

Print

Boynton Beach, FL Code of Ordinances

CHAPTER 3. ZONING

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ARTICLE I. OVERVIEW

Sec. 1. Use of Terms.

All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number; and all words in the plural number shall include the singular number unless specifically indicated otherwise; the words "used for" shall include the meaning "designed for," the word "structure" shall include the word "building," the word "lot" shall include the words "plot and tract," and the word "shall" is mandatory.

(Ord. 10-025, passed 12-7-10)

Sec. 2. Scope.

The purpose of these Regulations is to promote the physical and economic development of the city, and foster the use and enjoyment of property in a manner consistent with adopted plans, regulations, and policies. The intent of these Regulations is to promote public health, safety, and welfare; to provide for efficient circulation; to improve the appearance of the community; to assure compatible land uses; and to preserve the resources and character of the area. This zoning regulation includes comprehensive zoning rules for the City of Boynton Beach, dividing the city into districts and establishing the boundaries thereof; regulating and restricting the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land or water; regulating and restricting the height, number of stories, and size of buildings and other structures; regulating and restricting the percentage of lots that may be occupied; regulating and restricting the size of yards, courts, and other open spaces; regulating and restricting the density of population; regulating and restricting the location or use of buildings, structures, and land and water for trade, industry, residence, and other purposes; specifying the use of defining certain terms herein; providing for the administration, enforcement and amendment of this regulation; establishing and defining the powers and duties of both the Planning and Development Board and the Community Redevelopment Agency Board; establishing and defining the powers and duties of the Building Board of Adjustment and Appeals; setting penalties for violation of this zoning regulation and authorizing resort to other remedies to prevent or abate violation; providing that this zoning regulation shall supersede any previous zoning ordinance or resolution; and for other purposes.

(Ord. 10-025, passed 12-7-10)

Sec. 3. Authority.

Pursuant to the provision of the Charter of the City of Boynton Beach, Florida, the City Commission has adopted and hereby declares the intent to utilize the "Official Zoning Regulations" (together with the official zoning map) for the betterment of the city as so entrusted to them.

(Ord. 10-025, passed 12-7-10)

Sec. 4. Official Zoning Map.

This set of regulations together with the official zoning map with explanatory matter thereon, shall be known, used and may be cited as the "Official Zoning Regulations of the City of Boynton Beach, Florida."

A. *Adoption.* The district boundaries hereinafter set forth and delineated on the official zoning map, including all explanatory matter thereon, are hereby adopted. The official zoning map shall be maintained as a digital format GIS document. The most recent version of the official zoning map shall be kept on file, in printed form, in the office of the City Clerk.

B. *Updates.* The City Commission may amend the official zoning map from time to time by ordinance. The official zoning map shall be notated to list all revision dates and ordinance numbers.

C. *Establishment of Zoning Districts.* The City of Boynton Beach is hereby divided into zoning districts as follows and as delineated on the official zoning map which, together with all explanatory matter thereon, is hereby declared a part of the official zoning regulations:

R-1-AAB	Single-family residential district
R-1-AA	Single-family residential district
R-1-A	Single-family residential district
R-1	Single-family residential district
R-2	Single- and two-family residential district
R-3	Multi-family residential district
IPUD	Infill planned unit development district
PUD	Planned unit development district

MHPD	Mobile home planned development district
C-1	Office and professional commercial district
C-2	Neighborhood commercial district
C-3	Community commercial district
C-4	General commercial district
CBD	Central business district
PCD	Planned commercial development district
SMU	Suburban mixed use district
MU-L1	Mixed use-low intensity 1 district
MU-L2	Mixed use-low intensity 2 district
MU-L3	Mixed use-low intensity 3 district
MU-H	Mixed use-high intensity district
M-1	Industrial district
PID	Planned industrial development district
PU	Public usage district
REC	Recreation district

D. Zoning District Boundaries.

1. Changes. In accordance with the provisions of these official zoning regulations, and applicable provisions of both the Charter of the City and applicable provisions of F.S. Chapter 163, changes may be made in district boundaries or other matter portrayed on the official zoning map by action of the City Commission. The official zoning map shall be maintained in the records of both the Office of the City Clerk and the Department of Development, and made available for viewing by the general public.

2. Interpretation.

a. Extent. The zoning within any district extends throughout the entire area of the district unless otherwise specifically provided.

b. Locations. District boundaries follow lot lines, centerlines of rights-of-way of streets, alleys, railroads, canals, lakes, the corporate limits as they exist at the time of this document, or other geographical or topographical features.

In unsubdivided property, unless dimensioned, lines shall be determined by the use of the scale on the map.

c. Waterways. District boundaries will follow changes in shorelines, except where such interpretation would change the zoning classification of a lot or parcel, and in each case, the interpretation shall avoid changing the zoning of any lot or parcel. Submerged lands shall assume the regulations of the abutting district as the district shall be construed to extend into the water area in a straight projection until met centerwise by other districts.

d. Abandonments. If the boundaries are not changed, the zoning of the property abutting shall extend into and to the centerline or to such ownership line as can be determined of the property abandoned.

e. Annexation. Boundaries and zoning of all lands annexed into the city shall be determined at the time of annexation.

f. Variations in Zoning District Boundaries. Where the actual location on the ground differs from the mapped location, the interpretation shall be to avoid changing the zoning of any lot or parcel. Necessary interpretation shall be made by the Director of Planning and Zoning as to the intent and purpose of these official zoning regulations.

(Ord. 10-025, passed 12-7-10)

Sec. 5. Relationship to Adopted Plans, Guidelines or Other Regulations.

When the adopted Comprehensive Plan for the city, adopted plans for the development or redevelopment of particular areas of the city or adopted design guidelines include policies which impose limitations or requirements on the use or development of property generally or for specific properties, which are more restrictive than those set forth in these zoning regulations, including district regulations and use provisions, including policies which limit the type or intensity of use of property, residential densities, or the height, setbacks, bulk, or design of structures, or site design, the more restrictive limitations or requirements set forth in such adopted guidelines or plans shall supersede the provisions of these zoning regulations.

When other use or development regulations are more restrictive than those set forth in these zoning regulations, or in the case of conflict between specific provisions contained in these zoning regulations, including regulations which limit the type or intensity of use of property, residential densities, the height, setbacks, bulk, or that regulate site design, the more restrictive regulations shall apply.

In interpretation and application of these Regulations, the provisions herein shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. It is not the intent of these Regulations to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties. However, in instances when these Regulations imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of these Regulations shall control; furthermore, these Regulations shall not be construed to supersede any special act of the legislature relative to the subject matter of these Regulations. If, because of error or omission in the zoning map, any property in the city is not shown as being in a zoning district, the classification of such property shall be R-1-A single-family, unless changed by amendment to these Regulations.

(Ord. 10-025, passed 12-7-10)

ARTICLE II. GENERAL PROVISIONS

The regulations for each district shall be minimum or maximum limitations, as appropriate to the case, and shall apply uniformly to each class or kind of structure, use, or land or water except as provided otherwise in these Regulations.

Sec. 1. Use.

No building or structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

(Ord. 10-025, passed 12-7-10)

Sec. 2. Frontage.

Every principal building shall be located on a lot or a publicly dedicated, accepted, and maintained street or private street which conforms to accepted street standards of this city.

All lots shall have frontage on a street or have permanent private access to a street which has a minimum right-of-way of fifty (50) feet. All lots shall have the area, frontage, width and depth required by the prevailing or approved use zone wherein said lots are located. When a subdivision is proposed under land with existing structures that are proposed to be retained, lots are to be designed so as not to cause existing structures to become nonconforming with respect to building area or lot size. When lots are platted abutting a collector or arterial street, access shall be limited to local streets or marginal access roads. No access from individual lots shall be permitted directly to collector or arterial streets. Double frontage lots or through lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. Where double frontage lots are developed they shall be buffered as required by these Regulations.

A. *Corner Lots.* Corner lot lines at intersecting rights-of-way shall be the long chord of a twenty-five (25)-foot radius or of a greater radius where deemed necessary. Corner lots shall be designed to provide a safe intersection with respect to sight distance. A restriction shall be defined on the plat prohibiting construction or plantings over two (2) foot six (6) inches high on corner lots within a safe sight distance based on the crown elevation of the street.

B. *Through-Lots (Double Frontage).* The predominant building orientation on the block where the through lot is located shall determine front and rear setbacks. No accessory structures may be forward of the front building line, as determined above (example: pools, sheds, swing set, etc.). Additionally, fences, walls, and hedges may be placed at the regulated height for rear yards, as determined above, provided there is a provision made for a hedge along the street-side of the wall or fence. Said wall or fence must be setback a minimum of eighteen (18) inches from the property line and planted with a continuous hedge at a minimum of one-half (1/2) the height of the wall or fence. Said landscape material shall be appropriately irrigated.

C. *Cul-de-sac.* The allowed frontage of a lot when shaped by a cul-de-sac or the frontage of any other irregular shaped lot, shall be measured at the setback or building line, and shall be not less than seventy-five percent (75%) of the required lot frontage in the applicable zoning district.

(Ord. 10-025, passed 12-7-10)

Sec. 3. Principal Buildings.

Within single-family residential districts, only one (1) principal building and its accessory buildings shall occupy or be constructed upon any lot or lots; portions of lots; or lots that have been previously combined to meet the size required for each district.

(Ord. 10-025, passed 12-7-10)

Sec. 4. Height/Density.

No building shall hereafter be erected, constructed, reconstructed, or altered to exceed the height or density limitations of the defined zones.

(Ord. 10-025, passed 12-7-10)

Sec. 5. Yards/Open Space.

No part of a yard or other space or the off-street parking or loading space required for any building for the purpose of complying with the provisions of these Regulations shall be included as part of the yard or off-street parking or loading space required for a separate, off-site building.

(Ord. 10-025, passed 12-7-10)

Sec. 6. Visual Obstructions.

No opaque wall, fence, sign, plant material, or other site improvement shall be erected, created, or maintained in any zoning district in such a manner that it would violate any cross-visibility and safe-sight standards required near vehicular use areas, such as within off-street parking areas; points of ingress and egress, including driveways of single-family and duplex homes; or along rights-of-way. It shall be considered safe-sight when horizontal (unobstructed) cross-visibility is maintained between thirty (30) inches and eight (8) feet. It is the responsibility of the City Engineer or designee to determine the area(s) on properties or within rights-of-way where cross-visibility is required. The City Engineer or designee shall have the authority to order the removal of any opaque wall, fence, plant material, sign, or improvement, including that which was lawfully permitted by the city, if it is determined that a visual obstruction is created, and such obstruction poses a threat or hazard to pedestrians, bicyclists, and motorists traversing on or between properties, or within abutting rights-of-way. Any appeal of a decision made by an administrative official may be presented to, and decided by, the City Commission in accordance with Chapter 1, Article VIII, Section 1.

(Ord. 10-025, passed 12-7-10)

Sec. 7. Accessory Buildings.

Accessory buildings in residential districts shall be constructed to conform to the minimum building and site regulations that are generally applicable in the district where the building is to be located. All accessory buildings shall be located only in the side or rear yard. Rules regarding detached storage structures and other accessory structures shall be in compliance with the supplemental regulations pursuant to Chapter 3, Article V, Section 3.

(Ord. 10-025, passed 12-7-10)

Sec. 8. Temporary Buildings and Collection Sites.

A. *In connection with Construction Activity.* Temporary buildings such as models, offices and tool sheds used in conjunction with construction work only, may be permitted in any district after approval of the Building Inspection Department and the removal of which is accomplished within thirty (30) days after construction ceases or

is completed. Mobile and temporary storage structures shall be regulated in accordance with Chapter 3, Article V, Section 3.E.2.

B. Emergency Housing.

1. In the event a housing emergency is declared to exist by the City Commission following a natural or man-made disaster, and subject to the conditions contained in this subsection, temporary structures such as mobile homes, travel trailers, and recreational vehicles may be used as temporary housing by individuals who have been displaced from their primary residence due to damage from the disaster.

2. The following conditions shall apply to the use and placement of temporary structures such as mobile homes, travel trailers, and recreational vehicles placed on properties only after the City Commission declares a housing emergency following a natural or man-made disaster:

a. A maximum of one (1) travel trailer/mobile home/recreational vehicle for the sole occupancy by the existing residents of the damaged home, will be allowed on an existing home site providing the following conditions exist on the site:

- (1) The home located on the site has been declared "unsafe" by the Building Official or designee;
- (2) The sanitary sewer must be properly connected to the city's sanitary sewer system in accordance with codes in effect at the time;
- (3) Electrical service must be available on-site and have a proper connection for a travel trailer/ mobile home/recreational vehicle; and
- (4) Only a licensed mobile home installation contractor will be allowed to apply for a permit and perform any work related to the connection of plumbing, electrical, and mechanical service systems to the site.

b. Setback requirements shall be complied with to the maximum extent possible;

c. All other applicable regulations and code requirements, except parking, shall apply, including but not limited to flood plan management;

d. The use of mobile homes, recreational vehicles, or travel trailers as temporary residences in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease either upon the repair or reconstruction of the individual's residence or no later than eighteen (18) months after the date the City Commission declares a housing emergency, whichever occurs first;

e. Housing sites for multiple temporary dwelling units established by the Federal Emergency Management Agency and approved by the City Commission, may be established in any zoning district;

f. All drainage and stormwater management requirements shall be met;

g. Water and/or sewer connection to previously unserved locations will require permits and the payment of applicable connection fees.

3. No person shall occupy a temporary dwelling unit prior to inspection of the unit by the city and the issuance of a certificate of occupancy or temporary certificate of occupancy, as determined by the Building Official.

C. Emergency Solid Waste Collection Sites. The city hereby authorizes the establishment of emergency solid waste processing sites that may be placed into operation only following a declared state of emergency by the City Commission, Palm Beach County, and/or the State of Florida. Minimal site preparation and access work may be conducted through other normal agency permit processes prior to the state of emergency declarations. No more than one (1) emergency solid waste processing site shall be allowed in the city at any one time and the location of such site shall be approved by the City Commission prior to June 1 of each calendar year, a date coinciding with the declared start of hurricane season. The selected site shall be allowed in any zoning district provided that it is at least eight (8) acres. City Commission approval may include any conditions of approval based on the unique character of the site and surrounding area. The fee shall be \$1,000 plus \$0.50 per cubic yard for each yard of material processed at the site as part of an event cleanup.

(Ord. 10-025, passed 12-7-10; Am. Ord. 11-013, passed 4-27-11)

Sec. 9. Calculating Required Living Area for Residential.

Residential square footage shall be computed as follows:

Description	Percentage
Screen rooms	10%
Attached carports, roofed over open porches	25%
Attached garages, roofed over screened porches and utility rooms	50%
All other area under roof	100%
Accessory building(s)	0%

(Ord. 10-025, passed 12-7-10)

Sec. 10. Penalties.

The city or any other legal authority shall enforce any violation of this article pursuant to the penalty provisions contained in Chapter 1, Article I, Section 7 of these Land Development Regulations.

(Ord. 10-025, passed 12-7-10)

ARTICLE III. ZONING DISTRICTS AND OVERLAY ZONES

Sec. 1. Overview.

A. *General.* Pursuant to Chapter 1, Article III, Section 5.B., any given parcel of land in the city shall have a zoning district that corresponds with the future land use map (FLUM) classification of the Comprehensive Plan.

B. *Residential Building and Site Regulations (Table 3-1).*

RESIDENTIAL	R-1 AAB	R-1 AA	R-1 A	R-1	R-2 Duplex	R-3 Multi	IPUD	PUD	MHPD
Density (dwelling units per acre):	5	5.5	6	7.5	10	Flexible ¹³	Flexible ¹³	Flexible ¹³	Flexible ¹³
Project Area, Minimum (acres)	N/A	N/A	N/A	N/A	N/A	N/A	1 to 5	5+	10+
Lot Area per unit, Minimum (square feet):	9,000	8,000 ¹¹	7,500	6,000	4,500	4,000 ¹⁵	Flexible ¹⁰	Flexible ¹⁰	4,200
Lot Frontage, Minimum (feet):	90	75	60	60	75	100	Flexible ¹⁰	Flexible ¹⁰	N/A
Living Area, Minimum A/C (square feet):	1,800	1,600	1,400	1,200	750	750	750	750	N/A
Lot Coverage, Maximum:	45%	45%	45%	50%	40%	40%	50%	N/A	N/A
Floor-Area-Ratio (FAR) for Non-Residential, Maximum:	N/A	N/A	N/A	N/A	0.10 ⁶	N/A	0.20 ⁶	N/A	N/A
Structure Height, Maximum (feet):	30	30	30	30	25 ⁷	45 ⁸	45 ⁹	45 ⁸	30
Building Setbacks, Minimum (feet):									
Front:	25	25	25	25	25	40	Flexible ⁵	Flexible ⁵	20
Interior side:	10	10 ¹¹	7.5	7.5	10	20	Flexible ⁵	Flexible ⁵	5
Corner side:	25 ⁴	25 ⁴	25 ⁴	25 ⁴	25 ⁴	40	Flexible ⁵	Flexible ⁵	10 ¹⁴
Rear:	20 ⁴	20 ⁴	20 ⁴	20 ⁴	25 ⁴	40	Flexible ⁵	Flexible ⁵	10 ¹⁴
Special rear yard setback reductions for 1-story building additions abutting:	Maximum Percentage of Reduction:								
I-95 or railroad tracks:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A
Intraoceanal Waterway (ICWW):	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A
Lake:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A
Golf course:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A
Canal wider than 150 feet:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A
Canal narrower than 150 feet:	33%	33%	33%	33%	N/A	N/A	N/A	N/A	N/A
Commercial/industrial:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A
Public/private park:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A
Perimeter wall abutting non-residential:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A
Administrative Adjustment:	Maximum Percentage of Reduction (to standard yard setback):								
Front yard:	20%	20%	20%	20%	N/A	N/A	N/A	N/A	N/A
Side yard:	20%	N/A	20%	20%	N/A	N/A	N/A	N/A	N/A
Rear yard:	25%	25%	25%	25%	N/A	N/A	N/A	N/A	N/A
General Notes:	1, 2	1, 2	1, 2	1, 2	3	3	12		

- The setback reduction provisions shall not supersede any setbacks that are recorded on a plat and shall not be used in conjunction with the setback reductions allowed administrative adjustments.
- An administrative adjustment to reduce a setback may be granted if any first floor addition follows the building line of a legally non-conforming single-family structure, or a building line previously approved by a variance.
- Existing and/or planned single-family homes shall conform to the R-1 district requirements. Duplex homes shall conform to the R-2 district requirements.
- Where orientation of adjacent lots on both street frontages provides typical front yard setbacks, the corner lot shall provide for front yard setbacks along both streets. When two (2) front yard setbacks are provided for on a corner lot, no rear yard back setback shall be required, only side yard setbacks shall be imposed.

5. Minimum required perimeter setbacks of an IPUD or PUD are flexible except where adjacent to single-family residential zoning. Where adjacent to single-family zoning, required perimeter setbacks shall resemble the setbacks of the adjacent development based upon the orientation of structures with said development. Also, perimeter buildings shall have an increased setback of one (1) additional foot for every foot of building height in excess of thirty (30) feet. Project design along abutting roadway(s), including setbacks, shall be based on existing development patterns or applicable recommendation from the respective development plan.

6. A floor area ratio (FAR) may be considered for non-residential uses allowed within this zoning district (see "Use Matrix" – Chapter 3, Article IV, Section 3.), and pursuant to the applicable future land use classification of the Comprehensive Plan.

7. Not to exceed two (2) stories.

8. Not to exceed four (4) stories. See Note #5 for additional setback requirements relative to building height.

9. A lesser building height may be required for compatibility with adjacent development. See Note #5 for additional setback requirements relative to building height.

10. Individual lots within an IPUD or PUD development contain flexible standards relative to minimum required lot frontage and lot area for each unit.

11. The minimum lot area shall be seven thousand, five hundred (7,500) square feet and the minimum side yard shall be seven and one-half (7-1/2) feet for properties developed and/or platted prior to June 13, 1975.

12. A total of two hundred (200) square feet of usable open space shall be required for each dwelling unit (also see Chapter 4, Article III, Section 8.).

13. The maximum allowable density is determined by the applicable future land use classification of the Comprehensive Plan.

14. Perimeter building setbacks of the mobile home park district shall mirror the building setbacks of adjacent zoning district(s), but with a minimum of the setback required for a single-family residence.

15. Multi-family dwellings and group homes require four thousand (4,000) square feet. All other uses allowed in R-3 require twenty thousand (20,000) square feet.

C. *Non-Residential Building and Site Regulations (Table 3-2).*

NON-RESIDENTIAL	C-1	C-2	C-3	C-4	CBD	PCD	M-1	PID	REC	PU
Density (dwelling units per acre):	N/A	N/A	11	N/A	11	Flexible ¹⁷	N/A	Flexible ¹⁵	N/A	N/A
Project Area, Minimum (acres)	N/A	N/A	N/A	N/A	N/A	3 ¹⁴	N/A	25 ¹⁴	N/A	N/A
Lot Area per unit, Minimum (square feet):	9,000	5,000	15,000	5,000	15,000	Flexible	10,000	Flexible	43,560	8,000
Lot Frontage, Minimum:	75	50	75	50	75	Flexible	0	Flexible	100	75
Lot Depth, Minimum:	120	100	N/A	100	100	N/A	N/A	N/A	N/A	N/A
Lot Coverage, Maximum:	40%	40%	40%	40%	75% ¹⁸	40% ¹³	60%	60% ¹⁶	N/A	N/A
Floor-Area-Ratio (FAR), Maximum:	0.40	0.50	0.50	0.50	N/A	0.50	0.50	0.50	N/A	N/A
Structure Height, Maximum (feet):	30 ¹¹	25 ⁹	45 ¹⁰	45 ¹⁰	45 ^{10,12}	45 ¹⁰	45 ¹⁰	45 ^{10,19}	45 ¹⁰	45 ¹⁰
Building Setbacks, Minimum (feet)²¹:										
Front	30	30	20	25	0	40	15	30	25	25 ²⁰
Rear	20	20	20 ²	20 ⁵	20 ⁶	40	20 ³	30	25	25 ²⁰
Interior side	10	15	0 ¹	15 ⁵	0	30	15 ⁴	20	25	15 ²⁰
Corner side	10	20	20	15 ⁵	8 ⁷	30	15	30	25	15 ²⁰
Building Setbacks, Minimum if abutting a residential district (feet)²¹:										
Rear	30	30	30	30	N/A	N/A	30	N/A	N/A	30
Interior side	30	30	30	30	N/A	N/A	30	N/A	N/A	30
Corner side	30	30	30	30	N/A	N/A	N/A	N/A	N/A	N/A
Waterfront yard	N/A	N/A	N/A	N/A	8 ⁸	N/A	N/A	N/A	N/A	N/A

- Where rear access is not available from a public street or alley, a side yard of not less than fifteen (15) feet shall be provided on one (1) side.
- Where rear yard access is available from a public street or alley, rear yard may be decreased by one-half (1/2) the width of such street or alley, but in no case shall a rear yard be less than ten (10) feet.
- Where rear yard abuts a railroad right-of-way or any paved alley, the rear yard may be reduced to ten (10) feet.
- Where rear yard abuts a paved alley or street, then no side setback shall be required.
- Where rear property line abuts a public street or alley, rear yard setback may be reduced to ten (10) feet and no side yard shall be required, except on corner lots.
- Where rear property line abuts a public street or alley, rear yard setback may be reduced to eight (8) feet at first floor level, in which case, no setback shall be required at all other floor levels.
- Eight (8) feet is required at first floor level. No setback shall be required at all other floor levels.
- Waterfront setbacks shall be measured from the property where the body of water is under different ownership than the subject property line. However, setbacks are measured from the mean high water

line if the body of water is under the same ownership as the subject property.

9. Not to exceed two (2) stories.
10. Not to exceed four (4) stories.
11. Buildings designed with under-story parking shall be allowed a maximum building height of thirty-five (35) feet but only with conditional use approval.
12. The maximum building height shall be forty-five (45) feet, except for buildings which contain a mix of uses (residential in combination with non-residential uses). In these instances, the maximum building height may be increased to one hundred (100) feet, but contingent upon conditional use approval. Mechanical equipment which exclusively serves the structure shall not be included in the calculations of height.
13. The total ground floor area of all buildings and accessory structures shall not exceed forty percent (40%) of the plot on which they are constructed.
14. Contiguous acres.
15. Residential uses are only allowed within a mixed use pod of a PID that has a DRI future land use classification. Maximum residential densities shall be in accordance with the thresholds established for the respective DRI.
16. The gross floor area of the building and accessory structures shall not exceed sixty percent (60%) of the plot on which it is constructed.
17. The maximum allowable density is determined by the applicable future land use classification of the Comprehensive Plan.
18. The maximum lot coverage is eighty-five percent (85%) for parking garages.
19. No more than four (4) stories, with the exception of buildings in a mixed use pod of a PID, pursuant to Section 6.B.8. below.
20. For hospital buildings, additional setbacks in excess of thirty (30) feet shall be required for any height over forty-five (45) feet. The additional setback shall be measured by calculating three (3) additional feet of setback for each foot in height above forty-five (45) feet, not including minimal rooftop equipment that are eligible for height exception pursuant to Chapter 2, Article II, Section 4.
21. May be subject to the Martin Luther King Jr. Blvd Overlay Zone (MLKBOZ) or Urban Commercial District Overlay Zone (UCDOZ), where applicable. See Section 8 for regulations pertaining to both the MLKBOZ and UCDOZ.

D. Mixed-Use Suburban Building and Site Regulations (Table 3-3).

SUBURBAN MIXED-USE (SMU) DISTRICT	Types of Uses		
	Residential Single-Family (Attached or Detached)	Multi-Family	Other Uses (includes Mixed Use)
Building/Site Regulations			
Density (dwelling units per acre)	20	20	N/A
Project Area, Minimum:	SMU district - 10 acres ¹		
Lot Area per unit, Minimum (square feet):	Flexible ¹⁴	Flexible ¹⁴	10,000 ²
Lot Frontage, Minimum (feet):	Flexible ¹⁴	100	100
Living Area, Minimum A/C (square feet):	1,200 ¹⁵	750 ¹⁵	750 ¹⁵
Floor Area Ratio (FAR), Maximum:	N/A	N/A	1.0 ⁸
Structure Height, Minimum (feet):	35 ⁹	35 ⁹	35 ⁹
Structure Height, Maximum (feet):	35	55 ^{6, 10}	55 ^{6, 10}
Build-to-line (feet):			
Front:	10 ³	10 ^{4, 5, 6}	10 ^{5, 6, 7}
Building Setbacks, Minimum (feet):			
Side:	15 corner	10 end	10 ⁶ , 14
Rear:	Flexible ¹⁴	15 ⁶	Flexible ^{6, 14}
Usable Open Space, Minimum (square feet):	30% ^{11, 12}	20% ^{11, 13}	20% ^{11, 13}

1. Minimum project size. A minimum of ten (10) acres shall be required for any project developed under the provisions of the SMU regulations.
2. Hotels must be part of a mixed use project of at least three (3) acres in size.
3. Porches may be placed forward of the build-to line and shall maintain a minimum two (2)-foot setback from any public sidewalk. Porches shall be placed outside of clear sight triangle. Minimum setback for a garage facing or accessing the street is twenty (20) feet. Where less than twenty (20) feet, garage access required from side or rear.
4. Projecting feature(s) such as awnings, balconies, porches and/or stoops may be placed forward of the build-to line and shall maintain a minimum two (2)-foot setback from any public sidewalk.
5. Front yard build-to line along major arterial roads, a maximum of ninety (90) feet inclusive of a twenty-five (25)-foot landscape buffer.
6. The height setback envelope in accordance with Section 5.C. below shall apply where adjacent to developed single-family residential zoning districts.
7. One (1) or more projecting feature(s) such as awnings, balconies, colonnades, porches and/or stoops required forward of the build-to line and shall maintain a minimum five (5)-foot clearance from any vehicle use area. Elements projecting over a pedestrian walkway shall allow a minimum nine (9)-foot vertical clearance and five (5)-foot horizontal pedestrian clearance.
8. Excluding residential uses and parking structures.
9. Applies to any façade with arterial roadway frontage. Multiple-story buildings are encouraged along arterial roadways. The intent of this provision is to create the appearance, or simulate the intensity of, a minimum two (2)-story building. Conditional use approval required if less than the thirty-five (35) foot minimum.
10. Building heights between fifty-five (55) feet and seventy-five (75) feet to the peak of the structure or any architectural details may be allowed only for interior buildings (those buildings separated from the property line by another project building or use), if approved as a conditional use. The building/structure height measurement shall be conducted in accordance with Section 5.C. below. Exceptions to the maximum height shall not be allowed.
11. Usable open space shall provide active or passive recreational space and shall not be occupied by water bodies, streets, drives, parking areas, or structures other than recreational structures.
12. At least fifty percent (50%) of the required usable open space for single-family residential uses shall be contained in one (1) or more common pooled areas and a rectangle inscribed within each common pooled area shall have no dimension less than seventy-five (75) feet.
13. Up to fifty percent (50%) of the usable open space required for "multi-family" and "other uses" may be hardscaped plazas and public gathering places.
14. To be determined on a case by case basis, depending on the overall project design.
15. Accessory apartments must be at least seven hundred fifty (750) square feet in area (air-conditioned space).

E. *Mixed Use Urban Building and Site Regulations (Table 3-4).*

MIXED USE, URBAN	MU-L1			MU-L2			MU-L3			MU-H		
Lot Area, Minimum (acres):												
Public park:	N/A			N/A			N/A			N/A		
All other uses:	0.50			0.75			1			1		
Lot Frontage, Minimum (feet):	100 ¹			100			150 ²			200		
Structure Height, Minimum (feet):	30			30			30			30		
Classification of project frontage on type of roadway:	Maximum Building/Structure Height (HT), Density (DU), and Floor-Area-Ratio (FAR):											
	HT	DU ¹⁴	FAR	HT ⁵	DU ^{3,14}	FAR ³	HT ⁵	DU	FAR	HT ^{5,6}	DU	FAR
Arterial:	45	20	1.0	65/100 ³	30/40	2.0/2.5	75/100 ³	40 ¹⁴	3.0/ 3.5 ^{3,15}	150/125	80 ¹⁴	4.0 ¹⁵
Collector:	45	20	1.0	65	30/40	2.0/2.5	n/a	n/a	n/a	n/a	n/a	n/a
Local Street ⁴ :	45	20	1.0	45	30/40	2.0/2.5	n/a	n/a	n/a	n/a	n/a	n/a
Build-to-line (feet) ¹¹ :												
Front abutting a public right-of-way	0 ¹⁰			0 ¹⁰			0 ¹⁰			0 ¹⁰		
Rear:	0 ¹⁰			0 ¹⁰			0 ¹⁰			0 ¹⁰		
Interior side:	0 ¹⁰			0 ¹⁰			0 ¹⁰			0 ¹⁰		
Building Setbacks, Minimum (feet) ¹¹ :												
Rear abutting ¹² :												
Residential single-family:	25 ⁷ /0 ⁸			25 ⁷			25 ⁷			25 ⁷		
Intracoastal waterway:	25			25			0 ⁹			0 ⁹		
Side abutting ¹² :												
Residential single-family:	25 ⁷ /0 ^{7,8}			25 ⁷			25 ⁷			25 ⁷		

Usable Open Space, Minimum (square feet):			2% ¹³
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1. May be reduced if frontage extends from right-of-way to right-of-way.
2. Minimum of fifty (50) feet, if frontage is on a collector/local collector roadway.
3. For property abutting the MU-H district located west of US 1, the area of increases in height, density and FAR shall extend a distance of one hundred (100) feet from the MU-H zoning district line and shall require conditional use approval. For properties abutting the MU-H district located east of US 1, the area of increase for height shall extend a distance of one hundred (100) feet from the MU-H zoning district line and shall require conditional use approval; however, no increases in density and FAR are allowed. Must also have principal frontage on arterial roadway.
4. Must also have frontage on local collector or higher roadway classification.
5. Maximum height on any street frontage is forty-five (45) feet. Maximum height on Intracoastal Waterway is thirty-five (35) feet. Heights may require reduction where adjacent to a single-family zoning district where necessary to achieve the compatibility requirements of these regulations.
6. Maximum height reduced to one hundred twenty-five (125) feet for the entire project where property abuts any MU-L or residential zoning district not separated by a right-of-way.
7. Plus one (1) additional foot for each foot of height over thirty-five (35) feet.
8. Where there is an intervening right-of-way of at least forty (40) feet.
9. Subject to permitting agency approval.
10. Buildings and structures shall be located no farther than zero (0) feet from the property line, excluding those instances where strict adherence hereto would cause visual obstructions to vehicular traffic, particularly within the triangular-shaped area of property formed by the intersection of two (2) rights-of-way. See Section 5.C.2. below for additional relief provisions from build-to line requirements.
11. Listed eligible historic structures are not required to meet these standards.
12. The ultimate setback is also a factor of height and application of the Sky Exposure Plane in accordance with Section 5.C.3. below.
13. Usable open space shall be required for all developments two (2) acres in size or larger. A minimum of two percent (2%) of the site shall be devoted to usable open space, consisting of plazas or public open space, excluding private recreation. See Chapter 4, Article III, Section 8 for additional regulations.
14. Projects within the transit core shall have minimum densities as follows: MU-1 - eleven (11), MU-2 - twenty (20), MU-3 - thirty (30) and MU-H - forty (40) dwellings per acre (except that minimum density for the MU-H district applies to projects located within the entire station area).
15. Projects within the transit core shall have a minimum FAR as follows: MU-L3 - one and three-quarters (1.75) and MU-H - two (2.0) (except that minimum FAR for the MU-H district applies to projects to be located within the entire station area).

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-016, passed 10-2-12; Am. Ord. 14-009, passed 7-1-14)

Sec. 2. Residential Districts.

A. R-1-AAB Single-family Residential District.

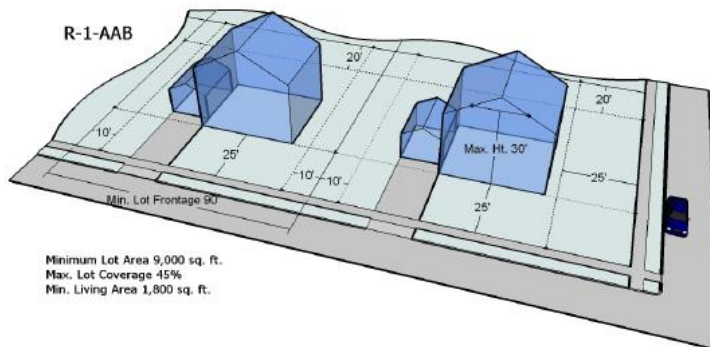
1. General. The purpose of the R-1-AAB zoning district is to implement the low density residential (LDR) future land use map (FLUM) classification of the Comprehensive Plan. The intent of this conventional district is to promote the suburban character of the city by preserving and encouraging single-family dwellings and structures on large lots at densities no greater than five (5) dwelling units per acre, and allowing limited types of non-residential uses.
2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.
3. Building and Site Regulations (Table 3-5).
 - a. The following lot and building setback requirements shall be observed:

BUILDING/SITE REGULATIONS	
R-1-AAB District	
Minimum lot area:	9,000 s.f.
Minimum lot frontage:	90 feet
Minimum yard setbacks:	
Front:	25 feet
Rear:	20 feet
Special rear yard setback reduction for single-story building additions: ¹	
Abutting: I-95 or railroad tracks:	50%
Abutting: Intracoastal:	50%
Abutting: Lakes:	50%
Abutting: Golf Course:	50%
Abutting: Canals wider than 150 ft	50%
Abutting: Canals narrower than 150 ft	33%
Abutting: Perimeter walls of community that abut other than residential:	50%
Abutting: Commercial or Industrial	50%
Abutting: Public or private park:	
Interior side:	10 feet
Corner side:	25 feet ²

Minimum living area:	1,800 s.f.
Maximum lot coverage:	45%
Maximum structure height:	30 feet

¹ These special rear yard setback reduction provisions shall not supersede any setbacks that are recorded on a plat.

² On corner lots, the side yard setback adjacent to the street shall be not less than one-half (1/2) the front yard setback. However, where orientation of adjacent lots on both street frontages provides typical front yard setbacks, the corner lot shall provide for front yard setbacks along both streets. When two (2) front yard setbacks are provided for on a corner lot, no rear yard setback shall be required, only side yard setbacks shall be imposed.



4. Administrative Adjustments.

a. For lots platted prior to August 19, 2008, the following administrative adjustments to the minimum yard setbacks may be allowed:

Front and side yard 20% reduction

Rear yard 25% reduction

These setback reduction provisions shall not supersede any setbacks that are recorded on a plat.

b. An administrative adjustment may be granted if any first floor addition follows the building line of a legally nonconforming single-family structure, or a building line previously approved by a variance.

c. See Chapter 2, Article II, Section 4.A. for the administrative adjustment process.

5. Accessory Structures. Walls, fences, pools, sheds, screen-roof enclosures, and other structures are regulated in accordance with Chapter 3, Article V, Supplemental Regulations.

6. Review and Approval Process.

a. Single-family and duplex dwellings and accessory uses thereto shall be allowed upon application to and approval by the Building Official for structures that require a building permit pursuant to Chapter 2, Article IV, Section 2.

b. Community and common areas, such as recreational areas, landscape buffers and tracts, and project signage may be subject to site plan review.

c. Non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

7. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

B. R-1-AA Single-family Residential District.

1. General. The purpose of the R-1-AA zoning district is to implement the moderate density residential (MoDR) future land use map (FLUM) classification of the Comprehensive Plan. The intent of this conventional district is to promote the suburban character of the city by preserving and encouraging single-family dwellings and structures at densities no greater than five and one-half (5.5) dwelling units per acre, and allowing limited types of non-residential uses.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-6). The following lot and building requirements shall be observed:

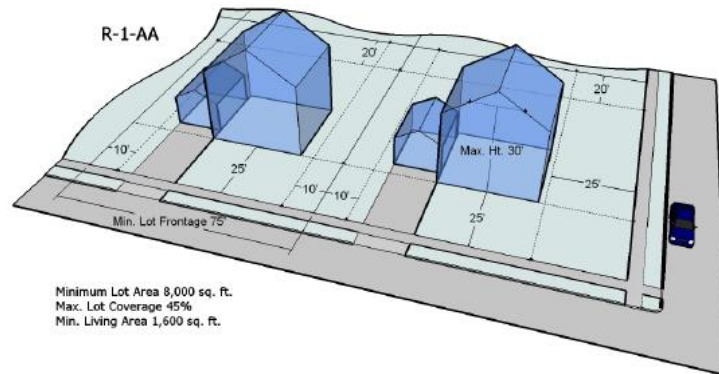
BUILDING/SITE REGULATIONS	
R-1-AA District	
Minimum lot area:	8,000 s.f. ¹
Minimum lot frontage:	75 feet
Minimum yard setbacks:	
Front:	25 feet
Rear:	20 feet
Special rear yard setback reduction for single-story building additions: ²	

Abutting: I-95 or railroad tracks:	50%
Abutting: Intracoastal:	50%
Special rear yard setback reduction for single-story building additions: ²	
Abutting: Lakes:	50%
Abutting: Golf Course:	50%
Abutting: Canals wider than 150 ft	50%
Abutting: Canals narrower than 150 ft	33%
Abutting: Perimeter walls of community that abut other than residential:	50%
Abutting: Commercial or Industrial	50%
Abutting: Public or private park:	50%
Interior side:	10 feet ¹
Corner side:	25 feet ³
Minimum living area:	1,600 s.f.
Maximum lot coverage:	45%
Maximum structure height:	30 feet

¹ In areas developed and/or platted prior to June 13, 1975, the minimum lot area shall be seven thousand, five hundred (7,500) square feet and the minimum side yard shall be seven and one-half (7-1/2) feet.

² These special rear yard setback reduction provisions shall not supersede any setbacks that are recorded on a plat.

³ On corner lots, the side setback adjacent to the street shall be not less than one-half (1/2) the front yard setback. However, where orientation of adjacent lots on both street frontages provide typical front yard setbacks, the corner lot shall provide for front yard setbacks along both streets. When two (2) front yard setbacks are provided for on a corner lot, no rear yard setback shall be required, only side yard setbacks shall be imposed.



4. Administrative Adjustments.

a. For lots platted prior to August 19, 2008, the following administrative adjustments to the minimum yard setbacks may be allowed:

Front and side yard 20% reduction*

* Side yard reduction shall only be eligible for lots platted on or after June 13, 1975 and prior to August 19, 2008.

Rear yard 25% reduction

These setback reduction provisions shall not supersede any setbacks that are recorded on a plat.

b. An administrative adjustment may be granted if any first floor addition follows the building line of a legally nonconforming single-family structure, or a building line previously approved by a variance.

c. See Chapter 2, Article II, Section 4.A. for the administrative adjustment process.

5. Accessory Structures. Walls, fences, pools, sheds, screen-roof enclosures, and other structures are regulated in accordance with Chapter 3, Article V, Supplemental Regulations.

6. Review and Approval Process.

a. Single-family and duplex dwellings and accessory uses thereto shall be allowed upon application to and approval by the Building Official for structures that require a building permit pursuant to Chapter 2, Article IV, Section 2.

b. Community and common areas, such as recreational areas, landscape buffers and tracts, and project signage may be subject to site plan review.

c. Non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

7. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

C. R-1-A Single-family Residential District.

1. General. The purpose of the R-1-A zoning district is to implement the moderate density residential (MoDR) future land use map (FLUM) classification of the Comprehensive Plan. The intent of this conventional district is to promote the suburban character of the city by preserving and encouraging single-family dwellings and structures at densities no greater than six (6) dwelling units per acre, and allowing limited types of non-residential uses.

