

FORT MYERS CITY COUNCIL AGENDA ITEM SUMMARY

MEETING DATE: 9/17/2018 Regular Meeting	WARD: All	AGENDA ITEM NO 17. Revised: Quasi-Judicial: No
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PUBLIC HEARINGS

MOTION: FIRST PUBLIC HEARING for Ordinance 3841 amending Ch.118 Land Use Regulations (first of two public hearings); AND grant permission to advertise SECOND PUBLIC HEARING for Ordinance 3841, amending Ch. 118 Land Use Regulations	MANAGEMENT RECOMMENDATION: Approve FIRST PUBLIC HEARING and grant permission to advertise for SECOND PUBLIC HEARING for Ordinance 3841 amending Ch.118 Land Use Regulations.
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FUNDING SOURCE: N/A FISCAL IMPACT: N/A BUDGETED ITEM: N/A
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WHAT ACTION ACCOMPLISHES: Approves Ordinance 3841 amending Ch.118 Land Use Regulations (first of two public hearings).

BACKGROUND INFORMATION:

Proposed amendments to Chapter 118 Land Use Regulations, of the Land Development Code. This is the first proposed Land Development Code amendment done in coordination with City consultants Waldrop Engineering and Calvin Giordano, City staff, the Planning Board, and extensive involvement of stakeholders and the public.

The proposed amendments to Chapter 118 include reorganization and amendment of the zoning districts and uses, revisions to the Planned Unit Development process, removal of antiquated provisions and references, provisions to allow administrative variances, and moving definitions to Ch 142. Key substantive amendments include the following:

- Modification to layout of the zoning district uses and combination of like uses to eliminate repetition;
- Revisions to allow administrative setback reductions in specific instances where impacts are minimal and common impacts are ameliorated by requirements;
- Changed the Professional Office zoning district to Neighborhood Commercial, including

allowances to specific small-scale uses desirable near residential;
 Removal of non-industrial uses in the Industrial zoning districts, to decrease incompatibility with high impact uses;
 Decrease in minimum living area for RSE dwelling units and inclusion of minimum living area for all dwelling types;
 Decrease in minimum lot width for single-family attached;
 Revision of Use Standards section;
 Removal of list of accessory uses utilizing existing criteria for accessory uses;
 Reorganization of Fences and Walls section and allowing taller fences in Commercial and Industrial Zoning Districts and disallowing slats and fabric on fencing;
 Clarification of the Planned Unit Development rezoning process, including additional review criteria. This section dovetails with the revisions in Ch. 98; and
 Removal of Sec. 118.7.6, restricting the use of metal panels.

The amendments are consistent with the Comprehensive Plan and are intended to create a more usable Land Development Code with clear requirements for pursuing development in the City. Staff and the Consultant will bring forward amendments to other Chapters, including 98, 134 and 138, that will further compliment and support the proposed changes to Chapter 118.

Person Initiating Request: Steven Belden, AICP, Anthony Palermo, AICP, Nicole DeVaughn, AICP

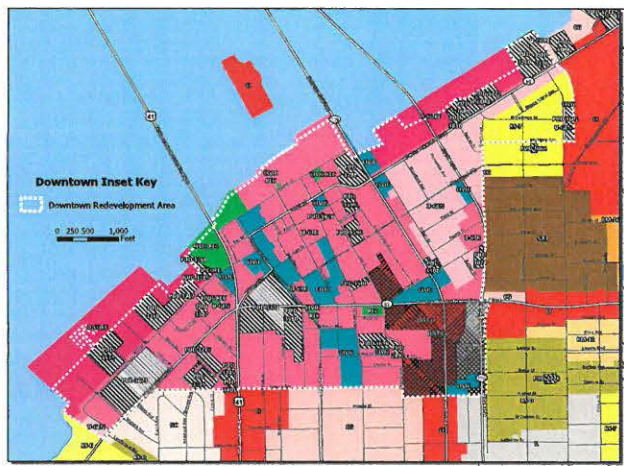
Department: Community Development
Division:

ATTACHMENTS:

Description	Upload Date	Type
Zoning Map	8/27/2018	Exhibit
PTA 2nd Public Hearing	8/27/2018	Backup Material
Cover Memo	9/7/2018	Cover Memo
Ordinance	9/7/2018	Cover Memo

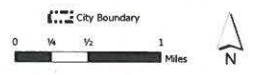
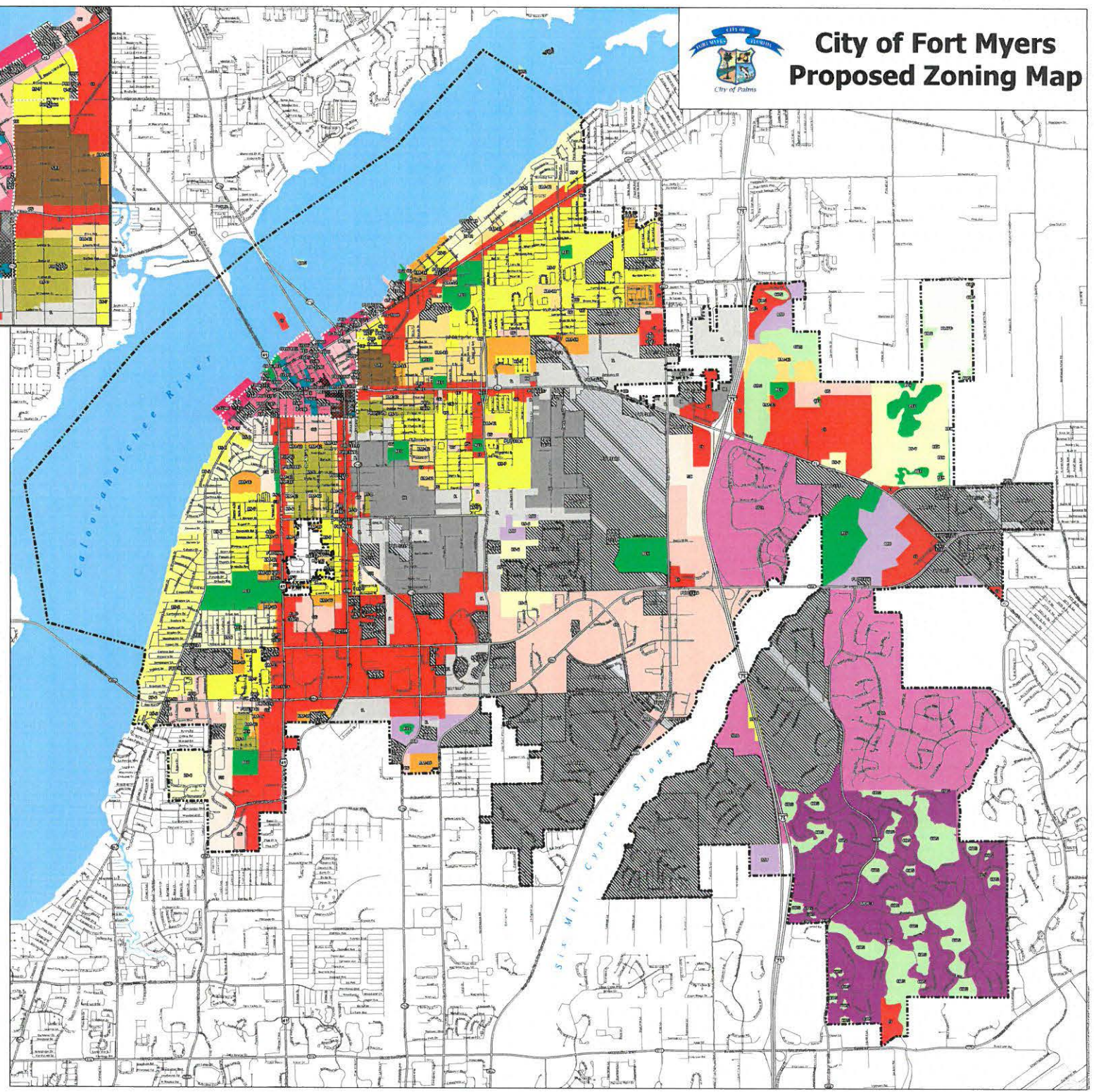


City of Fort Myers Proposed Zoning Map



Zoning Key

- Residential**
 - RS-E - Single Family Estate
 - RS-5 - Single Family - 5
 - RS-6 - Single Family - 6
 - RS-7 - Single Family - 7
 - RS-D - Single Family Duplex
 - RM-12 - Medium Density Multi-Family
 - RM-16 - High Density Multi-Family
 - NR1 - Neighborhood Redevelopment
 - HLSFD - Heritage Lakes Single Family District
- Commercial**
 - NC - Neighborhood Commercial
 - CG - Commercial General
 - DIST CG - Commercial General District
 - CI - Commercial Intensive
 - DIST CI - Commercial Intensive District
- Industrial**
 - IL - Light Industrial
 - DIST IL - Light Industrial District
 - IH - Heavy Industrial
- Open Space**
 - CON - Conservation Lands
 - REC - Recreation
- Planned Districts**
 - MU - Mixed Use
 - MDP-3 - Master Development Plan 3
 - SDA - Special Development Area
 - PUD - Planned Unit Development By Ordinance
- Urban & Civic**
 - U-GEN - Urban General
 - U-CTR - Urban Center
 - U-CORE - Urban Core
 - CIVIC - Civic
 - CIVIC REC - Civic Recreation



Effective October 1st, 2018 per Ordinance No. 3841

Map for reference only and is not a Survey. The City of Fort Myers makes no claim or guarantee about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions.
Source: City of Fort Myers Community Development GIS
Map Date: 6/16/2018



CITY OF FORT MYERS, FLORIDA

CITY CLERK'S OFFICE
POST OFFICE BOX 2217
FORT MYERS, FLORIDA 33902
239-321-7035 TEL
239-344-5927 FAX

The City Council of the City of Fort Myers, Florida, proposes to adopt the following ordinance:

ORDINANCE NO. 3841

AN ORDINANCE To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, SUB-PART B, LAND DEVELOPMENT CODE, AMENDING CHAPTER 118 LAND USE REGULATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

The Fort Myers City Council will hold a **SECOND PUBLIC HEARING** concerning the proposed enactment of the above titled ordinance in the Council Chambers at Oscar M. Corbin, Jr. City Hall, 2200 Second Street, Fort Myers, Florida, on Monday, October 1, 2018, on or about 5:15 o'clock p.m., or as soon thereafter as can be heard. Copies of the proposed ordinance may be obtained or inspected at the City Clerk's Office in Oscar M. Corbin, Jr. City Hall or viewed at www.cityftmyers.com. Interested parties may appear at the meeting and be heard in respect to the proposed ordinance.

If a person decides to appeal any decision made by City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Special Requirements: If you require special aid or services as addressed in the Americans with Disabilities Act, please contact the City Clerk's Office at (239) 321-7035 or for the hearing impaired, TDD telephone number (239) 332-2541.

CITY OF FORT MYERS
By: Gwen Carlisle, City Clerk

LEGAL ADVERTISING

PROOF: WEDNESDAY, SEPTEMBER 5, 2018
RUN: FRIDAY, SEPTEMBER 7, 2018

PLEASE PROVIDE PROOF OF ADVERTISEMENT PRIOR TO PUBLICATION TO MHAGEMANN@CITYFTMYERS.COM AND GCARLISLE@CITYFTMYERS.COM. PLEASE RETURN AFFIDAVIT OF PUBLICATION TO GWEN CARLISLE, CITY CLERK, POST OFFICE BOX 2217, FORT MYERS, FL 33902.

**CITY OF FORT MYERS
CITY COUNCIL
PUBLIC HEARING
SEPTEMBER 4, 2018**

Agenda Item ##: Consider an amendment to Chapter 118, Land Use Regulations, of the Land Development Code.

The proposed amendments to Chapter 118 include reorganization and amendment of the zoning districts and uses, revisions to the Planned Unit Development process, removal of antiquated provisions and references, provisions to allow administrative variances, and moving definitions to Ch 142. Key substantive amendments include the following:

- Modification to layout of the zoning district uses and combination of like uses to eliminate repetition;
- Revisions to allow administrative setback reductions in specific instances where impacts are minimal and common impacts are ameliorated by requirements;
- Changed the Professional Office zoning district to Neighborhood Commercial, including allowances to specific small-scale uses desirable near residential;
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- Reorganization of Fences and Walls section and allowing taller fences in Commercial and Industrial Zoning Districts and disallowing slats and fabric on fencing;
- Clarification of the Planned Unit Development rezoning process, including additional review criteria. This section dovetails with the revisions in Ch. 98; and
- Removal of Sec. 118.7.6, restricting the use of metal panels.

The amendments are consistent with the Comprehensive Plan and are intended to create a more usable Land Development Code with clear requirements for pursuing development in the City. Staff and the Consultant will bring forward amendments to other Chapters, including 98, 134 and 138, that will further compliment and support the proposed changes to Chapter 118.

RECOMMENDED ACTION: Find the amendments to be consistent with the Comprehensive Plan and approve the amendments to Chapter 118 Land Use Regulations of the Land Development Code.

ORDINANCE 3841

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, SUB-PART B, LAND DEVELOPMENT CODE, AMENDING CHAPTER 118 LAND USE REGULATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS,

FLORIDA, that:

SECTION 1. The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 118 Land Use Regulations, is hereby amended in its entirety and attached hereto as Exhibit A to this ordinance.

SECTION 2. Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than that part declared to be invalid.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption.

EXHIBIT A

CHAPTER 118 LAND USE REGULATIONS

ARTICLE 1. - GENERAL PROVISIONS

118.1.1 - Purpose. No Change

118.1.2 - Districts Established. No Change

118.1.3 - Official Zoning Map. No Change

118.1.4 - Interpretation of Map Boundaries.

The Community Development Director (Director) Services Manager is authorized to interpret district boundaries as shown on the Official Zoning Map. Where uncertainty exists the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of a change in the shoreline, shall be construed as moving with the actual shoreline.
- F. Boundaries indicated as parallel to or extensions of features indicated in paragraphs A and E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered by paragraphs A and F above, the Board of Adjustment shall interpret the district boundaries.

118.1.5 - Application of District Regulations. No Change to A, B and D.

- C. **Reduction of lot or open spaces.** No lot, in existence existing at the time between of the zoning code, adopted September 11, 1967, and the passage and adoption of the land development code shall be reduced in area, width, or depth to less than that required by this chapter; nor shall any lot be reduced in any manner that would result in the reduction of any yard, parking space, loading space or other open space or spaces to less than that required by this Land Development Code.

118.1.6 - Measurements and Exceptions. No Changes to B, C, E

- A. **Density.** The number of residential dwelling units permitted per gross acre of land.
 1. For multifamily density calculation purposes only:
 - a. A studio unit with 750 square feet or less or a one-bedroom unit with 750 square feet or less is equivalent to 0.5 dwelling unit;
 - b. A two-bedroom unit with 1,200 square feet or less is equivalent to 0.75 dwelling unit;
 - c. All other unit types are considered equivalent to one dwelling unit. An applicant may request alternative multifamily unit density equivalencies on a case- by-case basis (i.e. a

two-bedroom unit larger than 1,200 square feet is equivalent to a fraction of one dwelling unit). The applicant must conclusively demonstrate that wastewater flows will be less than average of 75 gal/capita/day, or household size will be less than average of 2.5 persons per household. Alternative multifamily unit density equivalencies may be approved upon finding by the City staff that: (1) the requested equivalency is justified based on sound engineering analysis, and (2) the potential impact to City services is adequately addressed. If an alternative equivalency is approved, it will be enforced through monitoring of the actual flows following construction. If the flow levels exceed the levels that were provided as justification, the City is authorized to impose utility fee surcharges for the overages.

2. For ~~the density equivalency calculation for assisted living facilities, see subsection 118.3.3.A.5. group living density calculation purposes, assisted care facilities shall be restricted to the same multifamily density regulations applicable within the district in which they are allowed. For the purposes of determining conformance with the densities requirements and all other district requirements, every 1.93 occupants of an assisted care facility shall be deemed to equal one dwelling unit. To calculate future occupants and subsequent density when number of bed spaces is used as opposed to number of units, 1.0 bed space shall equal 1.0 occupant. The number of occupants divided by the household size (1.93) shall equal the number of units.~~
3. As defined in chapter 142, article 2 a guest house, cottage, or garage apartment accessory to a principal dwelling unit is not subject to calculations.
4. Hotels and hospitals are not subject to density calculations.

D. Open space.

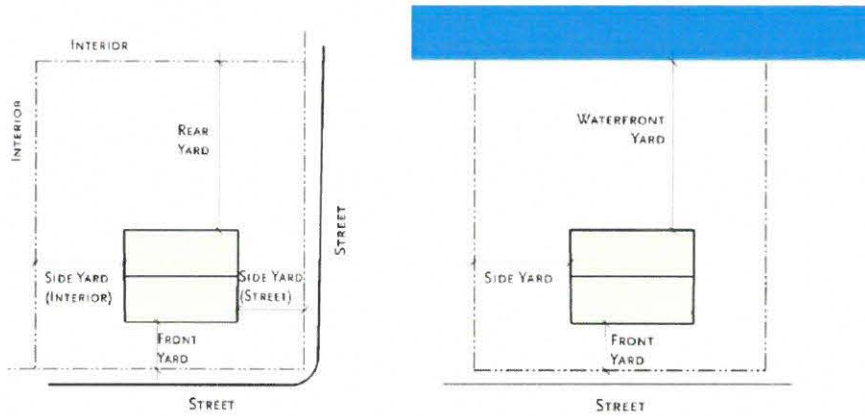
1. The minimum open space required in a development under common ownership or unified control, or within a subdivision, shall be property under public or common private ownership. Such open space may be held privately. All open space shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces. Unoccupied or predominately unoccupied by buildings or other impervious surfaces shall mean that not more than five percent of the area of any required open space shall be occupied by such surfaces.
2. Required open space in RS- and RM- districts shall be measured exclusive of any individual lots, except in the RS-E District.
3. Open space may be used for parks, recreation, agriculture, conservation, preservation of native habitat and other natural resources, stormwater management, historic or scenic purposes. When used for recreation, the following shall apply:
 - a. Recreational activities in conservation or preservation open space areas shall maintain the areas in their natural state with little or no land disturbance. Structures are limited to improvements such as boardwalks, permeable pathways and signage necessary for resource management.
 - b. Recreational activities in all other open space areas may include, but are not limited to, structures or other active, player-oriented facilities such as playgrounds, ball fields, golf courses, club houses, tennis courts and associated accessory facilities such as parking areas and restrooms, subject to the limits on occupation of open space in Section a. above.
 - c. Any property within 20 feet of any structure (except any accessory structures within the designated open space) or having a dimension of less than 15 square feet, regardless of ownership, shall not be considered open space in meeting the requirements of this Land Development Code.

1. Yard setbacks.Applicability.

- a. No part of a yard or other open space required by the provisions of this Land Development Code shall be included as a part of any yard or other open space similarly required for another structure or use.
- b. Unless specifically set forth in section 118.3.4, Accessory Uses and Structures, the district setback requirements apply to principal and ~~an~~ accessory structures.

2. Types of yards.

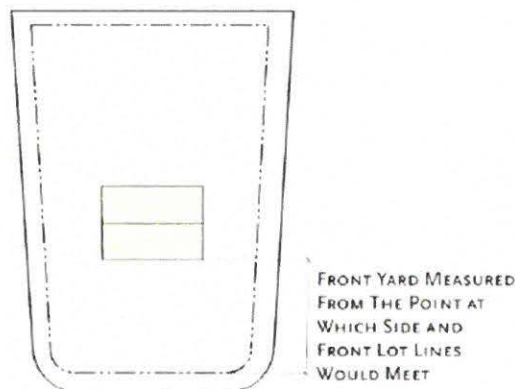
- a. There are five types of yards - front, side (street), side (interior), rear, and waterfront yard.



- b. Double frontage lots shall be considered to have two front yards.

3. Measurement of yards.

- a. All front yard and side yard (street) setbacks shall be measured from the edge of the right-of-way.
- b. Depth of a required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.
- c. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.
- d. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.



4. Setbacks.

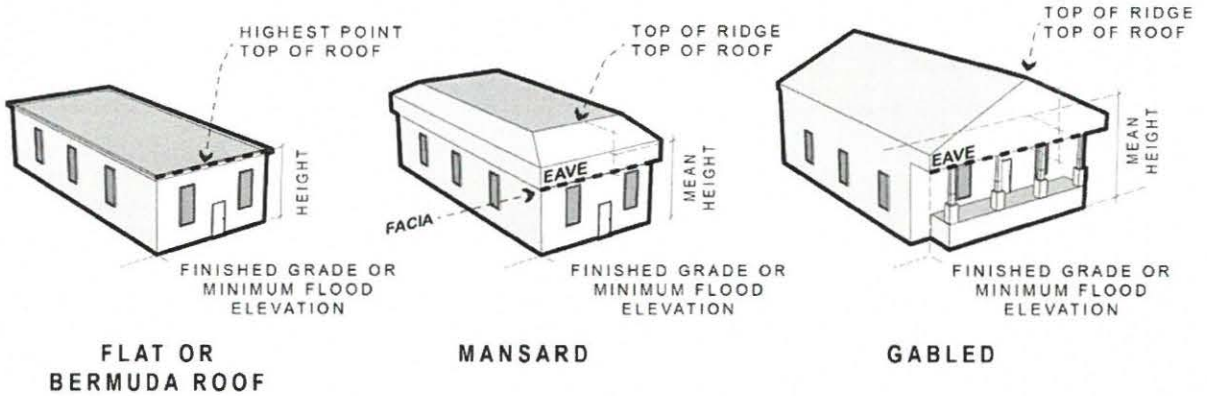
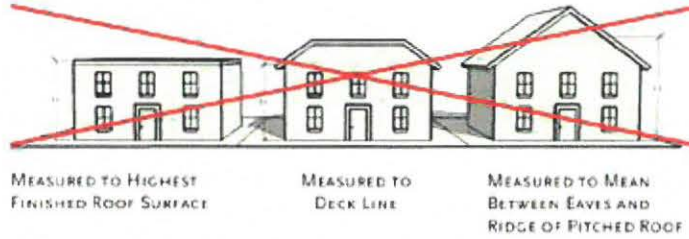
- a. The front setback shall be as stated in this Land Development Code. All setbacks shall be based on the future right-of-way line established in the Comprehensive Plan, or as identified on the Metropolitan Planning Organization's Long-Range Transportation Plan, 2030 Adopted Highway Element. All lots shall have the minimum lot width as prescribed by this Land Development Code and shall be located on an improved dedicated street right-of-way.

- b. Attached residential garages shall have a minimum front setback of 25 feet where the doors face the right-of-way.
 - c. On corner lots, ~~if no other buildings are present between two streets intersecting the side yard street or no buildings are present between an intersecting street and the terminal end of the side street, and no side yard setback line is in evidence, the side adjacent to the street~~the secondary front yard, or yard not accessed by a driveway or vehicular accessway, shall be not less than 25 percent of the lot width; however, when the lot is less than 50 feet, the minimum side yard shall be ~~not less than a minimum of~~ 12½ feet. When the lot width is greater than 80 feet, ~~the secondary front side yards shall need not be~~ greater than a minimum of 20 feet.
5. **Encroachments.** Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ~~ordinary~~ encroachments listed below. See also section 118.3.4, Accessory Uses and Structures, and section 118.3.5, Temporary Uses and Structures.
- a. Fences as noted in section 118.3.8, flag poles, sidewalks, and driveways.
 - b. Projection of sills, belt courses, cornices, buttresses, ornamental features, bay windows where allowed by the building code, chimneys, flues and eaves; however, no such projection shall exceed 30 inches into a minimum yard area.
 - c. Parking structures may extend into the rear yard of a lot, where there is access through an alley. Such structures shall be located either within three feet or less from the rear property line, or at least 20 feet from the rear property line.
 - d. Security gates and guard stations may be located within any required yard.
 - e. Covered porches may encroach a maximum of eight feet into a required street yard setback or 20 percent of the required street yard setback depth, whichever is less.
 - f. Mechanical equipment for residential uses, such as HVAC units, generators and security lighting, may extend into any required side yard but shall remain at least three feet from the property line.
 - g. Driveways may extend into any required yard, if acceptable to the engineering division.
 - h. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.
 - i. Sport courts, trampolines, swingsets and other similar equipment shall be located to the rear of the front building line, and outside of any required side yard setbacks.

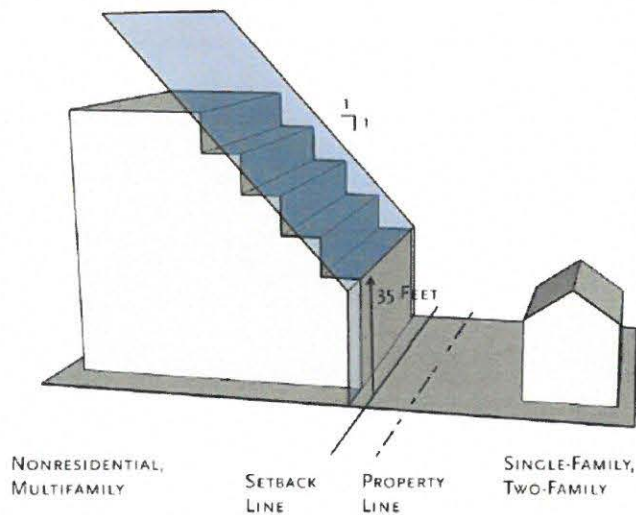
G. Bulk.

1. Height.

- a. **Applicability.** Unless specifically set forth in section 118.3.4, Accessory Uses and Structures, the base district height requirements apply to principal and accessory structures.**Determination.** Height shall be determined by the vertical distance measured from the mean finished grade to the highest point of the roof surface of a flat or Bermuda roof, ~~the mean height between the fascia and highest point the deck line~~ of a mansard roof and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. Where minimum floor elevations in flood hazard areas have been established by law, height shall be measured from such required minimum floor elevations.



- b. **Exemptions.** The height limits of this Land Development Code shall not apply to church spires, belfries, monuments, transmission towers, telecommunications towers, water towers, flagpoles, chimneys, cooling towers, fire towers and other structures not intended for human occupancy, and subject to approval by the [DirectorDevelopment Services Manager](#). These exceptions shall not apply in an airport flight zone.
- c. **Bulk plane.** Any new building that abuts an existing RS- district shall be subject to a bulk plane starting at 35 feet in height at the side or rear setback line, and extending upward one additional foot for every additional foot into the site from the setback line.



2. **Building coverage.** The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages.
3. **Living area.** Living area shall include all areas within the enclosing walls of a building except garages, outside utility rooms, carports, cabanas, porches, patios and unroofed or unenclosed areas.
4. **Building separation.** The required separation between any two buildings located on the same lot or site. Where this land development code allows a building separation of less than ten feet, additional fire code requirements may apply.

ARTICLE 2. - BASE DISTRICTS

118.2.1 - Residential Districts.

A. Intent statements.

1. Residential single-family districts.

- a. **Estate (RS-E).** This district is intended to accommodate low density single-family dwellings and other selected uses that are compatible with the open residential character of the area. Single-family detached structures are appropriate in this district. The maximum density permitted is 1.5 dwelling units per acre and minimum lot size is 32,000 square feet. See Tables 118.2.1.A. and G. for additional dimensional requirements.

