

ORDINANCE NO. 13-159

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE I, SECTION 13-1(A), ADDING AND AMENDING DEFINITIONS, AMENDING ARTICLE II, SECTION 13-204, ADMINISTRATIVE OFFICIAL, AMENDING ARTICLE III, SECTION 13-304, SITE PLAN APPROVAL, AMENDING ARTICLE IV, DIVISION 8, RO-13 LOW DENSITY RESIDENTIAL/OFFICE DISTRICT, SECTIONS 13-545 AND 13-546, AMENDING ARTICLE IV, DIVISION 9, RO-50 HIGH-DENSITY RESIDENTIAL/OFFICE DISTRICT, SECTIONS 13-565 AND 13-566, AMENDING ARTICLE IV, DIVISION 12, BU-1 NEIGHBORHOOD BUSINESS DISTRICT, SECTIONS 13-609 AND 13-614 THROUGH 13-617, AMENDING ARTICLE IV, DIVISION 13, BU-1A, LIMITED BUSINESS DISTRICT, SECTIONS 13-625, 13-627, AND SECTIONS 13-631 THROUGH 13-634, AMENDING ARTICLE IV, DIVISION 14, BU-2, SPECIAL BUSINESS DISTRICT, SECTIONS 13-641 THROUGH 13-643, SECTION 13-647 THROUGH 13-650, AMENDING ARTICLE IV, DIVISION 15, BU-3, LIBERAL BUSINESS DISTRICT, SECTIONS 13-653, 13-658, 13-660, AND 13-664 THROUGH 13-667, AMENDING ARTICLE IV, DIVISION 16, IU-1, INDUSTRIAL, LIGHT MANUFACTURING DISTRICT, SECTIONS 13-673, 13-674, 13-678, 13-685, THROUGH 13-687, AMENDING ARTICLE IV, DIVISION 17, IU-2, HEAVY MANUFACTURING DISTRICT, SECTIONS 13-693, 13-694, 13-700, AND 13-701, AMENDING ARTICLE IV, DIVISION 18, IU-3, INDUSTRIAL UNLIMITED DISTRICT, SECTIONS 13-708, 13-709, 13-713, 13-718.1 AND 13-718.2, AMENDING ARTICLE IV, DIVISION 19, IU-C, INDUSTRIAL DISTRICT, CONDITIONAL, SECTIONS 13-721, 13-730, 13-731, 13-734, 13-737, 13-739 AND 13-740, AMENDING ARTICLE IV, DIVISION 20, BUSINESS, COMMERCIAL AND INDUSTRIAL USE MASTER LIST, SECTIONS 13-745 AND 13-748, AMENDING ARTICLE IV, DIVISION 21, ADDITIONAL BUSINESS, COMMERCIAL, INDUSTRIAL AND OTHER USE REGULATIONS, SECTIONS 13-750, 13-752 THROUGH 13-755, 13-757, 13-762 THROUGH 13-766, 13-769, 13-770, 13-774, 13-775, 13-777 THROUGH 13-779, 13-781 THROUGH 13-790, 13-794 AND 13-796 THROUGH 13-799.3, AMENDING ARTICLE VI, SECTION 13-1601, AND ADDING ARTICLE VI, SECTION 13-1617, SPECIAL EVENTS, OF THE TOWN'S LAND DEVELOPMENT CODE; AMENDING ARTICLE I, SECTION 16-1, UNNECESSARY AND EXCESSIVE NOISES, OF CHAPTER 16 OF THE TOWN CODE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the “Town”) upon incorporation adopted Chapter 33 of the Miami –Dade County Code (2000), entitled “Zoning” as the Town of Miami Lakes Land Development Code (“the Town LDC”) by Section 8.3 of the Town Charter; and

WHEREAS, Objective 1.2 of the Town’s Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

WHEREAS, subsequent to its adoption, the Town LDC has been amended by various ordinances adopted by the Town of Miami Lakes (the “LDC Ordinances”) to better address and serve the needs of the Town; and

WHEREAS, the Town passed an ordinance in March 2013 to reformat, reorganize and consolidate portions of the Town’s LDC relating to commercial and industrial properties; and

WHEREAS, the Town has undertaken substantive changes relating to commercial and industrial development and uses, and special events; and

WHEREAS, the Town’s Planning and Zoning Board, as the Local Planning Agency (LPA), found the proposed amendments to be consistent with the Town’s Comprehensive Plan at a duly advertised Public Hearing on July 16, 2013; and

WHEREAS, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency (LPA) and Town staff, the Town Council wishes to adopt the amendments to the Town LDC attached hereto as Exhibit A; and

WHEREAS, the proposed amendments are in conformance with all applicable requirements of the Town’s Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendments will not be in conflict with the public interest, and are consistent and in harmony with the purpose and intent of the Comprehensive Plan; and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption. The Town Council hereby adopts the amendments to Articles I, II, III, IV and VI of the Town LDC, and to Article I of Chapter 16 of the Town Code, which are attached as Exhibit A hereto and are incorporated herein.

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Mayor Michael Pizzi, who moved its adoption on first reading. The motion was seconded by Councilmember Manny Cid and upon being put to a vote, the vote was as follows:

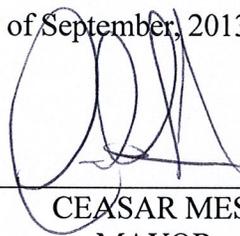
Mayor Michael Pizzi	yes
Vice-Mayor Ceasar Mestre	yes
Councilmember Manny Cid	yes
Councilmember Tim Daubert	yes
Councilmember Nelson Hernandez	yes
Councilmember Tony Lama	yes
Councilmember Nelson Rodriguez	yes

PASSED AND ADOPTED on first reading this 9th day of July, 2013.

The foregoing Ordinance was offered by Vice Mayor Manny Cid, who moved its adoption on second reading. The motion was seconded by Councilmember Nelson Hernandez and upon being put to a vote, the vote was as follows:

Mayor Ceasar Mestre	yes
Vice-Mayor Manny Cid	yes
Councilmember Tim Daubert	yes
Councilmember Nelson Hernandez	yes
Councilmember Tony Lama	yes
Councilmember Nelson Rodriguez	yes

PASSED AND ADOPTED on second reading this 10th day of September, 2013.



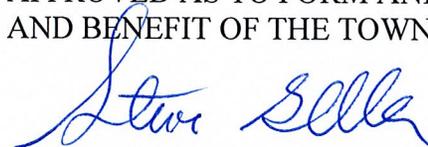
CEASAR MESTRE
MAYOR

ATTEST:



MARJORIE TEJEDA
TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:



JOSEPH S. GELLER
GREENSPOON MARDER
TOWN ATTORNEY

EXHIBIT A

Chapter 13 – Land Development Code

Article I – In General

Sec. 13-1. – Definitions and references.

- (a) For purposes of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise.

* * *

(3) Active uses. Uses which tend to have or encourage interaction between the use and pedestrians, including entering or exiting the establishment, and observing activity and/or merchandise inside the use from the street. Examples includes retail establishments, restaurants, bars and pubs, post offices, etc.

(xx) Administrative Official. The Town Manager or his/her designee.

(33) Call center. A centralized business office used for the purpose of receiving and transmitting a large volume of requests by telephone, operated by a company to administer incoming product support or information inquiries from consumers. Includes outgoing calls for, but not limited to, telemarketing, clientele, product services and debt collection.

(39) Common area. A room or designated area within a building or complex buildings zoned for residential use served by shared or public parking areas, which is reserved for the exclusive use of the residents of the building or complex and their invited guests, and is an accessory use to the primarily residential use of such buildings.

(41) Commuter college/university. Any private college or university campus which is intended primarily to meet the needs of part-time and working students, which is located within a shopping center or office park, and which meets the following criteria: i) the campus is designed without any residential dormitories, athletic facilities, performance venues and other facilities which are typically provided in college campuses to service full-time students, and ii) the square footage of all college and university campuses within the shopping center or office park consists of no more than 150,000 square feet of total building space or ten (10) percent of the square footage of the shopping center or office park, whichever is lower. A cafeteria/food court and school store selling new and used books and sundries for the convenience of students shall be considered as an ancillary use in connection with commuter college/university facilities

provided the square footage of such uses does not exceed ten (10) percent of the total square footage of the facility.

(42) *Convalescent home.* A facility intended to provide 24-hour, temporary rehabilitative care for a range of medical purposes such as recovery from illness, post-surgery care, substance abuse and similar purposes. Ancillary recreational and personal care for resident patients is included.

(xx) *Executive office center.* A business that sublets individual offices from a larger suite of offices, and provides services to the tenants of the individual offices, such as telephone answering, reception services, common printing and business machine facilities, common meeting room and break room facilities, mail facilities and services and similar. This arrangement is also commonly known by such names as open plan office, serviced office, business center, flexible office, office hoteling and other such names.

(xx) *Grocery store.* An establishment primarily engaged in selling raw and packaged food for at-home consumption, including establishments commonly known as grocery stores, supermarkets, fruit stores, health food stores, meat and fish markets and similar food stores.

(xx) *Place of public assembly.* An area, facility or structure used for a group or gathering, for a particular purpose, whether for profit or not for profit, such as auditorium, school, theatre, movie theatre, private club, lodge, fraternities, sororities, church, religious facilities, and place of worship, excluding hotels, motels and apartments.

(xx) *Self-service storage facility.* A fully enclosed space used for warehousing which contains individual storage units, each with a floor area no greater than 400 square feet and an interior height not to exceed twelve feet.

(xx) *Zoning Official.* The Zoning Official shall be the Administrative Official ~~Director~~.

(137) *Special event.* An event, other than the permanent land use on a site, upon any parts or portions of public lands, or upon private lands in the Town when members of the public are invited as participants or spectators and which may include such activities as dancing, entertainment, dramatic presentations, art exhibitions, races, walk-a-thons, parades, the sale of merchandise, food, alcoholic beverages, and similar gatherings that take place on a single day or a succession of days. Provided, however, that the Town's Park Rules and

Regulations shall govern whether an activity within a Town park will be considered a special event.

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Sec. 13-204. – Administrative Official.

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- (17) To review and act upon applications for conditional uses, in accordance with the provisions of this Land Development Code governing conditional uses, where such applications involve a use consisting of less than 4,000 gross square feet of floor area, or where otherwise specifically authorized in this chapter.

Sec. 13-304. – Site plan approval.

* * *

- (h) *Specific factors for review of a site plan.* The approval or approval with modifications and/or conditions or changes of approval by written development order shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the approval, with or without modifications and/or special conditions. The development order shall set forth with particularity in what respects the plan would or would not be in the public interest including, but not limited to findings of fact and conclusions on the following site plan approval criteria:
- (1) In what respects the plan is or is not consistent with the Comprehensive Plan, ~~and~~ the purpose and intent of the zoning district in which it is located and any design or planning studies adopted by the Town Council that include recommendations applicable to the design of the site under review.
 - (2) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.
 - (3) In what respects the plan is or is not in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.
 - (4) In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:
 - a. Relationship to adjoining properties, including the arrangement of buildings and landscape to produce spatial relationships that are compatible with, and complementary to, the development and zoning in adjoining areas.

- b. Internal and external circulation, both including vehicular, bicycle and pedestrian. Circulation systems shall serve the needs of the development and be compatible with, and functionally integrate with, circulation systems outside the development. Vehicular traffic from non-residential development shall be routed so as to minimize impacts on residential development.
 - c. Disposition of open space, use of screening or buffering where appropriate to provide a logical transition to existing, permitted or planned uses on adjoining properties and preservation of existing natural features including trees.
 - d. Landscaping that enhances architectural features, strengthens vista and important axes, provides shade, blocks noise generated by major roadways and intense-use areas and, to the maximum extent practicable, preserves existing trees on-site.
 - d. Building arrangements both between buildings in the proposed development and those adjoining the site.
 - e. Appropriate scale of proposed structures to be compatible with and complementary to existing, permitted or planned uses on adjoining properties and in the immediate area.
 - f. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
 - g. Service areas which may be provided shall be screened and so located as not to be visible from the public right-of-way and other properties.
 - h. Design of the site shall ensure adequate access for emergency vehicles and personnel.
 - i. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water.
- (5) In what respects the plan is or is not in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.

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ARTICLE IV

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DIVISION 8 - RO-13 LOW DENSITY RESIDENTIAL/OFFICE DISTRICT (RU-5A)

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Sec. 13-545. Development regulations.

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- (j) Wall - A decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other like material that will be compatible with the main structure, five (5) feet in height, shall be erected along all interior property lines including the rear property line; provided, however, in the event that the rear property line abuts a secondary road, said wall shall be set in ten (10) feet from the official right-of-way of the secondary road and said ten-foot strip shall be landscaped; provided further, in the event that the interior side property line abuts RO Residential/Office zoned property or a more liberal zoning district, the requirement for the wall along said common interior property line shall not apply. The aforementioned landscaped ten-foot strip, where applicable, shall contain one or more of the following planting materials:

- (1) Shrubs. Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
- (2) Hedges. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
- (3) Vines. Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.

* * *

Sec. 13-546. Reserved. Site plan review.

~~All new construction or substantial remodeling shall comply with the site plan review criteria and procedures outlined in Section 13-304 of this Code before a building permit can be issued. In addition to the site plan review criteria specified in Section 13-304 of the Code, the following design criteria shall be utilized in the site plan review process:~~

- ~~1. **Purpose and Intent:** The proposed development fulfills the objectives of this article.~~
- ~~2. **Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, related structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense-use areas.~~
- ~~3. **Buffers:** Buffering elements in the form of architectural design and landscape design that~~

provide a logical transition to adjoining existing or permitted uses shall be provided.

4. ~~**Scale:** Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.~~
5. ~~**Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.~~
6. ~~**Energy Considerations:** Site design methods to reduce energy consumption shall be encouraged. Energy site conservation methods may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.~~
7. ~~**Parking Areas:** Building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Town of Miami Lakes Code.~~
8. ~~**Open Spaces:** Open spaces shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible.~~
9. ~~**Graphics:** Graphics, as required, shall be designed as an integral part of the overall design of the project.~~
10. ~~**Art Display:** Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.~~
11. ~~**Visual Screening for Decorative Walls:** In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights of way:
 - a. ~~**Wall with Landscaping.** The wall shall be setback two and one half (2 1/2) feet from the right of way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. Perimeter walls surrounding subdivisions shall be painted one consistent color scheme to be determined by the homeowners association and the Town. The landscape buffer shall contain one (1) or more of the following planting materials:
 - (1) ~~**Shrubs.** Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~
 - (2) ~~**Hedges.** Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year~~~~~~

~~after time of planting.~~

~~(3) *Vines.* Climbing vines shall be a minimum of thirty six (36) inches in height immediately after planting.~~

~~b. *Metal Picket Fence.* Where a metal picket fence abutting a zoned or dedicated right of way is constructed in lieu of a decorative wall, landscaping shall not be required.~~

~~12. *Bikeways and Bicycle Parking Facilities.* Where feasible all new and substantially redeveloped developments shall provide bikeways and on site bicycle parking facilities.~~

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DIVISION 9 - RO-50 HIGH DENSITY RESIDENTIAL/OFFICE DISTRICT (RU-4A)

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Sec. 13-565. Development regulations.

* * *

(j) Wall - A decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other like material that will be compatible with the main structure, five (5) feet in height, shall be erected along all interior property lines including the rear property line; provided, however, in the event that the rear property line abuts a secondary road, said wall shall be set in ten (10) feet from the official right-of-way of the secondary road and said ten-foot strip shall be landscaped; provided further, in the event that the interior side property line abuts RO Residential/Office zoned property or a more liberal zoning district, the requirement for the wall along said common interior property line shall not apply. The aforementioned landscaped ten-foot strip, where applicable, shall contain one or more of the following planting materials:

(1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.

* * *

Sec. 13-566. Reserved. Site plan review.

All new construction or substantial remodeling shall comply with the site plan review criteria and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In addition to the site plan review criteria specified in Division 3.4 of the Code the following design criteria shall be utilized in the site plan review process:

1. ~~**Purpose and Intent:** The proposed development fulfills the objectives of this article.~~
2. ~~**Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, related structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense use areas.~~
3. ~~**Buffers:** Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.~~
4. ~~**Scale:** Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.~~
5. ~~**Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.~~
6. ~~**Energy Considerations:** Site design methods to reduce energy consumption shall be encouraged. Energy site conservation methods may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.~~
7. ~~**Parking Areas:** Building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Town of Miami Lakes Code.~~
8. ~~**Open Spaces:** Open spaces shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible.~~
9. ~~**Graphics:** Graphics, as required, shall be designed as an integral part of the overall design of the project.~~
10. ~~**Art Display:** Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.~~
11. ~~**Visual Screening for Decorative Walls:** In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - a. ~~**Wall with Landscaping.** The wall shall be setback two and one half (2 1/2) feet from the right of way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. Perimeter walls surrounding subdivisions shall be painted one consistent color scheme to~~~~

~~be determined by the homeowners association and the Town. The landscape buffer shall contain one (1) or more of the following planting materials:~~

~~(1) — *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~

~~(2) — *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~

~~(3) — *Vines.* Climbing vines shall be a minimum of thirty six (36) inches in height immediately after planting.~~

~~b. — *Metal Picket Fence.* Where a metal picket fence abutting a zoned or dedicated right of way is constructed in lieu of a decorative wall, landscaping shall not be required.~~

~~12. — *Bikeways and Bicycle Parking Facilities.* Where feasible all new and substantially redeveloped developments shall provide bikeways and on-site bicycle parking facilities.~~

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DIVISION 12 BU-1, Neighborhood Business District

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Sec. 13-609. Reserved. Survey required when property line in doubt.

~~Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty five (25) feet of any existing or proposed highway right of way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupaney is issued.~~

* * *

Sec. 13-614. Enclosed uses.

All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided in this chapter herein. All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

Sec. 13-615. Requirement for decorative masonry wall. Business property adjacent to residential districts.

- (a) Where a business lot abuts an AU, GU or RU zoned property, a decorative masonry wall at least five (5) feet in height shall be erected on the business lots along the common property line separating the two (2) districts. Where a dedicated alley separates the two (2) districts, the five-foot decorative masonry wall shall be erected along the business lots adjacent to the alley, permitting only openings for egress and ingress purposes with the smallest width possible for this purpose. Where the business property is a through lot, and the rear of the business lot lies across the street right-of-way from AU, GU or RU zoned property, said wall shall be located on the business lot ten (10) feet in from the official right-of-way line at the rear of the lot, and the ten-foot strip shall be substantially landscaped. The Director shall determine which part of the lot is the rear property line. No wall will be required along the front property line of the business lot where the same is separated from a residential zone by a street. Where the common property line between the two (2) districts is an interior side property line, the required wall shall extend only to a point fifteen (15) feet from the official front property line.
- (b) If a wall required under this section abuts a zoned or dedicated right-of-way, the wall shall be set back two and one-half feet from the right-of-way line and resulting setback area shall contain a continuous extensively landscaped buffer, which shall include one or more of the following planting materials: shrubs or hedges at three feet in height, planted and maintained to form a continuous solid, visual screen within one year after planting; climbing vines at least 36 inches in height immediately after planting.

Sec. 13-616. Off-street parking.

- (a) All development within the BU-1 District shall comply with the Off-Street Parking requirements found in Section 13-1801 and elsewhere in this land development code.
- (b) All parking lots adjacent to a right-of-way or private street shall be provided with a landscaped buffer strip of seven (7) feet in width and landscaped in accordance with Chapter 18A of this Code.
- (c) ~~Parking in the BU-1 District shall be permitted between the required setback line and the official right-of-way line, providing a continuous, extensively planted greenbelt of not less than five (5) feet shall be placed along all property lines abutting said official right-of-way line.~~ In no event may parking areas located in the setback areas be sheltered or enclosed in any manner.

Sec. 13-617. Reserved. Plan review standards.

- ~~(a) — The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project in accordance with the procedures in Section 13-310. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.~~
- ~~(b) — Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:~~

- ~~(1) — Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:~~
- ~~a. — Proposed commercial floor area.~~
 - ~~b. — Height, size, shape and location of existing and proposed buildings.~~
 - ~~c. — Parking layouts.~~
 - ~~d. — Proposed grades if significantly altered.~~
 - ~~e. — Existing and proposed fences, walls, signs, architectural accents, street furniture and locations of advertising or graphic features.~~
 - ~~f. — Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.~~
- ~~(2) — Schematic building plans including elevation and/or sections of major structures.~~
- ~~(3) — Isometrics or perspective and/or model(s) of the proposed development.~~

~~The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.~~

- ~~(c) — The following checklist of criteria shall be utilized as a guide by the Department and by the Town Council, upon appeal, in the review process:~~
- ~~(1) — Planning studies. Design or planning studies completed by the Department and submitted to the Town Council that include recommendations for development patterns or site plan criteria which would apply to the development proposal under review shall be utilized in the site plan review process.~~
 - ~~(2) — Exterior spatial relationships. The three dimensional air space volume~~

~~created by the arrangement of structures and landscape shall produce spatial relationships that function with the intended use of the project and are compatible with the development or zoning in the adjoining area.~~

- ~~(3) Landscape. Landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes and provide shade.~~
- ~~(4) Buffers. Buffering elements that provide a logical transition to adjoining, existing or permitted uses shall be provided.~~
- ~~(5) Scale. Scale of proposed structures shall be compatible with surrounding existing or permitted uses or shall be made compatible by the use of the buffering element.~~
- ~~(6) Signs and outdoor lighting. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.~~
- ~~(7) Roof installation and facilities. All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part and be harmonious with the building design.~~
- ~~(8) Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development.~~
- ~~(9) Parking areas. Building wall extensions, plantings, berms or other innovative means shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of this chapter and chapter 18A.~~
- ~~(10) Service areas. Service areas which may be provided shall be screened and so located as not to be visible from view.~~
- ~~(11) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights of way:
 - ~~a. Wall with landscaping. The wall shall be setback two and one half (2 1/2) feet from the right of way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:~~
 - ~~b. Shrubs. Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen~~~~

~~within one (1) year after time of planting.~~

- ~~e. *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~
- ~~d. *Vines.* Climbing vines shall be a minimum of thirty six (36) inches in height immediately after planting.~~
- e. *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right of way is constructed in lieu of a decorative wall, landscaping shall not be required.

* * *

DIVISION 13 BU-1A, Limited Business District

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Sec. 13-625. Reserved. Survey required when property line in doubt.

~~Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty five (25) feet of any existing or proposed highway right of way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupaney is issued.~~

* * *

Sec. 13-627. Reserved. Fire resistive construction of building over fifty-five feet.

~~No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.~~

* * *

Sec. 13-631. Enclosed uses.

All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided in this chapter ~~herein~~. All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

Sec. 13-632. Requirement for decorative masonry wall. Business property adjacent to

residential districts.