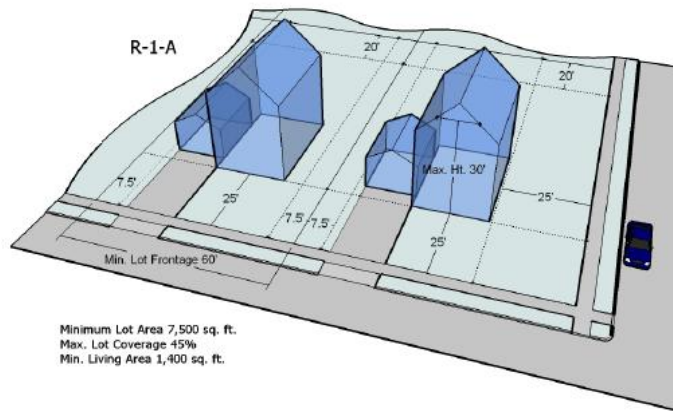
2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-7). The following lot and building requirements shall be observed:

BUILDING/SITE REGULATIONS R-1-A District	
Minimum lot area:	7,500 s.f.
Minimum lot frontage:	60 feet
Minimum yard setbacks:	
Front:	25 feet
Rear:	20 feet
Special rear yard setback reduction for single-story building additions: ¹	
Abutting: I-95 or railroad tracks:	50%
Abutting: Intracoastal:	50%
Abutting: Lakes:	50%
Abutting: Golf Course:	50%
Abutting: Canals wider than 150 ft	50%
Abutting: Canals narrower than 150 ft	33%
Abutting: Perimeter walls of community that abut other than residential:	
Abutting: Commercial or Industrial	50%
Abutting: Public or private park:	50%
Interior side:	7.5 feet
Corner side:	25 feet ²
Minimum living area:	1,400 s.f.
Maximum lot coverage:	45%
Maximum structure height:	30 feet

¹ These special rear yard setback reduction provisions shall not supersede any setbacks that are recorded on a plat.

² On corner lots, the side setback adjacent to the street shall be not less than one-half (1/2) the front yard setback. However, where orientation of adjacent lots on both street frontages provides typical front yard setbacks, the corner lot shall provide for front yard setbacks along both streets. When two (2) front yard setbacks are provided for on a corner lot, no rear yard setback shall be required, only side yard setbacks shall be imposed.



4. Administrative Adjustments.

a. For lots platted prior to August 19, 2008, the following administrative adjustments to the minimum yard setbacks may be allowed:

Front and side yard 20% reduction

Rear yard 25% reduction

These setback reduction provisions shall not supersede any setbacks that are recorded on a plat.

b. An administrative adjustment may be granted if any first floor addition follows the building line of a legally nonconforming single-family structure, or a building line previously approved by a variance.

- c. See Chapter 2, Article II, Section 4.A. for the administrative adjustment process.
- 5. Accessory Structures. Walls, fences, pools, sheds, screen-roof enclosures, and other structures are regulated in accordance with Chapter 3, Article V, Supplemental Regulations.
- 6. Review and Approval Process.
 - a. Single-family and duplex dwellings and accessory uses thereto shall be allowed upon application to and approval by the Building Official for structures that require a building permit pursuant to Chapter 2, Article IV, Section 2.
 - b. Community and common areas, such as recreational areas, landscape buffers and tracts, and project signage may be subject to site plan review.
 - c. Non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.
- 7. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

D. *R-1 Single-family Residential District.*

1. General. The purpose of the R-1 zoning district is to implement the moderate density residential (MoDR) future land use map (FLUM) classification of the Comprehensive Plan. The intent of this conventional district is to encourage single-family dwellings and structures at densities no greater than seven and one-half (7.5) dwelling units per acre, and allowing limited types of non-residential uses.

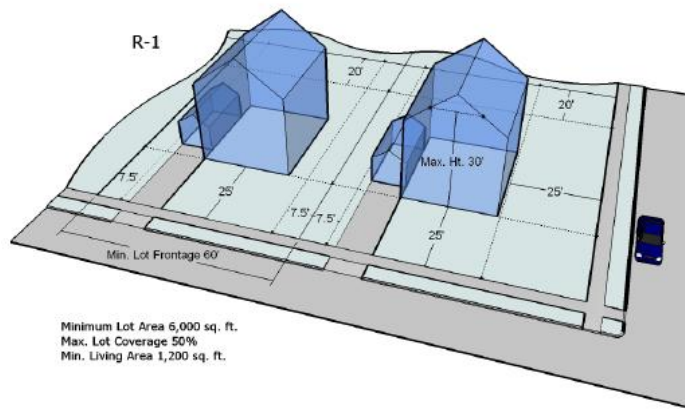
2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-8). The following lot and setback requirements shall be observed:

BUILDING/SITE REGULATIONS	
R-1 District	
Minimum lot area:	6,000 s.f.
Minimum lot frontage:	60 feet
Front:	25 feet
Rear:	20 feet
Special rear yard setback reduction for single-story building additions: ¹	
Abutting: I-95 or railroad tracks:	50%
Abutting: Intracoastal:	50%
Abutting: Lakes:	50%
Abutting: Golf Course:	50%
Abutting: Canals wider than 150 ft	50%
Abutting: Canals narrower than 150 ft	33%
Abutting: Perimeter walls of community that abut other than residential:	
Abutting: Commercial or Industrial	50%
Abutting: Public or private park:	50%
Interior side:	7.5 feet
Corner side:	25 feet ²
Minimum living area:	1,200 s.f.
Maximum lot coverage:	50%
Maximum structure height:	30 feet

¹ These special rear yard setback reduction provisions shall not supersede any setbacks that are recorded on a plat.

² On corner lots, the side setback adjacent to the street shall be not less than one-half (1/2) the front yard setback. However, where orientation of adjacent lots on both street frontages provide typical front yard setbacks, the corner lot shall provide for front yard setbacks along both streets. When two (2) front yard setbacks are provided for on a corner lot, no rear yard setback shall be required, only side yard setbacks shall be imposed.



4. Administrative Adjustments.

a. For lots platted prior to August 19, 2008, the following administrative adjustments to the minimum yard setbacks may be allowed:

- Front and side yard 20% reduction
- Rear yard 25% reduction

These setback reduction provisions shall not supersede any setbacks that are recorded on a plat.

b. An administrative adjustment may be granted if any first floor addition follows the building line of a legally nonconforming single-family structure, or a building line previously approved by a variance.

c. See Chapter 2, Article II, Section 4.A. for the administrative adjustment process.

5. Accessory Structures. Walls, fences, pools, sheds, screen-roof enclosures, and other structures are regulated in accordance with Chapter 3, Article V, Supplemental Regulations.

6. Review and Approval Process.

a. Single-family and duplex dwellings and accessory uses thereto shall be allowed upon application to and approval by the Building Official for structures that require a building permit pursuant to Chapter 2, Article IV, Section 2.

b. Community and common areas, such as recreational areas, landscape buffers and tracts, and project signage may be subject to site plan review.

c. Non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

7. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

E. R-2 Single and Two-family Residential District.

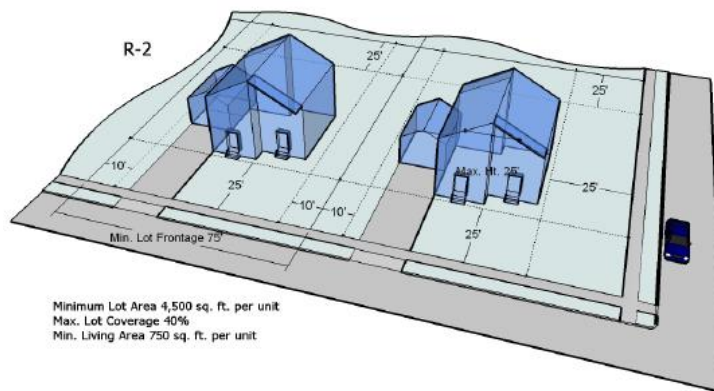
1. General. The purpose of the R-2 zoning district is to implement the medium density residential (MeDR) future land use map (FLUM) classification of the Comprehensive Plan. The intent of this conventional district is to stabilize and protect existing residential neighborhoods with densities no greater than ten (10) dwelling units per acre, and allowing limited types of non-residential uses.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-9). Existing and/or planned single-family homes shall conform to the R-1 district requirements; however, for duplex homes, the following lot and building requirements shall be observed:

BUILDING/SITE REGULATIONS	
R-2 District	
Minimum lot area (per unit):	4,500 s.f. ¹
Minimum lot frontage:	75 feet
Minimum yard setbacks:	
Front:	25 feet ²
Rear:	25 feet ³
Interior side:	10 feet ²
Corner side:	25 feet ^{2,3}
Minimum living area:	750 s.f.
Maximum lot coverage:	40%
Maximum Floor Ratio Area (FAR)	0.10 ⁴
Maximum structure height:	25 feet ⁵

- ¹ Single-family dwellings shall be constructed on lots that are no less than six thousand (6,000) square feet.
- ² Pursuant to Section 8.B. below, parcels that have frontage on Martin Luther King Jr. Boulevard and are located within the Martin Luther King Boulevard Overlay Zone shall have front, side interior, and side corner setbacks in accordance with the mixed use-low intensity 1 zoning district (see Section 6.H. below).
- ³ On corner lots, the side setback adjacent to the street shall be not less than one-half (1/2) the front yard setback. However, where orientation of adjacent lots on both street frontages provide typical front yard setbacks, the corner lot shall provide for front yard setbacks along both streets. When two (2) front yard setbacks are provided for on a corner lot, no rear yard setback shall be required, only side yard setbacks shall be imposed.
- ⁴ A floor area ratio (FAR) up to 0.10 may be considered for non-residential uses allowed within the R-2 district (see "Use Matrix" – Chapter 3, Article IV, Section 3), pursuant to the medium density residential land use category of the Comprehensive Plan.
- ⁵ Not to exceed two (2) stories.



4. Accessory Structures. Walls, fences, pools, sheds, screen-roof enclosures, and other structures are regulated in accordance with Chapter 3, Article V, Supplemental Regulations.

5. Review and Approval Process.

- a. Single-family and duplex dwellings and accessory uses thereto shall be allowed upon application to and approval by the Building Official for structures that require a building permit pursuant to Chapter 2, Article IV, Section 2.
- b. Community and common areas, such as recreational areas, landscape buffers and tracts, and project signage may be subject to site plan review.
- c. Non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

6. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

F. R-3 Multi-family Residential District.

1. General. The purpose of the R-3 zoning district is to implement the high density residential (HDR) and special high density residential (SHDR) future land use map (FLUM) classifications of the Comprehensive Plan. The intent of this conventional district is to provide for higher residential densities that encourage vertical structures and viable multiple-family living environments. The preferred development pattern shall be designed such that it would provide adequate buffering, graduation of uses, and a layout that considers and complements adjacent uses and districts. Ideally, the R-3 district should be in close proximity to large concentrations of business and employment activities, as well as near sufficient roadways and public transportation routes. Site design should encourage safe traffic patterns, ingress and egress, adequate light, drainage, off-street parking, open space, on-site recreation areas, and community meeting provisions for the inhabitants. Densities of such developments shall correspond with the respective FLUM classification.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-10).

- a. Existing and/or future single-family dwellings shall conform to the building and site regulations of the R-1 district (see Table 3-8 in Section 2.D.3. above).
- b. Duplex dwellings shall conform to the building and site regulations of the R-2 district (see Table 3-9 in Section 2.E.3. above).
- c. Multiple-family and group homes shall conform to the lot and building requirements of that portion of Table 3-10 below pertaining to "residential uses".
- d. All uses, excluding single-family, duplex, multi-family, and group homes, shall conform to the lot and building requirements of that portion of Table 3-10 below pertaining to "non-residential uses".

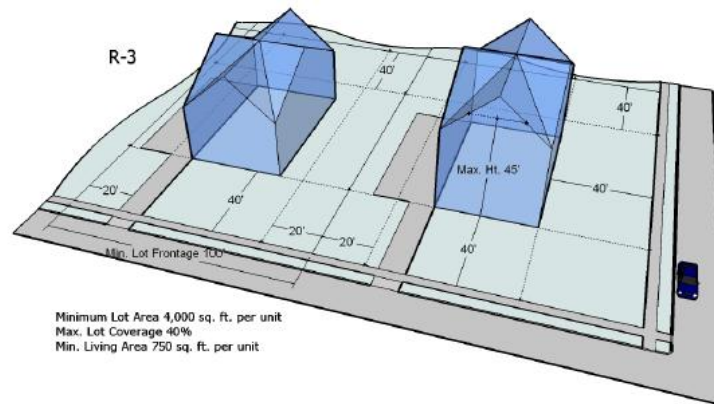
BUILDING/SITE REGULATIONS	
R-3 District	
(Residential Uses)	
Minimum lot area (per unit):	4,000 s.f.
Minimum lot frontage:	100 feet
Minimum yard setbacks:	
Front:	40 feet
Rear:	40 feet

Interior side:	20 feet
Corner side:	40 feet
Minimum living area:	750 s.f.
Maximum lot coverage:	40%
Maximum structure height:	45 feet ¹
Maximum separation: (for Group Homes)	1,000 (radius)
(Non-Residential Uses)	
Minimum lot area:	20,000 s.f.
Minimum lot frontage:	100 feet
Minimum yard setbacks:	
Front:	40 feet
Rear:	40 feet
Interior side:	20 feet
Corner side:	40 feet
Minimum living area:	N/A ²
Maximum lot coverage:	40%
Maximum Floor Area Ratio (FAR)	0.10 ³
Maximum structure height:	45 feet ¹

¹ Not to exceed four (4) stories.

² As governed by the applicable regulatory agency.

³ A floor area ratio (FAR) up to 0.10 may be considered for non-residential uses allowed within the R-3 district (see "Use Matrix" – Chapter 3, Article IV, Section 3.D.), pursuant to the high density residential land use category of the Comprehensive Plan.



4. Accessory Structures. Walls, fences, pools, sheds, screen-roof enclosures, and other structures are regulated in accordance with Chapter 3, Article V, Supplemental Regulations.

5. Review and Approval Process.

a. Single-family and duplex dwellings and accessory uses thereto shall be allowed upon application to and approval by the Building Official for structures that require a building permit pursuant to Chapter 2, Article IV, Section 2.

b. Community and common areas, such as recreational areas, landscape buffers and tracts, and project signage may be subject to site plan review. In these instances, site plan approval shall be required prior to application for building permit.

c. Multiple-family dwellings and non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

6. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

G. *IPUD Infill Planned Unit Development District.*

1. General.

a. Purpose and Intent. The purpose of the IPUD zoning district is to implement the special high density residential (SHDR) future land use map (FLUM) classification of the Comprehensive Plan. This district is intended for infill purposes, promoting new development and redevelopment within the Federal Highway Corridor Community Redevelopment Plan, (Study Areas I and V only), Heart of Boynton Community Redevelopment Plan, or other portions of the Community Redevelopment Agency (CRA) area consistent with the respective redevelopment plan at densities no greater than twenty (20) dwelling units per acre. This district is also

intended to promote water access and recreational opportunities with accommodations of uses, including marine-oriented and water dependent uses in both mixed use developments and limited single-use projects. The IPUD district will include design standards that exceed the standards of the basic development standards in terms of site design, building architecture and construction materials, amenities and landscape design. The extent of variance or exception to basic design standards, including but not limited to requirements for parking spaces, parking lot and circulation design, and setbacks, will be dependent on how well the proposed project otherwise exceeds the other applicable standards.

The IPUD shall minimize adverse impacts on surrounding property. The city is not obligated to automatically approve the level of development intensity requested for the IPUD. Instead, it is expected to approve only such level of intensity that is appropriate for a particular location in terms of land use compatibilities. The city may require, as a condition of approval any limitation, condition, or design factor that will provide a reasonable transition to adjacent development.

In order to be approved, an IPUD project must be compatible with and preserve the character of adjacent residential neighborhoods. Factors to consider in determining compatibility may include, but not necessarily be limited to proposed use, massing, and layout. Further, it must be an enhancement to the local area and the city in general. Projects that fail to do so will be denied.

Each IPUD project is independent and will be evaluated solely on its own merits. The inclusion of certain features in a previously approved IPUD project will not automatically be entertained as a valid argument for the inclusion of that same feature in any other IPUD project if the city determines to reject those features.

b. Prerequisite Location Standards. The IPUD district is optimum when there is an opportunity to promote sustainability with respect to land use, energy conservation, resource management, and social equity. Rezoning to the IPUD district is encouraged for proposed development or redevelopment on lands that are in close proximity to existing infrastructure, public and alternative transportation routes and modes, employment centers, community areas, or have sustained or are complicated by environmental contamination. In reaching recommendations and decision as to zoning land to IPUD, the Advisory Board and City Commission shall apply the following location standards, in addition to the standards applicable to the rezoning of land generally:

(1) Any IPUD district that contains non-residential uses must principally front on streets classified as "Arterial" on the "Functional Classification of Roadways" map in the city Comprehensive Plan;

(2) Any non-residential component must front on the arterial roadway or on an access wholly contained within the project with neither entrances nor exit on or visible from or disruptive to adjacent properties, local streets, and rights-of-way.

2. Use(s) Allowed. See Chapter 3, Article IV, Section 3.C. for specific regulations pertaining to the IPUD district and Chapter 3, Article IV, Section 3.D. ("Use Matrix Table 3-28") for a list of allowable uses.

3. Building and Site Regulations (Table 3-11). The following building/site regulations apply to the entire IPUD development.

BUILDING/SITE REGULATIONS	
IPUD District	
Minimum project area:	1 acre
Maximum project area:	5 acres
Minimum lot frontage:	Flexible ¹
Minimum perimeter yard setbacks:	
Front:	Flexible ²
Rear:	Flexible ²
Interior side:	Flexible ²
Corner side:	Flexible ²
Maximum lot coverage:	50%
Minimum usable open space (per dwelling unit):	200 feet
Maximum Floor Area Ratio (FAR)	0.20 ³
Maximum structure height:	45 feet ⁴

¹ Individual lots within an IPUD development contain flexible standards relative to minimum required lot frontage and lot area for each unit. Lot frontage shall be determined on a case by case basis, depending on the overall project design. Pursuant to Chapter 3, Article IV, Section 3.D., a marina use shall require a minimum lot frontage of one hundred fifty (150) feet and a minimum average width of two hundred (200) feet.

² The minimum required perimeter building setbacks of an IPUD are flexible except where adjacent to single-family residential zoning. Where adjacent to single-family residential zoning, the required perimeter building setbacks of the IPUD shall resemble the setbacks of the adjacent development based upon the orientation of structures with said development. Also, perimeter buildings shall have an increased setback of one (1) additional foot for every foot of building height in excess of thirty (30) feet. If vegetation, screening, or other barriers and/or creative design on the perimeter of an IPUD achieve compatibility with adjacent uses, the city may grant some relief from the aforementioned requirement. A structure shall be considered to be on the perimeter if there is no intervening building between it and the property line. Project design along abutting roadway(s), including setbacks, shall be based on existing development patterns or applicable recommendation from the respective development plan.

³ A maximum floor area ratio (FAR) of 0.20 may be allowed for non-residential uses within the IPUD district (see "Use Matrix" – Chapter 3, Article IV, Section 3.C.), pursuant to the special high density residential land use category of the Comprehensive Plan.

⁴ A lesser building height may be required for compatibility with adjacent development. See Note #2 above for additional setback requirements relative to building height.

4. Review and Approval Process.

a. All development and redevelopment within the IPUD district shall be governed by a master plan with approval granted by the City Commission in accordance with Chapter 2, Article II, Section 2.D.6.

b. Site plan approval shall be required in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

5. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

6. Modifications. Any modification proposed within the IPUD shall be in conformance with Master Plan modifications pursuant to Chapter 2, Article II, Section 2.D.6.

7. Miscellaneous.

a. See Chapter 4, Article II, Section 4.B.5 for additional standards pertaining to the required landscaping along rights-of-way.

b. See Chapter 4, Article III, Section 4. for community design standards regarding required site design in instances where the subject IPUD project is adjacent to single-family residential zoning districts.

c. See Chapter 4, Article VIII, Section 3.C.4.b.(2) for additional standards pertaining to the minimum width of rights-of-way and vehicular circulation.

d. If an IPUD is located with frontage on the Intracoastal Waterway, conditions of approval shall include a deed restriction requiring that any marina or dockage build will not exceed in width the boundaries of the project's actual frontage on the water, regardless of what any other governing or permitting entity may allow or permit.

e. Exterior lighting of the exterior, parking areas and watercraft docking facilities of the planned development shall be of the lowest height, intensity, and energy use adequate for its purpose, and shall not create conditions of glare that extend onto abutting properties.

f. The physical attributes of the site shall be respected with particular concern for preservation of natural features, tree growth, and open space.

g. Special emphasis shall be placed on trash collection points.

h. Trash containers or dumpsters must be screened and designed such that they are not visible from or disruptive to adjacent properties, streets, and rights-of-way while still being conveniently accessible to their users and collectors.

H. *PUD Planned Unit Development District.*

1. General.

a. Purpose and Intent. The purpose of the PUD zoning district is to implement any of the residential future land use map (FLUM) classifications of the Comprehensive Plan. The intent of this planned district is to promote efficient and economical land use, improved amenities, appropriate and harmonious physical development, creative design, improved living environment, orderly and economical development in the city, and the protection of adjacent and existing and future city development. The district is suitable for development, redevelopment and conservation of land, water and other resources of the city.

Regulations for planned unit developments are intended to accomplish the purposes of zoning, subdivision regulations and other applicable city regulations to the same degree that they are intended to control development on a lot-by-lot basis. In view of the substantial public advantages of planned unit development, it is the intent of PUD regulations to promote and encourage development in this form where tracts suitable in size, location, and character for the uses and structures proposed are to be planned and developed as unified and coordinated units. Densities of such developments shall correspond with the respective FLUM classification.

b. Prerequisite Location Standards. The PUD district is optimum when there is an opportunity to promote sustainability with respect to land use, energy conservation, resource management, and social equity. Rezoning to the PUD district is encouraged for proposed development or redevelopment on lands that are in close proximity to existing infrastructure, public and alternative transportation routes and modes, employment centers, community areas, or have sustained or are complicated by environmental contamination.

In reaching recommendations and decisions as to zoning land to PUD, the advisory board(s) and City Commission shall apply the following location standards, in addition to the standards applicable to the rezoning of land generally:

(1) Major Transportation Facility. A PUD shall be so located as to major roadways or other transportation facilities as to provide direct access to it without creating or generating traffic along streets in residential areas or districts outside it.

(2) Public Facilities and Services. A PUD shall be located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utilities systems and installations so that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale or timing resulting in higher net public cost or earlier incursion of public cost than would development in forms permitted under existing zoning in the area.

Such PUD's shall be so located with respect to necessary public facilities (e.g., schools, parks, playgrounds) as to have access to those facilities in the same degree as under existing zoning, and shall be so located, designed and scaled so that access for public services is equivalent to, and net cost for the services under existing zoning.

(3) Topography. The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the tract, from probability of flooding, erosion, or other dangers, annoyances, or inconveniences. Condition of the soil, groundwater level, drainage, and topography shall all be appropriate to both kind and pattern of use intended.

(4) Access. Every dwelling unit, or other use permitted in the PUD, shall have access to a public street directly or via an approved private road, pedestrian way, court, or other area dedicated to public or private use, or common element guaranteeing access. Permitted uses shall not be required to front on a dedicated public road.

(5) Utilities. Direct residential and/or consumer service should be by underground installation to the maximum extent practicable; however, primary service to a general geographic area may be served with overhead installation. Appurtenances to these systems which require above ground installation shall be effectively screened, and, thereby, may be exempted from this requirement. Primary facilities providing service to the site of the PUD may be exempted.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D. The PUD district allows principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.

3. Building and Site Regulations (Table 3-12). The following building/site regulations apply to the entire PUD development.

BUILDING/SITE REGULATIONS	
PUD District	
Minimum project area:	5 acres
Minimum lot area:	Flexible ¹
Minimum lot frontage:	Flexible ¹
Minimum perimeter yard setbacks:	
Front:	Flexible ²

Rear:	Flexible ²
Interior side:	Flexible ²
Corner side:	Flexible ²
Maximum lot coverage:	N/A
Maximum structure height:	45 feet ³

¹ Individual lots within a PUD development contain flexible standards relative to minimum required lot frontage and lot area for each unit. To be determined on a case by case basis, depending on the overall project design.

² The minimum required perimeter building setbacks of a PUD are flexible except where adjacent to single-family residential zoning. Where adjacent to single-family residential zoning, the required perimeter building setbacks of the PUD shall resemble the setbacks of the adjacent development based upon the orientation of structures with said development. Also, perimeter buildings shall have an increased setback of one (1) additional foot for every foot of building height in excess of thirty (30) feet. Project design along abutting roadway(s), including setbacks, shall be based on existing development patterns or applicable recommendation from the respective development plan.

³ No more than four (4) stories.

4. Review and Approval Process.

a. All development and redevelopment within the IPUD district shall be governed by a master plan with approval granted by the City Commission in accordance with Chapter 2, Article II, Section 2.D.6.

b. Site plan approval shall be required in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

5. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

6. Modifications. Any modification proposed within the PUD shall be in conformance with Master Plan modifications pursuant to Chapter 2, Article II, Section 2.D.6.

7. Miscellaneous. The boundaries of land zoned to PUD classification shall be indicated on the official zoning map with the symbol "PUD."

The PUD district contains additional standards relative to building design and compatibility with adjacent single-family residential zoning. Refer to Chapter 4, Article III, Section 3.J. for these additional development standards.

I. MHPD Mobile Home Planned Development District.

1. General.

a. Purpose and Intent. The purpose of the MHPD zoning district is to implement the low density residential (LDR) and moderate density residential (MoDR) future land use map (FLUM) classifications of the Comprehensive Plan. The intent of this planned district is to provide efficient and imaginative design approaches to community planning, and to accommodate the housing needs of those residents who prefer mobile home living and/or desire a more affordable solution to conventional dwellings. Densities of such developments shall correspond with the respective FLUM classification.

The MHPD district is optimum when there is an opportunity to promote sustainability with respect to land use, energy conservation, resource management, and social equity. Rezoning to the MHPD district is encouraged for proposed development or redevelopment on lands that are in close proximity to existing infrastructure, public and alternative transportation routes and modes, employment centers, community areas, or have sustained or away from high hazard areas.

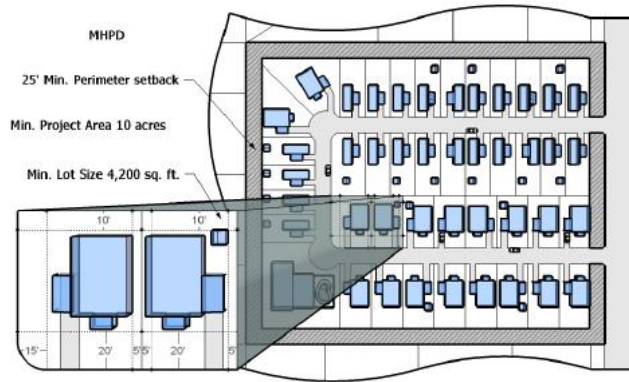
b. Existing Developments. For those mobile home parks in existence prior to the adoption of these Regulations, or annexed to the city subsequent to the adoption of these Regulations, the site regulations under which the park was developed shall continue in force. General maintenance and minor modifications to existing improvements shall be allowed, if such maintenance and improvements do not worsen the extent of nonconformity. Should the park be damaged in excess of seventy-five percent (75%), redevelopment shall require submittal of a site plan for review and processing as a major site plan modification, to indicate how redevelopment will provide maximum compliance with development regulations, with particular emphasis on perimeter setbacks and buffering, and internal roadway design and access for service and emergency vehicles.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-13).

BUILDING/SITE REGULATIONS	
MHPD District	
Minimum project area:	10 acres
Minimum lot size:	4,200 s.f.
Minimum perimeter setbacks:	25 feet
Special perimeter setback reduction for principal and accessory structures:	
Abutting: I-95 or railroad tracks:	50%
Abutting: Intracoastal:	50%
Abutting: Lakes:	50%
Abutting: Golf Course:	50%
Abutting: Canals wider than 150 ft	50%
Abutting: Canals narrower than 150 ft	33%
Abutting: Perimeter walls of community that abut other than residential:	50%
Abutting: Commercial or Industrial	50%
Abutting: Public or private park:	50%
Minimum yard setbacks (per lot):	

Front:	20 feet
Rear:	10 feet
Interior side:	5 feet
Corner side:	10 feet
Maximum lot coverage:	N/A
Maximum structure height:	30 feet



4. Accessory Structures.

- a. Structures of a permanent nature shall not be added or attached to a mobile home, unless such mobile home is placed upon a site conforming to the minimum requirements for a mobile home.
- b. The combined area of all additions or attachments shall not exceed the gross area of the mobile home itself. Carports are not included in the above limitation provided that the width of the individual lot is adequate for separation requirements.

5. Review and Approval Process.

a. All development and redevelopment within the IPUD district shall be governed by a master plan with approval granted by the City Commission in accordance with Chapter 2, Article II, Section 2.D.6.

b. Site plan approval shall be required in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

6. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

7. Modifications. Any modification proposed within the MHPD shall be in conformance with Master Plan modifications pursuant to Chapter 2, Article II, Section 2.D.6.

8. Miscellaneous.

a. No part of any mobile home, or any addition or appurtenances thereto shall be located within ten (10) feet of any accessory or service building or structure used in connection with a mobile home park.

b. Additional perimeter buffering and landscape material may be required as recommended by the Director of Planning and Zoning to ensure compatibility with adjacent properties.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-010, passed 6-19-12; Am. Ord. 12-016, passed 10-2-12)

Sec. 3. Commercial Districts.

A. *C-1 Office and Professional Commercial District.*

1. General. The purpose of the C-1 zoning district is to implement the office commercial (OC) future land use map (FLUM) classification of the Comprehensive Plan. The intent of this conventional district is to provide appropriate space for office and professional uses, while also serving as a transitional area between residential and higher intensity commercial areas.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-14). No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used unless the premises and buildings shall comply with the following regulations:

BUILDING/SITE REGULATIONS	
C-1 District	
Minimum lot area:	9,000 s.f.
Minimum lot frontage:	75 feet
Minimum lot depth:	120 feet
Minimum yard setbacks:	

Front:	30 feet
Rear:	20 feet
Abutting: Residential district(s)	30 feet
Interior side:	10 feet
Abutting: Residential district(s)	30 feet
Corner side:	10 feet
Abutting: Residential district(s)	30 feet
Maximum lot coverage:	40%
Maximum Floor Area Ratio (FAR)	0.4 ¹
Maximum structure height: (For hospitals only)	30 feet ² 45 feet

¹ A floor area ratio (FAR) up to 0.40 may be considered for office commercial and related uses allowed within the C-1 district (see "Use Matrix" – Chapter 3, Article IV, Section 3.D.), pursuant to the office commercial future land use classification of the Comprehensive Plan.

² Buildings designed with under-story parking shall be allowed a maximum building height of thirty-five (35) feet but only with conditional use approval.

4. Review and Approval Process. Pursuant to Chapter 2, Article II, Section 2.F., site plan approval shall be required for the construction or modification of a non-residential building, structure, or improvement, including any area allocated to an accessory residential unit.

5. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

B. C-2 Neighborhood Commercial District.

1. General. The purpose of the C-2 zoning district is to implement the local retail commercial (LRC) future land use map (FLUM) classification of the Comprehensive Plan. The intent of this conventional district is to allow low-intensity commercial uses of a retail convenience that are intended to serve and which are in close proximity to individual residential neighborhoods. Generally, the desired locations of these commercial areas would be at the periphery of one (1) or more neighborhoods along roadway classifications that are able to support the additional traffic.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-15). No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used unless the premises and buildings shall comply with the following regulations:

BUILDING/SITE REGULATIONS C-2 District	
Minimum lot area:	5,000 s.f.
Minimum lot frontage:	50 feet
Minimum lot depth:	100 feet
Minimum yard setbacks:	
Front:	30 feet ^{1,2}
Rear:	20 feet
Abutting: Residential district(s)	30 feet
Interior side:	15 feet ^{1,2}
Abutting: Residential district(s)	30 feet ¹
Corner side:	20 feet ^{1,2}
Abutting: Residential district(s)	30 feet ¹
Maximum lot coverage:	40%
Maximum Floor Area Ratio (FAR)	0.50 ³
Maximum structure height:	25 feet ⁴

¹ Reduced setbacks will be applied to property located within the Urban Commercial District Overlay Zone, Section 8.C. below.

² Pursuant to Section 8.B. below, parcels that have frontage on Martin Luther King Jr. Boulevard and are located within the Martin Luther King Boulevard Overlay Zone shall have front, side interior, and side corner setbacks in accordance with the mixed use-low intensity 1 zoning district (see Section 5.C. below).

³ A floor area ratio (FAR) up to 0.50 may be considered for local retail commercial uses allowed within the C-2 district (see "Use Matrix" – Chapter 3, Article IV, Section 3.D.), pursuant to the local retail commercial future land use classification of the Comprehensive Plan.

⁴ Not to exceed two (2) stories.

4. Review and Approval Process. Pursuant to Chapter 2, Article II, Section 2.F., site plan approval shall be required for the construction or modification of a non-residential building, structure, or improvement, including any area allocated to an accessory residential unit.

5. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

C. C-3 Community Commercial District.

1. General.

a. Purpose and Intent. The purpose of the C-3 zoning district is to implement the local retail commercial (LRC) future land use map (FLUM) classification of the Comprehensive Plan. The intent of this conventional district is to encourage the development or use of property for appropriate intensive retail commercial uses providing for a wide range of goods and services, located along major thoroughfares. The C-3 district allows a maximum density of eleven (11) dwelling units per acre; however, all residential developments must adhere to the R-3 district building and site regulation in accordance with Section 2.F. above.

b. Prerequisite Location Standard. In reaching recommendations and decisions as to zoning land to C-3, the advisory board and City Commission shall apply the following location standards, in addition, to the standards applicable to the rezoning of land generally:

- (1) Centrally and accommodating multiple neighborhoods; and
- (2) Abutting to at least one (1) major thoroughfare.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-16). No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used unless the premises and buildings shall comply with the following regulations:

BUILDING/SITE REGULATIONS	
C-3 District	
Minimum lot area:	15,000 s.f.
Minimum lot frontage:	75 feet
Minimum yard setbacks:	
Front:	20 feet ¹
Rear:	20 feet ²
Abutting: Residential district(s)	30 feet
Interior side:	0 feet ^{1,3}
Abutting: Residential district(s)	30 feet ¹
Corner side:	20 feet ¹
Abutting: Residential district(s)	30 feet ¹
Maximum lot coverage:	40%
Maximum Floor Area Ratio (FAR)	0.50 ⁴
Maximum structure height:	45 feet ⁵

¹ Reduced setbacks will be applied to property located within the Urban Commercial District Overlay Zone, Section 8.C. below.

² Where rear yard access is available from a public street or alley, rear yard may be decreased by one-half (1/2) the width of such street or alley, but in no case shall a rear yard be less than ten (10) feet.

³ Where rear access is not available from a public street or alley, a side yard of not less than fifteen (15) feet shall be provided on one (1) side.

⁴ A floor area ratio (FAR) up to 0.50 may be considered for local retail commercial uses allowed within the C-3 district (see "Use Matrix" – Chapter 3, Article IV, Section 3.D.), pursuant to the local retail commercial future land use classification of the Comprehensive Plan.

⁵ Not to exceed four (4) stories.

4. Review and Approval Process.

- a. Single-family and duplex dwellings and accessory uses thereto shall be allowed upon application to and approval by the Building Official for structures that require a building permit pursuant to Chapter 2, Article IV, Section 2.
 - b. Community and common areas, such as recreational areas, landscape buffers and tracts, and project signage may be subject to site plan review.
 - c. Non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.
5. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.
6. Exterior Storage of Merchandise and Equipment. See Chapter 3, Article V, Section 8 for the regulations pertaining to the permanent exterior storage of merchandise and equipment.

D. C-4 General Commercial District.

1. General. The purpose of the C-4 zoning district is to implement the general commercial (GC) future land use map (FLUM) classification of the Comprehensive Plan. The intent of this conventional district is to accommodate service and intensive commercial establishments and limited light industrial uses, and to serve as a transitional area between lighter commercial areas and general industrial uses or operations.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-17). No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used unless the premises and buildings shall comply with the following regulations:

BUILDING/SITE REGULATIONS

C-4 District	
Minimum lot area:	5,000 s.f.
Minimum lot frontage:	50 feet
Minimum lot depth:	100 feet
Minimum yard setbacks:	
Front:	25 feet ^{1,2}
Rear:	20 feet ³
Abutting: Residential district(s)	30 feet
Interior side:	15 feet ^{1,2,3}
Abutting: Residential district(s)	30 feet
Corner side:	15 feet ^{1,2}
Abutting: Residential district(s)	30 feet
Maximum lot coverage:	40%
Maximum Floor Area Ratio (FAR)	0.50 ⁴
Maximum structure height:	45 feet ⁵

¹ Reduced setbacks will be applied to property located within the Urban Commercial District Overlay Zone, Section 8.C. below.

² Pursuant to Section 8.B. below, parcels that have frontage on Martin Luther King Jr. Boulevard and are located within the Martin Luther King Boulevard Overlay Zone shall have front, side interior, and side corner setbacks in accordance with the mixed use-low intensity 1 zoning district (see Section 5.C. below).

³ Where rear property line abuts a public street or alley, rear yard setback may be reduced to ten (10) feet and no side yard shall be required, except on corner lots or where abutting single-family uses.

⁴ A floor area ratio (FAR) up to 0.50 may be considered for general commercial uses allowed within the C-4 district (see "Use Matrix" – Chapter 3, Article IV, Section 3.), pursuant to the general commercial future land use classification of the Comprehensive Plan.

⁵ Not to exceed four (4) stories; however, those parcels located within the Martin Luther King Boulevard Overlay Zone (Section 8.B. below) shall be limited to thirty (30) feet in height.

4. Review and Approval Process. Non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

5. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

6. Exterior Storage of Merchandise and Equipment. See Chapter 3, Article V, Section 8 for the regulations pertaining to the permanent exterior storage of merchandise and equipment.

E. *CBD Central Business District.*

1. General. The purpose of the CBD zoning district is to implement the mixed use (MX) and mixed use core (MX-C) future land use map (FLUM) classification of the Comprehensive Plan. The intent of this conventional district is to provide a highly visible community focal point integrating office, retail, and residential uses concentrated in the historic downtown and marina district. In addition, this district is considered the predecessor to the urban mixed use zoning districts, particularly, the mixed use-high intensity district. The uses allowed in the central business district are intended to serve the entire community, create a high volume of pedestrian activity, provide business, recreation, and residential opportunities, and maximize the potential of the waterfront.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-18). No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used unless the premises and buildings shall comply with the following regulations:

BUILDING/SITE REGULATIONS	
CBD District	
Minimum lot area:	15,000 s.f.
Minimum lot frontage:	75 feet
Minimum lot depth:	100 feet
Minimum yard setbacks:	
Front:	0 feet
Rear:	20 feet ¹
Interior side:	0 feet
Corner side:	8 feet ²
Waterfront yard (from navigable water):	8 feet ³
Minimum living area:	750 s.f.
Maximum lot coverage:	75%
Parking garages:	85%
Maximum Floor Area Ratio (FAR)	N/A
Maximum structure height:	45 feet ⁴

- ¹ Where rear property line abuts a public street or alley, rear yard setback may be reduced to eight (8) feet at first floor level, in which case, no setback shall be required at all other floor levels.
- ² Eight (8) feet is require at first floor level. No setback shall be required at all other floor levels.
- ³ Waterfront setbacks shall be measured from the property where the body of water is under different ownership than the subject property line; however, setbacks are measured from the mean high water line if the body of water is under the same ownership as the subject property.
- ⁴ Forty-five (45) feet, not to exceed four (4) stories. The maximum building height shall be forty-five (45) feet, except for buildings which contain a mix of uses (residential in combination with non-residential uses). In these instances, the maximum building height may be increased to one hundred (100) feet, but contingent upon conditional use approval. Mechanical equipment which exclusively serves the structure shall not be included in the calculations of height.

4. Review and Approval Process. All development and redevelopment shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

5. Parking.

- a. General Requirements. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.
- b. Specific for CBD District. As required by Chapter 4, Article V, Section 3.E. The CBD district contains additional standards relative to location and appearance of off-street parking facilities. Refer to Chapter 4, Article III, Section 3.C. for these additional development standards.

6. Miscellaneous.

- a. Building Location and Massing. See Chapter 4, Article III, Section 3.H. for additional regulations pertaining to mixed use developments.
- b. Shade and Shelter. See Chapter 4, Article III, Section 3.H. for additional regulations pertaining to mixed use developments.

F. PCD Planned Commercial Development District.

1. General.

a. Purpose and Intent. The purpose of the PCD zoning district is to implement the office commercial (OC), local retail commercial (LRC), and general commercial (GC) future land use map (FLUM) classifications of the Comprehensive Plan. The intent of this planned district is to provide a place for commercial developments that will better satisfy current demands for commercially zoned lands by encouraging development which will reflect changes in the concepts and the technology of land development and relate the development of land to the specific site, to conserve natural amenities and to allow for the mitigation of negative impacts which result from land development. In addition, this district is considered the predecessor to the suburban mixed use (SMU) zoning district. With respect to residential uses, the PCD district allows a maximum density of eleven (11) dwelling units per acre; however, all residential developments must adhere to the R-3 district building and site regulation in accordance with Section 2.F. above.

b. Prerequisite Location Standards. The PCD district is optimum when there is an opportunity to promote sustainability with respect to land use, energy conservation, resource management, and social equity. Rezoning to the PCD district is encouraged for proposed development or redevelopment on lands that are in close proximity to existing infrastructure, public and alternative transportation routes and modes, employment centers, community areas, or have sustained or are complicated by environmental contamination.

In reaching recommendations and decision as to zoning land to PCD, the advisory board and City Commission shall apply the following location standards, in addition to the standards applicable to the rezoning of land generally:

- (1) Along major roadways or other transportation facilities as to provide direct access without creating or generating an unacceptable level of traffic along streets in residential areas or districts outside it.
- (2) Extensions of publicly owned and maintained utilities and storm sewers, etc. shall be constructed by the applicant at no expense to the city and said utilities, etc. shall be deeded to the city clear of any encumbrances. Construction standards employed in the installation of publicly maintained utilities and storm sewers shall be those promulgated by the Engineering and Utility Departments as amended periodically. Concerning streets, consistent with the intent of these Regulations, any required roadway improvements shall be constructed at the applicant's expense including the dedication of additional rights-of-way as noted in the traffic and circulation element of the Comprehensive Plan and the replacement of roadway capacity when applicable.
- (3) The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the tract, from probability of flooding, erosion, or other dangers, annoyances, or inconveniences. Condition of the soil, groundwater level, drainage, and topography shall all be appropriate to both kind and pattern of use intended.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-19). In addition to the design and construction criteria established in other chapters or sections of the Boynton Beach Land Development Regulations, the following design criteria shall be applicable to the zoning, design, and construction of planned commercial developments:

BUILDING/SITE REGULATIONS	
PCD District	
Minimum lot area:	3 acres ¹
Minimum lot frontage:	Flexible
Minimum perimeter yard setbacks:	
Front:	40 feet
Rear:	40 feet
Interior side:	30 feet
Corner side:	30 feet
Maximum lot coverage:	40% ²
Maximum Floor Area Ratio (FAR)	

	0.5 ³
Maximum structure height:	45 feet ⁴

¹ Three (3) contiguous acres.

