.

PART 4 TEMPORARY USES AND STRUCTURES

155.4402. GENERAL

~~C. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES~~

Unless otherwise specified in this Code, any temporary use or structure shall:

- ~~1. Obtain a Major or Minor Temporary Use Permit (if required) and any other applicable city, county, or state permits;~~
- ~~2. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;~~
- ~~3. Be compatible with the principal uses taking place on the site;~~
- ~~4. Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;~~
- ~~5. Not include permanent alterations to the site;~~
- ~~6. Meet all the setback requirements of the underlying base and overlay zoning districts;~~
- ~~7. Comply with temporary signage standards in the Sign Code (Chapter 156 of the Code of Ordinances);~~
- ~~8. Not maintain temporary signs associated with the temporary use or structure after the activity ends;~~
- ~~9. Not violate the applicable conditions of approval that apply to a site or a use on the site;~~
- ~~10. Not interfere with the normal operations of any permanent use located on the property; and~~
- ~~11. Be located on a site containing sufficient land area to allow the temporary use or structure to occur and accommodate associated parking and traffic movement without disturbing environmentally sensitive lands.~~

~~D.C. ABBREVIATIONS USED IN TEMPORARY USE/STRUCTURE DISTRICT TABLES~~

- ~~1. A check ("✓") indicates that the use or structure is allowed as a temporary use by right in the corresponding zoning district, subject to compliance with Section 155.4402.C, General Standards for All Temporary Uses and Structures, any standards set forth for the specific use or structure, and all other applicable regulations of this Code. No Temporary Use Permit is required.~~
- ~~2.1 A "t" indicates that the use or structure is allowable as a temporary use in the corresponding zoning district only on approval of a Minor Temporary Use Permit in accordance with Section 155.2412.D, Minor Temporary Use Permit Procedure, and subject to subject to compliance with Section 155.4402.C, General Standards for All Temporary Uses and Structures, any standards set forth for the specific use or structure, and all other applicable regulations of this Code.~~
- ~~3.2 A "T*" indicates that the use or structure is allowable as a temporary use in the corresponding zoning district only on approval of a Major Temporary Use Permit in accordance with Section 155.2412.C, Major Temporary Use Permit Procedure, and subject to subject to compliance with Section 155.4402.C, General Standards for All Temporary Uses and Structures, any standards set forth for the specific use or structure, and all other applicable regulations of this Code.~~
- ~~4.3 A blank cell indicates that the use is prohibited as a temporary use or structure in the corresponding zoning district.~~

ARTICLE 5 DEVELOPMENT STANDARDS

PART 1 ACCESS, CIRCULATION, PARKING, AND LOADING

155.5101. ACCESS AND CIRCULATION

G. VEHICULAR ACCESS AND CIRCULATION

8. Vehicle Stacking Space
 - a. For Drive-through and Related Uses
 - i. Required Number of Stacking Spaces

TABLE 155.5101.G.8.A: MINIMUM STACKING SPACES FOR DRIVE-THROUGH AND RELATED USES		
Use or Activity	Minimum Number of Stacking Spaces	Measured From

Car wash and auto detailing, automatic (See Section 155.4219.E H)	***	***
Car wash and auto detailing, self-service (See Section 155.4219.E H)	***	***

Gasoline filling station (See Section 155.4219.G I)	***	***

Oil change lubrication shop (See Automotive Repair and Maintenance Facility Section 155.4219.G E)	***	***

9. Sight Triangles

a. Intersections Involving State Roads

Sight triangles shall be established at each corner of the intersection of a State road with any other street in accordance with the Florida Department of Transportation's intersection sight distance standards.

b. Other Intersections

At roadway intersections other than those involving a State road or a designated alley, and where a driveway intersects with a local street, collector street, minor arterial street, or principal arterial street, a sight triangle shall be established at each corner of the intersection. Each sight triangle shall be measured from the intersection of the extended curb or edge-of-pavement lines for the intersecting roadways (or intersection roadway and driveway), to a point located ten feet along the curb or edge-of-pavement line for one roadway/driveway, to a point along the curb or edge-of-pavement line for the other roadway/driveway located ten feet from the original point—see Figure 155.5101.G.9.b, Sight triangles at intersections.

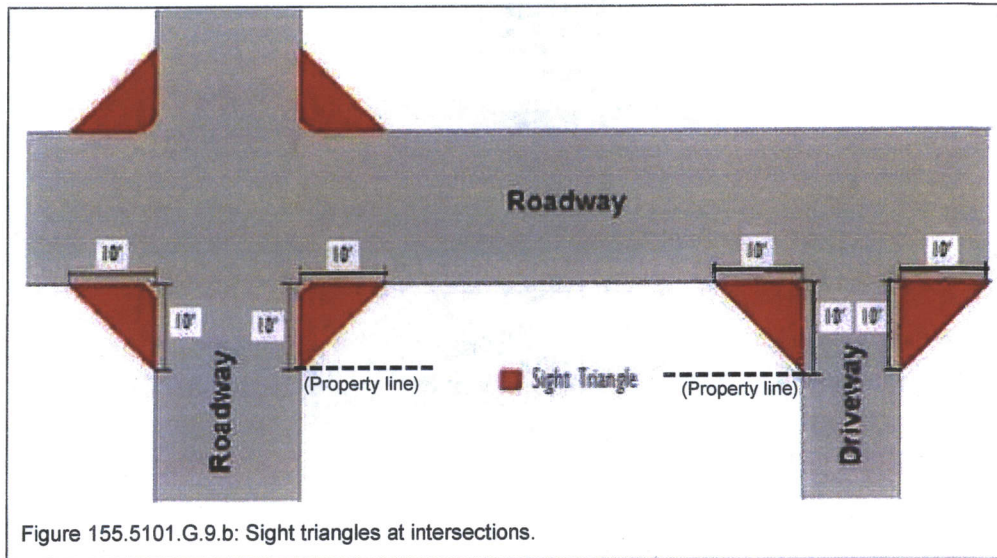


Figure 155.5101.G.9.b: Sight triangles at intersections.

c. Limits on Obstructions to Cross-Visibility

Within a roadway or driveway intersection sight triangle, no fence, wall, sign, earthworks, hedge, shrub, or other structure or planting shall be located, maintained, or permitted to grow between the heights of three and six feet above the grade elevation of the adjacent roadway or driveway. Public safety and utility devices (such as streetlights, street signs, and telephone poles), as well as sign poles and trees less than eight inches in diameter, are exempt from this standard, provided their number and location is limited—and the limbs and foliage of any such trees are trimmed—so as to ensure provision of the required unobstructed cross-visibility. (See Figure 155.5101.G.9.c, Sight triangle clear visibility.)

