

ARTICLE 5. DEVELOPMENT STANDARDS

Division 1. Accessory Uses.

Section 5-101. Accessory dwellings.

- A. In addition to the general standards and requirements for accessory structures, a nonconforming detached accessory dwelling unit existing on the date of adoption of these LDRs may be located on the same lot as a single-family detached home except in the R-1 District provided that the following requirements are met:
1. The accessory dwelling unit shall contain one full bath and kitchen facilities.
 2. The accessory dwelling unit shall use the same street address as the principal dwelling.
 3. An application for a certificate of re-occupancy for an existing nonconforming accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely low income, very low income, low income or moderate income person or persons meeting the definition of family.
- B. No other accessory dwelling units are permitted in the City.
- C. Notwithstanding the provisions in Article 6 regarding nonconforming uses and structures, accessory dwelling units existing on the date of adoption of these LDRs may be rebuilt if destroyed more than 50% of its replacement cost at the time of the damage and may be repaired if otherwise damaged; provided however that while the dwelling may be rebuilt at the same height and with the same setbacks, the repair or reconstruction must be in accordance with the Florida Building Code. Any rebuilding of a nonconforming accessory dwelling shall require a vested right's application and approval in accordance with the provisions of Article 3, Division 13.

Section 5-102. Balconies.

- A. In multiple family dwellings (including apartments, duplexes, townhouses, condominiums and cooperative apartments), no balcony may be enclosed by jalousies, windows, walls or otherwise. Balconies may be screened only if all balconies in any building are screened at the same time. Balconies may be used for outdoor living and may contain lawn furniture and plants, said plants not to be placed on balcony railings or external ledges of said balcony. Balconies shall be specifically prohibited for use as storage, laundry drying, barbecuing or cooking and sleeping quarters. It is intended that the use of balconies be restricted to those activities which will not make them unsightly to neighbors or pedestrians or will not endanger the safety of the building or will not create a weight load beyond that for which the balcony was designed.

- B. Except as provided in the NRO District, in multi-family dwellings, balconies, eaves, cornices and awnings may project up to five (5) feet into the setback.

Section 5-103. Covered carport structures or entryways in residential districts, commercial and industrial districts located within the front or side yard setbacks. (Administrative Variance Approval Required)

For Administrative Variance approval the following requirements must be met:

- A. The side setback must be at least three (3) feet, or fifteen (15) feet for a corner lot, and the carport may not be located within the sight visibility triangle. The front yard setback must be at least five (5) feet.
- B. A carport structure made of aluminum materials may only be permitted in the side yard and shall not be permitted to encroach in the front yard.
- C. Carport structures may not exceed 12' x 20'.
- D. All carport structures shall have a cover on at all times, which shall be maintained in good condition. If the cover is canvas or other similar material, it shall be free from tears, holes and fading. Should any cover become deteriorated, it shall be the owner's responsibility to ensure that this cover is properly restored to its original condition, or in the event restoration is not possible, that it is replaced with a new, permitted cover. Under no circumstances shall a carport structure remain coverless or with a deteriorated cover for more than sixty (60) days subsequent to notification by the City that a violation exists.
- E. Only one carport structure shall be permitted per residence. The carport structure shall remain open on all sides at all times.
- F. An entryway feature such as a porte-cochere may be permitted that encroaches into the front setback provided that the design of the feature is integrated into the design of the principal structure, is in scale with the size of the principal structure and is no more than one third (1/3) the width of the principal structure. The required side setbacks of the zoning district shall be maintained and the front setback shall be at least ten (10) feet.

Section 5-104. Drive-throughs, walk-up windows, and automated teller machines

Drive-throughs, walk-up windows, and ATMs accessory to banks, restaurants, and retail sales and service shall be permitted provided that:

- A. In addition to the sight visibility standards of Section 5-1004, such uses are designed so as to not interfere with the circulation of pedestrian or vehicular traffic on the site itself, and on the adjoining streets, alleys or sidewalks.

- B. Drive-through lanes and vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by railings, or hedges at least thirty-six inches (36") in height.
- C. Drive through, ATMs and walk-up elements should be architecturally integrated into the building, rather than appearing to be applied or "stuck on" to the building.
- D. Drive-through displays, ordering areas, walk-up windows, ATMs and parking canopies shall not serve as the singularly dominant feature on the site or as a sign or an attention-getting device.
- E. Entries and/or exits to drive-through facilities shall be a minimum of one hundred feet from any intersection as measured from the edge of the drive closest to the intersection to the property line at the intersection. Shorter distances from road intersections may be approved if the City determines that public safety and/or the efficiency of traffic circulation are not being compromised.
- F. Drive-through stacking lanes shall be a minimum of one hundred feet from any single-family residential parcel unless the Building and Zoning Department determines that an adequate buffer exists through the use of landscaping or other means.
- G. All service areas, restrooms and ground mounted equipment associated with the drive through shall be screened from public view.
- H. Landscaping shall screen drive-through aisles from the public right-of-way and adjacent uses and shall be used to minimize the visual impacts of readerboard signs and directional signs.

Section 5-105. Drop in child care.

Drop in child care is permitted as accessory to an office, indoor recreation, or mixed use building provided that such use is licensed by the State.

Section 5-106. Permanently installed stand-by generators.

- A. General. In addition to any other County, State, or Federal regulations, this section shall govern the placement of permanently installed stand-by generators. A permanent stand-by generator installation shall be allowed for the purpose of providing temporary power during incidental power outages and emergency power outages due to storms, hurricanes and other natural and or man-made disasters as an auxiliary or accessory use in all residential zoning districts. Permanently installed stand-by generators may not be used as a permanent source of power for a building structure or property.

B. Standards for a permanent generator in all residential districts. Permanently installed stand-by generators shall be permitted as an accessory use in accordance with the following:

1. Rear setback. Five (5) feet minimum from the rear property line.
2. Interior side setback. Five (5) feet minimum from the side property line.
3. Side street setback. If there is no area in an interior side yard or the rear yard for a permanently installed stand by-generator then the side street setback may be fifteen (15) feet minimum to the side street property line.
4. Rear street setback. Fifteen (15) feet minimum from a rear street property line.
5. Spacing. The spacing requirement from other structures or equipment will be in accordance with the manufacturer's guidelines.
6. Permanently installed generators must meet the noise level requirements of the City's Code.
7. In no event shall a permanently installed generator be closer than ten (10) feet from any adjoining or neighboring building or structure that may be used as a dwelling.
8. Number permitted in residential districts. A maximum of one (1) permanent stand-by generator shall be permitted as an accessory use to a single-family residence, individual duplex unit or individual townhouse unit. A maximum of one (1) generator per structure shall be permitted for multi-family developments.
9. Permanent stand-by generator installations on improved properties may encroach into required landscaping.
10. Permanently installed stand-by generators shall be screened from view of a street, canal, waterway, lake, bay, or golf course with landscaping. Permanently installed stand-by generators shall also be screened from view of adjacent properties with landscaping.

C. Standards for a permanently installed stand-by generator in nonresidential districts.

1. Rear setback. Ten (10) feet minimum from the rear property line.
2. Interior side setback. Five (5) feet minimum from the side property line.
3. Side street setback. If there is no area in an interior side yard or the rear yard for a permanently installed stand by-generator then the side street setback may be fifteen (15) feet minimum to the side street property line.

4. Rear street setback. Fifteen (15) feet minimum from a rear street property line.
5. Permanently installed generators must meet the noise level requirements of the City's Code.
6. In no event shall a permanently installed generator be closer than ten (10) feet from any adjoining or neighboring building or structure that may be used as a dwelling.
7. Permanent stand-by generator installations on improved properties may encroach into required landscaping.
8. Permanently installed stand-by generators shall be screened from view of a street, canal, waterway, lake, bay, or golf course with landscaping. Permanently installed stand-by generators shall also be screened from view of adjacent properties with landscaping.

Section 5-107. Private noncommercial dish antennas.

A. Location.

1. Private noncommercial dish antennas may be permitted for new construction provided they are:
 - a. located in the rear yard or other suitable location on the building as determined by the Director of the Building and Zoning Department;
 - b. they maintain a minimum rear setback that is at least equal to their height, but not less than five (5) feet; and
 - c. they do not encroach on any of the required side setbacks for the district in which they are located.
2. In connection with multi-family buildings of four (4) stories or more, roof top installation shall be permitted as long as they are anchored in accordance with the requirements of the Florida Building Code relative to structures.

B. The requirements of this section may be varied if suitable, as determined by the Director of the Building and Zoning Department. The term "suitable" or "suitable location", as used in this section, means a location, dimension or height which enables the efficient functioning of the dish antenna without detriment to adjoining lawful residential use.

C. Screening. If not a roof installation, private noncommercial dish antennas shall be screened by landscaping on its sides so as to obscure their visibility from the abutting properties' ground view. No landscaping shall be required in the front or rear of the dish that would create reception interference or prevent a shift in the position of the dish.

- D. Number allowed. One (1) private, noncommercial dish antenna shall be allowed per single-family home, duplex, triplex or townhouse unit. Multi-family apartment buildings and commercial or industrial buildings shall be allowed up to three (3) dish antennas per building.
- E. Anchorage. Dish antennas shall be anchored securely to a building's roof in conformance with requirements of the Florida Building Code relative to structures.
- F. Maintenance. Once installed, dish antennas and related appurtenances must be maintained in good and operable condition. Surrounding landscaping shall also be maintained.

Section 5-108. Restaurant, open air.

- A. Open air dining on private property, as accessory to a restaurant, is permitted provided that:
 - 1. The operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the site, the adjoining streets, alleys or sidewalks.
 - 2. The open-air dining area shall be unenclosed and shall be open except that it may be covered with a canvas cover or structural canopy of a building's arcade, loggia or overhang.
 - 3. All kitchen equipment used to service the open-air dining area shall be located within the kitchen of the primary restaurant or business.
 - 4. The open-air dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris.
- B. Open-air dining on public property, as accessory to a restaurant, is permitted provided that:
 - 1. A sidewalk café permit for open-air dining located on public property CCD shall be issued for a period of one year, renewable annually by the Building and Zoning Department. Such permit shall not be transferable in any manner.
 - 2. Open-air dining area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the café and/or restaurant. The utilization of space extending no more than ten (10) linear feet on either side beyond the subject property frontage may be authorized subject to annual written consent provided by tenants in front of whose businesses the outdoor dining service would occur.
 - 3. No pass through window shall be permitted for service of patrons.

4. There shall be maintained a minimum of five (5) foot clear distance of public sidewalk, free of all obstructions, in order to allow adequate pedestrian movement. The minimum distance shall be measured from the portion of the open-air dining area nearest either the curb-line or the nearest obstruction.
5. Tables, chairs, umbrellas and other permissible objects, including planters, shall be approved by the Development Review Committee prior to the issuance of the sidewalk café permit. Such permissible materials provided with the sidewalk café shall be of high quality design, materials, and workmanship to ensure the safety and convenience of the public.
6. No awning, canopy or covering of any kind, except individual table umbrellas or retractable awnings, shall be allowed over any portion of the open-air dining area located on public property except as allowed under separate covenant process.
7. No perimeter structures such as fences, railings, planters or other such barriers shall surround the open-air dining area which would restrict the free and unobstructed pedestrian flow or discouraging the free use of the tables or chairs by the general public.
8. For new applications, one menu board plus one specials board shall be permitted per sidewalk café. The location, size, design, materials and color of the menu board and specials board shall be approved by the Development Review Committee, prior to the issuance of a sidewalk café permit, and the menu board and specials board location shall be shown on the permit exhibit. The menu board and specials board shall not be a sandwich board or A-frame sign.
9. All open-air dining areas shall be at the same elevation as the adjoining sidewalk or public right-of-way.
10. Under no circumstances shall any open-air dining interfere with the free and unobstructed public access to any bus stop, crosswalks, public seating areas and conveniences, street intersections, alley, service easements, handicap facilities or access to adjacent commercial establishments.
11. The property owner/operator shall be responsible for maintaining the outdoor dining area in a clean and safe condition. All trash and litter and tables and chairs shall be removed daily, except for tables with attached umbrellas.
12. Tables, chairs, umbrellas and any other objects associated with the sidewalk café shall be of quality, design, materials and workmanship, to ensure the safety and convenience of users, and to enhance the visual and aesthetic quality of the urban environment. Design, materials and colors shall be sympathetic and harmonious with the urban environment and compliment the design and paint colors on the building. Umbrellas and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. All umbrellas shall be

reviewed and approved on a case-by-case basis by the Development Review Committee based on compatibility with the surrounding urban area, the number, and proposed location of such umbrellas. No portion of an umbrella shall be less than six feet eight inches (80 inches) above the sidewalk. Signs are prohibited on umbrellas, chairs, tables and other permissible fixtures which are located on the public right-of-way, except that the establishment name and/or its logo is permitted on umbrellas. Lettering and/or logos may not exceed six inches in height.

13. The hours of operation shall coincide with that of the primary restaurant. Tables, chairs and all other furniture used in the operation of an outdoor dining area shall not be anchored or restrained in any visible manner as with a chain, rope or wire.
14. Open-air dining may be suspended by the City Manager for community or special events, utility, sidewalk or road repairs, or emergency situations or violations of provisions contained herein. The length of suspension shall be for a duration as determined necessary by the City Manager. Removal of all street furniture and related obstructions shall be the responsibility of the café and/or restaurant owner/operator. The City may cause the immediate removal or relocation of all or parts of the sidewalk café in emergency situations or for safety considerations. The City and its officers and employees shall not be responsible for sidewalk café fixtures relocated during emergencies.
15. No food preparation, plastic food displays, food storage, or refrigeration apparatus or equipment, or fire or fire apparatus or equipment, shall be allowed on the public sidewalk, whether or not such area is covered by a sidewalk café permit. However, space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.
16. Upon the issuance of a hurricane warning by the County, the permittee shall immediately, but no later than three (3) hours after a hurricane warning has been issued, place indoors and secure all tables, chairs and other equipment located on the sidewalk. The issuance of such a hurricane warning shall constitute an emergency situation as referenced in this article. Failure to comply with this subsection shall be cause for immediate revocation of the sidewalk café's permit.

Section 5-109. Solid Waste Containers/Mechanical Equipment.

- A. All solid waste container, recycling or trash handling areas are permitted as accessory uses and shall be screened on three (3) sides by a fence or wall from view from public streets and abutting properties or as approved by the Development Review Committee in accordance with applicable regulations. An opaque gate may be used on the fourth side. If such screening is provided by means of a fence or wall, materials which are consistent

with those used in the construction of and the architectural style of the principal building shall be utilized.

- B. Mechanical equipment shall be screened on four (4) sides by a fence, wall, or landscaping from view from public streets and abutting properties and may encroach up to 4' into required side setbacks. If located on a roof, then screening of the equipment must be provided so that the equipment may not be viewed from a public street.
- C. Screening of mechanical equipment shall be accomplished in a manner that does not interfere with the proper operation and/or maintenance of such equipment.
- D. If it is necessary in order to accommodate a solid waste container in the redevelopment of an existing building, the required number of parking spaces may be reduced by a maximum of two (2) spaces.
- E. Solid waste containers and recycling or trash handling areas shall not be located in the front yard unless site considerations make it impossible for them to be located elsewhere on the site and they comply with the following setback: a minimum of 5' from the front property line or more so that when the doors are open, the doors do not encroach into any public right-of-way.
- F. Solid waste containers and recycling or trash handling areas to the side or rear of a structure shall be placed in a manner so that when the doors are open, they do not encroach into a public right-of-way, vehicle access areas, or swing over a property line.

Section 5-110. Swimming pools, all districts.

For swimming pools, a seven and one-half (7 ½) foot set-back for the swimming pool screen enclosures, a ten (10) foot rear setback for the swimming pool itself and front and side setback requirements equal to the setback required for the main structure shall be maintained.

Section 5-111. Unattached accessory structures.

- A. Unattached accessory structures, other than fences, walls or other similar structures, and including but not limited to gazebos, summer kitchens, pool houses, awnings, utility sheds, and garages (CBS only) which are not attached to a principal structure may be erected in all residential districts in accordance with the following requirements:

Maximum Height: 12'

Setbacks:

Front: same as principal
Side: same as principal
Rear: 5', 10' if water

- B. For corner lots the setback from the side street shall be the same for accessory buildings as for principal buildings.
- C. No utility shed or other pre-fabricated structure shall exceed one hundred twenty (120) square feet in area; other permitted unattached accessory structures shall not exceed four hundred (400) square feet.
- D. Except as provided in subsection E below, unattached accessory structures shall not be used as living area or occupied as dwelling units.
- E. Except for grandfathered accessory dwelling units and as provided in this subsection, no plumbing shall be provided in unattached accessory structures:
 - 1. Pool houses may have a half bath.
 - 2. Summer kitchens may have a sink.

Division 2. Adult Daycare, Adult Living Facilities, Child Care and Community Residential Homes.

Section 5-201. Daycare and Child Care.

Adult daycare and child daycare centers shall meet all standards for a State of Florida approved daycare center, as set forth by the Florida Department of Health (DOH) this section and other applicable provisions of this Article 5. In addition to the parking requirements of Article 5, Division 14, adult daycare and childcare centers, which have buses associated with the use, shall provide the following: a paved unobstructed drop-off/pick-up space with adequate stacking area (as determined by the Building and Zoning Department), and a pedestrian walkway system (as approved by same) between the drop-off/pick-up space and the building entrance.

Section 5-202. Adult Living Facilities.

- A. All adult living facilities shall comply with the occupancy standards of Chapter 5 of the City's Code.
- B. All adult living facilities which are not owner-occupied shall have a primary designated manager(s) on a twenty-four (24) hour basis for which the owner(s) assume liability regarding actions, activities, and operation. The name of said primary manager(s) shall be conspicuously posted for both resident and public knowledge;
- C. There shall be a minimum of two thousand (2,000) feet between any two (2) adult living facilities, as measured from the nearest property line of an existing adult living facility to the property line of the proposed adult living facility;
- D. All adult living facilities shall be considered commercial enterprises for purposes of all City utilities and sanitation services.
- E. All development standards in the R4 and R5 districts and all other state criteria regulating an adult living facility shall apply.
- F. Maximum of two (2) people per bedroom.

Section 5-203. Community Residential Homes.

- A. Community residential homes with six (6) or fewer residents are permitted within any residential district provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six (6) or fewer residents.
- B. Community residential homes with 7 to 14 unrelated residents may be permitted provided that:
 - 1. if new construction, the home complies with all regulations applicable to other multi-family uses in the area;

2. all applicable licensing requirements are met;
 3. the home would not result in such a concentration of such homes such that the character and nature of the area would be substantially altered;
 4. the home is not located within a radius of 1,200 feet of another existing community residential home in a multi-family area; and
 5. the home is not located within a radius of 500 feet of an area zoned for single-family.
- C. Distance requirements for community residential homes shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

Division 3. Adult Entertainment Uses.

Section 5-301. Purpose, construction.

The purpose of this Division is to regulate the location of adult entertainment businesses so as to prevent the adverse secondary effects on the public health, safety, and welfare, which, are "caused by the presence of even one (1) such establishment." This section is designed to eliminate or lessen such adverse secondary effects by preventing or lessening the concentration of such adult entertainment businesses by maintaining minimum distances between such adult entertainment businesses and between certain other uses, and allowing adult entertainment businesses to locate in appropriate areas only. This section is based upon the fundamental zoning principle that certain uses, by the very nature of the adverse secondary effects such uses are recognized to have upon the surrounding community, must be subjected to particular restrictions so that such uses may exist without destroying the vitality of existence of other lawful and reasonable uses. The sole purpose of the legislative body of the City in enacting this section is the desire to preserve and protect the quality of life, public health, safety, and general welfare of the citizens of the City, and not to suppress free speech or impair the constitutional rights of any person. Nothing herein shall be construed to authorize a commission of any obscenity offense or other criminal offense, as proscribed by the laws of the State of Florida and the laws of the City.

Section 5-302. Locations and distance restrictions.

- A. Adult entertainment businesses shall be allowed within the M-1 industrial district only.
- B. No adult entertainment business shall be located within five hundred (500) feet of:
 - 1. Any lawfully pre-existing adult entertainment business that is located within jurisdictional boundaries of the City, unless such location is within the same building as the lawful pre-existing adult entertainment business;
 - 2. Any pre-existing zoning district within the City that is zoned for residential use, including, but not limited to, residential planned unit development districts;
 - 3. Any lawfully pre-existing place of religious worship, public park, or school that is located within jurisdictional boundaries of the City.
 - 4. The distances provided for in this subsection shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the parcel upon which the adult entertainment business is located to the nearest property line of a parcel:
 - a. Upon which such a lawfully pre-existing adult entertainment business, place of religious worship, public park, or school, is located; or
 - b. Within a district zoned for residential use.

Section 5-303. No additional zoning conditions, restrictions, safeguards, or conditions.

No zoning conditions, restrictions, safeguards, or standards shall apply to or be imposed on any adult entertainment business protected by the First Amendment to the United States Constitution, other than:

1. The prohibition on the consumption, distribution, possession, and sale of alcoholic beverages contained in Section 3- 3 of the City's Code;
2. Those prohibitions and restrictions expressly set forth in this section; and
3. Signage, parking and landscaping requirements of Article 5 of these LDRs.

Section 5-304. No application, license, or permit.

With the express exception of those applications, licenses, and permits required by Chapter 11, Article II, of the City's Code, no application or permit shall be required for the establishment of any adult entertainment business protected by the First Amendment to the United States Constitution and no such adult entertainment business shall be subject to Sections 11-34 or 11-37 of the City's Code.

Section 5-305. No variances.

No variances from the criteria set forth in Section 5-301 or 5-302 shall be permitted for any reason.

Division 4. Animal Care Facilities.

A. Animal grooming establishments.

1. Keeping overnight. No animal grooming establishment shall keep overnight for the purpose of boarding or otherwise any animal or mammal.
2. Use as living quarters prohibited. No animal grooming establishment shall be utilized as living quarters by any person, nor shall the same be equipped or furnished with sleeping or cooking facilities for humans.

B. Veterinary clinics or animal boarding facilities.

- 1, 75' setback from residential property of any outdoor pen or run/feeding station.
2. All outdoor runs shall be screened by an opaque barrier such that the runs are not visible from adjacent properties or public rights-of-way. If vegetative material is used with a fence for the opaque barrier, such material shall form an opaque barrier within one year from the time of first planting.
3. If adjacent to residential property, no dogs shall be permitted in open run areas between the hours of 7:00 PM and 7:00 AM.
4. Indoor animal boarding is permitted.