- (a) Where a business lot abuts an AU, GU, or RU zoned property, a decorative masonry wall at least five (5) feet in height shall be erected on the business lots along the common property line separating the two (2) districts. Where a dedicated alley separates the two (2) districts, the five-foot decorative masonry wall shall be erected along the business lots adjacent to the alley, permitting only openings for egress and ingress purposes with the smallest width possible for this purpose. Where the business property is a through lot, and the rear of the business lot lies across the street right-of-way from AU, GU, or RU zoned property, said wall shall be located on the business lot ten (10) feet in from the official right-of-way line at the rear of the lot, and the ten-foot strip shall be substantially landscaped. The Director shall determine which part of the lot is the rear property line. No wall will be required along the front property line of the business lot where the same is separated from a residential zone by a street. Where the common property line between the two (2) districts is an interior side property line, the required wall shall extend only to a point fifteen (15) feet from the official front property line.
- (b) If a wall required under this section abuts a zoned or dedicated right-of-way, the wall shall be set back two and one-half feet from the right-of-way line and resulting setback area shall contain a continuous extensively landscaped buffer, which shall include one or more of the following planting materials: shrubs or hedges at three feet in height, planted and maintained to form a continuous solid, visual screen within one year after planting; climbing vines at least 36 inches in height immediately after planting.

Sec. 13-633. Sec. Off-street parking.

- (d) All development within the BU-1A District shall comply with the Off-Street Parking requirements found in Section 13-1801 and elsewhere in this land development code.
- (e) All parking lots adjacent to a right-of-way or private street shall be provided with a landscaped buffer strip of seven (7) feet in width and landscaped in accordance with Chapter 18A of this Code.
- (f) ~~Parking in the BU-1A District shall be permitted between the required setback line and the official right-of-way line, providing a continuous, extensively planted greenbelt of not less than five (5) feet shall be placed along all property lines abutting said official right-of-way line.~~ In no event may parking areas located in the setback areas be sheltered or enclosed in any manner.

Sec. 13-634. Reserved. Plan review standards.

- (d) ~~The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project in accordance with the procedures in Section~~

~~13-310. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.~~

~~(e) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:~~

~~(1) Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:~~

- ~~a. Proposed commercial floor area.~~
- ~~b. Height, size, shape and location of existing and proposed buildings.~~
- ~~c. Parking layouts.~~
- ~~d. Proposed grades if significantly altered.~~
- ~~e. Existing and proposed fences, walls, signs, architectural accents, street furniture and locations of advertising or graphic features.~~
- ~~f. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.~~

~~(2) Schematic building plans including elevation and/or sections of major structures.~~

~~(3) Isometries or perspective and/or model(s) of the proposed development.~~

~~The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.~~

~~(f) The following checklist of criteria shall be utilized as a guide by the Department and by the Town Council, upon appeal, in the review process:~~

~~(1) Planning studies. Design or planning studies completed by the Department and submitted to the Town Council that include recommendations for development patterns or site plan criteria which would apply to the development proposal under review shall be utilized in the site plan review process.~~

~~(2) Exterior spatial relationships. The three-dimensional air-space volume created by the arrangement of structures and landscape shall produce spatial relationships that function with the intended use of the project and are compatible with the development or zoning in the adjoining area.~~

~~(3) Landscape. Landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes and provide shade.~~

- ~~(4) — Buffers. Buffering elements that provide a logical transition to adjoining, existing or permitted uses shall be provided.~~
- ~~(5) — Scale. Scale of proposed structures shall be compatible with surrounding existing or permitted uses or shall be made compatible by the use of the buffering element.~~
- ~~(6) — Signs and outdoor lighting. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.~~
- ~~(7) — Roof installation and facilities. All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part and be harmonious with the building design.~~
- ~~(8) — Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development.~~
- ~~(9) — Parking areas. Building wall extensions, plantings, berms or other innovative means shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of this chapter and chapter 18A.~~
- ~~(10) — Service areas. Service areas which may be provided shall be screened and so located as not to be visible from view.~~
- ~~(11) — Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - ~~a. — Wall with landscaping. The wall shall be setback two and one half (2 1/2) feet from the right of way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:~~
 - ~~b. — Shrubs. Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~
 - ~~c. — Hedges. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~
 - ~~d. — Vines. Climbing vines shall be a minimum of thirty six (36) inches in height immediately after planting.~~~~

- e. ~~*Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right of way is constructed in lieu of a decorative wall, landscaping shall not be required.~~

* * *

DIVISION 14 BU-2, Special Business District

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Sec. 13-641. Reserved. ~~Survey required when property line in doubt.~~

~~Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty five (25) feet of any existing or proposed highway right of way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.~~

Sec. 13-642 Height.

~~The maximum height of a building is not limited to two stories, or 35 feet, for properties designated Office/Residential (OR) by the Town's adopted Comprehensive Plan; and to seven stories for properties designated Business and Office (BO) in the Town's adopted Comprehensive Plan except as all other provisions of this article must be compiled with, especially the floor area ratio and lot coverage and the landscaped open space requirements. These maximum heights may be exceeded through the public hearing variance process, as provided in Article III.~~

Sec. 13-643. Reserved. ~~Fire resistive construction of building over fifty five feet.~~

~~No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.~~

* * *

Sec. 13-647. Enclosed uses.

All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided in this chapter. ~~herein.~~ All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls.

Storage shall not be made above the height of the walls.

Sec. 13-648. Business property adjacent to residential districts.

- (a) Where a business lot abuts an AU, GU or RU zoned property, a decorative masonry wall at least five (5) feet in height shall be erected on the business lots along the common property line separating the two (2) districts. Where a dedicated alley separates the two (2) districts, the five-foot decorative masonry wall shall be erected along the business lots adjacent to the alley, permitting only openings for egress and ingress purposes with the smallest width possible for this purpose. Where the business property is a through lot, and the rear of the business lot lies across the street right-of-way from AU, GU or RU zoned property, said wall shall be located on the business lot ten (10) feet in from the official right-of-way line at the rear of the lot, and the ten-foot strip shall be substantially landscaped. The Director shall determine which part of the lot is the rear property line. No wall will be required along the front property line of the business lot where the same is separated from a residential zone by a street. Where the common property line between the two (2) districts is an interior side property line, the required wall shall extend only to a point fifteen (15) feet from the official front property line.
- (b) If a wall required under this section abuts a zoned or dedicated right-of-way, the wall shall be set back two and one-half feet from the right-of-way line and resulting setback area shall contain a continuous extensively landscaped buffer, which shall include one or more of the following planting materials: shrubs or hedges at three feet in height, planted and maintained to form a continuous solid, visual screen within one year after planting; climbing vines at least 36 inches in height immediately after planting.

Sec. 13-649. Off-street parking.

- (a) All development within the BU-2 District shall comply with the Off-Street Parking requirements found in Section 13-1801 and elsewhere in this land development code.
- (b) Parking lot buffers, all parking lots adjacent to a right-of-way or private street shall be provided with a landscaped buffer strip of seven (7) feet in width and landscaped in accordance with Chapter 18A of this Code.
- (c) ~~Parking in the BU-2 District shall be permitted between the required setback line and the official right-of-way line, providing a continuous, extensively planted greenbelt of not less than five (5) feet shall be placed along all property lines abutting said official right-of-way line.~~ In no event may parking areas located in the setback areas be sheltered or enclosed in any manner.

Section 13-650. Reserved. Plan review standards.

- ~~(g) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department~~

~~in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project in accordance with the procedures in Section 13-310. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.~~

~~(h) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:~~

~~(1) Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:~~

~~a. Proposed commercial floor area.~~

~~b. Height, size, shape and location of existing and proposed buildings.~~

~~c. Parking layouts.~~

~~d. Proposed grades if significantly altered.~~

~~e. Existing and proposed fences, walls, signs, architectural accents, street furniture and locations of advertising or graphic features.~~

~~f. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.~~

~~(2) Schematic building plans including elevation and/or sections of major structures.~~

~~(3) Isometries or perspective and/or model(s) of the proposed development.~~

~~The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.~~

~~(i) The following checklist of criteria shall be utilized as a guide by the Department and by the Town Council, upon appeal, in the review process:~~

~~(1) Planning studies. Design or planning studies completed by the Department and submitted to the Town Council that include recommendations for development patterns or site plan criteria which would apply to the development proposal under review shall be utilized in the site plan review process.~~

~~(2) Exterior spatial relationships. The three dimensional air space volume created by the arrangement of structures and landscape shall produce spatial relationships that function with the intended use of the project and are compatible with the development or zoning in the adjoining area.~~

~~(3) Landscape. Landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal. Landscape treatment shall be~~

~~provided to enhance architectural features, strengthen vistas and important axes and provide shade.~~

- ~~(4) — Buffers. Buffering elements that provide a logical transition to adjoining, existing or permitted uses shall be provided.~~
- ~~(5) — Scale. Scale of proposed structures shall be compatible with surrounding existing or permitted uses or shall be made compatible by the use of the buffering element.~~
- ~~(6) — Signs and outdoor lighting. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.~~
- ~~(7) — Roof installation and facilities. All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part and be harmonious with the building design.~~
- ~~(8) — Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development.~~
- ~~(9) — Parking areas. Building wall extensions, plantings, berms or other innovative means shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of this chapter and chapter 18A.~~
- ~~(10) — Service areas. Service areas which may be provided shall be screened and so located as not to be visible from view.~~
- ~~(11) — *Visual screening for decorative walls:* In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights of way:
 - ~~a. — *Wall with landscaping.* The wall shall be setback two and one half (2 1/2) feet from the right of way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:~~
 - ~~b. — *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~
 - ~~c. — *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~~~

- d. ~~Vines. Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.~~
- e. ~~Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right of way is constructed in lieu of a decorative wall, landscaping shall not be required.~~

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DIVISION 15 BU-3, Liberal Business District

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Sec. 13-653. Additional Uses Permitted.

* * *

~~(h) Nonconforming uses.~~

- a. ~~Any adult entertainment use existing as of January 26, 1996, which conformed to the regulations in effect when such use was established, that becomes nonconforming by the enactment of Ordinance No. 96-12, shall be removed or discontinued not later than January 26, 2001; provided, however, that any such nonconforming use which satisfies the spacing requirements set forth at Section 13-653(d) shall not be required to discontinue. On or before January 26, 2001, any such nonconforming use which is not in compliance with Section 13-653(d) may be transferred to a site which satisfies the requirements of Section 13-653(d) in a BU-3 or IU zoning district. Subsequent to January 26, 2001, any new adult entertainment use which desires to locate at a site which satisfies the requirements of Section 13-653(d) in an IU zoning district will require a public hearing.~~
- b. ~~Any existing business, which was not operating in good legal standing prior to this ordinance and which has been determined to be a nuisance by the Nuisance Abatement Board, or convicted for criminal violations within the preceding three (3) years, shall remove or discontinue the nonconforming use ten (10) days after the effective date of this ordinance.~~
- c. ~~Any lawfully existing business which becomes nonconforming by the enactment of this ordinance may file an appropriate zoning hearing application with the Department of Planning and Zoning.~~

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Sec. 13-658. Reserved. Survey required when property line in doubt.

~~Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty five (25) feet of any existing or proposed highway right of way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.~~

~~* * *~~

Sec. 13-660. Reserved. Fire resistive construction of building over fifty five feet.

~~No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.~~

~~* * *~~

Sec. 13-664. Enclosed uses.

All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided in this chapter ~~herein~~. All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

Sec. 13-665. Business property adjacent to residential districts.

- (a) Where a business lot abuts an AU, GU or RU zoned property, a decorative masonry wall at least five (5) feet in height shall be erected on the business lots along the common property line separating the two (2) districts. Where a dedicated alley separates the two (2) districts, the five-foot decorative masonry wall shall be erected along the business lots adjacent to the alley, permitting only openings for egress and ingress purposes with the smallest width possible for this purpose. Where the business property is a through lot, and the rear of the business lot lies across the street right-of-way from AU, GU or RU zoned property, said wall shall be located on the business lot ten (10) feet in from the official right-of-way line at the rear of the lot, and the ten-foot strip shall be substantially landscaped. The Director shall determine which part of the lot is the rear property line. No wall will be required along the front property line of the business lot where the same is separated from a residential zone by a street. Where the common property line between the two (2) districts is an interior side property line, the required wall shall extend only to a point fifteen (15) feet from the official front property line.
- (b) If a wall required under this section abuts a zoned or dedicated right-of-way, the

wall shall be set back two and one-half feet from the right-of-way line and resulting setback area shall contain a continuous extensively landscaped buffer, which shall include one or more of the following planting materials: shrubs or hedges at three feet in height, planted and maintained to form a continuous solid, visual screen within one year after planting; climbing vines at least 36 inches in height immediately after planting.

Sec. 13-666. Off-street parking.

- (d) All development within the BU-3 District shall comply with the Off-Street Parking requirements found in Section 13-1801 and elsewhere in this land development code.
- (e) ~~Parking lot buffers,~~ All parking lots adjacent to a right-of-way or private street shall be provided with a landscaped buffer strip of seven (7) feet in width and landscaped in accordance with Chapter 18A of this Code.
- (f) ~~Parking in the BU-3 Districts shall be permitted between the required setback line and the official right of way line, providing a continuous, extensively planted greenbelt of not less than five (5) feet shall be placed along all property lines abutting said official right of way line.~~ In no event may parking areas located in the setback areas be sheltered or enclosed in any manner.

Sec. 13-667. Reserved. Plan review standards.

- ~~(j) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project in accordance with the procedures in Section 13-310.. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.~~
- ~~(k) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:~~
 - ~~(1) Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:~~
 - a. ~~Proposed commercial floor area.~~
 - b. ~~Height, size, shape and location of existing and proposed buildings.~~
 - c. ~~Parking layouts.~~
 - d. ~~Proposed grades if significantly altered.~~
 - e. ~~Existing and proposed fences, walls, signs, architectural accents, street furniture and locations of advertising or graphic features.~~

~~f. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.~~

- ~~(2) Schematic building plans including elevation and/or sections of major structures.~~
- ~~(3) Isometries or perspective and/or model(s) of the proposed development.~~

~~The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.~~

- ~~(1) The following checklist of criteria shall be utilized as a guide by the Department and by the Town Council, upon appeal, in the review process:~~

- ~~(1) Planning studies. Design or planning studies completed by the Department and submitted to the Town Council that include recommendations for development patterns or site plan criteria which would apply to the development proposal under review shall be utilized in the site plan review process.~~
- ~~(2) Exterior spatial relationships. The three dimensional air space volume created by the arrangement of structures and landscape shall produce spatial relationships that function with the intended use of the project and are compatible with the development or zoning in the adjoining area.~~
- ~~(3) Landscape. Landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes and provide shade.~~
- ~~(4) Buffers. Buffering elements that provide a logical transition to adjoining, existing or permitted uses shall be provided.~~
- ~~(5) Scale. Scale of proposed structures shall be compatible with surrounding existing or permitted uses or shall be made compatible by the use of the buffering element.~~
- ~~(6) Signs and outdoor lighting. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.~~
- ~~(7) Roof installation and facilities. All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part and be harmonious with the building design.~~
- ~~(8) Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development.~~
- ~~(9) Parking areas. Building wall extensions, plantings, berms or other~~

~~innovative means shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of this chapter and chapter 18A.~~

~~(10) Service areas. Service areas which may be provided shall be screened and so located as not to be visible from view.~~

~~(11) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights of way:~~

~~a. Wall with landscaping. The wall shall be setback two and one half (2 1/2) feet from the right of way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:~~

~~b. Shrubs. Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~

~~c. Hedges. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~

~~d. Vines. Climbing vines shall be a minimum of thirty six (36) inches in height immediately after planting.~~

~~e. Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right of way is constructed in lieu of a decorative wall, landscaping shall not be required.~~

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DIVISION 16 IU-1, Industrial, Light Manufacturing District

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Sec. 13-673. Reserved. Survey required when property line in doubt.

~~Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty five (25) feet of any existing or proposed highway right of way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary~~

~~corners, corresponding to the survey, shall be left undisturbed until a certificate of occupaney is issued.~~

Sec. 13-674. Maximum height in IU-1 District.

- (a) No building in the IU-1 District shall be of a height greater than the width of the widest street upon which such building abuts, ~~except after application is made and permit issued as a result of public hearing.~~
- (b) However, provisions of this section regarding building height shall not apply to: airplane beacons, belfries, chimneys, church spires/steeple, conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet above the limited height of the building on which it rests, radio and television towers, roof structures used only for ornamental purposes providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, and structures used in connection with screening of antennas.
- (c) The provisions of this section regarding building height shall not apply to active and passive recreational facilities which may be provided on the roof of a building, provided that the enclosed portion of such facilities shall not exceed sixty (60) percent of the total area of such roof, and provided that the same does not exceed one (1) story or twenty (20) feet in height.

Sec. 13-675 – 13-677. Reserved.

Sec. 13-678. Reserved. ~~Fire resistive construction of building over fifty-five feet.~~

~~No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.~~

* * *

Sec. 13-685. Off-Street Parking.

1. All development within the IU-1 District shall comply with the Off-Street Parking requirements found in Section 13-1801 and elsewhere in this land development code.
2. ~~Parking lot buffers,~~ All parking lots adjacent to a right-of-way or private street or residentially zoned properties shall comply with the greenbelt requirements above in and landscaped in accordance with Chapter 18A of this Code.
3. ~~Parking in the IU-1 District shall be permitted between the required setback line and the official right-of-way line providing that greenbelt requirements as provided above and landscaped in accordance with Chapter 18A of this Code.~~ In no event may parking areas located in the setback areas be sheltered or enclosed in any manner.

Sec. 13-686. Reserved. Plan review standards.

- ~~(a) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria contained in this chapter.~~
- ~~(b) In addition to other requirements contained elsewhere in this code, development in the IU-1 District shall also conform to the following requirements:
 - ~~(1) *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen non-compatible uses and ameliorate the impact of noise.~~
 - ~~(2) *Compatibility:* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent nonindustrial uses.~~
 - ~~(3) *Emergency access:* Unobstructed on-site access for emergency equipment shall be considered.~~
 - ~~(4) *Circulation:* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.~~
 - ~~(5) *Energy conservation:* Applicants are advised to consider requirements of Chapter 52 of the Florida Building Code.~~~~

Sec. 13-687. Validity of site plans.

~~Where a site plan has been or is submitted to the Department for review and approval, and the same has been or is approved, and no construction has yet commenced, the site plan shall be valid for a period of twelve (12) months, within which time the applicant must file complete plans for building permit.~~

* * *

DIVISION 17 IU-2, Heavy Manufacturing District

* * *

Sec. 13-693. Reserved. Survey required when property line in doubt.

~~Applications for permit to erect, move or alter a structure which is to be located within~~

~~ten (10) feet of any property line, or which is to be located within twenty five (25) feet of any existing or proposed highway right of way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.~~

Sec. 13-694. Maximum height in IU-2 District.

- (a) No building in the IU-2 District shall be of a height greater than the width of the widest street upon which such building abuts, ~~except after application is made and permit issued as a result of public hearing.~~
- (b) However, the provisions of this section regarding building height shall not apply to: airplane beacons, belfries, chimneys, church spires/steeple, conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet above the limited height of the building on which it rests, radio and television towers, roof structures used only for ornamental purposes providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, and structures used in connection with screening of antennas.
- (c) The provisions of this section regarding building height shall not apply to active and passive recreational facilities which may be provided on the roof of a building, provided that the enclosed portion of such facilities shall not exceed sixty (60) percent of the total area of such roof, and provided that the same does not exceed one (1) story or twenty (20) feet in height.

* * *

Sec. 13-700. Reserved. Site plan review, plan review standards.

- ~~(a) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria contained in this chapter.~~
- ~~(b) In addition to other requirement contained elsewhere in this code, development in the IU-2 District shall also conform to the following requirements:~~
 - ~~(1) *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen no compatible uses and ameliorate the impact of noise.~~
 - ~~(2) *Compatibility:* The architectural design and scale of the proposed~~

~~structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent nonindustrial uses.~~

- ~~(3) — *Emergency access:* Unobstructed on-site access for emergency equipment shall be considered.~~
- ~~(4) — *Circulation:* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.~~
- ~~(5) — *Energy conservation:* Applicants are advised to consider requirements of Chapter 52 of the Florida Building Code.~~

Sec. 13-701. Reserved. ~~Validity of site plans.~~

~~Where a site plan has been or is submitted to the Department for review and approval, and the same has been or is approved, and no construction has yet commenced, the site plan shall be valid for a period of twelve (12) months, within which time the applicant must file complete plans for building permit.~~

* * *

DIVISION 18 IU-3, Industrial Unlimited District

* * *

Sec. 13-708. Reserved. ~~Survey required when property line in doubt.~~

~~Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty five (25) feet of any existing or proposed highway right of way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.~~

Section. 13-709. Maximum height in IU-3 District.

- (b) No building in the IU-3 Districts shall be of a height greater than the width of the widest street upon which such building abuts, ~~except after application is made and permit issued as a result of public hearing.~~
- (c) However, the provisions of this section regarding building height shall not apply

to: airplane beacons, belfries, chimneys, church spires/steeple, conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet above the limited height of the building on which it rests, radio and television towers, roof structures used only for ornamental purposes providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, and structures used in connection with screening of antennas.

- (d) The provisions of this article regarding building height shall not apply to active and passive recreational facilities which may be provided on the roof of a building, provided that the enclosed portion of such facilities shall not exceed sixty (60) percent of the total area of such roof, and provided that the same does not exceed one (1) story or twenty (20) feet in height.

Section. 13-710 - 712. Reserved.

Section. 13-713. Reserved. ~~Fire resistive construction of building over fifty-five feet.~~

~~No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.~~

* * *

Section. 13-718.1. Reserved. ~~Plan review standards.~~

- ~~(a) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria contained in this chapter.~~
- ~~(b) In addition to other requirement contained elsewhere in this land development code in the IU-3 shall also conform to the following requirements:~~
 - ~~(1) *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen no compatible uses and ameliorate the impact of noise.~~
 - ~~(2) *Compatibility:* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent nonindustrial uses.~~
 - ~~(3) *Emergency access:* Unobstructed on site access for emergency equipment~~

shall be considered.

- (4) ~~Circulation:~~ Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.
- (5) ~~Energy conservation:~~ Applicants are advised to consider requirements of Chapter 52 of the Florida Building Code.

Sec. 13-718.2. Reserved. Validity of site plans.

~~Where a site plan has been or is submitted to the Department for review and approval, and the same has been or is approved, and no construction has yet commenced, the site plan shall be valid for a period of twelve (12) months, within which time the applicant must file complete plans for building permit.~~

* * *

DIVISION 19 IU-C, INDUSTRIAL DISTRICT, CONDITIONAL

* * *

Sec. 13-721. Permit for use; issuance; denial; appeals.