Permitted Uses

- 1) Park, Recreation field, Beaches
- 2) Residential, Single-family detached
- 3) Water management structures, Wells, Reservoirs

Conditional Uses

- 4) Commercial Wireless Telecommunication Facility (See 118.3.10)
- 5) Community or neighborhood arts center (public)
- 6) Golf course, Tennis, Country club, Clubhouse
- 7) Museum, Library
- 8) Police, Fire, EMS substation
- 9) Religious Institutions (See 118.3.3.B.2)

10) School public/private (K-12)

b. **Single-family (RS-5, RS-6 and RS-7)**—This district is intended to accommodate single-family residential development and protect existing neighborhoods from incompatible uses. ~~Single-family detached and zero lot line structures are appropriate in all RS Districts and single-family attached structures are appropriate in the RS-6 and RS-7 districts.~~The maximum densities permitted are as follows:

~~4) RS-5 is five dwelling units per acre and minimum lot size for residential uses is 8,000 square feet and 10,000 square feet for all other uses. See Tables 118.2.1.A, B and G for additional dimensional requirements.~~

Permitted Uses

- 1) Park, Recreation field, Beaches
- 2) Residential, Single-Family detached
- 3) Residential, Zero Lot Line
- 4) Water management structures, Wells, Reservoirs

Conditional Uses

- 5) Commercial Wireless Telecommunication Facility (See 118.3.10)
- 6) Convenience store without gas pumps
- 7) Golf course, Tennis, Country club, Clubhouse
- 8) Museum, Library, Community center (public)
- 9) Police, Fire, EMS substation
- 10) Religious Institutions (See 118.3.3.B.2)
- 11) School public/private (K-12)

c. **Single-family RS-6** This district is intended to accommodate single-family residential development and protect existing neighborhoods from incompatible uses. The maximum density permitted 2) RS-6: S is six dwelling units per acre. See Table 118.2.1.A, B, C and G for additional dimensional requirements.

Permitted Uses

- 1) Park, Recreation field, Beaches
- 2) Residential, Single-family attached
- 3) Residential, Single-family detached
- 4) Residential, Zero lot line
- 5) Water management structures, Wells, Reservoirs

Conditional Uses

- 6) Commercial Wireless Telecommunication Facility (See 118.3.10)
- 7) Convenience store without gas pumps
- 8) Golf course, Tennis, Country club, Clubhouse
- 9) Museum, Library, Community center (public)
- 10) Police, Fire, EMS substation
- 11) Religious Institutions (See 118.3.3.B.2)
- 12) School, public or private (K-12)

d. **Single-family RS-7** This district is intended to accommodate single-family residential development and protect existing neighborhoods from incompatible uses. The maximum density permitted 3) RS-7: is seven dwelling units per acre. See Tables 118.2.1.A, B, C and G for additional dimensional requirements.

Permitted Uses

- 1) Park, Recreation field, Beaches
- 2) Residential, Single-family attached
- 3) Residential, Single-family detached

- 4) Residential, Zero lot line
- 5) Water management structures, Wells, Reservoirs

Conditional Uses

- 6) Commercial Wireless Telecommunication Facility (See 118.3.10)
- 7) Convenience store without gas pumps
- 8) Day care center (adult or child), Preschool
- 9) Golf course, Tennis, Country club, Clubhouse
- 10) Museum, Library, Community center (public)
- 11) Police, Fire, EMS substation
- 12) Religious Institutions (See 118.3.3.B.2)
- 13) School, public or private (K-12)

e-e. Duplex districts (RS-D). This district is intended to accommodate single-family and two-family residential development and protect existing neighborhoods from incompatible uses. ~~Single-family detached, zero lot line, single-family attached, two-family and townhouse structures are appropriate in this district.~~ The maximum density permitted is seven dwelling units per acre. See Tables 118.2.1.A, B, C, D, E and G for additional dimensional requirements.

Permitted Uses

- 1) Park, Recreation field, Beaches
- 2) Residential, Single-family attached
- 3) Residential, Single-family detached
- 4) Residential, Townhouse (See 118.3.3.A.1)
- 5) Residential, Two-family (See 118.3.3.A.2)
- 6) Residential, Zero lot line
- 7) Water management structures, Wells, Reservoirs

Conditional Uses

- 8) Commercial Wireless Telecommunication Facility (See 118.3.10)
- 9) Convenience store without gas pumps
- 10) Day care center (adult or child), Preschool
- 11) Golf course, Tennis, Country club, Clubhouse
- 12) Museum, Library, Community center (public)
- 13) Police, Fire, EMS substation
- 14) Religious Institutions (See 118.3.3.B.2)
- 15) School, public or private (K-12)

Residential multifamily districts.

a. Residential multifamily (RM-12). This district is intended to accommodate low density multifamily residential development. ~~Single-family attached, two-family, townhouse and multifamily structures are appropriate in this district.~~ The maximum density permitted is 12 dwelling units per acre. See Tables 118.2.1.A-G for additional dimensional requirements.

Permitted Uses

- 1) Assisted Living Facility, Nursing Home, Life care facilities
- 2) Bed and breakfast
- 3) Day care center (adult or child), Preschool
- 4) Park, Recreation field, Beaches
- 5) Residential, Multifamily (See 118.3.3.A.3)
- 6) Residential, Single-family attached
- 7) Residential, Single-family detached

- 8) [Residential, Townhouse \(See 118.3.3.A.1\)](#)
- 9) [Residential, Two-family \(See 118.3.3.A.2\)](#)
- 10) [Residential, Zero lot line](#)
- 11) [Student dormitory, Fraternity, Sorority](#)
- 12) [Water management structures, Wells, Reservoirs](#)

Conditional Uses

- 13) [Art studio, Gallery \(See 118.3.3.C.2\)](#)
- 14) [Boarding facility, Youth hostel](#)
- 15) [Commercial wireless telecommunication facility \(See 118.3.10\)](#)
- 16) [Convenience store without gas pumps](#)
- 17) [Golf course, Tennis, Country club, Clubhouse](#)
- 18) [Museum, Library, Community center \(public\)](#)
- 19) [Police, Fire, EMS substation](#)
- 20) [Religious Institutions \(See 118.3.3.B.2\)](#)
- 21) [School, public or private \(K-12\)](#)

- b. **Residential multifamily (RM-16).** This district is intended to accommodate medium density multifamily residential development. ~~Townhouse and multifamily development are appropriate in this district.~~ The maximum density permitted is 16 dwelling units per acre. [See Tables 118.2.1.A-G for additional dimensional requirements.](#)

Permitted Uses

- 1) [Assisted Living Facility; Nursing Home; life care facilities](#)
- 2) [Bed and breakfast](#)
- 3) [Day care center \(adult or child\), Preschool](#)
- 4) [Park; Recreation field, beaches](#)
- 5) [Residential, Multifamily \(See 118.3.3.A.3\)](#)
- 6) [Residential, Single-family attached](#)
- 7) [Residential, Single-family detached](#)
- 8) [Residential, Townhouse \(See 118.3.3.A.1\)](#)
- 9) [Residential, Two-family \(See 118.3.3.A.2\)](#)
- 10) [Residential, Zero lot line](#)
- 11) [Student dormitory, Fraternity, Sorority](#)
- 12) [Water management structures, Wells, Reservoirs](#)

Conditional Uses

- 22) [Art studio, Gallery \(See 118.3.3.C.2\)](#)
- 23) [Boarding facility, Youth hostel](#)
- 24) [Commercial wireless telecommunication facility \(See 118.3.10\)](#)
- 25) [Convenience store without gas pumps](#)
- 26) [Golf course, Tennis, Country club, Clubhouse](#)
- 27) [Hotel, Motel, Inn, Extended stay facility](#)
- 28) [Manufactured home \(See 118.3.3.A.4\)](#)
- 29) [Museum, Library, Community center \(public\)](#)
- 30) [Police, Fire, EMS substation](#)
- 31) [Religious Institutions \(See 118.3.3.B.2\)](#)
- 32) [School, public or private \(K-12\)](#)

B. Housing Types Permitted land uses. Permitted uses by district are set forth in Article 3, Permitted Land Uses.

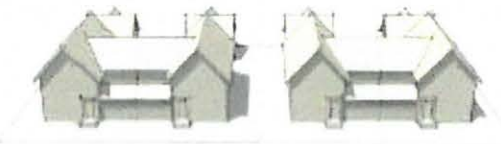
1. **Housing types.** In order to allow for a variety of housing options in the City and to establish a common housing terminology, the following housing types are established.



Single-Family Detached. A building containing one dwelling unit located on a single lot with private yards on all four sides.



Zero Lot Line. A building containing one dwelling unit located on a single lot with private yards on three sides, and the building located on or very near the remaining lot line.



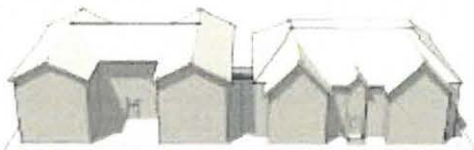
Single-Family Attached. A building with two attached dwelling units located on two lots that share a common wall along a lot line.



Two-Family. A building with two attached dwelling units located on a single lot or parcel (often called a duplex). The units may be located on separate floors or side-by-side.



Townhouse. A building with at least three attached dwelling units consolidated into a single structure. Each unit is separated by a common side wall. A townhouse is more than one story in height, however units are not vertically mixed. Each unit has its own external entrance.



Multifamily. A building or buildings consisting of three or more dwelling units located on a single lot or site. Dwelling units within a multifamily building may be situated either wholly or partially over or under other dwelling units. The building often shares a common entrance.

2. **Building envelope standards.** The building envelope standards for buildings in the residential districts are as follows. The cross-reference shown in the right hand column of the table lists additional standards that must be followed.

Residential Zoning District Dimensional Area and Site Requirements. The cross-reference shown in the right-hand column of the tables lists additional standards that must be followed. All footnotes are located at the end of the tables.

Table 118.2.1.A. Single Family Detached Dwelling Dimensional Requirements

SINGLE FAMILY DETACHED	RS-E	RS-5	RS-6	RS-7	RS-D	RM-12	RM-16
Site (min)							
Area (acres)	—	—	—	—	—	—	—
Open Space (Common)	—	—	—	—	—	—	—
Lot (min ft.)							
Area (sq. ft.)	32,000	8,000	7,000	5,000	5,000	5,000	5,000
Width	85	80	70	50	50	50	50
Setbacks (min ft.)							
Front ²	20	20	20	20	20	20	20
Front - Front-Facing Garage Door ¹	25	25	25	25	25	25	25
Side (interior)	7	7	7	7 ³	7 ³	7 ³	7 ³
Side (street) * see subsection 118.1.6.F.4.	see subsection 118.1.6.F.4.						
Rear	10	10	10	10	10	10	10
Waterfront	25	25	25	25	25	25	25
Bulk (max)							

Height (ft.)	35	35	35	35	35	35	35
Building Coverage	35%	35%	40%	40%	40%	45%	45%
Living Area (min sq. ft. per dwelling)	2,500 <u>1,400</u>	1,400	1,200	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>

Table 118.2.1.B. Zero Lot Line Residential Dimensional Requirements

ZERO LOT LINE	RS-E	RS-5	RS-6	RS-7	RS-D	RM-12	RM-16
Site (min)							
Area (acres)		5	5	5	5	5	5
Open Space (Common)		—	—	—	—	35%	35%
Lot (min ft.)							
Area (sq. ft.)		8,000	7,000	6,000	6,000	5,000	5,000
Width		80	70	60	60	50	50
Yard Setbacks (min ft.)							
Front		20	20	20	20	20	20
Front - Front-Facing Garage Door ¹		25	25	25	25	25	25
Side (first interior)		14	14	14	14	14	14
Side (other interior)		0	0	0	0	0	0
Side (street) * see subsection 118.1.6.F.4.		subsection 118.1.6.F.4.					
Rear		10	10	10	10	10	10
Waterfront		25	25	25	25	25	25
Bulk (max)							

Height (ft.)		35	35	35	35	35	35
Building Coverage		35%	40%	40%	40%	45%	45%
Living Area (min sq. ft. per dwelling)		1,400	1,200	800	800	800	800

Table 118.2.1.C. Single-Family Dwelling Dimensional Standards

SINGLE-FAMILY ATTACHED	RS-E	RS-5	RS-6	RS-7	RS-D	RM-12	RM-16
Site (min)							
Area (acres)			5	5	3	3	3
Open Space (Common)			—	—	—	35%	35%
Lot (min ft.)							
Area per Unit (sq. ft.)			2,400	2,400	2,400	2,400	2,400
Width			30-20	30-18	30-18	30-18	30-18
Area per Building (sq. ft.)			4,800	4,800	4,800	4,800	4,800
Yard Setbacks (min ft.)							
Front			20	20	20	20	20
Front - Front-Facing Garage Door ¹			25	25	25	25	25
Side (interior)			7	7	7	7	7
Side (street) * see subsection 118.1.6.F.4.	see subsection 118.1.6.F.4.						
Rear			10	10	10	10	10
Waterfront			25	25	25	25	25
Bulk (max)							

Height (ft.)			35	35	35	35	35
Building Coverage			50%	50%	50%	50%	50%
<u>Living Area (min sq. ft. per dwelling)</u>			<u>1,200</u>	<u>800</u>	<u>800</u>	<u>800</u>	<u>800</u>

Table 118.2.1.D. Two-Family Residential Dwelling Dimensional Standards

TWO-FAMILY	RS-E	RS-5	RS-6	RS-7	RS-D	RM-12	RM-16
Lot (min ft.)							
Area (sq. ft.)					5,000	2,500	2,500
Open Space (Common)					—	35%	35%
Width					100	50	50
Area per Building (sq. ft.)					10,000	5,000	5,000
Yard Setbacks (min ft.)							
Front					20	20	20
Front - Front-Facing Garage Door ¹					25	25	25
Side (interior)					7 ³	7 ³	7 ³
Side (street) * see subsection-118.1.6.F.4.	see subsection 118.1.6.F.4.						
Rear					10	10	10
Waterfront					25	25	25
Bulk (max)							
Height (ft.)					35	35	35
Building Coverage					45%	45%	45%
<u>Living Area (min sq. ft. per dwelling)</u>					<u>800</u>	<u>800</u>	<u>800</u>

Table 118.2.1.E. Townhouse Dimensional Standards

TOWNHOUSE	RS-E	RS-5	RS-6	RS-7	RS-D	RM-12	RM-16
Site (min)							
<u>Area (acres)</u>				3	3	3	
Open Space (Common)					35%	35%	
Lot (min ft.)							
Width				15	15	15	
Area per Unit (sq. ft.)				1,350	1,350	1,350	
Yard Setbacks (min ft.)							
Front, Principal Building				15	15	15	
Front - Front-Facing Garage Door ¹				25	25	25	
Side (interior)				5	5	5	
Side (street) * see subsection 118.1.6.F.4.	see subsection 118.1.6.F.4.						
Rear				10	10	10	
Waterfront				25	25	25	
Bulk (max)							
Height (ft.)				35	45	45	
Building Coverage				70%	70%	70%	
<u>Living Area (min sq. ft. per dwelling)</u>				800	800	800	

Table 118.2.1.F. Multifamily Residential Dimensional Standards

MULTIFAMILY	RS-E	RS-5	RS-6	RS-7	RS-D	RM-12	RM-16
Density (max units/acre)							

Permitted by-right						12	16
Permitted by conditional use						12+	16+
Site (min)							
Area (acres)						—	—
Open Space (Common)						35%	35%
Width						50	50
Depth						100	100
Lot (min ft.)							
<u>Area per Building (sq. ft.)</u>						<u>3,630</u>	<u>2,722</u>
Yard Setbacks (min ft.)							
Street, Principal Building						15	15
Street - Front-Facing Garage Door ¹						25	25
Side (interior)						7	7
Side (street)* <u>see subsection 118.1.6.F.4.</u>						<u>See subsection 118.1.6.F.4.</u>	
Rear						10	10
Waterfront						25	25
Bulk (max)							
Height (ft.)						45	70' or 5 stories ¹⁴
Building Coverage						45%	45%
<u>Living Area (min sq. ft. per dwelling) Studio/1 Bedroom</u>						<u>500/750</u>	<u>500/750</u>

¹ Street setbacks may be administratively reduced, see 118.2.1.# Administrative Setback Reductions in Residential Districts A.1.

² Street setbacks may be administratively reduced to 15 feet, see 118.2.1.# Administrative Setback Reductions in Residential Districts A.2.

³ Side setbacks may be administratively reduced to five feet, see 118.2.2.# Administrative Setback Reductions in Residential Districts B.1.

⁴ 70 feet or five stories subject to the underlying setbacks, or no height limit, except that height of structures cannot exceed twice the least proposed setback. The option for height limit must be determined at the time of site work permits.

Administrative Setback Reductions in Residential Districts

A. Garage Setbacks. Attached residential garages have a typical minimum front setback of 25 feet where the doors face the right-of-way. Administrative reductions may be granted for street setbacks to garages in the following cases:

1. Where a minimum distance of 23 feet is provided to the edge of sidewalk to the garage door for front loading garages, the setback distance may be reduced to 20 feet for all housing types. The reduction may not allow for a parked vehicle to impede or block the sidewalk.
2. For single-family detached dwellings with secondary front setbacks on corner lots in all residential zoning districts other than Estate (RS-E), street setbacks may be administratively reduced to 15 feet. For the purposes of this subsection, the secondary front setback is defined as the frontage that does not provide driveway, or vehicular access, to the dwelling unit.

B. Side-yard setbacks may be administratively reduced to five feet for single-family detached, single-family attached, and two-family housing types in RS-7, RS-D, RM-12 and RM-16. This administrative reduction shall apply only to new developments that will be maintained under the control of a homeowner's association and where all of the following conditions are met, as demonstrated on the site work permit plans submitted for the development:

- 1) Gutters and roof structures must be installed so as to reduce direct discharge to the side yard swales.
- 2) No service equipment is permitted in the side yard between dwellings. This includes, but is not limited to air conditioning systems, water softeners, pumps.
- 3) Fences, walkways and similar hardscape features must be designed to not obstruct/impede the flow of water within swales or other drainage conveyance.
- 4) Maximum lot coverage may not exceed 55%.
- 5) Prior to any construction on the lot, proper erosion and sedimentation controls must be installed.
- 6) A maintenance entity shall be designated to provide perpetual maintenance to all drainage and access easements.

Table 118.2.1.G. All Other Permitted Uses Dimensional Standards

<u>ALL OTHER PERMITTED USES</u>	<u>RS-E</u>	<u>All other Residential DistrictsRS-5</u>	<u>RS-6</u>	<u>RS-7</u>	<u>RS-D</u>	<u>RM-12</u>	<u>RM-16</u>
<u>Lot (min ft.)</u>							
<u>Area (sq. ft.)</u>	<u>32,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>

<u>Width</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Area per Building</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Yard Setbacks (min ft.)</u>							
<u>Front, Principal Building</u>	<u>20</u>	<u>20</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Front-Facing Garage Door</u>	<u>25</u>	<u>25</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Side (interior)</u>	<u>7</u>	<u>7</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Side (street)</u>	<u>See Subsection 118.1.6.F.4.</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Rear</u>	<u>10</u>	<u>10</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Waterfront</u>	<u>25</u>	<u>25</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Bulk (max)</u>							
<u>Height (ft.)</u>	<u>35</u>	<u>35</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Building Coverage</u>	<u>35</u>	<u>35</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>

118.2.2 - Commercial Districts. Commercial zoning districts include Neighborhood Commercial (NC), Commercial General (CG) and Commercial Intensive (CI)

A. Intent Statements

1. ~~Professional Office~~ **Neighborhood Commercial (NCPO)**. ~~By virtue of the location as designated in the comprehensive plan, it is the express intent of the NCPO District to be as generous as possible in permitted uses while, at the same time, maintaining a clean attractive community, and to provide for certain professional office, multifamily and small-scale commercial uses related uses contiguous to each other, adjoining businesses and/or residential areas, and located in close proximity to major arterial roadways. The neighborhood commercial professional office district is established in order to:~~

- a. Protect the present development pattern, serve the surrounding community with appropriately scaled commercial uses and office type uses and b. Provide for the orderly development or redevelopment of such land according to its best usage by providing adequate minimum zoning standards for such usage. See Table 118.2.1.H for nonresidential use dimensional standards and refer to Tables 118.2.1.E and F, RM-16 standards for townhomes and multifamily residential dimensional requirements.

Permitted Uses

- 1) Animal Grooming
- 2) Animal hospital, Veterinary clinic (See 118.3.3.C.2)
- 3) Bank
- 4) Bed and breakfast
- 4) Butcher, Baker, Catering
- 5) Call center

- 6) Convenience store without gas pumps
- 7) Copy, Print, Pack and Ship, Publishing, Post office, and other office-type services
- 8) Day care center (adult or child), Preschool
- 9) Dry-cleaning or laundry drop-off/pick-up facility; Laundromat;
- 10) Hotel, Motel, Inn, Extended stay facility
- 11) Live-work
- 12) Medical, Dental, Chiropractor, Counseling, Outpatient surgery centers and offices
- 13) Medical or dental laboratory
- 14) Museum, Library, Community center (public)
- 15) Offices: Business, Professional, Financial, Governmental or Operational
- 16) Park, Recreation field, Beaches
- 17) Parking, surface or garage, as accessory or primary use (See 118.3.3.C.3)
- 18) Personal care services
- 19) Police, Fire, EMS substation
- 20) Radio, TV or recording studio
- 21) Residential, Multifamily (See 118.3.3.A.3)
- 22) Residential, Townhouse (See 118.3.3.A.1)
- 23) Retail, **excluding pharmacy**, or Rental Store, under 15,000 square feet (not motor vehicle or large equipment)
- 24) Self-Storage; Fully enclosed indoor multi-story storage (See 118.3.3.C.9)
- 25) Student Dormitory, Fraternity, Sorority
- 26) Upper story residential
- 27) Water management structures, Wells, Reservoirs

Conditional Uses

- 28) Art studio, Gallery (See 118.3.3.C.3)
- 29) Auction room, Auction house
- 30) College, University, Trade School, Enrichment classes such as dance or martial arts
- 31) Commercial wireless telecommunication facility
- 32) Convenience store with gas pumps
- 33) Convention center, Gymnastic facility, Indoor sports academy
- 34) Funeral home or mortuary, Undertaking establishment
- 35) Pharmacy
- 36) Religious institutions (See 118.3.3.B.2)
- 37) Repair service, non-automotive
- 38) School, public or private (K-12)
- 39) Youth hostel

Commercial General (CG). ~~By virtue of its location as designated in the comprehensive plan, it is the express intent of the CG District to be as generous as possible in permitted uses while at the same time maintaining a clean and attractive community; therefore, provide the conduct of business areas for commercial activities that meet the retail shopping and service needs of the community, and the display of storage of merchandise, wares or goods shall be wholly and completely within the enclosing walls of buildings. See Tables 118.2.1.H for nonresidential use dimensional standards and refer to Table 118.2.1.E and F, RM-16 standards for townhomes and multifamily residential dimensional requirements.~~

Permitted Uses

- 1) Animal boarding, Animal shelter, Kennel, Doggy day care (See 118.3.3.C.2)
- 2) Animal Grooming
- 3) Animal Hospital, Veterinary Clinic (See 118.3.3.C.2)
- 4) Art studio, gallery (See 118.3.3.C.3)
- 5) Assisted Living Facility; Nursing Home; life care facilities

- 6) Auction room, Auction house
- 7) Bank
- 8) Bar, Dancehall, Nightclub, Restaurant with entertainment, bottle club (See 118.3.3.C.1)
- 9) Bed and Breakfast
- 10) Butcher, Baker, Catering
- 11) Call Center
- 12) Car Wash, full or self service
- 12) College; University, Trade School, enrichment classes such as dance or martial arts
- 13) Convenience store with or without gas pumps, gas station (See 118.3.3.C.5)
- 14) Copy, Print, Pack and Ship, Printing, Publishing, Post office, and other office type services
- 15) Day care center (adult or child), Preschool
- 16) Dock or pier (commercial), Wet or dry storage of boats, Marina (See 118.3.3.C.7), Boat rental, Ferry
- 17) Funeral home (Crematorium and mortuary accessory Only)
- 18) Greenhouse or nursery, commercial, garden center
- 19) Health Club
- 20) Hotel, Motel, Inn, Extended Stay Facility
- 21) Indoor Commercial Recreation
- 22) Laundromat, dry-cleaning, and carpet cleaning plants and drop-off, Diaper service, linen supply
- 23) Live-work
- 24) Lodge, Membership club (See 118.3.3.C.1)
- 25) Medical, Dental, Chiropractor, Counseling, outpatient surgery centers and offices
- 26) Medical or dental laboratory
- 27) Museum, Library, Community center (public)
- 28) Offices; Business, Professional, Financial, Governmental or Operational
- 29) Park, Recreation field, Beaches
- 30) Parking, surface or garage, as accessory or primary use (See 118.3.3.C.4)
- 31) Personal care services
- 32) Police, Fire, EMS substation
- 33) Radio, TV or recording studio
- 34) Religious Institutions (See 118.3.3.B.2)
- 35) Repair Services, non-automotive
- 36) Residential, Multifamily (See 118.3.3.A.3)
- 37) Residential, Townhouse (See 118.3.3.A.1)
- 38) Research, Testing, and Development Laboratory
- 39) Restaurant/food service establishment, with or without sale of alcoholic beverages (See 118.3.3.C.1)
- 40) Retail, Wholesale or Rental Store, (not motor vehicle or large equipment)
- 41) School, public or private (K-12)
- 42) Self-Storage; Fully enclosed indoor multi-story or mini-storage (See 118.3.3.C.19)
- 43) Student Dormitory, Fraternity, Sorority
- 44) Upper Story Residential
- 45) Water management structures, Wells, Reservoirs

Conditional Uses

- 46) Alternative or post-incarceration facility, Transitional home, Halfway house
- 47) Auditorium, Arena, Stadium, Indoor athletic, Tennis, Swim club
- 48) Boarding; Rooming or lodging facility; Youth hostel
- 49) Bus and Train passenger terminal, Taxi dispatch, Limo service (See 118.3.3.B.1)
- 50) Campground, travel trailer park, recreational vehicle park (See 118.3.3.A.4)
- 51) Drug and alcohol rehabilitation treatment or clinic, detoxification centers

- 52) Light manufacturing, repair or assembly of equipment and instruments
- 53) Machine Shop
- 54) Major utilities
- 55) Manufactured housing sales
- 56) Psychiatric institution
- 57) Recycling drop-off facility
- 58) Vehicle (all kinds) and machinery sales, rental or leasing (See 118.3.3.C.12)
- 59) Vehicle service: minor and major repairs, modifications and maintenance (See 118.3.3.C.11)

Commercial Intensive (CI). ~~By virtue of its location as designated in the comprehensive plan, it is the express intent of CI District to provide areas for more intense commercial development and commerce while maintaining an attractive community. be as generous as possible in permitted uses while at the same time maintaining a clean and attractive community; therefore, with the exception of the display for rent or sale of new or used automobiles, trucks, tractors, mobile homes, boats and other similar and large products or merchandise, all products, merchandise, equipment or any other material stored outside of buildings, whether new or used, shall be hidden from view on all sides, except for necessary openings and gates, by a fence, wall or vegetative hedge, not less than six feet high, as approved by the development services manager. See Table 118.2.1.H for nonresidential use dimensional standards and refer to Tables 118.2.1.E and F, RM-16 standards for townhomes and multifamily residential dimensional requirements.~~

Permitted Uses

- 1) Animal boarding, Animal shelter, Kennel, Dog day care (See 118.3.3.C.2)
- 2) Animal Grooming
- 3) Animal hospital, Veterinary clinic (See 118.3.3.C.2)
- 4) Art studio, Gallery (See 118.3.3.C.3)
- 5) Assisted living facility, Nursing home, Life care facilities
- 6) Auction room, Auction house
- 7) Bank
- 8) Bar, Dancehall, Nightclub, Restaurant with entertainment, Bottle club (See 118.3.3.C.1)
- 9) Bed and breakfast
- 10) Butcher, Baker, Catering
- 11) Call center
- 12) Car wash full or self-service
- 13) College, University, Trade school, Enrichment classes such as dance or martial arts
- 14) Commercial amphitheater
- 15) Convenience store with or without gas pumps, Gas station (See 118.3.3.C.5)
- 16) Copy, Print, Pack and ship, Printing, Publishing, Post office, Other office type services
- 17) Day care center (adult or child), Preschool
- 18) Dock or pier (commercial), Wet or dry storage of boats, Marina (See 118.3.3.C.7), Boat rental, Ferry
- 19) Drive-in theater
- 20) Flea market (See 118.3.3.C.5)
- 21) **Funeral home (Crematorium and mortuary accessory Only)**
- 22) Golf course, Tennis, Country club, Clubhouse
- 23) Greenhouse or nursery, Commercial, Garden center
- 24) Health club
- 25) Hotel, Motel, Inn, Extended stay facility
- 26) Hospital, Medical center
- 27) Indoor commercial recreation
- 28) Laundromat, Dry-cleaning, Carpet cleaning plants and drop-off, Diaper service, Linen supply
- 29) Live-work
- 30) Lodge, Membership club (See 118.3.3.C.1)
- 31) Manufactured housing sales
- 32) Medical, Dental, Chiropractor, Counseling, Outpatient surgery centers and offices

- 33) [Medical or dental laboratory](#)
- 34) [Museum, Library, Community center \(public\)](#)
- 35) [Offices: Business, Professional, Financial, Governmental, or Operational](#)
- 36) [Outdoor recreation](#)
- 37) [Park, Recreation field, Beaches](#)
- 38) [Parking, surface or garage, as accessory or primary use \(See 118.3.3.C.4\)](#)
- 39) [Personal care services](#)
- 40) [Police, Fire, EMS substation](#)
- 41) [Radio, TV or recording studio](#)
- 42) [Religious institutions \(See 118.3.3.B.2\)](#)
- 43) [Repair services, non-automotive](#)
- 44) [Research, Testing and Development Laboratory](#)
- 45) [Residential, Multifamily \(See 118.3.3.A.3\)](#)
- 46) [Residential, Townhouse \(See 118.3.3.A.1\)](#)
- 47) [Restaurant/food service establishment, with or without sale of alcoholic beverages \(See 118.3.3.C.1\)](#)
- 48) [Retail, Wholesale or Rental Store \(including motor vehicle or large equipment See 118.3.3.C.12\)](#)
- 49) [School, public or private \(K-12\)](#)
- 50) [Self-Storage, fully enclosed indoor multi-story or mini-storage \(See 118.3.3.C.19\)](#)
- 51) [Student dormitory, Fraternity, Sorority](#)
- 52) [Tattoo shop, Body piercing \(See 118.3.3.C.10\), Palmist, Psychic, Medium](#)
- 53) [Upper story residential](#)
- 54) [Vehicle service, minor and major repairs, modifications and maintenance \(See 118.3.3.C.11\)](#)
- 55) [Water management structures, Wells, Reservoirs](#)

Conditional Uses

- 56) [Alcohol and Drug rehabilitation treatment or clinic, Detoxification centers](#)
- 57) [Alternative or post-incarceration facility, Transitional home, Halfway house](#)
- 58) [Auditorium, Arena, Stadium, Indoor athletic, Tennis, Swim club](#)
- 59) [Boarding, rooming or lodging facility, youth hostel](#)
- 60) [Bus and Train passenger terminal, Taxi dispatch, Limo service \(See 118.3.3.B.1\)](#)
- 61) [Campground, Travel trailer park, Recreational vehicle park \(See 118.3.3.A.4\)](#)
- 62) [Light manufacturing, Repair or assembly of equipment and instruments](#)
- 63) [Machine shop](#)
- 64) [Major utilities](#)
- 65) [Pawnshop \(See 118.3.3.C.8\)](#)
- 66) [Psychiatric institution](#)
- 67) [Recycling drop-off facility](#)

B. ~~Permitted land uses.~~ Permitted uses by district are set forth in Article 3, Permitted Land Uses.

Building envelope standards. The building envelope standards for buildings in the commercial districts are as follows. The cross-reference shown in the right hand column of the table lists additional standards that must be followed.