Division 5. Automotive Uses.

Section 5-501. Automobile Service Stations and Vehicular Service, Minor

- A. Minimum lot size. Lot size shall not be less than one hundred (100) feet in width and one hundred forty (140) feet in depth.
- B. Location of oil holding tanks and hydraulic lifts. All hydraulic lifts shall be located within an enclosed permanent structure and oil holding tanks shall be located no closer than fifty (50) feet to any property line.
- C. Gasoline pumps. Automobile service stations shall have their gasoline pumps, including other service facilities, setback at least fifteen (15) feet from any property line.
- D. Protective walls. A four-foot high masonry wall of good quality and design shall be built on all rear and side property lines of a lot occupied by an automobile service station. The wall, the design of which shall be reviewed by the Building and Zoning Department shall be solid and unpierced except that a wall along an alley line may have a three-foot opening, closed by a substantial gate when the opening is not in use. The height of the wall shall be reduced to three (3) feet for a distance of ten (10) feet back from its intersection with the street right-of-way line. The Board of Adjustment may waive the requirement of a wall upon a finding that such wall is unnecessary for the protection of contiguous property or would interfere unduly with ingress and egress to the service station.
- E. Ingress and egress. For each one hundred (100) feet of lot frontage or major fraction thereof, there must be two (2) driveways for entrance and exit. There must be ten (10) feet distance between the two (2) driveways and no driveway shall be over fifty (50) feet in width at the lot line. Driveways must be ten (10) feet from an alley or private property lines. On a corner lot, all driveways must be a least ten (10) feet from the intersection of lot lines or from the intersection of the lot lines or from the intersection of the lot lines produced. If located on a State or County road, the access management standards of FDOT or the County, as the case may be, control.
- F. Storage of petroleum products. All tanks for the storage of gasoline, kerosene, or other petroleum products shall be located underground.
- G. Tow trucks. A single tow truck may be maintained on the premises of an automobile service station.
- H. All services, other than the provision of gasoline, to be performed within an enclosed structure.

Section 5-502. Hand carwash establishments.

- A. Hand car washing establishments shall be allowed as an accessory use on the site of an automobile service station and/or vehicle repair establishment in any nonresidential district.
- B. Water reclamation required. All washwater shall be collected under a roofed structure and disposed of into a grease/sand trap and thence to a sanitary sewer as reviewed and approved by the Public Works Department.
- C. In no case shall a carwash bay exceed fifteen (15) feet in width, twenty-four (24) feet in depth, or twelve (12) feet in height for each vehicle being washed.
- D. If the hand car wash use is located in a nonresidential district, other than the C-1 District, then the car washing activity shall occur entirely within a parking garage.
- E. A building containing functional bathroom facilities shall be available on-site.
- F. All car washing operations shall be confined to within a fixed (nonmovable) and roofed structure, to be located on a concrete slab or existing paved surface; the color of such structure shall be harmonious with that (those) of the existing principal structure, as determined by the Director of Building and Zoning, and such structure shall be maintained in a good condition and state or repair.
- G. The setback requirements for hand carwash structures shall be the same as for principal structures in the applicable district, however, in no case shall said structure be located closer than twenty-five (25) feet to a residential property line.

Section 5-503. Mechanical automobile washing establishments.

In addition to meeting the minimum district regulations, these establishments shall be subject to the following regulations:

- A. Such establishments shall not be closer than fifty (50) feet to a residential district.
- B. Such establishments shall have a collection system for washwater with a grease/sand trap and sanitary sewer, as reviewed and approved by the Public Works Department.
- C. Such establishments shall be located on a public street having a pavement width of not less than thirty (30) feet and shall provide ingress and egress so as to minimize traffic congestion.
- D. Such establishments, in addition to meeting the standard off-street parking requirements, in Article 5, Division 14, shall provide at least three (3) spaces per station of waiting spaces on the lot in the moving lane to the automobile washing building entrance so as to reduce the number of waiting automobiles in the public street.

Section 5-504. Vehicular Service, Major.

All major vehicular service must be performed within an enclosed structure. Outdoor storage is prohibited.

Division 6. Boats, Docks, Seawalls, etc.

Section 5-601. Boats.

- A. Location. Boat repair activities shall be conducted solely upon the premises of the boat repair business and shall not encroach upon any public street, public right-of-way or upon the private property of others.
- B. No person, firm or corporation shall use or occupy, or permit the use of or occupancy of a houseboat, floating home, or boat for living quarters, either permanently or on a temporary basis, on the waters of North Miami.
- C. Boathouses and boat slips. The following limitations shall apply to boathouses and boat slips accessory to residential uses in residential districts:
 - 1. No boathouse shall be erected or altered to exceed a height of fifteen (15) feet from grade.
 - 2. No boathouse, permanent covering or temporary covering over a boat slip shall be permitted within or shall cover any portion of any public waterway.
 - 3. No boathouse or boat slip shall exceed twenty (20) feet in width or forty (40) feet in depth. Boathouses and/or boat slips shall not occupy more than thirty-five (35) percent of the waterfront yard, provided that, where such coverage would result in exceeding the permitted total lot coverage by all buildings, it shall be reduced proportionately.
- D. Minimum setbacks of structures. All mooring piles, docks, wharves, boat slips and/or similar structures shall maintain the same minimum setback from the adjacent owner's property line extended as established for the main structure permitted on the building site.
- E. Mooring of boats. The following regulations shall apply to the mooring of boats within the City:
 - 1. In all residential districts, where boats are permitted to be moored in canals or inland waterways, all boats shall be moored parallel to the property line abutting the canal or waterway.
 - 2. In all residential districts, where boats are permitted to be moored in canals or waterways, all boats shall be moored to mooring piles, docks, boatlifts, boat davits, hoists or similar mooring structures. No boats shall be moored to floating vessel platforms, hydro-hoists or similar structures.
 - 3. No boat shall be docked or anchored adjacent to residential property in such a position that causes it to extend beyond the lot line of any adjacent property.

4. No boat slips, docks, boat davits, hoists, mooring pilings and similar mooring structures may be constructed by any owner of any lot unless a principal structure exists on such lot.
5. The renting of docks, dock space, or moorings, and the rental of boats or any portion thereof, for any purpose whatsoever shall be specifically prohibited in residential districts.
6. In all residential districts, where boats, which were permitted prior to the adoption of these LDRs are properly permitted and allowed to be moored to mooring piles perpendicular to the property line abutting the canal or waterway, shall be considered non-conforming uses and can continue to be moored in such manner.
7. Nothing in this Division shall relieve any property owner from complying with any applicable federal, state or county regulations or requirements.
8. A property owner may request a variance from the provisions of this section upon a showing that any required approval from any federal, state or county agency requires that the provisions of this section be varied.

F. Maintenance of watercraft.

1. Repair and/or maintenance of boats in residential areas shall be permitted when such repair or maintenance is routine or minor in nature and does not involve major exterior alteration, rebuilding, complete refinishing, and/or removal of engines, generators or similar equipment, or the use of tools and equipment beyond hand held power tools.
2. No boat or watercraft of any kind which is found to be of unsightly appearance or in badly deteriorated condition or which is likely to cause damage to private or public property or which may be a hazard to navigation, shall be permitted to moor or tie up at any dock or in any waterway within the City, except that such boats may moor at licensed boat yards or marinas for the purpose of repair.

G. Commercial watercraft.

1. Except as provided in subparagraph 2. below, no person shall cause or allow any commercial watercraft to be docked or moored in any public waterway in the City within any residential zoning district.
2. A commercial watercraft shall be permitted to be docked or moored in a residential zoning district, provided that:
 - a. The commercial watercraft, as docked or moored, is not a hazard to navigation;

- b. The commercial watercraft is in a seaworthy and operable condition and is maintained in a state of good repair; and
- c. The commercial watercraft is actively engaged in the construction, repair or maintenance of a dock, seawall, pilings, or other structure and a valid building permit has been obtained for such work.

Section 5-602. Docks.

- A. The regulation of boat docks, piers, wharves, floating vessel platforms, hydro-hoists, boatlifts, dolphins and mooring piles or piers of any nature shall be in accordance with any applicable Florida state, City, or Miami-Dade County laws.
- B. Projection into waterways.
 - 1. No dock, wharf or similar structure shall be constructed over or in any canal, lake or waterway, or on abutting land which extends more than six (6) feet outward from either the property line or the bank of such canal, lake or waterway, or the face of the seawall cap whichever is closest to the edge of water, or greater than fifteen (15) feet into Biscayne Bay from either the property line or the established bulkhead line, or the face of the seawall cap, whichever is closest to the edge of water.
 - 2. The extension of mooring piles (dolphins), floating vessel platforms, hydro-hoists, boatlifts and watercraft shall be limited as follows:
 - a. Waterways or canals: No more than twenty (20) percent of the width of the waterway or canal, or a maximum of twenty-five (25) feet, whichever is less, as measured from the property line.
 - b. Biscayne Bay: no more than thirty-five (35) feet from the property line.
 - c. Nighttime reflectors shall be affixed to all docks and mooring piles that extend more than five (5) feet into any waterway.
- C. Projection above seawall.
 - 1. Deck. For residential properties adjacent to waterways, deck floors which extend past the rear lot line or seawall shall not be constructed more than twenty (20) inches above the seawall or retaining wall; the width and length of decks shall be the same as those allowed for docks in the particular district.
 - 2. Dock or pier. No dock or pier shall project more than twenty (20) inches above the uppermost edge of the seawall or retaining wall onto which it is attached or to which it is adjacent. The length of any dock or pier, measured parallel to the seawall or retaining wall, shall not encroach into the required side yard setbacks; provided, however, that a variation of up to ten (10) percent may be administratively granted by the Building and Zoning Department under the same standards provided by Article 3, Division 6.

Section 5-603. Seawalls/bulkheads

- A. All walls in existence or constructed after the effective date of this Code, immediately adjacent to a canal, river, bay or any other waterway shall constitute a seawall.
- B. Newly constructed seawalls shall be constructed of materials approved by the City engineer and in compliance with any other county, state, and federal regulatory agency.
- C. All seawalls shall be maintained by the owner of said property where such seawall is abutting. Lack of maintenance of any seawall shall constitute a violation of this ordinance.
- D. No bulkhead or retaining wall shall be built waterward of the mean high water line, as established under applicable state, county, or City laws.
- E. All bulkhead, retaining wall and seawall construction shall require the City engineer's approval prior to the issuance of a building permit.

Division 7. Concurrency.

Section 5-701. Transportation.

Pursuant to the Comprehensive Plan of the City of North Miami, all land within the municipal boundaries of the City has been designated a Transportation Concurrency Exception Area ("TCEA") in accordance with the requirements of Section 163.3180(5)(b), Florida Statutes and Chapter 9J-5.0555(6), Florida Administrative Code, in order to reduce the adverse impact that transportation concurrency may have on the urban infill development and redevelopment goals of the City of North Miami. All development within the City for which a development order is issued on or after January 14, 2004, shall be exempt from the concurrency requirements of Section 163.3180, Florida Statutes and Rule 9J-5.0055(3)(c)1.-4., Florida Administrative Code.

Section 5-702. Transportation Demand Management.

A. Applicability.

1. This Division applies to new construction substantial rehabilitation of an existing structure, authorized pursuant to a development approval after the adoption of these LDRs provided that the new construction or substantial rehabilitation directly impacts roads classified as having a level of service E or F.
2. Prior to the issuance of a building permit, the owner/applicant shall agree, in a notarized statement of compliance, to provide and maintain in a state of good repair applicable transportation demand management and trip reduction measures.
3. In the event that an applicant for development approval demonstrates to the Community Planning and Development Department that the applicant will not only comply with the literal terms of this Division but that transportation demand management and trip reduction measures will result in trip reduction of more than 25%, then a reduction in required parking may be approved, up to 15% of the total required under the provisions of Article 5, Division 14.

B. Transportation Demand Management Requirements.

The property owner of any development within the scope of Section 5-702-A.1 shall:

- a. design driveways and parking areas to accommodate the use of vans and shuttle buses;
- b. provide a bus shelter or transit/bus pickup facility if the development has frontage on any transit route unless the developer can demonstrate that a suitable facility is already available within 600 feet of the property on which the development is located;

- c. provide reserved priority employee parking spaces for qualifying multiple occupant vehicles;
- d. provide facilities for the posting of TDM Program information in the location within the development, which is readily visible to employees;
- e. provide secure facilities for the storage of bicycles;
- f. designate an individual to act as the TDM Program Coordinator. This person will be the contact person between the development and the City and shall monitor all TDM Program activities for the development, disseminate information and act as a resource of information for employees;
- g. Within five (5) years of the issuance of the Certificate of Occupancy for development with fifty (50) or more employees, commuter van service shall be made available to all employees in the development at the expense of the employer or employee. If at the expense of the employee, the cost of such service to the employee shall be no more than the actual cost of the service.

C. Annual Report.

The property owner of each new development within the scope of this Division shall file an annual report with the Community Planning and Development Department describing in detail the TDM Program implemented for the development or existing development during the preceding calendar year. In the event that the implementation of the TDM Program involves employees employed by persons other than the owner of the development or existing development, the annual report shall also include information compiled by the property owner regarding each such employer identifying the participation of such employees in the TDM Program. The annual report shall be due on January 15, [year], or the 15th day of January of each year after the third anniversary of issuance of the Certificate of Occupancy for the development, whichever is later, and shall include a detailed description of the TDM Program implemented during the preceding calendar year and an explanation of how the TDM Program will achieve a twenty-five percent (25%) reduction in peak hour trip generation.

D. Statement of Compliance with TDM Program Participation Required.

- 1. Sworn Statement Required. The property owner of any development within the scope of this Division pursuant to Section 5-702A.1 shall within two (2) years of the issuance of a building permit, submit a sworn statement of compliance to the Community Planning and Development Department.
- 2. Contents of Statement. The sworn, notarized statement of compliance shall describe in detail the TDM Program, which has been implemented for the

development, including the name, address and telephone number of any third party providers involved in the provision of TDM Program services. In addition, the Statement of Compliance shall contain text as follows:

COMES NOW [name of property owner, and authorized officer and title of officer of same, if officer is executing on behalf of the property owner], being duly sworn, states that [name and address of development] is in full and complete compliance with each and every requirement of Article 5, Division 7, Sections ___ through ___ of these LDRs.

Division 8. Design.

Section 5-801. Residential structures.

- A. No person shall paint any single-family, duplex or triplex residential structure in any color other than those listed on the approved City color palette, on file with the Building and Zoning Department, unless the proposed colors are approved by the Building and Zoning Department pursuant to subsection B below.
- B. Any person wishing to paint such single-family, duplex or triplex residential structure a color other than that which is authorized in subsection A above, shall submit a proposed paint color sample to the Department of Building and Zoning for approval. In the event that the Department of Building and Zoning rejects such paint color sample, the homeowner or lessee shall have the right to appeal such decision to the Board of Adjustment pursuant to the provisions of Section 3-702.

Section 5-802. Applicability of Transit Oriented Development Design Standards.

The provisions of Section 5-803 shall apply throughout the City in all districts to all new development. The provisions in Section 5-804 shall apply along the major corridors of the City [Biscayne Boulevard, Dixie Highway, 7th, 135th, and 125th Street] and shall apply if an applicant is seeking a bonus in accordance with the provisions in Article 4 of these LDRs.

Section 5-803. Transit Oriented Development Design Standard – City-wide.

- A. Minimum sidewalk standards.
 - 1. An on-site pedestrian circulation system which connects the street to the primary entrances of the structure(s) on the site shall be provided.
 - 2. Sidewalks shall be provided along the frontage of all public streets.
 - 3. Sidewalks must be hard-surfaced and at least six (6) feet in width.
 - 4. Sidewalks and the circulation system must be adequately illuminated to a level where the system can be used at night by employees, residents and customers.
 - 5. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent properties if physically possible.
- B. Minimum streetscape standards.
 - 1. A continuous perimeter-planting strip (excluding driveways) shall be required whenever the property abuts a sidewalk. The width of the planting strip shall be at least three (3) feet or as determined by the Building and Zoning Department at the time of the review of the site plan.

2. Sidewalks shall be located adjacent to the perimeter-planting strip. If the right-of-way width varies along the street frontage, the planting strip shall be aligned along the widest right-of-way section.
 3. Sidewalks along public street right-of-ways shall abut the perimeter-planting strip, and be located on the side closest to the building to encourage pedestrian activity. The sidewalk width and locations shall be determined at the time of the review of the site plan. If not otherwise specified, then the sidewalk shall be 6' in width.
 4. Sidewalk easements shall be required if the sidewalk is not located within the public right-of way.
- C. Minimum standards for public spaces and transit stops.
1. Public spaces adjacent to a street and transit stops should be encouraged to be welcoming to the pedestrian with landscaping, benches, bicycle stands, public art and other attractive elements.
- D. On and off-street parking.
1. Lighting shall be provided to ensure personal safety and shall be integrated into the architectural character of the development both in terms of illumination and fixtures. When use is not open, only motion activated lights for security is permitted. Lighting shall not produce glare or negatively impact off-site uses or traffic on adjacent streets.
 2. Except as provided in Section 4-401C4 for Residential Office Districts, no vehicle parking or garage shall be allowed in a required setback which abuts a public street, except for service entrances or loading zones restricted for deliveries and not available for use by the general public for parking purposes.
 3. Shared or non-concurrent parking may be permitted if the applicant for development approval demonstrates that adequate parking will exist in accordance with the provisions of Article 5, Division 14.
 4. Off-street parking areas shall only be allowed in surface lots on the side or rear of a lot, in an underground lot or in a parking structure; provided however, that parking may be allowed between a public street or pedestrian way and a building outside of the CCD if it does not obstruct pedestrian access and there are unusual site characteristics making it impossible to meet the minimum parking requirement on the side or rear of a building and no more than 2 rows of parking are provided.
 5. Retail uses shall be incorporated in the ground floor of parking structures adjacent to streets within the CCD district and major corridors in the NRO.

E. Architectural design standards.

1. No front setbacks are permitted in nonresidential districts except for the streetscape: five [5] feet of pedestrian amenities, etc. and six [6] feet sidewalk and, a public seating area or plaza is provided in front of the building.
2. New buildings shall be oriented so as to face a public street or public open space.
3. Primary ground floor building entrances shall have an entrance oriented to pedestrian-oriented streets, plazas, or parks. Other entrances may be provided so long as direct pedestrian access is provided from all entrances.
4. If a building has frontage on more than one public street, the building need only have one main entrance oriented to the public street or alternatively to the corner where the two public streets intersect.
5. The space between a building and a public street shall be a minimum of ten [10] feet to encourage pedestrian related activity at the street level and in a manner which creates a more desirable and enjoyable pedestrian experience.
6. At least 75% of the width of any new or reconstructed first story building wall facing a public street or pedestrian way and 50% of the ground level wall area (10 feet above grade) shall be devoted to interest creating features, such as pedestrian entrances, reliefs, landscaping, transparent show or display windows or windows affording views into retail, office or lobby space.
7. All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade or other visual device.

F. Connectivity.

1. Except as provided in this subsection, no solid free-standing walls, hedges or fences shall be allowed along a public street or sidewalk unless the solid wall, fence or hedge does not exceed four (4) feet in height.
2. Decorative walls, fences and hedges that allow visibility, such as wrought iron and split rail fences, shall be allowed throughout provided they do not exceed six (6) feet in height.
3. Allowable walls, hedges or fences shall have openings or gates operable from both sides at least every 100 feet.

G. Bicycle standards.

1. Requirement

- a. Bicycle racks or other means of bicycle storage that can secure at least four (4) bicycles shall be required for all new parks, government facilities, schools and nonresidential development.
- b. New multifamily development and other uses with parking lots which have at least 51 parking spaces shall provide bicycle parking in accordance with the requirements of this subsection.

2. Quantity of bicycle parking spaces required:

Total Parking Spaces in Lot	Required Number of Bicycle Parking Spaces
25 to 50	4
51 to 100	8
101 to 500	12
501 to 1,000	16
over 1,000	four (4) additional spaces for each 500 parking spaces over 1,000

- 3. Exemption: Single family and duplex units are exempt from the provisions of this subsection.
- 4. Location and design of bicycle parking spaces: The bicycle parking spaces shall be located near the principal entrance to the building. At building and shopping centers that have multiple parking lots, the bicycle parking spaces should be installed near the entrance to the buildings served by the lots. They bicycle parking spaces should be in a highly visible, well lighted location that provides enough clear space to facilitate easy use and does not impede pedestrian traffic or handicap accessibility and is protected from the weather by being located under roof overhangs and canopies. The parking spaces may not be placed in the County maintained right-of-way. The design of the bicycle rack should permit the locking of the frame and at least one wheel with a standard size “U” lock and accommodate the typical range of bicycle sizes. The bicycle rack must resist removal, must be solidly constructed to resist rust, corrosion and vandalism and must be properly maintained.
- 5. Other acceptable forms of bicycle storage: At the owner’s option, bicycle parking may also be installed in the form of storage rooms, lockers or cages.

6. Signage and markings: All bicycle parking spaces shall be posted with a permanent and properly maintained above-ground sign entitled “Secured Bicycle Parking.” The bottom of the sign must be at least five (5) feet above grade within attached to a building, or seven (7) feet above grade for a detached sign.

Section 5-804. Transit Oriented Design Standards applicable on Major Corridors and Applications for Bonuses.

In addition to the standards in Section 5-803, all development along major corridors and all applications for bonuses shall comply with the following:

- A. Minimum Sidewalk Standards.
 - 1. Sidewalks must be hard-surfaced and at least ten [10] feet in width.
 - 2. Pedestrian scale decorative lighting fixtures no greater than fifteen [15] feet in height shall be provided.
- B. Minimum streetscape standards.
 - 1. Canopies, awnings, cornices and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such feature may extend from the building up to one-half of the width of the setback area in front of the building or 9', whichever is less, and may not be closer than 2' to the back of the curb. In no instance shall such features extend over, or interface with the growth or maintenance of any required tree planting. Minimum overhead clearance shall be 8'. Ground supports for these features are not permitted in the minimum setback.
- C. Minimum standards for public spaces and transit stops.
 - 1. Public spaces adjacent to a street and transit stops should be welcoming to the pedestrian with landscaping, beaches, bicycle stands, public art and other attractive elements.
- D. Parking structures. In areas other than the CCD district, the incorporation of retail or residential uses into parking structures is encouraged.
- E. Architectural design.
 - 1. No front setbacks are permitted except for the streetscape: five [5] feet of pedestrian amenities, etc. and ten [10] feet sidewalk, a public seating area or plaza provided in front of the building.
 - 2. The space between a building and a public street shall be a minimum of fifteen (15) feet to encourage pedestrian related activity at the street level and in a manner which creates a more desirable and enjoyable pedestrian experience.