No use whatsoever shall be permitted in a IU-C District until the applicant for the use shall have filed a written application specifying the use and containing such detailed information and certified reports as may be reasonably required to determine whether or not the proposed use would be commensurate with the public health, safety, comfort, convenience and general welfare of the community and in compliance with other Code provisions. Such written report shall be filed in triplicate with the Administrative Official ~~Director~~, and shall be reviewed, studied and considered by the Department and such other appropriate department or governmental unit that may be interested or may regulate the use. Said agency shall promptly make a written report of its findings and recommendations to the Administrative Official ~~Director~~, and simultaneously furnish a copy thereof to the applicant. The proposed use shall be permitted unless the aforesaid report shows that the proposed use would be detrimental to the public health, safety, comfort, convenience or general welfare of the Town, or that the proposed use would be offensive or obnoxious by reason of the emission of odors, gases, dust, noise or vibration, or would cause any pollution of the air or water, or otherwise would be contrary to the intent and purpose of this chapter. If the aforesaid report and findings are favorable to the applicant, and it is recommended that the proposed use be permitted, then the Administrative Official ~~Director~~ shall issue appropriate permits and permit the use requested and set forth in the application. If such report is unfavorable to the applicant, no permits shall be issued and the requested use shall not be permitted; provided the

applicant has a right of appeal pursuant to Section 13-310 of this Code. Nothing herein, however, shall prohibit the issuance of a building permit for an industrial building that complies with all applicable requirements prior to a determination of what use shall occupy such building, the ultimate occupancy being subject to the requirements of this section. No new application for the same proposed use shall be permitted within the period of six (6) months from the date of final determination of a prior application.

* * *

Sec. 13-730. Reserved. ~~Survey required when property line in doubt.~~

~~Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty five (25) feet of any existing or proposed highway right of way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.~~

Sec. 13-731. Maximum height in IU-C District.

- (a) No building in IU-C District shall be of a height greater than the width of the widest street upon which such building abuts, ~~except after application is made and permit issued as a result of public hearing.~~
- (b) However, the provisions of this section regarding building height shall not apply to: airplane beacons, belfries, chimneys, church spires/steeple, conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet above the limited height of the building on which it rests, radio and television towers, roof structures used only for ornamental purposes providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, and structures used in connection with screening of Antennas.
- (c) The provisions of this section regarding building height shall not apply to active and passive recreational facilities which may be provided on the roof of a building, provided that the enclosed portion of such facilities shall not exceed sixty (60) percent of the total area of such roof, and provided that the same does not exceed one (1) story or twenty (20) feet in height.

Sec. 13-733. Reserved.

Sec. 13-734. Reserved. ~~Fire resistive construction of building over fifty five feet.~~

~~No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.~~

~~* * *~~

Sec. 13-737. Reserved. Fire protection.

~~Adequate fire hose connections and water supply must be provided for fire protection subject to the approval of the Fire Department. No use permit shall be issued until such facilities have been installed and are operative.~~

~~* * *~~

Sec. 13-739. Reserved. Application of other provisions.

~~All other zoning regulations applicable to industrial uses which are not superseded or modified by the provisions of this section shall apply to the use of property in IU-C District, except that the spacing requirements from residential zone boundaries shall not apply.~~

~~* * *~~

Sec. 13-740. Reserved. Site Plan Review -- Plan review standards.

- ~~(a) — The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria contained in this chapter.~~
- ~~(b) — In addition to other requirements contained elsewhere in this code development in the IU-C shall also conform to the following requirements:-~~

~~(1) — *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen no compatible uses and ameliorate the impact of noise.~~

~~(2) — *Compatibility:* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent nonindustrial uses.~~

~~(3) — *Emergency access:* Unobstructed on-site access for emergency equipment~~

shall be considered.

- (4) ~~Circulation:~~ Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.
- (5) ~~Energy conservation:~~ Applicants are advised to consider requirements of Chapter 52 of the Florida Building Code.

Section 13-741. Reserved. ~~Validity of site plans.~~

~~Where a site plan has been or is submitted to the Department for review and approval, and the same has been or is approved, and no construction has yet commenced, the site plan shall be valid for a period of twelve (12) months, within which time the applicant must file complete plans for building permit.~~

* * *

DIVISION 20 BUSINESS, COMMERCIAL AND INDUSTRIAL USE MASTER LIST

Section 13-745 Intent and application.

It is the intent of this division to provide in tabular form a listing (herein called the master list) of the uses that shall be permitted in the various business, commercial and industrial districts as they exist from time to time as shown on the zoning district maps. Any use similar to the listed uses shall be permitted. Any business use not specifically enumerated or similar to any one (1) of the categories listed in section 13-748 may be granted as a ~~special exception~~, conditional use or unusual use in any business district, when approved by the Town Council after having been duly considered as set forth in section 13-303.

- (a) Where a "P" appears on the same line as a listed use, the use shall be permitted in the district as indicated by the column heading in which the "P" appears.
- (b) When an asterisk "*" appears in any box, refer to the last column which contains additional regulations for any uses wherein an asterisk "*" has been included. Such additional regulations, as indicated in the last column, are located in Division 21, entitled Additional Business, Commercial, Industrial and Other Use Regulations. All other portions of the Town's Land Development Code remains applicable to any and all uses.
- (c) Where a "blank space" appears on the same line as a listed use, the use shall be prohibited in the district as indicated by the column heading in the same manner.
- (d) Where an "C" appears, the listed use shall be subject to, or modified by, the regulation set forth in the use column, and further regulations set forth by the provisions of section 13-303 ~~et seq.~~
- (e) Where an "A" appears on the same line as a listed use, the use shall be permitted only as an accessory to a principle permitted use in the district indicated by the column heading in which the "A" appears.

Section 13-746 Validity.

- (a) Where a use is permitted or prohibited by the master list as set forth in section 13-748 such indication shall have the same validity as if the use were listed as permitted or prohibited in the district regulations of this chapter.

Section 13-747 Amendments.

The master list set out in this division may be amended in the same manner as any other section of this chapter.

Section 13-748 Business, Commercial And Industrial Use Master List

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Acetylene, generation and storage.									P*	P*	s. 13-794
<u>Acupuncture</u>	P	P	P	P	P	P	P			P	

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Acids and derivatives									P*	P*	s. 13-794
Aircraft hangars and repair shops, aircraft assembling and manufacturing						P*	P*	P*	P*	P*	s. 13-781
Airplane crop dusting field			C	C	C	P	C	C	C	C	
Airport			C	C	C	P	C	C	C	C	
Alcohol, industrial									P*	P*	s. 13-794
All zoning applications by State, <u>County</u> and municipal entities and agencies			C	C	C	C	C	C	C	C	
Aluminum, powder and paint manufacture.									P*	P*	s. 13-794
Ammonia (uses involving)									P*	P*	s. 13-794
Amusement center			C	P	PE	PE	E	E	E	E	
Amusement rides and enterprises			C	C	C	C	C	C	C	C	
Animal hospitals within soundproof, air-conditioned buildings.	-	-	-	P	P	P	P	P	P	P	
Animal reduction plants									P*	P*	s. 13-794
Antennas for amateur radio stations	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	s. 13-750
Antique shops			P	P	P	P					
Apparel stores			P*	P*	P*	P*					s. 13-751
Archery ranges			C	C	C	C	C	C	C	C	
Armories, arsenals.							P	P	P	P	
Art galleries and museums (educational and philanthropic)			C	C	C	C	C	C	C	C	
Art good stores, artist studios and photograph shops and galleries.			P	P	P	P					
Asphalt drum mixing plants which produce less than one hundred fifty (150) tons per hour in self-contained drum mixers.								P	P	P	
Asphalt or asphalt products.									P*	P*	s. 13-794
Atomic reactor	-	-	-	-	-		-	-	P*	P*	s. 13-794
Attended, non-motorized donation collection vehicles			P*	P*	P*	P					s. 13-752
Auction sales (<u>not automobile-related</u>)			C	C	C		C	C	C	C	s. 13-754
Auditoriums				P	P	P	P	P	P	P	
<u>Automobile auction and automobile wholesale distribution</u>										<u>C</u>	<u>s. 13-753</u>
Auto, truck, machinery salvage yards			C	C	C		C	C	C	C	
Auto painting, top and body work							P	P	P	P	
Automobile and light truck <u>sales (new and used)</u> , <u>new sales agency</u>				C*	C*	C*	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	s. 13-753

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Beauty parlors, <u>Manicurists</u>	<u>C*</u>	<u>C*</u>	P	P	P	P				<u>C*</u>	<u>s. 13-790</u>
Bicycle sales, rentals and repairs (nonmotorized)			P	P	P	P					
Billiard rooms and pool rooms				P	P	P					<u>s. 13-782</u> <u>s. 13-783</u>
Blacksmith, gas steam fitting shops							P	P	P	P	
Blast furnace									P*	P*	s. 13-794
Bleaching products									P*	P*	s. 13-794
Blooming mill									P*	P*	s. 13-794
Boat or yacht repairing or overhauling, or boat building							P*	P*	P*	P*	s. 13-781
boat salvage			C	C	C	C	C	C	C	C	
Boat slips used for the tying up of boats for the purpose of overhauling or repairing.							P	P	P	P	
Boats carrying passengers on excursion, sightseeing, pleasure or fishing trips.				P	P	P					
Boiler manufacture (other than welded)									P*	P*	s. 13-794
bombing field			C	C	C	C	C	C	C	C	
Bottling plants						P	P	P	P	P	
Bowling alleys				P*	P*	P*					s. 13-759
Box lunches, distribution			C	C	C	C	C	C	C	C	
Brass and bronze foundries									P*	P*	s. 13-794
Brewery			<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	P	P	P	P	<u>s. 13-796</u>
Business or commercial establishments	A*	A*									s. 13-758
Cabanas	A*	A*									s. 13-761
Cabinet shops						P*	P*	P*	P*	P*	s. 13-781
Calcium carbide									P*	P*	s. 13-794
<u>Call center</u>										<u>P*</u>	<u>s. 13-787</u>
canal excavation, where not a part of C. & S.F.F.C.D and County secondary canal system			C	C	C	C	C	C	C	C	
Canning factories							P*	P*	P*	P*	s. 13-781
Carnivals, circuses			C	C	C	C	C	C	C	C	
Carpentry shops						P					
Carpet cleaning							P	P	P	P	
Casein									P*	P*	s. 13-794
Caterers					<u>A*</u>	<u>A*</u>	P	P	P	P	<u>s. 13-788</u>

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Cattle or stock grazing (not including hog raising)	-	-	-	-	-		-	-	-	-	
Caustic soda									P*	P*	s. 13-794
Celluloid									P*	P*	s. 13-794
Cellulose products									P*	P*	s. 13-794
Cement and clay products, such as concrete blocks, pipe, etc.								P	P	P	
Cement, lime, gypsum or plaster of Paris.									P*	P*	s. 13-794
Charcoal pulverizing									P*	P*	s. 13-794
Charcoal, lampblack or fuel briquettes									P*	P*	s. 13-794
<u>Check cashing store</u>						P					
Chlorine									P*	P*	s. 13-794
Cider and vinegar									P*	P*	s. 13-794
Cleaning and polishing preparation: dressings and blackings									P*	P*	s. 13-794
Coal tar product									P*	P*	s. 13-794
Cocktail lounge-bars (accessory to restaurant use)				A*	A*		A*	A*	A*	A*	s. 13-762
Coke oven products (including fuel gas) and coke oven product storage.									P*	P*	s. 13-794
<u>Coffee shop (no food preparation)</u>			P	P	P	P					
Cold storage warehouses and precooling plants.						P	P	P	P	P	
Commercial chicken hatcheries							P*	P*	P*	P*	s. 13-781
community residential home (subject to the requirements of Chapter 419.001, Florida Statutes, as amended)	P	P									
Commuter Colleges	C*				P*	P*	P*	C*	C*	C*	s. 13-785776
Concrete, clay or ceramic products, hand manufacture or involving only small mixer where all such manufacturing and equipment is within an approved building and storage and drying areas are enclosed as provided in this chapter.							P	P	P	P	
Confectionery, ice cream stores and dairy stores.			P	P	P	P					
Congregate living facilities	C*	C*									
Conservatories and music and dance schools			P*	P*	P*	P*					s. 13-759
Contractors' offices and yards							P	P	P	P	
Contractor's plants and storage yards						P					
convalescent homes	C	C	C	C	C	C	C	C	C	C	
Convention halls				P	P	P					
Cotton wadding									P*	P*	s. 13-794

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Employment agencies				P	P	P					
Engine sales and service, gas, oil, steam, etc.						P	P	P	P	P	
Excelsior									P*	P*	s. 13-794
Executive office center (no retail sales)	P*	P*	P*	P*	P*					P*	s. 13-799.2
Explosives									PC*	PC*	s. 13-794
Farmers Market			C	C	C	C	C	C	C	C	
Fat rendering									P*	P*	s. 13-794
Feed, hay and other livestock supplies						P					
Fertilizer storage							P	P	P	P	
Fertilizer, organic or inorganic, manufacture									P*	P*	s. 13-794
Film, photographic									P*	P*	s. 13-794
Fireworks									P*	P*	s. 13-794
Fish cannery or curing									P*	P*	s. 13-794
Fish oils, meal and by-products									P*	P*	s. 13-794
Florist shops			P	P	P	P					
Flour, feed and grain milling									P*	P*	s. 13-794
Food products, including the grinding, cooking, roasting, preserving, drying, smoking or airing of meats, fish, fruits or vegetables (where more than five (5) persons are employed on premises).							P	P	P	P	
Forge plant, pneumatic drop and forging hammering									P*	P*	s. 13-794
foster homes	C*	C*									
Foundries									P*	P*	s. 13-794
Fraternities and sororities	C	C									
Frog farm			C	C	C	C	C	C	C	C	
Fruit packing and fruit preserving							P*	P*	P*	P*	s. 13-781
Furniture manufacturing							P*	P*	P*	P*	s. 13-781
Furniture refinishing							P	P	P	P	
Furniture stores, retail of new merchandise only.				P	P	P					
Garage or mechanical service. *(All outdoor paging or speaker systems are expressly prohibited.) This provision shall also apply to all establishments in existence as of the effective date of this ordinance.						P					

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Garages—storage mechanical, including trucks, buses, heavy equipment	-	-	-	-	-		P	P	P	P	
garbage and waste dumps			C	C	C	C	C	C	C	C	
gas distribution system and plant			C	C	C	C	C	C	C	C	
Gelatin products									P*	P*	s. 13-794
Glass installations						P	P	P	P	P	
Glue, gelatin (animal) or glue and size (vegetable).									P*	P*	s. 13-794
golf courses/driving range and incidental uses			C	C	C	C	C	C	C	C	
golf driving range			C	C	C	C	C	C	C	C	
Graphite									P*	P*	s. 13-794
greenhouses, nurseries commercial	-	-	-	-	-		-	-	-	-	
Grinding shops							P*	P*	P*	P*	s. 13-781
Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets and other similar food stores, provided such establishments contain not more than four thousand (4,000) square feet of floor area.			P*	P*	P*	P*					
Grocery stores			P*	P*	P*	P*					s. 13-791
group home (subject to the requirements of Chapter 419.001, Florida Statutes, as amended)	C*	C*									s. 13-764
Guncotton (explosive)									P*	P*	s. 13-794
Gun shops						P					
Gypsy camp			C	C	C	C	C	C	C	C	
Hair, felt or feathers, washing, curing and dyeing									P*	P*	s. 13-794
Hair, hides and raw fur, curing, tanning, dressing, dyeing and storage									P*	P*	s. 13-794
Handcrafted-products shop				P	P	P					
Hardware stores			P	P	P	P					
Health and exercise clubs, including bath and massage parlors				P	P	P					
Heliports			C	C	C	C	C	C	C	C	
homes for dependent children			C	C	C	C	C	C	C	C	
homes of the aged			C	C	C	C	C	C	C	C	
hospitals (not animal hospital)	C*	C*					C*	C*	C*	C*	s. 13-765 s. 13-795
hotels, motels and apartment hotels	P	P					P*	P*	P*	P*	s. 13-766
Hydrogen and oxygen manufacturing									P*	P*	s. 13-794

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Ice manufacturing							P *	P*	P*	P*	s. 13-781
Incinerators			C	C	C	C	C	C	C	C	
Indian village			C	C	C	C	C	C	C	C	
Infirmary, commissary, or any one (1) or combination of such related incidental facilities			C	C	C	C	C	C	C	C	
Information booth, gate house and security station			P*	P*	P*	P*					s. 13-767
Ink manufacture from primary raw materials (including colors and pigments)									P*	P*	s. 13-794
Insecticide, mixing, packaging and storage.							P*	P*	P*	P*	s. 13-781
Insecticides, fungicides, disinfectants, or related industrial and household products (depending on materials and quantities used).									P*	P*	s. 13-794
institutions for handicapped persons, including but not limited to incidental related facilities such as workshops, sales of products fabricated therein, residential quarters, educational training facilities			C	C	C	C	C	C	C	C	
Interior design shops, office and display only.			P	P	P	P					
Jewelry stores, including incidental sales and purchases of used jewelry.			P	P	P	P					
Junior department stores.				P	P	P					
Junkyard			C	C	C	C	C	C	C	C	
Jute, hemp and sisal products									P*	P*	s. 13-794
Kindergarten			C	C	C	C	C	C	C	C	
Laboratories, material testing							P	P	P	P	
lake excavation and asphalt plant, concrete batching plant, concrete block plant, prestressed and precast concrete products plant, rock crushing and screening plant ancillary thereto or in connection therewith			C	C	C	C	C	C	C	C	
Lampblack, carbonblack and boneblack									P*	P*	s. 13-794
landing field			C	C	C	C	C	C	C	C	
Lawn mowers, retail, sales and service				P	P	P					
Lead oxide									P*	P*	s. 13-794
Leather goods and luggage shops			P	P	P	P					
Leather goods manufacturing, excluding tanning						P	P	P	P	P	
Linoleum and other similar hard surface floor coverings (other than wood)									P*	P*	s. 13-794
Liquor package stores	A*	A*			P*	P*					s. 13-768 s. 13-782 s. 13-783

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Paint and wallpaper stores			P	P	P	P					
Paint manufacture, depending upon materials and quantities used.									P*	P*	s. 13-794
palmist and psychic readers			C	C	C	C	C	C	C	C	
Paper and paperboard (from paper machine only)									P*	P*	s. 13-794
Paper and pulp mills									P*	P*	s. 13-794
parking (noncommercial parking in zones more restrictive than in which the use it serves is located)			C	C	C	C	C	C	C	C	
Parking lots--commercial and noncommercial.							P	P	P	P	
Parks	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Passenger and freight--stations and terminals--boats, trucks, buses, and railroads.							P	P	P	P	
Pawnbrokers						C					
Pet shops and dog beauty parlors (Pet Grooming) in air-conditioned buildings.				P	P	P					
Petroleum products storage tank and group of tanks not exceeding 30,000 gallons in aggregate capacity								<u>P/C</u> * -	<u>P/C</u> * -	<u>P/C</u> *	s. 13-798
Petroleum products storage tank or group of tanks with an aggregate capacity of over thirty thousand (30,000) gallons if approved after public hearing or if placed below the surface of the ground or in a rockpit.	-	-	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	
Petroleum, gasoline and lubricating oil--refining and wholesale storage.									P*	P*	s. 13-794
Pharmacy	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	s. 13-1610
Pharmaceutical storage							P*	P*	P*	P*	s. 13-781
Phenol									P*	P*	s. 13-794
Photograph galleries.			P	P	P	P					
Pickles, vegetable relish and sauces, sauerkraut									P*	P*	s. 13-794
Pistol ranges			C	C	C	C	C	C	C	C	
Places of worship	€	€									
Plant nursery				<u>P</u>	<u>P</u>	<u>P</u>					s. 13-797
Plastic material and synthetic resins									P*	P*	s. 13-794
playground (owned and operated by a municipality, County, State or the United States Government)	P	P									
Police and fire stations							P	P	P	P	
Pony rings			C	C	C	C	C	C	C	C	
Post office stations and branches, including self-service centers operated by postal service employees or agents, which directly serve the public.			<u>P</u>	P	P	P					

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Postal offices, which shall include self service post offices, stations and branches, and mail processing centers (which may include ancillary post office services)							P	P	P	P	
Potash									P*	P*	s. 13-794
Pottery shops			P	P	P	P					
Poultry markets and commercial fishing hatcheries						P*					s. 13-781
Poultry slaughtering and packing (wholesale)									P*	P*	s. 13-794
Power or steam laundries							P*	P*	P*	P*	s. 13-781
Printing shops				P	P	P	P	P	P	P	
Private clubs	C	C		P/C*	P/C*	P/C*	P/C*	P/C*	P/C*	P/C*	s. 13-799.3
Private playgrounds and recreational area <u>and private recreation buildings</u>	<u>P*</u>	<u>P*</u>	C	C	C	C	C	C	C	C	s. 13-773
Propagating and growing plants for sale. Fertilizers, manure, compost and soil shall be limited for sale. Fertilizers, manure, compost and soil shall be limited in quantities for immediate use and shall be kept at least two hundred (200) feet from residential buildings in RU and EU Districts.				P	P	P					
Proxylin									P*	P*	s. 13-794
public and private utility facilities			C*	C*	C*	C*	C*	C*	C*	C*	s. 13-780
public art galleries	C	C									
public libraries	C	C									
public museums	C	C									
Pyroxylin									P	P	
race tracks			C	C	C	C	C	C	C	C	
Radio production and television transmitting stations and studios	<u>C</u>	<u>C</u>			<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
radio and TV transmitting stations			C	C	C	EP	EP	EP	EP	EP	
Radioactive waste handling									PC*	PC*	s. 13-794
Railroad motor truck and water freight and passenger stations.						P					
Railroad shops								P	P	P	
Rayon and rayon yarns									P*	P*	s. 13-794
recreation area, private	<u>P*</u>	<u>P*</u>									s. 13-773
recreation building, private	<u>P*</u>	<u>P*</u>									s. 13-773
Refractories (coal fired)									P*	P*	s. 13-794
Refuse disposal									P*	P*	s. 13-794
Regional shopping centers					P*	P*					s. 13-783 s. 13-784

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Religious facilities/institutions	C	C	P	P	P	P	P	P	P	P	
religious institutions	C	C									
Rendering and storage of dead animals, offal, garbage and waste products.									P*	P*	s. 13-794
Rentals of trucks other than light trucks				A*	A*	A*					s. 13-774
<u>Repairs – automobiles, trucks, buses, heavy equipment, etc.</u>							<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>s. 13-781</u>
Residential uses	P*	P*	P*	P*	C P*		A*	A*	A*	A*	s. 13-775
Restaurants	A*	A*	P*	P*	P*	P*	P*	P*	P*	P*	s. 13-758 s. 13-776
retirement villages, including as an accessory use commercial facilities of the BU-1 type			C	C	C		C	C	C	C	
rifle range			C	C	C	C	C	C	C	C	
Rock and sand yards								P	P	P	
rock quarries			C	C	C	C	C	C	C	C	
rocks pits (filling of)			C	C	C	C	C	C	C	C	
Rubber--natural or synthetic, including tires, tubes, or similar products, gutta percha, chickie and valata processing.									P*	P*	s. 13-794
Salesrooms and showrooms							P*	P*	P*	P*	s. 13-777
Salesrooms and storage show rooms--wholesale						P	P	P	P	P	
Sawmill								P	P*	P*	s. 13-794
Schools	C*	<u>C*</u>	P*	P*	P*			C*	C*	C*	s. 13- 785 776
School--technical trade schools, such as, but not limited to aviation, electronic, mechanics; also physical training schools, such as, but not limited to gymnastics and karate.							P	P	P	P	
Scrap metal reduction									P*	P*	s. 13-794
Secondhand stores for the disposal of furniture, fixtures and tools						P					
Self-service post office which contains mechanical or computer equipment designed to provide limited postal service for walk-up trade.			P	P	P	P					