Table 118.2.1.H. Nonresidential Dimensional Standards

NONRESIDENTIAL	<u>NCPO</u>	CG	CI
Lot (min ft.)			

Area (sq. ft.)	10,000	10,000	10,000
Width	100	100	100
Area per Unit (sq. ft.)			
Yard Setbacks (min ft.)			
Front	25	25	25
Side (interior)	10	10	10
Side (street)	20	20	20
Rear	10	10	10
Waterfront	25	25	25
Bulk (max)			
Height (ft.)	45	70' or 5 stories	70' or 5 stories
Building Coverage	45%	45%	45%

MULTI-FAMILY	PQ	CG	CI
Density (max units/acre)			
Permitted by right	16	25	25
Permitted by conditional use	16+	25+	25+
Lot (min ft.)			
Area (sq. ft.)	—	—	—
Width	50	50	50
Area per Unit (sq. ft.)	2,722	1,742	1,742
Yard Setbacks (min ft.)			
Front Side-	15	15	15
(interior)	7	7	7
Side (street)	20	20	20

Rear- Waterfront	10 25	10 25	10 25
Bulk (max)			
Height (ft.)- Building- Coverage	45* 45%	70* 45%	70* 45%

*70 feet or five stories subject to the underlying setbacks, or no height limit, except that height of structures cannot exceed twice the least proposed yard setback. The option for height limit must be determined at the time of site work permits.

TOWNHOUSE	PO	CG	CI
Density (max units/acre)			
Permitted by right	16	25	25
Permitted by conditional use	16	25+	25
Lot (min ft.)			
	—	—	—
Lot Width (Internal Unit/End Unit)	<u>50/15/25</u>	<u>50/15/25</u>	<u>50/15/25</u>
Minimum Lot Area per Unit (sq. ft.)	2,000	2,000	2,000
Yard Setbacks (min ft.)			
Front	15	15	15
Side (interior)	7	7	7
Side (street)	20	20	20
Rear	10	10	10
Waterfront	25	25	25
Bulk (max)			

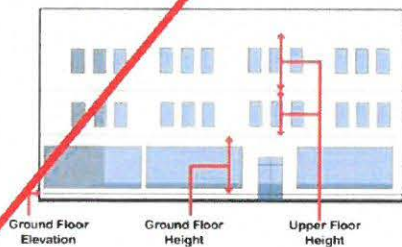
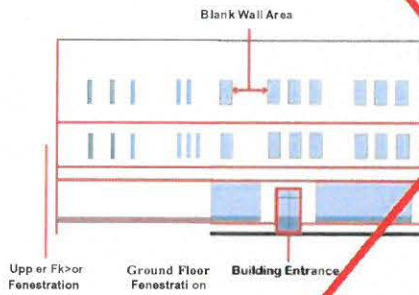
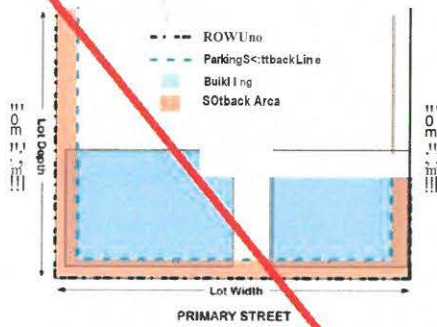
Height (ft.)	45	60	60
Building Coverage	45%	45%	45%

C. Building form standards.

1. Applicability.

- a. ~~The building form standards for the CG and CI districts vary based on the frontage type assigned to a specific property as set forth on the Official Zoning Map. Where no frontage is designated on the Official Zoning Map as Urban, Pedestrian, or Commercial, the building envelope standards set forth in subsection B.1 above shall apply.~~
- b. ~~Frontage types shall be assigned through amendment of the Official Zoning Map. Each frontage shall be designated using a line symbol along any primary street. Any other street without a designated frontage shall be considered a secondary street.~~
- c. ~~These form requirements apply to all new development along the designated frontage except for stand-alone K-12 public or private schools, places of worship, and public utilities.~~

PEDESTRIAN FRONTAGE



BUILDING & PARKING PLACEMENT

LOT AREA & WIDTH

No minimum

GROUND FLOOR AREA

Max 80,000 SF

SETBACK AREA

0 ft. to 15 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street - The building facade must be located within the setback area for a minimum of 80% of the lot width.

2. Side street - The building facade must be located within the setback area for a minimum of 40% of the lot depth.

PARKING SETBACK LINE

1. Primary street setback - 15 ft. behind ROW line.

2. Side street setback - 10 ft. behind ROW line.

3. Parking shall be located behind the parking setback line. No parking is permitted between the street and the building.

ELEMENTS

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear feet are prohibited on all building facades.

FENESTRATION

1. Required fenestration shall include both windows and doors.

2. Ground floor fenestration - Min 60% Max 90%, situated between 2 and 12 feet above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent windows to meet all fenestration requirements.

3. Upper floor fenestration - Min 20% Max 60% situated from floor to floor.

4. Retail sales and service uses - A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 15 feet. Windows shall not be made opaque by window treatments (other than operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. A minimum of 50% of the required entrance shall be transparent.

2. A building located on a corner lot may provide an angled entrance.

3. A building located on NO primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or small parking area are permitted.

HEIGHT

BUILDING HEIGHT

60 ft. max.

GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building facade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

GROUND FLOOR HEIGHT

1. The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) for a minimum depth of at least 25 feet.

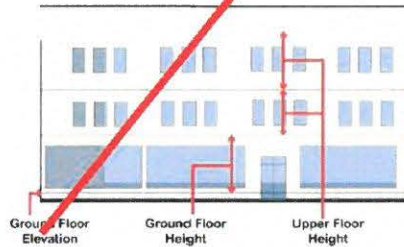
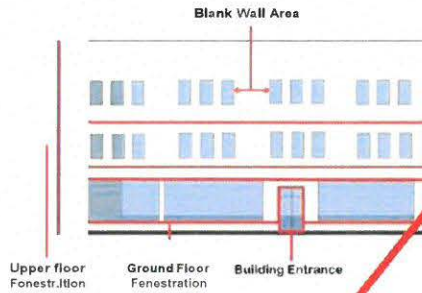
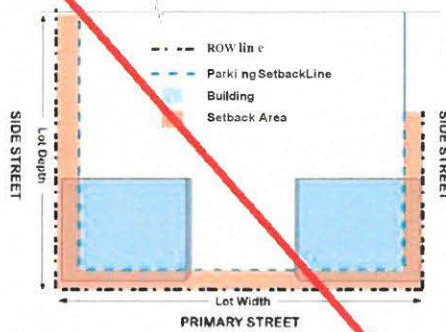
2. The maximum floor-to-floor height for the ground floor is 20 feet.

UPPER FLOOR HEIGHT

1. The maximum floor-to-floor height for floors other than the ground story is 12 feet.

2. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.

URBAN FRONTAGE



BUILDING & PARKING PLACEMENT

LOT AREA & WIDTH

Minimum
GROUND FLOOR AREA

Max 80,000 SF

SETBACK AREA

0 ft. to 15 ft., behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street - The building facade must be located within the setback area for a minimum of 60% of the lot width.
2. Side street - The building facade must be located within the setback area for a minimum of 25% of the lot depth.

PARKING SETBACK LINE

1. Primary street setback - 15 ft. behind ROW line.
2. Side street setback - 10 ft. behind ROW line.
3. Parking shall be located behind setback line. No parking is permitted between the street and the building.

ELEMENTS

BLANK WALL AREA

Blank lengths of wall exceeding 300 linear feet are prohibited on all building facades.

FENESTRATION

1. Required fenestration shall include both windows and doors.
2. Ground floor fenestration - Min 50% Max 90%, situated between 2 and 12 feet above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent windows to meet all fenestration requirements.
3. Upper floor fenestration - Min 20% Max 60% situated from floor to floor.
4. Retail sales and service uses - A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 15 feet. Windows shall not be made opaque by window treatments (other than operable sun screen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. A minimum of 50% of the required entrance shall be transparent.
2. A building located on a corner lot may provide an angled entrance.
3. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.

HEIGHT

BUILDING HEIGHT

60 ft. max.

GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building facade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

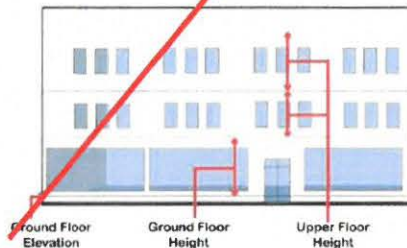
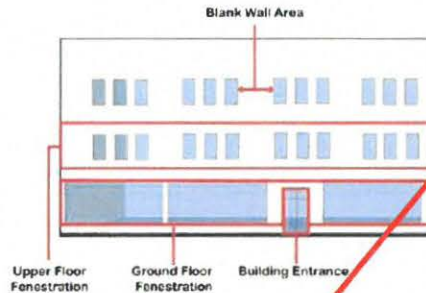
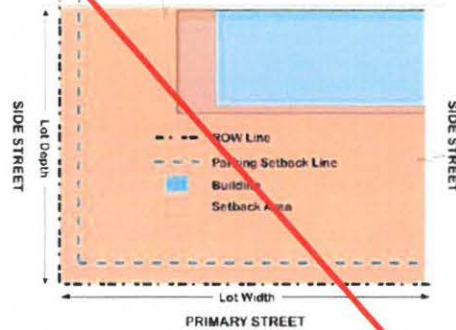
GROUND FLOOR HEIGHT

1. The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) for a minimum depth of at least 25 feet.
2. The maximum floor-to-floor height for the ground floor is 20 feet.

UPPER FLOOR HEIGHT

1. The maximum floor-to-floor height for floors other than the ground story is 12 feet.
2. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.

COMMERCIAL FRONTAGE



BUILDING & PARKING PLACEMENT

LOT AREA & WIDTH

No minimum

GROUND FLOOR AREA

Max 80,000 SF

SETBACK AREA

0 ft. to 80 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street – The building façade must be located within the setback area for a minimum of 60% of the lot width.
2. Side street – The building façade must be located within the setback area for a minimum of 25% of the lot depth.

PARKING SETBACK LINE

1. Primary street setback – 15 ft. behind ROW line.
2. Side street setback – 10 ft. behind ROW line.
3. Parking shall be located behind the parking setback line. A single drive aisle serving parking spaces on one or both sides may be located between the building and the right-of-way.

ELEMENTS

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear feet are prohibited on all building façades.

FENESTRATION

1. Required fenestration shall include both windows and doors.
2. Ground floor fenestration – Min 50% Max 90% situated between 2 and 12 feet above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent windows to meet all fenestration requirements.
3. Upper floor fenestration – Min 20% Max 60% situated from floor to floor.
4. Retail sales and service uses – A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 15 feet. Windows shall not be made opaque by window treatments (other than operable sunscreens devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. A minimum of 50% of the required entrance shall be transparent.
2. A building located on a corner lot may provide an angled entrance.
3. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.

HEIGHT

BUILDING HEIGHT

60 ft. max.

GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

GROUND FLOOR HEIGHT

1. The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) for a minimum depth of at least 25 feet.
2. The maximum floor-to-floor height for the ground floor is 20 feet.

UPPER FLOOR HEIGHT

1. The maximum floor-to-floor height for floors other than the ground story is 12 feet.
2. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.

118.2.3 - Industrial Districts.

A. Intent statements.

1. **Industrial Light (IL).** By virtue of its location as designated in the comprehensive plan, and because of the existing and proposed development around the area, and because of the present and anticipated accessibility to transportation facilities and utilities and other public services, the IL District is established in order to:
 - a. Protect light industrial uses.
 - b. Promote and protect future development of the district in light industrial usage.
 - c. Exclude incompatible uses, such as residences, heavy industry, and commercial enterprises not directly serving the light industrial uses, which would preempt land which

is intended to be preserved for industrial uses ~~in order~~ to achieve a favorable balance of land uses within the city.

- d. Ensure the ultimate stabilization of the district in light industrial usage.
- e. Encourage further development within the district similar in character and appearance to a planned modern industrial district.

Permitted Uses

- 1) Alcohol and Drug rehabilitation treatment or clinic, Detoxification centers
- 2) Alternative-or post-incarceration facility, Transitional home, Half-way house
- 3) Animal boarding, Animal shelter, Kennel, Doggy day care (See 118.3.3.C.2)
- 4) Animal hospital, Veterinary clinic (See 118.3.3.C.2)
- 5) Armory, Brewery, Winery, Bottling plant, Bulk mailing service, Movie production facility
- 6) Art studio, Gallery (See 118.3.3.C.3)
- 7) Auction room, Auction house
- 8) Bank
- 9) ~~Bar; Dancehall, Nightclub; Restaurant with entertainment; Bottle club (See 118.3.3.C.1)~~
- 10) Blood plasma donation center
- 11) Bus and Train passenger terminal, Taxi dispatch, Limo service (See 118.3.3.B.1)
- 12) ~~Butcher, baker, catering, animal grooming~~
- 13) Call center
- 14) Car wash full or self-service
- 15) Carpentry, Lumberyard and wood products
- 16) College/University, Trade schools, Enrichment classes such as dance or martial arts
- 17) Convenience store with or without gas pumps, Gas stations (See 118.3.3.C.5)
- 18) ~~Commercial amphitheater~~
- 19) Commercial packing for fruits and vegetables
- 20) Contractor storage (indoor/outdoor) perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (See 118.3.3.D)
- 21) Copy, Print, Pack and Ship, Publishing, Post office, and other office type services
- 22) Detention center, Jail, Prison
- 23) Drive-in theater
- 24) Fabrication and manufacturing of fabrics and materials (See 118.3.3.D)
- 25) Flea market (See 118.3.3.C.6)
- 26) ~~Funeral home or mortuary, undertaking establishment, Crematorium~~
- 27) Greenhouse or nursery, Commercial, Garden center
- 28) Health Club
- 29) ~~Hotel; Motel, Inn, Extended Stay Facility~~
- 30) Indoor commercial recreation
- 31) Labor pool
- 32) Laundromat, Dry-cleaning and carpet cleaning plants and drop-off, Diaper service, Linen supply
- 33) Lodge, Membership club (See 118.3.3.C.1)
- 34) Machine shop, Light manufacturing or assembly
- 35) Manufactured housing sales
- 36) Medical and dental laboratory
- 37) ~~Offices: business, professional, financial, Governmental or Operational~~
- 38) Outdoor recreation
- 39) Outdoor storage and bulk storage: nonflammable (See 118.3.3.D)
- 40) Park, Recreation field, Beaches
- 41) Parking: surface or garage, as accessory or primary use (See 118.3.3.C.4)
- 42) Pawnshop (See 118.3.3.C.8)
- 43) ~~Personal care service,~~
- 44) Police, Fire, EMS substation
- 45) Psychiatric institution

- 46) Radio, Telephone and Television transmission towers and facilities (commercial)
- 47) Radio, TV or Recording studio
- 48) Repair services: automotive (See 118.3.3.C.11) and non-automotive, all types
- 49) Research, Testing, and Development laboratory
- 50) Restaurant/Food service establishment, with or without sale of alcoholic beverages (See 118.3.3.C.1)
- 51) Retail, Wholesale, or Rental Store (including motor vehicle or large equipment See 118.3.3.C.12)
- 52) Self-storage: Fully enclosed indoor multi-story or mini-storage (See 118.3.3.C.9)
- 53) Social service facility, Soup kitchen, Transient lodging or Shelter for the homeless
- 54) Stone, Clay, Concrete products
- 55) Tattoo shop, Body piercing (See 118.3.3.C.10), Palmist, Psychic, Medium, ~~massage parlor~~
- 56) Truck, Bus, Rail or motor freight terminal, Service facility, Drop yard
- 57) Warehouse, Freight, Cartage, Distribution facility, Parcel service (See 118.3.3.D)
- 58) Water management structures, Wells, Reservoirs

Conditional Uses

- 60) Airport, Heliport
- 61) Auditorium, Arena, Stadium, Indoor athletic, Tennis, Swim club
- 62) Campground, Travel trailer park, Recreational vehicle park
- 63) Major utilities
- 64) Outdoor shooting range
- 65) Recycling drop-off facility
- 66) Religious assembly

2. **Industrial Heavy (IH).** The heavy industrial district is intended to allow general manufacturing, processing, construction, and utility uses, as well as all light industrial uses.

Permitted Uses

- 1) Adult entertainment establishment
- 2) Alcohol and Drug rehabilitation treatment or clinic, Detoxification centers
- 3) Alternative-or post-incarceration facility, Transitional home, Half-way house
- 4) Animal boarding, Animal shelter, Kennel, Doggy day care (See 118.3.3.C.2)
- 5) Animal hospital, Veterinary clinic (See 118.3.3.C.2)
- 6) Armory, Brewery, Winery, Bottling plant, Bulk mailing service, Movie production facility
- 7) Art studio, Gallery (See 118.3.3.C.3)
- 8) Auction room, Auction house
- 9) Bank
- 10) Bar; Dancehall, Nightclub; Restaurant with entertainment; Bottle club (See 118.3.3.C.1)
- 11) Bus and Train passenger terminal, Taxi dispatch, Limo service (See 118.3.3.B.1)
- 12) Butcher, baker, catering, animal-grooming
- 13) Car wash full or self-service Commercial amphitheater
- 14) Carpentry, Lumberyard and wood products
- 15) Commercial packing for fruits and vegetables
- 16) Concrete batching and asphalt processing and manufacture
- 17) Contractor storage (indoor/outdoor): perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (See 118.3.3.D)
- 18) Convenience store with or without gas pumps, gas stations (See 118.3.3.C.5)
- 19) Copy, Print, Pack and Ship, Publishing, Post office, and other office type services
- 20) Detention center, Jail, Prison
- 21) Dredging, Earth extraction, Clearing or grading (timber cutting)
- 22) Drive-in theater
- 23) Fabrication and manufacturing of fabrics and materials (See 118.3.3.D)
- 24) Flea market (See 118.3.3.C.6)
- 25) Funeral home or mortuary, Crematorium
- 26) Greenhouse or nursery, Commercial garden center
- 27) Health Club

- 28) Hotel, Motel, Inn, Extended Stay Facility
- 29) Indoor Commercial Recreation
- 30) Labor pool
- 31) Laundromat, Dry-cleaning, and carpet cleaning plants and drop-off, Diaper service, Linen supply
- 32) Lodge, Membership club (See 118.3.3.C.1)
- 33) Machine shop, Light manufacturing or assembly
- 34) Major utilities
- 35) Manufactured housing sales
- 36) Manufacturing, Refining and processing chemicals or materials
- 37) Offices: business, professional, financial, Governmental or Operational
- 38) Outdoor recreation
- 39) Outdoor storage and bulk storage: nonflammable or flammable (See 118.3.3.D)
- 40) Park, Recreation field, Beaches
- 41) Parking: surface or garage, as accessory or primary use (See 118.3.3.C.4)
- 42) Pawnshop (See 118.3.3.C.8)
- 43) Personal care service,
- 44) Police, Fire, EMS substation
- 45) Psychiatric institution
- 46) Radio, Telephone, and Television transmission towers and facilities (commercial)
- 47) Recycling drop-off facility
- 48) Repair service: automotive (See 118.3.3.C.11) and non-automotive, all types
- 49) Research, Testing, and Development laboratory
- 50) Restaurant/Food service establishment, with or without sale of alcoholic beverages (See 118.3.3.C.1)
- 51) Retail, Wholesale, or Rental (including motor vehicle or large equipment See 118.3.3.C.12)
- 52) Self-Storage: fully enclosed indoor multi-story or mini-storage (See 118.3.3.C.9)
- 53) Social service facility, Soup kitchen, Transient lodging or shelter for the homeless
- 54) Stone, Clay, Concrete products
- 55) Tattoo shop, Body piercing (See 118.3.3.C.10), Palmist, Psychic, Medium, ~~massage parlor~~
- 56) Trade schools, Enrichment classes such as dance or martial arts
- 57) Truck, Bus, Rail or Motor freight terminal, Service facility, Drop yard
- 58) Warehouse, Freight, Cartage, Distribution facility, Parcel service (See 118.3.3.D)
- 59) Waste processing (does not include junkyards and recycling centers, see supplemental regulations in Sec. 118.3.9)
- 60) Water management structures, Wells, Reservoirs

Conditional Uses

- 62) Airport, Heliport
- 63) Auditorium, Arena, Stadium, Indoor athletic, Tennis, Swim club
- 64) Campground, Travel trailer park, Recreational vehicle park
- 65) Outdoor shooting range
- 66) Religious assembly

B. **Permitted land uses.** Permitted uses by district are set forth in Article 3, Permitted Land Uses.

C. **Building envelope standards.** The building envelope standards for buildings in the industrial districts are as follows.

NONRESIDENTIAL	IL	IH
Lot (min ft.)		
Area (sq. ft.)	10,000	10,000
Width	100	100

Yard Setbacks (min ft.)		
Front (arterial)	30	50
Front (non-arterial)	30	30
Side (interior)	10	10
Side (street)	20	20
Rear	10	10
Waterfront	25	25
Bulk (max)		
Height (ft.)	70	70
Building coverage	45%	45%

118.2.4 - Open Space Districts.

A. Conservation Lands (CON).

1. **Intent statement.** The CON District is intended to designate, conserve, and protect from incompatible uses, the regionally significant wetlands or uplands within the city that are, or will be, owned and used for long-term conservation purposes. It is intended that areas in the CON District be utilized as water management areas, lakes, open space, and passive recreation areas and nature parks with limited recreational use.
2. **Interpretation.**
 - a. These provisions apply to the development of land designated CON on the Future Land Use Map. The requirements of the Land Development Code shall apply if this section does not otherwise address the area of regulation, as it may be amended. In the event of conflict between the provisions of this section and the other requirements of the Land Development Code, the provisions of this section shall govern.
 - b. The interpretation and application of the CON District will be reasonably and uniformly applied to all property within the city that is designated CON.
3. ~~Permitted land uses. Permitted uses by district are set forth in Article 3, Permitted Land Uses.~~

3. Permitted Uses

- 1) Conservation land
- 2) Game preserve, Wildlife management area, Refuge, Animal sanctuary
- 3) Water management structures, Wells, Reservoirs

Conditional Uses

- 4) Agricultural activities and services
- 5) Agricultural product processing plant
- 6) Aviary

- 7) Commercial fishing
- 8) Farm labor and management services
- 9) Hunting, trapping and game propagation
- 10) Large animal and veterinary services
- 11) Livestock auction
- 12) Residential, Single-family detached

4. Density transfer.

- a. If there are adjacent upland areas that are under common ownership within the areas designated CON, the density of the CON District shall be the same as the adjacent upland area, but the units must be developed on the adjacent upland areas.
- b. For areas located east of Interstate 75, residential density transfer from CON to adjacent upland areas shall not exceed 1.33 times the maximum allowable gross density of the adjacent uplands (non-CON), i.e., the net upland density may not exceed 1.33 times the maximum allowable gross density for the property. (For example, for MDP-3.0 land, the maximum allowable density on adjacent uplands shall be $3.0 \times 1.33 = 3.99$ units per acre, for RM-12 District the allowable density shall be $12.0 \times 1.33 = 15.95$ units per acre.)

5. Establishment of the boundaries.

- a. The CON District boundaries on the Future Land Use Map are based on the best available information at the time the Future Land Use Map is adopted.
- b. The exact location of CON District boundaries shall be based on the boundaries approved in the regulating agency's permit and will be adjusted to conform to the final issued permits.

B. Recreation District (REC).

1. **Intent statement.** The REC District is created to reserve land areas for parks, open space, and active and passive recreation purposes. In order to provide for the public convenience, health, safety and general welfare, requirements are set forth for recreation and park lands, and open space within the city.
2. ~~Permitted land uses. Permitted uses by district are set forth in Article 3, Permitted Land Uses.~~

2. Permitted Uses

- 1) Athletic field, Track
- 2) Commercial amphitheater
- 3) Drive-in theater
- 4) Executive par three golf course
- 5) Horse stable, Riding academy
- 6) Municipal wellfield
- 7) Outdoor recreation
- 8) Park, Recreation field, Beaches
- 9) Sports academy for active recreational or competitive sports

Conditional Uses

- 1) Municipal-owned horticulture recycling/processing
- 2) Museum, Library, Community center (public)

3. Lot size. The minimum lot size shall be 10,000 square feet.

4. Building coverage. The maximum building coverage shall be 30 percent.

5. Building setbacks. All buildings shall be located at least 30 feet or one-half the width of the street right-of-way, whichever is larger, from all existing and proposed streets and at least 25 feet from all property lines.