Section 5-805. Sustainable Building Program.

- A. Sustainable Building Program Incentives for Green Buildings. For any program participant seeking program certification for new commercial or multi-family construction or commercial substantial improvement meeting the requirements of this Section, the City shall provide the following incentives:
1. Fast-track review and permitting for the Development Review Committee (DRC) and building permits (see Section 3-202G);
 2. Reduced permitting fee, which shall equal 5% of the fee required, subject to availability of funds;
 3. Final project recognition by the City;
 4. Press releases;
 5. Featured on the City greennorthmiami website;
 6. Bonuses as provided in Article 4.
- B. An applicant seeking a bonus under the provisions of Article 4, shall submit a signed and sealed statement by an architect that the required number of criteria for the applicable LEED rating system are satisfied. After approval of a bonus, a design phase rating shall be issued by the USGBC prior to the issuance of a building permit. Upon completion of the project, the developer shall submit all documentation to the USGBC for review and final LEED certification.
- C. Except as provided in subsection I, any new building or addition to a City owned building shall be required to attain "Silver" or higher designation under the Leadership in Energy and Environmental Design for New Construction (LEED-NC) rating system.
- D. Except as provided in subsection I, substantial renovation to improve or repair to the condition of an existing City owned building/structure:
1. Substantially improved projects, shall be required to attain a "Certified" or higher designation under the LEED-NC Rating System.
 2. Renovation, remodels, and other building upgrades which are not substantially improved projects are encouraged to incorporate the maximum number of LEED-approved green building practices as are feasible from a practical and fiscal perspective, however, LEED certification will not be required.

- E. Affordable housing constructed or substantially improved by the City: All new affordable housing units constructed or substantially improved by the City are required to comply with the Green Residential Rehabilitation Standards as adopted by the City Council.
- F. All Community Redevelopment Agency (CRA) owned or funded projects within the redevelopment area shall be required to attain a "Silver" or higher designation under the Leadership in Energy and Environmental Design for New Construction (LEED-NC) rating system.
- G. Except as provided in subsection I, substantial renovation to improve or repair the condition of an existing CRA owned or funded building/structure within the redevelopment area shall be required:
 - 1. Substantially improved projects, shall be required to attain a "Certified" or higher designation under the LEED-NC Rating System.
 - 2. Renovation, remodels, and other building upgrades which are not substantially improved projects are encouraged to incorporate the maximum number of LEED-approved green building practices as are feasible from a practical and fiscal perspective, however, LEED certification will not be required.
 - 3. Exemption from the LEED certification standards will apply in accordance with subsection I below.
- H. Except as provided in subsection I, new commercial /non-city construction, addition or substantial improvement for commercial property shall be required:
 - 1. to attain a "Certified" or higher designation under the LEED-NC Rating System.
 - 2. Renovation, remodels, and other building upgrades not meeting the above criteria are encouraged to incorporate the maximum number of LEED-approved green building practices as are feasible from a practical and fiscal perspective, however, LEED certification will not be required.
- I. Exemption:
 - 1. The requirement for applying the appropriate LEED standard under any of the above referenced categories may be exempted or modified due to special circumstances of the project. Such exemption or modification shall be for the express purpose of ensuring the use of the most appropriate or relevant rating standard, and shall not, in any way, exempt the requirement to apply green building practices to the maximum extent possible. This substitution process shall be administered by and through the Development Review Committee.
 - 2. Guidelines for requests for exemption from the LEED certification standards: The Development Review Committee shall address petitions for specific exemptions

and make recommendations to the applicant. The unique characteristics of a particular project shall not exempt it from applying green building practices to the maximum extent possible, and it is expected that all projects will incorporate as many LEED-approved green building practices as are feasible from a practical and fiscal perspective. The Department Review Committee may, where it deems appropriate, substitute an alternative rating system such as The Florida Green Building Coalition standards, the Green Building Initiative's Green Globes rating system or a nationally recognized, high performance green building rating system as approved by the Community Planning and Development Department.

J. At the minimum, the following green building principles shall be incorporated into the project:

1. Energy Star rated equipment and or appliances
2. LED lighting and compact fluorescent bulbs must be used and reported to the City's Community Planning and Development Department by completing the Energy Star pledge
3. Utilization of water re-use for irrigation; and/or rain sensors on irrigation system
4. Utilization of plant materials for landscaping of the Florida Friendly Plant List
5. Maximize water use efficiency in buildings to obtain reductions in water usage through the utilization of high-efficiency fixtures (water faucets, water closets, urinals, showerheads etc.)
6. Design the building/project to maximize energy performance through compliance with the mandatory and prescriptive requirements of ASHRAE/IESNA 90.1
7. Limit disruption of natural water flows by managing storm water runoff through the implementation of a storm water management plan that reduces impervious cover, promotes infiltration, and captures and treats storm water runoff using acceptable best management practices (BMPs)
8. Reduce heat-island effect by using roofing materials having a Solar Reflectants Index (SRI) equal to or greater than:

Roof-type	Slope	SRI
Low-sloped roof	less than or equal to 2:12	78
Steep sloped roof	greater than 2:12	29

For a minimum of 75% of the roof surface

9. Utilize two (2) of the following low-emitting materials:
 - a. Adhesives
 - b. Sealants
 - c. Paints and coatings
 - d. Carpet
 - e. Composite wood
 - f. Agri-fiber products

Division 9. Fences, Walls, and Other Similar Structures.

Section 5-901. General Standards for Residential and Nonresidential Districts.

- A. Requirements for nonresidential districts.
 - 1. Screening adjacent to residential property: A six (6) foot high masonry wall shall be required on all nonresidential property that has a side or rear lot line abutting or separated by a public right-of-way from residentially zoned property. The wall shall be subject to the vision clearance requirements set forth in Section 5-904.
 - 2. Outdoor storage: All permitted outdoor commercial or industrial storage shall be visually screened from public view by a six (6) foot high opaque fence or wall. In no case shall the items stored project above the fence or wall.
- B. No fence or wall may be erected, constructed, installed or maintained with barbed wire, spikes and/or spears, broken glass, electrical elements, exposed sharp projections, or other hazardous materials, except as provided in Section 5-903.
- C. In residential districts, completely opaque fences or walls shall be prohibited in the required front yard setback.
- D. All fences and walls shall comply with the Florida Building Code.
- E. No fence or wall may be constructed of materials which will be hazardous to the health, safety or welfare of persons or animals.
- F. All masonry walls shall be constructed and maintained with a finish of stucco and paint on all external portions and all such inside portions as are observable from rights-of-way or from abutting property.
- G. All fences and walls in nonresidential districts shall be harmonious in color, type and material with adjacent architecture and lots. The Director of Building and Zoning may approve the installation of a fence with the 'wrong side' (post side) facing the adjacent or affected properties if the applicant obtains notarized approval letters from all adjacent or affected property owners.
- H. Wood and chain link fences in commercial districts: All fence posts shall face the property upon which the fence is erected. All chain link fences shall be installed with the knuckled side up and shall be plastic coated. All straps, for chain link fences, shall be consistent in color with the color of the principal structure and be maintained in good condition and not weathered, cracked or faded.
- I. All temporary construction fences used at construction or development sites, may, at the discretion of the Director of Building and Zoning Department, be exempt from the height, opacity and landscaping provisions of this section of LDRs, provided that they do

not obstruct the vision of motor vehicle operations, in accordance with the sight triangle in Section 5-904 or create other hazards to public safety.

- J. Maintenance: All fences, walls and hedges shall be maintained in a safe, non-hazardous condition and in good appearance. Walls and fences, unless of natural materials or galvanized, shall be properly painted.
- K. No fence or wall may be constructed within an identified and duly recorded easement unless the property owner has:
 - 1. Obtained a written, notarized release from all public agencies or utility entities having rights to the easement; or
 - 2. Obtained a written, notarized release from all private interests/parties having rights to the easement; and
 - 3. Submitted a notarized letter to the City's attention and acknowledging that should access or improvements to infrastructure be necessary on the property, the property owner will assume all responsibilities for costs incurred to obtain access to the easement area (which may include removal of the fence or wall) and the property owner shall be responsible for the full restoration of the area – all at property owner's sole cost. Such letter shall hold harmless the City, its officials and agents, as well as all other officials or agents of governmental agencies and public utilities, or any private party interest having a right of access to such easement.
- L. No fence or wall in any zoning district may be used to store or hang items such as but not limited to: laundry, towels, sheets, rags, clothing or similar items. Fences and walls shall be solely for the demarcation and separation of properties for privacy and use purposes.

Section 5-902. Maximum height.

- A. Measurement: All height measurements for determination of compliance with this section shall be made from the finished grade of the lot. No fence or wall may be placed on any portion of an earthen mound or berm unless the height of the fence or wall is cumulatively not higher than the allowable height in the zoning district from the finished grade of the lot.
- B. Residential districts, side and rear yard: In all residential districts, no fence or wall shall exceed six (6) feet in height within the required side and rear yards;
- C. Residential districts, front yard:
 - 1. In all single-family residential districts, no fence or wall shall exceed five (5) feet in height within the required front yard; provided however, that decorative arches

for gates and driveway gates may extend twelve inches (12") above the approved fence and post exteriors are permitted six inches (6") above the approved fence. For the purposes of fences and walls, all corner lots in single-family residential districts shall have two (2) front yards.

2. No chain link except in back yard.
3. Any fence must be of a decorative design.
4. In all multi-family residential districts (excluding townhouse developments) no fence or wall shall exceed six (6) feet in height within the required front yard.

D. Nonresidential districts:

1. In all commercial districts, no fence or wall shall exceed six (6) feet in height.
2. In industrial districts:
 - a. No fence, wall or hedge shall exceed eight (8) feet in height.
 - b. All salvage, junk and storage (vehicle, RV, boat trailers and items of this nature) operations shall be visually screened from the public view by an eight-foot high fence or wall which shall be of masonry construction and shall be without openings, except entrance and exit. Such gates shall be of an opaque material providing screening of interior properties' content from public view.

Section 5-903. Barbed wire.

A. General.

1. A one (1) foot high non-electrical barbed wire extension may be allowed in addition to the maximum allowable height as a special exception in the M-1, industrial district.
2. The installation of security wire other than linear-strung barbed wire is prohibited.
3. No barbed wire or other form of security wire shall be permitted in any yard abutting a residential use or street abutting a residential use.
4. If installed, the barbed wire shall be maintained as originally installed.

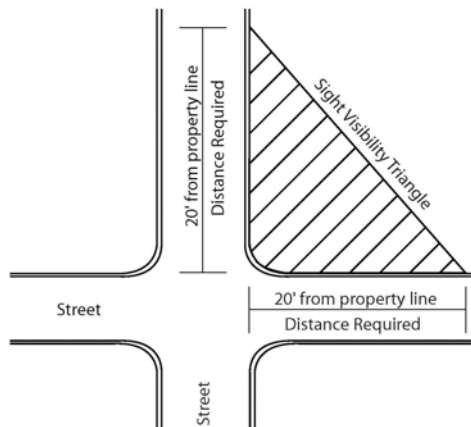
B. Standards.

1. The merchandise or items to be protected are of such a nature that other means of secured storage are not feasible.

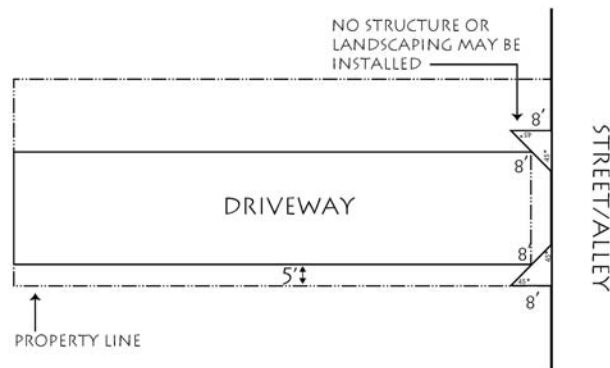
2. No other practical alternatives exist.
3. The incidence and type of crime (if any) indicates the use of security wire may be a reasonable safety measure.
4. The area to be enclosed by the barbed wire is reasonable in terms of the total property area.
5. The proposed method of installation will not result in encroachment upon adjacent property or right-of-way.
6. The distance of the barbed wire from ground level is sufficient for the protection of passersby.

Section 5-904. Sight Visibility Triangle.

A. To minimize traffic hazards at street or driveway intersections, no structure or landscaping may be installed which will obstruct views at a level between thirty inches (30") above grade and seven feet (7') above grade within the sight distance triangle described in the following Figure.



B. In order to minimize landscaping or thirty inches (30") triangle described



ts and/or alleys, no at a level between n the sight distance s.

Section 5-1001. General requirements.

- A. No person shall install, maintain, keep, or utilize any sign advertising firearms or ammunition which sign is visible from the outside, for any multipurpose business dealing in firearms and dealing in other items, not directly related to firearms, to such an extent that the primary business at the premises is for such other items rather than firearms.
- B. No firearm sales will be made thereon between the hours of 9:00 p.m. and 7:00 a.m. of the next day.
- C. No person shall engage in the operation of a pawnshop or conduct a pawnshop business at the premises of a gun shop.

Section 5-1002. Location.

Gun shops shall be allowed only in an authorized zoning district, subject to the following restrictions:

- A. No such gun shop shall be located within two thousand (2,000) feet of an existing similar type of business use. The term "similar type of business" shall include both shops dealing solely in firearm as well as multipurpose businesses dealing in firearms and other items. The two-thousand-foot distance shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the gun shop to the nearest property line of an existing similar type business.
- B. No such gun shop shall be located within two thousand (2,000) feet of any previously existing child care center, public park, place of public assemblage, school, church or hospital. Said distance shall be measured in the same manner as subsection A of this section.
- C. Businesses lawfully engaged in the sale of firearms in any of the City's commercial districts, and existing as of June 25, 1985 shall enjoy grandfathered status and shall constitute a legal nonconforming use, but shall be subject to the limitation upon hours of operation provided by this Division.

Division 11. Home Occupations.

Section 5-1201. Purpose and Authorization.

- A. The purpose of this section is to allow the conduct of certain limited home occupations in residential districts. All home occupations shall conform with all requirements and stipulations of this section prior to the issuance of a business tax receipt by the City.
- B. Authorization. Any home occupation which may be conducted entirely within the interior premises of a dwelling unit and which home occupation otherwise complies with all mandatory provisions of this section shall be authorized.

Section 5-1102. Prohibited home occupations.

Home occupations shall not at any time be deemed to include:

- A. Barbershops and beauty parlors;
- B. Dancing schools or other special and technical schools;
- C. Funeral homes;
- D. Nursery schools and day care centers not including family day care;
- E. Restaurants;
- F. Stables, kennels or animal hospitals;
- G. Medical or dental offices and clinics of any kind;
- H. Motor vehicle or boat repair and/or service.
- I. A business tax receipt issued for home occupation use in a residential district by the City shall be clearly marked "SPECIAL" and shall contain a provision to the effect that such a receipt is revocable upon violation of any of the provisions of this Division. The applicant shall further sign a sworn statement attesting to intention of strictly complying with all the provisions regulating home occupations and stating that he/she has completely read and understands such provisions.

Section 5-1103. Use limitations.

In addition to any additional restrictions which may be applicable to the residential districts where the home occupation is being conducted, no home occupation shall be permitted unless it complies with the following provisions:

- A. No materials of any sort such as equipment, tools, stock, work product, or commercial vehicles related to the home occupation shall be kept, used, displayed or be visible at any time outside of the dwelling unit where the home occupation is being conducted.
- B. No more than one (1) individual in addition to members of the family residing on the premises shall be engaged in such occupation.
- C. The use may not increase vehicular traffic, including parking, at the site by more than ~~one~~ two (2) vehicles.
- D. Signs shall not be posted on or about the premises of the building where the home occupation is conducted, with the purpose of advertising the business or giving the residential address as a business address. Further, the services provided by the home occupation shall not be advertised by way of newspaper, leaflets, fliers, mail, radio, television or any other form of advertisement in any manner which may tend to invite, attract or draw persons to the home location. The service provider shall not use such advertisement as a mechanism to establish further contact by which the person attracted by the advertisement is invited to the home location in connection with the provision of such services.
- E. Under no circumstances shall the exterior of the unit be altered or the occupation within the unit be conducted in such a way which may cause deterioration of the neighborhood (i.e., exterior displays of lighting, signs, posters, objects or advertising).
- F. No services rendered nor any product fabricated shall be prominently and commercially displayed on the premises of the dwelling unit in which the home occupation is conducted.
- G. The home occupation shall not be permitted to create a hazard or nuisance to the residents of the surrounding area.
- H. No odors or noises, directly resultant from the conduct of the home occupation shall be permitted to emanate from the dwelling unit.
- I. Except as provided in subsections B and J of this Section, no client of the home occupation may be permitted at the site.
- J. No teacher or tutor shall gather more than two (2) students at any one (1) time in the conduct of the home occupation.

Division 12. Landscaping and Screening.

Section 5-1201. Purpose.

The purpose of this Division is to preserve the existing natural environment and provide landscape improvements on private properties and right-of-ways in order to encourage amenities and screening that promotes a positive urban image, enhancement of property values, strengthening of the historic fabric, promotion of orderly growth, and overall enhanced aesthetic quality in the City.

Section 5-1202. Applicability.

A. Miami-Dade County Code applicability. The minimum landscape requirements for the City of North Miami are governed by all requirements within the following Miami-Dade County Codes as amended:

1. Chapter 18A, Landscaping Ordinance;
2. Chapter 24, Environmental Protection Ordinance; and,
3. Landscape Manual.

The provisions in this Division are supplemental to and generally more restrictive than Miami-Dade County Code provisions. As provided for in the Miami-Dade County Code provisions, if these provisions are not enforced by the City, Miami-Dade County may enforce the same. Should a conflict arise between these provisions and Miami-Dade County provisions, the most restrictive shall apply.

B. Applicability thresholds. Except for single-family, these provisions shall be a minimum standard and shall apply to all development within the City when a building permit is required for the following:

1. New construction; or,
2. Redevelopment, if either of the following thresholds are exceeded:
 - a. The proposed redevelopment cost exceeds 50% of the total improvement value; or
 - b. Results in a 50% or more increase in building square footage; or
3. Where a permit is required for expansion of an existing parking lot.
4. Single-family development shall comply with the provisions of Section 5-1204.

- C. All applications for development approval that are required to comply with the provisions of this Division shall be accompanied by a landscape plan in accordance with administrative regulation.

Section 5-1203. General Standards.

- A. Installation. All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements. Landscaped areas shall require protection from vehicular encroachment.
- B. Maintenance. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved so as to present a healthy, neat and orderly appearance; and shall be provided with adequate irrigation within fifty (50) feet for the maintenance of grass, shrubs, ground covering and other landscaping by utilizing an irrigation system which complies with the following standards: Dead trees shall be replaced immediately with similar, minimum sized trees.
 - 1. Use of non-treated water for irrigation is encouraged if a permanent suitable supply is available.
 - 2. Required landscaping shall be irrigated with a permanent irrigation system.
 - 3. Temporary irrigation may be used to establish native grasses and vegetation.
 - 4. Separate landscape water meters shall be installed for all regulated landscapes.
 - 5. All systems shall be equipped with an automatic rain shut-off device.
- C. Plant Standards.
 - 1. Type. Landscape materials shall be selected from the Florida Friendly Plant Selection Guide on file with the Building and Zoning Department with due regard to xeriscape principles and drought-tolerant species, including:
 - a. Well-planned planting schemes;
 - b. Use of mulch to maintain soil moisture and reduce evaporation.
 - c. Zoning of plant materials according to their microclimatic needs and water requirements;
 - d. Improvement of the soil with organic matter if needed;
 - e. Efficient irrigation systems; and

- f. Proper maintenance and irrigation schedules.
2. Quality. Plant materials used in conformance with provisions of this Division shall conform to the Standards for Florida No. 1 or better as given in "Grades & Standards for Nursery Plants" Part I, 1973 and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Grass seed shall be delivered to the job site in bags with Florida Department of Agriculture tags attached indicating the seed growers compliance with the department's quality control program.
3. Trees other than palms shall be species having an average mature spread of crown of greater than fifteen (15) feet in this geographical region and having trunk(s) which can be maintained in a clean condition over five (5) feet of clear wood. The required trees shall be at least twelve (12) feet in overall height and six (6) feet in spread. The trees when planted shall have a medium top, a minimum caliber of two and one-half (2-1/2) inches in the trunk, a clear trunk height of at least five (5) feet, and shall be properly braced. The number of such trees shall be determined by the application of the standards in Sections 5-1207, 1208 and 1211, provided however, that in no instance shall there be less than two (2) such trees in conjunction with the development of any parking facility or lot.
4. Environmental considerations.
 - a. All landscapes shall strive to maximize the use of native plants. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive may be used.
 - b. Landscapes shall consist of a variety of species to enhance biodiversity. No one species may make up more than twenty-five (25) percent of the total non-grass plant materials on the site.
 - c. Buildings and parking areas shall be located to preserve and promote the health of existing trees, environmental resources and natural drainage ways.
5. Invasive species such as members of the Ficus family with extensive root systems, Melaleuca (Melaleuca Leucadendra), Brazilian Pepper-Tree (Schinus Terebinthifolius), Toog (Bischofia Javanica), Australian Pine (Casuarina Equisetifolia), Poison Wood (Metopium Toxiferum), Schefflera (Brassia Actinophylla) may not be utilized for any public or private properties.
5. Palm trees may be substituted for the types of trees required, if planted in groups of three (3).

