

ORDINANCE 2025-04 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2 "DEFINITIONS," SECTION 23.1-12 - DEFINITIONS; ARTICLE 2 "ADMINISTRATION," DIVISION 1 "DECISIONMAKERS," SECTION 23.2-6 SITE PLAN REVIEW TEAM; AND DIVISION 3 "PERMITS," SECTION 23.2-28 ADMINISTRATIVE ADJUSTMENTS/ADMINISTRATIVE USE PERMITS, SECTION 23.2-29 CONDITIONAL USE PERMITS, SECTION 23.2-30 SITE PLAN REVIEW, SECTION 23.2-31 SITE QUALITATIVE STANDARDS, SECTION 23.2-32 SITE PLANS AND SPECIFICATIONS, AND SECTION 23.2-39 AFFORDABLE/WORKFORCE HOUSING PROGRAM; ARTICLE 3 "ZONING DISTRICTS," DIVISION 1, "GENERALLY," SECTION 23.3-6 USE TABLES; AND DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-7 - SF-R - SINGLE-FAMILY RESIDENTIAL; AND DIVISION 3, "MIXED USE DISTRICTS," SECTION 23.3-13 - MU-E - MIXED USE EAST, SECTION 23.3-14 - DT - DOWNTOWN, SECTION 23.3-16 - MU-FH - MIXED USE - FEDERAL HIGHWAY, SECTION 23.3-17 - MU-DH - MIXED USE - DIXIE HIGHWAY, SECTION 23.3-18 - MU-W - MIXED USE WEST, SECTION 23.3-19 - TOD-E - TRANSIT ORIENTED DEVELOPMENT EAST, AND SECTION 23.3-20 - TOD-W - TRANSIT ORIENTED DEVELOPMENT WEST; AND DIVISION 5, INDUSTRIAL DISTRICTS," SECTION 23.3-23 AI - ARTISANAL INDUSTRIAL; AND DIVISION 9, "OVERLAY DISTRICTS," SECTION 23.3-29 CULTURAL ARTS DISTRICT OVERLAY; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-4 FENCES, WALLS AND GATES, SECTION 23.4-10 OFF-STREET PARKING, SECTION 23.4-13 ADMINISTRATIVE USES AND CONDITIONAL USES, SECTION 23.4-15 CEMETERIES/MAUSOLEUMS/COLUMBARIUMS, SECTION 23.4-16 MECHANICAL SYSTEMS/EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES, SECTION 23.4-17 STANDBY GENERATOR/PERMANENT, AND SECTION 23.4-25 MICRO-UNITS; AND ARTICLE 5 "SUPPLEMENTAL REGULATIONS," SECTION 23.5-1 SIGNS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

**WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the "City"), enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 1 "General Provisions," Division 2 "Definitions," Section 23.1-12 - Definitions to revise the definition for accessory use, create a definition for build-to line, create a definition for dark sky lighting, create a definition for green roof, revise the definition for impermeable/impervious surface, revise the definition for medium-intensity institutional uses, revise the definition for residential uses, revise the definition for

retirement center/facility, revise the definition for semi-pervious surface, and create a definition for shed; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 1 “Decisionmakers,” Section 23.2-6 “Site plan review team” to clarify membership, applications the team reviews, and meeting requirements; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-28 “Administrative adjustments/administrative use permits” to move the administrative use permit regulations to Section 23.2-29; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-29 “Conditional use permits” to place the administrative and conditional use permit regulations in one section, reorganize subsections for clarity and conciseness, and codify a use permit amendment process; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-30 “Site plan review” to clarify when a site plan review is required, revise the types of development that require a minor site plan, and to codify the site plan modification review; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 “Site qualitative standards” to add dark sky requirements and clarify when the community appearance criteria are applicable; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-32 “Site plans and specifications” to remove redundant language and outdated requirements and add site plan modification requirements; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-39 “Affordable/workforce housing program” to change the twenty-five percent affordable/workforce housing parking reduction to a fifteen percent reduction; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 1 “Generally,” Section 23.3-6 “Use Tables” to correct errors related to allowed residential uses in the NC district to align with the existing zoning district regulations and Comprehensive Plan, revise references of retirement homes/facilities to instead refer to independent senior living, allow low-intensity take-out establishments in the BAC district, allow medium-intensity minor repair and maintenance uses in the I-POC district, create high-intensity and low-intensity social service center uses, and to allow medium-intensity social service center uses in the NC district; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential,” to amend the accessory structure location regulations for certain parcels with special setbacks; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east,” Section 23.3-14 “DT – Downtown,” Section 23.3-16 “MU-FH – Mixed use – Federal Highway,” Section 23.3-17 “MU-DH – Mixed use – Dixie Highway,” Section 23.3-18 “MU-W – Mixed use west,” Section 23.3-19 “TOD-E – Transit oriented development east,” and Section 23.3-20 “TOD-W – Transit oriented

development west,” to clarify regulations for residential development in mixed use districts, including development on nonconforming lots of record; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 5 “Industrial Districts,” Section 23.3-23 “AI – Artisanal industrial,” to clarify regulations for density of residential development to align with the Comprehensive Plan and Use Table; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 9 “Overlay Districts,” Section 23.3-29 “Cultural Arts District Overlay,” to correct information about allowable signage; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Section 23.4-4 – “Fences, walls, and gates,” revise the minimum setback for six-foot tall fencing along roadways and clarify fencing regulations for public and conservation uses; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Section 23.4-10 “Off-street parking” to change the twenty-five percent mixed use parking reduction to a fifteen percent reduction; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Section 23.4-13 – “Administrative uses and conditional uses,” to correct the fencing standards for single destination retail uses and revise language for retirement homes to instead refer to independent senior living; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Section 23.4-15 – “Cemeteries/Mausoleums/Columbariums,” to remove minimum distance requirements from assisted living facilities, nursing homes, and independent senior living facilities; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Section 23.4-16 – “Mechanical Systems/Equipment for Existing Residential Structures,” include regulations for generators previously provided in Section 23.4-17, to revise the permitted hours for maintenance running, and clarify zoning districts which prohibit the use of generators with integrated fuel systems; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Section 23.4-17 – “Standby Generator/Permanent,” to move the existing generator regulations to 23.4-16 and make this section reserved; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Section 23.4-25 “Micro-units” to revise references to a twenty-five percent mixed use parking reduction to a fifteen percent reduction; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,” Section 23.5-1 - “Signs,” to correct references to the landscape regulations in Section 23.6-1; and

**WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

**WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

**WHEREAS**, the City Commission has reviewed the proposed amendments and has determined that it is in the best interest of the public health, safety, and general welfare of the City to adopt this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:**

**Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance as if set forth herein.

**Section 2:** Chapter 23 “Land Development Regulations, Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit A**.

**Section 3:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 1 “Decisionmakers,” Section 23.2-6 “Site Plan Review Team” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit B**.

**Section 4:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-28 “Administrative Adjustments/Administrative Use Permits” is hereby amended by deleting the words struck through as indicated in **Exhibit C**.

**Section 5:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-29 “Conditional Use Permits” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit D**.

**Section 6:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-30 “Site Plan Review” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit E**.

**Section 7:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 “Site Qualitative Standards” is hereby amended by adding the words shown in underline type as indicated in **Exhibit F**.

**Section 8:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-32 “Site Plans and Specifications” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit G**.

**Section 9:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-39 “Affordable/Workforce Housing Program” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit H**.

**Section 10:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 1 “Generally,” Section 23.3-6 “Use Tables” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit I**.

**Section 11:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential” is hereby amended by adding the words shown in underline type as indicated in **Exhibit J**.

**Section 12:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east” is hereby amended by adding the words shown in underline type as indicated in **Exhibit K**.

**Section 13:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-14 “DT – Downtown” is hereby amended by adding the words shown in underline type as indicated in **Exhibit L**.