² The total ground floor area of all buildings and accessory structures shall not exceed forty percent (40%) of the plot on which they are constructed.

³ A floor area ratio (FAR) of up to 0.50 may be considered for local retail commercial uses allowed in the PCD zoning district (see "Use Matrix" – Chapter 3, Article IV, Section 3.D.), pursuant to the local retail commercial future land use classification of the Comprehensive Plan.

⁴ No more than four (4) stories.

4. Review and Approval Process.

a. All development and redevelopment within the PCD district shall be governed by a master plan with approval granted by the City Commission in accordance with Chapter 2, Article II, Section 2.D.6.

b. Site plan approval shall be required in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

5. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

6. Modifications. Any modification proposed within the PCD shall be in conformance with Master Plan modifications pursuant to Chapter 2, Article II, Section 2.D.6.

7. Miscellaneous.

a. Perimeter Landscape Buffer. See Chapter 4, Article II, Section 4.C.3.

b. Off-street Loading. See Chapter 4, Article VI, Section 3.D.

c. Platting. All planned commercial developments are subject to and shall be developed consistent with the requirements of Chapter 2, Article III, Section 2 and Chapter 4 of the Boynton Beach Land Development Regulations.

d. Site plan. All plans for lots or parcels proposed to be developed within planned commercial developments are subject to and shall be developed consistent with the requirements of Chapter 2, Article II, Section 2.F., Land Development Regulations.

e. Building Permit. No building permits shall be issued unless and until platting procedures and the requirements outlined in Chapter 2, Article IV, Section 2 of the Land Development Regulations are completed in every respect.

(Ord. 10-025, passed 12-7-10)

Sec. 4. SMU Mixed-Use Suburban District.

A. General.

1. Purpose and Intent. The purpose of the SMU zoning district is to implement the mixed use suburban (MXS), development of regional impact (DRI), and other subsequently established future land use map (FLUM) classification of the Comprehensive Plan. In order to guide the redevelopment and envisioned growth of the suburban area, the SMU zoning district requires a diversity of land uses, accommodating a mixture of residential, office, retail, recreational, and other miscellaneous uses. Ideally, the SMU district is intended to supplant the PCD district for new developments and projects to encourage the inclusion of residential uses and well-planned mixed use projects designed in accordance with smart growth principles and best planning practices. Densities of such developments shall correspond with the respective FLUM classification, but in no case be greater than twenty (20) dwelling units per acre. This mix of uses may be arranged either vertically or horizontally within low-to-mid-rise developments. The review of SMU applications will emphasize aesthetics and design quality, and physical compatibility with adjacent land uses. The specific objectives of the SMU district are as follows:

- Support and enhance development and redevelopment efforts in suburban areas outside of the downtown redevelopment area;
- Create major new mixed use areas in planned locations with appropriate densities, heights, and mixture of uses;
- Create attractive pedestrian environments through appropriate separation from and design of vehicular circulation areas;
- Provide public plazas and gathering places that are both well-designed and integrated into the overall design of the development;
- Allow flexibility in architectural design and building bulk, while maximizing compatibility and harmony with adjoining development;
- Create higher quality environments for residents, businesses, employees, and visitors; and
- Encourage innovative design that achieves vertical and horizontal integration of uses.

2. Prerequisite Location Standards. The SMU district is optimum when there is an opportunity to promote sustainability with respect to land use, energy conservation, resource management, and social equity. Rezoning to the IPUD district is encouraged for proposed development or redevelopment on lands that are in close proximity to existing infrastructure, public and alternative transportation routes and modes, employment centers, community areas, or have sustained or are complicated by environmental contamination.

The SMU district shall only be applicable to lands located west of I-95 on assembled parcels along major arterials outside of the downtown redevelopment district.

B. *Use(s) Allowed.* See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

C. Additional Use Regulations.

1. Mixed Uses. Buildings containing residential and non-residential uses are required within the SMU zoning district and shall be subject to the development standards indicated in Section 4.D. below. With the exception of designated live/work units, no residential uses are allowed on the ground floor of mixed use buildings fronting on arterial streets. The ground floor of mixed use buildings shall be reserved for non-residential uses.

2. Design. Mixed use projects containing residential components shall include appropriate design, materials, and site layout in order to maximize compatibility with

residential uses located on upper floors.

3. Live-Work Units. The city contains special regulations regarding required parking and allowable signage for live/work units (see Chapter 4, Article V, Section 2 and Chapter 4, Article IV, Section 3.C.13., respectively).

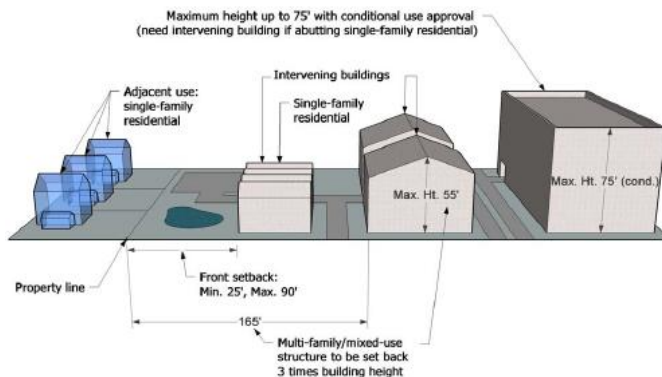
D. *Building and Site Regulations.*

1. Building and Site Regulation (Table 3-20).

SUBURBAN MIXED-USE (SMU) DISTRICT	Types of Uses			
	Residential Single-Family (Attached or Detached)	Multi-Family	Other Uses (includes Mixed-Use)	
<i>Building/Site Regulations</i>				
Density (dwelling units per acre)	20	20	N/A	
Project Area, Minimum:	SMU district - 10 acres ¹			
Lot Area per unit, Minimum (square feet):	Flexible ¹⁴	Flexible ¹⁴	10,000 ²	
Lot Frontage, Minimum (feet):	Flexible ¹⁴	100	100	
Living Area, Minimum A/C (square feet):	1,200 ¹⁵	750 ¹⁵	750 ¹⁵	
Floor Area Ratio (FAR), Maximum:	N/A	N/A	1.0 ⁸	
Structure Height, Minimum (feet):	35 ⁹	35 ⁹	35 ⁹	
Structure Height, Maximum (feet):	35	55 ^{6, 10}	55 ^{6, 10}	
Build-to-line (feet):				
Front:	10 ³	10 ^{4, 5, 6}	10 ^{5, 6, 7}	
Building Setbacks, Minimum (feet):				
Side:	15 corner	10 end	10 ⁶	0 ^{6, 14}
Rear:	Flexible ¹⁴	15 ⁶	Flexible ^{6, 14}	
Usable Open Space, Minimum (square feet):	30% ^{11, 12}	20% ^{11, 13}	20% ^{11, 13}	

1. Minimum project size. A minimum of ten (10) acres shall be required for any project developed under the provisions of the SMU regulations.
 2. Hotels must be part of a mixed use project of at least three (3) acres in size.
 3. Porches may be placed forward of the build-to line and shall maintain a minimum two (2)-foot setback from any public sidewalk. Porches shall be placed outside of clear sight triangle. Minimum setback for a garage facing or accessing the street is twenty (20) feet. Where less than twenty (20) feet, garage access required from side or rear.
 4. Projecting feature(s) such as awnings, balconies, porches and/or stoops may be placed forward of the build-to line and shall maintain a minimum two (2)-foot setback from any public sidewalk.
 5. Front yard build-to line along major arterial roads, a maximum of ninety (90) feet inclusive of a twenty-five (25)-foot landscape buffer.
 6. The height setback envelope in accordance with Section 4.D.3. below shall apply where adjacent to developed single-family residential zoning districts.
 7. One (1) or more projecting feature(s) such as awnings, balconies, colonnades, porches and/or stoops required forward of the build-to line and shall maintain a minimum five (5)-foot clearance from any vehicle use area. Elements projecting over a pedestrian walkway shall allow a minimum nine (9)-foot vertical clearance and five (5)-foot horizontal pedestrian clearance.
 8. Excluding residential uses and parking structures.
 9. Applies to any façade with arterial roadway frontage. Multiple-story buildings are encouraged along arterial roadways. The intent of this provision is to create the appearance, or simulate the intensity of, a minimum two (2)-story building. Conditional use approval required if less than the thirty-five (35) foot minimum.
 10. Building heights between fifty-five (55) feet and seventy-five (75) feet to the peak of the structure or any architectural details may be allowed only for interior buildings (those buildings separated from the property line by another project building or use), if approved as a conditional use. The building/structure height measurement shall be conducted in accordance with Section 4.D.2. below. Exceptions to the maximum height shall not be allowed.
 11. Usable open space shall provide active or passive recreational space and shall not be occupied by water bodies, streets, drives, parking areas, or structures other than recreational structures.
 12. At least fifty percent (50%) of the required usable open space for single-family residential uses shall be contained in one (1) or more common pooled areas and a rectangle inscribed within each common pooled area shall have no dimension less than seventy-five (75) feet.
 13. Up to fifty percent (50%) of the usable open space required for "multi-family" and "other uses" may be hardscaped plazas and public gathering places.
 14. To be determined on a case by case basis, depending on the overall project design.
 15. Accessory apartments must be at least seven hundred fifty (750) square feet in area (air-conditioned space).
2. Building Height Measurement. Building heights shall be measured to the peak of structures, in order to more accurately predict and regulate the overall heights of buildings proposed within the SMU district to ensure compatibility with the adjacent, potentially less intense and dense suburban areas.
3. Height Setback Envelope. Minimum building setbacks shall be based on building heights. The height setback envelope is applicable where the SMU development

is adjacent to a developed single-family residential zoning district. This minimum setback shall be three (3) times the building height for any multi-family or non-residential structure. The setback shall be measured from the common boundary of the SMU and the single-family residential zoning district or the midpoint of any intervening right-of-way.



E. Review and Approval Process.

1. All development and redevelopment within the SMU district shall be governed by a master plan with approval granted by the City Commission in accordance with Chapter 2, Article II, Section 2.D.6.

2. Site plan approval shall be required in accordance with Chapter 2, Article II, Section .F. prior to application for building permit.

F. *Parking.* Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements. See Chapter 4, Article III, Section 6.F.4 for additional community design standards pertaining to off-street parking.

G. *Modifications.* Any modification proposed within the SMU district shall be in conformance with Master Plan modifications pursuant to Chapter 2, Article II, Section .D.6.

H. Miscellaneous.

1. *Common Areas.* Prior to approval of the final plat by the City Commission, the developer shall file association documents or alternative agreements that assign responsibility for and ensure the perpetual operation and maintenance of all common facilities of the development. The common facilities addressed within this agreement shall include but not be limited to the following: private streets, drive aisles, parking areas, plazas, open space, landscaping, and recreation facilities. All documents are subject to the review of the City Attorney.

2. Landscaping.

- a. *Trees.* See Chapter 4, Article II, Section 4.A.3.a.
- b. *Irrigation.* See Chapter 4, Article II, Section 4.A.6.
- c. *Perimeter Buffer.* See Chapter 4, Article II, Section 4.C.3.
3. *Dumpster Location.* See Chapter 4, Article VI, Section 5.A.
4. *Sidewalks.* See Chapter 4, Article VIII, Section 3.D.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-016, passed 10-2-12)

Sec. 5. Mixed-Use (Urban) Districts.

A. General.

1. *Purpose and Intent.* The mixed-use (urban) zoning districts are intended to implement the community redevelopment plans, in part, by providing for a mixture of land uses, accommodating varying densities and intensities appropriate for each planning area, and by establishing quality streetscapes and pedestrian environments as part of a compact urban setting. These districts are also intended to support transit ridership and in particular, the development of transit-oriented developments near planned passenger train stations along the FEC Railroad corridor, such as the designated location along Northeast 4th Street, between Boynton Beach Boulevard and Ocean Avenue. Additional standards and requirements of this section are based on the proximity to the planned train station, and location within the transit core, which is defined as the area extending one-quarter (1/4) mile from the train station (see map # to be determined). To ensure compliance with these Regulations, an application for site plan approval shall be required and reviewed concurrently with any request to rezone lands to a mixed-use (urban) district. Also see Chapter 4, Article III, Section 6.H. for design and compatibility standards, as well as the urban design guidelines for development within the Boynton Beach community redevelopment area (urban design guidelines). The objectives of the mixed-use (urban) districts are as follows:

- a. Support and enhance revitalization efforts in the city's traditional commercial core area through the provision of compact, transit-supportive, high density and intensity development;
- b. Allow for commercial services to be provided to new residential developments in planned locations with appropriate densities, heights, and mixtures of uses;
- c. Create optimal pedestrian environments and spaces through well located public plazas, expanded public sidewalks, maximized internal and external interconnectivity and design of pedestrian-friendly vehicular circulation areas;
- d. Allow flexibility in architectural design and building bulk while maximizing compatibility and harmony with adjoining development;
- e. Create surrounding areas that complement rather than compete with the downtown; and

f. Create higher quality environments for residents, businesses, employees, and visitors as determined by how well the urban centers function seamlessly with respect to interconnectivity between the principal uses, activity centers, and transportation systems, forming a cohesive and desirable sense of place.

2. Description of Districts.

- a. **Mixed Use-Low Intensity 1 (MU-L1).** The MU-L1 district implements the mixed use (MX) future land use map (FLUM) classification of the Comprehensive Plan and has a maximum residential density of twenty (20) dwelling units per acre, and a minimum density of eleven (11) dwelling units per acre if located within the transit core. This minimum density requirement shall be applicable to any such project regardless of whether the site is partially or entirely located within the transit core.
- b. **Mixed Use-Low Intensity 2 (MU-L2).** The MU-L2 district implements the mixed use (MX) future land use map (FLUM) classification of the Comprehensive Plan and has a maximum residential density of thirty (30) dwelling units per acre and a minimum density of twenty (20) dwelling units per acre if located within the transit core. This minimum density requirement shall be applicable to any such project regardless of whether the site is partially or entirely located within the transit core.
- c. **Mixed Use-Low Intensity 3 (MU-L3).** The MU-L3 district implements the mixed use (MX) future land use map (FLUM) classification of the Comprehensive Plan and has a maximum residential density of forty (40) dwelling units per acre and a minimum density of thirty (30) dwelling units per acre if located within the transit core. This minimum density requirement shall be applicable to any such project regardless of whether the site is partially or entirely located within the transit core.
- d. **Mixed Use-High Intensity (MU-H).** The MU-H district implements the mixed use core (MX-C) future land use map (FLUM) classification of the Comprehensive Plan and has a maximum residential density of eighty (80) dwelling units per acre, and a minimum density of forty (40) dwelling units per acre if located within the transit core. This minimum density requirement shall be applicable to any such project regardless of whether the site is partially or entirely located within the transit core. The intent of this district is to supplant the central business district (CBD) in the historic downtown and marina district.

3. Location and General Use Requirements.

a. **General.** The mixed use (urban) districts are intended for projects that promote sustainable design with respect to land use, energy conservation, resource management, and social equity. Rezoning to any of these districts is encouraged for proposed development or redevelopment on lands that are in close proximity to existing infrastructure, public and alternative transportation routes and modes, employment centers, community areas, or have sustained or are complicated by environmental contamination.

The mixed use (urban) zoning districts shall be applied to selected geographic areas east of I-95, where a mixture of uses and building intensities is intended to implement the city's Comprehensive Plan, redevelopment plans, and urban design guidelines including goals involving compact design, transit-oriented development, employment, population, transportation, housing, public facilities, and environmental quality. Permitted uses and associated standards for development vary between the zoning districts each reflecting the importance of the district's location and relationship to the downtown. Maximum heights, densities, and intensities of development are regulated according to the classification of the roadway that abuts the project, and based on proximity to the transit core and existing single-family zoning districts. A master plan as a whole, comprised of individual buildings and parcels, would be reviewed for compliance with the requirements below pertaining to a residential component to the project, and commercial use on the first floor of a project. Projects not meeting the requirement for a residential component shall be reviewed for contribution to employment targets in accordance with FDOT standards for a community center TOD.

b. **All Mixed Use-Low Intensity Districts.** Mixed use-low intensity 1 (MU-L1), mixed use-low intensity 2 (MU-L2), and mixed use-low intensity 3 (MU-L3).

(1) In order to complement the revitalization efforts in the downtown area, the MU-L zoning districts shall be applied to lands consistent with the Comprehensive Plan and respective redevelopment plans. Such areas are generally described as Woolbright Road between I-95 and the FLC Railroad, Boynton Beach Boulevard between I-95 and Northwest 1st Street, Martin Luther King Jr. Boulevard, Southeast 4th Street south to Southeast 5th Avenue, and Ocean Avenue between Southeast 4th Street and Southeast 1st Street. See the respective redevelopment plan for specific recommendations on locations and boundaries.

(2) The MU-L districts are appropriate for low- to mid-rise developments that provide for medium density residential and low to medium intensity commercial and office uses.

(3) The review of these applications will emphasize compactness, aesthetics and design quality, and physical compatibility with adjacent land uses.

(4) Except where limited by Table 3-21 in Chapter 3, Article III, Section 5.C., all new developments within the MU-L1 and MU-L2 districts that contain a non-residential use shall front on streets designated as "arterial", or "collector", roadways on the Functional Classification of Roadways Map. All projects within the MU-L3 district and proposed within the transit core must contain a residential component, and all projects proposed within the mixed use-low intensity districts that front on an arterial road must have space on the first floor devoted to commercial use.

(5) Maximum height may be further limited in certain geographic areas to further applicable redevelopment plans and maintain compatibility with an abutting single-family district.

c. **Mixed Use-High Intensity (MU-H).**

(1) The mixed use-high intensity (MU-H) district shall only be applied to lands classified as mixed use-core (MX-C) on the future land use map.

(2) The MU-H district is appropriate for high density/intensity development intended for the downtown area, which is generally located east of the FEC Railroad, including the marina district, and which extends out from the planned train station by approximately three (3) to four (4) blocks. Such developments shall include a mix of uses designed in a compact vertical style. Developments proposed within the entire station area must contain a residential component and have space on the first floor which shall be devoted to commercial uses for those portions of the project having frontage along Ocean Avenue or an arterial road.

(3) All new developments within this district shall front on streets designated as "arterial" roadways on the Functional Classification of Roadways Map.

d. **Rezoning of Single-family Districts.** All requests to rezone any single-family residential district to a mixed use zoning district shall be subject to the following additional requirements:

- (1) Height, density and intensity of development based on the roadway frontage;
- (2) Ratio of lot frontage to depth that is no more than one (1) foot (frontage) to one and one-quarter (1.25) foot (depth);
- (3) Vehicular access to the property located to minimize impacts on adjacent single-family developments and meet safety standards; and
- (4) Landscape barriers provided, in accordance with the landscape regulations of this Code, where the rezoned property abuts single-family residential zoning.

B. *Use(s) Allowed.* See "Use Matrix, Table 3-28" in Chapter 3, Article IV, Section 3.D.

C. *Building and Site Regulations.*

1. Building and Site Regulation (Table 3-21).

MIXED USE, URBAN	MU-L1			MU-L2			MU-L3			MU-H		
Lot Area, Minimum (acres):												
Public park:	N/A			N/A			N/A			N/A		
All other uses:	0.50			0.75			1			1		
Lot Frontage, Minimum (feet):	100 ¹			100			150 ²			200		
Structure Height, Minimum (feet):	30			30			30			30		
Classification of project frontage on type of roadway:	Maximum Building/Structure Height (HT), Density (DU), and Floor-Area-Ratio (FAR):											
	HT	DU ¹⁴	FAR	HT ⁵	DU ³ , 14	FAR ³	HT ⁵	DU	FAR	HT ⁵ , 6	DU	FAR
Arterial:	45	20	1.0	65/ 100 ³	30/40	2.0/ 2.5	75/ 100 ³	40 ¹⁴	3.0/ 3.5 ³ , 15	150 /125	80 ¹⁴	4.0 ¹⁵
Collector:	45	20	1.0	65	30/40	2.0/ 2.5	n/a	n/a	n/a	n/a	n/a	n/a
Local Street ⁴ :	45	20	1.0	45	30/40	2.0/ 2.5	n/a	n/a	n/a	n/a	n/a	n/a
Build-to-line (feet) ¹¹ :												
Front abutting a public right-of-way	0 ¹⁰			0 ¹⁰			0 ¹⁰			0 ¹⁰		
Rear:	0 ¹⁰			0 ¹⁰			0 ¹⁰			0 ¹⁰		
Interior side:	0 ¹⁰			0 ¹⁰			0 ¹⁰			0 ¹⁰		
Building Setbacks, Minimum (feet) ¹¹ :												
Rear abutting ¹² :												
Residential single- family:	25 ⁷ /0 ⁸			25 ⁷			25 ⁷			25 ⁷		
Intracoastal waterway:	25			25			0 ⁹			0 ⁹		
Side abutting ¹² :												
Residential single- family:	25 ⁷ /0 ⁷ , ⁸			25 ⁷			25 ⁷			25 ⁷		
Usable Open Space, Minimum (square feet):										2% ¹³		

1. May be reduced if frontage extends from right-of-way to right-of-way.
2. Minimum of fifty (50) feet, if frontage is on a collector/local collector roadway.
3. For property abutting the MU-H district located west of US 1, the area of increases in height, density and FAR shall extend a distance of one hundred (100) feet from the MU-H zoning district line and shall require conditional use approval. For properties abutting the MU-H district located east of US 1, the area of increase for height shall extend a distance of one hundred (100) feet from the MU-H zoning district line and shall require conditional use approval; however, no increases in density and FAR are allowed. Must also have principal frontage on arterial roadway.
4. Must also have frontage on local collector or higher roadway classification.
5. Maximum height on any street frontage is forty-five (45) feet. Maximum height on Intracoastal Waterway is thirty-five (35) feet. Heights may require reduction where adjacent to a single-family zoning district where necessary to achieve the compatibility requirements of these Regulations.
6. Maximum height reduced to one hundred twenty-five (125) feet for the entire project where property abuts any MU-L or residential zoning district not separated by a right-of-way.
7. Plus one (1) additional foot for each foot of height over thirty-five (35) feet.
8. Where there is an intervening right-of-way of at least forty (40) feet.
9. Subject to permitting agency approval.
10. Buildings and structures shall be located no farther than zero (0) feet from the property line, excluding those instances where strict adherence hereto would cause visual obstructions to vehicular traffic, particularly within the triangular-shaped area of property formed by the intersection of two (2) rights-of-way. See Section 5.C.2. below for additional relief provisions from build-to line requirements.

11. Listed eligible historic structures are not required to meet these standards.
12. The ultimate setback is also a factor of height and application of the Sky Exposure Plane in accordance with Section 5.C.3. below.
13. Usable open space shall be required for all developments two (2) acres in size or larger. A minimum of two percent (2%) of the site shall be devoted to usable open space, consisting of plazas or public open space, excluding private recreation. See Chapter 4, Article III, Section 8 for additional regulations.
14. Projects within the transit core shall have minimum densities as follows: MU-1 - eleven (11), MU-2 - twenty (20), MU-3 - thirty (30) and MU-H - forty (40) dwellings per acre (except that minimum density for the MU-H district applies to projects located within the entire station area).
15. Projects within the transit core shall have a minimum FAR as follows: MU-L3 - one and three-quarters (1.75) and MU-H - two (2.0) (except that minimum FAR for the MU-H district applies to projects to be located within the entire station area).

2. Minor and Major Variations to Build-to Line Requirements. Notwithstanding the required build-to line requirement of Note #10 above, portions of buildings and structures may be constructed in excess of the distance specified in the above table, but not to exceed fifteen (15) feet in order to 1) optimize landscape design; 2) maximize on-site drainage solutions; 3) accommodate architectural features and building enhancements; or 4) to otherwise enhance public spaces such as sidewalks, plazas, fountains, or outdoor seating areas in order to farther the purpose and intent of the Overlay Zone. Major deviations from the build-to line requirement above (in excess of fifteen (15) feet) may be allowed, but only with sufficient justification and contingent upon the approval of a Community Design Appeal application (see Chapter 2, Article II, Section 4.B.).

3. Additional Standards. See Chapter 4, Article III, Section 6.H. for additional standards related to urban design and building location for properties located in within the transit core of a station area.

D. *Review and Approval Process.*

1. All development and redevelopment within the urban mixed use districts shall be governed by a master plan with approval granted by the City Commission in accordance with Chapter 2, Article II, Section 2.D.6.

2. Site plan approval shall be required in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

E. *Parking.*

1. General Requirements. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

2. Reduced Parking Requirements in MU-H District. See reduced parking requirements for specific uses within the MU-H district in accordance with Chapter 4, Article V, Section 2.B.

3. Off-Street Parking Facilities. The mixed use (urban) districts contain additional standards relative to location and appearance of off-street parking facilities. Refer to Chapter 4, Article III, Section 6.F. for these additional development standards.

F. *Miscellaneous.*

1. Access. See Chapter 4, Article VI, Section 3.C.8.

2. Building Location. See Chapter 4, Article III, Section 6.

3. Location of Dumpsters and Trash Receptacles. See Chapter 4, Article VI, Section 4.C.

4. Shade and Shelter. See Chapter 4, Article III, Section 6.

5. Sidewalks in MU-H District. See Chapter 4, Article III, Section 6 for community design standards related to sidewalks.

6. Landscape and Streetscape Design. See Chapter 4, Article II, Section 4.B.5.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-016, passed 10-2-12; Am. Ord. 13-013, passed 6-4-13; Am. Ord. 14-009, passed 7-1-14)

Sec. 6. Industrial Districts.

A. *M-1 Industrial District.*

1. General. The purpose of the M-1 zoning district is to implement the industrial (I) future land use map (FLUM) classification of the Comprehensive Plan. The intent of this conventional district is to allow industrial uses that provide opportunities for the retention and expansion of economic activities associated with manufacturing, processing, or assembly plants, including their support enterprises for warehouse, storage, distribution, research, and development.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-22).

BUILDING/SITE REGULATIONS	
M-1 District	
Minimum lot area:	10,000 s.f. ¹
Minimum lot frontage:	0 feet
Minimum yard setbacks:	
Front:	15 feet
Rear:	20 feet ²
Abutting: Residential district(s)	30 feet
Interior side:	15 feet ³
Abutting: Residential district(s)	30 feet
Corner side:	15 feet
Maximum lot coverage:	60%

Maximum Floor Area Ratio (FAR)	0.50 ⁴
Maximum structure height:	45 feet ⁵

¹ A property that does not meet this minimum size shall be considered conforming only if it contains a whole platted lot and was not in combination with other lots under the same ownership at the time of the effective date of this ordinance (October 2, 2012), in which the cumulative size would have met the minimum required by code. Any such undersized lots that are further subdivided and reduced in size shall be considered non-conforming pursuant to Chapter 3, Article V, Section 11.

² Where rear yard abuts a railroad right-of-way or any paved alley, the rear yard may be reduced to ten (10) feet.

³ Where rear yard abuts a paved alley or street, then no side setback shall be required.

⁴ A floor area ratio (FAR) up to 0.50 may be considered for industrial uses allowed within the M-1 district (see "Use Matrix" – Chapter 3, Article IV, Section 3.D.), pursuant to the industrial future land use classification of the Comprehensive Plan.

⁵ Not to exceed four (4) stories.

4. Review and Approval Process. Non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

5. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

6. Exterior Storage of Merchandise and Equipment. See Chapter 3, Article V, Section 8 for the regulations pertaining to the permanent exterior storage of merchandise and equipment.

B. PID Planned Industrial Development District.

1. General.

a. Purpose and Intent. The purpose of the M-1 zoning district is to implement the industrial (I) and development of regional impact (DRI) future land use map (FLUM) classifications of the Comprehensive Plan. The intent of this planned district is to:

(1) Provide for current demands for light industrial and other compatible uses in a planned setting. This district is intended for development that reflects changes in technology and is capable of being designed sensitive to the environment;

(2) Create a desirable environment for employees, customers and others traversing the PID as well as with respect to current and future adjacent residential development; require economies of scale in providing public services; require placement within close proximity to other employment centers; and provide internal and external connectivity through optimal design and access to available modes of transportation.

b. Prerequisite Location Standards. The PID district is optimum when there is an opportunity to promote sustainability with respect to land use, energy conservation, resource management, and social equity. Rezoning to the PID district is encouraged for proposed development or redevelopment on lands that are in close proximity to existing infrastructure, public and alternative transportation routes and modes, employment centers, community areas, or have sustained or are complicated by environmental contamination.

In reaching recommendations and decisions as to zoning land to PID, the advisory board and City Commission shall apply the following location standards, in addition to the standards applicable to the rezoning of land generally:

(1) Relation to major transportation facilities. A PID shall be so located with respect to major roadways or other transportation facilities as to provide direct access to it without creating or generating traffic along streets in residential areas or districts outside it.

(2) Extensions of city-maintained waterlines, sewer lines, pumping stations, streets and storm sewers, etc., shall be constructed at no expense to the city and all such construction shall be in accordance with city ordinances and specifications.

(3) The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the tract, from probability of flooding, erosion, or other dangers, annoyances, or inconveniences. Condition of the soil, groundwater level, drainage and topography shall all be appropriate to both kind and pattern of use intended.

2. Use(s) Allowed and Use Approval. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-23).

BUILDING/SITE REGULATIONS	
PID District	
Minimum project area:	25 acres ¹
Minimum lot frontage:	Flexible
Minimum yard setbacks:	
Front:	30 feet
Rear:	30 feet
Interior side:	20 feet
Corner side:	30 feet
Maximum lot coverage:	60% ²
Building Separation:	25 feet
Maximum Floor Area Ratio (FAR)	0.5 ³
Maximum structure height:	45 feet ⁴

¹ Twenty-five (25) contiguous acres.

² The gross floor area of the building and accessory structures shall not exceed sixty percent (60%) of the lot on which it is constructed.

³ A floor area ratio (FAR) of up to 0.50 may be considered for industrial land uses allowed in the PID zoning district (see "Use Matrix" – Chapter 3, Article IV, Section 3.D.), pursuant to the industrial future land use classification of the Comprehensive Plan.

⁴ No more than four (4) stories, with the exception of buildings in mixed use pod of the PID pursuant to Section 6.B.8. below.

4. Review and Approval Process.

a. All development and redevelopment within the PID district shall be governed by a master plan with approval granted by the City Commission in accordance with Chapter 2, Article II, Section 2.D.6.

b. Site plan approval shall be required in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

5. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

6. Modifications. Any modification proposed within the PID shall be in conformance with Master Plan modifications pursuant to Chapter 2, Article II, Section 2.D.6.

7. Miscellaneous.

a. Perimeter Landscape (Greenbelt) Buffer. See Chapter 4, Article II, Section 4.C.3.

b. Off-street Loading. See Chapter 4, Article VI, Section 3.B.

c. Building Permit. No building permits shall be issued unless and until platting procedures and the requirements outlined in Chapter 2, Article III, Section 2 of the Land Development Regulations are completed in every respect.

d. Exterior Storage of Merchandise and Equipment. See Chapter 3, Article V, Section 8 for the regulations pertaining to the permanent exterior storage of merchandise and equipment.

8. Mixed Use Pods.

a. Intent. The purpose of these provisions is to establish small mixed use nodes containing a combination of residential, commercial and office uses in close proximity to employment centers and available modes of transportation, while also meeting the intent of the PID district described above. The mixed use pod is intended for a master planned setting that provides optimal internal and external connectivity for residents, employees, and other visitors, and generally follows the livability and connectivity standards promoted in the smart growth initiative. For the purpose of this subsection, a mixed use pod is defined as a development project located within a previously approved PID. The following criteria shall apply to mixed use pods proposed for development within an approved PID.

b. Establishment of a Mixed Use Pod. To ensure attainment of these design objectives, as well as to accommodate adequate buffering to ensure compatibility among varying uses, a PID district eligible for a mixed use pod must contain a minimum of five hundred (500) consolidated acres. The establishment of a mixed use pod shall also conform to the requirements of this section, and be in accordance with the process requirements of Master Site Plan within a mixed use pod (Chapter 2, Article II, Section 3.A.).

c. Density. The PID district corresponds with the industrial (I) and development of regional impact (DRI) FLUM classifications; however, residential uses are only allowed within a mixed use pod of a PID that has a DRI FLUM classification. Maximum residential densities shall be in accordance with the thresholds established for the respective DRI.

d. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

e. Building and Site Regulations.

(1) The maximum building height within a mixed use pod shall not be greater than seventy-five (75) feet. Any building exceeding forty-five (45) feet in height shall be processed as a conditional use.

(2) Building height measurement. Building height shall be measured from the lowest finish floor slab elevation of the proposed building to the peak of the structure, including any architectural details, stairwells, elevator shafts, etc.

(3) Height setback envelope. Minimum building setbacks shall be based on building heights for buildings greater than forty-five (45) feet in height. The height setback envelope is applicable where the mixed use development is adjacent to an existing developed single-family residential zoning district outside the PID. This minimum setback shall be three (3) times the building height for any multi-family or non-residential structure. The setback shall be measured from the common boundary of the PID and the existing single-family residential zoning district of the midpoint of any intervening right-of-way.

f. Parking. As required by Chapter 4, Article V.

g. Modifications.

(1) Any modification proposed to a Master Site Plan for a mixed use pod within a PID shall be in conformance Chapter 2, Article II, Section 3.A.6.

(2) Any modification proposed to a technical site plan within a master site plan of a mixed use pod within a PID shall be in conformance with Chapter 2, Article II, Section 4.H.

h. Miscellaneous. Any request to waive a standard zoning regulation within the mixed use pod shall be in accordance with Chapter 2, Article II, Section 3.D.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-010, passed 6-19-12; Am. Ord. 12-016, passed 10-2-12)

Sec. 7. Miscellaneous Districts.

A. REC Recreation District.

1. General. The purpose of the REC zoning district is to implement the recreation (R) future land use map (FLUM) classification of the Comprehensive Plan. It is the intent of this conventional district to accommodate and preserve recreational areas for current and future uses consistent with the Comprehensive Plan. This district shall

apply to those existing and proposed recreational areas not located in planned unit developments. Included in these areas are both public and privately-owned recreational tracts and the Intracoastal Waterway (ICWW).

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-24). No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used unless the premises and buildings shall comply with the following regulations:

BUILDING/SITE REGULATIONS REC District	
Minimum lot area:	1 acre
Minimum lot frontage:	100 feet
Minimum yard setbacks:	
Front:	25 feet
Rear:	25 feet
Interior side:	25 feet
Corner side:	25 feet
Maximum lot coverage:	50%
Maximum structure height:	45 feet ¹

¹ Not to exceed four (4) stories.

4. Review and Approval Process. Non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

5. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

B. PU Public Usage District.

1. General. The purpose of the PU zoning district is to implement the public and private governmental/institutional (PPGI) future land use map (FLUM) classification of the Comprehensive Plan. This district shall apply to those areas within the city whose ownership and/or operation is public, or whose use is primarily public or institutionally-oriented, exclusive of those areas whose use is primarily recreational.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D.

3. Building and Site Regulations (Table 3-25). No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used unless the premises and building comply with the following regulations:

BUILDING/SITE REGULATIONS PU District	
Minimum lot area:	8,000 s.f.
Minimum lot frontage:	75 feet
Minimum yard setbacks:	
Front:	25 feet ¹
Rear:	25 feet ¹
Abutting: Residential district(s)	30 feet
Interior side:	15 feet ¹
Abutting: Residential district(s)	30 feet
Corner side:	15 feet
Maximum lot coverage:	50%
Maximum structure height:	45 feet ²
Hospitals only:	60 feet ²

¹ For hospital buildings, additional setback in excess of thirty (30) feet shall be required for any height over forty-five (45) feet. The additional setback shall be measured by calculating three (3) additional feet of setback for each foot in height above forty-five (45) feet, not including minimal roof top equipment that are eligible for height exception in accordance with Chapter 2, Article II, Section 4.C

² Not to exceed four (4) stories.

4. Review and Approval Process. Non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

5. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

(Ord. 10-025, passed 12-7-10)

Sec. 8. Overlay Zones.

A. *Urban Central Business District Overlay Zone.* In compliance with Florida Administrative Code, the city has established a single urban core area to attract high intensity, high density, multi-use development in the downtown through the redesignation of the central business district to an urban central business district, which will permit additional development density opportunities suitable to attract mixed use business, while ensuring the scale, design, function and character of any new development is compatible with, and complements, the city's redevelopment plans. The land that shall comprise the Urban Central Business District Overlay Zone is bordered on the east by the Intracoastal Waterway (ICWW), excluding all lands designated with a conservation overlay on the city's future land use map, and city lands utilized for stormwater retention; on the west by the Florida East Coast Railroad right-of-way, on the north by northeast 6th Avenue, and on the south by S.E. 2nd Avenue and consists of approximately eighty-three (83) acres. These boundaries shall be utilized for increased development-of-regional-impact guidelines and standards, consistent with the criteria of this section. The area is further delineated in map format on Ordinance No. 03-054, Exhibit "A."

The Urban Central Business District Overlay Zone is consistent with the City of Boynton Beach Comprehensive Plan and future land use map intensities.

The Urban Central Business District Overlay Zone is wholly within the jurisdictional boundaries of the City of Boynton Beach.

The future land use classification and zoning district allow for high intensity multi-use development within the proposed overlay zone. The uses and intensity are regulated by the respective future land use classification and zoning district.

Within the Urban Central Business District Overlay Zone, the DRI guidelines and standards set forth in Florida Administrative Code Rule 28-24.014(10), as they may be amended from time to time shall apply to the development approved by the city.

B. *Martin Luther King Jr. Boulevard Overlay Zone.*

1. *Intent.* This overlay zone has been established to implement recommendations from the Vision 20/20 Redevelopment Plan, which identified a segment of the Martin Luther King Jr. Boulevard as an opportunity for redevelopment and revitalization. The ultimate design and site standards of this section are intended to create a traditional street corridor with pedestrian improvements, storefronts along the sidewalk, and a mixture of uses. The corridor is to contain an ambience supported by pleasant signage and building appearance, potted landscaping, store windows and public open spaces. This overlay zone is also appropriate for development of small properties to allow for consistency with the vision represented by the respective mixed use zoning district, and/or as an interim redevelopment mechanism until greater redevelopment occurs using the respective mixed use zoning district. All development within the Martin Luther King Jr. Boulevard corridor shall occur according to the provisions of the adopted plan as stated below.

2. *Defined.* The Martin Luther King Jr. Boulevard Overlay Zone (MLKBOZ) is hereby established as the area defined by the parcels fronting on that portion of the Boulevard located east of Seacrest Boulevard and west of Federal Highway right-of-way, along with those parcels adjacent to the north and south of these parcels that front on the Boulevard if assembled and development as a unified project.

3. *Use(s) Allowed.* (See "Use Matrix" - Chapter 3, Article IV, Section 3.D.).

4. *Building and Site Regulations.* Development within this Overlay Zone shall be in accordance with building and site regulations applicable to the underlying zoning district except as follows:

a. Parcels that have frontage along Martin Luther King Jr. Boulevard shall have the same front setback in accordance with the mixed use-low intensity 1 zoning district (see Section 5.C. above).

b. Minimum interior and corner side setbacks shall be in accordance with the mixed use-low intensity 1 zoning district (see Section 5.C. above).

c. Maximum building height shall be thirty (30) feet.

5. *Parking.* As required by Chapter 4, Article V, Section 3.D.

6. *Landscape and Streetscape Design.* See Chapter 4, Article II, Section 4.B.5.

C. *Urban Commercial District Overlay Zone.*

1. *Intent.* The purpose of this zone is to encourage the development and redevelopment of commercially-zoned parcels in a manner consistent with the pattern of development of parcels with mixed use zoning classifications.

2. *Objectives.* The objectives of this overlay zone are as follows:

a. Support and enhance revitalization efforts along the city's commercial corridors within the redevelopment areas.

b. Improve aesthetic and pedestrian streetscape environments by preventing the placement of off-street parking between the front of the building(s) and the rights-of-way.

c. Allow flexibility in architectural design and building bulk; while maximizing compatibility and harmony with adjoining development within the defined area.

3. *Defined.* The Urban Commercial District Overlay Zone (UCDOZ) is established in the city redevelopment plans as the geographical area defined by the following boundaries:

a. *Federal Highway Corridor Community Redevelopment Plan.* The boundary is the city limits to the north, the Intracoastal Waterway to the east, the city boundary to the south, and the Florida East Coast Railroad (F.E.C.) and Palm Boulevard (Northeast 4th Street) to the west. The legal description is more particularly described in Exhibit 1.1, Appendix of the Federal Highway Corridor Community Redevelopment Plan.

b. *The Ocean District Community Redevelopment Plan.* The boundary is Northeast 3rd Avenue to the north, Seacrest Boulevard to the west, F.E.C. Railroad to the east, and Southeast 2nd Avenue to the south.

c. *Boynton Beach Boulevard Corridor.* The boundary is the commercially-zoned parcels located along west Boynton Beach Boulevard, east of Interstate 95, and west of Seacrest Boulevard.

4. *Conflict.* In the event of any conflict between the provisions of the Urban Commercial District Overlay Zone (UCDOZ) and any other sections of the Land Development Regulations, the provisions of this section shall prevail. These provisions shall not be construed to supersede any federal, state, or county laws; and/or any rezoning of lands to a mixed use zoning district.

5. *Building and Site Regulations (Table 3-26).* Development within this Overlay Zone shall be in accordance with building and site regulations applicable to the underlying zoning district except as follows:

BUILDING SITE REGULATIONS Urban Commercial District Overlay Zone	
Build-to-line:	
Front (abutting any public right-of-way):	0 ft. ¹
Rear:	0 ft. ¹
Interior side:	0 ft. ¹
Minimum yard setbacks:	
Rear (abutting residential district):	30 feet
Interior side (abutting residential district):	15 feet
Maximum structure height:	Zoning ²

¹ Buildings and structures shall be located no farther than zero (0) feet from the property line, excluding those instances where strict adherence hereto would cause visual obstructions to vehicular traffic, particularly within the triangular-shaped area of property formed by the intersection of two (2) rights-of-way. Notwithstanding the required build-to line requirement, portions of buildings and structures may be constructed in excess of the distance specified above, but not to exceed 15 feet when necessary to 1) optimize landscape design; 2) maximize on-site drainage solutions; 3) accommodate architectural features and building enhancements; and/or 4) to otherwise enhance public spaces such as sidewalks, plazas, fountains, or outdoor seating areas in order to further the purpose and intent of the Overlay Zone. Major deviations from the build-to line requirement above (in excess of 15 feet) may be allowed, but only with sufficient justification and contingent upon the approval of a Community Design Appeal application (see Chapter 2, Article II, Section 4.B).