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Self-service storage facility. Use will only be permitted upon the submission of a site plan which shall be approved at public hearing. "Self-service storage facility" shall be defined as a fully enclosed space used for warehousing which contains individual storage units with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet. No wholesale or retail sales are permitted.				P	P	P ₋	P ₋			P ₋	s. 13-786
Ship chandlers							P	P	P	P	
Shipyards and dry docks							P	P	P	P	
Shoddy									P*	P*	s. 13-794
Shoe stores and shoe repair shops			P	P	P	P					
shopping center promotional activities			€	€	€	€	€	€	€	€	
Sign painting shops							P	P	P	P	
Single-family residences	P*	P*									s. 13-775
Skating rinks				P	P	P					s. 13-759
skeet range			C	C	C	C	C	C	C	C	
Slaughterhouse									P*	P*	s. 13-794
Sleep testing centers for medical observation or other medical observation facilities (including overnight)							C			C	
Small scale public facilities and utilities	C	C									
Smelting									P*	P*	s. 13-794
Soap manufacturing, vegetable byproducts, only								P	P	P	
Soaps (other than from vegetable by-products) or detergents, including fat rendering									P*	P*	s. 13-794
Solvent extraction									P*	P*	s. 13-794
Spa (day spa) including massage, skin treatments, manicurists	C ₋	C ₋	P	P	P					C ₋	s. 13-790
Sporting goods stores			P	P	P	P					
Standpipe	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	s. 13-769
Starch manufacture									P*	P*	s. 13-794
Steel fabrication							P*	P*	P*	P*	s. 13-781
Steel works and rolling (ferrous)									P*	P*	s. 13-794
Stockyards									P*	P*	s. 13-794
Storage batteries, wet cell									P*	P*	s. 13-794
Storage warehouse for food, fodder, etc.							P	P	P	P	
subdivision entrance gates and entrance features not conforming to regulations			€	€	€		€	€	€	€	
Sugar refining									P*	P*	s. 13-794

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Supermarkets				P	P	P					
Tailor shops, provided such establishments contain not more than four thousand (4,000) square feet of floor area.			P	P	P	P					
Tailor shops			<u>P</u>	P	P	P					
Tanning Salon			P	P	P	P					
Taxidermy. Use will be permitted only within a fully enclosed, air-conditioned building.							P*	P*	P*	P*	s. 13-781
Teaching music; raising poultry			€	€	€	€	€	€	€	€	
Telegraph stations				P	P	P					
Telephone exchange				P	P	P	P	P	P	P	
Telephone service unit yards							P	P	P	P	
Television and broadcasting stations, including studio, transmitting station and tower, power plants and other incidental and unusual uses permitted to such a station.						P					
testing laboratory or plant			C	C	C	C	C	C	C	C	
Testing--jet engines and rockets									P*	P*	s. 13-794
Textile, hosiery and weaving mills							P*	P*	P*	P*	s. 13-759
Textiles bleaching									P*	P*	s. 13-794
Theaters for live stage production and motion pictures				P	P	P					
Tire vulcanizing and retreading or sale of used tires						P*					s. 13-781
Tobacco shops			P	P	P	P					
Tourist attractions			C	C	C	C	C	C	C	C	
Tower	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	s. 13-769
Townhouses	P	P									
trailers or tourist camp			C	C	C	C	C	C	C	C	
Trap range			C	C	C	C	C	C	C	C	
Truck storage, only within an enclosed building or an area enclosed by a CBS wall						P					
Turpentine and resin									P*	P*	s. 13-794
Two-Family Residential Structure	P*	P*									s. 13-765
Upholstery shops (including furniture repair in the BU-3)						P	P	P	P	P	
Utility facilities, public and private			C*	C*	C*	C*	C*	C*	C*	C*	s. 13-780
Utility work centers--power and telephone, etc.							P	P	P	P	
Variety stores, provided such establishments contain not more than four thousand (4,000) square feet of floor area.			P	P	P	P					
Variety stores			<u>P*</u>	P*	P*	P*					s. 13-791

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Vending machine sales and service							P	P	P	P	
Veterinarian, <u>animal hospital and pet emergency</u>				<u>P*</u>	<u>s. 13-789</u>						
Vulcanizing							P*	P*	P*	P*	s. 13-781
Wallboard and plaster, building insulation									P*	P*	s. 13-794
Warehouses for storage or products in the form sold in a BU District.							P	P	P	P	
Warehouse, membership, subject to the following minimum standards					<u>C*</u>	<u>C*</u>	P*	P*	P*	P*	s. 13-778
water tank and tower			C	C	C	C	C	C	C	C	
water tower	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	s. 13-769
water treatment plant			C	C	C	C	C	C	C	C	
water use facilities			C	C	C	C	C	C	C	C	
Welding shops							P*	P*	P*	P*	s. 13-781
Welding supplies							P	P	P	P	
windmill	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	s. 13-769
Wire ropes and cable									P*	P*	s. 13-794
Wireless supported service facilities	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	s. 13-779
Wood and coal yards							P	P	P	P	
wood burning barbeque (commercial)			C	C	C	C	C	C	C	C	
Wood preserving treatment									P*	P*	s. 13-794
Wool pulling or scouring									P*	P*	s. 13-794
Yeast									P*	P*	s. 13-794
Zoo (except in public park)			C	C	C	C	C	C	C	C	

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Article IV, Division 21 – Additional Business, Commercial, Industrial and Other Use Regulations

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Sec. 13-750. Antennas for amateur radio stations.

Poles, masts and towers for supporting antenna used in the operation of amateur radio stations licensed by the Federal Communications Commission ~~shall be exempted from the above regulations and~~ shall be governed by the following requirements:

- (a) Location on property. All such poles, masts and towers shall be placed no closer than five (5) feet to an official right-of-way line or to property under different ownership, or closer than one (1) foot to an easement. If beam (array) type of antenna installed, no element or part of such beam type array antenna shall extend closer than five (5) feet to an official right-of-way line and/or the property under different ownership or closer than one (1) foot to an easement.
- (b) Compliance with electrical codes and federal regulations. All such installations shall conform to the requirements of the National Electrical Code and the F.C.C. regulations, Part 12, Sec. 12.60 governing amateur radio services. National Electrical Code installation must maintain a minimum of eight (8) feet clearance from power lines over two hundred fifty (250) volts and all high voltage primary lines, and this includes the beam elements or any part thereof.
- (c) Permits. Permits shall be required for installation of any poles, masts or towers over twenty (20) feet above the roof of any structure to which they may be attached, and for any installation over thirty-five (35) feet in height when erected on natural ground. Where permits are required, they shall be obtained from the Department; and applications for permits shall be accompanied by plans and specifications, three (3) copies, showing all dimensions, size and kind of members, footings and guy wires, if any; locations, depth and type of guy anchors and footings, if any, and showing the type and weight of antenna, apparatus or structure to be attached to or supported by the structure.
- (d) Poles, type. Poles shall be of the approved creosoted type or treated or painted with a chemical preservative and an outer coat of oil base paint before installation (Color to match surrounding development).
- (e) Holes. Recommended sizes and depths of holes for various type poles subject to good engineering standards: [table follows]. If the earth is damp or soggy, the depth of hole is to be increased by one (1) foot.

If the pole is guyed in accordance with American Standards Association standards, the depth of hole as listed in Code can be decreased by one (1) foot. If carrying a beam, poles must be properly guyed, as is the case where pulling effect of wire antenna or weight of other installations will require guying.

- (f) Masts. Masts constructed of wood (2" x 2" or 4" x 4" for either the "A" frame type construction or straight masts) shall be properly chemically treated, painted with an outside coat of oil base paint and be properly guyed both at the top and middle in at least three (3) different directions, approximately one hundred twenty (120) degrees apart, or otherwise suitably guyed. Masts to support a beam, whether of wood or metal pipe, must comply with all the

regulations applicable in regard to location, guying, etc., and the maximum allowable weight of antenna, rotator and components shall not exceed one hundred fifty (150) pounds.

- (g) Towers. Towers of steel, iron or aluminum, whether of the rigid nondemountable type or the rigid, demountable type with the crank-up, crank-down and either the hinged base or swivel crank-over features shall carry no more weight on the top than specified by the manufacturers' specifications.

* * *

Sec. 13-752. Attended, non-motorized donation collection vehicles.

- (a) Attended, non-motorized donation collection vehicles; shall include those vehicles which comply with the following criteria:
- (1) The non-motorized vehicles must be operated by an organization which has been incorporated as a not-for-profit organization under the laws of the State of Florida for a charitable purpose and which has been declared exempt from the payment of federal income taxes by the United States Internal Revenue Service;
 - (2) Personnel directly employed by or volunteers for the not-for-profit organization must be present at the non-motorized vehicles at least five days a week (except holidays) to accept donations;
 - (3) The monetary proceeds resulting from the sale of donations collected at a non-motorized vehicle must be used in accordance with the organization's charitable purpose to benefit persons within the boundaries of Miami-Dade County or outside of Miami-Dade County to provide emergency relief for victims of natural, man-made or economic disasters;
 - (4) The operation of the non-motorized vehicles, the collection and distribution of donations and proceeds thereof must be conducted by said not-for-profit organization and not by a licensee, subcontractor or agent of the not-for-profit organization; and
 - (5) The non-motorized vehicles shall be located on sites in accordance with the requirements of Section 13-752(b) below; provided further that said non-motorized vehicles shall operate in a safe manner, be neat in appearance, well maintained, free of graffiti, fully painted and shall be buffered from adjacent properties by on-site landscaping, walls or similar screening; and
 - (6) For each non-motorized vehicle said not-for-profit organization shall submit a declaration of use in a form meeting with the approval of the Administrative Official in connection with the issuance of an annually renewable certificate of use and occupancy. Said declaration of use shall specify compliance with the foregoing conditions.
- (b) Non-motorized vehicles which comply with the foregoing criteria are not required to be shown on site plans required by Section 13-302 or Section 13-304; provided, however, that such attended non-motorized donation collection vehicles are

placed only on improved property on sites of not less than one-half acre in size, in compliance with required setbacks, and not in required landscape areas or required parking areas and not in an area which would impede traffic circulation. It is further provided, that no attended non-motorized donation collection vehicle shall be placed within twenty-six hundred (2600) feet of another non-motorized donation collection vehicle; the distance shall be measured by following a straight line from the nearest property line where the proposed attended, non-motorized donation collection vehicle is to be located to the nearest property line of an existing attended, non-motorized donation collection vehicle. ~~Notwithstanding any ordinance, resolution or administrative order to the contrary no fee shall be charged for the issuance of a certificate of use and occupancy.~~

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Sec. 13-753. Automobile and light truck sales, automobile auction and wholesale distribution ~~new sales agency or rental.~~

Automobile and light truck sales and automobile auctions and wholesale distribution; ~~new sales agency or rental, permitted only upon approval after public hearing, and~~ shall be subject to the following conditions:

- (a) That a continuous, densely planted greenbelt of not less than fifteen (15) feet in width, penetrated only at points approved by the Administrative Official ~~Director~~ and the Director of the Public Works ~~Department~~ for ingress or egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential. Said greenbelt shall have shade trees planted at a maximum spacing of thirty (30) feet on center. The shade trees shall have a minimum caliper of two and one-half (2 1/2) inches at time of planting.
- (b) That a decorative masonry wall at least five (5) feet in height shall enclose the vehicle storage area and repair area approved through public hearing. The placement of said wall and openings through same shall comply with the requirements contained elsewhere in this article.
- (c) That all outdoor paging or speaker systems are expressly prohibited.
- ~~(d) That no repair work of any type is permitted on premises unless approved after public hearing.~~
- ~~(e) That accessory used vehicle sales shall be permitted providing said vehicles are late model and in operable condition.~~
- (f) That the applicant obtain a certificate of use and occupancy which shall be automatically renewable yearly upon compliance with all terms and conditions applicable.

Sec. 13-754 Automobile ~~and truck sales and~~ automobile and truck rentals including new and/or used vehicles ~~and wholesale distribution.~~

~~Automobile and truck sales and automobile and truck rentals including new and/or used vehicles and wholesale distribution, and as an ancillary use automobile repairs, provided that no more than fifteen (15) percent of the total gross building area is devoted to repair/service bays, shall be permitted in the IU Districts subject to the following conditions:~~

- (a) That a continuous, densely planted greenbelt of not less than fifteen (15) feet in width, penetrated only at points approved by the Administrative Official Directors of the Planning, and Zoning and Code Compliance and the Director of Public Works Departments for ingress and egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential. Said greenbelt shall have shade trees planted at a maximum spacing of thirty (30) feet on center and a hedge of a minimum of six (6) feet in height abutting residentially zoned property and a minimum of three (3) feet in height abutting public rights-of-way. The shade trees shall have a minimum caliper of two and one-half (2 1/2) inches at time of planting.
- (b) A minimum of twenty (20) percent of the net lot area of the site shall be developed as landscaped open space.
- (c) That such uses be located only on major access roads, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways.
- (d) That such uses on sites of ten (10) acres or more shall require approval by conditional use ~~be approved only after public hearing.~~
- (e) That such uses be conducted on sites consisting of at least two (2) acres.
- (f) ~~That attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering, spinning advertising devices (either mobile or stationary) are prohibited, except as permitted under point of sale sign regulations, or as approved at public hearing.~~
- (g) That outdoor loudspeakers are prohibited.
- (h) That outdoor lighting shall be designed to avoid spilling beyond the site boundaries.
- (i) That no vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right-of-way or less).

Sec. 13-755. Automobile parking garages.

~~Automobile parking garages, not over six (6) stories in height, shall be permitted provided they are not located closer than two hundred (200) feet to an RU-1, RU-2 or RU-TH District or to a hospital, church or building used for public assemblage. Automobile parking garages shall meet all open space, lot coverage and other applicable requirements of this article.~~

Automobile parking garages may be allowed in the RO, BU and IU Districts in accordance with the conditional use process in Section 13-303, and subject to the

following provisions:

- (a) No automobile parking garage shall be over six stories in height.
- (b) No automobile parking garage shall be located closer than 200 feet to an RU District or to a hospital, religious facility/institution or building used for public assemblage, except that a parking garage may be located closer than 200 feet to a hospital, religious facility/institution or building used for public assemblage when the parking garage and such facility are shown on the same approved site plan.
- (c) Any automobile parking garage in the RO or BU Districts shall be lined with active, ground-floor uses facing all street frontages.
- (d) In addition to the criteria for review of conditional uses contained in Section 13-303(b)(3), requests for automobile parking garages shall be subject to urban design review to ensure that any such garage is designed appropriately for its surrounding context and to be architecturally consistent with existing buildings in the immediate vicinity.

* * *

Sec. 13-757. Automobile service stations.

Automobile service stations (which may include facilities available for sale of other retail products and services related to the servicing of automobiles) including rental of single axle hauling trailers. Plans for paved areas, driveways or curb cuts of service stations shall be submitted to and approved by the ~~Department~~ Director of Public Works and, where required, the Florida State Department of Transportation before a permit can be issued. As an accessory use, the service stations may perform minor automobile repairs as herein listed:

- (a) Sale and servicing of spark plugs and batteries.
- (b) Tire repair and servicing, but no recapping.
- (c) Replacement of mufflers and tailpipes, water hose, fan belts, brake fluids, light bulbs, floor mats, seat covers, wiper blades, arms for windshields and replacement of grease retainers and wheel bearings.
- (d) Radiator cleaning and flushing.
- (e) Washing and polishing.
- (f) Greasing and lubrication.
- (g) Exchanging fuel pumps and installing fuel lines.
- (h) Minor servicing or replacement of carburetors.
- (i) Emergency wiring repairs.
- (j) Adjusting brakes and installing or exchanging brake shoes.
- (k) Tuning engines, with the exception of grinding valves, cleaning carbon or removing the head of engines and/or crankcases.

- (l) Wheel balancing and aligning.
- (m) Shock absorbers.

* * *

Sec. 13-762 Certain Cocktail Lounge-Bars in Restaurants.

Cocktail lounge bars as an accessory use in restaurants located in any IU-1 or BU-1A or more liberal BU Districts shall be permitted subject to the following conditions
Restaurants in the BU-1A, BU-2 and IU Districts may include an accessory cocktail lounge-bar use, subject to compliance with the provisions governing alcoholic beverages and outdoor dining of this Code, as applicable, and with the following:

- (a) the restaurant occupies no less than four thousand (4,000) square feet of gross floor space, and has accommodations for service of at least two hundred (200) or more patrons at tables;
- (b) the restaurant prepares and serves fully cooked meals daily and contains full kitchen facilities, meaning commercial grade burners, ovens, range hood(s) and refrigeration units of such size and quantity to accommodate the occupancy content of the restaurant, and provided that the restaurant shall be prohibited from advertising itself as a bar, cocktail lounge-bar, saloon, nightclub or similar type of establishment;
- (c) that once the restaurant use is terminated, the cocktail lounge use will automatically terminate;
- (d) that the cocktail lounge-bar in the restaurant structure shall not have separate outside patron entrances, provided, however, a fire door exit shall be permitted, when the same is equipped with panic-type hardware and locks and is maintained in a locked position except in emergencies; and provided the cocktail lounge-bar shall be so located that there is no indication from the outside of the structure that the cocktail lounge-bar is within the structure;
- (e) that the accessory cocktail lounge-bar is no larger than fifteen (15) percent of the gross square footage of the restaurant;
- (f) that the alcoholic beverages are served for on-premises consumption only; and,
- (g) that the operating hours for the cocktail lounge-bar shall not extend beyond the permitted hours of operation for the restaurant.

Sec. 13-763 Donated goods centers.

Donated goods centers for the acceptance only of new or used merchandise, upon compliance with the following conditions:

- (a) The portion of the donated goods center which is open to the public shall not exceed 2000 square feet;

- (b) A solid wall shall separate the public area of the donated goods center from the balance of the said center and shall prevent public access to the balance of said center;
- (c) The donated goods center must be operated by an organization which has been incorporated as a not-for-profit organization under the laws of the State of Florida for a charitable purpose and which has been declared exempt from the payment of federal income taxes by the United States Internal Revenue Service;
- (d) The donated goods must be accepted by personnel directly employed by or volunteers for the not-for-profit organization;
- (e) The monetary proceeds resulting from the sale of donations collected at a donated goods center must be used in accordance with the organization's charitable purpose pursuant to Subjection (c) above to benefit persons within the boundaries of Miami-Dade County or outside of Miami-Dade County to provide emergency relief for victims of natural, man-made or economic disasters;
- (f) The operation of the donated goods center, the collection and use of donations and proceeds thereof must be conducted by said not-for-profit organization and not by a licensee, subcontractor or agent of the not-for-profit organization;
- (g) A declaration of use in a form meeting with the approval of the Administrative Official ~~Director~~ shall be submitted to the Department prior to the issuance of a certificate of use and occupancy specifying compliance with the foregoing conditions. Said declaration of use shall include a floor plan for the intended use as required by the Department.

Sec. 13-764 Group homes.

A group home shall be permitted in a dwelling unit provided:

- (a) That the total number of resident clients on the premises does not exceed six (6) in number.
- (b) That the operation of the facility be licensed by the State of Florida Department of Health and Rehabilitative Services and that said Department or sponsoring agency promptly notify the Administrative Official ~~Director~~ of said licensure no later than the time of home occupancy.
- (c) That the structure used for a group home shall be located at least one thousand (1,000) feet from another existing, unabandoned legally established group home. The 1,000-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.

Sec. 13-765 Hospitals ~~in the RO-50 District.~~

Hospitals (other than animal hospitals) including accessory office buildings and accessory commercial service facilities, ~~only upon approval after public hearing; said accessory uses~~ shall comply with the following additional criteria:

- (a) Office buildings:
 - (1) Office buildings shall be located on a hospital site containing a minimum of ten (10) acres.
 - (2) Hospital and office buildings shall be under one (1) ownership and the property owner shall file a unity of title agreement or other similar agreement or covenant in lieu thereof in conformance with the provisions of Sec. 13-308.
 - (3) Tenants of the office buildings shall be limited to medical personnel affiliated with, and having staff privileges at, the hospital.
 - (4) The hospital must contain a minimum of one hundred (100) beds.
 - (5) The office complex shall not exceed forty (40) percent of the hospital's total square footage.

- (b) Commercial service facilities:
 - (1) Service facilities shall be restricted to cafeterias or restaurant, florist shop, gift shop, financial institution, pharmacy, newspaper and magazine stand, and other similar uses determined by the Administrative Official ~~director~~ to be ancillary to a hospital/office complex.
 - (2) Services shall be permitted and available exclusively for use by medical staff, hospital personnel, patients and visitors of the hospital.
 - (3) Outside advertising or signs (including wall signs) shall be prohibited.
 - (4) Service facilities shall not exceed three (3) percent of the hospital floor area, nor shall they exceed seven (7) percent of the office floor area.
 - (5) Service facilities meeting the above criteria shall not require further public hearing(s) if located within hospitals or related office buildings approved at public hearing(s) held after the effective date of Miami-Dade County Ordinance 88-93.

Sec. 13-766 Hotels, motels and apartment hotels in the IU Districts.

Freestanding Hhotels, and motels and apartment hotels in the IU Districts use (freestanding); the use shall comply with all use requirements of the RO-50 District.

Hotels, and motels and apartment hotels in the IU Districts within mixed-use buildings use (mixed-use, i.e. connected with, and attached to, a structure containing another use permitted in that IU the industrial district) shall comply with the following provisions conditions:

- (a) Minimum lot width and area: The minimum lot width shall be three hundred thirty (330) feet and the minimum lot area five (5) acres including right-of-way dedications made from the property.
- (b) Lot coverage: There shall be no restriction on lot coverage except as it might be controlled by other specific requirements.