6. Shrubs and hedges. A living hedge or wall, or berm shall be provided (unless specifically exempted) in accordance with the standards in Section 5-1207 and 1208. No hedge shall be less than two (2) feet in height at the time of installation. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one (1) year after time of planting. No hedge, wall or berm shall exceed three (3) feet in height within twenty (20) feet of any driveway opening. The shrubs used in the development of such a hedge shall be placed so as to be not more than twenty-four (24) inches on center. All road rock used as a base for asphaltic concrete parking areas must be removed from all planting areas and replaced with a mixture of one-half (½) black soil and one-half (½) of salt-free sand.
7. Vines. Vines shall be a minimum of thirty (30) inches in height at planting time and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
8. Ground covers. Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three 90 days after planting.
9. Lawn grass. Grass areas shall be planted in species normally grown as permanent lawns in this geographical area. Grass areas shall be fully sodded. Solid sod shall be used in swales or other areas subject to erosion.
10. Existing plant material. In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, the Building and Zoning Department may adjust the application of the above-mentioned standards to allow credit for such plant material if, in its opinion, such an adjustment is in keeping with and will preserve the intent of this Division.

Section 5-1204. General Residential Standards.

- A. In connection with single-family, duplex and triplex uses, the front yard shall be solidly sodded and/or landscaped with living materials and is encouraged to use xeriscape principles and the provisions of this Division, except for those areas which must be paved to meet the minimum off-street parking requirements of Article 5, Division 14.
- B. In the R-1, swale areas shall be entirely sodded, or contain solely, pea rock or gravel or a combination of pea rock or gravel, or combination of sod and paving as long as the paved impermeable area does not exceed the specifications of Chapter 17, Section 17-96 of the City's Code. The incidental use of other swale materials such as trees, berms, and railroad ties shall also be permitted as long as their placement and location do not violate the City's Code. In addition, if pea rock or gravel is used in the swale, the area containing the pea rock or gravel shall be kept free of weeds. The swale area shall be

maintained such that no spill over of pea rock or gravel material is allowed to occur onto the adjacent roadway, adjacent sidewalk or other property owner's swale.

Section 5-1205. Minimum commercial and industrial landscape design standards for energy conservation.

Landscape designs shall be provided to aid in shading, and in directing breezes, allowing for the reduction of usage of energy consuming climatic control devices throughout the year. Trees and medium-to-high hedges within ten (10) feet of a building shall be placed relative to openings in the building so that they assist in channeling and directing beneficial breezes through the openings.

Section 5-1206. Minimum residential landscape design standards for energy conservation.

- A. Landscape treatment. Landscaping shall be designed as an integral part of a coordinated landscape design for the entire project providing for the shading of the dwelling as well as outdoor living areas.
- B. Selection of landscape materials. Vegetation and other landscape materials shall be selected from the Florida Friendly Plant List and specified as to enhance solar radiation utilization and to conserve the maximum amount of energy.
- C. Placement of landscape materials.
 - 1. The placement of landscape materials shall allow for existing and future solar access to solar collection devices, if any, and the encroachment of shade shall not be excessive to abutting properties.
 - 2. Where possible, shade shall be provided to paved areas, windows, southerly and westerly walls, and roof areas to reduce reflected and direct heat gain.
 - 3. Lawns and grassy materials shall be used in the immediate area of the dwelling unit as to provide for relatively even temperatures throughout the day aiding in the minimum usage of climatic control devices.
 - 4. In all cases, consideration shall be given as to provide for the optimum placement of landscaping materials to reduce solar heat gain.

Section 5-1207. Parking areas interior landscaping.

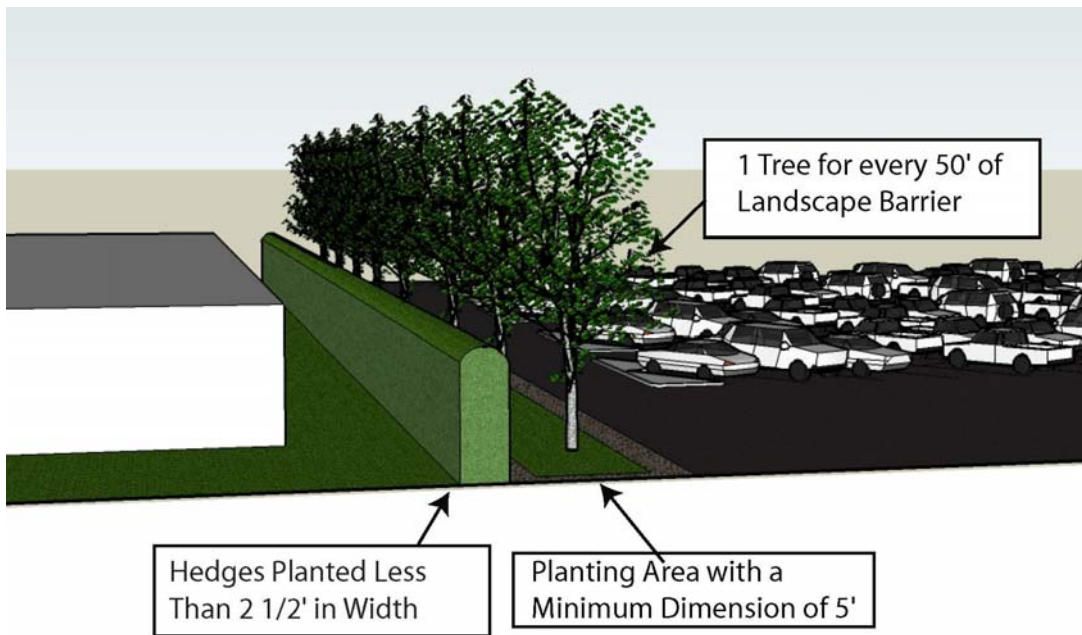
- A Minimum landscaping of parking area. A minimum of fifteen percent (15%) of the gross parking area is to be devoted to living landscaping, which includes grass, ground cover, plants, shrubs and trees.

- B. Interior areas of parking lots shall contain planter islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every ten (10) parking spaces and at the terminus of all rows of parking. A planter island shall be a minimum of five feet (5') wide, shall be eighteen feet (18') long as measured from the end of the parking stall, and shall be curbed to prevent vehicular encroachment.
- C. All planter islands must contain a minimum of one tree for every one hundred and twenty five (125) square feet or less of area. All required interior trees shall have a minimum clear trunk of six (6) feet and a minimum height of ten (10) feet. The remainder of the planter islands shall be landscaped with shrubs, lawn, ground cover or other approved material not exceeding three (3) feet in height.
- D. The design of driveways and the screening of parking lots and means of circulation shall be done so as to provide a minimum of solar radiation on paved surfaces.
- E. Paving with hard surfaces should be either reduced as much as possible on the south and western sides of the structure or paving shall be sufficiently shaded to reduce excessive heat and reflectivity.
- F. Proper facilities shall be maintained so as to allow for the use and parking of bicycles, smaller cars, and motorcycles.



Section 5-1208. Perimeter landscaping relating to abutting properties.

- A. It is the purpose and intent of this Section to require adequate landscaping which shall provide reasonable protection for contiguous property against undesirable effects from the creation and operation of parking areas, including garages, and to protect and preserve the appearance and character of the surrounding neighborhood through the screening effects and aesthetic qualities of such landscaping. Such landscape barrier shall be located between the common lot line and the off-street parking area, garage or other vehicular use area exposed to the abutting property so that the screening off-street parking area and other vehicular use areas is accomplished. If such barrier consists of all or in part of plant materials, such plant materials shall be planted in a planting strip of not less than two and one-half (2 ½) feet in width.
- B. The landscaping shall include, to the extent necessary to further the intent of this section, screening elements such as shrubs, bushes, hedges, and trees.
- C. One (1) tree shall be provided for each fifty (50) lineal feet of such landscape barrier or fractional part thereof. Each such tree shall be planted in at least fifty (50) square feet of planting area with a minimum dimension of at least five (5) feet. Each such planting area shall be landscaped with grass, ground cover mulch, or other landscape material, excluding paving, in addition to the required tree.



- D. The provisions of this subsection shall not be applicable in the following situations:
 - 1. Where a proposed parking area or other vehicular use area abuts an existing hedge, wall or other durable landscape barrier on an abutting property, said existing barrier may be used to satisfy the landscape barrier requirements of this

section provided that said existing barrier meets all applicable standards and protection against vehicular encroachment is provided for the hedges.

2. Where the abutting property is zoned or used for nonresidential uses, only the tree provision with its planting area as prescribed in this subsection shall be required; however, the number of trees may be reduced to one (1) tree for every one hundred twenty-five (125) lineal feet or fraction thereof.

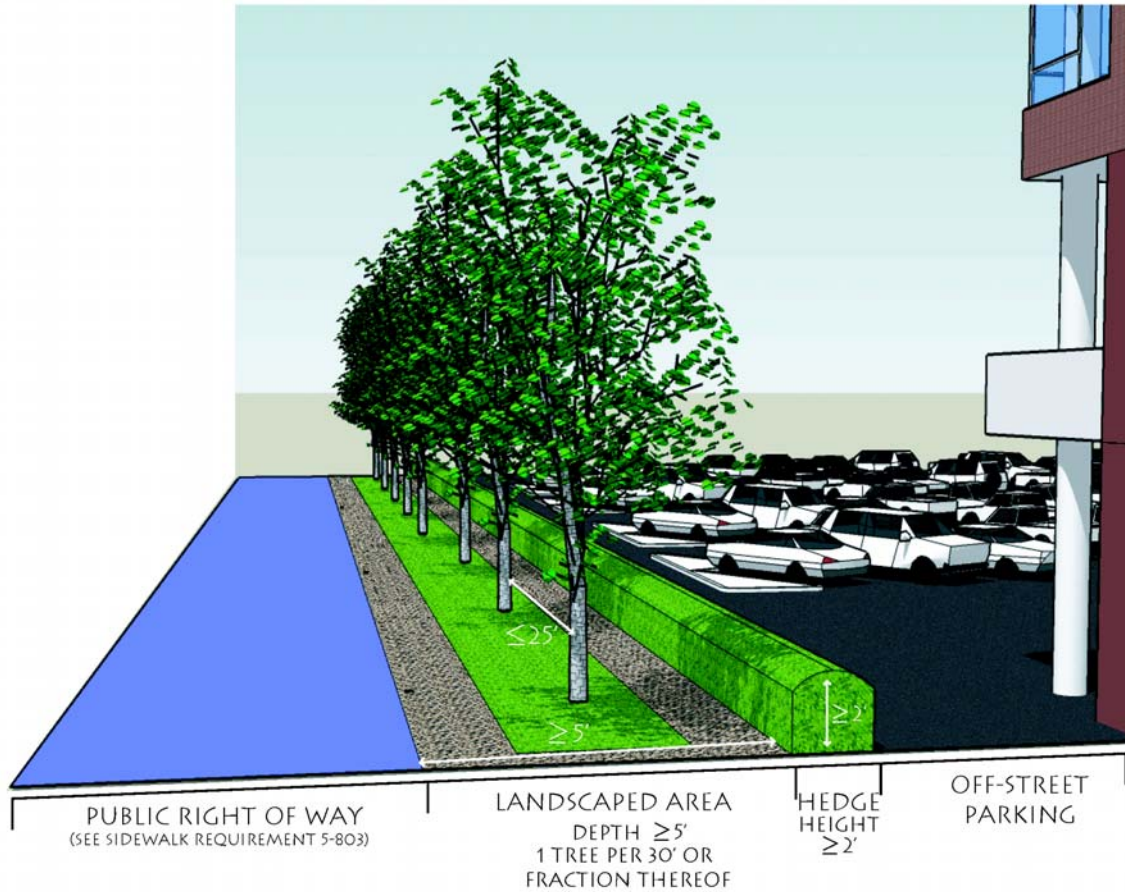
Section 5-1209. Protection of solar access.

- A. The proposed landscape plan by its approval shall not result in the shading of a solar collector.
- B. In choosing the species of trees and other vegetation, and the placement planting of such vegetation, the effect on existing or future solar access of neighborhood properties must be considered.

Section 5-1210. Required landscaping for off-street parking adjacent to public rights-of-way.

In multi-family and nonresidential districts, on the site of an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, there shall be provided landscaping between such area and such right-of-way, as follows:

- A. Off-street parking and vehicle use areas in multifamily and non-residential districts abutting a public right of way shall be landscaped as follows:
 1. A landscape buffer of at least five (5) feet in width parallel to the public right of way planted with grass, ground cover or other permeable landscape treatment.
 2. One tree for each thirty (30) lineal feet of landscape buffer.
 3. A hedge, wall or other durable landscape barrier shall be installed between the parking are and the landscape buffer. If the barrier is of non-living material, the barriers shall be planted with shrubs or vines along the right of way side of the landscape buffer or, if the shrubs or vines are of sufficient height to be visible above the landscape barrier.



- B. Necessary accessways from the public right-of-way through all such landscaping shall be permitted to service the parking or other vehicular use areas and such accessways may be subtracted from the lineal dimension used to determine the number of trees required.

Division 13. Lighting.

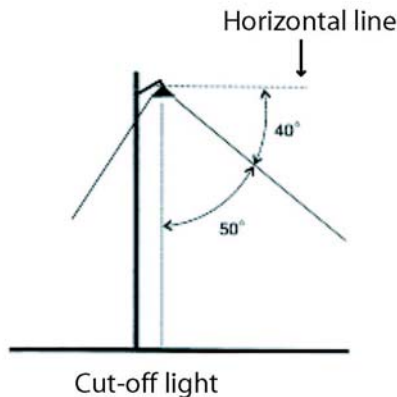
Section 5-1301. Purpose.

The purpose of this division is to establish minimum standards for the provision and use of outdoor lighting in order to provide for the safe and secure night time use of public and private property while at the same time protecting adjacent land uses from intrusive light conditions.

Section 5-1302. Site lighting.

All outdoor lighting, other than outdoor recreational facility and street lighting, shall comply with the following requirements:

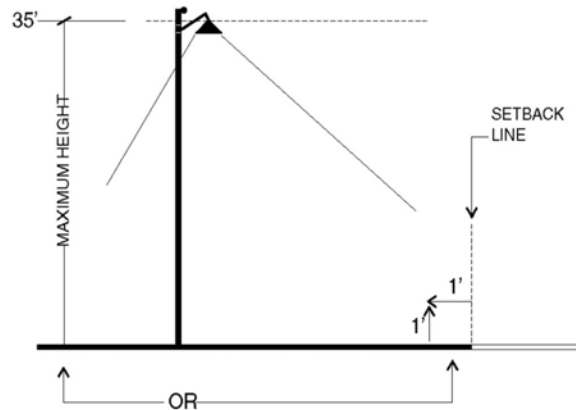
- A. Fixture-type. All light fixtures which are visible from the boundaries of the parcel of land, other than fixtures which are designed and installed to illuminate a wall and are directed away from adjacent properties, shall be cut-off lights where direct illumination is cut-off above 40 degrees below horizontal.



- B. Location. All outdoor light fixtures shall be located so that objects or land which are located beyond the boundaries of the parcel of land are not illuminated to an extent of producing more than a diffuse shadow.

C. Height.

- 1. Cut-off fixtures. The height of the lamp in a light fixture shall not exceed 35 feet, or one foot in height for each one foot the light fixture is setback from the setback in Section 5-1302 (B), whichever is less.



2. Down-lights. The height of a down-light shall not exceed 18 feet or two-thirds of the height of the structure or tree which is being downlighted, whichever is less.
3. Up-lights. The height of the lamp in an up-light light fixture shall not exceed 18 feet or one-half of the height of the structure or tree which is being uplighted, whichever is less.

Section 5-1303. Outdoor recreational facility lighting.

- A. Orientation. All outdoor recreational facility lighting shall be located as close as possible to the recreational facility to be lighted and the light from such fixtures shall be oriented, to the maximum extent possible, away from adjacent residential areas.
- B. Operation. Outdoor recreational facility lighting installed at a recreational facility, located adjacent to residential areas, shall be operated only when such facilities are in use and a period of one half (½) hour before such use and one-half hour after such use.
- C. Location and intensity. Outdoor recreational facility lighting shall be located so that objects or land which are located beyond the boundaries of the parcel proposed for development are not illuminated to the extent of more than a diffuse shadow on the objects or land.

Section 5-1304. Adequate lighting of off-street parking.

- A. Adequate lighting shall be provided of off-street parking areas for non-residential properties and multi-family development over 15 units and shall be approved by the Planning and Community Development Department.
- B. Except as provided in subsection C, adequate lighting is a combination of first class equipment during all non-daylight hours in compliance with the standards of the Illuminating Engineering Society of North America (IESNA) RP-33 and Crime Prevention Through Environmental Design (CPTED) standards.

- C. Adequate lighting shall be maintained on parking areas adjacent to single-family only during the hours of operation of the use.
- D. Parking lot lighting shall follow American Society of Heating, Refrigerating and Air-Conditioning Engineers / Illuminating Engineering Society of North America (ASHRAE/IESNA) Standards 90.1-2004 Section 9.4.4.
- E. Landscaping shall be installed in a manner that does not interfere with the adequacy of the lighting of off-street parking areas.

Section 5-1305. Energy conservation/lighting.

All new construction and substantial renovations shall utilize new energy star qualified compact fluorescent light bulbs to the extent feasible.

Division 14. Parking and Loading.

Section 5-1401. General criteria.

- A. General criteria. In all districts there shall be provided at the time any development is commenced, off-street parking spaces in accordance with the requirements set forth in this Division.
- B. Size. Each off-street parking space shall have an area of not less than nine (9) feet in width and eighteen (18) feet in depth exclusive of access drives or aisles, and shall be in usable shape and condition.
- C. Number of parking spaces required. Except as provided in Sections 5-1403 and 5-1404, the number of off-street parking spaces required shall be as set forth in the off-street parking schedule in Section 5-1402.
- D. Parking lots. Where such lot is accessory to any use, such lot shall be paved and provide drainage as approved by the City Engineer; provided however, that no residential driveways or parking area shall be paved more than 60% of the front yard.
- E. Parking area and lot screening. All parking areas shall contain adequate screening, as required by the City's landscaping regulations in Article 5, Division 12.
- F. Location.
 - 1. Off-street parking areas shall be located on the same lot, parcel or premises as the use to be served or on a parcel of land within six hundred (600) feet, provided there is a unity of title between the parcel being served and the parcel on which such off-street parking is located, or provided that a parking agreement, in conformance with the provisions of Section 5-1603, that ensures the availability of parking is approved by the City Manager and City Attorney and recorded in the public records.
 - 2. No parking shall be located on the lawn in the front yards of homes.
- G. Materials. Driveways and parking areas shall be composed of asphalt, pavers, permeable structured grass or concrete and not gravel or concrete strips. Gravel and concrete strip driveways existing at the time of adoption of these LDRs for single-family dwellings shall be allowed to remain in perpetuity, provided that they are properly maintained. Gravel driveways and concrete strip driveways for properties other than single-family residences shall be brought into conformance with the provisions of this subsection within seven (7) years of the adoption of these LDRs.

- H. Access. All driveways to parking lots shall be designed in accordance with the following:
1. Except as provided for corner lots or in subsection 3 hereof, driveways shall be setback from the side property line at least 5 feet.
 2. Except as provided for corner lots, an administrative variance may be obtained for a setback from the side property line of 2.5 feet provided that the driveway is composed of pervious materials.
 3. No driveway shall be located closer than 15' to the corner, or as measured in accordance with standards of the Public Works Department.
 4. Adjacent nonresidential properties shall provide a cross access drive and pedestrian access to allow circulation between sites wherever feasible.
 5. All driveways shall be constructed in accordance with the engineering standards of the Public Works Department.
- I. Location and design of entrances and exits shall be based upon reasonable requirements for traffic safety regulations and standards. Landscaping, curbing, or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians. All egress and ingress to off-street parking areas shall be so designed as to prohibit backing out of vehicles into public rights-of-way.
- J. Interior drives shall be of adequate width to serve the arrangement of parking spaces.
- K. Renovation or change of use. In the event a building is substantially renovated or a use is changed so that there is a substantial change in the intensity of use, additional parking shall be provided in accordance with the terms of this Division to the maximum extent practical. A substantial change in the intensity of use shall be construed to be a 25% increase in required parking and a substantial increase in retail and pedestrian activity.
- L. Reduction in parking requirements.
1. Preferential parking is encouraged to promote sustainable practices and encourage a reduction in the number of vehicles needed to transport individuals to destinations. Buildings may dedicate 10% of their parking spaces to these modes of transportation which may include:
 - a. Hybrid vehicles
 - b. Van pools
 - c. Car pools
- In the event such preferential parking is provided, a 10% reduction in required parking may be allowed.

2. Exchanging vehicle parking spaces for bicycle facilities is encouraged to promote cleaner, more sustainable energy saving trips and is required pursuant to Section 5-803(G). Buildings may substitute bicycle accommodations for vehicle spaces on a five to one basis or two to one for motorcycle spaces.
3. In no instance shall the number of vehicle parking spaces provided be reduced pursuant to this subsection, or the TDM provisions in Section 5-702 by more than 15% of the requirements of this Division.

Section 5-1402. Schedule of Required Parking.

USE	MINIMUM PARKING REQUIREMENT
Accessory Dwelling	One (1) parking space
Adult Businesses	See Retail
Adult day care	One (1) space per 375 sf of floor area.
Adult living facility	One parking space per bedroom
Auto Service Station	See Retail
Banquet	See Community facilities
Bar, lounge or tavern	One (1) space for every 350 sf of gross floor area
Beauty, barber shop and nail salon	1/300 sf (retail)
Catering Kitchen	See Light Industrial
Check Cashing Store	See Retail
Childcare centers	One (1) spaces for 200 sf of gross floor area.
Community facilities	1/200 sf
Community residential homes (≥ 7 residents)	One (1) per resident room.
Convention centers	One (1) parking space for each five (5) spectator seats, or one (1) parking space for each two hundred (200) sf of gross floor area, whichever is greater.
Country Club	One (1) space per every four (4) members.
Day spa	One (1) parking space for each 400 sf of gross floor area.