6. **Building height.** The maximum building height shall be 32 feet.

ARTICLE 3. - PERMITTED LAND USES

118.3.1 - General Provisions.

A. ~~Approach to categorizing uses.~~

1. ~~**Principal uses.** Permitted principal uses by district are set forth in section 118.3.2, Permitted Use Table. Permitted uses are grouped by use categories. Use categories are not zoning districts. Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Use categories provide a systematic basis for assigning land uses to appropriate zoning districts. The use categories used in section 118.3.2 are defined and listed in section 118.3.6, Use Categories.~~

2. ~~**Accessory uses.** Permitted accessory uses are allowed by right in conjunction with a principal use as set forth in section 118.3.6, Use Categories. No accessory use may be established on a site without a principal use.~~

AB. **Uses not specifically listed.**

1. Specific uses are listed in subsection 118.3.6, Use Categories. Uses may be further defined in Chapter 142, Definitions. Any principal use not ~~specifically~~ listed is ~~expressly~~ prohibited unless the ~~development services manager~~Director determines that the use is similar in nature to a permitted use already listed in this code. Where the similar permitted use is subject to a use standard or conditional use review, the proposed use shall also be subject to such standard or approval. The ~~development services manager~~Director shall not amend this code by adding to or eliminating any use standard for the proposed use.
2. Where a use not listed is found by the ~~development services manager~~Director not to be similar to any other permitted use, the use shall be permitted only following a text amendment. Treatment of a use not ~~specifically~~ listed shall be determined by the ~~development services manager~~Director by applying the following criteria:
 - a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
 - b. The relative amount of site area or floor space and equipment devoted to the activity.
 - c. Relative amounts of sales from each activity.
 - d. The customer type for each activity.
 - e. The relative number of employees in each activity.
 - f. Hours of operation.
 - g. Building and site arrangement.
 - h. Types of vehicles used and their parking requirements.
 - i. The relative number of vehicle trips generated.
 - j. Signs.
 - k. How the use is advertised.
 - l. The likely impact on surrounding properties.
 - m. Whether the activity is likely to be found independent of the other activities on the site.

BC. **Developments with multiple principal uses.**

1. When the principal uses of a development fall within different use categories, each principal use shall be classified or treated individually and each use shall be subject to all applicable

regulations for that use.

2. A development comprised of separate uses shall be reviewed using the most restrictive process from among the proposed uses.

Commentary: If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as a conditional use in the district, then the entire development requires conditional use review.

3. Where a use requiring approval as a conditional use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

C. Accessory uses.

1. Accessory uses are allowed by-right in conjunction with a principal use as set forth in section 118.3.4, Accessory Uses. No accessory use may be established on a site without a principal use.

118.3.2 – Permitted Use Table.

A. Use table key.

1. ~~Use permitted by right (■). Use permitted in the respective district subject to any use standard, if applicable. Such uses are also subject to all other applicable requirements of this development code.~~
2. ~~Use permitted through the conditional use process (□). Indicates a use that may be permitted in the respective district only where approved by board of adjustment in accordance with section 98.3.8, Conditional Uses. Conditional uses are subject to all other applicable requirements of this code, including all applicable use standards, except where such use standards are expressly modified by the board of adjustment as part of the conditional use approval.~~
3. ~~Use not permitted. A blank cell indicates that a use is not permitted in the respective district.~~
4. ~~Use category. Characteristics of the various uses located in section 118.3.6, Use Categories.~~
5. ~~Specific use. Specific use listed in the various use categories located in section 118.3.6, Use Categories.~~
6. ~~Use standard. A cross-reference to any use standard listed in section 118.3.3, Use Standards. Where no cross-reference is shown, no additional use standard applies.~~

B. Permitted uses.

118.3.3 - Use Standards.

The purpose of additional use standards is to ensure that the common impacts of certain uses are ameliorated. The use standards are intended to apply to by-right development.

A. Residential use standards.

1. Single-family attached, townhouse.

~~b. Visitor parking shall be provided at the rate of one space per 15 dwelling units.~~

~~ab. A minimum of 35 percent open space shall be required for all new townhouse and single-family attached developments.~~

~~c. In no case shall the overall density of a project exceed that set by the City Comprehensive Plan under Future Land Use Policy 2.1.~~

~~bd. On-site recreational facilities shall be provided in compliance with the Comprehensive~~

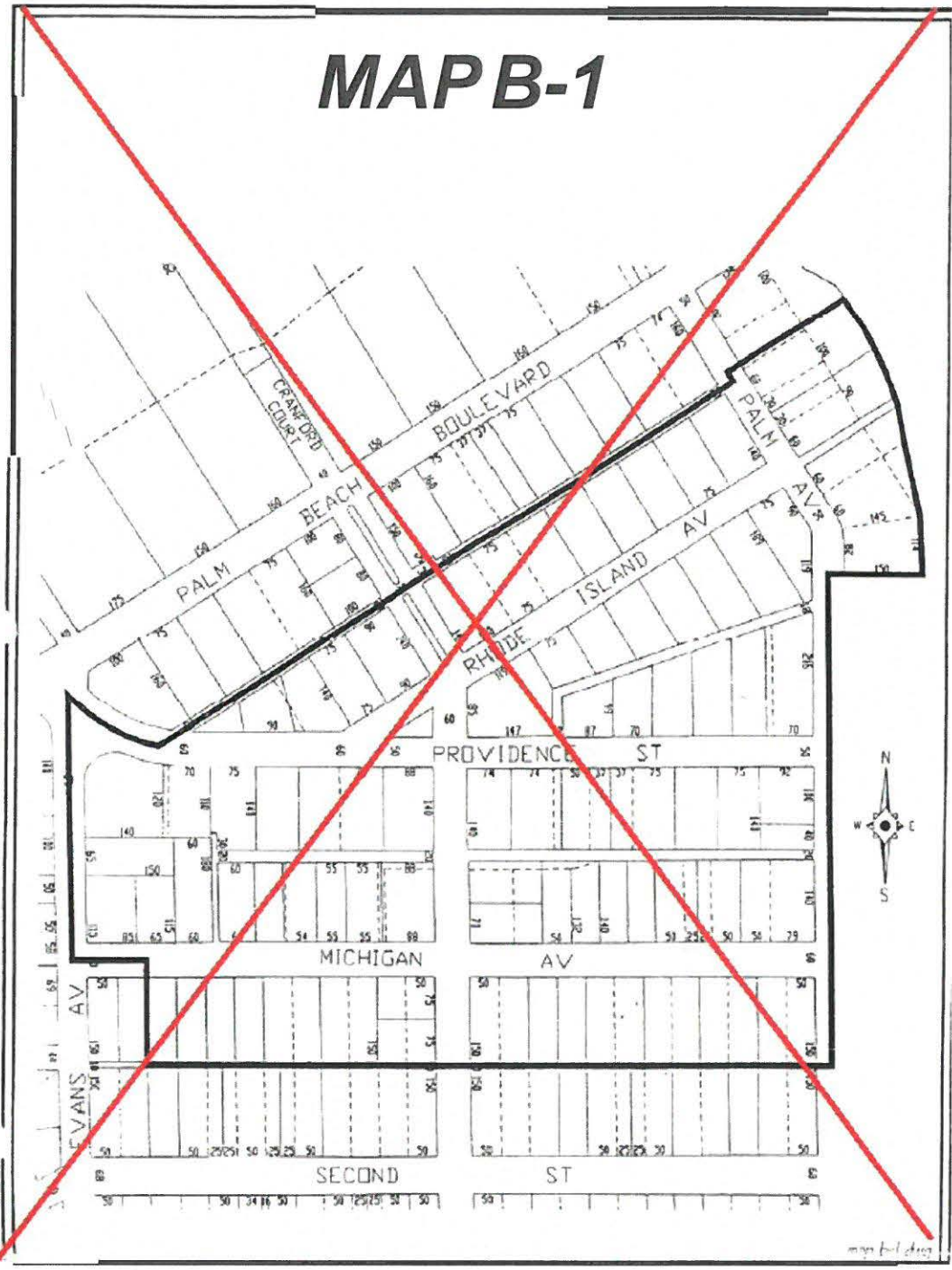
Plan, Recreation and Open Space Standard 1.1.4.1 and Standard 1.1.4.2 unless the project is located within the "maximum service radius" of a community, neighborhood or mini-public park (see City Comprehensive Plan, Recreation and Open Space Policy 1.1).

2. Two-family. Existing two-family dwellings of record before November 1, 2004, may be converted to a single-family attached dwelling if minimum lot size and unit size is met and the resulting units comply with current life, safety and building codes.

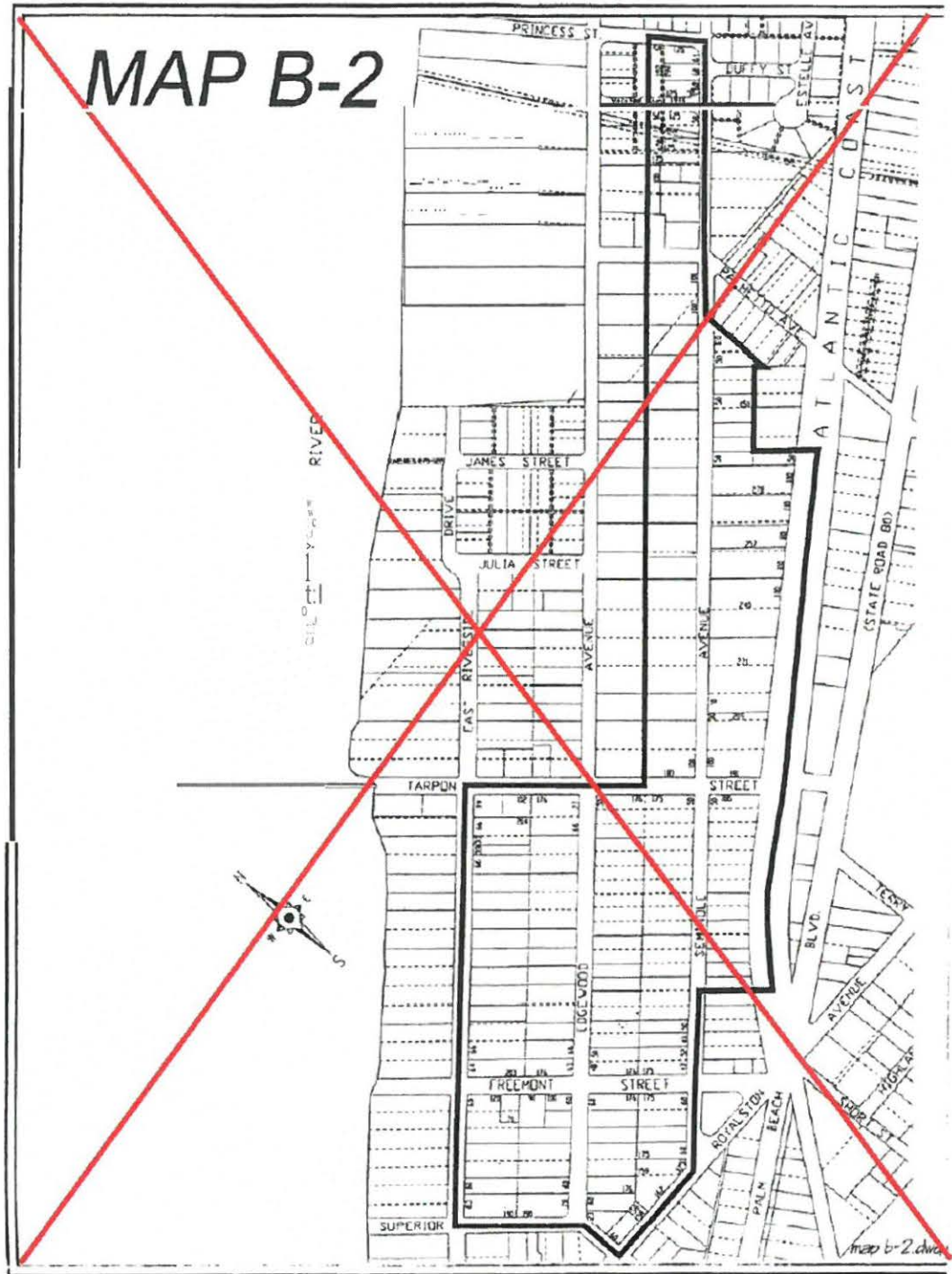
3. Multifamily.

- b. Multifamily units in legal existence on or before September 4, 1990, shall be a special nonconforming use in the RS-D District in the Central Fort Myers Area Study only. Such multifamily uses may be continued indefinitely, remodeled or replaced provided that the use has not been abandoned for over a six-month period. No increase in the number of units shall be allowed. Variances from these provisions may be necessary and may be considered by the board of adjustment in accordance with section 98.3.5, Variances.
- c. Multifamily units in legal existence on or before July 8, 1997, shall be a special nonconforming use in the areas identified on maps B-1 through B-5 found in addendum A, at the end of this chapter shown below. Such multifamily uses may be continued indefinitely, remodeled or replaced. No increase in the number of units shall be allowed. Variances from these provisions may be necessary and may be considered by the board of adjustments in accordance with section 98.3.59, Variances.

MAP B-1



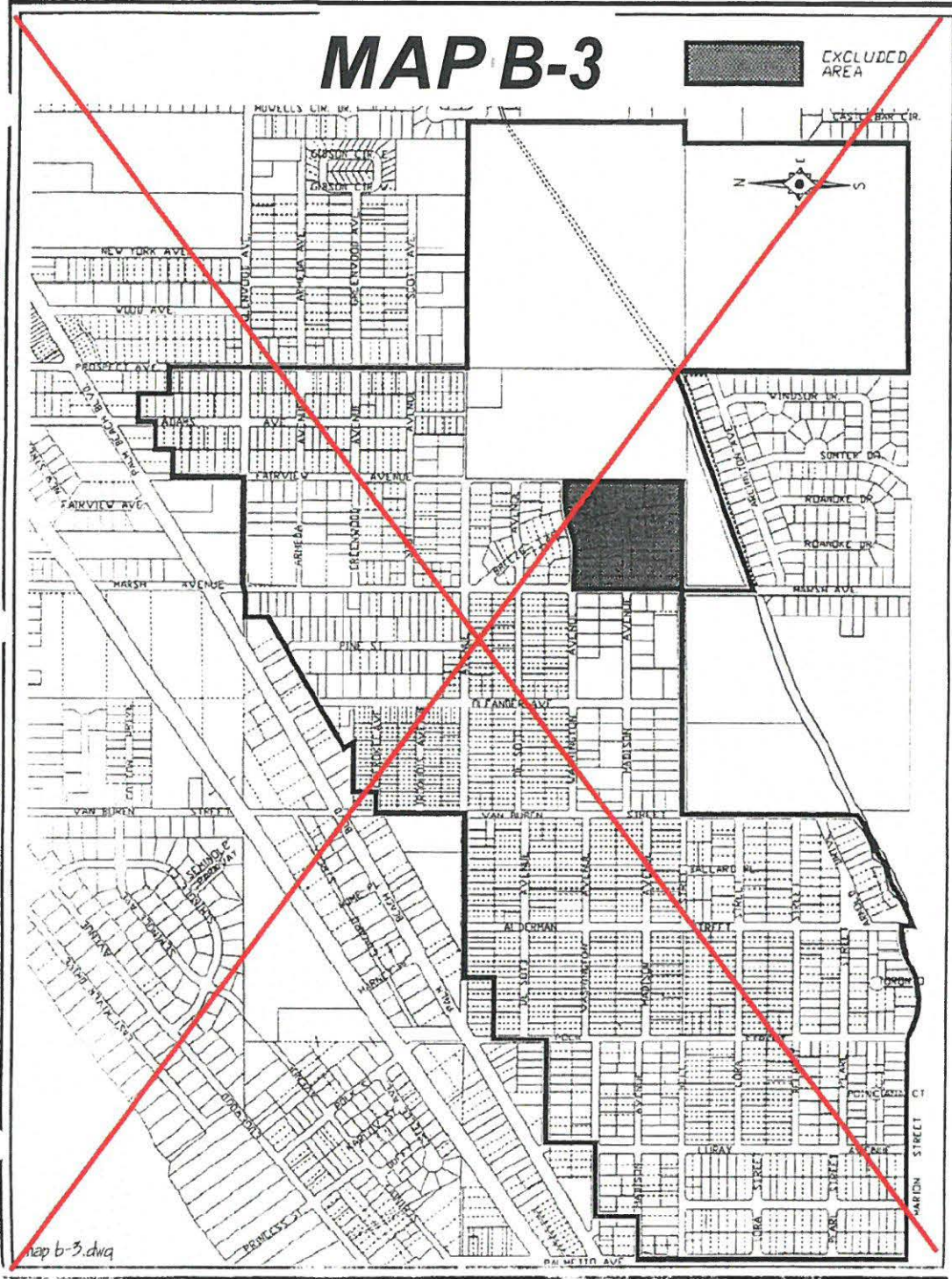
MAP B-2



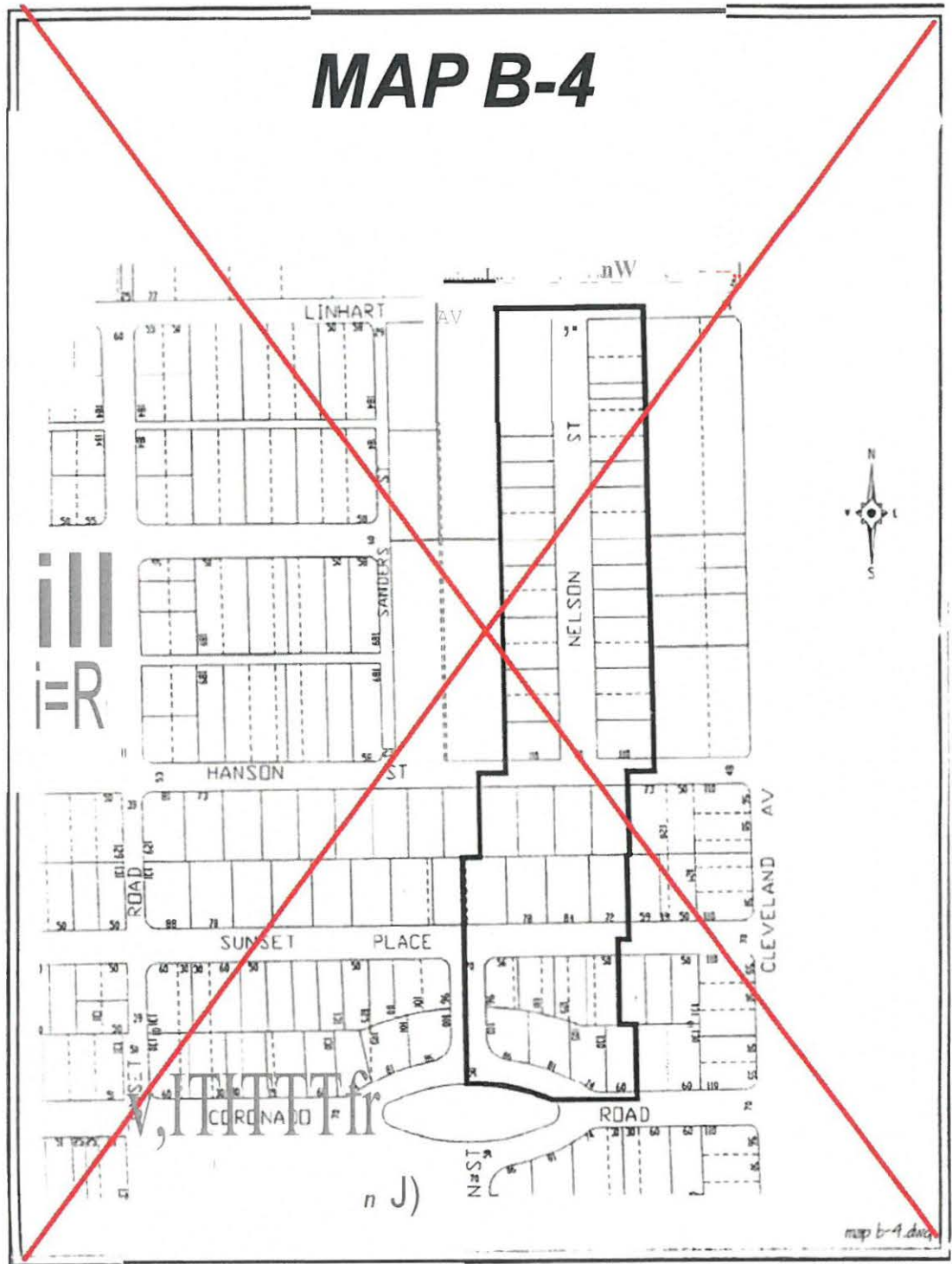
MAP B-3

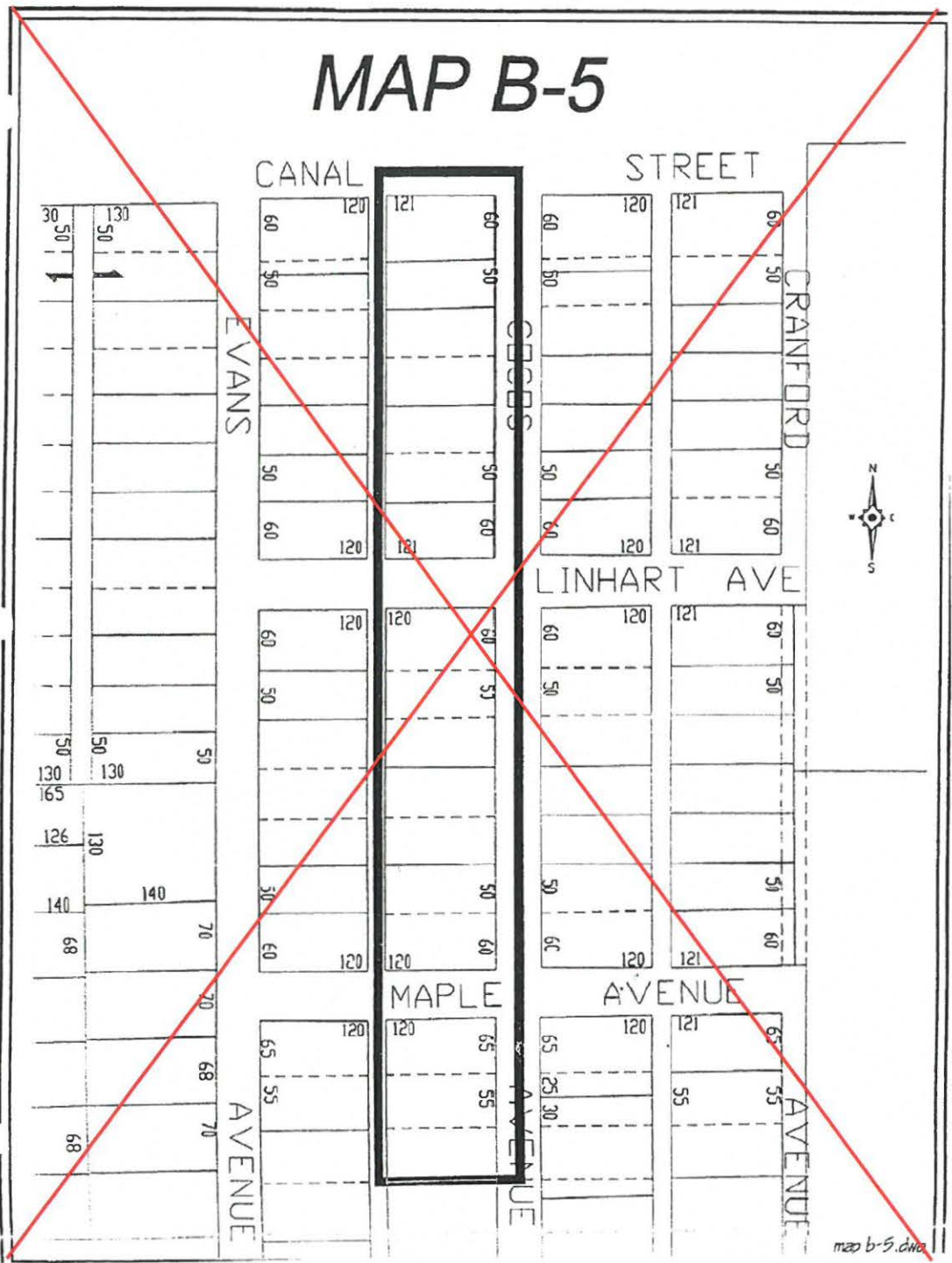


EXCLUDED AREA



MAP B-4





3. **Manufactured home and recreational vehicle parks.**
 - b. No manufactured home park shall be established in the city unless it meets all of the following requirements:
 - 1) The park is not less than eight acres in area and of a single plot of ground.

- 2) The location shall have a minimum frontage of 100 feet on, and be accessible from, an arterial street only.
 - 3) Complete plans of the entire tract indicating utility facilities, mobile home stands, administrative and utility buildings, streets and/or driveways, walkways, parking spaces and all other pertinent information shall have been submitted and approved by the appropriate city and county departments.
 - 4) Not less than 50 manufactured home stands shall be completed and ready for occupancy before the first occupancy is permitted.
 - 5) Manufactured home stands shall be not less than 40 feet in width and each stand shall contain not less than 2,700 square feet.
 - 6) Each stand shall be clearly defined and no manufactured home or part thereof (i.e., cabanas, carports, patios, utility buildings or structures, etc.) shall be closer to the side or rear line than seven feet or closer to the front line than ten feet.
 - 7) No manufactured home stand shall be closer to the park boundary lines, when such boundary lines are common property lines, than ten feet or closer to street right-of-way lines than 26 feet. Such setback areas shall be landscaped and shall not be used for any other purpose, except for necessary walks or driveways as approved by the ~~director of development services manager~~. When the common property boundary line is adjacent to a developed residential area, such area shall be effectively screened by dense vegetative plantings, or an approved fence or wall.
- c. Except as provided in the above provisions of this section, ~~F.S. § 381.031(1)(g) regarding the rules of the state department of health, adopted in section 54-2,~~ are hereby made a part of this section as if set out in full herein.
 - d. No recreational vehicle park shall be established in the city unless it meets the requirement that it shall be not less than eight acres in area on a single plot of ground.
4. ~~**Group living standards.** Assisted care facilities shall be restricted to the same multifamily density regulations applicable within the district in which they are allowed. For the purposes of determining conformance with the densities requirements and all other district requirements, every 1.93 occupants of an assisted care facility shall be deemed to equal one dwelling unit. To calculate future occupants and subsequent density when number of bed spaces is used as opposed to number of units, 1.0 bed space shall equal 1.0 occupant. The number of occupants divided by the household size (1.93) shall equal the number of units.~~

B. Civic use standards.

2. —~~**Medical facility.** The term "hospital" shall mean a facility licensed by the state, and which provides full medical and emergency care, has on-site security and a minimum of 300 beds.~~
12. ~~**Passenger terminal.** The operation, including the direction and supervision of all taxicabs, shall be from a central station or established callbox stand. It shall be unlawful for a licensee to operate or permit the operation of a taxicab from his own private home or other residential address.~~
2. **Religious Institutions** may include a variety of accessory uses which may be permitted in accordance with the definition found in Chapter 142 of this code. Uses, in conjunction with a religious institution which are not included in the definition must comply with the following standards:
 - a. A gymnasium or similar indoor recreational facility is permitted provided that the minimum parcel size of the place of worship shall not be less than ten acres.
 - b. A cemetery is permitted provided that the minimum parcel size of the place of worship shall not be less than ten acres.
 - c. Overnight accommodations for visiting clergy and non-paying guests of clergy employed by the place of worship are permitted provided that the minimum parcel size of the place of worship shall not be less than ten acres.

- d. The following accessory uses are permitted only as conditional uses, subject to the requirements of section 98.3.8.
 - i. Day care center in residential districts only.
 - ii. Schools in residential districts only.
 - iii. Soup kitchens or other social service facilities in all districts.
 - iv. Athletic field or similar facility.