² Shall be defined by the applicable zoning district.

6. Parking. As required by Chapter 4, Article V.

7. Miscellaneous.

- a. Landscape and Streetscape Design. See Chapter 4, Article II, Section 4.B.5.
- b. Building Location. See Chapter 4, Article III, Section 6.
- c. Shade and Shelter. See Chapter 4, Article III, Section 6.

D. *Ocean Avenue Overlay Zone (OAOZ).*

1. Purpose and Intent. The Ocean Avenue Overlay Zone (OAOZ) is comprised of multiple properties containing varying future land use map (FLUM) classifications and zoning districts. As such, the densities of developments shall correspond with the respective FLUM classifications. For new developments however, the maximum allowable density shall be eleven (11) dwelling units per acre for projects on properties with single lot depth. Up to twenty (20) dwelling units per acre may be allowed for when reclassifying lots with double depth to mixed use (MX), and where such project creates a through lot between two (2) or more streets. The purpose and intent of the OAOZ are as follows:

- a. Provide for a mix of selected commercial, residential, office, and entertainment activities, with an emphasis on arts and cultural ventures that will encourage the adaptive re-use of existing buildings, restoration of historic structures, and maintain and further enhance the pedestrian and historic scale of the area;
- b. Encourage the location of specialty retail, artist related uses and entertainment establishments in concentrations that will enable and encourage pedestrian movements between businesses, and between the marina / waterfront attractions to the east and the cultural / civic activities to the west;
- c. Initiate implementation of various recommendations contained within approved redevelopment plans;
- d. Stimulate greater awareness and pride in the City's architectural, historical, and cultural heritage; and
- e. Improve overall livability of the general area and stabilize and improve property values.

2. Defined. The Ocean Avenue Overlay Zone (OAOZ) shall be bounded on the east by the Florida East Coast Railroad (F.E.C.), on the west by Seacrest Boulevard, on the south by Southeast 1st Avenue, and on the north by Northeast 1st Avenue, except between Northeast 1st Street and Northeast 3rd Street, the north boundary shall be the alley between Northeast 1st Avenue and Boynton Beach Boulevard.

3. Conflict. In the event of any conflict between the provisions of the Ocean Avenue Overlay Zone and any other sections of the Land Development Regulations, the provisions of this section shall prevail. These provisions shall not be construed to supersede any federal, state, or county laws; and/or any rezoning of lands to a mixed-use zoning district.

4. Uses Allowed. See "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D. Additionally, no existing use shall be deemed non-conforming.

5. Building and Site Regulations (Table 3-27). Development within this Overlay Zone, including proposed expansions and additions to existing structures shall be in accordance with the building and site regulations as follows:

BUILDING/SITE REGULATIONS Ocean Avenue Overlay Zone ¹ (Single Lot Depth)	
Minimum lot area:	5,000 s.f.
Minimum lot frontage:	50 feet
Build-to line:	
Front:	5 ft – 15 ft ²

Corner side:	5 ft – 15 ft ²
Minimum yard setbacks:	
Rear:	10 feet
Abutting: Residential district:	20 feet ³
Interior side:	7.5 feet ⁴
Abutting: Historic structures:	10 feet
Maximum lot coverage:	65%
Maximum structure height:	35 feet ⁵
(Double Lot Depth)	
All new developments with double lot depth shall be constructed in accordance with the mixed-use low intensity (MU-L1) zoning district building and site regulation Table 3-21 in Section 5.C. above, except as contained herein. See "Single-Lot Depth" above for all proposed expansions or additions to existing structures.	
Maximum structure height:	35 feet ⁵

¹ No existing building or structure shall be deemed non-conforming with respect to setbacks, lot coverage, or building height.

² A paver plaza or "streetscape" design shall be required within the reduced building setback area where buildings are constructed in excess of five (5) feet from the property line.

³ Excluding property boundaries that abut rights-of-way. In these instances, the required setback shall be 10 feet.

⁴ The minimum side interior setback shall be five (5) feet for lots with 50 feet of frontage (but less than 75 feet).

⁵ Not to exceed three (3) stories.

6. Accessory Structures.

a. Fences along the front of the property are discouraged. Any fence that is proposed however, shall be decorative in nature, opaque, and not exceed three (3) feet in height. Walls, chain link, board on board, shadowbox, and similar types of fences are expressly prohibited.

b. All parking, mechanical equipment, trash containers, and miscellaneous equipment shall be landscaped to be screened from view.

7. Parking.

a. Minimum Number of Required Spaces. The minimum number of required off-street parking spaces shall be calculated in accordance with Chapter 4, Article V, Section 2 above; however, the total number of required spaces may be reduced by up to fifty percent (50%) for all new developments, excluding multi-family residential projects. When two (2) or more adjacent property owners combine their off-street parking in accordance with the code and construct a shared parking facility with common access drives, the total number of required off-street parking spaces may be reduced by an additional ten percent (10%).

b. Allowable Location of Off-Street Spaces.

(1) The intent of the OAOZ is to screen off-street parking areas from abutting rights-of-way and locate buildings along front and side corner property lines. It is therefore, a requirement to locate off-street parking areas within rear and side interior yards for all new projects and those in which parking areas would be altered to accommodate a proposed building renovation or expansion. Only existing parking areas for existing developments may remain if the spaces are unaltered as part of any building renovation or expansion. In these instances, the existing off-street parking area shall be substantially screened from off-premises by a hedge, decorative fencing, or a combination thereof, provided that such hedge and/or fencing would be compliant with the intent of the OAOZ, and to the standards of the urban landscape code to the maximum extent possible. Any deviation from the above standards would require the approval of a waiver in accordance with Chapter 2, Article II, Section 4.E.

(2) If one hundred percent (100%) of the required off-street parking spaces cannot be provided on-site, they may be provided at an off-site location provided the following conditions are met: 1) the proposed location is not farther than five hundred (500) feet from the subject property as measured by a straight line from a point on the boundary of the property to the closest boundary line of the property to be leased; and 2) the off-site location is owned or leased by the owner or operator of the subject business or property owner. Any lease agreement must be approved by the City Commission. The parent business property shall be posted with signage indicating the location of the off-site parking spaces. All spaces provided by the property/business owner on and off-site shall be maintained as unreserved, unrestricted parking available to the public, except designated handicap spaces required by law.

c. Exceptions to Providing Required Parking. See Chapter 4, Article V, Section 4.A. for additional provisions regarding exceptions to providing required off-street parking.

8. Landscape and Streetscape Design. See Chapter 4, Article II, Section 4.B.5. for additional regulations regarding required landscaping and streetscape design.

9. Building Design.

a. New Buildings. All new buildings used for non-residential purposes shall be designed to be residential in character. The building design is encouraged to utilize sloped roofs, gables, porches, residential style windows and other elements normally associated with the typical frame vernacular buildings found in the City and throughout South Florida, and those of historic structures anticipated to be relocated to the area. New structures shall be constructed with the building entry oriented towards the street and shall be sensitive to the scale, massing and design envisioned in the Downtown Master Plan.

b. Additions to Existing Buildings and Structures. All building additions shall be sensitive to the original building design relative to the architectural style, building materials/components and treatments, and proportions. Original materials and details, as well as distinctive form and scale features, which contribute to the character of the building and/or surroundings, shall be preserved to the maximum extent feasible. Rehabilitation work shall not destroy the distinguishing quality or character of the property or its environment.

For historic structures, any new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the structure. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic structure and its environment would be unimpaired.

10. Signage and Exterior Lighting Standards.

- a. Signs allowed within the Ocean Avenue Overlay Zone shall be externally illuminated only, and consist of the prototypical monument sign designed for the area, wall mounted, and/or a projecting sign.
- b. The size of wall mounted signs shall be calculated at one-half (0.5) square foot of sign area per one (1) lineal foot of building frontage measured along the main building entrance.
- c. Projecting signs and mounting brackets shall be decorative in nature, and the sign face shall not exceed six (6) square feet in size.
- d. General lighting of the site shall harmonize with and blend into residential/mixed use environment. Ground lighting and up lighting of the building and landscaping is encouraged. However, when the use of pole lighting is necessary, the fixture height shall not exceed fifteen (15) feet, be decorative in nature and compatible with the color and architecture of the building.

(Ord. 10-025, passed 12-7-10; Am. Ord. 11-002, passed 3-1-11; Am. Ord. 12-016, passed 10-2-12)

Sec. 9. Penalties.

The city or any other legal authority shall enforce any violation of this article pursuant to the penalty provisions contained in Chapter 1, Article I, Section 7 of these Land Development Regulations.

(Ord. 10-025, passed 12-7-10)

ARTICLE IV. USE REGULATIONS

Sec. 1. Operational Performance Standards.

All existing and subsequently considered uses located within the city shall conform to the operational performance standards set forth below, and shall be constructed, maintained and operated so as not to be a nuisance or hazard to persons, animals, vegetation or property located on adjacent or nearby properties or rights-of-way; or to interfere with the reasonable use or enjoyment of adjacent or nearby property by reason of noise, vibration, smoke, dust or other particulate matter; toxic or noxious matter; odors, glare, heat or humidity; radiation, electromagnetic interference, fire or explosion hazard, liquid waste discharge, or solid waste accumulation. Furthermore, no use shall be carried out so as to create any nuisance or hazard which is a violation of any applicable federal, state, county, or city law or permit, and all such laws and permits are hereby adopted as performance standards in these zoning regulations.

A. *Noise.* No use shall be carried out in any zoning district so as to create sound which is in violation of City Code of Ordinances Part II, Section 15-8. Any use wherein floorshows or other forms of entertainment consisting of one (1) or more persons, amplified or non-amplified sound, are provided indoors or outdoors, including but not limited to entertainment provided by a disc jockey (DJ), master of ceremonies (MC), karaoke, or the like shall be subject to the Live Entertainment Permit requirement of Part II (City Code of Ordinances), Chapter 13, Article IV, Section 13-80.

B. *Vibrations.* No use shall be carried out in any zoning district so as to create inherently and recurrently generated ground vibrations which are perceptible without instruments at any point at or beyond the property lines of the property on which the use is located.

C. *Particulate Matter.* No use shall be carried out within any zoning district so as to allow the emission of smoke, dust, dirt or other particular matter which may cause damage to property or vegetation, discomfort or harm to persons or animals, or prevent the reasonable use and enjoyment of property and rights-of-way, at or beyond the property lines of the property on which the use is located. Furthermore, no use shall be carried out so as to allow the emission of any substances in violation of any federal, state, county or city laws or permits governing the emission of such substances.

D. *Odor.* No use shall be carried out in any industrial district so as to allow the emission of objectionable or offensive odors or fumes in such concentration as to be readily perceptible at any point at or beyond the boundary of industrial districts. For all non-industrial districts, the standards contained in this paragraph shall apply where the district abuts any residential district.

E. *Toxic Matter.* No use shall be carried out in any zoning district so as to allow the discharge of any toxic or noxious matter in such concentrations as to cause damage to property or vegetation, discomfort or harm to persons or animals, or prevent the reasonable use and enjoyment of property or rights-of-way, at or beyond the property line of the property on which the use is located; or to contaminate any public waters or any groundwater.

F. *Fire and Explosions.* No use shall be carried out in any zoning district so as to create a fire or explosion hazard to adjacent or nearby property or rights-of-way, or any persons or property thereon. Furthermore, the storage, use, or production of flammable or explosive materials shall be in conformance with the provisions of City Code of Ordinances Part II, Chapter 9.

G. *Heat, Humidity, and Glare.* No use shall be carried out in any zoning district so as to produce heat, humidity or glare which is readily perceptible at any point at or beyond the property line of the property on which the use is located. Artificial lighting which is used to illuminate any property or use shall be directed away from any residential use which is a conforming use according to these zoning regulations, so as not to create a nuisance to such residential uses.

H. *Waste.*

1. *Liquid Waste.* No use shall be carried out in any zoning district so as to dispose of liquid waste of any type, quantity, or manner which is not in conformance with the provisions of City Code of Ordinances Part II, Chapter 26, or any applicable federal, state, or county laws or permits.

2. *Solid Waste.* No use shall be carried out in any zoning district so as to allow the accumulation or disposal of solid waste which is not in conformance with City Code of Ordinances Part II, Chapter 10, or which would cause solid waste to be transferred in any manner to adjacent or nearby property or rights-of-way.

I. *Electromagnetic Interference.* No use shall be carried out in any zoning district so as to create electromagnetic radiation which causes abnormal degradation of performance of any electromagnetic receptor of quality and proper design as defined by the principles and standards adopted by the Institute of Electrical and Electronics Engineers, or the Electronic Industries Association. Furthermore, no use shall be carried out in any zoning district so as to cause electromagnetic radiation which does not comply with the Federal Communications Commission regulations, or which causes objectionable electromagnetic interference with normal radio or television reception in any zoning district.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-016, passed 10-2-12)

Sec. 2. Hazardous/Toxic Waste and Substances.

A. *Fire Department Hazardous Material Disclosure Form.* Prior to the issuance or renewal of a business tax receipt in the city, the operator of any use that uses,

handles, stores, displays, or generates hazardous materials, hazardous waste, or a toxic substance, as the same are defined in 40 Code of Federal Regulations, Part 261 or the Florida Substance List as set forth in Rule 4A-62.004, Florida Administrative Code, and requires a permit for same from a state or federal agency, or requires periodic reporting to a state or federal agency, shall be required to file a Fire Department Hazardous Material Disclosure Form in accordance with City Code of Ordinances Part II, Chapter 9, Article VIII, Section 9-122.

B. *Spill Containment System.* The operator of any such use shall be required to design and construct, prior to occupancy, an appropriate separate spill containment system to hold spilled hazardous materials for cleanup, independent from the storm water drainage system, along with an appropriate early warning monitoring program. The containment system and monitoring program shall be a type which is generally acceptable to the Florida Department of Environmental Regulation and the South Florida Water Management District, and shall serve all structures or areas where hazardous materials are used, handled, stored, or displayed, or where hazardous wastes are generated.

C. *Depressed Truck Wells.* Depressed truck wells which are utilized by users of hazardous materials and generators of hazardous waste shall provide a drainage system which shall be designed and maintained to include oil and grease receptors, and open bottom sedimentation pumps as pollutant retardant structures. Such systems shall be designed so as to prevent pollutants from entering surface waters and groundwater. Parking areas and driveways adjacent to truck wells shall be designed to divert runoff to storage and exfiltrations systems on-site, prior to discharge into surface waters or storm sewers.

D. *Hazardous Materials Response Plan.* Those using, storing, displaying, or generating hazardous materials, hazardous waste, or toxic substances shall develop hazardous materials response plans prior to the operation of such uses, which shall require the approval of the Fire Marshal. This plan shall identify appropriate measures for contamination response including, but not limited to:

1. Contamination Response. Provision of equipment and trained personnel on-site or a contract with a contamination response firm meeting Florida Department of Environmental Regulation standards, where appropriate;
2. Water Quality Monitoring. Specification of follow-up water quality monitoring programs to be implemented in the event of contamination;
3. Containment. Specification of design and operational measures to contain and direct contaminated surface runoff away from lakes, ponds, canals, drainage structures and/or other connections to the surficial aquifer;
4. Early Warning Monitoring Program. Specifications for the development and implementation of an early warning monitoring program;
5. Cleanup Cost. Proof of financial responsibility which will assure that cleanup costs can be provided;
6. Permits. A copy of the permit issued by or application for permit to the governmental agency or agencies responsible for permitting the handling, storage, display, or generation of the particular hazardous materials, hazardous wastes, or toxic substances. Where only periodic reports are required to be supplied to such agencies, copies of these reports shall be provided to the Fire Marshal; and
7. Miscellaneous. Where the information required under 1. through 6. above is required as part of the information required for permitting by or reporting to governmental agencies responsible for regulating hazardous materials or hazardous wastes, this information shall be considered sufficient for the purpose of this section.

(Ord. 10-025, passed 12-7-10)

Sec. 3. Use Regulations.

A. *General.* Except as otherwise provided in this article, regulations governing the use of land and structures are hereby established as shown in the following use matrix (Table 3-28). The use matrix is intended to classify uses on the basis of common functional characteristics and land use compatibility. The use matrix indicates eligible zoning districts for the various uses based on the exact nature of the use, and detailed requirements which specify permitted uses or any additional application requirements, as well as additional standards (see "Notes and Restrictions" of Section 3.E. below) that may be necessary to justify and establish each use.

B. *General Rules of Use Matrix.* The following general rules are applicable to the use matrix:

1. Vacant Box. Except for within the IPUD district and PID district, a vacant box that contains no symbol signifies that the use category is not allowed within the corresponding zoning district.
2. Business Activity. All business activity and uses shall be conducted within a fully enclosed building, unless otherwise specified.
3. Terms. Whenever the word "district" is used, it is construed to mean zoning district.
4. Column Headings in Title Block.
 - a. The major column headings in the title block of the use matrix (i.e., residential, commercial, mixed use, industrial, and miscellaneous) are further defined in Chapter 1, Article II, Definitions.
 - b. The regulations of each zoning district (e.g., R-1-AAB, R-1-AA, etc.) shown in the title block of the use matrix are described in Chapter 3, Article III, Zoning Districts and Overlay Zones.
5. Fire Department Hazardous Material Disclosure. Any use which uses, handles, stores, displays, or generates hazardous materials, hazardous waste, or a toxic substance, as defined by 40 Code of Federal Regulations, Part 261 or the Florida Substance List as set forth in Rule 4A-62.004, Florida Administrative Code, shall require Fire Department Hazardous Material Disclosure in accordance with City Code of Ordinances Part II, Section 9-71.
6. Drive-Through Facilities. Drive-up, drive-through, and drive-in facilities require conditional use approval unless otherwise specified. The facility, including the stacking lanes, must not be visible from public rights-of-way where located within the SMU district, MU-L1 district, MU-L2 district, and MU-L3 district. Furthermore, these facilities are prohibited in the MU-H and PID districts for all establishments listed under the "commercial" and "public & civic" use groups. See Chapter 4, Article VI, Section 3.F. for additional standards regarding queuing and vehicular stacking.
7. Distribution of Narcotics and Other Controlled Substances.
 - a. Purpose and Intent. These Regulations are in connection with the mass effort to discourage the misuse and abuse of narcotics and other controlled substances such as pain medications, and the impacts upon land uses that are associated with businesses that would operate principally to dispense pain medications for chronic pain but without the services of typical medical offices that provide thorough on-site examinations, medical treatments or procedures, and continued medical oversight. Such businesses have been determined to be associated with the excessive use of, addictions to, and subsequent illegal sales/distribution of addictive controlled substances.
 - b. Applicability. This section applies to all medical, professional and business offices, clinics, and any other use or establishment that dispenses narcotics and other controlled substances. Such uses shall be subject to the following:

(1) On-site dispensing of controlled substances that are identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035 or 893.036, is prohibited, unless otherwise expressly permitted by statutory or general law. The following are exempt from this prohibition:

- (a) A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is only intended to treat the patient during that particular treatment session.
- (b) A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care as a patient at a hospital, nursing home, ambulatory surgical center, hospice, or intermediate care facility for the developmentally disabled which is licensed in this state.
- (c) A health care practitioner when administering a controlled substance in the emergency room of a licensed hospital.
- (d) A health care practitioner when administering or dispensing a controlled substance to a person under the age of sixteen (16).
- (e) A health care practitioner when dispensing a one-time, seventy-two (72)-hour emergency resupply of a controlled substance to a patient.

c. Enforcement.

(1) Law enforcement officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this section and may issue citations, arrest and arrest with warrant persons acting in violation of this section.

(2) Law enforcement officers shall have the authority to seize, confiscate and impound any substance, or other article which, upon probable cause, they find to be used or possessed in violation of this section.

(3) The city may prosecute violations by issuance of notices to appear for violation of a city ordinance, in which case, the penalty for a violation shall be as follows:

- (a) First violation - \$100.00;
- (b) Second violation within twelve (12) months of adjudication of first violation - \$500.00; and
- (c) Third violation within eighteen (18) months of adjudication of first violation - \$1,000.00.

Each calendar day on which a violation exists shall constitute a separate violation for the purpose of determining the fine.

(4) A violation of this section may be prosecuted as a nuisance. The City Attorney may bring suit on behalf of the city, or any affected citizen may bring suit in his/her name against the person or persons causing or maintaining the violation, or against the owner/agent of the building or property on which the violation exists. Relief may be granted according to the terms and conditions of Chapter 15, Article 8 of the City of Boynton Beach Code of Ordinances and/or F.S. Chapter 60.

(5) Any person convicted of violating any of the terms or provisions of this article or any code, requirements, or standards adopted hereby shall be subject to the penalties as provided in Chapter 1, Section 1-6 of the City of Boynton Beach Code of Ordinances. In addition, the city may use any equitable or legal remedy available at law to enforce any violation of the terms or provisions of this section.

8. Prohibited Use of Public Parking Spaces. Major and minor motor vehicle or boat repair, including oil changes, adding of oil or lubricants, and installation of new tires, is prohibited in public parking lots or spaces, and commercial parking or loading areas and is declared to be a public nuisance. Commercial property owners engaged in the sale of motor vehicle or boat parts, oils, or lubricants, shall post notices within their premises in close proximity to check out counters or exit doors notifying customers of this prohibition. Violations of this provision of the code is subject to enforcement through code enforcement action, nuisance abatement action, municipal ordinance violation, or action for injunctive relief. Law enforcement officers are authorized to issue notice to appear for violation of this section.

9. Essential Services and Infrastructure. Essential services and infrastructure as defined in Chapter 1, Article II are allowed in all zoning districts, contingent upon meeting all city codes and regulations. Additional regulations and standards, such as landscaping or other types of screening, may apply on a case-by-case basis as determined by the Director of Planning and Zoning.

10. Miscellaneous. It should be noted that each use category may contain additional limitations or restrictions. Please refer to the definitions (see Chapter 1, Article II), the applicable zoning district regulations in Chapter 3, Article III, and the supplemental regulations in Chapter 3, Article V.

C. *Use Matrix Legend.* Uses regulated herein are classified in one (1) or more of the following categories:

1. "P" - Permitted Uses. A permitted use is allowed by right within a zoning district provided that all development regulations are met. A permitted use must be conducted on a site in order to have accessory or ancillary uses on that site. Uses identified with a "P" on the use matrix are permitted by right in the district, subject to compliance with 1) the additional standards indicated in the "Note" column, which directly corresponds with Section 3.E. below; and 2) any other applicable requirements prescribed by these Land Development Regulations.

2. "C" - Conditional Uses. A use that because of special requirements or characteristics may be allowed in a particular zoning district but only with conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity. Uses identified with a "C" on the use matrix are allowed in the zoning district, subject to compliance with the following: 1) additional standards indicated in the "Note" column, which directly corresponds with Section 3.E. below; 2) standards for evaluating conditional uses in accordance with Section 4 below; and 3) any other applicable requirements prescribed by these Land Development Regulations.

3. "A" - Accessory Uses. A use that is customarily incidental to the principal use. Uses identified with an "A" on the use matrix are permitted as an accessory use to a permitted principal use in the district, subject to compliance with the following: 1) additional standards indicated in the "Note" column, which directly corresponds with Section 3.E. below; and 2) any other applicable requirements prescribed by these Land Development Regulations. The nature of the principal use will determine the use review authority required to review and approve the accessory use. Accessory uses, unless otherwise provided, shall be located on the same premises as the principal use.

4. "✓" - IPUD District. The following regulations are applicable to the infill planned unit development district identified with a "✓" symbol on the use matrix:

a. Uses. In the use matrix (Table 3-28), non-residential uses of the "Commercial," "Office & Health Care," and "Arts, Entertainment & Recreational" industry classifications are allowed in the IPUD district, provided that such non-residential uses are proposed within a mixed use development containing dwelling units, unless otherwise specified.

b. Location. Non-residential uses shall only be allowed for developments fronting on streets classified as "Arterial" on the "Functional Classification of Roadways" map in the City of Boynton Beach Comprehensive Plan.

c. Frontage. Any non-residential use must front on the arterial roadway or on an access wholly contained within the project with neither entrances nor exit on or visible from or disruptive to adjacent properties, streets, and rights-of-way.

d. Design. Such development must be found compatible with adjacent uses and established design characteristics.

D. Use Matrix (Table 3-28).

Editor's Note: To view a PDF version of the Use Matrix, please click [HERE](#)

P = Permitted C = Conditional A = Accessory	Residential									Commercial						Mixed-Use					Industrial		Misc		
	R-1-AAB	R-1-AA	R-1-A	R-1	R-2	R-3	IPU D\	PUD	MH P	C-1	C-2	C-3	C-4	CBD	PCD	SMU	MU-L1	MU-L2	MU-L3	MU-H	M-1	PID	PU	REC	
RESIDENTIAL & LODGING																									
Accessory Dwelling Unit						P 36				P 36	P 36	P 36	P 36											P 20 36	P 20 36
Bed & Breakfast	C 37	C 37	C 37	C 37		C 37					C 37			C 37											
Dwelling, Single-family (detached)	P 34	P 34	P 34	P 34	P 34	P 19 34	P 34	P 34			P 18 19 34				P 34								A 20 34	A 20 34	
Dwelling, Two-family (duplex)					P 34	P 19 34	P 34	P 34			P 18 19 34	P 34 38		C 34	P 34 38	P 34	P 34	P 34	P 34	C 34			A 20 34	A 20 34	
Dwelling, Multi-family						P 19 34	P 34	P 34			P 18 19 34	P 34 39		C 34	P 34 39	P 34	P 34	P 34	P 34	P 6 34		P 27 34	A 20 34	A 20 34	
Dwelling Units in Mixed Use Buildings						P 18 19 34					P 18 19 34			P 34		P 34	P 34	P 34	P 34	P 6 34		P 27 34	A 20 34	A 20 34	
Group Home Type 1 (6 or less residents)	P 40	P 40	P 40	P 40	P 40	P 40																			
Group Home Type 2 (7 to 14 residents)						C 40						P 40			P 40										
Group Home Type 3 (15+ residents)								C 40		C 40	C 40	P 40			P 40										
Group Home Type 4 (special care, 7+ residents)												C 40			C 40										
Hotel & Motel												P 41	P 41	P 41	P 41	C 41	C 41	C 41	C 41	P 41			P 41		
Live-Work Units																P 42	P 42	P 42	P 42	P 42			P 27		
Manufactured Home									P 34																
Townhouse						P 19 34	P 34	P 34			P 18 19 34	P 34		C 34	P 34	P 34	P 34	P 34	P 34	P 34		P 27 34	A 20 34	A 20 34	
COMMERCIAL Retail Sales																									
Art, Book, Craft, Hobby, Music, Sporting Goods, & Toys						P 18					P 1	P	P	P 43	P	P 10 17	P 17	P 17	P 17	P 17		P 28 43	A 20	A 20	
Auto Dealer, New																		P 14 16 44	P 14 16 44				P 44		
Auto Dealer, Used																		P 14 16 44	P 14 16 44				P 44		
Automotive Parts Store												P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 23	P 27			
Beer, Wine, & Liquor Store												P 35		P 35	P 35	P 17 35	P 17 35	P 17 35	P 17 35	P 17 35			P 15 27 35		
Boat Dealer/Rental													C 45										A 16 45		
Cleaning Supply Store (Swimming Pool, Janitorial)											P 1	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 22	P 28			
Clothing & Accessories						P 18					P	P	P	P	P	P 10 17	P 17	P 17	P 17	P 17			P 28 30		

Gym, Fitness & Health Club							P 18 19				P	P	P	P	P 10 11	P 11 14	P 11 14	P 11 14	P 11			P 27		
Indoor Athletic Instruction/Training							P 18 19			P 1	P	P	P 1	P	P	P 14	P 14	P 14	P 1	P	P			
Marina, (including Yacht Club)								P 79					P 79			P 11 79	P 11 79	P 11 79	P 11 79					
Museum							P 18			P 18													P	P 18
Rentals, Recreational (bicycles, canoes, personal watercraft)											P	P	P	P	P 11	P 11 14 80	P 11 14 80	P 11 14 80	P 11					A 21
Shooting Range, Indoor											P	P		P									P 4 29	
Sightseeing & Scenic Tours									P 81	P 81	P 81	P 81	P 81	P 81	P 11 81	P 11 81	P 11 81	P 11 81	P 11 81					
Theater							P 18 82			P 18 82	P 82	P 82	P 82	P 82	P 11 82	P 11 14 82	P 11 14 82	P 11 14 82	P 11 82				P 20 82	P 18 82
PUBLIC & CIVIC USES																								
Cemetery										A 3 83	A 3 83	A 3 83	A 3 83		A 3 83		A 3 83	A 3 83	A 3 83					P
Church	C 33 84	C 33 84	C 33 84	C 33 84	C 84	C 84			P		P	P				P 15	P 15	P 15	P 15					
Civic & Fraternal Club/ Organization											P 3	P 3				C 15	C 14 15	C 14 15	C 14 15					
Government, Municipal Office/ Emergency/ Civic Facilities	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85		P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 25	P	P
Government, Municipal Utility/ Support Facilities																								P
Government, Non-Municipal Office Facilities										P 1	P 1	P 1 5	P 1	P 1 5	P 1 5	P 586	P 86	P 86	P 5 86	P 5 86	P 86	P 24 25 28 31 86	P	
Government, Non-Municipal Utility/ Support Facilities																								P
Government, Post Office												C	C		C	C			C	C			P	
EDUCATIONAL																								
College, Seminary, University										P	P	C			C		P 15	P 15	P 15					P
Day Care	C 33 87	C 33 87	C 33 87	C 33 87	C 87	C 87			P 8 87		C	C	C	C	C	C 87	P 11	P 11 14	P 11 14	P 11 14	P 11	P 22		
School, Industrial & Trade													C									P 22	P 26	
School, Primary and Secondary	C 33	C 33	C 33	C 33	C	C			P														P 25	P
School, Professional & Technical							P 18			P	P 18	P	P	P	P	P 15	P 15	P 15	P 15	P 15			P 24 27 31	
Tutoring and Testing Centers										P	P	P	P	C	P	P 11	P 11	P 11	P 11	C 11	P 22		P 24 27 31	
INDUSTRIAL Manufacturing, Fabrication & Processing																								
Bakery, Commercial														C 9									P 9	P 26
Beverage Mfg														C 9									P 9	P 26

Converted Paper Product Processing																		P 13	P 26
Dairy Products Mfg										C 9								P 9	P 26
Electrical Equipment, Appliance & Component Assembly																		P 13	P 26
Food Processing										C 9								P 9	P 26
Footwear & Other Leather Products																		P 23	P 26
Frozen Food										C 9								P 9	P 26
Furniture Products																		P 23	P 26
Glass Products																		P 23	P 26
Ice Cream & Frozen Dessert										C 9								P 9	P 26
Jewelry Mfg																		P 23	P 26
Medical Equipment & Supplies																		P 23	P 26
Metal, Fabricated Products																		P 23	P 26
Motor Vehicle Seating & Interior Trim																		P 23	P 26
Ornamental, China, Fine Earthenware, & Pottery																		P 23	P 26
Paint, Coating & Adhesive																		P 23	P 26
Pharmaceutical & Medicine																		P 23	P 26
Plastic Products																		P 23	P 26
Rubber Products																		P 23	P 26
Soap & Toiletry																		P 23	P 26
Sporting Goods and Toys																		P 23	P 26
Stone cutting & finishing																		P 23 88	P 26 88
Textile Products																		P 23	P 26
Wood Products																		P 23	P 26
INDUSTRIAL Storage, Distribution & Wholesale Trade																			
Packing & Shipping, Trucking, and Moving																		P 13	P 29
Storage, Boats/Motor/Recreational Vehicles										A 89				A 89	A 89	A 89		P 13 89	
Storage, Self-Service											C 5 11 90	C 5 11 90	C 5 11 90	C 5 11 90				P 90	
Warehouse, Internet Sales										P								P	P 26
Warehousing										C 12								P 23	P 26
Wholesale Trade										C 12								P 23	P 26
INDUSTRIAL Services																			

Boat Repair																					P 13 91						
Carpet and Upholstery Cleaning Services													P 92									P 22	P 26				
Contractor													P 93									P 23 93	C 29 93				
Dry Cleaning Plant																						P 13	P 26				
Exterminating and Pest Control																						P 3 13	P 26				
Glass and Mirror													P									P 23	P 26				
Janitorial and General Cleaning													P									P 13	P 26				
Lawn Maintenance & Landscaping Service													P 94									P 13 94					
Publishing & Commercial Printing																						P 23	P 26				
Radio & TV Broadcasting										P 95	P 95	P 95	P 95	P 95	P 95								P 95	P 29 95			
Recording Studio											P	P	P	P									P	P 29			
Rental/Leasing, Industrial & Commercial Equipment																						P 13 32					
Repair/Maintenance, Industrial & Commercial Equipment																						P 13 32					
Research & Development, Scientific/ Technological																						P 96	P 29 96				
Security Services											P	P		P									P 13	P 29			
Sewer/Septic & Waste Mgmt Cleaning																						P 3 13 97	C 4 26 97				
Taxi, Limo, Charter Bus											P 1 98	P 98	P 98	C 98	P 98								P 3 13 98				
Testing Laboratory																						P 13	C 26				
Towing, Motor Vehicle																						P 3 13					
AGRICULTURAL																											
Community Garden	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99	P 99						

- General Note. Gross floor area shall not exceed five thousand (5,000) square feet.
- General Note. The gross floor area shall not exceed ten thousand (10,000) square feet.
- General Note. Conditional use approval shall be required if located within two hundred (200) feet from a residential zoning district.
- General Note. As a principal or accessory use, it is allowed if there is a minimum separation of three hundred (300) feet between such use and a residential zoning district. The distance shall be measured in a straight line from the property line of the subject use to the property line of the residential zoning district.
- General Note. This use shall be prohibited on the first floor.
- General Note. For those projects with frontage on an arterial road, this use is allowed as a permitted use if the ground floor fronting the arterial is devoted to office or retail use; otherwise, conditional use approval shall be required.
- General Note. Shall exclude drive-through facilities.

8. General Note. Non-residential uses located in a PUD must serve the needs of the PUD and not the general needs of a surrounding area. Areas designated for commercial activities shall not generally front on exterior or perimeter streets, and shall be located centrally within the project. The only exception to these rules is when a residential mixed-use project would promote new urbanism design standards and helps to further sustainable initiatives. Such developments shall also be designed to further any applicable recommendations within the corresponding redevelopment plan.

9. General Note.

a. All districts. The maximum size of a tasting room shall be less than 50% of the gross floor area for that establishment. No use shall be carried out so as to allow the emission of objectionable or offensive odors or fumes in such concentration as to be readily perceptible at any point at or beyond the boundary of the zoning district. See Chapter 4, Article V, Section 2.E for additional regulations pertaining to off-street parking requirements for tasting rooms.

b. C-4 district. If proposed on a site that fronts on an arterial or collector roadway, the establishment shall be required to have an accessory commercial component (i.e., tasting room or retail showroom) to the operation. The size of the tasting room/retail showroom shall be at least ten percent (10%) of the gross floor area or one thousand (1,000) square feet, whichever is greater. This minimum size requirement is not applicable to those establishments which do not front on an arterial or collector roadway. See subparagraph d. below for additional provisions pertaining to beverage manufacturing establishments.

c. M-1 District.

(1) An accessory commercial component (i.e., tasting room or retail showroom) shall be required for any establishment located on an arterial roadway. In all other instances, an accessory commercial component is optional.

(2) No drive-up, drive-through, or drive-in facilities shall be allowed.

(3) See subparagraph d. below for additional provisions pertaining to beverage manufacturing establishments.

d. Beverage Manufacturing.

(1) A tasting room, retail showroom, and/or facility tours shall not be open to the public after 10:00 p.m., except Fridays and Saturdays, whereby it may remain open until 11:00 p.m.

(2) This type of establishment may be eligible for a live entertainment permit; however, no amplified music shall be allowed.

(3) No permanent food preparation is allowed on premises.

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

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

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

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

14. General Note. The subject use is only allowed on a lot that fronts on an arterial or collector roadway.

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

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

17. General Note.

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

b. MU-L1 district, MU-L2 district, and MU-L3 district. The subject use is only allowed on lots fronting on arterial or collector roadways.

18. Ocean Avenue Overlay Zone.

a. This use is allowed in this zoning district only when proposed on a lot located within the Ocean Avenue Overlay Zone (OAOZ).

b. Any proposed non-residential use that would abut a side property line of a residential use located on Northeast 1st Avenue or Southeast 1st Avenue requires conditional use approval.

c. Any allowable use is considered permitted by right, provided that it is proposed on property with frontage on Ocean Avenue; otherwise conditional use approval shall be required. Additionally, no existing uses shall be deemed non-conforming.

d. Professional and technical schools allowed in the OAOZ are limited to those that teach the culinary and visual arts.

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

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

21. General Note. This use is allowed as an accessory use to any city-owned and operated park facility.

22. General Note. This non-industrial use is allowed within the M-1 district, provided that it 1) is located within a multiple-tenant development on a lot that fronts on an arterial roadway; 2) does not exceed five thousand (5,000) square feet; 3) excludes a drive-up, drive-through, or drive-in facility; and 4) complies with all off-street parking requirements of Chapter 4, Article V. In addition, the sale of used merchandise is only allowed as accessory to the sale of new merchandise.

23. General Note. This use is allowed on an arterial or collector roadway within the M-1 district provided that it has accessory commercial component to the operation. This establishment will be required to meet the following criteria:

a. Location. The accessory commercial component shall be located within a building situated on a lot that fronts on an arterial or collector roadway; and

b. Interior. An indoor showroom of at least two hundred fifty (250) square feet for retail sales shall be required for establishments twenty-five thousand (25,000) square feet or less. An indoor showroom area of at least one percent (1%) of the gross floor area shall be required for establishments greater than twenty-five thousand (25,000) square feet.

24. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Commercial (C) land use option.

25. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Governmental & Institutional (G&I) land use option.

26. General Note. This use is allowed within the PID, except that if proposed in Quantum Park, it shall be restricted to a lot that has an Industrial (I) land use option.

27. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Mixed Use (MU) land use option fronting on an arterial roadway or on a MU lot with a development order that is not solely for residential development.

28. General Note. This non-industrial use is allowed within the PID district provided it is located 1) on Lot 3B of the Boynton Commerce Center PID; or 2) on a lot with a Mixed Use (MU) land use option fronting on an arterial roadway or on a MU lot with a development order that is not solely for residential development.

29. General Note. This use is allowed within the PID, except on lots that have either a Governmental & Institutional (G&I) or Mixed Use (MU) land use option.
30. General Note. If proposed on Lot 3B of the Boynton Commerce Center PID, it shall be required to have an on-site manufacturing component to the operation.
31. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has an Office (O) land use option. No drive-through facility shall be allowed in connection with this use.
32. General Note.
- a. Landscaping. All exterior (temporary) storage of equipment shall be adequately screened. Additional buffering may be required as recommended by the Director of Planning & Zoning to ensure compatibility.
 - b. M-1 district. Outdoor storage of equipment shall require conditional use approval if located within two hundred (200) feet of a residential zoning district. No exterior storage of equipment in a wrecked condition shall be permitted.
33. Non-Residential Uses in Single-Family Residential Districts. The following applies to facilities to be located within zoning districts limited to single-family homes (R-1-AAB district, R-1-AA district, R-1-A district, and R-1 district):
- a. Location. Along the following roadway types as designated in the City of Boynton Beach Comprehensive Plan: arterials and collectors.
 - b. Minimum Lot size. One (1) acre for all non-residential uses, except for day care establishments, which shall be regulated in accordance with Section 3.D.87 below.
 - c. Frontage. Except for day care establishments, a minimum frontage of one hundred fifty (150) feet for all non-residential uses.
 - d. Landscaping. A minimum buffer width of five (5) feet and a landscaping barrier shall be required for all parking and vehicle use areas, and outdoor recreation areas that abut single-family residential zoning districts.
 - e. Design. Building design shall be consistent with surrounding residential styles.
 - f. Separation. Distances between residential properties and outdoor play areas shall be maximized.
34. Home Occupation.
- a. Home occupations shall be permitted subject to these specific regulations designed for the protection of residential neighborhoods, where all of the activity takes place within a structure, and where the principal use is for residential purposes. In order for any home occupation to be permitted or continue to be permitted, the following performance standards shall be agreed to in writing by the applicant and be maintained for the duration of the occupational license:
 - (1) Compatibility. The residential character and integrity of the neighborhood must not be disturbed and the occupational activity at the home shall not be noticeable from off the premises.
 - (2) Size. A home occupation shall only be conducted within twenty percent (20%) of the living area of the dwelling including interior halls, closets and storage areas, but excluding garages, screened porches, accessory buildings or any similar space not suited or intended as living quarters.
 - (3) On-site Restrictions. The home occupation shall be conducted at the licensed address only by residents of that dwelling unit and shall only be the type of occupation which does not involve client business visits to the home, and is typified by business transactions conducted by telephone, mail, or off premises of the licensed address. (The giving of individual instruction to one (1) person at a time, such as an art or piano teacher, shall be deemed a home occupation).
 - (4) Performance Standards. No equipment or process shall be used in a home occupation which creates fumes, glare, noise, odors, vibration, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
 - (5) Traffic. No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home occupation shall be met by off-street parking which complies with Chapter 4, Article VI.
 - (6) Storage. All storage of materials or supplies used in the home occupation shall be done within the living area of the dwelling unit, within the space limitations specified in subsection 2 above and shall not be visible from adjacent residential units. Contractors, tradespersons and the like shall not use their home garage or yard areas for storage of materials and supplies used in business activities.
 - (7) Signage. No sign or display shall be visible other than a non-illuminated sign, not exceeding two (2) square feet in area, placed on the exterior wall of the residence as close as practical to the front entrance.
 - (8) Parking. A panel, pick-up truck, van, or similar type of truck, not to exceed a one (1) ton chassis configuration, may be parked in a residential zoning district. However, such vehicle must be used by a resident of the premises, and no more than one (1) such truck shall be located on each plot.
 - (9) Miscellaneous. A home occupation shall be subject to all business tax provisions defined in Part II of the City Code of Ordinances.
35. Alcoholic Beverages. Subject to the provisions of City Code of Ordinances, Part II, Chapter 3, Alcoholic Beverages.
36. Accessory Dwelling Unit.
- a. All districts. An accessory dwelling unit is allowed as an accessory use to any lawful non-residential principal use within a non-residential building. Such unit shall have a minimum living area of seven hundred fifty (750) square feet and limited to occupancy by the property owner or business owner/operator.
 - b. M-1 district. This use is allowed as an accessory to any lawful self-service storage facility and which meets the prerequisites contained therein.
37. Bed & Breakfast.
- a. Generally. A bed & breakfast is a private owner occupied residence having more than three (3) and less than ten (10) guest units, which are subordinate and incidental to the main residential use of the building. Prior to the establishment and operation of a bed & breakfast, all required business licenses and health permits shall be obtained in compliance with all building, sign, sanitary and fire codes. Prior to the issuance of a business tax certificate, which shall be renewed annually, the city shall conduct an inspection of the property to determine compliance with the current requirements of the city's regulations, state building codes, and conditions of approval.
 - b. Interior.
 - (1) Common Area. Within each bed & breakfast establishment, a common area must be provided for a central dining area and for at least one (1) sitting/reading/discussion room.
 - (2) Number of Rooms. The number of bedrooms and bathrooms are to remain unchanged unless modifications are necessary to comply with building, fire, and/or health codes.
 - c. Miscellaneous.
 - (1) Cooking. Except as hereinafter provided, there shall be no cooking facilities or food storage in any guest unit. Breakfast shall be the only meal provided for paying overnight guests. The breakfast meal shall not be served after 11:00 a.m.
 - (2) Maximum Stay. The maximum stay for each guest shall be fourteen (14) consecutive days and not more than fourteen (14) days during any forty-five (45) day period. The owner and/or manager shall maintain a guest book, which accurately identifies all guests for each night's lodging. This register of guests shall be available for city inspection during reasonable business hours. Check-in and check-out shall take place between 8:00 a.m. and 8:00 p.m. only.