**Section 14:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-16 “MU-FH – Mixed use-Federal Highway ” is hereby amended by adding the words shown in underline type as indicated in **Exhibit M**.

**Section 15:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-17 “MU-DH – Mixed use-Dixie Highway” is hereby amended by adding the words shown in underline type as indicated in **Exhibit N**.

**Section 16:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-18 “MU-W – Mixed use west” is hereby amended by adding the words shown in underline type as indicated in **Exhibit O**.

**Section 17:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-19 “TOD-E – Transit oriented development east” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit P**.

**Section 18:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-20 “TOD-W – Transit oriented development west” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit Q**.

**Section 19:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 5 “Industrial Districts,” Section 23.3-23 “AI – Artisanal Industrial” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit R**.

**Section 20:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 9 “Overlay Districts,” Section 23.3-29 “Cultural Arts District Overlay” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit S**.

**Section 21:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-4 “Fences, walls and gates” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit T**.

**Section 22:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-10 “Off-street parking” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit U**.

**Section 23:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-13 “Administrative and conditional uses” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit V**.

**Section 24:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-15 “Cemeteries/mausoleums/columbariums” is hereby amended by deleting the words struck through as indicated in **Exhibit W**.

**Section 25:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-16 “Mechanical systems/equipment for existing residential structures” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit X**.

**Section 26:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-17 “Standby generator/permanent” is hereby amended by deleting the words struck through as indicated in **Exhibit Y**.

**Section 27:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-25 “Micro-units” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit Z**.

**Section 28:** Chapter 23 Land Development Regulations, Article 5 “Supplemental Regulations,” Section 23.5-1 “Signs” is hereby amended by deleting the words struck through as indicated in **Exhibit AA**.

**Section 29:** Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 30:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 31:** Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

**Section 32:** Effective Date. This ordinance shall become effective 10 days after passage.

The passage of this ordinance on first reading was moved by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch  
Vice Mayor Sarah Malega  
Commissioner Christopher McVoy  
Commissioner Mimi May  
Commissioner Anthony Segrich

311  
312 Mayor Betty Resch  
313 Vice Mayor Sarah Malega  
314 Commissioner Christopher McVoy  
315 Commissioner Mimi May  
316 Commissioner Anthony Segrich

Melissa Ann Coyne, MMC, City Clerk

EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 1, "General Provisions," Division 2, "Definitions"

Sec. 23.1-12. – Definitions.

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*Accessory use:* A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use. For non-residential or mixed-use properties, an accessory use shall not exceed thirty (30) percent of the total use area.

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*Build-to line:* A line on a parcel, measured parallel from the front and/or side lot line, where the structure must be located. The building facade must be located on the build-to line.

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*Dark sky lighting:* Lighting products and designs that comply with Dark Sky International's Five Lighting Principles for Responsible Outdoor Lighting to minimize glare, reduce light trespass, and reduce light pollution.

\*\*\*

*Green roof:* A vegetated roofing system which is functionally integrated onto a roof area. Green roofs may be considered extensive, semi-intensive, or intensive, depending on the depth of the growing medium and diversity of plant selection. A green roof may count either as a semi-permeable surface or as a qualifying sustainability feature for the Sustainable Bonus Incentive Program.

\*\*\*

*Impermeable/impervious surface:* All surfaces on a lot incapable of being penetrated by water under normal circumstances, wherein moisture runs off the surface instead of penetrating the material to be absorbed in the underlying soil. Impermeable materials include, but are not limited to, asphalt, concrete, pavers and compacted shell rock and roofs. Impermeable surfaces shall have a minimum eighteen (18) inch ~~of a one-foot~~ setback from the side property lines, and ~~rear property lines.~~ Impervious surfaces shall also have a minimum eighteen (18) inch setback from the rear property line, unless the surfaces are used to access parking.

\*\*\*

*~~Independent senior living Retirement center/facility:~~* Public or private institution, building, residence, private home, or other place including independent living units, whether operated for profit or not, including a place operated by a county or municipality, providing living accommodations and recreational services for retired individuals including accessory uses incidental to such use but not inclusive of medical care, supervision, diagnosis, treatment or prevention of diseases, illness, injury or other physical or mental impairments.

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381 *Medium-intensity institutional uses:* These are institutional uses that typically generate  
 382 moderate volumes of customer traffic, to include the following and those that are substantially  
 383 similar or related:

384 Botanical research and education.  
 385 Colleges and universities (satellite campus).  
 386 Day care center.  
 387 Marine research and education.  
 388 Museums.  
 389 Nursing homes/assisted living facilities/~~retirement homes~~.  
 390 Places of worship.  
 391 Welcome centers.

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394 *Residential uses:* Uses such as single-family, two-family, and multi-family providing living  
 395 accommodations to households including but not limited to the following types of structures:  
 396 single-family dwelling/residence, duplex dwelling/residence, apartment building, condominium,  
 397 ~~assisted living center and/or nursing/retirement home~~ and independent senior living.

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400 *Semi-pervious surface:* A surface covered by materials with a percolation rate of at least fifty  
 401 (50) percent relative to the ground percolation rate. Semi-pervious surface may include but are  
 402 not limited to permeable paving material and other semi-pervious materials such as gravel, small  
 403 stone, and other substantially similar materials. For semi-pervious surfaces, two (2) square feet  
 404 of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the  
 405 purpose of calculating development regulations. The semi-pervious surface credit shall not reduce  
 406 the required open space and landscape area requirements. Semi-pervious surfaces shall have a  
 407 minimum eighteen (18) inch ~~of a one-foot~~ setback from the side property lines. Semi-pervious  
 408 surfaces shall also have a minimum eighteen (18) inch ~~one-foot~~ setback from the rear property  
 409 line, unless the surfaces are used to access parking.

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412 *Shed: A one-story accessory structure used primarily for storage purposes. Sheds are not*  
 413 *designed to be served by plumbing. A permit shall not be required for a shed under 121 square*  
 414 *feet that does not require a concrete pad; this exemption shall only apply to one (1) shed on a*  
 415 *property. If a shed is placed on a concrete pad/foundation, is larger than 121 square feet, or the*  
 416 *property has more than one shed in total, a permit shall be required.*

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**EXHIBIT B**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Article 2, "Administration," Division 1, "Decisionmakers"*

**Sec. 23.2-6 – Site Plan Review Team.**

- (a) *Powers and duties.* The site plan review team reviews and makes technical ~~recommendations to the development review official~~ comments for the following applications: annexation, abandonment, site plan approvals, planned developments, ~~and text amendments,~~ administrative use permits, conditional use permits, rezoning, and future land use map amendments. Each member of the site plan review team reviews and comments on the application as to that member's area of expertise and compliance with the Comprehensive Plan and these LDRs. Comments are provided in a collective response from the site plan review team to the applicant.
- (b) *Membership.* The site plan review team members shall be members of the department for community sustainability and members of other departments and agencies as deemed appropriate by the city manager or the director for community sustainability, including but not limited to, the public works services department, the utilities departments, the community redevelopment agency, the Lake Worth Drainage District, the city attorney, and the ~~police and fire agencies~~ of the county city.
- (c) *Meetings.* The site plan review team shall meet on an as-needed basis to process applications within the time required by these LDRs and without undue delay. Special meetings may be called by the director for community sustainability. ~~The meetings shall be noticed.~~

## EXHIBIT C

## Chapter 23

## LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Article 2, "Administration," Division 3, "Permits"***Sec. 23.2-28 – Administrative Adjustments/Administrative Use Permits.**