USE	MINIMUM PARKING REQUIREMENT
Dry cleaning drop-off and pick-up	One (1) parking space per four hundred (400) sf of gross floor area.
Dry cleaning establishment (retail and plant)	One (1) parking space per four hundred (400) sf of gross floor area, plus 1 per 600 sf of plant area.
Dry cleaning plant	One (1) per 600 sf of gross floor area.
Educational facilities	The greater of one (1) space per 200 sf of floor area
Family day care home	One (1) parking space per 500 sf of floor area
Film studios	One (1) per 600 sf of gross floor area.
Fitness Center	One (1) parking space per three hundred (300) sf of gross floor area.
Funeral homes	One (1) parking space for each one hundred (100) sf of chapel and/or parlor area
Government uses	One (1) parking space for each three hundred (300) square feet of gross floor area.
Gun shops	See Retail
Hospitals	Two (2) parking spaces for each bed.
Hotels	One (1) parking space for each guest room, cabin or rental unit, plus 1 (one) space per each 100 sf of banquet, assembly, meeting, and restaurant seating area.
Institutional uses	One (1) parking space for each 400 sf of gross floor area.
Light industrial and manufacturing	One (1) parking space per each three hundred (300) gross sf of office area, and showroom or retail space, if any, plus one (1) space per 1,000 sf of all other floor area.
Marinas	One (1) per 8 dry racks and one (1) per 2 wet slips, plus such parking as may be required for accessory uses.
Mechanical car washing (stand-alone)	Four (4) non-stacking parking spaces plus stacking areas not obstructing vehicles ingressing or egressing the site.
Medical	One (1) parking space for each three hundred (300) sf of gross floor area.
Mixed use	See Section 5-1403.
Movie theaters	One (1) parking space for each four (4) fixed seats.

USE	MINIMUM PARKING REQUIREMENT
Museum	One (1) space for every three hundred (300) sf of gross floor area devoted to office or retail space, plus one (1) space for every three hundred (300) sf of gross floor area.
New car rental/Vehicle rental	One (1) space per 300 sf of gross floor area, plus one (1) per rental vehicle.
Nightclubs	Five (5) parking spaces plus one (1) parking customer space for each fifty (50) sf of floor area of customer service area.
Nursing and Convalescent Homes	One (1) parking space per bedroom.
Offices	One (1) parking space for each three hundred (300) sf of gross floor area
Radio or TV stations	One (1) parking space per each six hundred (600) gross sf of office area.
Recreation, Indoor	For bowling alleys, two (2) parking spaces for each bowling lane. For other indoor recreation uses, one (1) space per 300 sf of floor area
Recycling machines	No spaces required.
Religious institutions	One (1) space for 100 sf of gross floor area.
Research & technology uses	One (1) per 300 sf office floor area plus one (1) space per 1,000 sf of all other floor area.
Residential: Single-family	Two (2) spaces per dwelling unit.
Residential: Multi-family	1.50 spaces per dwelling unit plus 5% of total required parking for guest parking.
Restaurants; Restaurants, fast-food (with indoor dining)	One (1) space for each 150 sf of gross floor area. No additional parking required for outdoor dining.
Retail sales and services	One (1) parking space for each three hundred (300) sf of gross floor area.
Schools, elementary	See State requirements for Educational Facilities (Florida State Board of Education 2008).
Schools, junior and senior high	See State requirements for Educational Facilities (Florida State Board of Education 2008).
Schools, special & technical	One (1) for each 200 sf of gross floor area.

USE	MINIMUM PARKING REQUIREMENT
Self-service laundry facilities	One (1) space per three washers plus one (1) space.
Self-storage facilities	One (1) parking space per five thousand (5,000) sf of gross floor area, plus two (2) parking spaces for any on-site management or security services living quarters. Parking for additional uses, such as office and retail, shall be calculated based upon the respective parking requirements for such use.
Sound recording studios	One (1) space for each six hundred (600) sf of gross floor area.
Vehicle rental	One (1) space per 300 sf office floor area plus one (1) space for each vehicle to be rented.
Vehicle sales/displays	One (1) space per 300 sf office and customer floor area, plus one (1) space per 700 sf showroom floor area, plus one (1) space per 500 sf of all other floor area.
Vehicle sales/displays, major	One (1) parking space per each three hundred (300) gross sf of office and customer floor area, plus one (1) parking space for each 1,000 sf of remaining gross building area.
Vehicle service, major	One (1) space per 300 sf office and customer floor area, plus one (1) space per 700 sf of all other floor area.
Veterinary clinics, animal boarding and grooming	One (1) space per 300 sf of floor area.
Warehouses	One (1) space per 300 sf of office floor area, plus one (1) space per 1,500 sf of all other floor area.

Section 5-1403. Shared Parking.

- A. General. Shared parking shall be encouraged to permit a reduction in the total number of required parking spaces when a development is occupied by two (2) or more uses which typically do not experience peak parking demands at the same time. Parking spaces serving uses possessing divergent operating hours, may share parking spaces with another use on the same site or within six hundred (600) feet of the proposed use, provided that the area where the sharing occurs is not heavily impacted by a parking shortage. Such shared parking may be approved administratively unless the use otherwise requires approval as a special exception or conditional use.

B. Methodology.

1. When any site or building is used for two or more uses, as listed below, the minimum total number of required parking spaces shall be determined by the following calculation:
 - a. Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals, by the appropriate percentage listed in the Table below for each of the designated time periods. Add the resulting sum for each of the five vertical columns for the table. The minimum parking requirement is the highest sum resulting from the foregoing addition.

	WEEKDAY			WEEKEND	
	Night	Day	Evening	Day	Evening
	Midnight-6AM	9AM-4PM	6PM-Midnight	9AM-4PM	6PM-Midnight
USE					
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail	5%	70%	90%	100%	70%
Hotel	80%	80%	100%	80%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
Others	100%	100%	100%	100%	100%

2. An applicant for shared parking approval may submit an alternative calculation based on another established methodology for review and approval by the City.

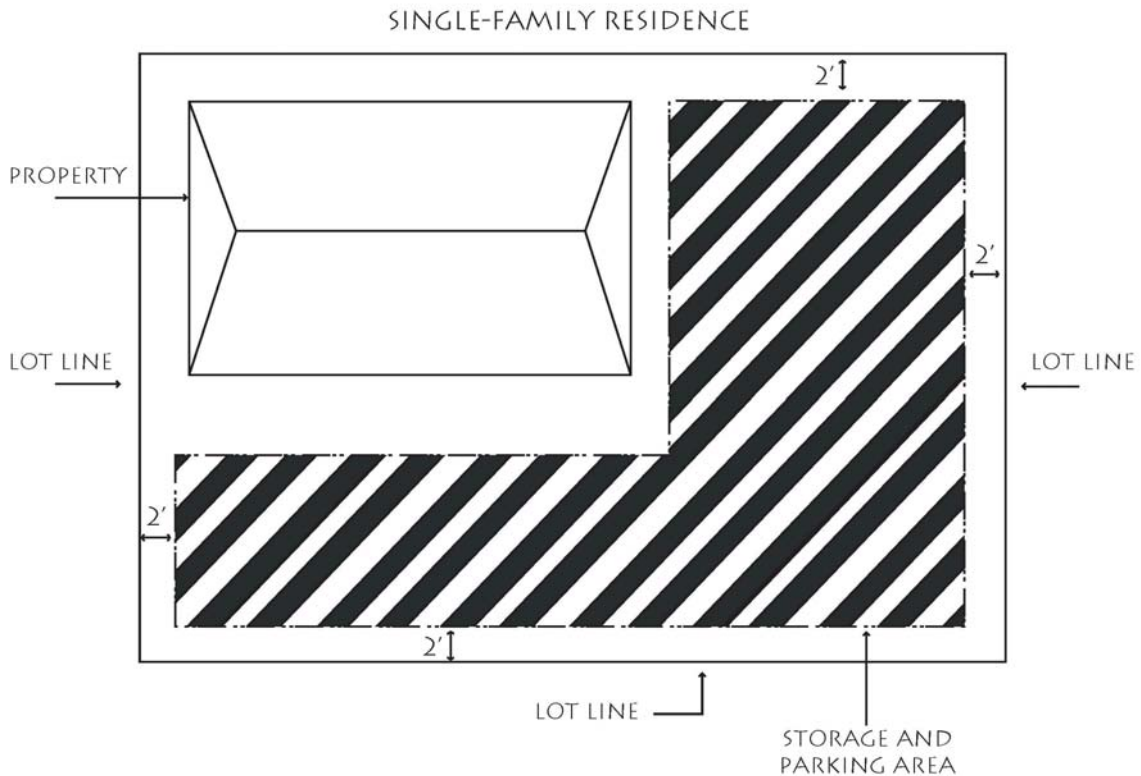
Section 5-1404. Exempt parking areas.

Any redevelopment of an existing structure or change of use on a parcel of land located between the area bounded by the following streets: centerline of 126th Street, 124th Street, 9th Avenue, and Dixie or within 200 feet of a municipal parking lot shall not be required to provide on-site parking.

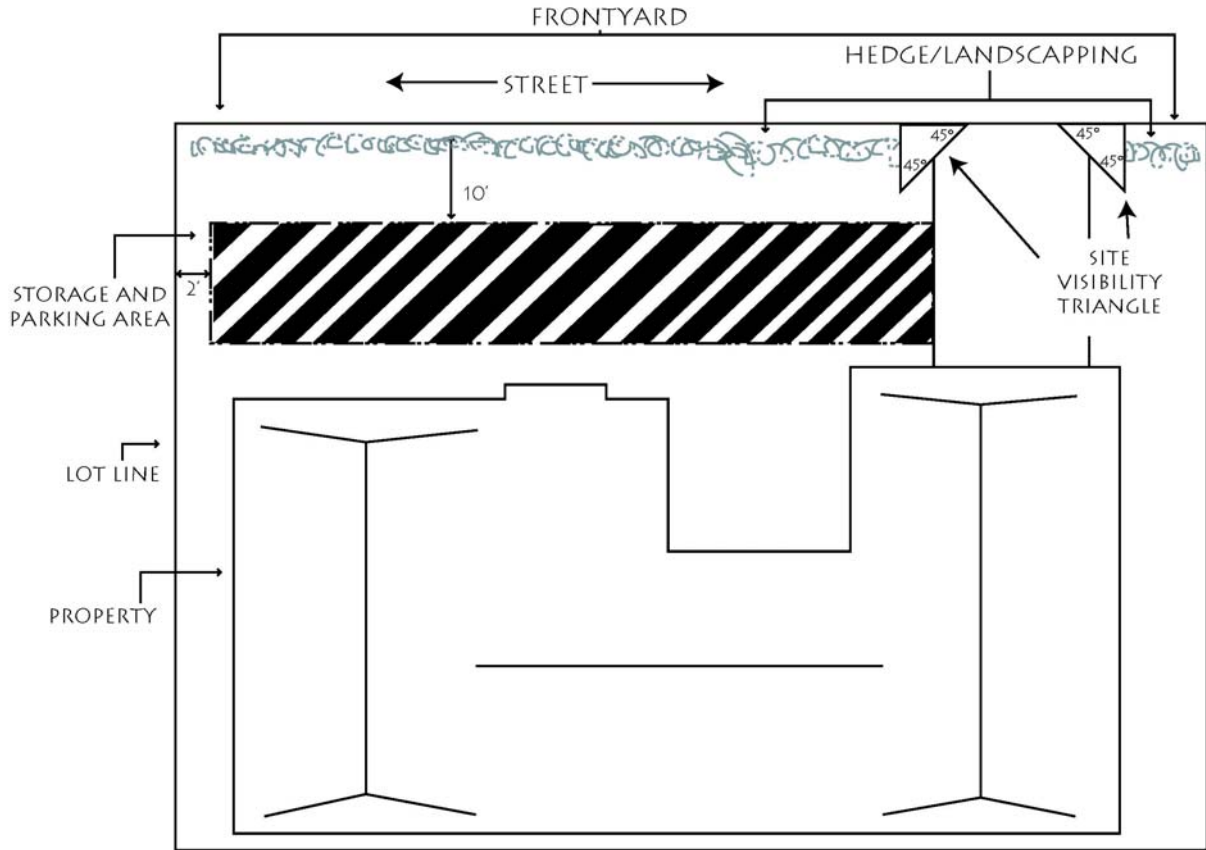
Section 5-1405. Storage, maintenance and/or parking of trucks, boats and/or recreational vehicles.

Parking and/or storage of boats, mounted or un-mounted, boat trailers, recreational vehicles, camping trailers, converted and chopped vans, full-tent trailers, mini-motor homes, motor homes, motorized homes, pickup campers and travel trailers may be permitted by administrative variance accordance with the following:

- A. Within an enclosed building or structure having been erected in compliance with the provisions of the Florida Building Code and applicable zoning regulations.
- B. On paved material on any lot or parcel of property within a single-family residential zone to the rear of, and not closer than two (2) feet to any side or rear lot line, except however, that in the case of a corner lot, parking of any of the above-listed vehicles within the setbacks of the side yard which fronts on the right-of-way shall be subject to the same landscaping requirements as outlined in subsection D of this section.
- C. On paved material on any lot or parcel of property within a single-family residential zone in the required side yard to the rear of the face of the main building fronting upon a street, not closer than two (2) feet to any lot line, except however, that in the case of a corner lot, parking of any of the above-listed vehicles within the setbacks of the side yard which fronts on the right-of-way shall be in accordance with subsection D of this section.



- D. If in the opinion of the Building and Zoning Department, the side or rear yard is not accessible, such storage may be permitted in the front yard but not closer than ten (10) feet from the front lot line. The paved area, except for access thereto, reserved for storage



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 e periphery thereof, where visible from an alley, street or highway, a hedge or landscaping to aesthetically screen a recreation vehicle from public view, which said screening and landscaping plan shall be as approved by the Building and Zoning Department. Such landscaping shall be 36" at the time of planting, 2' on center, so that it appears as a solid continuous screen.

- E. Existing areas reserved for storage of recreational vehicles where no such screening exists along the boundaries thereof shall within ninety (90) days from the effective date of this ordinance provide such screening as heretofore required.
 - 1. In a legally marked and designated parking stall in any area zoned for multifamily development with the approval of the owner or owners.
 - 2. A recreational vehicle may be stored or parked in a lot or parcel of property in a single-family residential zone without regard to subsections B, C and D of this section for the sole express purpose of loading or unloading, not in excess of a twenty-four-hour period.

Section 5-1406. Prohibited parking and/or storage.

- A. No recreational vehicle, truck, van, or bus shall be occupied or used for human habitation including but not limited to sleeping, eating or resting, in any area of the City.
- B. No recreational vehicle, truck, van or bus or un-mounted boat which is in a state of externally visible disrepair or partial construction shall be stored or parked upon any single-family or multiple-family zoned properties, or upon commercially zoned properties, except as may be permitted under junk or derelict property, Article II of Chapter 10 of the City's Code.
- C. No recreational vehicle or bus except as otherwise provided herein, shall be stored or parked upon a street or public right-of-way, nor upon any property designated or used for a park or public land.
- D. No truck in excess of one (1) ton load capacity shall be stored or parked in any residential area of the City unless said truck is actively engaged in the loading or unloading of materials.
- E. No bus shall be stored or parked in any residential area of the City, except that a bus used by a school or church lawfully established in a residential area may be stored or parked on the premises of said school or church property.
- F. No wrecker shall be maintained, parked or stored in residential district of the City upon any private or public property or right-of-way within said districts or upon any street abutting said districts. Nothing in this paragraph shall prohibit the temporary parking of a wrecker while actively engaged in the process of removing or towing a vehicle.

Section 5-1407. Off-street loading.

- A. In connection with every building, or building group or part thereof thereafter erected and having a gross floor area of four thousand (4,000) sf or more, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:
 - 4,000--25,000 sf --1 space.

For each additional 25,000 sf --1 space.

- B. The loading berth required for each building under 25,000 sf shall be scaled to the delivery vehicles expected.
- C. If the building is greater than 25,000 sf, loading spaces shall be a minimum of ten (10) feet in width and a length of not less than twenty-five (25) feet and shall be directly accessible from a street or alley without crossing or entering any other required off-street loading or off-street parking spaces. All loading spaces shall be arranged for convenient and safe ingress and egress by delivery vehicles, both motor truck and/or trailer combination.

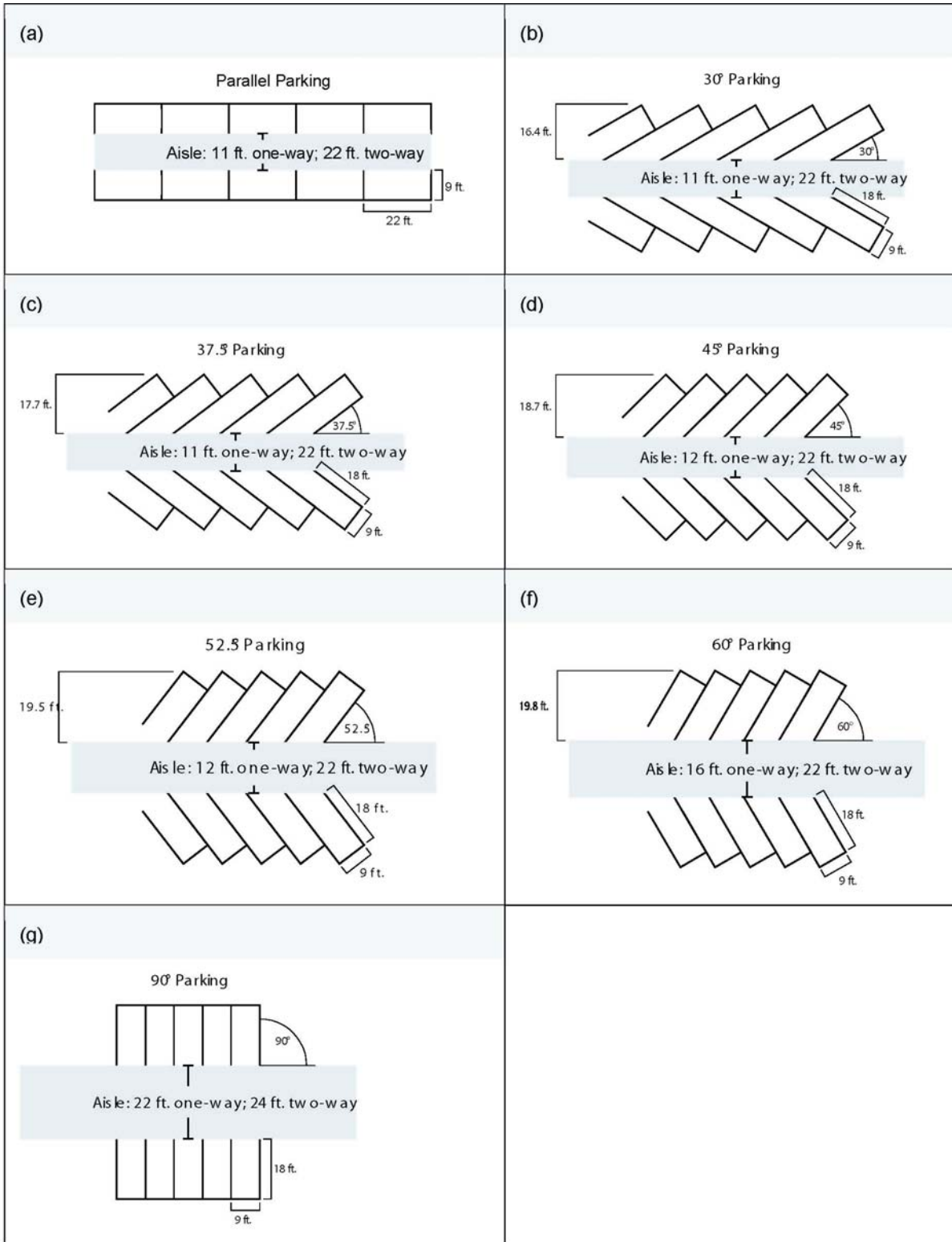
Section 5-1408. Geometric standards for parking and vehicular use areas.

- A. Dimensions and configuration of parking spaces.
 - 1. Required parking space dimensions:
 - a. Parallel parking spaces: nine (9) feet by twenty-two (22) feet
 - b. Angled parking spaces: nine (9) feet by eighteen (18) feet.
 - c. Disabled parking spaces and their accessible areas shall be dimensioned in accordance with Chapter 11 of the Florida Building Code.
 - 2. Wheel stops and curbing. Precast concrete wheel stops or curbing shall be provided for all angled parking spaces that abut a sidewalk such that cars are curbed at sixteen and one-half (16.5) feet. The balance of the required depth of the parking spaces between the wheel stop or curb and the sidewalk shall be clear of obstructions.
 - 3. All landscaped areas in or adjacent to parking areas or other vehicular use areas shall be provided with type D curbing, or extruded curbing in combination with wheel stops, to restrict the destruction of the landscaped areas by vehicles. Adequate scuppers and/or weep holes shall be provided to permit proper drainage, as required by the city engineer.
 - 3. Required aisle widths. Minimum required aisle widths shall be as follows:

<i>Parking Angle</i>	<i>One-Way Aisle</i>	<i>Two-Way Aisle</i>
0° (parallel) (a); 30° (b); 37.5° (c)	11 ft.	22 ft.
45° (d)	12 ft.	22 ft.
52.5° (e)	14 ft.	22 ft.
60° (f)	16 ft.	22 ft.
90° (g)	22 ft.	24 ft.

Section 5-1409. Parking Garages.

1. All parking garages on parcels of land which are adjacent or abutting the R-1 and R-2 Districts shall:
 - a. be set back a minimum of thirty-five (35) feet from the adjacent or abutting property line, or set back one (1) foot for every one (1) foot of building height, whichever is greater;
 - b. be separated from the R-1 or R-2 District by a landscape bufferyard of at least fifteen (15) feet in width which is landscaped with over-story canopy or palm trees and under-story trees at a density of one (1) over-story and one (1) under-story tree per one hundred and fifty (150) square feet of bufferyard;
 - c. be designed and constructed with architectural features so that the use of the structure for a parking garage is masked from the R-1 or R-2 sides of the structure ;
 - d. be designed so that automobile headlamps are screened with an opaque structure to height of at least four (4) feet above any drive surface within the garage;
 - e. screening shall use the architectural elements used in the building development and will incorporate at a minimum: architectural screening, awnings, Bahama shutters or similar treatments to assure that the garage is both architecturally pleasing and provides a buffer for light intrusion and allows for privacy of adjacent or abutting residential neighbors; and
 - f. provide lighting fixtures which are cut-off fixtures or directed (aimed) so that they are not directly visible from any property in the R-1 or R-2 District within two hundred (200) feet of the parking structure;
2. All parking garage entry or exit drives shall be architecturally designed with pavers and other aesthetic treatments which ensure that the drive area is consistent with the streetscape on either side of the drive.
3. All parking garages shall be designed in the same architectural style with the same materials and finishes at the principal building or buildings which are served by the garage structure.
4. No light fixture on the top floor of a parking garage shall be located at height above the surface of the top parking level of greater than three and one half (3 ½) feet.



