



**CITY OF FORT PIERCE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING



APPLICATION FOR ZONING TEXT AMENDMENT

- Zoning Code Section to be amended: Section 22-22 (e) - Use table
- Current Text: See attached Section 22-22(e)
- Proposed Text: See attached redlined Section 22-22(e)
- Reason for Amendment: Zoning Text Amendment to Section 22-22(e) of the City of Fort Pierce Code of Ordinances to eliminate the differentiation of allowable uses for public and private educational facilities created by the adoption of ordinance no. L-295. The proposed amendment seeks to allow private educational facilities the same zoning rights currently provided to public educational facilities.
- Name of Applicant: St. Andrews Episcopal Academy, Inc. c/o John Liebler, Rector/Board Chair
Signature of Applicant: *John S. Liebler*
Mailing Address: 210 South Indian River Drive
City Fort Pierce State FL Zip 34950
Phone # 772-461-7689 Fax # 772-461-4683
E-mail: frjohn@mystandrews.com
- Name of Representative: Trina Angelone, Interim Head of School
Signature of Representative: *Trina Angelone*
Mailing Address: 210 South Indian River Drive
City Fort Pierce State FL Zip 34950
Phone # 772-461-7689 Fax # 772-461-4683
E-mail: headofschool@staacademy.org

Please supply all backup material.

To be completed by the City of Fort Pierce	
Date Received <u>3/25/14</u>	By <u><i>Keri Benton</i></u>
Fee Paid: <u>\$3,980.00</u>	Receipt Number: <u>check # 13133</u>

March 25, 2014

Rebecca Grohall, AICP
Planning Manager
City of Fort Pierce
Planning Department
100 North US 1
Fort Pierce, FL 34954

Re: Application for Zoning Text Amendment
Section 22-22(e) City of Fort Pierce Code of Ordinances
Eliminate the Differentiation of Allowable Uses for Public and Private Educational
Facilities created by the Adoption of Ordinance No. L-295

Dear Ms. Grohall:

St. Andrew's Episcopal Academy, Inc. is seeking a Zoning Text Amendment to Section 22-22(e) of the City of Fort Pierce Code of Ordinances to eliminate the differentiation of allowable uses for public and private educational facilities created by the adoption of ordinance no. L-295. The proposed amendment seeks to allow private educational facilities the same zoning rights currently provided to public educational facilities.

Prior to the adoption of ordinance no. L-295 the City of Fort Pierce Code of Ordinances referred to both public and private educational facilities as schools and both had the same allowable uses. Upon adoption of ordinance no. L-295, public and private educational facilities were differentiated and private educational facilities were prohibited in E-1, C-1, C-2, C-4, C-5, C-6, and CP zoning districts, while public educational facilities were allowed as a conditional use in these districts.

St. Andrew's Episcopal Academy is launching a high school program and is in the process of acquiring nearby properties for the expansion. The properties of interest located immediately south of the existing school facilities are in the C-1 zoning district and 111 2nd Street is in the C-4 zoning district. St. Andrews Episcopal Academy is an extension of St. Andrew's Episcopal Church and is located in the C-4 zoning district. In our meeting on March 18, 2014, Trina Angelone, Interim Head of School, described her vision of expanding St. Andrew's Episcopal Academy into an urban academia which would function in cooperation with the local businesses, research facilities, and cultural facilities to provide a truly unique learning experience for the students.

Even though the zoning text amendment has been initiated based on the interests of St. Andrews's Episcopal School, this proposed code revision would correct an inconsistency created by the adoption of ordinance L-295. Additional reasons to consider for approval of this proposed amendment include the following:

1. Private Educational Facilities would have Less Impact than Public Educational Facilities on Public Infrastructure.

Private educational facilities are typically smaller in size, rely less on bus services, and are more appropriate in a commercial district than a public educational facility which is often fenced along the entire perimeter and has large playing fields. The fact that student transportation to and from a private educational facility is predominately provided by the parents, creates an additional source of customers benefitting downtown merchants, restaurants, and other businesses. There is an increase in potential benefits to the community by allowing private educational facilities the same allowable uses offered to public educational facilities.

2. Consistent with the Land Development Regulations of Similar Municipalities.

The land development regulations or code of ordinances for four nearby municipalities similar in size and character as the City of Fort Pierce were reviewed to determine if public and private educational facilities or schools were considered the same or different with respect to allowable use in the various zoning districts. The four municipalities included City of Sebastian, City of Vero Beach, Town of Jupiter, and Town of Juno Beach. In all cases, public and private schools were considered to be the same in all zoning districts in which they were allowed. A copy of the pertinent sections of the codes from each of these municipalities is included for reference in the Appendix.

Amending the City of Fort Pierce Code of Ordinances to allow private educational facilities the same development rights as public educational facilities would be consistent with the development regulations of similar nearby municipalities and would be consistent with the City of Fort Pierce policy prior to ordinance no. L-295.

3. Discrimination against Private Educational Facilities.

Appendix H includes a copy of the Marquette Law Review, Volume 38, Issue 4, Spring 1955, Article 7, "Constitutional Law – Validity of Zoning Ordinances Discriminating against Private Education Facilities". This article presents case studies with very similar circumstances as to what currently exists with respect to the City of Fort Pierce allowable uses for public and private educational facilities. In the example cases presented, the argument was made that private and public schools both serve the same purpose of educating the children of the community and therefore must receive equal treatment under the zoning laws.

Amending the City of Fort Pierce Code of Ordinances to eliminate the differentiation between public and private educational facilities would be consistent with past judicial opinions.

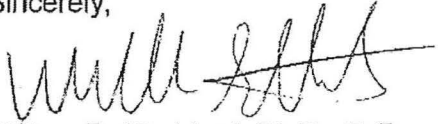
We respectfully request that you carefully consider this additional information presented in your evaluation of the Application for Zoning Text Amendment. Revising the allowable use Table in Section 22-22(e) as proposed would eliminate the differentiation of allowable uses for public and private educational facilities created by the adoption of ordinance no. L-295 and allow private educational facilities the same zoning rights currently provided to public educational facilities. This amendment would be consistent with the City of Fort Pierce policy prior to the adoption of ordinance no. L-295, consistent with past court decisions, consistent with other local

municipalities, and would bring both an economic and development benefit to the Downtown Business and Entertainment Overlay District in Fort Pierce.

St. Andrew's Episcopal Academy along with St. Andrew's Episcopal Church has been an asset to the City of Fort Pierce for over 34 years. Without approval of the zoning text amendment, St. Andrew's Episcopal Academy would not have opportunity to expand to the next level and become one of the many focal points in the downtown community.

If you have any questions please do not hesitate to contact myself, Trina Angelone, or Father John Liebler.

Sincerely,

A handwritten signature in cursive script, appearing to read 'William P. Stoddard', with a long horizontal flourish extending to the right.

William P. Stoddard, Ph.D., P.E.

Cc: Trina Angelone
Fr. John Liebler

Appendix A

Current Zoning Text

City of Fort Pierce Code of Ordinances
Section 22-22. Allowed Uses

Appendix B

Proposed Zoning Text Amendment

City of Fort Pierce Code of Ordinances
Section 22-22. Allowed Uses

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	I1	I2	I3	OS1	OS2	A1	A2
–Adult Day Care Center	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
–Day Care Center	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
–Child Care Facility	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
–Family Day Care Home	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Educational Facilities																							
–College or University	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-
–Elementary, Middle or High School –Public	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-
–Elementary, Middle or High School - Private	-	C	C	C	C	C	C	C	C	-	-	C	-	-	-	-	-	-	-	-	-	-	-
–Marine Research/Education Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		P	-	-	-	C	-
Government Facilities (except as noted below)	-	-	-	-	-	-	-	-	-	C	C	P	P	C	-	C	-	-	-	-	-	C	C
–Post Office	-	-	-	-	-	-	-	-	-	C	C	P	P	-	-	C	-	-	-	-	-	-	-
–Safety Service	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	-	-	C	C
Medical Facilities (except as noted below)	-	-	-	-	C	C	C	-	C	C	-	C	-	C	-	-	-	-	-	-	-	-	-
–Hospital	-	-	-	-	C	C	C	-	C	C	-	C	C	-	-	-	-	-	-	-	-	-	-
–Nursing Home	-	-	-	-	C	C	C	-	C	C	-	C	C	-	-	-	-	-	-	-	-	-	-
Park and Open Space (except as noted below)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	-
–Cemetery/Columbarium/Mausoleum	C	C	C	C	C	C	-	-	C	C	C	C	-	-	-	-	-	-	-	C	-	-	-
–Country Club/Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	C	-	-	-
–Game and Wildlife Management Preserves	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
–Water Dependent Recreation Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C
Passenger Terminal																							
–Airport/Heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
–Rail/Bus Terminal	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C	C	C	C	C	-	-	-	-
–Bus Shelter	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
–Taxi Terminal	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C	C	C	C	C	-	-	-	-
Religious Institution	C	C	C	C	C	C	C	C	C	C	C	P	P	C	-	C	-	-	-	-	-	-	-
Social Service Institution (except as noted below)	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	C	C	-	-	-	-	-
–Halfway Houses	-	-	-	-	-	C	C	C	C	C	-	C	C	-	-	-	C	-	-	-	-	-	-
Utilities																							
–Minor, other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	C	C	C	C
–Major	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	P	C	C	C	C
–Utility Cabinets, Above Ground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C
COMMERCIAL																							
Eating and Drinking Establishments																							
–Brew Pub	-	-	-	-	-	-	-	-	C	P	C	P	P	P	P	C	C	C	-	-	-	-	-
–Coffee Shop	-	-	-	-	-	-	C	-	C	C	P	P	P	P	P	C	C	C	-	-	-	-	-
–Neighborhood Bistro	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	-
–Neighborhood Café	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	-
–Restaurants, Fast Food	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	C	C	C	-	-	-	-	-
–Restaurant and Bar	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	C	-	-	C
–Wine/Cigar Bar	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	-
Entertainment, Indoor (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	C	-	-	-
–Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
–Arcade Amusement Center	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
–Bar or Nightclub	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
–Theater	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Entertainment, Outdoor (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	C	-	P	-	-	-	-	-	C	-	-	-
–Batting Cages, Driving Ranges	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
–Stables or Equestrian Facilities	C	C	C	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-
–Stadium or Arena	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	C	C	-	-	-	-	-
Marine-Related Commercial (except as noted below)	-	-	-	-	-	-	-	-	-	C	-	P	P	C	P	-	-	C	-	C	-	-	C
–Boat and Marine Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	P	C	C	P	-	-	C	-	-	-	-	-
–Marina/Boat Livery	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	-	-	P	-	C	-	-	C
Office																							
–Administrative, Professional, General, Medical Office	-	-	-	-	-	-	C	C	C	P	P	P	P	P	P	P	C	C	-	-	-	-	-
–Day Labor Employment Agency	-	-	-	-	-	-	-	-	-	P	C	P	P	-	-	P	-	-	-	-	-	-	-
–Medical and Dental Clinic	-	-	-	-	-	-	-	-	-	P	C	P	P	C	-	P	-	C	-	-	-	-	-
–Television and Radio Studios	-	-	-	-	-	-	-	-	-	P	P	P	P	P	C	P	-	C	-	-	-	-	-

Zoning District	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	I1	I2	I3	OS1	OS2	A1	A2
Overnight Accommodations																							
–Bed & Breakfast	-	-	-	-	-	-	C	C	C	-	P	P	P	P	-	-	-	-	-	-	-	-	-
–Dwelling Rental	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
–Hotel/Motel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	-	-	-
–Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-
–Resort Hotel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-
Parking, Commercial	-	-	-	-	-	-	-	C	-	C	-	P	C	C	-	C	-	C	-				
Retail Sales & Service, Sales-Oriented (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
–Art Gallery	-	-	-	-	-	-	-	-	-	C	C	P	P	P	-	C	-	-	-	-	-	-	-
–Farmers Market or Farm Stand	P	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	C	-	-	-	-	-	-
–Grocery or Liquor Store	-	-	-	-	-	-	C	-	C	-	P	P	P	C	-	C	-	-	-	-	-	-	-
–Neighborhood Commercial Sale	-	-	-	-	C	C	P	P	P	-	P	P	P	C	-	C	-	-	-	-	-	-	-
–Office Supplies & Electronics	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
–Pet Stores	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
Retail Sales & Service, Personal-Service Oriented (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
–Art Studio	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
–Animal Care Facilities & Service	-	-	-	-	-	-	-	-	-	-	-	C	-	P	-	C	-	-	-	-	-	-	-
–Animal Grooming Services	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
–Check Cashing/Loan Service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
–Educational Service Establishments	-	-	-	-	-	-	-	-	C	C	C	P	P	C	P	P	P	C	C	-	-	-	-
–Laundry & Dry Cleaners Pick-Up	-	-	-	-	-	-	C	C	C	C	P	P	P	P	-	C	-	-	-	-	-	-	-
–Laundromat	-	-	-	-	-	-	C	C	C	C	P	P	P	C	-	C	-	-	-	-	-	-	-
–Mortuaries or Funeral Homes	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	C	-	-	-	-	-	-	-
–Neighborhood Commercial Services	-	-	-	-	C	C	P	P	P	C	P	P	P	P	-	C	-	-	-	-	-	-	-
–Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	P	P	C	-	C	-	-	-	-	-	-	-
–Personal Improvement Service	-	-	-	-	-	-	C	C	C	C	-	P	P	P	-	C	-	-	-	-	-	-	-
–Veterinary (Without Outdoor Runs)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
Retail Sales & Service, Repair-Oriented	-	-	-	-	-	-	-	P	-	C	-	P	P	P	-	P	-	-	-	-	-	-	-
Self-Service Storage	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	P	-	P	-	-	-	-
Vehicle Sales & Service																							
–Automobile Rentals	-	-	-	-	-	-	-	-	-	-	-	P	C	C	C	C	P	-	P	-	-	-	-
–Automobile Sales	-	-	-	-	-	-	-	-	-	-	-	P	C	C	C	C	P	-	P	-	-	-	-
–Boat Rentals	-	-	-	-	-	-	-	-	-	-	-	P	C	P	C	C	P	-	P	-	-	-	-
–Boat Sales	-	-	-	-	-	-	-	-	-	-	-	P	C	C	C	C	P	-	P	-	-	C	P
–Fueling Station	-	-	-	-	-	-	-	-	-	C	C	P	C	C	-	C	-	P	-	-	-	-	-
–Travel Plaza	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	C	-	-	-	-	-	-	-
–Truck Stop	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	C	-	-	-	-	-	-	-
–Vehicle Repair, General	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	-	-	-	-	-	-	-
–Vehicle Repair, Limited	-	-	-	-	-	-	-	-	-	-	-	P	C	-	-	P	-	-	-	-	-	-	-
–Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	P	C	P	-	-	-	-
INDUSTRIAL																							
Artisan	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	P	P	-	P	-	-	-	-
–Cabinet Shops, Woodworking	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	P	P	-	P	-	-	-	-
Light Industrial Service (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	P	-	-	-	-
–Catering Facility, Large-Scale	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	P	-	-	-	-
–Crematorium	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
–Building Maintenance Facilities And Services	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-	-	-	-
–Contractors/Others Performing Services Off-Site	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	P	-	-	-	-
–Microbrewery	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	-	-	-	-	-	-
–Research Service	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	-	P	-	-	-	-
Marine-Related Industrial	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-	C	P	P	-	-	-	P
Warehouse & Freight (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	C	P	-	-	-	-
–Parcel Service	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	C	P	-	-	-	-
Waste-Related Use (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
–Solid Waste Separation, Transfer Station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
–Recycling Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-
–Wrecking or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-

Appendix C

City of Fort Pierce
Ordinance No. L-295

ORDINANCE NO. L-295

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 22, ARTICLE THREE, BASIC ZONING DISTRICTS, CREATING SECTION 22-22, SPECIFYING ALLOWED USES; AMENDING CHAPTER 22, ARTICLE THREE, AMENDING SECTIONS 22-23 THROUGH 22-28, BASIC ZONING DISTRICTS; AMENDING CHAPTER 22, ARTICLE THREE; AMENDING SECTIONS 22-29 THROUGH 22-39, BASIC ZONING DISTRICTS; SPECIFYING UPDATED USES IN ALL ZONING DISTRICTS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. Section 22-22 is hereby created so that the same shall read as follows:

Sec. 22-22. - Allowed Uses.