- a) Administrative adjustments. The development review official may administratively adjust Code provisions and regulations for setbacks, landscape placement, driveway access, lot area, lot coverage for buildings, floor area ratio, and impermeable surface ratio by no more than five (5) percent, and parking by no more than ten (10) percent, where the development review official determines that a literal enforcement will result in unnecessary hardship and where additional amenities will be provided that will offset any deficiency. A deficiency includes, but is not limited to, addressing accessibility, meeting minimum housing standards, providing additional essential living space due to changes in familial status or affording substantially similar improvements to comply with Florida Building Code requirements.
1. All existing structures that exceed the development regulations for building lot coverage, impermeable lot coverage, or floor area ratio (F.A.R.) may be expanded by right no more than ten (10) percent of the existing overall square footage. The up to ten (10) percent expansion by right shall be granted only once; any additional expansions shall have to meet the established standards for the granting of a formal variance and be reviewed by the appropriate decision-making authority.
  2. The development review official may administratively adjust Code provisions and regulations for establishing the front yard for all corner and multi-frontage lots, and to adjust setback, height, and location of fences fronting public rights-of-way to conform to the orientation of the structure in all residential zoning districts.
- ~~b) *Administrative use permits.* Administrative use permits are required for certain uses that are generally compatible with other uses permitted in a district, but that require verification that all development-related standards and regulations have been met. In addition, any change of use shall be approved by administrative use permit. This paragraph sets forth findings for review and approval of administrative use permits. These findings are adopted to provide guidelines for the reviewing authority to follow in arriving at a final decision.~~
- ~~1. *Approval authority.* The development review official, in accordance with the procedures, standards and limitations of this section, shall approve or deny an application for an administrative use permit after review and comment by the site plan review team (if applicable). The development review official's decision on an administrative use permit is final, but may be appealed to the appropriate regulatory board by the applicant or affected party, pursuant to section 23.2-17.~~
  - ~~2. *General procedures.* In accordance with sections 23.2-10 through 23.2-13, an application for an administrative use permit shall be made in writing upon an application form approved by the department for community sustainability, and~~

shall be accompanied by applicable fees. The department for community sustainability shall review the application in accordance with these LDRs and prepare a result letter that summarizes the application and the effect of the proposed use, including whether the application complies with each of the findings for granting an administrative use permit stated below, and approve or deny the application as submitted.

3. ~~General findings relating to adherence with LDRs and comprehensive plan.~~ Prior to approving any administrative use permit, the development review official shall find based on competent and substantial evidence that:

- a) ~~The proposed use or development conforms to the applicable provisions of the comprehensive plan.~~
- b) ~~The proposed use or development conforms to the applicable provisions of these LDRs.~~
- c) ~~The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, and any other applicable provisions of the City Code, or can demonstrate previous approval of the existing nonconformity.~~
- d) ~~The proposed use or development will not generate traffic to a level higher than that of a use permitted by right for the site.~~
- e) ~~The required landscape buffering has been provided for project sites that are adjacent to properties that are zoned for residential use.~~
- f) ~~All activities of the use occur on site, or as permitted by separate permit as provided by code, such as but not limited to right of way permit or sidewalk café permit.~~
- g) ~~The proposed use makes adequate provisions for adverse impacts on protected land uses as defined in section 23.1-12.~~

4. ~~Additional requirements.~~ Prior to approving any administrative use permit, the development review official shall ensure that the following requirements have been met:

- a) ~~Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.~~
- b) ~~Any previously imposed conditions of approval for the use at the site have been met, if applicable.~~

## EXHIBIT D

## Chapter 23

## LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Article 2, "Administration," Division 3, "Permits"***Sec. 23.2-29 – Conditional Use Permits.**

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a) *Purpose and intent.* This section sets forth findings for review and approval or denial of administrative use permits and conditional use permits. These findings are adopted to provide guidelines for the reviewing authority to follow in arriving at a use permit decision.

Administrative use are those uses that are generally compatible with other uses permitted in a district, but that require verification that all development-related standards and regulations have been met. In addition, any change of use shall be reviewed by administrative use permit.

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.

~~This section sets forth findings for review, approval, approval with conditions, or denial of conditional use permits. These findings are adopted to provide guidelines for the reviewing authority to follow in arriving at any conditional use decision.~~

~~Conditional uses set forth in these LDRs shall be deemed to carry the potential for adverse impacts to the public interest, thus requiring individual review and findings of fact before approval can be granted. In those instances when the decision-making authority determines that all findings for approval of a particular conditional use at a specific location have been met, then the decision making authority shall approve the use.~~

b) *Approval authority.* The development review official, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for an administrative use permit after review and comment by the site plan review team (if applicable). The development review official's decision on an administrative use permit is final, but may be appealed to the appropriate regulatory board by the applicant or affected party, pursuant to section 23.2-17

The planning and zoning board or historic resources preservation board, as applicable, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application ~~for a development permit~~ for a conditional use permit after review and recommendation by the development review official and review and comment by the site plan review team. The board's decision on a conditional use permit may be appealed to the city commission by the applicant or affected party, pursuant to section 23.2-17.

589  
590 c) *General procedures.* An application for an administrative or conditional use permit shall  
591 be made in writing upon an application form approved by the department for community  
592 sustainability, and shall be accompanied by applicable fees. If applicable, nNotice shall be  
593 by publication, mail and posting pursuant to the provisions in section 23.2-15.

594  
595 The development review official, in collaboration with the site plan review team, shall  
596 review the administrative use permit application in accordance with these LDRs and  
597 prepare a result letter that summarizes the application and the effect of the proposed use,  
598 including whether the application complies with each of the findings for granting an  
599 administrative use permit stated below, and approve, approve with conditions, or deny the  
600 application as submitted.

601  
602 ~~The department for community sustainability~~ development review official, in collaboration  
603 ~~with the site plan review team,~~ shall review the conditional use permit application in  
604 accordance with these LDRs and prepare a report that summarizes the application and  
605 the effect of the proposed conditional use, including whether the application complies with  
606 each of the findings for granting conditional uses stated below and provide a  
607 recommendation for whether the application should be approved, approved with  
608 conditions, or denied. Once the report is complete, the applicant will be notified and  
609 furnished a copy of the report, and the application shall be scheduled for hearing before  
610 the planning and zoning board or historic resources preservation board, as applicable.

611  
612 ~~i)-d)~~ *Development regulations and site plan review standards.* All administrative and  
613 conditional uses shall be subject to the development regulations applicable to the district  
614 in which they are located, except when specific provisions of Article 4 establish different  
615 standards or when higher standards are set by these LDRs. All conditional uses shall be  
616 subject to the site design qualitative development standards set forth for site plan review  
617 in this article.

618  
619 ~~h)-e)~~ *Conditions.* The decision-making authority may impose such conditions in a  
620 development order for an administrative or conditional use that are necessary to  
621 accomplish the purposes of the comprehensive plan and the code of ordinances these  
622 LDRs to prevent or minimize adverse impacts upon the public, the environment and  
623 neighborhoods, and to ensure compatibility, including but not limited to function, size, bulk  
624 and location of improvements and buildings, standards for landscaping, buffering, lighting,  
625 adequate ingress and egress, site circulation, and hours of operation. ~~Conditions shall be~~  
626 ~~included if conventional standards are inadequate to protect the public interest,~~  
627 ~~surrounding land uses or if additional improvements are needed to facilitate a more~~  
628 ~~thoughtful transition between different uses.~~ The placement of conditions on the approval  
629 of a development order shall be the minimum conditions necessary in order for the  
630 proposed use to meet all necessary findings, as set forth in this section.

631  
632 ~~j)-f)~~ *Adherence to required conditions and safeguards.* Conditions and requirements stated  
633 as part of the approval of an administrative or conditional use shall be a continuing  
634 obligation of the property owner unless and until the administrative or conditional use shall  
635 expire. All plans, specifications and statements submitted with the application for an  
636 administrative or conditional use approval shall become, with any changes ordered by the  
637 decision-making authority, a part of the conditions of any approval. The development  
638 review official shall make periodic investigations of developments authorized as  
639 administrative or conditional uses to determine compliance with all requirements.

