

Article VI

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ARTICLE VI. REQUIREMENTS FOR SPECIALLY REGULATED USES**DIVISION 1. ACCESSORY USES AND STRUCTURES**

Section 30-6.1. General requirements.

All accessory structures and uses shall meet the following general requirements and the standards established in this chapter for each specific use/structure.

- A. No accessory use or structure shall be developed without a building permit issued in accordance with the requirements of **Article IV**.
- B. No accessory structure may be built, unless in conjunction with, or after the start of construction of, the principal use on the building site.
- C. No accessory used may be in operation unless the principal use on the site is also active.
- D. Except as otherwise specifically permitted by this Article, accessory uses and structures shall be located on the same building site as the associated principal use.
- E. Except as otherwise specifically permitted by this Article, no accessory use or structure shall be located within the front or street side yard.
- F. A detached accessory structure shall be located at least five (5) feet from any other building.
- G. Accessory structures shall conform to the principal building setbacks, unless noted otherwise in this Article. However, one pre-engineered or pre-manufactured structure of 100 square feet or less and one story in height may be erected in the rear or side yard as long as the structure has a minimum yard setback of three (3) feet from the rear or side property line, is properly anchored to the ground, and is separated from neighboring properties by a fence or wall which is at least 75 percent **opaque**^[LD11].
- H. Accessory screened enclosure structures, whether or not attached to the principal structure, may be erected in the rear yard as long as the enclosure has a minimum yard setback of three (3) feet from the rear property line. The maximum height of the enclosure at the setback line shall not exceed eight (8) feet. The roof and all sides of the enclosure not attached to the principal structure must be made of screening **material**^[LD12].
- I. Accessory structures shall not cover more than fifty (50) percent of the rear yard.

Section 30-6.2. Accessory dwellings

- A. Accessory dwelling units are allowed in certain districts as specified in **Article V** and only in conjunction with a primary single-family dwelling unit. Only one (1) accessory dwelling unit may be permitted per lot or parcel.
- B. A detached accessory dwelling unit may only be constructed on a lot or parcel that has an area at least one-and-one-half (1½) times the minimum lot area required in the zoning district.
- C. The living area of an accessory dwelling unit shall not exceed forty-five (45) percent of the living area of the primary dwelling unit or one thousand (1,000) square feet, whichever is less.
- D. An attached accessory dwelling unit may either share a common entrance with the primary dwelling unit or use a separate entrance. However, a separate entrance shall be located only to the side or rear of the structure.
- E. The accessory dwelling unit shall be designed as subordinate structure to the primary structure on the lot in terms of its mass, size and architectural character. The architectural design, character, style and appearance of the accessory unit shall be consistent and compatible with the primary structure.

Section 30-6.3. Consolidated apartment management offices.

Consolidated apartment management offices (defined in **Article II**) are allowed as an accessory use to multiple-family uses allowed within a transect zone, and subject to the following:

- A. The maximum square footage for a consolidated apartment management office is as follows:
 1. Adjacent to or fronting property zoned **T-3 or T-4R**: Two thousand (2,000) square feet.
 2. Not adjacent to or fronting property zoned **T-3 or T-4R**: One thousand five hundred (1,500) square feet.
- B. Parking. A maximum of three (3) off-street parking spaces is allowed per consolidated apartment management office.
- C. Location. A consolidated apartment management office shall be located at least 150 feet from property designated for single-family residential on the future land use map.
- D. Number of apartments. Each consolidated apartment management office shall manage at least 50 apartment units. No apartment unit shall be counted towards this number for more than one such office. All apartments managed by the office must be located within transect zones.
- E. Architectural standards. A consolidated apartment management office shall only be established within a currently existing structure and shall conform to the architectural controls of the transect zone. There shall be no visible evidence of the conduct of the business other than a sign, and no equipment or processes shall be detectable from outside the building.
- F. Zoning compliance permit. It shall be unlawful to establish a consolidated apartment management office until the city manager or designee has issued a zoning compliance permit as described in **Article IV** of this Code.

(Ord. No. 4055, § 2, 1-23-95)

Section 30-6.4. Fences and walls.

- A. Fences **[NOTE TO STAFF: CHAPTER 13, ARTICLE I, DIVISION 1 CONTAINS STANDARDS FOR FENCES. THOSE STANDARDS SHOULD BE MOVED TO THIS CHAPTER AND CONSOLIDATED WITH THE FOLLOWING, OR A CROSS-REFERENCE ADDED]**
 1. Fences located within a required yard setback, or within five feet of the front property line in districts requiring no minimum front yard, shall not exceed eight (8) feet in height.
 2. Fences located outside the required setback may be constructed to the actual height of the principal building on the lot or to the maximum permitted height for accessory structures for the zoning district in which the lot is located, whichever is lesser.
 3. Chain link, barbed wire and plan wire mesh fences are not allowed within any transect zone, except for side and rear yards in T-3.
- B. Retaining walls^[LD13].

Nothing in this chapter shall be construed to prohibit or prevent the construction of a retaining wall on any property, provided that such retaining wall does not adversely affect the natural flow of surface water or create any other adverse effect upon adjacent or adjoining properties. However, any application for a retaining wall shall be subject to the approval of the building official before the issuance of a building permit. The building official shall approve applications for retaining walls which are in conformance with this section.

C. Garden Walls.

While fences are typically used to achieve privacy on a site, garden walls are used to continue the building frontage along a street, to screen vehicular areas such as parking lots, and to frame public zones such as courtyards and outdoor cafes. Garden walls shall meet the following standards:

1. In the absence of a building façade along any part of a Building Frontage Line, a street wall shall be built co-planar with the façade. Breaks are permitted in the street wall to provide pedestrian access to the site and for the purpose of tree protection. Street walls shall have openings no larger than necessary to allow automobile and pedestrian access.
2. Urban garden walls are the only types of fences/walls allowed facing streets and alleys.
3. Garden walls shall be a minimum of 3 feet [PT4] in height and shall not exceed a 5 foot maximum. However, the portion of the wall above 3 feet shall be no more than 50% solid.
4. Garden walls shall be constructed of wrought iron, brick, masonry, stone or other decorative materials and shall match or compliment the finishes on the building. Chain link fences shall be prohibited.
5. If landscaping is provided on either side of the wall, the landscaping strip shall be a minimum of two (2) feet wide.

(Ord. No. 3777, § 1, 6-10-92)

Cross reference — Buildings and building regulations, Ch. 6.

Section 30-6.5. Fowl or livestock [LD15]

The keeping or raising of fowl or livestock is allowed within the RSF, RC, T-3R and T-4R districts as an accessory use, subject to the following standards:

A. Permitted activities. The type and number of fowl or livestock permitted shall not exceed the following.

Type of fowl or livestock	Limit	
	RSF-R	RSF-1 to 4, RC, T-3R, T-4R
Fowl	20 per acre	3 hens per single family residence
Horses and other equine animals	1 per acre	None
Cattle	1 per care	None
Goats and Sheep	6 per acre	None
Pigs	1 per acre	None
Rabbits	20 per acre	None

B. Limitations. Fowl or livestock permitted in this section shall be kept or raised for personal use only, except youth projects such as 4-H or FFA activities.

C. Prohibited activities.

1. On-premise sales of fowl or livestock or fowl or livestock byproducts (e.g. eggs, milk).
 2. Commercial raising or keeping of fowl or livestock.
 3. The keeping of roosters and slaughtering of the hens in the RSF-1 to 4, RC, T-3R, T-4R districts.
- D. Minimum lot area in RSF-R. The minimum lot area shall be one acre.
- E. Nuisance prohibited. The raising and keeping of all fowl or livestock shall be done in such a manner so as not to create a public nuisance as set forth in Chapter 5 of the Code of Ordinances.
- F. Coops within the RSF-1 to 4, RC, T-3R, T-4R districts.
1. Hens must be contained within a covered chicken coop and fenced pen area. The coop and fenced pen area must be located in the rear half of the residential lot behind the principal structure. It shall be unlawful for any person to allow hens to run at large upon the streets, alleys or other public places of the City, or upon the property of any other person.
 2. The coop and fenced pen area shall be setback 20-feet from any off-site residential structure, and 5-feet from any abutting residential property line.
 3. The coop and pen area must be kept in a clean sanitary manner, free of insects and rodents, offensive odors, excessive noise, or any other condition which could potentially cause a nuisance (i.e. the coop should be cleaned frequently). Stored feed must be secured in metal containers to prevent mice and other pests.
 4. A building permit is not required for the coop if it is movable or prefabricated, and 12 square feet or less in size.

Section 30-6.6. Home occupations.

- A. The following standards apply to home occupations other than the teaching of fine arts (see subsection B, below), family day care homes and community residential homes, as defined in article II. Standards for family day care homes and community residential homes are found in Division 3 of this article.
1. Findings. The city recognizes that there are benefits to be gained from allowing residents to earn income from occupations conducted within their homes. These benefits include but are not limited to:
 - a. A reduction in work-related and other automobile trips.
 - b. Permitting more citizens, including the handicapped, aged and mothers of small children, to participate in the workplace.
 - c. Allowing many of these citizens to have jobs while meeting various family obligations.
 - d. Providing individuals and families income necessary to own and properly maintain homes in the city's neighborhoods.
 2. Purpose. At the same time the city recognizes that its residents should expect their neighborhoods to be quiet and safe places to live and that home occupations should not be allowed to alter the primarily residential character of these neighborhoods or to endanger the health, safety or morals of residents of the neighborhood. For these reasons, it is the purpose of this section to:
 - a. Protect residential areas from the adverse impacts of activities associated with home occupations.
 - b. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
 3. Establish criteria, development standards and performance standards for home occupations conducted in dwelling units. Permits.

- a. A person desiring a permit for a home occupation shall make an application in the departments designated by the city manager. A person may only apply for a home occupation permit to be used at his/her primary place of residence. An initial filing fee to cover the cost of an inspection issuing a permit shall be paid at the time of submitting the application, an annual permit processing fee shall be paid for each and every year, and an additional fee shall be paid every three years to cover the cost of reinspection. All fees shall be in accordance with Appendix A. Any person exempt from the payment of a license tax under the provisions of subsection 25-50(a) shall also be exempt from the payment of the above-mentioned fees. Such application for a permit shall include the following:
 - i. Name of applicant;
 - ii. Location of dwelling unit where the home occupation will be conducted;
 - iii. Total floor area of the dwelling unit;
 - iv. Area of room or rooms to be utilized in the conduct of the home occupation;
 - v. A sketch with dimensions showing the floor plan and the area to be utilized for the conduct of the home occupation. This sketch will show the location and nature of all equipment to be utilized in the conduct of the home occupation, as well as the locations for storage of materials used in the conduct of the home occupation and the identity and nature of these materials; and
 - vi. The exact nature of the home occupation.
- b. If the proposed home occupation complies with all of the requirements of subsection d of this section, the enforcing officer shall issue the home occupation permit. Once such home occupation permit is issued to an applicant, it cannot be transferred to another person through the sale, leasing or rental of the premises on which the home occupation is located or in any other manner; except that, in the case of death, should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice to that effect shall be given to the enforcing officer and the permit may be transferred. Such home occupation permit cannot be used by the applicant for any premises other than that for which it was granted.
- c. All persons possessing a home occupation permit at the effective date of this section shall be phased into the annual process upon expiration of their current permit. Any home occupation permit issued after the effective date of this section shall expire on September 30, 1989, and be renewable for October 1 through September 30 for all successive years. The city shall not automatically renew each home occupation permit previously granted, but shall scrutinize all applications, either original or renewal, to ensure that permitted home occupations are in compliance with this section.
- d. Any person may seek revocation of a home occupation permit by making application therefor to the enforcing officer, who shall cause an investigation to be made to determine whether the permit holder is conducting such home occupation in a lawful manner as prescribed in this section. In the event that the enforcing officer determines that the permit holder is in violation of the provisions of this section, the permit shall be immediately revoked by the enforcing officer. The decision of the enforcing officer shall be subject to appeal as prescribed in Article IV, Division 12. During such an appeal, the action of the enforcing officer is stayed. If the enforcing officer determines that the public safety is at risk, appropriate regulating agencies and authorities shall be immediately notified.
- e. The following shall be considered as grounds for the revocation of a home occupation permit:
 - i. Any change in use or any change in extent or nature of use, or area of the dwelling unit being used, that is different from that specified in the granted home occupation permit form, that is not first approved by the enforcing officer shall be grounds for the revocation of a home occupation permit.

The operator of a home occupation must apply for a new home occupation permit prior to any such changes.

- ii. Any change in use, extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that results in conditions not in accordance with the provisions of the required conditions of **subsection 4, below**, shall result in immediate revocation of the home occupation permit.
 - iii. Failure to pay the annual permit processing fee or the reinspection fee required every three years shall result in the loss of the home occupation permit.
 - f. The following conditions shall apply for home occupation permits which have been revoked:
 - i. Initial revocation: Reapplication may only occur when the condition(s) causing the revocation has been abated.
 - ii. Second revocation: Reapplication may only occur after one year and when the condition(s) causing the revocation has been abated.
 - iii. Third violation: The home occupation permit shall not be reissued.
4. Required conditions. All permitted home occupations shall comply with the following standards and criteria:
- a. The home occupation shall be conducted only within the principal building, except for any related activities conducted off the premises.
 - b. No more than one additional person other than the residents residing on the premises shall be employed or engaged in the home occupation at the premises.
 - c. There shall be no alteration or change to the outside appearance, character or use of the building or premises, or other visible evidence of the conduct of such home occupation. There shall be no display of products visible in any manner from the outside of the dwelling.
 - d. No home occupation shall occupy more space than 20 percent of the total floor area of a dwelling unit, exclusive of any open porch, attached garage or similar space not suited for or intended to be occupied as living quarters, provided that in no event shall such home occupation occupy more than 500 square feet. Rooms which have been constructed as additions to the dwelling unit and any attached garage or open porch which has been converted into living quarters shall not be utilized for such home occupation, nor shall they be considered as floor area, until two years after the date of completion thereof, as shown on the city's records.
 - e. No commodities or goods of any kind shall be sold on the premises, nor displayed on the premises for sale elsewhere, with the following exceptions:
 - i. The sale and display of items produced or fabricated on the premises as part of the home occupation, such as art and handicrafts, is permitted.
 - ii. Orders made by phone, mail or sales party may be filled on the premises.
 - iii. If sales parties for the purpose of selling merchandise or taking orders take place at the location of the home occupation, such parties shall not take place more than four times in any one calendar year, and each party is limited to one 24-hour period.
 - f. No equipment or process shall be used in such home occupation which creates noise, vibrations, heat, glare, fumes, dust, odors or electrical interference detectable to the normal senses outside the dwelling, or, in the case of attached dwelling units or multiple-family dwellings, detectable to the normal senses beyond the walls of the dwelling unit; nor shall there be any combustible materials located anywhere on the premises which are in violation of the city's fire code. In the case of electrical interference, no

equipment shall be used which creates any visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

- g. No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building so used, and any area used for storage shall be counted toward the maximum permissible floor area used for such home occupation.
- h. No more than one automobile or truck, which shall not be larger than a stock three-quarter-ton panel or pickup truck, used in conjunction with such home occupation shall be permitted to park on the premises in question or off the premises in question and within view from surrounding properties. Such vehicle may only have two signs, not exceeding two square feet in area, each mounted flat against or painted on the sides.
- i. No home occupation shall be permitted which involves the visitation of clients, customers, salesmen, suppliers or any other persons to the premises which would generate vehicular traffic in excess of two vehicles concurrently or more than ten vehicles per day.
- j. Deliveries from commercial suppliers shall not be made more than twice a week to the dwelling unit in question, and the deliveries shall not restrict traffic circulation.
- k. In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 10:00 p.m.
- l. The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling shall not exceed the limits of one home occupation as established in this **section**.
- m. There shall be no illegal discharge of any materials, fluids or gases into the sewer system or any other manner of discharging such items in violation of any applicable government code.
- n. Home occupations shall comply with all local, state or federal regulations pertinent to the activity pursued, and shall not be construed as an exemption from such regulations.

(Ord. No. 3777, § 1, 6-10-92)

Cross reference— Miscellaneous business regulations, Ch. 14.5.

[LD16]

B. Teaching of the fine arts.

The teaching of the fine arts, limited to music, sculpture, painting and drawing, may be conducted within a single-family dwelling in any residential district and shall constitute a lawful accessory use of such single-family dwelling. The teaching of the fine arts does not include the sale of any product or item of value which may be produced as a byproduct of such teaching activity. The teaching of the fine arts shall comply with the following standards and criteria:

1. Such activity shall be conducted solely within the principal building only by a person or persons who reside therein.
2. There shall be no alteration or change to the outside appearance, character or use of the building or premises, or other visible evidence of the teaching activity.
3. Such activity shall not result in the production of any noise or vibration, light, odor, dust, smoke or other air pollution detectable outside the single-family dwelling by the senses of normal human beings.
4. Such activity shall not result in the production of any prolonged sound or noise for a long, continuous period of time so as to disturb the public peace, quiet and comfort of the neighboring inhabitants.

5. Such activity shall not involve the storage of goods and materials in excess of 120 cubic feet.
6. Such activity shall not generate the concurrent parking of more than ten motor vehicles in any consecutive two-hour period.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 951414, § 1, 7-22-96)

Section 30-6.7. Ice manufacturing/vending machines.