(a) Uses listed. Uses listed are allowed in each zoning district in accordance with the Use Table.

(b) Permitted uses. Uses identified with a “P” in the Use Table are permitted in the subject zoning district provided that the uses will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(c) Conditional uses. Uses identified with a “C” in the Use Table are permitted in the subject zoning district, if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards and will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(d) Prohibited uses. Uses identified with a “-” in the Use Table are expressly prohibited.

(e) Use table.

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	I1	I2	I3	OS1	OS2	A1	A2
RESIDENTIAL																							
Household Living																							
-Detached House	P	P	P	P	P	P	P	P	C	C	C	-	-	C	-	-	-	-	-	-	C	-	-
-Duplex	-	-	-	-	-	C	P	P	C	C	C	-	-	C	-	-	-	-	-	-	-	-	-
-Townhouse	-	-	-	-	-	C	P	P	P	C	C	-	-	C	-	-	-	-	-	-	-	-	-
-Multi-Dwelling Building	-	-	-	-	-	C	P	P	-	C	C	C	-	C	C	-	-	-	-	-	-	-	-
-Mobile or Manufactured Home	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Manufactured Home Park or Subdivision	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mobile Home Park	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Vertical Mixed-Use Building	-	-	-	-	-	C	C	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
Home Occupations (per requirements of Section 22-63)	P	P	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-	-
Group Living (except as noted below)	-	-	-	-	C	C	C	C	C	C	-	C	C	C	-	-	-	-	-	-	-	-	-
-Community Residential Home, Type 1 (1-6 residents)	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Community Residential Home, Type 2 (7-14 residents)	-	-	-	-	-	C	-	C	C	C	-	C	C	-	-	-	-	-	-	-	-	-	-
-Dormitories, Fraternity and Sorority Houses	-	-	-	-	-	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PUBLIC AND CIVIC																							
Community/Cultural (except as noted below)	-	-	-	-	C	C	C	C	C	C	C	P	P	C	C	C	-	-	-	C	-	-	-
-Community Center	-	-	-	-	C	C	C	C	C	-	C	P	P	C	-	C	-	-	-	C	-	-	-
-Fraternal Organization/Lodge	-	-	-	-	C	C	C	C	C	-	C	P	P	C	-	C	-	-	-	C	-	-	-
-Library or Cultural Exhibit	-	-	-	-	C	C	C	C	C	-	C	P	P	C	-	C	-	-	-	C	-	-	-
-Environmental Research and Education Facilities	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Day Care	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
-Adult Day Care Center	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
-Day Care Center	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
-Child Care Facility	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
-Family Day Care Home	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	I1	I2	I3	OS1	OS2	A1	A2
Educational Facilities																							
–College or University	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-
–Elementary, Middle or High School - Public	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-
–Elementary, Middle or High School - Private	-	C	C	C	C	C	C	C	C	-	-	C	-	-	-	-	-	-	-	-	-	-	-
–Marine Research/Education Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		P	-	-	-	C	-
Government Facilities (except as noted below)	-	-	-	-	-	-	-	-	-	C	C	P	P	C	-	C	-	-	-	-	-	C	C
–Post Office	-	-	-	-	-	-	-	-	-	C	C	P	P	-	-	C	-	-	-	-	-	-	-
–Safety Service	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	-	-	C	C
Medical Facilities (except as noted below)	-	-	-	-	C	C	C	-	C	C	-	C	-	C	-	-	-	-	-	-	-	-	-
–Hospital	-	-	-	-	C	C	C	-	C	C	-	C	C	-	-	-	-	-	-	-	-	-	-
–Nursing Home	-	-	-	-	C	C	C	-	C	C	-	C	C	-	-	-	-	-	-	-	-	-	-
Park and Open Space (except as noted below)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	-
–Cemetery/Columbarium/Mausoleum	C	C	C	C	C	C	-	-	C	C	C	C	-	-	-	-	-	-	-	C	-	-	-
–Country Club/Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	C	-	-	-
–Game and Wildlife Management Preserves	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
–Water Dependent Recreation Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C
Passenger Terminal																							
–Airport/Heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
–Rail/Bus Terminal	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C	C	C	C	C	-	-	-	-
–Bus Shelter	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
–Taxi Terminal	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C	C	C	C	C	-	-	-	-
Religious Institution	C	C	C	C	C	C	C	C	C	C	C	P	P	C	-	C	-	-	-	-	-	-	-
Social Service Institution (except as noted below)	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	C	C	-	-	-	-	-
–Halfway Houses	-	-	-	-	-	C	C	C	C	C	-	C	C	-	-	-	C	-	-	-	-	-	-
Utilities																							
–Minor, other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	C	C	C	C
–Major	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	P	C	C	C	C
–Utility Cabinets, Above Ground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C
COMMERCIAL																							
Eating and Drinking Establishments																							
–Brew Pub	-	-	-	-	-	-	-	-	C	P	C	P	P	P	P	C	C	C	-	-	-	-	
–Coffee Shop	-	-	-	-	-	-	C	-	C	C	P	P	P	P	P	C	C	C	-	-	-	-	
–Neighborhood Bistro	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	
–Neighborhood Café	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	
–Restaurants, Fast Food	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	C	C	C	-	-	-	-	
–Restaurant and Bar	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	C	-	C	
–Wine/Cigar Bar	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	
Entertainment, Indoor (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	C	-	-	
–Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	
–Arcade Amusement Center	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	
–Bar or Nightclub	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	
–Theater	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	
Entertainment, Outdoor (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	C	-	P	-	-	-	-	-	C	-	-	
–Batting Cages, Driving Ranges	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	
–Stables or Equestrian Facilities	C	C	C	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	
–Stadium or Arena	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	C	C	-	-	-	-	
Marine-Related Commercial (except as noted below)	-	-	-	-	-	-	-	-	-	C	-	P	P	C	P	-	-	C	-	C	-	C	
–Boat and Marine Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	P	C	C	P	-	-	C	-	-	-	-	
–Marina/Boat Livery	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	-	-	P	-	C	-	C	
Office																							
–Administrative, Professional, General, Medical Office	-	-	-	-	-	-	C	C	C	P	P	P	P	P	P	P	C	C	-	-	-	-	
–Day Labor Employment Agency	-	-	-	-	-	-	-	-	-	P	C	P	P	-	-	P	-	-	-	-	-	-	
–Medical and Dental Clinic	-	-	-	-	-	-	-	-	-	P	C	P	P	C	-	P	-	C	-	-	-	-	
–Television and Radio Studios	-	-	-	-	-	-	-	-	-	P	P	P	P	P	C	P	-	C	-	-	-	-	
Overnight Accommodations																							
–Bed & Breakfast	-	-	-	-	-	-	C	C	C	-	P	P	P	P	-	-	-	-	-	-	-	-	
–Dwelling Rental	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
–Hotel/Motel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	-	-	
–Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	I1	I2	I3	OS1	OS2	A1	A2
–Resort Hotel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-
Parking, Commercial	-	-	-	-	-	-	-	C	-	C	-	P	C	C	-	C	-	C	-	-	-	-	-
Retail Sales & Service, Sales-Oriented (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
–Art Gallery	-	-	-	-	-	-	-	-	-	C	C	P	P	P	-	C	-	-	-	-	-	-	-
–Farmers Market or Farm Stand	P	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	C	-	-	-	-	-	-
–Grocery or Liquor Store	-	-	-	-	-	-	C	-	C	-	P	P	P	C	-	C	-	-	-	-	-	-	-
–Neighborhood Commercial Sale	-	-	-	-	C	C	P	P	P	-	P	P	P	C	-	C	-	-	-	-	-	-	-
–Office Supplies & Electronics	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
–Pet Stores	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
Retail Sales & Service, Personal-Service Oriented (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
–Art Studio	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
–Animal Care Facilities & Service	-	-	-	-	-	-	-	-	-	-	-	C	-	P	-	C	-	-	-	-	-	-	-
–Animal Grooming Services	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
–Check Cashing/Loan Service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
–Educational Service Establishments	-	-	-	-	-	-	-	-	C	C	C	P	P	C	P	P	P	C	C	-	-	-	-
–Laundry & Dry Cleaners Pick-Up	-	-	-	-	-	-	C	C	C	C	P	P	P	P	-	C	-	-	-	-	-	-	-
–Laundromat	-	-	-	-	-	-	C	C	C	C	P	P	P	C	-	C	-	-	-	-	-	-	-
–Mortuaries or Funeral Homes	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	C	-	-	-	-	-	-	-
–Neighborhood Commercial Services	-	-	-	-	C	C	P	P	P	C	P	P	P	P	-	C	-	-	-	-	-	-	-
–Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	P	P	C	-	C	-	-	-	-	-	-	-
–Personal Improvement Service	-	-	-	-	-	-	C	C	C	C	-	P	P	P	-	C	-	-	-	-	-	-	-
–Veterinary (Without Outdoor Runs)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
Retail Sales & Service, Repair-Oriented	-	-	-	-	-	-	-	P	-	C	-	P	P	P	-	P	-	-	-	-	-	-	-
Self-Service Storage	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	P	-	P	-	-	-	-
Vehicle Sales & Service																							
–Automobile Rentals	-	-	-	-	-	-	-	-	-	-	-	P	C	C	C	C	P	-	P	-	-	-	-
–Automobile Sales	-	-	-	-	-	-	-	-	-	-	-	P	C	C	C	C	P	-	P	-	-	-	-
–Boat Rentals	-	-	-	-	-	-	-	-	-	-	-	P	C	P	C	C	P	-	P	-	-	C	P
–Boat Sales	-	-	-	-	-	-	-	-	-	-	-	P	C	C	C	C	P	-	P	-	-	-	P
–Fueling Station	-	-	-	-	-	-	-	-	-	C	C	P	C	C	-	C	-	P	-	-	-	-	-
–Travel Plaza	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	C	-	-	-	-	-	-	-
–Truck Stop	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	C	-	-	-	-	-	-	-
–Vehicle Repair, General	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	-	-	-	-	-	-	-
–Vehicle Repair, Limited	-	-	-	-	-	-	-	-	-	-	-	P	C	-	-	P	-	-	-	-	-	-	-
–Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	P	C	P	-	-	-	-
INDUSTRIAL																							
Artisan	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	P	P	-	P	-	-	-	-
–Cabinet Shops, Woodworking	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	P	P	-	P	-	-	-	-
Light Industrial Service (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	P	-	-	-	-
–Catering Facility, Large-Scale	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	P	-	-	-	-
–Crematorium	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
–Building Maintenance Facilities And Services	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-	-	-	-
–Contractors/Others Performing Services Off-Site	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	P	-	-	-	-
–Microbrewery	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	-	-	-	-	-	-
–Research Service	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	-	P	-	-	-	-
Marine-Related Industrial	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-	C	P	P	-	-	-	P
Warehouse & Freight (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	C	P	-	-	-	-
–Parcel Service	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	C	P	-	-	-	-
Waste-Related Use (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
–Solid Waste Separation, Transfer Station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
–Recycling Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
–Wrecking or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	C	P	-	-	-	-
Heavy Industrial (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
–Heavy Equipment Sales & Rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	-	-	-	-
–Processing of Food & Related Products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	P	P	-	-	-	-
OTHER																							

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	I1	I2	I3	OS1	OS2	A1	A2
Aquaculture Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	C	C
Community Gardens	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-
Dock/Moorage Facility (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
–Docks for Single Family Homes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
–Docks for Single Family Homes on canals within Surfside or Jennings Cove	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Navigational Aids	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Telecommunication Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
–Antenna Support Structure	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
–Antenna (on existing structure)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

SECTION 2. Sections 22-23(b) and 22-23(c) are hereby amended so that the same shall read as follows:

Sec. 22-23. - Single-Family Estate Density zone (E-1).

(a) *Purpose.* This classification is intended to provide for areas of single-family dwellings with an average net density of approximately one unit per acre.

~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in an E-1 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Single family dwellings, except mobile homes.~~
- ~~(2) Home occupations which satisfy requirements in section 22-63~~
- ~~(3) Temporary uses which fulfill provisions in section 22-65~~
- ~~(4) Farmstand sales establishments.~~

~~(c) *Conditional use permitted.* The following uses and their accessory uses are permitted in an E-1 zone, if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Churches, excluding schools, except those that only provide religious instruction.~~
- ~~(2) Park or recreation areas.~~
- ~~(3) Cemeteries.~~
- ~~(4) Public utility structures, such as utility substations.~~

~~(d)~~ **(b)** *Basic use standards.* Uses in an E-1 zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

- (1) *Lot size.*
 - a. The minimum lot area for single-family dwellings shall be thirty thousand (30,000) square feet.
 - b. The minimum lot width shall be one hundred (100) feet.
 - c. The minimum lot depth shall be two hundred (200) feet.
- (2) *Yards.*
 - a. The minimum depth of the front yard will be eighty-five (85) feet.
 - b. The minimum depth of the side yards shall be fifteen (15) feet, except on corner lots the minimum side yard depth on a street side will be twenty (20) feet.

- c. The minimum depth of the rear yard shall be forty (40) feet for a distance equal to thirty (30) per cent of the length of a line which is parallel to the rear lot line, is forty (40) feet from the rear lot line and extends to the closest property lines. The minimum depth of the rear yard for the remainder of the lot will be fourteen (14) feet, except on double-frontage and waterfront lots it shall be forty (40) feet.

(3) *Lot coverage.* Buildings will not cover more than twenty-five (25) per cent of the lot.

(4) *Building heights.* No building shall exceed a height of thirty-five (35) feet above grade.

(e c) *Other applicable use standards.*

(1) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter, except that buildings not on double-frontage lots may be in the rear yard if they are at least seven (7) feet from the rear lot line.

(2) On any lot used for residential purposes, no more than one residential building will be allowed on the lot, except one building without kitchen facilities may be allowed as a guest house, provided that the lot on which such guest house is located is thirty thousand (30,000) square feet or more in size.

(3) Every lot shall abut a street other than an alley for at least twenty-five (25) feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen (15) feet.

(4) Materials or objects which would detract from open space character of an uncovered and unenclosed area will not be permitted in such an area.

(5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61

(6) Conditional uses will meet the requirements in sections 22-74 through 22-86

(7) Signs will comply with standards referred to in section 22-55

(8) All other applicable ordinance requirements will also be satisfied.

(f d) *Nonconforming situations.* Nonconforming structures and characteristics of farmstand sales establishments that have been damaged or destroyed by natural disaster or other catastrophic event, i.e., fire or other calamity, may be replaced or reconstructed provided that:

(1) The significance of the property owner's hardship is more compelling than, and reasonably overbalances, the public benefit resulting from not allowing the use or structure to be reestablished;

(2) Replacement or reconstruction of the use or structure is compatible with the character of the neighborhood and will not jeopardize future development of the area in compliance with the provisions and intent of the city's land development regulations;

(3) The value of properties in the vicinity of the replacement or reconstruction will not be adversely affected;

(4) No expansion of gross floor area occurs;

(5) The degree of nonconformity is not increased;

(6) The replacement structure is in compliance with the city's adopted building code, Coastal Construction Control Line, and FEMA regulations; and,

(7) A building permit is issued within twenty-four (24) months after the date of destruction and the construction is diligently pursued to completion.

SECTION 3. Sections 22-23.1(b) and 22-23.1(c) are hereby amended so that the same shall read as follows:

Sec. 22-23.1. - E-2 Residential Single-Family—Two units per acre.

(a) *Purpose.* This classification is primarily intended to provide for areas of single-family dwellings with an average net density of less than two (2) units per acre for conventional

developments. Regulations for the district are designed to promote sound neighborhoods and accommodate compatible nonresidential uses. Water and sewer service should be available.