C. Commercial use standards.

2. Alcoholic beverage establishments.

- b. No licenses for the consumption of beverages containing more than one percent alcohol by weight shall be granted to a vendor or operator of a bottle club or bar, not including restaurants where alcohol is served, whose place of business is within 600 feet of an established place of worship or public school; nor shall a place of worship or public school be granted a license or permission to be within 600 feet of a vendor or operator of a bottle club or bar, not including restaurants where alcohol is served, that is licensed for the consumption of beverages containing more than one percent alcohol by weight; which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such place of business to the nearest entrance of any place of worship; and in case of a public school, to the nearest point of the school grounds in use as part of the school facilities. Such distances are to be ascertained by the building official.
- c. An established place of worship or public school will be recognized only if the place of worship or public school has obtained and passed all certificate of occupancy inspections for its premises and has also registered with the occupational licensing division of the building and zoning department. There is no charge for the actual occupational license; however, any place of worship or public school is still required to meet all of the criteria in order to obtain a certificate of occupancy for the building which they occupy.
- d. These requirements do not apply to establishments which sell alcohol strictly for off-premises consumption, such as grocery stores, convenience stores, and liquor stores.
- e. A variance may be granted from the 600-foot rule if the applicant shows that the building was historically used as a place of worship or an establishment that was a bottle club or bar and meets the criteria of section 98.3.5, Variance except for subsection 98.3.5.A.3.
- f. The Downtown Redevelopment Area shall be exempt from these requirements.

- 3. **Animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care.** In the CG and CI districts, no outdoor runs shall be permitted. All overnight care of animals shall occur indoors. All pens, kennels and runs shall be located within an enclosed building.

- 4. **Art or photo studio, gallery.** Limited retail is permitted for products produced by the resident on the premises.

- 5. ~~Commercial parking. In addition to meeting the requirements of section 134.3.4 Surface material/construction and design standards, all commercial parking lots shall have a minimum 1,000 square foot administrative office. All commercial parking lots abutting residential uses shall be secured by a combination of a solid six foot wall of masonry or other material as approved by the director, with four shade trees and 25 shrubs every 100 linear feet. Wood fencing is discouraged. Additionally, all street frontages shall have a streetwall~~

~~to mask the parking lot from the street. A streetwall shall be decorative, opaque, freestanding wall interplanted with vegetation and built along the frontage line, or coplanar with the facade and constructed at a height of 3.5 feet subject to the sight distance/visibility at intersections requirement.~~

6. Convenience store with gas pumps, gas station.

b. General provisions.

- 1) The primary building, including the ~~fuel full~~ canopy, shall conform to all building envelope standards.
- 2) Gasoline pumps, tanks, vents and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.
- 3) No sign of any type or any gasoline pump or tank shall be located within 20 feet of residential district.
- 4) Where the facility is adjacent to any residential district, there shall be a 100 percent opaque eight-foot high visual barrier or screen on the property line abutting the residential lot, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.
- 5) Freestanding vents shall ~~not be permitted~~ be screened from public right of way.

c. Fuel canopies.

- 1) The canopy shall be located no closer than 15 feet to any side or rear property line or right-of-way.
- 2) The canopy shall not exceed the height of the principal building, but in no case shall the canopy height exceed 20 feet.
- 3) The canopy shall be constructed of building materials consistent with that of the principal building, including the roof.
- 4) The canopy shall be integrated structurally and architecturally into the design of the principal building and shall be complementary to the overall color scheme of the building facade from which it projects.
- 5) Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.

d. Single-bay automatic car wash. An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:

- 1) The car wash structure shall be located no closer than 20 feet to any side or rear property line or right-of-way. The car wash structure shall be located no closer than 50 feet to any side or rear property line adjacent to a residential district.
- 2) The car wash structure shall meet all applicable building envelope standards and shall not exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length.
- 3) The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
- 4) The doors of the car wash building shall be architecturally compatible with the car wash building and shall be fully closed when the facility is not in operation.
- 5) The car wash structure shall be located behind the rear building line of the principal building.
- 6) The car wash structure shall be sited so as to discourage direct street view of the facility. Direct street access is permissible only when appropriate landscaped areas such as, but not limited to, planter islands or other landscaped features are used to screen from street view.

- 7) The car wash facility shall not operate before 6:00 a.m. or after 10:00 p.m.
7. **Flea markets.** New flea markets shall be a minimum of five acres in size, operated within the confines of an enclosed building and have access on an arterial roadway ~~operating at a level of service-D.~~
8. **Marinas.**
- b. Any marina proposed to be constructed, added to, repaired or structurally altered shall first obtain a permit from the appropriate state and federal agencies, if necessary, as well as a permit from the City in accordance with applicable regulations, and written consent of the bottom owner.
 - c. Any proposed commercial marina must receive a permit or a letter of no objection from the appropriate state and federal agencies and execute a lease for the river bottom with the state or city or provide proof of ownership of the river bottom before a City permit shall be issued.
9. **Pawnshops.** Pawnshop establishments shall not be permitted to have the exterior walls of the establishment, excluding permitted signs, to be any color other than a single achromatic, earth-toned or pastel color, and shall not allow any of the awnings, canopies, window shutters or other trim or window treatments to be any color other than a different shade of the single achromatic, earth-toned or pastel color of the walls. The trim color shall not exceed 20 percent of the entire exterior surface of the building.
10. **Self-service storage facility.**
- b. **General.**
 - 1) No electrical power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.
 - 2) The following activities shall be prohibited on the premises:
 - a) Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage mini-warehouse complex may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of Florida regulations.
 - b) Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - c) Operation of a transfer-and-storage business.
 - d) Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use.
 - e) Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - f) Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.
 - g) Habitation of storage units by humans or animals.
 - c. **Warehouse, self-service, mini-storage.**
 - 1) All storage shall be contained within a fully-enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with section 118.3.7, Outdoor Storage and Display.
 - 2) A 100 percent opaque eight-foot high visual barrier or screen shall be provided around the perimeter of the property.
 - 3) Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.

- 4) Each storage space shall contain a maximum of 250 square feet.

d. Warehouse, self-service, indoor multi-story.

- 1) All warehouse storage on the property shall be in a minimum two-story, single-enclosed building. All storage units shall be accessed internally. External doors to individual units shall not be permitted. One consolidated loading area is permitted to the rear or side of the building.
- 2) The outdoor storage of boats, RV's or other similar vehicles may be permitted in accordance with section 118.3.7, Outdoor Storage and Display.

11. ~~Tattoo and body, piercing studios.~~

- ~~b. A procedure for identifying existing tattoo and body piercing studios located in the CG District who can prove they have been performing those services continuously as a legally licensed business for at least one year prior to September 4, 2001, is hereby established to allow those businesses an opportunity to become a legal nonconforming use. These businesses shall be required to obtain a tattoo and body piercing business tax receipt and shall be subject to the nonconformities provisions of chapter 98, article 4.~~
- ~~c. The city shall develop a list of those businesses in CG District eligible to obtain a tattoo and body piercing business tax receipt and become a legal nonconforming use. Any business found operating a tattoo or body piercing operation in CG District shall be subject to code enforcement.~~
- ~~d. Any new tattoo and body piercing studios shall have a minimum of 75 percent gross floor area for retail sales and a maximum of 25 percent gross floor area designated for tattoo and body piercing. A floor plan showing compliance with the requirement must be supplied with an application for a business tax receipt.~~

12. Vehicle service and repair. No Changes

13. Vehicle sales. No Changes

D. Industrial use standards. No Changes

118.3.4 - Accessory Uses and Structures.

- A. **General.** Accessory uses and structures shall be consistent with all standards in the district for the principal use, except as expressly set forth below.
 2. Accessory uses and structures shall be accessory and clearly incidental and subordinate to a permitted principal uses. An accessory use or structure in a residential district shall occupy no more than 30 percent of the gross floor area of the principal use or structure. An accessory use or structure shall only be allowed when a principal use exists.
 3. Accessory uses and structures shall be located on the same lot as the permitted use or structure.
 4. Accessory uses and structures shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.
 5. Accessory uses and structures shall not be of a nature likely to attract visitors in larger numbers than would normally be expected, where applicable.
 6. Accessory uses and structures shall contribute to the comfort, convenience or necessity of occupants of the primary use served.
 7. Tractor trailers are prohibited as storage buildings or structures except as permitted on an active construction site.
 8. The setbacks for accessory structures, excluding detached garages, shall be the same as those required for buildings in the district in which they are located. In no instance shall accessory buildings or structures be located within the front setback area of the principal building or front half of the lot. In no instance may an accessory structure setback be reduced to less than five feet.

- B. **Garage apartment.** Garage apartments are only permitted in the Dean Park Historic District (see section 98.4.6, Nonconforming uses of structures and premises).
- C. **Home business. No Change**
- D. **Domestic television and radio mast-type antennas, and satellite earth station (dish) antennas. No Change**
- E. **Boats and other waterborne vessels. No Change**
- F. **Docks. No Change**
- G. ~~Accessory uses for places of worship. Accessory uses are permitted for a place of worship in accordance with the following standards:~~
 - 2. ~~The following facilities may be considered accessory to a place of worship: a.~~
 - ~~— Offices for the place of worship;~~
 - ~~b. — Rooms for religious instruction or counseling;~~
 - ~~c. — Meeting rooms for intermittent community meetings or instruction; d.~~
 - ~~— Fellowship hall;~~
 - ~~e. — Kitchen facilities;~~
 - ~~f. — Senior center, neighborhood arts center or other community center; g.~~
 - ~~— Temporary child care during religious services or events;~~
 - ~~h. — Outdoor play area; i.~~
 - ~~— Columbarium;~~
 - ~~j. — "Meals on Wheels" or other similar programs using the kitchen in the place of worship but delivering food elsewhere; and~~
 - ~~k. — Residence for clergy employed by the place of worship.~~
 - 3. ~~A gymnasium or similar indoor recreational facility is permitted provided that the minimum parcel size of the place of worship shall not be less than ten acres.~~
 - 4. ~~A cemetery is permitted provided that the minimum parcel size of the place of worship shall not be less than ten acres.~~
 - 5. ~~Overnight accommodations for visiting clergy and non-paying guests of clergy employed by the place of worship are permitted provided that the minimum parcel size of the place of worship shall not be less than ten acres.~~
 - 6. ~~The following accessory uses are permitted only as conditional uses, subject to the requirements of section 98.3.8.~~
 - ~~b. Day care center in residential districts only.~~
 - ~~b. — Schools in residential districts only.~~
 - ~~c. — Soup kitchens or other social service facilities in all districts.~~
 - ~~d. — Athletic field or similar facility.~~

118.3.5. – Temporary or Mobile Uses and Structures.

- A. **Applicability.** Certain uses and structures are temporary or mobile in character. They vary in type and degree, as well as length of time involved. Such uses and structures may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use or structure with existing uses. Unless otherwise specified elsewhere in this Land Development Code, the following regulations shall govern temporary uses and structures.
- B. **Permit required.** No temporary or mobile use or structure shall be established or maintained unless a permit for the compliance of such use with the provisions of this Land Development

Code shall have first been issued in accordance with the provisions set forth below.

- C. **Fee required.** Any person or entity requesting to conduct temporary use on private land shall complete a temporary use application and pay applicable fees. Private events held by a resident of a single-family residence on property with a RS-District are exempt from these provisions, including use of tents.

D. **General requirements.**

1. All temporary or mobile uses shall meet the appropriate requirements of the building code, electrical code, fire (life safety) code and plumbing code.
2. All temporary or mobile uses are prohibited unless applications for all required permits have been submitted and fees paid five business days in advance of the first day of the event, and the permit is issued in compliance with all code requirements. Applications for carnivals must be applied for and fees paid at least 30 days in advance of the first day of the event.
3. A copy of the completed application shall be provided to the city councilperson representing the ward where the event is to be held.
4. The community development director and police chief shall review and grant approval of temporary or mobile use application.
5. Exceptions to the advanced five-day or 30-day requirement due to unforeseen time constraints may be granted by the community development director with concurrence of the police chief and shall be subject to double fees.
6. Governmental entities are exempt from the requirements of this section.
7. Temporary or mobile uses are allowed in specified districts, provided required parking for the primary use is not blocked off for such activities and written, notarized consent from the property owner is provided to the city.
8. Approval of a temporary or mobile use may be withheld by the city due to an apparent or past record of adverse impacts to the surrounding neighborhood. An appeal of the decision by the city is to the board of adjustments and subject to the provisions of section 98.3.7.
9. Temporary eventsuses are temporary in nature and valid for only the dates as specified on the permit.

10. Mobile uses are designed to be transportable such as a cart or a vehicle.

- E. **Permitted temporary uses or events.** The following temporary uses or events are allowed in the frequency and in accordance with the requirements stated below.

1. **Special events.** The term special events shall mean an event held on public land or held in or at a public facility or a combination of both public land and public facility. Any person or entity requesting to conduct a special event on public land, not totally within a facility, shall follow provisions in the city's special events handbook. Special events totally contained within a public facility are exempt from the city's special events handbook and are subject to the facilities event fee structure.
2. **Fundraising, entertainment events.** Events such as fundraising, entertainment, carnivals, arts and crafts festivals, fireworks, Christmas tree or pumpkin sales are allowed at a specific location for 90 days per calendar year in the CG, CI, IL, IH, district, urban core, urban center, and urban general districts. This does not include businesses selling goods customarily sold at a business location. Such activities may be permitted in other districts than those listed above for a period not to exceed 60 days per calendar year and shall be limited in hours of operation to 8:00 a.m. to 10:00 p.m. All carnivals must have written approval of the councilmember in whose ward the event is to be located and must obtain a temporary occupational license.
3. **Off-site sales.** Outdoor sales of goods by a business at a place other than the normal place of business, which owns or operates an ongoing licensed business with a fixed facility in the county may be permitted on property within the CG, CI, IL, and IH districts for a period of time not to exceed 30 days per calendar year.
4. **On-site sales.** Outdoor sales of goods by licensed businesses at their permanent location are permitted for a period of three days with a minimum of 30 days between sales.

5. **Food vending carts.**

- a. **Food vending carts or trucks use in conjunction with a permitted temporary use or event.** Food vending carts or trucks approved by the county health department and the fire marshal may be permitted in conjunction with a permitted temporary use and must obtain a temporary occupational license.

F. **Permitted Temporary or Mobile Facilities. The following temporary or mobile facilities may be permitted in accordance with the following criteria.**

1. **Food vending carts and trucks not used in conjunction with a permitted temporary uses or event.** All food vending carts or trucks must be approved by the county health department. Approval by the county health department must be submitted to the development services manager, as well as compliance with the following conditions, prior to issuance of an occupational license:
- a. **Applicability.** Food vending carts or trucks are a permitted use in the CG, CI, IL, and IH districts. ~~Food vending carts may be located within the downtown redevelopment area on property designated as urban core, urban center, urban general, and district if they are operated and located at an existing restaurant business that has an current outside cafe license and, provided, they can meet the location criteria for safe ingress and egress.~~
- b. **Notarized letter.** The applicant shall provide a notarized letter from the property owner giving permission for the use of the property.
- c. **Code compliance.**
- a) All food vending carts, trucks, vans and trailers shall be built in compliance with all applicable codes and shall be located in an area which does not detract in any way from visibility at intersections, block or cause blockage of any driveway, fire lane or fire hydrant, or cause any parking problem affiliated with any usage or patronage of the food vending cart, truck, van or trailer.
- b) The fire marshal shall inspect a temporary food vending cart, truck, van or trailer prior to issuance of the occupational license. The temporary food vending cart, truck, van or trailer shall be maintained in working order and shall not create an adverse view or vista.
- d. **Site plan required.**
- a) A site plan shall be submitted showing the layout of the area, including the location of food vending carts, trucks, vans, trailers, parking spaces, aisle ways for pedestrians and any seating area. All carts, trucks, vans or trailers shall be located on ~~either an approved asphalt or concrete~~ surface. The dimensions for setbacks shall be determined by the ~~development services manager~~ Community Development Director depending on the district where the vending cart, van or trailer is to be located.
- b) All temporary food vending carts, trucks, vans or trailers shall be located in areas which do not detract in any way from visibility at intersections, block or cause obstruction to any driveway, fire lane, or fire hydrant, or cause any parking problem affiliated with any usage or patronage of the food vending cart.
- e. **General requirements.**
- a) Support equipment and accessories shall not be placed around a temporary food vending cart, truck, van or trailer during operation and shall not extend more than three feet from the edge in any direction.
- b) No temporary food vending cart, truck, van or trailer shall be placed within public rights-of-way, ~~except within the downtown redevelopment area.~~
- c) Temporary food vending carts, trucks, vans or trailers shall be removed each evening.
- d) Food vending carts, trucks, vans or trailers are temporary in nature, vesting no permanent rights, and the license to operate may be revoked for any reason by the community development ~~directorservices manager~~ upon 30 days notice or without notice if the cart poses a health safety or welfare violation. The license

may be revoked for a violation of any provision of this section or other applicable regulations.

- e) Responsibility for sanitary facilities for employees rests with the business tax receipt occupational license holder.
 - f. **Movement of facility.** If a food vending cart, truck, van or trailer is moved from either its designated place of business or its designated place of storage, the operator must notify the fire marshal in writing. In addition, a satisfactory inspection is required for the new location, including payment of any required fees for an inspection at the newly designated place of business and for an inspection at the newly designated place of storage.
 - g. **Transfer of permit.** Permits will be issued for individual carts, trucks, vans or trailers at specified locations and will be nontransferable. Change in ownership of a cart, truck, van or trailer, or location shall require the owner to apply for a new permit. Permits and licenses are issued to individual temporary food vending carts, vans or trailers for specific locations and are not transferable.
 - h. **Number.** There shall be no more than one temporary food vending cart, truck, van or trailer located within 150 feet of another temporary food vending cart, van or trailer. No individual temporary food vending cart, truck, van or trailer shall exceed 400 square feet in size.
 - i. **Signage.** Advertising signs may be permitted upon the temporary food vending cart, truck, van or trailer and not on the sidewalk or street area.
 - j. **Alcohol.** No alcoholic beverages are to be sold or consumed from temporary food vending carts, trucks, vans or trailers.
2. **All other vending carts.** All other vending carts, vans, trucks, trailers, wagons and the like, used for, but not limited to, the sale of flowers, souvenirs or paintings, and which are not part of a permitted special event or temporary outdoor activity are prohibited, except if granted by the city council.
3. **On-site temporary signage.** On-site temporary signage, including use of banners, shall be allowed for the duration of the temporary use and shall not require a permit. The location of the signage shall comply with the requirements set forth in subsection 126-91(c) and shall not create a nuisance or hazard to public safety.
4. **Trailers, semi-trailers, boat trailers, and RVs.** It shall be unlawful to use any trailer, semi-trailer, boat trailer or recreational vehicle (RV) for the purpose of an office or business headquarters, or for the conduct of any business activity in the city, except as specified below.
- a. A temporary permit may be issued by the community development services manager director for a period not to exceed six months or upon approval of the city council for periods exceeding six months to permit a trailer, or mobile office unit to be used to allow business continuation during a major renovation program of an existing building or when a building loss is caused by fire or an act of nature, provided that the unit meets all necessary state and City Code pertaining to tie-downs, electrical and plumbing. All temporary permits issued will be valid from the date of the renovation permit issuance until seven calendar days after issuance of the certificate of occupancy or any termination date set by the development services manager director or city council.
 - b. A trailer, semi-trailer or container may be used for loading or unloading purposes for a period not to exceed two days in a residential district or seven calendar days in any other non-industrial district. A trailer, semi-trailer or container may be parked or placed in an industrial district for loading, unloading and storage purposes.
 - c. In CG, CI, IL, and IH districts the following shall apply:
 - 1) A fully enclosed trailer, semi-trailer or cargo container approved by the development services manager director may be used for storage purposes for a period of time not to exceed 120 days in any 12-month period. A permit shall be obtained from the community development department in order to utilize the trailers or containers. Along with the building permit, the applicant shall also provide five copies of a site plan showing the proposed location and size of the trailers and containers. A representative from the community development, planning and public works

departments shall review and approve the plan before a permit is issued.

- 2) If the plan is approved, there will be a \$500.00 fee charged each month per trailer or container for up to four months.
- 3) After the first 12-month period, an applicant may reapply for a permit for another four months maximum. There is a maximum two-year period established for the temporary use of trailers and containers. No more permits will be issued after that date.
- d. A boat trailer or recreational vehicle may be parked or stored in the side or rear yard of the owner's residence or place of business, provided that it shall not be used for sleeping purposes or any purpose which violates the provisions of this section or any other applicable provision of the City Code.

e. In the IL or IH district a mobile home may be used for the purpose of an office or business headquarters except when the property is adjacent to a collector or arterial roadway.

5. On-site Temporary buildings or structures, and mobile offices.

- a. Temporary buildings or structures, or mobile offices required for a construction project of any kind shall be permitted in every district on the same site where the new project is located, provided that such buildings or structures shall be removed from the site immediately upon completion of the project.
- b. Accessory structures such as manufactured-mobile homes or offices shall be permitted in conjunction with a temporary use the duration of the temporary use for office purposes. Use of accessory structures for living purposes is prohibited. Any such office use shall require toilet facilities, with a signed maintenance contract.

6. Model homes. Model homes may be permitted in any district and are subject to the following requirements.

- a. One sign per model home. The sign shall not exceed 12 square feet, and shall be used for temporary identification/sales purposes.
- b. Time limit on approval shall be five years maximum or the completion of lot sales in the subdivision, whichever comes first. A one-time extension of approval (up to three additional years) may be granted by the board of adjustments.
- c. Parking areas must be able to accommodate four cars. Parking areas may be provided at a central sales facility parking lot, or in driveways. Parking may be reduced to two spaces per model when there is more than one model, models are centrally located, and sidewalks connect the models. The reduction to two spaces must be reviewed and approved through the administrative review process.
- d. Security bond required shall be \$3,500.00.
- e. Limited hours of operation shall be from 8:00 a.m. to 6:00 p.m., seven days a week.
- f. Outside lighting is prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- g. For security lighting, two lights shall be permitted, one in the front and one in the rear of the building.
- h. Model homes shall be used exclusively for display purposes and lot sales within the subdivision only. No construction offices or other business offices are permitted.

~~118.3.6 –Use Categories:~~

~~A. **General provisions:**~~

1. ~~**Applicability.** The following use categories are not zoning districts. These categories group uses for regulatory purposes. A use listed below is only permitted in accordance with subsection 118.3.2.B, Permitted Use Table.~~
2. ~~**Basis for classifications.** Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Use categories provide a systematic basis for assigning land uses to appropriate zoning districts.~~
3. ~~**Approach to categorizing uses.** The use categories used in subsection 118.3.2.B, Permitted Use Table, are set forth in subsections B through F below.~~

a. **Principal uses.** The "Principal Uses" portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself.

Commentary. A use that calls itself "Wholesale Warehouse," but sells mostly to retail consumers, is included in the retail sales and service category rather than the wholesale trade category.

b. **Accessory uses.** Accessory uses are allowed by right in conjunction with a principal use as set forth in subsections B through F below. No accessory use may be established on a site without a principal use. Specific regulations governing accessory uses and structures may be listed in section 118.3.4, Accessory Uses and Structures. Some listed accessory uses may also be considered accessory structures.

c. **Uses not included.** The "Uses Not Included" provides cross-references to uses that may appear to be part of a particular category, but that are explicitly handled in a different use category.

B. Residential use categories.

1. **Household living.** Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.

Principal Uses	Accessory Uses	Uses Not Included
Single-Family Detached Single-Family Attached Two-Family Townhouse Multifamily Upper-Story Residential Live-Work Manufactured Home	Boat Garage Apartment Detached garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool Domestic Television and Radio Mast-Type Antennas, and Satellite Earth Station (Dish) Antennas Home occupation Private community center Raising of pets Residential leasing office Residential Dock	Bed and breakfast, hotel, motel, inn, extended-stay facility (see Overnight Lodging) Alternative or post-incarceration facility, transitional home, halfway house, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service) Assisted living facility, boarding, rooming or lodging facilities, fraternity, sorority, student dormitory, nursing home, full-time convalescent, hospice, residential care facility (see Group Living)

2. **Group living.** Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.

Principal Uses	Accessory Uses	Uses Not Included

<p>Assisted Living Facility Boarding, Rooming or Lodging Facility Fraternity, Sorority, Student Dormitory Monastery, Convent Nursing Home, Full-time Convalescent, Hospice, Life Care Center</p> <p>Residential Care Facility</p>	<p>Associated office-Domestic Television and Radio Mast-Type Antennas, and Satellite Earth Station-(Dish) Antennas</p> <p>Food preparation or dining area</p> <p>Recreational facility</p>	<p>Bed and breakfast, hotel, motel, inn, extended-stay facility (see Overnight Lodging)</p> <p>Alternative-or post-incarceration facility, transitional home, halfway house, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service)</p> <p>Seminary (see Educational Facility)</p>
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C. Civic use categories.

- 1. Community service.** Uses of a public, nonprofit, or charitable nature providing ongoing public safety, educational, training, or counseling to the general public on a regular basis, without a residential component.

Principal Uses	Accessory Uses	Uses Not Included
<p>Community center Museum, library Neighborhood arts center or similar facility (public) Philanthropic institution Police, fire, EMS-substation</p>	<p>Associated office-Domestic Television and Radio Mast-Type Antennas, and Satellite Earth Station-(Dish) Antennas</p> <p>Food preparation or dining area</p> <p>Arts and crafts, day care, therapy area</p> <p>Indoor or outdoor recreation and athletic facility Limited retail sales (internal) Meeting area</p>	<p>Athletic, tennis, swim or health club (see Indoor Recreation) _____ Church, mosque, synagogue, temple (see Place of Worship)</p> <p>Counseling in an office setting (see Office)</p> <p>Detention center, jail, prison (see Light Industrial)</p> <p>Lodge, membership club (see Indoor Recreation) Park (see Park and Open Space)</p> <p>Alternative-or post-incarceration facility, transitional home, halfway house, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service)</p> <p>Assisted living facility, boarding, rooming or lodging facilities, fraternity, sorority, student dormitory, nursing home, full time convalescent, hospice, residential care facility (see Group Living)</p>

- 2. Day care.** Uses providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

4. **Medical facility.** Uses providing medical or surgical care to patients. Some uses may offer overnight care.

Principal Uses	Accessory Uses	Uses Not Included
<p>Ambulatory surgery center, outpatient clinic</p> <p>Blood plasma</p>	<p>Associated helicopter landing facility</p> <p>Associated office</p> <p>Chapel, ancillary worship space</p>	<p>Alcohol abuse, drug rehabilitation treatment, alternative or post-incarceration facility, transitional home, halfway house, detoxification center, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents,</p>
<p>donation center, plasmapheresis center</p> <p>Hospital, medical center</p> <p>Medical, dental laboratory</p> <p>Medical, dental clinic</p> <p>Medical, dental office, chiropractor</p>	<p>Domestic Television and Radio Mast-Type Antennas, and Satellite Earth Station (Dish) Antennas</p> <p>On-site day care where children are cared for while parents or guardians are occupied on the premises</p> <p>Food preparation or dining area</p> <p>Housing for staff or trainees Limited retail sales (internal) Janitorial facility Meeting area</p> <p>Nursing or medical school</p> <p>Pharmacy Recreational facility Research, noncommercial, scientific, educational</p> <p>Teaching facility</p> <p>Temporary housing for relatives of patients</p>	<p>psychiatric institution, sanatorium, rehabilitative clinic (see Social Service)</p> <p>Pharmacy, urgent care or emergency medical office (see Retail Sales and Service)</p>

5. **Park and open space.** Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

Principal Uses	Accessory Uses	Uses Not Included
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<p>Conservation-management activity, conservation or preserve area, wildlife preserve</p> <p>Game preserve, wildlife management area, refuge, animal sanctuary</p> <p>Municipal wellfield Park, recreation field Passive recreation,</p>	<p>Alcoholic beverage sales for consumption on the premises only in conjunction with the recreational facilities, grounds and parks</p> <p>Campground (public park only)</p> <p>Concession Maintenance facility Play equipment</p>	<p>Campground (private), golf course, country club, clubhouse, batting cage, golf driving range, mini-amusement park, miniature-golf facility, water park (see Outdoor Recreation)</p> <p>Crematorium (see Light Industrial)</p>
<p>recreational shelter, gazebo, nature observation platform</p> <p>Public land of scenic or natural beauty</p> <p>Public or private beach Water conservation land such as aquifer recharge area, flowway, flood-prone area, well field, and water management facility</p> <p>Wetland and upland mitigation area and bank, mitigation-maintenance activity</p> <p>Reservoir, control structure, drainage well, water supply water well</p>	<p>Restaurants and indoor retail sales in conjunction with a recreational facility and golf course</p> <p>Single residential unit for caretaker or security purposes</p> <p>Swimming pool, tennis court, ballfield</p> <p>Hiking trails, pedestrian/golf cart boardwalks and bridges, nature trails (elevated and at grade) and interpretative signage, biking and riding trails, and other such facilities constructed for the purpose of passage through or enjoyment of the site's natural attributes, subject to approval by permitting agencies</p> <p>Temporary construction access road</p>	<p>Athletic field (see Outdoor Recreation)</p>

6. **Passenger terminal.** Public or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.