- A. Permitted zoning districts. Ice manufacturing/vending machines shall be allowed as noted in **Article V**. Ice manufacturing/vending machines located within the BI, I-1, and I- 2 districts, shall meet the requirements of **subsections B.1, C, E and F**. Within the BUS and BA zoning districts, the use shall meet all the requirements of **subsections B through F in this section**.
- B. Locational requirements. The placement of ice manufacturing/vending machines shall comply with the following requirements.
 1. Shall be co-located with existing commercial, industrial, or retail uses; an ice manufacturing/vending machine is not allowed as a principal use on any lot.
 2. Shall meet the spacing requirement of one mile from another ice manufacturing/vending machine.
 3. Shall be located to the side or rear of principal structures at the site.
 4. Shall allow adequate queuing space for vehicles such that the on-site flow of traffic is not interrupted and there is no backup of traffic onto adjacent roadways.
 5. Shall be located on the site such that: pedestrian/bicycle flow and safety is not interrupted or compromised; the architectural layout, landscaping and amenities of the principal use on the site are not visually blocked; and the minimum parking requirements and operations for the principal use are not reduced or interrupted.
 6. Shall be placed a minimum of 20 feet from any side or rear property line when abutting property is shown on the Future Land Use Plan for residential use.
 7. Shall be placed no further forward on the site than the location of the front facade of the principal building.
- C. Development plan approval. Ice manufacturing/vending machines shall be required to obtain development plan approval in accordance with the Land Development Code from the appropriate reviewing board.
- D. Architectural, design, and color standards. The following standards shall apply.
 1. A roof that screens all mechanical equipment from the view of the public right-of-way and pedestrian walkways is required.
 2. Building facades shall have the appearance of brick.
 3. Building and roof colors shall be consistent with the City of Gainesville Advisory Color Guidelines on file with the Building Inspection Department and soft, earth tone colors shall be used for the building facade.
 4. Skirting is required and shall complement the building facade colors and be consistent with the City's Advisory Color Guidelines.
 5. Roofs and canopies shall be designed to provide building articulation.
 6. Utility connections on the ice manufacturing/vending machines shall be screened from the public right-of-way and from pedestrian walkways.
- E. Landscaping. Ice manufacturing/vending machines shall meet the requirements of **Article IX** of this code. In cases of Special Use Permits, additional landscaping may be required for visual shielding and aesthetic purposes.

- F. Signage. Ice manufacturing/vending machines less than 24 feet long shall have a maximum of 2 signs with the total square footage of both signs not exceeding 20 square feet. Ice manufacturing/vending machines greater than or equal to 24 feet shall have a maximum of 2 signs with the total square footage of both signs not exceeding 36 square feet. Sign permits are required.

Section 30-6.8. Mechanical equipment

For purposes of this section, mechanical equipment is defined as a heating, ventilation, or air conditioning unit placed outside of a building^[LD17] in addition to any utility-related equipment such as backflow preventers, pumps, meters, transformers and similar equipment required to be installed on a development site. Mechanical equipment shall be located so that noise and visual impacts upon abutting residential property are minimized.

^[LD18].

- A. Mechanical equipment shall not be permitted within any required building setback unless the utility company determines the setback to be the only possible location.
- B. Mechanical equipment shall not be located between the building and the street. On corner lots, the location of mechanical equipment along a secondary street may be permitted through the modification of standards process subject to the screening requirements stated below.
- C. Screening (by wall, fence or vegetative matter) that exceeds the height of the equipment shall be required if the equipment is visible from the street or adjacent properties. Certain equipment, such as, but not limited to rain barrels or cisterns, shall not require screening provided they are designed to blend with the building and are constructed with the same materials and colors.
- D. Roof-top mechanical equipment shall be enclosed by parapets or screen walls of the minimum height necessary to conceal it, and a maximum height of five (5) feet.
- E. Chiller plants and similar utility structures shall provide a 6-foot high wall to hide the structure from the public street and adjacent properties. A 6-foot wide landscaping strip planted with shrubs and trees shall be provided along the wall.

Section 30-6.9. Outdoor accessory display and storage^[LD19].

All principal uses shall be contained within completely enclosed buildings, except as otherwise specified in the name of the use (e.g. Outdoor recreation). Accessory display and/or storage outside of enclosed buildings may be allowed subject to the following conditions:

- A. Special use permit is required if the site is located in a residential, as defined in Chapter II, or in an MU-1 district.
- B. The applicant must show the outdoor storage/display area on a development plan.
- C. The proposal must be in accordance with the overall design and conditions of the development plan for the principal use.
- D. If the proposed outdoor display or storage is located within 20 feet of a public right-of-way, it shall be enclosed by a screening wall, fence or hedge that is not less than six feet in height, and such wall, fence or hedge shall be at least 50 percent opaque.
- E. The outdoor storage and/or display must be clearly incidental or accessory to the principal use of the property and shall be limited to not more than 25 percent of the total building size of the principal use.
- F. Shopping cart storage shall be located inside the building or shall be screened by a four (4) foot wall consistent with the building architecture and materials.

Section 30-6.10. Outdoor cafes.

- A. An outdoor cafe (defined in Article II) may be operated only in conjunction with a restaurant, or, if located within a T-6 zone, in conjunction with an alcoholic beverage establishment or restaurant.
- B. Every outdoor cafe shall be open to the weather and shall not interfere with the circulation of pedestrian or vehicular traffic on adjoining streets, alleys or sidewalks.
- C. When an outdoor cafe abuts a public sidewalk or street, the outdoor cafe shall provide a safety barrier along the public/private boundary. The barrier shall consist of plants, screens, or fencing. The barrier shall be architecturally consistent with the associated building and be at least three feet high. The barrier may deviate from these standards if approved by the appropriate reviewing board or city manager or designee, as required.
- D. Parking requirements shall be calculated based on the seating, to be consistent with the parking requirements for eating establishments, in accordance with this chapter.
- E. Outdoor cafes shall not be located in a side or rear yard when abutting any residential property.
- F. Noise, smoke, odor or other environmental nuisances shall be confined to the lot upon which the outdoor cafe is located.
- G. Development plan review shall be required for new outdoor cafes. The area for the outdoor cafe shall be shown on the development plan. The area must not be in conflict with required landscaped areas and development review shall determine appropriate modifications of existing landscaped areas. Stormwater management shall be required for pervious areas that become impervious for the cafe use.

[LD110].

- H. An outdoor café that extends, wholly or in part, onto public right-of-way shall be operated by the business owner of the principal use pursuant to a license agreement entered into with the city on the form provided by the city and approved by the city attorney as to form and legality. The city manager or designee is authorized to enter into such license agreements and to terminate any license agreement if it is determined by the city manager or designee that the licensee has violated the terms of the license agreement or this section or for such other reason as the city manager or designee deems necessary for the public health, safety or welfare. All license agreements are subject to the following minimum terms and conditions:
 - 1. The principal use and outdoor cafe shall remain in compliance with the requirements of this Code.
 - 2. The licensee shall maintain the portion of the right-of-way where the outdoor cafe is located in a clean and safe condition and shall promptly repair any damage caused by the licensee, its invitees, employees and others utilizing the outdoor cafe.
 - 3. The licensee shall release, indemnify and hold the city harmless for any personal injury or property damage resulting from the existence or operation of the outdoor cafe and the condition and maintenance of the right-of-way upon which it is located, including utilities located within the right-of-way.
 - 4. The licensee shall maintain general liability insurance in the amounts not less than \$500,000 combined single limit for bodily injury and property damage. The city shall be named as an additional insured, as evidenced by a policy endorsement. Policies must be issued by companies authorized to do business in the State of Florida and must be rated at least A- and have a size category rating of VI or higher as per Best's Key Rating Guide, latest edition. The licensee must give the city no less than 30 days written notice prior to any cancellation, nonrenewal, or any material change in a continuing policy. The city's risk management director is authorized to lower the amount of general liability insurance required, if the licensee can show that the above amount is excessive for the particular activity. The licensee shall furnish evidence of such insurance to the city annually.
 - 5. The outdoor cafe shall be at least 5 feet from the curblin of the street and from any fire hydrants.

6. A minimum 5-foot wide clear pedestrian path shall be maintained on the sidewalk at all times. However, where an outdoor cafe is adjacent to a lane of traffic with no on-street parking and located on an arterial street, a minimum 6-foot wide clear pedestrian path shall be maintained on the sidewalk at all times. The width of a required clear pedestrian path may be increased or decreased by the city manager or designee if deemed advisable for the public health, safety and welfare. However, in no event shall the clear pedestrian path be less than 3-feet in width.
7. An outdoor cafe that is operated by a restaurant, as defined in Article II, may include the area adjacent to the curblineline, when adjacent to on-street parking, provided there is sufficient sidewalk width to maintain a 5-foot wide clear pedestrian path.
8. An outdoor cafe that is operated by an alcoholic beverage establishment, as defined in Article II, shall be surrounded by an enclosure or barrier at least 3 feet in height, measured from the ground or sidewalk level. If the alcoholic beverage establishment is not open for business between the hours of 8:00 a.m. and 6:00 p.m., the enclosure or barrier shall not be permanently affixed to the sidewalk, unless otherwise required by a governmental permitting entity.
9. An outdoor cafe that is operated by a restaurant, as defined in Article II, shall not be required to have an enclosure or barrier, provided all chairs, tables, and related items are stored inside the building or are securely stored adjacent to the building when the restaurant is closed for business.
10. If enclosures or barriers are required or provided, they shall be designed to provide ADA-compliant access to the public right-of-way. Enclosures or barriers may consist of screens, planters, fencing or other material that surrounds the area in which the sidewalk cafe is operated. Unless otherwise specified in this section, provided that the principal use operates four out of seven days a week and is in operation by 6:00 p.m. each day it is open for business, such enclosure and other improvements may be permanently affixed to the sidewalk, provided they are removed, and the sidewalk repaired to its original condition, upon termination of the license or abandonment of the sidewalk cafe use. If at any time, parts or part of the enclosure are removed or missing to such an extent that the enclosure is no longer sufficient to meet the requirements of this section; the entire enclosure shall be removed.
11. No heating or cooking of food or open flames shall be allowed in the outdoor cafe, except as may be allowed by the Chief Fire Official.
12. Outdoor cafes shall not use or obstruct a sidewalk located within the vision triangle as defined in the Engineering Design and Construction Manual.
13. Each license agreement for an outdoor cafe shall be for a one year term and must be renewed annually and upon any change of business ownership of the principal use.

Section 30-6.11. Recreational, service and commercial vehicle parking and storage.

A. Recreational vehicles.

The following regulations apply to the use, parking, storage and keeping of recreational vehicles in all zoning districts:

1. Recreational vehicles may be used for living, sleeping or housekeeping purposes only in mobile home parks and those districts permitting camps and recreational vehicle parks, except that recreational vehicles may be used on a lot of record in a residential district in accordance with regulation of temporary mobile homes. Development plan approval is required for any development of a recreational vehicle park.
2. Parking of recreational vehicles is permitted only for the purpose of storing the vehicles in all districts, except as provided in **subsection 1** of this section. Such vehicle shall not:

- a. Be used for the storage of goods, materials or equipment other than those items considered to be part of the vehicle essential for its immediate use;
 - b. Discharge or discard any litter, effluent, sewage or other matter into any public right-of-way or upon any private property while parked and provided in this section;
 - c. Be occupied or used for living, sleeping or housekeeping purposes; or
 - d. Be stored on any vacant, unoccupied or unimproved lot.
3. No owner shall allow any recreational vehicle 18 feet or more in length to be parked on a public street longer than eight hours in any twenty-four-hour period.
 4. In all residential districts the following additional restrictions shall also apply to the parking, storing or keeping of recreational vehicles:
 - a. Parking is permitted inside any enclosed structure which complies with the dimensional requirements of the particular district.
 - b. Parking is permitted outside any structure in the side or rear yard, provided the vehicle is a minimum of two feet from the lot line.
 - c. Parking is permitted outside any structure in the front yard, provided:
 - i. Space is not available in the rear or side yard and no structure for storage is available or there is no access to either the side or rear yard.
 - ii. The vehicle must be parked perpendicular to the front property line. No part of the vehicle may extend over a public sidewalk, bike path or street.
 5. In all mixed use, business, office and industrial districts storage of such vehicles shall comply with requirements for outdoor storage.
- B. Public service vehicles.

Public service vehicles may be parked in non-residential districts for up to 9 hours in any thirty-day period. Public service vehicles may be parked in these districts for longer periods only when a permit is obtained. Application for this permit shall be submitted to the city manager or designee, who shall issue such permits upon satisfaction of the following conditions:

1. For up to 72 hours in any thirty-day period on other than a public right-of-way: With written consent of the owner of the property and acknowledgment that public service vehicle parking shall not occur within the required minimum setbacks for accessory structures in the zoning district.
2. For up to 72 hours in any thirty-day period in a public right-of-way:
 - a. No adjacent property abutting on the right-of-way may be zoned residential.
 - b. The permit must be approved by the police, public works and planning and development services departments, each of which shall approve the permit unless the proposed use shall be considered a hazard to the public health, safety or general welfare, taking into account the flow and control of traffic, parking availability, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses.
3. For up to 30 days within any ninety-day period on other than a public right-of-way:
 - a. Written consent of the owner of the property.
 - b. Compliance with all setback lines for accessory structures in the zoning district.
 - c. The lot must be a conforming one for both the zoning district and the existing use, if any.

- d. The proposed activity may not use or interfere with the use of more than five (5) percent of any parking spaces required as a minimum by any existing use on the property.
 - e. The permit must be approved by the police, public works and planning and development services departments, each of which shall approve the permit unless the proposed use shall be considered a hazard to the public health, safety or general welfare, taking into account the flow and control of traffic, parking availability, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly adjoining residential uses.
4. For all permits: No more than one valid permit for one public service vehicle shall be outstanding at any time for any location.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 9, 7-25-94; Ord. No. 031134, § 1, 8-9-04)

C. Other vehicles^[LDI11].

The following regulations shall apply to all residential zoning districts:

1. Parking for any vehicle is permitted inside any enclosed structure which complies with the dimensional requirements of the particular zoning district.
2. Parking shall not be allowed outside of an enclosed structure for any vehicle in excess of 10,000 pounds gross vehicle weight (manufacturer's capacity rating).
3. Any vehicle containing a vehicle sign, as defined in **article X**, shall be stored in either an enclosed building or a location which would shield view of such advertising from the street.

Section 30-6.12. Sale of agricultural products^[LDI12].

The sale of agricultural products and commodities which are raised exclusively on the premises, including retail roadside sales of such products and commodities, is permitted within the AGR zoning district only. A temporary structure may be erected within the required front yard setback for use in conjunction with such retail roadside sales, as long as it is not used for more than two months within any six-month period.

Section 30-6.13. Solid waste disposal facilities on non-residential sites^[LDI13]

- A. Solid waste disposal facilities (solid waste, recycling, and yard trash containers (except litter containers), and grease containers) must be located to the side or rear of the building and shall be concealed from view from the public street by a wall of up to 8 feet in height. The enclosing wall shall be finished and/or painted with the same material as is used on the building and shall be fitted with an opaque sliding or hinged door and working latch.
- B. On corner or double-frontage lots, the disposal facilities shall be accessed from the secondary frontage.

Section 30-6.14. Structured Parking.

Structured parking structures accessory to a principal use shall meet the same requirements for structured parking as a principal use (see **Sec. 30-6.53**).

Section 30-6.15. Reserved

Section 30-6.16. Reserved

Section 30-6.17. Reserved

Section 30-6.18. Reserved

Section 30-6.19. Reserved

DIVISION 2. TEMPORARY USES

Section 30-6.20. Construction office

A mobile home may be used as a temporary construction office incidental to the construction or development of the premises on which the mobile home is located. Such use shall only occur during the time that construction or development is actively underway.

Section 30-6.21. Emergency shelters^[LD114].

Use of buildings in non-residential zoning districts for temporary emergency shelters may be permitted by the city manager or designee, provided the following conditions and requirements are met:

- A. The city manager or designee finds that a temporary emergency exists due to manmade or natural causes which warrant the temporary use of buildings for shelter.
- B. Emergency shelter operation shall be limited to 14 consecutive days and a total of 90 days in a calendar year.
- C. Emergency shelters shall not allow more than one person per 30 square feet of net floor space.
- D. Pursuant to city codes and ordinances and approval of the appropriate departments, emergency shelters shall have adequate and safe wiring, running water, restrooms, emergency lighting, smoke detectors and emergency exits.
- E. Second and third floors of buildings shall not be used for emergency shelter purposes unless a protected means of egress is provided.
- F. If electric power is not initially provided to a building to be used for emergency shelter purposes, such power may be provided to the building pursuant to city codes and ordinances and approval of the appropriate department(s).

Section 30-6.22. Mobile home as temporary dwelling.

- A. Use as temporary dwelling. A special use permit must be obtained for one mobile home to be used as a temporary dwelling on a conforming lot of record provided that the following conditions and requirements are met:
 1. The lot and the mobile home are used exclusively by the lot owner as a dwelling unit, subject to all the principal building dimensional requirements and the restrictions in the district in which it is located, except minimum yard setbacks upon a showing of necessity.
 2. In reaching its decision, the reviewing board shall consider the following factors and standards:
 - a. Location of the mobile home on the parcel;
 - b. Location of existing utility hookups;
 - c. Impact on surrounding properties;

- d. Ingress and egress to the site;
 - e. Provision for the removal of the mobile home; and
 - f. Land assembly.
3. Such **special use permit** shall be valid only during the active construction of a permanent, conforming dwelling upon the same lot, and shall expire upon the issuance of a certificate of occupancy for the permanent dwelling. Such **special use permit** shall in no instance be valid for more than one year from the date of issuance, and shall not be extended by the approving board.

Section 30-6.23. Model homes.

The appropriate reviewing board or staff may, after design plat review, authorize a temporary permit for model home units in subdivisions, residential portions of planned developments, or mixed use developments, subject to the following provisions:

- A. Duration. Such temporary permits shall not exceed one year in duration, but shall be renewable annually for a total of four consecutive years. In considering renewal of a temporary permit, the appropriate reviewing board, upon investigation by the city manager, or designee, shall determine that the permit holder is operating in compliance with the provisions of this section and with any special conditions set by the appropriate reviewing board, and evaluate the impact of the model home units on the surrounding developing neighborhood. If the appropriate reviewing board determines that, due to increased noise, light, glare, activity or for a violation of any special condition placed upon the operation of model home units by the appropriate reviewing board, the model home units are having an undesirable impact on the neighborhood, the temporary permit shall not be renewed.
- B. Location. Any model home unit site issued a temporary permit shall be immediately identified by a sign affixed to the property prior to the sale of any abutting lot or dwelling unit to a person other than the operator of the model home unit. Such graphics shall be in accordance with the provisions of **subsection F** below and shall clearly identify the site as a model home unit.
- C. Number. The maximum number of model home units allowed in any one residential development, planned development and mixed use development is limited as follows:

Number of Approved Dwellings	Number of Model Home Units
1 to 50	3 units
51 or more	5% of approved dwelling units (rounded to the nearest whole number)

For purposes of this section, the number of approved dwelling units means the cumulative number of dwelling units approved at final development plan, subdivision or planned development review(s) for any one residential development or residential planned development. However, in detached single-family dwellings the number of allowable model home units shall not exceed the number necessary to provide one example of each dwelling unit type offered in the residential development or residential planned development. Reversed floor plans and exterior facade variations will not be considered a separate dwelling unit type.