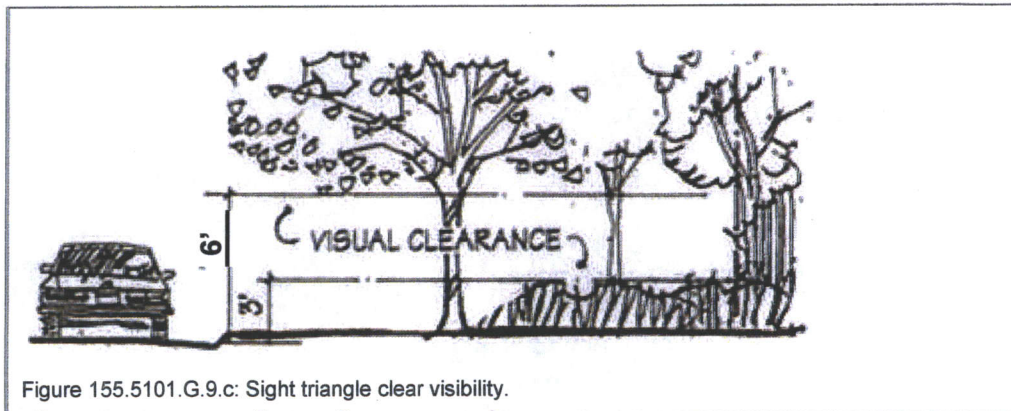


Figure 155.5101.G.9.c: Sight triangle clear visibility.

155.5102. OFF-STREET PARKING AND LOADING

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

Boat and Marine Sales and Service Uses	***	
	<u>Boat or marine parts sales without installation</u>	<u>1 per 300 sq ft</u>
	<u>Boat or marine parts sales and with installation</u>	***

	<u>Boat or marine parts sales or rental</u>	<u>1 per 300 sq ft of indoor sales display area and office space</u>

Motor Vehicle Sales and Service Uses	***	
	<u>Automotive Parts Sales without installation</u>	<u>1 per 300 sq ft</u>
	<u>Automotive Parts Sales and with installation</u>	***

	<u>New Motor Vehicle/Trailer Automobile and Light Truck Sales</u>	***
	<u>Used Motor Vehicle/Trailer Automobile and Light Truck Sales With Indoor Display Only</u>	
	<u>Used Automobile and Light Truck Sales With Outdoor Display</u>	
	<u>Motor Vehicle/Trailer Automobile and Light Truck Rental</u>	

	<u>Heavy Truck/ recreational vehicle/ trailer repair and servicing</u>	***
<u>Heavy Truck/ recreational vehicle/ trailer sales</u>	<u>1 per 400 sq ft of indoor sales display area and office space</u>	
<u>Heavy Truck/ recreational vehicle/ trailer rental</u>		

Warehousing and Freight Movement Uses	Outdoor storage (as a principal use)	<u>1 per 1,000 sq ft of storage area</u> <u>1 per 1,000 sq ft⁷ of indoor space plus 1 per 5,000 sq ft of outdoor storage area</u>

	<u>Junkyard or salvage yard</u>	<u>1 per 1,000 sq ft⁷ of indoor space plus 1 per 5,000 sq ft of outdoor storage area</u>
Waste-Related Services Uses	Construction and demolition debris disposal facility	<u>See Section 155.5102.D.2</u> <u>1 per 1,000 sq ft⁷ of indoor space plus 1 per 5,000 sq ft of outdoor storage or processing area</u>
	<u>Junkyard or salvage yard</u>	<u>1 per 1,000 sq ft of storage area</u>
	Land clearing debris disposal facility	<u>See Section 155.5102.D.2</u> <u>1 per 1,000 sq ft⁷ of indoor space plus 1 per 5,000 sq ft of outdoor storage or processing area</u>
	Materials Recovery Facility	<u>1 per 1,000 sq ft⁷ of indoor space plus 1 per 5,000 sq ft of outdoor storage or processing area</u>

Recovered materials processing facility	<u>1 per 1,000 sq ft of indoor space plus 1 per 5,000 sq ft of outdoor storage or processing area</u>
Recycling drop-off center	<u>3 spaces per station</u>
Solid waste transfer station	<u>3 spaces per station</u> <u>1 per 1,000 sq ft of indoor space plus 1 per 5,000 sq ft of outdoor storage or processing area</u>
Tire Disposal or Recycling Facility	<u>1 per 1,000 sq ft of indoor space plus 1 per 5,000 sq ft of outdoor storage or processing area</u>
Waste Composting Facility	<u>See Section 155.5102.D.2</u> <u>1 per 1,000 sq ft of indoor space plus 1 per 5,000 sq ft of outdoor storage or processing area</u>
Waste to energy plant	<u>1 per 1,000 sq ft of indoor space plus 1 per 5,000 sq ft of outdoor storage or processing area</u>
<u>Accessory Uses</u>	<u>Outdoor Storage (as an accessory use)</u> <u>1 per 5,000 sq ft of outdoor storage area</u>
	<u>Dormitory (as accessory to educational use)</u> <u>See Section 155.5102.D.2</u>

PART 2 LANDSCAPING AND TREE PRESERVATION

155.5203 LANDSCAPING

B. GENERAL REQUIREMENTS FOR LANDSCAPING

2. Installation a. General

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

~~(B) No hedges or continuous plantings shall be constructed or maintained within the sight visibility area. No plant material shall be installed or maintained above 3 feet in height. This includes, but is not limited to, trees, palms, shrubs, hedges, and ground cover.~~

F. PERIMETER BUFFERS

1. Purpose and Intent

~~Perimeter buffers are intended to help mitigate potential negative effects of proposed developments on abutting property and abutting rights-of-way, provide spacing and landscaping between a proposed development and abutting property zoned for a less intense use to help mitigate potential negative effects of the proposed development on the abutting property.~~

2. Applicability

- a.** New development Development required to obtain Major Site Plan or Minor Site Plan approval shall provide a perimeter buffer to separate it from ~~a less intense existing use on abutting land, or from vacant abutting land located in a less intense zoning district, abutting property zoned for a less intensive or inconsistent zoning district, including developed and vacant property,~~ in accordance with Table 155.5203.F.3, Required Buffer Types and Standards.
- b.** Except as noted in subsection d below, when required by a Use-Specific standard in Article 4, development required to obtain Major Site Plan approval shall provide the specified perimeter buffer type along all property lines, regardless of the zoning district of the abutting property.
- c.** Except as noted in subsection d below, when required by a Use-Specific standard in Article 4, development required to obtain a Minor Site Plan approval shall provide to the maximum extent practicable the specified perimeter buffer type along all property lines, regardless of the zoning district of the abutting property.
- d.** Any new establishment of Outdoor Storage, including principal and accessory Outdoor Storage, and any additions to existing Outdoor Storage areas shall provide the specified perimeter buffer type along all property lines, regardless of the zoning district of the abutting property.