~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in an E-2 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Single-family dwellings, except mobile homes.~~
- ~~(2) Home occupations which satisfy requirements in section 22-63~~
- ~~(3) Temporary uses which fulfill provisions in section 22-65~~

~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an E-2 zone if the city commission, after a public hearing determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Churches.~~
- ~~(2) Schools.~~
- ~~(3) Park or recreation areas.~~
- ~~(4) Cemeteries.~~
- ~~(5) Public utility structures, such as utility substations.~~
- ~~(6) Dwelling rentals.~~

~~(d) *Basic use standards.* Uses in an E-2 zone, except innovative residential developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.~~

- (1) *Lot size.*
 - a. The minimum lot area for single-family dwellings shall be fifteen thousand (15,000) square feet.
 - b. The minimum lot width shall be one hundred (100) feet.
 - c. The minimum lot depth shall be one hundred ten (110) feet.

- (2) *Yards.*
 - a. The minimum depth of the front yard will be twenty-five (25) feet.
 - b. The minimum depth of the side yards shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be twenty (20) feet.
 - c. The minimum depth of the rear yard shall be twenty (20) feet for a distance equal to thirty (30) per cent of the length of a line which is parallel to the rear lot line, is twenty (20) feet from the rear lot line and extends to the closest property lines. The minimum depth of the rear yard for the remainder of the lot will be seven (7) feet, except on double-frontage and waterfront lots it shall be twenty (20) feet.

(3) *Lot coverage.* Buildings will not cover more than twenty-five (25) per cent of the lot.

(4) *Building heights.* No building shall exceed a height of thirty-five (35) feet above grade.

~~(e) *Other applicable use standards.*~~

- (1) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter, except that buildings not on double-frontage lots may be in the rear yard if they are at least seven (7) feet from the rear lot line.
- (2) On any lot used for residential purposes, no more than one residential building will be allowed on the lot, except one building without kitchen facilities may be allowed as a

guest house, provided that the lot on which such guest house is located is thirty thousand (30,000) square feet or more in size.

- (3) Every lot shall abut a street other than an alley for at least twenty-five (25) feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen (15) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.

SECTION 4. Sections 22-23.2(b) and 22-23.2(c) are hereby amended so that the same shall read as follows:

Sec. 22-23.2. - E-3 Residential Single-Family—Three units per acre.

(a) *Purpose.* This classification is primarily intended to provide for areas of single-family dwellings with an average net density of less than three (3) units per acre for conventional developments. Regulations for the district are designed to promote sound neighborhoods and accommodate compatible nonresidential uses. Water and sewer service should be available.

~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in an E-3 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Single family dwellings, except mobile homes.~~
- ~~(2) Home occupations which satisfy requirements in section 22-63~~
- ~~(3) Temporary uses which fulfill provisions in section 22-65~~

~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an E-3 zone if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Churches.~~
- ~~(2) Schools.~~
- ~~(3) Park or recreation areas.~~
- ~~(4) Cemeteries.~~
- ~~(5) Public utility structures, such as utility substations.~~
- ~~(6) Dwelling rentals.~~

~~(d)~~ *Basic use standards.* Uses in an E-3 zone, except innovative residential developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

- (1) *Lot size.*
 - a. The minimum lot area for single-family dwellings shall be twelve thousand (12,000) square feet.
 - b. The minimum lot width shall be seventy-five (75) feet.
 - c. The minimum lot depth shall be one hundred ten (110) feet.

(2) *Yards.*

- a. The minimum depth of the front yard will be twenty-five (25) feet.
- b. The minimum depth of the side yards shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be twenty (20) feet.
- c. The minimum depth of the rear yard shall be twenty (20) feet for a distance equal to thirty (30) per cent of the length of a line which is parallel to the rear lot line, is twenty (20) feet from the rear lot line and extends to the closest property lines. The minimum depth of the rear yard for the remainder of the lot will be seven (7) feet, except on double-frontage and waterfront lots it shall be twenty (20) feet.

(3) *Lot coverage.* Buildings will not cover more than twenty-five (25) per cent of the lot.

(4) *Building heights.* No building shall exceed a height of twenty-eight (28) feet above grade, except that conditional uses with buildings that have a maximum height of thirty-five (35) feet above grade may be approved.

(e) *Other applicable use standards.*

- (1) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter, except that buildings not on double-frontage lots may be in the rear yard if they are at least seven (7) feet from the rear lot line.
- (2) On any lot used for residential purposes, no more than one residential building will be allowed on the lot, except one building without kitchen facilities may be allowed as a guest house, provided that the lot on which such guest house is located is thirty thousand (30,000) square feet or more in size.
- (3) Every lot shall abut a street other than an alley for at least twenty-five (25) feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen (15) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.

SECTION 5. Sections 22-24(b) and 22-24(c) are hereby amended so that the same shall read as follows:

Sec. 22-24. - Single-Family Low Density zone (R-1).

- (a) *Purpose.* This classification is primarily intended to provide for areas of single-family dwellings with an average net density of less than four (4) units per acre for conventional developments. Regulations for the district are designed to promote sound neighborhoods and accommodate compatible nonresidential uses. Water and sewer service should be available.
- ~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in an R-1 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Single-family dwellings, except mobile homes.~~
 - ~~(2) Home occupations which satisfy requirements in section 22-63~~
 - ~~(3) Temporary uses which fulfill provisions in section 22-65~~
- ~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an R-1 zone if the city commission, after a public hearing, determines that the location and~~

~~development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

~~(1) Churches, excluding schools except those that only provide religious instruction.~~

~~(2) Park or recreation areas.~~

~~(3) Cemeteries.~~

~~(4) Public utility structures, such as utility substations.~~

~~(5) Dwelling rentals.~~

(db) *Basic use standards.* Uses in an R-1 zone, except innovative residential developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

(1) *Lot size.*

- a. The minimum lot area for single-family dwellings shall be twelve thousand (12,000) square feet.
- b. The minimum lot width shall be seventy-five (75) feet.
- c. The minimum lot depth shall be one hundred ten (110) feet.

(2) *Yards.*

- a. The minimum depth of the front yard will be twenty-five (25) feet.
- b. The minimum depth of the side yards shall be seven (7) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
- c. The minimum depth of the rear yard shall be twenty (20) feet for a distance equal to thirty (30) per cent of the length of a line which is parallel to the rear lot line, is twenty (20) feet from the rear lot line and extends to the closest property lines. The minimum depth of the rear yard for the remainder of the lot will be seven (7) feet, except on double-frontage and waterfront lots it shall be twenty (20) feet.

(3) *Lot coverage.* Buildings will not cover more than twenty-five (25) per cent of the lot.

(4) *Building heights.* No building shall exceed a height of twenty-eight (28) feet above grade, except that conditional uses with buildings that have a maximum height of thirty-five (35) feet above grade may be approved.

(ec) *Other applicable use standards.*

- (1) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter, except that buildings not on double-frontage lots may be in the rear yard if they are at least seven (7) feet from the rear lot line.
- (2) On any lot used for residential purposes, no more than one residential building will be allowed on the lot, except one building without kitchen facilities may be allowed as a guest house, provided that the lot on which such guest house is located is thirty thousand (30,000) square feet or more in size.
- (3) Every lot shall abut a street other than an alley for at least twenty-five (25) feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen (15) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55

(8) All other applicable ordinance requirements will also be satisfied.

SECTION 6. Sections 22-25(b) and 22-25(c) are hereby amended so that the same shall read as follows:

Sec. 22-25. - Single-Family Intermediate Density zone (R-2).

(a) *Purpose.* This district is designed mainly for areas of single-family dwellings with an average net density of less than five (5) units per acre for conventional developments. In addition to housing, various public facilities and other nonresidential uses are permitted under the conditions and safeguards referred to in this section. Areas in this classification should have public water and sewer service.

~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in an R-2 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Single-family dwellings, except mobile homes.~~
- ~~(2) Home occupations which satisfy requirements in section 22-63~~
- ~~(3) Temporary uses which fulfill provisions in section 22-65~~

~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an R-2 zone if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Hospitals, sanitariums, rest homes, convalescent homes and adult congregate living facilities.~~
- ~~(2) Churches, schools and day care centers.~~
- ~~(3) Park or recreation areas.~~
- ~~(4) Community centers and nonprofit clubs.~~
- ~~(5) Cemeteries.~~
- ~~(6) Public utility structures, such as utility substations.~~
- ~~(7) Dwelling rentals.~~

~~(d)~~ *Basic use standards.* Uses in an R-2 zone, except innovative residential developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

- (1) *Lot size.*
 - a. The minimum lot area for single-family dwellings shall be nine thousand (9,000) square feet.
 - b. The minimum lot width shall be seventy (70) feet.
 - c. The minimum lot depth shall be one hundred ten (110) feet.

- (2) *Yards.*
 - a. The minimum depth of the front yard will be twenty-five (25) feet.
 - b. The minimum depth of the side yards shall be seven (7) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
 - c. The minimum depth of the rear yard shall be fifteen (15) feet for a distance equal to thirty (30) per cent of the length of a line which is parallel to the rear lot line, is fifteen (15) feet from the rear lot line and extends to the closest property lines. The

minimum depth of the rear yard for the remainder of the lot will be seven (7) feet, except on double-frontage and waterfront lots it shall be fifteen (15) feet.

- (3) *Lot coverage.* Buildings will not cover more than thirty (30) per cent of the lot area.
- (4) *Building heights.* No building shall exceed a height of twenty-eight (28) feet above grade, except that conditional uses with buildings that have a maximum height of thirty-five (35) feet above grade may be approved.

(ec) *Other applicable use standards.*

- (1) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter, except that buildings not on double-frontage lots may be in the rear yard if they are at least seven (7) feet from the rear lot line.
- (2) On any lot used for residential purposes, no more than one residential building will be allowed on the lot, except one building without kitchen facilities may be allowed as a guest house, provided that the lot on which such guest house is located is thirty thousand (30,000) square feet or more in size.
- (3) Every lot shall abut a street other than an alley for at least twenty-five (25) feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen (15) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards in section 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.

SECTION 7. Sections 22-26(b) and 22-26(c) are hereby amended so that the same shall read as follows:

Sec. 22-26. - Single-Family Moderate Density zone (R-3).

- (a) *Purpose.* The major purpose of this zoning district is to provide for areas of single-family dwellings with an average net density in conventional developments of approximately six (6) units per acre or less. Innovative residential developments, however, may have higher densities. Duplexes and certain nonresidential uses are allowed when appropriate conditions and safeguards indicated in this section are fulfilled. This classification can be effectively applied to areas serving as a transition between lower density single-family zones and residential districts with medium or high densities. Public water and sewer service should be available.
- ~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in an R-3 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:
 - ~~(1) Single family dwellings, except mobile homes.~~
 - ~~(2) Home occupations which satisfy requirements in section 22-63~~
 - ~~(3) Temporary uses which fulfill provisions in section 22-65~~~~
- ~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an R-3 zone if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:
 - ~~(1) Innovative residential developments which satisfy standards in section 22-82~~
 - ~~(2) Duplex subdivisions (not single duplexes) which fulfill provisions in section 22-83~~~~

- ~~(3) Mobile home subdivisions and conventional home/mobile home subdivisions which satisfy regulations in section 22-84~~
- ~~(4) Hospitals, sanitariums, rest homes, convalescent homes and adult congregate living facilities.~~
- ~~(5) Churches, schools and day care centers.~~
- ~~(6) Park or recreation areas.~~
- ~~(7) Cemeteries.~~
- ~~(8) Community centers and nonprofit clubs.~~
- ~~(9) Public utility structures, such as utility substations.~~
- ~~(10) Dwelling rentals.~~
- ~~(11) Student housing.~~

~~(db)~~ *Basic use standards.* Uses in an R-3 zone, except innovative residential developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

(1) *Lot size.*

- a. The minimum lot area for a single-family dwelling shall be seven thousand two hundred (7,200) square feet.
- b. The minimum lot area for a duplex will be twelve thousand (12,000) square feet.
- c. The minimum lot width shall be seventy-five (75) feet for a duplex.
- d. The minimum lot width for other uses will be sixty-five (65) feet.
- e. The minimum lot depth for a duplex will be one hundred twenty (120) feet.
- f. The minimum lot depth for other uses shall be one hundred (100) feet.

(2) *Yards.*

- a. The minimum depth of the front yard will be twenty-five (25) feet.
- b. The minimum depth of the side yards shall be seven (7) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
- c. The minimum depth of the rear yard shall be fifteen (15) feet for a distance equal to thirty (30) per cent of the length of a line which is parallel to the rear lot line, is fifteen (15) feet from the rear lot line and extends to the closest property lines. The minimum depth of the rear yard for the remainder of the lot will be six (6) feet, except on double-frontage and waterfront lots it shall be fifteen (15) feet.

(3) *Lot coverage.* Buildings will not cover more than thirty-five (35) per cent of the lot.

(4) *Building heights.* No building shall exceed a height of twenty-eight (28) feet above grade, except that conditional uses with buildings that have a maximum height of thirty-five (35) feet above grade may be approved.

~~(ec)~~ *Other applicable use standards.*

- (1) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter, except that buildings not on double-frontage lots may be in the rear yard if they are at least six (6) feet from the rear lot line.
- (2) On any lot used for residential purposes, no more than one residential building will be allowed on the lot, except one building without kitchen facilities may be allowed as a guest house, provided that the lot on which such guest house is located is thirty thousand (30,000) square feet or more in size.

- (3) Every lot shall abut a street other than an alley for at least twenty-five (25) feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen (15) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.

SECTION 8. Sections 22-27(b) and 22-27(c) are hereby amended so that the same shall read as follows:

Sec. 22-27. - Medium Density Residential zone (R-4).

- (a) *Purpose.* The medium density residential district is designed to accommodate a variety of housing types, including conventional single-family dwellings, duplexes and, where desirable, townhome dwellings, mobile homes or multifamily housing with three (3) or more dwelling units. Maximum gross densities should generally not exceed ten (10) units per acre for conventional developments and twelve (12) units per acre for innovative residential developments. This intensity of residential use is envisioned for locations which have public water and sewer service and which have adequate access to arterial or collector streets. Certain nonresidential uses are permitted under the parameters and safeguards set forth in this section.
- ~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in an R-4 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Single-family dwellings, except mobile homes.~~
 - ~~(2) Duplexes.~~
 - ~~(3) Triplexes and quadraplexes.~~
 - ~~(4) Multifamily housing developments.~~
 - ~~(5) Townhome dwellings; including those approved prior to December 18, 2006, which conform to standards in subsection 22-27(e), are hereby exempt from subsections 18-11(g)(3) and (4), Design standards, lots, and subsections 22-27(d)(1)–(5), Basic use standards.~~
 - ~~(6) Home occupations which satisfy requirements in section 22-63~~
 - ~~(7) Temporary uses which fulfill provisions in section 22-65~~
- ~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an R-4 zone if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Innovative residential developments which satisfy standards in section 22-82~~
 - ~~(2) Mobile home subdivisions and conventional home/mobile home subdivisions which satisfy regulations in section 22-84~~
 - ~~(3) Mobile home parks.~~
 - ~~(4) Boarding houses.~~
 - ~~(5) Hospitals, sanitariums, rest homes, convalescent homes and adult congregate living facilities.~~

- ~~(6) Churches, schools and day care centers.~~
- ~~(7) Park or recreation areas.~~
- ~~(8) Community centers and nonprofit clubs.~~
- ~~(9) Cemeteries.~~
- ~~(10) Public utility structures, such as utility substations.~~
- ~~(11) Neighborhood commercial uses listed in subsection 22-30(b).~~
- ~~(12) Dwelling rentals.~~
- ~~(13) Student housing.~~

(d) *Basic use standards.* Uses in an R-4 zone, except innovative residential developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

(1) *Lot size.*

- a. The minimum lot area for a single-family dwelling shall be five thousand (5,000) square feet.
- b. The minimum lot area for a duplex, triplex or a quadraplex shall be four thousand (4,000) square feet per unit.
- c. The minimum lot area for a townhome dwelling shall be one thousand five hundred (1,500) square feet.
- d. Multifamily housing developments will utilize a lot with a gross density that shall not exceed ten (10) units per acre.
- e. The minimum lot width for duplexes, triplexes, quadraplexes, and multifamily housing development shall be seventy-five (75) feet.
- f. The minimum lot width for townhome developments shall be two hundred (200) feet. Townhome developments shall be subdivided into a minimum lot width of sixteen (16) feet and maximum lot width of twenty-four (24) feet.
- g. The minimum lot width for other uses will be sixty (60) feet.
- h. The minimum lot depth for duplexes, triplexes, quadraplexes, townhomes and multifamily housing development shall be ninety (90) feet.
- i. The minimum lot depth for other uses will be seventy (70) feet.