- (3) Owner. The owner of the bed & breakfast establishment must reside on the premises.
- (4) Commercial. Commercial social activities and events and the sale of merchandise to non-guests are prohibited in the bed & breakfast establishment.
- (5) Kitchenettes. Existing kitchenettes within one (1) or more guest units are considered within the scope of this section and will not have to be removed.
38. Dwelling, Two-Family (Duplex).
- a. C-3 district and PCD district. A two-family dwelling (duplex) shall comply with the R-2 district regulations. See Chapter 3, Article III, Section 2.E.
39. Dwelling, Multi-Family.
- a. C-3 district and PCD district. A multi-family dwelling shall comply with the R-3 district regulations. See Chapter 3, Article III, Section 2.F.
40. Group Home Types 1 through 4.
- a. All Types.
- (1) Common Area. At least ten percent (10%) of the total floor area shall be devoted to a common area, exclusive of halls, corridors, stairs, and elevator shafts, wherein a variety or recreational or therapeutic activities may occur.
- (2) Rooms. Residents' rooms or suites shall, in no case, have kitchen facilities available for the preparation of food.
- b. Type 1.
- (1) Design. Pursuant to Chapter 4, Article III, Section 3.G.1, the appearance of a group home shall be residential in character and similar in appearance to the surrounding neighborhood.
- (2) Separation. Such use shall be located a minimum distance of one thousand (1,000) feet from another group home (regardless of type), as measured by direct distance between property lines. The floor area of any existing facility shall not be expanded in instances where located less than the minimum separation requirement. All new applications to operate such uses or applications for building permits to expand such uses shall be accompanied by an affidavit certifying compliance with this restriction.
- c. Types 2, 3, and 4.
- (1) Separation. Such use shall be located a minimum distance of one thousand (1,000) feet from another group home (regardless of type) and six hundred (600) feet of property zoned for single-family dwellings, as measured by direct distance between property lines. The floor area of any existing facility shall not be expanded in instances where located less than the minimum separation requirement. All new applications to operate such uses or applications for building permits to expand such uses shall be accompanied by an affidavit certifying compliance with this restriction.
41. Hotel & Motel (includes Boutique, Extended-stay, Apartment, Timeshare Apartment).
- a. C-3 District. Timeshare hotel shall comply with R-3 district regulations. Boutique hotels are not listed as permitted uses.
- b. C-4 District. Boutique hotels and timeshare hotels are not listed as permitted uses.
- c. CBD District. Apartment hotels require conditional use approval.
- d. PCD District. Timeshare apartments shall comply with R-3 district regulations. Boutique hotels are not listed as permitted uses.
- e. SMU District. Hotels require conditional use approval. Apartment hotels, boutique hotels, and timeshare apartments are not listed as permitted uses. Motels are prohibited uses.
- f. MU-L1 District, MU-L2 District, and MU-L3 District. Timeshare hotels are not listed as permitted uses. Boutique hotels and motels are prohibited uses.
- g. MU-H District. Boutique hotels require conditional use approval and must be integrated into a commercial or mixed use development and not exceed thirty percent (30%) of the gross floor area of the entire development. Apartment hotels and timeshare apartments are not listed as permitted uses. Motels are prohibited uses.
- h. PID district. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Hotel (H) land use option.
42. Live-Work Units.
- a. SMU District. This subsection provides for the use of residential structures to accommodate live/work opportunities. Live-work units shall be specifically designated on the site plan, and comply with the following standards and requirements. These provisions are not applicable to dwellings or occupations that meet the definition of home occupation. All respective site plan pages shall identify all proposed live-work units and buildings. Live-work units shall be tallied in the site plan tabular data.
- (1) Location. To minimize impacts to the greater neighborhood, units planned for live-work units shall be located at the perimeter of the residential project or along the project's principal roadway, and/or where possible, adjacent to perimeter/external rights-of-way.
- (2) Use(s): Non-residential uses that are permitted in live-work units are generally limited to professional service, business service, or tutoring services. A listing of common uses permissible in live-work units, subject to issuance of occupational license are located in subsection (16) below. No work activity shall be permitted that by virtue of intensity or number of employees has the potential to create impacts by reason of traffic, parking issues, hazardous materials, or excess waste. The following list identifies the permitted uses within designated live-work units, subject to processing through the city's business tax office:
- Addressing service/mailling list compiler
 - Arbitrator, mediator services
 - Cleaning services, maid, housekeeping, janitorial
 - Commercial artist/design studio
 - Commercial photography
 - Computer programming service
 - Computer software development
 - Data processing
 - Direct mail advertising services
 - Editing, proofreading, typing service
 - Paralegal
 - Party supplies, rental/leasing (office only, no storage on-site)
 - Private investigator

Recording service
 Secretarial service
 Boat broker (office only)
 Alteration, dressmaking shop, tailor
 Abstract and/or title company
 Accountant/income tax services
 Adjusters, insurance
 Advertising office
 Appraiser
 Architect
 Attorney
 Auctioneer (office only)
 Author
 Broker
 Business analyst
 Calculating and statistical service
 Court reporting/stenographers
 Credit reporting
 Engineer's office
 Importer/exporter (office only)
 Insurance agency/bond office
 Interior decorating
 Loan company office
 Market research office
 Model agency
 Notary public office
 Public relations office
 Real estate sales/management office
 Travel agency
 Tutoring or instruction (academics, music, art)
 Art studio with ancillary sales

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

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

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

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

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

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

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

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

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

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

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

43. Art, Book, Craft, Hobby, Music, Sporting Good, & Toy Store.
- a. CBD District. Bait and tackle shops are permitted as an accessory use to marinas, including yacht clubs.
 - b. PID district. This use is also allowed as an accessory use to an artist studio.
44. Auto Dealer, (New & Used).
- a. MU-L3 district and MU-H district.
 - (1) General. Indoor storage/display only and shall not exceed ten thousand (10,000) square feet. This use excludes automotive, minor repair, and auto car/wash. Conditional use approval shall be required if all or a portion of the inventory is located within a parking garage/structure.
 - (2) Access. Shall not be directly from any major roadway.
 - (3) Storage. No outside storage of materials, parts, and vehicles.
 - (4) Design. Pursuant to Chapter 4, Article III, Section 3.A.7, overhead doors shall not be visible from any major roadway frontage.
 - (5) Loudspeakers. No exterior loudspeakers or paging equipment shall be permitted on-site.
 - b. PID district. This non-industrial use is allowed within the PID district provided it is located on Quantum Park lots 77 through 80.
45. Boat Dealer/Rental.
- a. C-4 District. Boat dealer/rental, as a principal use, shall exclude the repair or service of vessels on the premises. A boat dealer/rental is allowed as an accessory use to a marina but conditional use approval is required. No exterior loudspeakers or paging equipment shall be permitted on-site.
 - b. MU-H District. Boat dealer/rental is allowed as an accessory use to a marina but conditional use approval is required. No exterior loudspeakers or paging equipment shall be permitted on-site. Storage/display allowed only in wet docks or indoor not to exceed ten thousand (10,000) square feet. The sales, rental, service, repairs, and storage of marine trailers are prohibited.
46. Gasoline Station.
- a. All Districts.
 - (1) Location. Gasoline stations, operating as principal uses are only allowed on properties located at intersections of rights-of-way consisting of four (4) or more lanes as designated by the Comprehensive Plan, excluding local streets. A maximum of two (2) gasoline stations shall be allowed at each intersection, and located at diagonal corners. A convenience store with retail gasoline sales is considered to be a gasoline station and is therefore, restricted to these location requirements.
 - (2) Lot Size. Minimum lot size: thirty thousand (30,000) square feet.
 - (3) Frontage. Minimum street frontage: two hundred twenty-five (225) feet on each frontage measured from the intersecting right-of-way lines of the public streets.
 - (4) Access.
 - (a) Only one (1) access driveway is allowed from each major street frontage. Driveways shall be located a minimum of fifty (50) feet from the intersection unless county or state standards require a greater distance;
 - (b) Driveways shall be a minimum of thirty (30) feet and a maximum of forty-five (45) feet in width; and
 - (c) Driveways shall not be located less than thirty (30) feet from any interior property line.
 - (5) Setbacks.
 - (a) No canopy shall be located less than twenty (20) feet from any property line; and
 - (b) No gasoline pump island shall be located less than thirty (30) feet from any property line.
 - (6) Storage. No outside storage of materials, parts, and no overnight storage of vehicles outside.
 - (7) Design. Pursuant to Chapter 4, Article III, Section 3.G.4., all gasoline stations located on designated out-parcels to shopping centers, business centers, or other planned commercial developments shall conform in design to the approved design plan of the principal center.
 - (8) Landscaping. See landscaping standards in Chapter 4.
 - (9) Lighting. See lighting standards in Chapter 4.
 - (10) Except for where otherwise approved on a master sign program, gasoline stations shall only be permitted to advertise on signage located within the property boundaries.
 - b. C-2 District, C-3 District, and C-4 District.
 - (1) Use(s) Allowed: A convenience store; auto/car wash, automotive, minor repair; and automotive window tinting/stereo installation/alarms are allowed as accessory uses to gasoline stations.
 - (2) Setbacks. Except for properties located within the Urban Commercial District Overlay Zone, the following building setbacks shall apply to all structures on the property including the primary structure, or any accessory structures such as car washes or above-ground storage facilities.
 - (a) Building front (and side corner) - 35 feet;
 - (b) Building side - 20 feet;
 - (c) Building rear - 20 feet;
 - (d) Automated car wash. The entrance to an automatic car wash shall be setback no less than seventy-five (75) feet from the street in order to provide for an area of vehicular queuing (stacking). An accessory auto/car wash shall be fully automatic and recycle all water used in the car washing process.
 - (3) No gasoline station shall be located within two hundred (200) feet from a residential structure. Distances for the purpose of this subsection shall be measured from the closest gasoline pump island or canopy of the gasoline station to the closest boundary wall of the residential structure.
 - c. PCD District.
 - (1) Use(s) Allowed: A convenience store; auto/car wash, automotive, minor repair; and automotive window tinting/stereo installation/alarms are allowed as accessory uses to gasoline stations.
 - (2) Setbacks. The following building setbacks shall apply to all structures on the property including the primary structure, or any accessory structures such as car washes or above-ground storage facilities.
 - (a) Building front (and side corner) - 35 feet;

(b) Building side - 20 feet;

(c) Building rear - 20 feet;

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

(3) Separation.

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

(b) No gasoline station shall be located within two hundred (200) feet from a residential structure. Distances for the purposes of this subsection shall be measured from the closest gasoline pump island or canopy of the gasoline station to the closest boundary wall of the residential structure.

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

(a) Section 3.D.46.a.(5)(a) above;

(b) Section 3.D.46.a.(5)(b) above;

(c) Section 3.D.46.c.(3)(a) above; or

(d) Section 3.D.46.c.(3)(b) above.

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

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

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

(2) Setbacks.

(a) Building setbacks shall meet those required by the applicable zoning district.

(b) Canopy structure over the fuel pumps shall be located either to the side or rear of its associated principal building.

47. Grocery Store.

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

48. Hardware Store.

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

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

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

49. Home Improvement Center. This use excludes an on-site lumber yard and any other exterior (outside) activity or storage.

50. Marine Accessories.

a. C-2 District. Excluding any installation on premises, and excluding machine shop service.

b. MU-L1 District, MU-L2 District, MU-L3 District, and MU-H District. Indoor storage/display only and shall not exceed ten thousand (10,000) square feet. The sales, rental, service, repairs, and storage of marine trailers are prohibited. Marine customizing, detailing, service, parts, or repair is also prohibited.

51. Merchandise New. This use excludes an on-site lumber yard and any other exterior (outside) activity or storage.

52. Merchandise, Used (Antique Shop). Gross floor area shall not exceed five thousand (5,000) square feet. An auction house is allowed but only as an accessory use to a lawful antique shop.

53. Merchandise, Used (Other). This establishment shall be limited to five thousand (5,000) square feet of gross floor area and must be located a minimum distance of two thousand, four hundred (2,400) feet from another merchandise, used (other) or multiple-vendor market establishment, as measured by direct distance between property lines. The floor area of an existing merchandise, used (other) establishment shall not be expanded in instances where located less than the minimum separation requirement. All new applications to operate such uses or applications for building permits to expand such uses shall be accompanied by an affidavit certifying compliance with this restriction. Exterior storage and display in connection with such uses shall be prohibited.

54. Mobile Vending Unit (MVU). See Chapter 3, Article V, Section 10 for additional regulations regarding an MVU.

55. Multiple-Vendor Market. A multiple-vendor market shall be limited to five thousand (5,000) square feet of gross floor area and must be located a minimum distance of two thousand, four hundred (2,400) feet from another multiple-vendor market or merchandise used (other) establishment, as measured by direct distance between property lines. The floor area of an existing multiple-vendor market establishment shall not be expanded in instances where located less than the minimum separation requirement. All new applications to operate such uses or applications for building permits to expand such uses shall be accompanied by an affidavit certifying compliance with this restriction. Exterior storage and display in connection with such uses shall be prohibited.

56. Nursery, Garden Center, & Farm Supply. The exterior display of live plants is exempt from the three hundred (300)-foot distance requirement of Chapter 3, Article V, Section 5.D. and such plants may remain outdoors after normal business hours provided that their placement complies with the location criteria of Chapter 3, Article V, Section 5.C.

57. Pharmacy & Drug Store.

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

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

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

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

58. Restaurant.

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

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

- (1) Signage. No external signage for the restaurant use shall be allowed;
- (2) Hours of operation shall be limited to coincide with the hours of operation of the principal use.

c. M-1 district. This non-industrial use is allowed within the M-1 district, provided that it 1) is located within a multiple-tenant development on a lot that fronts on an arterial or collector roadway; 2) does not exceed two thousand, five hundred (2,500) square feet; 3) contains a maximum of twelve (12) seats; 4) excludes a drive-up, drive-through, or drive-in facility; and 5) complies with all off-street parking requirements of Chapter 4, Article V. In addition, the sale of used merchandise is only allowed as accessory to the sale of new merchandise.

59. Restaurant (Take-Out).

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

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

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

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

61. Automobile Rental.

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

- (1) Location. On sites greater than seventy-five (75) acres and only within a separate building in a shopping center, automobile rental is allowed subject to the following additional conditions:
 - (a) The customer service area shall be located within the building being used for an automotive, minor repair;
 - (b) No more than twelve (12) automobiles shall be stored on-site for the purpose of rental, and such automobiles shall be stored in marked stalls;
 - (c) No fueling or refueling of automobiles shall be permitted on-site.

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

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

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

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

- (1) Access. Shall not be directly from any major roadway.
- (2) Storage. No outside storage of materials, parts, and vehicles.
- (3) Design. Pursuant to Chapter 4, Article III, Section 3.A.7., overhead doors shall not be visible from any major roadway frontage.

62. Automotive, Minor Repair.

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

b. C-3 District.

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

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

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

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

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

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

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

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

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

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

64. Automotive Window Tinting/Stereo Installation/Alarms.

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

b. C-3 district.

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

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

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

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

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

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

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

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

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

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

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

65. Check Cashing.

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

66. Dry Cleaner.

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

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

67. Funeral Home. A funeral home is allowed as an accessory use to a cemetery.

68. Personal Care (Beauty, Hair, Nails).

a. R-3 District, PUD District, C-2 District, C-3 District, C-4 District, CBD District, PCD District, all "Mixed Use" Districts and PID District. In these districts, body piercing and tattooing are allowed, but only as accessory to a lawful principal use. In the M-1 district however, such businesses are allowed as a principal use, but only in accordance with Section 3.D.4. above.

69. Pet Care (Boarding and Daycare).

a. All Districts. Conditional use applications must include provisions for proper care and mitigation of potential impacts on adjacent properties. Pet care (boarding and daycare) is allowed as an accessory use to either a pet care (grooming) or pet care (veterinary services) establishment, but it requires conditional use approval if it exceeds twenty-five percent (25%) of the floor area or two thousand, five hundred (2,500) square feet, whichever is less.

b. C-2 District, C-3 District, C-4 District, CBD District, SMU District, MU-L1 District, MU-L2 District, and PID District. No external kenneling is allowed in these districts, either as a principal or accessory use.

c. PCD District. No external kenneling is allowed, either as a principal or accessory use. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:

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

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

(3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of six hundred (600) feet.

d. M-1 District. External kenneling shall only be allowed for those establishments located in excess of six hundred (600) feet from residentially zoned property. Such uses shall also comply with the requirements of City Code of Ordinances Part II, Chapter 4, Section 4-4, except that the maximum enclosure size and area standards within 4-4(b)2.a. shall not apply.

70. Postal/Mail Center.

a. All Districts. Storage of delivery trucks is prohibited.

b. C-1 District. Allowed as an accessory use to a business or professional office or a medical or dental office. Gross floor area shall not exceed two thousand, five hundred (2,500) square feet.

c. MU-H District. This use shall be limited to a maximum gross floor area of two thousand, five hundred (2,500) square feet.

71. Repair, Rental, & Maintenance of Home/Garden Tools.

a. C-3 District. Excluding exterior display or storage of merchandise.

b. PCD District. Excluding exterior display or storage of merchandise. The repair and service of merchandise shall be permitted as either an accessory or principal use, for any merchandise, which is typically sold in the PCD district.

72. Hospital. A helipad (also known as a helistop) may be allowed as an accessory use to a hospital establishment, but it shall require conditional use approval.

73. Business or Professional Office.

a. "Mixed Use" Districts. This use shall be integrated into a mixed use building or development. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building or 2) exceed thirty percent (30%) of the gross floor area of the mixed use development. However, this requirement does not include those developments that contain such uses in excess of one hundred thousand (100,000) square feet.

74. Social Service Agency.

a. R-2 District and R-3 District.

(1) Location. Along the following roadway types as designated in the City of Boynton Beach Comprehensive Plan: Arterials and collectors.

(2) Size. The maximum building size shall be limited to two thousand (2,000) square feet (per lot); however, for properties located within the boundaries of the Federal Highway Corridor Redevelopment Plan, the maximum building size may be larger, but not to exceed five thousand (5,000) square feet.

(3) Design. Building design shall be consistent with surrounding residential styles.

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

75. Adult Entertainment.

a. Finding of Fact. The city acknowledges that nude and exotic dancing and entertainment is an expression protected under the First Amendment of the Constitution of the United States. Such expression communicates a message to the intended audience but shall not be obscene, as defined by the courts, nor involve children. The Supreme Court has upheld local regulations that are not intended to preclude such protected expression, but rather to prevent the harmful side effects known as "secondary effects." Based on various reports, studies, and judicial opinions generated throughout the country, including within the State of Florida, the City of Boynton Beach finds it in the interest of health, safety, peace, property values, and general welfare of the people and businesses of the City of Boynton Beach to regulate said businesses to control the secondary effects associated with them. Secondary effects have been proven to include, in part, increased criminal activities, moral degradation, depreciation of property value, and harm to the economic welfare of the community as a whole.

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

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

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

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

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

76. Artist Studio.

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

77. Entertainment, Indoor.

a. C-2 District. Limited to amusement arcades and shall be only allowed in a shopping center located on an arterial roadway.

b. M-1 District. Limited to indoor playground/play centers and amusement arcades only.

78. Entertainment, Outdoor.

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

79. Marina, Including Yacht Club.

a. All Districts. Marinas, including yacht clubs, are limited to the following uses: mooring and docking of private pleasure craft; sale of fuels and lubricants; occupancy of private craft as living quarters provided that such craft are connected to public sewer facilities; operation of drift and charter fishing boats and sightseeing boats; bait and tackle shops.

b. IPUD District. Private marinas, as a principal use, requires the following:

(1) Minimum lot area: Four (4) acres.

(2) Minimum lot frontage: One hundred fifty (150) feet and minimum average width of two hundred (200) feet.

(3) Maximum height: Forty-five (45) feet.

(4) Principal land uses may include boat and yacht clubs, and private or public marinas (see Chapter 1, Article II, Definitions) contingent upon being located within an area identified with the "Preferred" siting designation by the 2007 Palm Beach County Manatee Protection Plan. However, major repairs and boatels, or residing on boats, shall be prohibited in the IPUD district. Additionally, all sale or minor repair of boats, or components thereof, shall only occur within a fully enclosed structure except as otherwise allowed by paragraph (6) below. The above noted principal uses, when combined with residential uses, in which the residential component occupies twenty-five percent (25%) or more of the total land area, shall be considered permitted uses, otherwise such marine uses shall require conditional use approval.

(5) Boatels and the residing on boats shall be prohibited within the IPUD district, except that temporary stays shall be allowed for a maximum of three (3) nights within a twelve (12)-month period.

(6) The following uses shall be allowed as accessory to one (1) of the principal marine uses described above: boat brokerages, ship's stores, tackle shops, maritime museums or other related educational uses, restaurants, boat ramps, and other launching facilities.

(7) Marine-oriented and water dependent uses shall meet all the requirements of Section 3.C.5. above, except for subparagraph (a) in that a marina may be the sole principal use of a project and is not required as a component of a mixed use development containing dwelling units.

(8) No outdoor dry storing or stacking of boats or other related items shall be allowed, except that outdoor displays are allowed for sales purposes as long as the boats are restricted to ground level display, are not visible from abutting rights-of-way or residential properties, and are not placed within landscape areas or required parking spaces.

- (9) Wash down and other post-use servicing shall be done within the dry storage building or within an enclosed structure (e.g., three-sided and roofed) designed and oriented to minimize external impacts.
- (10) Water used for flushing and other cleaning activities shall be properly pretreated prior to discharge into the stormwater system, and conservation measures shall be considered to facilitate reclamation/recycling.
- (11) No outdoor speakers shall be allowed other than for low volume music that is not audible off-site.
- (12) In addition to adhering to the city's sound regulations, no equipment, machines, or tools shall be used between the hours of 8:00 a.m. and 6:00 p.m. that generates noise unique to a residential neighborhood.
- (13) See Chapter 4, Article III, Section 3.G.6. for additional design regulations for commercial buildings and boat storage facilities.
- (14) Landscaping above and beyond the regulations cited elsewhere in this Code shall be required for all non-residential buildings in excess of forty thousand (40,000) square feet, in order to reduce the perceived scale and massing of such buildings.
- (15) The width of the foundation planting areas visible from streets or residential properties shall be fifty percent (50%) of the façade height. The applicant may submit an alternate planting plan that depicts the required screening/softening of the large building façades, however in no instance shall the planting area be less than twelve (12) feet in width.
- (16) The height of the plant material shall be in relation to the height of the adjacent façade or wall. Further, the height of fifty percent (50%) of the required trees or palms shall be a minimum of two-thirds (2/3) of the height of the building. One (1) canopy tree or a cluster of three (3) palm trees shall be installed within the foundation planting area every twenty (20) feet on center along each façade visible from streets or residential properties. Canopy and palm trees shall be distributed along the entire façade where foundation landscaping areas are required, with understory plant material arranged in the areas between the low growing shrubs and tree or palm canopies. The applicant may submit an alternate planting plan that depicts the rearrangement of plant material in order not to interfere with required building enhances discussed herein.
- (17) A perimeter landscape barrier shall be required between incompatible uses and/or zoning districts; or where there are differences in density, intensity, or building heights or mass; or for those certain uses requiring additional screening in order to shield outdoor storage or operations. The barrier shall consist of a decorative buffer wall of at least six (6) feet in height, in addition to a variety of densely planted trees, hedges and shrubs. In areas where sufficient width is provided or staff determines additional buffering is warranted, a berm may be required in addition to the above regulations.
- (18) The applicant shall demonstrate through site design and buffering how sound associated with the non-residential components of the project will be mitigated.
80. Rentals, Recreational (Bicycles, Canoes, Personal Watercraft).
- a. MU-L1 District, MU-L2 District, and MU-L3 District. Indoor storage/display only and shall not exceed ten thousand (10,000) square feet.
81. Sightseeing & Scenic Tours.
- a. All Districts. Vehicles used in support of the operation that are of a size in excess of a standard parking stall shall be stored in a zoning district where outdoor storage of vehicles is allowed.
- b. CBD District, MU-L1 District, MU-L2 District, MU-L3 District, and MU-H District. Sightseeing boats are allowed in conjunction with a marina, including yacht club.
82. Theater. All outdoor style theaters (i.e. band shell, amphitheater) require conditional use approval.
83. Cemetery.
- a. C-1 District, C-2 District, C-3 District, C-4 District, PCD District, MU-L1 District, MU-L2 District, and MU-L3 District. On parcels ten (10) acres or greater, a cemetery may be allowed as an accessory use to a funeral home establishment.
84. Church.
- a. R-1-AAB District, R-1-AA District, R-1-A District, and R-1 District. Expansions and improvements to, and redevelopment of pre-existing places of worship that do not meet the minimum lot standards of the zoning district, or the other requirements of Section 3.D.33 above shall be allowed in accordance with the following requirements:
- (1) Improvements shall only be allowed if the subject property was under proper ownership prior to the adoption of these regulations. Ownership shall be based on the records of the County Property Appraiser's Office.
- (2) Rights-of-way for primary access shall be adequate and improved in accordance with (*Engineering Design Handbook and Construction Standards*);
- (3) The size of building improvements shall be allowed up to a maximum of 100% of the pre-existing area.
- (4) Expansions that would increase operational space or capacity, shall require that all existing parking areas and related landscaping meet the requirements of the city's land development regulations.
- (5) Parking. Projects eligible for parking space reductions of the MLK Overlay District, shall be required to meet a minimum of seventy-five percent (75%) of the spaces required under Chapter 4, Article V, Section 3.D.
- (6) Non-conforming and blighted conditions. Expansions that increase operational space or capacity shall require improvements to all existing facilities to raise them to a similar appearance level as the proposed improvement and additions. Sidewalks shall be added where partially or totally absent along the boundary of the subject use. This requirement shall apply to all parcels used to support the principal use, including those lots that abut the principal lot or that are separated from the principal lot by other properties or rights-of-way.
- (7) Design. Additions or new facilities shall be designed to be compatible with its surroundings and/or adopted community redevelopment plan to further the historic and architectural character of the neighborhood.
- (8) No newly proposed physical improvements other than a wall/fence or landscaping shall be placed closer than thirty (30) feet from a parcel containing or zoned for a single-family residence.
- (9) Any outdoor play areas shall be located a minimum of thirty (30) feet from a parcel containing or zoned for single-family residence.
- (10) The foregoing conditions shall also apply to any repairs or reconstruction required due to damage from fire, a major storm event, or other natural occurrence.
- b. R-2 District and R-3 District.
- (1) Separation. Distances between residential properties and outdoor play areas shall be maximized.
- (2) Landscaping. A minimum buffer width of five (5) feet and a landscaping barrier shall be required for all parking and vehicle use areas, and outdoor recreation areas that abut single-family residential zoning districts.
85. Government, Municipal Office/Emergency/Civic Facilities.
- a. All Districts. Conditional use approval shall be required for gross floor area in excess of five thousand (5,000) square feet.
86. Government, Non-Municipal Office Facilities.
- a. All "Mixed Use," M-1 District, and PID District. This use shall be integrated into a multiple-tenant building. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building; or 2) exceed thirty percent (30%) of the gross floor area of the mixed use development, where applicable.
- b. M-1 District. This non-industrial use is allowed within the M-1 district, provided that it 1) excludes a drive-up, drive-through, or drive-in facility; and 2) complies with all off-street parking requirements

of Chapter 4, Article V.

87. Day Care.

a. R-1-AAB District, R-1-AA District, R-1-A District, R-1 District, and PUD District. The following applies to facilities to be located within zoning districts limited to single-family homes:

(1) Design. Building design shall be consistent with surrounding residential styles in accordance with Chapter 4, Article III, Section 5.G.

(2) Lot Size. A minimum of one-half (0.5) acre.

(3) Separation. Minimum separation requirement between day cares shall be two thousand, four hundred (2,400) feet (this distance separation requirement should not apply to day care uses limited to specific groups such as church members, and should not be intended to place restrictive limits on the expansion/improvement of those uses existing prior to codification.

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

(1) Location. Along the following roadway types as designated in the City of Boynton Beach Comprehensive Plan: arterials and collectors;

(a) Lot size. A minimum of one-half (0.5) acre;

(b) Landscaping. A minimum buffer width of five (5) feet and a landscaping barrier shall be required for all parking and vehicle use areas, and outdoor recreation areas that abut residential zoning districts. Distances between outdoor play areas shall be maximized;

(c) Design. Building design shall be consistent with surrounding residential styles in accordance with Chapter 4, Article III, Section 5.G.

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

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

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

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

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

89. Storage, Boats/Motor/Recreational Vehicles.

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

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

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

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

90. Storage, Self-Service.

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

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

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

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

(a) The maximum size of a storage bay shall be limited to four hundred fifty (450) square feet.

(b) Storage bay doors shall not face any abutting property that is residentially zoned or any public or private right-of-way.

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

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

(e) Design. For all self-service storage facilities adjacent to or visible from any right-of-way, the following shall apply:

(i) The exterior colors, façades, windows, roof and building materials of all structures located on-site shall be compatible with the character of or vision for the surrounding area. Self-service storage facilities shall incorporate design elements to achieve the effect of office structures.

(ii) All façades viewable from rights-of-way shall provide variety and interest. These façades shall not exceed fifty (50) feet in length without visual relief by means of a vertical reveal at least one (1) foot in depth and ten (10) feet in width, a perceptible change in wall angle, or a corner. Other design attributes shall include, roof slope and materials, windows, awnings, fencing and other aesthetic elements.

(f) Refuse. Dumpsters and trash receptacles shall be screened from view of adjacent lots and streets.

(g) Exterior storage.

(i) Vehicles shall not be stored within the area set aside for minimum building setbacks or in areas designated for landscaping buffering purposes.

(ii) Pleasure boats stored on-site shall be placed and maintained upon wheeled trailers. No dry stacking shall be permitted on-site.

(iii) The outside storage area shall be constructed with a dust-free surface.

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

(1) Lot Size. The minimum lot size for a multi-access self-storage facility shall be two (2) acres.

(2) Circulation. The following on-site circulation standards shall apply:

(a) Interior: Interior loading areas shall be provided in the form of aiseways adjacent to the storage bays. These aiseways shall be used both for circulation and temporary customer parking while using storage units. The minimum width of these aiseways shall be twenty-five (25) feet if only one-way traffic is permitted, and thirty (30) feet if two-way traffic is permitted. A minimum width of twelve (12) feet between aiseways will be required when utilized for outdoor storage.

(b) Flow: The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Markings shall consist of standard directional signage and painted lane markings with arrows.

(c) Access: Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning of aiseways.

(3) Height. Limited access and combination multi-access and limited-access self-service storage facilities shall conform to the maximum height for that district. The maximum height for multi-access self-service storage facilities shall not exceed twenty-five (25) feet. These heights will include any screening required to conceal air-conditioning or any other mechanical equipment.

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

(1) Lot Size. The minimum lot size for a limited access self-storage facility shall be one (1) acre.

(2) Loading.

(a) Each entry point used to access hallways leading to the storage bays shall accommodate a minimum of two (2) loading berths and related maneuvering area.

(b) The loading areas shall not interfere with the primary circulation system on-site.

(3) Circulation. The following on-site circulation standard shall apply:

(a) Interior. If a minimum twenty (20) feet accessway is provided adjacent to the building and serves no other use except the self-service storage facility, then the loading area may be established parallel and adjacent to the building. It will be required to satisfy current regulations for driveway accessibility dependent on one-way or two-way traffic.

(i) One-way: 25 feet; and

(ii) Two-way: 30 feet.

d. SMU District, MU-L1 District, MU-L2 District, and MU-L3 District. Only limited-access self-service storage facilities are allowed within mixed use districts. Multi-access self-service storage facilities are prohibited.

(1) Location. Permitted only on lots fronting on major arterial roadways. Retail uses unrelated to the storage business are relegated to the ground-floor. Street frontages of the ground floor area shall be devoted to one (1) or more principal retail and office uses, not related to the self-storage use, to a depth of at least twenty (20) feet.

(2) Driveways. Access to the self-service storage use portion of the structure shall not be from/to an arterial roadway and must be screened from public rights-of-way.

(3) Design. Buildings shall be designed to have the appearance of a multi-story retail, office, and/or residential structure through the use of windows, shutters, and appropriate building elements on the upper floors.

e. M-1 District.

(1) Buffers. All perimeter buffers adjacent to residentially-zoned property shall contain a continuous wall or hedge and trees, installed no less than twenty-five (25) feet on-center.

(2) Exterior Storage. In connection with a self-service storage facility, open storage of boats, motor, or recreational vehicles of the type customarily maintained by private individuals for their personal use and commercial vehicles shall be permitted provided the following:

(a) The outdoor storage area shall not exceed forty percent (40%) of the area of the site.

(b) Outdoor storage areas shall be entirely screened from public and private rights-of-way and non-industrial properties. Screening materials shall be comprised of a buffer wall, eight (8) feet in height, or by the project's principal and/or accessory building(s) or a combination thereof. Trees, installed no less than twenty-five (25) feet on-center, in conjunction with shrubs and/or other foundation plantings, shall be placed on the outside of the buffer wall, within a landscaping strip of at least five (5) feet in width. The shrubs and foundation plantings shall be at least four (4) feet in height at the time of installation. However, their inclusion may be waived by the Director of Planning and Zoning if determined to be unnecessary.

91. Boat Repair.

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

b. M-1 District. No exterior storage of boats in a wrecked condition or the dry stacking of any boats shall be permitted.

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

93. Contractor.

a. Refuse. Dumpsters and trash receptacles shall be screened from view of adjacent lots and streets.

b. C-4 District.

(1) Location. This use is allowed within the C-4 district but it shall not be located on a lot that fronts on an arterial roadway.

(2) Use(s) Allowed.

(a) Office and showroom only as a permitted use.

(b) Contractors' outdoor storage and workshop shall require conditional use approval if located within two hundred (200) feet of a residential zoning district.

c. M-1 District. Contractors' outdoor storage and workshop shall require conditional use approval if located within two hundred (200) feet of a residential zoning district.

94. Lawn Maintenance & Landscaping Service.

a. Refuse. Dumpsters and trash receptacles shall be screened from view of adjacent lots and streets.

b. C-4 District.

(1) Location. This use is allowed within the C-4 district but it shall not be located on a lot that fronts on an arterial roadway.

(2) Use(s) Allowed.

(a) Office and showroom only as a permitted use.

(b) Outdoor storage and workshop shall require conditional use approval if located within two hundred (200) feet of a residential zoning district.

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

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

storage, or processing of human or animal bodies or body parts would require conditional use approval.

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

98. Taxi, Limo, Charter Bus.

- a. C-2 District, C-3 District, C-4 District, CBD District, and PCD District. Office only; fleet vehicles shall be stored in a zoning district where storage, boats/motor/recreational vehicles is allowed.
- b. M-1 district. No exterior (temporary) storage of fleet vehicles in a wrecked condition shall be permitted. In addition, the following shall apply:

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

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

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

99. Community Garden.

a. All Districts.

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

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

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

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

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

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

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

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

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

b. Residential Districts.

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

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

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

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

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

c. All Commercial and Mixed Use Districts.

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

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

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

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

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

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

100. Warehouse, showroom (single product line).

a. All Districts (for recreational vehicles only).

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

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

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

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

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

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

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

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

(9) No maintenance shall occur on site.

(Ord. 10-025, passed 12-7-10; Am. Ord. 11-002, passed 3-1-11; Am. Ord. 11-018, passed 7-5-11; Am. Ord. 11-023, passed 10-4-11; Am. Ord. 11-028, passed 10-18-11; Am. Ord. 12-006, passed 4-17-12; Am. Ord. 12-010, passed 6-19-12; Am. Ord. 13-020, passed 7-2-13; Am. Ord. 13-025, § 2, passed 10-1-13; Am. Ord. 13-029, § 2, passed 11-19-13)

Sec. 4. Conditional Uses.

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

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

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

1. Ingress and egress to the subject property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the items in subsection C.1. above, and the economic, glare, noise, and odor effects the conditional use will have on adjacent and nearby properties, and the city as a whole;
3. Refuse and service areas, with particular reference to the items in subsection C.1. and C.2. above;
4. Utilities, with reference to locations, availability, and compatibility;
5. Screening, buffering and landscaping with reference to type, dimensions, and character;
6. Signs, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjacent and nearby properties;
7. Required setbacks and other open spaces;
8. General compatibility with adjacent properties, and other property in the zoning district;
9. Height of buildings and structures, with reference to compatibility and harmony to adjacent and nearby properties, and the city as a whole;
10. Economic effects on adjacent and nearby properties, and the city as a whole;
11. Where applicable, the proposed use furthers the purpose and intent of a corresponding mixed use zoning district or redevelopment plan; and
12. Compliance with and abatement of nuisances and hazards in accordance with the operational performance standards as indicated in Chapter 3, Article IV, Section 1 and the Noise Control Ordinance, and City Code of Ordinances Part II, Chapter 15, Section 15-8.

A sound impact analysis shall be required for new or expanding bar, nightclub or similar uses when involving property within 300 feet of a residential district. The analysis shall include mitigating solutions that would reduce or eliminate any potential for off-site nuisance conditions. Depending on the size of the proposed use, the distances to and level of compatibility with adjacent land uses, the sound analysis may be required to include information, diagrams and sketches indicating the types and locations of proposed sound emitting equipment, speaker orientations, maximum output, building or site design intended to mitigate sound impacts, and any operational standards including an affidavit documenting maximum sound limits to be maintained based on the findings of the analysis.

A live entertainment permit shall be required for a bar/nightclub use pursuant to the requirements of Chapter 3, Article IV, Section 1.a, and Part II (Code of Ordinances). Chapter 13, Article IV, Section 13-80.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-010, passed 6-19-12; Am. Ord. 12-016, passed 10-2-12)

Sec. 5. Nonconforming Uses.

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

B. *Existing Uses.*

1. General. Any lawful use of land or structures existing on the effective date of the adoption or amendment of these zoning regulations, but which would become a nonconforming use under the terms of these Regulations or future amendments hereto, shall be permitted to continue, subject to the provisions of this section pertaining to its extension, alteration, reconstruction, business tax renewal, discontinuance or change.

Any use or structure in lawful existence at the time of adoption or amendment of these zoning regulations which would thereafter require a conditional use approval under its provisions shall be construed to be a nonconforming use. Such uses or structures may become conforming upon application, review, and approval as a conditional use according to the procedures and standards set forth in these zoning regulations for conditional use approvals. However, if approval of a conditional use is not granted for such use or structure, then it shall continue to be construed as nonconforming. Any enlargement, increase, extension, or intensification of a use or structure would require such approval as if it were a new use or structure. Any alteration or movement of such use which the Development Director finds does not enlarge, increase, extend, or intensify the use, shall not require conditional use approval, but shall conform to all other applicable provisions contained in the Boynton Beach Land Development Regulations.

2. Exclusions (Ordinance 12-010). Any legally conforming use with previous city approval or in possession of an active Business Tax Receipt and/or Certificate of Use at the time of this ordinance, but no longer listed as permitted or conditional in the zoning district in which it is located pursuant to Ordinance 12-010 shall continue to be considered conforming to the extent that it may expand business operations and/or associated building by up to twenty percent (20%), provided it does not expand onto an abutting lot. This same provision shall apply to the Land Use Option(s) of individual lots depicted on the Quantum Park Master Site Development Plan.

C. *Nonconforming Use Limitations.*

1. Use of Land. No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of the adoption or amendment of these Regulations, unless such use is subsequently changed to a use permitted in the district in which such use is located.

No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of the adoption or amendment to these Regulations, nor shall such nonconforming use be moved to any other parcel or located in any district within which said use is not permitted.

No additional structures or buildings shall be erected in connection with such nonconforming use of land.

2. **Use of Structures.** Any nonconforming use which occupies a portion of a building or other structure not originally designed or intended for such use shall not be extended to any other part of the building or structure. No nonconforming use may be extended to occupy any land outside the building or structure, nor any additional building or structure on the same plat, which was not used for such nonconforming use at the effective date of the adoption or amendment of these Regulations.

No structure used for a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to one which complies with the provisions of these Regulations. However, ordinary repairs, maintenance and improvements, such as plumbing or wiring, replacement of non-bearing walls, fixtures or other interior alterations, shall be permitted each year in an amount not to exceed twenty-five percent (25%) of the assessed value of the building or structure for that year as determined by the Palm Beach County Property Appraiser, subject to the provisions of the preceding paragraph and provided such work does not increase the cubic volume of the structure, the floor area devoted to the nonconforming use or the number of dwelling units. Nothing in these Regulations shall prevent compliance with applicable laws or ordinances relative to the safety and sanitation of a building occupied by nonconforming use.

D. **Change of Use.** Any part of a structure or land occupied by a nonconforming use which is changed to or occupied by a conforming use shall not thereafter be used or occupied by a nonconforming use. A nonconforming use of land or structure shall not be changed to any other use except one which would be permitted as a conforming use in the district in which the land or building is located. However, no change shall be required in the plans, construction, or designed use of any structure for which a building permit was lawfully issued pursuant to Chapter 4, Article IX, and upon which construction has actually begun prior to the effective date of the adoption or amendment of these Regulations.