- (c) Setbacks: The setbacks shall be as follows:
 - (1) Thirty-five (35) feet from all property lines to that portion of the structure not exceeding three (3) stories in height and not exceeding thirty-five (35) feet in height.
 - (2) A distance from all property lines to any portion of the tower structure above three (3) stories in height equal to seventy (70) percent of the overall height of the tower, the height being measured from the third-floor level (but not exceeding thirty-five (35) feet) to the top of the tower structure.
- (d) Height: There shall be no limitation as to height except those applicable under the airport zoning regulations.
- (e) Floor area ratio: No limitation.
- (f) Maximum number of units: The number of dwelling units shall not exceed a density of seventy-five (75) dwelling units per net acre, based on thirty-three and one-third (33 1/3) percent of the entire building site.
- (g) Parking: Parking shall be provided for the combined uses in a total number as may be required elsewhere in the Code for each of the uses on the property.
- (h) Open space: There shall be provided open landscaped space equal to a minimum of fifteen (15) percent of the lot area (entire site) in all the industrial districts except that in the IU-C District a minimum of twenty (20) percent shall be provided.
- (i) Accessory uses:
 - (1) Business or commercial establishments of the BU-1 type, bars and cabarets shall be permitted in motels and hotels provided they are located within the principal building, which contains at least one hundred (100) units, and provided the exterior of any such principal building shall not have storefronts or give the appearance of commercial or mercantile activity as viewed from the highway: in the event the use contains windows which may be seen from the street or highway, said windows shall be of fixed, obscure glass. Such business or commercial establishments and bars in this district shall be entered only through the lobby, and no additional entrances shall be permitted except when the same opens into a courtyard or patio (away from the street side) which is enclosed and which is not visible from the street, and except that a fire door or emergency exit shall be permitted.
 - (2) Hotels and motels with one hundred fifty (150) or more guest rooms may contain liquor package use on the premises for the accommodation and use of their guests only, provided the establishment housing such use is entered only through the lobby within the building and does not have the appearance of commercial or mercantile activity as viewed from the highway. No advertisement of the use will be permitted which can be seen from the outside of the building.
 - (3) Hotels and motels with two hundred (200) or more guest rooms under one

(1) roof may contain a night club on the premises, provided the exterior of any such building shall not have storefronts or give the appearance of commercial or mercantile activity as viewed from the highway. In the event the use contains windows which may be seen from the highway, said windows shall be of fixed obscure glass. Such night club shall be entered only through the lobby, and no additional entrance shall be permitted except when the same opens into a courtyard or patio (away from street side) which is enclosed and which is not visible from the street, and except that a fire door or exit shall be permitted.

* * *

Sec. 13-769 Towers, poles and masts.

Towers, poles and masts shall comply with the following provisions:

- (a) Before erection of a water tower, standpipe, windmill, tower or mast for any purpose, over ten (10) feet in height above the roof of a structure or over twenty (20) feet in height if erected on natural ground, the requirements of this article and the construction requirements of the ~~South~~ Florida Building Code shall be observed. All towers, poles, and masts requiring notice to the Federal Aviation Administration (FAA) as prescribed in Federal Aviation Regulations (FAR) Part 77, shall be lighted as specifically recommended by the FAA in the determination rendered to the proponent's notice of proposed construction. In addition, for all towers, poles, and masts not requiring notice to the FAA which are one hundred fifty (150) feet or higher above grade in height, one (1) flashing red beacon safety light will be required for each one hundred fifty (150) feet in height. The peak effective intensity of said lights should not be less than one thousand five hundred (1,500) candles (in red) when measured at any horizontal angle. The flashing mechanism should not permit more than forty (40) nor less than twenty (20) flashes per minute. The beacons shall conform to Federal Aviation Administration type L-866 (red) or Military Specification L-6273. All existing towers, poles, and masts, which are one hundred fifty (150) feet or higher above grade shall be made to conform with those requirements by May 1, 1989.
- ~~(b) Until December 31, 2008, telecommunications antennas owned and operated by a telecommunications company providing services to the public for hire attached to any pole or H frame or lattice structure owned by a utility which is used in and is part of the utility's network for the provision of electric services, shall be permitted in any zoning district, provided that (a) equipment appurtenant to the antenna is maintained on the utility pole or structure, (b) the utility pole or structure does not exceed one hundred twenty five (125) feet in height above ground unless the utility pole or structure is located in an easement or right of~~

~~way which is greater than fifty (50) feet in width or, if less than fifty (50) feet in width, such easement or right of way is adjacent to and parallel with road right-of-way which is one hundred (100) feet or greater in width, and (e) the antenna was attached to the utility pole or structure prior to January 1, 1997.~~

- (b) Plans and specifications for the structures provided in this section shall be submitted to the Administrative Official ~~Director~~ showing all dimensions, size and kind of members, footings, guy wires; location, depth and type of guy anchors and footings, type and weight of antenna, apparatus or structures to be attached to or supported by the structure, and application made for permit.
- (c) The top of the structure shall not be higher above its foundation than ninety (90) percent of the horizontal distance from its base to the nearest point on adjacent property under another ownership or to the nearest edge of a highway right-of-way, except that masts or other structures located on roofs of buildings in a BU or IU District shall be designed and erected as required by the Florida Building Code and signs shall meet the requirements of article VII of this chapter; anything to the contrary notwithstanding, radio towers where incidental to a business or industrial use on the premises in a BU-3 or any IU Zone, need not conform to the requirements of this section, provided the same does not exceed a height of one hundred fifty (150) feet measured from ground elevation and the same conforms to the provisions of the Florida Building Code; provided, however, that such installation shall conform to the provisions of all airport zoning regulations contained herein.

Sec. 13-770 Night clubs.

- (a) Hotels, motels and apartment hotels in the RO Districts with two hundred (200) or more guest rooms or apartment units under one (1) roof may contain a night club on the premises, provided the exterior of any such building shall not have store fronts or give the appearance of commercial or mercantile activity as viewed from the highway. In the event the use contains windows which may be seen from the highway, said windows shall be of fixed obscure glass. Such night club shall be entered when the same opens into a courtyard or patio (away from street side) which is enclosed and which is not visible from the street and, except that a fire door or exit shall be permitted.
- (b) Night clubs in the BU-2 District shall be located no closer than five hundred (500) feet to any RU District boundary.
- (c) All night clubs shall comply with the provisions pertaining to alcoholic beverages per Sections 13-782 and 13-783.
- (d) In reviewing an application for a night club, the Department and/or Town Council (as applicable) shall apply the following supplemental review criteria which, in the case of a night club in the BU-2 district, shall be in addition to the standard conditional use review criteria:
 - (1) An operational/business plan which addresses hours of operation, number of employees, menu items (if applicable), goals of business and other operational characteristics pertinent to the application.

- (2) A parking plan which fully describes where and how the parking is to be provided and utilized, e.g. valet, selfpark, shared parking, after-hour metered spaces and the manner in which it is to be managed.
 - (3) An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.
 - (4) A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.
 - (5) A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.
 - (6) A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.
 - (7) A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.
 - (8) Proximity of proposed establishment and adjacent pre-existing uses.
- (e) Night clubs may not admit patrons under the age of 21, and shall observe the limitations on the hours and days of sale of alcoholic beverages contained in Section 13-783.

* * *

Sec. 13-774 Rentals of trucks other than light trucks ancillary to self-storage facilities.

Rentals of trucks other than light trucks are allowed in conjunction with and ancillary to to self-storage facilities, providing the following conditions are met in addition to those specified in Sec. 13-754~~3~~ above:

- (a) That a decorative masonry wall at least eight (8) feet in height shall enclose the vehicle storage area and repair area. The placement of said wall and openings through same shall comply with the requirements contained elsewhere in this article. Prior to the granting of any building permit for such wall, the permit applicant shall post with the Administrative Official ~~Director~~ a bond in the amount of two thousand five hundred dollars (\$2,500.00) to provide for the costs of removal of graffiti from the wall by the department as provided in Sec. 21-30.1(d)(6), Code of Miami-Dade County, as amended, should the applicant fail after notice to remove such graffiti.
- (b) There shall be a landscaped buffer between the masonry wall and any abutting roads which may be a hedge, and/or trees at least forty-eight (48) inches high at the time of planting, or other reasonable landscape plans acceptable to the department.
- (c) That there be no rental of any truck having a net vehicle weight exceeding twelve thousand six hundred pounds (12,600) pounds.
- (d) That for each one hundred (100) self-storage units there shall be no more than one (1) rental truck stored, e.g., 1--100 units: 1 rental truck; 101--200 units; 2 rental

trucks, etc.; provided however, no more than eight (8) rental trucks may be stored on the premises.

- (e) That no building in the area enclosed by the wall shall exceed two (2) stories in height.
- (f) That no loading or unloading of trucks is permitted outside the enclosed area and all trucks must be stored inside the enclosed area at all times.
- (g) That there shall be no repairs or maintenance work on vehicles on the premises of the self-storage facility.
- (h) That the area of self-storage facilities be not less than 2.5 acres.

Sec. 13-775 Residential uses in the RO, BU and IU Districts.

Residential uses are allowed in the RO, BU and IU Districts only insofar as they comply with the following provisions:

- (a) Single family, two-family, townhouses and multiple family apartment buildings are permitted uses in the RO districts. Single-family, two-family and townhouse uses shall be subject, however, to the requirements, restrictions and limitations of the RU-1, RU-1A, RU-1B, RU-2 or RU-TH district, as appropriate.
- (b) In the BU Districts, residential uses may be permitted only in conjunction with business or commercial uses, with at least 70 percent of the residential units vertically integrated with business or commercial ~~as a combination of permitted business uses and residential uses in the same building; the floor area of the residential use shall not exceed fifty (50) percent of the floor area of the building.~~
- (c) In the IU Districts, except as hereinafter provided, residential uses shall be limited to watchman's or caretaker's quarters in connection with an existing industrial use and located on the premises concerned.
- ~~(d) In the BU and IU Districts, a complex of buildings used or intended to be used as one (1) private home and residence containing the usual sleeping quarters, cooking, living, sanitary, ventilating, lighting and heating facilities where there is but one (1) kitchen and dining facility, both contained in the same building, although other residential rooms may be in separate buildings but so planned and situated as to be used only as a residence by one (1) family and not as separate rental units, may be permitted in accordance with the conditional use procedures in Section 13-303; and if so approved, an exception may be granted to the requirements for the spacing between the buildings of the complex, and to the setbacks from the property lines where the same abuts a waterway, body of water, park, playground, golf course, railroad right-of-way and similar open spaces.~~

* * *

Sec. 13-777 Salesroom and showrooms in the IU Districts.

- (a) Salesrooms and showrooms ~~are permitted~~ in the IU Districts, shall be subject to the following provisions ~~prohibitions and limitations in Subsection b,~~ ~~incorporated as part of a permitted industrial use upon compliance with the following conditions:~~
- (1) Any industrial use and its related retail sales/showroom uses in different units or bays within the same building must be under one (1) certificate of use and occupancy, and all areas under one (1) such certificate must be connected by communicating doors between units or bays.
 - (2) Only merchandise which is warehoused, stored, manufactured or assembled on the premises can be sold on a retail basis.
 - (3) The size of retail sales/showroom floor area must be less than fifty (50) percent of the total floor area of the subject premises under a single certificate of use and occupancy. Outside storage areas are to be excluded from consideration in determining the percentage of uses.
 - (4) A solid wall shall separate retail sales/showroom area from the balance of the industrial area which shall prevent public access to the industrial portion of the building. The industrial use area shall not be accessible to the general public.
 - (5) Required parking is to be calculated based upon the floor area assigned to the use classifications within the building in accordance with the provisions of Article 8.
 - (6) A declaration of use in a form meeting with the approval of the Administrative Official ~~Director~~ shall be submitted to the Department prior to the issuance of a certificate of use and occupancy specifying compliance with the foregoing conditions. Said declaration of use shall include a floor plan for the intended use as required by the Department.
- (b) Subsection (a) above is intended to permit retail salesrooms and showrooms in recognition of the compatibility and reasonableness of incorporating certain retail uses into the other uses permitted in this district. To assure compatibility, the retail uses hereinafter enumerated, and uses similar thereto, shall be subject to the following additional conditions: (1) the primary and permitted industrial use shall be the manufacture or assembly of the products being offered for sale; and (2) the retail sales area shall not exceed fifteen (15) percent of the total floor area of the subject premises under a single certificate of use and occupancy.
- (1) Antique and secondhand goods shops.
 - (2) Apparel stores.
 - (3) Art and crafts supplies and finished products.
 - (4) Art galleries.
 - (5) Bait and tackle shop.
 - (6) Bakeries.
 - (7) Bicycle sales, rentals and repairs (nonmotorized).

- (8) Card shops.
- (9) Confectionery, ice cream stores and dairy stores.
- (10) Drugstores.
- (11) Florist shops.
- (12) Furniture stores less than ten thousand (10,000) square feet.
- (13) Gift stores.
- (14) Grocery stores, supermarkets, fruit stores, health food stores, meat and fish markets and other similar food stores.
- (15) Hardware stores less than ten thousand (10,000) square feet.
- (16) Jewelry stores.
- (17) Leather goods and luggage shops.
- (18) Liquor package stores.
- (19) Optical stores.
- (20) Paint and wallpaper stores less than ten thousand (10,000) square feet.
- (21) Photograph studio and photo supply.
- (22) Pottery shops.
- (23) Shoe stores and shoe repair shops.
- (24) Sporting good stores.
- (25) Tobacco shops.
- (26) Variety stores and junior and major department stores.
- (27) Retail uses determined by the Administrative Official ~~Director~~ to be similar to those enumerated above. In determining similarity between a proposed use and the uses enumerated above the Administrative Official ~~Director~~ shall be guided by the intent of this Subsection ~~(62)~~ and shall consider common characteristics including the nature of products offered for sale, the generation of pedestrian and vehicular traffic, and incompatibility with the primary uses permitted in this district.

(c) Failure to comply with any of the provisions of this subsection shall be deemed a change in use from an industrial to retail business use for which a use variance shall be required.

(d) Any ancillary retail sales use pursuant to a lawful, valid, permanent certificate of use and occupancy issued by the Department prior to July 29, 1983, which use is in compliance with the Department's percentage of use and parking requirements on said effective date will be considered a legal, nonconforming use. Legal, nonconforming use status will also be granted to any ancillary retail sales use for which a certificate of use and occupancy has not been issued as of July 29, 1983, where the property owner or tenant:

- (1) Has obtained a building permit based on the submission of plans on which the intended retail sales area has been clearly represented by physical separation from the industrial use through placement of a solid wall, and adequate parking for the retail sales use and landscaping has been provided, and said permit remains valid in accordance with the provisions of the Florida Building Code; or

- (2) Has submitted a declaration of use, parking plan and floor plan for an existing building which have been approved by the Department provided that a physical separation of the retail and industrial uses has been effected through placement of a solid wall and a temporary certificate of use and occupancy as provided in the Florida Building Code has been obtained from the Department before July 29, 1983. Legal nonconforming use status will not be perfected if the temporary certificate of use and occupancy is not converted to a permanent certificate of use and occupancy before it expires.
- (3) Has a covenant, accepted and approved by Miami-Dade County on or before July 5, 1983, and recorded in the public records, providing assurances to Miami-Dade County to comply with the provisions of Subsection (a) above and has materially changed his position in reliance thereon. The property owner or tenant shall be permitted sixty (60) days to obtain a building permit and an additional sixty (60) days to complete construction in compliance therewith.

Sec. 13-778 Warehouse, membership in ~~IU District.~~

Warehouses, membership in the ~~IU Districts~~ shall be subject to the following:

- (a) The area of such occupancy shall contain no less than one hundred thousand (100,000) square feet of gross floor area; and,
- (b) The subject use shall be located on an arterial major or minor roadway per the Miami-Dade County Federal Functional Classification system as depicted on the adopted Land Use Plan map and shall be within one quarter (1/4) mile of that roadway's intersection with another arterial major or minor roadway.

Sec. 13-779. Wireless supported service facilities.

Wireless supported service facilities shall be subject to the following provisions:

- (a) Wireless Supported Service Facilities are allowed in the RO, BU and IU Districts as an accessory use to hotels, motels and apartment hotels, subject to the criteria outlined below:
 - (1) Antennas may be located on existing Structures with a height of thirty (30) feet or greater, so long as the Antennas do not extend more than thirteen (13) feet above the highest point of the roof of a building as measured in accordance with the provisions of Sec. 13-1(a) or the highest point on the Structure.

- (2) Except for Cylinder Type Antennas, Antennas shall be screened from view or wall mounted and shall not exceed nine (9) Sectors. i) Where wall mounted Antennas shall not extend above the wall where located and shall be painted to match the supporting Structure. Wall mounted Antennas shall be limited to one (1) Sector per building elevation. ii) Wall mounted Antennas not exceeding the height of the wall where located and painted to match the supporting Structure will be allowed on rooftop elevator bulkheads, rooftop enclosures for mechanical equipment, and rooftop Accessory Wireless Equipment Buildings in addition to (b)(2)(i), above, but shall be limited to one (1) Sector per elevations on the particular rooftop structure where they are placed. iii) Where roof mounted: 1. Requests to install roof mounted Antennas shall be accompanied by a line of sight analysis for each building elevation. The line of sight analysis shall be as provided for in the sketch below. The width of the right-of-way shall be equal to the width of the right-of-way fronting the particular elevation. Any Antennas or portion thereof above the line of sight will require screening. 2. Where screening is required and where the screening is located within thirteen (13) feet of the corner of a Structure, screening material shall be installed on the two (2) side of the corners, nearest the exterior walls of the Structure. The screening material at the corners shall be the same length and height on both corners. After the initial Antenna installation, any additional Antennas installed within twenty (20) feet of the corner where the initial installation took place and which require screening shall be continuously screened in the same fashion as the initial installation. 3. Where screening is required and where screening is not located within thirteen (13) feet of the corner of the roof, or continuously as provided for in 2. above, screening material shall be installed between the Antenna(s) and the nearest exterior wall of the Structure. 4. Screening for installations not covered by 1., 2. or 3. above shall be as required by the Administrative Official Director.
- (3) Cylinder Type Antennas shall be limited to three (3) per Structure and shall be painted to match the Structure.
- (4) No sign shall be allowed on an Antenna.
- (5) No signals, lights, or illumination shall be permitted on an Antenna, unless required by any applicable federal, state or local rule, regulation or law.
- (6) Accessory Wireless Equipment Buildings used in conjunction with Antennas, if located on the ground, shall comply with the minimum principal building setback requirements of the zoning district in which they are located. Self-standing, non sheltered equipment cabinet(s) used in conjunction with Antennas, if located on the ground shall be deemed mechanical equipment similar to air conditioning units and shall be limited to a height not to exceed eight (8) feet and an area not to exceed eighty (80) square feet. There shall be no minimum spacing between Accessory Wireless Equipment Buildings and the building located on the property.
- (7) Antennas meeting the criteria outlined in this Sec. shall not require an unusual use.

- (b) Antenna Support Structures. Wireless Supported Service Facilities including Antenna Support Structures of one hundred (100) feet or less in height used in connection with a Wireless Supported Service Facility shall be permitted in the BU-3 and in all Industrial Districts. When the Antenna Support Structure is greater than one hundred (100) feet in height, a public hearing is required pursuant to Sec. 13-303. Antenna Support Structures which exceed one hundred fifty (150) feet in height must comply with the requirements of Subsection 13-769(d).
 - (1) No sign shall be allowed on the Antenna Support Structure or the Antennas.
 - (2) No signals, lights, or illumination shall be permitted on the Antenna Support Structure or the Antennas, unless required by any applicable federal, state or local rule, regulation or law.
 - (3) Accessory Wireless Equipment Buildings used in conjunction with Antenna Support Structures and Antennas, if located on the ground, shall comply with the minimum principal building setback requirements of the zoning district in which they are located. Self-standing, non sheltered equipment cabinet(s) used in conjunction with Antenna Support Structures or Antennas, if located on the ground shall be deemed mechanical equipment similar to air conditioning units and shall be limited to a height not to exceed eight (8) feet and an area not to exceed eighty (80) square feet. There shall be no minimum spacing between Accessory Wireless Equipment Buildings and the building located on the property.
- (c) To encourage co-location and the use of sites, which already have Wireless Supported Service Facilities, additions to such facilities may occur as follows:
 - (1) The addition of Antennas, cables, and/or Accessory Wireless Equipment Building to an existing Wireless Supported Service Facility shall be permitted in any district regardless of whether the Wireless Supported Service Facility is legally conforming or non-conforming and regardless of any limitations placed by any Resolution approving the Wireless Supported Service Facility.
- (d) If a wireless supported service facility requires a conditional use approval, authority to grant such approval shall rest with the Town Council, notwithstanding any provision of this Code to the contrary.

* * *

Sec. 13-781 Spacing requirements for certain uses.

No use made subject to this section by the provisions of Sec. 13-748 (Business, Commercial and Industrial Use Master List) shall be located within five-hundred (500)

feet of any RU District except after approval by the Town Council as a conditional use per the requirements of Sec. 13-303. Provided, however, that this spacing limitation shall be two hundred fifty (250) feet if the use is confined within a building and an exterior wall or walls of the building located on the establishment is not penetrated with any openings directly facing the RU District. It is further provided that, except for exterior uses, such distances shall be measured from the closest point of the subject use in the building to the RU District. In connection with exterior uses, the distance of five hundred (500) shall be measured from the closest point of the IU or BU District in which the use is located to the RU District. For purposes of establishing such distances, the applicant for such use shall furnish a certified survey from a registered surveyor, which shall indicate such distances. In case of dispute, the measurement scaled by the Administrative Official Director shall govern. However, for uses in the IU-C District, the spacing requirements to residential zone boundaries shall not apply.

Sec. 13-782 Sale of alcoholic beverages.

- (a) ~~Distance from other establishments. Unless approved as a conditional use, no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than fifteen hundred (1,500) feet from a place of business having an existing, unabandoned, legally established (and not one (1) of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The fifteen hundred (1,500) feet distance requirements shall be measured by following a straight line from the nearest portion of the structure of the place of business.~~
- (a) *Distance from religious facility ~~church~~ or school.* Unless approved as a conditional use, no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than one-thousand (1,000) ~~twenty five hundred (2,500)~~ feet from a freestanding religious facility/institution ~~church~~ or public school. The one-thousand-foot ~~twenty five hundred foot~~ distance requirement shall be measured and computed as follows:
- (1) From a religious facility/institution ~~church~~, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the religious facility/institution ~~church~~ structure, and
 - (2) From a public school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the school grounds.
- (b) *Compliance prerequisite to issuance of licenses, permits and certificates.* No

certificate of use or occupancy, license, building or other permit shall be issued to any person, firm, or corporation for the sale of alcoholic beverages to be consumed on or off the premises where the proposed place of business does not conform to the requirements of Subsections (a) ~~and (b)~~ above.