(2) *Yards.*

- a. The minimum depth of the front yard for townhome developments will be ten (10) feet. The minimum depth of the front yard for other uses shall be twenty-five (25) feet.
- b. The minimum depth of the side yards for triplexes, quadraplexes and multifamily developments shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
- c. The minimum depth of the side yards on the periphery of the townhome developments shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet. The minimum depth of the side yard between individual townhome units or lots shall be zero (0) feet.
- d. The minimum depth of the side yards for other uses shall be six (6) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
- e. The minimum depth of the rear yard shall be twenty (20) feet for triplexes, quadraplexes and multifamily developments.

- f. The minimum depth of the rear yard for townhome lots that abut an alley shall be zero (0) feet. The minimum depth of the rear yard for townhome lots with all other conditions shall be fifteen (15) feet.
- g. The minimum depth of the rear yard for other uses shall be fifteen (15) feet for a distance equal to thirty (30) per cent of the length of a line which is parallel to the rear lot line, is fifteen (15) feet from the rear lot line and extends to the closest property lines. The minimum depth of the remainder of the rear yard will be five (5) feet, except on double-frontage and waterfront lots it shall be fifteen (15) feet.
- h. The minimum distance between residential buildings shall be twenty (20) feet except that screen porches located on the ground floor may project into the minimum distance, and except that screen porches in owner occupied condominium projects that maintain a minimum building separation of twenty-eight (28) feet or more may be enclosed with glass. The maximum combined projection between two (2) or more buildings shall be eight (8) feet.

(3) *Lot coverage.*

- a. Buildings in multifamily housing developments shall not cover more than fifty (50) per cent of the lot area.
- b. Buildings for principal residence in townhome developments and townhome dwelling lots shall not cover more than fifty (50) per cent of the lot area. Accessory buildings may cover an additional fifteen (15) per cent of the building site.
- c. Buildings in other developments shall not cover more than forty (40) per cent of the lot area.

(4) *Building heights.* No building shall exceed forty-five (45) feet above grade.

(5) *Additional requirements dwelling, townhome.*

- a. **Ownership:** One hundred (100) per cent of the total lot area shall be the minimum area conveyed to the lot owner, including the front yard, back yard and side yard. A homeowners maintenance shall be formed among the unit owners to assure compliance with exterior area maintenance regulations as may be adopted by the association.
- b. **Common area:** Any portion of the original lot not divided among and incorporated into the resulting individual townhome dwelling unit lots shall be held by either of the following or a combination of the following: Each lot owner shall have an undivided interest in the common area, which shall be appurtenant to that lot. The individual interest in the common areas shall not be conveyed separately from the ownership of the said lot; or, a property owners association (POA).
- c. **Parking:** Two (2) parking spaces per dwelling units shall be provided for townhome developments and shall be side-by-side parking and not in-line tandem parking. No off-street parking spaces shall be located between the front of the principal residence and the front property line.
- d. **Access:** When townhome lots abut an alley, the site plan shall include provisions to utilize the alley as a service corridor for the townhome units. When townhome lots do not abut an alley, the site plan shall include a twenty-foot-wide, unobstructed service corridor along the rear of the properties which shall be dedicated to service use. Garages, surface parking and garbage pickup shall be accessed and accommodated by the service corridor.
- e. **Yards:** Front yards of townhome units shall include a porch, stoop or covered entry. Rear yards shall be enclosed by a building wall or garden wall.

(e) *Other applicable use standards.*

- (1) All multifamily housing developments with twenty (20) or more dwelling units shall be subject to site plan review procedures specified in section 22-58

- (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter, except that buildings not on double-frontage lots may be in the rear yard if they are at least five (5) feet from the rear lot line.
- (3) On any lot used for residential purposes, other than a multifamily housing development, no more than one residential building will be allowed on the lot, except one building without kitchen facilities may be allowed as a guest house.
- (4) Every lot shall abut a street other than an alley for at least twenty-five (25) feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen (15) feet, or the minimum frontage for a single townhome lot shall be sixteen (16) feet.
- (5) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (6) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (7) Conditional uses will meet the requirements in section 22-74 through 22-86
- (8) Signs will comply with standards referred to in section 22-55
- (9) All other applicable ordinance requirements will also be satisfied.

SECTION 9. Sections 22-27.1(b) and 22-27.1(c) are hereby amended so that the same shall read as follows:

Sec. 22-27.1. - Hutchinson Island Medium Density Residential zone (R-4A).

- (a) *Purpose.* It is the purpose of this section to establish height and density regulations for lands located within the city which are situated east of the Indian River. The R-4A zone is compatible with the Medium Density Residential Hutchinson Island designation in the comprehensive plan. Permitted gross residential densities in this district may not generally exceed eight (8) units per acre. Bonus density of up to one additional unit per acre is available as provided for in this section. This district is established because Hutchinson Island is a sensitive barrier island which presents development considerations which are either unique to the area or are of added concern, such as environmental fragility, beach erosion, and hurricane evacuation.
- ~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in an R-4A zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Single-family dwellings, except mobile homes.~~
 - ~~(2) Duplexes.~~
 - ~~(3) Triplexes and quadraplexes.~~
 - ~~(4) Multifamily housing developments.~~
 - ~~(5) Within multifamily housing developments the following uses are permitted, provided that all such uses located within an apartment structure and the area of the individual businesses combined does not comprise more than five (5) per cent of the total floor area:~~
 - ~~a. Personal service establishments such as a beauty parlor, barber shop, tailor and other similar uses, provided not more than three (3) persons are employed in any one establishment.~~
 - ~~b. Retail sales establishments intended primarily for the use of the tenants, provided that any one establishment does not exceed one thousand six hundred (1,600) square feet.~~

- ~~e. Doctors' offices and medical clinics primarily for the use of the tenants, provided that any one establishment does not exceed one thousand two hundred (1,200) square feet.~~
- ~~(6) Townhome dwellings.~~
- ~~(7) Home occupations which satisfy requirements in section 22-65~~
- ~~(8) Temporary uses which fulfill provisions in section 22-65~~
- ~~(e) Conditional uses permitted. The following uses and their accessory uses are permitted in an R-4A zone if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Sanitariums, rest homes, convalescent homes and adult congregate living facilities.~~
 - ~~(2) Churches, schools and day care centers.~~
 - ~~(3) Park or recreation areas.~~
 - ~~(4) Community centers and nonprofit clubs.~~
 - ~~(5) Public utility structures, such as utility substations.~~
 - ~~(6) Neighborhood commercial uses listed in subsection 22-30(b).~~
 - ~~(7) Dwelling rentals.~~
 - ~~(8) Commercial off-street parking lots.~~
- ~~(d) Basic use standards. Uses in an R-4A zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.~~
 - (1) *Lot size.*
 - a. The minimum lot area for a single-family dwelling shall be five thousand (5,000) square feet.
 - b. The minimum lot area for a townhome dwelling lot shall be one thousand five hundred (1,500) square feet.
 - c. The minimum lot area for a duplex, triplex or a quadraplex shall be five (5,000) square feet per unit.
 - d. Multifamily housing developments will utilize a lot with a gross density that shall not exceed eight (8) units per acre.
 - e. The minimum lot width for duplexes, triplexes, quadraplexes and multifamily housing developments shall be seventy-five (75) feet.
 - f. The minimum lot width for townhome developments shall be two hundred (200) feet. Townhome developments shall be subdivided into a minimum lot width of sixteen (16) feet and maximum lot width of twenty-four (24) feet.
 - g. The minimum lot width for other uses shall be sixty (60) feet.
 - h. The minimum lot depth for duplexes, triplexes and multifamily housing developments shall be ninety (90) feet.
 - i. The minimum lot depth for townhome development shall be ninety (90) feet.
 - j. The minimum lot depth for other uses shall be seventy (70) feet.
 - (2) *Yards.*

- a. The minimum depth of the front yard for townhome developments will be ten (10) feet. The minimum depth of the front yard for other uses shall be twenty-five (25) feet.
- b. The minimum depth of the side yards for triplexes, quadraplexes and multifamily developments shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
- c. The minimum depth of the side yards on the periphery of the townhome developments shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet. The minimum depth of the side yard between individual townhome units or lots shall be zero (0) feet.
- d. The minimum depth of the side yards for other uses shall be six (6) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
- e. The minimum depth of the rear yard shall be twenty (20) feet for triplexes, quadraplexes and multifamily developments.
- f. The minimum depth of the rear yard for townhome lots that abut an alley shall be zero (0) feet. The minimum depth of the rear yard for townhome lots with all other conditions shall be fifteen (15) feet.
- g. All other uses: The minimum depth of the rear yard shall be fifteen (15) feet for a distance equal to thirty (30) per cent of the length of a line which is parallel to the rear lot line, is fifteen (15) feet from the rear lot line and extends to the closest property lines. The minimum depth of the rear yard for the remainder of the lot will be five (5) feet, except on double-frontage and waterfront lots it shall be fifteen (15) feet.
- h. The minimum distance between residential buildings shall be twenty (20) feet except that screen porches located on the ground floor may project into the minimum distance, and except that screen porches in owner occupied condominium projects that maintain a minimum building separation of twenty-eight (28) feet or more may be enclosed with glass. The maximum combined projection between two (2) or more buildings shall be eight (8) feet.

(3) *Lot coverage.*

- a. Buildings in multifamily housing developments shall not cover more than forty-five (45) per cent of the lot area.
- b. Buildings for principal residence in townhome developments and townhome dwelling lots shall not cover more than fifty (50) per cent of the lot area. Accessory buildings may cover an additional fifteen (15) per cent of the building site.
- c. Buildings in other developments shall not cover more than forty (40) per cent of the lot area.

(4) *Buildings heights.* No building shall exceed forty-five (45) feet above grade.

(5) *Density.* Unless otherwise provided, densities on land within the city situated east of the Indian River may not exceed eight (8) units a gross acre, other provisions of this chapter notwithstanding. However, upon application in the manner provided for by section 22-58, the commission may allow one additional density bonus for landscaping, for a maximum allowable addition of one (1) density bonus unit per acre upon consideration by the commission of their compatibility with the natural features of the area and surrounding development and the availability of supporting infrastructure. The application shall demonstrate compliance with each of the following criteria depending upon the categories for which density bonuses are sought:

a. *Landscaping.*

1. Landscape area requirements as specified in section 22-59 shall be increased by twenty (20) per cent;

2. Landscape tree planting requirements as specified in section 22-59 shall be increased by twenty (20) per cent;
3. Minimum height levels of required trees at time of planting, as specified in subsection 22-59(b)(3)b.1. shall be increased by fifty (50) per cent;
4. Landscape irrigation/sprinkler systems shall be installed;
5. All plant species must be salt tolerant and meet with the approval of the director of development. An approved species list may be obtained from the director of development.

(6) *Additional requirements dwelling, townhome.*

- a. **Ownership:** One hundred (100) per cent of the total lot area shall be the minimum area conveyed to the lot owner, including the front yard, back yard and side yard. A homeowners maintenance shall be formed among the unit owners to assure compliance with exterior area maintenance regulations as may be adopted by the association.
- b. **Common Area:** Any portion of the original lot not divided among and incorporated into the resulting individual townhome dwelling unit lots shall be held by either of the following or a combination of the following. Each lot owner shall have an undivided interest in the common area, which shall be appurtenant to that lot. The individual interest in the common areas shall not be conveyed separately from the ownership of the said lot; or, a property owners association (POA).
- c. **Parking:** Two (2) parking spaces per dwelling units shall be provided for townhome developments and shall be side-by-side parking and not in-line tandem parking. No off-street parking spaces shall be located between the front of the principal residence and the front property line.
- d. **Access:** When townhome lots abut an alley, the site plan shall include provisions to utilize the alley as a service corridor for the townhome units. When townhome lots do not abut an alley, the site plan shall include a twenty-foot-wide, unobstructed service corridor along the rear of the properties which shall be dedicated to service use. Garages, surface parking and garbage pickup shall be accessed and accommodated by the service corridor.
- e. **Yards:** Front yards of townhome units shall include a porch, stoop or covered entry. Rear yards shall be enclosed by a building wall or garden wall.

(e) *Other applicable use standards.*

- (1) All multifamily housing developments with twenty (20) or more dwelling units shall be subject to site plan review procedures specified in section 22-58
- (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter, except that buildings not on double-frontage lots may be in the rear yard if they are at least five (5) feet from the rear lot line.
- (3) On any lot used for residential purposes, other than a multifamily housing development, no more than one (1) residential building will be allowed on the lot, except one (1) building without kitchen facilities may be allowed as a guest house.
- (4) Every lot shall abut a street other than an alley for at least twenty-five (25) feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen (15) feet, or the minimum frontage for a townhome development shall be sixteen (16) feet.
- (5) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (6) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (7) Conditional uses will meet the requirements in sections 22-74 through 22-86

- (8) Signs will comply with standards referred to in section 22-55
- (9) All other applicable ordinance requirements will also be satisfied.

SECTION 10. Sections 22-28(b) and 22-28(c) are hereby amended so that the same shall read as follows:

Sec. 22-28. - High Density Residential zone (R-5).

- (a) *Purpose.* This residential category is intended to encourage the development of multifamily dwellings. Maximum gross densities should generally not exceed fifteen (15) units per acre for conventional developments and eighteen (18) units per acre for innovative residential developments. This zone provides for high density residential uses in locations which have suitable utilities and have good access to arterial or collector streets. Single-family homes, townhomes, duplexes, other residential uses, and various nonresidential uses are allowed when parameters and safeguards in this section are satisfied.
- (b) ~~*Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in an R-5 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - (1) ~~Triplexes and quadraplexes.~~
 - (2) ~~Multifamily housing developments.~~
 - (3) ~~Within multifamily housing developments the following uses are permitted, provided that all such uses are located within an apartment structure and the area of the individual businesses combined does not comprise more than five (5) per cent of the total floor area:~~
 - a. ~~Personal service establishments such as a beauty parlor, barber shop, tailor and other similar uses, provided not more than three (3) persons are employed in any one establishment.~~
 - b. ~~Retail sales establishments primarily for the use of the tenants, provided that any one establishment does not exceed one thousand six hundred (1,600) square feet.~~
 - c. ~~Doctors' offices and medical clinics primarily for the use of the tenants, provided that any one establishment does not exceed one thousand two hundred (1,200) square feet.~~
 - (4) ~~Townhome dwellings.~~
 - (5) ~~Home occupations which satisfy requirements in section 22-63~~
 - (6) ~~Temporary uses which fulfill provisions in section 22-65~~
- (c) ~~*Conditional uses permitted.* The following uses and their accessory uses are permitted in an R-5 zone if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - (1) ~~Innovative residential developments which satisfy standards in section 22-82~~
 - (2) ~~Single-family dwellings and duplexes.~~
 - (3) ~~Mobile home parks.~~
 - (4) ~~Boarding houses.~~
 - (5) ~~Hospitals, sanitariums, rest homes, convalescent homes and adult congregate living facilities.~~
 - (6) ~~Churches, schools and day care centers.~~
 - (7) ~~Park or recreation areas.~~

- ~~(8) Community centers and nonprofit clubs.~~
- ~~(9) Cemeteries.~~
- ~~(10) Public utility structures, such as utility substations.~~
- ~~(11) Neighborhood commercial uses listed in subsection 22-30(b).~~
- ~~(12) Dwelling rentals.~~
- ~~(13) Restaurants that do not meet the criteria specified in subsection 22-28(b)(3).~~
- ~~(14) Student housing.~~

(d) *Basic use standards.* Uses in an R-5 zone, except innovative residential developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

- (1) *Lot size.*
 - a. The minimum lot area for a single-family dwelling shall be five thousand (5,000) square feet.
 - b. The minimum lot area for a townhome dwelling shall be one thousand five hundred (1,500) square feet.
 - c. The minimum lot area for a duplex shall be seven thousand (7,000) square feet.
 - d. The minimum lot area for a triplex and quadraplex shall be twenty-five hundred (2,500) square feet per unit.
 - e. Multifamily housing developments will utilize a lot with a gross density that shall not exceed fifteen (15) units per acre.
 - f. The minimum lot width for duplexes, triplexes, quadraplexes and multifamily housing developments shall be sixty (60) feet.
 - g. The minimum lot width for townhome developments shall be two hundred (200) feet. Townhome developments shall be subdivided into a minimum lot width of sixteen (16) feet and maximum lot width of twenty-four (24) feet.
 - h. The minimum lot width for other uses will be sixty (60) feet.
 - i. The minimum lot depth for duplexes, triplexes, quadraplexes and multifamily housing developments shall be eighty (80) feet.
 - j. The minimum lot depth for other uses will be seventy (70) feet.
 - k. The minimum lot depth for townhome development shall be ninety (90) feet.
- (2) *Yards.* The following yard requirements shall apply except when a lot has a building over forty-five (45) feet tall. In such cases, side and rear requirements and the minimum distance between residential buildings located on the same property will be increased by one foot for every foot the tallest building on the lot exceeds forty-five (45) feet in height.
 - a. The minimum depth of the front yard for townhome developments will be ten (10) feet. The minimum depth of the front yard for other uses shall be twenty-five (25) feet.
 - b. The minimum depth of the side yards for triplexes, quadraplexes and multifamily housing developments shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
 - c. The minimum depth of the side yards on the periphery of the townhome developments shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet. The minimum depth of the side yard between individual townhome units or lots shall be zero (0) feet.