- D. Use as office. Although residential sales and presentations may be undertaken at a model home unit, the operator of the model home unit shall have a primary office in a properly zoned area and not in a residential development or the residential section of a planned development. A primary office is defined as a relatively fixed place of business where the activities of the operator of the model home unit are administered, including sales, or managed and informational data on employees, payroll, receipts and other establishment-type records

are maintained. A model home unit shall not operate or function as a construction office. The model home shall be used primarily for demonstrating the type of units offered in the subdivision.

- E. Parking. Permanent, hard-surface parking shall not exceed that normally provided for other residential structures of the same type in the same residential development or residential planned development. The location and use of any temporary parking shall comply with all requirements of the approved development plan for the residential development or residential planned development. The development plan shall clearly indicate the type of allowable pervious material which shall be capable of supporting parking activities.
- F. Temporary signs. All signs shall comply with provisions of **Article IX**.
- G. Amendments. If a model home unit is included in the development plan of an approved residential development, planned development or mixed use development, any amendments or modifications to the model home unit shall be processed in the same manner as an amendment to an approved final development plan.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 10, 7-25-94; Ord. No. 4075, § 10, 5-8-95)

[LD115]

Section 30-6.24. Promotional/temporary sales[LD116].

Outdoor storage or display of goods and commodities not contained within completely enclosed buildings is prohibited, except that the city manager may issue a permit for the sale of certain goods and commodities which are strictly of a temporary nature, other than for farmers markets, provided the following conditions and requirements are met:

- A. Such sales shall not be permitted on public rights-of-way; provided, however, that in areas zoned CCD such sales and displays may be permitted on sidewalks only; and provided, further, that parades and art shows may be permitted on public rights-of-way under such conditions as are otherwise provided by ordinances and policies of the city commission.
- B. The sales period for seasonal or temporary goods, such as Christmas trees, shall not exceed 30 days; promotional sales such as characterized by the so-called "midnight madness," "truck sale," "tent sale" or "sidewalk sale" shall not exceed 72 hours; and special event sales such as may be permitted in conjunction with a parade, festival or other such event shall not exceed the specified period approved for such event. No more than one permit per applicant per location shall be issued in any given six-month period for seasonal type sales, and no more than one special use permit per applicant per location shall be issued in any given 60-day period of time for promotional type sales.
- C. Application for a permit under the provisions herein shall be examined and approved by the appropriate departments of the city to ensure protection of the public health, safety and general welfare. In addition to normal concerns of each such department, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential.
- D. When, in the opinion of the city manager, it is deemed necessary, the applicant may be required to post a bond or otherwise provide adequate assurance that the site of the selling activity will be returned to its original or an improved state when the selling activity has ceased.

Section 30-6.25. Sales and leasing offices[LD117].

Temporary sales and leasing offices for residential developments are allowed under permit in any zoning district. In addition to applicable zoning district and use regulations, a temporary sales and leasing office must comply with the following standards:

- A. Conditions for obtaining a permit. A permit shall be issued by the appropriate reviewing board or by staff after development plan approval. If a temporary sales and licensing office is to be used, the development plan must meet the following conditions in addition to the other requirements for development plan approval:
1. The development plan shall indicate the location of the temporary sales and leasing office.
 2. The temporary sales and leasing office must be located in an area approved for impervious area by the development plan for the project.
 3. The temporary sales and leasing office shall be fenced off from the remainder of the site where general construction is in progress. The petitioner may propose other design measures to prevent customers from moving into the construction area.
 4. The number and location of parking spaces proposed for the temporary use shall be designed so as to avoid backing or stacking of vehicles into the right-of-way.
 5. No ground-mounted sign other than the allowable temporary development sign for the main project shall be allowed. However, the temporary use may have one sign not to exceed six (6) square feet directing customers to the sales and leasing office.
 6. The temporary sales and leasing office must meet all state requirements and be approved by the building division.
- B. General conditions. The following conditions shall apply to a temporary sales and leasing office:
1. A building permit for the temporary sales and leasing office must be obtained from the building division prior to the office being erected.
 2. The following conditions must be met prior to obtaining the building permit for the temporary sales and leasing office:
 - a. The temporary sales and leasing office must obtain development approval in accordance with **Article IV**.
 - b. A valid building permit must be issued for the main project.
 3. The temporary sales and leasing office use may only be conducted on a site that has an approved development plan with an active building permit for construction of the main project being marketed under the temporary sales and leasing permit.
 4. The office may not be used to lease or sell off-site properties.
 5. The office may be used for a period of 12 months or until a certificate of occupancy is issued for 25 percent or more of the approved units or until a certificate of occupancy is issued for a permanent on-site management office, whichever occurs first.
 6. Once any of the conditions in **subsection 5** have been met, no additional permits or certificates of occupancy will be issued until the temporary leasing and sales office is removed from the site.
 7. Neither the sales and leasing office nor the surrounding area where customers are permitted may be used for storage of building materials or building supplies.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 951276, § 1, 5-28-96)

Section 30-6.26. Sales for fundraising by nonprofit agencies.

- A. The intent of this section is to permit the sale of goods, which may include the use of a building or parcel of land for such sales, by nonprofit institutions such as places of religious assembly, schools and fraternal societies, where such sales are clearly incidental to the primary function of such institution and where such a sale is conducted with or as a special event and for a specified time period.

B. To qualify for permission to conduct such sales an applicant shall secure a permit from the city manager's designee. Approval of such a permit shall be based upon a consideration of the location, which may be in any zoning district, the type of goods to be sold, and the manner of sale, which shall have been examined and approved by the various departments of the city, particularly police, fire and traffic engineering, to ensure protection of the public health, safety and general welfare. In granting their approval such departments may suggest such conditions of approval as would be in keeping with their individual responsibilities and the general spirit and purpose of this section, and may recommend that approval of such permit be denied where conditions warrant. In the event of disapproval of a requested permit, the applicant may appeal directly to the city commission for final disposition.

C. A permit issued under the provisions of this section shall be effective for a period not to exceed 30 days.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 12, 7-25-94)

Cross reference— Noncommercial solicitation, § 19-51 et seq.

Section 30-6.27. Reserved

Section 30-6.28. Reserved

Section 30-6.29. Reserved

DIVISION 3. STANDARDS FOR SPECIFIC USES

Section 30-6.30. Applicability.

A. The requirements of this article shall be applicable to each specific use identified herein, regardless of the zoning district in which the use is located, regardless of whether the use is permitted as of right or by special use permit, and regardless of any less restrictive requirements generally applicable to the district in which the use is located. However, when any particular requirement or limitation generally applicable in any zoning district, or when any requirement or limitation imposed by the **approving board** as a condition of a special use permit approval **or variance**, is additional to or more restrictive than the requirements and limitations contained in this article, the additional and more restrictive requirements or limitations shall apply.

B. In any district where a use is permitted as a special use permit and the dimensional requirements for such use are not specified, any dimensional limitation shall be as required by the **plan board**. Such dimensional limitations shall be established in consideration of the general requirements for the particular zoning district and the general limitations on uses permitted by special use permit, but in no event shall they be less restrictive than any particular dimensional limitation specified in this article.

C. Development plan approval, in accordance with the requirements of **Article IV**, is required prior to the issuance of a building permit for any of the uses regulated in this section.

(Ord. No. 3777, § 1, 6-10-92)

Section 30-6.31. Adult day care homes.

A. ^[LD118]The total number of natural persons who are cared for or supervised shall not exceed five (5) persons at any one time. In no event shall more than eight (8) natural persons be permitted at the home at any one time. Such use shall not include nursing and personal care facilities, rehabilitation centers, social service homes or halfway houses, or other similar activities or facilities which are not customarily incidental to residential use.

B. There shall be no alteration or change to the outside appearance or character of the dwelling unit for which the permit is issued.

- C. No more than two (2) adult day care homes per block face shall be permitted.
- D. The use shall be conducted in conformance with all applicable county, state and federal laws.

(Ord. No. 3777, § 1, 6-10-92)

Section 30-6.32. Agricultural, forestry and fishing uses [LD119]

- A. Any hog raising operation shall be located at least 200 feet from any lot line.
- B. Buildings for commercial poultry raising shall be located at least 200 feet from any lot line.
- C. Dog kennels, including any open pens, runs or cages, shall be located at least 200 feet from any lot line.
- D. Stables shall be located at least 200 feet from any lot line.

Section 30-6.33. Alcoholic beverage establishments.

- A. Spacing.
 - 1. No alcoholic beverage establishment may be located within three hundred (300) linear feet of an established place of religious assembly, which distance shall be measured by extending a straight line from the main entrance of the alcoholic beverage establishment to the main entrance of the place of religious assembly. This spacing requirement shall not apply in the T-6 transect zone.
 - 2. No alcoholic beverage establishment may be located within four hundred (400) linear feet of any public or private school, duly accredited and offering any grades from kindergarten through the twelfth grade, which distance shall be measured by a straight line from the main entrance of the alcoholic beverage establishment to the nearest part of the school grounds normally and regularly used in connection with such school program. This spacing requirement shall not apply in the T-6 transect zone.
- B. Development plan approval. Development plan approval shall be required prior to the issuance of a development order for any or all of the following:
 - 1. The construction of any new alcoholic beverage establishment;
 - 2. The construction of any new parking spaces required or provided for the building or structure in which an existing or proposed alcoholic beverage establishment is located;
 - 3. The expansion of the gross floor area of a building or structure in which an existing or proposed alcoholic beverage establishment is located;
 - 4. The alteration or enlargement of a building envelope or alteration of the site configuration of a building or structure in which an existing or proposed alcoholic beverage establishment is located; and
 - 5. The construction of a pedestrian or vehicular pickup window or menu board for an existing or proposed alcoholic beverage establishment.
- C. Additional regulations.
 - 1. No entrance or exit, except as provided below, connected to any portion of a building normally utilized by patrons of an alcoholic beverage establishment by a continuous and unobstructed path of travel, shall be located within:
 - a. One hundred (100) linear feet of the district boundary line of a residential zoning district
 - b. One hundred (100) linear feet of the lot line of a lot located in T-3R transect zone which lot has a building(s) located thereon which contains one (1) or more dwelling units. Emergency exits may be located within the one-hundred-linear-foot distance requirement described above provided that such exits are controlled by a door equipped with panic hardware, and designed so as to prevent their

utilization as an entrance. For purposes of the distance requirements provided in this **section**, the measurement shall be made by extending a straight line from the district boundary or lot line in question to any entrance or exit. If the building housing the alcoholic beverage establishment lies within the path of the straight line, then the shortest distance between the door and the boundary or lot line (including the length of the intervening exterior walls of the building) shall be utilized to calculate the distance requirements.

2. Landscape buffer requirements for incompatible land uses. There shall be a landscape buffer in accordance with the specifications provided in **Article IX, Division 2** along the entire common boundary of the lot upon which the alcoholic beverage establishment is located and:
 - a. The district boundary line of any residential zoning district.
 - b. The lot line of a lot located in a T-3R transect zone which lot has a building located thereon which contains one (1) or more dwelling units.
 - c. Special use permit. In addition to all of the above specific requirements, **the plan board** shall consider the factors and standards for special use permits stated in **Article IV** and may prescribe appropriate conditions and safeguards as stated in **Article IV**. In granting a special use permit for an alcoholic beverage establishment, the **plan board** shall consider the factors and standards usual to all special use permits, including the effect of the following factors on surrounding properties, particularly on surrounding properties located in residential districts or districts which contain dwelling units:
 - i. Noise generated by the proposed establishment, considering placement of doors, windows and open spaces and any plans for music or entertainment;
 - ii. Amount of traffic generation and the pattern of its dispersal from the site, considering likely impacts on residential areas or conflicts with other uses; and
 - iii. Hours of activity.
3. Microbreweries are allowed in conjunction with alcoholic beverage establishments as long as they are clearly incidental to the principal use.

(Ord. No. 3777, § 1, 6-10-92)

Section 30-6.34. Assembly or packaging^[LD120].

Assembly and packaging plants must meet the following standards:

- A. The activity shall be conducted entirely within completely enclosed structures.
- B. Outdoor storage shall be prohibited.
- C. Truck traffic shall be limited to that normal to commercial activities such as grocery stores, loading docks.
- D. Mechanical equipment must be screened, and sound attenuation must be provided to any adjacent residential area or area in actual residential use.
- E. No access to any residential street shall be allowed.
- F. Developments shall meet the buffers required for industrial uses.
- G. Storage of hazardous materials must be in accordance with the county hazardous materials management code.

Section 30-6.35. Automotive services, limited.

Limited automotive services are discouraged within the Form-Based Code area. However, if the use is designed to meet the standards of the form-based code they are allowed as listed in **Section 30-5.16**. In all other districts, limited automotive service developments shall meet the following standards.

- A. All principal and accessory structures shall meet the dimensional standards for the district where the use is located.
- B. In all districts, except Industrial, service bay doors must not face the street. The entrance to each service bay shall be located to the rear of the site. In Industrial districts, service bay doors shall not face property in a residential district or other existing, conforming residential use. Service doors and shall not exceed fourteen (14) feet in width.
- C. All installation, sales and services must be conducted within a completely enclosed building, except as described in [subsection D](#) below.
- D. Services and repairs may be conducted outside of an enclosed building only on property in [a BUS, MU-1 or MU-2](#) district and with the following conditions:
1. The unenclosed work space must be over 100 feet from any land designated for residential use, or developed for residential use on property designated for mixed use or office on the future land use map. Any unenclosed work space shall be separated from an abutting residential use by a continuous non-residential building, solid masonry wall, or berm that attenuates the noise of the work space. If the work space is within 200 feet of land designated for residential use or developed for residential use, staff or the appropriate reviewing board may require the applicant to submit a report addressing noise attenuation and ambient noise levels in order to make a finding as to the adequacy of proposed attenuation measures. The report shall be prepared by a licensed engineer or architect competent in acoustics. The distance and attenuation requirements may be reduced by the appropriate reviewing board if a study of the ambient noise level indicates that continuous and impulse noise generated by the proposed use will be masked by the ambient noise level.
 2. Any unenclosed work space must, at a minimum, be screened by a garden wall or berm from direct view from any land designated for residential use on the future land use map that is within 200 feet of the property line. The wall or berm shall be in accordance with [section 30-5.18.C](#). Landscape materials meeting buffer requirements of [section 30-9.5](#) shall be placed along the outside of the screen wall. The screen wall shall be of solid construction, maintained in good repair at all times and shall not obstruct the vision triangle.
 3. At a minimum, each limited automotive service establishment shall provide completely enclosed space for office activity and restrooms in accordance with the building code and each unenclosed work space shall have a paved surface, maintained in good condition for the protection of groundwater.
 4. All proposed unenclosed work spaces shall be reviewed in accordance with [article IV](#) of this code and shall be physically delineated on the site. The development plan shall indicate the dimensions of the unenclosed work space and shall meet all other requirements of [Article IV](#). Unenclosed work spaces shall not eliminate required landscaping, parking, vehicle circulation area or stormwater management facilities, except as can be relocated elsewhere on the site in accordance with a development plan amendment. The number and width of existing driveways shall be reviewed. The addition of unenclosed work spaces may require existing driveways to be closed or narrowed to assure safe, efficient on-site circulation and to meet the objectives of access management, per [article VII](#).
 5. All lifts, tools or repair facilities must be located in the principal structure or completely within the designated unenclosed work space.
 6. Only low impact air guns may be used in an unenclosed work area located within 200 feet of any land designated for residential use on the future land use map.
 7. Outdoor accessory display and storage shall be in accordance with [section 30-6.9](#).

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 950709, § 2, 1-22-96)

Cross reference — Traffic and motor vehicles, Ch. 26.

Section 30-6.36. Bed and breakfast establishments.

The following standards shall apply to all bed and breakfast establishments:

- A. The owner or manager must live on the premises.
- B. Separate toilet and bathing facilities for the exclusive use of guests must be provided.
- C. Rentals shall be on a daily basis. The maximum stay for an individual guest shall be thirty (30) days in a twelve-month period.
- D. Cooking facilities shall be approved by the county health department. Cooking shall be for overnight guests and residents only. No cooking facilities shall be allowed in guest bedrooms.
- E. Neither hired receptions nor parties shall be permitted in bed and breakfast establishments located in residential zoning districts.
- F. Bed and breakfast establishments must comply with appropriate health permits, building and fire codes, and business licenses, including but not limited to a license from the division of hotels and restaurants applicable to such use.
- G. In addition to the parking required for the residence, one (1) parking space shall be provided for each guestroom. The plan board may vary the parking requirement for those properties listed on the local register of historic places based on site constraints, including but not limited to small yards, inadequate space for parking, and the availability of on-street parking.
- H. Signs must be approved by appropriate city staff in conformance with standards of **Article X** of this chapter. In all residential and office-residential districts permanent signs for bed and breakfast establishments shall comply with **subsection 30-318(4)b**. Any sign for a bed and breakfast located in a local historic district or listed on the local register of historic places must also be approved by the historic preservation board in accordance with the preservation design guidelines.
- I. The maximum number of rooms for guests shall be as follows:

Building Size (Gross Floor Area)	Maximum Guestrooms
Less than 1,200 sq. ft.	1
1,200—1,800 sq. ft.	2
1,801—2,400 sq. ft.	3
2,401—3,000 sq. ft.	4
3,001—3,600 sq. ft.	5
Over 3,600 sq. ft.	6

(Ord. No. 3777, § 1, 6-10-92)

Section 30-6.37. Carwash, automated or self-service.