E. **Discontinuance.** If for any reason a nonconforming use of land, structure or any part thereof ceases or is discontinued for a period of more than six (6) consecutive months, except when government action impedes access thereto, the land shall not thereafter be used for a nonconforming use. The issuance or existence of a required business tax receipt, permit, or other governmental authorization to conduct such nonconforming use shall not mean that the use has not ceased, but that the lack of the same shall create a rebuttable presumption that the use has ceased.

F. **Nonconforming Lots/Structures.** See Chapter 3, Article V, Section 11 for the regulations pertaining to nonconforming lots and structures.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-010, passed 6-19-12)

Sec. 6. Penalties.

The city or any other legal authority shall enforce any violation of this article pursuant to the penalty provisions contained in Chapter 1, Article I, Section 7 of these Land Development Regulations.

(Ord. 10-025, passed 12-7-10)

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ARTICLE V. SUPPLEMENTAL REGULATIONS

Sec. 1. General.

A. **Purpose and Intent.** This article is to maintain standards for those accessory uses, buildings, and structures customarily incidental and subordinate to the main use or building(s) and located on the same lot. The intent of the supplemental regulations provides common regulations for circumstances encountered throughout the city.

B. **Administration.** The Director of Planning and Zoning or designee shall coordinate, interpret, and administer this article.

C. **Applicability.** Except as otherwise specifically provided herein, the regulations set out in this article shall be applicable to all zoning districts.

D. **Rules.**

1. **Conformity.** No building or structure, or part thereof, shall hereafter be erected, constructed, or altered except in conformity with the provisions of this article.

2. **Timing.** Construction of accessory structures, excluding walls or fences, may not precede construction of the principal building. No accessory structure, including boat docks and swimming pools, shall be constructed upon a lot until the construction of the principal building has commenced.

E. **Conflict.** Whenever the regulations and requirements of this Code are at conflict with any other lawfully enacted and adopted rules, regulations, ordinances, or laws, the most restrictive shall apply, unless otherwise stated herein.

F. **Relief from Regulations.** Unless described otherwise in this article, any deviation from these zoning regulations shall require approval of a variance application, which is subject to review and approval by the City Commission. A request for a variance shall be reviewed in accordance with Chapter 2, Article II, Section 4.D.

(Ord. 10-025, passed 12-7-10)

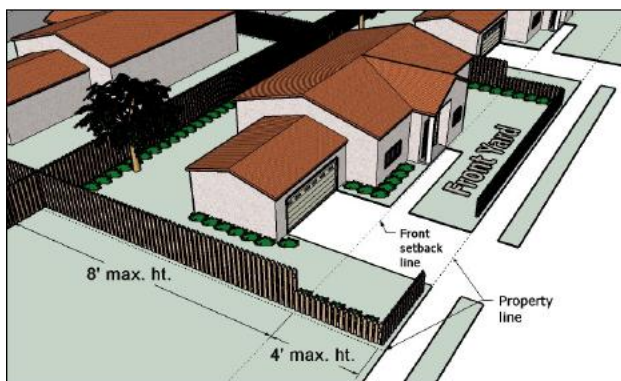
Sec. 2. Walls and Fences.

Walls and fences are allowed in all zoning districts within all required yards and shall be regulated as follows:

A. **Location and Height.** Walls and fences shall only be erected on the lot of the applicant and not protrude or extend outside the property line or into a public right-of-way. The maximum height of walls and fences shall be eight (8) feet, except as described below:

1. **Single-family and Two-family Residential Districts.** Walls and fences shall be a maximum of four (4) feet in height where located within front and corner side

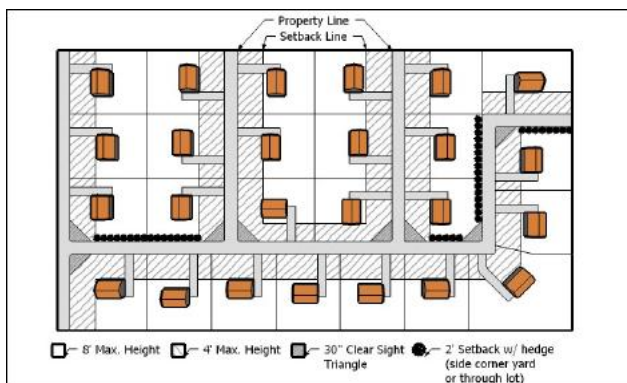
corner yards of single-family or duplex dwelling units.



However, the four (4)-foot height limitation may not apply under the following instances:

- a. Corner Side Yard of Corner Lots. Within the corner side yard of a corner lot that abuts and shares a common rear property line with another corner lot.

The front yard of each corner lot must be located on a separate street, opposite and/or parallel from each other. Walls and fences shall be setback at least two (2) feet from the side corner property line in order to accommodate its footer and a continuous hedge, which shall be maintained a minimum one-half (1/2) the height of the wall or fence. The hedge shall be located on the street-side of the wall or fence and must be appropriately maintained.



b. Rear Yard of Through-Lots. On through-lots with double frontages, walls and fences may be erected at the regulated height for rear yards provided that a provision is made for a hedge along the street-side of the wall or fence. Walls and fences shall be setback at least two (2) feet from the side corner property line in order to accommodate its footer and a continuous hedge, which shall be maintained a minimum one-half (1/2) the height of the wall or fence. The hedge shall be located on the street-side of the wall or fence and must be appropriately maintained.

2. Multi-family and Townhouse Developments. Walls and fences shall be a maximum of six (6) feet in height where located within landscape strips abutting rights-of-way on all developments that have less than four hundred (400) feet of frontage on typical city streets. However, the maximum height of walls and fences (located within the landscape strip abutting rights-of-way) may be increased to eight (8) feet when in compliance with the following:

- a. The street frontage of the development is at least four hundred (400) feet in length;
 b. The development has no more than one (1) parking lot driveway opening or access point along such street frontage;

c. Walls and fences shall be setback at least two (2) feet from the property line along such street frontage, in order to accommodate its footer and a continuous hedge, which shall be maintained a minimum one-half (1/2) the height of the wall or fence. The hedge shall be located on the street-side of the wall or fence and must be appropriately maintained.

3. Low Voltage Security Fencing in Industrial Districts. Low voltage security fencing, as provided for in Section 2.I. below, may be placed on a perimeter fence, not to exceed the perimeter fence height by more than two (2) feet.

B. Cross-Visibility and Safe Sight.

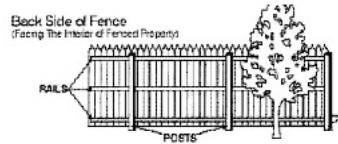
1. General.

a. Purpose and Intent. The purpose of this subsection is to promote safety in the use of opaque walls and fences where in close proximity to rights-of-way, off-street parking areas, and other vehicular use areas. The intent is to ensure safe and unobstructed views for both pedestrians and motorists.

- b. Administration. The City Engineer or designee shall coordinate, interpret, and administer this subsection.

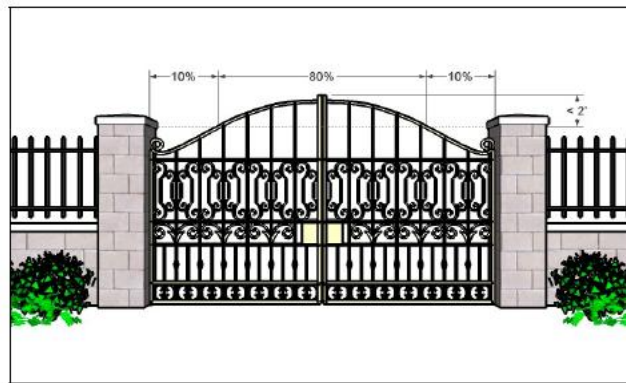
2. Visibility at Driveway Openings. The "safe-sight triangle" is the triangular-shaped area described by the *Engineering Design Handbook and Construction Standards* (EDHCS). Unobstructed cross-visibility shall be maintained in the safe-sight triangle where parking lot driveway openings and access points occur along rights-of-way or between individual properties. Walls and fences are allowed within the safe-sight triangle provided that unobstructed cross-visibility is maintained thirty (30) inches above the pavement, measured from the abutting right-of-way or cross-access drive, whichever is applicable. The City Engineer shall determine the appropriate size and location of each safe-sight triangle in accordance with the EDHCS.

3. **Visibility at Corners of Rights-of-Way.** Opaque walls and fences shall comply with cross-visibility standards pursuant to Chapter 4, Article VIII, Section 3.C.4.u.
 4. **Visibility along State Roads.** The placement of a wall or fence shall not cause any line-of-sight obstruction and must comply with the visibility requirements of Florida Department of Transportation (FDOT) Standard Index No. 546 or the latest supplement thereof.
 5. **Visibility in Front and Side Corner Yards.** Unobstructed cross-visibility shall be maintained within the front and side corner yards of single-family and duplex residential lots in accordance with Chapter 3, Article II, Section 6.
- C. **Design.** Walls and fences shall be symmetrical in appearance with columns and posts conforming to a definite pattern and size of uniform design and separation. The wall or fence shall be kept in good repair and be continuously maintained in its original appearance. All walls and fences shall be erected with the finished side facing adjacent properties. The face of any fence or wall visible to the public shall also be finished.



The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material. See Chapter 4, Article III, Section 3.E. for additional standards regarding the appearance of walls and fences.

- D. **Dangerous Materials.** Walls and fences shall not contain any substance such as broken glass, spikes, nails, or razors that are designed to inflict discomfort, pain or injury to a person or animal, except where located around industrial uses in the PID or M-1 districts. In these instances, they may be topped off with no more than three (3) strands of barbed-wire, provided that they are not visible from a road right-of-way. Fences shall not be electrified, except as provided for in Section 2.I. below.
- E. **Attachments.** Gates, gateposts, lights, and/or other decorative features, which are attached to a wall or fence, shall not exceed the height of said wall or fence by more than two (2) feet. In addition, these attachments, excluding gates, shall not exceed an area of three (3)-feet in any horizontal direction. No more than eighty percent (80%) of the length of a decorative gate may exceed the height of the wall or fence.



Arbors and trellises intended for pedestrian walkways are not included within this height limitation and are regulated differently in accordance with Chapter 3, Article V, Section 3.F.

F. **Construction Sites.** Temporary security and safety fencing, which may be required around construction sites in accordance with the Florida Building Code, shall not exceed six (6) feet in height and must comply with cross-visibility and safe-sight standards pursuant to Chapter 4, Article VIII, Section 3.C.4.u. and the EDHCS. Such fencing shall be approved in conjunction with the building permit(s) and must be removed prior to issuance of a certificate of occupancy or certificate of completion. Any signage placed on the temporary security fencing shall comply with Chapter 4, Article IV, Section 3.B.3. However, the screening material allowed in the Sign Code shall not conflict with the original intent for said fencing, mesh, and related materials, which is to offer protection from dust, debris, and other airborne particulate matter.

G. **Easements.** Walls and fences cannot abridge any easement rights without approval from the affected utility company and/or the city. See Chapter 4, Article II, Section 3.A.10.c. for additional regulations regarding buffer walls and easements.

H. *Buffer Walls.*

1. **Definition.** See Chapter 1, Article II for the definition of a buffer wall.
 2. **Where Required.** See Chapter 4, Article II, Section 4.B.3. and Chapter 4, Article II, Section 4.C.3. for additional regulations regarding buffer walls and the requirement for them to be located within perimeter landscape buffers and barriers.
 3. **Timing.** Construction of a buffer wall shall be completed prior to the issuance of a certificate of occupancy for the building or buildings sought to be built in connection therewith.
- I. **Low Voltage Security Fencing.** The construction and use of electric fences shall be allowed in the city only as provided in this section, subject to the following standards:

1. **IEC Standard 60335-2-76.** Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with the specifications set forth in International Electro technical Commission (IEC) Standard No. 60335-2-76.

2. **Electrification.**

- a. The energizer for electric fences must be driven by a commercial storage battery not to exceed twelve (12) volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger.

b. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

3. Perimeter Fence or Wall.

- a. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six (6) feet in height.
- b. The separation between the non-electrified perimeter fence and the electrified fence shall be one (1) foot.

4. Location. Electric fences shall be permitted on any property zoned M-1, or PID if on a parcel that allows industrial uses according to the corresponding Master Plan, and must be occupied by a business that has an active business tax certificate.

5. Warning Signs. Electric fences shall be clearly identified with warning signs that are three (3) square feet in size and that read: "Warning - Electric Fence". The letters on the sign shall be a minimum of six (6) inches in height, and the signs shall be spaced no greater than forty (40) feet apart, mounted on the fence at least five (5) feet above finished grade. The signs shall be written in English, Spanish and Creole.

6. Permitting. Electric fences shall be governed and regulated under burglar alarm regulations of City Code of Ordinances Part II, Chapter 2.5, Alarm Systems, and permitted as such.

7. Emergency Shut-off. An emergency shut-off switch shall be accessible to all emergency personnel to allow for necessary access. Control and access shall be of a type, location, and marking specified and approved by the Police Chief and Fire Marshal.

8. Miscellaneous. It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-016, passed 10-2-12)

Sec. 3. Common Building Appurtenances, Freestanding Structures, and Site Amenities, Excluding Walls and Fences.

Common building appurtenances, freestanding structures, and site amenities (excluding walls and fences) shall be allowed in all zoning districts within all required yard setbacks unless specifically stated otherwise as contained herein. In all instances, the aforementioned shall not abridge any easement rights without express written consent from the affected utility company or governing entity having jurisdiction over such easement. Any proposed building appurtenance, freestanding structure, or site amenity that decreases the permeable land area in excess of eight hundred (800) square feet on any given parcel shall be reviewed for compliance with the drainage standards of Chapter 4, Article VIII, Section 3.G. and the *Engineering Design Handbook and Construction Standards*. This review requires the submittal of a drainage plan prepared by a licensed professional engineer based on the design standards referenced above. No building appurtenance, structure, or site amenity shall be installed, erected, or constructed prior to the construction of the principal building unless otherwise contained herein.

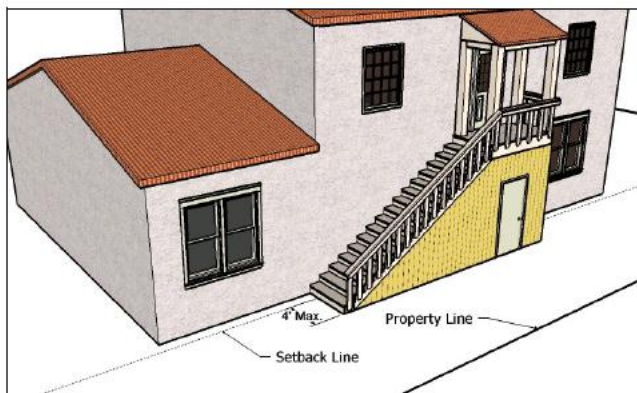
A. *Building Appurtenances*. The following regulations shall apply, where applicable:

1. Architectural Features. Eaves, cornices, gutters, fascia boards, copings, soffits, downspouts, belt courses, window sills, window and/or door trim, applied finish materials, roof and/or equipment vents, sillcocks, fire hose connections, meters, sand boxes, light fixtures, hardware, bay windows, balconies, dripcaps, telephone and cable boxes, electrical risers and outlets, window boxes, thermometers, handrails, condensate drains, shower heads and ornamental architectural features shall not extend, protrude, project, or overhang into any required yard setback by more than three (3) feet.

2. Awnings, Canopies, and Shutters. Awnings, canopies, and shutters (storm or decorative) shall not protrude into any required yard setback by more than three (3) feet; however, no setback adjacent to a right-of-way shall be required where located in the Urban Commercial District Overlay Zone (UCDOZ) or any "urban" mixed use district. In these instances, awnings, canopies, and shutters may extend into an abutting right-of-way, contingent upon the approval of the entity having jurisdiction over the right-of-way. The owner shall obtain all necessary approvals and permits where awnings, canopies, and shutters protrude into a public right-of-way and must be moved or removed immediately upon request of the city or entity having jurisdiction over such right-of-way.

3. Chimneys. Chimneys shall not protrude into any required yard setback by more than three (3) feet.

4. Fire Escapes and Unenclosed Staircases. Fire escapes and unenclosed staircases shall not protrude into any required yard setback by more than four (4) feet.



- B. *Decks, Patios, Steps, Stoops, and Terraces (Unenclosed and Uncovered)*. Unless otherwise regulated by a master plan or site plan for a planned development, unenclosed and uncovered decks, patios, steps, stoops, and terraces less than or equal to one (1) foot in height shall be setback at least two (2) feet from any property line. Those with heights greater than one (1) foot but less than or equal to three (3) feet shall be setback at least three (3) feet from any property line. The aforementioned setbacks may be further reduced, but only in connection with a swimming pool as provided for in accordance with Section 3.D. below. In both instances, however, they shall be maintained and drained so as to prevent nuisance conditions to the public and/or abutting property owners. Decks, patios, steps, stoops, and terraces greater than three (3) feet in height shall comply with the minimum setbacks required for the principal building. Driveways for residential off-street parking areas shall be regulated in accordance with Chapter 4, Article V, Section 2.B.

- C. *Screened-Roof Enclosures*. Screened-roof enclosures shall be setback at least six (6) feet from the rear property line; however, such setback may be reduced to three

(3) feet in instances where the rear yard of the subject property abuts a body of water, golf-course, park, interstate or railroad right-of-way, commercial or industrial property, or the perimeter wall of a non-residential development. Unless otherwise regulated by a master plan or site plan of a planned development, screened-roof enclosures shall comply with the interior side yard setback required for the principal structure. No screened-roof enclosures shall be allowed within the required front or side corner yard, including forward of the front or side corner building line, or within a perimeter landscape buffer.

D. *Swimming Pools and Spas.* Unless otherwise regulated by a master plan or site plan for a planned development, in-ground and above-ground swimming pools and spas (less than thirty-six (36) inches in height) shall be setback at least eight (8) feet from rear and side interior property lines; however, such required setbacks may be reduced to two (2) feet in instances where the rear or side interior yard, whichever is applicable, abuts a body of water, golf-course, an improved road, railroad, or highway right-of-way, or a non-residential property. The required setback may be further reduced in such situations, but only upon the determination of the Director of Planning and Zoning when determined necessary to 1) comply with all applicable rules and regulations; 2) be of minimum scale that will make possible the reasonable use of land; and 3) have no impact to abutting properties.

For clarification, the provision to reduce setbacks shall only be available within the yard(s) along property lines abutting the qualifying undevelopable or non-residential lands. Above-ground swimming pools and spas greater than thirty-six (36) inches in height shall be setback ten (10) feet from rear and side interior property lines. In all instances, swimming pools and spas shall not be allowed within the required front or corner side yards, including forward of the front or side corner building lines.

1. *Private Pump Housing and Equipment.* Private pump housing and equipment for swimming pools (and spas) shall be setback at least three (3) feet from the rear and interior side property lines and adequately screened where visible from abutting rights-of-way or properties zoned for single-family residential dwellings. Private pump houses and equipment shall not be allowed within the required front or corner side yards, including forward of the front or corner side building lines, unless approved for an administrative adjustment if it is determined that no other on-site location is available or feasible. See Chapter 2, Article II, Section 4.A. for the regulations pertaining to the administrative adjustment process.

2. *Miscellaneous.* See the Florida Building Code for additional regulations regarding barrier requirements around a swimming pool.

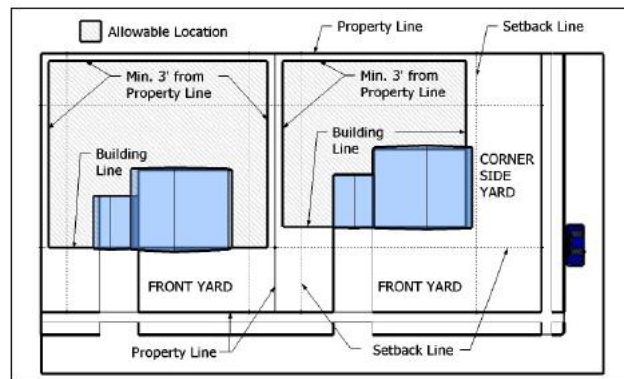
E. *Sheds and Storage Containers.*

1. *Permanent Sheds and Storage Structures.* Permanent sheds and storage structures may be designed either attached (to) or detached from the principal building, and shall comply with the following regulations:

a. *Location and Size.*

(1) Sheds and storage structures shall not be allowed within the required front or corner side yards, including forward of the front or side corner building lines;

(2) Sheds and storage structures that are one hundred (100) square feet or less shall be setback at least three (3) feet from the rear and interior side property lines. The maximum height of any shed or storage structure shall be eight (8) feet for flat roofs or a mean height of nine (9) feet for sloped roofs;



(3) Sheds and storage structures greater than one hundred (100) square feet or in excess of the height restriction of subparagraph E.1.a.(2) above shall comply with the minimum setbacks required for the principal building. The maximum allowable height of the shed or storage structure shall not exceed the zoning district regulations for which it is located or the roofline of the principal building, whichever is more restrictive; and

(4) All attached sheds or storage structures shall have exterior access only; no access from within the principal building is allowed.

b. *Number of Structures.* A lot may contain more than one (1) shed or storage structure; however, any additional structure shall comply with the minimum setbacks required for the principal building, regardless of size.

c. *Screening.* Sheds and storage structures shall be effectively screened with a wall, fence, landscape material, or a combination thereof, where visible from an abutting property or right-of-way.

d. *Miscellaneous.* See Section 3.E.2. below for additional regulations regarding the use of mobile and temporary storage container units. Sheds and storage areas that are designed and used in connection with fire escapes or unenclosed staircases shall be regulated in accordance with Section 3.A.4. above.

2. *Mobile and Temporary Storage Container Units.* Mobile and temporary storage container units shall only be allowed in residential zoning districts and must comply with the following regulations:

a. *Number of Units.* Only one (1) mobile or temporary storage container unit may be allowed per lot for a single-family or duplex home. A maximum of two (2) units may be allowed at any given time within multi-family developments.

b. *Location.* Mobile or temporary storage container units shall not be located within rights-of-way and must comply with the following location criteria:

(1) *Single-family or Duplex Homes.* The units shall only be allowed within the required front or corner side yards if placed on a driveway or other hard surfaced area, and setback at least five (5) feet from any property line. The unit shall not be allowed within the required rear and side interior yard, or the space allotted for the principal building.

(2) Multi-family Developments:

- (a) The location of units shall be restricted to guest parking spaces or other designated overflow parking areas;
- (b) The location of the units shall not interfere with any emergency or service vehicle operations;
- (c) The units shall be setback at least five (5) feet from all property lines;
- (d) The units shall not be placed in tandem with each other within one (1) parking space; and
- (e) The units shall not be stacked on top of each other.

c. Dimensions. The size of a mobile or temporary storage container unit shall not exceed the following dimensions:

- (1) Maximum width of eight (8) feet;
- (2) Maximum depth of sixteen (16) feet;
- (3) Maximum height of eight (8) feet; and
- (4) Maximum floor area of one hundred twenty-eight (128) square feet.

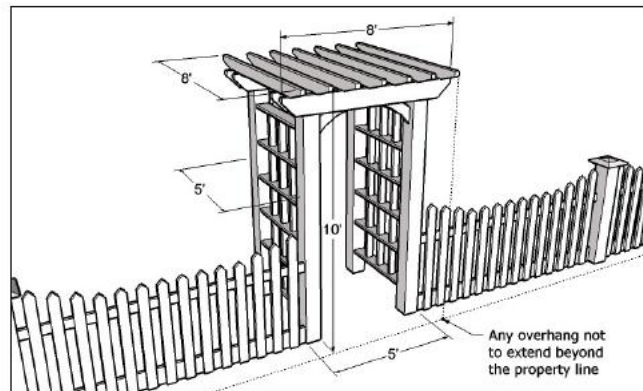
d. Time Limit. The maximum time for a mobile or temporary storage container unit to remain on a property shall be forty-five (45) days.

e. Maintenance. The mobile or temporary storage container unit shall be maintained in good condition, free from evidence of deterioration, rust, holes, or breaks. The unit shall be kept locked when not in use.

f. Prohibition of Hazardous Materials. The owner, supplier, or tenant shall ensure that no hazardous substances shall be stored or kept in the mobile or temporary storage container unit.

F. *Arbors, Trellises, and Pergolas*. Arbors, trellises, and pergolas shall be setback at least three (3) feet from any property line, unless otherwise regulated by a master plan or site plan of a planned development. No setback is required along the front or corner side property lines if the structure is located at a pedestrian access point that directly connects to an abutting sidewalk, and when the use and design of such structure is utilized for nostalgic purposes to better achieve the exterior building and site design standards of Chapter 4, Article III, Section 1.A. In these instances, the maximum dimensions shall be as follows:

1. Maximum width between supporting columns – five (5) feet;
2. Maximum depth between supporting columns - five (5) feet; and
3. Length of cross-members at the top of the structure – eight (8) feet.



The maximum height of arbors, trellises, and pergolas shall be ten (10) feet; however, a greater height may be allowed if the structure is an extension of an eave or fascia of a one (1)-story principal building. In these instances, the maximum height shall not exceed the mean roof height of the principal building.

G. *Open Air Structures and Gazebos*. Open-air structures and gazebos, as defined in Chapter 1, Article II, shall comply with the following regulations:

1. Applicability.

a. All open-air structures, excluding qualified chickee and chiki huts, must be permitted in accordance with the city's Zoning Regulations and the Florida Building Code.

b. Open air structures intended to qualify as a chickee or chiki hut (see Chapter 1, Article II, Definitions) must be reviewed for consistency with the regulations of this section and Florida Statutes. The issuance of a zoning verification letter from the Planning and Zoning Division will represent a determination of consistency. The following information must be submitted for approval:

- (1) A site plan or survey that includes scaled dimensions of the proposed structure including setbacks;
- (2) Proof that the builder is a member of either the Miccosukee or Seminole Indian Tribes of Florida. This shall be a copy of the tribal members identification card; and
- (3) Drawings or images of the proposed structure indicating the open design, roof materials, and height.

2. District Regulations.

a. Single-family and Single-family/Two-family Zoning Districts. In single-family and single-family/two-family residential zoning districts, an "open-air" structure, which does not exceed one hundred fifty (150) square feet in floor area and twelve (12) feet in height measured at the mean roof height for sloped roofs, shall be located

according to the following standards:

(1) The side setback shall be allowed to follow the existing wall of the principal building provided it does not further encroach into the setback or shall meet the minimum side setback requirement, whichever is least restrictive.

(2) The rear setback shall be eight (8) feet; however, in instances where the rear yard abuts a body of water, golf course, park, interstate or railroad right-of-way, commercial/industrial property, or the perimeter wall of a development abutting other than residential property, the rear setback may be reduced to three (3) feet.

(3) The proposed structure must be located a minimum of three (3) feet from any principal, accessory or other building and structure on the property.

(4) For all cases in which the total square footage of one (1) or more open-air structure or combination of such structures exceeds one hundred fifty (150) feet of floor area, or exceeds twelve (12) feet in mean roof height, the principal building setback of the zoning district in which it is located shall apply.

(5) The open-air structure shall not be placed forward of the front or corner side building line, within a utility or drainage easement, or in a required landscape buffer.

b. **Planned Developments.** Open air structures are allowed within rear and interior side yards of individual lots within planned residential developments. The required setbacks shall be determined by the approved master plan or site plan; however, in no case shall they be allowed forward of the front or corner side building line. If the master plan or site plan is silent relative to these accessory structures, and if their respective governing association has not adopted specific provisions or standards for such accessory structures, their installation shall only be in conformance with the approved building setbacks on the approved plan.

c. **Other Districts.** The installation of such structures in multi-family residential, mixed use, commercial, and industrial zoning districts shall meet all building setback regulations for the zoning district in which it is located. In addition, the proposed structure must be located a minimum of twenty-five (25) feet from the principal building(s) on the property and from another such structure. The city shall consider other distances calculated by a licensed fire protection engineer in accordance with NFPA 80A Protection of Buildings from Exterior Fire Exposures.

3. **Methodology.** The square foot area of the open-air structure shall be determined from the dimensions taken from inside the support posts, provided the roof overhang does not exceed three (3) feet. For those structures that are supported by a single pole (i.e. umbrella shape), the area measurements shall be taken from the drip line of the roof materials.

4. **Existing Structures.** All chickee/chiki huts constructed prior to the adoption of these Regulations, within single-family and single-family/two-family residential zoning districts, without the benefit of a permit and not in compliance with the zoning regulations noted herein, shall be reviewed for compliance with the qualification requirements for a chickee hut as established by state law. If determined consistent with state law, such structures shall be considered nonconforming structures as defined in the city's regulations. Those improvements determined inconsistent with state law shall be processed in accordance with the following subsection.

5. **Removal.** Except for those structures qualifying as chickee/chiki huts, all other open-air structures constructed prior to these Regulations without the benefit of a permit and those that do not comply with these Regulations, due to application of permitting requirements, must be removed or brought into compliance with all applicable regulations of the city.

6. **Violations.** Failure to comply with the provisions of this section shall be considered a violation of the city's Code of Ordinances, and subject the property owner to being cited by the city for failure to comply with these code provisions pursuant to the city's Code Compliance provisions, or any other legal process authorized by law.

H. **Barbecue Pits.** Barbecue pits and their accessory equipment shall comply with the following:

1. **Setback.** Setback at least three (3) feet from the rear and interior side property lines. They are not allowed within the required front or side corner yards setbacks, including forward of the front or corner side building lines;

2. **Size.** Occupy more than one hundred (100) square feet; and

3. **Height.** Be greater than nine (9) feet in height.

I. **Rock Gardens.** Rock gardens are allowed within all required yards.

J. **Garden.** The cultivation area shall be setback a minimum distance or designed (planted) so as to not violate any cross-visibility requirements and safe-sight standards required near vehicular use areas. In addition, the following shall apply:

1. **Accessory Garden.** None of the common building appurtenances, freestanding structures, site amenities and improvements contained in this section (excluding walls and fences) are allowed on the subject property prior to the issuance of a certificate of occupancy for a principal building. See Section 3.Y. below for additional regulations regarding accessory agricultural structures.

2. **Community Garden.** None of the common building appurtenances, freestanding structures, site amenities and improvements contained in this section (excluding walls and fences) are allowed on the subject property, except in commercial and mixed use districts. See Section 3.Y. below for additional regulations regarding accessory agricultural structures.

K. **Fish and Lily Ponds.** Fish and lily ponds are allowed within all required yards; however, the maximum depth shall not exceed eighteen (18) inches. Those which are deeper than eighteen (18) inches shall be treated the same as swimming pools and spas and regulated in accordance with Section 3.D. above.

L. **Fountains, Sculptures, and Miscellaneous Art.** Unless used in connection with the Arts in Public Places ordinance, all fountains, sculptures, and similar objects of art shall be setback at least ten (10) feet from the front property line and three (3) feet from all other property lines, and must not occupy more than one hundred (100) square feet, or exceed nine (9) feet in height.

M. **Playground Equipment.**

1. **Playground Equipment, Excluding Basketball Goals.** Playground equipment, excluding basketball goals, shall comply with the following, where applicable:

a. **Residential Uses.** When used in connection with residential uses, they shall not be allowed within the required front, corner side, or interior side yards, including forward of the front, corner side, or interior side building lines.

b. **Non-residential Uses.** When used in connection with non-residential uses, they are allowed within any required yard, but shall be setback at least five (5) feet from any property line.

2. **Basketball goals.** Basketball goals shall be setback at least fifteen (15) feet from the front and corner side property lines and three (3) feet from the rear and interior side property lines.

N. **Flags and Flagpoles.** In addition to the standards listed below, the maximum size of any one (1) flag shall not exceed twenty-four (24) square. For the purpose of

this subsection, building height shall be construed to be the highest point of the roof.

1. **Flagpoles.** A flagpole, which contains no more than one (1) structural ground member for support, shall be setback at least ten (10) feet from any property line.

a. **Single-Family and Two-Family Residential Districts.** Only one (1) flagpole, containing a maximum of two (2) flags, may be erected per lot. The maximum height of a flagpole shall neither exceed the building height nor twenty-five (25) feet, whichever is less. No flags of any commercial nature may be flown on flagpoles located within any of these districts.

b. **All Other Districts.** Only one (1) flagpole, containing a maximum of two (2) flags, may be erected per lot/development. The maximum height of a flagpole shall neither exceed the building height nor forty-five (45) feet, whichever is less.

c. **Certain Uses.** A maximum of three (3) flagpoles, containing one (1) flag each, may be erected per lot/development for the following uses (as described by the use matrix (Table 3-28) of Chapter 3, Article IV, Section 3.D.: community facilities, schools (primary and secondary), and post office. Two (2) flags may be flown on single flagpole if only one (1) flagpole is erected for the entire development.

2. **Stanchions (Affixed to Buildings).** A maximum of two (2) stanchions, containing one (1) flag each, may be allowed per lot/development.

a. **Size.** The total projection of a stanchion shall not exceed nine (9) feet in length.

b. **Maximum Height.** The projection of the stanchion, in conjunction with its angle, shall not cause the top of the stanchion to be taller than the existing building height.

c. **Minimum Clearance.** A minimum dimension of nine (9) feet shall be maintained under the flag, where needed to provide adequate clearance for pedestrians.

d. **Location.** Stanchions shall only be affixed to principal buildings. They may protrude into any required yard setback but shall not extend outside the property boundaries, except in instances where they protrude into an abutting right-of-way. The owner shall obtain all necessary approvals and permits where stanchions protrude into a public right-of-way.

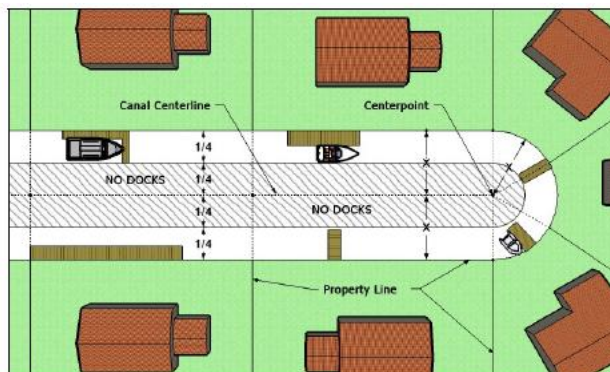
3. **Wireless Communication Facilities.** See Section 13 below for regulations regarding flagpoles that are used in connection conjunction with concealed wireless communication facilities.

O. **Seawalls, Bulkheads, Docks, and Piers.** Seawalls, bulkheads, piers and docks installed along access waterways shall be installed under a permit issued by the Boynton Beach Development Department. Seawalls and bulkheads shall be constructed with the water side face not to encroach over the property line.

The bulkhead line heretofore established within the city limits by Ordinance No. 289 of the city, in accordance with Map No. R-56-006 entitled "Bulkhead Line of the City of Boynton Beach, Florida" dated September, 1956, is hereby ratified and confirmed and said map is hereby adopted by reference and made part hereof. There shall be no bulkhead, seawall, or other structure for land filling into the water of Lake Worth, which shall extend eastward from the existing shoreline other than as shown on the map referred to above.

It shall be required, prior to commencing any operation for land filling within the area as shown on the map described in this section, a permit for land filling, all of which shall be in accord with the directions and approval by the City Commission. The improvement, or fill, shall have a minimum elevation of not less than six (6) feet above mean sea level according to the current U.S. Government Geodetic Survey. Any such applicant shall also be required to comply with all rules, regulations, or other requirements of the Trustees of the Internal Improvement Fund of the State of Florida, U.S. Army Engineers or other governmental body regulating land filling operations of the above nature.

An applicant who proposes a dock within a waterway that is owned by a separate property holder shall obtain written consent from such property holder, prior to the issuance of any permits for the proposed dock. All docks, mooring piles, dolphins, groins, seawalls, jetties, revetments, and similar structures and facilities related thereto, shall not extend farther into the waterway than one-quarter (1/4) the width of the waterway for private or commercial docking and mooring facilities.



See City Code of Ordinances Part II, Chapter 9, Article II for fire protection requirements for docks and piers.

P. **Light Poles and Portable Landscape Lighting.** Light poles and portable landscape lighting are allowed within all required yards.

Q. **Mailboxes.** Mailboxes shall be allowed in rights-of-way and must comply with federal guidelines. The city shall not be responsible for any damage caused by normal street maintenance to any mailbox that is located within a public right-of-way and does not comply with current federal guidelines.

R. **Heating, Ventilation, and Air Conditioner (HVAC) Units.** Heating, ventilation, and air conditioner units (including their associated compressors, condensers, intake, and exhaust fans) shall be setback at least three (3) feet from the rear and interior side property lines. HVAC units shall not be allowed within the required front or corner side yards, including forward of the front or corner side building lines, unless approved for an administrative adjustment if it is determined that no other on-site location is available or feasible, or based on the finding that by virtue of the use or design of the abutting property or development, the location would have no negative impact. See Chapter 2, Article II, Section 4.A. for the regulations pertaining to the administrative adjustment process. When used in connection with non-residential uses, HVAC units shall be effectively screened with a wall, fence, landscape material, or combination thereof, where visible from an abutting property or right-of-way. Exhaust fans shall be directed vertically or away from abutting residential properties, where applicable.

S. *Utility Transmission Lines.* Utility, cable, and telephone lines, including their associated poles are allowed within all required yards.

T. *Generators and Fuel Tanks.* The permanent installation of generators and fuel tanks shall comply with the following regulations, unless found in conflict with other adopted federal, state, or life safety codes, rules, regulations, ordinances, or laws:

1. *Location.* No minimum setback shall be required, except in the following circumstances: 1) the subject property is located in a residential zoning district; or 2) the generator or fuel tank is used in connection with a non-residential use and it abuts residentially-zoned property. In these instances, generators and fuel tanks shall be setback at least three (3) feet from rear and interior side property lines. In addition, they shall not be allowed within the required front or corner side yards, including forward of the front or corner side building lines, unless approved for an administrative adjustment if it is determined that no other on-site location is available or feasible, or based on the finding that by virtue of the use or design of the abutting property or development, the location would have no negative impact. See Chapter 2, Article II, Section 4.A. for the regulations pertaining to the administrative adjustment process.

2. *Screening.* When used in connection with non-residential uses, generators and fuel tanks shall be effectively screened with a wall, fence, landscape material, or combination thereof, where visible from an abutting property or right-of-way. A masonry enclosure shall be constructed around such generator or fuel tank in the following circumstances: 1) the generator is greater than four (4) feet in height; 2) the fuel tank is greater than five (5) feet in height; and 3) either/or both are used in connection with a non-residential use that abuts residentially-zoned property. In these instances, the enclosure shall be designed with three (3) sides, with the opening oriented opposite of the residential property. In addition, the walls of the enclosure shall be at least two (2) feet taller than the generator. The height of such generators shall be measured from the natural grade to the highest point of the structure.

3. *Noise.* In residential zoning districts, emergency generators shall be exempt from the sound rating values set forth in the City Code of Ordinances when operated during power outages. However, in no event shall the sound rating value of emergency generators exceed seventy-two (72) dBA.

4. *Testing.* In residential zoning districts, emergency generators may be operated for testing purposes, one (1) time, for a period not to exceed thirty (30) minutes in any seven (7)-day period. Testing of emergency generators is permitted between the hours of 10:00 a.m. through 5:00 p.m., Monday through Saturday. No testing of emergency generators is permitted on Sundays or federal holidays.

U. *Compost Bin and Tumbler.* Compost bins and tumblers shall only be allowed within residential zoning districts. They shall be setback at least three (3) feet from the rear property line and ten (10) feet from the interior side property line. A lesser setback from the interior side property line may be allowed if approved for an administrative adjustment if it is determined that no other on-site location is available or feasible, or based on the finding that by virtue of the use or design of the abutting property or development, the location would have no negative impact. In these instances, the compost bin or tumbler shall be adequately screened and located no closer than three (3) feet from the interior side property line. See Chapter 2, Article II, Section 4.A. for the regulations pertaining to the administrative adjustment process. Regardless however, they shall not be allowed within the required front or corner side yards, including forward of the front or corner side building lines. The maximum size of any compost bin or tumbler shall not exceed thirty (30) cubic feet. The contents inside a compost bin or tumbler shall not emit any odor so as to be a nuisance or hazard to the subject property, neighboring lands, or rights-of-way and the use of such bin or tumbler must comply with the city's operational performance standards in accordance with Chapter 3, Article IV, Section 1.

V. *Rain Barrel.* Rain barrels shall be setback at least four (4) feet from the rear and interior side property lines. They shall not be allowed within the required front or side corner yards, including forward of the front or corner side building lines. The intent of these Regulations is to require the location of the rain barrel within close proximity of the principal building and to design it with a perforated lid so that any precipitation that is captured by the principal building's rain leader or downspout is fed directly into the rain barrel, which would diminish the likelihood of creating an environment for standing water and possible breeding ground for mosquitoes and other pests. The maximum size of any rain barrel shall not exceed sixty (60) gallons.

W. *Solar Photovoltaic (PV) Arrays.* For the purposes of this subsection, a solar photovoltaic (PV) array, hereinafter referred to as "PV array", is construed to include any mounting system (roof-ground; flush or wall-mounted; embodied in siding or shingles; or pole) and accessory equipment.

1. At-Grade.

a. *Applicability.* The regulations of this subsection shall be applicable to any PV array that is erected or installed at-grade (ground level).

b. *Exemptions.* The restrictions of this subsection with respect to height, location, and setbacks are not applicable to any at-grade PV array approved under the following circumstances: 1) in connection with the Arts in Public Places ordinance; or 2) as an accessory component to a freestanding outdoor lighting fixture, telephone pole, parking meter, or any other similar structure, as determined by the city.

c. *Height.* The maximum height of any PV array shall not exceed twelve (12) feet.

d. *Location.* No minimum setback from any property line shall be required, except in the following instances: 1) the subject property is located in a residential zoning district; or 2) the PV array is used in connection with a non-residential use that abuts residentially-zoned property. In these instances, PV arrays which are less than six (6) feet in height shall require a minimum setback of three (3) feet (measured from the leading edge of the array) from the rear and interior side property lines. Unless otherwise regulated by a master plan or site plan of a planned development, PV arrays with heights between six (6) feet and nine (9) feet shall be setback at least seven and one-half (7-½) feet from the rear and interior side property lines; those greater than nine (9) feet in height shall be setback at least ten (10) feet from such property lines. In instances when a setback of seven and one-half (7-½) feet or more is required, a lesser setback may be allowed, contingent upon the approval of an administrative adjustment if it is determined that no other on-site location is available or feasible, or based on the finding that by virtue of the use or design of the abutting property or development, the location would have no negative impact. See Chapter 2, Article II, Section 4.A. for the regulations pertaining to the administrative adjustment process.

PV arrays regulated under this subparagraph shall not be allowed within the required front or corner side yards, including forward of the front or corner side building lines. PV arrays shall not be allowed within a required landscape buffer or landscape strip abutting a right-of-way. See Chapter 2, Article II for additional standards regarding landscape buffers and landscape strips abutting rights-of-way.