The development review official may deny permission to continue an administrative or conditional use approval upon his determination that the conditions prescribed in the issuance of the original approval, including the requirement that the use be discontinued after a specified time period, are no longer met and that:

1. Violations of conditions continue to exist more than thirty (30) days after an order to correct has been issued; or
2. Violations of conditions have recurred after an order to correct has been issued and the violations have been corrected.

g) Amendment to use approval. An administrative use permit may be administratively amended if the use area is expanded by no more than ten (10) percent of the previously-approved use area or a new accessory use is proposed. Approval of new principal uses shall require a new use permit. Amendments to administrative use permits shall be subject to staff review, SPRT review as applicable, approval by the development review official, and applicable fees.

A conditional use permit may be administratively amended if the use area is expanded by no more than twenty-five (25) percent of the previously-approved use area or a new accessory use is proposed which does not, by itself, require a conditional use approval. Approval of new principal uses shall require a new use permit. Amendments to conditional use permits shall be subject to staff review including SPRT review, approval by the development review official, and applicable fees.

k)-h) Expiration of use approval. Any approval of an administrative or conditional use granted by the development review official, planning and zoning board, the historic resources preservation board, or the city commission shall be subject to the time limits set forth in section 23.1-11 regarding building permits and section 23.2-37 regarding the expiration of development orders.

i) General findings relating to adherence with code of ordinances and comprehensive plan – administrative use permits. Prior to approving any administrative use permit, the development review official shall find based on competent and substantial evidence that:

1. The proposed use or development conforms to the applicable provisions of the comprehensive plan.
2. The proposed use or development conforms to the applicable provisions of the code of ordinances.
3. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, and any other applicable provisions of the City Code, or can demonstrate previous approval of the existing nonconformity.
4. The proposed use or development will not generate traffic to a level higher than that of a use permitted by right for the site.
5. The required landscape buffering has been provided for project sites that are adjacent to properties that are zoned for residential use.
6. All activities of the use occur on site, or as permitted by separate permit as provided by code, such as but not limited to right of way permit or sidewalk café permit.
7. The proposed use makes adequate provisions for adverse impacts on protected land uses as defined in section 23.1-12.

~~d)-j)~~ i) General findings relating to harmony with LDRs and protection of public interest – conditional use permits. Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that:

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.
2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.
3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other administrative or conditional use permitted on the site.
4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

~~e)-k)~~ k) Specific findings for all conditional uses. Prior to approving any conditional use, the decision-making authority shall find that:

1. The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.
2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.
3. The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.
4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.
5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.
6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.
7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.



8. The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-340, Exterior lighting.

~~f)-l)~~ l) *Findings for nonresidential conditional uses in residential districts.* Prior to approving any nonresidential conditional use in any residential district and prior to approving any more intensive residential conditional use in a less intensive residential district, the decision-making authority shall find based on competent substantial evidence that:

1. The location of the conditional use will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long range development of the district for the residential purposes intended.
2. The size of the conditional use and the nature and intensity of the operations involved will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long range development of the district for the residential purposes intended.
3. The location of the conditional use will not result in a small existing or planned residential area being isolated from other residential development by being completely or largely surrounded by arterial streets and nonresidential land uses.
4. The design of buildings for commercial and office conditional uses in residential districts shall be in a manner similar to residential structures in the same general area or neighborhood. Such a finding shall be based on a consideration of the building mass, height, materials, window arrangement, yards and any other pertinent considerations.

~~g)-m)~~ m) *Additional requirements.* Prior to approving any administrative or conditional use permit, the decision-making authority shall ensure that the following requirements have been met:

1. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city, unless this use approval is required to address code citations on the project site.
2. Any previously imposed conditions of approval for the use at the site have been met, if applicable, unless a request for amendment of conditions is part of the current conditional-use permit application.

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## EXHIBIT E

## Chapter 23

## LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Article 2, "Administration," Division 3, "Permits"***Sec. 23.2-30 – Site Plan Review.**

- a) *Intent.* The intent of the site plan review provisions is to establish standards for development and provide review procedures which ensure compliance with these qualitative standards and with other regulations of the code of ordinances ~~these LDRs~~. Site plans shall be prepared in accordance with the qualitative site design requirements in section 23.2-31. ~~Site plan review and approval shall be required for the following:~~

- ~~1. Construction of all new structures, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.~~
- ~~2. Modification of existing structures, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.~~
- ~~3. Occupancy of an existing structure, where a change of occupancy requires additional parking, a site plan shall be required. Where a change of use does not require additional parking, an application so stating and signed by the development review official must be attached to the certificate of occupancy application file prior to the issuance of a certificate of occupancy.~~
- ~~4. Modifications to parking, landscaping, open space, and impervious area that impact greater than five (5) percent of the site, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.~~
- ~~5. Reconfiguration or modification of on-site circulation, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.~~

In the case of a site plan that is part of a master development plan for a planned development district, the procedures in section 23.3-25 shall apply.

- b) ~~Determination if site plan review required. Prior to issuance of a building permit or a certificate of occupancy, the development review official shall determine if site plan review pursuant to the provisions of this section is required. If site plan review is required, the development review official shall notify the applicant of this determination.~~

1. Construction of all new structures outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.
2. Modification of existing structures outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.
3. Occupancy of an existing structure, where a change of use and occupancy requires additional parking.

- 831 4. Modifications to parking, landscaping, open space, and impervious area for  
 832 properties outside of the single-family residential or single-family and two-family  
 833 residential zoning districts. Site plan review shall not be required for residential  
 834 properties with fewer than three (3) total dwelling units.  
 835 5. Reconfiguration or modification of on-site circulation for properties outside of the  
 836 single-family residential or single-family and two-family residential zoning districts.  
 837 Site plan review shall not be required for residential properties with fewer than  
 838 three (3) total dwelling units.  
 839

840 c) *Determination of type of site plan review procedure application.* Applications shall be  
 841 submitted to the department for community sustainability. The development review  
 842 official shall review development applications to determine if they require site plan review  
 843 or approval as minor or major developments. If the application constitutes a major  
 844 development, notice of the review by the appropriate board shall be given by publication,  
 845 posting and courtesy mailing in accordance with the notice provision of this article.  
 846

- 847 1. Major review: If an application requires a major review per the criteria listed in this  
 848 section, the application shall be forwarded to the site plan review team for review  
 849 and determination as to whether the application complies with applicable  
 850 regulations. Once the development review officer has made a determination of  
 851 compliance, the application will be scheduled for action by the planning and  
 852 zoning board or the historic resources preservation board, as applicable. The  
 853 board shall consider and act on site plan review applications for major  
 854 developments. For all applications, the board may approve the application as  
 855 submitted; approve the application with any reasonable conditions, limitations, or  
 856 requirements; deny the application for specific reason(s); or postpone  
 857 consideration of any application pending submittal of additional information which  
 858 may be required to make a determination.  
 859

860 The board shall issue a written decision which shall be attached to the application for  
 861 site plan approval. Each consideration substantiating the action of the board shall be  
 862 included in the decision. The decision shall also include a citation to the legal authority  
 863 on which a denial is based. The decision of the board shall be final unless appealed to  
 864 the city commission, as provided in section 23.2-17.  
 865

866 Major development shall include one or more of the following:

- 867 a. All development including new structure(s) or use area having more than  
 868 seven thousand five hundred (7,500) square feet of floor area.  
 869 b. An increase of more than twenty-five (25) percent of existing or approved  
 870 parking spaces, or more than ten (10) parking spaces.  
 871 c. Amendments to existing development or site plans, previously approved as a  
 872 minor development, where the combined total of all site development  
 873 (existing and proposed) meets or exceeds the thresholds for review as a  
 874 major development.  
 875 d. Amendments to existing development or site plans, previously approved as a  
 876 major development, that change a phasing plan or developer control that  
 877 would substantially impact the approval.  
 878 e. Amendments to existing development or site plans, previously approved as a  
 879 major development, that significantly change the approved building design  
 880 as determined by the development review official, increase the building  
 881 height of a structure by one or more stories, or modify the approved site plan

by more than ten percent (10%) for density or intensity (FAR), or modify the approved site plan by twenty-five percent (25%) or more for impervious surface, parking area, or landscape area. ~~one or more of the following:~~

- ~~1) Density,~~
- ~~2) Intensity (FAR),~~
- ~~3) Impervious surface or parking area, or~~
- ~~4) Landscape area.~~

2. Minor review: The development review official shall consider and act on site plan review applications for minor developments following review by the city's site plan review team. The development review official may either approve; approve with any reasonable conditions, limitations or requirements; deny; or postpone consideration of any application pending submittal of additional information which may be required to make a determination. The development review official shall issue a written decision which shall be attached to the application for site plan approval. Each consideration substantiating the action of the development review official shall be included in the decision. The decision shall also include a citation to the legal authority on which a denial is based.