- (c) *Nonconforming uses; definition of abandonment.* The uses referred to in Subsections (a) ~~and (b)~~ above that are in violation of the provisions thereof, and that were in existence on or before June 14, 1956, shall be deemed to be nonconforming and as such may continue until there is an abandonment thereof, provided that such nonconforming uses have been established and proven to the satisfaction of the Administrative Official Department on or before October 1, 1956, and not thereafter. After October 1, 1956, the right to establish a use not conforming with the requirements of Subsections (a) ~~and (b)~~ shall have expired and shall not thereafter be recognized. Any uses, created and established in a legal manner, which may thereafter become nonconforming, may continue until there is an abandonment. Once a nonconforming use is abandoned it cannot be re-established unless it can conform to the requirements of this chapter. ~~(4)~~ Abandonment shall consist of a change of use or of a suspension of active business with the public for a period of not less than three (3) months, or prior to the end of the period, on a written declaration of abandonment by the tenant and owner of the premises if under lease, and if not, by the owner.
- (d) *Exceptions to spacing and distance requirements.* The restrictions and spacing requirements set forth in Subsections (a) ~~and (b)~~ above shall not apply:

- (1) To private clubs, provided such clubs conform to all the requirements of a private club as stated in Chapter 561 of the Florida Statutes and other applicable State laws, and providing that there are no signs of any type exhibited or displayed or other indications that can be seen from the exterior of the clubhouse, building or structure that alcoholic beverages are served. Before a certificate of use and occupancy to serve alcoholic beverages will be issued, the applicant must submit necessary data to prove that it is eligible for the use and complies with Chapter 561 of the Florida Statutes or other applicable State laws; provided, anything to the contrary notwithstanding, these requirements must be complied with, ~~even though~~ including in cases where the club intends to serve only beer and/or wine.
- ~~(2) ESTABLISHMENTS IN RM-50, RO-50 DISTRICTS. To cocktail lounges, bars and cabarets located in RM-50 or RO-50 Districts and which conform to the requirements of said districts, or such other cocktail lounges, bars and cabarets in other liberal districts as may comply with the RM-50 or RO-50 requirements.~~
- (3) RESTAURANTS IN BU-1, BU-1A DISTRICTS. To dining rooms or restaurants located in the BU-1 or BU-1A Districts which comply with the requirements of such districts and serve cooked, full course meals, daily prepared on the premises, or such other dining rooms or restaurants in other more liberal districts complying with the requirements of the BU-1 or BU-1A District and which serve cooked, full course meals, daily

prepared on the premises, providing that only a service bar is used and the sale of alcoholic beverages are sold only to persons seated at tables.

- (4) CERTAIN COCKTAIL LOUNGE-BARS IN RESTAURANTS. Cocktail lounge-bars as an accessory use in restaurants located in any IU-1 or BU-1A or more liberal BU Districts shall be permitted subject to the following conditions:
- a. ~~the restaurant occupies no less than four thousand (4,000) square feet of gross floor space, and has accommodations for service of at least two hundred (200) or more patrons at tables;~~
 - b. the restaurant prepares and serves fully cooked meals daily and contains full kitchen facilities, meaning commercial grade burners, ovens, range hood(s) and refrigeration units of such size and quantity to accommodate the occupancy content of the restaurant, and provided that the restaurant shall be prohibited from advertising itself as a bar, cocktail lounge-bar, saloon, nightclub or similar type of establishment;
 - c. that once the restaurant use is terminated, the cocktail lounge use will automatically terminate;
 - d. that the cocktail lounge-bar in the restaurant structure shall not have separate outside patron entrances, provided, however, a fire door exit shall be permitted, when the same is equipped with panic-type hardware and locks and is maintained in a locked position except in emergencies; and provided the cocktail lounge-bar shall be so located that there is no indication from the outside of the structure that the cocktail lounge-bar is within the structure;
 - e. that the accessory cocktail lounge-bar is no larger than ~~fifteen (15)~~ percent of the gross square footage of the restaurant;
 - f. that the alcoholic beverages are served for on-premises consumption only; and
 - g. that the operating hours for the cocktail lounge-bar shall not extend beyond the permitted hours of operation for the restaurant, and the restaurant must continue to offer a full menu for as long as alcohol is served in the cocktail-lounge bar.
- (5) BEER AND WINE FOR OFF-PREMISES CONSUMPTION. To the sale of beer and wine as a grocery item for consumption off the premises, from grocery stores ~~and meat markets within the hours adopted and prescribed by the County Commission.~~
- (6) CONVENTION HALLS IN BU-1A DISTRICTS. To convention halls located in BU-1A, ~~or more liberal business and industrial~~ or IU districts, which meet the following requirements: (a) Where the hall is part of the operation of a hotel or motel and directly under its management. (b) Where the square footage area of the convention hall is at least ten thousand (10,000) square feet. (c) Where the seating capacity of the hall is in excess of five hundred (500) persons. (d) Where the sign advertising the cocktail lounge or bar use is ~~of same or similar type as is permitted for motels in the RM-50 Districts, that is, the advertisement is incorporated~~

into the sign proper for the convention hall.

- (7) BEER AND WINE IN BOWLING ALLEYS. To beer and wine bars in bowling alleys: (a) Where there are no signs of any type exhibited or displayed, or other indications, that can be seen from the outside of the structure concerned, that beer or wine or other malt and vinous beverages are being served, and (b) When such bowling alleys are in a fully air conditioned building having at least ten thousand (10,000) square feet of floor space under one (1) roof and under one (1) ownership of title, and (c) Where the building contains at least six (6) alleys usable for bowling, and where the bowling alley has facilities for the service of food and beverages in an area separate from the alleys themselves and contains at least two thousand (2,000) square feet of usable floor space, including the bar and other facilities for the service of food and beverages and has accommodations for at least sixty (60) patrons at tables, and (d) Provided that such building be not less than five hundred (500) feet from a school or religious facility/institution ~~church~~ measured as provided hereinabove.
- ~~(8) NIGHT CLUBS IN CERTAIN HOTELS AND MOTELS. To night clubs and cabarets where the same are located in a hotel, motel, or apartment hotel and under the same roof, which contains at least two hundred (200) guest rooms or apartment units under the same roof, provided the exterior of any such building shall not have store fronts or give the appearance of commercial or mercantile activity as viewed from the highways. In the event the use contains windows which may be seen from the highway, said windows shall be of fixed, obscure glass. Such night club or cabaret shall be entered only through lobby, and no additional entrance shall be permitted. An additional entrance or door shall be permitted when the same opens into a courtyard or patio (away from street side) which is enclosed and which is not visible from the street. A fire door or exit shall be permitted, provided that the same is equipped with panic type hardware and locks and is maintained in a locked position except in emergency.~~
- ~~(9) PACKAGE STORES IN SHOPPING CENTERS IN BU-1A DISTRICT. Package stores in shopping centers in a BU-1A (limited business) or more liberal district containing a net ground building area of not less than five (5) acres including dedicated rights of way under one (1) ownership with an improved building area of not less than forty one thousand (41,000) square feet of floor area thereon, and with an improved and developed parking area of not less than two hundred twenty one (221) vehicles. Only one (1) such package store will be permitted in the shopping center. Said package store shall be at least two thousand five hundred (2,500) feet from any church, school and at least five hundred (500) feet from any other licensed alcoholic beverage establishment measured as otherwise provided in this section.~~
- (9) COCKTAIL LOUNGES IN GOLF COURSE CLUBHOUSES AND BEER IN ANCILLARY REFRESHMENT STANDS LOCATED ON SAID GOLF COURSE. To cocktail lounges in golf course clubhouses and beer in ancillary refreshment stands located on said course, whether

governmentally or privately owned provided a bona fide regular, standard golf course is maintained and consists of at least nine (9) holes, with clubhouse, locker rooms and attendant golf facilities and comprising in all at least one hundred (100) acres of land. Failure of such club to maintain the golf course, clubhouse and golf facilities shall ipso facto terminate the privilege of the cocktail lounge and sale of beer from the refreshment stands.

~~(10) EXCURSION, SIGHTSEEING OR TOUR BOATS. To excursion, sightseeing or tour boats, providing the operators thereof obtain a State beverage license for such boats, the same being designated as their place of business, upon compliance with all the laws relating to vendors operating places of business where consumption on the premises is permitted; provided that such excursion, sightseeing or tour boats contain all the necessary equipment and supplies in order to, and do, serve full course meals regularly, and have accommodations at all times for the service of two hundred (200) or more patrons at tables and occupying more than four thousand (4,000) square feet of space.~~

(10) TENNIS CLUBS AND INDOOR RACQUETBALL CLUBS. To any chartered or incorporated club owning or leasing and maintaining any bona fide tennis club or four-wall indoor racquetball club consisting of not less than ten (10) regulation-size tennis courts or ten (10) regulation-size four-wall indoor racquetball courts, or a combination of tennis courts and four-wall indoor racquetball courts numbering fifteen (15), with clubhouse facilities, pro shop, locker rooms, and attendant tennis or racquetball facilities, all located on a contiguous tract of land owned or leased by such club and providing that there are no signs of any type exhibited or displayed or other indications that can be seen from the exterior of the clubhouse, building or structure that alcoholic beverages are served.

(11) NOT-FOR-PROFIT THEATERS WITH LIVE PERFORMANCES. To any State-chartered not-for-profit legal entity organized principally for the purpose of operating a theater with live stage performances and with not fewer than one hundred (100) seats. Sales of alcoholic beverages shall be permitted only for consumption on the premises and only to patrons during any regularly scheduled live theater performance. No sit-down bar shall be permitted.

(e) *Prerequisites to use of premises as exception.* For the purpose of this chapter, the right to use premises for the sale of beer, wine or liquor for consumption on, or off, such premises shall be established at such time as a building permit or certificate of use is issued, the application for which states that such use is to be established, and provided that the structure for which the building permit was issued is completed, and an occupancy permit issued for such use within the time prescribed for the completion of said structure under these regulations. In cases where the use is to be established in an existing structure, such use will be considered as existing at such time as the certificate of use ~~occupancy permit~~ for such use has been issued, provided the use has been established within the time

prescribed in the permit.

- (f) *Sketch indicating location.* For the purpose of establishing the distance ~~between alcoholic beverage uses, and~~ between such uses and religious facilities/institutions churches or public schools, the applicant for such use shall furnish a certified sketch of survey from a registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business and ~~any existing alcoholic beverage establishment within 2,000 feet,~~ and any religious facility/institution church or school within 2,000 3,000 feet. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement scaled by the Administrative Official Director shall govern.

- ~~(g) *Entertainment in night clubs and cabarets; hearing on night club use.*~~

~~— Except in night clubs and cabarets, band or orchestra music or dancing or entertainment shall be prohibited in all bars, gardens, saloons, package stores or similar establishments dispensing of alcoholic beverages. Night club use shall be prohibited unless the same is approved after a public hearing.~~

- ~~(g) *Transfer of nonconforming use.*~~

~~— Upon good and justifiable cause proven to the satisfaction of the Town Council, a legally existing nonconforming alcoholic beverage use may be transferred to another nonconforming but properly zoned site in the same general neighborhood, not to exceed three hundred (300) feet from the sold site, upon approval of the Town Council after a public hearing.~~

- (g) *Expansion of nonconforming use.* A legally existing alcoholic beverage use made nonconforming by reason of the regulations establishing distance restrictions ~~between such uses, or any of them, or~~ between any such uses and religious facilities/institutions churches or schools, shall not be expanded unless and until such expansion shall have been approved as a conditional use by the Town Council for good and justifiable cause after a public hearing. "Expansion" as used herein, shall include the enlargement of space for such use and uses incidental thereto, the extension of a beer and wine bar to include intoxicating liquor, and the extension of a bar use to a night club use.

- (h) *Certificate void after thirty (30) days if premises not established.* All alcoholic beverage uses must be established on the premises within thirty (30) days of the date of the issuance of a certificate of use and occupancy, otherwise said certificate of use and occupancy shall be null and void.

- (i) *Compliance prerequisite to issuance of license.* Anything to the contrary notwithstanding, no liquor license of any type may be used in a manner contrary to this chapter. ~~The Tax Collector shall issue a~~ No liquor license shall be issued unless a current certificate of use or occupancy in the applicant's name accompanies the application. The license as issued shall note thereon any special limitations or restrictions applicable due to the zoning on the property.

- ~~(j) *Additional alcoholic beverage uses.* Any provision of this chapter to the contrary~~

~~notwithstanding, the service or sale of alcoholic beverages as herein listed will be permitted:~~

- ~~(10) BOWLING ALLEYS. Beer and wine only as provided for in Sec. 13-782(e)(7) and Sec. 13-783(h).~~
- ~~(11) CHARTER BOATS. Beer only as provided for in Sec. 13-783(d).~~
- ~~(12) CONVENTION HALLS. Liquor, beer and wine as provided for in Sec. 13-782(e)(6).~~
- ~~(13) EXCURSION, SIGHTSEEING OR TOUR BOATS. Liquor, beer and wine, subject to conditions as provided for in Sec. 13-782(e)(11) and Sec. 13-783(n).~~
- ~~(14) GOLF COURSES. Lounges in club houses and ancillary golf course refreshment stands as provided for in Sec. 13-782(e)(10) and Sec. 13-783(e).~~
- ~~(15) COUNTY PARKS.
 - a. Beer, take out only, no consumption on the premises at bait and tackle installations at marinas.
 - b. Liquor, beer and wine use in restaurants.
 - c. Beer, package sales only at camp grounds.
 - d. Beer only at concession stands.~~
- ~~(16) COUNTY OWNED AIRPORTS. Liquor, beer, malt liquor and wine in restaurants, bars, lounges, concessions, concession stands and package stores at County owned airports.~~
- ~~(17) PRIVATE CLUBS. As provided for in Sec. 13-782(e)(1), and as defined in these regulations.~~

Sec. 13-783 Hours and Days of Sale

No alcoholic beverages shall be sold or served within the Town of Miami Lakes except at such hours and on such days and by such vendors as set forth below:

- (a) Consumption on the premises. Vendors holding a license from the State for the sale of alcoholic beverages for consumption on the premises may sell or serve such beverages as follows:
 - (1) Night clubs. Night clubs, as defined in this Code, shall not sell or serve alcoholic beverages except between the hours of 8:00 a.m. and 2:00 a.m. on the following day, except that these hours may be further limited by the conditional use approval process, where applicable.
 - (2) Private clubs. Private clubs, as defined in this Code, shall not be limited as to the hours and days for serve or sale of alcoholic beverages, except that such hours may be limited by the conditional use process, where

applicable.

(3) Other establishments. All other establishments shall not sell or serve alcoholic beverages except between the hours of 8:00 a.m. and midnight where the service day begins on Sunday through Thursday, and between the hours of 8:00 a.m. and 1:00 a.m. on the following day where the service day begins on a Friday or Saturday.

(b) Consumption off the premises. Vendors holding a license from the State for the sale of alcoholic beverages for consumption off the premises may sell or serve such beverages as follows:

(1) Sale of intoxicating liquors. Establishments shall not sell or otherwise provide intoxicating liquors except between the hours of 8:00 a.m. and midnight where the service day begins on Sunday through Thursday, and between the hours of 8:00 a.m. and 1:00 a.m. on the following day where the service day begins on a Friday or Saturday.

(2) Sale of beer and wine. Establishments may make sales of beer or wine in sealed containers during such times as the place of business legally remains open for the sale of other items.

~~(a) Establishments for package sales only.~~ Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption off the premises only, shall make no sale of alcoholic beverages during weekdays except between the hours of 8:00 a.m. and 10:00 p.m. and on Sundays between the hours of 12:00 p.m. and 7:00 p.m.; provided, however, that vendors operating stores primarily for the sale of products other than alcoholic beverages (excepting such stores as are nonconforming under the zoning regulations) may make sales of beer in sealed containers for consumption off the premises during such hours as their stores legally remain open for the sale of other goods; provided further, however, that nothing in the foregoing proviso shall be deemed to modify any of the provisions of the zoning regulations as heretofore or hereafter adopted. Vendors in bait and tackle installations and camp grounds holding a State license from the beverage department for the sale of beer in sealed containers, for consumption off the premises, shall make no sale of beverages except between the hours of 5:00 a.m. and 7:00 p.m.

~~(b) Marinas, piers and fishing camps.~~ Vendors in marinas, piers and fishing camps holding a license from the State beverage department for the sale of alcoholic beverages shall make no sale of such alcoholic beverages on week days except between the hours of 8:00 a.m. and 1:00 a.m. of the following day, and between the hours of 5:00 p.m. on Sunday and 1:00 a.m. of the following Monday; provided, however, that such vendors may make sales of beer only for consumption on the premises between the hours of 10:00 a.m. on Sunday and 1:00 a.m. of the following Monday, and for consumption off the premises between the hours of 6:00 a.m. on any day and 1:00 a.m. of the following day.

- ~~(c) — *Private clubs.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in private clubs shall make no sale of such alcoholic beverages except between the hours of 8:00 a.m. and 1:00 a.m. of the following day, and shall make no sale of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday; and shall make no sale of any other alcoholic beverages on Sundays, except between the hours of 5:00 p.m. and 1:00 a.m. on the following Monday.~~
- ~~(d) — *Charter boats.* Vendors holding a license from the State beverage department for the sale of beer for consumption on charter boats shall make no sale of beer on weekdays except between the hours of 8:00 a.m. and 1:00 a.m. of the following day, and shall make no sale of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday. No such sales shall be made by any charter boat until after having put out to sea.~~
- ~~(e) — *Hotels and motels.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in hotels and motels which are restricted by the zoning regulations to making such sales to guests only, shall make no sales of such alcoholic beverages except between the hours of 8:00 a.m. and 1:00 a.m. on the following day on weekdays, and shall make no sale of beer on Sundays, except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday; and shall make no sale of any other alcoholic beverages on Sundays except between the hours of 5:00 p.m. and 1:00 a.m. on the following Monday. In hotels and motels where package sales are restricted to guests only under the zoning regulations, no such sales shall be made except between the hours of 8:00 a.m. and 10:00 p.m. on weekdays, and between the hours of 5:00 p.m. on Sunday and 1:00 a.m. on the following Monday. In hotels and motels located in a proper business zone and conforming to the zoning regulations permitting unrestricted sales of alcoholic beverages, no sales shall be made except during the times permitted under Subsection (h) hereof.~~
- ~~(f) — *Cabarets.* For the purpose of this section, the term "cabaret" shall mean a place of business other than a "night club" located in a hotel or a motel having fifty (50) or more guest rooms, where liquor, beer or wine is sold, given away or consumed on the premises and where music or other entertainment is permitted or provided for the guests of said hotel or motel only, which place of business is duly licensed as a "cabaret", shall make no sales of such alcoholic beverages except between the hours of 8:00 a.m. and 3:00 a.m. on the following day on weekdays and shall make no sale of said alcoholic beverages on Sundays except between the hours of 5:00 p.m. and 3:00 a.m. on the following Monday.~~
- ~~(g) — *Restaurants.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in restaurants, which are restricted by the zoning regulations to making such sales with the service of food only, shall make no sales of such alcoholic beverages on weekdays except between the hours of 8:00 a.m. and 1:00 a.m. on the following day, and shall make no sales of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday; and shall make no sales of other alcoholic beverages on Sundays except between the hours of 1:00 p.m. and 1:00 a.m. on the following Monday. Sales of alcoholic beverages for consumption~~

~~off the premises shall not be permitted. Vendors in restaurants located in a proper business zone and conforming to the zoning regulations permitting unrestricted sales only during the times permitted under Subsection (h) hereof.~~

~~(h) *Bars and cocktail lounges.* Vendors having a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in those bars and cocktail lounges that are not restricted by the zoning regulations to guests only, or to service with food, or the like, shall make no sales of such alcoholic beverages on weekdays except between the hours of 8:00 a.m. and 1:00 a.m. of the following day; and shall make no sales of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. of the following Monday; and shall make no sales of any other alcoholic beverages on Sunday except between the hours of 5:00 p.m. and 1:00 a.m. of the following Monday; sales of beer for consumption off the premises shall not be made on weekdays except between the hours of 8:00 a.m. and 1:00 a.m. of the following day; and shall not be made on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. of the following Monday. Sale of other alcoholic beverages for consumption off the premises shall not be made on weekdays except between the hours of 8:00 a.m. and 10:00 p.m.; and shall not be made on Sundays.~~

~~(i) *Night clubs.* For the purpose of this section, the term "night club" is defined as any place of business located within any building or establishment under one (1) roof and on one (1) floor, wherein entertainment or music or both are regularly supplied, and providing meals and refreshments prepared on the premises, and having a seating capacity of not less than forty (40) people at tables; having an aggregate floor space of not less than two thousand two hundred (2,200) square feet; and providing a dance floor containing not less than three hundred eight (308) square feet, such floor space provided for dancing to be free from chairs, tables or other obstructions at all times. Upon written application to the Board of County Commissioners and upon paying of the Board of County Commissioners the sum of five hundred dollars (\$500.00), any person holding a license under the State beverage department for sale of alcoholic beverages on the premises, and which place of business so conducted by such vendor classified as a night club, as above defined, shall be issued a special permit to operate as a night club. Such special permit shall be paid for on or before the first of October and shall expire the first of the succeeding October; provided that any person beginning business after the first of October may obtain a special permit upon the payment of the annual fee of five hundred dollars (\$500.00), and such permit shall expire on the first of the succeeding October; provided further that any person beginning such business on or after the first of April of any year may procure a special permit expiring the first of October of the same year on the payment of one half (1/2) the fee herein required for the annual special permit. Such special permit shall be posted at a conspicuous place in the place where such night club operates. Any night club, as above defined, which holds a night club license from this Board and which holds a license from the State beverage department for the sale of alcoholic beverages on the premises, shall be permitted to remain open, and sell alcoholic beverages for consumption on the premises from 8:00 a.m. to 4:50 a.m. of the following day during week days, and on Sundays to remain open and sell beer for~~

~~consumption on the premises from 10:00 a.m. to 4:50 a.m. of the following Monday; and to remain open and sell other alcoholic beverages on Sunday for the consumption on the premises from 5:00 p.m. to 4:50 a.m. of the following Monday; and except that where the alcoholic beverages are served with meals at tables, the same may be served from 1:00 p.m. on Sunday to 4:50 a.m. on the following Monday. It is specifically provided, however, that each and every night club that may operate in the unincorporated areas of Miami Dade County in accordance with this section shall close its doors and have all its patrons off its premises by not later than 5:00 a.m. of each day.~~

- ~~(j) *Additional interpretations.* Wherever in this section it is provided that weekday sales of alcoholic beverages are permitted between any certain hour and a stated time on the following day, the term "following day" shall be deemed to include Sunday.~~
- ~~(k) *Package sales on Christmas Eve and New Year's Eve and on Sundays during the month of December.* All vendors in the unincorporated areas of Miami Dade County holding valid, current licenses from the State beverage department for the sale of alcoholic beverages for consumption off the premises (establishments for package sales only) may make sales and keep their places of business open until 12:00 midnight on Christmas Eve (December 24th) and New Year's Eve (December 31st), and between the hours of 8:00 a.m. and 10:00 p.m. on Sundays during the month of December, the provisions of Subsection (a) of this section to the contrary notwithstanding.~~
- ~~(l) *Excursion, sightseeing or tour boats.* Vendors holding a license from the State beverage department for the sale of beer, wine and liquor for consumption on excursion, sightseeing or tour boats shall make no sale of such beer, wine and liquor on week days except between the hours of 8:00 a.m. and 1:00 a.m. of the following day, and shall make no sale of such beer, wine and liquor on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday. No such sales shall be made by any excursion, sightseeing or tour boats while moored at docks or wharves. The term "charter boats" as it is commonly used and as it is used in Subsection 13-783(d) is expressly excluded from the operation of this subsection.~~
- ~~(m) *Golf course clubhouse and ancillary refreshments stands.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in lounges in golf course clubhouses shall make no sales of such alcoholic beverages on weekdays except between the hours of 8:00 a.m. and 1:00 a.m. on the following day, and shall make no sales of beer on Sundays in such lounges except between the hours of 8:00 a.m. and 1:00 a.m. on the following Monday and shall make no other sales of alcoholic beverages on Sundays except between the hours of 1:00 p.m. and 1:00 a.m. on the following Monday. Sale of beer from ancillary golf course refreshment stands shall be made only between the hours of 8:00 a.m. and 1:00 a.m. the following day, including Sundays.~~
- ~~(n) *Not for profit theaters with live performances.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in State chartered not for profit theaters with live performances shall~~

~~make no sale of alcoholic beverages except between the hours of 8:00 a.m. and 1:00 a.m. on the following day, and shall make no sales of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday, and shall make no sale of any other alcoholic beverages on Sundays, except between the hours of 6:00 p.m. and 1:00 a.m. on the following Monday.~~

Sec. 13-784. Buildings for Places of public assembly — ~~in districts other than business or industrial.~~

~~All places of public assembly buildings or other structures or any part thereof, intended for public assemblage, wherein provisions are made for twenty five (25) or more persons to assemble in one (1) room or such structure as an auditorium, church, club, hospital, sanitarium, school, theater, night club, amusement park structure and similar structures, excluding hotels, motels and apartments shall be located or placed only in business or industrial districts, as herein provided, and shall comply with the following:~~

- ~~(a) No buildings used for places of public assembly in the RO, BU or IU Districts may be located with the same yard requirements and setbacks as required of the business or industrial buildings legally allowed in the applicable district, provided no structure shall be located closer than twenty-five (25) feet to any property line which abuts on a public highway or alley, or closer than fifty (50) feet to another building in the district of any property line abutting a lot under different ownership than that on which the structure is to be placed, or closer than seventy-five (75) feet to an existing residential building.~~
- (b) A separate lot used to provide setback requirements shall not be occupied by another building, if it would reduce the clear space required.
- ~~(c) No building for public assemblage which is more than two hundred (200) square feet in area shall have exterior walls or bearing partitions of less than one (1) hour fire resistance.~~
- ~~(d) No building for public assemblage shall be more than one (1) story in height or more than fifteen (15) feet in height, unless constructed so as to offer at least three (3) hours' fire resistance, except that in AU, GU and RU Districts a steeple, eupola, tower, dome or other ornamental vertical projection not occupied by persons may be higher than fifteen (15) feet, provided such vertical projection, where not of specified fire resistance, shall set back from every property line a distance at least equal to its overall height.~~
- (c) Ample parking facilities for places of buildings for public assembly shall be provided off the highway public right-of-way. Parking facilities for places of public assembly a church, school, or other buildings used for noncommercial purposes in a residential district may be permitted in the same district with said places church, school or other buildings used for noncommercial purposes, provided no parking lot or special parking area is closer than twenty-five (25) feet to any property under different ownership which is zoned RU unless the parking

area is separated from such lot by a wall or hedge approved by the Administrative Official Director.