Principal Uses	Accessory Uses	Uses Not Included
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<p>Airport, Heliport</p> <p>Bus, Train Passenger Terminal</p> <p>Taxicab Dispatch Station, Limousine Service, Charter Service</p>	<p>Associated office</p> <p>Concession</p> <p>Food preparation or dining area</p> <p>Domestic Television and Radio Mast-Type Antennas, and Satellite Earth-Station (Dish) Antennas</p> <p>Freight handling area</p> <p>Fueling facility</p> <p>Janitorial facility</p> <p>Limited retail sales (internal)</p>	<p>Freight, distribution facility, parcel service (see Warehouse and Distribution)</p> <p>Helicopter landing facility accessory to another use (see Agriculture, Medical Facility)</p>
	<p>Maintenance facility</p> <p>Park-and-ride facility</p>	

7. **Place of worship.** Places of assembly that provide meeting areas for religious practice.

Principal Uses	Accessory Uses	Uses Not Included
Church, mosque, synagogue, temple, chapel	See 118.3.4.G	

8. **Social service.** Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

Principal Uses	Accessory Uses	Uses Not Included

Alcohol abuse, drug-rehabilitation treatment	Adult educational facility	Assisted living facility, boarding, rooming or lodging facilities, fraternity, sorority, student dormitory, nursing home, full-time convalescent, hospice, residential care facility (see Group Living)
Alternative or post-incarceration facility, transitional home, halfway house	Associated office	
Detoxification center	Domestic Television and Radio Mast-Type Antennas, and Satellite-Earth Station (Dish) Antennas	
Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents	Food preparation or dining area	
Psychiatric institution	Meeting room	
Rehabilitative clinic	On-site day care where children are cared for while parents or guardians are occupied on the premises	
Social service facility, soup kitchen, transient lodging or shelter for the homeless	Staff residences located on-site	
		School, public or private, K-12 (see Educational Facility)

9. **Utilities.** Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).

Principal Uses	Accessory Uses	Uses Not Included
Minor utilities, including on-site stormwater retention or detention facility, neighborhood-serving telephone exchange/switching center, gas or electric installation/transmission, water and wastewater pump station or lift station, gas gates		Landfill (see Waste-Related Service)
Major utilities, including aeration facility, artesian well, electrical substation, electric or gas generation plant, filter bed, railroad right-of-way (new), transmission tower, waste treatment plant, water pumping facility, water tower or tank	Control, monitoring, data or transmission equipment	Utility office, radio, TV, recording studio (see Office)
Radio, telephone, and television transmission towers and facilities (commercial)	Storage	Reservoir, control structure, drainage well, water supply water well (see Park and Open Space)
Commercial Wireless Telecommunication Facility		

D. Commercial use categories.

1. **Indoor recreation.** Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Principal Uses	Accessory Uses	Uses Not Included
<p>Adult entertainment establishment</p> <p>Auditorium, arena, stadium, indoor athletic, tennis, swim or health club</p> <p>Ballroom, dancehall</p> <p>Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment, bottle club</p> <p>Convention centerGymnastic facility, indoor sports academy</p> <p>Lodge, membership club</p> <p>Indoor entertainment activity such as pool hall, billiard hall, bowling alley, amusement arcade, swimming pool</p>	<p>Associated office</p> <p>Concession</p> <p>Domestic Television and Radio Mast Type Antennas, and Satellite Earth Station (Dish) Antennas</p> <p>Food preparation or dining area</p> <p>Off-street parking</p> <p>Pro shop or sales of goods related to the on-site activities of the specific use</p>	<p>Community recreational facility, non-profit (see Community Service)</p> <p>Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service)</p> <p>Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park (see Outdoor Recreation)</p> <p>Restaurant with sale of alcoholic beverages, brew pub (see Restaurant)</p>
<p>Indoor shooting range</p> <p>Physical education center</p> <p>Movie or other theater</p> <p>Skating rink</p>		

2. **Office.** Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.

Principal Uses	Accessory Uses	Uses Not Included

<p>Offices including advertising, business management consulting, data processing, collection agency, real estate or insurance agent, professional service such as lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency</p> <p>Detective agency</p> <p>Financial services such as lender, investment or brokerage house</p> <p>Call center</p> <p>Counseling in an office setting</p> <p>Government office Radio, TV or recording studio Utility office</p>	<p>Ancillary indoor storage</p> <p>Domestic Television and Radio Mast-Type Antennas, and Satellite Earth-Station (Dish)-Antennas</p> <p>Food preparation or dining area</p> <p>Health facility</p> <p>Janitorial facility</p> <p>Meeting room</p> <p>On-site day care where children are cared for while parents or guardians are occupied on the premises</p> <p>Other amenity for the use of on-site employees</p> <p>Limited retail sales (internal)</p>	<p>Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial)</p> <p>Bulk mailing service (see Light Industrial) Mail-order house (see Wholesale Trade)</p> <p>Medical, dental office or chiropractor (see Medical Facility)</p> <p>Research, testing, and development laboratory (Light Industrial)</p> <p>Urgent care or emergency medical office (see Retail Sales and Service)</p>
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	Technical library	
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3. **Outdoor recreation.** Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures.

Principal Uses	Accessory Uses	Uses Not Included
Amusement parks — Arena, stadium, outdoor auditorium Athletic field, track Drive-in theater Campground, travel trailer park, recreational vehicle park Commercial amphitheater Executive par three golf course Extreme sports such as paintball, BMX facility or skateboarding facility Golf course, tennis, country club, clubhouse Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park Horse stable, riding academy Outdoor shooting range Sports academy for active recreational or competitive sports	Associated office Caretaker or security person housing Classroom Clubhouse Concession Domestic Television and Radio Mast-Type Antennas, and Satellite Earth Station (Dish) Antennas Food preparation or dining area Jogging, hiking, fitness and other types of trails Limited retail sales (internal) Maintenance facility On-site day care where children are cared for while parents or guardians are occupied on the premises Pro shop or sales of goods related to the on-site activities of the specific use	Athletic, tennis, swim or health club (see Indoor Recreation) Botanical garden, nature preserve, recreational trail, park, recreation field (see Park and Open Space) Indoor entertainment activity such as pool hall, bowling alley, game arcade (see Indoor Recreation)

4. **Overnight lodging.** Accommodations arranged for short term stays of less than 30 days for rent or lease.

Principal Uses	Accessory Uses	Uses Not Included
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<p>Hotel, motel, inn, extended-stay facility, bed and breakfast, youth hostel</p>	<p>Associated office</p> <p>Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment</p> <p>Domestic Television and Radio Mast-Type Antennas, and Satellite Earth-Station (Dish) Antennas</p> <p>Food preparation or dining area</p> <p>Laundry facility</p> <p>Meeting facility</p> <p>Restaurant</p> <p>Swimming pool, other recreational facility</p>	<p>Boarding, Rooming or Lodging Facility (see Group Living)</p> <p>Campground (private), travel trailer park, recreational vehicle park (see Outdoor Recreation)</p> <p>Convention center (see Indoor Recreation)</p>
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5. **Parking.** Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged.

Principal Uses	Accessory Uses	Uses Not Included
<p>Mixed parking lot (partially accessory to a principal use, partly to rent to others), short and long-term fee parking facility</p> <p>Park-and-ride facility</p> <p>Parking lot, surface</p> <p>Parking lot, garage</p>	<p>Structure intended to shield parking attendants from the weather</p>	<p>Bus barn (see Warehouse and Distribution)</p> <p>Sale or servicing of vehicles (see Vehicle Sales and Service)</p>

6. **Restaurant.** Establishments that prepare and sell food for on- or off-premise consumption.

Principal Uses	Accessory Uses	Uses Not Included
<p>Cafeteria</p> <p>Delicatessen</p>	<p>Associated office</p> <p>Domestic Television and Radio</p>	<p>Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment, bottle club (see Indoor Recreation)</p>

Pizza-delivery facility	Mast-Type Antennas, and Satellite Earth Station (Dish)	Catering establishment (see Retail Sales and Service or Light Industrial)
Restaurant, fast-food- restaurant, take-out, yogurt or ice-cream shop	Outdoor seating or dining (see 18.402 of the City Code)	
Restaurant with sale of alcoholic beverages, brew pub	Drive-through pickup window	
Restaurant, drive-in		

7. **Retail sales and service.** Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

Principal Uses	Accessory Uses	Uses Not Included
<p>Sales-Oriented</p> <p>Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, computer supplies, convenience goods, dry goods, electronic equipment, fabric, flowers, fruits, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vegetables, videos, and related products</p> <p>Auction room, auction house</p> <p>Art or photo studio, gallery</p> <p>Butcher, baker</p> <p>Pawnshop</p> <p>Convenience store with gas pumps, gas station</p>	<p>Associated office</p> <p>Automatic one bay car wash facility</p> <p>Domestic Television and Radio Mast-Type Antennas, and Satellite Earth Station (Dish) Antennas</p> <p>Food preparation or dining area</p> <p>On-site day care where children are cared for while parents or guardians are occupied on the premises</p> <p>Repackaging of goods for on-site sale</p> <p>Storage of goods</p> <p>Drive-through pickup window</p>	<p>Adult Entertainment (see Indoor Recreation)</p> <p>Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment (see Indoor Recreation)</p> <p>Catering establishment (see Retail Sales and Service or Light Industrial)</p> <p>Crematorium (see Light Industrial)</p> <p>Drop-in child care center (see Day Care)</p> <p>Full or self-service vehicle wash (see Vehicle Sales and Service)</p> <p>Indoor recreation activity such as pool hall, bowling alley, game arcade (see Indoor Recreation)</p> <p>Laundry or dry-cleaning plant (see Light Industrial)</p>

<p>Convenience store without gas pumps</p> <p>Greenhouse or nursery, commercial, garden-center</p> <p>Flea market</p> <p>Vehicle parts and accessories</p> <p>Wholesale club</p>		<p>Outdoor recreation activity, such as batting cage, golf-driving range, mini-amusement park, miniature golf facility, water park (see Outdoor Recreation)</p> <p>Pizza delivery facility; restaurant, fast-food restaurant, take-out, yogurt or ice cream shop, restaurant with sale of alcoholic beverages, brew pub, restaurant, drive-in (see Restaurant)</p> <p>Vehicle sales, repair or service (see Vehicle Sales and Service)</p> <p>Wholesale of food, clothing, auto parts, building hardware, wholesale display, wholesale establishment (see Wholesale Trade)</p>
<p>Service-Oriented</p> <p>Bank, animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy-day care, dance, martial arts, music studio or classroom</p> <p>Catering establishment, small-scale</p> <p>Cleaning establishment, small-scale</p> <p>Dry cleaning or laundry drop-off facility, laundromat, cleaning, pickup station, coin-operated pickup station</p> <p>Funeral home or mortuary, undertaking establishment</p> <p>Hair, nail, tanning, massage therapy and personal care service, barber or beauty shop</p>		

<p>Photocopy, blueprint, package shipping and quick-sign service, printing and publishing</p> <p>Photoengraving, post office, travel, ticket agency</p> <p>Security service, taxidermist</p> <p>Tattoo shop, palmist, psychic, medium, massage parlor, body piercing</p> <p>Urgent care or emergency medical office</p> <p>Repair-Oriented Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair, tailor, milliner, upholsterer, seamstress</p> <p>Gunsmith, locksmith</p>		
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8. **Self-service storage.** Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Principal Uses	Accessory Uses	Uses Not Included
<p>Warehouse, self-service, mini-storage</p> <p>Warehouse, self-service, fully enclosed indoor multi-story storage</p>	<p>Associated office</p> <p>Domestic Television and Radio Mast Type Antennas, and Satellite Earth Station (Dish) Antennas</p> <p>Storage of boats and campers</p> <p>Caretaker or security person unit</p>	<p>Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store (see Warehouse and Distribution)</p> <p>Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial)</p> <p>Recycling facility including recyclable material storage, including construction material (see Waste Related Services)</p> <p>Rental of light or medium trucks (see Vehicle Sales and Service)</p>

9. **Vehicle sales and service.** Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as vehicle service involve services provided while the customer waits, same day pick-up of the vehicle or customers leaving a vehicle on-site for

less than 24 consecutive hours.

Principal Uses	Accessory Uses	Uses Not Included
<p>Full or self-service vehicle wash</p> <p>Manufactured housing sales</p> <p>Vehicle service including audio and alarm system installation, custom accessories (window tint, stripe, luggage rack, molding, bumpers) quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bedliner installation, hand and foot control installation, glass repair/replacement provided such all activity is within a completely enclosed building (no open service bays, doors, or windows); tire sales and mounting.</p> <p>Vehicle repair including A/C replacement A/C servicing, alignment shop, auto body shop, auto upholstery shop, repair of cars, trucks, RVs and boats, repair of brakes/shocks, mufflers, transmissions, engine replacement/overhaul, trucks service exceeds ¾ ton, truck service tune up</p> <p>Vehicle sales, rental, or leasing including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles, unattended vehicle sales lot, car rental auto leasing, over the road trailer leasing, auction vehicle, broker vehicle, pawn shop vehicle</p>	<p>Associated office</p> <p>Domestic Television and Radio Mast-Type Antennas, and Satellite Earth Station (Dish) Antennas</p> <p>Sale of parts</p> <p>Single-bay, automatic car wash</p> <p>Towing Vehicle-fueling Vehicle-storage</p>	<p>Earth moving and heavy construction and transportation equipment (see Heavy Industrial)</p> <p>Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture)</p> <p>Vehicle parts sale as a principal use (see Retail Sales and Service)</p>

10. **Water-oriented.** Uses that require direct access to navigable waters.

Principal Uses	Accessory Uses	Uses Not Included
<p>Boat livery</p> <p>Deck or pier (commercial)</p> <p>Dry storage of boats</p> <p>Ferry/water taxi</p> <p>Marina</p>	<p>Selling, leasing or rental of covered or uncovered boat slips or dock space, dry storage space, boats and boat motors, marine fuel and lubricants, bait and fishing equipment</p> <p>Repair and maintenance of boats and boat motors</p> <p>On-shore restaurants</p> <p>Small boat hauling or launching facility</p>	<p>Water park (see Outdoor Recreation)</p>

Wet storage of boats (commercial)		
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E. Industrial-use categories.

- Wholesale trade.** Firms or individuals involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

Principal Uses	Accessory Uses	Uses Not Included
<p>Mail-order house</p> <p>Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment, and store fixtures</p> <p>Wholesale of food, clothing, auto parts, building hardware</p> <p>Wholesale display</p> <p>Wholesale establishment</p>	<p>Associated office</p> <p>Food preparation or dining area</p> <p>Domestic Television and Radio Mast Type Antennas, and Satellite Earth Station (Dish) Antennas</p> <p>Minor fabrication services</p> <p>On-site day care where children are cared for while parents or guardians are occupied on the premises</p> <p>Repackaging of goods</p> <p>Warehouse</p>	<p>Earth moving and heavy construction and transportation equipment (see Heavy Industrial)</p> <p>Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture)</p> <p>Vehicle parts sale as a principal use (see Retail Sales and Service)</p>

- Light industrial.** Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses Not Included
<p>Aluminum screening fabrication</p> <p>Armory, brewery, winery, bottling plant, bulk mailing service, catering establishment,</p>	<p>Accessory medical clinic</p> <p>Associated office</p>	<p>Dredging, earth extraction, clearing or grading (timber cutting), extraction of phosphate or minerals, extraction of sand or gravel, borrow</p>

<p>large-scale, movie production facility</p> <p>Clothing, textile or apparel manufacturing, boot and shoe manufacturing, garment factory</p> <p>Contractors storage (indoor/outdoor) including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site, lawn, tree or garden service</p> <p>Crematorium, detention center, jail, prison</p> <p>Laundry, dry-cleaning, and carpet cleaning plants, cleaning establishment, large-scale</p> <p>Diaper service, linen supply</p> <p>Labor pool</p> <p>Leather and leather products except tanning and finishing, felt and fiber articles</p>	<p>Domestic Television and Radio Mast-Type Antennas, and Satellite Earth-Station (Dish) Antennas</p> <p>Food preparation or dining area</p> <p>On-site day care where children are cared for while parents or guardians are occupied on the premises</p> <p>Employee recreational facility</p> <p>On-site repair facility</p> <p>Residential unit for security purposes (single unit)</p> <p>Retail or wholesale sales of goods manufactured on-site</p>	<p>pit, metal, sand stone, gravel clay, mining and other related processing, stockpiling of sand, gravel, or other aggregate materials (see Resource-Extraction)</p> <p>Recycling facility including recyclable material storage, including construction material (see Waste-Related Service)</p> <p>Outdoor storage yard (see Warehousing and Distribution)</p> <p>Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade)</p> <p>Small-scale catering and laundry establishments (see Retail Sales and Service)</p>
<p>Light manufacturing or assembly of equipment, instruments, or goods including musical instruments, appliances, bedding, coated ware, medical/dental goods, orthopedic, medical appliances, precision items, optical goods, surgical products, sporting goods, office and art supplies, pottery, ceramics, electrical equipment/items, glass products, paper products (except pulp mills) printing, publishing, and lithography, production of artwork and toys, sign-making, metal products, rope, cord, twine manufacture</p> <p>Repair of scientific or professional instruments, electric motors, electrical and</p>		

refrigeration equipment, research, testing, and development laboratory		
Stone, clay, concrete products		
Storage area used for manufacturing		
Trade school, heavy equipment, truck operators		
Welding, machine, tool repair shop, sheet metal shop, tool, die, and gauge manufacturing, metal stamping		
Woodworking, including cabinet makers and furniture manufacturing, lumberyard and wood products		

3. **Warehouse and distribution.** Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Principal Uses	Accessory Uses	Uses Not Included
Freight, distribution facility, parcel service	Associated office	
Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store	Domestic Television and Radio Mast Type Antennas, and Satellite Earth Station (Dish) Antennas	Bulk storage of flammable liquids (see Heavy Industrial)
Bus barn	Food preparation or dining area	Warehouse, self-service, mini-storage
Cartage and express facility Commercial packing for fruits and vegetables Drop yard	On-site day care where children are cared for while parents or guardians are occupied on the premises	Warehouse, indoor multi-story (see Self-Service Storage)
Outdoor storage yard	Employee recreational facility	Solid or liquid waste transfer station (see Waste-Related Service)
Postal distribution facility	Outdoor storage yard	
Railroad switching yard, freight terminal, piggyback yard	Residential unit for security purposes (single unit)	

<p>Stockpiling of sand, gravel, or other aggregate materials</p> <p>Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred</p> <p>Truck or motor freight terminal, service facility</p> <p>Warehouse, distribution facility</p>	<p>Truck fleet parking and maintenance area</p>	
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4. **Heavy industrial.** Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.

Principal Uses	Accessory Uses	Uses Not Included
<p>Asbestos and radioactive materials products ;Bulk storage of flammable liquids Chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products</p> <p>Concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, batch plant</p> <p>;Concrete batching and asphalt processing and manufacture, batch plant</p> <p>Dredging, earth extraction, clearing or grading (timber cutting)</p> <p>Earth moving and heavy construction equipment and transportation equipment</p> <p>Fabricated metal products and machinery</p> <p>Gypsum manufacture, linoleum manufacturing Foundry, forge plant</p> <p>Leather and leather products includes tanning and finishing</p>	<p>Associated office</p> <p>Food preparation or dining area</p> <p>Domestic Television and Radio Mast-Type Antennas, and Satellite Earth Station (Dish)</p> <p>Antennas Product repair Repackaging of goods</p> <p>Warehouse, storage</p> <p>Residential Unit for Security purposes (single unit)</p>	<p>Animal waste processing (see Waste-Related Service)</p> <p>Recycling facility including recyclable material storage, including construction material (see Waste-Related Service)</p> <p>Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)</p>
<p>Petroleum, liquefied petroleum gas and coal products and refining _____ Primary metal manufacturing, electroplating, graphite</p> <p>;Rubber and plastic products, rubber manufacturing</p> <p>Scrap metal processors</p> <p>Secondary materials dealers</p>		

<p>Tire recapping Tobacco products Transportation equipment</p> <p>Uses Prohibited:</p> <p>Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause; Acid manufacturing; Animal processing, packing, treating, and storage, livestock or poultry slaughtering, animal slaughter, stockyards, commercial feed lot; Creosote treatment or manufacturing; Explosives, fireworks, gunpowder; Extraction of phosphate or minerals, sand or gravel, borrow pit, mineral excavation or refining, slag or rock crushing; Fertilizing manufacturing; Impound lot, wrecker service includes city wreckers, auto storage, automobile dismantlers and recyclers, wrecking, junk or salvage yard; Poison or toxic gas manufacturing; Portland cement manufacturing; Sawmill, paper, pulp mill (see 118.3.3.D.3)</p>		
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5. **Waste-related service.** Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

Principal Uses	Accessory Uses	Uses Not Included
<p>Animal waste processing</p> <p>Garbage or refuse collection service (office and truck fleet)</p> <p>Landfill, sanitary Landfill, construction</p> <p>Municipal-owned horticulture recycling/processing</p> <p>Manufacture and production of goods from composting organic material</p> <p>Recycling facility including recyclable</p>	<p>Associated office</p> <p>On-site refueling and repair</p> <p>Recycling of material</p> <p>Repackaging and shipment of by-products</p>	<p>Stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction)</p>

material storage, including construction material		
Recycling drop-off facility		
Solid or liquid waste transfer station		

F. Open-use categories.

- 1. Agriculture.** Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.

Principal Uses	Accessory Uses	Uses Not Included
<p>Aviary</p> <p>Commercial fishing</p> <p>Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development</p> <p>Crop, soil preparation, agricultural services, large animal and veterinary services</p> <p>Farm labor and management services</p> <p>Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture</p> <p>Fish hatcheries and preserves</p> <p>Grain, fruit, field crop and vegetable cultivation and storage</p> <p>Hunting, trapping and game</p>	<p>Aircraft landing field or helicopter landing facility (private)</p> <p>Associated offices</p> <p>Auction ring</p> <p>Barns, garages, sheds, silos, stables (noncommercial)</p> <p>Domestic Television and Radio Mast Type Antennas, and Satellite Earth Station (Dish) Antennas</p> <p>Dock or pier (noncommercial)</p> <p>Housing for ranch or farm labor, including manufactured homes</p> <p>Sale of agricultural products</p> <p>U-pick facilities</p>	<p>Animal waste processing (see Waste-Related Service)</p> <p>Animal processing, packing, treating, and storage, livestock or poultry slaughtering, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing (see Heavy Industrial)</p> <p>Botanical garden, nature preserve, recreational trail, game preserve, wildlife management area, refuge, animal sanctuary (see Park and Open Space)</p> <p>Dredging, earth extraction, clearing or grading (timber cutting), extraction of phosphate or minerals, extraction of sand or gravel, borrow pit, metal, sand stone, gravel, clay, mining and other related processing, stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction)</p> <p>Greenhouse or nursery, commercial, garden center (see Retail Sales and Service)</p>

<p>propagation</p> <p>Livestock, horse, dairy, poultry and egg products</p> <p>Livestock auction</p> <p>Milk processing plant</p> <p>Packing house for fruits or vegetables, orchards</p> <p>Poultry slaughtering and dressing</p> <p>Retail or wholesale sales of agriculturally related supplies and equipment</p> <p>Timber tracts, forest nursery, gathering of forest products</p>		<p>Horse stable, riding academy (see Outdoor Recreation)</p>
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(Ord. No. 3422, § 4, 1-14-2008; Ord. No. 3473, §§ 9, 10, 6-16-2008)

118.3.7 - Outdoor Storage and Display.

- A. **Purpose.** The purpose of this section is to provide reasonable limits on the outside storage and display of merchandise in conjunction with a permitted principal use in a base district. These standards ensure that such display and storage contribute to the normal activities of a use while not creating a public health or safety hazard or a nuisance.
- B. **Applicability.**
 - 1. Any merchandise, material or equipment situated outdoors in a commercial or industrial district shall be subject to the requirements of as set forth below. Outside storage and display shall not be permitted in a residential or open space district.
 - 2. The outdoor sale, lease or rent of motor vehicles as part of a properly permitted use shall not be considered merchandise, material or equipment and shall be subject to subsection 118.3.3C.10, Vehicle sales.
- C. **Allowed outside storage and display.** Outdoor storage and display is allowed by district as designated below. Outside storage and display may be allowed in a district not specifically designated in accordance with the conditional use process (see section 98.3.8).

	<u>PO-NC</u>	CG	CI	IL	IH
Outdoor Display		■	■	■	■
Outdoor Storage, Limited		■	■	■	■

Outdoor Storage, General					■
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D. Categories of outside storage and display. Outside storage and display is classified as follows.

1. Outdoor display. No Change

2. Outdoor storage. Outdoor storage is more intensive than outdoor display. Outdoor storage is not normally brought indoors overnight. Outdoor storage is broken in two categories as follows:

a. Limited outdoor storage.

- 1) Limited outdoor storage is the overnight outdoor storage of vehicles awaiting repair, RV and boat storage at a self-service storage facility, merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material or equipment.
- 2) Limited outdoor storage is permitted in association with any permitted nonresidential use (in accordance with subsection C above) following review and approval of a site plan illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.
 - a) Limited outdoor storage shall not be more than eight feet in height and 30 percent of the site area and shall be fully screened from public view by a 100 percent opaque, maximum eight-foot high ~~visual barrier or screen~~solid fence or wall. Where located abutting or across the street from a residential district, such ~~screening fence or wall~~ shall be high enough to completely conceal all outdoor storage from view and the appropriate vegetative buffer, as determined in Sec. 138-4, shall be provided on the exterior of the fence or wall.
 - b) All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential district. All outdoor storage areas shall be on a paved surface, unless approved by the public works director.
 - c) Limited outdoor storage shall be located in the rear yard.
 - d) ~~Limited outdoor storage and~~ may be located to the side of a building, provided it is not located within the required side yard or buffer.
 - e) Vehicles awaiting repair may be stored up to 14 days within the required screened storage area, provided that no more than two such vehicles shall be stored overnight at any one time.
- 3) No outdoor storage or display is permitted within any required buffer area or foundation planting area.

b. General outdoor storage.

- 1) General outdoor storage shall be defined as vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment. Special requirements have been established for junkyards and recycling business operations (see subsection 118.3.3D.1).
- 2) General outdoor storage shall be permitted in association with any permitted nonresidential use (in accordance with subsection C above) following review and approval of a site plan illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
- 3) General outdoor storage shall be screened by a 100-percent opaque, maximum ~~eight-foot~~ high ~~visual barrier or screen~~solid fence or wall. ~~Where located~~

~~abutting or across the street from a residential district, such screening shall be high enough to completely conceal all outdoor storage from view and the appropriate vegetative buffer, as determined in Sec. 138-4, shall be provided on the exterior of the fence or wall.~~

- 4) All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.
- 5) ~~No general outdoor storage shall be permitted in a front yard, corner side yard, or otherwise forward of the front building line.~~
- 6) General outdoor storage may be located in the side or rear yard.
- 7) No outdoor storage or display is permitted within any required buffer area or foundation planting area.