- d. The minimum depth of the side yards for other uses shall be six (6) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
- e. The minimum depth of the rear yard shall be twenty (20) feet for triplexes, quadraplexes and multifamily housing developments.
- f. The minimum depth of the rear yard for townhome lots that abut an alley shall be zero (0) feet. The minimum depth of the rear yard for townhome lots with all other conditions shall be fifteen (15) feet.
- g. The minimum depth of the rear yard for other uses shall be fifteen (15) feet for a distance equal to thirty (30) per cent of the length of a line which is parallel to the rear lot line, is fifteen (15) feet from the rear lot line and extends to the closest property lines. The minimum depth of the remainder of the rear yard will be five (5) feet, except on double-frontage and waterfront lots it shall be fifteen (15) feet.
- h. The minimum distance between residential buildings shall be twenty (20) feet except that screen porches located on the ground floor may project into the minimum distance. The maximum combined projection between two (2) or more buildings shall be eight (8) feet.

(3) *Lot coverage.*

- a. Buildings in multifamily housing developments shall not cover more than fifty (50) per cent of the lot area.
- b. Buildings for principal residence in townhome developments and townhome dwelling lots shall not cover more than fifty (50) per cent of the lot area. Accessory buildings may cover an additional fifteen (15) per cent of the building site.
- c. Buildings in other developments shall not cover more than forty-five (45) per cent of the lot area.

(4) *Building heights.* No building shall exceed two hundred (200) feet above grade.

(5) *Additional requirements dwelling, townhome.*

- a. **Ownership:** One hundred (100) per cent of the total lot area shall be the minimum area conveyed to the lot owner, including the front yard, back yard and side yard. A homeowners maintenance shall be formed among the unit owners to assure compliance with exterior area maintenance regulations as may be adopted by the association.
- b. **Common area:** Any portion of the original lot not divided among and incorporated into the resulting individual townhome dwelling unit lots shall be held by either of the following or a combination of the following: Each lot owner shall have an undivided interest in the common area, which shall be appurtenant to that lot. The individual interest in the common areas shall not be conveyed separately from the ownership of the said lot; or, a property owners association (POA).
- c. **Parking:** Two (2) parking spaces per dwelling units shall be provided for townhome developments and shall be side-by-side parking and not in-line tandem parking. No off-street parking spaces shall be located between the front of the principal residence and the front property line.
- d. **Access:** When townhome lots abut an alley, the site plan shall include provisions to utilize the alley as a service corridor for the townhome units. When townhome lots do not abut an alley, the site plan shall include a twenty-foot-wide, unobstructed service corridor along the rear of the properties which shall be dedicated to service use. Garages, surface parking and garbage pickup shall be accessed and accommodated by the service corridor.
- e. **Yards:** Front yards of townhome units shall include a porch, stoop or covered entry. Rear yards shall be enclosed by a building wall or garden wall.

(e) *Other applicable use standards.*

- (1) All multifamily housing developments with twenty (20) or more dwelling units shall be subject to site plan review procedures specified in section 22-58
- (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter, except that buildings not on double-frontage lots may be in the rear yard if they are at least five (5) feet from the rear lot line.
- (3) On any lot used for residential purposes, other than a multifamily housing development, no more than one residential building will be allowed on the lot, except one building without kitchen facilities may be allowed as a guest house.
- (4) Every lot shall abut a street other than an alley for at least twenty-five (25) feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen (15) feet, or the minimum frontage for a townhome development shall be sixteen (16) feet.
- (5) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (6) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (7) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (8) Signs will comply with standards referred to in section 22-55
- (9) All other applicable ordinance requirements will also be satisfied.

SECTION 11. Sections 22-29(b) and 22-29(c) are hereby amended so that the same shall read as follows:

Sec. 22-29. - Office commercial zone (C-1).

- (a) *Purpose.* This commercial classification is intended primarily for uses involving business and institutional uses which do not involve the direct sale or display of goods, the production of goods or the storage or shipment of bulk or large volume materials. Convenience commercial facilities, restaurants and certain other uses are allowed when appropriate conditions and safeguards indicated in this section are fulfilled. Uses in this district should have good access to arterial or collector streets. This district is sometimes suitable for use as a buffer separating other commercial zones from residential districts.
- ~~(b) *Semi-restricted uses.* The following uses and their accessory uses are permitted in a C-1 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Finance, insurance and real estate establishments, such as banks, savings and loan associations, credit unions, security and commodity brokers, life insurance companies, car insurance companies and real estate companies.~~
 - ~~(2) Business service establishments, such as employment services, advertising services, consumer credit and reporting services, collection services, mailing services and building maintenance services.~~
 - ~~(3) Communication service establishments, such as newspaper and printing services, television and radio services (except transmission towers) and telephone and telegraph services (except transmission towers).~~
 - ~~(4) Professional service establishments, except hospitals, such as doctors' offices, medical clinics and laboratories, legal services, engineering and architectural services and accounting, auditing and bookkeeping services.~~
 - ~~(5) Administrative offices for businesses, public uses or semi-public uses.~~
 - ~~(6) Home occupations which satisfy requirements in section 22-63~~
 - ~~(7) Temporary uses meeting the requirements in section 22-65~~

~~(c) *Conditional uses.* The following uses and their accessory uses are permitted in a C-1 zone if the uses do not include drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle and if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

~~(1) Any of the following uses which are located on the ground floor of a building with offices and which are intended primarily for employees of semi-restricted uses located in the C-1 zone:~~

~~a. Restaurants.~~

~~b. Barber shops.~~

~~c. Beauty shops.~~

~~d. Laundry and dry cleaning establishments.~~

~~e. Shoe repair services.~~

~~f. Small drug stores.~~

~~(2) Commercial off-street parking lots.~~

~~(3) Hospitals, convalescent or nursing homes, and adult congregate living facilities. Maximum residential density for an adult congregate living facility shall not exceed thirty (30) units per acre.~~

~~(4) Post offices.~~

~~(5) Park or recreation areas.~~

~~(6) Cemeteries.~~

~~(7) Public utility structures, such as utility substations.~~

~~(8) Multifamily housing developments which satisfy the standards for multifamily housing developments in an R-4 zone.~~

~~(9) Day care centers which are intended primarily for use by employees of permitted uses located in the C-1 zone.~~

~~(10) Residential uses, when located in the upper stories of a structure where the ground floor is developed as a semi-restricted use. Residential density shall not exceed eighteen (18) units an acre.~~

~~(d**b**) *Basic use standards.* Uses in a C-1 zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.~~

~~(1) Lot size.~~

~~a. The minimum lot area shall be ten thousand (10,000) square feet.~~

~~b. The minimum lot width shall be seventy (70) feet.~~

~~c. The minimum lot depth shall be ninety (90) feet.~~

~~(2) Yards.~~

~~a. The minimum depth of the front yard will be twenty-five (25) feet.~~

~~b. The minimum yard depth (if not the front yard) for portions of the property abutting a public right-of-way or residential district shall be fifteen (15) feet.~~

~~(3) Lot coverage. Buildings shall not cover more than sixty (60) per cent of the lot area.~~

~~(4) Building height. No building shall exceed a height of sixty-five (65) feet above grade.~~

(e) *Other applicable use standards.*

- (1) Site plan review shall be required for uses which have buildings with more than four thousand (4,000) square feet of floor area.
- (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter.
- (3) Every lot shall abut a street other than an alley for at least fifty (50) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.

SECTION 12. Sections 22-30(b) and 22-30(c) are hereby amended so that the same shall read as follows:

Sec. 22-30. - Neighborhood commercial zone (C-2).

- (a) *Purpose.* This district is intended to be a restricted commercial zone which is designed to meet some of the commercial needs of the immediate residential neighborhood. Uses allowed are primarily those which provide convenience goods or frequently used services. Large business operations and extensions of strip commercial areas are not desired. Areas zoned C-2 should be located near the intersections of major streets and generally close to an R-4 zone.
- ~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in a C-2 zone if no more than five thousand (5,000) square feet of floor area is devoted to each use, if the uses do not include drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle and if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Uses allowed as semi-restricted uses in a C-1 zone.~~
 - ~~(2) Grocery, meat, fruit and vegetable stores.~~
 - ~~(3) Bakeries.~~
 - ~~(4) Drugstores.~~
 - ~~(5) Hardware stores.~~
 - ~~(6) Beauty shops.~~
 - ~~(7) Barber shops.~~
 - ~~(8) Laundry and dry cleaning establishments.~~
 - ~~(9) Home occupations which satisfy requirements in section 22-63~~
 - ~~(10) Temporary uses which fulfill provisions in section 22-65~~
- ~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in a C-2 zone if no more than five thousand (5,000) square feet of floor area are devoted to each use and if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Restaurants, banks and savings and loan associations which do not include drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle.~~
- ~~(2) Gasoline service stations and car washes.~~
- ~~(3) Neighborhood health centers.~~
- ~~(4) Churches and day care centers.~~
- ~~(5) Park or recreation areas.~~
- ~~(6) Libraries.~~
- ~~(7) Fire stations.~~
- ~~(8) Community centers and nonprofit clubs.~~
- ~~(9) Public utility structures, such as utility substations.~~
- ~~(10) Cemeteries.~~
- ~~(11) Multifamily housing developments which satisfy the standards for multifamily housing developments in an R-4 zone.~~

(db) Basic use standards. Uses in a C-2 zone, except multifamily housing developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

(1) *Lot size.*

- a. The minimum lot area shall be ten thousand (10,000) square feet.
- b. The minimum lot width shall be seventy (70) feet.
- c. The minimum lot depth shall be ninety (90) feet.

(2) *Yards.*

- a. The minimum depth of the front yard will be twenty-five (25) feet.
- b. The minimum yard depth (if not the front yard) for portions of the property abutting a public right-of-way or residential district shall be fifteen (15) feet.

(3) *Lot coverage.* Buildings shall not cover more than sixty (60) per cent of the lot area.

(4) *Building height.* No building shall exceed a height of forty-five (45) feet above grade.

(ec) Other applicable use standards.

- (1) Site plan review shall be required for multifamily housing developments with twenty (20) or more dwelling units and for other uses which have buildings with more than four thousand (4,000) square feet of floor area.
- (2) Accessory buildings shall comply with all yard, lot coverage, and building height requirements of this chapter.
- (3) Every lot shall abut a street other than an alley for at least fifty (50) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.

SECTION 13. Sections 22-31(b) and 22-31(c) are hereby amended so that the same shall read as follows:

Sec. 22-31. - General commercial zone (C-3).

- (a) *Purpose.* The district is intended to provide for a broad variety of business activities including shoppers' goods stores, convenience goods and service establishments, offices and tourist/entertainment facilities. Many public and semi-public uses are also appropriate. Compared to the C-4 zone, this district is more suitable for uses requiring a high degree of accessibility to vehicular traffic, low intensity uses on large tracts of land, most repair services and small warehousing and wholesaling operations. Although this zone should be located along or near arterial or collector streets, it is not the intent of this district to encourage the extension of strip commercial areas. Instead it should promote concentrations of commercial activities.
- ~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in a C-3 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
- ~~(1) Uses allowed as semi-restricted uses in a C-1 zone.~~
 - ~~(2) Retail sales establishments (including incidental manufacturing and repairing of goods on the premises, provided, however, that the space devoted to manufacturing and repairing does not exceed twenty (20) per cent of the gross floor area of the establishment) such as restaurants, bars, grocery stores, bakeries, department stores, clothing stores, fabric shops, luggage stores, gift shops, jewelry stores, florist shops, camera shops, record stores, toy stores, book stores, newsstands, stationery stores, drug stores, sporting goods stores, furniture stores, appliance stores, hardware stores, auto parts stores, gasoline service stations, bicycle shops and auto sales facilities.~~
 - ~~(3) Motels/hotels.~~
 - ~~(4) Personal service establishments, such as laundering and dry cleaning establishments (except those which primarily serve other businesses), beauty and barber services, garment alterations and funeral homes.~~
 - ~~(5) Repair service establishments which facilitate light repair work, including: Auto repair such as tune ups, transmissions, mufflers, reupholstering, pinstriping (excludes auto body and paint shops) and truck repair not to exceed trucks over one-ton capacity; radio and television repair services; watch, clock and jewelry repair services, and shoe repair services.~~
 - ~~(6) Educational service establishments, such as vocational and trade schools, business and stenographic schools, art and music schools, dancing schools and correspondence schools.~~
 - ~~(7) Public and semi-public facilities, except hospitals, sanitariums, rest homes, convalescent homes, public utility structures and public works maintenance facilities.~~
 - ~~(8) Private indoor amusement, entertainment and/or recreation establishments, such as theaters, bowling alleys, pool halls, dance halls and indoor tennis courts and handball and swimming pool facilities.~~
 - ~~(9) Taxi stations.~~
 - ~~(10) Commercial off-street parking lots.~~
 - ~~(11) Temporary uses meeting the requirements in section 22-65~~
 - ~~(12) Adult establishments, pursuant to Chapter 11.5~~
- ~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in a C-3 zone if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Repair service establishments not allowed as a semi-restricted use in this zone.~~
- ~~(2) Wholesale trade, warehouse and distribution establishments (including trucking terminals).~~
- ~~(3) Contract construction service establishments.~~
- ~~(4) Kennels.~~
- ~~(5) Bus depots.~~
- ~~(6) Hospitals, sanitariums, rest homes, convalescent homes, and adult congregate living facilities. The maximum residential density for an adult congregate living facility shall not exceed thirty (30) units per acre.~~
- ~~(7) Public utility structures and public works maintenance facilities.~~
- ~~(8) Cemeteries.~~
- ~~(9) Amusement parks.~~
- ~~(10) Marinas, including marinas with charter fishing facilities.~~
- ~~(11) Expansion of a structure with a nonconforming commercial or industrial use if the structure is not enlarged by more than twenty (20) per cent and the structure being enlarged does not violate provisions in section 22-102~~
- ~~(12) Multifamily housing developments which satisfy the standards for multifamily housing developments in an R-5 zone.~~
- ~~(13) Reserved.~~
- ~~(14) Flea markets.~~
- ~~(15) Nonprofit bingo halls.~~
- ~~(16) Industrial, semi-restricted uses permitted in section 22-34(b) [Light industrial zone (I-1)] except the uses specified in sections 22-34(b)(6) and (7).~~
- ~~(17) Ship and boat building and repair facilities.~~
- ~~(18) Recreational vehicle parks.~~
- ~~(19) Day care centers and schools other than educational service establishments.~~
- ~~(20) Railroad passenger station.~~
- ~~(21) Amusement arcades and arcade amusement centers.~~

~~(d)~~ *Basic use standards.* Uses in a C-3 zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

- (1) Lot size.
 - a. The minimum lot area shall be ten thousand (10,000) square feet.
 - b. The minimum lot width shall be seventy (70) feet.
 - c. The minimum lot depth shall be ninety (90) feet.
- (2) Yards.
 - a. The minimum depth of the front yard will be twenty-five (25) feet.
 - b. The minimum yard depth (if not the front yard) for portions of the property abutting a public right-of-way or residential district shall be fifteen (15) feet.
- (3) Lot coverage. Buildings shall not cover more than sixty (60) per cent of the lot area.