- (d) Philanthropic and eleemosynary institutions shall be classed as for buildings for places of public assembly, but if any building or its use is operated for profit, it shall be permitted only in districts where such business or industry is permitted.
- ~~(g) Buildings used for public assemblage as defined in Subsection 13-1(a), where located in BU or IU Districts may be permitted with the same yard requirements and setbacks as required of the business or industrial buildings legally allowed in these districts; provided that no such building shall be placed closer than twenty-five (25) feet to a side or rear lot line or closer than fifty (50) feet to another building in the district unless separated by an unpierced wall constructed so as to offer at least three (3) hour fire resistance, in which case the setbacks prescribed for any other building in said district shall apply.~~
- (h) With the exception of religious facilities, no buildings for places of public assembly shall be permitted in IU-2 and IU-3 Districts unless directly connected with legally established industrial use.
- (i) ~~Churches in RU-1, RU-2, AU and GU Districts will be permitted only upon approval after public hearing;~~ Schools in AU, GU, RU-1, RU-2, RU-TH, RO-13, PAD, IU-1, IU-2, IU-3 and IU-C will be permitted only upon approval after public hearing as a conditional use, and shall be subject to compliance with the requirements of Sec. 13-785.
- (j) ~~No church shall be constructed, operated or permitted upon any site that does not contain a minimum of two and one-half (2 1/2) acres of land area, including street dedications, and having a minimum contiguous frontage of at least one hundred fifty (150) feet abutting on a public street right of way. Off-street parking facilities shall be provided and maintained within the land area of every place of public assembly church site in conformity with the requirements of Sec. 13-1801, except that off-site, off-street parking located within 300 feet of a place of public assembly may be utilized upon approval of a cross-parking agreement in a form approved by the Administrative Official and the Town Attorney.~~
- ~~(k) Duly constituted "missions" may be permitted to operate upon sites containing less than the minimum land area hereinabove prescribed only upon approval after public hearing. For the purposes of this section "missions" shall mean any body, association, or organization for doing religious and charitable work, devoted entirely to the moral, religious and social improvement of those in need of such missionary work and assistance, which does not constitute a church but is sponsored by a duly constituted church.~~

Sec. 13-785 Nonpublic Educational and Child Care Facilities.

- (a) As used in this section, the term "private school" or "nonpublic educational facility" shall mean an institution which provides child care and/or instruction from the infant level through the college level and which does not come under the direct operation and administration of the Miami-Dade County School Board or

the State of Florida; only such uses are intended to be controlled by this section ~~article~~ and include, but are not limited to, the following:

- (1) Day nurseries: Child care for infants and children up to and including age six (6).
- (2) Kindergartens: Child care and preschool programs for children ages four (4) through six (6).
- (3) After-school care: Child care and recreation for children above the age of five (5) when no formal schooling program is conducted and where the care provided is generally after school, on weekends, school holidays and vacations.
- (4) Babysitting service for shoppers: Child care for limited time periods (maximum three (3) hours) provided within a shopping center solely for the convenience of the patrons, and limited to not more than forty (40) children at any one (1) time.
- (5) Private college/university: An institution of higher learning beyond the high school level.
- (6) Family day care homes: Child care and recreation with a maximum of five (5) children including the day care operator's own children.
- (7) Private school: This term as used herein refers to any private institution providing child care and/or instruction at any level from infants through the college level.
- (8) Child, student, pupil: The terms "child," "student," "pupil," and their plurals are used interchangeably in this ~~article~~ section.
- (9) Elementary, junior and senior high schools: References to these schools are to be loosely interpreted to encompass any schools, graded or ungraded, whose students are within the age ranges typically found at these school levels. This article shall not be applicable to facilities used principally for weekend or intermittent nonacademic religious instruction or for the care of children whose parents or guardians are attending religious services or meetings on the premises.
- (10) All day nurseries, after-school centers, kindergartens and private schools shall meet the requirements included herein and the requirements of the particular zoning district in which they are located if that district is one (1) in which the facility is a permitted use; facilities in other districts shall meet the following minimum requirements:
 - a. Front setback: 25 feet
 - b. Side street setback: 25 feet
 - c. Interior side setback: 15 feet
 - d. Rear setback: 25 feet
 - e. Lot width: 75 feet
 - f. Lot area: 7,500 square feet
 - g. Lot coverage (principal structure): 40 percent
 - h. Building size: 7,500 square feet

(b) Notwithstanding any other provisions of this chapter, office developments in the RO-13 Districts (i) that contain a platted lot of not less than five (5) acres net approved under one (1) site plan, and under one (1) ownership with a recorded unity of title agreement, and (ii) that include day nursery, kindergarten or after school care space, shall be eligible for a floor area bonus of three (3) square feet for each square foot of floor area dedicated to child care use, subject to the following requirements and entitlements:

- (1) Physical standards for the licensed child care facility shall be as provided in Sec. 13-~~776~~785(g) and elsewhere in this chapter ~~Division~~.
- (2) The outdoor area provided in connection with any licensed child care facility qualifying under this Subsection (b) shall be included in the calculation of open space required to be provided in the zoning district in which the facility is located. As a condition of qualifying for inclusion in the calculation of total required open space, the outdoor area shall be shown in the plot use or site plan required by Sec. 13-~~776~~785(d). The required plot use or site plan shall establish (A) direct proximity or protected access between the child care facility and the open area; (B) adequate provisions for safety in the outdoor area; and (C) reasonable provisions for integrating use and enjoyment of the outdoor area both for child care and for other uses at the site.
- (3) For each square foot of floor area dedicated to child care use under this Subsection (b), an additional three (3) square feet of floor area for uses other than the child care use at the site shall be allowed in calculating the maximum floor area ratio permitted in the zoning district in which the child care facility is provided. As a condition of approving the plot use or site plan required by Sec. 13-~~776~~785(d), the Administrative Official ~~Director~~ shall require a recorded covenant establishing (A) the calculations and conditions upon which the additional square footage has been permitted; and (B) restricting the area designated for child care to child care use only.

~~Sec. 13-786 Private colleges and universities.~~

(c) Private colleges and universities. Private Colleges and Universities shall be subject to the following provisions:

- (1) *Main campus requirements.* Private colleges and universities with sites of thirty (30) acres or less shall meet the minimum standards established herein for high school facilities. Above thirty (30) acres, in addition to said minimum standards, said facilities shall be subject to intensive review by the Department and the County Commission utilizing the study entitled "Physical Standards for Proposed Private Educational Facilities in

Unincorporated Miami-Dade County," adopted pursuant to Miami-Dade County Resolution No. R-633-77.

- (2) *Exception for Satellite Classroom Facilities.* The requirements set forth in subsection (a) above or any other section of this Article shall not apply to satellite facilities either owned or leased by private colleges or universities located in a shopping center in a BU-2 or more liberal BU district, where the shopping center is not less than twenty-five (25) acres under one (1) ownership of title, unity of title, or a declaration in lieu of unity of title, with an approved plan showing at least 200,000 square feet of building area with facilities for parking for not less than three hundred (300) vehicles. A satellite classroom facility is a permitted use within such a shopping center, provided that it satisfies the following requirements: (a) the total cumulative square footage of all satellite classroom facilities located in a shopping center shall be less than fifty (50) percent of the square footage of the shopping center; (b) the satellite classroom facility shall be located at least five (5) miles away from the main campus of the private college or university; and (c) the total cumulative square footage of the satellite classroom facilities located in a shopping center shall not exceed ten (10) percent of the total cumulative classroom square footage located at the main campus of the private college or university. For the purposes of this subsection (B), distance shall be measured by following a straight line from the front door of the proposed satellite classroom facility to the nearest point of the main campus grounds. All satellite classroom facilities must comply with the parking requirements set forth in Sec. 13-1801. Applicants for satellite classroom facilities shall submit to the Department an affidavit setting forth the total cumulative classroom square footage located at the main campus of the private college or university. A school bookstore selling both new and used books shall be permitted to operate as an ancillary use in connection with satellite classroom facilities provided that the square footage of such bookstore does not exceed ten (10) percent of the total cumulative classroom square footage located at the shopping center. The square footage of such a bookstore shall be included in the total cumulative classroom square footage at the shopping center for the purposes of this subsection ~~(b)~~.
- (3) *Exception for commuter colleges/universities.* The requirements set forth in this subsection (c) do not apply to commuter colleges/universities.

(d) Required information. Applications for a nonpublic educational facility shall include the following information:

- (1) Total size of the site;
- (2) Maximum number of students to be served;
- (3) Number of teachers and administrative and clerical personnel;
- (4) Number of classrooms and total square footage of classroom space;
- (5) Total square footage of nonclassroom space;
- (6) Amount of exterior recreational/play area in square footage;

- (7) Number and type of vehicles that will be used in conjunction with the operation of the facility;
- (8) Number of parking spaces provided for staff, visitors, and transportation vehicles, and justification that those spaces are sufficient for this facility;
- (9) Grades or age groups that will be served;
- (10) Days and hours of operations;
- (11) Means of compliance with requirements by the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Department of Health and Rehabilitative Services, and any federal guidelines applicable to the specific application.
- (12) Graphic information, less than fifty (50) students.
 - a. A detailed site plot-use plan shall be submitted to the Department of Planning and Zoning, and the same shall be drawn to scale and include dimensions to indicate lot size, street rights-of-way and pavement measured from center line, size of building or buildings, interior floor layout and interior uses, location and size of recreation and/or play areas, location of fences and/or walls that shall enclose recreation and/or play areas; said plans shall include, but not be limited to, off-street parking areas and driveways, walls, fences, signs and landscaping. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code. The plot use plan shall include a title block giving the name of the project, the title of the person preparing the plan, the date of preparation of the plan and scale of drawings.
 - b. Other data shall be furnished as requested by the Administrative Official ~~Director~~ where such data may be needed in order to determine that standards as specified in this article have been met.
- (13) Graphic information, fifty (50) or more students. The following graphic information shall be prepared by design professionals, such as registered Florida architects and landscape architects, for proposed facilities with fifty (50) or more students.
 - a. A plan indicating existing zoning on the site and adjacent areas.
 - b. A site plan indicating the following:
 - 1. Location of all structures;
 - 2. Parking layout and drives;
 - 3. Walkways;
 - 4. Location of recreation areas and play equipment which shall include surrounding fences and/or walls;
 - 5. Any other features which can appropriately be shown in plan form.
 - c. Floor plans and elevations of all proposed structures.

- d. Landscape development plan listing quantities, size, and names of all plants in accordance with Chapter 18A of this Code.

(e) Where a private educational facility is to be operated in a structure simultaneously used as a residence, religious facility ~~church~~ or other facility, the area which will be specifically used for a private school or child care facility during the hours of operation shall be clearly defined. The area so delineated shall be used as the basis for determining physical space requirements as provided in this section ~~article~~. No physical space credit will be given for interior or exterior areas that are not restricted to the school or child care use during the hours of operation of said facility.

(f) No combination of residential use and nonpublic educational facility will be permitted on the same property except as follows:

- (1) A single-family residential use will be permitted in the same building with a nursery or kindergarten use, where the same is used only by the nursery-kindergarten operator.
- (2) In connection with day nursery and kindergarten facilities, a residential unit for a caretaker may be permitted only when the facility operator does not reside on said premises.
- (3) A residential unit will be permitted for a caretaker on the site of an elementary, junior and/or senior high school.
- (4) An existing multifamily apartment building or complex may incorporate a day nursery and/or kindergarten for the accommodation of residents only; provided, that such facility will not be contrary to any site plans previously approved at a public hearing.
- (5) Nonpublic educational facilities may be incorporated into a proposed apartment building or complex, but in such cases the nonpublic educational facility conditional use approval will require a public hearing, regardless of the size of the nonpublic educational facility provided said schools are included in the plans submitted for approval at public hearing (in case of apartment complex) and/or for permit (in case of apartment building).

(g) ~~Physical Standards:~~ Minimum outdoor areas. Outdoor recreation/play areas shall be in accordance with the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one (1) time unless otherwise indicated.

- (1) Standards as follows:
 - a. for day nursery/kindergarten and after-school care: 45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one time;
 - b. for elementary school (grades 1-6): 500 square feet per student for

- the first 30 students, thereafter, 300 square feet per student;
 - c. for junior and senior high school (grades 7-12): 800 square feet per student for the first 30 students, 300 square feet per student for the next 300 students, thereafter, 150 square feet per student.
 - d. Where there are category combinations, each classification shall be calculated individually.
 - (h) *Signs.* Signs shall comply with Article IX of this chapter for this district where the proposed facility is located ~~regulations as contained in this chapter; provided, however, that the total square footage of all freestanding signs in any residential district shall not exceed six (6) square feet in size.~~
 - (i) *Auto stacking.* Stacking space, defined as that space in which pickup and delivery of children can take place, shall be provided for a minimum of two (2) automobiles for schools with twenty (20) to forty (40) children; schools with forty (40) to sixty (60) children shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.
 - (j) *Parking requirements.* Parking requirements shall be as provided in Article VIII of this Code.
 - (k) *Classroom size.* All spaces shall be calculated on the effective net area usable for instruction or general care of the group to be housed. This space shall not include kitchen areas, bathrooms, hallways, teachers' conference rooms, storage areas, or any other interior space that is not used for instruction, play or other similar activities. The minimum classroom space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one (1) time by the minimum square footages, (1) through (4) below. Where a private educational facility is nongraded, calculations shall be based on the age level that corresponds to the grade level in the public school system. Where a school includes more than one (1) of the following categories, each category shall be individually computed:
 - (1) Day nursery and kindergarten, preschool and afterschool care, 35 square feet per pupil.
 - (2) Elementary (grades 1--6), 30 square feet per pupil.
 - (3) Junior high and senior high (grades 7--12), 25 square feet per pupil.
 - (4) Baby-sitting service, 22 square feet of room area per child.
 - ~~(l) *Height.* The structure height shall not exceed the height permitted for that site by the existing zoning.~~
 - ~~(m) *Trees.* Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.~~
 - ~~(n) *The following review standards shall be utilized by the Department, and, where a hearing is required, by the public hearing body.*~~
 - ~~a. *Study guide.* The study entitled "Physical Standards for Proposed Private Educational Facilities in Unincorporated Miami-Dade County," date 1977, shall be used as a general guide in the review~~

~~of proposed nonpublic educational facilities; provided, however, that in no case shall the educational philosophy of a school be considered in the evaluation of the application.~~

- ~~b. *Planning and neighborhood studies.* Planning and neighborhood studies accepted or approved by the Town Council that include recommendations relevant to the facility site shall be used in the review process.~~
- ~~c. *Scale.* Scale of proposed nonpublic educational facilities shall be compatible with surrounding proposed or existing uses and shall be made compatible by the use of buffering elements.~~
- ~~d. *Compatibility.* The design of the nonpublic educational facilities shall be compatible with the design, kind and intensity of uses and scale of the surrounding area.~~
- ~~e. *Buffers.* Buffering elements shall be utilized for visual screening and substantial reduction of noise levels at all property lines where necessary.~~
- ~~f. *Landscape.* Landscape shall be preserved in its natural state insofar as is practicable by minimizing the removal of trees or the alteration of favorable characteristics of the site. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.~~
- ~~g. *Circulation.* Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the facility and be compatible and functional with circulation systems outside the facility.~~
- ~~h. *Noise.* Where noise from such sources as automobile traffic is a problem, effective measures shall be provided to reduce such noise to acceptable levels.~~
- ~~i. *Service areas.* Wherever service areas are provided they shall be screened and so located as not to interfere with the livability of the adjacent residential properties.~~
- ~~j. *Parking areas.* Parking areas shall be screened and so located as not to interfere with the livability of the adjacent residential properties.~~
- ~~k. *Operating time.* The operational hours of a nonpublic educational facility shall be such that the impact upon the immediate residential neighborhood is minimized.~~
- ~~l. *Industrial and commercial.* Where schools are permitted in industrial or commercial areas it shall be clearly demonstrated in graphic form how the impact of the commercial or industrial area has been minimized through design techniques.~~
- ~~m. *Fences and walls.* Recreation and/or play areas shall be enclosed with fences and/or walls.~~

- (1) The certificate of use and occupancy shall be automatically renewable annually by the Administrative Official Department upon compliance with all terms and

conditions including maintenance of the facility in accordance with the approved plan.

- (m) It is not the intention of this ~~section article~~ to require any changes in any nonpublic educational facilities already in existence at the time of the adoption of this ~~section article~~, so long as said uses have been legally established in accordance with existing regulations. ~~Any nonpublic educational facilities which have heretofore been approved through a public hearing, and are subject to plot use (or site) plan approval, but on which construction has not been commenced, shall have six (6) months from the date of this article to commence construction; otherwise, compliance with this article shall be required. With the exceptions noted above, all nonpublic educational facilities shall comply with the requirements of this article upon the effective date thereof. Any proposed minor changes to existing nonpublic educational facilities schools that were approved prior to the adoption of this article may be approved by the Administrative Official Director, provided that such modifications do not violate the resolution or development order that approved the nonpublic educational facilities as part of the plan. Such minor changes shall include, but not be limited to, enlargement of the play area, additions, such as storage areas, additional restrooms, and expansion of kitchen facilities.~~

Sec. 13-786. Self-service storage facility.

- (a) All self-service storage facilities shall require site plan approval.
- (b) No wholesale or retail sales shall be permitted; however, auction sales may be permitted if a Special Event permit is obtained pursuant to Section 13-1617.
- (c) Notwithstanding any provision in this Code to the contrary, self-service storage facilities shall not exceed two (2) stories in height.

Sec. 13-787. Call centers.

- (a) Prior to the issuance of a certificate of use for a call center, the applicant for such use shall provide to the Town an operational plan containing information needed to assess the potential impact on parking and traffic, including the number of employees, a shift schedule including the maximum number of employees arriving from and leaving the call center during the shift change and any steps that may be proposed for mitigating parking and/or traffic impacts. Examples of mitigation measures include shifts schedules to avoid arriving and leaving at peak traffic hours, and providing incentives for employees using public transportation or ridesharing arrangements.
- (b) If determined by the Administrative Official to be necessary, submittal of a traffic impact statement and/or study may be required to ensure that adequate parking will be available and that the call center will not cause surrounding roadways to

perform at an unacceptable level of service. If such traffic statement or study is required, the applicant shall be responsible for any costs incurred by the Town in reviewing such statement or study.

- (c) The Administrative Official may impose necessary conditions upon a certificate of use for a call center if it is deemed necessary to mitigate parking and/or traffic impacts of the call center.

Sec. 13-788. Caterers in the BU-2 and BU-3 districts.

Caterers may be allowed in the BU-2 and BU-3 Districts as an accessory use to a restaurant.

Sec. 13-789. Veterinarians, animal hospitals, pet emergency and dog kennels.

Veterinarians, animal hospitals, pet emergency, dog kennels and dog day care shall be subject to the following provisions:

- (a) Any veterinarian, animal hospital, pet emergency, dog kennel or dog day care shall be within a soundproof, air-conditioned building.
- (b) In the BU Districts, all operations for a veterinarian, animal hospital, pet emergency, dog kennel or dog day care shall be contained within the building.
- (c) In IU Districts, animal exercise areas may be located outside provided that an operational plan is submitted and approved that ensures that outdoor operations will not negatively impact any nearby residential areas.

Sec. 13-790. Spas, beauty parlors/manicurists and barber shops in the RO districts and in the IU-C district.

- (a) Any request for a spa, beauty parlor/manicurist or barber shop use in the RO districts or in the IU-C district shall be processed as a minor conditional use, regardless of the size of the proposed establishment. The applicant shall be required to request renewal of the minor conditional use on an annual basis.
- (b) A spa, beauty parlor/manicurist or barber shop in the RO districts or in the IU-C district shall be permitted only where its entrance is interior to an office building, and shall not be permitted to have signage or other advertising on the exterior of the building.
- (c) Spas, beauty parlors/manicurists and barber shops in the RO districts or in the IU-C district shall occupy in the aggregate no more than 15 percent of the total square footage of the office building in which it is located.
- (c) As part of the minor conditional use process, the Administrative Official may impose conditions upon the operation of the use, including but not limited to hours of operations, the extent to which retail sales and storage of products will be

allowed on-site and whether the spa may accept walk-in customers (without appointment).

* * *

Sec. 13-794 Control of uses.