* Parallel parking spaces shall be setback an additional one and a half (1 ½) feet from walls.

** 90 degree parking spaces shall be setback an additional one (1) foot from walls.

4. The minimum dimensions of new garages and carports are:

<i>Type</i>	<i>Interior Width</i>	<i>Interior Length</i>
One-car garage	12 ft.	20 ft.
Two-car garage	20 ft.	20 ft.
One-car carport	12 ft.	20 ft.
Two-car carport	20 ft.	20 ft.

B. Configuration and connectivity of access driveways and aisles.

1. Access to parking spaces. Access to parking spaces shall be provided in accordance with the following:

<i>Access to parking spaces from:</i>	<i>Permitted methods of access to parking:</i>	<i>Permitted methods of egress from parking:</i>
Alley	Direct access from alley to parking space; or access from aisle to parking space	Directly from parking space to alley or from aisle to alley. Forward and reverse (back-out) movements are permitted.
Local residential street	Direct access from street to parking space; or access from aisle to parking space	Directly from parking space to street or from aisle to street. Forward and reverse (back-out) movements are only permitted for single-family residences.
Arterials	Access only from aisle	Directly from aisle to street; back out for single-family residence on lots of less than 75' in width.

2. Ingress and egress driveways.

- a. The minimum width of ingress and egress driveways shall be:

- i. One-way drive: 12 ft.
- ii. Two-way drive: 24 ft.

- b. Ingress and egress driveways shall be designed such that:

- i. Drivers can enter and exit the from the property without endangering themselves, pedestrians, or vehicles traveling on abutting streets;
- ii. Interference with the free and convenient flow of traffic on adjacent streets or alleys is minimized.

3. No dead-end parking areas shall be provided. A turnaround space shall be provided.

- C. Configuration of parking bays within automated parking systems. Automated parking systems shall be designed or restricted such that the positioning of any one vehicle within the automated parking system does not prevent access to any other vehicle, unless the bays that contain the obstructing vehicle and obstructed vehicle are under the control of the same person.

Section 5-1410. Vehicle Rental.

Required parking for a vehicle rental facility shall not be provided with stacking or tandem spaces.

Section 5-1411. Valet parking.

- A. Valet parking services may be provided for development within the R-5 or R-6 districts or any of the nonresidential districts in the City upon approval of a plan for such services by the Building and Zoning Department. Such plan shall be submitted by the valet company and the owner of the property for which valet services approval is sought.
- B. Up to 50% of required parking for the site may be designated for use by valet parking.
- C. Valet operator's booths and signage shall be well marked and portable. A clear path for pedestrians on the sidewalk where the valet operations may be located shall be maintained at all times.
- D. Drop-off and pick-up of vehicles shall not interfere with the safe and efficient operation of traffic on adjacent streets. Drop-off and pick-up areas may be designated for street parking areas adjacent to the site but no parking of valet vehicles shall be allowed in the public right-of-way.
- E. The valet operator shall provide the City with indemnification and insurance as may be required by the City Manager.

Division 15. Signs.

Section 5-1501. Purpose.

It is the purpose of this Division to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

- A. Enable the identification of places of residence and business.
- B. Allow for the communication of information necessary for the conduct of commerce.
- C. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
- C. Enhance the attractiveness and economic well-being of the City as a place to live and conduct business.
- D. Protect the public from the dangers of unsafe signs.
- E. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
- F. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- G. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
- H. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
- I. Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
- J. Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians.
- K. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.

Section 5-1502. Prohibited Signs.

The following types of signs are prohibited and are not eligible for a variance:

- A. Abandoned signs. Abandoned signs and/or sign structures which are determined to be nonconforming with the provisions of this Division shall be required to be removed by the property owner within sixty (60) days after receipt of notification, or refusal to accept delivery of notification by certified mail, that such removal is required. Alternatively, the sign panels within the abandoned sign structure may be removed and replaced with sign panels of neutral color and containing no message.
- B. Balloons, cold air inflatable, streamers, and strings of pennants, except where allowed as governmental and public purpose signs for special events of limited time and frequency, such as grand opening special events, as approved and permitted by the Building and Zoning Department and located in a safe and proper location with at least 8' clearance (banners).
- C. Except as provided in Section 5-1506(B), changeable message signs, except time and temperature, on which the message changes more rapidly than once every twenty-four (24) hours.
- D. Pavement markings, except official traffic-control markings and street addresses.
- E. Portable signs.
- F. Roof and above roof signs.
- G. Rooftop balloons.
- H. Sandwich board signs, except in the C-3 District.
- I. Signs attached to or painted on piers or seawalls, other than official regulatory or warning signs.
- J. Signs in or upon any river, bay, lake, or other body of water.
- K. Signs located on publicly owned land or easements or inside street rights-of-way, except signs required or erected by permission of the City Manager or City Council.
- L. Handbills, posters, advertisements, or notices that are attached in any way upon lampposts, telephone poles, utility poles, cars, bridges, and sidewalks.
- M. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.
- N. Signs that have unshielded illuminating devices or which reflect lighting onto public rights-of-way thereby creating a potential traffic or pedestrian hazard.
- O. Except for vintage/traditional barbershop signs, signs that move, revolve, twirl, rotate, flash, including animated signs, and multi-prism signs.

- P. Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal, or device.
- Q. Signs that present a potential traffic or pedestrian hazard, including signs which obstruct visibility.
- R. Signs maintained at any location where by reason of color, illumination, position, size or shape may obstruct, impair, obscure, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead, or confuse vehicular traffic.
- S. Signs attached to or placed on any tree or other vegetation.
- T. Signs carried, waved or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags or other signage by persons participating in demonstrations, political rallies and similar events.
- U. Signs that obstruct any window, door or other opening used as a means of regular ingress and egress, or used for required light and ventilation or used for fire escapes and other openings for emergency access and escape.
- V. Signs on vacant or unimproved land, except real estate signs and/or development and construction signs, and City approved government issued signs (both regulatory and notice).
- W. Illuminated signs which, by virtue of intensity, direction, or color of lighting or illumination, interfere with the proper operation of or cause confusion to the operator of a motor vehicle on the public streets. No sign shall be illuminated to an intensity in excess of that of the public street lamp in the immediate vicinity.
- X. Signs whose area, characters, letters, illustrations, or ornamentation consists of light bulbs except for holiday decorations.
- Y. A sign that significantly covers, interrupts, or disrupts the architectural features of a building.
- Z. Any sign affixed temporarily or permanently to a vehicle where the principle purpose of the vehicle as used is not transportation, but merely the support of the sign itself. Signs mounted on taxis, buses, trucks, or other modes of general transportation, when in the course of their normal service and use, are expressly excluded.
- AA. Window coverings and signs, whether placed on the interior or exterior of windows, constructed of any kind of thickness, are prohibited when such covering or sign exceeds fifteen (15) percent of the total transparent area of any window(s),

- BB. Snipe signs.
- CC. Window signs in residential districts, except for sale or for rent signs.
- DD. Three-dimensional objects that are used as signs.
- EE. Vehicle signs, and portable trailer signs.
- FF. Any sign that is not specifically described or enumerated as permitted within the specific zoning district classifications in this Code.

Section 5-1503. General Standards.

- A. Setback. No sign shall be located within five (5) feet of a property line of a parcel proposed for development.
- B. Neon signs and lighting.
 - 1. Neon signs and lighting shall be permitted as freestanding and attached signage as provided in this Division. When neon lighting is utilized to emphasize the architectural features of a building, such as when used to outline doorways, windows, facades, or architectural detailing, or when used to accentuate site landscaping, it shall not be regarded as signage. In addition, neon lighting used as freestanding designs or murals or as attached murals or designs unrelated to the architectural features of the building to which the lighting is attached shall be permitted, but shall be counted toward the allowable area of the property's or occupancy's freestanding or attached signage, as applicable. No neon sign shall be a flashing, animated or rotating sign.
 - 2. In areas accessible to or within reach of the general public, exposed neon strings shall be covered with a clear acrylic cover, or electrode sleeves, or electrode boots. Neon connections must be insulated with glass or other appropriate material; transformers must be enclosed within transformer cans; and secondary voltage wires must be insulated with piping.
- C. Illuminated Signs.
 - 1. The light from any illuminated sign shall be shaded, shielded, or directed away from adjoining street rights-of-way and properties.
 - 2. No sign shall have blinking, flashing, or fluttering lights or other illumination devices which have a changing light intensity, brightness, color, or direction.
 - 3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic-control devices.

4. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
 5. The light which illuminates a sign shall be shaded, shielded, or directed so that no structure, including sign supports or awnings, are illuminated by such lighting.
- D. Banners and flags. A banner or flag may be used as a permitted attached sign and, if so used, the area of the banner or flag shall be included in, and limited by, the computation of allowable area for freestanding or attached signs on the property.
 - E. Gasoline price signs. Gasoline price display signs shall be allowed in all districts where automobile service stations are permitted. Gasoline price display signs shall not exceed 12 sf and shall be placed in the immediate vicinity of the pump islands and shall not extend above any pump island canopy or they shall be attached to the primary freestanding sign for the property. The area of the gasoline price display sign shall be counted toward the allowable area for the freestanding sign.
 - F. Time and temperature. Time and temperature signs shall be allowed in all non-residential districts. The maximum area for the time and temperature portion only shall be twenty (20) square feet. The area of a time and temperature sign, whether attached or freestanding, shall be included in determining the cumulative area of signs on a property.
 - G. Building and electrical code compliance. All signs shall comply with applicable building and electrical code requirements.
 - H. No sign or any part shall project above the roof line or be located within 5 ft. of property lines or within the visibility triangle in Section 5-904.
 - I. Attached signs shall be parallel and flush to the building.
 - J. All signs shall be maintained in good condition, free from fading, peeling or any other condition which renders the sign unreadable, either partially or totally.

Section 5-1504. Signs Permitted Without a Permit.

The following signs may be developed without a permit pursuant to Article 3 of this Code:

- A. One address sign of no more than four (4) square feet of total sign face area for each parcel of land used for residential or nonresidential purposes.
- B. One nameplate sign per single family dwelling denoting the name of the occupant and/or street address, not exceeding two (2) square feet in area attached at the entrance to the building, not above the top of the first floor of building.

- C. One nameplate sign per multi-family dwelling per street frontage denoting the name and street address of the multiple-family dwelling only, attached to and parallel with the face of the building facing such street, not exceeding twelve (12) square feet in area, not projecting above the roof line.
- D. Holiday decorations.
- E. A single sign indicating a valet parking station no more than 4 square feet visible only during hours that the valet is operating.
- F. One (1) garage and yard sale sign of no more than four (4) square feet of total sign face area located on the parcel of land where the garage or yard sale is to be conducted only on the date or dates on which the garage or yard sale is conducted. In addition, no more than two (2) directional signs of no more than four (4) square feet of total sign face area per sign related to a garage or yard sale which are located on privately owned parcels of land other than the parcel of land where the garage or yard sale is to be conducted only on the date or dates on which the garage or yard sale is conducted.
- G. A temporary open house sign is permitted in a public right-of-way or with permission of a private property owner, provided that such sign does not exceed four (4) square feet in area per face, is composed of durable materials (not paper, handbills, or posters), is placed for a period of time not exceeding seventy two (72) hours during a weekend, and is promptly removed no later than 7:00 PM on Sunday. No such sign shall be attached in any way to lampposts, telephone poles, utility poles, bridges, sidewalks or trees/landscaping.
- H. Signs which are integral and incidental to equipment, or machinery and cover not more than twenty percent (20%) of the exterior surface of such equipment, facilities or machinery.
- I. Attached menu signs of no more than four (4) square feet of sign face area located at the entrance or service window of a restaurant.
- J. Onsite directional and traffic control signs of no more than four (4) square feet of sign face area provided that business logos or other non-traffic control symbols do not exceed twenty-five percent (25%) of the sign face area.
- K. Signs identifying parking space numbers provided that such signs are painted on the paved surface of each space or do not exceed one half (½) square foot of sign face area per sign.
- L. Signs identifying bicycle parking in accordance with Section 5-803G.
- M. Signs identifying marina slip numbers provided that such signs are painted on the dock in front of each slip or do not exceed one (1) square feet of sign face area per sign.

- N. In lieu of a development sign or banner, one (1) freestanding non-illuminated double-face real estate sign per parcel of land per street frontage indicating that a parcel of land or a building located on the parcel of land or part thereof is for sale, for lease or otherwise available for conveyance, provided that such sign does not exceed:
1. Four (4) square feet per sign face area plus required rider on parcels of land designated or used for single-family residential purposes,
 2. Six (6) square feet per sign face on parcels of land designated or used for multi-family purposes.
 3. Twelve (12) square feet of total sign face area on parcels of land designated or used for non-residential purposes.
- O. Signs located within a stadium which are not visible from outside of a stadium, except for illuminated or structural signs.
- P. Window signs which occupy fifteen percent (15%) or less of the total area of the window where the sign is located.
- Q. Safety or warning signs which do not exceed four (4) square feet of sign face area per sign.
- R. A change in a sign message on a previously approved, lawful sign.
- S. One flag per dwelling unit, not to exceed 15 square feet, unless the flag is proposed to be installed in the ground. [See 5-1505 A.1.]
- T. Painted pavement markings.
- U. Governmental instruction signs or public notice signs (e.g. self-service, no smoking etc.), to the extent necessary to comply with state, federal, or county laws; provided however, that unless required by law, such signs shall not exceed four (4) square feet in area or one per service island for automotive uses.
- V. Signs of a noncommercial nature erected by public utilities.
- W. Non-electric or plug-in only window signage; incidental signage (ATMs, gas pumps, clearance); safety signs.
- X. Awning or canopy signs provided that the lettering cannot exceed six (6) inches in height and shall be no more than one (1) inch below the bottom of the awning or canopy.

Section 5-1505. Permitted Signs Requiring Development Review.

A. Residential Districts.

1. One (1) flag per detached dwelling unit not to exceed 15 sf or 15' in height if the flag is proposed to be installed in the ground;
2. One (1) flag not to exceed 15 sf or 20' in height per parcel of land used for multi-family residential purposes;
3. Freestanding identification sign for multi-family development with at least 200 lineal feet of street frontage: One (1) per entrance of not more than twelve (12) square feet of total sign face per sign, two (2) not exceeding 40 sf for all identification signs (including attached identification signs). The height shall not exceed six (6) feet.
4. Attached identification sign per multi-family building not exceeding twelve (12) sf of sign face, unless two (2) freestanding identification signs are used.
5. Except in single-family residential districts, one (1) development sign is authorized per active construction or redevelopment site. Such sign shall be single-faced, not exceeding fifty (50) square feet in area and shall not be illuminated. If the sign is mounted on a building, it shall be attached flush to and parallel with the face of the building below the roof line. If it is freestanding, it shall not exceed ten (10) feet in height. Such sign shall be removed upon the issuance of a partial or final certificate of occupancy.
6. Banner sign for multi-family properties not exceeding six months (6) or during the construction or redevelopment of a property. The placement of and size of such signs shall be approved by the Director of Building and Zoning but shall not exceed 150 sf or be erected for more than six (6) months. The six (6) month period is automatically extended for an additional six (6) months if after inspection by Code Enforcement, the banners are substantially in the same condition as originally approved. An extension beyond one (1) year may only be obtained through the special exception process.

B. Nonresidential Districts

The following signs are permitted in non-residential districts subject to review of and approval of a sign permit:

Type of Sign	Number	Maximum Size	Maximum Height	Other
Identification	<p>1 single-faced sign per street frontage (if for a single use)</p> <p>if a multi-use building, a single-faced sign per use which has direct entrance to the street (may also have a blade sign)</p> <p>plus 1 per rear of building or 1 per accessway if multiple uses opposite the facade</p>	<p>150 sf max; 1 sf for each lineal foot of building frontage facing the street or .5 sf for each lineal foot of that portion of the building opposite the facade</p> <p>blade sign = 3 sf</p>		<p>if a multi-tenant office building, specific listing of occupancies shall only be identified on a nameplate sign</p> <p>identification signs, except for franchise or chain companies, must be consistent in total size, letter size and color with other id signs on a building or in shopping centers, except for rear signs, may be illuminated</p>
Freestanding identification (pole)	<p>1 double-faced sign for buildings or centers</p> <p>or ground sign</p>	30 sf/face	20'	may be illuminated
Shopping center sign	<p>1 single or double faced sign</p> <p>may also have a ground sign for out parcels only</p>	<p>90 sf per face for 10 or more stores; 48 sf per face of less than 10 stores [staff to research existing desirable signs]</p>	20' for 10 or more stores	may be illuminated

Ground or monument	1 sign bearing the name of the business and /or address	40 sf/face	10'	Landscaping required; may be illuminated
Temporary sign	1 per active construction site, single-faced	not exceeding 50 sf in area	if freestanding, not exceeding 10'	not illuminated
Development Banner sign	1 (if no temporary sign)	not exceeding 150 sf		not more than 6 months; may be automatically extended another 6 months if inspected by City and it is determined that it is substantially in same condition as originally approved. Additional extension may be obtained through the special exception process.
Real estate sign	1 single or double faced per street frontage	12 sf	8 ft if freestanding; if mounted on a building, attached to and parallel with the face of the building below the roof line	
Marquee	1 sign per theater with changeable copy			sign face located on the face of the marquee and not projecting above or below the marquee; may be illuminated

Directional	hospitals: no more than 6; nonresidential: 1 or more if determined to be necessary by the Department of Building & Zoning	15 sf [hospitals]; or 4 sf per face for other nonresidential	if freestanding cannot exceed 3 ½ ft in height	minimum distance between multiple signs to be determined by Building and Zoning Department
Changeable copy [only for religious institutions and educational institutions]	1 religious institution; 1 educational institution; or 1 changeable copy per street frontage	if in addition to identification sign, both cannot exceed 75 sf in area	if freestanding cannot exceed 6 ft in height	
Nameplate	1 per entrance	2 sf; if more than one occupancy, may be increased 1 sf for each additional occupant up to 4 sf		Attached to main structure at entrance and flush and parallel with face of building unless there is an overhang protecting pedestrian sidewalk in which case it may be hung from the overhang so as to be perpendicular to building face with a minimum clearance of 7 ft
Sandwich sign	1 per restaurant	4' x 6'	6'	only in the C-3 District
Flag	2 flags per parcel of land	5' x 8'	30'	

<p>Special Event / Grand Opening</p>	<p>One (1) banner per business per street frontage of business. In multi-tenant office buildings, banner signs are restricted to one (1) banner sign per building and said sign may only advertise a special event or grand opening for that building.</p>	<p>50 sf</p>		<p>Allowed for 40 days 2 times/year maximum; no flags, pennants or streamers (or other attention getting mechanisms)</p>
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Section 5-1506. Comprehensive Sign Program.

A. General Principles.

1. The intent of the Comprehensive Sign Program is to provide private property owners and businesses with flexibility to develop innovative, creative and effective signage and to improve the aesthetics of the City of North Miami.
2. The minimum sign standards established in this Division ensure that signage will not have an adverse impact on the aesthetics, community character and quality of life of the City. The City recognizes, however, that in many circumstances, there are innovative and creative alternatives to minimum standard signage which are desirable and attractive and will enhance community character and individual property values.
3. The purpose of the Comprehensive Sign Program is to provide an alternative to minimum standard signage subject to flexibility criteria which ensure that alternative signage will not have an adverse impact on the aesthetics, community character and quality of life of the City of North Miami.

B. Eligibility. The following forms of development are eligible to utilize the Comprehensive Sign Program: new large scale development, shopping centers, institutions, mixed use, office complex and residential complex.

C. Permitted Signage. Signage which is proposed as a part of a Comprehensive Sign Program may deviate from the minimum sign standards in terms of numbers of signs per business or parcel of land, maximum area of a sign face per parcel of land and the total area of sign faces per business or parcel of land subject to compliance with the flexibility criteria set out in Section 5-1506(D). A Comprehensive Sign Program shall be approved as a part of the approval required for the development to which it relates. The use of LED lighting shall only be allowed as a component of a comprehensive sign program and shall be subject to review and approval by the Development Review Committee.

D. Flexibility Criteria.

1. **Architectural Theme.**
 - a. The signs proposed in a Comprehensive Sign Program shall be designed as a part of the architectural theme of the principal buildings proposed or developed on the parcel proposed for development and shall be constructed of materials and colors which reflect an integrated architectural vocabulary for the parcel proposed for development; or

- b. The design, character, location and/or materials of the signs proposed in a Comprehensive Sign Program shall be related to the size of a site and be demonstrably more attractive than signs otherwise permitted on the parcel proposed for development under the minimum sign standards.
2. Lighting. Any lighting proposed as a part of a Comprehensive Sign Program is automatically controlled so that the lighting is turned off when the business is closed, except as provided in Article 5, Division 13, Lighting.
3. Community Character. The signage proposed in a Comprehensive Sign Program shall not have an adverse impact on the community character of the City.
4. Property Values. The signage proposed in a Comprehensive Sign Program will not have an adverse impact on the value of property in the immediate vicinity of the parcel proposed for development.
5. Elimination of Unattractive or Nonconforming Signage. The signage proposed in a Comprehensive Sign Program will result in the elimination of existing unattractive signage or will result in an improvement to the appearance of the parcel proposed for development in comparison to signs otherwise permitted under the minimum sign standards.

Division 16. Standards for Specific Uses.

Section 5-1601. Boarding Up/Covering of Buildings and Windows.

Windows and other openings may only be covered or boarded up in accordance with a building permit and only for a period not exceeding six (6) months. Boarded up commercial buildings must have the boards painted the same color as the building.

Section 5-1602. Check Cashing Store.

A check cashing store shall not be located within 200 feet of a residential use or zoning district.

Section 5-1603. Consignment shops.

There shall be a minimum distance requirement between consignment shops of six hundred (600) feet. This distance shall be measured in a straight line, without regard for intervening structures or objects, from the nearest property line of the proposed use to the nearest property line of the premises of an existing consignment shop.

Section 5-1604. Conversion of Second Floor of Commercial Buildings to Residential.