TABLE 155.5203.F.3: REQUIRED BUFFER TYPES AND STANDARDS	
WHERE REQUIRED ^{1,2}	REQUIRED BUFFER TYPE BY FUNCTION AND OPTIONAL SCREENING STANDARDS ^{2,3,4,5,6,7,8}
Between a proposed multifamily dwelling and land zoned RS-1, RS-2, RS-3, RS-4, RS-L, RD-1, or MH-12, <u>or as required per a use-specific standard in Article 4.</u>	TYPE A BUFFER ***
Between a proposed institutional, commercial, or mixed-use development and land within a residential zoning district, <u>or as required per a use-specific standard in Article 4.</u>	TYPE B BUFFER ***
Between a proposed industrial use and land within a residential zoning district, <u>or as required per a use-specific standard in Article 4.</u>	TYPE C BUFFER ***
NOTES: 1. Perimeter buffers also may be required by the use-specific standards in Article 4: Use Standards, and other provisions in this Code. 2. 1. Developments with multiple buildings shall provide perimeter buffers around the perimeter of the development site instead around individual buildings. 3. 2. Deviations from perimeter buffer width and screening requirements may be authorized in accordance with Section 155.2421, Administrative Adjustment. 4. 3. Where an adjacent use is designed for solar access, understory trees may be substituted for canopy trees as necessary to minimize interference with solar access. 5. 4. Fences or walls within a perimeter buffer shall comply with the standards of Section 155.5302, Fences and Walls. 6. 5. A wall shall be designed to not interfere with the rooting of required trees. 7. 6. Walls and fences shall include a gate to allow the access necessary to maintain the required screening. 8. 7. Planting ratios shall be deemed per the prescribed number of linear feet or major fraction thereof.	

PART 3 SCREENING, FENCES, AND WALLS

155.5301 SCREENING

C. LOCATION AND SCREENING OF COMMERCIAL CONTAINERS

1. Applicability

a. New Multifamily and Nonresidential Development

Except as otherwise provided in subsection c below, on any multifamily and nonresidential properties, all exterior commercial containers— including, but not limited to, garbage dumpsters and compactors, cardboard receptacles and compactors, large recyclable containers, grease/oil tanks and garbage cans and carts—shall be screened from view from adjacent streets and properties in accordance with the standards in this subsection.

155.5302 FENCES AND WALLS

D. HEIGHT REQUIREMENTS FOR FENCES AND WALLS

5. Fences and Walls Adjacent to Waterways

d. Atop Sea Wall

No wall or fence shall be erected atop a seawall ~~other than a chain-link or aluminum fence that is 90 percent see-through and no more than four feet in height above the top of the seawall.~~

F. APPEARANCE

1. Finished Side to Outside

Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and other does not), then the more “finished” side of the fence shall face the exterior of the lot rather than the interior of the lot. (See Figure 155.5302.F.1: Fence with finished side out.) However, in the event that a wood fence is constructed against a significant obstacle on the adjoining property such as a hedge or another fence, that line of fence against the obstacle may be constructed with posts on the outside of the fence provided that the horizontal rails are at least 50% covered by boards on the side facing away from the property on which the fence is constructed.

PART 4 EXTERIOR LIGHTING

155.5401 GENERAL EXTERIOR LIGHTING STANDARDS

B. APPLICABILITY

2. Exemptions

a. The following are exempted from the exterior lighting standards of this section:

~~a. Single family dwelling and two family dwellings;~~

~~b. i Existing athletic field lighting; and~~

~~c. ii Public streetlights located within a street right-of-way and lighting for public facilities.~~

b. Single family dwellings and two family dwellings are exempt from the exterior light standards of this section except:

i. Section 155.4501.D Maximum Lighting Height; and

ii. The Maximum Illumination at Property line in Section 155.4501.E.

PART 6 DESIGN STANDARDS

155.5601. MULTIFAMILY RESIDENTIAL DESIGN STANDARDS

B. APPLICABILITY

1. General

c. Development required to obtain Major Building Design approval.

155.5602. COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS

A. PURPOSE

These design standards are intended to identify the city's design goals and expectations for commercial, institutional and mixed-use development quality resulting in greater predictability during the development review process. More specifically, the purposes of this section are to:

1. Encourage establishment of a strong sense of place with vibrant commercial, institutional and mixed-use development in key areas of the city;

4. Limit the impacts of automobile-oriented development in commercial, institutional and mixed-use areas; and

B. APPLICABILITY

1. All new commercial, institutional and mixed-use development (as defined in Section Article 9: Part 5 Terms and Uses Defined), including large retail establishments.
- ~~2. Any expansion or alteration of an existing commercial or mixed-use development if the expansion increases the development's gross floor area by 50 percent or more or the alteration involves 50 percent or more of the development's gross floor area.~~
2. Commercial, institutional and mixed-Use Development required to obtain Major Building Design Approval.

C. GENERAL COMMERCIAL AND MIXED-USE DESIGN STANDARDS

All commercial, institutional and mixed-use development subject to this section shall comply with the following standards:

1. Business Activities to be Conducted in Enclosed Buildings

Except as expressly provided otherwise in this Code, all business activities associated with commercial, institutional and mixed-use developments shall be conducted within a totally and permanently enclosed building.

7. Fenestration/Transparency

- c. Street-facing facades of the ground level floor for uses involving repair, servicing and/or maintenance shall not include service bay entrances, overhead doors, sliding glass doors, removable panels, or similar type of doors.

- d. Street-facing facades of the ground level floor for all commercial, institutional, and mixed use developments shall not include roll up doors.

9. Location of Off-Street Parking

a. In the B-1 District

Single-story commercial, institutional and mixed-use development in the Business-1(B-1) district shall be configured to locate all required surface off-street parking to the side or rear of the front façade of the building. Buildings of two or more stories may locate one bay of off-street parking between the primary building entrance and the street the building faces.

10. For mixed use building with a residential or hotel component, upper-story balconies serving individual dwelling units located within 100 feet of a single family dwelling shall be oriented or configured to prevent direct views into the single family dwelling's rear yard.