- (4) Building height. No building shall exceed a height of sixty-five (65) feet above grade, except that multifamily developments in accordance with the requirements of the R-5 zone may be approved.

(ec) Other applicable use standards.

- (1) Site plan review shall be required for uses which have buildings with more than four thousand (4,000) square feet of floor area.
- (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter.
- (3) Every lot shall abut a street other than an alley for at least fifty (50) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.
- (9) An adult establishment is not permitted in C-3 unless the adult establishment is at least:
 - a. One thousand (1,000) feet from any other adult establishment:
 - b. Four hundred (400) feet from any established church, public or private school, public playground or public park;
 - c. Four hundred (400) feet from any areas zoned E-1, R-1, R-2, R-3, R-4, or R-5.
- (10) For purposes of the distance limitations contained in subsection (e)(9) above, the measurement shall be made by extending a straight line from the main entrance of the building of the adult establishment to the:
 - a. Front door of the main building occupied by any other adult establishment or any established church; or
 - b. To the nearest property line of any residential district, playground, school or park.

SECTION 14. Sections 22-32(b) and 22-32(c) are hereby amended so that the same shall read as follows:

Sec. 22-32. - Central commercial zone (C-4).

- (a) *Purpose.* This district is intended to serve as a primary center of commercial and institutional activity and as a readily identifiable focal point of the community and surrounding area. It is intended to be an intensively used area catering primarily to the pedestrian. The district is not suitable for low intensity uses requiring a large tract of land, most types of repair services, warehouses and other uses which would detract from the character of the area.
- ~~(b) *Semi-restricted uses permitted.* Except for the following uses and their accessory uses, uses permitted in a C-3 zone as semi-restricted uses will be permitted in a C-4 zone as semi-restricted uses if the uses do not include drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle and if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws.~~
 - ~~(1) Retail sales establishments selling automobiles or other large motorized vehicles.~~
 - ~~(2) Post offices, police stations and fire stations.~~
 - ~~(3) Taxi stations.~~

~~(4) Commercial off street parking lots.~~

~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in a C-4 zone as conditional uses if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

~~(1) Uses permitted in subsection (b) of this section that have drive in purchases or service facilities which make it possible for a person to transact business from a vehicle.~~

~~(2) Stores selling or repairing automobiles or other large motorized vehicles.~~

~~(3) Bus depots and taxi stations.~~

~~(4) Commercial off street parking lots.~~

~~(5) Hospitals, sanitariums, rest homes and convalescent homes.~~

~~(6) Post offices, police stations and fire stations.~~

~~(7) Multifamily housing developments which satisfy the standards for multifamily housing developments in an R-5 zone.~~

~~(8) Marinas, including marinas with charter fishing facilities.~~

~~(9) Manufacturing, other than that allowed as an accessory use in subsection (b) of this section, which provides an opportunity for safe public viewing of the manufacturing, and involves production of products for retail sale on the premises.~~

~~(10) Expansion of a structure with a nonconforming commercial or industrial use if the structure is not enlarged by more than twenty (20) per cent and the structure being enlarged does not violate provisions in section 22-102~~

~~(11) Public utility structures.~~

~~(12) Flea markets.~~

~~(13) Residential uses, when located in the upper stories of a structure where the ground floor is developed as a semirestricted use. Residential density shall not exceed thirty (30) units an acre.~~

~~(14) Railroad passenger station.~~

~~(d**b**) *Basic use standards.* Uses in a C-4 zone, except multifamily housing developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.~~

~~(1) Yards. The minimum yard depth for portions of the property abutting a residential district or across an existing street from a residential district will be fifteen (15) feet.~~

~~(2) Reserved.~~

~~(e**c**) *Other applicable use standards.*~~

~~(1) Uses identified as a permitted use within the Use Table are only permitted if they do not include drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle. Uses identified as a permitted use within the Use Table that have drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle shall be allowed as a Conditional Use.~~

~~(12) Site plan review shall be required for all uses which have buildings with more than four thousand (4,000) square feet of floor area.~~

~~(23) Indoor storage will not be the principal use of the ground floor of any building.~~

~~(34) Accessory buildings shall comply with yard, lot coverage and building height requirements of this chapter.~~

- (45) Every lot shall abut a street other than an alley for at least fifteen (15) feet.
- (56) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (67) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (78) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (89) Signs will comply with standards referred to in section 22-55
- (910) All other applicable ordinance requirements will also be satisfied.

SECTION 15. Sections 22-33(b) and 22-33(c) are hereby amended so that the same shall read as follows:

Sec. 22-33. - Tourist commercial zone (C-5).

- (a) *Purpose.* The intent of this district is primarily to provide suitable locations for tourist facilities and certain tourist related establishments. In part, this means that areas in the zone should be in close proximity to an arterial or collector street. It also means that the uses allowed should be much more limited than those permitted in a C-3 or C-4 zone. Regulations for the district are designed to enhance the attractiveness and convenience of the facilities for tourist use.
- ~~(b) *Semi-restricted uses permitted.* The following uses are permitted in a C-5 zone as semirestricted uses if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Restaurants, delicatessens and bars.~~
 - ~~(2) Motels, hotels and resort hotels.~~
 - ~~(3) Retail sales and service establishments, provided that any one establishment does not exceed one thousand six hundred (1,600) square feet in area.~~
 - ~~(4) Service facilities which provide personal services in conjunction with and incidental to a motel.~~
 - ~~(5) Amusement, entertainment and/or recreation establishments.~~
 - ~~(6) Home occupations which satisfy requirements in section 22-63~~
 - ~~(7) Temporary uses which fulfill provisions in section 22-65~~
 - ~~(8) Single family homes which satisfy requirements in section 22-101(2)b.~~
- ~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in a C-5 zone if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Retail foodstuff establishments, and drug stores not over five thousand (5,000) square feet in size.~~
 - ~~(2) Self service laundries.~~
 - ~~(3) Gasoline service stations.~~
 - ~~(4) Branch financial institutions.~~
 - ~~(5) Commercial off street parking lots.~~
 - ~~(6) Neighborhood health centers.~~
 - ~~(7) Hospitals, sanitariums, rest homes, convalescent homes and adult congregate living facilities.~~

~~(8) Churches and day care centers.~~

~~(9) Public and semi-public park or recreation areas.~~

~~(10) Libraries.~~

~~(11) Fire stations.~~

~~(12) Community centers and nonprofit clubs.~~

~~(13) Cemeteries.~~

~~(14) Public utility structures, such as utility substations.~~

~~(15) Multifamily housing developments which satisfy the standards for multifamily housing developments in an R-5 zone and standards for Hutchinson Island.~~

~~(16) Medical offices.~~

(db) *Basic use standards.* Uses in a C-5 zone, except multifamily housing developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

(1) Lot size.

- a. The minimum lot area shall be ten thousand (10,000) square feet.
- b. The minimum lot width shall be seventy (70) feet.
- c. The minimum lot depth shall be ninety (90) feet.

(2) Yards.

- a. The minimum depth of the front yard will be twenty-five (25) feet.
- b. The minimum yard depth (if not the front yard) for portions of the property abutting a public right-of-way or residential district shall be fifteen (15) feet.

(3) Lot coverage. Buildings shall not cover more than sixty (60) per cent of the lot area.

(4) Building height. No building shall exceed a height of forty-five (45) feet above grade, except that multifamily housing developments in accordance with the requirements of the R-5 zone may be approved.

(ec) *Other applicable use standards.*

- (1) Site plan review shall be required for multifamily housing developments and for other uses which have buildings with more than four thousand (4,000) feet of floor area.
- (2) Accessory buildings shall comply with all yard, lot coverage and building requirements of this chapter.
- (3) Every lot shall abut a street other than an alley for at least fifty (50) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.

SECTION 16. Sections 22-33.1(b) and 22-33.1(c) are hereby amended so that the same shall read as follows:

Sec. 22-33.1. - Marine commercial zone (C-6).

- (a) *Purpose.* The intent of this district is primarily to provide suitable locations for compatible marine commercial and tourist-related facilities. In part, this means that areas in the zone should be in close proximity to an arterial or collector street and should also be located in close proximity to the waterfront. The requirements in this zone recognize that certain marine oriented commercial activities can be compatible with activities that are more tourist-related and when combined can create a special environment. The uses laid out in this zone are not meant to be as inclusive as those found in a general commercial zone, but rather should be reserved for uses that are dependent on or benefit from proximity to the water.
- ~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are allowed in a C-6 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning provisions and other city laws:~~
- ~~(1) Restaurants and restaurants with bars.~~
 - ~~(2) Seafood retailers and markets.~~
 - ~~(3) Retail boat and marine equipment sales establishments.~~
 - ~~(4) Retail trade facilities used for the sale of products such as ice, bait, tackle, charts, gifts, groceries, and other products that are marine or tourist oriented.~~
 - ~~(5) Marinas, including marinas with charter fishing facilities.~~
 - ~~(6) Ship and boat repair facilities.~~
 - ~~(7) Charter fishing offices.~~
 - ~~(8) Marine regulatory agencies.~~
 - ~~(9) Offices for marine related businesses.~~
 - ~~(10) Marine research and educational facilities.~~
 - ~~(11) Motels and hotels.~~
 - ~~(12) Temporary uses which fulfill provisions in section 22-65~~
- ~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in a C-6 zone if the uses satisfy the criteria in subsection (e) of this section and if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning provisions and other city laws:~~
- ~~(1) Seafood receiving and processing facilities.~~
 - ~~(2) Warehousing, storage areas, wholesale facilities and distribution facilities for marine equipment, marine products, marine-related products and/or materials customarily shipped via waterborne transportation facilities.~~
 - ~~(3) Shipbuilding facilities.~~
 - ~~(4) Shipping and boat marine facilities.~~
 - ~~(5) Public utility structures and public works.~~
 - ~~(6) Maintenance facilities.~~
 - ~~(7) Multifamily housing developments which satisfy the standards for multifamily housing developments in an R-5 zone.~~
 - ~~(8) Expansion of a structure with a nonconforming commercial or industrial use if the structure is not enlarged by more than twenty (20) per cent and the structure being enlarged does not violate provisions of section 22-102~~
 - ~~(9) Parks or recreational areas.~~

~~(10) Resort hotels.~~

~~(11) Bars and lounges not otherwise allowed in section 22-33.1(b).~~

~~(d)~~ *Basic use standards.* Uses in a C-6 zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

(1) Lot size.

- a. The minimum lot area shall be ten thousand (10,000) square feet.
- b. The minimum lot width shall be seventy (70) feet.
- c. The minimum lot depth shall be ninety (90) feet.

(2) Yards.

- a. The minimum depth of the front yard will be twenty-five feet.
- b. The minimum yard depth (if not the front yard) for portions of the property abutting the public right-of-way or residential district shall be fifteen (15) feet.

(3) Lot coverage. Building shall not cover more than sixty (60) per cent of the lot area.

(4) Building height. No building shall exceed the height of sixty-five (65) feet above grade, except that multifamily housing developments in accordance with the requirements of the R-5 zone may be approved.

~~(e)~~ *Other applicable use standards.*

- (1) Site plan review shall be required for uses which have buildings with more than four thousand (4,000) square feet.
- (2) Accessory buildings shall comply with all yard, lot coverage and building requirements of this chapter.
- (3) Every lot shall abut a street other than an alley for at least fifty (50) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements of sections 22-74 through 22-87
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.

SECTION 17. Sections 22-34(b) and 22-34(c) are hereby amended so that the same shall read as follows:

Sec. 22-34. - Light industrial zone (I-1).

(a) *Purpose.* The purpose of this district is to provide for industrial and related uses with limited objectionable external effects in areas that are suitable for such operations due to the desirability of site characteristics, adequacy of utilities, appropriateness of transportation facilities and other factors. Acceptable manufacturing, warehousing, heavy commercial and similar uses are encouraged. Uses in the district may perform a support role for uses in other industrial areas.

~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are allowed in an I-1 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Facilities for the assembly of electronics equipment or electrical appliances.~~

- ~~(2) Facilities for the production, assembling and/or packaging of precision instruments.~~
 - ~~(3) Printing, lithography and publishing establishments.~~
 - ~~(4) Research, experimental, testing and film laboratories.~~
 - ~~(5) Bottling plants.~~
 - ~~(6) Wholesale trade, warehouse and distribution establishments, including trucking and railroad terminals.~~
 - ~~(7) Bulk storage yards, including bulk storage of flammable liquids and other hazardous materials if the location and treatment of the premises have been approved by the Chief of the Fort Pierce/Saint Lucie County Fire District, but excluding junkyards.~~
 - ~~(8) Retail sales establishments which sell building materials, agricultural equipment and/or mobile homes.~~
 - ~~(9) Welding or machine shops.~~
 - ~~(10) Contract construction service establishments.~~
 - ~~(11) Commercial and industrial laundries.~~
 - ~~(12) Cold storage and ice processing facilities.~~
 - ~~(13) Public utility structures and public works maintenance facilities.~~
 - ~~(14) Temporary uses meeting the requirements of section 22-65~~
 - ~~(15) Farmers market complexes, on publicly owned land.~~
- ~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an I-1 zone if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
- ~~(1) Establishments not mentioned in subsection (b) of this section which are engaged in the production, assembling, packaging or treatment of materials, goods, foodstuff and other semi-finished or finished products from semi-finished or raw materials.~~
 - ~~(2) Junkyards.~~
 - ~~(3) Restaurants.~~
 - ~~(4) Credit unions and branch offices of banks or savings and loan associations.~~
 - ~~(5) Hiring halls, union halls and employment agencies.~~
 - ~~(6) Vocational, technical, trade and industrial schools.~~
 - ~~(7) Park or recreation areas.~~
 - ~~(8) Fire stations.~~
 - ~~(9) Security guard quarters.~~
 - ~~(10) Expansion of a structure with a nonconforming commercial or industrial use if the structure is not enlarged by more than twenty (20) per cent and the structure being enlarged does not violate provisions in section 22-102~~
 - ~~(11) Major utilities.~~
 - ~~(12) Any structure over sixty five (65) feet in height, except that conditional approval is not required where the structure is a vertical projection such as a chimney, spire, aerial, flagpole or other similar object.~~
 - ~~(13) Ship and boat building and repair facilities.~~
 - ~~(14) Railroad passenger station.~~

(db) *Basic use standards.* Uses in an I-1 zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

- (1) Lot size.
 - a. The minimum lot width shall be one hundred (100) feet.
 - b. The minimum lot depth shall be one hundred (100) feet.
- (2) Yards. The minimum yard depth for portions of the property abutting a public right-of-way or nonindustrial district will be fifteen (15) feet.

(ec) *Other applicable use standards.*

- (1) Site plan review shall be required for uses which have buildings with more than four thousand (4,000) square feet of floor area.
- (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter.
- (3) Every lot shall abut a street other than an alley for at least fifty (50) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.

SECTION 18. Sections 22-34.1(b) and 22-34.1(c) are hereby amended so that the same shall read as follows:

Sec. 22-34.1. - Heavy industrial zone (I-3).

(a) *Purpose.* The purpose of this district is to provide for heavy industrial and related uses with limited objectionable external effects in areas that are suitable for such operations due to the desirability of site characteristics, adequacy of utilities, appropriateness of transportation facilities and other factors. Acceptable manufacturing, warehousing, heavy commercial and similar uses are encouraged.