- A. Intent and purpose. The intent and purpose of this section is to allow the owner of a business in an existing freestanding building of two (2) stories in the C-3 District to convert all or a portion of that building's second floor, as further elaborated in paragraph c.(1) below, for his/her own residence, provided strict compliance with the criteria outlined in c. below is met and subsequently observed.
- B. Development review committee. All applications for residential conversion as allowed for in this Division shall be reviewed by the development review committee. Approval from this committee shall be obtained prior to the issuance of a building permit.
- C. Criteria.
 - 1. Conversion requirements. Retrofitting of space for dwelling purposes by the property owner shall be in compliance with the Florida Building Code, as would apply to new residential buildings.
 - 2. Other miscellaneous requirements:
 - a. (Re)conversions: Once approval is received for conversion of commercial space to residential in accordance with these regulations, (re)conversion of said space back to commercial shall not be permitted unless so approved by the development review committee.
 - b. Time limitation: Implementation of the conversion of commercial space to residential shall be completed no later than six (6) months

following approval of said conversion. Requests for a time extension shall be processed through the development review committee. If the property owner fails to request such an extension, the conversion approval shall be null and void, and any subsequent request shall be treated as a new application.

- c. Minimum housing standards: The provisions of the City's minimum housing standards shall apply for purposes of enforcement, except that where the requirements herein are more stringent, they shall control.

Section 5-1605. Nightclubs.

- A. A nightclub shall be soundproofed and their windows, doors and other openings kept closed in order that the noises therefrom may not disturb the peace and quiet of the surrounding neighborhood;
- B. Unless only one musician or one coin operated machine are utilized and no dancing or other forms of entertainment are provided, a music and entertainment license shall be obtained as part of a special exception approvals.
- C. In reviewing an application for the provision of music and entertainment, the Board of Adjustment shall determine whether the applicant meets the following standards:
 - 1. The granting of a music and entertainment license will not substantially injure or detract from the use of surrounding properties or from the character of the neighborhood;
 - 2. There is sufficient parking for patrons and appropriate access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion;
 - 3. Where the installation of outdoor floodlighting or spotlighting is intended, that such lighting will not have any detrimental effect on neighboring property or traffic; and
 - 4. Noise caused by the establishment shall be kept at such a level so as to conform with these regulations.
 - 5. Adequate security shall be provided by the establishment.
- D. The nightclub shall comply with the City's alcoholic beverage provisions and adequate security.

Section 5-1606. Gun shops.

A gun shop shall not be located within two thousand (2,000) feet of another gun shop or other use which includes a gun shop.

- B. No firearm sales will be made thereon between the hours of 9:00 PM and 7:00 AM of the next day. The term “firearm sales,” as used herein, means any component portion of the sale transaction, including the agreement to purchase or the payment of whole or part of purchase price or the delivery of the firearm.
- C. No person shall engage in the operation of a pawnshop or conduct a pawnshop business at the premises of a gun shop.
- D. No such gun shop shall be located within two thousand (2,000) feet of any previously existing child care center, public park, place of public assemblage, school, church or hospital.
- E. No person shall install, maintain, keep, or utilize any sign advertising firearms or ammunition which sign is visible from the outside, for any multipurpose business dealing in firearms and dealing in other items, not directly related to firearms, to such an extent that the primary business at the premises is for such other items rather than firearms.

Section 5-1607. Pawnshops.

- A. Pawnshops which existed on September 12, 1989 in the non-residential districts may continue as a nonconforming use subject to the provisions of Article 6 and this Section.
- B. Each pawnshop operator shall comply with the following:
 - 1. Locate any signs posted in the windows so as to provide a clear and unobstructed view of the cash register and sales area from the street.
 - 2. Locate the sales area so that the clerk and customer are fully visible from the street at the time of any sales transaction.
- C. Limitation on hours of operation. No pawnshop shall be open for business between the hours of 5:00 PM of one day and 7:00 AM of the next day and no component portion of a pawn transaction shall be conducted during such hours. This provision shall apply to all pawnshops, including those enjoying grandfathered status under subsection (2) above. In the event that section 21-29 of the Miami-Dade County Code is hereafter amended to allow greater hours of pawnshop operation, the hours of operation specified herein shall be deemed to be amended to coincide therewith.

Section 5-1608. Room additions to residential structures and conversions of garages or carports to living space.

- A. Room additions to residential structures, or conversions of garages and carports attached to residential structures on the same parcel of property for the purpose of creating living space are permitted as follows:
1. The newly created living space shall be directly accessible through an interior doorway or doorways, to the existing residence and must be completely integrated within the existing residence so that it is a logical extension of the residence. New additions shall have the same roof line (level, peak, etc.) as the existing structure so as to harmoniously blend; provided however, that flat roofs may be permitted on additions which do not exceed 250 sf to the rear of the property, if not visible from a street frontage.
 2. Exterior doorways from the newly created living space shall not exit into the outdoor area lying to the front of the residential structure, unless the doorway is intended to and does replace an existing front entrance. Such exterior doorways shall not exit into the area adjacent to a secondary drive or parking area for the residential structure.
 3. No cooking facilities, kitchen counter and sink combinations, kitchen cabinets, or electrical or plumbing connections for such facilities shall be permitted within the newly created living space unless the approved building plans for such space demonstrate clearly that such facilities are to be used as an expansion or replacement of an already lawfully existing kitchen.
- B. Conversion of detached garages or other accessory structures for the purpose of creating living space shall be permitted only if the newly created living space qualifies as an allowable dwelling unit within the applicable zoning district, and all municipal code requirements for its use as a dwelling unit are satisfied.
- C. Any required off-street parking that is deleted or rendered unusable by a conversion or addition pursuant to the provisions of this section shall be replaced in a manner consistent with the provisions of Article 5, Division 14.

Section 5-1609. Self-service/coin laundries.

- A. There shall be a minimum distance of fifteen hundred (1,500) feet between any new self-service/coin laundry use established and any other lawfully existing self-service/coin laundry;
- B. Hours of operation shall be no earlier than 7 a.m. and no later than midnight;

- C. No pay phones shall be permitted outside the premises of the self-service/coin laundry and any pay phones on the inside shall be counter-type and shall be used for outbound calls only;
- D. There shall be an attendant on duty at all times during the hours of operation;
- E. The facility must be entirely enclosed.

Division 17. Storage Facilities.

Section 5-1701. General.

All storage of furniture, appliances or other items shall be within permanent buildings and completely obscured from public view. For each bedroom in a dwelling unit, there shall be a minimum of twenty (20) cubic feet of enclosed storage within the overall structure, independent of the dwelling unit. Required yards shall not be used for the storage of trailers, boats, self-propelled recreation vehicles, house trailers, or for the storage of any materials except as provided in Section 5-1405.

Section 5-1702. Self-storage facilities.

- A. The maximum size of any individual rental space shall be four hundred (400) square feet and the interior height shall not exceed twelve (12) feet.
- B. Controlled access shall be provided to the complex and an adequate security/surveillance system shall be installed, whether electronic or otherwise, so that security personnel may keep vigilance over the facility and may be easily contacted in emergency or distress situations.
- C. Access to all storage spaces shall be from the interior of the structure and each storage space shall have independent and exclusive access through a secured door or gate.
- D. Self storage facilities shall be designed or remodeled so as to agree in character and scale with the prevalent character and scale of the surrounding area. Careful consideration shall be given to the treatment of blank walls generally associated with this use and to the way the ground floor addresses the street.
- E. Loading and unloading areas shall be evaluated on an individual basis for compliance with the following criteria:
 - 1. Loading and unloading activities shall be limited to locations which are not visible from adjacent public rights-of-way.
 - 2. The area set aside for such activities shall be arranged in a manner that will not obstruct the flow of on-site traffic.
 - 3. The size and number of loading/unloading spaces shall be proportionate to the number and size of the storage spaces provided. To this effect, the applicant shall provide a statement specifying the type and number of vehicles anticipated at peak hours and make all necessary provisions to ensure that only those vehicles access the site.

4. Recreational or seasonal vehicles, including boats, trailers, etc., stored in these facilities shall not exceed on overall length of twenty-five (25) feet and shall be stored within completely enclosed, adequately ventilated structures.
5. Hours of operation shall be established in response to the perceived demand for services but shall not exceed fifteen (15) continuous hours and shall not extend beyond 10:00 p.m. nor commence before 6:00 a.m.

Section 5-1703. Outdoor storage areas. M-1 Zoning District Only

- A. Outdoor storage areas, including junkyards, automobile wrecking areas, and storage of materials. Such uses shall only be located in M1 district and shall not be located within five hundred (500) feet from the nearest property in a residential district and the operation shall be governed by the following provisions in this section and any other conditions as may be required by the Board of Adjustment, if permitted as a special exception, to protect the public health, safety, comfort, convenience and general welfare and especially with regard to abutting properties and the occupants. At the time a business tax receipt to operate an outdoor storage area in the M-1 district is applied for, or renewal of such is sought, the City engineer may request that the applicant provide a listing of all materials to be stored. Such request may be made if the City engineer has reason to believe that the applicant would be storing materials which would pose a threat to the community, as described more fully in subsection B below.
- B. Inflammable, explosive, toxic, and/or hazardous liquids/materials. Highly flammable or explosive liquids, solids, or gases, or those of a toxic or otherwise hazardous nature, shall not be stored in bulk aboveground without first receiving certification from the City engineer that they do not present any hazard to surrounding properties and/or persons. If, upon review, the City engineer determines that materials to be stored are of a flammable, explosive, toxic, or hazardous nature, and would present a threat to the health, safety, or welfare of the community, then approval shall be obtained from the Dade County Fire Department and from the Dade County Department of Environmental Resource Management (DERM) for the use at the proposed site. Said approvals shall be recorded on a site plan and shall be submitted to the City before an occupational license issued or renewed.
- C. Deposit of wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
- D. Other hazardous materials. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.
- E. As to existing businesses with outdoor storage areas, the City engineer may require those businesses that conduct outdoor storage, either as the primary use or as a use incidental to the primary use, to submit a listing of all materials that are currently being stored, or are planned to be stored. Such request may be made if the City engineer has reason to believe

that the nature of the business would involve the storage of materials that present a threat to the community, as described in subsection (a) (1)above. Upon determination that such a threat would be presented, then the City engineer may require those businesses to obtain the approval of Dade County Fire Department and DERM. In any case, all such businesses shall be required to comply with the applicable portions of this section. Failure to abide by the regulations established shall result in temporary revocation of the occupational license, which shall not be reissued until such time as compliance by the business owner is achieved.

- F. Outdoor storage as an accessory use may be permitted provided that all setbacks are met and provided that no outdoor storage is visible from the public right-of-way.
- G. Permanent outdoor storage containers may be permitted through Administrative Site Plan Approval. At a minimum, the proposed permanent outdoor storage containers shall:
 - 1. Meet the required setbacks;
 - 2. Be painted the same color as the primary building;
 - 3. May not be placed upon required parking spaces;
 - 4. Shall not block any points of ingress or egress, or impede access to the site
 - 5. Other conditions may be required by the City.

Division 18. Telecommunications.

Section 5-1801. Purpose.

The regulations and requirements establish general guidelines for the siting of wireless telecommunications towers and antennas and are intended to accomplish the following purposes: (a) protect and promote the public health, safety and general welfare of the residents of the City; (b) minimize residential areas and land uses from potential adverse impacts of towers and antennas; (c) encourage the location of towers in non-residential areas and to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (d) minimize the total number of towers throughout the community by strongly encouraging the colocation of antennas on new and pre-existing tower sites as a primary option rather than construction of additional single-use towers; (e) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (f) enhance the ability of the providers of telecommunications services to provide such services to the community through an efficient and timely application process. In furtherance of these goals, the City shall at all times give due consideration to the city's master plan, zoning map, existing land uses, and environmentally sensitive areas, including hurricane preparedness areas, in approving sites for the location of towers and antennas.

Section 5-1802. Applicability.

- A. New towers and antennas. All new towers or antennas in the City shall be subject to these regulations and shall be reviewed and approved by the Director of Information Technology, except as provided in subsections B-C inclusive.
- B. Radio and Television Broadcasting Towers. This Division shall govern any tower or the installation of any antenna, that is for the use of a radio or television broadcasting facility or is owned or operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas. Radio and Television towers shall only be permitted within the M-1 District and shall comply with all other provisions in this Division. The height of a radio or television tower may be increased to 165' if of a monopole design, regardless of the number of users. However, colocation requirements shall apply to subsequent applications.
- C. Pre-existing towers or antennas. Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Division, other than the requirements of subsections J, K & L.
- D. AM array. For purposes of implementing this Division, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

Section 5-1803. General requirements/minimum standards.

- A. The City shall grant or deny a properly completed application for a permit for the siting of a new wireless tower or antenna on property, buildings, or structures within the city's jurisdiction within forty-five (45) business days after the date the properly completed application is submitted in accordance with the city's application procedures, provided that such permit complies with applicable federal regulations and is consistent with state law and applicable local zoning or land development regulations, including any aesthetic requirements. Local building regulations shall apply.
- B. The City shall notify the permit applicant within twenty (20) business days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted. However, such determination shall not be deemed as an approval of the application. Any notification shall indicate with specificity any deficiencies which, if cured, shall make the application properly completed. If the City fails to grant or deny a properly completed application for a permit which has been properly submitted within the timeframes set forth in this Section, the permit shall be deemed automatically approved and the provider may proceed with placement of such facilities without interference or penalty. The timeframes specified in this Section shall be extended only to the extent that the permit has not been granted or denied because the city's procedures generally applicable to all permits require action by the City and such action has not taken place within the timeframes specified in this Section. Under such circumstances, the City must act to either grant or deny the permit at its next regularly scheduled meeting or, otherwise, the permit shall be deemed to be automatically approved.
- C. Applicants regulated by this Division may request a pre-application conference with the City. Such requests shall be submitted with a non-refundable fee of five hundred dollars (\$500.00) to reimburse the City for the cost and fees incurred by the conference. Every new telecommunications tower and antenna shall be subject to the following minimum standards:
1. Lease required. Any construction, installation or placement of a telecommunications facility on any property owned, leased or otherwise controlled by the City shall require a lease agreement executed by the City and the owner of the facility, unless otherwise prohibited by applicable law. The City may require, as a condition of entering into a lease agreement with a telecommunications service provider, the dedication of space on the facility for public health and safety purposes, as well as property improvement on the leased space. Any dedications and improvements shall be negotiated prior to execution of the lease.
 2. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

3. Lot size. For purposes of determining whether the installation of a tower or antenna complies with these regulations, in particular Articles 4 and 5 of these LDRs, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antenna or tower may be located on leased parcels within such lot.
4. Inventory of existing sites.
 - a. Each applicant shall review the City's inventory of existing towers, antennas, and approved sites. All requests for sites shall include specific information about the proposed location, height, and design of the proposed tower. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower, structure or state-of-the-art technology that does not require the use of new towers or new structures can accommodate, or be modified to accommodate, the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower, structure or state-of-the-art technology is suitable shall consist of any of the following:
 - i. An evaluation of the feasibility of sharing a tower, indicating that existing towers or structures located within the geographic search as determined by a radio frequency engineer do not have the capacity to provide reasonable technical service consistent with the applicant's technical system, including, but not limited to, applicable FCC requirements.
 - ii. Existing towers or structures are not of sufficient height to meet applicable FCC requirements.
 - iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - iv. The applicant's proposed antenna would cause electromagnetic/radio frequency interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - vii. The applicant demonstrates that state-of-the-art technology, used in the wireless telecommunications business and within the scope of applicant's FCC license, is unsuitable. Costs of state-of-the-art

technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

- b. The City may share such information with other applicants applying for a permitted use on private property and special exception use under this article or other organizations seeking to locate antennas within the jurisdiction of the City provided, however, that the City is not, by sharing such information, in any way representing or warranting that such information is accurate or that such sites are available or suitable.

5. Engineering report.

- a. All applicants for new towers and towers which are modified or reconstructed to accommodate additional antennas shall submit a written report certified by a professional engineer licensed to practice in the State of Florida. The report shall include:

- i. Site development plan of the entire subject property drawn to scale, including, without limitation:

- (a) A tax parcel number, legal description of the parent tract and leased parcel, total acres, and section/township/range of the subject property;
- (b) The lease parcel fully dimensioned, including property lines, setbacks, roads on or adjacent to the subject property and any easements;
- (c) Outline of all existing buildings, including purpose (i.e. residential buildings, garages, accessory structures, etc.) on the subject property;
- (d) All existing vegetation, by mass or individually by diameter, measured four (4) feet from the ground of each stand-alone tree on the subject property;
- (e) Any proposed/existing security barrier, indicating type and extent as well as point of controlled entry;
- (f) Proposed/existing access easements, utility easements, and parking for the telecommunications tower;
- (g) All proposed changes to the subject property, including grading, vegetation removal, temporary or permanent roads and driveways, stormwater management facilities and any other construction or development attendant to the telecommunications tower;
- (h) Scaled elevation drawing of any proposed telecommunications tower, including the location of all mounts, antennas, equipment buildings, fencing and landscaping;

- (i) If applicable, on-site and adjacent land uses, and master plan classification of the site;
 - (j) If applicable, a narrative of why the proposed tower cannot comply with the requirements as stated in this section.
 - (k) Type of tower and specifics of design.
- b. Equipment brochures for the proposed tower, such as all manufacturer's specifications or trade journal reprints. These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any;
- c. Materials of the proposed tower specified by generic type and specific treatment (i.e., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any;
- d. Colors of the proposed tower represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any;
- e. Dimensions of the tower specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any;
- f. A visual impact analysis, with a minimum of two (2) photo digitalization or photographic superimpositions of the tower within the subject property. The photo digitalization or photographic superimpositions shall be provided for all attachments, including: the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any for the total height, width and breadth, as well as at a distance of two hundred fifty (250) feet and five hundred (500) feet from all properties within that range, or at other points agreed upon in a pre-application conference.
- g. Current wind-loading capacity and a projection of wind-loading capacity using different types of antennas as contemplated by the applicant. No tower shall be permitted to exceed its wind-loading capacity, as provided for by the Florida Building Code.
- h. A statement that the proposed tower, including reception and transmission functions, will not interfere with the visual and customary transmission or reception of radio, television or similar services as well as other wireless services enjoyed by adjacent residential and non-residential properties.
- i. A statement of compliance with all applicable Building Codes, associated regulations and safety standards as provided in Section 5-2003 herein. For

all towers attached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower. Except where provided in Section 5-2005, all towers shall have the capacity to permit multiple users: at a minimum, monopole towers shall be able to accommodate two (2) users and, at a minimum, self-support/lattice or guyed towers shall be able to accommodate three (3) users.

- j. Any additional information deemed by the City to be necessary to assess compliance with this Division.
 - k. Special fee. The City shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate applications for individual towers. The special fee shall be based upon the hourly rate of the independent technical consultant or expert the City deems necessary to properly evaluate applications for tower. The special fee shall be applied to those applications requiring special review or evaluation. The special fee shall be reimbursed by the applicant to the City no later than the City issuing any denial or approval to the applicant.
6. Colocation. Pursuant to the intent of this Division, colocation of telecommunications antennas by more than one provider on existing telecommunications towers shall take precedence over the construction of new telecommunications towers. Accordingly, in addition to submitting the information required in subsection (d) of this section, each application shall include a written report certified by a professional engineer licensed to practice in the State of Florida, stating: 1) the geographical service area requirements; 2) mechanical or electrical incompatibility; 3) any restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower; and 4) any additional information required by the City. If the City does not accept the full evaluation as provided as accurate, or if the City disagrees with any part of the evaluation, the time in which an application is processed pursuant to this Division shall be tolled pending further evaluation.
7. The City shall grant or deny a properly completed application for a permit, as provided in this Division, for the colocation of a wireless communications facility on property, buildings, or structures within the City's jurisdiction within forty-five (45) business days after the date the properly completed application is initially submitted in accordance with the city's application procedures, provided that such permit complies with all applicable federal regulations and applicable local zoning or land development regulations, including but not limited to any aesthetic requirements. Local building regulations shall apply.
8. Aesthetics. Towers and antennas shall meet the following requirements:

- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings to minimize the visual impact.
 - c. All tower sites must comply with any landscaping requirements of Article 5, Division 12 of these LDRs and all applicable requirements of the City, and the City may require landscaping in excess of those requirements in order to enhance compatibility with adjacent residential and non-residential land uses. All landscaping shall be properly maintained to ensure good health and viability at the owner's expense. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound consisting of the telecommunications tower and antennas, backhaul network and any structure or equipment cabinet, from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
 - d. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
9. Lighting. No signals, artificial lights, or illumination shall be permitted on any antenna or tower unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
 10. Setbacks. Towers must be set back from all property lines a minimum distance of one hundred ten (110) percent of the height of the tower.
 11. Separation. Any tower shall be separated from any other tower by a distance of no less than one (1) mile as measured by a straight line between the bases of the towers.
 12. Height. Towers shall not be constructed at any heights in excess of those provided below:

- a. For a single user, up to ninety (90) feet in height;
 - b. For two (2) users, up to one hundred twenty (120) feet in height;
 - c. For three (3) or more users, up to one hundred fifty (150) feet in height.
13. Local, state or federal requirements. The construction, operation and repair of telecommunications facilities are subject to the supervision of the City, and shall be performed in compliance with all laws, ordinances and practices affecting such system including, but not limited to, zoning codes, building codes, and safety codes, and as provided in this Division. The construction, operation and repair shall be performed in a manner consistent with applicable industry standards, including the Electronic Industries Association. All telecommunication towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, including emissions standards, and any other agency of the local, state or federal government with the authority to regulate towers and antennas prior to issuance of a building permit by the City. If such applicable standards and regulations require retroactive application, then the owners of the towers and antennas governed by this Division shall bring such towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
14. Building codes; safety standards.
- a. To ensure the structural integrity of towers, the owner shall construct and maintain the tower in compliance with the Florida Building Code, and all other applicable codes and standards, as amended from time to time. A statement shall be submitted by a professional engineer certifying compliance with this subsection. Where a preexisting structure, including light and power poles, is requested as a stealth facility, the facility, and all modifications thereof, shall comply with all requirements as provided in this Division. Following the issuance of a building permit, the City shall require an analysis of a soil sample from the base of the tower site to assure integrity of the foundation.
 - b. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have no more than thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

15. Warning signs. Notwithstanding any contrary provisions of the City's LDRs, the following shall be utilized in connection with any tower or antenna site, as applicable.
 - a. If high voltage is necessary for the operation of the communication tower or any accessory structures, "HIGH VOLTAGE-DANGER" warning signs shall be permanently attached to the fence or wall surrounding the structure and spaced no more than forty (40) feet apart.
 - b. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and spaced no more than forty (40) feet apart.
 - c. The height of the lettering of the warning signs shall be at least twelve (12) inches in height. The warning signs shall be installed at least five (5) feet above the finished grade.
 - d. The warning signs may be attached to free standing poles if the content of the signs may be obstructed by landscaping.
16. Security fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the City may waive such requirements.
17. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.
18. Not essential services. Towers and antennas shall be regulated and permitted pursuant to this Division and shall not be regulated or permitted as essential services, public utilities, or private utilities.
19. Franchises/licenses. Owners and/or operators of towers or antennas shall certify that all franchises/licenses required by law for the construction and/or operation of a wireless communication system in the City have been obtained and shall file a copy of all required franchises/licenses with the City.
20. Public notice. For purposes of this Division and notwithstanding any other requirements with regard to public notice in the City's LDRs, any request for a special exception use on private property shall require a public hearing that shall be advertised at least seven (7) days before the public hearing in a newspaper of general circulation and readership in the municipality. Notice shall also be mailed to all affected property owners within five hundred (500) feet of the subject property prior to the public hearing. If approved, the owner of any tower approved for shared use shall provide notice of the location of the tower and the tower's load capacity to all other providers regulated by this Division. All costs related to the public notice shall be paid by the applicant.