155.5603. INDUSTRIAL DESIGN STANDARDS

B. APPLICABILITY

Except as otherwise provided in this Code, the standards in this section shall apply to ~~all new industrial development.~~ the following:

1. All new industrial development.
2. Industrial Development required to obtain Major Building Design approval.

155.5604. RESIDENTIAL COMPATIBILITY STANDARDS

B. APPLICABILITY

1. General

- a. New multifamily residential, ~~nonresidential,~~ commercial, institutional, industrial, and mixed-use development located on land abutting or across a local street or alley from existing single-family residential development.
- ~~b. Any expansion or alteration of an existing multifamily residential, nonresidential, or mixed-use development located on land abutting or across a local street or alley from existing single family residential development, where the expansion increases the development's gross floor area by 50 percent or more or the alteration involves 50 percent or more of the development's gross floor area.~~
- b. Commercial, institutional, industrial, and mixed-use development located on land abutting or across a local street or alley from existing single-family residential development which is required to obtain Major Building Design approval.
- c. Multifamily residential development located on land abutting or across a local street or alley from existing single-family residential development which is required to obtain a Minor or Major Building Design approval.

2. Exemptions

~~The following are exempt from these standards:~~

- ~~a. Community service uses, day care, education uses, utility uses, and "other institutional uses" (See Part 2 (Principal Uses) of Article 4: Use Standards.).~~
- ~~b. Multifamily residential, nonresidential, and mixed-use development located on lots separated from single family residential development by a street with four or more lanes.~~

3. 2 Conflict

In the case of conflict between these standards and other design standards in this article, the residential compatibility standards in this section shall control.

C. Compatibility Standards

3. ~~**Building Design**~~ Retail commercial building facades that face single-family development shall be designed to appear as a series of discrete storefronts, with no single storefront occupying more than 50 percent of the total facade width.

~~a. Buildings shall:~~

- ~~i. Use a similar roof type to adjacent single-family dwellings in terms of slope and arrangement to prevent abrupt changes in roof form;~~
- ~~ii. Use exterior colors that are similar to those found on any adjacent single-family dwellings;~~
- ~~iii. Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations found on adjacent single-family dwellings; and~~
- ~~iv. Orient porches, balconies, and outdoor activity areas away from adjacent single-family dwellings.~~

- ~~b. Retail commercial building facades that face single-family development shall be designed to appear as a series of discrete storefronts, with no single storefront occupying more than 50 percent of the total facade width.~~

4. **Off-Street Parking Areas**

- ~~b. Off-street parking areas shall be located at least 12 feet from a lot containing an existing single-family dwelling.~~
- ~~cb. Off-street surface parking areas located adjacent to single-family residential development shall be screened by a type C perimeter buffer in accordance with Section 155.5203.F, Perimeter Buffers.~~
- ~~dc. The facade of any parking structure facing adjacent single-family residential development shall be designed to appear as a solid an articulated building wall to soften its visual impact.~~

ARTICLE 7: NONCONFORMITIES**PART 1 GENERAL APPLICABILITY**

155.7101. PURPOSE AND SCOPE

In the provisions established by this Code, there exist uses of land, structures, lots of record, and other site features that were lawfully established before this Code was adopted or amended, that do not conform to its terms and requirements. It is the general policy of the city to allow such uses, structures, lots of record, and other site features to continue to exist. It also is the policy of the city to bring as many nonconformities into conformance with this Code as is reasonably practicable, subject to the requirements of this article. The purpose and intent of this article is to recognize the interests of the landowner in continuing to use the land, but to preclude the expansion of a nonconformity or reestablishment of a discontinued or substantially destroyed nonconformity unless allowing such expansion or reestablishment can serve as an incentive to achievement of even greater public benefit.

A. DEFINITIONS**1. NONCONFORMING USE**

Any use of land, building, sign, or other structure that lawfully existed before adoption of this Code, or subsequent amendment thereto, but does not comply with the use standards applied by this Code.

2. NONCONFORMING STRUCTURE

Any building or other structure that lawfully existed before adoption of this Code, or subsequent amendment thereto, but does not comply with the standards applied by this Code, or the subsequent amendment, that govern its size, height, coverage, setbacks, and other locational aspects.

3. NONCONFORMING LOT OF RECORD

Any lot of record that lawfully existed before adoption of this Code, or subsequent amendment thereto, but does not comply with the lot standards applied by this Code, or the subsequent amendment.

4. NONCONFORMING SITE FEATURE

Any off-street parking, landscaping, perimeter buffer, or screening that lawfully existed before adoption of this Code, or subsequent amendment thereto, but does not comply with the off-street parking, landscaping, perimeter buffer, or screening standards applied by this Code, or the subsequent amendment.

~~155.7105. MINOR REPAIRS AND MAINTENANCE~~

~~Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, and other site features in a safe condition are permitted, provided the minor repairs and maintenance do not extend, expand, or enlarge the nonconforming aspect and the cumulative costs of such repairs or maintenance in any 12-month period do not exceed ten percent of the fair market value of the structure being repaired or maintained. For the purposes of this subsection, "minor repair or normal maintenance" shall mean:~~

~~A. Repairs that are necessary to maintain a nonconforming use, structure, lot of record, or site feature in a safe condition; and~~

~~B. Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses.~~

155.7106.5. CHANGE OF TENANCY OR OWNERSHIP

PART 2 NONCONFORMING USES

155.7205. CONFORMING STRUCTURE USED FOR NONCONFORMING USE

B. MINOR REPAIRS AND MAINTENANCE

Minor repairs and normal maintenance that are required to keep conforming structures used for nonconforming uses and nonconforming structures used for nonconforming uses in a safe condition are permitted, provided the minor repairs and maintenance do not extend, expand, or enlarge the nonconforming use and the cumulative costs of such repairs or maintenance in any 12-month period do not exceed ten percent of the fair market value of the structure being repaired or maintained. For the purposes of this subsection, "minor repair or normal maintenance" shall mean:

1. Repairs that are necessary to maintain a conforming structures used for nonconforming uses in a safe condition; and
2. Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses.