118.3.8 - Fences and Walls.

An application for a fence permit shall be submitted to the city. Fences and fence walls may be permitted under the following regulations:

A. General fence and wall requirements.

1. The use of barbed or electric wire is prohibited in all districts except industrial districts and below a height of six feet. Razor wire is expressly prohibited in all districts, with the exception of correctional facilities.
2. All fences, walls, and hedges shall comply with Sec. 134.2.21. Site Distance/Visibility at Intersections. Permitted fences within the defined area for visibility at intersections must be 70 percent open between a height of two feet and nine feet above the centerline grades of intersecting streets.
3. The use of slats or fabric on chain link fencing is not permitted, with the exception of dumpster enclosure gates.

~~B. In all residential and professional office districts, and all waterfront development districts, no fence or fence wall of solid construction shall be built or maintained above the height of two and one-half feet from the average ground level in the front yard and on corner lots where the side is adjacent to a street, and between waterfront lines and the building setback lines as in the case of waterfront property. Along the rear and side lot lines, the height may not exceed six feet.~~

1. Fencing type utilized for the front yard shall be one uniform type of material, style and color. In the case of a corner lot, both street frontages shall be considered the front yard and subject to this requirement. The variety of fencing types in all districts is limited to three different types per parcel.

~~D. Ornamental iron fences and other decorative fences permitting visibility may be permitted along the front, side and rear property lines. The ornamental iron or decorative fence may be set in a block wall. The block wall, except support columns, shall not exceed a height of two and one-half feet from the average ground level. The height of the ornamental or decorative fence, including the block wall and support columns, shall not exceed six feet in height. Width of the columns shall not exceed 24 inches. Ornamental iron or decorative fences shall have a uniform void or open area of 70 percent of the total area to ensure visibility for motorists.~~

2. Picket fences may be as tall as 42 inches maximum height above average ground level, provided they have a uniform void or open area of 50 percent when viewed perpendicular to the fence. Below is a plan view and elevation of a typical picket fence.

~~F. Wire fences of the chainlink type permitting visibility may be erected along the front, side and rear property lines, provided they do not exceed six feet in height.~~

3. **Chainlink and wire fencing:** All of the following regulations apply to chainlink fencing.

- a. ~~Chainlink and wire fencing~~ is prohibited in the front yard and on corner lots where the side is adjacent to a street in ~~any residential~~ the ~~NR-1, RS-E, RS-5 and RS-6~~ zoning districts.
 - b. Fencing around sports courts (i.e., tennis courts, basketball courts, baseball courts, volleyball courts, etc.) shall be exempt from the height limitations of this section.
 - c. All chainlink fences (including all poles, rails, gates, supports and the like), except those used by single-family dwellings and industrial uses, shall be green, brown or black plastic or vinyl-coated material only.
- ~~G. When a business use or industrial use elects to construct a fence, they must follow the above requirements; however, the height may not exceed eight feet.~~
- d. On waterfront property, chainlink fences may extend to the seawall and project up to three feet, ~~zero inches,~~ beyond.

~~(1) I. In all districts, no fence, except the chainlink type or other fence types with 70 percent visibility, wall, hedge or other obstruction to vision, between a height of two feet and nine feet above the centerline grades of intersecting streets, shall be located within 25 feet of the intersection of the right-of-way lines of two streets or railroads, or the intersection of a street right-of-way line with a railroad right-of-way line or driveway pavement edge.~~

~~J. Deviations from these requirements may be considered for pre-existing sites where physical constraints or environmental concerns make compliance impossible. They shall be clearly identified on the site plan, as well as accompanied by any explanation of the benefits to be obtained from such deviations. The development services manager may approve the deviations with the consent of the public works director. Anyone aggrieved by the decision of the development services manager director may appeal to the board of adjustments.~~

	<u>Residential & NC – Maximum Fence Height</u>	<u>Commercial – Maximum Fence Height</u>	<u>Industrial - Maximum Fence Height</u>
<u>Rear Yard</u>	6 ft.	8 ft.	10 ft.
<u>Water Front Yard</u>	2.5 ft. opaque, up to 6 ft. 70% clear/open	2.5 ft. opaque, up to 8 ft. 70% clear/open	10 ft.
<u>Adjacent to Street</u>	2.5 ft. opaque, up to 6 ft. 70% clear/open	2.5 ft. opaque, up to 8 ft. 70% clear/open	2.5 ft. opaque, up to 10 ft. 70% clear/open
<u>Side (not Adjacent to Street)</u>	6 ft.	8 ft.	10 ft.

118.3.9 - Screening and Location of Refuse Disposal, and Recycling Containers and Mechanical Equipment.

- A. **Applicability.** Prior to the issuance of building permit by the city for the construction, renovation or modification of any development, other than a single-family or duplex development, provisions shall be made for a permanent location for the storage and handling of refuse, as well as a separate container for recyclable material. Such arrangement shall provide free access to containers by mechanized equipment at all times. Acting jointly, the public works department, the community development department and builder-owner-occupant, as applicable, shall mutually arrive at a satisfactory arrangement to meet these requirements.
- B. **Containerized refuse service.**
1. Containerized refuse service shall be inaugurated by the city at any commercial establishment where practical or in the promotion of improving sanitary conditions or elimination of health hazards. Containers are and shall remain the property of the city.
 2. The user is responsible for the protection of containers placed on or adjacent to his premises.

3. The user shall be held liable to the extent of the cost of repairs or replacement of containers when damaged by fire, negligence, vandalism or other forms of abuse.
4. It shall be a violation to place used motor oil, liquid cooking oil, grease, chemicals, putrescible liquids or explosives in any container.
5. Free access to containers at all times shall be provided by the user.
6. The size or number of containers shall be determined by the volume of refuse.
7. ~~HVAC, mechanical equipment and e~~Outdoor trash and recycling container areas shall be screened from view from streets, alleys or adjacent properties using one of the following screening methods:
 - a. Masonry wall with stucco finish;
 - b. Stucco wall with landscaping;
 - c. Dense vegetative hedge; or
 - d. HVAC equipment located on flat roofs shall be enclosed by parapets a minimum of 42 inches high or as required to conceal the equipment to the satisfaction of the director.
8. Vinyl coated chain link fencing cannot be used to meet the screening of dumpsters, except when the dense vegetative hedge option is selected. Vinyl coated chain link fencing in that instance can be used inside the hedge around the dumpster for security purposes. The screening shall completely conceal the HVAC, mechanical equipment and outdoor trash and recycling container.
9. Dumpster enclosures must have a minimum five-foot setback from side or rear property lines and cannot be located within a required landscape buffer yard. Enclosures must conform to district setback requirements if along a collector or arterial road. Dumpster enclosures cannot be located within the required front yard setback.

C. Mechanical Equipment. Prior to the issuance of building permit by the city for the construction, renovation or modification of any development, other than a single-family or duplex development, provisions shall be made for the location of any new mechanical equipment.

1. HVAC and mechanical equipment shall be screened from view from streets, alleys or adjacent properties using one of the following screening methods:
 - a. Masonry wall with stucco finish;
 - b. Stucco wall with landscaping; c.
 - Dense vegetative hedge; or
 - d. HVAC equipment located on flat roofs shall be enclosed by parapets a minimum of 42 inches high or as required to conceal the equipment to the satisfaction of the director.
2. Vinyl coated chain link fencing cannot be used to meet the screening requirements except when the dense vegetative hedge option is selected. Vinyl coated chain link fencing in that instance can be used inside the hedge around the equipment for security purposes. The screening shall completely conceal the HVAC and mechanical equipment.

CD. Administrative deviations. A deviation from these requirements may be considered where physical constraints or environmental concerns make compliance impossible. The deviation shall be clearly identified on the site plan, as well as accompanied by any explanation of the benefits to be obtained from such deviations. The planning manager may approve the deviations, with the consent of the public works director in accordance with Sec. 98.3.3. Anyone aggrieved by the decision of the Community Development Directorplanning manager may appeal to the board of adjustments.

Editor's note— Ord. No. 3695, § 2, adopted Jan. 6, 2014, changed the title of § 118.3.9 from "Refuse Disposal and Recycling Facilities" to "Refuse Disposal and Recycling Containers."

118.3.10 Commercial Wireless Telecommunication Facilities. **Changed development services manager to director in E.5.a.1), M.1. and 2., N.1., O.1. and Q.1.a.**

ARTICLE 4. – OVERLAY DISTRICTS

118.4.1 – Application of Overlay Districts.

- A. This chapter contains overlay districts that are applied by modifying the underlying zoning through application of the additional provisions below.
- B. Not all overlay districts are mapped on the official zoning map. The following overlay districts are applied at the time of application for a permit based on the specifics of the site and the development proposal:
 - 1. Emergency management communications overlay; and
 - 2. Environmentally sensitive lands overlay.

118.4.2 – Winkler Avenue.

- A. Within the Winkler Avenue development district, the following special requirements shall apply to all property fronting on Winkler Avenue, east of Metro Parkway:
 - 1. Signage standards.
 - a. Signage is an integral component of the building and site design and should be appropriately scaled and consistent in character with the project's overall design.
 - b. Number of signs: There shall be one sign per facade.
 - c. Size of signs: A wall or monument sign shall be no greater in size than five percent of the linear frontage; if two or more streets are involved, the street deemed the "frontage/entrance" shall apply for measuring the five percent limit. Monument signs shall not exceed eight feet in height.
 - d. Project identification/entry signs are permitted in conjunction with the requirements in sec. 126-99.
 - e. Prohibited signs: In addition to those signs prohibited in sec. 126-91, billboards, pole signs and promotional inflatable signs are expressly prohibited.
 - f. Additional signage or modifications to the signage provisions may be considered through the deviation process referenced below.
 - 2. Special setback. The minimum setback for buildings and structures shall be 80 feet. A maximum of two rows (one double-loaded aisle) of parking may be located in the front yard (setback), if desired. When parking is located within this front yard setback, a screening wall or fence of solid construction at three and one-half feet in height shall be required. This decorative screening wall is not to be one solid expanse of wall. The intent is to provide a direct proportion of wall segments to open space therefore, the wall segments/open space segments shall be a minimum length of 30 foot intervals, up to a maximum length of 60 foot intervals. The open space shall be landscaped with earth berms, shade trees and shrubs. A double row of shrubs planted at staggered spacing and meeting the requirements of subsection 138-42(d) shall be located in front of the wall segments. The screening wall shall be located 20 feet from the property line and at least 25 feet from intersections with driveways and other streets (See subsection 134.2.21).
 - 3. Minimum setback. The minimum setback for parking, if located in the front yard (setback), shall be 25 feet. This 25 foot yard area shall be used for landscaping, street trees, allowable signs, and such necessary walks or driveways as may be approved by the community development official and public works.
 - 4. Pedestrian ways. Pedestrian ways linkages or paths must be designed and constructed to provide access between parking areas and building entries and from the building entries to

surrounding streets, external sidewalks and out parcels. Pedestrian ways may be incorporated within a required landscape perimeter buffer or enhanced landscape areas.

5. Deviations/betterment plan.
 - a. ~~If an applicant desires to deviate from the above requirements, the board of adjustments may, based upon city recommendations, approve an alternative design or betterment plan.~~ A deviation permits a practice that is a variation from a specific provision of this article, but that is justified by need, hardship or physical constraint. Deviations may be granted by the board of adjustments in accordance with Sec. 98.3.4. A deviation shall be considered unique and shall not set precedent for others. ~~Deviations shall not be granted unless a written application is submitted on forms provided by the city demonstrating each of the following:~~
 - 1) ~~That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district;~~
 - 2) ~~That granting the deviation is in the best interest of the public and promotes the general health, safety, and welfare of the neighborhood to be affected by the deviation;~~
 - 3) ~~That granting the deviation is based on need, hardship or physical constraint; and~~
 - 4) ~~That granting the deviation results in a project that better complies with the intent of the land development code.~~
 - b. ~~If an applicant desires to deviate from the above requirements, the board of adjustments may, based upon city recommendations, approve an alternative design or betterment plan. The detailed betterment plan shall include the location and dimensions of all structures, parking areas, sidewalks, internal walkways, driveways, open space, landscaping, sign locations. A rendered drawing of all proposed signage and/or entry features must also be included.~~

118-.4.3 - Cleveland Avenue.

- A. U.S. 41 (Cleveland Avenue) design standards are as follows:
 1. **Purpose and intent.** The purpose and intent of this subsection is to supplement and enhance existing regulations and encourage the design of developments which will provide safe, convenient, and efficient access for vehicles while also providing safe convenient access and efficient passage for pedestrians from the public right-of-way to the commercial building or development. It is further the intent of this subsection to maintain and complement the streetscape by requiring that buildings be designed with architectural features and patterns that provide visual interest. Where these supplemental regulations conflict with other Code requirements, these supplemental regulations shall apply.
 2. **Applicability.** All new development, renovations, or redevelopment of property abutting Cleveland Avenue shall be subject to these supplemental requirements. For purposes of this subsection, the term "renovation and redevelopment shall mean, in the case of additions or renovations to, or redevelopment of, an existing building or project, where the costs of such addition, renovation, or redevelopment exceeds 20 percent of the assessed value (land and building value) as determined by the county property appraiser's office, of the existing site, or an increase by 20 percent of the existing square footage. Failure by a property owner to comply with the terms of this subsection shall be subject to the penalty clause in section 98.1.7, or prosecution as provided in section 1-14.
 3. **Design standards.**
 - a. A landscape treatment/feature consisting of a combination of ground cover, trees and shrubbery shall be instituted along street frontages and shall be a minimum area of at least nine percent of the actual front yard setback area (see illustration below). Recommended trees, shrubs, ground cover and planting specifications to be utilized within the actual nine percent landscape area are found in table 1 below.



Table 1: Plant List

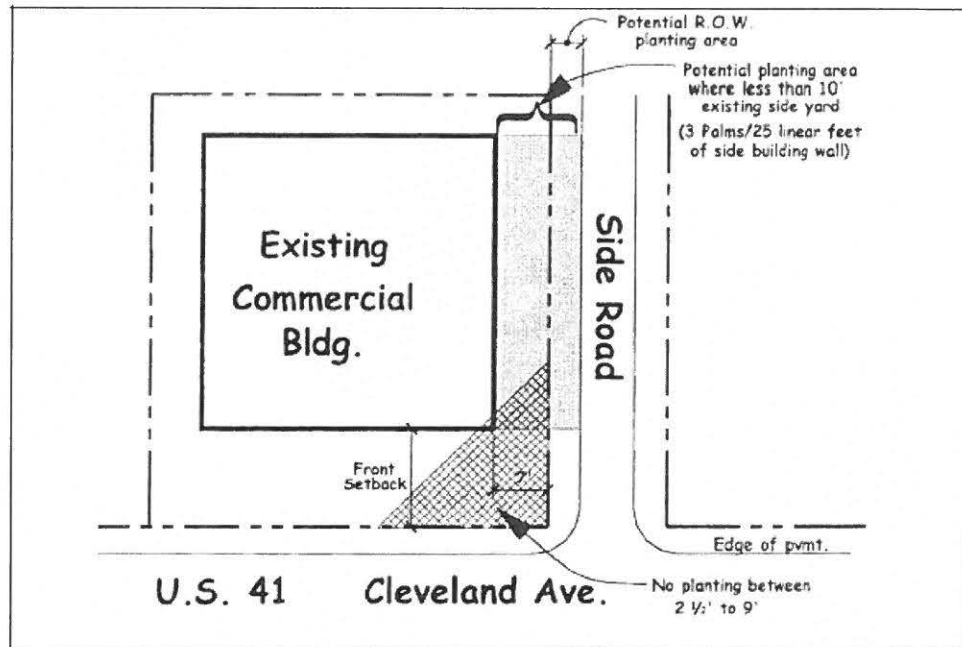
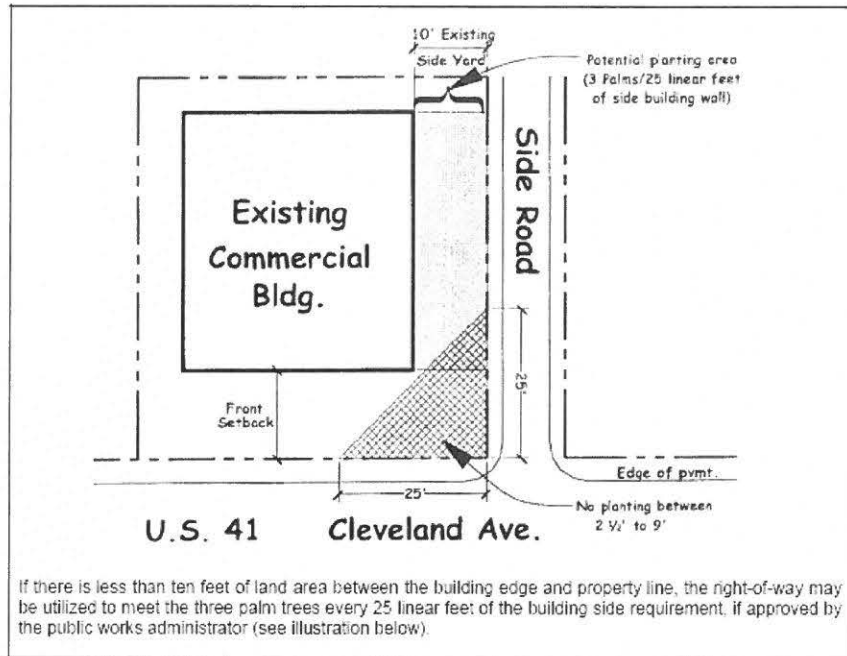
Symbol	Common Name	Botanical Name	Specifications
TREES			
LJT	Treeform Ligustrum	Ligustrum japonicum	Min. 6' ht, 3—4' spr., multi-trunk
SM	Mahogany	Swietenia mahogani	45 gals., min. 10'—12' ht., 2" cal @ 12", 4'—5' spr.
QL	Laurel Oak	Quercus laurifolia	45 gals., min. 10'—12' ht., min. 4'—5' spr.
QV	Live Oak	Quercus virginiana	Min. 65 gals., 12'—14' ht.
PR	Pygmy Date Palm	Phoenix roebelenii	Min. 25 gals., min. 4' ht. O.A., double, full rounded form, specimen quality
RR	Royal Palm	Roystonea regia	Min. 14' O.A., matched ht. and appearance, greenwood, no scarred trunks
SP	Sabal Palm	Sabal palmetto	Staggered hts. 12'—18' O.A., booted, min. 7 fronds per head, full heads
BN	Bismark Palm	Bismarckia nobilis silver	Min. 25 gals., 4'—6' ht.
WB	Foxtail Palm	Wodyetia bifurcata	FG 10'—14' O.A.
VM	Manila Palm	Veitchia merrill	FG 10' ht., SG., full heads

SHRUBS c;			
CA	Crinium Lily	<i>Crinium asiaticum</i>	Min. 7 gals., min. 30" O.A., symmetrical form, full heads, plant to first row of leaves
CI	Cocplum	<i>Chrysobalanus icaco</i>	Min. 3 gals., 24" ht. 24" spr., full foliage, full rounded appearance, 24" O.C.
GG	Thryallis	<i>Galphimia gracillis</i>	Min. 3 gals., 18" ht. 24" spr., full foliage, full rounded appearance, 30" O.C.
ING	Ixora Nora Grant	<i>Ixora nora grant</i>	Min. 3 gals., 24" ht. 24" spr., full foliage, full rounded appearance, 30" O.C.
PS	Fountain Grass	<i>Pennisetum setaceum</i>	Min. 3 gals., 24" ht. 24" spr., full foliage, full rounded appearance, 30" O.C.
RI	Indian Hawthorn	<i>Rhapholepis indica</i>	Min. 1 gal., full rounded form, 24" O.C.

GROUNDCOVERS AND ANNUALS

JC	Parsons Juniper	<i>Juniperus chinensis parsonii</i>	1 gal., min. 4—5 runners, 12" spr., full rounded form, 18" O.C.
LM	Evergreen Giant	<i>Liriope muscari evergreen giant</i>	1 gal., 12" ht., full to edge of pot, full form, 12—14" O.C

No sod is permitted in this area. On corner lots, if there is ten linear feet or greater between the building and side property line or between the property line and pavement edge, a cluster of three palm trees (planted at staggered heights) for every 25 linear feet of the building side wall dimension shall be planted within the existing yard; however, the sight distance/visibility at intersection requirements of as set forth in section 134.2.21 must be observed. This landscape area is in addition to the requirements set forth in chapter 138, pertaining to vegetation (see illustration below).



- b. Royal Palms are the desired tree species to be planted along the Cleveland Avenue street frontage. Where buffer yards are required, Royal Palms may be substituted (on a one-for-one basis) in lieu of another canopy tree. The recommended planting height of the Royal Palms shall be a minimum of 14 feet, spaced approximately 15—20 feet on center.
- c. Maintenance of the required landscape area shall be the responsibility of the property owner. If the plant materials die, they shall be replaced within 60 days. The landscaping shall be maintained, fertilized, including use of the appropriate pesticide and weed

control application, and sprinklered in perpetuity to the extent that healthy plant life is sustained, or, if needed, removed and replaced to keep the area in its condition when first installed.

- d. No parking shall be allowed within the front setback area for new developments. Parcels to the rear and contiguous to properties abutting Cleveland Avenue may be used to meet the minimum parking requirements, regardless of the future land use designation. However, parcels designated RS-6, RS-7, RS-D, RM-12 or RM-16 shall not allow parking to be located within 200 linear feet of an existing single-family residence. A new car lot may utilize up to 50 percent of the front setback area for the display of vehicles, and the other 50 percent of the front setback area shall be provided with the required landscaping.
- e. Pedestrian ways, linkages or paths must be designed and constructed to provide access between parking areas and building entries and from the building entries to surrounding streets, external sidewalks and out parcels. Pedestrian ways may be incorporated within a required landscape perimeter buffer or enhanced landscape areas. Shared pedestrian walkways are encouraged.
- f. Lighting must be designed and installed using cut-off fixtures. A 270-degree radius/plan view cut-off shall be used on corner lots. A 180-degree radius/plan view cut-off shall be used on interior lots or for lights placed within 20 feet from the intersection, road right-of-way, or adjacent property lines. Lighting fixtures may not exceed a maximum of 30 feet in height within the parking lot and a maximum of 17 feet in height within nonvehicular pedestrian areas.
- g. All primary facades must be designed with consistent architectural style, detail, and trim features. For the purposes of this subsection, the term "primary facade" means any facade abutting a street. Corner lots shall be defined as having two primary facades. Buildings must provide a minimum of four of the following eight building design treatments and must comprise 50 percent of the facade area:
 - 1) Awnings on all windows and door openings facing rights-of-way (use of plastic or vinyl material is prohibited),
 - 2) Attached canopies,
 - 3) Substantial overhangs (18 inches minimum),
 - 4) Porticos,
 - 5) Arcades,
 - 6) Peaked roof forms,
 - 7) Display windows along a minimum of 20 percent of the first floor front walls or any other wall alongside a pedestrian walkway,
 - 8) Clock or bell towers.
- h. Building walls and facades must avoid large blank wall areas by including at least three of the four design elements listed below, in a repeating pattern. At least one of the design elements must repeat horizontally:
 - 1) Material change,
 - 2) Offsets or projections,
 - 3) Bandings,
 - 4) Reveals.
- i. Signs should be designed to complement rather than detract from the visual impact of a commercial development by utilizing design elements consistent with those employed

in the structure's architecture. A unified sign plan must be utilized when multiple on-premises signs are proposed for a single site or development, or in the case of a shopping center or other multiple-occupancy complex, including out parcels under unified control with the main development. A building permit application must be accompanied by a graphic and narrative representation of the unified sign plan to be utilized on the site. Minimum uniform elements shall be utilized and include colors, construction materials and architectural design.

- j. Deviations for an exceptional building design, the number of parking spaces required by chapter 134, and/or the provisions of this section may be sought where a hardship exists due to physical constraints, environmental concerns, or safety issues justifying such deviation. ~~Deviations shall be processed in accordance with Sec. 98.3.4. Three complete sets of the required materials meeting all other code provisions shall be submitted to the development services manager, with an explanation of hardship to justify deviation from the provisions of this section. Within ten business days of receipt, the development services manager shall schedule a meeting of a committee consisting of the development services manager, planning manager and parks and recreation director to review the application, considering the criteria of this section. The applicant shall be afforded an opportunity to attend said meeting and answer any question which may arise. The committee shall approve, approve with conditions, or deny the deviation request, giving written reasons for said denial and recommendations for changes needed to obtain approval within 14 business days of receipt of the committee meeting, or the application shall be deemed automatically approved. Reconsideration shall be given upon receipt of revised applications, or appeals may be taken to the board of adjustments.~~

118.4.4 - Dr. Martin Luther King Jr. Boulevard and Veronica S. Shoemaker Boulevard.

- A. **Purpose and Intent:** The purpose and intent of the Dr. Martin Luther King, Jr. Boulevard and Veronica S. Shoemaker Boulevard overlay district is to implement the provisions of the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan (the Plan) by creating new regulations and supplementing existing regulations to establish certain physical design criteria for redevelopment and development activity. The overlay district is intended to shape neighborhood areas that will provoke visual interest, promote new economic opportunity, and provide a hierarchy of safe and convenient access for pedestrians and bicyclists. The design criteria centers around the buildings character, its orientation to the streets and other buildings, and creates design standards requiring specific details of the building's shape, look, roof line, doors, windows, landscaping, and parking.
- B. **Applicability:** All new development, redevelopment or renovations of property are subject to these overlay requirements referred to as the Dr. Martin Luther King Jr. Boulevard and Veronica S. Shoemaker Boulevard Overlay District. Such property is generally located abutting Dr. Martin Luther King Jr. Boulevard, east of Evans Avenue and west of Mission Lane; and all property fronting on Veronica S. Shoemaker Boulevard, between Dr. Martin Luther King Jr. Boulevard and Canal Street. A map of the specific area by parcel is on file in the community development department and city clerk's office.
- C. **Conflict:** The provisions of this section shall take precedence over other codes, ordinances, regulations, and standards except those listed in section 118.4.4.E., superseding regulations. Other requirements of the land development code or other applicable ordinances continue to be applicable to issues not covered by this section, except where those would contradict the intent of this section.
- D. For purposes of this subsection, the term "renovation and redevelopment" shall encompass the meanings as follows:
1. Additions or renovations or redevelopment to existing buildings or properties;

2. Where the costs of such addition, renovation, or redevelopment exceeds 20 percent of the assessed value (land and building value) as determined by the Lee county property appraiser's office, of the existing site; or
 3. An existing building's square footage increases by 20 percent.
- E. **Superseding Regulations.** The provisions of the following regulations take precedence over the provisions of this chapter:
1. Adult entertainment regulations.
 2. Noise regulations.
 3. Flood hazard regulations.
 4. Historic preservation regulations.
 5. Accessibility (Americans with Disabilities Act) standards.
 6. Florida Building Code.
 7. Florida Fire Prevention Codes.
- F. **Lot Designation Types:**
1. Small lots are lots with less than 10,000 square feet in area
 2. Large lots are lots with a minimum of 10,000 square feet in area and larger, and
 3. Urban node lots are lots designated within areas termed urban nodes.