2. *Rooftop.* The highest point of the PV array shall not exceed six (6) feet beyond the existing roof onto which it is mounted; however a greater height may be allowed if it is completely screened from view at a minimum distance of six hundred (600) feet. If complete screening is unattainable, a greater height may be allowed with the approval of a height exception. See Chapter 2, Article II, Section 4.C. for the regulations pertaining to the height exception process.

3. *Wall Mounted or Flush to a Building or Structure.* The following regulations shall be applicable to any PV array that is mounted to the side of any building or structure:

a. *Location.* PV arrays are allowed on the walls or sides of any building or structure but shall not encroach into any required yard setback by more than three (3) feet, except on those properties located in the Urban Commercial District Overlay Zone (UCDOZ) or any "urban" mixed use district where provisions allow PV arrays to extend into an abutting right-of-way. The owner shall obtain all necessary approvals and permits where PV arrays protrude into a public right-of-way. All such PV arrays shall be moved or removed immediately upon request of the city or entity having jurisdiction over such right-of-way.

b. *Minimum Clearance.* A minimum dimension of nine (9) feet shall be maintained under the PV array where needed to provide adequate clearance for pedestrians.

c. Appearance. To the maximum extent possible, wall mounted PV arrays shall be designed as compatible to the structure and surface to which it is attached.

X. *Windmills and Small Wind Energy Systems (SWES)*. Windmills and small wind energy systems (SWES) are allowed in a limited number of zoning districts, contingent upon compliance with the following:

1. Maximum Number, Height, and Minimum Setbacks.

Zoning District	Maximum Number per Lot	Maximum Height ¹	Minimum Setback Ratio
All Commercial and Mixed Use	1 ²	25 feet	1:1 ⁴
All Industrial	1 per acre	75 feet ³	
All Miscellaneous	N/A	75 feet	

¹ Height limitations imposed by the Federal Aviation Administration shall supersede any of the regulations contained herein.

² No restriction shall apply with respect to the total number of structures if the subject property is owned or leased by the city.

³ If proposed in Quantum Park, the maximum height shall be restricted to twenty- five (25) feet, except if proposed on a lot that has a Government & Institutional (G&I) or Industrial (I) land use option.

⁴ Minimum required setback is equal to tower height.

2. Unauthorized Access.

a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.

3. Ground Clearance. At its lowest point, the tip of any turbine blade shall be no less than fifteen (15) feet above the surface of the ground.

4. Tilt-Down Capability. The SWES shall be designed with tilt-down capability where located within commercial and mixed use districts and such facility shall be lowered to the prone position at least twelve (12) hours upon the posting of a tropical storm or hurricane watch. For clarification, these provisions shall be applied to all SWES located on lots in Quantum Park wherein the twenty-five (25)-foot height restriction is applicable.

5. Automatic Overspeed Controls. All SWES shall be equipped with manual and automatic overspeed controls to limit blade rotation speed to within the design limits of the system.

6. Disconnect. A means of disconnecting the SWES power source in an emergency shall be provided. This equipment shall be located adjacent to the electric meter on residences and near the shunt trip on non-residential buildings.

7. Electrical Wires. All electrical wires shall be installed underground.

8. Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA).

9. Sound. Audible noise due to SWES operations shall not exceed fifty-five (55) dBA or ten (10) decibels greater than ambient noise levels, measured at the nearest property line. Sound levels may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms.

10. Appearance. The exterior finish shall be a single non-reflective neutral color maintained throughout the life of the unit, excluding identification and warning markings. The equipment, conduit, and associated facilities shall be painted to complement existing structures. No lattice or use of guyed wires shall be an allowable component to the design a SWES.

11. Signage. All signs shall be prohibited, other than the manufacturer or installer's identification or those used for safety/informational purposes. The intent is that no advertising shall occur in connection with a windmill or SWES. Safety signs shall include "no trespassing," "high voltage," and the phone number of the property owner or operator to call in case of an emergency.

12. Abandonment. The governing body of the city finds that junked, wrecked, dismantled, inoperable or abandoned SWES in and upon private real property within the city is a matter affecting the health, safety, and general welfare of the citizens of the city. If a SWES is inoperable for six (6) consecutive months the property owner shall be notified that they must, within six (6) months of receiving notice, restore their system to operating condition. If the property owner fails to restore their system within the required six (6)-month time frame, said owner shall be required, at his expense, to remove the wind turbine from the tower. The tower shall then be subject to the provisions of city ordinances pertaining to nuisances.

13. Certification. All SWES shall be certified under a program recognized by the American Wind Energy Association.

Y. *Agricultural Structures*. Each structure may be designed either attached (to) or detached from the principal building (in instances when principal buildings are required). In addition, agricultural structures shall comply with the following:

1. Accessory Garden.

a. Requirement for Principal Building. Agricultural structures shall only be allowed on lots containing principal structures (e.g., dwelling).

b. Location and Size.

(1) Each structure shall not be allowed within the required front or corner side yard, including forward of the front or side corner building lines;

(2) Any structure that is one hundred (100) square feet or less shall be setback at least three (3) feet from the rear and interior side property lines. The maximum height shall be eight (8) feet for flat roofs or a mean height of nine (9) feet for sloped roofs; and

(3) Any structure greater than one hundred (100) square feet or in excess of the height restriction of subparagraph Y.1.b.(2) above shall comply with the minimum setbacks required for the principal building. The maximum allowable height shall not exceed the zoning district regulations for which it is located or the roofline of the

principal building, whichever is more restrictive.

c. **Number of Structures.** A lot may contain more than one (1) structure; however, any additional structures shall comply with the minimum setbacks required for the principal building regardless of size.

d. **Screening.** All agricultural structures shall be effectively screened with a wall, fence, landscape material (excluding the crops), or a combination thereof, where visible from an abutting property or right-of-way.

e. **Miscellaneous.** See Section 3.E. above for additional regulations regarding the use of sheds and storage structures.

2. Community Garden.

a. **Lot Coverage.** An agricultural structure shall count towards lot coverage and it must comply with the maximum allowed by the zoning district with which it is located.

b. **Number of Structures.** A lot may contain more than one (1) structure; however, any additional structures, regardless of size shall be counted towards lot coverage and must comply with the maximum lot coverage and minimum setbacks required for principal buildings.

Z. *Electric Vehicle (EV) Charging Station.*

1. **Permits Required.** The installation of an EV charging station shall comply with all applicable regulations and permitting requirements required by life-safety/building codes and these land development regulations.

2. **Allowable Location(s).** EV charging stations shall be allowed in all zoning districts, but only in connection with a lawful principal use. In addition, the following restrictions shall apply:

a. In residential zoning districts, EV charging stations shall not be available for public usage, except for where used in connection with a non-residential use;

b. All EV charging stations shall be located within a conforming parking space or upon an on-site area that is specifically designed and designated for EV charging. For nonresidential uses, any parking stall with EV charging is allowed to be used in the computation for meeting the minimum number of required off-street parking spaces. The preferred location shall be such that a single EV charging station could service two (2) parking stalls.

c. The provision for an EV charging station may vary based on the design and use of the primary parking lot; however in all instances, the proposed location must ensure the safe and efficient flow of vehicular and pedestrian traffic. EV charging stations, including its associated equipment and power cords, shall not traverse sidewalks, accessible routes, or other pedestrian areas. Likewise, the placement of each EV charging station shall not conflict with landscaping to the extent that the purpose and intent of the landscape code is no longer met.

d. No EV charging station shall be installed within a designated handicap space unless it is specifically designed and intended for handicap use only;

e. Level 3 EV charging stations shall be prohibited in all residential zoning districts or in connection with any residential use; and

f. A vendor may be allowed to install EV infrastructure on public lands or rights-of-way, but only contingent upon the granting of all necessary approvals and/or agreements with the City Commission and all applicable agencies.

3. **Signage.** Also see Chapter 4, Article IV, Section 4.D for special signage that is allowed in connection with EV charging stations.

4. **Maintenance.** EV charging station equipment shall be maintained in all respects, including the proper functioning of the charging equipment. A current phone number and other contact information shall be provided on the charging station equipment for the party responsible for maintenance and operation of the equipment.

5. **Safety.** Information on the EV charging station must identify voltage and amperage levels and time of use, fees, or safety information. When the EV charging station space is perpendicular or at an angle to curb face and charging station equipment, adequate equipment protection such as wheel stops or bollards shall be used.

6. **Data to be Available.** To allow for maintenance and notification, owners of any new public EV charging station shall provide information on the station's geographic location, date of installation, equipment type and model, and owner contact information. This information shall be submitted to the Director of Public Works.

7. **Restrictions.** The property owner of a public EV charging station shall have the authority to place restrictions on the number of hours that an EV is allowed to charge, in order to deter indefinite charging/parking.

AA. *Miscellaneous.*

1. **Amusement Rides.** Miscellaneous structures, such as coin-operated rides and other amusement devices, shall only be allowed within the principal structure, excluding those used in conjunction with an arts, entertainment, and recreational establishment.

2. **Donation Bins.** See Chapter 4, Article III, Section 3.F.3. for additional standards regarding donation bins.

3. **Helicopter Pads (aka Helistops).** See City Code of Ordinances Part II, Chapter 15, Article V for regulations regarding aircraft landing facilities.

4. **Animal Enclosures.** See City Code of Ordinances Part II, Chapter 4 for the regulations regarding animal enclosures (dog houses).

5. **Newsracks.** See City Code of Ordinances Part II, Chapter 15, Article VI for regulations regarding newsracks.

6. **Other Structures and Amenities.** All other amenities and structures that are similar, but not specifically mentioned in the above, shall require applications to the Director of Development.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-002, passed 3-6-12; Am. Ord. 12-016, passed 10-2-12; Am. Ord. 13-020, passed 7-2-13)

Sec. 4. Sale of Used Merchandise.

Except where permitted as a principal use, the sale of used merchandise is allowed as an accessory use to the sale of new merchandise, provided that the used merchandise is of the same type as the new merchandise sold on the premises. In all instances, the floor area occupied by used merchandise shall not exceed twenty-five percent (25%) of the gross floor area.

(Ord. 10-025, passed 12-7-10)

Sec. 5. Exterior Display of Merchandise.

A. *Districts.* The temporary exterior display of retail merchandise is allowed in all commercial and mixed use zoning districts.

B. *Type of Merchandise.* The temporary exterior display of retail merchandise is allowed, provided that said merchandise is sold by the operator of the respective business occupying the establishment, and is of the same type of merchandise typically sold within the building.

C. *On-Site Location.* The temporary exterior display of retail merchandise shall be completely contained within the boundaries of the subject property or leased parcel. Retail merchandise shall be displayed on hard surfaces only and if placed within walkways, shall not obstruct or impede pedestrian movement or cause noncompliance with ADA accessible route requirements. Merchandise shall not be placed within easements, landscaped areas, off-street parking and vehicular use areas, rooftops, or anywhere that would create a hazard to the public. Any property owner desiring to display merchandise within off-street parking areas would need to obtain a special sales event permit in accordance with Section 6 below.

D. *Hours of Display.* Retail merchandise shall be secured and stored inside a principal or accessory building at the close of business hours, unless said merchandise is placed on-site more than three hundred (300) feet from any street right-of-way and complies with the location criteria of paragraph C. above or approved as part of a special sales event, as described in Section 6 below. In these instances, merchandise may remain outdoors after business hours.

E. *Miscellaneous.*

1. *Live Plants.* The exterior display of live plants in connection with a nursery, garden center, and farm supply establishment is exempt from the three hundred (300)-foot distance requirement of paragraph D. above and may remain outdoors after normal business hours provided that its placement complies with the location criteria of paragraph C. above.

2. *Seasonal Sales Event.* See Section 7 below for additional regulation regarding the seasonal sales event and the temporary exterior display of Christmas trees, pumpkins, and fireworks.

3. *Permanent Exterior Storage of Merchandise and Equipment.* See Section 8 below for the permanent exterior storage of retail merchandise or equipment.

(Ord. 10-025, passed 12-7-10)

Sec. 6. Special Sales Event.

A. *Purpose and Intent.* The purpose and intent of these Regulations is to establish minimum requirements for special temporary sales events, in order to discourage the exterior display and placement of retail merchandise in an unsightly, distracting, cluttered, or hazardous manner.

B. *Districts.* Special sales events are allowed in commercial and mixed use zoning districts.

C. *Approval Required.* It shall be unlawful for any establishment to display retail merchandise outside a principal building in conjunction with a special sales event without first having secured approval as required by these Regulations. See Chapter 2, Article V, Section 4 for additional regulations regarding the process for obtaining permits for special sales events.

D. *Type of Merchandise.* The temporary exterior display of retail merchandise is allowed in conjunction with a special sales event, provided that said merchandise is sold by the operator of the respective business occupying the establishment, and is of the same type of merchandise typically sold within the building.

Any property owner desiring to sell Christmas trees, pumpkins, or fireworks as an accessory use would need to obtain approval of a seasonal sales event permit in accordance with Section 7 below.

E. *On-Site Location.* The temporary exterior display of retail merchandise in conjunction with a special temporary sales event shall be completely contained within the boundaries of the subject property or leased parcel. Retail merchandise shall be displayed on hard surfaces only, and if placed within walkways, shall not obstruct or impede pedestrian movement or cause noncompliance with ADA accessible route requirements. Merchandise may be placed within off-street parking spaces but shall not be located within easements, landscaped areas, vehicular use areas, rooftops, or anywhere that would create a hazard to the public.

F. *Hours of Display.* The temporary exterior display of retail merchandise in conjunction with a special temporary sales event shall not exceed a total of fourteen (14) days within any one (1) calendar year, unless said merchandise is placed on-site more than three hundred (300) feet from any street right-of-way. In these instances, merchandise may remain outdoors for no more than sixty (60) days within any one (1) calendar year. However, in either instance, city authorization shall be required for any use of off-street parking areas for display of retail merchandise.

(Ord. 10-025, passed 12-7-10)

Sec. 7. Seasonal Sales Event.

A. *Purpose and Intent.* The purpose and intent of these Regulations is to establish minimum requirements for special sales events, in order to discourage the exterior display and placement of Christmas trees, pumpkins, fireworks, and similar items that are principally sold during the holidays, in an unsightly, distracting, cluttered, or hazardous manner.

B. *Districts.* Seasonal sales events are allowed in all zoning districts.

C. *Approval Required.* It shall be unlawful for any establishment or organization to display Christmas trees, pumpkins, or fireworks outside a principal building in conjunction with a seasonal sales event without first having secured approval as required by these Regulations. See Chapter 2, Article V, Section 3 for additional regulations regarding the process for obtaining permits for seasonal sales events.

D. *On-Site Location.* The temporary exterior display of Christmas trees, pumpkins, and fireworks shall be completely contained within the boundaries of the subject property or leased parcel.

E. *Hours of Display.* The temporary exterior display of Christmas trees, pumpkins, and fireworks shall not exceed a total of forty-five (45) days within any one (1) calendar year. City authorization shall be required for any use of off-street parking areas for display of retail merchandise.

(Ord. 10-025, passed 12-7-10)

Sec. 8. Permanent Exterior Storage of Merchandise and Equipment.

A. *Purpose and Intent.* The purpose and intent of these Regulations is to establish minimum requirements for the permanent exterior storage of retail merchandise or equipment, in order to discourage the exterior placement of said merchandise or equipment in an unsightly, distracting, cluttered, or hazardous manner. These Regulations shall not supersede, but rather supplement any specific regulations pertaining to the exterior storage of merchandise or equipment as a principal use.

B. *Districts.* The permanent exterior storage of retail merchandise or equipment is allowed in the C-3, C-4, PID, and M-1 zoning districts.

C. *Site Plan Required.* The area allocated for the permanent exterior storage of retail merchandise or equipment shall be shown on the site plan in accordance with Chapter 2, Article II, Section 2.F.

D. *Type of Merchandise/Equipment.* The permanent exterior storage of retail merchandise or equipment is allowed, provided that said merchandise/equipment is owned by the operator of the respective business occupying the establishment, and is of the same type of merchandise or equipment typically sold or stored within the principal building. No exterior storage of building or construction materials shall be allowed anywhere, except for that which is stored in connection with a lawfully operating business (e.g., CONTRACTOR) as provided for in Chapter 3, Article IV, Section 3.

E. *On-Site Location.* Storage areas shall be completely contained within the boundaries of the subject property or leased parcel.

The permanent exterior storage areas shall be placed behind the front or side corner building line where located in the C-3, C-4, and PID districts. This restriction shall also apply to properties located along arterial or collector roadways when located in the M-1 districts.

1. *Required Surface.* In the C-3 and PID districts, the permanent exterior storage of retail merchandise or equipment shall be placed on improved and hard surfaces only, including vehicular use areas and excess off-street parking spaces.

2. *Prohibitions.* If placed within walkways, the permanent exterior storage areas shall not obstruct or impede pedestrian movement or cause noncompliance with ADA accessible route requirements. In addition, storage areas shall not:

- a. Be placed within required off-street parking spaces;
- b. Obstruct or impede vehicular movement;
- c. Cause noncompliance with any of the off-street parking or vehicular use area standards of Chapter 4; or
- d. Abridge any easement rights without approval from the affected utility company or the city and shall not be located within landscaped areas, rooftops, or otherwise create a hazard to the public.

F. *Size.* The area allocated to the permanent exterior storage of retail merchandise or equipment shall be restricted in size where properties are located within the following districts:

1. *C-3 District.* The size of the permanent outdoor storage area shall be limited to one percent (1%) of the gross floor area of the principal building(s)/leased space.

An additional one percent (1%) of storage area (based upon the gross floor area of the leased space/principal building(s)) may be granted, subject to the approval of an administrative adjustment. See Chapter 2, Article II, Section 4.A. for the administrative adjustment process.

2. *PID District.* The size of the permanent outdoor storage area shall be limited to fifteen percent (15%) of the gross floor area of the principal building(s)/leased space.

G. *Screening.* In the C-3, C-4, and PID districts, the area allocated for the permanent exterior storage of merchandise or equipment shall be adequately screened where visible from an abutting property or right-of-way. This restriction shall also apply to properties located along arterial or collector roadways within the M-1 district. Screening material, which may include walls, fences, or hedges, must result in an opaque surface to limit the visibility of said merchandise or equipment from abutting properties or rights-of-way.

A landscape barrier (in accordance with Chapter 4, Article II, Section 3.B. and Section 3.C.) may be required in all instances where the outdoor storage area abuts an incompatible land use, zoning district, and/or right-of-way.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-016, passed 10-2-12)

Sec. 9. Sidewalk Cafés.

A. *Definitions.* See Chapter 1, Article II for the definition pertaining to sidewalk cafés.

B. *Approval Required.* It shall be unlawful for any person to operate a sidewalk café on any sidewalk or public right-of-way within the city without obtaining approval in accordance with Chapter 2, Article II, Section 6.E.

C. *Applicability.* A sidewalk café may be allowed, subject to review and approval as outlined herein, on an abutting public sidewalk (right-of-way) and as an accessory use to a legally operating restaurant or nightclub establishment, provided that such establishment is located within the boundaries of the Community Redevelopment Agency (CRA) area. A sidewalk café shall be subject to any additional limitations or restrictions of the zoning district for which it is located. A sidewalk café is prohibited outside the boundaries of the CRA.

D. *Regulations.*

1. *Private Sidewalk.* Chairs, tables and related sidewalk café components shall be restricted to the sidewalk frontage of the building where the validly licensed restaurant or nightclub is located, unless written authorization is provided by the owner of the adjacent property and submitted with the application for sidewalk café approval.

2. *Accessibility.* Tables or chairs shall be located a minimum of five (5) feet from a pedestrian crosswalk or handicap ramp, bus stop shelter, bus stop sign, taxi stand, stop sign or fire-hydrant.

a. A clear pathway, parallel with the street, with a minimum width of four (4) feet, shall be maintained for through pedestrian traffic. However, a minimum width of five (5) feet shall be maintained between the seats where the pedestrian path bisects the proposed seating arrangement.

b. In areas of congested pedestrian activity, the city may require a wider pedestrian path, as circumstances dictate.

3. *Perimeter.* No objects shall be permitted around the perimeter of a sidewalk area occupied by tables and chairs unless placed in a manner so as not to discourage the use of the pedestrian path of the sidewalk.

4. *Safety.* Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized as part of the sidewalk café shall be of quality design, materials, size, elevation, and workmanship, both to ensure the safety and convenience of users.

Awnings, umbrellas, and other decorative material shall be fire-retardant, pressure treated or manufactured, or fire resistant material. The city may require relocation of tables, chairs, and other objects at any time for safety or pedestrian flow consideration.

5. Design. All tables, chairs, umbrellas, canopies, awnings, and any other objects as part of the sidewalk café shall meet the following minimum design standards:
 - a. Contribute to the aesthetic appearance of the area where the sidewalk café is proposed by promoting the design and color theme applicable to that area;
 - b. Contribute to the efforts of community identity and redevelopment;
 - c. Not constitute or create traffic or pedestrian hazards; and
 - d. Respect community standards relative to decency and obscenity.
6. Outstanding Debt. Prior to forwarding the application to the CRA Board, the CRA Director or designee shall certify that there are no outstanding fines, moneys, fees, taxes or other charges owed to the city by the current or past owners or operators of the property requesting a sidewalk café approval. Final approval of a sidewalk café shall not commence until all outstanding debts to the city are paid in full.
7. Menu Board. The proposed location and design of the menu sign shall be considered a part of the review for a sidewalk café application, and be subject to any applicable standards of the Sign Code.
8. Conditions for all Approvals. The following conditions shall apply to all sidewalk cafés:
 - a. The city and its officers and employees shall not be responsible for sidewalk café components relocated during emergencies.
 - b. The approval shall be specifically limited to the area shown on the "exhibit" attached to and made a part of the permit. The city shall have the right to remove without notice, any tables, chairs or other objects not in the permit area.
 - c. The operator shall act to assure that its use of the sidewalk in no way interferes with sidewalk users or limits their free unobstructed passage. The city may require relocation of tables, chairs and other objects at any time for safety or pedestrian flow consideration.
 - d. Operators holding a business tax receipt limited to take-out food shall not be permitted to provide table service on the sidewalk. This provision shall not include an ice cream shop or coffee bar which is duly licensed for eat-in service.
 - e. Tables, chairs, umbrellas, and any other objects permitted as part of a sidewalk café shall be maintained with a clean and attractive appearance and shall be in good repair at all times.
 - f. The sidewalk area covered by the application and sidewalk and roadway immediately adjacent to it shall be maintained in a neat and orderly appearance at all times, and the area shall be cleared of all debris as needed during the day, and again at the close of each business day.
 - g. Unless otherwise provided herein, no signs associated with the sidewalk café shall be allowed within the public right-of-way.
 - h. No tables, chairs or any other parts of sidewalk cafés shall be attached, chained, or in any manner affixed to any tree, post, sign or other fixture, curb or sidewalk within or near the permitted area.
 - i. The area between the exterior walls of a restaurant or a nightclub and the edge of sidewalk shall be designated as public space. The placement of tables and chairs in this public space shall not constitute a building improvement which otherwise triggers structural improvements to the operating business under the provisions of the Florida Building Code (FBC) or any state statute. In the event an operator of a restaurant or a nightclub creates a sidewalk café pursuant to the terms of this section and such creation entails actual structural improvements to any portion of the structure other than the permanently obstructed ingress or egress to the restaurant or nightclub then, in that event, all applicable provisions of the FBC or state statutes necessitating improvements to the property shall apply.
 - j. No food preparation; fire; fire apparatus; or drink preparation or dispensing equipment shall be allowed on the public sidewalk, other than that employed in the course of ordinary tableside service, including but not limited to menu items which require table preparation, whether or not such area is covered by the approval.
 - k. Upon the issuance of a "Hurricane Warning" or "Hurricane Watch" by the authorities, the operator shall forthwith remove and place indoors all tables, chairs, awnings and other equipment located on the sidewalk.

E. Liability and Insurance.

1. Liability. The operator agrees to indemnify, defend, save and hold harmless the city, its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of this permit or the permittee's activity on the premises by executing a written hold harmless agreement.
2. Insurance. The operator agrees to meet and maintain for the entire approval period, at his/her own expense, the following requirements:
 - a. Commercial general liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence for bodily injury and property damage. The city must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting this requirement.
 - b. Worker's compensation and employer's liability as required by the state.
 - c. All policies must be issued by companies authorized to do business in the state and rated B+: VI or better per Best's Key Rating Guide, latest edition.
 - d. The city must receive thirty (30) days written notice prior to any cancellation, non-renewal or material change in the coverage provided.
 - e. A certificate of insurance showing evidence that the above requirements have been met must be included in the renewal application. Failure to maintain these requirements shall justify a suspension or revocation of a sidewalk café permit by the City Manager.
 - f. The approval period shall run and insurance requirements as described in subsection b. above shall be effective from October 1 until September 30 of the following calendar year.

F. *Penalties.* Any violators of this section shall be fined in accordance with Chapter 1, Article I, Section 7.A. of these Land Development Regulations. See Chapter 2, Article II, Section 6.E. for additional information regarding the denial or revocation of a sidewalk café permit.

G. *Recovery of Unpaid Fines.* The Code Compliance Board shall have the power and jurisdiction to hold hearing for recovery of unpaid fees under this chapter as mandated under City Code of Ordinances Part II, Chapter 2, Article 5. The Board at its option may impose liens as provided in Article 5 of Chapter 2.

The City of Boynton Beach may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.

(Ord. 10-025, passed 12-7-10; Am. Ord. 11-020, passed 9-20-11)

Sec. 10. Mobile Vendor Regulations.

A. *Purpose and Intent.* The purpose of this section is to provide for the regulation of mobile vending activities, including assembly on public and private property, in certain commercial and mixed use zoning districts of the city, in order to promote the public interest by contributing to an active and attractive pedestrian environment. In recognition thereof, reasonable regulation of mobile vending is necessary to protect the public health, safety, and welfare and the interests of the city in the primary use of public streets, sidewalks, and parking areas, for use by vehicular and pedestrian traffic.

B. *Definitions.* See Chapter 1, Article II for specific definitions applicable to mobile vending units (MVU).

C. *Approval Required.* It shall be unlawful for any establishment or organization to engage in or carry on the business of vending food, goods, or services, upon private property or the public ways of the city without first having secured a permit or permits as required by this section. See Chapter 2, Article II, Section 6.C. for the process and procedure to obtain approval for an MVU.

It is not the intent of these Regulations to be applied to mobile vendors temporarily approved in conjunction with a special sales event. See Section 6 above for additional regulations regarding special sales events.

D. *Districts.* The operating area of an MVU shall be entirely located in the following zoning districts: C-2, C-3, C-4, CBD, PCD, SMU, MU-L1, MU-L2, MU-L3, MU-H, M-1, PU, REC, and PID.

E. *Compatibility.* The use of an MVU shall be compatible with the public interest. In making such a determination, staff shall consider the type and intensity of use, the width of the sidewalk, the width and type of right-of-way; location of fire lanes; fire hydrants; distance from intersections and major driveways; the proximity and location of existing street furniture, including but not limited to traffic control devices, signposts, lampposts, parking meters, benches, phone kiosks, mailboxes, fire hydrants, landscaping, trees, buffer yards, public art and refuse containers, as well as the presence of truck loading zones. Staff shall also consider established and emerging pedestrian and vehicular traffic patterns, as well as other factors it deems relevant in determining whether or not the proposed use would diminish required parking or result in congestion of the public and private ways, on-site traffic circulation patterns, or the creation of a safety hazard.

F. *Location Criteria.* An MVU shall be permitted to operate throughout the city in approved zoning districts once a business tax receipt or certificate of use has been issued; utility service connections are only permitted once an approved building permit has been issued. In addition, an MVU must comply with the following location criteria, whichever is applicable:

1. *Public Property and Rights-of-Way.* An MVU, located on public property or within a right-of-way, shall comply with the following requirements:

a. *Maximum Area.* An MVU shall not occupy an operating area of more than 310 square feet of space, including the unit, operator, trash receptacle, signage, merchandise, and covering, if applicable, per one-half (0.5) acre site. A single entity may request approval for more than one (1) MVU per every one-half (0.5) acre of site.

b. *Maximum Dimensions.* An MVU shall not exceed ten (10) feet in width by twenty-five (25) feet in length.

c. *Maximum Height.* The maximum height of an MVU, including any covering, such as its canopy, umbrella, and/or transparent enclosure, shall not exceed fifteen (15) feet, excluding venting equipment.

d. *Sidewalks.* An MVU vendor located on a public sidewalk shall not:

(1) Vend at any location where the sidewalk is less than ten (10) feet in width;

(2) Vend within twenty (20) feet of an entrance to any building, bus stop sign, driveway, stop sign, or cross walk of any intersection; and

(3) Obstruct the view of any directional sign, traffic control sign, or device.

2. *Private Property.* An MVU is allowed on private property, provided that it complies with the following regulations:

a. *Class "A" MVU.* An MVU is considered "Class 'A'" if it is less than seven (7) feet in height, including its canopy, umbrella, and/or transparent enclosure and if the operating area is seventy-two (72) square feet or less, including the unit, operator, and trash receptacle. This class includes carts and small trailers.

A Class "A" MVU may be placed within off-street parking spaces but shall be restricted to excess parking spaces only. It shall not obstruct or impede critical vehicular use movements or otherwise create a hazard.

b. *Class "B" MVU.* An MVU is considered "Class 'B'" if it is either greater than seven (7) feet in height or in excess of seventy-two (72) square feet in operating area, or both. This class includes carts, trailers and vehicles in excess of the size limitations of a Class "A" MVU.

A Class "B" MVU shall be allowed on all sites greater than one-half (0.5) acre in size. No more than one (1) MVU per one-half (0.5) acre shall be permitted.

Both Class "A" and "B" MVU's are allowed on improved property only, and if placed within walkways or rights-of-way, shall not obstruct or impede pedestrian movement or cause noncompliance with ADA accessible route requirements. A minimum clear passage of four (4) feet must be maintained for pedestrian travel at all times.

G. *Removal.* Each MVU shall be removed daily. An MVU shall not remain on any public or private property, or within any rights-of-way, between the hours of midnight and 6:00 a.m.

H. *Maintenance.* The mobile vending unit, including any canopies, umbrellas, or transparent enclosures, must be clean, and well maintained. The vending site itself must also be clean and orderly at all times, and the vendor must provide a refuse container for use by his patrons. The container shall be removed after the unit has departed for the day. Vendor wastes of any kind shall not be deposited or permitted to be deposited upon the ground, sidewalk, streets, city waste receptacles, or private dumpsters.

I. *Separation.*

1. *Between Units.* An MVU shall not be placed within one hundred (100) feet from another MVU of a different vendor for which a permit had been granted unless requested as a condition of permit.

2. *From Selected Land Uses.*

a. An MVU shall not be placed within two hundred (200) feet from the property line of any single-family residential zoning district.

b. An MVU shall not be placed within one hundred fifty (150) feet from the property line of any establishment that sells or provides similar foods, merchandise, or services as that of the MVU without the prior written consent of the similar establishment.

J. *Display.*

1. Display of Permit and License. All vendors must display the permit issued by the city in a prominent and visible manner. In addition, an MVU capable of operating within public rights-of-way shall display a current Florida Department of Highway Safety & Motor Vehicles (DHSMV) license plate.
 2. Display of Merchandise. No merchandise shall be displayed using street structures (planters, trees, trash containers, signposts, etc.) or placed upon the sidewalk or right-of-way. Merchandise may be displayed outside the MVU on private property with the written permission of the property owner provided that it does not intrude upon the accessible area around the unit, or otherwise impede parking or access to structures within the site.
- K. *Emergencies.* Vendors shall obey any lawful order from a police or fire department official during an emergency or to avoid congestion or obstruction of the sidewalk.
- L. *Prohibitions.*
1. Solicitations. An MVU approved and located within a right-of-way shall not solicit or conduct business with persons in motor vehicles.
 2. Advertisements. Vendors shall not make loud noises, use mechanical audio, noise-making devices, moving objects, or lighting systems to advertise his or her product.
 3. Unattended. No MVU shall be left unattended.
 4. Miscellaneous.
 - a. Vendors shall not hinder or impede the use of any phone kiosk, mailbox, parking meter, fire alarm, fire hydrant, or traffic control device.
 - b. No tables, chairs, or umbrellas are to be set up for use by customers, with the exception for those located on private properties and utilized in connection with a Class "B" MVU.
 - c. Freestanding signs, flags, banners, tents, tarpaulins, canopies, or awnings shall be allowed in connection with an MVU as a condition of permit. All signs, flags, banners, tents, tarpaulins, canopies, or awnings shall be either attached to, centered over, resting against the vending vehicle/equipment, or located within a designated area from the MVU based on permit condition.
 - d. Live entertainment, defined as performances, shows or other forms of entertainment consisting of one (1) or more persons, amplified or non-amplified music or other related sounds or noise, including but not limited to entertainment provided by musicians, disc jockey (DJ), master of ceremonies (MC), or karaoke shall not exceed sixty (60) decibels at a distance of one-hundred (100) feet from the source as measured by a sound level meter.
 - e. MVU's utilizing portable generators shall not exceed sixty (60) decibels at a distance of one-hundred (100) feet from the source as measured by a sound level meter.

M. *Specific Regulations by Type of MVU.*

1. Auto/Car Wash (Polishing, Waxing, Detailing). An auto/car wash (polishing, waxing, detailing) type of MVU shall not be allowed on public property or within any right-of-way. This type of MVU is only allowed on private property and shall comply with the location criteria of paragraph F. above. One (1) freestanding canopy may be allowed for this type of MVU in addition to another canopy that is either attached to, centered over, or resting against the vending vehicle or equipment. In all instances, the size of the freestanding canopy shall be the minimum necessary to accommodate one (1) parked vehicle, but not to exceed twenty (20) feet in width by twenty (20) feet in length, and must be removed daily.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-011, passed 7-3-12; Am. Ord. 13-027, § 2, passed 10-1-13)

Sec. 11. Nonconforming Regulations.

A. *Lots and Parcels.*

1. R-1 District, R-1A District, R-2 District, and R-3 District. A detached single-family dwelling may be constructed on any parcel located in an R-1, R-1A, R-2, or R-3 district, provided that it meets all of the following requirements:
 - a. The parcel contains at least one (1) whole platted lot, platted prior to August 7, 2001;
 - b. The parcel, or assemblage of platted parcels which individually meet the requirements of paragraph a. above, has a frontage of not less than fifty (50) feet, and a lot area of not less than five thousand (5,000) square feet (irregular, other than rectangle-shaped lots with less than five thousand (5,000) square feet of area may be developed if in conformance with all other lot regulations);
 - c. All such parcels, when developed, shall comply with all provisions of the Land Development Regulations and applicable building code regulations, including without limitation sections of the building code regulations regarding the impact of construction and drainage on or to adjacent properties.
2. R-2 District. Within R-2 districts, in subdivisions platted prior to the effective date of these Regulations, where the platted lots have a frontage of at least forty (40) feet but less than fifty (50) feet, the following rules shall apply:
 - a. A detached single-family dwelling may be constructed on any such parcel, provided that the parcel contains at least one (1) whole platted lot.
 - b. A duplex dwelling may be constructed on any parcel, provided that it meets the following requirements:
 - (1) The parcel contains at least two (2) whole platted lots;
 - (2) Property cannot be acquired from adjacent parcels so as to make the subject parcel conforming, without causing the adjacent parcels to become nonconforming or more nonconforming.
 - c. For any parcel, lot, or combination of lots, where the total frontage is equal or greater than one hundred twenty (120) feet, and the total area is greater than twelve thousand (12,000) square feet, said property shall not be developed except in accordance with the minimum frontage and lot area required in the R-2 zoning district.
 - d. Ownership of parcels shall be determined by the property tax rolls on file in the Palm Beach County Property Appraiser's Office as of the effective date of these Regulations.
3. R-1AA District. A detached single-family dwelling may be constructed on any parcel located in an R-1AA district, without requiring a variance, provided that it meets the following requirements:
 - a. The parcel contains at least one (1) whole platted lot.

b. The parcel has a frontage of not less than sixty (60) feet, and a lot area of not less than six thousand, seven hundred fifty (6,750) square feet in area.

c. It would not be possible to acquire property from adjacent parcels so as to make the subject parcel conforming, without causing the adjacent parcels or structures thereon to become nonconforming or more nonconforming.

For any parcel or lot, or combination of lots under the same ownership, where the total frontage and the total area is equal to or greater than that which is required by the R-1AA district building and site regulations, said property shall not be developed except in accordance with the minimum frontage and lot area required in the particular zoning district.

Not more than one (1) parcel or lot, or combination of lots under the same ownership, that is nonconforming but which meets the requirements under b. above may be developed for a single-family house.

Ownership of parcels shall be determined by the property tax rolls on file in the Palm Beach County Property Appraiser's Office as of the effective date of these Regulations.

4. R-1AAB District. In the R-1AAB district, any parcel which includes, at a minimum, one (1) whole platted lot may be developed without requiring a variance, if it would not be possible to acquire property from adjacent parcels so as to make the subject parcel conforming, without causing the adjacent parcels or structures thereon to become nonconforming or more nonconforming.

Not more than one (1) lot parcel or lot, or combination of lots under the same ownership, that is nonconforming but which meets the requirements of this paragraph may be developed for a single-family house.

5. Densities. The densities created by the rules set forth above shall be construed to be in conformance with the densities shown on the future land use map contained in the city's Comprehensive Plan.

6. Minimum Development Regulations. Nonconforming lots which may be developed without requiring the approval of a variance, and which lie in residential districts, shall meet the minimum property development regulations that are generally applicable in the district; except, however, that the minimum setbacks shall be as follows:

Minimum yard setback requirements:

Front yard 25% of depth

Side yard (corner) 20% of depth

Side yard (interior) 15% of width

Rear yard 25% of depth

provided, however, that the setbacks specified above shall, in no instance, be construed to be greater than the setbacks that are generally applicable in the district in which the lot is located.

The minimum living area on such lots shall be permitted to be reduced below the minimum living area required by the district building and site regulations, to the extent that this reduction is necessary in order to maintain the abovementioned setbacks. Furthermore, the maximum lot coverage on such lots shall be permitted to be increased above the maximum lot area allowed by the district building and site regulations, to the extent that this increase is necessary to obtain the minimum living area required by the district building and site regulations.

7. Non-residential Districts.

a. Generally. In non-residential districts, additional floor area and/or expansions to nonconforming buildings and structures are allowed, provided that the development meets all district setbacks. In non-residential zoning districts, excluding M-1 Light Industrial, if both the lot area and lot frontage are not less than eighty-five percent (85%) of that required for the particular district, then structures and floor area may be added and the use may be changed from a residential to a non-residential use on a nonconforming lot, without requiring the approval of a variance for the lot area or lot frontage. If either the lot area or lot frontage is less than eighty-five percent (85%) of that required for the particular district, then approval of a variance would be required in order to add structures or add floor area to existing buildings or to change the use from a residential to a non-residential use. Improvements which do not add structures or floor area or change the use of the property shall be permitted, regardless of lot size or frontage. For nonconforming lots which are vacant or are proposed to be cleared and redeveloped, approval of a variance shall be required prior to the construction of any structures or establishment of any use on the lot or parcel.

b. M-1 District. A property that does not meet the minimum lot size required by Chapter 3, Article III, Section 6.A.3 shall be considered conforming only if it contained a whole platted lot prior to the effective date of this ordinance (October 2, 2012), and was not in combination with other in which the cumulative size would have met the minimum required by code.

c. Landscaping. All developed or redeveloped lots zoned M-1 or C-4 and determined to be valid nonconforming lots relative to minimum lot area standards shall provide landscaping on-site that meets the intent of the urban landscape code to the maximum extent feasible (see Chapter 4, Article II, Section 4.B).

B. *Buildings and Structures.* A nonconforming building or structure is a building or structure constructed according to the law existing at the time of permit but which does not presently conform to the property development regulations of this article for minimum site area or dimensions, minimum setback requirements, maximum building or structure height, maximum lot coverage, minimum floor area, parking or loading, or for other characteristics of buildings or structures regulated in this Code, or for its location on the lot. A nonconforming building or structure may continue to exist in a nonconforming state so long as it otherwise conforms to law, subject to the following provisions:

1. Building or Structure Enlargement, Expansion, or Extension. Nonconforming buildings and structures may be enlarged, expanded or extended subject to all property development regulations, including minimum site area and dimensions of the district in which the building or structure is located. No such building or structure, however, shall be enlarged or altered in any way so as to increase its nonconformity. Such building or structure or portion thereof, may be altered to decrease its nonconformity, except as hereafter provided.

2. Building or Structure Deterioration or Destruction.

a. Greater than Fifty Percent (50%). Should the structure or building be deteriorated or destroyed by any means to an extent of more than fifty percent (50%) of the assessed value of the structure or building as determined by the Building Official, it shall not be reconstructed except in conformity with the regulations and standards of the Land Development Regulations.

b. Less than Fifty Percent (50%). Should the structure or building be deteriorated or destroyed by any means to an extent of less than fifty percent (50%) but more than thirty-three percent (33%) of its assessed value as determined by the building official, it may be restored only upon issuance of a variance by the City Commission in

accordance with the provisions of Chapter 2, Article II, Section 4.D. herein for the particular building or structure nonconformity or nonconformities. A variance by the City Commission shall not supersede a condemnation order of the Building Official or of the Building Board of Adjustments, and such variance shall not obviate the necessity of obtaining other needed waivers or variances from the city.

3. **Building or Structure Relocation.** Should such building or structure be moved to a new site or to a new location on the same lot or site, it shall conform to the current property development regulations relevant at the time of the relocation.

C. *Newsracks.* See City Code of Ordinances Part II, Chapter 15, Article VI for additional regulations regarding nonconforming newsracks.

D. *Signs.* See Chapter 4, Article IV, Section 7 for additional regulations regarding nonconforming signs.

E. *Satellite Earth Stations and Antennas.* See Section 12.E. below for additional nonconforming regulations regarding satellite dishes and antennas.

F. *Uses.* See Chapter 3, Article IV, Section 5 for additional regulations regarding nonconforming use regulations.

G. *Certificate of Conformity.*

1. **Applicability.** The provisions of this section shall apply to any real property which has been or will be rendered nonconforming because of the institution of eminent domain proceedings by a governmental agency. Any nonconforming lot so created shall be deemed a conforming lot upon the issuance of a certificate of conformity as provided in this section.

2. **Process.** The process by which to obtain a certificate of conformity shall be in accordance with Chapter 2, Article II, Section 6.A.