B.C. RECONSTRUCTION OR RESTORATION OF DAMAGED STRUCTURE USED FOR NONCONFORMING USE

PART 3 NONCONFORMING STRUCTURES

155.7302. ENLARGEMENT OR ALTERATION

~~Except as otherwise provided in Section 155.7305, Exceptions for Nonconforming Structures in Redevelopment Districts, a nonconforming structure shall not be enlarged or structurally altered in any way that increases the nonconformity. (For example, a structure that has a side yard setback of five feet where the Code requires a minimum side yard setback of ten feet cannot be enlarged so as to further encroach into the required side yard.) Enlargement, expansion, or alteration of the structure in a way that complies with applicable dimensional standards, or alteration of the structure in a way that decreases the degree of nonconformity, is permitted.~~

A. Nonconforming Structure used for Conforming Use

A nonconforming structure used for a conforming use shall not be enlarged or structurally altered in any way that increases the nonconformity. (For example, a structure that has a side yard setback of five feet where the Code requires a minimum side yard setback of ten feet cannot be enlarged so as to further encroach into the required side yard.) Enlargement, expansion, or alteration of the structure in a way that complies with applicable dimensional standards, or alteration of the structure in a way that decreases the degree of nonconformity, is permitted. Repairs and maintenance to the nonconformity that are required to keep the nonconformity in a safe condition are permitted.

B. Nonconforming Structure used for Nonconforming Use

A nonconforming structure used for a nonconforming use shall not be enlarged or structurally altered in any way, including enlargement, expansion, or alteration of the structure in a way that complies with applicable dimensional standards, or alteration of the structure in a way that decreases the degree of nonconformity. A nonconforming structure used for a nonconforming use shall comply with the Minor Repairs and Maintenance standards in Section 155.7205.B.

PART 5 NONCONFORMING SITE FEATURES

155.7502. APPLICABILITY

B. Nonconforming site features, as provided for in this section, shall be addressed for all multi-family developments with five or more units and non-residential development if the following conditions are met:

1. The development site contains one or more nonconforming site features identified in subsection A above; and
2. An application is filed for a Building Permit for the remodeling or expansion of a structure and the value of the proposed improvement totals at least 25 percent of the current fair market or assessed value of the existing structure (at the option of the applicant); or
3. An application is filed for a Building Permit for an addition or expansion to a structure or use and the addition or expansion increases the gross square footage of the structure or use area by 15 percent in any continuous five-year period.

— If an application is filed for a Building Permit for the remodeling or expansion of a structure and the development site contains one or more nonconforming site features identified in subsection A above, and the value of the proposed improvements totals at least 25 percent of the current fair market or assessed value of the existing structure (at the option of the applicant), the applicant shall be required to address the nonconforming site feature as provided in this section.

ARTICLE 8: ENFORCEMENT

PART 1 GENERAL PROVISIONS

155.8101. PURPOSE

This article establishes and references procedures through which the city seeks to ensure compliance with the provisions of this Code and obtain corrections for Code violations. It also sets forth the remedies and penalties that apply to violations of this Code. The provisions of this article are intended to encourage the voluntary correction of violations, where possible. This article is intended to complement the code enforcement system established in Chapter 37 (Code Enforcement) of the Code of Ordinances and used by the city for enforcement of city regulations, as well as other means of enforcement available by law, utilized by the City.

PART 3 ENFORCEMENT GENERALLY

155.8301. RESPONSIBILITY FOR ENFORCEMENT

~~The Code Inspectors, as defined in Code Prosecutor, and Special Magistrate established and provided code enforcement authority under Chapter 37 (Pompano Beach Code Enforcement) of the Code of Ordinances, shall have primary responsibility for enforcing the provisions of this Code in accordance with Chapter 37 and this article, or in assisting the City prosecutor in the prosecution of any violation in the County Court or other court proceeding. The Development Services Director may supplement that responsibility through enforcement actions authorized in this Part, and may delegate such supplemental enforcement authority to other city officials involved with reviewing or inspecting development. All other officers, including law enforcement officers, and employees of the City shall have the duty to assist in enforcing this Code by reporting apparent violations of this Code to a Code Inspector authorized by Chapter 37 or the Development Services Director, and by issuing violations when appropriate.~~

~~155.8302. COMPLAINTS REGARDING VIOLATIONS~~

~~Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a complaint with a Code Inspector authorized by Chapter 37 (Pompano Beach Code Enforcement) of the Code of Ordinances or the Development Services Director. The complaint shall state fully the cause and basis for the alleged violation.~~

155.8303-8302. INSPECTIONS

On presenting proper credentials, a Code Inspector or the Development Services Director, to the extent permitted by law, may enter on land or inspect any structure to ensure compliance with the provisions of this Code. These inspections shall be carried out during normal business hours unless the Code Inspector or Development Services Director determines there is an emergency necessitating inspections at another time.

155.8304-8303. ENFORCEMENT PROCEDURE

A. ~~INVESTIGATION OR REFERRAL OF COMPLAINT~~ Violations of any provision in this code may be:

~~On receiving a written complaint, the Development Services Director may investigate the complaint and determine whether a violation of this Code exists. If electing not to investigate the complaint, the Development Services Director shall immediately refer the complaint to a Code Inspector for enforcement in accordance with Chapter 37 (Pompano Beach Code Enforcement) of the Code of Ordinances.~~

1. Prosecuted before the Special Magistrate for Code Enforcement pursuant to Chapter 37 (Pompano Beach Code Enforcement) of the Code of Ordinances; or
2. Prosecuted as a violation in the County Court, punishable under Section 10.99 of the Code of Ordinances, unless otherwise indicated; or

3. The remedies in subsections 1 and 2, above, shall not be deemed to prevent the city from seeking other relief as provided by law.

B. ~~NOTICE OF VIOLATION~~

1. ~~On finding that a violation of this Code exists, whether from an investigation of a written complaint or otherwise, the Development Services Director may provide written notice of the violation, by personal service or certified mail, return receipt requested, to the owner of the land on which the violation exists and the person causing or maintaining the violation. Such notification shall:~~
 - a. ~~Describe the location and nature of the violation;~~
 - b. ~~State the actions necessary to abate the violation;~~
 - c. ~~Order that the violation be corrected within a specified reasonable time period after receipt of the Notice of Violation; and~~
 - d. ~~State that the violation will be referred to a Code Inspector for enforcement in accordance with Chapter 37 if the violation is not corrected within the specified time limit.~~
2. ~~If the landowner cannot be located or determined, the Development Services Director may post a copy of the notice on the building, structure, sign, or site that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five days after the notice is posted.~~
3. ~~On determining that the violator has failed to correct the violation by the time limit set forth in the Notice of Violation, the Development Services Director may take appropriate action, as provided in Part 4 (Remedies and Penalties) of this article, to correct and abate the violation and to ensure compliance with this Code, or may refer the violation to a Code Inspector for enforcement in accordance with Chapter 37 (Pompano Beach Code Enforcement) of the Code of Ordinances.~~