All principal and accessory structures used for carwash service shall be located and constructed in accordance with the following requirements:

- A. When the use is located in an accessory structure, the structure shall not exceed 25 feet in height.
- B. All bay openings shall be oriented away from any property in a residential district (including MH, mobile home residential district) or other existing, conforming residential use.

- C. All outdoor lighting shall be oriented away from any property in a residential district (including MH, mobile home residential district) or other existing conforming residential use.
 - D. All uses must comply with the requirements of **article IX** for buffering incompatible uses.
- (Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 6, 7-25-94)

Section 30-6.38. Community residential homes [LDI21].

In addition to the state licensing requirements, all community residential homes shall meet the following standards:

- A. Distance requirements. The following separation distances shall be required between community residential homes:

Number of Residents	Type of Facility				
	Community Residential Homes (1 to 6)*	Community Residential Homes (7 to 14)*	Community Residential Homes (Over 14)**	Social Service Homes and Halfway Houses**	Residence for Destitute**
1 to 6	1,000'	1,000'	1,000'	N/A	N/A
7 to 14	1,000'	1,200'	1,200'	N/A	N/A
Over 14	1,000'	1,200'	1,320'	1,320'	1,320'

*All distances are measured between principal structures.

**Measured from the nearest property line of the existing facility to the nearest property line of proposed facility.

- B. Dimensional requirements. All principal and accessory structures shall be located and constructed in accordance with the dimensional requirements of the district for residential use, except that community residential homes with more than fourteen (14) residents shall comply with the following:
 1. Minimum lot area: Ten thousand (10,000) square feet plus one thousand (1,000) square feet for each client in excess of fourteen (14).
 2. Minimum yard setbacks:
 - a. Front: Twenty-five (25) feet.
 - b. Rear: Twenty-five (25) feet.
 - c. Side, street: Ten (10) feet.
 - d. Side, interior: Twenty (20) feet, but the setback may be reduced to ten (10) feet where a wall, fence or berm is erected in accordance with the landscape ordinance; however, where district requirements are more stringent, those requirements apply.
- C. Buffers. Community residential homes with more than fourteen (14) residents shall comply with the **buffer requirements of offices, schools and places of religious assembly in accordance with landscape and tree management, Division 2 of Article IX.**
- D. Development plan. The development plan shall show that the site will be developed in a manner that is architecturally and visually compatible with the area in which the project is located. Existing development on surrounding properties shall be considered in determining the height and placement of structures, the placement of parking and recreational areas, landscape design and other elements of site design.
- E. Nonconforming facilities. A community residential home licensed by the state and lawfully existing on the date of adoption or amendment of this chapter which either (i) houses more than the number of persons permitted under the provisions of this chapter, or (ii) is not a permitted use in the district where it is located; or (iii) does not otherwise comply with the provisions of this chapter, is hereby designated as a nonconforming use, and shall be governed by the provisions of **Article III, Division 2.**

- F. Residents. Residents of community residential homes shall be limited to those classes of persons included in **F.S. § 419.001(1)(e)**.
- G. Other laws. The owners and/or operators of any community residential home shall comply with all state laws, local ordinances, and regulations of the state, and any government or agency having jurisdiction over the location and/or operation of such home, as a condition precedent to the issuance and continued validity of any administrative permit or special use permit authorized by this chapter.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 031012, § 2, 7-12-04)

Section 30-6.39. Day care centers.

Day care centers shall comply with the state and county requirements and the following standards:

- A. Fencing. There shall be a fence or wall six (6) feet in height surrounding all play areas. Such fence or wall shall be continuous, with latching gates at exit and entrance points. The fence or wall shall be of masonry construction, chain link, wrought iron or wood.
- B. Minimum outdoor play area. Requirements of the county for minimum outdoor play area shall be met. Such play area shall be provided on the same lot as the principal building, or on an adjacent lot, and shall not be located in the front yard of the principal building.
- C. Minimum indoor play area. Indoor play area shall be provided within the principal structure and shall have direct access to the outdoor play area. Requirements of the county for minimum indoor play area shall be met.
- D. Loading area. There shall be provided a turnaround driveway or other vehicular area for the safe loading/unloading of passengers. The walking distance from the loading/unloading area to the main building entrance shall be minimized, and a paved pedestrian path that is at least five feet wide and includes marked crosswalks shall be provided between the loading/unloading area and the main entrance. If located in the Form-Based Code area, the loading area shall be located in the rear of the building.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 031012, § 1, 7-12-04)

Section 30-6.40. Drive-through facilities.

- A. Standards for drive-through facilities. Queuing spaces shall be provided for drive-through windows and order stations in compliance with the following minimum specifications:
1. Queuing spaces for service windows, receiving windows, drive-up or drive-through windows or order stations, as well as by-pass lanes shall be required. The number of spaces required will **be based on a determination by the city's public works department** as to whether the use served by the drive-through facility will generate a high volume or low volume of vehicle use. The city public works department reserves the right to increase or decrease the number of queuing spaces. The city public works department shall consider the nature of the use, its intensity, size, other parking facilities provided and other traffic generating characteristics.
 2. Length and width of spaces, surface requirements and separation between drive-through facilities and required parking areas shall be in accordance with **specifications adopted by the city commission by resolution** and on file in the office of the city traffic engineering department.
 3. There shall be no back-up of traffic onto adjacent roadways.
- B. Drive-through facilities allowed by right. New drive-through facilities or the expansion of existing facilities proposed in conjunction with any use shall be approved by right if they meet the following standards.
1. **The principal use associated with the proposed drive-through facility is permitted by right.**
 2. **The proposed use is outside the form-based code area.**

3. The proposed facility meets the standards of subsection A (above).
4. The drive-through facility is within a shopping center or mixed-use center. For the purpose of this section, mixed-use centers shall be defined as developments regulated by a unified development plan consisting of three (3) or more acres, having a minimum of 25,000 square feet of gross floor area, and providing centralized motorized vehicle access and a mix of at least three (3) uses, which may include residential or non-residential uses in any combination. Mixed-use centers may include Planned Developments that meet the criteria listed in this subsection.
5. No direct access from the street to the drive-through lane shall be allowed. Access to the drive-through shall be through the shopping center or mixed-use center parking area.
6. The site plan includes appropriate pedestrian, bicycle and transit features that facilitate and encourage convenience, safety, and non-motorized use of the site.

Drive-through facilities meeting the criteria shown in this policy shall also receive an internal capture trip credit and credit for pass-by trips.

- C. Drive-through facilities requiring Special Use Permit. New drive-through facilities or the expansion of existing facilities that do not meet the criteria of subsection B, above, shall require Special Use Permit review. The following standards shall also apply:

1. The standards of subsection A, above, shall be met.
2. There shall be a minimum distance of 400 feet between the driveways of sites with free-standing drive-through facilities on roadways operating at 85 percent or more of capacity. Roadway capacity shall be measured using the latest version of Art-Plan or a method deemed acceptable by the Technical Advisory Committee Subcommittee of the Metropolitan Transportation Planning Organization. Available capacity shall include consideration of reserved trips for previously approved developments and the impacts of the proposed development. The 400 foot distance requirement shall not apply if any of the following criteria are met:
 - a. Joint driveway access or common access is provided between the sites with free-standing drive-through facilities.
 - b. Cross access is provided with an adjoining property.
 - c. A public or private road intervenes between the two sites.
 - d. The development provides a functional design of such high quality that the pedestrian/sidewalk system and on-site/off-site vehicular circulation are not compromised by the drive-through facility. This determination shall be made as part of the Special Use Permit and development plan review process and shall be based on staff and/or board review and approval.

There shall be no credit for pass-by trips in association with the drive-through facility.

- D. Special Use Permit review criteria. In addition to the review criteria set in Article IV for Special Use Permits, the following review criteria shall be considered when reviewing applications for drive-through facilities [LD122]:
- a. Pedestrian and bicycle safety and convenience shall be maximized to the extent feasible.
 - b. The visibility of the drive-through window(s) and lanes from the street shall be minimized.
 - c. The number of access points to roadways shall be minimized.
 - d. Ingress/egress shall be designed to minimize the impact on the roadway and non-motorized traffic.
 - e. Internal pedestrian access and safety shall be designed to minimize conflicts with the location of the drive-through lane(s).

- E. Drive-through facilities in a transect zone. Establishments that include drive-through facilities are auto-oriented uses and, therefore, discouraged within the transect zones. However, if the drive-through facility is designed to meet all the standards of the form-based code (without modifications of standards) and the following provisions, the facility is allowed to locate within the appropriate transect zone as listed in **Section 30-5.16**:
 1. Building form and function standards shall be met. If the use cannot be accommodated within those parameters, then the use is not appropriate for the area.
 2. If located within a T-5 or T-6 transect zone, the placement of drive through lanes and windows shall be integrated into the building itself, and shall not be visible from a **storefront** or principal street (**defined in Section 30-5.18.A**).
 3. There shall be no more than one drive-through lane/window per establishment.

Figure VI-1: Drive-through integrated into a building



Section 30-6.41. Family child care homes, large

In addition to compliance with all state and county requirements, large family child care homes, as defined in Article II, shall meet the following conditions:

- A. Spacing. Large family child care homes shall not be located closer than 1,000 feet from any other large family child care home.
- B. Primary residence on site. The residence containing the large family child care home shall be the occupied and the primary residence of the operator.
- C. Absence of code violations. There shall be no active code violations associated with the site or any structures on the site.
- D. Location of outdoor play areas. All outdoor play areas shall be located between the primary structure and the rear property line.
- E. Paved driveways. All driveways shall be paved.
- F. Staff approval of a plot plan. The operator shall submit for approval a plot plan showing all structures, dimensions, distances, driveways, play areas, parking areas, and other similar relevant information. The plan shall show that the existing paved driveway is used and not a new or altered driveway.
- G. Sign prohibition. Notwithstanding any other provision in this Code, there shall be no signage on the site.

(Ord. No. 041268, § 9, 8-22-05)

Section 30-6.42. Farmers markets.

- A. Permit. The city manager or designee is authorized to issue a revocable permit to allow the operation of a farmers market on public or private property for one year at a maximum of two days a week.
1. Requirements. The applicant for the permit must provide a scaled plan of the proposed site showing the location of any tents in relation to rights-of-way, sidewalks, businesses, entryways to businesses, and any other features that affect accessibility to the site. The plan shall show any tables, display areas, or other equipment that will not be under tents. Tents and other structures or objects associated with the farmers market, such as chairs, tables, or displays, must be located a minimum of five feet from the curb and so positioned as to not obstruct pedestrian passage on any sidewalk. They shall not be positioned within five feet of any crosswalk or fire hydrant or block ingress or egress from any building entrance or emergency exit. They shall be a minimum of 25 feet from any intersection.
 2. Grant or denial. The city manager or designee shall review the documentation provided by the applicant and shall grant or deny the permit within ten days of receiving a completed application. The permit shall be denied if the location and accessibility to the site pose a public safety concern or if the applicant fails to file a complete application and documentation.
 3. Revocation. In the event a permit holder has been found to be in violation of any of the regulations of this section, or of any other city, county, state or federal regulations concerning the operation of the farmers market, including, but not limited to, state or local health requirements, the city manager or designee may, after notice and opportunity for a hearing, revoke the permit. No applicant who has had a permit revoked shall be able to get another permit for one year after the revocation date.
- B. Additional requirements.
1. Tents. A tent permit must be obtained from the building official prior to the tent being constructed. A new tent permit must be obtained each year at the time of application for a farmers market permit. Any tent located on public property must be taken down, and the area cleaned, each night, even if sales will occur the next day.
 2. Amplified sound. The farmers market must comply with the provisions of chapter 15 concerning prohibited noise and procuring special permits for noise.
 3. Signs. The farmers market must meet the sign requirements established for special events or sales set forth in **Article X** of this Code. Individual tents may have temporary banners, provided the banners extend no wider than the tent and are high enough to allow adequate clearance for people to pass under.
 4. Bond. The city manager or designee shall require the operator of the farmers market to provide a bond for cleanup of the sales area for any farmers market located on public property. The amount of the bond will be determined by the square footage of area used by the market.
 5. Non-members. Sales by individuals who are not members of the farmers market group are considered "peddling" and not permitted under this section.

(Ord. No. 970449, § 4, 5-11-98)

Section 30-6.43. Food distribution centers for the needy.

Except as provided as an accessory use to places of religious assembly, food distribution centers for the needy shall be regulated as follows:

- A. Meals served. All meals served shall be limited to a consecutive three-hour period within a 24-hour day between the hours of 8:30 a.m. and 7:00 p.m. This limitation does not apply to meals served to the residents and staff of a facility that is jointly licensed and operated as a residence for destitute people and a food distribution center for the needy.

- B. Prohibited area. There shall be no food distribution center for the needy located in the following area, also shown on the map maintained in the department of community development.

An area of land surrounding the University of Florida being a 2000 foot buffer and being more particularly described as follows:

Commence at the centerline of Hogtown Creek and the existing city limits line which is located in the southwest one-quarter (SW ¼) of Section 2, Township 10 South, Range 19 East, as the Point-of-Beginning; thence run North along the centerline of said creek (being also the centerline of a City of Gainesville drainage right-of-way) to the centerline of State Road No. 26-A (a/k/a Newberry Road or S.W. 2nd Avenue); thence run East to the southerly extension of the centerline of S.W. 30th Street; thence run North to the centerline of State Road No. 26 (a/k/a West University Avenue); thence run East to a southerly extension of the centerline of N.W. 28th Terrace, thence run North to a Drainage and Public Utilities easement located between Lots 28 and 29 of the Black Pines Subdivision; thence run East to the centerline of N.W. 27th Terrace; thence run North and Easterly to the centerline of N.W. 4th Place; thence run East to a southerly extension of the East line of lot 58 of Hibiscus Park; thence run North to the north line of said subdivision; thence run East along said north line and the north line of the Annis Terrace and Palm Terrace Subdivisions to the west line of the Elizabeth Place Subdivision; thence run North along said west line, to the north line of Lot 4 of said subdivision; thence run East along said north line to the centerline of N.W. 23rd Street; thence run North to a westerly extension of the northernmost line of said subdivision; thence run East to its intersection with the centerline of N.W. 7th Avenue; thence run East to the centerline of N.W. 22nd Street; thence run North to the centerline of N.W. 7th Lane; thence run East to the centerline of N.W. 19th Street; thence run South to the centerline of N.W. 7th Avenue; thence run East to the centerline of N.W. 10th Street; thence run South to the centerline of N.W. 5th Avenue; thence run East to the centerline of N.W. 9th Street; thence run South to the centerline of N.W. 4th Avenue; thence run East to the centerline of N.W. 8th Street; thence run South to the centerline of S.W. 2nd Avenue; thence run East to the centerline of S.W. 7th Terrace; thence run South, Southwesterly and Westerly to the centerline of S.W. 8th Street; thence run South to the centerline of Depot Avenue; thence run Southwesterly to a northerly extension of the centerline of S.W. 11th Street; thence run South to the centerline of that closed right-of-way lying between Lots 35 and 36 of Audobon Park Subdivision; thence run South to the centerline of Tumblin Creek; thence run Easterly to the east line of that area known as Oakbrook Walk Phase III; thence run South to a point on the north right-of-way line of S.W. 10th Terrace; thence run East to the centerline of said right-of-way; thence run South to the centerline of S.W. 16th Avenue; thence run West to a northerly extension of the west line of a Public Utilities easement as recorded in Official Record Book 480, page 347 of the Public Records of Alachua County, Florida; thence run South to the west line of the Kirkwood West Subdivision; thence run South along said west line to a point of intersection with a northern line of Lot 16 of said Subdivision; thence run West to the east line of the Casa Loma Unit I Subdivision; thence run North to the north line of said Subdivision; thence run West to the centerline of U.S. Highway No. 441 (a/k/a State Road No. 25 or S.W. 13th Street); thence run North to an easterly extension of the centerline of S.W. 18th Place; thence run West to a southerly extension of the centerline of S.W. 14th Street; thence run North to the centerline of S.W. 16th Avenue; thence run Southwesterly to the existing city limits line (being on the west line of the Southeast one-quarter (SE ¼) of Section 7, Township 10 South, Range 20 East); being the Point-of-Ending. All lying and being in the City of Gainesville, Florida.

(Ord. No. 3839, 3-1-93)

- C. Distance requirements. The distance between any food distribution center for the needy and any other food distribution center for the needy or residence for destitute people, or facility combining both uses, shall be 2,000 feet. The distance between any food distribution center for the needy and any social service home, halfway house or rehabilitation center shall be 1,320 feet. All distance measurements shall be from the nearest property line of any existing facility to the nearest property line of the proposed facility.