Minor development shall include all development that is not determined to be major development, which may include but is not limited to the following:

- ~~a. Addition of awnings, canopies or ornamental structures;~~ a. Addition or modification of pool location or size;
- ~~b. a~~ b. Addition or modification of landscape areas or impervious areas greater than ten (10) percent but less than twenty-five (25%) of the existing areas;
- ~~c. Addition or modification of less than ten percent (10%) of existing and/or previously approved density, intensity, or height, which does not add additional stories to a structure or require changes to incentive approvals granted by a board or city commission;~~
- ~~d. Addition of parking spaces and drives and driveways;~~
- ~~e. m~~ e. Modifications in stairs or elevations of decks, porches, and terraces that occupy twenty five (25) percent or more of the property's linear frontage and fencing; or similar types of improvements;
- ~~f. Addition or modification of fencing that affects site circulation or ingress/egress;~~
- ~~b-g.~~ g. An increase of up to twenty-five (25) percent of existing or approved parking spaces, or no more than ten (10) parking spaces; or reconfiguration of drive aisles, driveways, and on-site circulation;
- ~~e-h.~~ h. All development including new structure(s) or use area less than seven thousand five hundred (7,500) square feet in total, which are not determined to be major development by the development review official because it does not have the potential to negatively impact the surrounding neighborhood.

3. Modification review: Planning, zoning, and historic preservation staff shall consider and act on site plan modification applications concurrently with the associated building permit review. Staff may either approve; approve with any reasonable conditions, limitations or requirements; deny; or postpone consideration of any application pending submittal of additional information which may be required to make a determination. Staff shall issue a written decision which shall be attached to the application for site plan modification. Each consideration substantiating the

action of staff shall be included in the decision. The decision shall also include a citation to the legal authority on which a denial is based.

Site plan modifications shall include all development that is not determined to be major or minor development, which may include but is not limited to the following:

a. Addition of awnings, canopies or ornamental structures;

b. Modification of up to ten (10) percent of existing landscape areas or impervious areas;

c. Addition or modification of stairs, decks, porches, and terraces that occupy less than twenty five (25) percent of the property's linear frontage;

d. Addition or modification of fencing that does not affect site circulation or ingress/egress.

~~d) Site plan review procedures for minor developments. The development review official shall consider and act on site plan review applications for minor developments following review by the city's site plan review team. The development review official may either approve; approve with any reasonable conditions, limitations or requirements; deny; or postpone consideration of any application pending submittal of additional information which may be required to make a determination. The development review official shall issue a written decision which shall be attached to the application for site plan approval. Each consideration substantiating the action of the development review official shall be included in the decision. The decision shall also include a citation to the legal authority on which a denial is based.~~

~~e) Site plan review procedures for major developments. If the development review official determines that the application requires a major review, the application shall be forwarded to the site plan review team for review and, determination as to whether the application complies with applicable regulations. Once the development review officer has made a determination of compliance, the application will be scheduled for action by the planning and zoning board or the historic resources preservation board, as applicable. The board shall consider and act on site plan review applications for major developments. For all applications, the board may:~~

~~1. Approve the application as submitted;~~

~~2. Approve the application with any reasonable conditions, limitations, or requirements;~~

~~3. Deny the application for specific reason(s); or~~

~~4. Postpone consideration of any application pending submittal of additional information which may be required to make a determination.~~

~~The board shall issue a written decision which shall be attached to the application for site plan approval. Each consideration substantiating the action of the development review official shall be included in the decision. The decision shall also include a citation to the legal authority on which a denial is based. The decision of the board shall be final unless appealed to the city commission, as provided in section 23.2-17.~~

~~f) e) Expiration of site plan approval. Any site plan approval shall be subject to the time limits set forth in section 23.1-11 regarding building permits and section 23.2-37 regarding the expiration of development orders.~~

~~g) f) Compliance with LDRs required. In all cases requiring site plan review, no structure, or part thereof, shall be erected or used, or land or water used, or any change of use~~

consummated, nor shall any building permit be issued, unless a site plan has been reviewed and approved, and in no instance shall the decision-making body modify the written standards of these LDRs in approving a site plan; except as provided for in this section.

h)g) Violations. Failure to complete and continually maintain all approved elements of an approved site plan including landscape, appearance and other site development features, shall be a violation of these LDRs subject to enforcement and penalty procedure of the City Code of Ordinances.

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## EXHIBIT F

## Chapter 23

## LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Article 2, "Administration," Division 3, "Permits"***Sec. 23.2-31 – Site Qualitative Standards.**

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d) *Buildings, generally.*

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14. Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized. Exterior lighting shall follow Dark Sky lighting principles.

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h) *Criteria for parking lots and vehicular use areas.*

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4. Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night. Lighting shall follow Dark Sky lighting principles.

\*\*\*

m) *Community appearance criteria.* The general requirements outlined in this section are minimum aesthetic standards for all site developments, buildings, structures, or alterations within the corporate limits of the city, except individually-developed single-family or two-family residences. However, additions to existing buildings and sites shall be subject to review by the development review official for a determination regarding submission to the planning and zoning board or historic resources preservation board for review. All site development, structures, buildings or alterations to site development, structures or buildings shall demonstrate proper design concepts, express honest design construction, be appropriate to surroundings, and meet the following community appearance criteria:

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.
2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

4. The proposed structure or project is in compliance with this section and section 23.2-29, as applicable.

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EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 3, "Permits"

**Sec. 23.2-32 – Site Plans and Specifications.**

a) *Preliminary review plans and specifications required.* ~~In accordance with section 23.2-30, Site plan review, plans and specifications as required herein shall be submitted to the development review official.~~ Applicants shall schedule a pre-application meeting with planning, zoning, and historic preservation staff for preliminary review to determine if a particular project shall require site plan review. If it is determined that site plan review is required, then review in accordance with design criteria of section 23.2-31 shall also be required. The applicant shall submit complete plans and specifications in accordance with this section before the site plan review process may begin.

b) *Application requirements.* Plans shall depict exterior elevations, designate construction materials, façade and roof treatments and the colors of each. Walls, lighting and other permanent structures and fixtures shall be designated. Landscaping materials shall be specified by name, together with information specifying height and spacing at time of planting. In addition to the above requirements, the applicant shall submit color renderings of the site plan and building elevations, complete with actual samples of the color treatments to be applied. Applicant shall submit photographs depicting the subject site as well as adjacent and surrounding properties, sufficient to enable the planning and zoning board, ~~or the historic resources preservation board, or the development review official, as applicable,~~ to determine that the proposed development structure would be appropriate to surrounding buildings and open areas, and in conformity with the existing as well as evolving atmosphere of the area.