C. ~~CITATIONS~~

1. ~~If a Code Inspector or the Development Services Director provides a person responsible for violating this Code a notice of violation that establishes a reasonable time period within which the person must correct the violation, and a personal inspection shows that the violation is not corrected within the time period, the Code Inspector or Development Services Director may issue a citation to the person who committed the violation of this Code.~~
2. ~~A Code Inspector of the Development Services Director may immediately issue a citation, without prior written notice or provision of a time period for correction, on reasonably determining that:~~
 - a. ~~The violation is one that has been repeated by the same offender;~~
 - b. ~~A delay in abating the violation would pose a serious threat to the public health, safety, or welfare; or~~
 - c. ~~The violation is irreparable or irreversible.~~

D. B DEMOLITION BY NEGLECT FOR PROPERTIES LISTED ON LOCAL REGISTER OF HISTORIC PLACES.

PART 4 REMEDIES AND PENALTIES

155.8401. GENERAL

The city may use any combination of the following remedies and enforcement powers to administer and enforce this Code, in addition to remedies and enforcement powers authorized by Chapter 37 (Pompano Beach Code Enforcement) of the Code of Ordinances, and Chapter 162, F.S., and prosecution of any violator in the County Court.

155.8402. CIVIL REMEDIES

B. REVOCATION OF PERMIT OR APPROVAL

2. Revocation of Zoning Use Certificate

A Zoning Use Certificate may be revoked or suspended only in accordance with the following provisions.

a. The Director of Development Services may revoke, upon written notice provided, an approved Zoning Use Certificate when same has been issued in error or otherwise in violation of the provisions of this Code. Said determination may be appealed to the Zoning Board of Appeals pursuant to the provisions of Section 155.2424, Appeal.

a.b. For Zoning Use Certificates that were issued based on inaccurate or fraudulent information, The the Special Magistrate may, following a public hearing, revoke or suspend a Zoning Use Certificate on finding that any of the following conditions exist:

b.c. Before a Zoning Use Certificate may be revoked or suspended, the City shall provide the holder of the Zoning Compliance written notice that the Special Magistrate will hold a public hearing to consider revocation of the Zoning Use Certificate. Such notice shall be delivered at least 15 days before the hearing via certified mail, return receipt requested.

c.d. If the Special Magistrate revokes or suspends a Zoning Use Certificate, no portion of the Zoning Use Certificate fee shall be refunded.

d.e. Any final decision by the Special Magistrate on whether or not to revoke or suspend a Zoning Use Certificate shall be immediately reviewable as a matter of right by the Circuit Court by the filing of an appropriate pleading by the aggrieved party within 30 days after the date of the decision.

e.f. Where a revoked or suspended Zoning Use Certificate is for a business engaged in an activity constitutionally protected by the First Amendment, the City shall stay enforcement of the revocation or suspension during the 30-day appeal period and during the pendency of any appeal until a final order is issued by the court. During the appeal process, the business may continue to operate.

E. EQUITABLE REMEDY

The City may apply to a court of law for any appropriate equitable remedy or other remedy as permitted by law to enforce the provisions of this Code. The fact that other remedies are provided under general law or this Code shall not be used by a violator as a defense to the city's application for equitable relief.

F. EXECUTION OF COURT DECISIONS

The City may execute an Order of Abatement if authorized by the Court in said order.

155.8403. CRIMINAL PENALTIES

It shall constitute a violation for any Any person violating to violate any of the provisions of this Code or who fails to abide by or obey all orders and resolutions promulgated as herein provided, shall be guilty of a misdemeanor of the second degree, and shall be subject to all criminal penalties authorized by the State of Florida for such violation. Penalties shall be as provided in

Chapter 37 (Pompano Beach Code Enforcement) of the Code of Ordinances and Chapter 162, F.S., or as provided under section 10.99, or provided by Court Order if applicable.

ARTICLE 9 – DEFINITIONS AND INTERPRETATION

PART 5 TERMS AND USES DEFINED

AUTOMOBILE/LIGHT TRUCK RENTAL USE

A use which consists of premises on which automobiles, and light trucks in operating condition are displayed for rental.

AUTOMOTIVE PARTS SALES USE WITHOUT INSTALLATION

A use which consists of the retail sale of various automobile parts and accessories, including but not limited to tires, brakes, batteries, audio systems, and lubricants such as engine oil. This use does not include the sale of gasoline or other fuels. This use does not include installation.

AUTOMOTIVE PARTS SALES AND WITH INSTALLATION

The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to tires, mufflers, brakes, batteries, audio systems, and lubricants such as engine oil. Such uses do not include the sale of gasoline or other fuels.

BOAT OR MARINE PARTS SALES WITHOUT INSTALLATION USE

The retail sale of various boat or marine parts and accessories—including, but not limited to, engine parts, electronics, navigation systems, anchors, propellers, steering systems, sailing gear, audio systems, safety and flotation gear, and water sports and fishing gear. This use does not include installation, which is considered Boat or Marine Parts Sales and Installation.

BOAT OR MARINE SALES OR RENTAL

Premises on which new or used boats, ~~marine engines, or marine equipment~~ are displayed for sale, lease, or rental.

CHILD CARE FACILITY

A place or child care arrangement, other than an occupied residence, that is licensed by Broward County's Child Care Licensing and Enforcement Section per the Broward County Child Care Ordinance (Chapter 7), as amended, other than a large family child care home, that is subject to the licensing requirements (Article I) or substantial compliance requirements (Article II) of the Broward County Child Care Ordinance (Chapter 7 of the Broward County Code of Ordinances), as amended—i.e., a place or child care arrangement other than an occupied residence that provides care for more than five children unrelated to the operator and that receives a payment, fee, grant, or some other form of compensation for any of the children in child care, whether or not operated for profit. A child care facility can include a before and/or after care program. A child care facility includes public school programs referenced in Section 402.3025(1)(b), Florida Statutes- A child care facility does not include arrangements exempted from licensure, but does not Arrangements exempt from licensure include the following arrangements:

COLLECTOR CAR

An automobile which qualifies for antique vehicle registration per FL SS 320.086, or is at least 20 years old, or is owned and operated solely as a collector's item; and has been restored to current maximum professional standards of quality in every area or perfect original condition with all components operating and appearing as new.

CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL FACILITY

A solid waste management facility that is a disposal area for materials discarded from the construction, renovation, or demolition of a structure that are generally considered to be nonhazardous and not water soluble—including, but not limited to, steel, glass, brick, concrete, asphalt materials, pipe, gypsum wallboard, and lumber. A construction and demolition debris disposal facility may also contain land clearing debris such as rocks, soil, trees, and other vegetative matter. These facilities are subject to state permitting requirements and regulations permitted by the state for the disposal of construction and demolition debris, as provided for in FL SS 403.703.