- D. Saturation. No more than two food distribution centers for the needy or residences for destitute people may be located within a two-mile radius.
- E. Signage. Food distribution centers for the needy shall be limited to two wall-mounted, nonilluminated signs displaying the name of the facility, hours of operation and other functional information and directions. No more than one sign shall be displayed on any building face, nor shall the combined sign area for two signs exceed 30 square feet.
- F. Bufferstrip. A food distribution center for the needy shall provide a buffer equal to that of a commercial use, in accordance with **article IX** of this chapter, when adjacent to any property designated for residential use on the Future Land Use Map.
- G. Management program. Any applicant for a special use permit shall file with the city manager a management program addressing hours of operation, personnel, client code of conduct, location of on-site waiting areas, management of solid waste and litter, lighting, and identification of a responsible person, as more specifically provided below. The name, address and telephone number of the person responsible for the facility shall be kept up to date, and submitted with the management program.
1. Hours of operation. The application for a special use permit must provide the hours of operations clearly indicating the three-hour timeframe for meal service. The meal service may only occur between the hours of 8:30 a.m. and 7:00 p.m. The hours shall be posted and clearly visible to the public.
 2. Personnel. The application shall indicate the minimum number of staff persons, including volunteers, that will be supervising the meal service and the clients during the three-hour timeframe. The applicant must demonstrate to the board by clear and convincing evidence that the supervision will be adequate for providing the service and crowd control.
 3. Client code of conduct. A written client code of conduct shall accompany the application, including the following information at a minimum: the procedure for suspending meal service to persons who violate the code of conduct, including the number of violations, and the requirement for all persons to sign and consent to the code as a condition for receiving service. The enforcement of the code of conduct shall be the sole responsibility of the owner/operator.
 4. On-site waiting areas. The application for a special use permit must include a diagram of the facility's onsite waiting area(s). Waiting area(s) shall be on the premise where the meal service is being provided. The owner/operator must ensure that persons receiving service do not block public access to sidewalks, right-of-way and private property, and that emergency access points are clearly identified and maintained. The applicant must demonstrate to the board by clear and convincing evidence that adequate space is available to accommodate the expected number of persons who will be served meals.
 5. Management of solid waste and litter. The application shall include a plan for controlling solid waste and litter on-site and off-site in the vicinity of the center. The application shall include information about whether carry-out meals or bag lunches will be provided. When carryout meals or bag lunches are provided the application must include a plan of personnel or staff that will provide litter clean-up within a quarter-mile radius of the center on the same day that the meals are served.
 6. Lighting. Facilities with night hours shall include with the application a plan for security lighting that complies with the lighting standards of the land development code.
 7. Responsible person. The application shall include the name, address and telephone number of the person responsible for the center. The contact person must have the authority to make corrective action when necessary. It shall be the responsibility of the owner/operator to keep the contact person's information up-to-date with the city manager or designee.

- H. Renewal of special use permit. The owner of real property holding a special use permit for the operation of a food distribution center for the needy shall renew such permit in a hearing before the plan board at a regularly scheduled hearing not more than five years from the date of issue. The plan board at such renewal hearing shall ascertain that the facility has been operating in substantial compliance with the above conditions.
- I. Combined facility. A special use permit may be issued for a facility functioning as both a food distribution center for the needy and a residence for destitute people. All requirements for both facilities shall be met.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3839, § 5, 3-1-93; Ord. No. 3993, § 14, 7-25-94; Ord. No. 041192, § 2, 8-8-05; Ord. No. 090743, § 1, 6-17-10; Ord. No. 100889, § 1, 10-6-11)

Section 30-6.44. Forest nurseries^[LD123].

The sale of planted trees outdoors is allowed in the districts specified in **Article V** as long as the operation is conducted in a fenced area. The outside storage of mechanical and vehicular equipment other than that used to plant, cultivate and harvest the trees shall be prohibited. Tree nurseries are subject to development plan review.

Section 30-6.45. Funeral homes and crematories.

- A. Dimensional requirements. All principal and accessory structures shall be located and constructed in accordance with the following requirements:
1. Minimum lot area within a transect zone: 20,000 square feet.
 2. Minimum lot area in all other districts: 43,560 square feet.
- B. Access. All ingress and egress points shall be to or from collector and/or arterial streets as shown in the comprehensive plan.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 5, 7-25-94)

Section 30-6.46. Gasoline and alternative fuel stations^[LD124].

- A. Gasoline/alternative fuel stations within the Form-Based Code area:

Fueling stations are auto-oriented uses and, therefore, discouraged within transect zones. However, if the use is designed to meet the standards of the form-based code and the following provisions, they are permitted to locate within the appropriate Transect Zone as listed in **Section 30-5.16**.

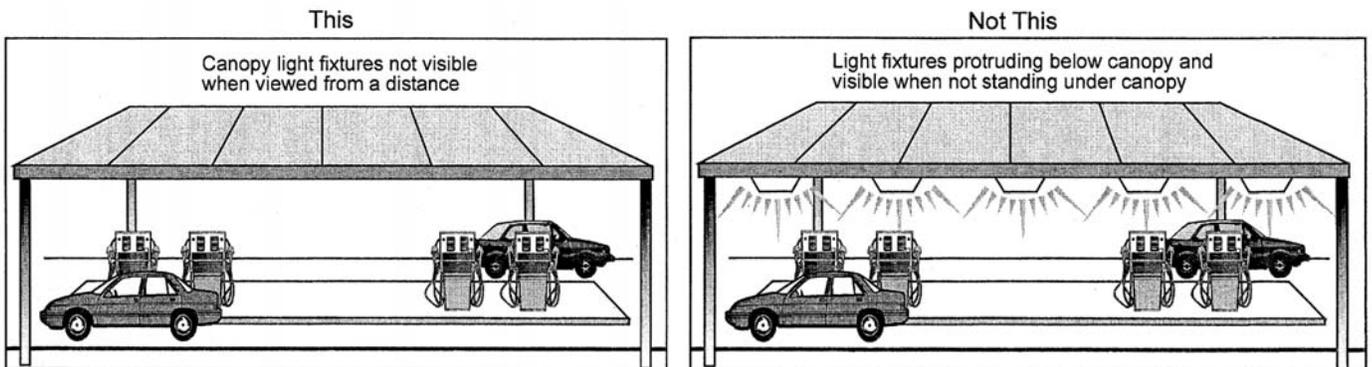
1. Building disposition, function and architecture standards shall be met. If the use cannot be accommodated within the parameters of **Article V**, then the use is not appropriate for the area.
2. Buildings shall meet the placement standards of **section 30-5.17**. Therefore, pumps and service bays shall be located behind the **building**^[LD125]. No service bay doors are allowed to face the street.
3. Site design shall enhance pedestrian/bicycle access to any retail or restaurant facilities on site. Sidewalk connections or marked pedestrian crosswalks shall be shown on the site plan.
4. The number and width of driveways shall be minimized.
5. There shall be no more than **four (4)** fueling positions and three (3) service bays.
6. Cross-access or joint use driveways shall be provided to adjacent non-residential developments.
7. If retail convenience goods sales or a restaurant are included in the development the site shall be designed for safe pedestrian and bicycle circulation.

- B. Gasoline/alternative fuel stations in all other districts.

1. Dimensional requirements. All principal and accessory structures for gasoline service stations shall be located and constructed in accordance with the following minimum requirements:
 - a. Minimum lot area: Twelve thousand square feet.
 - b. Minimum lot width at minimum front yard setback: One hundred feet.
 - c. Minimum pump setback. All fuel pumps and pump islands shall be set back a minimum distance of at least 15 feet from any right-of-way line or property line.
2. Design requirements. Gasoline/alternative fuel stations in all districts except for industrial shall meet the following design standards:
 - a. Service bays and fueling pumps shall be located to the rear of buildings located on the site.
 - b. Site design shall enhance pedestrian/bicycle access to any retail or restaurant facilities on site. Sidewalk connections or marked pedestrian crosswalks shall be shown on the site plan.
 - c. The number and width of driveways shall be minimized.
 - d. The number of fuel pumps shall be limited to six (6), except for stations located $\frac{1}{4}$ mile from an interchange (see subsection e below). An additional six (6) positions may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, subject to the following conditions^[LD126]:
 - i. The size of the site can safely accommodate the additional fueling positions while meeting all required landscaping, buffering, and other Land Development Code requirements;
 - ii. Site access and traffic safety conditions on adjacent roadways and intersections are not compromised by the additional trips generated by the additional fueling positions;
 - iii. Pedestrian/bicycle safety and comfort in the area are not compromised by the additional trips generated by the additional fueling positions;
 - iv. The architectural and site design are of such high quality that they enhance the site area and promote the City's multi-modal and design goals. As part of a Planned Development rezoning or Special Use Permit review process, the developer shall provide a development plan, elevations and architectural renderings of the proposed site including details such as, but not limited to, façade treatment, colors, lighting, roof detail, signage, landscaping, building location relative to the street, and location of access points.
 - v. Cross-access or joint use driveways are provided to other adjacent developments.
 - vi. Retail convenience goods sales or a restaurant are included in the development and designed such that pedestrian or bicycle use of the site is encouraged. The retail convenience goods sales or restaurant building and development shall meet all of the following requirements:
 - Building(s) shall be placed close to the public sidewalk for a substantial length of the site's linear frontage;
 - A minimum of 30 percent window area or glazing at pedestrian level (between 3 feet above grade and 8 feet above grade) on all first-floor building sides with street frontage. Windows or glazing shall be at least 80 percent transparent;
 - A pedestrian entry is provided from the public sidewalk on the property frontage or near a building corner when the building is on a corner lot;
 - Off-street parking shall be located to the side or rear of the building; and

- The building height and façade elevation are appropriate for the site and surrounding zoned properties.
 - e. Gasoline/alternative fuel stations within a ¼ mile of an I-75 interchange may have up to ten (10) fueling positions. An additional two (2) positions may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission.
3. Accessory uses. Permitted accessory uses to a gasoline or alternative fuel service station are as follows:
 - a. Rental of vehicles provided that they are screened in accordance with subsection 30-6.9.
 - b. Minor adjustments or repairs to automobiles, trucks, trailers or other vehicles which do not require body work, painting or removal of engines from frames or dismantling of differentials . No lift or repair facilities shall be located outside the principal structure. Additional adjustments or repairs at service stations shall only be permitted within zoning districts where major automotive repairs are a permitted principal use.
 - c. The retail sale of minor automobile parts and accessories, gasoline, diesel fuel, alternative fuels, kerosene, lubricating oils and greases.
 - d. Vending machines provided such machines are located under the roof of the principal structure.
 - e. Automated or self-serve carwashes in conformance with the requirements of section 30-6.35 and subject to special use permit approval.
 4. Lighting. Gasoline/alternative fuel stations are subject to the following:
 - a. Areas on the apron away from the gasoline pump islands, used for parking or vehicle storage, shall be illuminated in accordance with the requirements for parking areas as set forth in section 30-8.3.D.
 - b. Areas within six feet of a pump island or under canopies shall be designed to maintain a minimum average horizontal illuminance of at least 2.0 footcandles and a maximum average of no more than ten footcandles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 5:1. The above lighting must be delineated on a photometric plan.
 - c. Light fixtures mounted on or under canopies shall be full cut-off classification as defined by the IESNA, or recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy.

Figure VI-2. Canopy Lighting



- d. As an alternative or supplement to recessed lights, indirect lighting may be used where light is aimed at the underside of the canopy and reflected back down. In this case the light fixtures must be shielded so that all direct illumination is focused exclusively on the underside of the canopy.
- e. Lights shall not be mounted on the top or sides of the canopy when not part of a permitted sign, and the sides (fascias) of the canopy shall not be illuminated, unless the illumination is part of a permitted sign.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 000516, § 5, 2-11-02)

Cross reference — Traffic and motor vehicles, Ch. 26.

Section 30-6.47. Group housing, small and large

- A. Locational requirements. Group housing facilities are not permitted on sites adjacent to property designated for single-family on the future land use map of the comprehensive plan^[LD127].
- B. Dimensional requirements. All principal and accessory structures for group housing facilities shall be located and constructed in accordance with the dimensional requirements for of the particular district in which located, except that the required lot area shall be at least 10,000 square feet, plus 200 square feet for each resident as determined by building code capacity.

(Ord. No. 3777, § 1, 6-10-92)

Cross reference — Housing, Ch. 13.

Section 30-6.48. Housing for the elderly.

- A. Purpose. The provisions of this section are designed to permit the sound and economical development of housing projects catering to the particular needs of elderly citizens. It is recognized that there are specific traits of this age group which relate directly to certain characteristics of the housing facilities which they occupy. Such traits are: a reduction in physical agility, decreased mobility, smaller family sizes and lower incomes. These result in a need for a location closer to such facilities and places of religious assembly; a need for smaller units with less upkeep; and a desire by many elderly for living in multifamily dwelling units so as to achieve the companionship and sense of security generated by close contact with other tenants. Because fewer elderly drive automobiles, fewer parking spaces are required. In addition, the family size in elderly housing projects is smaller, predominantly single persons, and consequently a higher number of dwelling units may be permitted on a site without actually increasing the total number of people per acre. It is, therefore, the purpose of this section to encourage development of projects for the elderly by permitting a slightly higher density and lesser parking requirements for such units.
- B. Dimensional requirements. All principal and accessory structures shall be located and constructed in accordance with the dimensional requirements of the district in which located, except that the minimum lot area requirement shall be reduced by 25 percent for any housing for the elderly development.
- C. Minimum usable open space. Such developments shall have minimum usable open space of ten percent. At least 75 percent of the usable open space must be provided at ground level and must be accessible to all residents of the development. The remaining open space requirements may be met with patios or balconies which have a minimum area of 50 square feet and a minimum dimension of six feet.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 1, 7-25-94)

Section 30-6.49. Industrial uses.

- A. Standards for uses expected to emit noise, vibration, dust, odor or pollutants^[LD128]. The following apply to uses designated as subject to specially regulated industry provisions that are expected to emit noise, vibration, dust, odor or pollutants:
 - 1. Reports. The applicant for a special use permit shall submit information specifying expected air emissions, surface and groundwater emissions, noise levels, truck traffic volumes (including time-of-day level(s), odor levels, and glare impacts, and the compatibility of these emissions and impact levels with other properties, uses and neighborhoods within 2,000 feet. The report shall indicate that these impacts will not violate local, regional, state, or federal limits. The report shall also indicate that "best available technology" is being used to control impacts from the "specially regulated industry."

- 2. Exemption. Uses or developments that will result in releases of pollutants to the air and to the water no more than one percent of the average release of those pollutants on a list maintained by the city for that industry shall be exempt from the special use permit process except for the report required in subsection 1. above. The owner requesting this exemption must provide evidence acceptable to the city manager or designee that the use qualifies. Any use that was permitted under this exemption and is found to be releasing more than one percent of the average release of air or water pollutants reported for that industry shall cease operation until a special use permit is applied for and obtained.
- B. Standards for manufacturing uses in the BI, I-1, T-3 and T-4 districts^[LD129]. All permitted manufacturing uses shall conform to the following additional standards:
 - 1. The manufacturing use shall be limited to the fabrication, manufacture, assembly or processing of materials which are, for the most part, already in processed form.
 - 2. All activity and uses except storage, loading and unloading operations, and parking shall be conducted within completely enclosed buildings.
 - 3. Operations between the hours of 9:00 p.m. and 6:00 a.m., including loading and unloading but not including security operations, are prohibited within 100 feet of the property line of any residential zoning district or area which is shown for residential use on the future land use map of the comprehensive plan, unless conducted within a completely enclosed building which has no openings other than stationary windows or required fire exits. The appropriate reviewing board may grant a waiver to this prohibition if the board finds that the noise attenuation and screening being provided is sufficient to mitigate the adverse impacts of the night operations.

^[LD130]

- C. Hazardous Materials^[LD131]. Uses involving Class D hazardous materials, as classified by Alachua County, require Special Use Permit approval

Section 30-6.50. Large scale non-residential development in MU-1.

^[LD132]

^[LD133]^[LD134]

^[LD135]

- A. Location. Large scale non-residential development in the MU-1 district shall be located within one-fourth mile of intersections of arterials or intersections of arterials and collectors, as shown on the map entitled **Functional Classification of Streets, in the transportation mobility element of the city's comprehensive plan**. Such uses shall have direct or shared access to an arterial.
- B. Maximum gross leasable nonresidential floor area. No more than 100,000 square feet of gross leasable nonresidential floor space shall be allowed. Within shopping centers, no more than 50,000 square feet shall be contained in any one business, except food stores.

^[LD136]

- C. Multiple structures. The use of multiple structures shall be considered on a case-by-case basis during development plan approval. Approval shall be conditioned upon findings by the appropriate reviewing board that all such structures are compatible with the uses and purposes of the center and surrounding uses and traffic patterns and are safely incorporated into the overall transportation system for the center.
- D. Outparcels. The proliferation of outparcels contributes to strip commercial development, traffic circulation problems and visual clutter, and obstructs pedestrian and bicycle movement. To mitigate the problems associated with outparcels, the following regulations shall apply:

1. The creation of outparcels shall be considered on a case-by-case basis during subdivision, lot split approval or development plan approval. Approval shall be conditioned upon findings by the appropriate reviewing board or staff, as applicable, that the neighborhood shopping center and all outparcels are integrated through the use of landscaping and buffers; shared parking, traffic access and circulation; and stormwater management.
2. Outparcels which have unified circulation systems with the adjoining neighborhood shopping center shall not be required to meet the minimum lot area, width and depth requirements; however, development on outparcels shall be required to meet yard setback, lot coverage and building height requirements for the MU-1 district.

Section 30-6.51. Mini-warehouses/self-storage facilities within Transect Zones

- A. Building form and function standards shall be met. If the use cannot be accommodated within the parameters of this article, then the use is not appropriate for the area.
- B. There shall be no access to the individual storage units from the exterior. All units must be within a building and accessed from within the building.

Section 30-6.52. Multiple-family dwellings.

- A. [LD137]Multi-family developments abutting single family[LD138]. All new multi-family projects, whether stand alone or part of a mixed-use project, adjacent to properties designated as single family or residential low on the Future Land Use Map (FLUM) shall comply with the following regulations:
 1. There shall be no outdoor recreation areas or uses allowed within any required building setback area and/or landscape buffer between abutting **medium and/or high density** multi-family development and single-family designated properties.
 2. Active recreation areas (including, but not limited to, swimming pools, tennis courts, basketball and volleyball courts) shall be located away from abutting single-family designated properties and shall be oriented in the development to minimize noise impacts on single-family designated properties.
 3. There shall be no car washing areas, dumpsters, recycling bins, or other trash/waste disposal facilities placed in the required setback area between **medium and/or high density** multi-family development and properties designated single family on the future land use map.
 4. Mechanical equipment (as defined in the traditional city portion of the land development code) shall be placed such that noise and visual impacts are minimized for abutting single-family designated properties.
 5. Parking lots and driveways located in the area between **medium or high density multi-family** and abutting single-family designated properties shall be limited to a single-loaded row of parking and a two-way driveway.
 6. A decorative masonry wall (or equivalent material in noise attenuation and visual screening) with a minimum height of six feet and a maximum height of eight feet plus a minimum nine-foot landscape buffer shall separate any new **medium or high density residential** development from properties designated single-family residential on the FLUM. However, driveways, emergency vehicle access, or pedestrian/bicycle access may interrupt a continuous wall. If, in the professional judgment of city staff or other professional experts, masonry wall construction would damage or endanger significant trees or other natural features, the appropriate reviewing board or staff, when only staff review is required, may authorize the use of a fence and/or additional landscape buffer area to substitute for the required masonry wall. There shall be no requirement for a masonry wall or equivalent if buildings are 200 or more feet from abutting single-family properties. In addition, the appropriate reviewing board or staff, when only staff review is required, may allow an increased vegetative buffer and tree requirement to substitute for the required masonry wall.