If, in the opinion of the development review official, the plans submitted do not furnish sufficient information to show the scope of the proposed development, the application shall be deemed incomplete and shall be placed on hold pending the submittal of sufficient information. ~~planned construction for which a permit has been requested, then there shall be furnished seven (7) sets of detailed plans and specifications for such proposed work including an electronic copy of all application materials plans.~~

Unless otherwise determined by the development review official, ~~Both the plans and specifications shall be prepared by a registered architect or registered engineer, qualified under the laws of the state to prepare such plans and specifications and no permit for the project shall be issued until such plans (and specifications when required) have been approved.~~

c) *Major development site plan requirements.* The major development site plan shall be drawn to a scale of not more than fifty (50) feet to the inch. One (1) Seven (7) copies of the site plan as well as an electronic copy shall be submitted by the applicant for the use of the appropriate city departments and boards. The plan, for the purpose of this section, shall include, but not necessarily be limited to, the following plans, designs, specifications and information:

1. The exact property lines of the property for which site plan approval is requested, including existing street and right-of-way lines and survey and legal description of site prepared by a Florida-registered land surveyor, with impression seal;
2. Adjacent properties on the same frontage, indicating the locations of buildings and structures on such adjacent properties, means of ingress and egress to such properties, off-street parking, loading and service areas, if any, for or on such properties, and any screening ~~or of~~ buffers on such properties and the nature and type thereof;
3. Location of present and proposed structures on the site;
4. Location and dimensions of all required yards;
5. Location of facilities for ingress and egress to the site, including existing and proposed curb cuts, if any, and proposed directions of traffic flow on the site and into and from public rights-of-way;
6. Location and dimensions of off-street parking, loading and service areas;
7. A drainage plan for the entire site;
8. Location and dimensions of areas for service to the property and for refuse disposal and recyclable material collection and storage;
9. Location of all utilities and easements;
10. Landscape plans;
11. Location and dimensions of all signs and exterior lighting facilities to be placed on the site, including photometric plans;
12. Samples of all paint colors and photographs of the subject site as well as adjacent and surrounding properties; shall be submitted in seven (7) copies as well as an electronic version as specified in these LDRs, when the plan proceeds to the planning and zoning board or the historic resources preservation board, as applicable.
13. Any other information necessary to review the proposed development, as determined by the development review official or designee.

d) *Minor development site plan requirements.* Minor development site plans shall meet all the requirements and specifications of a major site plan ~~this section~~ except where such information is determined not to be required by the development review official.

e) *Site plan modification requirements.* Site plan modification applications shall be submitted as part of a permit application and shall include, but not necessarily be limited to, the following:

1. A survey that accurately reflects the current property and all existing easements;
2. Annotated copy of the survey that clearly shows the proposed alterations, including dimensions and setbacks;
3. All other information as required for the concurrent permit as determined by the development review official or designee.

e) ~~Plans and specifications required.~~

1. ~~Preliminary review plans and specifications required. In accordance with this article, plans and specifications as required therein shall be submitted to the development review official for preliminary review to determine that said plans and specifications appear to be in compliance with code requirements. The development review official shall determine if a particular project shall require site plan review. If it is determined that site plan review is required, then review in accordance with community appearance criteria shall also be required. Said plans~~

and specifications shall be submitted for review in accordance with this section to determine whether aesthetic qualities of the structure are acceptable for the placement of the structure in the proposed area.

2. Application requirements. Plans shall depict exterior elevations, designate construction materials, façade and roof treatments and the colors of each. Walls, lighting and other permanent structures and fixtures shall be designated. Landscaping materials shall be specified by name, together with information specifying height and spacing at time of planting. In addition to the above requirements, the applicant shall submit color renderings of the site plan and building elevations, complete with actual samples of the color treatments to be applied. Applicant shall submit photographs depicting the subject site as well as adjacent and surrounding properties, sufficient to enable the planning and zoning board or the historic resources preservation board to determine that the proposed structure would be appropriate to surrounding buildings and open areas, and in conformity with the existing as well as evolving atmosphere of the area. If, in the opinion of the development review official, the plans submitted do not furnish sufficient information to show the scope of the planned construction for which a permit has been requested, then there shall be furnished seven (7) sets of detailed plans and specifications for such proposed work as well as one (1) electronic copy of all application materials. Both the plans and specifications shall be prepared by a registered architect or registered engineer, qualified under the laws of the State of Florida to prepare such plans and specifications and no permit for the project shall be issued until such plans (and specifications when required) have been approved by all required entities.

3. Review procedure, general requirements. The general requirements outlined in this section are minimum aesthetic standards for all site developments, buildings, structures, or alterations within the corporate limits of the city, except single-family residences. However, additions shall be subject to development review official review and determination regarding submission to community appearance review. It is required that all site development, structures, buildings or alterations to site development, structures or buildings show proper design concepts, express honest design construction and be appropriate to surroundings. Proper design concepts refers to architectural planning and to the analysis of the whole structure in terms of form and function as it relates to aesthetics and composition, color, materials and surface decorations. It includes scale in relationship to scale of adjacent buildings and landscape. It applies to the inner character of an individual project. It applies in the same manner to alterations and advertising on a project or building. The excuse that the area contains other unsightly buildings shall not be considered a valid defense. Honest design construction concerns proper design of all work and its details, the use of weather-resistant materials, and materials appropriate to the south Florida environment. The concept applies equally to advertising. Poorly designed work must be discouraged. Appropriate to surroundings does not mean uniformity in style or subordination to existing buildings, but rather bringing new buildings into an orderly relationship with landscape and nature, surrounding buildings and open areas. Scale and composition play an important role, as related to adjacent properties. Surroundings encompass not only the buildings within a neighborhood, but shall be considered the total "picture" of the neighborhood as a whole. Future surroundings must also be weighed. Advertising signs on buildings must be appropriate to the surroundings in the same way.

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**EXHIBIT H**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Article 2, "Administration," Division 3, "Permits"*

**Sec. 23.2-39. – Affordable/workforce housing program.**

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b) *Purpose.* The purpose of the affordable/workforce housing program is to encourage the inclusion of affordable and workforce housing units within both residential and mixed-use projects as well as planned developments of all types to provide for broader and more accessible housing options within the city. The affordable/workforce housing program offers the following as "program incentives."

1. *Tier One:* May apply to all development projects consistent with the provisions of this section.

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- (c) Up to a fifteen (15) ~~twenty-five (25)~~ percent reduction in required parking, provided that each residential dwelling unit is provided at least one (1) on-site parking space. This reduction may not be combined with other parking reduction provisions of these LDRs;

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**EXHIBIT I**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 1, "Generally"*

**Sec. 23.3-6. – Use Tables.**

**Under separate cover.**

**EXHIBIT J**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”

*Article 3, “Zoning Districts” Division 2, “Residential Districts”*

**Sec. 23.3-7. – SF-R – Single-Family Residential.**

\*\*\*

*d) Special setbacks and restrictions for uses permitted by right.*

1. The following special setbacks and restrictions are hereby established in these several areas in the SF-R district:

- A. South Lakeside Drive. Setback from the street on the east side of South Lakeside Drive from 13th Avenue South, more specifically described as Lot 1, Block 60, Addition No. 1, to 5th Avenue South, further described as Lot 10, Block 5, Addition No. 1, shall not be less than fifty (50) feet from such street and the front of such lots and residences shall be on South Lakeside Drive. One (1) accessory structure may be permitted in front of the principal structure on these properties, predicated that the accessory structure is no more than one (1) story tall, no more than fifteen (15) feet in height, and maintains a minimum front setback of at least 75 feet.

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EXHIBIT K

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"*

**Sec. 23.3-13. – MU-E – Mixed Use East.**

\*\*\*

- b) *Use restrictions and development regulations for residential uses.* In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. Multiple-family, and two-family ~~and single-family~~ residential-uses may be established subject to the provisions of section 23.3-11. Townhouses are permitted as conditional uses subject to the regulations and standards as set forth in Article 4, Development Standards. Single-family residences existing as of August 16, 2013 are permitted uses as of right, and may be expanded provided that they do not increase existing nonconformities in regard to the applicable development regulations of section 23.3-11(c).

1. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-11.

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**EXHIBIT L**

**Chapter 23**

**LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”**

*Article 3, “Zoning Districts” Division 3, “Mixed Use Districts”*

**Sec. 23.3-14. – DT – Downtown.**

\*\*\*

- b) *Use restrictions and development regulations for residential uses in the DT district. In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. For projects that are all residential, see section 23.3-13(b).* Multiple-family residential uses may be established and expanded in the DT district subject to the provisions of section 23.3-12.

1. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-12.

\*\*\*



EXHIBIT M

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"*

**Sec. 23.3-16. – MU-FH – Mixed Use – Federal Highway.**

\*\*\*

b) *Use restrictions and development regulations for residential uses.*

1. Multiple-family, two-family and single-family residential uses may be established in the MU-FH district subject to the provisions of section 23.3-10. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-10.

\*\*\*

5. ~~For projects that are all residential, see section 23.3-13(b).~~ In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district.

\*\*\*

**EXHIBIT N**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"*

**Sec. 23.3-17. – MU-DH – Mixed Use – Dixie Highway.**

\*\*\*

- b) *Use restrictions and development regulations for residential uses in the MU-DH district. In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. Multiple-family residential uses, excluding single-family and two-family uses, may be established and expanded in the MU-DH district subject to the provisions of section 23.3-10 for uses on the east side of Dixie Highway and section 23.3-11 for uses on the west side of Dixie Highway. Provided however that residential uses shall not be permitted at the ground floor of any building fronting on Dixie Highway.*

\*\*\*

2. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in sections 23.3-10 and 23.3-11.

\*\*\*

**EXHIBIT O**

## Chapter 23

## LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"***Sec. 23.3-18. – MU-W – Mixed Use West.**

\*\*\*

- b) Use restrictions and development regulations for residential uses. In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. For projects that are all residential, see section 23.3-13(b). Multiple-family residential uses may be established subject to the provisions of section 23.3-11. Townhouses are permitted as conditional uses subject to the regulations and standards as set forth in Article 4, Development Standards. Single-family residences existing as of August 16, 2013 are permitted uses as of right, and may be expanded provided that they do not increase existing nonconformities in regard to the applicable development regulations of section 23.3-11(c).

1. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-11.

\*\*\*

EXHIBIT P

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

**Sec. 23.3-19. – TOD-E – Transit Oriented Development East.**

\*\*\*

- b) *Use restrictions and development regulations for residential uses in the TOD-E district.*  
In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. For projects that are all residential, see section 23.3-13(b). Multiple-family residential uses may be established and expanded in the TOD-E district subject to the provisions of section 23.3-12.

1. Minimum living area shall be as follows:

- A. ~~(1)~~ Efficiency units: four hundred (400) square feet.  
B. ~~(2)~~ One-bedroom units: six hundred (600) square feet.  
C. ~~(3)~~ Two-bedroom units: seven hundred fifty (750) square feet.  
D. ~~(4)~~ Three-bedroom units: nine hundred (900) square feet.  
E. ~~(5)~~ Four-bedroom units: one thousand three hundred fifty (1,350) square feet.

2. Single-family residences existing as of August 16, 2013 are permitted uses as of right, and may be expanded provided that they do not increase existing nonconformities in regard to the applicable development regulations of section 23.3-124(c).

3. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-12.

\*\*\*

## EXHIBIT Q

## Chapter 23

## LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"***Sec. 23.3-20. – TOD-W – Transit Oriented Development West.**

\*\*\*

- b) *Use restrictions and development regulations for residential uses in the TOD-W district.*  
In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. For projects that are all residential, see section 23.3-13(b). Multiple-family residential uses may be established and expanded in the TOD-W district subject to the provisions of section 23.3-12.

1. Minimum living area shall be as follows:

- A. (1) Efficiency units: four hundred (400) square feet.
- B. (2) One-bedroom units: six hundred (600) square feet.
- C. (3) Two-bedroom units: seven hundred fifty (750) square feet.
- D. (4) Three-bedroom units: nine hundred (900) square feet.
- E. (5) Four-bedroom units: one thousand three hundred fifty (1,350) square feet.

2. Single-family and two-family residences existing as of August 16, 2013 are permitted uses as of right, and may be expanded provided that they do not increase existing nonconformities in regard to the applicable development regulations of section 23.3-12(c).

3. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-12.

\*\*\*

EXHIBIT R

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”

Article 3, “Zoning Districts” Division 5, “Industrial Districts”

Sec. 23.3-23. – AI – Artisanal Industrial.

\*\*\*

b) Use restrictions for residential uses. Multiple-family residential uses may be established and expanded in the AI district subject to the provisions of section 23.3-11, and can follow the height, setback, FAR and building lot coverage of the AI district instead of the multi-family district.

b-c) Use restrictions for nonresidential uses. Uses permitted both by right and as either administrative or conditional uses shall also comply with the applicable regulations in Article 4, Development Standards. Refer to the permitted use table at section 23.3-6 for complete list of uses.

\*\*\*

e-d) Development regulations for uses permitted by right

*portion of table omitted for brevity.*

Lot Area	6,500 square feet
	<u>Max density 30 dwelling units per gross acre or 43,560 square feet, minimum of 1,450 square feet per unit</u>

*portion of table omitted for brevity.*

\*\*\*

1. Minimum lot dimension and maximum density.

\*\*\*

C. Maximum density for multiple-family structures on lots which have at least 6,500 square feet of area and fifty (50) feet of width: One (1) dwelling unit per each one thousand eighty-five (1,450) square feet of net lot area.

\*\*\*

**EXHIBIT S**

**Chapter 23**

**LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”**

*Article 3, “Zoning Districts” Division 9, “Overlay Districts”*

**Sec. 23.3-29. – Cultural Arts District Overlay.**

\*\*\*

*d) Development regulations.*

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*6. Signage.*

\*\*\*

- E. A freestanding sign shall be a maximum of five (5) feet in height. Such freestanding sign may be placed within five (5) feet of the property line provided that the sign does not impede pedestrians or impact sight distances. A freestanding sign may be a monument ~~pole~~ sign, but may not be a pole ~~monument~~ sign.

\*\*\*

EXHIBIT T

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

**Sec. 23.4-4. – Fences, walls and gates.**

\*\*\*

d) *Single-family and two-family residential uses.*

\*\*\*

1. *Height limitations.*

\*\*\*

D. Along side and rear property lines adjacent to roadways (except alleys) a fence or wall placed at the property line shall have a maximum height of four (4) feet. Fencing over four feet in height, up to a maximum height of six (6) feet, must be set back a minimum of eighteen (18) ~~thirty (30)~~ inches from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches (see definitions). Walls over four (4) feet in height, up to a maximum height of six (6) feet, must be set back a minimum of five (5) feet from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches. (See definitions.).

\*\*\*

e) *Multi-family residential uses.*

\*\*\*

1. *Height limitations.*

\*\*\*

C. Along side and rear property lines adjacent to roadways (except alleys) a fence or wall placed at the property line shall have a maximum height of four (4) feet. Fencing over four (4) feet in height, up to a maximum height of six (6) feet, must be set back a minimum of eighteen (18) ~~thirty (30)~~ inches from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches (see definitions). Walls over four (4) feet in height, up to a maximum height of six (6) feet, must be set back a minimum of five (5) feet from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches. (See definitions.).

\*\*\*

h) *Park/public recreation/public/conservation/school (elementary/intermediate/secondary).*

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## EXHIBIT U

## Chapter 23

## LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

**Sec. 23.4-10. – Off-street parking.**

\*\*\*

f) *Minimum parking space requirements by use category.*

## 1. Minimum off-street parking space requirements are as follows:

## A. Residential uses:

\*\*\*

The total required residential parking shall be reduced by fifteen (15) ~~twenty-five (25)~~ percent for developments that provide no less than fifteen (15) percent of all proposed units as income restricted affordable or workforce housing units in accordance with section 23.2-39. This reduction may not be combined with other parking reduction provisions of these LDRs, and at least one (1) parking space per residential dwelling unit is also required.