HAZARDOUS SUBSTANCES

Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person handling or using or otherwise coming into contact with the material or substance; and in accordance with Section 98.13.A of the City's Code of Ordinances, hazardous substances include any substances or materials defined or listed as a hazardous substance, pollutant or a contaminant in any applicable federal or state law or regulation or any substances or materials in a quantity or form which, in the determination of the respective Fire Chief or his/her authorized designee, poses an imminent risk to the life, health, safety, or welfare of persons or property within the City of Pompano Beach. Common examples include acids, ammunition, fertilizer, soap, insecticides, and/or batteries.

HEAVY TRUCK/RECREATIONAL VEHICLE/TRAILER REPAIR AND SERVICING USE

An establishment primarily engaged in the general repair, rebuilding, or reconditioning of the engines and other parts of heavy trucks, recreational vehicles, and trailers

HEAVY TRUCK/RECREATIONAL VEHICLE/TRAILER SALES USE

Premises on which new and used heavy trucks, recreational vehicles, and trailers in operating condition are displayed for sale or lease

HEAVY TRUCK/RECREATIONAL VEHICLE/TRAILER RENTAL USE

Premises on which heavy trucks, recreational vehicles, and trailers in operating condition are displayed for rental.

HOME BASED BUSINESS

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the lot and does not adversely and/or perceptively affect the character of the lot or surrounding area. Examples of home based businesses include, but are not limited to, the following: offices of physicians, dentists, lawyers, architects, engineers, contractors, consultants, stock brokers, marketers, bookkeepers, real estate brokers, and insurance agents; electronic and offsite retail; studios of artists, and musicians; sewing, millinery, and dressmaking services; and personal services such as physical therapy by licensed individuals, hairdressing, pet grooming, and the like. Home based businesses do not include such businesses as: family child care homes and large family child care homes (which are separate accessory uses of homes), automotive repair and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; motor vehicles sales including internet-based motor vehicle sales; or any other business that is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

LAND CLEARING DEBRIS DISPOSAL FACILITY

A solid waste management facility other than a construction and demolition debris disposal facility that is the final resting place for materials that normally result from land clearing and or land development operations for a construction project—including rocks, soils, trees, tree remains, and other vegetative matter, but not vegetative matter from lawn and landscape maintenance, right of way or easement maintenance, farming operations, nursery operations, or other sources not related to a construction project. This use is subject to state solid waste management regulations permitted by the state for the disposal of land clearing debris, as provided for in FL SS 403.703 and FAC 62-701.200.

LOT LINE, FRONT

A lot line separating the lot from the public street right-of-way or private street easement, ~~towards which the front of the principal building on the lot faces.~~ On a corner lot, the front lot line ~~is generally~~ shall be the shorter of the lot lines abutting a street, ~~unless indicated differently on a previously approved site plan.~~ For a vacant corner lot where the lengths of the street-fronting lot lines are within 20 percent of each other, the front lot line shall be the lot line the lot owner elects to identify as the front lot line.

MANUFACTURING, ASSEMBLY, OR FABRICATION, HEAVY

An establishment primarily engaged in manufacturing uses that include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. ~~This use type does not include other manufacturing uses specifically listed in the principal use tables, or the manufacture of acids, ammunition, fertilizer, soap, insecticides, or batteries.~~

MATERIALS RECOVERY FACILITY

A solid waste management facility that provides for the extraction from solid waste of recyclable materials ~~and/or~~ materials suitable for use as a fuel or soil amendment, or any combination of such materials, as provided for in FAC 62-701.200.

~~MOTOR VEHICLE/TRAILER SALES OR RENTAL~~

~~Premises on which new or used automobiles, trucks, recreational vehicles, and/or trailers in operating condition are displayed for sale, lease, or rental.~~

NEW AUTOMOBILE AND LIGHT TRUCK SALES

Premises on which new automobiles, light trucks, and collector cars, in operating condition are displayed for sale or lease.

NONCONFORMING CERTIFICATE

A certificate that determines if a nonconforming use, structure, or lot was lawfully established and existing and that is reviewed and decided by the Development Services Director in accordance with Section 155.2433, Nonconforming Certificate.

NONCONFORMING USE

Any use of land ~~or a~~ building, sign, or other structure that lawfully existed before adoption of this Code, or subsequent amendment thereto, but does not comply with the use standards applied by this Code, ~~or the subsequent amendment.~~ ~~If the land or structure is vacant or unused before adoption of this Code, or a subsequent amendment, it shall be conclusively presumed that any use of the land or structure is subject to the provisions of this Code, or the subsequent amendment.~~

RECOVERED MATERIALS PROCESSING FACILITY

A solid waste management facility engaged solely in the storage, processing, resale, or reuse of recovered materials—~~e.g., metal, paper, glass, plastic, textile, or rubber materials—that have known recycling potential, can be feasibly recycled, and have been diverted from the solid waste stream~~ as provided for in FAC 62-701.200. However this use does not include facilities where the majority of the recovered materials is demonstrated to be sold, used, or reused within one year, which is considered a General Industrial Services Use.

RECYCLING DROP-OFF STATION

A small unmanned structure where the collection facility where of recyclable materials for recycling or reuse are accepted from the public. Typical uses associated with a drop-off center include facilities that accept donations of are temporary storage of donated materials and charitable goods.

SCREENED ENCLOSURES WITH A SCREEN ROOF

A building or part thereof, in whole or in part self-supporting, and having walls of insect screening with or without removable vinyl or acrylic wind break panels and a roof of insect screening material.

SOLID WASTE TRANSFER STATION

A solid waste management facility designed the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility, as provided for in FAC 62-701.200. Facility operations may include separation of incidental amounts of recyclable materials or unauthorized waste.

TIRE DISPOSAL AND RECYCLING FACILITY

A solid waste management facility that collects, disposes of, or recycles waste tires or waste tire residuals. A tire sales use that accumulates 1,500 or more waste tires at one time is considered a tire disposal and recycling facility the primary purpose of which is tire disposal or tire recycling, as provided for in FAC 62-701.200.

USED AUTOMOBILE AND LIGHT TRUCK SALES WITH INDOOR DISPLAY ONLY

Premises on which used automobiles, and light trucks in operating condition are displayed for sale within a fully and permanently enclosed building. This use does not include outdoor display, which is considered to be Used Automobile And Light Truck Sales With Outdoor Display.