7. The primary driveway access shall be on a collector or arterial street, if available. Secondary ingress/egress and emergency access may be on or from local streets.
 8. Buildings within 100 feet of single-family residential zoning shall contain no more than six dwelling units and shall be in the form of attached dwellings, or garden apartments (as defined in [Article II](#)). Staff and/or the appropriate reviewing board shall have the authority to establish the building form as it relates to the desirable context and character of surrounding single-family designated properties. These buildings shall have varied roof types, including gabled, hipped, shed, mansard, arched or flat, as appropriate.
 9. Elevations for buildings within 100 feet of single-family residential shall show specific building materials, colors, window treatment, roof type, and building articulation. Any changes to these elevations shall require a new review before the appropriate reviewing board, or by staff, if only staff review is required.
- B. Multi-family developments separated from single family by PS or CON zoning^[LDI39]. Multi-family projects separated from sites designated for single-family on the Future Land Use map by intervening PS or CON zoning.
1. The provisions of [subsections A.1, A.2, A.3, A.4, A.6, A.8 and A.9](#) shall apply if the intervening area is less than 25 feet wide. However, the measurement of the 100 feet as described in [subsections A.8 and A.9](#) shall be from the single family property line abutting the PS or CON zoned area. The appropriate reviewing board may grant an exception to the requirement for a wall (as shown in [subsection A.6](#) based on the quality of long-term buffering provided by vegetation in the intervening area.
 2. The provisions of [subsections A.6, A.8 and A.9](#) shall apply if the intervening area is 25 or more feet wide and the area is expected to remain significantly vegetated and will provide a buffer over the long term. The measurement of the 100 feet as described in [subsections A.8 and A.9](#) shall be from the single family property line abutting the PS or CON zoned area.
 3. In the case of new development of medium or high density multi-family development with an intervening split zoning or parcel designated PS or CON abutting single family designated property, the provisions of [subsections A.1, A.2, A.3, A.4, A.6, A.8 and A.9](#) shall apply if the intervening area is 25 or more feet wide, but the area is not significantly vegetated or expected to remain significantly vegetated to provide a buffer over the long term. The measurement of the 100 feet as described in [subsections A.8 and A.9](#) shall be from the single family property line abutting the PS or CON zoned area. The appropriate reviewing board may grant an exception to the requirement for a wall (as shown in [subsection A.4](#)) based on the width of the intervening area exceeding 50 feet.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 951413, § 3, 10-27-97; Ord. No. 002469, § 3, 3-17-03; Ord. No. 030625, § 1, 3-15-04; Ord. No. 060103, § 2, 9-11-06)

- C. Additional building height in the RMF districts^[LDI40]. To be granted a special use permit for four or five stories in the RMF-6, RMF-7 or RMF-8 districts, the applicant must demonstrate [that](#)^[LDI41]:
1. The property is not adjacent to property with a single-family residential land use; and
 2. To promote a more vital, interesting sidewalk environment for pedestrians near taller buildings, reduce the perception of a massive scale delivered by larger buildings with monotonously blank walls, and increase security through citizen surveillance, a minimum of 25 percent non-reflective, transparent glazing is provided on the front and side building walls at pedestrian level (and this glazed area shall be between three feet and eight feet above grade) on the first floor.
 3. First story is at least ten feet floor to ceiling for all buildings.

^[LDI42]

Section 30-6.53. Outdoor storage (see Section 30-6.9 for outdoor storage as an accessory use)

The following requirements shall apply to outdoor storage where allowed as a principal use (not including accessory, short-term or temporary storage):

- A. Screening requirements. A landscape buffer strip shall be provided in the same manner as if the property were zoned industrial, in accordance with the requirements of section 30-9.5, with the following additional requirements:
1. When a hedge is used, a chain link fence at least six feet in height is required.
 2. Screening is required whenever in the opinion of the city manager it is necessary to visually shield the use from the public right-of-way. This requirement shall apply notwithstanding the fact that the subject property abuts property zoned industrial.
 3. No merchandise, equipment, machinery, materials, motor vehicles or other items shall be stored above the height of the landscape buffer strip.
 4. If a landscape buffer strip is not required either under the provisions of section 30-9.5 or the provisions of this section, a solid fence or wall at least six feet in height shall be provided.
 5. Exceptions may be permitted in accordance with the criteria provided in section 30-9.5, provided the objectives of screening and safety are met in the opinion of the city manager.
- B. Hazardous materials. Compliance with the county hazardous materials code is required.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 7, 7-25-94)

- C. I-2 adjacent to residential. Whenever a use in a I-2 district includes outdoor storage, display, and/or other outdoor activities adjacent to a residential zoning district or to land which is shown for residential use on the future land use map of the comprehensive plan, such outdoor activity shall be buffered and screened from all property lines abutting the residential site as required in A, above [LDI43].

Section 30-6.54. Parking lot (surface) as principal use.

- A. The approval of a SUP for a surface parking lot shall be based on consideration of the size/scale of the proposed surface parking lot and the inclusion of design and access features which maintain pedestrian, bicycle and transit safety and do not discourage pedestrian, bicycle and transit use in the area [LDI44].
- B. Surface parking lots are allowed in T-5 and T-6 subject to special use permit approval and the following requirements:
1. Surface parking shall be permitted only when the surface parking will be replaced with either a building or structured parking in accordance with an approved master plan.
 2. Surface parking shall be paved.
 3. Surface parking shall have either perimeter landscaping in accordance with the landscape regulations as provided in this land development code or perimeter garden walls that meet the requirements of section 30-5.18.C.
 4. Surface parking shall be in compliance with all lighting and stormwater regulations in this land development code.
 5. Any special use permit approved pursuant to this subsection shall be valid for a period not to exceed 5 years. The approving board may extend a special use permit approved under this section for an additional period not to exceed 5 years if the applicant demonstrates that development in accordance with the approved master plan has commenced.

Section 30-6.55. Places of religious assembly.

- A. Within the RSF districts, places of religious assembly are subject to the following additional dimensional requirements:
1. Minimum lot area shall be one (1) acre for each place of religious assembly with a building code capacity of one hundred (100) persons or less plus an additional one-half (½) acre for each additional fifty (50) persons of building code capacity.
 2. Minimum yard setbacks:
 - a. Front: 25 feet.
 - b. Side, interior: 50 feet, unless the proposed use is adjacent to a non-residential district. In such case the district setbacks shall apply. [LD145]
 - c. Side, street: 25 feet.
 - d. Rear: 50 feet, unless the proposed use is adjacent to a non-residential district. In such case the district setbacks shall apply.
- B. Day care centers and schools. Within the RSF districts, day care centers and schools may be allowed as accessory uses to places of religious assembly upon the granting of a special use permit; within all other districts, day care centers and schools are permitted accessory uses to any lawful place of religious assembly provided, in all cases, that the requirements and limitations for day care centers and schools as listed in this Article are met.
- C. Food distribution centers for the needy. The city manager or designee [LD146] may issue a permit for a food distribution center for the needy in conjunction with a place of religious assembly subject to meeting the standards of Section 30-6.42 and the following additional restrictions:
1. No more than 20 meals may be served in a 24-hour period.
 2. The place of religious assembly can physically provide an indoor eating area meeting all state, county and city codes for the proposed use.
 3. No food distribution center for the needy may be closer than 1,320 feet from any other place of religious assembly having a food distribution center for the needy, nor shall any place of religious assembly have an accessory food distribution center for the needy located in the area described in Appendix D [OR SECTION 30-6.XX IF MAP AND DESCRIPTION MOVED TO THIS CHAPTER] located at the end of this chapter, and as shown on the map maintained in the planning and development services department.
 4. Each place of religious assembly shall file with the city manager a management program addressing hours of operation, personnel, management of solid waste, litter and lighting. The name, address, and phone number of the person responsible for the facility shall be kept up to date.
 5. Signage. Food distribution centers for the needy shall be limited to two wall-mounted, non-illuminated signs displaying the name of the facility, hours of operation and other functional information and directions. No more than one sign shall be displayed on any building face. No sign shall exceed 18 square feet, nor shall the total combined area for two signs exceed 30 square feet.
- D. Residences for destitute people. The city manager or designee may issue a permit for a residence for destitute people in conjunction with a place of religious assembly subject to meeting the standards of Section 30-6.59 and the following additional restrictions:
1. The total number of beds shall not exceed 20.
 2. Meals may be provided only to residents.

3. No one over the age of 18 may be admitted as a resident without submitting a written report issued by the city police department stating that the person has no outstanding warrants for his or her arrest and is not a "dangerous" person, as defined in Article II of this Code.
4. Each place of religious assembly shall file with the city manager a management program addressing hours of operation, personnel, management of solid waste, litter and lighting. The name, address, and phone number of the person responsible for the facility shall be kept up to date.
5. Each place of religious assembly must provide an indoor area meeting all state, county and city codes for use as a residence for destitute people. The area must be inspected and approved by the building official prior to being used as a residence for destitute people, either on a temporary or recurring basis.
6. There must be at least one staff person or volunteer on site, and a director or administrator on-call, when anyone is sheltered overnight in a residence for destitute people.

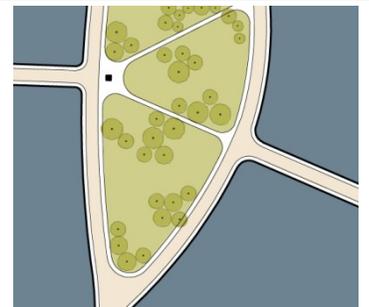
(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3839, § 4, 3-1-93; Ord. No. 3954, § 4, 2-14-94; Ord. No. 3993, § 4, 7-25-94; Ord. No. 970567, § 1, 2-9-98; Ord. No. 041192, § 3, 8-8-05; Ord. No. 070619, § 12, 3-24-08)

Section 30-6.56. Public parks within transect zones.

Public parks, whether created by the City or dedicated by a developer, shall be designed and sized appropriately to the character of the transect zone where it is proposed. The following table shows the various types of parks allowed within the transect zones.

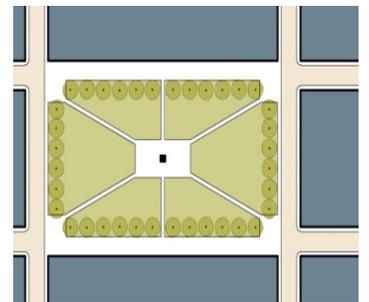
Green. A green is an open space for unstructured recreation. Greens consist of lawns, trees, paths, benches, and open shelters, all informally arranged. Greens are appropriate in T-3, T-4 and T-5.

1. Greens may be spatially defined by landscaping rather than building frontages.
2. Greens should front on at least two streets.
3. Recommended size = 1/2 acre minimum; 8 acres maximum.



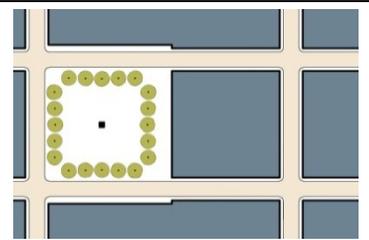
Square. A square is an open space for recreation and civic purposes consisting of paths, lawns, benches and trees, all formally arranged. A square is spatially defined by abutting streets and building frontages. Squares are appropriate in T-4, T-5 and T-6.

1. Squares should be located at the intersections of important streets.
2. Squares must front on at least three (3) streets.
3. Recommended size = 1/2 acre minimum; 2 acres maximum.



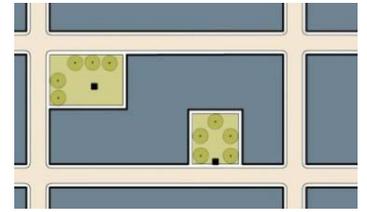
Plaza. An open space for commercial and civic purposes consisting primarily of paved surfaces. A plaza is spatially defined by building frontages. Plazas are appropriate in T-5 and T-6.

1. Plazas should be located at the intersection of important streets.
2. Plazas must front on at least one street.
4. Recommended size = 1/4 acre minimum; 1 acre maximum.



Playground. A fenced open space designed and equipped for the recreation of children. Playgrounds are appropriate in T-3, T-4, T-5 and T-6.

1. Playgrounds should be located within walking distance of surrounding neighborhoods.
2. Playgrounds may be freestanding or located within parks and greens.
3. There are no minimum or maximum size requirements.



Section 30-6.57. Recycling centers.

- A. All collected, processed, and/or stored materials must be kept within completely enclosed containers or buildings. All exterior containers shall be sturdy, covered, waterproof and rustproof.
- B. The name and phone number of the facility operator shall be clearly posted at the facility.
- C. When located within a shopping center, recycling centers shall comply with the following additional conditions:
 1. The facility's area shall not exceed 4,000 square feet.
 2. In recycling centers greater than 500 square feet, all activity and use except loading and unloading operations and parking shall be conducted within completely enclosed buildings or be enclosed by a solid fence or wall at least six feet high and meeting the specifications for walls and fences located in **section 30-6.4, pertaining to fences and walls.**
 3. The recycling center shall not be designed to receive nor shall it accept shipments from semitrailer trucks.
 4. The operations shall be located and enclosed to minimize noises louder than those customarily generated in shopping center districts.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 11, 7-25-94)

Cross reference — Garbage and refuse disposal, § 27-71 et seq.

Section 30-6.58. Rehabilitation centers^[LDI47].

- A. Spacing and location. Rehabilitation centers shall not be located closer than one thousand three hundred twenty (1,320) feet from any other rehabilitation center, halfway house or social service home and shall not be located closer than one thousand three hundred twenty (1,320) feet from any soup kitchen (food distribution center for the needy) or residence for destitute people or combination thereof. All measurement shall be from the nearest property line of any of the above-listed facilities to the nearest property line of the proposed facility.
- B. Buffer. Rehabilitation centers shall comply with the **buffer requirements of offices, schools and places of religious assembly** in accordance with the landscape ordinance.

(Ord. No. 3777, § 1, 6-10-92)

Section 30-6.59. Residences for destitute people.

Except as provided as an accessory use to places of religious assembly, residences for destitute people shall be regulated as follows:

- A. Spacing and location. Residences for destitute people shall not be located closer than one thousand three hundred twenty (1,320) feet from any social service home, halfway house or rehabilitation center and shall not be closer than two thousand (2,000) feet from any other residence for destitute people, food distribution center for the needy or combination thereof. All measurements shall be measured from the nearest property line of the above-listed facilities to the nearest property line of the proposed facility.

- B. Saturation. No more than two food distribution centers for the needy or residences for destitute people may be located within a two-mile radius of the proposed facility.
- C. Renewal of special use permit. The owner of real property holding a special use permit for the operation of a residence for the destitute shall renew such permit in a hearing before the plan board at a regularly scheduled hearing not more than seven years from the date of issue. The plan board at such renewal hearing shall ascertain that the facility has been operating in substantial compliance with the above conditions.
- D. Number of beds. The total number of beds that may be provided in any residence for destitute people in a 24-hour period is 35.
- E. Development plan approval. Development plan approval, in accordance with the requirements of **article IV**, is required prior to issuance of a building permit for all residences for destitute people.
- F. Police department report. Prior to the admission of any person in a residence for destitute people, such person must submit a written report issued by the police department stating that such person has no outstanding warrant for his/her arrest.
- G. Dangerous persons. No person meeting the definition for a dangerous person shall be housed in any residence for destitute people.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3839, § 4, 3-1-93; Ord. No. 041192, § 1, 8-8-05; Ord. No. 070619, § 14, 3-24-08)

Section 30-6.60. Schools.

- A. Elementary, middle and high schools shall meet the following standards:
 - 1. Minimum lot area: Shall be the minimum lot area required for the specific zoning district where allowed plus one acre for every 100 persons (or fraction thereof), based on building code capacity.
 - 2. Minimum yard setbacks: Shall comply with the standards of the ED zoning district.
 - 3. Sidewalks and bikeways adjacent to the site shall be extended to appropriate walkways around buildings and bicycle storage areas.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 070619, § 13, 3-24-08)

[LDI48]

- B. Professional Schools in the Office Districts [LDI49] shall not be located adjacent to property designated for single family on the future land use map of the comprehensive plan.

Section 30-6.61. Sexually oriented businesses.