118.4.4.1. Applicable to all lot and node designations.

A. Design standards. No Change to 1-9

10. Deviations for an exceptional building design, the number of parking spaces required by chapter 134, and/or the provisions of this section may be sought where a hardship exists due to physical constraints, environmental concerns, or safety issues justifying such deviation. ~~Deviations shall be processed in accordance with Sec. 98.3.4. Three complete sets of the required materials meeting all other code provisions shall be submitted to the planning division, with an explanation of hardship to justify deviation from the provisions of this section. Within 14 business days of receipt, the planning manager and public works director, or their designees, shall approve, approve with conditions, or deny the application, or the application shall be deemed automatically approved. Reconsideration shall be given upon receipt of revised applications, or appeals may be taken to the board of adjustments.~~

B. Uses permitted/adverse impact uses. No Change

C. Development on properties zoned RM 12. No Changes

118.4.4.2 Small Lots in the Overlay District. No Change

118.4.4.3 Vacant Large Lots in the Overlay District between Urban Nodes. No Change

118.4.4.4. Urban Nodes within the Overlay District. No Change

118.4.5 - Airport Hazard. No Change

118.4.6 - Emergency management communications. No Change

118.4.7 - Correctional Facilities. No Change

118.4.8 - Environmentally Sensitive Lands. No Change

118.4.9 - Potable Wellfields. No Change

ARTICLE 5. - PLANNED DISTRICTS

118.5.1 - Planned Unit Development.

- A. **Purpose and intent.** ~~It is the purpose and intent of these Planned Unit Development (PUD) regulations to encourage ingenuity, innovation and imagination in the planning, design, and development or redevelopment of land under unified ownership or control. PUDs produced in compliance with the terms and provisions of this land development code and the comprehensive plan are not required to meet the setback, height, and minimum lot requirements of conventional zoning districts to allow developments flexibility while protecting the public interest. The planned unit development district (PUD) is created to provide an alternative method of land development not available within the framework of the other land use districts. The standards and procedures of this district are intended to promote flexibility of design and allow for planned diversification and integration of uses and structures while at the same time retaining in the City council retains~~ the absolute authority to establish such ~~standards limitations~~ and regulations as it deems necessary to protect the public health, safety and general welfare. In doing so, the PUD district is designed to achieve the following objectives:
1. To accommodate a mixture of uses on ~~a single parcel of~~ land which is under unified control compatible both internally and externally through the limitations, sign control, building orientation, buffering or other techniques which may be appropriate to a particular development proposal.
 2. Provide flexibility to meet changing needs, technologies, and economic and consumer preferences.
 3. Permit the combining and coordinating of architectural styles, building forms and building relationships within a planned unit development.
- B. **Relation to general zoning, subdivision, and other applicable regulations.** Planned unit developments shall meet the requirements of all other sections of the land development code, including, but not limited to, traffic circulation, parking, landscaping, open space, subdivision and other city codes as applicable. ~~except where they are expressly modified in the planned unit development approval.~~ The planned unit development approval consists of the adopting ordinance and the concept development plan approved by the ordinance. ~~Where there are conflicts between planned unit development provisions of the PUD approval and the general zoning, subdivision or other applicable regulations, those standards expressly adopted in the PUD approval, including the notes or drawings of the development plan, shall apply. Deviations may be requested by the applicant, but must be specified on the development plan and in the adopting ordinance, and approved by the city council.~~ The proposed PUD shall be consistent with the intent of the comprehensive plan and future land use designation of the site which is currently in effect and shall seek to accomplish the following: ~~In addition, the following minimum requirements shall apply:~~
1. The development shall employ techniques, features and/or amenities that exemplify excellent planning, including variations in siting, mixed land uses and/or varied dwelling types. Additionally, the plan shall include adaptation to and conservation of the topography and other natural characteristics of the land involved.
 2. A more creative approach may be taken to the development of contiguous tracts of land and to encourage development of infill parcels of contiguous tracts of land in certain circumstances.

3. A more desirable environment may be accomplished than would be possible through strict application of the minimum requirements of this zoning code.
4. Land may be used more efficiently, resulting in smaller networks of utilities and streets with consequent lower construction and future maintenance costs.
5. PUD's on small parcels, two acres and less, are strongly discouraged unless it can be demonstrated there is a compelling justification or the parcel is located within the Downtown or Midtown Districts.

C. **Design of Planned Unit Developments.** In order to ensure a high-quality development, the following shall be required. City Council may accommodate applications which do not meet the specific requirements of this section, when the applicant is able to meet the intent of the criteria in a manner not foreseen by this code or when an alternative design is found to be appropriate for the development.

1. General Design Requirements

- a. All PUDs shall provide sufficient access and area for effective delivery of emergency services.
- b. In reviewing a PUD, the specific residential density approved by the city shall be consistent with the Comprehensive Plan to ensure cohesiveness with the surrounding neighborhoods and area; protect environmentally sensitive areas; and, minimize any flood hazard impacts on surrounding properties.
- c. The city reserves the right to mandate changes in the concept development plan if it is found to not satisfy the provisions of the Comprehensive Plan and these regulations.
- d. Frontage and accessibility. Every PUD must have improved access to a public street in compliance with the city engineering design standards.
- e. Setbacks. The development plan shall provide detailed information on any required setbacks within the PUD. No minimum setbacks are required except for perimeter boundary setbacks buffers which shall be based upon the requirements as set forth in Sec. 138-4 Buffer Yard Requirements. However, the Council may mandate minimum setbacks during the public hearing process which are consistent with sound planning principles and practices.
- f. Building configuration and open space. The location of structures, open space, landscaping, and pedestrian and vehicular circulation shall provide a functional and aesthetically pleasing environment consistent with the surrounding land uses and the Comprehensive Plan.
- g. Natural systems. Natural systems which exist shall be preserved and incorporated into the plan to the maximum extent feasible.
- h. Land uses, general. All proposed land uses in the PUD shall be designated on the development plan and oriented with consideration of existing and proposed land uses. Appropriate buffering shall be located between incompatible land uses on adjacent properties and within the PUD.
- i. Prevention of strip development. Commercial and office land uses shall be integrated with other land uses and designed in such a way that prevents strip development.

2. Signs

- a. Signs. The PUD shall have provisions for sign design and regulations that can be enforced by both the city and a property owners association which minimizes sign proliferation, promotes architectural integrity, provides an overall harmony in the color, theme, and design of all signage, and complies with the sign regulations In Chapter 126 Signs. Where deviations from Chapter 126 standards are requested as part of the PUD, the applicant shall submit a uniform master sign plan, which establishes the type, height, number, size, design and location of all signs in the PUD.

3. Infrastructure and Connectivity

- a. A conceptual drainage system approved by the city engineer. The city engineering division shall review and approve the drainage system(s) submitted which are deemed

by the engineer to be the most appropriate for the surface water drainage and management.

- b. Water and sewer. PUDs shall locate where adequate water and sewer services and capacity exist. Where such systems are not adequate, a development agreement shall be required which specifies a time when services will be made available.
- c. Sidewalks and improvements to enhance pedestrian movement. Sidewalks shall be installed in compliance with Sec. 134.2.25 and bike paths in compliance with Sec. 134.2.26 of the code and in accordance with the Comprehensive Plan.
- d. Traffic circulation improvements. A traffic analysis shall be submitted to the city engineering division for review and approval for all PUDs. The city engineer division will make the determination on what, if any, traffic circulation improvements shall be included in the PUD.
- e. Lighting. Street lighting, which is harmonious with the urban design theme of the city, shall be incorporated in the development. Street lighting shall be installed on all perimeter streets, within parking areas, and along pedestrian walkways.
- f. Open space and landscaping. Open spaces and landscaping proposed for the PUD shall promote the project's urban design and aesthetics and address the landscape design standards of chapter 138 of this code or show why the PUD design is better.
- g. Other site improvements. All other site improvements and project amenities shall be consistent with the urban design of the city. All utility lines shall be placed underground. High voltage electrical lines may be placed underground or on concrete poles placed within the street right-of-way which have provisions for street lighting. Large transformers shall be placed on the ground on pad mounts which are screened from view by landscaping or in enclosures or vaults which are compatible with the primary building design.
- h. Storage areas. All storage areas shall be fully enclosed and located at the rear of all structures. No inoperative motor vehicle shall be stored or used for storage within any PUD unless it is within a completely enclosed building.

~~1.—**Dimensional requirements.** When area, dimensional and other standards are applied to a proposed planned unit development district, the nearest logical zoning district shall apply. When one or more zoning districts may apply, the most restrictive district shall apply. Where the proposed planned unit development varies from such requirements, the applicant's request shall state the specific deviations requested and the reason thereof.~~

~~2.—**Minimum perimeter setback requirements.** Minimum perimeter setbacks applies to all buildings and structures and all areas used for parking of trucks or equipment, shipping, receiving or storage. Minimum perimeter setbacks from any residentially designated property under separate ownership shall be required as follows:~~

Area of Proposed Site	Proposed Designation (when abutting residential district or use)				
	IH	IL	CI	CG	PO
Over 10 acres	600	300	200	100	50
5-10 acres	300	150	100	50	25
2-4.99 acres	100	90	80	50	30

Under 2 acres	50	50	40	20	20
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NOTE: In no instance shall the perimeter setback for nonresidential uses abutting residential uses or designated areas be less than the required buffers.

118.5.2 - Mixed Use. No Change

118.5.3 - Master Development Plan. Changes to E & F only

E. **Final master development plan master plan approval.** No development may occur on property designated master development plan (MDP) until a final MDP master plan is submitted to and approved by the city on that part of the MDP. The initial procedure chosen for approval of any portion of the MDP will be the procedure all subsequent MDP master plan approvals will follow within the MDP pursuant to one of the procedures as follows:

1. The landowner may seek final MDP master plan approval utilizing the planned unit development (PUD) procedures provided in Article 5. If approval is requested pursuant to the PUD process, this section does not apply and development will be regulated by Article 5 and other requirements of the land development code, except that the development regulations contained in this division will be the base regulations for the PUD from which deviations must be requested if desired by the developer.
2. Alternatively, a landowner may seek administrative final MDP master plan approval from the ~~development services manager with the consent of the~~ director, with consent of the public works director and engineering division designee. A final MDP master plan may be submitted prior to, or concurrent with a request for preliminary plat approval pursuant to chapter 130. The final MDP master plan must be approved prior to obtaining approval for a preliminary plat or site development infrastructure plans for property within the boundary of the final MDP master plan. Under this alternative, the final MDP master plan shall be consistent with the regulations of this division and will follow the procedures set forth in ~~this~~ subsection EF below.

F. **Final master development plan master plan review process.**

1. If a landowner seeks administrative approval of a final master development plan (MDP) master plan pursuant to subsection ED.2., the procedures set forth in this section will be utilized.
2. The information included with each submittal to the development services division for final MDP master plan approval shall be as follows:
 - a. All information required on the application form provided by the development services division.
 - b. All information, plans, and supporting documents submitted to the MDP design review committee pursuant to subsection G.
 - c. A copy of the approval issued by the MDP design review committee.
 - d. A traffic analysis of the impacts anticipated from the proposed development, utilizing methodology approved by the city engineer.
 - e. An analysis of water and sewer service to be provided to the property.
 - f. A general description of the surface water management system for the property. A copy of the South Florida Water Management District Environmental Resource Permit for the property, if available, will suffice for purposes of this item.
 - g. A list of property owners within 300 feet of the boundary of the property for which final MDP master plan approval is requested. The list shall be taken from the most recent tax rolls maintained by the county property appraiser.
 - h. The appropriate application fee.
 - i. Any other information reasonably requested by ~~the development services manager with the consent of the~~ director, with consent of the public works director, and engineering division designee.
3. Within ten days of receipt of a request for final MDP master plan approval, the department shall transmit by certified mail a notice to all property owners located within 300 feet of the project boundary indicating that a request for final MDP master plan approval has been received, that the plan and supporting documentation is available for public inspection, and that any comments on the final MDP master plan may be submitted to the department for consideration within 30 days of the date of the notice.
4. In reviewing the final MDP master plan, the ~~development services manager with the consent of the~~ director, with consent of the public works director and engineering division designee shall consider the MDP design review committee checklist and recommendations, the information and documentation submitted by the applicant, comments and recommendations from other city departments, and any comments received from property owners to whom notice was sent, and shall determine if the final MDP master plan meets the criteria as follows:

- a. The proposed development conforms to the MDP percentages of residential and nonresidential land use acreages.
- b. The proposed development is consistent with the density set for the MDP through the future land use map amendment.
- c. The proposed development is consistent with the requirements of this section.
- d. The final MDP master plan generally follows the pattern of land uses depicted on the conceptual MDP master plan. Parcel lines and land use acreages shall be shown on the final MDP master plan for the general purpose of depicting development areas and use intensities; however, parcel lines and land use acreages can be adjusted by the developer during the final platting processes.
- e. Adequate provision for off-site impacts created by the development have been adequately addressed by the developer, either through demonstrated compliance with DRI development order requirements, if applicable, or as determined reasonably necessary by the ~~development services manager with the consent of the~~ director, with the consent of the public works director and engineering division designee.
- f. Within 60 days of submission of a complete request for final MDP master plan approval, the ~~development services manager with the consent of the~~ director, with consent of the public works director, and engineering division designee shall issue a written decision approving the final MDP master plan, approving the final MDP master plan with conditions, or denying the final MDP master plan. Record of the final MDP master plan decision shall be filed with the city clerk and a copy maintained for public inspection in the office of the director. Any decision rendered by the director may be appealed to the board of zoning adjustments by the landowner, or by any property owner within 300 feet of the subject property who made timely written comment to the department, pursuant to section 98.3.7.

ARTICLE 7. - COMMUNITY APPEARANCE

118.7.1 - General Provisions. No Change

118.7.2 - Maintenance Strategies. No Change

118.7.3 - Corridor-Conscious Development Strategies. No Change

118.7.4 - Corridor Improvement Strategies. No Change

118.7.5 - Neighborhood Plans. No Change

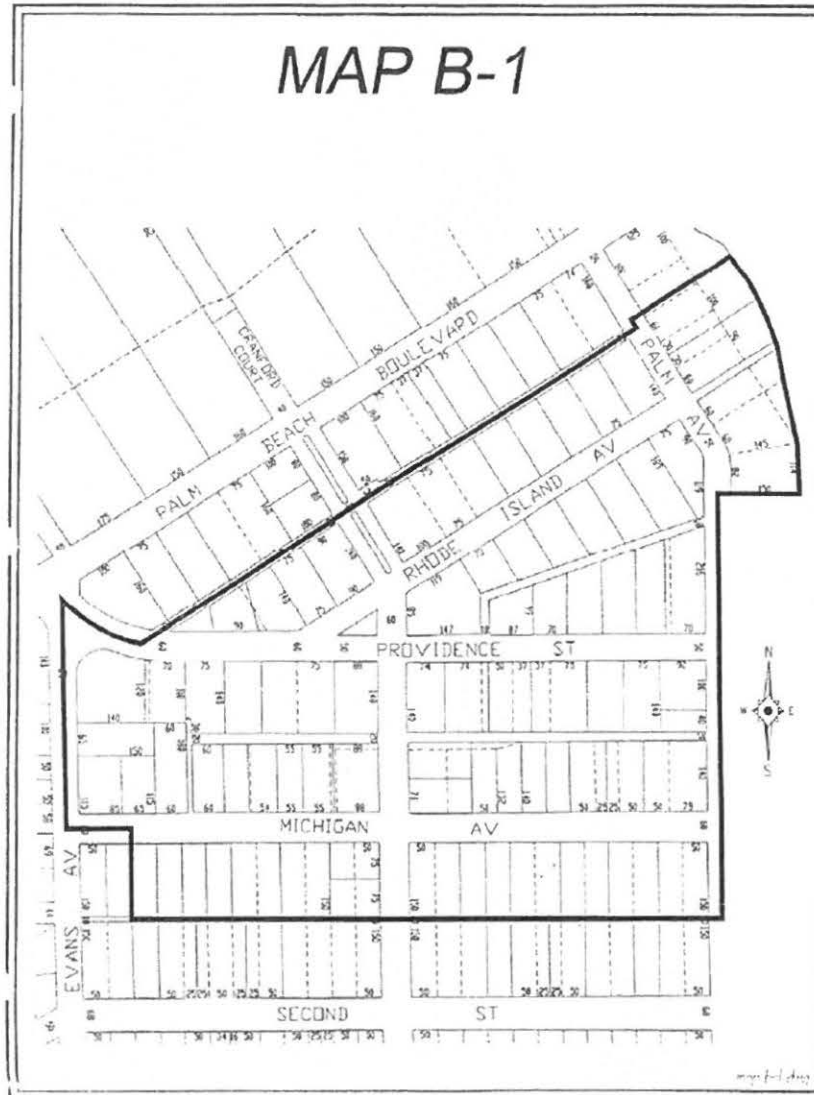
~~**118.7.6 – Metal Panels.**~~

~~Corrugated or V-crimp metal panels shall only be permitted for exterior walls in the CI, II, and IH districts.~~

118.7.7 – Public Art. No Change to the remainder of Chapter 118 other than replacement of development services manager with director

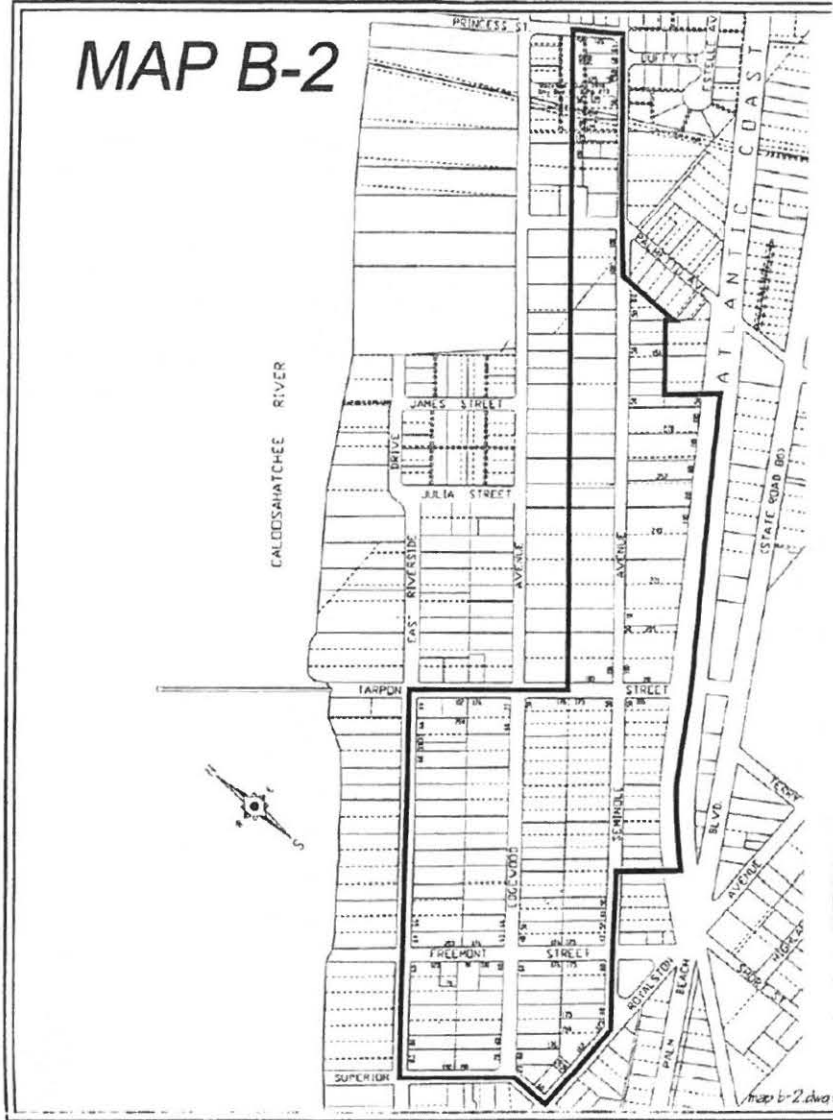
Addendum A. Multifamily units in legal existence on or before July 8, 1997, shall be a special nonconforming use in the areas identified on maps B-1 through B-5, found below. Refer back to Sec. 118.3.3.A.3 for additional information.

MAP B-1



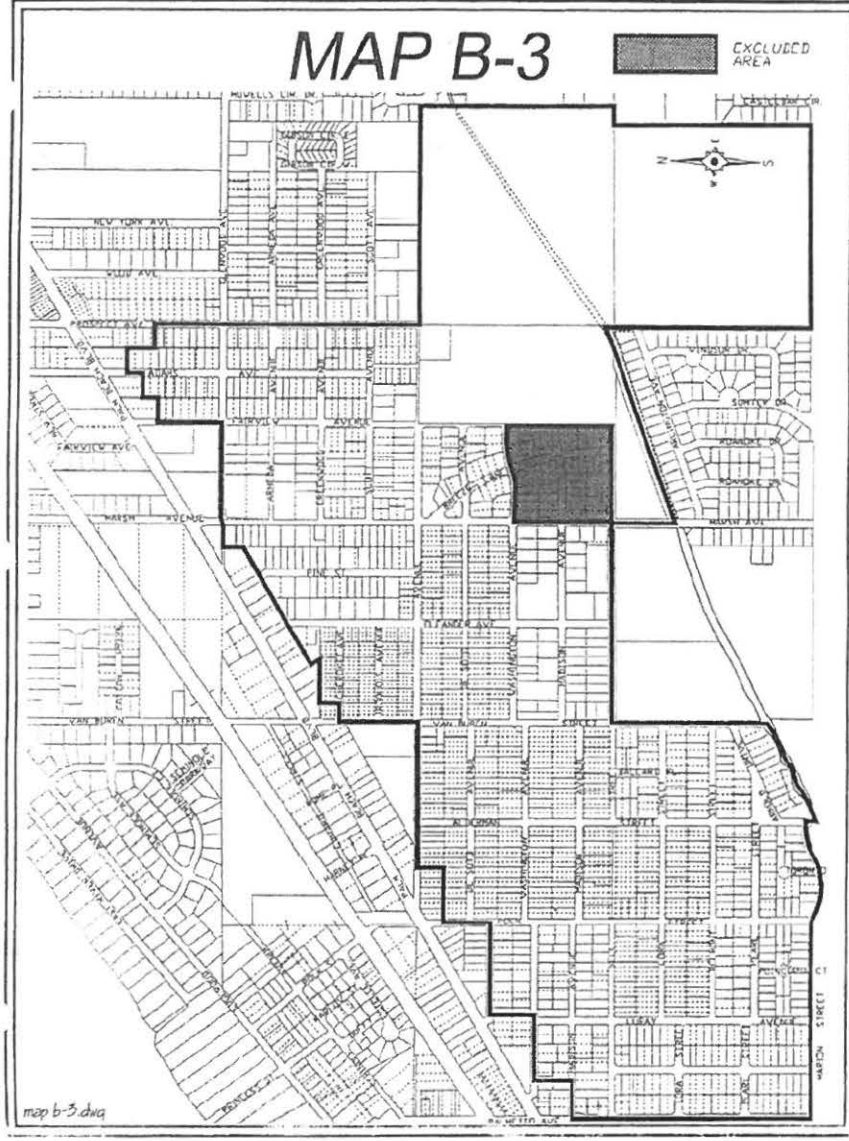
ORDINANCE NO.

MAP B-2



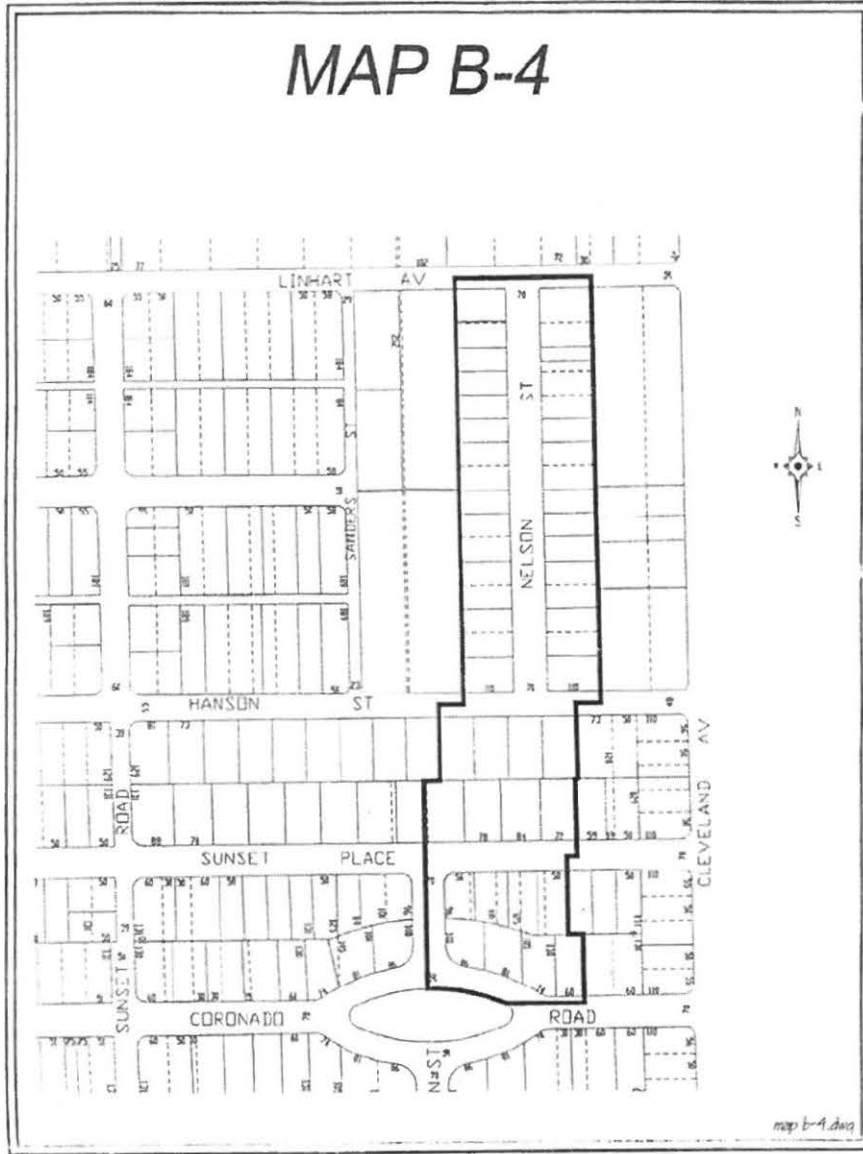
MAP B-3

EXCLUDED AREA



map b-3.dwg

MAP B-4



City of Fort Myers

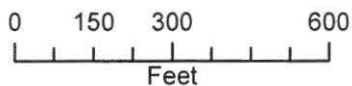
Location Map: Portion of STRAPs 304425P20040B001A, 304425P3006000200, and 304425P3006000140



Map Source: R:\Development_Services\GreenSheetMaps\2018\mxd\PortionOfSTRAPsForHansonSt.mxd

Legend

-  Item Location
-  Parcel Lines



Date: 8/24/2018

Map for reference only and is not a Survey. The City of Fort Myers makes no claims or guarantees about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions. Source: City of Fort Myers - GIS

FORT MYERS CITY COUNCIL AGENDA ITEM SUMMARY

MEETING DATE: 9/17/2018	WARD: 3	AGENDA ITEM NO 18. Revised:
Regular Meeting		Quasi-Judicial: No

PUBLIC HEARINGS

MOTION: Purchase of 3683 Ironbridge Blvd, in the amount of \$35,000, 3522 Ironbridge Blvd, in the amount of \$19,000, 3410 Hanson Street, in the amount of \$71,000, from Lyndon Investments U.S.A., Inc., owner, to be uses as right-of-way for the Hanson Street Extension Project.	MANAGEMENT RECOMMENDATION: Approve.
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FUNDING SOURCE: PA# 34900042 GL#349-7098-541-6100

FISCAL IMPACT: \$125,000 plus closing costs

BUDGETED ITEM: Yes

WHAT ACTION ACCOMPLISHES: Purchase property for the Hanson Extension right-of-way

BACKGROUND INFORMATION:

City Council approved a permission to advertise onSeptember 4, 2018 for the public hearing to purchase a portion of three properties from Lyndon Investments, U.S.A. as part of the Hanson Street Extension Project.

Property one: 20,273 square feet of 3410 Hanson street
purchase price:\$71,000

Property two:7,069 square feet of 3683 Ironbridge Blvd
purchase price: \$35,000

Property three:4,831 square feet of 3622 Ironbridge Blvd
purchase price: \$19,000

Duncan & Associates, P.A. will be the closing agent.