USED AUTOMOBILE AND LIGHT TRUCK SALES WITH OUTDOOR DISPLAY

Premises on which used automobiles and light trucks in operating condition are stored or displayed for sale outdoors.

WAREHOUSE, DISTRIBUTION OR STORAGE

A facility primarily engaged in the distribution and/or storage of manufactured products, supplies, and equipment involving heavy truck and/or freight rail traffic. It includes the storage and distribution of such products, supplies, and equipment excluding. This use does not include bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

WASTE COMPOSTING

A use where solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and transshipment of by-products. A solid waste management facility where solid waste is processed using composting technology, as provided for in FAC 62-709.201. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter.

WASTE-RELATED SERVICES USES

Solid waste management facilities regulated and permitted by the Florida Department of Environmental Protection's Bureau of Solid & Hazardous Waste. These uses are recognized as having potential negative impacts on the quality of air, water, soil, and other natural resources. It is further recognized that improper disposal and management of solid waste results in or contributes to air and water pollution, land blight, and nuisance conditions.

WASTE-TO-ENERGY PLANT

A facility that creates energy in the form of electricity or heat from the direct combustion of solid wastes or the production of a combustible commodity (e.g., methane) uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result, as provided in FL SS 403.7061. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

EXHIBIT A

APPENDIX A: CONSOLIDATED USE TABLE

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 MAJOR TEMPORARY USE PERMIT t = TEMPORARY USE ALLOWED WITH A MINOR TEMPORARY USE PERMIT ✓ = TEMPORARY USE ALLOWED WITHOUT TEMPORARY USE PERMIT
I = INTERIM USE ALLOWED WITH AN INTERIM 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	H-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1						
PRINCIPAL USES																																							
COMMERCIAL USES																																							
Boat and Marine Sales and Service Uses	Boat dry storage facility																	P					P								P	P	P		155.4215.A.B				
	Boat or marine parts sales without installation																	P					P								P	P	P		155.4215.C				
	Boat or marine parts sales and with installation																	P					P								P	P	P		155.4215.B.D				
	Boat or marine repair and servicing																	P					P								P				155.4215.E.E				
	Boat or marine sales or rental																	P					P								P	P		155.4215.D.F					
	Boat towing service																	P	P				P								P	P	P		155.4215.E.G				
	Docking facility, barge																	P					P												155.4215.F.H				
	Docking facility, commercial fishing boat																	P					P										P		155.4215.G.I				
	Docking facility, recreational boat																	P	P				P									P	P	P	155.4215.H.J				
	Marina																	P	P				P									P	P	P	155.4215.I.K				
Yacht club																	P	P	P			P									P	P	P	155.4215.J.L					

Motor Vehicle Sales and Service Uses	Automotive painting or body shop																	P			P	P													155.4219.A.B				
	Automotive parts sales without installation																	P			P											P	P	P	155.4219.C				
	Automotive parts sales and with installation																	S	P		P	P												155.4219.B.D					
	Automotive repair and maintenance facility																	S	P		P	P												155.4219.E.E					
	Automotive wrecker service																	P			P														155.4219.D.F				
	Battery exchange station																	S	P		P	P													155.4219.F.G				
	Car wash or auto detailing																	S	S																155.4219.F.H				
Gasoline filling station																	P	P	P	P	P												P	155.4219.G.I					

EXHIBIT A

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 MAJOR TEMPORARY USE PERMIT t = TEMPORARY USE ALLOWED WITH A MINOR TEMPORARY USE PERMIT √ = TEMPORARY USE ALLOWED WITHOUT TEMPORARY USE PERMIT
I = INTERIM USE ALLOWED WITH AN INTERIM 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-X	OP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD		PD-10	LAC	PD-1																																						
New Motor vehicle/trailer Automobile and Light Truck sales Used Motor vehicle/trailer Automobile and Light Truck sales with Indoor Display only Used Automobile and Light Truck sales with Outdoor Display Motor vehicle/trailer Automobile and Light Truck rental Muffler/transmission sales and installation Parking deck or garage (as principal use) Parking lot (as principal use) Taxi or limousine service facility Tire sales and mounting Heavy Truck/recreational vehicle/trailer repair and servicing Heavy Truck/recreational vehicle/trailer sales Heavy Truck/recreational vehicle/trailer rental															P	P			P	P										P				155.4219.H.J																																						
																	S.P		S.P		S.P										S.P			155.4215.F.K																																						
																	S		S		S									S				155.4215.L																																						
															P	P		P	P		P									P				155.4215.J.M																																						
															S	P			P	P										P				155.4215.K.N																																						
															P	P		P	P		P	P		P						P	P	P		155.4215.L.O																																						
																P	P		P	P	P		P		P			P		P	P	P		155.4215.M.P																																						
																S	P		P	P	P									P				155.4215.N.Q																																						
																				P	P										P				155.4215.O.R																																					
*** Retail Sales and Service Uses – Retail Sales																P			P	P										P			P		155.4215.P.S																																					
																			P	P											P				155.4215.T																																					
																S	P		P	P											P				155.4215.U																																					
*** Retail Sales and Service Uses – Retail Sales																																																																					155.4222.I			
*** Warehouse and Freight Movement Uses																																																																							155.4228.C	
*** Warehouse, distribution or storage Junkyard or salvage yard																																																																								155.4228.D

EXHIBIT A

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 MAJOR TEMPORARY USE PERMIT t = TEMPORARY USE ALLOWED WITH A MINOR TEMPORARY USE PERMIT √ = TEMPORARY USE ALLOWED WITHOUT TEMPORARY USE PERMIT
I = INTERIM USE ALLOWED WITH AN INTERIM 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	L-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-10	LAC	PD-1					
Waste-Related Uses	Construction and demolition debris disposal facility																			S	S					S	S				P				155.4229.A D and E				
	Junkyard or salvage yard																				S									P				155.4229.B					
	Land clearing debris disposal facility																			S	S					S	S			P				155.4229.C D and E					
	Materials recovery facility																			S	S					S	S			P				155.4229.D and E					
	Recovered materials processing facility																			S	P	S				S	S			P				155.4229.E D and E					
	Solid waste transfer station																			S	S					P	S			P		P			155.4229.G D and E				
	Tire disposal or recycling facility																			S	P	S				S	S			P				155.4229.H D and E					
	Waste composting facility																			S	P	S				S	S			P				155.4229.I D and E					
Waste-to-energy plant																			S	P	S					S	S			P				155.4229.J D and E					
***																																							***
ACCESSORY USES AND STRUCTURES																																							
Gazebos		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.NN					
***																																							***
Screened Enclosures with Screened Roof		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.OO					