\*\*\*

## B. Nonresidential uses:

\*\*\*

Properties with multiple uses shall calculate the aggregate total of parking required for each use category prior to taking a fifteen (15) ~~twenty-five (25)~~ percent deduction. Uses that generate a high parking demand of greater than six (6) spaces per one thousand (1,000) square feet\*, but do not exceed the fifty (50) person threshold to qualify as assembly per the latest version of the Florida Building Code shall be required to provide fifty (50) percent more parking than other uses in the same use category.

\*\*\*

h) *Shared parking for mixed-use zoning.* It is the purpose of the shared parking subsection to provide flexible parking provisions for the city in the appropriate mixed-use zoning districts where mixed-use developments occur. Mixed-use developments typically do not experience peak parking demands at the same time so reduced parking may be provided in these instances.

1. Shared parking levels for mixed-use development. When any land or building is used for two (2) or more uses, the total requirement for off-street parking shall be the sum of the requirements of the various uses computed separately, minus fifteen (15) ~~twenty-five (25)~~ percent of the total required. However, in no case, shall less than eight-tenths (0.8) of a space be provided for each employee and one (1.0) space be provided for each dwelling unit.
2. Credit for onsite transit facilities in TOD districts. In the event onsite transit facilities are provided within two thousand (2,000) feet of a building, the parking required for that building shall be reduced by fifteen (15) ~~twenty-five (25)~~ percent.

\*\*\*

# EXHIBIT V

## Chapter 23

### LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

#### Sec. 23.4-13. – Administrative uses and conditional uses.

\*\*\*

#### c) Standards.

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#### 5. Single destination retail uses including stand alone retail and single destination commercial uses.

#### B. Design and performance standards.

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- (4) Buffering. A fence or wall shall be erected at a height of not less than six (6) feet when the parking area(s), pay phones or other common area(s) is within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined in subsection (5), above. All fences and walls shall be constructed of concrete, masonry or metal. ~~Metal fences shall be open weave~~ Chain link fencing shall not be used in front of the front building setback line or on a portion of a property abutting public rights-of-way except alleys. If chain link fencing is used it shall be vinyl coated type combined with a shrub hedge or ornamental in nature. Walls shall be finished with a graffiti-resistant paint.

\*\*\*

#### 12. Assisted living center/facility/nursing homes/independent senior living retirement ~~retirement~~ homes.

#### A. Assisted living centers/facilities/nursing homes/independent senior living retirement ~~retirement~~ homes shall comply with the following:

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- (6) Facilities shall not be located within a radius of one thousand (1,000) feet of existing assisted living center/facility/nursing home or independent senior living retirement home.

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**EXHIBIT W**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

**Sec. 23.4-15 – Cemeteries/Mausoleums/Columbariums.**

A. Cemeteries/mausoleums/columbariums shall comply with the following:

\*\*\*

~~(5) Facilities shall not be located within a radius of one thousand (1,000) feet of existing assisted living center/facility/nursing home or retirement home.~~

\*\*\*

## EXHIBIT X

## Chapter 23

## LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

**Sec. 23.4-16 - Mechanical Systems/Equipment and Permanent Standby Generators for Existing Residential Structures.**

- a) For existing residential structures, placement of mechanical equipment shall be allowed in the rear or side setback and/or between the main structure and a public street if there is insufficient space to locate the equipment outside of the setbacks. However, in no case shall mechanical equipment be located less than eighteen (18) inches from a property line to allow for its maintenance. Equipment located in the rear or side setback must meet requirements of the landscape code and the equipment must be screened from view of the right-of-way. In addition, product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line. Mechanical systems/equipment are not permitted to be located in the front setback of any property.
- b) Permanent standby by generators are permitted in all districts and for all uses and may be used only during periods of electrical power outages in the utility system. Maintenance running may occur once a week Monday through Friday between 8:00 a.m. and 5:00 p.m. for a period not to exceed ten (10) minutes. Only one (1) generator shall be allowed per residential unit. Noise levels shall not be in excess of sixty-five (65) decibels measured from the property line. Property owners will be allowed to have generators as an accessory use subject to the following requirements:
1. May be located in side setbacks with a maximum height of thirty (30) inches including the concrete pad. If located in a side yard, a landscape plan must be submitted indicating the landscape or screening used to prevent visibility from the right-of-way.
  2. May be located in the rear setback if the property is not located on an alley.
  3. A standby generator located in a side or rear setback requires a minimum three-foot separation from the property line.
  4. A site plan must be submitted indicating the proposed location of the generator and the distance to the property line and the distance to any adjacent residential openings such as doors, windows, vents, etc.
  5. Product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line.
  6. Standby generators with an integral/integrated fuel system storage are prohibited in the mixed use east (MU-E), mixed use Federal Highway (MU-FH), downtown (DT), transit oriented development – east (TOD-E), and artisanal industrial (AI) districts.

\*\*\*

EXHIBIT Y

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

**Sec. 23.4-17 – Standby generator/permanent. Reserved.**

- a) ~~Permanent standby by generators are permitted in all districts and for all uses and may be used only during periods of electrical power outages in the utility system. Maintenance running may occur once a week Monday through Friday between 10:00 a.m. and 2:00 p.m. for a period not to exceed ten (10) minutes. Only one (1) generator shall be allowed per residential unit. Noise levels shall not be in excess of sixty-five (65) decibels measured from the property line. Property owners will be allowed to have generators as an accessory use subject to the following requirements:~~
- ~~1. May be located in side setbacks with a maximum height of thirty (30) inches including the concrete pad. If located in a side yard, a landscape plan must be submitted indicating the landscape or screening used to prevent visibility from the right-of-way.~~
  - ~~2. May be located in the rear setback if the property is not located on an alley.~~
  - ~~3. A standby generator located in a side or rear setback requires a minimum three-foot separation from the property line.~~
  - ~~4. A site plan must be submitted indicating the proposed location of the generator and the distance to the property line and the distance to any adjacent residential openings such as doors, windows, vents, etc.~~
  - ~~5. Product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line.~~
  - ~~6. Standby generators with an integral/integrated fuel system storage are prohibited in the mixed use east (MU-E) and downtown (DT) districts.~~

\*\*\*

**EXHIBIT Z**

**Chapter 23**

**LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"**

**Sec. 23.4-25. – Micro-units.**

\*\*\*

f) *Parking.* Parking may be a combination of the following:

1. One (1) on-site parking space or equivalent for each micro unit;
2. Fifty (50) percent or more of the required spaces shall be standard parking spaces;
3. Up to twenty-five (25) percent of the parking spaces may be compact spaces (8'0" × 18'0");
4. Up to twenty-five (25) percent of the parking spaces may be met with bicycle, scooter or motorcycle storage. Four (4) bicycle storage spaces shall equal one (1) parking space; two (2) scooter storage spaces shall equal one (1) parking space; and two (2) motorcycle storage spaces shall equal one (1) parking space;
5. Required guest and employee parking may be met with the same parking space combination ratio. Guest and employee parking shall be no less than one (1) space for every one hundred (100) square feet of common area, public area, support area and offices, excluding required hallways, egress routes and stairs; and
6. The mixed-use parking reduction of fifteen (15) ~~twenty-five (25)~~ percent shall not apply.

\*\*\*

**EXHIBIT AA**

**Chapter 23**

**LAND DEVELOPMENT REGULATIONS ARTICLE 5 “SUPPLEMENTAL REGULATIONS”**

**Sec. 23.5-1. – Signs.**

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*e) Special regulations by type of sign.*

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**5. Freestanding signs.**

C. Landscape shall be installed at the base of the freestanding sign in accordance with section 23.6-1(f).

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