~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are allowed in an I-3 zone if the uses will not violate standards referred to in subsections (d) and (e); additional zoning ordinance provisions and other city laws:~~

- ~~(1) Any use permitted in subsection 22-34(b).~~
- ~~(2) Agricultural services.~~
- ~~(3) Construction services:~~
 - ~~a. *Building construction*—General contractor;~~
 - ~~b. *Other construction*—General contractors;~~
 - ~~c. *Construction*—Special trade contractors.~~
- ~~(4) Docks and boathouses (private).~~
- ~~(5) Engineering services.~~
- ~~(6) Manufacturing.~~

- a.— ~~Food and kindred products.~~
- b.— ~~Tobacco products.~~
- c.— ~~Textile mill products.~~
- d.— ~~Apparel and other finished products.~~
- e.— ~~Lumber and wood products, except furniture.~~
- f.— ~~Furniture and fixtures.~~
- g.— ~~Printing and publishing and allied industries.~~
- h.— ~~Chemicals and allied products:~~
 - 1.— ~~Drugs.~~
 - 2.— ~~Soap, detergents and cleaning preparations; perfumes, cosmetics and other toilet preparations.~~
 - 3.— ~~Agricultural chemicals.~~
- i.— ~~Rubber and misc. plastic products.~~
- j.— ~~Leather and leather products.~~
- k.— ~~Glass:~~
 - 1.— ~~Flat glass.~~
 - 2.— ~~Glass and glassware—Pressed or blown.~~
 - 3.— ~~Glass products—Made of purchased glass.~~
- l.— ~~Fabricated metal products.~~
- m.— ~~Industrial/commercial machinery and computer equipment.~~
- n.— ~~Electronic and other electrical equipment and components, except computer equipment.~~
- o.— ~~Transportation equipment.~~
- p.— ~~Measuring, analyzing and controlling instruments.~~
- q.— ~~Miscellaneous manufacturing industries:~~
 - 1.— ~~Jewelry, silverware, and platedware.~~
 - 2.— ~~Musical instruments and parts.~~
 - 3.— ~~Dolls, toys, games and sporting goods.~~
 - 4.— ~~Pens, pencils and other office and artists' materials.~~
 - 5.— ~~Costume jewelry, costume novelties, and notions.~~
 - 6.— ~~Brooms and brushes.~~
 - 7.— ~~Signs and advertising displays.~~
 - 8.— ~~Morticians' goods.~~
 - 9.— ~~Manufacturing industries, NIC.~~
- r.— ~~Paper and allied products:~~
 - 1.— ~~Paperboard containers and boxes.~~
 - 2.— ~~Converted paper and paperboard products.~~

- ~~(7) Local and suburban transit.~~
- ~~(8) Water transportation.~~
- ~~(9) Transportation services.~~
- ~~(10) Communications.~~
- ~~(11) Motor freight transportation and warehousing.~~
- ~~(12) Motion pictures.~~
- ~~(13) Membership organizations.~~
- ~~(14) Personal and business services.~~
- ~~(15) Research, development, and testing services.~~
- ~~(16) Repair services:~~
 - ~~a.—Automotive and automotive parking.~~
 - ~~b.—Electrical.~~
 - ~~c.—Watch, clock and jewelry repair.~~
 - ~~d.—Reupholstery and furniture repair.~~
 - ~~e.—Miscellaneous repairs and services.~~
- ~~(17) Retail trade:~~
 - ~~a.—Lumber and other building materials.~~
 - ~~b.—Paint, glass and wallpaper.~~
 - ~~c.—Hardware.~~
 - ~~d.—Nurseries, lawn and garden supplies.~~
 - ~~e.—Mobile home dealers.~~
 - ~~f.—Automotive/boat/RV/motorcycle dealers.~~
 - ~~g.—Gasoline service.~~
 - ~~h.—Furniture and furnishings.~~
- ~~(18) Telecommunication towers.~~
- ~~(19) Wholesale trade—Durable goods:~~
 - ~~a.—Motor vehicle and automotive equipment.~~
 - ~~b.—Furniture and home furnishings.~~
 - ~~c.—Lumber and other building materials.~~
 - ~~d.—Professional and commercial equipment/supplies.~~
 - ~~e.—Metals and minerals, except petroleum.~~
 - ~~f.—Electrical goods.~~
 - ~~g.—Hardware, plumbing and heating equipment, and supplies.~~
 - ~~h.—Machinery, equipment, and supplies.~~
 - ~~i.—Miscellaneous durable goods:~~
 - ~~1.—Sporting and recreational goods.~~

- 2.—Toys and hobby goods.
- 3.—Jewelry, watches, precious stones and metals.
- 4.—Durable goods NEC.

~~(20) Wholesale trade—Nondurable goods:~~

- a.—Paper and paper products.
- b.—Drugs.
- c.—Dry goods and apparel.
- d.—Groceries and related products.
- e.—Farm products—Raw materials.
- f.—Chemicals and allied products.
- g.—Beer, wine, and distilled alcoholic beverages.
- h.—Miscellaneous nondurable goods:
 - 1.—Farm supplies.
 - 2.—Books, periodicals, and newspapers.
 - 3.—Flowers, nursery stock and florists' supplies.
 - 4.—Tobacco/tobacco products.
 - 5.—Paints, varnishes and supplies.
 - 6.—Nondurable goods, NEC.

~~(21) Mobile food vendors.~~

~~(c) Conditional uses permitted. The following uses and their accessory uses are permitted in an I-3 zone if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e), additional zoning ordinance provisions and other city laws:~~

- ~~(1) Any conditional use permitted in subsection 22-34(c).~~
- ~~(2) Airport, landing and takeoff fields—General aviation.~~
- ~~(3) Manufacturing:~~
 - a.—Paper and allied products.
 - b.—Chemicals and allied products.
 - c.—Petroleum refining and related products.
 - d.—Stone, clay, glass and concrete products.
 - e.—Primary metal industries.
 - f.—Ammunition and ordnance.
- ~~(4) Natural or manufactured gas storage and distribution points.~~
- ~~(5) Scrap, waste and land clearing and yard trash recycling operations.~~
- ~~(6) Warehousing and storage services—Stockyards.~~
- ~~(7) Wholesale trade—Nondurable goods:~~
 - a.—Petroleum and petroleum products.

~~(8) Co-generation facilities.~~

~~(9) Fueling facilities.~~

~~(10) Industrial wastewater disposal.~~

~~(11) One detached single family dwelling or mobile home for on-site security purposes per property.~~

~~(12) Retail:~~

~~a. Bottled gas.~~

~~b. Fuel oil.~~

~~c. Gasoline service stations.~~

~~d. Retail trade accessory to the primary manufacturing or wholesaling use.~~

~~(d)~~ *Basic use standards.* Uses in an I-3 zone must meet the requirements of this section. More-restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

(1) *Lot size.*

a. The minimum lot width shall be one hundred (100) feet

b. The minimum lot depth shall be one hundred (100) feet

(2) *Yards.* The minimum yard depth for portions of the property abutting a public right-of-way or nonindustrial district will be fifteen (15) feet.

~~(e)~~ *Other applicable use standards.*

(1) Site plan review shall be required for uses which have buildings with more than four thousand (25,000 square feet of floor area).

(2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter.

(3) Every lot shall abut a street other than an alley for at least fifty (50) feet

(4) Conditional uses will meet the requirements in sections 22-74 through 22-86

(5) Signs will comply with standards referred to in section 22-55

(6) All other applicable ordinance requirements will also be satisfied.

~~(f)~~ *Parking and loading standards.* The following are the off-street parking and loading standards for the I-3 zone:

(1) *Parking.*

a. Less than one hundred thousand (100,000) square feet = 2.0 spaces per one thousand (1,000) square feet of floor area.

b. More than one hundred thousand (100,000) square feet = 1.0 space per one thousand (1,000) square feet of floor area.

(2) *Loading.*

a. Zero to twenty-four thousand, nine hundred ninety-nine (24,999) square feet = one loading space.

b. Twenty-five thousand (25,000) to fifty-nine nine hundred ninety-nine (59,999) square feet = two (2) loading spaces.

c. Sixty thousand (60,000) to one hundred nineteen thousand, nine hundred ninety-nine (119,999) square feet = three (3) loading spaces.

- d. One hundred twenty thousand (120,000) to one hundred ninety-nine thousand nine hundred ninety-nine (199,999) square feet = four (4) loading spaces.
- e. Two hundred thousand (200,000) to two hundred ninety-nine thousand, nine hundred ninety-nine (299,999) square feet = five (5) loading spaces.

~~(ge)~~ *Annexed property assigned I-3 zoning.* This subsection shall apply to any annexed property that does not comply with subsections (d) and (e) at the time of annexation. Any property annexed and assigned I-3 zoning shall be allowed to continue all uses occurring on the property at the time of annexation. No modifications to any part of the property shall be required by the city. In the event the annexed property is damaged or destroyed due to fire or natural disaster, then the property owner shall be permitted to reconstruct the property to the form, manner and condition the property was in prior to the damage or destruction notwithstanding any non-compliance with subsections(d) and (e). Property annexed and assigned I-3 zoning is exempt from [section] 22-67

SECTION 19. Sections 22-35(b) and 22-35(c) are hereby amended so that the same shall read as follows:

Sec. 22-35. - Marine industrial zone (I-2).

- (a) *Purpose.* This zone is intended primarily to provide a location for port activities, marine industry and supporting uses. In addition, certain nonindustrial water-oriented uses and uses associated with them may be permitted. The district is designed to exclude uses which can be located equally well elsewhere and are inconsistent with the character of the district. Large areas with adequate waterfront, street and railroad access are appropriate for this type of zoning.
- ~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are allowed in an I-2 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Shipping and port marine facilities.~~
 - ~~(2) Seafood receiving and processing facilities.~~
 - ~~(3) Commercial fishing facilities.~~
 - ~~(4) Ship and boat building and repair facilities.~~
 - ~~(5) Petroleum receiving, dispensing and storage facilities.~~
 - ~~(6) Warehousing, storage areas, wholesale facilities and distribution facilities (including trucking terminals) for marine equipment, marine products, marine related products and/or materials customarily shipped via waterborne transportation facilities.~~
 - ~~(7) Cold storage and ice processing facilities.~~
 - ~~(8) Charter fishing offices.~~
 - ~~(9) Fish cleaning establishments.~~
 - ~~(10) Marine regulatory agencies.~~
 - ~~(11) Marine research and education facilities.~~
 - ~~(12) Aquaculture facilities permitted in conjunction with aquatic facilities in an adjacent A-1 or A-2 zone.~~
 - ~~(13) Temporary uses meeting the requirements of section 22-65~~
- ~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an I-2 zone if the uses satisfy the criteria in subsection (e) of this section and if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (f) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Establishments not mentioned in subsection (b) of this section which are engaged in the production, assembling, packaging or treatment of materials, goods, foodstuffs and other semi-finished or finished products from semi-finished or raw materials.~~
- ~~(2) Restaurants and bars.~~
- ~~(3) Seafood markets.~~
- ~~(4) Retail boat and marine equipment sales establishments.~~
- ~~(5) Retail trade facilities used for the sale of products such as ice, bait, tackle, charts, gifts, groceries and gasoline when the facilities are in conjunction with and incidental to other uses being allowed in the district.~~
- ~~(6) Commercial off-street parking lots.~~
- ~~(7) Marinas, including marinas with charter fishing facilities.~~
- ~~(8) Hiring halls, union halls and employment agencies.~~
- ~~(9) Park or recreation areas.~~
- ~~(10) Public utility structures and public works maintenance facilities.~~
- ~~(11) Fire stations.~~
- ~~(12) Security guard quarters.~~
- ~~(13) Expansion of a structure with a nonconforming commercial or industrial use if the structure is not enlarged by more than twenty (20) per cent and the structure being enlarged does not violate provisions in section 22-102~~
- ~~(14) Business, communication, finance and professional services.~~
- ~~(15) Major utilities.~~
- ~~(16) Any structure over sixty-five (65) feet in height, except that conditional approval is not required where the structure is a vertical projection such as a chimney, spire, aerial, flagpole or other similar object.~~

~~(d)~~ *Basic use standards.* Uses in an I-2 zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.

- (1) Lot size.
 - a. The minimum lot width shall be one hundred (100) feet.
 - b. The minimum lot depth shall be one hundred (100) feet.
- (2) Yards. The minimum yard depth for portions of the property abutting a public right-of-way or nonindustrial district will be fifteen (15) feet.

~~(e)~~ *Special conditional use criteria.* No conditional use will be allowed in an I-2 zone unless it meets one or more of the following criteria:

- (1) The use is a water-dependent use, which means that it can only be carried out on, in or adjacent to water and the location or access is needed for:
 - a. Waterborne transportation (such as navigation; moorage, fueling and servicing of ships or boats; terminal and transfer facilities; fish or other resource and material receiving and shipping); or
 - b. Recreation (active recreation such as swimming, boating or fishing; passive recreation such as viewing or walking); or
 - c. A source of water (such as energy production, cooling of industrial equipment or wastewater or other industrial processes); or

- d. Marine research or education (such as viewing, sampling, recording information, conducting experiments or teaching).

(2) The use is a water-related use, which means that:

- a. It provides goods and/or services that are directly associated with water-dependent uses (supplying materials to, using products of or offering commercial or personal services to water-dependent uses); or
- b. If it were not located near the water, it would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality will include a subjective consideration of economic, social and environmental consequences of the use).

(3) The use which is not the primary use of the structure, shares an existing structure with a water-dependent use or water-related use and the combination results in a multiple use facility.

(4) The project provides significant public access or recreation uses through the provision of waterfront seating, walkways, piers, street furniture or similar facilities.

(5) The use is an accessory use important to the operations of the principal use.

(6) The use is a temporary use which meets the requirements of section 22-65

~~(f)~~ *Other applicable use standards.*

(1) Site plan review shall be required for uses which have buildings with more than four thousand (4,000) square feet of floor area.

(2) Accessory buildings shall comply with all yard, lot coverage and building requirements of this chapter.

(3) Every lot shall abut a street other than an alley for at least fifty (50) feet.

(4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.

(5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61

(6) Conditional uses will meet the requirements in sections 22-74 and 22-86

(7) Signs will comply with standards referred to in section 22-55

(8) All other applicable ordinance requirements will also be satisfied.

SECTION 20. Sections 22-35.1(b) and 22-35.1(c) are hereby amended so that the same shall read as follows:

Sec. 22-35.1. - Commercial parkway zone (CP-1).

(a) *Purpose.* The CP-1 district is established for the purpose of providing space for large lot development along principal vehicular approaches into the city. This is a mixed use district which should provide for certain types of office, commercial, and industrial operations which are typically characterized by a business park setting. This district may function as a transition zone between commercial/light industrial activities and uses which may be sensitive to nuisance such as residential land uses.

~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are allowed in the CP-1 zone if the uses will not violate standards referred to in subsections (d), (e), or (f) of this section, additional zoning ordinance provisions and other city laws:~~

~~(1) Uses allowed as semi-restricted uses in a C-1 zone.~~

~~(2) Printing, lithography and publishing establishments.~~

- ~~(3) Research, experimental and film laboratories.~~
- ~~(4) Wholesale trade, warehouse and distribution establishments, including trucking terminals.~~
- ~~(5) Repair service establishments (excluding auto body and paint shops) including, but not limited to, auto repair, pinstriping, truck repair, radio, and television, watch, clock, jewelry and shoe repair services.~~
- ~~(6) Contract construction service establishments.~~
- ~~(7) Commercial and industrial laundries.~~
- ~~(9) Facilities for the production, assembling and/or packaging of precision instruments.~~
- ~~(10) Manufacturing of finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage of such products. Uses include, but are not limited to, food beverages, apparel (except leather and furs), textiles, pharmaceuticals, household appliances, and plastics.~~
- ~~(11) Temporary uses meeting the requirements in section 22-65~~
- ~~(e) *Conditional uses permitted.* The following uses and their accessory uses are permitted in a CP-1 zone if the city commission, after a public hearing, determines that the location and development of plans comply with applicable standards referred to in subsections (d), (e) and (f) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Reserved.~~
 - ~~(2) Public and semi-public facilities, except for the following uses: hospitals, sanitariums, rest homes, convalescent homes, and public works maintenance facilities.~~
 - ~~(3) Commercial off-street parking lots and/or parking garages when such facilities are principal uses.~~
 - ~~(4) Public or private utility structures.~~
 - ~~(5) Auto body and paint shops.~~
 - ~~(6) Recycling facilities.~~
 - ~~(7) Bottling plants.~~
 - ~~(8) Retail sales establishments including, but not limited to, restaurants, bars, grocery stores, bakeries, department stores, clothing stores, gift shops, jewelry stores, sporting goods stores, furniture stores, appliance stores, hardware stores, building materials stores, agricultural equipment stores, auto parts stores, gasoline service stations, bicycle shops and auto and mobile home sales facilities.~~
 - ~~(9) Any structure over sixty five (65) feet in height.~~
 - ~~(10) Hotels and motels.~~
- ~~(d) *Basic use standards.* Uses in a CP-1 zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.~~
 - (1) Lot size.
 - a. The minimum lot area shall be twenty thousand (20,000) square feet.
 - b. The minimum lot width shall be one hundred (100) feet.
 - c. The minimum lot depth shall be one hundred (100) feet.
 - (2) Yards.
 - a. The minimum depth of the front yard shall be twenty-five (25) feet.