- A. Intent and purpose. It is the intent and purpose of this section to regulate sexually oriented businesses, in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the negative secondary effects of sexually oriented businesses within the city. The provisions of this section have neither the purpose or nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the purpose nor the effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the purpose nor effect of this chapter to condone or legitimize the distribution of obscene material.
- B. Findings. Based on evidence of the adverse secondary effects of sexually oriented businesses set forth in studies and case law considered by the city commission and on evidence and recommendations presented in hearings and in reports to the city commission; the city commission hereby finds as follows:

1. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, negative impacts on surrounding properties, litter, and sexual assault and exploitation.
 2. Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the city's rationale for this section, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the city related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the city in the future. The city finds that the cases and secondary effects documentation relied on in this section are reasonably believed to be relevant to said secondary effects.
- C. Spacing. A sexually oriented business may not be established in any permitted district unless all other requirements of the chapter pertaining to such districts and to buildings generally are met and unless the sexually oriented business is at least 1,000 feet from any other sexually oriented business, place of religious assembly, public school, private school, public park, youth association or residential area.
1. Measurement. For purposes of the spacing requirements, the measurement shall be made by extending a straight line from the nearest property line of the sexually oriented business to the nearest property line of the other sexually oriented business, place of religious assembly, public school, private school, public park, youth association or residential area. If any such use is located in a multi-tenant building, then property line shall mean the nearest line of the leasehold or other space actually controlled or occupied by the sexually oriented business, place of religious assembly, public school, private school, or youth association.
 2. Exception to spacing requirement. Any sexually oriented business which is established in conformity with this section and other applicable laws and ordinances shall not be made unlawful, if a place of religious assembly, public school, private school, public park, or residential area is created or established within the distance limitations subsequent to the filing of the application for the establishment of the sexually oriented business with the city planning and development department or subsequent to the lawful establishment of the sexually oriented business.
- D. Obscenity not permitted. Nothing in this section shall be construed as permitted or allowing a violation of any state or federal law, including F.S. ch. 847, relating to obscenity.
- E. Existing establishments. Any use herein defined as a sexually oriented motion picture theater, retail store or cabaret, which, on April 15, 2010 is existing, in actual operation and open to the public, and which in all other respects is in full compliance with applicable laws and ordinances of the city, but which would not otherwise be permitted under the terms of this section, shall then become a permitted nonconforming use.
- F. Design restrictions for sexually oriented motion picture theater. Any sexually oriented motion picture theater shall meet the following design standards at all times:
1. Presentation area. All screenings and presentations of motion pictures, videos or other visual media shall occur in a room open to all customers of the establishment and containing at least 600 square feet of floor area. No curtains, screens, shades or other devices shall be used to obscure any part of the room.
 2. Lighting. The lighting level in the area occupied by customers shall be at least two footcandles at floor level.
 3. Seating. Seating shall consist of individual, theater-style chairs, with solid arms separating the chairs. No couches, benches, individual chairs, beds, loose cushions or mattresses, or other forms of seating may be provided. Separate spaces for wheelchairs shall be provided in accordance with the applicable provisions of the adopted building code in effect from time to time and the Americans with Disabilities Act.

- G. Design standards for sexually oriented cabarets. In addition to those standards applicable to adult performance establishments under **section 14.5-75**, the following design standards shall apply to any sexually oriented cabaret at all times:
1. Presentation area. All performances and all interactions between performers and customers shall occur in a room open to all customers of the establishment and containing at least 600 square feet of floor area. No curtains, screens, shades or other devices shall be used to obscure any part of the room.
 2. Lighting. The lighting level in the area occupied by customers shall be at least 5 footcandles at a height of 3 feet off the floor.
- H. Retail store with limited quantities of sexually oriented media or devices. A retail trade establishment (SIC Division G) which devotes more than ten percent but less than 30 percent of its floor area, or stocks more than ten percent but less than 30 percent of the number of items in inventory, to sexually oriented media or sexually oriented devices, shall be treated for zoning purposes as an accessory use to the primary retail trade of the store and not as a sexually oriented retail store, provided that it meets the following conditions:
1. All sexually oriented media or devices shall be maintained in a room that is separated from other material by an opaque wall that extends to the ceiling or eight feet above the floor, whichever is less; and
 2. Access to the room containing the sexually oriented media or devices shall be through a door or through a space that can be entered only by passing directly by the manager's or cashier's principal work station; and
 3. The room containing sexually oriented media or devices shall be posted with a notice indicating that only persons 18 years of age or older are allowed in the room; and
 4. Access to the room shall be physically limited to adults through control of access by an employee of the store, through use of an access release located at least 66 inches off the floor, or through constant monitoring of the room by an employee on duty, where such employee has visual control of the separate room through direct visibility, through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.

The conditions listed as **subsections 1 thorough 4 above** shall not apply to a retail trade establishment which allows only persons who are 18 years of age or older to enter the premises.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3949, § 1, 1-24-94; Ord. No. 3993, § 3, 7-25-94; Ord. No. 070088, § 1, 7-23-07; Ord. No. 090643, § 7, 4-15-10)

Section 30-6.62. Shooting ranges, outdoor^[LD150].

In addition to all other requirements, outdoor shooting ranges, including those within an outdoor gun club, must comply with the following. Failure to continue to comply with any of these conditions is grounds for revocation of the special use permit.

- A. Location. Outdoor shooting ranges must be located a minimum of 2,500 feet from any existing residence and any property in a residential zoning district as defined in this Code, any school, any hospital, or any public park.
- B. Storage. No live ammunition and no weapons may be stored on-site.
- C. Operational plan. The owner of the shooting range must operate in accordance with national standards as written in the National Rifle Association Range Manual.
- D. Range master. A range master must be present in accordance with the national standards as written in the National Rifle Association Range Manual.
- E. Design. The facility must be designed by a licensed engineer in accordance with NRA design guidelines as written in the National Rifle Association Range Manual. No berm shall be less than eight (8) feet in height.

- F. Fencing; signage. The outdoor range must be fenced with a minimum six-foot high chain link fence with barbed wire, or similar combination. Signs must be placed around the perimeter of the fencing warning of the facility. The property must be posted "No trespassing" and the prohibition on trespassing must be enforced by the owner or operator.
- G. Hazardous materials. The outdoor shooting range must comply with the provisions of the Alachua County Hazardous Materials Management Code.

Section 30-6.63. Social service facilities/halfway houses.

- A. Dimensional requirements. All principal and accessory structures for social service homes/halfway houses shall be located and constructed in accordance with the following requirements:
 - 1. Minimum lot area: 10,000 square feet.
 - 2. Minimum lot width at minimum front yard setback: 100 feet.
 - 3. Minimum yard setbacks:
 - a. Front: 25 feet.
 - b. Rear: 20 feet; 35 ft. if the rear yard abuts property in a residential district or property shown for residential use on the land use element of the comprehensive plan.
 - c. Side:
 - i. Street: 10 feet.
 - ii. Interior: 20 feet; 35 feet if the side yard abuts property in a residential district or property shown for residential use on the land use element of the comprehensive plan .
- B. Spacing and location requirements. Social service homes/halfway houses shall not be located closer than 1,320 feet from any other social service home, halfway house, community residential homes for 21 persons or more or rehabilitation center and shall not be located closer than 2,640 feet from any soup kitchen or residence for destitute people or combination thereof. All measurement shall be from the nearest property line of any of the above-listed facilities to the nearest property line of the proposed facility.
- C. Buffer requirements. Social service homes/halfway houses shall comply with the requirements of offices, schools and places of religious assembly in accordance with **Article IX**.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 13, 7-25-94)

- D. Facilities located in industrial districts. Individual and family social services located in the I-1 or I-2 districts are subject to the following additional standards^[LD151]:
 - A. The fee simple owner(s) of the property must sign the application and acknowledge that the use is in an industrial district that may be subject to noise, heavy truck traffic, fumes, odors and vibrations that are customary in an industrial district.
 - B. The use shall not co-locate with another industrial use on the same parcel.
 - C. The use must occupy a building that is currently located on the parcel.
 - D. Residential care is prohibited and no overnight stay or lodging is allowed.
 - E. The special use permit is limited to a maximum of five years, subject to automatic renewal for the same term as the original permit unless, either: (i) the use is discontinued or abandoned for 90 consecutive days; or (ii) the city or owner of the property seeks to terminate the use by providing written notice to the city manager or designee at least 90 days prior to the expiration of the special use permit. In the event such notice is given, the special use permit shall expire and terminate unless the owner files a new application

within 20 days of receipt of said notice of termination. The application will then be processed and reviewed in the same manner as a new application.

Section 30-6.64. Solar generation station.

Solar generation stations shall meet the following minimum requirements:

- A. Wetlands. The devices that capture solar energy and convert it to electricity shall not be placed in wetlands or surface waters or wetland buffers or surface water buffers. Any impacts to wetlands or surface waters or their buffers, from required improvements for a solar generation station, such as impacts from roads or transmission lines, shall be regulated in accordance with **article IX, division III, Surface Waters and Wetlands District**.
- B. Dimensional requirements. A solar generation station shall not exceed the maximum principal building height of the zoning district in which it is located.
- C. Setback. Devices that capture solar energy and convert it to electricity shall be located at least 50 feet from any lot **line**^[LD152].
- D. Public safety. The solar generation station shall be designed and operated to protect public safety, including without limitation, preventing the misdirection of concentrated solar radiation onto nearby property, public roads or other areas accessible to the public and implementing site design and operating procedures to prevent public access to hazardous areas.
- E. Development plan. Development plan approval in accordance with the requirements of **article IV** is required prior to issuance of a building permit for a solar generation station.
- F. Other requirements. A solar generation station shall comply with all applicable local, state and federal laws and regulations governing the operation of a solar generation facility, including without limitation, Chapter 27 of the City Code of Ordinances.
- G. Removal. The property owner shall remove the solar generation station within one year following a continuous two-year period of non-use.

(Ord. No. 090321, § 4, 7-15-10)

Section 30-6.65. Structured parking^[LD153].

Development plans for new structured parking as a principal or accessory use shall address:

- A. Minimizing conflict with pedestrian and bicycle travel routes;
- B. Providing parking for residents, employees, or customers in order to reduce the need for on-site surface parking;
- C. Being located and designed to discourage vehicle access through residential streets;
- D. Designing facilities for compatibility with neighborhoods by including ground floor retail, office, or residential use/development (as appropriate for the zoning district) when located on a public street. The facility shall also have window and facade design that is scaled to relate to the surrounding area.
- E. Structured parking shall not be located within 100 feet of property designated for single-family use on the future land use map.

Section 30-6.66. Vehicle (golf cart and scooters) sales and rental.

- A. Retail sales of electric golf carts.
 - 1. Retail sales of electric golf carts shall be allowed only when co-located with an auto or home supply store and no more than 30 percent of the floor area of the store is devoted to the retail sales of electric golf carts.

2. Retail sales of electric golf carts do not include service (including battery installation) and/or repair of electric golf carts. The service and/or repair of electric golf carts is classified for zoning use purposes as limited automotive services.
3. No outdoor storage is allowed between the building and any public right-of-way and all outdoor storage shall be located only in the rear or side yard; however, a maximum of five electric golf carts may be displayed between the building and the public right-of-way.
4. Where the side or rear yard abuts a residential district or is shown for residential use on the future land use map of the comprehensive plan, any outdoor storage areas that are located in the side or rear yard shall have twice the amount of landscaping material that is required for **buffer type E** in **section 30-9.5**, and shall have 50 percent opacity at the time of planting.
5. The design and placement of all required landscaping shall be determined during development plan review.

(Ord. No. 100023, § 3, 9-16-10)

- B. Retail sales of scooters.** Scooter sale facilities that do not exceed 50,000 square feet in first floor building area are classified as retail sales for the purpose of this Code. In such districts where the use is permitted as a retail use, no more than twenty-five (25) percent of the facility may be dedicated to the outdoor display of scooters.

Section 30-6.67. Veterinary services.

- A. No such facilities shall be permitted to have outside cages or runs except for those which are located in industrial districts and which are at least 500 feet from any property shown for residential use on the comprehensive plan.
- B. All such facilities shall have sound attenuation so as to prevent common and ordinary animal noises from being heard outside any building or structure. Outside cages or runs permitted in industrial districts shall not be required to be so designed.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 8, 7-25-94)

Section 30-6.68. Waste management facilities.

Junkyards and salvage yards shall meet the following standards:

- A. Dimensional requirements. Minimum lot area is two (2) acres.
- B. Spacing. Distance from any property which is in a residential district or which is shown for residential use on the future land use map shall be 300 feet.
- C. Screening. The entire area occupied by a junkyard or salvage yard shall be surrounded by a continuous solid masonry wall eight feet in height without openings, except for entrances and exits, which shall be equipped with solid gates.
- D. Hazardous materials. Junkyards and salvage yards shall comply with the county hazardous materials code.
- E. Development plan approval. Development plan approval shall be required for any development or expansion of any junkyard or salvage yard. The county office of environmental protection shall receive notice of any development plans for junkyard development or expansion.

(Ord. No. 3777, § 1, 6-10-92)

Cross reference— Secondhand goods, Ch. 22.

Section 30-6.69. Wireless communication facilities and antenna regulations.

- A. Purpose. These regulations were developed to protect the health, safety and welfare of residents of the city, and to protect property values and minimize visual impact while furthering the development of enhanced telecommunications services in the city. These standards are designed to comply with the Telecommunications Act of 1996 and the requirements of F.S. Ch. 365. The provisions of this section are not intended to and shall not be interpreted to prohibit or have the effect of prohibiting the provision of personal wireless services. This section shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent services, consistent with federal regulations. These regulations are intended to:
1. Provide uniform standards for the provision of both radio and television broadcast signals and telecommunication services, including two-way radio, paging, personal communication services (PCS), cellular and related wireless services;
 2. Protect the natural features and aesthetic character of the city by regulating the location, design and operation of wireless communication facilities, with special attention to residential neighborhoods, public parks, transportation view corridors, historic districts, historic landmarks, and environmentally sensitive lands;
 3. Minimize the adverse visual and aesthetic impacts of wireless communication facilities through innovative design, siting and landscaping standards, including incentives to promote the use of camouflaged towers, collocation of new antennas on existing communication towers and the placement of antennas on roofs, walls, existing towers and other existing structures;
 4. Accommodate the growing demand for wireless communication services, consistent with the Federal Telecommunications Act of 1996, and ensure an efficient and high-quality wireless communications network; and
 5. Expedite the review process for those new applicants choosing the least intrusive alternative of deploying wireless telecommunication services.
- B. Definitions. In addition to the terms defined at F.S. § 365.172, when used in this section, the following terms shall have the following meaning:

Amateur radio towers. Structural facilities used to support amateur radio antennas as licensed and operated by federally licensed amateur radio station operators.

Antenna. Any exterior apparatus designed for sending and/or receiving intelligence without physical connection.

Broadcast. To transmit information without physical connections to two or more receiving devices simultaneously. Information can be transmitted over local television or radio stations, satellite systems or wireless data communications networks.

Camouflaged facility. Any wireless communication facility that is designed to blend into the surrounding environment or that camouflages or conceals the presence of the wireless communication facility. Examples of camouflaged towers include, but are not limited to, man-made trees, clock towers, bell steeples, flag poles, light poles, and similar alternative-design mounting structures. Examples of camouflaged antennas include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, and antennas integrated into architectural elements.

Collocation. The situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennae. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.

Communication tower. A guyed or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. References in this ordinance to "tower," unless otherwise qualified, shall mean "communication tower."

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Guyed tower. A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Height. The vertical distance measured from the base of the tower or antenna support structure at grade to the highest point of any part of the structure.

Lattice tower. A guyed or self-supporting three or four-sided, open, steel frame structure used to support communications equipment.

Microwave transmission tower. A structure operated for the specific purpose of transmitting microwave frequency communications not open to public correspondence, operated by and for the sole use of those licensees operating their own point-to-point radio facilities in the public safety, business, industrial, land transportation, marine or aviation service.

Monopole tower. A communication tower consisting of a single pole, constructed without guy wires and ground anchors, used for the transmission of wireless communication.

Personal wireless services (PWS). Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services as defined by Federal Regulations.

Retransmission tower. A structure operated for the specific purpose of retransmitting the signals of a radio broadcast station or another retransmission facility without significantly altering the characteristics of the incoming signal other than its frequency or amplitude.

Service provider(s). Any individual, company, firm or other entity that provides telecommunications service over telecommunications facilities.

Wireless communications facility. An all-encompassing definition meaning any equipment or facility used to provide personal wireless services and may include but is not limited to, antennae, towers, equipment enclosures, cabling, antenna brackets, and other such equipment. Placing a wireless communications facility on an existing structure does not cause the existing structure to become a wireless communications facility. This does not include antennas as defined in [subsection N below](#) or other accessory personal use antennas as allowed by the City Code of Ordinances.

- C. Applicability and general requirements. The requirements of this section apply to all wireless communication facilities and broadcast towers. All property within the city limits shall be subject to the requirements of this section. It is the intent of the city to impose all regulations of this section to all land within the city, whether publicly or privately held, except as specifically provided herein. These regulations shall supersede all other code provisions concerning wireless communications facilities for those applications for development review that are filed on or after July 1, 2005 unless otherwise provided in law. Setback and separation distances shall be applied regardless of municipal and county jurisdictional boundaries. The design, construction and installation of wireless communications facilities shall comply with all applicable building codes.
- D. Collocation. Collocation on any existing facility or structure shall be completed in accordance with the standards stated at F.S. § 365.172(11), if and as applicable. All other collocations shall be reviewed in accordance with the provisions of [subsection H](#), and, if applicable, [subsection J](#).