3. **Regulations.** The Director of Planning and Zoning or designee shall issue a certificate of conformity if the following regulations are met:

a. Severance or business damages relative to the remainder lot would be reduced by the issuance of the certificate of conformity.

b. A site plan for the remainder lot has been prepared which minimizes the nonconformities caused by the eminent domain proceedings, and is otherwise consistent with all requirements of the zoning code.

c. The remainder lot can reasonably and safely function if redeveloped in accordance with the site plan described above.

4. **Landscape.** All lots subject to eminent domain proceedings must provide perimeter landscaping abutting rights-of-way to screen off-street parking, vehicular use, exterior service and storage areas to the extent physically possible and deemed feasible by staff. Landscaping shall be provided in areas of non-pedestrian or non-vehicular use.

5. **Enforcement.** Noncompliance with the provisions set forth pursuant to the issuance of the certificate of conformity shall constitute a violation and is subject to those procedures set forth in City Code of Ordinances Part II, Chapter 2, Article 5.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-016, passed 10-2-12)

Sec. 12. Satellite Earth Stations and Antennas.

A. *Types.* For the purpose of clarifying regulations, satellite dish antennae are hereby classified into two (2) groups. Group A antennae are those that will fit within a one (1) meter cube. Group B antennae are those that will not fit within a one (1) meter cube.

B. *Permits Required.* No satellite dish antenna shall be installed or modified without first obtaining a permit from the city.

Satellite dish antennae shall conform with provisions of Chapter 4, Article IX of the Florida Building Code and the amendments thereto as adopted by the city provided such provisions do not conflict with any standards set forth in this section, in which case this section shall control.

All applications for the installation of Group B satellite dish antennae shall be accompanied by proper certification that the installation will meet windload requirements of the Florida Building Code.

C. *Fees.* An application fee shall be payable to the city as adopted by resolution of the City Commission.

D. *Prohibitions.*

1. No exterior satellite dish antenna may be used for display or advertising purposes and none shall have writing thereon which is visible from a public right-of-way or residential district.

2. Portable Group B satellite dish antennae are not allowed.

E. *Nonconforming.* Satellite dish antennae properly permitted prior to April 4, 1995 may remain in place notwithstanding provisions stipulated herein but they may not be replaced, reconstructed, or modified without bringing the entire installation into full compliance with this section.

F. *Citizens' Band (CB) and Television (TV) Antennae.* In residential zones, freestanding television and citizens' band broadcasting antennae may not exceed twenty-five (25) feet in height, and no freestanding antenna may be constructed within the building setback lines. Roof-mounted or wall-supported antennae may exceed the maximum district height regulation by ten (10) feet; but in no instance, may an antennae exceed the roof line height by more than fifteen (15) feet.

G. *Satellite Earth Stations.* Satellite dish antennae installed to serve single-family or duplex homes must also comply with the following requirements:

1. **Height.** No part of any satellite dish antenna installation may extend beyond the peak of the roof or height of the horizontal eave line of the uppermost floor of any single-family or duplex home.

2. **Group B.** Group B satellite dish antennae shall be freestanding, ground mounted, and self-supporting without structural connections to any other structure or building.

a. **Screening.** All Group B satellite dish antennae shall be screened on three (3) sides with landscape materials or walls with landscaping which are of a height equivalent to the total height of the mounted satellite dish.

b. **Lot Size.** For all Group B antennas lot size must comply with zoning regulations.

c. **Multi-family Dwelling Units and Non-residential Districts.** Satellite dish antennae located within multi-family and non-residential districts shall comply with the following regulations:

(1) Shall require site plan review in accordance with Chapter 2, Article II, Section 2.F.;

(2) In multi-family districts, only one (1) Group B satellite dish antenna is allowed. The antenna must be screened and shall not be located on the roof. Its height shall not exceed the maximum allowable height of the district in which it is located.

(3) A Group B satellite dish antenna installed in commercial and industrial zoning districts may not be located on a roof so that the dish is visible from a public right-of-way or residential district.

(4) Group B satellite dish antennae which are mounted on a tower and used for communication in connection with the operation of a business shall provide reasonable screening.

(Ord. 10-025, passed 12-7-10)

Sec. 13. Wireless Communication Facilities (WCF).

WCF means any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, or wireless data transmission/reception, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. WCF include developments containing new, mitigated, pre-existing antenna support structures, or co-location on existing antenna support structures, and include attached WCF, concealed WCF, and non-concealed WCF.

A. General Provisions.

1. Purpose and Intent. The purpose of these Regulations is to establish minimum development standards for the regulation of commercial WCF and their related accessory equipment and buildings. The intent of these Regulations is the following:

- a. Promote the health, safety, and general welfare of the public by regulating the siting of WCF;
- b. Control placement of WCF in a way that minimizes the visual impact to nearby properties by locating them in areas where the impact on the community is minimal;
- c. Implement the provisions of the Telecommunications Act of 1996 at a local level; and
- d. Maximize the opportunity for the shared use of new and existing WCF through co-location, in order to reduce the number of new WCF needed to serve the community.

2. Administration. The Director of Planning and Zoning or designee shall be responsible for the overall coordination and administration of this section.

3. Applicability. Except as otherwise specifically provided herein, the installation, construction, or modification of proposed and existing WCF shall be subject to the regulations of this section.

4. Exemptions. The following are exempt from the provisions of this section:

- a. Non-commercial Antennas and Satellite Earth Stations. Non-commercial amateur radio antennas and satellite earth stations subject to the provisions of Section 12 of this article.
- b. City-owned WCF on Public Property or Right-of-Way. If this section would prohibit city-owned WCF from being located at a specific site, and WCF are required to protect the public welfare or safety, the applicable criteria of this section may be exempted by the City Commission, except as otherwise required by Florida Statutes. In such cases the Commission shall make a finding of fact indicating the justification for the exemption.
- c. Temporary Facility.

(1) State of Emergency. Temporary, commercial WCF, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the City Manager, except that such facilities must comply with all applicable federal and state requirements. Said WCF may be exempt from these provisions up to sixty (60) days after the duration of the state of emergency.

(2) Special Event. Temporary, commercial WCF, utilized in conjunction with coverage of a special event, except that such facilities must comply with all applicable federal and state requirements. Said WCF may be exempt from these provisions up to one (1) week after the duration of the special event.

d. Radio and TV Broadcasting. Antenna support structures, antenna, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the FCC shall be regulated in accordance with the use matrix of Chapter 3, Article IV, Section 3.D. as an industrial service use.

5. Terms and Definitions. See Chapter 1, Article II for all applicable terms and definitions which pertain to the regulations and standards contained herein.

B. General Standards. Where allowed as provided in Table 3-29 (Zoning Districts and Affiliated Process) herein, the following development regulations shall apply to all new, mitigated, co-located, or combined wireless facility installations.

1. Pre-Existing WCF. Any WCF which legally existed prior to the effective date of these Regulations are considered permitted nonconforming uses and structures, and shall be deemed pre-existing WCF. Additions to or enlargement of any pre-existing nonconforming WCF shall be required to comply with this section and shall be governed as follows:

- a. Routine Maintenance. To encourage the use of existing facilities, such nonconforming status shall not prevent the routine maintenance on nonconforming WCF, or prohibit the placement, modification or relocation of any antenna on any such WCF.
- b. Modifications. Despite any provision of this section to the contrary, the city may allow nonconforming WCF to be repaired, reconstructed, replaced, or increased in height upon a demonstration by the applicant that the new or modified WCF complies with the current regulations to the maximum extent practicable, while achieving an overall public benefit in terms of the provision of services.

2. Additional Uses on Lot. WCF may be located on a leased parcel of a conforming lot containing a lawful principal use. Separation between WCF and other uses on the lot may be required to ensure compatibility.

3. District Height Limitations. The requirements set forth herein shall govern the location of WCF that exceed, and antennas that are installed, at a height in excess of the building height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to WCF regulated by this section, and WCF shall not require an exception to the building height limitations.

4. Equipment Cabinets. Cabinets and equipment shelters may be provided within the principal building, behind an approved screen on a rooftop, or on the ground

within the fenced-in and screened equipment compound, or mounted on the pole of an attached WCF within a right-of-way, depending on the type of WCF. Cabinets and equipment shelters shall not be visible from pedestrian views and shall be fenced and screened as required below.

a. **Storage.** Equipment shelters shall not be used for the storage of any excess equipment or hazardous waste (e.g., discarded batteries). Mobile or immobile equipment not used in direct support of WCF shall not be stored or parked on the site of WCF, unless on a temporary basis while repairs are being made to WCF. No outdoor storage yards shall be allowed in WCF equipment compounds.

b. **Unmanned.** Equipment shelters shall be unmanned and not used as habitable space.

5. **Equipment Compound Enclosure.** All equipment compounds on the ground, with the exception of concealed attached stealth WCF integrated into the architecture of a building, shall, at a minimum, be enclosed with a fence eight (8) feet in height. To effectively screen the equipment compound in residential districts and in any district where the equipment compound is visible from a public right-of-way, the enclosure shall consist of a masonry wall eight (8) feet in height, constructed in accordance with the community design standards (see Article III, Section 3.E.). For public safety, access to WCF shall be through a locked gate.

6. **Landscaping.** Landscaping around the perimeter of ground equipment shall consist of a landscaped strip wide enough to accommodate trees, shrubs, and a fence or wall enclosure installed around the outside of the entire equipment compound. The general landscape standards shall be consistent with those of Chapter 4, Article II, Landscape Design and Buffering, Section 4.A. (City-Wide Standards), except that the shrubs are required to be a minimum of three (3) feet in height at the time of installation. Water-wise trees with a minimum of four (4) caliper inches shall be spaced every twenty (20) feet on center within the landscape strip. Additional landscaping may be required around the perimeter of a wall or use of a screening fabric around the perimeter of a fence to maximize compatibility with adjacent properties. An alternative design may be allowed with respect to proposed buffering components, tree spacing, and plant material; provided that such alternate landscape plan is approved in accordance with Chapter 4, Article II, Section 5 (Alternate Compliance). Irrigation, maintenance, and replacement of required landscaping shall be the responsibility of the owner of the WCF. On city-owned properties, required WCF landscaping shall be maintained by the city or its designated landscape contractor, and the owner of the WCF shall be required to pay an annual landscape maintenance fee to the city.

7. **Parking.** A minimum parking space requirement for WCF is not required, however access to WCF must be provided, and temporary off-street parking as part of a principal use on-site may be utilized.

8. **Signage.** Except as otherwise permitted in these Regulations, no signage, lettering, symbols, images, or trademarks in excess of two hundred (200) square inches shall be placed on or affixed to any part of a WCF, antenna, equipment building, or security fencing other than as required by FCC regulations or other applicable law. Warning signs of "NO TRESPASSING" and "HIGH VOLTAGE – DANGER" shall be installed at least five (5) feet above the finished grade of the fence or wall and shall not be obstructed by landscaping.

9. **Lighting.** Except as otherwise permitted in these Regulations, no signals, lights or illumination of any kind shall be permitted on or directed toward any WCF unless required by the FCC, the FAA, or other appropriate public authority. Any security lighting for on-ground facilities and equipment shall be in compliance with Chapter 4, Article VII (Exterior Lighting Standards) of the LDR.

10. **Generators.** Generators may not be used as a primary electrical power source for a WCF. Generators may be used for temporary power prior to receipt of a CO and not to exceed thirty (30) days. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Any and all generators used for WCF shall control the noise level by use of a silencer or other device that will reduce the noise level to no more than seventy (70) decibels. All generators or alternators used on-site shall use propane fuel. Subject to the approval by the Director of Utilities and the Director of Development, the use of diesel powered emergency generators may be permitted where more than three (3) providers have co-located on a WCF.

11. **Structural Standards.** WCF and their equipment compounds shall be constructed and maintained in conformance with the Florida Building Code, specifically Chapters 15, 16, and Section 3108 for construction and design loads. WCF shall be designed to resist wind loads in accordance with TIA/EIA-222, the federal standards for Steel Antenna Towers and Antenna Supporting Structures. In addition, all accessory equipment buildings, cabinets, or structures, or modifications to WCF shall require building permits and inspections. Design documents for towers, antennas and other structures required to meet wind loads shall bear the raised seal and signature of an engineer licensed and registered in the State of Florida.

All work such as clearing and grading, driveway construction, and installation of WCF and enclosure shall be permitted in accordance with the applicable sections of the LDR.

12. **Hazardous Location.** WCF are prohibited when a proposed or existing principal use or uses within two hundred (200) feet of a proposed WCF includes the storage, distribution, or sale of volatile, flammable, explosive or hazardous wastes, including but not limited to, LP gas, propane, gasoline, natural gas, and corrosive or dangerous chemicals, unless the City Fire Marshal determines that the proximity of the WCF does not pose any danger or risk of explosion or fire or unless used for backup power purposes.

C. **Attached WCF.** Attached WCF are an antenna or antenna array that are secured to an existing building or structure with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure, or attached to utility poles within a right-of-way. Attached WCF are considered to be an accessory use to the existing principal use on a site.

1. **Concealed Attached WCF.** Concealed attached WCF, sometimes referred to as camouflaged facilities, are WCF, including their ancillary structures or equipment compounds, that are not readily identifiable as such, and are designed to be aesthetically compatible with existing and proposed buildings and uses on a site. Examples include, but are not limited to the following: screened antennas that blend with and are incorporated into existing architectural features of a building such as a church steeple, bell tower, clock tower, or cupola.

a. **Height.** WCF shall only be allowed on buildings at least forty (40) feet in height, not to exceed more than fifteen (15) feet above the roofline.

b. **Setbacks.** WCF shall be located within the buildable area of the lot and not within the front, rear, or side yard building setbacks, and subject to the setbacks of the underlying zoning district. When located on a nonconforming building or structure, then the existing nonconforming setback shall apply.

c. **Design.** Feed lines and antennas shall be designed to architecturally match the façade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture. Existing conforming building element structures (excluding towers) in excess of fifty (50) feet in height may, as a matter of right, be rebuilt, if necessary, to support or contain a new antenna, provided that the new structure is the same height and substantially the same in appearance as the structure it replaces.

d. **Ground Equipment.** Equipment buildings shall not exceed a total of five hundred (500) square feet and shall not exceed eight (8) feet in height.

e. **Rooftop Equipment.** Rooftop equipment shall not occupy more than twenty-five percent (25%) of the roof area and shall comply with the exterior building and site design standards (see Chapter 4, Article III, Section 3.A.9.).

2. **Non-concealed Attached WCF.** Non-concealed attached WCF are wireless communication facilities that are readily identifiable as such. Examples include antennas attached to utility poles and freestanding lighting within a public right-of-way.

a. Location. WCF shall be allowed on electric utility poles, light standards, or existing ball park light poles, where the applicant has an agreement with the applicable utility or other authority that exercises jurisdiction over the subject right-of-way or property, subject to approval of the city and/or appropriate agency designee and/or the utility company;

b. Height. WCF shall only be attached to poles fifty (50) feet or more in height, provided that the total length of any antenna does not exceed ten percent (10%) of the height of the existing pole. The total height shall be determined by the highest point of any and all components of the structure, including antennas.

c. Equipment Cabinets. Equipment cabinets or compounds for WCF under this subsection shall be designed and located in such a manner as to not interfere with the subject right-of-way or its primary utilization.

D. *Freestanding WCF*. Freestanding WCF are any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, usually consisting of an antenna or group of antennas, feed lines, and equipment cabinets, and may include an antenna support structure. WCF include, but are not limited to the following: stealth, monopole, guyed, or lattice antenna support structures.

1. Generally.

a. Determination of Need. No new or mitigated WCF shall be permitted unless the applicant demonstrates that no existing WCF within applicant's coverage area can accommodate the applicant's proposed use;

b. Co-location. All new or mitigated WCF up to eighty (80) feet in height shall be engineered and constructed to accommodate no less than two (2) antenna arrays. All WCF between eighty-one (81) feet and one hundred (100) feet shall be engineered and constructed to accommodate no less than three (3) antenna arrays. All WCF between one hundred one (101) to one hundred fifty (150) feet shall be engineered and constructed to accommodate no less than four (4) antenna arrays.

c. Separation. A minimum separation distance of seven hundred fifty (750) feet shall be required between proposed and existing freestanding WCF. A waiver or reduction of separation distance between WCF may be approved by the City Commission based upon the inability to co-locate on existing structures, the need to have more than one (1) WCF, or the efficient use of available land within permitted zoning districts. The decision shall be based upon a finding of compatibility and competent and substantial evidence that the waiver request meets one (1) or more of the following criteria:

(1) Locational requirements/limitations as established by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC) or the Public Service Commission (PSC), if any;

(2) Identification of a more appropriate site that does not meet the separation requirements above, by analysis of factors such as distance from residential uses, existence of permanent screening and buffering, and location within a large area of commercial or industrial use;

(3) To avoid the location of a tower on environmentally sensitive land, a wilderness area, a historical site, or other sensitive area; or

(4) To reduce the impact on adjacent residential uses.

d. Design. New antenna support structures shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

e. Clearing and Grading. Clearing and grading shall be minimized and limited only to the area necessary for the new WCF and done in accordance with city regulations.

f. Access. Each site shall have access from an improved right-of-way provided by a driveway approved by the city. The driveway shall extend from the street to an appropriate location on the premises where a vehicle would need to be parked to facilitate normal maintenance of the facility.

g. Height. Maximum height shall be measured from ground level to the highest point of the WCF, including any antenna. Height limit shall exclude lightning rods or lights required by the FAA that do not provide support for antennas.

h. Safety. All support structures shall comply with the requirements of the Florida Building Code and safety standards contained in the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) document 222-F, "Structural Standards for Steel Antenna Towers and Supporting Structures," as amended.

i. City's Option to Co-locate. The city shall have the option, through an agreement with the owner of the WCF, to co-locate emergency/public safety equipment on any proposed non-concealed freestanding WCF within the city's jurisdiction, provided that the co-location of antennas does not interfere with the normal operation of approved WCF. Reserved space on new non-concealed freestanding WCF, including reserved ground space for equipment, shall be required for future city co-location, and shall be noted on plans.

2. Concealed Freestanding WCF. Concealed freestanding WCF, sometimes referred to as stealth facilities, are WCF (including their ancillary structures, or equipment compounds) that are not readily identifiable as such, and designed to blend into the surrounding environment and be aesthetically compatible and in proportion with existing and proposed buildings and uses on a site. WCF sometimes have a secondary, obvious function such as a flagpole, light pole, or tree.

a. Residential Districts. In residential districts, as indicated on Table 3-29 herein, new WCF shall only be permitted on lots with a minimum lot size of one (1) acre, containing only non-residential uses, including but not limited to, schools, churches, fire stations, parks, and other public property.

b. Height. Height shall be according to the zoning district in which WCF is located.

(1) In all residential districts as indicated on the tables in this section, the maximum height shall be limited to twenty-five (25) feet above the maximum building height of the zoning district.

(2) In the PU and REC districts, the maximum height shall be limited to one hundred (100) feet.

(3) In all commercial districts, the maximum height shall be limited to thirty (30) feet above the maximum building height of the zoning district.

(4) In all mixed use districts, the maximum height of concealed freestanding WCF shall be limited to the approved building height or a total of seventy (70) feet, whichever is less.

(5) In industrial districts, except where prohibited in a mixed use pod with a residential component within a PID, the maximum height shall be limited to one hundred (100) feet, if located less than one thousand (1,000) feet from a residential use, and one hundred fifty (150) feet if located in excess of one thousand feet (1,000) feet from a residential use.

c. Setbacks. In all zoning districts where allowed, WCF shall be set back one-half (1/2) the height of the antenna support structure from all property lines. However, in all instances, the minimum setback distance from the property line of any residentially zoned property or the boundary of a residential component within a mixed use

pod, shall be at least one and one-half (1.5) times the height of the entire proposed WCF structure.

d. Design. WCF shall be designed to blend into the surrounding environment and be aesthetically compatible and in proportion with building mass and existing features or landscaping on-site.

3. Non-concealed Freestanding WCF. Non-concealed freestanding WCF are those facilities that are readily identifiable as such, and include, but are not limited to, the following: guyed, lattice, or monopole antenna support structures.

a. Antenna Support Structure. WCF shall be limited to monopole type antenna support structures, unless the applicant demonstrates that such design is not feasible to accommodate the intended users.

b. Height. The maximum height shall be limited to a total of one hundred (100) feet. However, the maximum height may exceed one hundred (100) feet, but shall not exceed one hundred fifty (150) feet, if the subject WCF is located within an M-1 or PID zoning district, and located in excess of one thousand (1,000) feet from a residential use.

c. Setbacks. WCF and their equipment compounds shall be subject to a minimum setback distance equal to the height of the proposed antenna support structure. However, the minimum setback distance shall be at least two (2) times the height of the WCF structure from the property line of any adjacent residential use. In REC and PU districts, the minimum setback distance shall be three (3) times the height of the WCF structure from the property line of any adjacent residential use.

d. Design.

(1) Antenna support structures shall maintain a galvanized gray finish or other approved compatible color, except as required by federal rules or regulations.

(2) New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.

4. Mitigation of Existing WCF. Mitigation is a modification to an existing antenna support structure to increase the height, or to improve its integrity, or to replace or remove one (1) or several antenna support structures located in proximity to a proposed new antenna support structure, in order to encourage compliance with this section or improve aesthetics or functionality of the overall wireless network.

a. Determination of Need. WCF mitigation shall accomplish a minimum of one (1) of the following: reduce the number of WCF; reduce the number of nonconforming WCF; replace existing WCF to reduce visual obtrusiveness; or replace existing WCF with new WCF to promote greater co-location opportunities or improve network functionality, resulting in compliance with these Regulations.

b. Height. The height of WCF approved for mitigation shall not exceed the maximum height limitations of this section based on the type of WCF and the zoning district. Replacement WCF with an increased height shall require City Commission approval.

c. Setbacks. New WCF approved for mitigation of existing WCF shall be constructed on-site within close proximity to existing WCF at the same or greater setbacks than previously established. All proposed accessory equipment buildings shall comply with established setbacks for existing WCF without increasing nonconformity.

d. Buffers. At the time of mitigation, equipment compounds shall be brought into compliance with the screening and buffer requirements of this section.

e. Design. Mitigated antenna support structures shall comply with the provisions herein to reduce nonconformity and minimize adverse effects on the landscape and adjacent properties, with specific design considerations as to WCF type, height, scale, color, texture, and architectural design of the buildings on the same and adjacent lots.

5. Antenna Element Replacement or Repair. Any repair or replacement of an existing antenna or antenna array with another of like size and shape that will not alter the structural integrity of the support structure, shall be exempted from further review provided that a notarized certification shall be submitted by a qualified technician stating that the replacement will not alter the structural integrity of the support structure, and that any changes will not affect the electrical specifications.

6. Co-location. Co-location means the practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached WCF using different and separate antenna, feed lines and radio frequency generating equipment.

a. Height. Co-located or combined WCF shall not increase the height of an existing antenna support structure.

b. Setbacks.

(1) Ground equipment to be located in conjunction with co-location shall comply with the setback requirements depending on the type of WCF, and zoning district in which it is located.

(2) Co-location of antenna on WCF approved prior to these Regulations may locate proposed accessory equipment buildings within existing equipment compound enclosures, provided the minimum established setbacks of existing WCF are met.

c. Design. New antenna mounts shall be flush-mounted onto existing WCF, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.

d. Buffers. At the time of installation of additional equipment to WCF, the equipment compound shall be brought into compliance with the screening and buffer requirements of this section.

e. Zoning Districts and Affiliated Process (Table 3-29).

Zoning District	Concealed Attached WCF 1	Non-concealed Attached WCF 2	Concealed Freestanding WCF 4	Non-concealed Freestanding WCF 4	Mitigation of Existing WCF 7	Antenna Element Replacement	Co-location 8
R-1			CC 3		AD	AD	AD
R-2		AD	CC 3		AD	AD	AD
R-3	AD	AD	CC 3		AD	AD	AD
PUD	AD	AD	CC 3		AD	AD	AD
IPUD	AD	AD	CC 3		AD	AD	AD
MHPD			CC 3		AD	AD	AD
C-1		AD	CC		AD	AD	AD

C-2		AD	CC		AD	AD	AD
C-3	AD	AD	CC		AD	AD	AD
C-4	AD	AD	CC		AD	AD	AD
CBD	AD	AD	CC		AD	AD	AD
PCD	AD	AD	CC		AD	AD	AD
REC	AD	AD	CC	CC 5,6	AD	AD	AD
PU	AD	AD	CC	CC 5,6	AD	AD	AD
SMU	AD	AD	CC		AD	AD	AD
MU-L-1	AD	AD	CC		AD	AD	AD
MU-L-2	AD	AD	CC		AD	AD	AD
MU-L-3	AD	AD	CC		AD	AD	AD
MU-H	AD	AD	CC		AD	AD	AD
PID	AD	AD	CC	CC	AD	AD	AD
M-1	AD	AD	CC	CC	AD	AD	AD

Legend:

AD - Administrative (Staff) Approval CC - City Commission (Public Hearing) Approval Blank - Not Allowed

Footnotes:

- 1 Concealed attached WCF shall only be allowed on building features that are a minimum of forty (40) feet in height, not to exceed fifteen (15) feet above the roofline.
- 2 Non-concealed attached WCF are allowed on utility poles and freestanding lights within a public right-of-way, subject to agreement with the agency representative with jurisdiction over the right-of-way and/or the utility company.
- 3 Concealed freestanding WCF in residential districts shall only be allowed on lots of one (1) acre or more that have a non-residential use (school, church).
- 4 A minimum separation of seven hundred fifty (750) feet is required between freestanding WCF. Requires conditional use approval. In industrial districts, except where prohibited in a mixed use pod with a residential component within a PID, the maximum height shall be limited to one hundred (100) feet if located less than one thousand (1,000) feet from a residential use, and one hundred fifty (150) feet if located in excess of one thousand (1,000) feet from a residential use.
- 5 Only when located on city-owned property of two (2) acres or more.
- 6 Restricted to a maximum height of one hundred (100) feet. A setback of three (3) times the height of WCF structure required from the property line of an adjacent residential use.
- 7 Replacement WCF with increased height requires public hearing approval.
- 8 Administrative approval unless on city-owned site and the lease requires each tenant to have a separate lease with city (each lease requires City Commission approval as a lease amendment), or the lease requires written consent letter (City Commission consent agenda).

Zoning Districts:

R-1 Single-Family Residential	C-2 Neighborhood Commercial	SMU Suburban Mixed Use
R-2 Duplex Residential	C-3 Community Commercial	MU-L-1 Mixed Use Low Intensity 1
R-3 Multi-Family Residential	C-4 General Commercial	MU-L-2 Mixed Use Low Intensity 2
PUD Planned Unit Development	CBD Central Business District	MU-L-3 Mixed Use Low Intensity 3
IPUD Infill Planned Unit Development	PCD Planned Commercial Development	MU-H Mixed Use High
MHPD Mobile Home Planned Development	REC Recreation	PID Planned Industrial Development
C-1 Office Professional	PU Public Usage	M-1 Light Industrial

f. Maximum Heights of WCF (Table 3-30).

Zoning District	Concealed Attached WCF	Non-concealed Attached WCF	Concealed Freestanding WCF	Non-concealed Freestanding WCF	Mitigation of Existing WCF	Antenna Element Replacement	Co-location
R-1			55' 3,4		7	7	7
R-2		2	55' 3,4		7	7	7
R-3	1	2	55' 3,4		7	7	7
PUD	1	2	75' 3,4		7	7	7
IPUD	1	2	75' 3,4		7	7	7
MHPD			55' 3,4		7	7	7

C-1		2	55' 4		7	7	7
C-2		2	55' 4		7	7	
C-3	1	2	75' 4		7	7	7
C-4	1	2	75' 4		7	7	7
CBD	1	2	130' 4		7	7	7
PCD	1	2	75' 4		7	7	7
REC	1	2	100' 4	100' 4,5,6	7	7	7
PU	1	2	100' 4	100' 4,5,6	7	7	7
SMU	1	2	70' or less 4		7	7	7
MU-L-1	1	2	70' or less 4		7	7	7
MU-L-2	1	2	70' or less 4		7	7	7
MU-L-3	1	2	70' or less 4		7	7	7
MU-H	1	2	70' or less 4		7	7	7
PID	1	2	100-150' 4	100-150' 4	7	7	7
M-1	1	2	100-150' 4	100-150' 4	7	7	7

Footnotes:

- 1 Concealed attached WCF shall only be allowed on buildings that are a minimum of forty (40) feet in height, not to exceed fifteen (15) feet above the roofline.
 - 2 Non-concealed attached WCF are allowed only on utility poles and freestanding lights that are more than forty (40) feet in height, and located within a public right-of-way (subject to agreement with the agency representative with jurisdiction over the right-of-way and/or the utility company) or on existing ball park light poles that are more than fifty (50) feet in height. The total length of any antenna shall not exceed fifteen percent (15%) of the height of the existing utility or light pole.
 - 3 Freestanding WCF in residential districts shall only be allowed on lots of one (1) acre or more that have a non-residential use (school, church, etc.). Maximum height is limited to twenty-five (25) feet above the maximum building height of the zoning district.
 - 4 A minimum separation of seven hundred fifty (750) feet is required between freestanding WCF. In industrial districts, except where prohibited in a mixed use pod with a residential component within a PID, the maximum height shall be limited to one hundred (100) feet if located less than one thousand (1,000) feet from a residential use, and one hundred fifty (150) feet if located in excess of one thousand (1,000) feet from a residential use. In all mixed use districts height is limited to approved building height or seventy (70) feet whichever is less.
 - 5 Only when located on city-owned property of two (2) acres or more.
 - 6 Restricted to a maximum height of one hundred (100) feet. A setback of three (3) times the height of WCF structure required from the property line of an adjacent residential use.
 - 7 Shall comply with maximum height per table based on WCF type and zoning district. Any additional height requires public hearing approval.
- g. Setbacks and Separation Between WCF (Table 3-31).

Zoning District	Concealed Attached WCF	Non-concealed Attached WCF	Concealed Freestanding WCF	Non-concealed Freestanding WCF	Mitigation of Existing WCF	Antenna Element Replacement	Co-location
R-1			3,4		6		7
R-2		2	3,4		6		7
R-3	1	2	3,4		6		7
PUD	1	2	3,4		6		7
IPUD	1	2	3,4		6		7
MHPD			3,4		6		7
C-1		2	3,4		6		7
C-2		2	3,4		6		7
C-3	1	2	3,4		6		7
C-4	1	2	3,4		6		7
CBD	1	2	3,4		6		7
PCD	1	2	3,4		6		7
REC	1	2	3,4	4,5	6		7
PU	1	2	3,4	4,5	6		7
SMU	1	2	3,4		6		7
MU-L-1	1	2	3,4		6		7
MU-L-2	1	2	3,4		6		7
MU-L-3	1	2	3,4		6		7
MU-H	1	2	3,4		6		7
PID	1	2	3,4	4,5	6		7
M-1	1	2	3,4	4,5	6		7

Footnotes:

- 1 Concealed attached WCF shall be subject to the setbacks of the underlying zoning district. When located on a nonconforming building or structure, then the existing nonconforming setback shall apply.
- 2 Non-concealed attached WCF are not subject to setbacks, however, equipment cabinets or compounds for WCF shall be designed and located in such a manner as to not interfere with the subject right-of-way or its primary utilization.
- 3 Concealed freestanding shall be set back one-half (1/2) the height of the antenna support structure from all property lines, however, in all instances the minimum setback from the property line or the boundary of a residential component within a mixed use pod, shall be at least one and one-half (1.5) times the height of the entire proposed WCF structure.
- 4 A minimum separation distance of seven hundred fifty (750) feet between proposed and existing freestanding WCF is required.
- 5 Non-concealed freestanding WCF and their equipment compounds shall be subject to a minimum setback distance equal to the height of the proposed antenna support structure. However, the minimum setback distance shall be at least two (2) times the height of the WCF structure from the property line of any adjacent residential use. In REC and PU districts, the minimum setback distance shall be three (3) times the height of the WCF structure from the property line of any adjacent residential use.
- 6 New WCF approved for mitigation of existing WCF shall be constructed on-site within close proximity to existing WCF at the same or greater setbacks than previously established. All proposed accessory equipment buildings shall comply with established setbacks for existing WCF without increasing nonconformity.
- 7 Ground equipment to be located in conjunction with co-location shall comply with the setback requirements depending on type of WCF, and zoning district in which it is located.

E. *Submittal Requirements.* A completed application and filing fee with all required documents as specified on the application checklist, including but not limited to, signed and sealed site plans, antenna support structure elevations, and landscape plans shall be submitted to the Planning and Zoning Division.

F. *Approval Process.*

1. *Pre-application Meeting.* Prior to leasing or purchasing facilities, the WCF service provider is required to meet with the Director of Planning and Zoning or designee to determine the type of approval process, and to review the merits of potential locations.
2. *Administrative Approval.* The approval of WCF subject to administrative review as identified in Table 3-29 shall be processed as a minor site plan modification in accordance with Chapter 2, Article II, Section 2.F.7.c. If the Director of Planning and Zoning or designee determines that the application and documentation fail to meet the intent of these Regulations, the city may, in writing, deny the request. Applicants who have been denied a request for a WCF may formally appeal such denial to the City Commission in accordance with Chapter 1, Article VIII.
3. *City Commission Approval.* Approval of WCF subject to City Commission public hearing review as identified in Table 3-29 shall be processed in accordance with Chapter 2, Article I, Section 3.
4. *Review Criteria.* The WCF shall comply with the regulations and requirements of this section. Notwithstanding compliance with the aforementioned, for WCF applications requiring public hearings, the City Commission shall also consider the following:
 - a. Height of the proposed WCF;
 - b. Nature of use(s) on adjacent and nearby properties;
 - c. Surrounding tree coverage and foliage;
 - d. Design of the WCF, particularly with respect to design attributes having the effect of reducing or eliminating visual obtrusiveness; and
 - e. Proposed ingress and egress.
5. *Conditions of Approval.* In granting an approval, the city may impose conditions necessary to minimize any adverse effect of the proposed WCF on adjoining properties.

G. *Publicly-Owned Property.*

1. *Agreements.* If an applicant requests a permit to locate a WCF on city-owned property within a city right-of-way, the permit granted hereunder shall not become effective until the applicant and the jurisdiction have executed a written agreement or lease in a form acceptable to the City Attorney setting forth the particular terms and provisions under which the permit to occupy and use the public lands of the jurisdiction will be granted, and releasing the city from all liability regarding WCF.
2. *Occupancy or Use.* No permit granted under this section shall convey any exclusive right, privilege, permit, or franchise to occupy or use the publicly-owned sites of the jurisdiction for delivery of telecommunications services or any other purpose.
 - a. No permit granted under this section shall convey any right, title or interest in the public lands, but shall be deemed a permit only to use and occupy the public lands for the limited purposes and term stated in the grant. Further, no permit shall be construed as a conveyance of a title interest in the property.

H. *Interference with Public Safety WCF.* Whenever the city has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one (1) or more WCF, the following steps shall be taken:

1. *Notification.* The city shall provide notification to all WCF service providers operating in the jurisdiction of possible interference with the public safety communications equipment. Upon such notification, the owners shall use their best efforts to cooperate and coordinate with the city and among themselves to investigate and mitigate the interference if the WCF owner is operating outside of its FCC frequencies.
2. *Reimbursement.* If any WCF owner is operating outside of its assigned FCC frequencies, or if the FCC makes a determination that the WCF is operating outside of its frequencies and causing radio frequency interference with the city public safety communications equipment, the owner who fails to cooperate and/or the owner of the WCF which caused the interference due to operating outside of its licensed frequencies shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the city for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the jurisdiction to determine the source of the interference.
 1. *Annual Registration and Certification.* WCF owners shall file annually with the Director of Planning and Zoning or designee a declaration as to the continuing operation (with active antennas) of their facilities located within the city. Said declaration shall include a listing of all WCF users, names, and mailing addresses, and any additional information deemed appropriate by the city.

1. *Continued Structural Integrity.* Within sixty (60) days following a catastrophic Act of God or other emergency that affects the structural integrity of the antenna support structure, a certification of continued structural integrity (i.e., a statement that a thorough and complete inspection of WCF was conducted and WCF and ancillary facilities are and will continue to perform as originally designed), certified by a qualified and licensed professional engineer, shall also be filed with the Director of Planning and Zoning or designee.

2. *Failure to File.* Failure to timely file either the annual declaration or the certification shall mean that WCF is deemed to be abandoned, unused, or unsafe, thus

subject to removal.

J. *Removal of Abandoned, Unused, or Unsafe WCF.* The intent and purpose of this subsection is to address the compelling public interest in ensuring that WCF are promptly disassembled, dismantled, and removed once they are no longer used. There may be substantial risk that WCF may cease being used in large numbers if there is a concentration or consolidation of competitors within the industry or if even newer technologies arise, obviating the need for antenna support structures.

WCF that are abandoned or unused for a period of one hundred twenty (120) days shall be removed as follows:

1. *Notice of Abandonment.* WCF owners shall submit a copy of the "Notice of Intent to Abandon" required by the FCC to the Director of Planning and Zoning or designee, and remove its own equipment, including but not limited to the antenna support structure, antennas, generators, and service facilities or cabinets, within ninety (90) days of the cessation of use. WCF owners shall return the site to its natural state, or consistent with the current use of the land at the time of removal;
2. *Notice of Different Provider.* WCF owners shall notice the Director of Planning and Zoning or designee that the provider's obligations for its equipment in the right-of-way or public easement or private property under this section have been lawfully assumed by another provider who will make actual use of the WCF within thirty (30) days;
3. *Proposal for Transfer to City.* WCF owners shall submit to the Director of Planning and Zoning or designee a proposal and instruments for transferring ownership of its equipment to the city. If a provider proceeds under this clause, the city may, at its option:
 - a. Assume ownership of the equipment for a ten dollar (\$10.00) nominal consideration to provider;
 - b. Require the provider, at provider's expense, to remove it; or
 - c. Require the provider to post a bond in an amount sufficient to reimburse the city for reasonably anticipated costs to be incurred in removing the equipment. Equipment of a provider who fails to comply with the preceding sentence and which for six (6) months remains unused shall be deemed abandoned. Abandoned equipment is deemed to be a nuisance. The city may exercise any remedies and rights it has at law or in equity, including but not limited to, abating the nuisance, taking possession of the equipment and restoring it to working condition, or requiring removal of the equipment by the provider or by the provider's surety under any maintenance bond required by the Code of Ordinances.
4. *Exceptions.* WCF used for other purposes, including but not limited to, light standards and power poles, may be exempt from this provision, subject to the requirement that all equipment except the antenna support structure itself be removed or abandoned as set forth above.

K. *Inspection.* The city reserves the right to require additional inspections if there is evidence that the tower has a safety problem or is exposed to extraordinary conditions. Inspections shall be conducted by a registered engineer. Based upon the results of an inspection, the Building Official may require repair or removal of the WCF. Should the city have reason to believe WCF is not in compliance with applicable building and electrical codes, the city may conduct periodic inspections of the site to ensure structural and electrical integrity.

(Ord. 10-025, passed 12-7-10)

Sec. 14. Dogs in Outdoor Portions of Public Food Service Establishments.

A. General.

1. *Purpose and Intent.* The Dixie Cup Clary Local Control Act grants the city the authority to provide exemptions from Florida regulations governing food service establishments. The purpose of this section is to allow dogs in outdoor portions of public food service establishments in a manner consistent with state law. The procedure adopted pursuant to this section provides an exemption, for those public food service establishments which have applied for and received a permit, to those sections of the Food and Drug Administration Food Code that prohibit live animals in public food service establishments.

2. *Terms and Definitions.* As used in this section, "public food service establishments" shall mean eating and drinking establishments, restaurants, and sidewalk cafes as defined by the City Code. "Employee" or "employees" shall include, but is not limited to, the owner or owners of the public food service establishment.

B. *City Approval Required.* No dog shall be in a public food service establishment unless allowed by state law and the public food service establishment has received and maintains an unexpired and valid permit pursuant to Chapter 2, Article V, Section 2 allowing dogs in designated outdoor areas of the establishment.

C. *Standards.* Public food service establishments that receive a permit for a designated outdoor area pursuant to this section shall require that:

1. Employees shall wash their hands promptly after touching, petting, or otherwise handling any dog(s) and shall wash their hands before entering other parts of the public food service establishment from the designated outdoor area.
2. Employees are prohibited from touching, petting or otherwise handling any dog while serving or carrying food or beverages or while handling or carrying tableware.
3. Patrons in a designated outdoor area shall be advised by appropriate signage, at conspicuous locations, that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
4. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
5. Employees and patrons shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved with food service operations.
6. Employees and patrons shall not allow any part of a dog to be on chairs, tables, or other furnishings. Dogs must remain on the floor/ground level and shall not be permitted in the lap of the patron.
7. Employees shall clean and sanitize all table and chair surfaces with an approved product between seating of patrons.
8. Employees shall remove all dropped food and spilled drink from the floor or ground as soon as possible but in no event less frequently than between seating of patrons at the nearest table.
9. Employees and patrons shall remove all dog waste immediately and the floor or ground shall be immediately cleaned and sanitized with an approved product. Employees shall keep a kit with the appropriate materials for this purpose near the designated outdoor area.
10. Employees and patrons shall not permit dogs to be in, or to travel through, indoor or nondesignated outdoor portions of the public food service establishment.
11. A sign or signs notifying the public that the designated outdoor area is available for the use of patrons and patrons' dogs shall be posted in a conspicuous manner

that places the public on notice.

12. A sign or signs informing patrons of these laws shall be posted on premises in a conspicuous manner and place as determined by the city.
13. A sign or signs informing employees of these laws shall be posted on the premises in a conspicuous manner and place as determined by the city.
14. Ingress and egress to the designated outdoor area shall not require entrance into or passage through any indoor area or nondesignated outdoor portions of the public food service establishment.
15. The public food service establishment and designated outdoor area shall comply with all permit conditions and the approved diagram.
16. Employees and patrons shall not allow any dog to be in the designated outdoor areas of the public food service establishment if the public food service establishment is in violation of any of the requirements of this section, or if they do not possess a valid permit.
17. Permits shall be conspicuously displayed in the designated outdoor area.
18. It shall be unlawful to fail to comply with any of the requirements of this section. Each instance of a dog on the premises of a public food service establishment without a permit is a separate violation. Each violation of any of the requirements of this section is considered a separate violation.
19. All dogs shall wear a current license tag or rabies tag.

(Ord. 12-014, passed 9-4-12)

Sec. 15. Penalties.

The city or any other legal authority shall enforce any violation of this article pursuant to the penalty provisions contained in Chapter 1, Article I, Section 7 of these Land Development Regulations.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-014, passed 9-4-12)