- b. The minimum depth of the rear yard shall be twenty (20) feet.
- c. The minimum depth of the side yard shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be twenty (20) feet.

(3) *Lot coverage.* Buildings will not cover more than sixty (60) per cent of the lot area.

(4) *Building heights.* No building shall exceed a height of sixty-five (65) feet above grade.

~~(e)~~ *Open space standards.*

- (1) A minimum of twenty (20) per cent of the gross area of land to be devoted to a commercial parkway development must be reserved for use as parks, recreation areas, marinas, open space, planting, or other public purposes other than rights-of-way, utility easements, and parking areas. At the request of the developer and subject to the approval of the city commission, use of recreational facilities may be offered to the general public. Areas that are natural or man-made floodways, lakes, and stormwater retention areas may be also be used to satisfy the total open space requirement.
- (2) All land dedicated for open space shall be under the legal control of the developer.

~~(f)~~ *Other applicable use standards.*

- (1) Site plan review shall be required for uses which have buildings with more than four thousand (4,000) square feet of floor area.
- (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter.
- (3) Every lot shall abut a street other than an alley for at least sixty (60) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.

SECTION 21. Sections 22-36(b) and 22-36(c) are hereby amended so that the same shall read as follows:

Sec. 22-36. - General and recreational open space zone (OS-1).

- (a) *Purpose.* This zone is intended primarily for uses which, by their nature of development, contribute open space and visual relief, significant to the area's development pattern, in part, due to the scenic value or the buffering functions of the use. The zone is designed to achieve this by primarily allowing recreational uses.
- ~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are allowed in an OS-1 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Park or recreation areas, except amusement parks.~~
 - ~~(2) Temporary uses which fulfill provisions in section 22-65~~
- ~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an OS-1 zone if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~
 - ~~(1) Indoor amusement, entertainment and/or recreation establishments.~~

- ~~(2) Restaurants.~~
- ~~(3) Gift shops.~~
- ~~(4) Cemeteries.~~
- ~~(5) Marinas, community buildings, amphitheaters and museums.~~
- ~~(6) Public utility structures, such as utility substations, and public and semipublic uses.~~
- ~~(7) Major utilities.~~

~~(d)~~ *Basic use standards.* Uses in an OS-1 zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses:

- (1) Lot size.
 - a. The minimum lot width shall be one hundred (100) feet.
 - b. The minimum lot depth shall be one hundred (100) feet.
- (2) Yards. The minimum yard depth for portions of the property abutting a public right-of-way or residential district will be fifteen (15) feet.
- (3) Lot coverage. Buildings shall not cover more than forty (40) per cent of the lot area.
- (4) Building height. No building shall exceed a height of thirty-five (35) feet above grade.

~~(e)~~ *Other applicable use standards.*

- (1) Site plan review shall be required for uses which have buildings with more than four thousand (4,000) square feet of floor area.
- (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter.
- (3) Every lot shall abut a street other than an alley for at least fifty (50) feet.
- (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (6) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (7) Signs will comply with standards referred to in section 22-55
- (8) All other applicable ordinance requirements will also be satisfied.

SECTION 22. Sections 22-37(b) and 22-37(c) are hereby amended so that the same shall read as follows:

Sec. 22-37. - Conservation open space zone (OS-2).

(a) *Purpose.* This district is for areas containing important natural environmental features which pose severe limitations on their suitability for development. It is the intent of the zone to retain to open character of the zone wherever possible by limiting the uses primarily to conservation, low intensity recreation and other compatible uses. Due to the sensitive environmental character of areas in the district, many users are allowed as conditional uses.

~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are permitted in an OS-2 zone if the uses will not violate standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Game and wildlife management preserves.~~

- ~~(2) Low intensity recreation.~~
- ~~(3) Water reservoirs and control structures.~~
- ~~(4) Fire control towers.~~
- ~~(5) Home occupations which satisfy requirements in section 22-63~~
- ~~(6) Temporary uses which fulfill provisions in section 22-65~~
- ~~(7) Ancillary structures less than five hundred (500) square feet in size.~~

~~(e) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an OS-2 zone if the city and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Environmental research and education facilities.~~
- ~~(2) Game and wildlife management preserves.~~
- ~~(3) Aquaculture facilities.~~
- ~~(4) Agriculture.~~
- ~~(5) Single family dwellings, excluding mobile homes.~~
- ~~(6) Innovative residential developments.~~
- ~~(7) Public utility structures, such as utility substations.~~
- ~~(8) Ancillary structures over five hundred (500) square feet in size.~~
- ~~(9) Major utilities.~~

~~(db) *Basic use standards.* Uses in an OS-2 zone, except innovative residential developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.~~

- (1) Lot size.
 - a. The minimum lot area for single-family dwelling shall be five (5) acres.
 - b. The minimum lot width shall be one hundred (100) feet.
 - c. The minimum lot depth shall be two hundred (200) feet.
- (2) Yards.
 - a. The minimum depth of the front yard will be forty (40) feet.
 - b. The minimum depth of the side yard will be twenty (20) feet.
 - c. The minimum depth of the rear yard shall be thirty (30) feet.
- (3) Lot coverage. Buildings will not cover more than five (5) per cent of the lot.
- (4) Height of buildings. No building shall exceed a height of twenty-eight (28) feet above grade, except fire control towers.

~~(ec) *Other applicable use standards.*~~

- (1) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter.
- (2) On any lot used for residential purposes, no more than one residential building will be allowed on a lot, except one building without kitchen facilities may be allowed as a guest house.

- (3) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (4) Conditional uses will meet the requirements in sections 22-74 through 22-86
- (5) Signs will comply with standards referred to in section 22-55
- (6) All other applicable ordinance requirements will also be satisfied.

SECTION 23. Sections 22-38(b) and 22-38(c) are hereby amended so that the same shall read as follows:

Sec. 22-38. - Aquatic conservation zone (A-1).

(a) *Purpose.* This district is intended to help assure that aquatic areas having exceptional biological, aesthetic, educational or scientific value are appropriately protected for future generations. The regulations are designed to encourage management of these areas for low to moderate intensities of use, with emphasis on maintaining the flow of aquatic resources and recreational benefits. To the extent practical, damage to the ecosystems of the affected aquatic and shoreland areas and adverse impacts on the public's use of the water should be minimized.

~~(b) *Semi-restricted uses permitted.*~~

- ~~(1) Navigational aids are allowed in an A-1 zone if no major alterations of the area are necessary and if other ordinance requirements are satisfied.~~
- ~~(2) Docks for single family homes located on the Indian River Lagoon, Inlet or other water bodies are allowed if other ordinance requirements are satisfied. Docks for single family homes that are located on canals within Surfside or Jennings Cove are subject to conditional use approval pursuant to subsection (c)(3).~~

~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an A-1 zone if they meet the criteria in subsection (e) of this section and if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section, additional zoning ordinance provisions and other city laws:~~

- ~~(1) Water dependent recreation facilities.~~
- ~~(2) Aquaculture facilities.~~
- ~~(3) Dock/moorage facilities, other than permitted in subsection (b)(2)~~
- ~~(4) Marine research and/or education facilities.~~
- ~~(5) Major utilities.~~
- ~~(6) Land transportation facilities.~~

~~(d) *Building heights.* No building will exceed a height of twenty-five (25) feet above the mean high tide line in tidal areas and the ordinary high water line in nontidal areas.~~

~~(e) *Special conditional use criteria.* No conditional use will be allowed in an A-1 zone unless it meets one or more of the following criteria:~~

- (1) The use is a water-dependent use, which means that it can only be carried out on, in or adjacent to water and the location or access is needed for:
 - a. Waterborne transportation (such as navigation; moorage, fueling and servicing of ships or boats; terminal and transfer facilities; fish or other resource and material receiving and shipping); or
 - b. Recreation (active recreation such as swimming, boating or fishing; passive recreation such as viewing or walking); or

- c. A source of water (such as energy production, cooling of industrial equipment or wastewater or other industrial processes); or
- d. Marine research or education (such as viewing, sampling, recording information, conducting experiments or teaching).

(2) The use is a water-related use, which means that:

- a. It provides goods and/or services that are directly associated with water-dependent uses (supplying materials to, or using products of or offering commercial or personal services to water-dependent uses); or
- b. If it were not located near the water, it would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality will include a subjective consideration of economic, social and environmental consequences of the use).

(3) The use which is not the primary use of the structure, shares an existing structure with a water-dependent use or water-related use and the combination results in a multiple use facility.

(4) The project provides significant public access or recreation uses through the provision of waterfront seating, walkways, piers, street furniture or similar facilities.

(5) The use is an accessory use important to the operations of the principal use.

(6) The use is a temporary use which meets the requirements of section 22-65

~~(f)~~ *Other applicable use standards.*

(1) Accessory buildings shall comply with all building height requirements of this chapter.

(2) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.

(3) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61

(4) Conditional uses will meet the requirements in sections 22-74 and 22-86

(5) Signs will comply with standards referred to in section 22-55

(6) All other applicable ordinance requirements will also be satisfied.

~~(g)~~ *Unregulated activities.* The provisions of this district will not be interpreted to prohibit or regulate the following activities, unless the prohibition or regulation is specifically stated as a condition of approval of a conditional use:

(1) Filling.

(2) Dredging.

(3) Dredged material disposal.

(4) Bankline/stream alteration.

(5) Construction and repair of shoreline stabilization structures, mosquito control structures and dikes.

(6) Installing types of navigational structures not previously listed in this subsection.

SECTION 24. Sections 22-39(b) and 22-39(c) are hereby amended so that the same shall read as follows:

Sec. 22-39. - Aquatic development zone (A-2).

(a) *Purpose.* This district is intended for aquatic areas which should be managed primarily for navigation and other water-oriented uses, consistent with the need to minimize damage to

the ecosystem of the area. Water-dependent, water-related and other uses are allowed which are consistent with the character of nearby shoreland areas. Aquatic development areas may include areas suitable for navigation (including shipping and access channels and turning basins), areas adjacent to developed or developable shorelands which may need to be altered to provide navigational access or create new land for water-oriented uses and other appropriate areas.

~~(b) *Semi-restricted uses permitted.* The following uses and their accessory uses are allowed in an A-2 zone as a semi-restricted use if: No dredging or filling is necessary; piers and/or similar facilities are not required in new locations; and the use will not violate standards referred to in subsections (d) and (f) of this section, additional zoning ordinance provisions and other city laws:~~

~~(1) Any of the following uses when access to the facilities is provided from property in an I-2 zone by piers or similar means:~~

~~a. Shipping and/or port marine facilities.~~

~~b. Ship and boat building and repair facilities.~~

~~(2) Any of the following uses when access to the facilities is provided from property in an I-2, C-3, C-4 or C-5 zone by piers or similar means:~~

~~a. Commercial fishing facilities.~~

~~b. Charter fishing facilities.~~

~~c. Petroleum receiving, dispensing and/or storage facilities for marine use.~~

~~d. Storage areas for marine equipment.~~

~~e. Cold storage and/or reprocessing facilities.~~

~~f. Fish cleaning establishments.~~

~~g. Marine regulatory agencies.~~

~~h. Marine research and education facilities.~~

~~(3) Navigational aids.~~

~~(c) *Conditional uses permitted.* The following uses and their accessory uses are permitted in an A-2 zone if they meet the criteria in subsection (e) of this section and if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (f) of this section, additional zoning ordinance provisions and other city laws:~~

~~(1) Uses listed in subsection (b) of this section which require new piers or similar facilities, dredging and/or filling.~~

~~(2) Marinas.~~

~~(3) Water-dependent recreation.~~

~~(4) Aquaculture facilities.~~

~~(5) Major utilities.~~

~~(6) Land transportation facilities.~~

~~(7) Restaurants and bars.~~

~~(8) Seafood markets.~~

~~(9) Retail trade facilities used for the sale of products such as ice, bait, tackle, charts, gifts and groceries when the facilities are in conjunction with and incidental to other uses being allowed in the district.~~

(~~db~~) *Building heights.* No building will exceed a height of forty-five (45) feet above the mean high tide line in tidal areas and the ordinary high water line in nontidal areas.

(~~ec~~) *Special conditional use criteria.* No conditional use will be allowed in an A-2 zone unless it meets one or more of the following criteria:

- (1) The use is a water-dependent use, which means that it can only be carried out on, in or adjacent to water and the location or access is needed for:
 - a. Waterborne transportation (such as navigation; moorage, fueling and servicing of ships or boats; terminal and transfer facilities or fish or other resource and material receiving and shipping); or
 - b. Recreation (active recreation such as swimming, boating or fishing; passive recreation such as viewing or walking); or
 - c. A source of water (such as energy production, cooling of industrial equipment or wastewater or other industrial processes); or
 - d. Marine research or education (such as viewing, sampling, recording information, conducting experiments or teaching).
- (2) The use is a water-related use, which means that:
 - a. It provides goods and/or services that are directly associated with water-dependent uses (supplying materials to, or using products of or offering commercial or personal services to water-dependent uses); or
 - b. If it were not located near the water, it would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality will include a subjective consideration of economic, social and environmental consequences of the use).
- (3) The use which is not the primary use of the structure, shares an existing structure with a water-dependent use or water-related use and the combination results in a multiple use facility.
- (4) The project provides significant public access or recreation uses through the provision of waterfront seating, walkways, piers, street furniture or similar facilities.
- (5) The use is an accessory use important to the operations of the principal use.
- (6) The use is a temporary use which meets the requirements of section 22-65

(~~fd~~) *Other applicable use standards.*

- (1) Uses identified as a permitted use within the Use Table are only permitted if no dredging or filling is necessary and piers or similar facilities are not required in new locations. If dredging and/or filling or new piers or similar facilities are required, said uses shall be allowed as a Conditional Use.
- (2) Uses identified as a permitted use within the Use Table are only permitted when access to the facilities are provided from a property in an I-2, C-3, C-4 or C-5 zone by piers or similar means.
- (~~43~~) Commercial or industrial uses situated on floating structures shall be located so they will be protected from currents and wave action and so they will not rest on the bottom at low water.
- (~~24~~) Accessory buildings shall comply with all building height requirements of this chapter.
- (~~35~~) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (~~46~~) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61
- (~~57~~) Conditional uses will meet the requirements in sections 22-74 through 22-86

(68) Signs will comply with standards referred to in section 22-55

(79) All other applicable ordinance requirements will also be satisfied.

(ge) *Unregulated activities.* The provisions of this district will not be interpreted to prohibit or regulate the following activities, unless the prohibition or regulation is specifically stated as a condition of approval of a conditional use:

- (1) Filling.
- (2) Dredging.
- (3) Dredged material disposal.
- (4) Bankline/stream alteration.
- (5) Construction and repair of shoreline stabilization structures, mosquito control structures and dikes.
- (6) Installing types of navigational structures not previously listed in this subsection.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 3. This Ordinance is and the same shall become effective immediately upon final passage.

Linda Hudson, Mayor

ATTEST:

Linda W. Cox, City Clerk

APPROVED AS TO FORM & CORRECTNESS:

Robert V. Schwerer, Esq.,

City Attorney