- E. Modification of existing towers. Pursuant to F.S. § 365.172(11), an existing tower, including a nonconforming tower, may be structurally modified in order to permit collocation or may be replaced through no more than administrative review and building permit review and is not subject to public hearing review if the overall height of the tower is not increased and, if a replacement, the replacement tower is a monopole tower or, if the existing tower is a camouflaged tower, the replacement tower is a like-camouflaged tower.
1. The replacement tower is located as close as reasonably possible to the existing tower and in no instance greater than 50 feet from the existing tower.
 2. In all cases the existing tower shall be removed within 30 days of completion of the replacement tower.
 3. The replacement tower shall comply with the airport hazard zoning regulations of the city.
 4. Any other existing tower modifications or replacements are considered a new tower and are subject to the provisions of this section.
- F. Camouflaged towers. New camouflaged towers shall be permitted according to the process identified below in **subsection 4** in all zoning districts except for those zones in the single-family and residential-low zoning categories (**see Table 1**, below) and Transect Zones T-3R and T-4R, where no actual or effective prohibition of the provider's service in that residential area or zoning district results. If a wireless provider demonstrates to the satisfaction of the city that the provider cannot reasonably provide its service to the residential area or zone from outside the residential area or zone, the city and provider shall cooperate to determine an appropriate location for a wireless communications facility of an appropriate design within the residential area or zone. In no instance shall the height of a camouflage tower in a single-family or residential-low zoning category exceed 80 feet in height, and shall be subject to a special use permit by the plan board. The city may require that the wireless provider reimburse the reasonable costs incurred by the city in cooperating in this determination.
1. Height. The maximum height of camouflaged towers in multiple-family, office or mixed-use districts, as listed in **Table 1, below** and in T-3M and T-4M, is 80 feet. The maximum height of camouflaged towers in all other districts is 110 feet, except that in industrial districts a camouflaged tower may be a height of up to 130 feet. Camouflaged towers may be constructed in excess of the maximum heights listed above, provided a special use permit is issued in accordance with **article IV, division 5** of this chapter.
 2. Setbacks. For purposes of structural safety and aesthetics, regardless of the zoning district in which a camouflaged tower is located, the tower shall be set back a distance of at least the height of the tower from any adjoining lot line.
 3. Collocation. Any camouflaged tower in excess of 110 feet in height shall be designed to support the facilities of at least three providers, including the facilities of the applicant. Any camouflaged tower in excess of 70 feet in height but less than 110 feet in height shall be designed to support the facilities of at least two providers, including the facilities of the applicant.
 4. Development plan approval. Development plan approval for new uses shall be done in accordance with: **the review procedures stated at article IV ; the provisions for neighborhood workshops stated at section 30-4.9; and with the requirements as listed below in subsection M, Submittal requirements**. The base application fee for review of any development plan application to construct a camouflaged tower shall be the same as the fee for intermediate plan review, plus the fee for a special use permit, if necessary, and the fee for the technical consultant, if deemed necessary by the city. All proposed new camouflaged towers must be architecturally and/or aesthetically compatible with the surrounding community. To determine architectural and/or aesthetic compatibility with the surrounding community, a public hearing shall be held before the development review board on the development plan application; however, if a special use permit is required for approval of the proposed camouflaged tower, a public hearing shall be held before the city plan board on the development plan application.

- 5. Aircraft hazard. All towers shall comply with the airport hazard zoning regulations in **Appendix F** to the Land Development Code.
- 6. Utility building. The equipment used to operate the facility shall be stored in:
 - a. An existing building on the site; or
 - b. An equipment cabinet, shelter or an underground vault; or
 - c. A building constructed or installed to accommodate multiple providers and designed to be compatible with the surrounding environment, while meeting the minimum building setback requirements of the underlying zoning district.

The equipment cabinet or shelter, if used, shall be screened by a fence or wall of not less than eight feet in height from finished grade, or by landscaping that conceals the cabinet or shelter.

- 7. Equipment storage. No equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are currently being made.

Table VI - 1: [LD154] Zoning districts

For the purposes of this section, zoning districts shall be classified as follows:

Single-family and residential-low	RSF-1, RSF-2, RSF-3, RSF-4, RC, MH and RMF-5.
Multiple-family	RMF-6, RMF-7, RMF-8, RH-1 and RH-2.
Office	OF and MD
Mixed-use	MU-1, MU-2 and CP.

- G. Monopole towers. Except as set forth herein, new monopole towers that are not accessory to communications uses, shall be permitted by right in I-1, I-2, and AGR zones and are subject to review in accordance with the process identified below in **subsection 8.**

- 1. Height. The maximum height of a monopole wireless tower is 130 feet. Monopole towers may be constructed in excess of the maximum height, up to 200 feet, provided a special use permit is issued in accordance with **article VII, division 5** of this chapter.
- 2. Setbacks. For purposes of structural safety and aesthetics, regardless of the zoning district in which a monopole tower is located, the tower shall be set back a distance of at least 300 feet from the nearest property lines of any single-family, residential-low, multiple-family, office or mixed-use district. The tower shall be set back at least 100 percent of the height of the tower from any adjoining lot line. Monopole towers may be constructed within 300 feet of the nearest property lines of any single-family, residential-low, multiple-family, office or mixed-use district, provided a special use permit is issued in accordance with **article VII, division 5** of this chapter.
- 3. Collocation. Collocation is encouraged; therefore, monopole towers shall be designed to accommodate collocation for multiple wireless communication service providers in accordance with the following minimum requirements :

Monopole Tower Height	Total Number of Providers
Less than 110 feet	3
111 feet to 130 feet	4
131 feet to 170 feet	5
171 feet to 200 feet	6

4. Fencing and buffering (all nonresidential districts). A metal or solid fence or wall of not less than six feet in height from finished grade, with locked gates, shall be provided around the base of each tower or around the yard area where the tower is located. Climb-proof shields can be substituted for a fence or wall around any tower. A monopole tower shall provide a buffer equal to that of commercial use in accordance with [article IX](#), except that in cases where the adjacent use is also commercial and a buffer is not required, adjacent use Buffer C shall be provided (see [section 30-9.5, chart A](#)). Exceptions to the buffer strip requirement shall be in accordance with [subsection 30-9.5.E.2](#).
5. Utility Building. The equipment used to operate the facility shall be stored in:
 - a. An existing building on the site; or
 - b. An equipment cabinet, shelter or an underground vault; or
 - c. A building constructed or installed to accommodate multiple providers and designed to be compatible with the surrounding environment, while meeting the minimum building setback requirements of the underlying zoning district.

The equipment cabinet or shelter, if used, shall be screened by a fence or wall of not less than eight feet in height from finished grade, or by landscaping that conceals the cabinet or shelter.

6. Equipment storage. No equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are currently being made.
7. Aircraft hazard. All towers shall comply with the airport hazard zoning regulations [in Article V](#) of the Land Development Code.
8. Development plan approval. Development plan approval for new uses shall be done in accordance with: [the review procedures stated at article IV for intermediate level review; the provisions for neighborhood workshops, citizen participation; and with the requirements as listed below in subsection M, submittal requirements](#). A public hearing before the development review board shall be held to consider all new monopole tower development plan applications; however, if a special use permit is required for approval of the proposed monopole tower, a public hearing shall be held before the city plan board on the development plan application. The base application fee for review of any development plan application to construct a monopole tower shall be the same as the fee for intermediate plan review, plus the fee for a special use permit, if necessary, and the fee for the technical consultant, if deemed necessary by the city.

H. Personal wireless service (PWS) antennas and wireless communications facilities.

1. General. This subsection is relevant to all new PWS antennas and collocated PWS antennas that increase the height of the structure or are not otherwise preempted pursuant to F.S. § 365.172(11).
 - a. PWS antennas attached to existing structures shall be permitted as accessory uses in all zoning districts.
 - b. PWS antennas may be located on existing commercial, industrial, office, institutional or multiple-family structures. PWS antennas shall not be mounted on single-family structures or on two-family structures.
 - c. PWS antennas may extend a maximum of 20 feet above the roofline or the highest point of the existing structure on which they are mounted.
 - d. The height of a rooftop installation shall be measured from the finish level of the portion of the roof on which the antenna is mounted.
 - e. PWS antennas placed on a legally non-conforming structure shall not be considered an expansion of the structure. Existing PWS antennas that were legally installed at the time of initial installation may be repaired, replaced and/or relocated at an equal or lower height on the existing structure.

2. Visual compatibility for PWS antennas not located on a communication tower.
 - a. All new PWS antennas and collocated PWS antennas that increase the height of the structure or are not otherwise preempted pursuant to F.S. § 365.172(11), must be placed on the structure out of public view to the greatest extent possible. If this is not practical, screens or enclosures are required to conceal the facility from public view in a manner that is compatible with the scale, color and architectural character of the structure.
 - b. If it is necessary to place the PWS antenna in public view, for aesthetic purposes it shall be integrated into the structure in such a manner that it is compatible with the scale, color and architectural character of the structure to the greatest extent practical.
 - c. Equipment shelters used in conjunction with such PWS antennas shall be located inside the existing structure or hidden from public view, or made compatible with the scale, color and architectural character of the structure.
 - d. A PWS antenna shall comply with the required setbacks for the zoning district in which it is located.
3. Development plan approval. Development plan approval in accordance with [article IV](#), as applicable, and compliance with the application requirements stated in [subsections M.1, 6 and 11](#) are required prior to the issuance of a building permit for all new PWS antennas and collocated antennas that are not otherwise preempted pursuant F.S. § 365.172(11).
- I. Amateur radio towers. All amateur radio towers in residential districts, as listed in [article V](#) of this chapter, must meet the following requirements:
 1. Height. No amateur radio tower shall rise more than 80 feet from the ground level at the exact site on which it is erected except as otherwise provided for in [subsection 7 below](#).
 2. Location. Amateur radio towers are only allowed in rear yards. Only one tower is allowed per lot.
 3. Guy anchors. Guy anchors shall meet the setback requirements of the respective district and are allowed in side and rear yards only.
 4. Construction standards. Amateur radio towers shall meet manufacturer's specifications and an engineer licensed in the State of Florida shall certify plans. Towers shall meet the requirements of the Standard Building Code, relating to wind loads, and shall be engineered or guyed so that in the event a tower falls it will collapse only within the property lines on which it is located. All towers shall meet the standards contained in the most current version of American National Standards Institute "Steel Antenna Towers and Steel Supporting Structures" (ANSI EIA/TIA 222, F-1996 (R 2003)).
 5. Fencing and buffering. A metal fence or solid wood or masonry wall at least eight feet in height shall be constructed and maintained around the perimeter of the rear yard or the base of the amateur radio tower. Climb-proof shields may be substituted for a fence or wall around the tower. A combination of hedges and/or evergreen trees, at least four feet in height when planted, shall be planted and maintained around the perimeter of the rear yard or in a continuous line around the tower and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes.
 6. Design/landscape plan. A design/landscape plan shall be submitted for all proposed amateur radio tower sites, showing the proposed location of the tower, guy anchors and any existing or proposed landscaping as required by this section.
 7. Development plan approval. The level of review for amateur radio towers of up to 80 feet in height shall be [rapid review](#) in accordance with [article IV](#).

8. Special use permit for excess height. Amateur radio towers may be constructed in excess of the 80-foot height limitation provided a special use permit is issued. In addition to the requirements stated at [article IV, division 7](#), special use permit, considerations shall include the following:
 - a. The effects of topography, terrain and height of surrounding tree canopy on broadcasting ability.
 - b. The construction and design of amateur radio towers with regard to safety regulations including a consideration of the distance from the airport and whether the proposed tower would interfere with any flight paths.
 - c. The visual impact on surrounding properties and existing or proposed screening and buffering.
- J. Historic preservation/conservation districts. A new wireless communications facility shall only be located in a historic preservation/conservation district if it is a camouflaged tower and is 80 feet or less in height. A certificate of appropriateness from the historic preservation board shall be required for approval, in addition to the requirements of [subsection F](#). Personal wireless service (PWS) antennas located in a historic preservation/conservation district shall be required to obtain a certificate of appropriateness from the historic preservation board for approval, in addition to meeting the requirements stated at [subsection H](#). Any alteration made to a historical structure to accommodate the placement of a PWS antenna shall be designed and constructed so that it is fully reversible without damage to the historical structure.
- K. Broadcast towers, retransmission and microwave transmission towers. New broadcast towers may be guyed towers, lattice towers or monopole towers.
 1. Dimensional requirements.
 - a. Tower location. For purposes of structural safety and aesthetics, broadcast towers and retransmission and microwave transmission towers shall be set back at least 300 feet from the nearest property lines of any single-family, residential-low or multiple-family district. The tower shall be set back at least 100 percent of the height of the tower from any adjoining lot line. No broadcast tower shall be located between the street and the front of any principal building. Broadcast towers adjacent to any residential district shall be screened along any common property line by trees and shrubs. A combination of hedges and/or evergreen trees, at least four feet in height when planted, shall be planted and maintained around the perimeter of the rear yard or in a continuous line around the tower and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes.
 - b. Anchor location. All tower supports and peripheral anchors shall be located entirely within the boundaries of the property.
 - c. Height and angle of light. The height and angle of light obstruction of particular zoning districts shall not apply to broadcast towers.
 2. Fencing and buffering (all nonresidential districts). A metal or solid fence or wall of not less than eight feet in height from finished grade, with locked gates, shall be provided around the base of each tower or around the yard area where the tower is located. Climb-proof shields may be substituted for a fence or wall around any tower. A broadcast tower shall provide a buffer equal to that of an industrial use in accordance with [article IX](#), except that in cases where the adjacent use is also industrial and a buffer is not required, adjacent use Buffer D shall be provided (see [section 30-9.5, chart A](#)).
 3. Equipment storage. No equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are being made.
 4. Aircraft hazard. All towers shall comply with the airport hazard zoning regulations stated in Appendix F to the Land Development Code.

5. Development plan approval. Development plan approval shall be in accordance with the review procedures in **article VII, division 1** of this chapter, as applicable; the provisions for neighborhood workshops in **section 30-350, citizen participation**; and the requirements as listed below in **subsection M**, submittal requirements, as applicable.
- L. Unused or abandoned towers. A wireless communications tower is considered unused or abandoned when it is not used for transmission or retransmission for nine consecutive months. Upon determination that a tower has been abandoned, the city manager or designee shall provide written notice of the determination, by certified mail, to the owner of the tower. Upon receipt of the written notice of abandonment, the owner shall have 90 days to:
1. Reactivate the use of the tower;
 2. Transfer the tower to another owner who makes actual use of the facility; or
 3. Remove the tower and all associated equipment. If the tower is not removed within 90 days of the receipt of notice of abandonment, the city may dismantle and remove the tower and recover the costs from the owner or by accessing the bond set forth in **subsection (m)**, Submittal requirements.
- M. Submittal requirements. In addition to the requirements of **article VII, division 1**, an application for a new wireless communication facility shall contain the following information:
1. The identity of the owner(s) of the proposed facility, as well as the identity of the wireless communication service provider(s) who have committed to locating on the proposed facility.
 2. The distance between the proposed tower and the nearest residentially zoned lands.
 3. Details of all proposed antennas and mounting equipment, including the location on the structure, size and color.
 4. A design drawing including a cross-section and elevation of the proposed tower.
 5. A description of the capacity of the tower including the number and type of antennas that can be accommodated.
 6. A certified statement from a licensed professional engineer attesting to the structural integrity of the proposed facility and its ability to accommodate collocation opportunities.
 7. Color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed facility, as it would appear viewed from the closest residential property or properties and adjacent roadways.
 8. An application for a new wireless communication facility that requires a special use permit shall contain a propagation map depicting both the extent of the communication service provider's existing coverage within the subject area and the service area of the proposed tower.
 9. A bond or irrevocable letter of credit in an amount determined by the city manager or designee, and subject to the approval of the city attorney as to form and legality, to ensure that if the tower is abandoned pursuant to **subsection 30-98(l)**, cost to the city for removal of the tower shall be guaranteed to the city.
 10. FCC license.
 11. Any additional information that is necessary for the city to complete the review of the application and is consistent with the requirements of Florida Statutes.
- N. Television antennas. For the purposes of this subsection, television antenna shall mean any exterior apparatus designed for television communications through the reception of electromagnetic waves. The following

antennas used to receive video programming signals are allowed in all zoning districts and are exempt from the provisions of this section except as noted herein:

1. Residential antenna satellite dishes that are one meter (39 inches) or less in diameter and are designed to receive direct broadcast satellite (DBS) service, including direct-to-home satellite service.
2. Antennas that are one meter (39 inches) or less in diameter or diagonal measurement and are designed to receive video programming services via multichannel multipoint distribution service (MMDS or wireless cable). These antennas may be mounted on masts to reach the height needed to establish line-of-sight contact with the transmitter. Antennas mounted on masts higher than 20 feet are considered communication towers and shall be subject to the provisions of subsection (h).
3. Antennas that are designed to receive over-the-air television broadcast signals and that are mounted on masts higher than 20 feet are considered communication towers and shall be subject to the provisions of subsection (h).
4. General conditions for television antennas.
 - a. There are no minimum setback requirements for antennas described in subsections (n)(1) through (3). In order to protect pedestrians and vehicle operators from possible conflict with structures in the right-of-way, no part of an antenna or its support structure shall extend over public sidewalk or right-of-way at a height of less than nine feet.
 - b. Antennas described in subsections (n)(1) through (3), shall be placed in a location not visible from the street unless an acceptable signal cannot be obtained from any other location. If an antenna must be placed where it is visible from the street, it shall be placed wholly on the subject property and shall comply with the provisions of section 30-341 (vision triangle). This is a safety-based restriction necessary to provide unobstructed sight distance in both directions on all approaches to an intersection.
 - c. A certificate of appropriateness shall be required for the placement of antennas described in subsections (n)(1) through (3), in those districts or on individual properties that are listed on both the local and national register of historic places and for those districts or individual properties listed on the local register of historic places for which the Federal Communications Commission has granted permission for the city to regulate antenna placement.
- O. Environmental regulations. All wireless communications facilities shall comply with all applicable environmental regulations.
- P. Signs and illumination. No signage or advertising shall be permitted on any wireless communications facility, except that each tower facility shall have an identification sign of no more than six square feet, identifying the service providers, the dates of permit approval, and the FCC registration and site identification numbers. The maximum height of the sign shall be no more than six feet, as measured from the base of the tower. No signals, lights or illumination shall be permitted on any wireless communication facility unless required by the Federal Aviation Administration or as an integral part of the design of a camouflaged facility.
- Q. Technical consultants. The city in its discretion shall have the right to hire independent technical consultants and experts that it deems necessary to properly evaluate individual commercial wireless facility applications for purposes of compliance with land use and zoning regulations. The applicant shall be responsible for paying the costs of such consultation, the costs of which shall be identified reasonable expenses incurred in the review of the application. Payment is due upon receipt of the billing invoice and proof of payment shall be required prior to the consideration of the application by the appropriate reviewing body of the city. The applicant shall also be responsible for paying the costs of such consultation that may occur at the time of consideration of the application by the appropriate reviewing body. No final development order for the project under review shall be issued by the city until payment in full has been received by the city for technical consultation costs incurred during review of the application by the appropriate reviewing body^[LD155].

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3918, § 7, 11-15-93; Ord. No. 970151, §§ 1, 2, 11-10-97; Ord. No. 970741, § 1, 3-23-98; Ord. No. 980732, §§ 1, 2, 6-14-99; Ord. No. 991152, § 2, 6-12-00; Ord. No. 030759, § 1, 8-22-05; Ord. No. 080545, § 3, 5-21-09)