21. Signs. No signs, including commercial advertising, logo, political signs, flyers, flags, or banners, whether or not posted temporarily, shall be allowed on any part of an antenna or tower, unless required by law.
22. Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 5-1806 below.
23. Inspections; reports; fees.
 - a. Telecommunications tower owners shall submit a report to the City certifying structural and electrical integrity every two (2) years. The report shall be accompanied by a non-refundable fee of two hundred dollars (\$200.00) to reimburse the City for the cost of review, except as provided in Section 5-1803 5.k, above (special fee).
 - b. The City may conduct periodic inspections of telecommunications towers, at the owner's expense, to ensure structural and electrical integrity and compliance with the provisions of this Division. The owner of the telecommunications tower may be required by the City to have more frequent inspections should there be an emergency, extraordinary condition or other reason to believe that the structural and electrical integrity of the tower is jeopardized. There shall be a maximum of one inspection per year unless emergency or extraordinary conditions warrant.

Section 5-1804. Permitted uses on public property.

- A. General. The uses listed in this section apply specifically to all wireless telecommunications antennas and towers located on property owned, leased, or otherwise controlled as specified in Section 5-1803 by the City, provided a lease agreement pursuant to Section 5-1803 has been approved by the City. The City reserves the right to modify or waive the requirements for use on public property, but shall not be required to provide access to City property. A determination whether to grant or deny a waiver request shall be made in accordance with standards to be adopted by administrative regulation of the City.
- B. Uses. The City Manager is authorized to execute lease agreements and waive requirements as provided in Section 5-1803 on behalf of the City. The uses permitted under this section are as follows:
 1. Rooftop mounted communication towers and antennas.
 - a. The height, including support structures, shall not extend more than thirty (30) feet above the average height of the roof line;

- b. Screening shall be required to minimize the visual impact upon adjacent properties;
 - c. No more than one (1) tower shall be located on a single lot or single building site; and
 - d. Rooftop communication towers shall not adversely affect adjacent properties.
2. Towers and/or antennas constructed pursuant to this section shall be exempt from the minimum distances from residential zoning districts as provided in Section 5-1806 below.
 3. No lease granted under this section shall convey any exclusive right, privilege, permit or franchise to occupy or use the public lands of the City for delivery of telecommunications services or any other purpose.
 4. No lease granted under this section shall convey any right, title or interest in the public lands other than a leasehold interest, but shall be deemed only to allow the use of the public lands for the limited purposes and term stated in the license. No lease shall be construed as a conveyance of a title interest in the property.

Section 5-1805. Permitted uses on private property.

- A. General. The uses listed in this section apply to all wireless telecommunications antennas and towers located on private property. The following provisions shall govern the issuance of approval by the City pursuant to this section.
 1. Each applicant shall apply to the City for a building and zoning permit providing the information as set forth in Sections 5-1803 and 5-1806 of this Division, and a non-refundable fee of one thousand five hundred dollars (\$1,500.00) to reimburse the City for the costs of reviewing the application.
 2. The City shall review the application and determine if the proposed use complies with applicable sections of this Division.
 3. The City shall respond to each such application pursuant to Section 5-1803 of this Division, taking into consideration the time dictated by the nature and scope of the individual request, subject to the generally applicable time frames and pursuant to the intent of Section 704 of the Telecommunications Act of 1996, but in no event more than thirty (30) days for administrative zoning decisions. Building permit applications shall be processed within a reasonable period of time.
 4. In connection with any such approval, the City may, to encourage the use of monopole towers, allow the reconstruction of an existing tower to monopole

construction. The reconstruction shall, at all times, comply with the standards and requirements of this Division.

5. If an application pursuant to this section is denied, the applicant shall file an application for a special exception use permit pursuant to Section 5-1806 prior to filing an appeal before the City's Board of Adjustment.

B. Uses. The following uses may be approved by the City Manager after conducting an administrative review:

1. Industrial. Placement of additional buildings or other supporting equipment used in connection with the tower or antenna, in any industrial or zoning district, designated by the City as the M-1 districts.

2. Antennas on existing structures.

- a. Any additional wireless communications facilities, such as communication cables, adjacent accessory structures, or adjacent accessory equipment used in the provision of cellular, enhanced specialized mobile radio, or personal communications services, required within the existing secured equipment compound within the existing site shall be deemed a permitted use or activity. Local building and land development regulations, including any aesthetic requirements, shall apply.

- b. Any antenna which is not attached to a tower may be approved by the City as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided:

- i. The antenna does not extend more than thirty (30) feet above the highest point of the structure.

- ii. The antenna complies with all applicable FCC and FAA regulations and all applicable building codes; and

- iii. To minimize adverse visual impacts, antennas shall be selected based upon the following priority: (1) any stealthed antenna; (2) panel; (3) whip; and (4) dish. The applicant shall demonstrate, in a manner acceptable to the City, why each choice cannot be used for a particular application if that choice is not the top priority.

3. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the City provided such co-location is accomplished in a manner consistent with the following:

- a. A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the

existing tower, unless the City allows reconstruction as a monopole pursuant to this section.

b. Height.

- i. An existing tower may be modified or rebuilt to a taller height, to accommodate the co-location of an additional antenna(s), only if the modification or reconstruction is in full compliance with this Division. This provision shall include utility and power poles.
- ii. The additional height referred to in subsection (b)(I) above shall not require an additional distance separation as set forth in Section 5-1806. The tower's remodification height shall be used to calculate such distance separations.

c. Onsite location.

- i. A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within fifty (50) feet of its existing location.
- ii. After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
- iii. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 5-1805. The relocation of a tower shall in no way be deemed to cause a violation of Section 5-1803.

d. Microwave dish antennas located below sixty-five (65) feet above the ground may not exceed six (6) feet in diameter. Microwave dish antennas located sixty-five (65) feet and higher above the ground may not exceed eight (8) feet in diameter. Ground-mounted dish antennas must be located or screened so as not to be visible from abutting public streets.

4. Cable microcell network. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. Any additional wireless communications facilities, such as communication cables, adjacent accessory structures, or adjacent accessory equipment used in the provision of cellular, enhanced specialized mobile radio, or personal communications services, required within the existing secured equipment compound within the existing site shall be deemed a permitted use or activity. Local building and land development regulations, including any aesthetic requirements, shall apply.

5. Additional wireless communications facilities. Any additional wireless communications facilities, such as communication cables, adjacent accessory

structures, or adjacent accessory equipment used in the provision of cellular, enhanced specialized mobile radio, or personal communications services, required within the existing secured equipment compound within the existing site shall be deemed a permitted use or activity. Local building and land development regulations, including any aesthetic requirements, shall apply.

Section 5-1806. Special exception use.

A. General. The provisions listed in this section apply only where an application for the construction of a tower or the placement of an antenna in a zoning district does not meet the criteria for approval as provided in Sections 5-1803 -- 5-1805 of this Division. An applicant for a special exception use permit shall submit information described in Section 5-1803 and the City's regulations and any other reasonable information the City may require. The following provisions shall govern the issuance for special exception use permits:

1. Compliance with the procedures and requirements of special exception uses as stated in Article 3, Division 5.
2. In granting a permit, the City may impose conditions to the extent the City concludes such conditions are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
4. A non-refundable fee of five hundred dollars (\$500.00) to reimburse the City for the costs of reviewing the application, in addition to all other applicable fees required by the City.

B. Setbacks. Notwithstanding any contrary provision of the City's LDRs, the following setback requirements shall apply to all towers for which a permit under this section is required:

1. Towers must be set back from all property lines a minimum distance of one hundred ten (110) percent of the height of the tower.
2. The base of any guys and accessory buildings must satisfy the minimum zoning district setback requirements with reference to special exception use, but not to include reference to rights-of-way controlled by the City.

C. Separation. The following separation requirements shall apply to all towers and antennas for which a special exception use permit is required:

1. Separation from off-site uses/designated areas.

- a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 - b. Separation requirements for towers shall comply with the minimum standards established in Table 1.
2. The site plan submitted by the applicant shall identify any towers listed on the City's inventory of existing sites that are within one mile of the proposed tower. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

Off-Site Use / Designated Area	Separation Distance
Single-family or duplex residential units 1	500 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land	500 feet or 300% height of tower 2 whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None, only setbacks apply

- 1) Includes modular homes and mobile homes used for living purposes.
 - 2) Separation measured from base of tower to closest building setback line.
3. Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distance shall be a minimum of one (1) mile, regardless of type of towers.
- D. Factors considered in granting special exception permits for towers. In addition to any standards for consideration of permit applications pursuant to these regulations, the City shall consider the following factors in determining whether to issue a permit:
1. Availability of suitable existing towers, other structures, or state of the art technologies not requiring the use of towers or structures, as discussed in Section 5-1806 of this Division;
 2. Height of the proposed tower;
 3. The setback and separation distances between the proposed tower and the nearest residential units or residentially zoned properties;

4. Proximity of the tower to residential structures and residential district boundaries;
5. Nature of uses on adjacent and nearby properties;
6. Surrounding topography;
7. Surrounding tree coverage and foliage;
8. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
9. Proposed ingress and egress.

Section 5-1807. Buildings or other equipment facilities.

- A. Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas shall comply with all of the following:
 1. The cabinet or structure shall not contain more than three hundred (300) square feet of gross floor area or be more than eighty (80) inches in height. In addition, for buildings and structures which are less than four (4) stories in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area or three (3) feet in height, shall be located on the ground and shall not be located on the roof of the structure unless the building or structure is completely screened from site pursuant to the requirements of Section 5-1803.
 2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than five (5) percent of the roof area.
 3. Equipment buildings or cabinets shall comply with all applicable building codes, including minimum setback requirements, as provided in Section 5-1806.
 4. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication tower, unless repairs to the tower are being made.
 5. All buildings and equipment cabinets shall be unoccupied at all times.
- B. Antennas not located on telecommunications tower. Mounted on utility poles or light poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
 1. In the R-5 and R-6 residential districts. the equipment cabinet or structure may be located:

- a. In a side yard setback provided the cabinet or structure is no greater than three (3) feet in height or sixteen (16) square feet of gross floor area and the cabinet/structure is located a minimum of five (5) feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two (42) to forty-eight (48) inches and a planted height of at least thirty-six (36) inches.
 - b. In a rear yard setback, provided the cabinet or structure is no greater than five (5) feet in height or sixteen (16) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of seventy-two (72) inches and a planted height of at least thirty-six (36) inches.
2. In commercial or industrial districts the equipment cabinet or structure shall be no greater than five (5) feet in height or twenty-five (25) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of seventy-two (72) inches and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid masonry fence six (6) feet in height or an evergreen hedge with an ultimate height of six (6) feet and a planted height of at least thirty-six (36) inches.
- C. Antennas located on towers. The related unmanned equipment structure shall not contain more than one thousand five hundred (1,500) square feet of gross floor area or be more than eight (8) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

Section 5-1808. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within the ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Section 5-1809. Nonconforming uses.

- A. Not expansion of nonconforming use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Division shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like

construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Division.

- C. Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding Section 5-1807, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a permit and without having to meet the separation requirements specified in subsections 29A-8(b)(4) and 29A-8(b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, the tower or antenna shall be deemed abandoned as specified in Section 5-1808.

Section 5-1810. Protection of the City and residents.

A. Indemnification.

1. The City shall not enter into any lease agreement until and unless the City obtains an adequate indemnity from such provider. The indemnity must at least:
 - a. Release the City from and against any and all liability and responsibility in or arising out of the construction, operation or repair of the communications facility. Each communications facility operator must further agree not to sue or seek any money or damages from the City in connection with the above mentioned matters;
 - b. Indemnify and hold harmless the City, its trustees, elected and appointed officers, agents, servants and employees, from and against any and all claims, demands, or causes of action of whatsoever kind or nature, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees, sustained by the City or any third party arising out of, or by reason of, or resulting from or of each communications facility operator, or its agents, employees, or servants negligent acts, errors, or omissions.
 - c. Provide that the covenants and representations relating to the indemnification provision shall survive the term of any agreement and continue in full force and effect as to the party's responsibility to indemnify.

B. Insurance.

1. The City may not enter into any lease agreement until and unless the City obtains assurance that such operator (and those acting on its behalf) have adequate insurance. At a minimum, the following requirements must be satisfied:
 - a. A telecommunications facility operator shall not commence construction or operation of the facility without obtaining all insurance required under this section and approval of such insurance by the risk manager of the City, nor shall a communications facility operator allow any contractor or subcontractor to commence work on its contract or sub-contract until all similar such insurance required of the same has been obtained and approved. The required insurance must be obtained and maintained for the entire period the communications facility is in existence. If the operator, its contractors or subcontractors do not have the required insurance, the City may order such entities to stop operations until the insurance is obtained and approved.
 - b. Certificates of insurance, reflecting evidence of the required insurance, shall be filed with the risk manager. For entities that are entering the market, the certificates shall be filed prior to the commencement of construction and once a year thereafter, and as provided below in the event of a lapse in coverage.
 - c. These certificates shall contain a provision that coverages afforded under these policies will not be canceled until at least thirty (30) days prior written notice has been given to the City. Policies shall be issued by companies authorized to do business under the laws of the State of Florida.
 - d. In the event that the insurance certificate provided indicates that the insurance shall terminate or lapse during the period of the lease agreement with the City, then in that event, the communications facility operator shall furnish, at least thirty (30) days prior to the expiration of the date of such insurance, a renewed certificate of insurance as proof that equal and like coverage for the balance of the period.

- C. Comprehensive general liability. A communications facility operator and its contractors or subcontractors engaged in work on the operator's behalf, shall maintain minimum insurance to cover liability bodily injury and property damage. Exposures to be covered are: premises, operations, and certain contracts. Coverage shall be written on an occurrence basis and shall be included, as applicable, in the lease agreement between the City and the telecommunications facility operator.

Section 5-1811. Security fund.

Every telecommunications service provider whether on public or private property shall establish a cash security fund, or provide the City with an irrevocable letter of credit in the same amount, to secure the payment of removing an antenna or tower that has been determined to be abandoned. In the event the owner is not in compliance with Section 5-1808. The amount to be provided for each tower shall be twenty-five thousand dollars (\$25,000.00); the amount for each antenna array shall be five thousand dollars (\$5,000.00). In the alternative, at the city's discretion, an operator may, in lieu of a cash security fund or letter of credit, file and maintain with the City a bond with an acceptable surety in the amount of twenty-five thousand dollars (\$25,000.00). The operator and the surety shall be jointly and severally liable under the terms of the bond. In the alternative, at the city's discretion, an operator may, in lieu of the cash security fund, letter of credit or bond, file with the City a corporate guarantee in a form acceptable to the City to be used as a security fund.

Section 5-1812. Penalties.

Any person, firm or corporation who knowingly breaches any provision of this Division, shall upon receipt of written notice from the City be given a time schedule to cure the violation. Failure to commence to cure within thirty (30) days and to complete cure to the City's satisfaction within sixty (60) days, or such longer time as the City may specify, shall result in revocation of any permit or license and the City shall seek any remedy or damages to the full extent of the law.

Section 5-1813. Severability.

The various parts, sections and clauses of this Division are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Division shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Division.

Division 19. Temporary Uses.

Section 5-1901. General.

The temporary uses set out in this Division are permitted subject to the approval of the City Manager or his/her designee, and shall be subject to such conditions as may be imposed by the City Manager or his/her designee.

Section 5-1902. Permitted Temporary Uses.

- A. Contractors offices.
- B. Temporary recreational or entertainment related events or activities such as fairs, concerts, festivals.
- C. Block and neighborhood parties.
- D. Outdoor bazaars, special fund-raising sales and/or similar activities.
- E. Farmer's markets.
- F. Yard sales.
- G. Temporary filming.
- H. Tents for grand opening and special events.

Section 3-1903. Standards.

All temporary uses shall comply with the following standards:

- A. The temporary use will not create hazardous vehicular or pedestrian traffic conditions.
- B. The design and installation of all practicable temporary traffic control devices including signage to minimize traffic congestion.
- C. Adequate sanitary facilities, utility, drainage, refuse management, emergency services and access, and similar necessary facilities and services will be available to serve employees, patrons or participants.
- D. Where a tent or similar structure is to be used, such structure shall:
 - 1. Comply with the requirements of the fire marshal.
 - 2. Provide the City with a certificate of insurance to cover the liability of the applicant or sponsor.

3. Demonstrate that the tent is flame resistant by providing a certificate of flame resistance or other assurance that the structure has been properly treated with flame retarder and has been maintained as such.
- E. Signage related to the temporary use, including signs attached to vehicles associated with the use, shall not exceed twenty four (24) square feet of sign face area and no more than one (1) sign face per street frontage shall be permitted.
- F. No temporary use shall be permitted which allows the sale of Christmas trees or fireworks.

Section 5-1904. Temporary construction trailer.

Subject to the approval of the Building and Zoning Department and in accordance with applicable provisions of the Florida Building Code, a construction trailer may be parked and stored upon any construction site for such period as may be prescribed by the Director but not longer than sixty (60) days after a certificate of occupancy has been issued for the project.

Section 5-1905. Yard sales.

- A. Yard sale permit required. No yard sale shall be conducted unless a residential occupant obtains a yard sale permit from the Building and Zoning Department. Only the owner or lessee of the property upon which the yard sale is being conducted may obtain such permit.
- B. Requirements for yard sales.
 1. Only the personal property owned by the seller and usual to a household may be sold or offered for sale by the owner or lessee of the residence.
 2. No more than two (2) yard sales shall be held from the same property within any calendar year.
 3. No more than two (2) consecutive days shall be permitted for any yard sale, not including legal holidays. Consecutive days shall count as one (1) sale.

Section 5-1906. Temporary storage containers/PODS --Residential districts.

- A. Purpose and permitted use. The purpose of a temporary storage container in residential districts shall be to provide a temporary venue for the storage of furniture, clothing and other personal belongings, as part of the process of household moving, and/or as part of a household's intent to store items off premises, at a designated storage location. A temporary storage container shall not be used for human shelter or habitation or for the habitation or sheltering of household pets or other animals. A zoning permit shall be required.

B. Standards.

1. No more than one (1) temporary storage container shall be allowed at one (1) time at any single-family, duplex, triplex or townhouse site, and no more than two (2) temporary storage containers shall be allowed at one (1) time at any multi-family site (four (4) or more units);
2. No part of the proposed container(s) shall encroach upon any portion of a public right-of-way;
3. A minimum setback of ten (10) feet from the front property line and the same side setback as exists for the main structure, but not less than five (5) feet shall be maintained;
4. The maximum height of the temporary storage container(s), as measured from the ground level to the highest point shall not exceed eight (8) feet;
5. The maximum amount of time each container may remain on site shall be thirty (30) consecutive calendar days, unless extended through an administrative variance by the Building and Zoning Department upon payment of an additional thirty (30) day permit fee;
6. No more than one (1) application for temporary storage container(s) per applicant per site, per year, shall be approved by the City in connection with single-family, duplex, triplex townhouse uses, and multi-family uses (four (4) or more units).

Division 20. Townhouse Development Setback Requirements.

Section 5-2001. General.

- A. Minimum lot frontage. No townhouse development shall be constructed on a site with a frontage of less than one hundred fifty (150) feet.
- B. Minimum usable open space. Not less than twenty-five (25) percent of the total lot area shall be dedicated for usable open space, either for recreation or some other suitable use, public or private, as approved by the Planning Commission. For the purpose of this section, individual lots or portions thereof, roads, driveways, garages and parking areas shall not be construed as usable open space.
- C. Distance between townhouse rows. No townhouse row shall be closer than twenty (20) feet to any other townhouse row.
- D. Length of townhouse row. No townhouse row shall consist of more than six (6) dwelling units.
- E. Parking - In addition to the requirements of Article 5, Division 16:
 - 1. Design. All garages provided shall conform architecturally to, and be of similar materials as the principal buildings in the development.
 - 2. Location. Garages may be built into townhouses, or may be constructed on individual lots or on common areas.

Section 5-2002. Setback.

- A. Front yard. No building or structure shall be constructed closer than twenty-five (25) feet to any line.
- B. Side yards. No building or structure for end units shall be located closer than thirty (30) feet to any side lot line.
- C. Unattached accessory structures in rear yards of townhouse lots.
 - 1. Utility sheds and similar accessory structures. These structures may occupy up to one hundred (100) square feet. In interior townhouse lots, these structures shall maintain minimum side and rear setbacks of five (5) feet. In corner townhouse lots, these structures shall also maintain a minimum of thirty (30) feet from the exterior side property line, and the minimum rear setback shall be ten (10) feet.
 - 2. Unattached flexible cover carport structures. These structures may be erected in the rear yard only, for the purpose of sheltering an operable vehicle, provided their size does not exceed a width of twelve (12) feet, a length of twenty (20) feet,

and a height of ten (10) feet. In interior townhouse lots, these structures may maintain a minimum side setback of zero feet and a minimum rear setback of five (5) feet. In corner townhouse lots, these structures shall also maintain a minimum of thirty (30) feet from the exterior side property line, and the minimum rear setback shall be ten (10) feet.