Any person, firm, corporation or other legal entity desiring to use any property or premises situated in an IU-3 or IU-C District for the manufacture, assembly, processing or packaging of any article or matter made subject to this section according to Sec. 13-748, or for the storage of relatively large quantities of such article or matter (not to include storage where storage is relatively small and incidental to the use of small quantities of such article or matter in connection with manufacture, processing or use permitted in more restrictive districts), or manufacture, assembly, processing, packaging or storage of similar articles or matter, or for any use or operation made subject to this section according to Sec. 13-748 or for similar use or operation, shall file with the Administrative Official ~~Director~~ a written application setting forth a full description of the proposed use or occupancy, and accurate legal description of the property or premises, a description of the structure or structures to be constructed or occupied, satisfactory proof that the proposed use will conform to the requirements of the Miami-Dade County Pollution Control Ordinance, and such other information as may be reasonably required by the Administrative Official ~~Director~~, who shall determine from such information, whether or not the proposed use will, in fact, create objectionable influences ordinarily associated with the general type of such uses. If it is found that such use because of the method of operation, or type of materials used, the usual degree of hazardous conditions will not be created, the Administrative Official ~~Director~~ may assign the use to an appropriate the IU-3 Ddistrict or districts ~~or to a less restrictive zoning district~~. However, if it is determined that the high hazards usually anticipated in connection with the uses listed involving fire, explosions, noise, vibration, dust or emissions of smoke, odors, or toxic gases, or other hazards to public health, safety or welfare will be created, the Administrative Official ~~Director~~ shall require approval as ~~result of a conditional use per Section 13-303 public hearing~~ before such use is permitted. ~~Upon filing of the application, the Director shall transmit such application, together with his recommendations, to the Town Council, who shall consider the application in accordance with the zoning procedure prescribed by Sec. 13-303 of this chapter. Provided, however, no use subject to this Sec. shall be established within five hundred (500) feet of any RU District except after approval after public hearing. Provided, that the spacing limitation shall be two hundred fifty (250) feet if the use is confined within a building and an exterior wall or walls of the building located on the establishment is not penetrated with any openings directly facing the RU District. It is further provided that, except for exterior uses, such distances shall be measured from the closest point of the~~

~~subject use in the building to the RU District. In connection with exterior uses, the distance of five hundred (500) feet shall be measured from the closest point of the IU District to the RU District. For purposes of establishing such distances, the applicant for such use shall furnish a certified survey from a registered surveyor, which shall indicate such distances. In case of dispute, the measurement scaled by the Director of the Department of Planning and Zoning shall govern. Provided, however, that the spacing requirements from RU districts provided above shall not apply in the IU-C district.~~

* * *

Sec. 13-796. Brewery as an accessory use to a restaurant in the BU Districts.

A brewery may be allowed as an accessory use to a restaurant in the BU Districts where the brewery is no more than 25 percent of the total square footage of the restaurant, inclusive of any outdoor dining areas.

Sec. 13-797. Plant nursery.

Fertilizer, manure, compost, soil and similar materials shall be kept at least 200 feet from any RU district boundary. If such materials are made available for retail sale, it shall be packaged in quantities for immediate use.

Sec. 13-798. Petroleum products storage tank.

A petroleum products storage tank or group of tanks with an aggregate capacity greater than 30,000 gallons shall either 1) be placed below the surface of the ground or in a rockpit; or 2) be approved as a conditional use at a public hearing.

Sec. 13-799. Dry cleaning establishments.

Dry cleaning establishments in the BU districts shall be limited to the use of nonflammable solvents in self-contained dry cleaning units of the Prosperity type or Dedrick type or an equal approved by the Administrative Official.

Sec. 13-799.1. Automobile washing.

(a) Automobile washing (stationary) uses need not be within a fully enclosed building if one of the following circumstances apply:

(1) If the automobile washing occurs within a permanent structure, the structure may remain open to allow the entrance and exit of vehicles. Such a use shall require approval by administrative site plan review, and the

Administrative Official may impose requirements for landscaping, building orientation, height and operations to mitigate any negative visual impacts to the public right-of-way or adjacent properties.

(2) If accessory to a gas station, automobile washing may occur under a tent or canopy. Such a use shall require approval by administrative site plan review. Such a use must be so located as not to obscure the main structure and shall be substantially screened from view of the public right-of-way by landscaping, fencing or similar methods. Further, such accessory use may only be established if the site will continue to meet all requirements with regard to landscaping, open space, lot coverage, parking requirements and other provisions of this chapter.

(b) Automobile washing (mobile) may be allowed by the Administrative Official in the RO, BU and IU districts upon legally established, paved parking areas. The business shall be required to obtain a certificate of use (CU). The application for the CU shall include documentation indicating all sites within the Town at which such automobile washing will occur and authorization from the property owner of each such site.

(1) The Administrative Official shall have the authority to reject any or all of the proposed sites, to revoke approval for any or all of such sites, or require modifications/conditions regarding the allowed days and times at which the use can occur upon a finding that such denial, modification(s) or condition(s) are necessary to ensure that adequate parking exists on each site.

(2) Before issuance of a CU for automobile washing (mobile), the Administrative Official shall have completed, at the applicant's expense, a background check of the proposed owner and/operator of the business, consistent with the same requirements for peddlers and solicitors in Section 35-1(d)(5) of the Town's Code. A "pass" response to the background check is required to issue the CU.

Sec. 13-799.2. Executive office center.

An executive office center shall be required to obtain a certificate of use (CU); individual tenants of the executive office center shall not be required to obtain a CU, so long as the activities of those tenants are entirely consistent with the operations of an administrative office and do not otherwise require approval by the Town under the provisions of this chapter. However, each individual tenant of an executive office suite shall be required to obtain a Business Tax Receipt (BTR) and to renew the same annually.

Sec. 13-799.3. Private clubs.

Private clubs in the BU and IU districts wherein alcohol will be served shall be subject to conditional use approval per s. 13-303.

Section 13-799.4. Outdoor storage of non-hazardous materials

Outdoor storage of non-hazardous materials, including storage of personal automobiles and boats but specifically excluding storage of semi trucks and trailers, shall be allowed as a principal use in the IU districts. Provided, however, that such use shall be subject to site plan review and approval, and any such use shall include fences/walls and landscaping sufficient to shield the stored items and materials from view of any public right-of-way and adjacent properties. If one or more variances are necessary to establish fences/walls and landscaping sufficient to accomplish such screening, establishment of such use is contingent on the approval of said variances.

* * *

Sec. 13-1601. - Appearance and care of premises for all districts.

- (a) *Appearance of buildings, structures, yards and fences.*
- (1) *Garage doors.* All garage doors shall be maintained in a closed position when not in use to ensure the attractive appearance of the property and to safeguard the occupants of the home and their property.
 - (2) *Clotheslines and outdoor clothes drying.* Clotheslines shall be retractable and fully screened from public view at all times. Clothes or items may not be hung or draped on fences or hung from any tree, object, or structure where they may be visible from adjoining properties, parks, sidewalks or roads.
 - (3) *Holiday and event decorations and lighting.* Holiday and special event decorations and lighting may be displayed no more than 30 days prior to and no more than 30 days after the holiday or event. Said decorations shall carry no advertising matter.
 - (4) *Window treatments.* Windows of residential property may be covered by any type of window treatment which is in good repair and designed or intended to be a permanent or long term window treatment suitable for a residence. Windows shall not be covered by newspapers, aluminum foil or bed sheets.
 - (5) *Garbage and trash disposal.* No garbage, trash, refuse, rubbish, or recyclables shall be deposited or kept on any lot except in a suitable sturdy container. Such container shall not be visible from any point on the front

lot line, or from the lake or golf course, as applicable. Corner lots shall also not have garbage, trash, refuse, rubbish or other debris and discards, including recyclables, visible from the side yard which faces the street. Garbage, trash, refuse, rubbish, or recyclables may be placed in the collection area in front of the residence for collection no earlier than 4:00 p.m. the night prior to the designated collection day. Containers for garbage, trash, refuse, rubbish, or recyclables must be removed from the collection area by no later than 7:00 p.m. on the collection day.

(6) Commercial and multi-family residential solid waste management. It shall be the obligation of the property owner of all multi-family residential and non-residential sites to ensure that outside containers for trash and garbage are adequate to contain the waste generated on the site. In cases where trash or garbage regularly or repeatedly overflows from designated containers or otherwise becomes deposited on the ground or elsewhere on the site, it shall be the responsibility of the property owner to ensure that action is taken, including but not limited to obtaining larger containers, scheduling more frequent trash/garbage pick-up service and other actions as may be needed. Compliance with this provision may be enforced by the issuance of code compliance warnings and citations.

(b) *Maintenance of buildings, structures and fences.* Every residential or commercial building, every accessory structure used for nondwelling purposes, including but not limited to garages, carports, and every pool and deck, hot tub, screen enclosure, storage building, and fence or wall shall comply with the following requirements:

- (1) Every foundation, exterior and interior wall, roof, awning, canopy, floor, ceiling, window and exterior door shall be structurally sound and maintained clean, free of mold and fungus and in good repair.
- (2) Every structure shall be maintained clean and in a sanitary condition free from rodents, insects, vermin and odor.
- (3) The roof of every structure shall be well-drained of rainwater.
- (4) All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint and other approved protective coating, applied in a workmanlike fashion.

* * *

Section 13-1617. Special events.

(a) Authority, application and processing. The Administrative Official shall have the authority to issue, modify or revoke permits for special events, in accordance with the criteria set forth in this section. The Town Council finds that special events are, by their nature, widely varied and unpredictable in their need for review, for

Town services and in their potential impacts. Therefore, it is necessary for the Administrative Official to have flexibility to exercise independent judgment in decisions to approve or deny special event permits, to require modifications to proposed special events to impose conditions on special events, consistent with the provisions of this section.

- (1) A permit for a special event shall be required in order to hold a special event, as defined in this chapter, within the Town on public or private property.
 - (2) Applicants wishing to hold a special event must submit a completed special event application, including such materials as the Administrative Official shall deem necessary to ensure compliance with the provisions of this section and all other Town regulations. Such materials may include, but shall not be limited to, a completed application form, site plan, fees, deposits, insurance and indemnification, documentation of required approval by other governmental entities, etc.
 - (3) A fee for processing a special event application shall be required. Upon passage of this ordinance, the fee shall be \$50.00. Thereafter, the Town Council may modify said fee by resolution.
 - (4) An applicant is required to submit a special event permit application no less than 30 days prior to the proposed special event. The Administrative Official or his/her designee may waive this requirement in cases where the application can be properly processed in less time; however, the Town shall be under no obligation to consider an application not received at least 30 days prior to the proposed special event.
 - (5) Prior to issuance of a decision on a special event, the application shall be reviewed by Zoning, the Building Department, the Public Works Department, the Community and Leisure Services Department, the Fire Department and the Police Department, unless the Administrative Official determines that one or more of these departments are not relevant to the review of the particular application. The Administrative Official may also seek the review of other Town, county, state or federal agencies, as appropriate to the particular application.
 - (6) In making a decision to approve or deny a special event permit, to impose conditions on a special event permit, determining necessary deposits, etc., the Administrative Official may consider the conduct of the same event in prior years and/or the conduct of special events in general on the property or properties of the same owner and/or tenant.
- (b) *Event coordinator.* The special event application shall designate a primary and secondary event coordinator. The primary event coordinator shall be present for the duration of the event, and shall be responsible for compliance with the requirements of the special event permit. In case of the unexpected absence of the primary event coordinator, the secondary event coordinator shall be responsible for fulfilling these duties.
- (c) *Parking and traffic circulation.* Special event applications shall demonstrate that adequate provisions will be made for vehicle parking needed for the event, and that provisions will be made to maintain reasonable traffic circulation, in

accordance with the following.

- (1) In cases where the special event will rely on established parking areas, the applicant shall demonstrate the adequacy of parking for both the special event and any permanent uses on the same site or which make use of the same parking area. Consideration shall be given to the day and time of the proposed special event and the normal hours of operation of any permanent uses.
 - (2) In cases where a special event will rely wholly or partly on on-street parking and/or temporary parking on areas not usually used for parking, the applicant shall demonstrate that such parking will be adequate and maintain reasonable traffic circulation, and not be unduly disruptive to residents and businesses.
 - (3) Off-site parking areas may be allowed as follows:
 - a. The applicant shall submit the written authorization of the property owner(s) of any areas to be used for parking.
 - b. The applicant shall make reasonable accommodations to ensure safety, depending upon the location of the special event and parking area(s), such as use of a shuttle system, use of law enforcement personnel to direct traffic, etc.
 - (4) If the closing of a street or streets is proposed as part of the special event (i.e. a parade, road race, block party, etc.), all appropriate authorizations for the street closure shall be obtained prior to the issuance of a special event permit.
 - (5) Where the special event is expected to generate a large amount of vehicle traffic, the Administrative Official may require the hiring of off-duty law enforcement personnel to direct traffic.
 - (6) Where the special event will take place wholly or partly in a parking lot, on a public or private street or other area where motorized vehicles normally travel, the event organizers must erect barricades and other appropriate guides to ensure safety. This shall be demonstrated on a site plan submitted as part of the special event application.
 - (7) Events conducted by the Town within a Town park shall be exempted from the requirements of this section.
- (d) *Outdoor events.* Through issuance of a special event permit, the Town may allow for such event to take place outdoors, regardless of any other provisions of this chapter requiring uses to be within fully enclosed buildings.
 - (e) *Building permits required.* If a proposed special event includes erecting or placing any structure or other item that requires a building permit (including but not limited to temporary fences, portable toilets, certain types of signs, certain tents, etc.) the building permit shall be obtained after submission of the special event permit application, and before receiving a special event permit.
 - (f) *Hiring of off-duty law enforcement personnel.* The Town may require that an applicant for a special event permit hire off-duty law enforcement personnel in a number that the Town deems necessary to protect public safety and not unduly occupy the resources of on-duty law enforcement personnel.
 - (g) *Sanitation and clean-up.* An applicant for a special event permit shall demonstrate

that adequate sanitation services, including trash disposal containers and waste hauling, if necessary, will be provided during and after the special event. Further, the special event site shall be returned to a clean, neat and orderly appearance within 24 hours, or other time as specified by the Administrative Official as part of the Special Event Permit approval, following the end of the special event. Any failure on the part of the applicant to return the special event site to a clean, neat and orderly appearance within 24 hours, or other time period specified by the Administrative Official, following the end of a special event shall empower the Administrative Official to effectuate needed clean-up at the expense of the applicant, as well as subject the property owner to code compliance action. The Administrative Official may require a monetary deposit of sufficient amount to cover clean-up prior to issuing a special event permit.

- (h) Serving alcohol. Special events in which alcoholic beverages are to be served shall be subject to the following:
- (1) If alcohol is to be served outdoors, or patrons allowed to consume alcohol outdoors, a temporary license must be obtained from the State of Florida Division of Alcoholic Beverages and Tobacco prior to issuance of a special event permit.
 - (2) If an event to be held on Town property will include selling/serving of alcohol, the permittee shall be required to have an alcohol rider on their insurance policy meeting specifications required by the Town.
 - (3) The Administrative Official may impose special modifications or conditions upon such events deemed necessary to protect public safety, which may include but shall not be limited to: requirements to hold the event or portions of the event further from a public or private road; requirements to include barriers, or to include barriers of greater strength; increased law enforcement presence; prohibitions on the types of alcohol containers that may be allowed; and, restrictions on the hours of operation of the event.
- (i) Signs. As provided in article IX of this chapter, a special event shall allow for the placement of certain temporary signs. For types of temporary signs that do not require a building permit, the special event permit shall constitute the authorization to place these signs. Such temporary signs shall follow all restrictions, including restrictions as to duration, in article IX.
- (j) Conflicting events. In making a determination on a special event permit application, the Administrative Official may take into account any other approved or proposed special event(s) scheduled to take place at the same time, or times of normally heightened activity. In cases of two or more special event applications that, because of their locations, times, expected attendance or other relevant factors, the Administrative Official determines cannot reasonably be accommodated at the same time, priority shall be given, first, to annual events that have occurred for at least three consecutive years and, second, to applications in the order received.
- (k) Noise. As provided in Section 16-1, a special event permit may allow a temporary exemption from the requirements of the Town's noise regulations.
- (l) Insurance and indemnification. Where any special event is proposed to be

conducted wholly or partly upon Town property, or upon the public right-of-way within the Town, the Town may require the applicant to carry appropriate insurance, according to specifications deemed appropriate by the Administrative Official, and/or to sign indemnification agreements, to hold the Town harmless in the event of injury, death, personal property destruction or personal property damage, prior to issuance of a special event permit. This provision in no way shall limit the Town's ability to make additional requirements for use of Town property in its capacity as property owner.

- (m) Enforcement. This section may be enforced in any or all of the following manners:
- (1) Through the issuance of a warning by a code compliance officer;
 - (2) Through the issuance of a code compliance citation, upon a failure to correct a violation upon a warning;
 - (3) By denial of subsequent applications for special event permits for the same event, or for events at other sites of the property owner or tenant, for whatever period of time the Administrative Official deems appropriate.

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Chapter 16 – Nuisances

Article I – In General

Sec. 16-1. - Unnecessary and excessive noises.

- (a) *Prohibited.* It shall be unlawful for any person to make, continue or cause to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise. The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
- (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.
 - (2) *Radios, televisions, phonographs, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any

such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m., except on July 4, December 24 and December 31, in which case, 11:00 p.m. shall be extended to 12:00 a.m. of July 5, December 25 and January 1, respectively, of each year, in such manner as to be plainly audible at a distance of 100 feet from the building, structure, vehicle or person where the sound is originating shall be prima facie evidence of a violation of this section.

- (3) *Animals, birds, etc.* The owning, harboring, possessing or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible at a distance of 100 feet from the building, structure or yard in which the dog, animal or bird is located.
- (4) *Whistles.* The blowing of any locomotive whistle or whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of the proper municipal or County authorities.
- (5) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom.
- (6) *Defect in vehicle or load.* The use of any automobile, motorcycle, jet ski, water bike, recreational vehicle, dirt bike or motor vehicle so out of repair, so loaded or in such manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise within a residential area.
- (7) *Noises near schools, courts, hospitals.* The creation of any excessive or unreasonably loud noise on any street adjacent to any school, institution of learning, house of worship or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys the patients in the hospital, provided conspicuous signs are displayed in such streets indicating that it is a school, hospital or court street.
- (8) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- (9) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of any unreasonably loud or unnecessary noise to any performance, show, sale, display or advertisement of merchandise.
- (10) *Loudspeakers, etc.* The use or operation on or upon the public streets, alleys and thoroughfares anywhere in this town for any purpose of any device known as a sound truck, loudspeaker or sound amplifier or radio or any other instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or

standing upon such streets or public places aforementioned. It is provided, however, that this subsection is not intended to be construed in a manner that would interfere with the legitimate use of the foregoing loudspeaker type devices in political campaigns.

- (11) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn edgers, weed trimmers, blowers, chippers, chain saws, power tools and other noise-producing tools which are used to maintain or at a residence out-of-doors between 8:00 p.m. and 7:00 a.m. Monday through Friday and 8:00 p.m. to 9:00 a.m. on Saturday and Sunday.
 - (12) *Shouting.* Any unreasonably loud, boisterous or raucous shouting in any residential area.
 - (13) *Construction.* The performance of construction work within 100 feet of a residential zoning district between 8:00 p.m. and 7:00 a.m. Monday through Friday, 8:00 p.m. to 9:00 a.m. on Saturday and anytime on Sunday. Construction work shall include any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action on public or private rights-of-way, structures, utilities or property.
 - (14) *Commercial maintenance equipment.* The use of commercial maintenance equipment within 100 feet of a residential zoning district between 8:00 p.m. and 7:00 a.m. Monday through Friday and 8:00 p.m. to 9:00 a.m. on Saturday and Sunday, except for emergencies requiring immediate assistance.
- (b) *Exemptions.* Notwithstanding the provisions of Subsection (a) of this section, the following exemptions shall apply:
- (1) Any vehicle belonging to the Town, the County or the State, or any other licensed public utility vehicle within the Town while engaged in necessary public business.
 - (2) Excavation or repairs of streets, highways, bridges, street lights or utilities, by or on behalf of the Town, the County or the State, during the night if the public welfare and convenience renders it impossible to perform such work during the day and the prior written approval of the Town Manager has been obtained.
 - (3) The construction or performance of public improvement projects of the Town.
 - (4) Construction during weekends for emergency or unusual special circumstances only with the prior written consent of the Building Official indicating permitted dates and times. Work authorized by the Building Official pursuant to this subsection shall be conditioned upon notice to surrounding property owners and tenants. Such permits may be granted for a period of time not to exceed three days.

- (5) Any special event or activity for which a permit has been obtained from the Town, pursuant to Subsection (c) of this section, within such hours and in accordance with such restrictions as may be imposed as conditions to the issuance of that permit.
- (c) *Special permits.* Upon written application to the Town Manager or his designee submitted a minimum of ten days prior to an event at which noise levels are expected to violate this section, the prohibitions or hour restrictions contained herein may be modified subject to such conditions as the Town Manager may impose as part of a special event permit pursuant to Section 13-1617. The special event permit shall specify from what provisions of this section the event is exempted, as well as the day(s), time(s) and duration of such exemption. The decision of the Town Manager shall be final and not subject to appeal. ~~The following procedures shall govern such permits:~~
- (1) ~~The application for a permit under this section shall contain the following information:~~
- a. ~~The name, date of birth, address and telephone number of the person who will be in charge of the activity or event for which a permit is requested;~~
 - b. ~~The name of the person or entity seeking the permit;~~
 - c. ~~The exact date and time for which the permit is sought;~~
 - d. ~~The exact location of the activity or event for which a permit is requested; and~~
 - e. ~~A description of the activity or event for which a permit is requested.~~
- (2) ~~Permits issued under this section shall specify the date and time during which the activity or event authorized by the permit may be conducted. No permit shall be issued which encompasses more than one calendar day or a span of hours in excess of eight hours.~~
- (3) ~~Issuance of a permit under this section shall be based on a determination by the Town Manager or his designee that the activity or event for which a permit is requested does not constitute a threat to public safety, constitute a danger or impediment to the normal flow of traffic or constitute a potential disturbance of the peace and quiet of persons outside the premises where the activity or event is located. The Town Manager or his designee may require that a bond be posted in an amount sufficient to secure the costs of cleanup, repair or replacement of damage or destruction of property and shall be subject to forfeiture for purposes of paying any such costs.~~
- (4) ~~The person designated in the permit application required in this section as being the person in charge of the activity or event for which the permit is sought must remain at the location of said activity or event during the~~

~~entire time stated in the permit. It shall be unlawful and a violation of this Section for said designated person in charge to fail to remain in attendance at the location of the activity or event authorized by the permit for the entire time specified in the permit.~~

- (d) *Enforcement.* A violation of this section or any resolution adopted pursuant to the ordinance from which this section is derived may be enforced pursuant to Section 8-10 and by issuance of a uniform civil violation notice, citation, summons or, notice to appear in county court, or by filing an action in civil court for injunctive relief. This section is supplemental and nothing contained herein shall prohibit the Town from enforcing this section by any other lawful means.